

EAST HERTS COUNCIL

ANNUAL COUNCIL - 12 MAY 2010

REPORT BY THE MONITORING OFFICER

14. AMENDMENTS TO THE CONSTITUTION AND REPORT UNDER SECTION 5 OF LOCAL GOVERNMENT AND HOUSING ACT 1989

WARD(S) AFFECTED: All

Purpose/Summary of Report

- The report sets out proposed amendments to Constitution and reports under Section 5 of the Local Government Act 1989

<u>RECOMMENDATION FOR DECISION:</u>	
(A)	That the amendments to the Constitution be approved.

1.0 Background

1.1 The report considers amendments to the Council's Constitution. The Monitoring Officer monitors and reviews the Constitution on a regular basis. Recommended changes are included in the Essential Reference Papers (**Essential Reference Papers 1, 2 and 3**) to the report

2.0 Report

2.1 The current version was approved by Council in May 2009. A separate report considers revisions to the Financial Regulations and the Contract Procurement Rules. The Standards Committee is reviewing its protocols in the light of experience.

2.2 These processes are intended to ensure that the Council's decisions are lawful and the processes are fit for purpose responding to changes in legislation. Under Section 5 of the Local Government and Housing Act 1989 it is the duty of the Council's Monitoring Officer to report to Council if it appears that the Authority, a Committee or Officer of the Authority has made a

decision which is contrary to law. Unfortunately, in one case a decision was made which contravened Section 2 of the Local Government Act 1986 which provides that the Council shall not publish any material which appears to be designed to affect public support for a political party. A press release referred to political parties. The press release was amended as soon as the problem was identified. The processes for the issue of press releases have been reviewed to prevent the issue arising again.

2.2 The following amendments relate to changes brought about by the Local Democracy, Economic Development and Construction Act 2009.

2.3 PETITIONS TO LOCAL AUTHORITIES

The Act requires the Council to make, publicise and comply with a scheme for handling petitions (including electronically through the website). The Model Scheme (**Essential Reference Paper 4**) sets out the requirements for petitions in order for them to be dealt with, including the number of signatures required. Signatures will need to be from people who live, work or study in the Council's area. The new requirements for petitions will apply from 15 June 2010 except for e-petitions which must be available from 15 December 2010.

2.4 The Model Scheme sets out how the Authority will acknowledge the petition and in what timescale. The acknowledgement must give information about what the Council has done or proposes to do in response to the petition. The Council is required to take steps in response to the petition and to inform the petition organiser and the public about what steps will be taken.

2.5 The Act indicates a number of steps that the Council may consider taking as a result of a petition. Petitions which contain 1,355 signatures will be debated by full Council. A petition organiser is able to refer a petition to the Council's Scrutiny Committee if dissatisfied with the process adopted. It is also possible for a petition to require an officer to be 'called to account' at a Council meeting. The scheme is attached at **Essential Reference Paper 4**.

2.6 The 2009 Act requires that the scheme:

- Must be approved by a meeting of full Council before it comes into force.

- Must be published on the Council's website and any other method appropriate for bringing it to the attention of those who live, work or study in the area
- Can be revised at any time but must be approved and publicised as detailed above, and
- Must be complied with.

2.7 Petition schemes must meet some minimum standards in order to ensure minimum entitlements that citizens can expect. Beyond these, the Council will have a high level of flexibility about how they approach the duty. The requirements are:

- Anyone who lives, works or studies in the local authority area, including under 18s, can sign or organise a petition and trigger a response
- A facility for making electronic petitions is provided by the Council
- Petitions must be acknowledged within a time period specified by the Council.

2.8 Among the many possible steps that the Council may choose to take in response to a petition, the following steps must be included in the scheme:

- taking the action requested in the petition
- considering the petition at a meeting of the authority
- holding an inquiry
- holding a public meeting
- commissioning research
- holding a consultation
- holding a meeting with petitioners
- writing to the petition organiser setting out the Council's views on the request in the petition
- referring the petition to a Scrutiny Committee
- calling a referendum
- petitions with a significant level of support trigger a debate of full Council. Councils will determine this threshold locally but it must be no higher than 5 % of the local population (latest population estimate; 5% is 6775)

- petitions with the requisite level of support, set by the Council, trigger a senior local government officer to give evidence at a meeting of the authority's Scrutiny Committee.
- petition organisers can prompt a review of the Council's response if the response is felt to be inadequate.

2.9 The headlines of the model scheme are:

- The petition will receive an acknowledgement within a time period determined by the Council (the model cites 14 days). The acknowledgement will need to spell out what the authority plans to do with the petition. The model provides for the petition to be presented at a Council meeting.
- The scheme describes what the petition must include.
- The Council will need to identify the petition organiser.
- Petitions will not be accepted where petitions are considered to be vexatious, abusive or otherwise inappropriate.
- The scheme will describe what the Council will do when it receives the petition, including where the petition has to be treated in a different way e.g. in connection with a planning or licensing application.
- Inclusion of any submitted petitions and the scheme itself to be included on the Council's website.
- The actions that the Council may take in response to the petition.

2.10 This includes matters over which the Council has no direct control, in which case the Council is expected to act in its community leadership capacity by either working with partners to respond to the petition or to make representations on behalf of the community to the relevant body.

2.11 The trigger for a full Council debate. The maximum threshold is 5% of the population which would be 6775 signatures. Members will note that a much lower threshold of 1% (1,355 signatures) is used in the model, a position supported by the Government to ensure that the threshold is achievable.

- 2.12 The trigger for a senior Council officer to give evidence at a public meeting (a Scrutiny meeting). The Government encourages that a low threshold be set (1/2 % - 677 signatures is used in the model). The scheme will need to identify those officers that can be called to account in this way.
- 2.13 Provision is made for the submission of e-petitions through the Council's website.
- 2.14 The petition organiser has the right to request that the relevant Scrutiny Committee reviews the steps that the council has taken in response to the petition.

3.0 Other Statutory Changes

- 3.1 The Policing and Crime Act 2009 creates new definition of "sexual entertainment venue" (essentially lap dancing clubs and strip clubs). This empowers the Council to refuse a licence for such a venue if it considers that the number of venues would exceed an appropriate level. The Constitution is amended accordingly to enable the Council to implement these provisions.
- 3.2 The Act creates a new power for courts to issue injunctions to those suspected of involvement in gang related violence. The Council may apply for an injunction. The Constitution is amended accordingly to enable the Council to implement these provisions.
- 3.3 The Criminal Justice and Police Act 2001 enables the Council to serve a closure notice where premises are used for the unlicensed sale of alcohol for consumption or in the vicinity of those premises. Currently officers are authorised to take action under the Licensing Act 2003 but not under this Act. The authorisation should be made by the Chief Executive. The intention would be to use this power only in exceptional circumstances in partnership with the Police where there are clear breaches of licences and licensing conditions. Normally, breaches of licences are controlled by warnings and other means. If a closure notice is not complied with, the Council may apply to the Magistrates Court for a closure order.

4.0 Changes to Council Procedure Rules

- 4.1 Three changes are proposed to the Council Procedure Rules. The first is the removal of the requirement for Members to stand when speaking at meetings of full Council. It is also proposed to amend

the section on reports by Portfolio Holders to give them the opportunity to submit Portfolio Holder reports and remove the requirement to do so. It is proposed that all meetings of Council and Committees (except Community Voice meetings) should start at 7:00pm. This does not require an amendment to the Constitution. However the Constitution currently provides that any meeting that has lasted until 10:30pm shall be adjourned unless there is a majority decision to continue. It is proposed that this time is amended to 10:00pm.

5.0 Implications/Consultations

5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Local Government and Housing Act 1989

Local Government Act 1986

Local Democracy, Economic Development and Construction Act 2009

Constitution

Guidance

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Report Author: Simon Drinkwater

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/Objectives (delete as appropriate):	<p>Fit for purpose, services fit for you <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i></p> <p>Leading the way, working together <i>Deliver responsible community leadership that engages with our partners and the public.</i></p>
Consultation:	The Monitoring Officer has consulted the Section 151 Officer and the Head of Paid Service.
Legal:	The legal implications have been taken into account in amending the Constitution.
Financial:	
Human Resource:	No comments.
Risk Management:	A Constitution which reflects the Council's structure and delegation is important to the smooth running of the organisation.

Part 3

Responsibility for Functions

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Responsibility for Functions

1.0 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Decision making body	Membership	Delegation of functions
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 2 of the Local Authority (Functions and Responsibilities) (England) Regulations 2000.	Council	50 Members of the authority	
2. The determination of an appeal against any decision made by or on behalf of the authority.	Council unless delegated to a committee		
3. Any function relating to contaminated land.	Council	50 Members of the authority	Director of Neighbourhood Services
4. The discharge of any function relating to the control of pollution or the management of air quality	Council		Director of Neighbourhood Services
5. The service of an abatement notice in respect of a statutory nuisance.	Council		Director of Neighbourhood Services
6. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council		Director of Neighbourhood Services
7. The inspection of the authority's area to detect any statutory nuisance.	Council		Director of Neighbourhood Services
8. The investigation of any complaint as to the existence of a statutory nuisance.	Council		Director of Neighbourhood Services
9. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Council		Director of Neighbourhood Services

Function	Decision making body	Membership	Delegation of functions
10. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council		Director of Neighbourhood Services
11. The appointment of any individual - (a) to any office other than an office in which he is employed by the authority; (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-sub-committee of such a body.	Council		Chief Executive
12. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Council		Chief Executive

2.0 FUNCTIONS OF COMMITTEES, ETC.

A. RESPONSIBILITY FOR COUNCIL FUNCTIONS

A.1 DEVELOPMENT CONTROL COMMITTEE

16 Members of the authority

Planning and Conservation

1. Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations).
2. Within the framework of Council policy, and having regard to the Development Plan, other planning guidance and development briefs approved by the Council to consider and determine applications for permission required under development control, control of advertisements, tree and building preservation and conservation, hazardous substances consent and to authorise the making of Orders and Agreements and the issue of Notices in connection with development control, trees and listed buildings.

A.2 LICENSING COMMITTEE

15 Members of the authority

Taxi, gambling, Licences under the Licensing Act 2003, Gambling Act 2005, [Policing and Crime Act 2009](#) and miscellaneous licensing

1. Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations.
2. Within the framework of Council policy to issue, refuse, vary, suspend, revoke, make standard conditions and/or make specific conditions, with regard to all licences and

registrations and permits.

A.3 LICENSING SUB-COMMITTEE

3 Members

To undertake the discharge of the Council's functions under the Licensing Act 2003 as follows:

1. To determine applications for personal licenses where a police objection is made.
2. To consider police objections requesting revocation of a personal licence where convictions come to light after grant or renewal.
3. To determine applications for Premises Licences/Club Premises Certificates, where a relevant representation is made.
4. To determine applications for provisional statements, where a relevant representation is made.
5. To determine applications to vary Premises Licences/Club Premises Certificates, where relevant representations are made.
6. To determine applications to vary a designated premises supervisor, where a police objection is made.
7. To determine applications for the transfer of Premises Licences where a Police objection is received.
8. To determine applications for interim authorities where a police objection is received.
9. To determine applications to review Premises Licences/Club Premises Certificates.
10. To decide to object when the local authority is a consultee and not the relevant authority considering the application.
11. To determine whether to give a counter notice following a police objection to a Temporary Event Notice.

To undertake the discharge of the Council's functions in respect of the following:

12. To determine applications for dual driver licences where the applicant has relevant convictions and any other application which the Head of Community Safety considers should be brought to a sub-committee.

13. To determine applications for private hire driver licences where the applicant has relevant convictions and any other application which the Head of Community Safety considers should be brought to a sub-committee.
14. To determine applications for hackney carriage and private hire vehicle licences which the Head of Community Safety considers should be brought to a sub-committee.
15. Determination in respect of suspensions and revocations for hackney carriage and private hire vehicles and drivers and private hire operators licences, which the Head of Community Safety considers should be brought to a sub-committee.
16. To consider and determine appeals in respect of those decisions by officers made in relation to hackney carriage and private hire vehicles and drivers and private hire operators licences.
17. To determine applications for the grant, renewal, transfer or revocation of a sex shop licence under the Local Government (Miscellaneous Provisions) Act 1982.
18. To grant, refuse, transfer and revoke track betting licences.
19. To refuse applications for the grant or renewal of gaming machine permits and permits in respect of premises used wholly or mainly for the provision of amusement by way of machines.
20. To determine any licensing application referred to it by the Head of Community Safety, other than policy issues.
21. To determine and consider appeals in respect of decisions by Officers in relation to site licences under the Caravan Sites and Control of Development Act 1960.

