



CONSTITUTION

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PART 1

Summary and Explanation

Summary and Explanation

1.0 The Council's Constitution

1.1 East Herts Council has agreed a ~~new~~ constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

~~1.2~~ The Constitution is divided into 15 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

~~1.3~~ 1.2

2.0 What's in the Constitution?

2.1 Article 1 of the Constitution commits the Council to the belief that local government should never be onerous or burdensome and should always act to empower individuals and their communities. All processes operated by the Council will permit access by individuals affected whenever possible and be designed to be equitable and fair.

~~2.1~~ 2.2 Articles 2 – 15 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)

- Scrutiny of decisions (Article 6)

• The Executive (Article 7)

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- Regulatory and other committees (Article 8)

- The [Audit and Governance Standards](#) Committee (Article 9)
- Joint arrangements (Article 10)
- Officers (Article 11)
- Decision making (Article 12)
- Finance, contracts and legal matters (Article 13)
- Review and revision of the Constitution (Article 14)
- Suspension, interpretation and publication of the Constitution (Article 15)

3.0 How the Council operates

- 3.1 The Council is composed of 50 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community of East Herts, but they have a special duty to their constituents, including those who did not vote for them.
- 3.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The [Audit and Governance Standards](#) Committee [through the Monitoring Officer](#) trains and advises them on the code of conduct.
- 3.3 All councillors meet together as the Council. Meetings of the Council are open to the public unless exempt or confidential matters are under discussion. At these meetings, councillors decide the Council's overall policies and set the budget each year. The Council will appoint the Leader, agree the terms of reference of committees and make appointments to them. It will also approve the policy framework, holding to account the executive and committees. There are public question times when any person may put forward questions.

4.0 How Decisions Are Made

- 4.1 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader ~~and Deputy Leader~~, who ~~is~~~~are~~ appointed by the Council, ~~a Deputy Leader, and~~ ~~and~~ an Executive of 5 Councillors ~~appointed by the Leader~~~~whom the Leader appoints~~. When major decisions are to be discussed or made, these are published in advance in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the executive, this will generally be open for the public to attend except where exempt or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

~~5.0 — Development Management Decisions~~

~~5.1 — These decisions cannot, by law, be taken by the Executive. A committee of Councillors meets in public to decide on planning applications. They have detailed reports from officers, comments from consultees such as neighbours and parish councils and legal advice. If planning consent is refused, the applicant can appeal to the Planning Inspectorate which may overturn the Council's decision.~~

~~56.0~~ Scrutiny

~~T~~There are ~~a number of~~~~three~~ scrutiny committees wh~~ic~~~~he~~iche support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Scrutiny committees also monitor the decisions of the Executive. It can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables it to consider whether the decision is appropriate.

The committee may recommend that the Executive reconsiders the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

6.0 The Council's Committees

The Council's Committees carry out decision making on behalf of either the Executive or Council. The Development Management Committee and Licensing Committee amongst others carry out decisions on planning and licensing matters of a judicial nature delegated to them by Council. These functions cannot be functions of the Executive. A full list of all the Committee and their delegations is set out within this Constitution.

7.0 The Council's Staff

7.1 The Council has ~~people working for it~~ staff (often known as elected 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and Members of the Council.

8.0 Citizens' Rights

8.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

8.2 Where members of the public use specific council services, for example as a council tenant, they have additional rights, which are not covered in this Constitution.

8.3 Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a paper copy of the Constitution on payment of a reasonable fee (the Constitution is also available

online);

- attend meetings of the Council and its committees except where, for example, exempt or confidential matters are being discussed;

- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question time and contribute to investigations by the scrutiny committees;
- find out, from the Executive's publicity, what major decisions are to be discussed by the executive or decided by the executive or officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council about its functions and services;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

8.4 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the ~~Head of Democratic and Legal Support Services~~ [Democratic Services](#) at Wallfields, Pegs Lane, Hertford, Hertfordshire, SG13 8EQ (tel: 01279 655261 ~~ext 2170~~, ~~ext 2170~~, e-mail: Committee.services@eastherts.gov.uk).

9.0 Admission to meetings

9.1 All meetings of the Council, its executive, scrutiny committees, committees, sub-committees and panels are open to the public.

