

Article 6 – Scrutiny Committees

6.1 Terms of reference

The Council will appoint the scrutiny committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Committee	Scope
Corporate Business Scrutiny	<ol style="list-style-type: none">1. To develop policy options and to review and scrutinise the policies of the Council relating to Communications, Corporate Performance and Risk Management, Local Strategic Partnership, Customer Service, Finance, Information and Communications Technology, Democratic Services, Member Support, Facilities Management, Asset Management, Legal, Revenues and Procurement.2. To consider the budget setting proposals and strategies of the Council.3. To make recommendations to the Executive on matters within the remit of the Committee.4. To take evidence from interested groups and

Committee	Scope
	<p>individuals and make recommendations to the Executive and Council for policy change on matters within the remit of the Committee.</p> <p>5. To consider issues referred by the Executive, including modifications to the Constitution, or members of the Committee and where the views of outsiders may contribute, take evidence and report to the Executive and Council on matters within the remit of the Committee.</p> <p>6. To consider any item referred to the Committee by any Member of the Council who is not a member of this Committee and decide whether that item should be pursued on matters within the remit of the Committee.</p> <p>7. To appoint annually Standing Panels as may be determined, which shall be given a brief to consider a specified service area relating to matters within the remit of the Committee and report back to the Committee on a regular basis as determined by the Committee.</p> <p>8. To consider, should it</p>

Committee	Scope
	<p>choose to do so, any item within the remit of the Committee to be considered by the Executive (except items of urgent business). The relevant report to the Executive shall consider any report and recommendations on the item submitted by the Scrutiny Committee.</p>
<p>Community Scrutiny</p>	<ol style="list-style-type: none"> <li data-bbox="858 842 1433 1778">1. To develop policy options and to review performance and scrutinise the policies of the Council relating to Licensing, Environmental Health, Crime and Disorder Reduction, Emergency Planning, Community Development, young people, Leisure, sport, arts, markets, diversity, grants, frontline Councillor engagement, valuing people, housing strategy, private sector housing, disabled facility grants, houses in multiple occupation, housing options, community meals, citizens' advice, benefits, Local Strategic Partnership and health scrutiny. <li data-bbox="858 1827 1414 1989">2. To make recommendations to the Executive on matters within the remit of the Committee.

Committee	Scope
	<ol style="list-style-type: none"> <li data-bbox="858 235 1428 616">3. To take evidence from interested groups and individuals and make recommendations to the Executive and Council for policy change and review the performance of outside bodies on matters within the remit of the Committee. <li data-bbox="858 660 1412 1041">4. To consider issues referred by the Executive, or members of the Committee and where the views of outsiders may contribute, take evidence and report to the Executive and Council on matters within the remit of the Committee. <li data-bbox="858 1086 1396 1467">5. To consider any item referred to the Committee by any Member of the Council who is not a member of this Committee and decide whether that item should be pursued on matters within the remit of the Committee. <li data-bbox="858 1512 1428 1982">6. To appoint annually Standing Panels as may be determined which shall be given a brief to consider a specified service area relating to matters within the remit of the Committee and report back to the Committee on a regular basis as determined by the Committee.

Committee	Scope
	<p>7. To consider, should it choose to do so, any item within the remit of the committee to be considered by the Executive (except items or urgent business). The relevant report to the Executive will be made available to the Scrutiny Committee. The Executive shall consider any report and recommendations on the item submitted by the Scrutiny Committee.</p> <p>8. To consider matters referred to the Committee by the Executive/Portfolio Holder on matters within the remit of the Committee and refer the matter to the Executive following consideration of the matter.</p>
<p>Environment Scrutiny</p>	<p>1. To develop policy options and to review and scrutinise the policies of the Council relating to planning policy, local development framework, Building Control, Planning Enforcement, Development Control<u>Management</u>, transport policy (concessionary fares and subsidised bus routes), parking and economic development, energy conservation, waste management, parks and</p>