To undertake the discharge of the Council's functions under the Gambling Act 2005 as follows:

22. To determine an application for the grant, transfer or variation to a premises licence where a relevant representation has been received and not withdrawn.
23. To determine applications for provisional statements, where a relevant representation is made and not withdrawn.
24. To determine applications to review a Premises Licence/Club Premises Certificate.
25. To determine applications for Club Gaming permits.

26. To determine applications for Club machine permits and other Club machine permits where objections have been received and not withdrawn.
27. To cancel Club Gaming/Club Machine permits.
28. To determine whether to give a counter notice to a Temporary Use Notice

A.4 HUMAN RESOURCES COMMITTEE

7 Members of the Authority

The Human Resources (HR) Committee's functions relate to all aspects of the Council's role as an employer.

This includes the monitoring and strategic overview of HR activity in the following areas:

- Recruitment and retention
- Terms and conditions and benefits offered to employees
- Valuing diversity, with particular reference to achieving a workforce that is representative of our community and achieving a higher level of the equality standard
- Employee relations issues, including disputes
- HR services, including definition of processes and implementation of timetables
- Learning and development, with particular reference to developing staff to ensure that we have the relevant skills to achieve our corporate priorities and also ensure necessary actions are taken to retain IIP status
- Absence management
- The means by which employee performance should be managed, using PDR's and competencies and/or other processes as available

The Committee will also assume responsibility for:

- The approval and implementation of new and revised HR policies as developed
- To consider current, future and potential initiatives and developments in HR thinking and best practice
- Overseeing the implementation and co-ordination of the member training programme

- Acting as the authority's steering group to advise it in relation to the discharge of its responsibilities for health and safety by:
 - providing a focus for the consideration of health and safety matters
 - monitoring the steps taken within the Council to ensure the health and safety of it's stakeholders
 - advising the authority of the steps that may be required to comply with regulations and codes of practice
- Chief Officers' dismissal, grading, grievance and redundancy and early retirement pay and appointments (in line with national conditions and local procedures).
- All other matters relating to the employment of staff within the Authority, which are in line with Council procedures and delegated authorities.

Delegated Authority

The Committee has full delegated authority to act within the remit of its functions. The only limits to this are:

- Decisions which would be contrary to the Constitution.
- Decisions which would be contrary to current legislation.

A.5 STANDARDS COMMITTEE

4 District Councillors (of whom one should be from each political party with 4 or more Members), 1 Town Council Member, 2 Parish Council Members and 4 Independent Members.

1. The promotion and maintenance of high standards of conduct within the Council
2. To advise the Council on the adoption or revision of its Code of Conduct.
3. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in

the law, guidance from the Standards Board and recommendations of case tribunals under Section 80 of the Local Government Act 2000.

4. Assistance to Members and co-opted Members of the authority.
5. To ensure that all members of the Council have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that Members are aware of the standards expected from local councillors under the Code.

Other functions

Functions relating to standards of conduct of Members under any relevant provision of, or regulations made under, the Local Government Act 2000 including:

- (a) Submissions of recommendations to the Council on a Code of Practice on relations between Members and officers;
- (b) Consideration of the Council's procedures for investigating and responding to complaints;
- (c) Overview of 'whistleblowing' policy.
- (d) Audit Activity

A.6 AUDIT COMMITTEE

7 Members of the Authority

Terms of Reference

Audit Activity

1. To consider the Internal Audit and Business Improvement Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of

assurance it can give over the Council's corporate governance arrangements.

2. To consider summaries of specific Internal Audit reports as requested.
3. To consider reports dealing with the management and performance of the providers of Internal Audit services.
4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
5. To consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.
6. To consider specific reports as agreed with the External Auditor.
7. To comment on the scope and depth of external audit work and to ensure it gives value for money.
8. To liaise with the Audit Commission over the appointment of the Council's External Auditor.
9. To commission work from internal and external audit.

Regulatory Framework

10. To maintain an overview of the Council's Constitution in respect of rules of procedure relating to contracts, financial regulations and financial procedures and codes of conduct and behaviour.
11. To review any issue referred to it by the Chief Executive or a Director or any Council body.
12. To monitor the effective development and operation of risk management and corporate governance in the Council.
13. To monitor Council policies on "Confidential Reporting" and the anti-fraud and anti-corruption strategy and the Council's complaints process.

14. To oversee the production of the Authority's Annual Governance Statement and to recommend its adoption.
15. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
16. To consider the Council's compliance with its own and other published standards and controls.
17. To review arrangements for delivering value for money.

Accounts

To review the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

To consider the External Auditors' report to those charged with governance on issues arising from the audit of the accounts.

B. OTHER COMMITTEES, ETC

B.1 LOCAL JOINT PANEL

(Comprising 4 Members of the Council and 4 representatives of employees drawn from the constituent trade union (currently UNISON), with substitutes)

CONSTITUTION, POWERS AND DUTIES

1. Title

The Committee shall be called the "Local Joint Panel".

2. Representation

The Local Joint Panel shall comprise of the 4 Members of East Herts Council to be appointed annually by the Local Authority and an equal number of employee representatives.

Named substitute members may be appointed by the employee side, to attend meetings of the Local Joint Panel in the absence of a member thereof provided prior notice is given to the Head of Democratic and Legal Support Services.

If a member of the Local Joint Panel ceases to be a member or employee of the Local Authority he/she shall thereupon cease to be a member of the Local Joint Panel; any vacancy shall be filled by the Local Authority, the organisation or the combination of organisations concerned.

3. Chairman

A Chairman and a Vice-Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed be a member of the Local Authority, the Vice-Chairman shall be appointed from the employee side, and vice versa. The Chairman of a meeting may vote as a Panel member but shall not have a casting vote.

4. Officers

The Head of People and Organisational Development of the Local Authority shall act as Secretary to the Employer's Side.

5. Functions

The functions of the Local Joint Panel shall be:

- (a) To establish regular methods of consultation and negotiation between the Local Authority and its employees on matters of mutual concern with the intent of maintaining and developing an efficient service. This process will aim to address differences should they arise. No question of an individual's discipline, promotion, or efficiency or conditions of employment shall be within the scope of the Joint Panel;
- (b) To consider any relevant matter referred to it by a Committee of the Local Authority, or by any of the employee organisations;
- (c) To make recommendations to Human Resources Committee and/or a suitable Committee of the Local Authority as to the application of the terms and conditions of service and the education and training of employees of the Authority;
- (d) To discharge such other functions specifically referred to the Local Joint Panel with the exception of staffing issues;
- (e) To consider matters relating to Health and Safety at Work referred to the Local Joint Panel by the Employee Associations or by a Committee of the Local Authority.

6. Rules and Regulations

- (a) The Local Joint Panel shall meet during office hours as and when required, but not less than quarterly. The Chairman or Vice-Chairman may direct the Secretary to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by at least two members of either side. The matters to be discussed

at any meeting of the Local Joint Panel shall be stated upon the notice summoning the meeting.

- (b) The quorum of the Local Joint Panel shall be two representatives of each side.
- (c) Either side will have the right to co-opt, in a consultative capacity, representatives of particular sections affected by a question under discussion which are not directly represented on the Panel but only for the period during which the relevant question is under consideration.
- (d) Either side shall arrange for the attendance in an advisory capacity of an Officer or Trade Union Official at any Panel meeting where it would be helpful to the business under discussion.
- (e) Attendances at (c) and (d) shall be notified in advance to the Head of People and Organisational Development in their capacity as Secretary to the Employer's Side.
- (f) No recommendation shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Panel, and in the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant Council body disagreeing with the Panel's recommendations, then the matter in dispute should either be referred:
 - (i) to an independent arbitrator acceptable to both sides, such as ACAS, in order to secure an agreement, or
 - (ii) to the Joint Secretaries of the East of England Regional Council, should the dispute concern conditions of service, to advise/mediate.

The decisions of the bodies referred to above will be binding on both sides.

- (g) The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the appropriate Council Meeting, but before submission, the Minutes shall be approved by

the Head of Human Resources acting as Secretary to the Local Joint Panel and the person nominated by the staff side to act as its Secretary.

B.2 HIGHWAYS JOINT MEMBER PANEL ARRANGEMENTS

1.0 Introduction

1.1 The arrangements described in this Schedule form part of the formal Partnership Arrangement between the County and District for the exercise of the Functions for each authority. They should be read in conjunction with other schedules to this Agreement.

1.2 This schedule lays out the agreed way in which the Partnership will operate in respect of formal Member to Member contact in a Joint Member Panel. It includes conventions on;

- panel membership
- delegations
- administration
- guidelines for conduct
- links to other committees

1.3 Informal contact between County and District Members and the Partnership Unit will continue as described in Schedule 3 (6.5.3).

2.0 Definitions

The following definitions apply to this Schedule:

2.1 "Panel" means the Joint Member panel overseeing the Highways Partnership Unit.

2.2 "Chairman" means the person presiding at meetings of the Panel.

2.3 "Partnership Manager " means the Officer appointed by the County Director of Environment to lead and manage the

Highways Partnership Unit and whose duties will be specified by the Director of Environment.

- 2.4 The Joint Officer Board (JOB) will be a grouping of the District Council's Director of Internal Services, the Partnership Manager and the County Council's Network Manager.
- 2.5 "Panel Administrator" means the officer appointed by the District's Head of Democratic and Legal Support Services to carry out procedural work for the Panel.

3.0 Panel Membership

3.1 Membership

The Panel will consist of 16 Members and will comprise 8 District Members appointed by the District and 8 County Members representing the County divisions in the East Hertfordshire District.

- 3.2 The quorum of the Panel will be 6 Members, which must be comprised of representatives of both Councils and no business shall be transacted at any meeting unless a quorum is present.
- 3.3 When any matter before the Panel relates to the area of a ward or of a Town Council, that ward member(s) or a nominated representative of that town council shall have the right to speak and to ask questions but not to vote.
- 3.4 Each member of the Panel shall on appointment have a named substitute who may replace the appointed member at any meeting. A County or District Members may be the nominated substitute for more than one member of the Panel.
- #### 4.0 Chairmanship
- 4.1 The Chairman of the Panel will be elected annually by the Panel Members and the Chairmanship shall rotate between the two Councils each year. A Vice Chairman, who shall not be a representative of the same Council as

the Chairman, shall also be elected annually by the Panel Members.

- 4.2 The Chairman of the Panel shall preside at meetings of the Panel. If the Chairman is not present, the Vice Chairman shall preside. If both are absent then the Members present shall elect one of their number to preside at that meeting.

5.0 Delegations

5.1 Responsibilities of the Panel

- 5.2 The Panel's remit cover the functions listed in Schedules 2A and 2 B across the whole of the East Herts District. (See below.) The Panel does not have delegated to it any functions or powers of the Councils. The Panel will, however, offer advice and recommendations on matters within their remit and will express these in clear terms. The Panel may offer guidance to the Partnership Manager on how he/she should exercise his delegated powers. If a local ward or division member is not in agreement with the guidance the Panel proposes to give to the Partnership Manager, the Panel will consider whether to issue the guidance to the Partnership Manager or to recommend that the matter be referred to the appropriate committee of the relevant Council.

- 5.3 A member of the Panel may require their dissent from any conclusion to be recorded.

- 5.4 The Panel has a significant role in fostering improved liaison between the Councils on highway matters in the district and in monitoring and reviewing the activity and progress of the Highways Partnership.

6.0 Responsibilities of the Partnership Manager

- 6.1 The Partnership Manager has the delegated authority of both Councils to carry out the functions listed in Schedule 2A and 2B of the Partnership Agreement.

- 6.2 The Partnership Manager shall not exercise his delegated authority contrary to be expressed views of the Panel or on a matter delegated to one of the Councils against that Council's wishes.
- 6.3 The Partnership Manger may decline to exercise his delegated authority in any matter, whereupon he may refer the matter to the District or County Council, as the case may be, for further guidance.
- 6.4 The Partnership Manager, will, before exercising his delegated authority, have careful regard of the issues, which it might be appropriate to put before the Panel for guidance.
- 6.5 The Partnership Manager may be supported in attendance at Panel meetings by the Joint Officer Board and other Officers who carry out activities on behalf of the Partnership Unit.
- 7.0 Activities of the Panel
- 7.1 The Panel will consider the matters, which are within their remit and the Partnership Managers delegated authority and which;
- (i) are the subject of formal objection or the objection by a ward or division member, or
 - (ii) are the subject of local controversy, or
 - (iii) the District or County Council ask the panel to consider or
 - (iv) relate to budget development, allocations and priorities
 - (v) relate to works programmes, financial monitoring report, activities or performance indicators of the Partnership Unit, or
 - (vi) are, in the Partnership Manager's view, appropriate for the Panel to consider.
- 7.2 The Panel may seek information from the Partnership Manager to assist it in its function of giving informal guidance to the Partnership Manager. Such information will be provided unless its provision would have

unreasonable resource implications. If insufficient resources are available, the Joint Officer Panel will resolve the matter of seeking a resolution through the appropriate committee.