- 9.2 There may be occasions when “confidential” information is to be discussed at a meeting. On such occasion, the Council must exclude the public. Similarly, when information of a certain specified nature (exempt information) is to be considered, the Council has the discretion to resolve to exclude the public from a meeting.
- 9.3 The public has a right of access to agendas and reports for meetings. These papers must be available for public inspection “five clear days” in advance of a meeting and also at a meeting. There is no right of access to reports containing confidential and/or exempt information.
- 9.4 When meetings are convened at short notice and the “five day rule” cannot apply, papers must be available from the time a meeting is convened.
- 9.5 Following a meeting, members of the public have a right of access to the agenda and reports considered at a meeting, with the exception of confidential and/or exempt items, and also the Minutes.
- 9.6 Decisions of the Executive and key decisions taken by officers must be recorded. The record must also detail the reasons for a decision, any alternative options considered before reaching a decision and any declarations of interest. Records of decisions and any background papers must be made public.

Key Changes to the Constitution

1.0 — May 2006

Key changes were made to the Constitution in May 2006.

Principally, these concerned the delegation of non-key decisions to individual executive members, which required a “virtual” consultation process involving executive advisory panels. Such decisions had to be “signed off” by the executive member and the coordinator of the panel jointly.

Other changes reduced the number of Executive and Council meetings and gave additional rights to members to request scrutiny committees to consider specific items.

Call-in Scrutiny Committee was abolished and an Audit Committee was established.

The procedure for petitions at Council was amended to enable ward members to comment on petitions. Also minor changes were made to allow for substitute Members to be appointed to Committees and Sub-Committees with a provision that appropriate training would be required for some committees.

2.0 — November 2007

Key changes were made to the Constitution in November 2007. The main change concerned the scrutiny structure, where the Performance and Policy Development Scrutiny Committees were replaced by three new scrutiny committees. Each committee would be responsible for specific portfolio areas, whilst the Corporate Business Scrutiny Committee had additional responsibilities for “pre-decision” scrutiny of items submitted to the executive.

The changes also amended the process for non-key decisions by abolishing the executive advisory panels and allowing the new scrutiny committees to be a discussion forum for relevant portfolio issues.

3.0 — Senior Management Restructuring

3.1 — Throughout 2006/07, the senior management of the Council was restructured. This required a number of changes to the Constitution where job titles had been amended and responsibilities had been reallocated.

4.0 — Financial Regulations

4.1 — In March 2008, Council approved wholesale changes to financial regulations and contract procurement rules, in order to achieve greater flexibility to meet the needs of modern councils, whilst retaining effective controls. The new financial regulations followed best practice and also took account of changes in senior management arrangements. The new procurement rules took account of changes to legislation and the need for a more flexible approach to enable joint procurement projects.

5.0 — March 2009

5.1 — In March 2009, Council approved various changes, which included refinements to scrutiny arrangements and the procedures for scrutinising executive decisions. Financial Regulations were updated to reflect revised management arrangements. Codes and protocols were also amended to reflect the latest advice and guidance available.

6.0 — May 2010

In May 2010, Council approved various changes necessitated by new legislation. The Local Democracy, Economic Development and Construction Act 2009 required the Council to make, publicise and comply with a scheme for handling petitions (including electronically through the website).

The Policing and Crime Act 2009 created new definitions of “sexual entertainment venues” (essentially lap dancing clubs and strip clubs). The Act also created a new power for courts to issue injunctions to those suspected of involvement in gang related violence. The Council may apply for an injunction.

~~Various changes to the Council's Procedure Rules were also approved. Financial Regulations were also reviewed by a member/officer group and proposed amendments were approved by Council.~~

~~7.0 — December 2010~~

~~7.1 — The Council's Contract Procurement Rules were replaced by Procurement Regulations, which sought to achieve greater flexibility to meet the needs of modern Councils whilst retaining effective controls.~~

~~8.0 — February/March/May 2011~~

~~8.1 — A number of changes were agreed which took account of new statutory provisions in respect of executive arrangements, financial management arrangements, sunbed regulations and land drainage functions. Scrutiny and Council procedure rules were also updated.~~