Committee	Scope
	<p>open spaces, historic buildings, conservation – green agenda, Local Strategic Partnership and street scene.</p> <ol style="list-style-type: none"> <li data-bbox="845 492 1447 660">2. To make recommendations to the Executive on matters within the remit of the Committee. <li data-bbox="845 705 1447 1041">3. To take evidence from interested groups and individuals and make recommendations to the Executive and Council for policy change on matters within the remit of the Committee. <li data-bbox="845 1086 1447 1467">4. To consider issues referred by the Executive, or members of the Committee and where the views of outsiders may contribute, take evidence and report to the Executive and Council on matters within the remit of the Committee. <li data-bbox="845 1512 1447 1892">5. To consider any item referred to the Committee by any Member of the Council who is not a member of this Committee and decide whether that item should be pursued on matters within the remit of the Committee. <li data-bbox="845 1937 1447 2029">6. To appoint annually Standing Panels as may be

Committee	Scope
	<p>determined which shall be given a brief to consider a specified service area relating to matters within the remit of the Committee and report back to the Committee on a regular basis as determined by the Committee.</p> <p>7. To consider, should it choose to do so, any item within the remit of the Committee to be considered by the Executive (except items of urgent business). The relevant report to the Executive will be made available to the Scrutiny Committee. The Executive shall consider any report and recommendations on the item submitted by the Scrutiny Committee.</p> <p>8. To consider matters referred to the Committee by the Executive/ Portfolio Holder on matters within the remit of the Committee and refer the matter to the Executive following consideration of the matter.</p>

6.2 General role

Within their terms of reference, scrutiny committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

- (ii) make reports and/or recommendations to the Executive and/or the Full Council in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive.

6.3 **Specific functions**

- (a) **Policy development and review.** Scrutiny Committees may:
 - (i) assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
 - (iv) question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area; and
 - (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

- (vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance.
- (b) **Scrutiny.** Within their terms of reference, scrutiny committees may:
- (i) review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (iii) question Members of the executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (iv) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- and
- (v) question and gather evidence from any person (with their consent).
- (c) **Finance.** Scrutiny committees may exercise overall responsibility for any finances made available to them.
- (d) **Annual report.** Scrutiny committees must report annually to full Council on their workings and make

recommendations for future work programmes and amended working methods if appropriate.

- (e) **Officers.** Scrutiny committees may exercise overall responsibility for the work programme of the officers employed to support their work. It is the responsibility of the executive in conjunction with the Head of the Paid Service to ensure appropriate and adequate officer support for the work of Scrutiny Committees.

6.4 **Proceedings of scrutiny committees**

Scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

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

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 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 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 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 DIRECTOR RECRUITMENT PANEL

5 Members of the Authority

On behalf of the Council to make appointments (subject to rules requiring Council to confirm the statutory functions (monitoring and chief finance officer(s))) to the posts of Directors.

A.6 STANDARDS COMMITTEE

5 District Councillors appointed proportionately (of whom 1 Member may be a Member of the Executive nominated by the Leader of the Council)

Terms of Reference

The Standards Committee will have the following roles and functions:

- (1) promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority;
- (2) advising and assisting 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;

- (3) to progress complaints on behalf of Town and Parish Councils;
- (4) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (5) to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria;
- (6) receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct;
- (7) arranging to train Members and Co-opted Members to observe the Members' Code of Conduct;
- (8) assisting Councillors and co-opted Members to observe the Members' Code of Conduct;
- (9) hearing and determining complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- (10) advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards or conduct throughout the Council;
- (11) maintaining oversight of the Council's arrangements for dealing with complaints;
- (12) informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- (13) appointment of Sub-Committee.

A.7 STANDARDS SUB-COMMITTEE

3 District Councillors appointed proportionately (drawn from the membership of the Standards Committee)

Terms of Reference:

To conduct (code of conduct) hearings.

A.8 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 Statement of Accounts.
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

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.

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 DISTRICT PLANNING EXECUTIVE PANEL

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

B.3 HEALTH AND WELLBEING 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.4 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.5 EAST HERTS LOCAL STRATEGIC PARTNERSHIP BOARD

LSP 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.
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- ~~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 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.~~

- ~~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.~~

B.6 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.7 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.

3. OFFICER DELEGATION

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

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 Finance and Support 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 Finance and Support 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 Head of Paid Service pursuant to Section 4 of the Local Government and Housing Act 1989.

2. 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.
3. 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.
- ~~4. To make closure of noisy premises orders under the Anti-Social Behaviour Act 2003.~~
5. In consultation with the Executive Member for Finance, to approve schemes up to £50,000 within the Capital Contingency Budget.
6. 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.
7. 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.
8. 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 Finance and Support 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 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.
12. To authorise minor changes to fees and charges in consultation with the relevant Portfolio Holder provided the changes are in accordance with the Council's fees and charges policy.