- 7.3 Each year the Panel will agree a joint list of properties for funding for activities within their remit will be presented to each Council for consideration in the budget process.
- 7.4 The Panel maybe consulted by the District or County on matters in their geographical area on issues of general interest such as the Local Transport Plans but outside the Partnership Manager's delegated authority.
- 8.0 Administration
- 8.1 Panel Meetings
- 8.2 The date, time and place of Panel meetings shall be set by the Panel as far ahead as possible and notified to Members. Once a date is set, it will not normally change unless all Members are consulted. Meetings shall take place not less than four times a year.
- 8.3 Panel Papers
- 8.4 The Panel Administrator will ensure that Panel Members have an agenda setting out matters which will be discussed and papers which clearly and briefly indicate the key issues and key factors affecting them, at least 5 clear working days and a weekend before the meeting. Excessive paperwork will be avoided and oral and visual presentations used wherever possible.
- 8.5 The Panel Administrator will, shortly after each meeting prepare, circulate and retain in a book, a note recording who attended the meeting and clearly and briefly set out the matters discussed and the conclusions reached about advice, recommendations or guidance to be offered to the Council and the Partnership Manager. Copies shall be sent to Members of the Panel, the Partnership Manager and the Joint Officer Board.

9.0 Guidelines For Conduct

9.1 Press and public admission

9.2 As the Panel is not a formal committee, rules about admission of the press and public do not apply. The Panel will, at their first meeting, decide whether or to what extent the press and public and other members of the Councils should be admitted and, if so, how to give them notice of meetings.

9.3 In the absence of a decision, the meetings will be open and normal rules will apply.

10.0 General Procedures

10.1 Formal procedures will not be adopted by the Panel. The Chairman will maintain a proper level of conduct to ensure that all relevant matters are taken into account and all irrelevant matters are discarded and to order the business of the Panel so that all members are enabled to contribute.

10.2 The Chairman will seek to ensure that on any matter on which there is a difference between District and County, there is full discussion in a spirit of collaboration so that conclusions within a reasonable time. If a clear conclusion cannot be reached a vote may be taken to determine the guidance to be given to the Partnership Manager. The Chairman shall have a casting vote in the event of an equality of votes.

10.3 If any papers or proceedings of the Panel are declared to be confidential, members of the Panel shall honour that confidentiality unless the Panel subsequently agreed otherwise or the material becomes public in the ordinary course of business.

10.4 The rules about member's interest in the local Government Act 1972 and the National Code of Local Government Conduct shall apply.

11.0 Links With Other Committees

11.1 Information

11.2 Agendas and notes of Panel Meetings will be made available to Members of relevant committees of the County and District.

11.3 Agendas and Minutes of these other committees will also be made available to Panel Members who do not receive them through other distribution channels.

11.4 Influence

11.5 Clause 3.3 of this Schedule lays out the ways, both reactive and proactive, whereby the Panel can seek to influence the decision of both Councils.

11.6 The Panel may also make representations to the Chairman of the committees described in clause 6.1.1 where it believes that the decisions of another committee will have a bearing on activities within the panel's remit.

SCHEDULE 2A and 2B

Technical Functions of Partnerships

A. County Council Functions relating to the management and maintenance of the road network including inter alia:-

- | | |
|---|--|
| ▪ Barriers, railings and street signs | ▪ Bus shelters and other street furniture |
| ▪ Carriageway markings | ▪ Co-ordination of all highway activities |
| ▪ Comment on highway aspects of planning applications | ▪ Development Control and securing of obligations under the Town and Country Planning Act 1990 |
| ▪ Ditch maintenance | ▪ Emergency standby |
| ▪ Gully cleansing | ▪ Highway Act administration enforcement issues and licences |

- Highway adoptions
- Insurance claims in respect of Schedule 2A
- New Roads and Streetworks Act administration, co-ordination inspection and enforcement
- Pedestrian facilities
- Street lighting management and inspection
- Winter maintenance
- Traffic signals maintenance
- Highway drainage
- Minor traffic management projects
- Verge maintenance (including trees and grass cutting)
- Routine inspection
- Structural maintenance of carriageways and footways
- Traffic Regulation Order

B. District Engineering Functions including inter alia:-

- Advice on Christmas lights
- District (non highway) lighting
- Housing sewerage works
- Land drainage
- Parks and Ride facilities
- Transportation Plans implementation
- Bridge maintenance (non highway authority bridges)
- Housing car parking
- Land charges
- Neighbourhood Watch schemes
- Town Centre enhancement consultation/implementation
- Miscellaneous Highway powers

B.3 LOCAL DEVELOPMENT FRAMEWORK EXECUTIVE PANEL

To make recommendations to the Executive on issues associated with the East Herts Local Development Framework

B.4 HEALTH ENGAGEMENT PANEL

To consider matters relating to health in East Herts, in particular to:

1. scrutinise local health issues in the East Herts area;
2. scrutinise partner actions to reduce health inequalities in the East Herts area;
3. scrutinise arrangements for the provision of health care in the East Herts area;
4. make recommendations to the Community Scrutiny Committee on health issues; and
5. consider matters referred to it by the Community Scrutiny Committee

B.5 HERTFORDSHIRE COUNTY COUNCIL HEALTH SCRUTINY COMMITTEE

1. To scrutinise the planning, provision and operation of all Health services affecting residents of the county.
2. To be the statutory consultee in relation to proposals by local NHS bodies for substantial development of the health service.
3. To scrutinise Health items which are not the subject of statutory consultations.

B.6 EAST HERTS/NORTH HERTS/STEVENAGE CCTV JOINT COMMITTEE EXECUTIVE BOARD

- 1.0 Purpose of the Board
 - 1.1 To discuss and agree the strategic and policy issues relating to the jointly owned and operated CCTV Control and Monitoring service.

- 1.2 To deal with all matters defined under the CCTV 'Code of Practice' as the responsibility of the CCTV Executive Board.
- 1.3 To consider and approve expansion or contraction proposals for the CCTV Control Room, Network, and monitoring service.
- 1.4 To consider and agree changes to the CCTV 'Code of Practice'.
- 1.5 To ensure the Independent inspection regime is set up and maintained.
- 1.6 To receive and approve the Independent Inspectors annual report.
- 1.7 To consider complaints regarding any breaches of the CCTV 'Code of Practice' and recommendations for preventing breaches. To recommend disciplinary action where appropriate.
- 2.0 Constitution of the Board
 - 2.1 The CCTV Executive Board is constituted as a joint committee of the Councils, Executive Committee comprising of three elected members of each Authority.
 - 2.2 Meeting shall be held at least one per annum or when there is sufficient business.
 - 2.3 To make recommendations on any of the above to the Officer Management Board.
- 3.0 Quorum
 - 3.0.1 A Quorum shall be 3 members with at least one from each of the partner authorities.
- 3.1 Chairman
 - 3.1.1 The Chairman shall be a member of the Authority hosting the meeting

3.2 Venue

3.2.1 The meetings shall be held alternatively at the offices of the partner authority

3.3 Procedural Matters

3.3.1 The meetings shall follow the normal Standing Orders of the hosting Authority.

B.7 LOCAL STRATEGIC PARTNERSHIP

LSP Board

1. Overall responsibility for shaping and sustaining a vibrant and outcome focused LSP.
2. Overall responsibility for the development and delivery of the Sustainable Community Strategy and the annual action plan.
3. Strategic responsibility for matters relating to the Hertfordshire-wide LSP and the LAA.
4. Strategic responsibility for influencing and responding to regional and national policy.
5. Responsibility for funding and commissioning.

LSP Strategy Group

1. To advise the board on all matters relating to the LSP, the community strategy and the LAA both reactively (in response to requests from the board) and proactively.
2. Responsibility for the development and delivery of the Sustainable Community strategy and annual action plan.
3. Responsibility for identifying positive local contributions to the delivery of the LAA.
4. To advise the board on agendas and forward work plans for the LSP.
5. To propose to the board and administer funding and commissioning programmes for the LSP.
6. To monitor, support and develop the work of the LSP sub partnerships and strategies.

7. To advise the board on new issues, opportunities and threats as they arise.

LSP Forum

1. To provide an inclusive forum for:
 - sharing ideas and information,
 - identifying opportunities for achieving the priorities set out in the strategy, sub strategies and action plans,
 - developing understanding and strengthening partnerships,
 - creating new initiatives

B.8 EAST HERTS YOUTH COUNCIL

Purpose

To give input into Council decision making that affects young people and to serve as a sounding board for consultation by different statutory and non-statutory agencies

Objectives

- To have open access to decision makers and influence them on behalf of young people living in the District Council area
- To provide a forum for debate on issues that concern young people in East Herts and assist on updating the East Herts Youth Strategy
- To organise and co-ordinate projects that take forward actions and priorities that are important to young people, identified in the East Herts Youth Strategy
- To actively promote the participation of and interest of other young people in getting involved in the East Herts Youth Council and promoting the contribution young people make to the community
- To suggest ideas and help work up grant applications for external funding

- To allocate the budget assigned to the Youth Council

3. OFFICER DELEGATION

A. CHIEF EXECUTIVE, DIRECTORS, AND ALL HEADS OF SERVICE AND THEIR DULY AUTHORISED OFFICERS

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THE FOLLOWING DELEGATIONS APPLY TO THE CHIEF EXECUTIVE, DIRECTORS, HEADS OF SERVICE OR THEIR DULY AUTHORISED OFFICERS (WHERE PARTICULAR OFFICER(S) IS/ARE INVOLVED THIS IS INDICATED).

1. In accordance with the Council's Constitution, the management and administration of the services for which they are responsible and the incurring of expenditure for such purposes within approved estimates and in accordance with the Financial Regulations and Rules of Procedure Relating to Contracts. This shall include authorising the Chief Executive, Directors, and Heads of Service to take such action as is necessary, within approved budgets, procedures and business plans, to implement the decisions and policies of the Council.
2. To dispose of surplus or obsolete stock and equipment at the best prices obtainable in accordance with the procedures agreed with the Director of Internal Services in accordance with the Financial Regulations.
3. To serve requisitions for information as to the ownership of property under the various statutory provisions where necessary.
4. To give written notice seeking deemed planning permission for proposed development to be carried out by the Council.
5. The appointment and operational management of all categories of staff, for whom they are responsible.
6. The designation of officers for authorisation of the payment of accounts.
7. To take disciplinary action, in relation to staff for whom they are responsible, in accordance with the Council's

Disciplinary Procedure.

8. The authorisation of attendance or secondment of employees on courses or seminars, etc, within the approved Training Plan.
9. The authorisation of carrying forward of annual leave from one year to the next up to 5 days per annum.
10. The determination of ex gratia payments in respect of damage to, or loss of, employees' personal property up to £200 and, in consultation with the appropriate Portfolio Holder, for all other amounts.
11. To transfer expenditure between budget areas, providing this is within their approved budget and within the expenditure unit, having informed the Director of Internal Services before actioning this.
12. To approve the attendance of Officers at conferences/seminars, which are not included in the Standing List of Conferences.
13. The granting of leave of absence without pay for periods not exceeding three months and special leave with pay on compassionate grounds.
14. To consider and determine appeals relating to disciplinary sanctions, grading and grievances by employees other than chief officers.

B. CHIEF EXECUTIVE

1. To act as Registration Officer pursuant to the Representation of the People Acts for those parliamentary constituencies within the District of East Hertfordshire.
2. To act as Returning Officer for the elections of councillors of the District of East Hertfordshire and those parishes within the District.
3. To act as Head of Paid Service pursuant to Section 4 of the Local Government and Housing Act 1989.

4. All matters relating to staffing, employment, terms of conditions and industrial relations for the Council's workforce, save those matters relating to the Head of Paid Service and Chief Officers as specified elsewhere in the Constitution. To delegate decisions regarding staffing matters as appropriate.
5. To issue redundancy notices immediately it becomes apparent that redundancies are likely to arise, subject to any policy constraints which may be applied from time to time.
6. To make closure of noisy premises orders under the Anti-Social Behaviour Act 2003.
7. In consultation with the Executive Member for resources and Internal Support, to approve schemes up to £50,000 within the Capital Contingency Budget.
8. To rearrange dates and times of meetings, previously approved, following consultation with the Leader of the Council; such action being necessary in the interests of the efficient running of the Council.
9. To respond, in consultation with the Leader, to consultation documents in accordance with the Council's approved policies.

C. PEOPLE AND ORGANISATIONAL DEVELOPMENT

1. Human Resource matters shall be subject to the overall direction of the Head of Paid Service.
2. The administration and implementation, in consultation with Directors, of the Council's organisational, employee development and human resource plans.
3. The interpretation and application of pay scales and conditions of service for all employees.

