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Chairman and Members of the
Council

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Date: 17 May 2016

cc. All other recipients of the Council
agenda

Dear Councillor

ANNUAL COUNCIL - 18 MAY 2016: SUPPLEMENTARY AGENDA NO 3

Please find enclosed the “Part 3 – Responsibilities for Functions” section of the Constitution (Pages 3 - 22) which was erroneously omitted from the report published previously. Also enclosed are further proposed amendments to the delegations to the Head of Planning and Building Control (Pages 23 – 24). This should be read in conjunction with Page 90 of the 1st Supplementary Agenda.

Yours faithfully

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MEETING : ANNUAL COUNCIL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 18 MAY 2016
TIME : 7.00 PM

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Part 3

Responsibility for Functions

1.0 Responsibility for Local Choice Functions

The Council has the discretion to choose which part of the structure should be responsible for certain functions (known as “Local Choice Functions”). These are set out in Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Regulations). The Council has determined that these functions will be the responsibility of the bodies set out in Column 2. In turn, the decision making body may delegate to the person or body specified in Column 3.

Function	Decision Making Body	Delegation
Functions under local Acts (other than a function specified in Regulations 2 and Schedule 1 of the Regulations)	Council	Heads of Service within their Area of Responsibility as defined in the Officer Scheme
The determination of an appeal against any decision made by or on behalf of the authority	Council	Unless there is a specific delegation to a Committee
Any function relating to contaminated land	Council	Head of Housing and Health
The discharge of any function relating to the control of pollution or the management of air quality	Council	Head of Housing and Health
The service of an abatement notice in respect of a statutory nuisance	Council	Head of Housing and Health
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority’s area	Executive	
The inspection of the	Council	Head of Housing and

authority's area to detect any statutory nuisance.		Health
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Council	Head of Housing and Health
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 a. The authority; b. A joint committee of two or more authorities; or (c) To any committee or sub-committee of such a body	Council	Head of Paid Service

2.0 FUNCTIONS OF COMMITTEES, ETC.

A. RESPONSIBILITY FOR COUNCIL FUNCTIONS

A.1 DEVELOPMENT MANAGEMENT COMMITTEE

12 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

12 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 of the Authority (drawn from the membership of the Licensing Committee)

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 Housing and Health 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 Housing and Health considers should be brought to a sub-committee.
14. To determine applications for hackney carriage and private hire vehicle licences which the Head of Housing and Health 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 Housing and Health 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 Housing and Health, 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 PDRs 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 its 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 CHIEF OFFICER RECRUITMENT COMMITTEE

5 Members of the Authority

On behalf of the Council to select and interview candidates and make recommendations on Chief Officer appointments (subject to rules requiring Council to confirm the statutory functions (monitoring and chief finance officer(s))).

A.6 AUDIT AND GOVERNANCE COMMITTEE

10 District Councillors appointed proportionately

Terms of Reference

The Audit and Governance Committee will have the following roles and functions:

Audit Activity

1. To consider the Head of Internal Audit'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 reports 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.
18. To review the Council's finances including borrowing, loans, debts investments and banking arrangements.

Accounts

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

Standards

21. To promote and maintain high standards of conduct by Members and Co-Opted Members of the authority;
22. To advise and assist Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendation to Town and Parish Councils on improving standards or actions following a finding of a failure by a Town or Parish Councillor to comply with the Code of Conduct;
23. To progress complaints on behalf of Town and Parish Councils;
24. Advising the Council on the adoption or revision of the Members' Code of Conduct;
25. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria;
26. To receive reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct;
27. To train Members and Co-opted Members to observe the Members' Code of Conduct;
28. To assist Councillors and co-opted Members to observe the Members' Code of Conduct;
29. To hear and determine complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;

30. To advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards or conduct throughout the Council;
31. To maintain an oversight of the Council's arrangements for dealing with complaints;
32. To inform the Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
33. To appoint the Standards Sub-Committee.

A.7 STANDARDS SUB-COMMITTEE

3 District Councillors appointed proportionately (drawn from the membership of the Audit and Governance Committee)

Terms of Reference:

To conduct (code of conduct) hearings.

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 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 Human Resources 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 Human Resources 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 Local Government Association, 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 DISTRICT PLANNING EXECUTIVE PANEL

To make recommendations to Council, via the Executive, on issues associated with the East Herts District Plan.

B.3 EAST HERTS/NORTH HERTS/STEVENAGE CCTV JOINT COMMITTEE EXECUTIVE BOARD

- 1.1 Purpose of the Board
- 1.2 To discuss and agree the strategic and policy issues relating to the jointly owned and operated CCTV Control and Monitoring service.
- 1.3 To deal with all matters defined under the CCTV 'Code of Practice' as the responsibility of the CCTV Executive Board.
- 1.4 To consider and approve expansion or contraction proposals for the CCTV Control Room, Network, and monitoring service.
- 1.5 To consider and agree changes to the CCTV 'Code of Practice'.
- 1.6 To ensure the Independent inspection regime is set up and maintained.