~~9.0 — May 2012~~

~~9.1 — Changes were agreed to reflect the implementation of the Localism Act 2011, changes in job titles and responsibilities arising from senior management restructuring and the introduction of shared services, and increasing delegations to Officers in dealing with development control applications.~~

~~May 2013~~

~~Council changed the name of the Development Control Committee to Development Management Committee. Other changes to officer delegations were made to take account of new regulations and legislation relating to consultation on permitted development rights, the Community Right to Challenge and Community Assets.~~

~~May 2014~~

~~Changes were agreed to take account of new legislation relating to the Scrap Metal Dealers Act 2013 and the Licensing Act 2013. Council also agreed changes to its~~

~~rules of procedure and various codes and protocols were also updated.~~

May 2015

~~Following a review, changes to Financial and Procurement Regulations were approved. Also changes arising from new regulations on local authorities' disciplinary procedures for removing a senior officer were adopted. The establishment of the Health and Wellbeing Scrutiny Committee was also approved.~~

Glossary

The Constitution contains references which may be defined as follows:

Approved Duties	Those meetings, events, etc, approved for the purposes of claiming travel and subsistence allowances.
Background papers	A list at the end of a report of those documents used in compiling the report, which must be available for inspection on request by a Member or the public.
Budget-Framework	The revenue and capital budget in any one year.
Call-in	The process by which Scrutiny Members may challenge or require further information on an Executive decision.
Chairman of Committee	The elected Chairman or in his/her absence, the Vice-Chairman. The term may also apply to an elected Member elected to preside in the absence of the Chairman and Vice-Chairman.
Chairman of Council	The Member elected by Council annually to preside over meetings of the Council and to act as the ceremonial head of the Council.
Chief Officer	As detailed at Part 2, Article 11 of the Constitution, the Chief Executive and Directors- comprising the Corporate Management Team.
Civic Year	The period between annual meetings of the Council, usually held in May.
Clear Days	This excludes Sunday, Bank and Public Holidays, the day of despatch of an agenda,

summons or notice (where relevant), the day of the meeting (where relevant).

Code of Conduct	The <u>Code adopted by Council which describes description of the behaviour and ethical the conduct required of elected or co-opted Members of the Council</u> standards required by Members and Officers.
Committee	A formal decision-making body which has the functions of the Council referred or delegated to it <u>by either Council or the Executive.</u>
Confidential Information	As defined in Section 100A(3) of the Local Government Act 1972, this covers information provided to the Council by a Government department on terms, which prohibit its disclosure and information, which the Council is prohibited from disclosing by statute or by court order.
Constitution	The document describing the decision-making arrangements for the Council, together with the detailed rules and procedures for the operation of the decision-making arrangements.
Co-opted Member	A non-elected person appointed to a committee, sub-committee or panel on a non-voting basis.
Council	The principal decision-maker.
Declaration of Interests	The requirement for Members to give notice of their interests in matters related to an item under consideration.
Delegated Powers	The description of the level of authority delegated to a committee, sub-committee, panel, portfolio holder or Officer.
Deputy Leader of the Council	The elected Member appointed by the Leader as deputy leader for a four year

term.

Executive	The _ decision-making body of the Council with responsibility for Executive functions .
Executive Members	Those elected Members appointed to the Executive by the Leader.
Exempt Information	As defined by Section 100(1) of the Local Government Act 1972, this includes a number of different categories of information, under which the Council is entitled to withhold certain reports from the public.
Extraordinary Meeting	A meeting of the Council convened for specific purposes.
Five Day Rule	Under the Local Government Act 1972 (as amended by the Access to Information 1985), the Council is required to give notice and make available, the agenda and associated papers for five clear days.
Group Leader	The Member identified by a political group as its leader by notice in writing to the Chief Executive .
Head of Paid Service	The Officer designated as such under Section 4 of the Local Government and Housing Act 1989.
Key Decision	As defined by the Local Authorities Executive Arrangements Meetings and (Access to Information) (England) Regulations 2001, the most significant decisions to be taken by the Executive. A more specific definition can be found in Part 2, Article 12.
Leader of the Council	The elected Member elected appointed by Council as leader for a four year term.
Local Choice Functions	As detailed in Part 3 of the Constitution, the description of responsibility for local choice functions under Section 13(3)(b) of the

Local Government Act 2000 to the Council, the Executive, ~~regulatory~~ committees and Officers.