4. Applications, in consultation with the appropriate Directors, for extensions of service.
5. The administration of any schemes for awards to employees making suggestions which could affect economies and improve efficiency.
6. To determine applications for extensions of sick pay.
7. To award accelerated increments within Scales 1, 2 and 3 in recognition of approved examination success and individual merits in accordance with the Council's current policy.

The determination of car allowances in accordance with the criteria adopted by the Council in accordance with the Council's current policy.

D. DIRECTORS

1. In consultation with the Director of Internal Services the granting of awards to employees under the Long Service Award Scheme.
2. In consultation with the appropriate Director and following a report to Corporate Management Team, to give consent to Officers graded above Scale Point 28 to engage in any other business or take up any other additional appointment pursuant to Paragraph 71 of the National Conditions of Services.
3. To dismiss staff in accordance with the Council's disciplinary procedure.
4. In consultation with the Leader of the Council, to settle complaints to the Local Ombudsman, or the formal complaint procedure where applicable, through an ex gratia payment of compensation not exceeding £1,000 per case.
5. To act on the Council's behalf and to commit the Council to such course of action as may be considered appropriate in order to respond to an emergency event including

chemical or biological terrorism or similar incident requiring concerted action.

6. To authorise prosecutions subject to the Legal Services Manager being satisfied as to the sufficiency of evidence in appropriate cases.
7. To authorise staff possessing such qualifications as may be required by law or in accordance with the Council's policy and having the necessary competency and experience, to carry out surveillance, to take samples, carry out inspections, enter premises, form opinions and generally perform the functions of a duly authorised officer of the Council (however described) under the enactments and regulations contained in Part 3, F and G, including applications for warrants to enter property. In relation to any powers which require to be dealt with by a Solicitor of the Supreme Court, this power shall be delegated to the Legal Services Manager.
8. To enter into compromise agreements in their area or in another area.
9. To authorise payment of the local award (5% salary) to those employees whose performance is considered by the relevant Director and the Corporate Management Team to be entirely satisfactory, in accordance with current policy.
10. To appoint/nominate persons to serve on outside organisations as representatives of the District Council.
11. To execute documents under seal.

E. LEGAL SERVICES MANAGER

1. To institute and defend legal proceedings.
2. To settle disputes and litigious actions.
3. To apply for warrants to enter property.
4. To authorise the appearance of non-admitted legal staff, within his section, in the Magistrates Court in accordance

with the provisions of Section 223 of the Local Government Act 1972.

5. In consultation with the Director of Neighbourhood Services to determine applications under Sections 191 and 192 of the Town and Country Planning Act 1990 for lawful development certificates.
6. To issue Stop Notices and take further enforcement action, where the Development Control Committee has authorised action, and, in other cases, give a direction under article 4 of the Town and Country Planning (General Permitted Development) Order 1995, issue Enforcement Notices and Stop Notices subject to such action being taken following consultation with the Director of Neighbourhood Services, and to such action being reported to the next meeting of the Development Control Committee, in order to enable the Committee to concur, modify, or enforce such Notice as it considers necessary.
7. To apply for injunctions in appropriate cases where there are any breaches of planning and/or building control, Tree Preservation Orders, or Listed Building and Conservation legislation where it is felt that contravention of planning and/or building control has taken place, and to give any undertakings in damages in such cases.
8. To issue Breach of Condition Notices in consultation with the Director of Neighbourhood Services.
9. To issue a Certificate of Opinion in connection with the Local Government and Housing Act 1989 – Politically Restricted Posts.
10. To exercise powers and duties under the Anti-social Behaviour Act 2003.

F. DIRECTOR OF NEIGHBOURHOOD SERVICES, HEAD OF PLANNING AND BUILDING CONTROL, OR THEIR DULY AUTHORISED OFFICERS (WHERE ANY OF THE POSTS IDENTIFIED HERE ARE THE LEAD OFFICER OR CASE OFFICER, DELEGATION SHALL NOT BE AVAILABLE TO THAT OFFICER IN THAT CASE)

1. To determine planning, Listed Building, Conservation Area Consent, reserved matters and advertisement applications except where the application:
 - (i) is a major development as defined in the Town and Country Planning (General Development Procedure) Order 1995;
 - (ii) is a departure from the Development Plan and is recommended for approval;
 - (iii) is by a Member of the Council;
 - (iv) is by an officer of the Council;
 - (v) is one where a Member considers that delegated powers should not be exercised by the Director of Neighbourhood Services in which case the Member must notify and obtain the written agreement of the Chairman of the Development Control Committee in writing stating the reasons why he/she should not determine the application.
2. To serve Planning Contravention Notices where it appears that a contravention of planning control has taken place.
3. To make provisional Tree Preservation Orders and to confirm them when they are unopposed.
4. To issue Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act 1990 in consultation with the Legal Services Manager.
5. To exercise the Council's powers under Section 70(a) of the Town and Country Planning Act 1990, by declining to determine an application for planning permission for the

development of any land where, within a period of two years, ending with the date on which the application is received, the Secretary of State has refused a similar application referred to him under Section 77, or has dismissed an appeal against the refusal of a similar application, and where, in the opinion of the Director of Neighbourhood Services, there has been no significant change since the refusal or dismissal in the Development Plan or in any other material considerations.

6. The consideration, approval and payment of grants in respect of Listed Buildings and Conservation Areas.
7. To exercise the Council's planning powers for control of demolition.
8. To determine commuted car parking payments for planning applications.
9. To approve or reject plans submitted as minor amendments to planning applications previously submitted and approved, subject to consultation with the local Member(s) concerned in accordance with the Council's procedure in force for the time being.
10. To approve or reject plans submitted by a Member of the Council as minor amendments to planning applications previously submitted and approved, subject to consultation with the Chairman of the Development Control Committee and local Member(s) concerned (other than the Member who has submitted the application and subsequent amendment), if any, in accordance with the Council's procedure in force for the time being.
11. To make Tree Preservation Orders, and to determine applications for consent for the cutting down, topping or lopping of trees applications under the Hedgerow Protection legislation and exercise the powers and duties relating to high hedges under the Anti-social Behaviour Act 2003.

12. To determine applications for certificates of appropriate alternative development.
13. To determine, in consultation with the Legal Officer, applications for certificates of lawful use and development.
14. In cases of urgency and subject to consultation with the Chairman, to arrange for the serving of building preservation notices, enforcement notices, temporary stop notices and Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, stop notices and directions relating to unlisted buildings in conservation areas.
15. To make observations on development proposals by Government Departments, statutory undertakers and Hertfordshire County Council, which are substantially in accordance with the Council's policies and are not likely to be controversial.
16. To advertise in the local press applications required to be advertised by statute or orders or regulations made thereunder, planning applications and applications for listed building consent.
17. To advertise in the local press and/or by a notice on site, at the discretion of the Director of Neighbourhood Services, applications for planning permission as required by any Development Order made by the Secretary of State.
18. After consultation with the Chairman of the Development Control Committee and the Legal Services Manager institute legal proceedings in respect of the contravention of Tree Preservation Orders and unauthorised works to trees in Conservation Area.
19. [Enter into Planning Performance Agreements for complex planning.](#)

DELEGATION:

Director of Neighbourhood Services and Director of Customer and Community Services)

19. To authorise, after consultation with the Legal Services Manager an officer to enter land at any time for enforcement purposes in cases where admission has been refused or a refusal is expected or in cases of urgency.
20. To apply for warrants to enter property.
21. To authorise the institution of legal proceedings subject to the Legal Services Manager being satisfied to the sufficiency of the evidence. (This delegation applies to the Director of Neighbourhood Services only).
22. To issue Stop Notices and take further enforcement action, where the Development Control Committee has authorised action and, in other cases, issue Enforcement Notices and Stop Notices subject to such action being taken following consultation with Legal Services Manager and to such action being reported to the next meeting of the Development Control Committee, in order to enable the Committee to concur, modify, or enforce such Notice as it considers necessary.
23. To apply for injunctions in appropriate cases where there are any breaches of planning and/or building control, Tree Preservation Orders, or Listed Building and Conservation legislation where it is felt that contravention of planning and/or building control has taken place, and to give any undertakings in damages in such cases.
24. To determine applications as to whether prior approval is required to the siting, design and external appearance of development.
25. To determine whether or not it is expedient to take enforcement action where a breach of planning control has occurred, save where a Member requests, with the agreement of the Chairman.
26. To give screening opinions and scoping opinions under the Town and Country Planning (Environmental Assessment) Regulations 1999 as amended.

DELEGATION:

Director of Neighbourhood Services and Legal Services Manager

27. To enter into Agreements with the developers in accordance with planning legislation.
28. To determine applications submitted for approval under the Building Regulations and made under the Building Act 1984 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976.
29. To determine the building regulation fees charged by the Council.
30. To be the Appointing Officer for the purposes of the Party Wall Act 1996.

G. DIRECTOR OF NEIGHBOURHOOD SERVICES OR DULY AUTHORISED OFFICERS

1. To exercise the Council's functions relating to hackney carriage/private hire licensing under the Town Police Clauses Act 1847 and 1889, the Local Government (Miscellaneous Provisions) Act 1976, the Transport Act 1985 and the Council's Standard Conditions applicable to Hackney Carriage and Private Hire Vehicles, Private Hire Operators and Private Hire Drivers and the Council's Hackney Carriage Byelaws.
2. To exercise the powers of the Council as registration authority including the issue, renewal and transfer of all licences and registrations listed in Schedule I below, upon appropriate conditions.
3. The issue of occasional permissions in respect of those licences listed in Schedule I upon appropriate conditions.
4. To authorise officers to sign licences listed in Schedules I and II.
5. The variation of licence conditions in respect of:
 - (i) those licences listed in Schedule I;

- (ii) those individual licences listed in Schedule II where there are no objections.

Schedule I:

Charitable Collection Permits including:
Street Collections
House to House Collections
Game Licences
Motor Salvage Operators
Riding Establishments Licence
Zoo licence
Dangerous, Wild Animals Licence
Animal Boarding Establishments Licence
Dog Breeding Licence
Pet Shop Licence
Skin Piercing Registrations
Street Trading consent
Cooling Towers registration
HMO Licences
Caravan Site Licence

Schedule II:

Licences under the Licensing Act 2003, Gambling Act 2005
Sex Shop Licences
[Sexual Entertainment Venues](#)

6. Pursuant to Section 223 of the Local Government Act 1972 to authorise and institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix A (below) (subject to the Legal Services Manager being satisfied as to the sufficiency of the evidence).
7. To authorise officers to exercise powers and duties falling within the legislation referred to at Appendix A (below), including applications for warrants to enter property, subject where appropriate to officers possessing such qualifications as may be required by law or in accordance with the Council's policies and having the necessary

competency and experience.

8. To authorise suitably qualified and experienced officers to serve and sign in their own name all improvement notices, prohibition notices, decision, other notices with respect to food safety, health and safety, private sector housing, public health, building control and other legislation in Appendix A.
9. To authorise officers who are suitably qualified and experienced to serve and sign in their own name all authorisation, variation, revocation, enforcement and prohibition notices under local authority pollution control enforcement.
10. To authorise such staff who are competent, suitably qualified and experienced to discharge the functions of the local authority relating to the appointment and duties of Officers in Appendix A.
11. To appoint as inspectors such persons having suitable qualifications as he or she thinks necessary for carrying into effect the provisions of the Environmental Protection Act 1990 and to terminate any appointment made, pursuant to Section 16 of the 1990 Act.
12. To instruct, on behalf of the Council, such veterinary surgeon(s) as may be appropriate from time to time, based on the specific knowledge required. That any Consultant Veterinary Surgeon so instructed on behalf of the Council be authorised to enter any premises to advise as necessary on action to be taken under the animal welfare legislation listed in Appendix A.
13. To nominate officers for the Council in respect of Notifiable Disease and food poisoning and for action under Section 47 of the National Assistance Act 1948.
14. Pursuant to Section 19 of the Health and Safety at Work etc Act 1974, to appoint as Inspectors such persons having suitable qualifications as he or she thinks necessary for carrying into effect the provisions of the Act and to terminate any appointment made; and pursuant to

Section 39 of the Health and Safety at Work etc 1974, to authorise any such Inspectors to prosecute before a Magistrates Court for any offence under the said Act or Regulations made thereunder.

15. To arrange for other people to accompany Inspectors on Inspections of work places under the provisions of the Health and Safety at Work etc Act 1974.
16. To endorse any agreed transfers of enforcement responsibility for any particular premises, or parts of premises, or any particular activities carried on in them, from the Health and Safety Executive to the Council, or vice versa.
17. To submit, following consultation with the Director of Neighbourhood Services, objections in connection with applications relating to Operators' Licences where it appears that the grant or variation of such a licence would be prejudicial to the public interest on environmental, traffic or highway grounds.
18. To give directions and make applications to the Magistrates Court in respect of unauthorised travellers in the District.
19. To undertake prosecutions of hackney carriage drivers and private hire vehicle drivers for road traffic offences and other drivers for criminal offences relating to taxi ranks.
20. To authorise officers to discharge the functions contained in the European Communities Act 1972 and in particular the following matters:
 - (a) agricultural produce (quality standards and labelling);
 - (b) animal health and welfare;
 - (c) animal feed;
 - (d) consumer protection;

- (e) environmental protection;
- (f) food hygiene and standards;
- (g) public health and standards;
- (h) weights and measures (including measuring instruments).