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 Management 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 Management 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)

Delegation for Planning Consents

The current delegation for planning consents is as follows:

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) applications for householder development considered to be contrary to approved planning guidelines where an objection has been received in writing which officers propose to approve;
 - (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 Management Committee

in writing stating the reasons why he/she should not determine the application.;

- (vi) applications requiring reference to the Secretary of State;
 - (vii) applications for approval which require linking to an agreement under Section 106 of the Town and Country Planning Act;
 - (viii) applications for development by or on behalf of the Council to which an objection has been made which is material to the development proposed.
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 Management 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 Management 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

20. 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.

21. To apply for warrants to enter property.
22. 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).
23. To issue Stop Notices and take further enforcement action, where the Development Management 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 Management Committee, in order to enable the Committee to concur, modify, or enforce such Notice as it considers necessary.
24. 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.
25. To determine submissions as to whether prior approval is required in relation to any of the forms of permitted development for which a prior approval process is required as set out in government regulations (as may be subsequently amended) and in relation to all of the matters which, as specified in the appropriate regulations, those approvals are to be made. Where the submission is one where a Member considers the delegated powers should not be exercised by the Director of Neighbourhood Services, in that case, the Member shall submit a request in writing to the Chairman of the Development Management Committee setting out why delegated powers should not be exercised. The Director of Neighbourhood Services shall determine whether delegated powers should be excised in

consultation with the Chairman and local ward Members

26. 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.
27. To give screening opinions and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended.

DELEGATION:

Director of Neighbourhood Services and Legal Services Manager

28. To enter into Agreements with the developers in accordance with planning legislation.
29. 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.
30. To determine the building regulation fees charged by the Council.
31. To be the Appointing Officer for the purposes of the Party Wall Act 1996.
32. To act as Registration Officer pursuant to the Representation of the People Acts for those parliamentary constituencies within the District of East Hertfordshire.
33. To act as Returning Officer for the elections of councillors of the District of East Hertfordshire and those parishes within the District.

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).

21. To determine fees for planning applications.
22. To authorise staff who are competent, suitably qualified and experienced to discharge land drainage functions under the Public Health Act 1936 and the Land Drainage Act 1991.
23. To authorise the Director of Neighbourhood Services to appoint authorised officers to enforce the Sunbeds (Regulation) Act 2010, which seeks to prevent persons aged under 18 from using sunbeds.
24. To authorise the Director Neighbourhood Services and authorised officers as set out below to discharge functions under the Scrap Metal Dealers Act 2013:

Matters to be dealt with	Director of Neighbourhood Services	Officers (Community Safety and Health Services- Licensing Team)
Processing applications and supply of information to external agencies.		
Inclusion of conditions under section 3(8)		
Refusal of license		
Variation to impose conditions on licence under section 4	If the applicant requests the right to make representations	If the applicant declines to make representations
Revocation of License under section 4		
Entry inspection and compliance		

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

Enterprising and Regulatory Reform Act 2013

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
Sunbeds (Regulation) Act 2010
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 JOINT ENFORCEMENT MANAGER

The Joint Enforcement Manager shall act for the Council as responsible authority for the purposes of the Licensing Act 2003.

J DIRECTOR OF FINANCE AND SUPPORT 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

2. Management and control of Hertford Theatre, 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

COMMUNITY ASSETS

1. The Director of Neighbourhood Services will compile the list of assets of community value in consultation with Executive Member for Community Safety and Environment and ward Members.

DELEGATION:

Director of Neighbourhood Services

2. Internal review of listing decisions and compensation decisions for asset of community value.

DELEGATION:

Director of Finance and Support Service

COMMUNITY RIGHT TO CHALLENGE

1. The Director of Neighbourhood Services is the proper officer for the receipt, validation and acceptance or rejection of expression of interests.
2. After consultation with appropriate Heads of Service, to determine whether grounds exist to reject an expression of interest, and , subject to prior consultation with the appropriate Portfolio Holder, to accept or reject an expression of interest on behalf of the Council, with an instruction to refer sensitive expressions of interest to the Executive for consideration.
3. To report to the Executive on any expressions of interests received.

DELEGATION:

Director of Neighbourhood Services

4. The Chief Executive Officer and Director of Customer and Community Services is appointed deputy for the proper officer to act in the situation where the proper officer is absent or if a conflict situation exists between the proper officer and the expression of interest submitted.