Member

An elected Member of the Council as appropriate.

Members' Allowances Scheme

The scheme approved by Council on recommendation from the independent remuneration panel for the payment of allowances to Members.

Monitoring Officer

The Officer designated as such under Section 5 of the Local Government and Housing Act 1989 or his/her deputy.

Non-Key Decisions

Executive decisions taken by Portfolio Holders and officers on less significant matters in accordance with the specified procedure.

Officers

The employees of the Council.

Ordinary Meeting

A meeting of the Council included in the approved calendar of meetings.

Outside Bodies

External organisations which have invited the Authority to nominate representative(s) to serve on its management body.

Panel

A formal group of Members with functions referred by a Committee or a Sub-Committee.

Policy Framework
determined by Council.

The plans and strategies which together make up the overarching policy direction are

Political Group

As defined in the Local Government (Committees and Political Groups) Regulations 1990, any group of at least two Members who have notified ~~the Chief Executive~~ in writing that they wish to be treated as a political group.

Portfolio Holder	Those elected Members appointed to the Executive <u>with defined areas of responsibility called ‘portfolios’.</u>
Proper Officer	The authorised Officer under statutory enactments.
Quasi-Judicial	A process of decision-making which is similar to a court of law, in that each party with an interest in the matter under consideration has an opportunity to make their case, following which a decision on the facts and representation is made.
Regulatory Committees	Those Committees of the Council falling outside of the executive arrangements that are charged with regulatory functions, such as development control, licensing, etc.
Scrutiny	A process of holding the Executive to account.
Section 151 Officer	The Officer designated as such under Section 151 of the Local Government Act 1972.
Sub-Committee	A formal decision-making body with functions referred or delegated to it by a Committee.
Task and Finish Group	An informal group of Members established by a Scrutiny Committee to examine a specific issue.
Terms of Reference	The description of what a committee, sub-committee or panel may concern itself with.
Urgent Matter	A matter which is to be considered at a meeting of the Council, a Committee or a Sub-Committee by virtue of section 100B (4) (b) of the Local Government Act 1972. This provides for matters not appearing on the agenda to be considered at the meeting,

if by reason of special circumstances, the Chairman is of the opinion that the item should be considered as a matter of urgency.

Ward

A geographical area of the District represented by 1 – 3 elected Members.

Written Notice

Unless otherwise stated, a notice given in writing, by fax or electronically.

PART 2

Articles of the Constitution

Article 1 – The Constitution

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of the East Hertfordshire District Council.

1.3 Purpose of the Constitution

The Council is committed to serving the aspirations and the needs of the whole community of East Hertfordshire with efficient and cost effective services. It will promote economic, environmental and social wellbeing whilst protecting the District's heritage of market towns, villages and countryside.

The Council believes that local government should never be onerous or burdensome and should always act to empower individuals and their communities. All processes operated by the Council will permit access by individuals affected whenever possible and be designed to be equitable and fair.

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help councillors represent their constituents more effectively;

4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision which they were directly involved in taking;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

A copy of the Constitution will be referred to Annual Council each year. Consequential amendments as a result of decisions made by the Executive or Council in year will be made to the electronic version of the ~~online~~ Constitution as soon as reasonably practicable and posted on the Council's website to provide transparency.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

Article 2 – Members of the Council

DEVELOPING ROLES FOR COUNCILLORS

2.1 Composition and eligibility

~~(a)~~ — Composition. The Council will comprise 50 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government [Boundary Commission for England](#) and approved ~~by the Secretary of State.~~
[through Parliament](#)

~~(b)~~
~~(a)~~ Eligibility. To be qualified to be elected as a Member of the Council a person must be 18 years of age or over at the date of their nomination, and a Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another state of the European Community, and either:

- (1) be a local government elector for the area of the Council; or
- (2) have during the whole of the twelve months preceding the day on which he or she is nominated as a candidate occupied as owner or tenant any land or other premises in the area of the Council; or
- (3) have as his or her principal or only place of work in the twelve months preceding the day on which he or she is nominated as a candidate premises in the area of the Council; or
- (4) has resided in the area of the Council during the whole of the twelve months preceding the day on which he or she is nominated as a candidate.