As referred to above the following enactments and regulations made under these Acts:

APPENDIX A

Animal Boarding Establishments Act 1963
Animal Welfare Act 2006
Anti-social Behaviour Act 2003
Betting, Gaming and Lotteries Act 1963
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Christmas Day Trading Act 2004
Cinemas Act 1985
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
Criminal Justice and Public Order Act 1994
Dangerous Dogs Act 1989
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Environment Act 1995
Environmental Protection Act 1990
European Communities Act 1972
Factories Act 1961
Food Safety Act 1990 (as amended)
Gambling Act 2005
Game Act 1831
Game Licences Act 1860
Gaming Act 1968
Guard Dogs Act 1975

Health Act 2006
Health & Safety at Work Etc Act 1974
Home Energy Conservation Act 1995
Housing Act 1985 (as amended)
Housing Act 1996
Housing, Grants, Construction and Regeneration Act 1996
Housing Act 1985
Housing Act 2004
Housing Act 2006
Hypnotism Act 1952
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government Act 1972
Local Government Act 2000
Local Government and Housing Act 1989
Lotteries & Amusements Act 1976
Noise Act 1996
Noise & Statutory Nuisances Act 1993
Offices, Shops and Railways Premises Act 1963
Party Wall etc Act 1996
Pet Animals Act 1951 and 1983
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Private Places of Entertainment (Licensing) Act 1967
Protection from Eviction Act 1977
Public Health (Control of Diseases) Act 1984
Public Health Act 1936
Public Health Act 1961
Rags, Flock and Other Filling Materials Act 1951
Refuse Disposal (Amenity) Act 1978
Riding Establishments Act 1964
Riding Establishments Act 1970
Road Traffic Act 1988
Scrap Metal Dealers Act 1964
Sunday Entertainment Act 1932
Sunday Theatre Act 1972
Sunday Trading Act 1994
Theatres Act 1968
Transport Act 1985
Vehicles (Crime) Act 2001
Water Industry Act 1991
Zoo Licensing Act 1981

H DIRECTOR OF INTERNAL SERVICES

1. To administer the Council's car leasing scheme subject to such financial and policy constraints as may be applied from time to time.

2. To administer the naming and numbering, including the renaming and renumbering, of streets and buildings in the District of East Hertfordshire, in consultation with parish and town councils.

4. OTHER MISCELLANEOUS DELEGATIONS

ARTS AND LEISURE

1. The Director of Customer and Community Services, in consultation with the Executive, be authorised to implement the Council's annual arts award and give grants within budget and in accordance with the Council's policies.

DELEGATION:

Director of Customer and Community Services
Head of Community and Cultural Services

2. Management and control of Castle Hall, Hertford subject to power to refuse any bookings being in consultation with the Executive.
3. Determination of the dates of Christmas and New Year closures of indoor swimming pools.

DELEGATION:

Director of Customer and Community Services

DEMOCRATIC SERVICES

1. To submit a report to the Council or Committee (as the case may be) showing what allocation of seats would, in his/her opinion, best meet the requirements of Section 15(4) of the Local Government and Housing Act 1989, whenever
 - (a) the Council is required to review the allocation of seats on Committees between political groups, or
 - (b) the Council resolves to carry out such a review, or
 - (c) a Committee is required to review the allocation of seats on a Sub-Committee between political groups, or
 - (d) a Committee resolves to carry out such a review:

DELEGATION:

Head of Democratic and Legal Support Services

FINANCE

1. To be responsible for internal audit functions.
2. Appointment of a Bailiff for the whole or part of the area as the need arises.
3. Authorisation of loans for car purchase in accordance with National Conditions of Service.
4. The implementation of any prescription of a body by the Secretary of State pursuant to Section 177(2)(c) of the Local Government Act 1972 in relation to Members' attendance allowances, and
 - (a) Sign cheques and all other financial documents or agreements on behalf of the Council
 - (b) Institute an action considered appropriate to recover any monies due to the Council directly or under Agency arrangements
 - (c) Institute and appear in any legal proceedings relating to the recovery of monies due to the Council directly or under Agency arrangements in accordance with the provisions of Section 223 of the Local Government Act 1972.

DELEGATION:

Director of Internal Services

5. The holder for the time being of the following posts:

Head of Financial Support Services

Head of Business Support Services

Head of Revenues and Benefits

Accountancy Manager

Principal Accountant (as approved by the Director of Internal Services)

be authorised to:

Sign Bonds, Bank Transfers and other financial documents, countersign cheques and authorise amendments to cheques and

the Director of Internal Services be additionally authorised to:

- (a) Institute any action considered appropriate to recover any monies due to the Council directly or under Agency arrangements.
- (b) Institute and appear in any legal proceedings relating to the recovery of monies due to the Council directly or under Agency arrangements in accordance with the provisions of Section 223 of the Local Government Act 1972.

6. Wherever necessary to amend affected charges for services to take account of changes in VAT or other forms of taxation provided that any action taken shall be reported to the next convenient meeting of the Executive.

DELEGATION:

Director of Internal Services
Head of Financial Support Services
Accountancy Manager
Principal Accountant
Head of Business Support Services
Head of Revenues and Benefits

7. To vary the rate of interest and issue notices to the Council's mortgages of any changes in the Council's rate of interest.

DELEGATION:

Director of Internal Services

8. The holders for the time being of the following posts be authorised to institute and appear in any legal proceedings relating to the Valuation and Council Tax Tribunals on behalf of the Council:

Head of Revenues and Benefits
Principal Revenue Officer
Assistant Revenue Officer
Senior Revenue Officer

DELEGATION:

Head of Revenues and Benefits
Principal Revenue Officer

Assistant Revenue Officer
Senior Revenue Officer

9. The holder for the time being of the following post be authorised to institute and appear in any legal proceedings relating to Council Tax and National Non Domestic Rates relating to Valuation Tribunal Appeals:

Head of Revenues and Benefits

DELEGATION:

Head of Revenues and Benefits

10. To carry out all functions arising out of Part II of the Social Security and Housing Benefits Act 1982 (and any amendments thereto) except where legislation requires specific Councillor involvement.
11. To exercise discretion under the 1988 Housing Benefits Scheme to disregard, in determining a person's income, the whole of any war disablement pension or war widow's pension payable to that person.
12. To adjust the fuel allowance for leased cars in light of any significant change in the price of fuel, subject to any adjustment being reported to the next meeting of the Executive.
13. To deal with all applications received for discretionary relief under Section 47 of the Local Government Act 1988 in accordance with the Council's guidelines.
14. To disregard the whole of any war disablement pension or war widow's pension in determining a person's income under the 1989 Community Charge Benefits Scheme and any amendment thereto.
15. To carry out all the charging and collection functions arising out of Parts I to III of the Local Government Finance Act 1988 (and any amendments thereto) except for:
- (a) the determination of discretionary non-domestic rate relief,
 - (b) the writing-off of debts in excess of £2,000,500,

- (c) the reduction or remission of liability under Section 49.
16. To write-off all Community Charges, Council Tax and NNDR outstanding, with the exception of a nominal sum of £5 in respect of each arrears payments, which are the subject of formal bankruptcy or liquidation claims.
17. To fix charges for the service of a Summons (Liability Order) for non-payment of Community Charges, Council Tax and NNDR and the issue of a Distress Warrant subject to the approval of the Court.

DELEGATION:

Director of Internal Services

18. In accordance with the provisions of Section 223 of the Local Government Act 1972:
- (a) the holders for the time being of the following posts be authorised to appear in any legal proceedings relating to Community Charges, Council Tax and National Non-Domestic Rate (NNDR) recovery on behalf of the Council:
- Head of Revenues and Benefits
Principal Revenue Officer
Assistant Revenue Officer
Senior Revenue Assistants (3)
and
- (b) the holder for the time being of the following post be authorised to institute and appear in any legal proceedings relating to Community Charges, National Non-Domestic Rate (NNDR) and Council Tax recovery on behalf of the Council:

Head of Revenues and Benefits, or in his/her absence, the Principal Revenue Officer

DELEGATION:

Head of Revenues and Benefits
Principal Revenue Officer
Assistant Revenue Officer

Senior Revenue Assistants

19. To administer and manage the Council's Collection Fund.
20. To set precept dates.
21. To take day-day decisions in relation to the Council's external investment fund, in consultation with the Council's external adviser, within the parameters set by the Council
22. To administer the Council's Insurance Fund (subject to the presentation of an annual report to the Executive on its performance and application).
23. To make such determinations as are required under Part IV of the Local Government and Housing Act 1989 and report the action taken to the Executive for information.
24. To take day-to-day decisions in respect of the investment of Council funds.
25. To implement changes in the travel and subsistence allowances payable to Members of the Council from time to time, subject to consultation with the Executive and Leader of the Council.
26. To refuse relief in respect of any application for reduction in Non-Domestic Rate bills refused by the Council and subsequently submitted by an applicant in similar form within six months of the date of that decision unless, in his opinion, there is a significant change in circumstances in which case the application shall be submitted to the appropriate body for determination.
27. To carry out all the charging and collection functions arising from the Local Government Finance Act 1992 (and any amendment thereto) except for the writing-off of debts in excess of £2,000,500.
28. To determine and pay additional benefit in cases of "exceptional hardship" under Housing Benefit Regulations.

DELEGATION:

Director of Internal Services

HEALTH

1. In accordance with the legislation falling within the duties and responsibilities of the Council's environmental health functions to all physicians working as consultants in public health medicine and employed by the Health Protection Agency or the Primary Care Trusts in Hertfordshire:
 - (a) act as proper officer to the Council in respect of all matters relating to the control of the spread of infectious diseases;
 - (b) provide medical input and advice to the Council

DELEGATION:

All physicians working as consultants in public health medicine and employed by the Health Protection Agency or a Primary Care Trust in Hertfordshire.
Chief Executive

2. In accordance with the duties imposed on the Council under Section 47 of the National Assistance Act 1948 the Council to engage the services of a Medical Practitioner for the purposes of securing the removal to suitable premises of persons in need of care and attention.

DELEGATION:

Chief Executive

HIGHWAYS

1. In consultation with the Director of Internal Services or duly authorised officer, to authorise appropriate action to be taken in respect of any contravention of any Order made under Section 35 of the Road Traffic Regulation Act 1984 (as amended) by persons at any car park(s) detailed within such an Order, subject to the outcome of any legal proceedings taken being reported to a subsequent meeting.
2. To investigate all requests received for road humps and make the necessary application(s) to the County Surveyor for funds, where

the sites meet the criteria.

3. To pass the local Ward Member(s) any requests received for additional works or investigations for comment prior to their consideration at a meeting of the Highways Joint Member Panel.
4. To charge users a fixed charge equivalent to the charge for the first variable charging period on those occasions when a short stay car park's variable charge equipment is temporarily out of commission.
5. To authorise the use of the Council's off-street car parks by commercial and non-commercial organisations on Sundays only, and to determine the charge to be levied in such circumstances.
6. To waive car park charges in all the Council's car parks, on one day before Christmas, each year subject to the Town Councils concerned nominating which day was required.

DELEGATION:

Director of Customer and Community Services

HUMAN RESOURCES

1. Appointment of a Medical Adviser/Proper Officer and a Deputy to act in the absence of the Proper Officer.
2. Responsibility for an effective policy for the health, safety and welfare of Council employees to be implemented at all levels.
3. The determination of car allowances in accordance with the criteria adopted by the Council in accordance with the Council's current policy.
4. To award accelerated increments within Scales 1, 2 and 3 in recognition of approved examination success and individual merits in accordance with the Council's current policy.

DELEGATION:

Director of Internal Services

5. To hold and revise the list of politically restricted posts prepared under the Local Government and Housing Act 1989.

DELEGATION:

Director of Neighbourhood Services

6. To be responsible for the custody of any document required to be published and kept available for public inspection under the Audit Commission Act 1998.

DELEGATION:

Director of Internal Services

LEGAL

1. In consultation with the Executive, to determine requests for contributions towards legal costs incurred, or to be incurred, or by other local authorities, subject to a report being made to a subsequent meeting of the Executive.

DELEGATION:

Director of Internal Services

2. In consultation with the Director of Neighbourhood Services to institute proceedings for Anti Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998.

DELEGATION:

Legal Services Manager

MARKETS

1. In consultation with the Director of Internal Services to seek injunctions and take all such proceedings as may be necessary to secure the cessation of any unauthorised non charitable markets operating on a commercial basis.