DELEGATION:

Chief Executive and Director of Customer and Community Services

5. The proper officer (or deputy) be responsible for managing each procurement exercise, subject to the settlement of the specification for the service and the evaluation of tenders being joint with the appropriate Head of Service or Director.

DELEGATION:

Director of Neighbourhood Services and Chief Executive and Director of Customer and Community Services

6. To act as the project lead for any procurement exercises.

7. To proposed to the Executive timescales for the period between acceptance of an acceptance of an expression of interest and start of the procurement exercise.
8. After consultation with appropriate officers, to propose a timetable of periods within which expressions of interest for specified services will be received.

DELEGATION:

Procurement Officer

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 represent the Council or the management board for the Hertfordshire Shared Audit Service (SIAS).
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. Signing of Bank Transfers, cheques and authorise amendments to cheques.
5. 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.
6. To vary the rate of interest and issue notices to the Council's mortgages of any changes in the Council's rate of interest.
7. Authorisation of Officers to institute and appear in any legal proceedings relating to Council Tax and National Non Domestic Rates.
8. To exercise discretion under the 1988 Housing Benefits Scheme (and any amendments thereto) to disregard, in determining a person's income, the whole of any war disablement pension or war widow's pension payable to that person.
9. 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 under Section 47,
 - (b) Other than for debts, to which 10 below applies the writing-off of debts in excess of £5,000 (in which case legislation 11.6.3 shall apply),
 - (c) the reduction or remission of liability under Section 49.
10. 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.

11. 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.
12. To administer and manage the Council's Collection Fund.
13. To set precept dates.
14. To administer the Council's insurances Fund.
15. To make determinations within approved budget as are required under Part IV of the Local Government and Housing Act 1989 in respect of the funding of expenditure capital (but not in respect of borrowing limits) and report the action taken to the Executive for information.
16. To take day-to-day decisions in respect of the investment of Council funds in accordance with the Annual Investment strategy last approved by the Council.
17. To consider in respect of any reapplication for reduction in Non-Domestic Rate bills previously whether within six months refused there is a significant change in circumstances in which case the application shall be submitted to the Executive Member of Finance for consideration.
18. To determine and pay additional benefit in cases of "exceptional hardship" under Housing Benefit Regulations.

DELEGATION:

Director of Finance and Support 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

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 Finance and Support 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 Finance and Support 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 Finance and Support 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 Finance and Support 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 Finance and Support Services or duly authorised officer

PARKING

1. In consultation with the Director of Finance and Support 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 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.
3. 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.
4. 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

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) as determined by the Leader of the Council in accordance with the procedures set out at paragraph 20 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 Finance and Support Services

SOCIAL HOUSING (MANAGEMENT)

1. In all cases involving arrears of mortgage payments and in consultation with the Director of Finance and Support 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 Finance and Support 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 Finance and Support Services as necessary; in addition, the Manager of Housing Services be designated an authorised signatory on behalf of East Hertfordshire District Council for Homes and Community Agency 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 Finance and Support 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