- 1.7 To receive and approve the Independent Inspectors annual report.
- 1.8 To consider complaints regarding any breaches of the CCTV 'Code of Practice' and recommendations for preventing breaches. To recommend disciplinary action where appropriate.
- 2.1 Constitution of the Board
- 2.2 The CCTV Executive Board is constituted as a joint committee of each of the Councils' Executive Committees, comprising of three elected members of each Authority.
- 2.3 Meetings shall be held at least one per annum or when there is sufficient business.
- 2.4 To make recommendations on any of the above to the Officer Management Board.
- 3.1 Quorum
- 3.1.1 A Quorum shall be 3 members with at least one from each of the partner authorities.
- 3.2 Chairman
- 3.2.1 The Chairman shall be a member of the Authority hosting the meeting.
- 3.3 Venue
- 3.3.1 The meetings shall be held alternatively at the offices of the partner authorities.
- 3.4 Procedural Matters
- 3.4.1 The meetings shall follow the normal Standing Orders of the hosting Authority.

B.4 EAST HERTS STRATEGIC PARTNERSHIP BOARD

1. To identify strategic issues and priorities for improvement in the area based on evidence.
2. The Board may commission the operations group to provide research, evidence, actions and solutions.
3. The Board may request the operation group Chair to arrange for reports to be presented to the Board.

Operations Group

1. The operations group may commission Task and Finish groups designed to address the priorities identified by the Board.
2. The operations group will be the mechanism for receiving feedback from the Task and Finish groups for presentation to the Board.

B.5 EAST HERTS COUNCIL AND STEVENAGE COUNCIL JOINT REVENUES AND BENEFITS COMMITTEE

Purpose

This is a joint committee of Stevenage Borough and East Hertfordshire District, under the provisions of section 10 of the Local Government Act 1972 and all regulations made thereunder.

The terms of reference of the committee are as follows:

1. To approve the annual Service Plan for the Shared Revenues and Benefits Service.
2. To receive explanations of variances in service performance against the agreed Service Plan.
3. To approve the budget of the Shared Service and where so delegated determine requested virements within that budget.
4. To give initial consideration to future development of the Shared Service and any changes in legislation that may effect service

delivery and make recommendations thereon to the Executive or Officers.

5. Where it is considered appropriate, report to the Executives of the Constituent Councils.

The Joint Committee shall comprise three named elected Members from both authorities with full voting rights. The Members appointed shall serve on the committee until successors in office are appointed.

The Joint Committee shall at its first meeting each year, elect one of its Members to be Chair and one of its Members to be Vice- Chair, with the chair from one Council and the Vice Chair from the other. These positions to be rotated annually. The Chair and Vice-Chair shall unless they resign or cease to be Members of the Joint Committee, continue in office until their successors have been appointed.

Quorum

The quorum of a meeting of the Joint Committee will be three elected members, with at least one from each Council. If at any part during a meeting, a quorum is not present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair.

Voting

Matters will be decided by the Joint Committee by a simple majority of those Members voting and present in the room at the time the question was put. The Chair shall take the votes by a show of hands. If there are equal votes for and against, the Chair may exercise a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote, save that if no second or casting vote is made, the proposal will automatically fail.

Administration

The Access to Information Rules (as set out in the Constitutions of the Constituent Councils) to apply to all meetings.

Each constituent Council act as host to the meetings in alternate years, with the relevant host Council convening those meetings, distributing the agenda, clerking the meetings and producing the minutes.

Meetings to be held in January (service planning for coming year) and October for budgets and mid year service plan review. Constituent Councils to liaise to confirm mutually suitable times/dates.

Review

The constituent Councils will review the Joint Committee's terms of reference annually.

B.6 MEMBERS ON OUTSIDE BODIES

Members who are appointed to represent the Council on outside bodies shall report once a year to the relevant Portfolio Holder.

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Further Revisions to Delegations to the Head of Planning and Building Control

Ref number in list of delegations to Head of Planning and Building Control	Further change – as track change	Implication of the further revision
1(i)	Is an outline or full permission for major development as defined in the Town and Country Planning (Development Management Procedure) Order (England) 2015, except applications which are for major development by virtue of the extent of the site area only and subsequent reserved matters applications or non-material and minor material amendment applications pursuant to an outline application are delegated	Reserved Matters applications which follow a major outline application will be determined by the DM committee and remain not delegated
New number 1(ii)	<u>is a non material or minor material amendment application pursuant to a previous major application unless the planning case officer has sought, and had confirmed in writing from the Chairman of the DM committee and a minimum of one local ward member, that the matter can be dealt with as a delegated decision.</u>	Non-material and minor material amendment applications pursuant to a previous major permission can be delegated if the planning case officers seeks and has confirmed, the consent of the Chairman of DM committee and at least one ward member that the decision can be delegated
Consequent renumbering from 1(iii) to 1(vii)		
Current 1(vi) now 1(vii)	Applications for approval which require linking to an agreement under Section 106 of the Town and Country Planning Act (except where this relates to an application which is linked to the variation or discharge of an existing agreement)	Decisions on all applications that are to be linked to a s106 agreement will be determined by the committee – a further change required consequential to the changes above

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