DELEGATION:

Director of Internal Services or duly authorised officer

PARKS, OPEN SPACES AND ABANDONED VEHICLES

1. Restriction of the use or closure of bowling greens during periods of drought.
2. Control of the all grounds including Castle Gardens and Grounds at Bishop's Stortford and Hertford.
3. The letting of Council gardens and car parks.
4. The removal, storage and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978

DELEGATION:

Director of Customer and Community Services

PORTFOLIO AREAS: NON-KEY DECISIONS

1. To approve non-key decisions in individual portfolio areas (see Table A below, page 122) as determined by the Leader of the Council in accordance with the procedures set out at paragraph 22 of the Access to Information Rules in Part 4 of the Constitution.

DELEGATION:

Executive Members

PROPERTY

1. Lettings of all properties (other than houses, flats and garages); consents to assignments and sub-lettings; the granting of easements and licences; entering into leases, sub-leases, licences and easements on behalf of the Council as lessee, sub-lessee, licensee or grantee as appropriate; consent to modification or release of restrictive covenants; rent reviews under existing and future leases, including the approval of terms, subject to reporting transactions half-yearly.
2. To pursue appeals against rating assessments on Council-owned and Council-occupied property which, in his judgement, are incorrect or excessive, and agree either new or revised rating

assessments on Council-owned and/or occupied property on behalf of the Council.

3. In consultation with the appropriate Executive Member to prosecute or authorise the prosecution of persons committing malicious damage to Council property.
4. The letting of Council Offices.
5. To convey the freehold of electricity sub-station sites and to grant the necessary easements to the Electricity Board in respect of the Thorley development and Council Housing developments.

DELEGATION:

Director of Internal Services

SOCIAL HOUSING (MANAGEMENT)

1. In all cases involving arrears of mortgage payments and in consultation with the Director of Internal Services or duly authorised officer to institute proceedings in the appropriate Court to obtain an order for possession of the property and/or recovery of all monies remaining outstanding under the mortgage, legal charge or further charge as the case may be.
2. In relation to the recovery of contributions to the cost of sewerage services in respect of Council Houses which are sold:
 - (a) To determine actual annual costs and payments on account
 - (b) In consultation with the Executive, to make special arrangements in the case of hardship or, where necessary, to comply with an existing agreement
3. The appointment of Bailiffs and the issue of warrants to any bailiff so appointed and taking such steps as may be necessary, including the levying of distress upon the goods and chattels of the tenant concerned, for the recovery of arrears of rent owing to the Council in respect of the occupation of any Council dwelling under the control of the Director of Neighbourhood Services.

DELEGATION:

Director of Internal Services

4. The allocation of properties for letting in accordance with the Council's policy.
5. The institution, in consultation with the Legal Services Manager of legal proceedings for the recovery of arrears of rent owed by any tenant of a Council dwelling.
6. The service of Notice of Seeking Possession upon the tenant of any Council dwelling where that is considered necessary in accordance with one or more of the grounds for possession set out in Schedule 2 of the Housing Act 1985 (as amended by Housing Act 1996), provided that no action be taken to apply for an order for possession of the property concerned without the specific prior approval of the Executive.
7. The termination of agreements for letting of garages and parking spaces on Council land by the service of notice to quit in cases of arrears of rent or other breach of the conditions of tenancy.
8. To let houses, flats and garages and to give consent to assignments in respect of residential properties which are subject to long leases.
9. To increase the charges for single persons and married couples occupying bed and breakfast accommodation under the terms of Part VII of the Housing Act 1996 in line with and at the same time as increases are made in the charge to the Council for hostel accommodation.
10. Any such other Officers as may be appointed, be authorised to determine all applications received under Part VII of the Housing Act 1996.
11. In all cases where information has been obtained from a member of the medical profession or from a health visitor in relation to an application for housing to determine the necessity in each case to seek the applicant's/s' consent to any disclosure of such information.

12. To determine applications from the leaseholders of Council residential accommodation to:
- (a) carry out alterations to the exterior walls subject to:
 - (i) all components being in low maintenance or maintenance free materials with lessees to bear any additional maintenance costs arising from the works,
 - (ii) the alterations complying with current building regulations and having obtained the necessary approvals before work commences
 - (iii) access to common services being maintained without the need to go inside the extension,
 - (iv) a deed or variation making the leaseholder or his successor individually responsible for the extra cost of maintenance of the extension,
 - (b) undertake extensions, if deemed appropriate, subject to:
 - (i) the extension complying with current building regulations and having obtained the necessary approvals before work commences,
 - (ii) extensions having a pitched tiled roof,
 - (iii) replacement/new windows being in UPVC,
 - (iv) extensions being within the confines of the existing boundaries of the property contained within the lease, both horizontally and vertically,
 - (v) materials to match as far as possible the existing structure and the form of construction to be similar,
 - (vi) any extension to be for domestic/residential use only and must not at any time be used as a separate dwelling,

- (vii) a deed of variation making the leaseholder or his successor individually responsible for the extra cost of maintenance of the extension,
- (viii) no extensions to cover common rights of way.

The Executive would determine any appeals made by lessees against decisions arising from the exercise of this power.

13. To grant approval for schemes submitted by Housing Associations, and be the Council's approved signatory for such schemes, subject to liaison with the Director of Internal Services as necessary; in addition, the Head of Health and Housing be designated an authorised signatory on behalf of East Hertfordshire District Council for Housing Corporation Scheme Approval and Grant Claims.

DELEGATION:

Director of Neighbourhood Services

14. Where notices have been served under Section 83 of the Housing Act 1985, but arrears of rent are not being paid or suitable arrangements have not been made to clear the arrears, the Legal Services Manager, in consultation with the Director of Neighbourhood Services, be authorised to institute legal proceedings against any such tenants to obtain possession of the properties they occupy and for the recovery of all sums due to the Council, and to take any further action necessary to recover sums due to the Council under any money judgement obtained from the Court, including an application for an Attachment of Earnings Order where this is deemed appropriate.
15. In consultation with the Director of Neighbourhood Services and subject to advising the Leader or appropriate Executive Member, authorised to institute proceedings and take all further action necessary to recover possession of Council property which has been occupied by squatters without the Council's licence or authority.
16. In respect of non payment of rent by tenants of commercial properties (including residential accommodation as part of a Lease of such commercial property) and in consultation with the Director of Neighbourhood Services, to institute proceedings for

recovery of rent and other monies owed to the Council, and to take possession of the property.

DELEGATION:

Legal Services Manager

17. The payment of grants for housing repair and improvement including the implementation of adaptations to disabled persons dwellings in conjunction with Hertfordshire County Council, in accordance with the relevant Legislation Circular and the Council's policy.

DELEGATION:

Director of Neighbourhood Services

18. To commit expenditure on repairs and maintenance to properties under the control of the Director of Neighbourhood Services within the amount included in the revenue estimates as approved by the Council for that purpose.

DELEGATION:

Director of Neighbourhood Services

STREET CLEANSING, WASTE COLLECTION ANTI-SOCIAL BEHAVIOUR AND MANAGEMENT AND DOGS

1. To administer the Scheme for the collection of trade refuse.
2. Approval of types and siting of litter bins provided by Parish and Town Councils.
3. To determine, in the first instance, whether street cleansing is necessary in the interests of public health or the amenity of the area pursuant to the Environmental Protection Act 1990 Code of Practice on litter and refuse.
4. To deal with requests for the provision of signs to prohibit litter or other nuisances within the highway or car parks, in consultation with the Leader.
5. The Head of Environmental Services be identified as contact officers for the public under the Code of Practice of the

Environmental Protection Act 1990.

6. In consultation with the Director of Internal Services or duly authorised officer to serve Street Litter Control Notices, as appropriate in accordance with the provisions contained in Part IV of the Environmental Protection Act 1990 and serve notices under Section 215 of the Town and Country Planning Act 1990.
7. Pursuant to Section 223 of the Local Government Act 1972 to authorise and institute proceeding in any Magistrates Court in respect of officers or other matters falling within the legislation in Appendix B (subject to the Legal Services Manager being satisfied as to the sufficiency of the evidence).
8. To authorise officers to exercise powers and duties falling within the legislation referred to in Appendix B (below) where appropriate to officers possessing such qualifications as may be required by law or in accordance with the Council's policy and having the necessary competence and experience.
9. To authorise officers to serve and sign in their own name all authorisation, variation, revocation and enforcement and other notices falling within the legislation referred to in Appendix B (below).

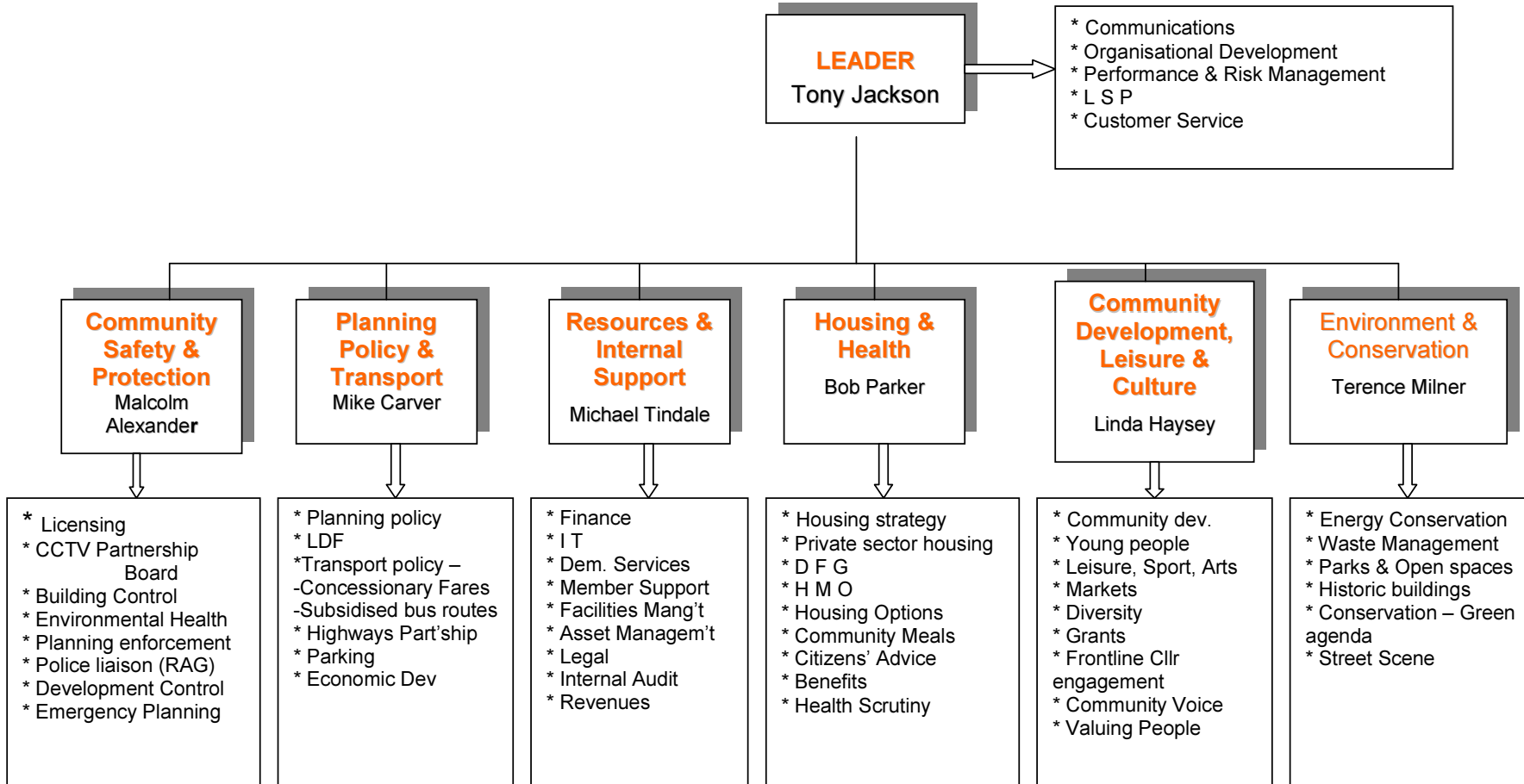
APPENDIX B

Anti-Social Behaviour Act 2003
Clean Neighbourhoods and Environment Act 2005
Environmental Protection Act 1990
Prevention of Damage by Pests Act 1949
Refuse Disposal (Amenity) Act 1978
Dangerous Dogs Act 1989
Dangerous Dogs Act 1991
Dogs (Fouling of Land) Act 1996
Guard Dogs Act 1975
[Criminal Justice and Police Act 2001](#)
[Policing and Crime Act 2009](#)

DELEGATION:

Director of Customer and Community Services
Director of Neighbourhood Services

**TABLE A - EXECUTIVE STRUCTURE
(MAY 2007)**



5. A. DESIGNATION OF “PROPER OFFICERS”

The following are the Proper Officers of the Council under the enactments shown below. The alternative Proper Officer is also authorised to act.