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICE ACT 2014

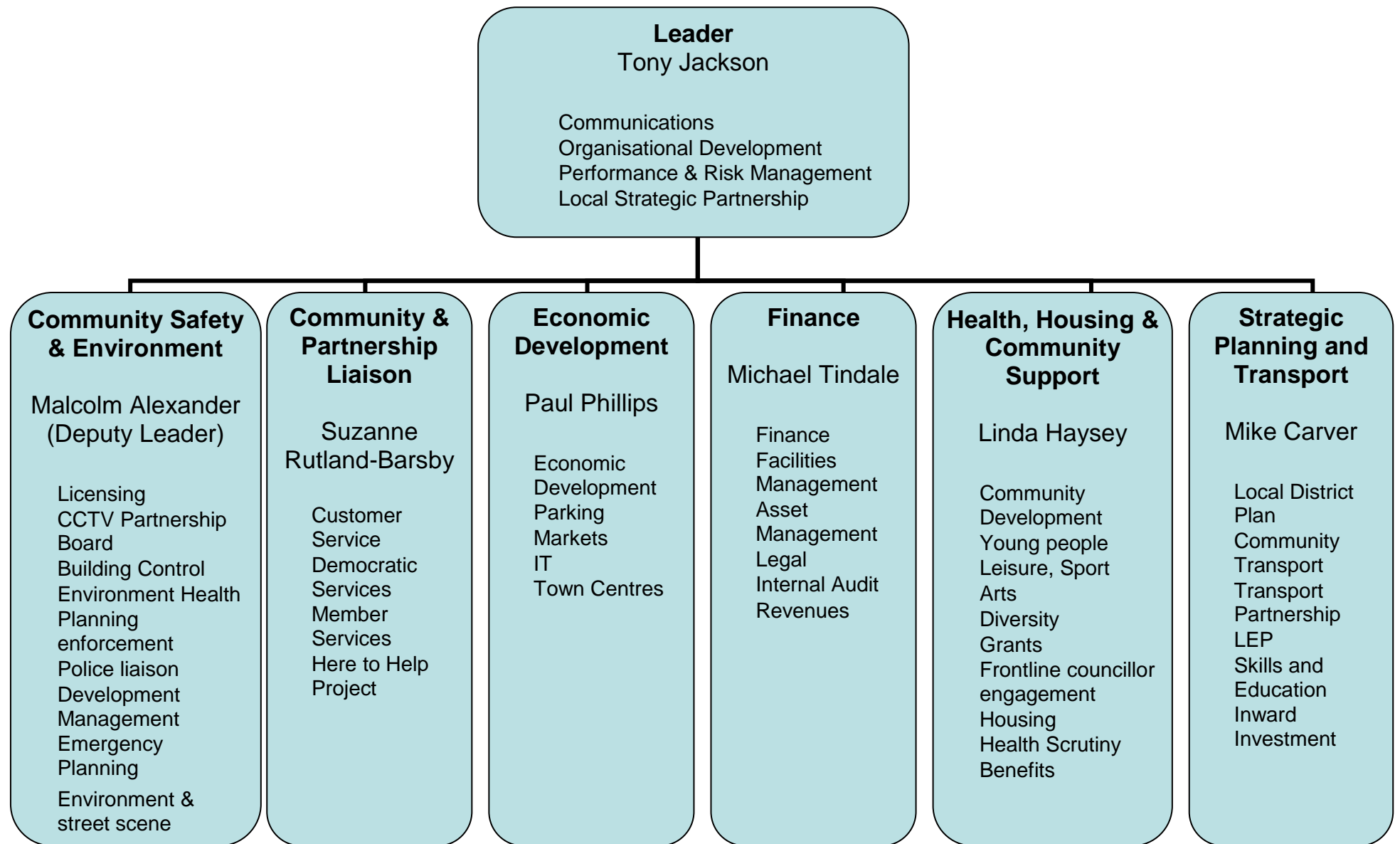
1. The Head of Environmental Services and the Head of Community Safety and Health Services in consultation with the Legal Services Manager be granted delegated authority to seek an Injunction to Prevent Nuisance and Annoyance in accordance with Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014.

2. The Head of Environmental Services and the Head of Community Safety and Health Services in consultation with the Legal Services Manager be granted delegated authority to apply for Closure Orders and to authorise their officers to issue Closure Notices and in accordance with Part 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.

- 2-3. The Head of Environmental Services and the Head of Community Safety and Health Services in consultation with the Legal Services Manager be granted delegated authority to authorise Officers to serve Community Protection Notices, and Fixed Penalty Notices in the event of a breach, in accordance with Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.

4. The Head of Community Safety and Health Services in consultation with the Legal Services Manager be granted delegated authority to make a public spaces protection order, in accordance with Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.

TABLE A - EXECUTIVE PORTFOLIO STRUCTURE (MAY 2014)



Members' Code of Conduct

(Effective from 1 July 2012)

As a member or co-opted member of East Hertfordshire District Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in East Hertfordshire District Council this will be done as follows:

INTERESTS

1 General

A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

- (a) Must not participate in any discussion of the matter at the meeting;
- (b) Must not participate in any vote taken on the matter at the meeting;
- (c) Must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- (d) If the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- (e) Must leave the room while any discussion or voting takes place.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

3 Sensitive interests

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is being entered on the register that are made available

for inspection and an published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

OTHER~~[to be completed when the regulations are made]~~

As a Member of East Hertfordshire District Council, my conduct will in particular address the statutory principles of the code of conduct by:

Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.

Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.

Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.

Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.

Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it

Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.

Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

Always treating people with respect, including the organisations and public I engage with and those I work alongside.

Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

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