Section of the Local Government Act 1972	Proper Officer	Alternative Proper Officer
83 (1) to (4) Witness and receipt of Declarations of Acceptance of Office	Director of Internal Services	Head of Democratic and Legal Support Services
84 Receipt of Declaration of Resignation of Office	Director of Internal Services	Head of Democratic and Legal Support Services
88 (2) Convening of meeting of Council to fill casual vacancy in the office of Chairman	Director of Internal Services	Head of Democratic and Legal Support Services
89 (1) (b) Receipt of notice of casual vacancy from two local government electors	Director of Internal Services	Head of Democratic and Legal Support Services
96 (1) Receipt of notice of pecuniary interest	Director of Internal Services	Head of Democratic and Legal Support Services
96 (2) Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96 (1)	Director of Internal Services	Head of Democratic and Legal Support Services
115 (b) Receipt of money due from officers	Director of Internal Services	
146 (1) (1) and (b) Declarations and service with regard to securities	Section 151 Officer	Deputy Section 151 Officer

Section of the Local Government Act 1972	Proper Officer	Alternative Proper Officer
151 Responsibility for the proper administration of the Council's financial affairs	Section 151 Officer	Deputy Section 151 Officer
212 (1) Local Register for Land Charges	Head of Democratic and Legal Support Services	
225 (1) Proper Officer function - deposit of documents	Head of Democratic and Legal Support Services,	Legal Services Manager
228 (3) Accounts of any Proper Officer to be open to inspection by any Member of the Authority	Director of Internal Services	Head of Financial Support Services
229 (5) Certification of Photographic copies of Documents	Head of Democratic and Legal Support Services,	Legal Services Manager
234 Authentication of Documents	Head of Democratic and Legal Support Services,	Legal Services Manager
234 Officer authorised to sign forms of notice to give effect to planning applications	Director of Neighbourhood Services	Head of Planning and Building Control
236 (9) To send copies of byelaws to Parish Council	Legal Services Manager	Head of Democratic and Legal Support Services
238 Certification of byelaws	Legal Services Manager	Head of Democratic and Legal Support Services
Schedule 12, Para 4 (2) (b) Signature of summonses to Council Meetings	Director of Internal Services	Head of Democratic and Legal Support Services

5. B. OTHER “PROPER OFFICER” DESIGNATIONS ARE AS FOLLOWS:

**(i) LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
AMENDING THE LOCAL GOVERNMENT ACT 1972**

Section of the Local Government (Access to Information) Act 1985 amending the Local Government Act 1972 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
S.100B (2) Circulation of papers and reports	Director of Internal Services	Head of Democratic and Legal Support Services
S.100B (5) Withholding of reports containing exempt information	Director of Internal Services	Head of Democratic and Legal Support Services
S.100B (7) (c) Supply of papers to press	Director of Internal Services	Head of Democratic and Legal Support Services
S.100C (2) Summaries of Minutes	Director of Internal Services	Head of Democratic and Legal Support Services
S.100D Inspection of background papers	Director of Internal Services	Head of Democratic and Legal Support Services
S.100F Members' right to papers	Director of Internal Services	Head of Democratic and Legal Support Services

(ii) REPRESENTATION OF THE PEOPLE ACTS AND REGULATIONS MADE THEREUNDER

Representation of the People Acts and Regulations made thereunder and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Registration Officer, Returning Officer and Proper Officer functions	Chief Executive	Head of Democratic and Legal Support Services

(iii) LOCAL GOVERNMENT FINANCE ACT 1988

Section of the Local Government Finance Act 1988 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 114 Duty to report etc	Section 151 Officer	Deputy Section 151 Officer

(iv) LOCAL GOVERNMENT AND HOUSING ACT 1989

Section of the Local Government and Housing Act 1989 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 4 Head of Paid Service	Chief Executive	-
Section 5 Monitoring Officer	Director of Neighbourhood Services	Head of Democratic and Legal Support Services
Section 19 and regulations made thereunder. Notices of Members' Interest. Maintenance of Records.	Director of Neighbourhood Services	Head of Democratic and Legal Support Services

Section of the Local Government and Housing Act 1989 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 2 Deposit of politically restricted posts	Director of Neighbourhood Services	Head of Democratic and Legal Support Services

(v) MISCELLANEOUS

Miscellaneous	Proper Officer	Alternative Proper Officer
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<p>Officers authorised to issue authorisations to carry out directed surveillance or to use covert human intelligence sources under Part II of the Regulation of Investigatory Powers Act 2000.</p>	<p>Head of Paid Service Director of Internal Services Director of Neighbourhood Services Head of Health and Housing Head of Community Safety Environmental Health Managers Head of Environmental Services Head of Planning and Building Control Head of Revenues and Benefits Head of Business Support Services Internal Audit and Business Improvement Manager Development Control Manager</p>	<p>-</p>
<p>Where knowledge of confidential information is likely to be acquired or when a vulnerable individual or a juvenile is to be used as a source.</p>	<p>Head of Paid Service</p>	
<p>Regulation of Investigatory Powers (Communications Data) Order 2003: Designated Persons</p>	<p>Head of Community Safety</p>	
<p>Single Point of Contact. Qualified Person under the Freedom of Information Act 2000, section 36.</p>	<p>Director of Neighbourhood Services</p>	
<p>Officer authorised under the Criminal Justice and Police Act 2001 to authorise closure notice for the unlicensed sale of alcohol.</p>	<p>Head of Paid Service Head of Paid Service Director of Neighbourhood Services</p>	

Part 4

Rules of Procedure

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1.0 ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in April or May.

The annual meeting will:

- (i) elect a person to preside if the Chairman of Council is not present;
- (ii) elect the Chairman of Council;
- (iii) elect the Vice Chairman of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chairman and/or head of the paid service;
- (vi) consider and approve the Constitution;
- (vii) agree the number of Members to be appointed to the executive;
- (viii) appoint at least one scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);
- (ix) agree the scheme of delegation;
- (x) approve a programme of ordinary meetings of the Council for the year; and
- (xi) consider any business set out in the notice convening the meeting.

1.2 **Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the council meeting will:

- (i) decide which committees to establish for the civic year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.

2.0 **ORDINARY MEETINGS**

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Chairman, Leader, Members of the executive or the head of paid service;
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of

the person presiding at the meeting are relevant to the business of the meeting;

- (vi) deal with any business from the last Council meeting;
- (vii) receive reports from the executive and the Council's committees and receive questions and answers on any of those reports;
- (viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (ix) consider motions; and
- (x) consider any other business specified in the summons to the meeting, including consideration of proposals from the executive in relation to the Council's budget and policy framework and reports of the scrutiny committees for debate.

3.0 EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Chairman of the Council;
- (iii) the monitoring officer;
- (iv) Section 151 Officer; and
- (v) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4.0 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

As well as allocating seats on committees and sub-committees, the Council will allocate seats in the same manner for substitute Members. For Committees or Sub-Committees exercising the functions of Development Control, licensing or appeals, only Councillors who have received satisfactory training to enable proper and lawful discharge of the functions may be appointed as substitutes. Up to 6 named substitutes per political group will be permitted for committees and joint committees having 12 or more members and up to 3 named substitutes per political group for committees and joint committees having less than 12 members.

4.2 Powers and duties

Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.3 Substitution

Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after notification has been given by the absent Member to the Head of Democratic and Legal Support Services at least 24 hours before the meeting of the intended substitution. The duration of the substitution shall be included in the notice.

4.4 The Director of Internal Services shall change the standing membership of committees and joint committees in accordance with the wishes of the political groups to whom seats on these committees have been allocated.

5.0 **TIME AND PLACE OF MEETINGS**

5.1 The time and place of meetings will be determined by the Chief Executive and notified in the summons.

6.0 **NOTICE OF AND SUMMONS TO MEETINGS**

6.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by him/her by post or electronic mail to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7.0 **CHAIRMAN OF MEETING**

7.1 The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

8.0 **QUORUM**

8.1 The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix

a date, the remaining business will be considered at the next ordinary meeting.

9.0 DURATION OF MEETING

9.1 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted until 10.30 p.m. will adjourn on completion of the item being considered. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10.0 QUESTIONS BY THE PUBLIC AND PETITIONS

10.1 General

Members of the public may ask questions of members of the executive at ordinary meetings of the Council.

10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than noon, two working days before the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

10.4 Number of questions

At any one meeting no person may submit more than 1 question and no more than 1 such question may be asked on behalf of one organisation.

10.5 **Scope of questions**

The Chief Executive may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

10.6 **Record of questions**

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

10.7 **Asking the question at the meeting**

The Chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, or if they so elect, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 **Supplemental question**

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the

original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 10.5 above.

10.9 **Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

10.10 **Reference of question to the executive or a committee**

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

10.11 **Petitions**

[The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.](#)

[Paper petitions can be sent to:](#)

[\[insert address\]](#)

[Or be created, signed and submitted online by following this link \[link\]](#)

[Petitions can also be presented to a meeting of the Council. These meetings take place on a regular basis, dates and](#)

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times can be found here [link]. If you would like to present your petition to the Council, or would like your Councillor to present it on your behalf, please contact [insert name] on [insert phone number] at least 10 working days before the meeting and they will talk you through the process. If your petition has received 1,355 signatures or more it will also be scheduled for a Council debate [link to section on Full Council Debates] and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- the name and address and signature of any person supporting the petition

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

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What will the Council do when it receives my petition?

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An acknowledgement will be sent to the petition organiser within 10 days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

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If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

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If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here [insert links]

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We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

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To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. [link to account settings]

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How will the Council respond to petitions?

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Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's overview and scrutiny Committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny Committees are Committees of Councillors who are responsible for scrutinising the work of the Council – in other words, the overview and scrutiny Committee has the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.

<u>Petition subject</u>	<u>Appropriate steps</u>
<u>Alcohol related crime and</u>	<u>If your petition is about crime or disorder linked to alcohol consumption, the Council will,</u>

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<u>disorder</u>	<u>among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.</u>
<u>Anti-social behaviour (ASB)</u>	<p><u>As the elected representatives of your local area, as social landlord and licensing authority, the Council plays a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here [insert link].</u></p> <p><u>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken, consider identifying a dedicated contact within the Council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny Committee to the issues highlighted in the petition.</u></p>
<u>Petition subject</u>	<u>Appropriate steps</u>
<u>Under-performing</u>	<u>We will work with local health partners to</u>

health services	consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The health overview and scrutiny Committee will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.
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[If your petition is about something over which the Council has no direct control \(for example the local railway or hospital\) we will aim to make representations on behalf of the community to the relevant body. The Council works with a large number of local partners \[link to list of LAA partners\] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason \(for example if what the petition calls for conflicts with Council policy\), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here \[link\].](#)

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[If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.](#)

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[Full Council debates](#)

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[If a petition contains more than 1,355 signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The petition organiser will be given five minutes to present](#)

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the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected Members to enable them to make a particular decision.

If your petition contains at least 677 signatures, the relevant senior officer will give evidence at a public meeting of the Council's overview and scrutiny Committee. A list of the senior staff that can be called to give evidence can be found here [insert link]. You should be aware that the overview and scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the Committee by contacting [insert details] up to three working days before the meeting.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website [link]. E-petitions must follow the same guidelines as paper petitions [link to guidelines]. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but

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you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to [insert details]. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact [insert details] (details above) within 10 working days of the receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here [insert link].

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those

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who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

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If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's overview and scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

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The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council executive and arranging for the matter to be considered at a meeting of the full Council.

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Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

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~~A document submitted by a Member or members of the public shall be identified as a petition where it is indicated to be so by the person or persons submitting it and it is signed by at least 50 people accompanied by their addresses, provided that the Chairman of the Council shall have discretion to accept a petition containing less than 50 signatures. Lead petitioners shall be invited to address an ordinary meeting of the Council for up to three minutes after which a response shall be given by the relevant Executive Member outlining how the Council intends to deal with the petition. Petitions relating to planning applications shall be dealt with by the Development Control Committee and highway matters shall be referred to the next Highways Joint~~

~~Member Panel. Local Ward Members may also speak on the subject of the petition.~~

11.0 QUESTIONS BY MEMBERS

11.1 On reports of the executive or committees

A Member of the Council may ask the Leader or Chairman of a committee any question without notice upon an item of the report of the executive or a committee when that item is being received or under consideration by the Council.

11.2 Questions on notice at full Council

A Member of the Council may ask:

- the Chairman;
- a Member of the executive;
- the Leader; or
- the chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the District.

11.3 Questions on notice at committees and sub-committees

A Member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the district and which falls within the terms of reference of that committee or sub-committee.

11.4 Notice of questions

A Member may only ask a question under Rule 11.2 or 11.3 if either:

- (a) they have given notice in writing of the question to the Chief Executive, which has been received not later than noon, two working days before the meeting; or
- (b) the question relates to urgent matters, they have the consent of the chairman to whom the question is to be put and the content of the question is given to the Chief Executive by noon on the day of the meeting.

11.5 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

11.6 Supplementary question

A Member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

12.0 PORTFOLIO REPORTS

- | 12.1 Portfolio Holders ~~shall~~ may submit ~~regular~~ portfolio reports to full Council giving information for Members on developments in each portfolio area since the last report. Members may ask Portfolio Holder questions without notice on any item in the portfolio report. A maximum of 10 minutes will be permitted

for questions by Members.

13.0 **MOTIONS ON NOTICE**

13.1 **Notice**

Except for motions which can be moved without notice under Rule 14, written notice of every motion, signed by at least 2 Members, must be delivered to the Chief Executive in normal office hours not later than 10.00 a.m. on the Tuesday of the week preceding the next meeting of the Council. These will be entered in a book open to public inspection.

13.2 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

13.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the area.

14.0 **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;

- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 10.30 p.m. in duration;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

15.0 RULES OF DEBATE

15.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

15.2 **Right to require motion in writing**

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

15.3 **Seconders' speech**

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

15.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chairman.

15.5 **When a Member may speak again**

A Member who has spoken on a motion may not speak again without the consent of the Chairman whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

15.6 **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.7 **Alteration of motion**

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the

meeting and the seconder. The meeting's consent will be signified without discussion.

- (c) Only alterations which could be made as an amendment may be made.

15.8 **Withdrawal of motion**

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

15.9 **Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

15.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;

- (f) to adjourn a meeting;
 - (g) that the meeting continue beyond 10.30 p.m. in duration;
 - (h) to exclude the public and press in accordance with the Access to Information Rules;
- and
- (i) to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

15.11 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

15.12 Point of order

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

15.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

16.0 PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 25 Members.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 25 Members. Once the motion or

amendment is dealt with, no one can propose a similar motion or amendment for six months.

17.0 **VOTING**

17.1 **Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

17.2 **Chairman's casting vote**

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

17.3 **Show of hands**

Unless a ballot or recorded vote is demanded under Rules 17.4 and 17.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 **Ballots**

The vote will take place by ballot if 5 members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.

17.5 **Recorded vote**

If 5 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

17.6 **Right to require individual vote to be recorded**

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18.0 MINUTES

18.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

18.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

18.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

19.0 RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

20.0 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

21.0 MEMBERS' CONDUCT

~~21.1 Speaking~~

~~When a Member speaks at full Council they must stand and address the meeting through the Chairman. If more than one Member stands, the Chairman will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation. Members of the Executive need not stand when speaking.~~

21.2_1 **Chairman standing**

When the Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

21.3_2 **Member not to be heard further**

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move

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that the Member be not heard further. If seconded, the motion will be voted on without discussion.

| [21.4-3](#) **Member to leave the meeting**

If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

| [21.5-4](#) **General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

22.0 DISTURBANCE BY PUBLIC

22.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

22.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

23.0 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members

of the Council are present. Suspension can only be for the duration of the meeting.

23.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

24.0 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the executive. Only Rules 4 – 9, 11 (part), 14, 17 – 22 (but not Rule 21.1) apply to meetings of committees and sub-committees. Committees and Sub-Committees may elect a Vice Chairman.

Chief Finance Officer (Section 151 Officer) Protocol

A GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES

- 1 The Chief Finance Officer is a statutory appointment pursuant to section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged in East Hertfordshire District Council.
- 2 The current responsibilities of the Chief Finance Officer role rest with the ~~Head of Business Support~~ **Director of Internal Services**, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council. In doing so, the Chief Finance Officer will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from financial difficulties.
- 3 A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Chief Finance Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:
 - a) complying with the Council's financial procedures;
 - b) making lawful payments;
 - c) not taking action that would result in unlawful payments or unlawful action.

B WORKING ARRANGEMENTS

- 4 According to the Chartered Institute of Public Finance and Accountancy (CIPFA) there are five key roles that are critical to the achievement of a Chief Finance Officer's statutory responsibilities:
 - maintaining strong financial management underpinned by effective financial controls

- contributing to corporate management and leadership
- supporting and advising democratically elected representatives
- supporting and advising officers in their operational roles
- leading and managing an effective and responsive financial service.

The key activities for each of these roles are set out in Annex 2.

5 Having excellent working relations with Members and Officers will assist in the discharge of the statutory responsibilities of the Chief Finance Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers should, therefore, work with the Chief Finance Officer to discharge the Council's statutory and discretionary responsibilities.

6 The following arrangements and understandings between the Chief Finance Officer, Members and Directors are designed to ensure the effective discharge of the Council's business and functions. The Chief Finance Officer will:

a)(a) be alerted by Members and officers to any issue(s) that may become of concern to the Council, including, in particular issues around financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;

b)(b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);

c)(c) have the right to attend any meeting of the Council (including the right to be heard and report to the Executive) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-

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Committee meetings (or equivalent arrangements);

d)(d) in carrying out any investigation(s) and exercising any fiduciary duties have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions;

e)(e) ensure the other statutory officers (Head of Paid Service and the Monitoring Officer) are kept up-to-date with relevant information regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;

f)(f) meet regularly with the Head of Paid Service and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;

g)(g) report to the Council, from time to time, on the Financial Regulations and any necessary or desirable changes following consultation, in particular, with the Head of Paid Service and Monitoring Officer;

h)(h) as per the statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources required to discharge his statutory functions;

i)(i) have a special relationship of respect and trust with the Leader, Deputy Leader and the Chairmen of the Standards, Regulatory and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;

j)(j) develop effective working liaison and relationship with the External Auditor (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);

- | k)(k) in consultation, as necessary, with the Chairman of the Council, the Executive and the External Auditor, defer the making of a formal report under Section 114, 114A, 115 and 116 of the Local Government and Finance Act 1988 where another investigative body is involved;
 - | l)(l) have sufficient resources to address any matters concerning his Chief Finance Officer functions; and
 - | m)(m) nominate a suitably qualified deputy and keep the deputy briefed on any relevant issues that the deputy may be required to deal with in the absence of the Chief Finance Officer. Appoint an appropriate external adviser in cases where the Chief Finance Officer is precluded from offering advice and the deputy is unable to advise.
- 7 To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Chief Finance Officer, as soon as practicable.
 - 8 The Chief Finance Officer is also available for Members and Officers to consult on any issues of the Council's financial powers, possible unlawful payments, or general advice on the financial arrangements.
 - 9 To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Chief Finance Officer role.
 - 10 The Chief Finance Officer or deputy will record details of any advice given.

ANNEX 1

SUMMARY OF CHIEF FINANCE OFFICER FUNCTIONS

	Description	Source
1	Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account.	Section 114, 114a, 115, 116 Local Government and Finance Act 1988
2	Appointment of Deputy.	Section 114 Local Government and Finance Act 1988.
3	Report on resources.	Section 114 Local Government and Finance Act 1988.
4	Responsibility for the administration of financial affairs.	Section 151 Local Government Act 1972
5	Borrowing, investment accounts and financial administration.	Local Government Act 2003 Sections 1-92
6	Responsibility to determine the form of the Council's accounts and records, provide internal audit and statement of accounts.	The Accounts and Audit Regulations 2003 Local Authorities (Capital Finance and Accounting) (England) Regulations 2003

ANNEX 2

KEY ROLES OF THE CHIEF FINANCE OFFICER

1.0 MAINTAINING STRONG FINANCIAL MANAGEMENT UNDERPINNED BY EFFECTIVE FINANCIAL CONTROLS

- 1.1 Advising on corporate risk profiling and management, including safeguarding assets, risk avoidance and insurance.
- 1.2 Advising on effective systems of internal control.
- 1.3 Ensuring there is an effective system of internal financial control.
- 1.4 Ensuring that financial management arrangements are sound and effective.
- 1.5 Ensuring a prudential financial framework is in place.
- 1.6 Ensuring that any partnership arrangements (or other innovative structures for service delivery) are underpinned by clear and well documented internal financial controls.
- 1.7 Securing effective arrangements for prudential borrowing, treasury management, pensions and trust funds.
- 1.8 Ensuring there is an effective internal audit function and assisting management in providing effective arrangements for financial scrutiny.
- 1.9 Advising on anti-fraud and anti-corruption strategies and measures.
- 1.10 Securing effective systems of financial administration.
- 1.11 Ensuring that statutory and other accounts and associated claims and returns in respect of grant are prepared.
- 1.12 Contributing to the management of the authority.

- 1.13 Ensuring that the authority's financial resources are well managed.
- 1.14 Contributing to cross-authority issues and to the development of the authority.

2.0 **CONTRIBUTING TO CORPORATE MANAGEMENT AND LEADERSHIP**

- 2.1 Contributing to the effective leadership of the authority.

3.0 **SUPPORTING AND ADVISING DEMOCRATICALLY ELECTED REPRESENTATIVES**

- 3.1 Advising on protocols setting out the respective roles and responsibilities of Councillors and officers for financial management.
- 3.2 Providing advice to Councillors on developing an overall financial strategy that serves policy and service objectives.
- 3.3 Helping Councillors to identify priorities, prepare the annual funding plan/budget and identify how resources will be used.
- 3.4 Helping Councillors to monitor financial performance against the annual funding plan/budget.
- 3.5 Ensuring that all 'branches' of the authority (including the full Council, Executive and Scrutiny functions where such arrangements exist, administration and opposition groups and individual Councillors) receive advice and information.

4.0 **SUPPORTING AND ADVISING OFFICERS IN THEIR OPERATIONAL ROLES**

- 4.1 Ensuring that there is an effective approach to financial management.

- 4.2 Ensuring that financial strategies serve policy and service objectives.
- 4.3 Ensuring that the authority's resources are well managed.
- 4.4 Ensuring that budgets are properly managed.
- 4.5 Ensuring that financial advice and information is provided.
- 4.6 Advising on performance management and measurement.

5.0 **LEADING AND MANAGING AN EFFECTIVE AND RESPONSIVE FINANCIAL SERVICE**

- 5.1 Securing high standards of performance and service to the public.
- 5.2 Demonstrating accountability to members of the public and the community by providing robust financial and performance information.
- 5.3 Establishing a good, professional working relationship with external auditors, inspectors and other statutory agencies.
- 5.4 Ensuring that the services provided by the finance function are in line with the expectations and needs of its internal stakeholders.
- 5.5 Ensuring there are high standards of performance throughout the finance function.
- 5.6 Leading and managing the finance function.
- 5.7 Acting as head of profession for all finance staff in the authority.

Essential Reference Paper 4 - Draft model scheme

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

[insert address]

Or be created, signed and submitted online by following this link
[link]

Petitions can also be presented to a meeting of the Council. These meetings take place on a regular basis, dates and times can be found here [link]. If you would like to present your petition to the Council, or would like your Councillor to present it on your behalf, please contact [insert name] on [insert phone number] at least 10 working days before the meeting and they will talk you through the process. If your petition has received 1,355 signatures or more it will also be scheduled for a Council debate [link to section on Full Council Debates] and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take

- the name and address and signature of any person supporting the petition

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here [insert links]

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. [link to account settings]

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's overview and scrutiny Committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny Committees are Committees of Councillors who are responsible for scrutinising the work of the Council – in other words, the overview and scrutiny Committee has the power to hold the Council’s decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.

Petition subject	Appropriate steps
Alcohol related crime and disorder	<p>If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council’s response to your petition will set out the steps we intend to take and the reasons for taking this approach.</p>
Anti-social behaviour (ASB)	<p>As the elected representatives of your local area, as social landlord and licensing authority, the Council plays a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here [insert link].</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social</p>

	landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken, consider identifying a dedicated contact within the Council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny Committee to the issues highlighted in the petition.
Petition subject	Appropriate steps
Under-performing health services	We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The health overview and scrutiny Committee will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will aim to make representations on behalf of the community to the relevant body. The Council works with a large number of local partners [link to list of LAA partners] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here [link].

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full Council debates

If a petition contains more than 1,355 signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected Members to enable them to make a particular decision.

If your petition contains at least 677 signatures, the relevant senior officer will give evidence at a public meeting of the Council's overview and scrutiny Committee. A list of the senior staff that can be called to give evidence can be found here [insert link]. You should be aware that the overview and scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest

questions to the chair of the Committee by contacting [insert details] up to three working days before the meeting.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website [link]. E-petitions must follow the same guidelines as paper petitions [link to guidelines]. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to [insert details]. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact [insert details] (details above) within 10 working days of the receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here [insert link].

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's overview and scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council executive and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.