A person is disqualified for election if they:

- (a) hold a paid office under the Council or a politically restricted post as defined under the provisions of the Local Government Housing Act 1989; or
- (b) are bankrupt; or
- (c) have been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine, during the five years preceding the election; or
- (d) are disqualified under any enactment relating to corrupt or illegal practices.

2.2 Election and terms of councillors

The regular election of councillors under this constitution will be held on the first Thursday in May every four years beginning in 2015. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Councillors

- (a) Key roles. All Councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ward and represent the ward as a whole;

- (v) be involved in decision-making;
- (vi) participate in the governance of the Council;
- (vii) be available to represent the Council on other bodies; and
- (viii) maintain the highest standards of conduct and ethics.

(b) Rights and duties

- (i) Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public, information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 Conduct

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and the Council

3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

- (a) Voting and petitions. Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) Information. Citizens have the right to:
 - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) attend meetings of the executive when key decisions are being considered;
 - (iii) find out from the Council's publications what key decisions will be taken by the executive and when;
 - (iv) see reports and background papers, and any records of decisions made by the Council and the executive; and
 - (v) inspect the Council's accounts and make their views known to the external auditor.
- (c) Participation. Citizens have the right to participate in the Council's question time and contribute to investigations by scrutiny committees.

(d) Complaints. Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) the ~~Standards~~Audit and Governance Committee about a breach of the Councillor's Code of Conduct;
- (iv) the Council's External Auditor in relation to the accounts of the Council.

3.2 Citizens' responsibilities

Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the council, councillors or officers. When attending meetings citizens will be expected to comply with the decisions of the chairman of that meeting.

Article 4 – The Full Council

4.1 Meanings

- (a) Policy Framework. The policy framework means the following plans and strategies:
- ~~Anti Fraud and Corruption Strategy;~~
 - Community Grants policies;
 - ~~Communications Strategy;~~
 - Contaminated Land Strategy;
 - ~~Corporate Procurement Strategy;~~
 - ~~Corporate Plan~~
 - ~~Corporate Strategic Priorities and Plans, including the setting of performance indicator targets, efficiency statements, performance plans;~~
 - Crime and Disorder Reduction Strategy, including Community Safety Strategy;
 - ~~Cultural Strategy;~~
 - ~~Data Protection policy;~~
 - ~~Economic Development Strategy;~~
 - ~~Energy Efficiency policy;~~
 - ~~Enforcement policies;~~
 - Fees and Charges Strategy;
 - Gambling Statement of Principles;
 - Housing Strategy, including Investment Programme, Allocations policy, Choice-based

lettings scheme, Tenancy Strategy, Homelessness, Private Sector Housing Assistance;

- ~~Human Resources policies, including Diversity and Access policies, Health and Safety policies and plans,~~ Pay Policy Statement;
- Licensing Statement of Policy;
- Parks and Open Spaces Strategy;
- Parking policies;
- Plans and strategies which together comprise the District Plan, Supplementary Planning Documents and associated development guidance;
- Public Engagement Strategy;
- Public Health Strategy;

▪ ~~Risk Management Strategy;~~

- Supporting People Strategy;
- Sustainable Community Strategy;
- Transportation strategies, including Local Transport Plan;
- Treasury Management Strategy
- Waste Management Strategy.

- (b) **Budget.** The budget includes Medium Term Financial Plan and the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, non-domestic rate base approval of Council's net expenditure, setting the council tax and decisions relating to the control of the Council's borrowing requirement and investment strategy, the control of its capital expenditure and the setting of virement limits.

~~(e) Housing Land Transfer. Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.~~

4.2 Functions of the full Council

Only the Full Council will exercise the following functions:

- (a) adopting ~~and changing~~ the Constitution (consequential amendments to the Constitution will be made in year);
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer (within the meaning of the Leasehold Reform and Urban Development Act 1993 and the Housing Act 1985);
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the Chairman of the Council;
- (e) appointing the Leader of the Council;
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (g) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;

- (h) adopting an allowances scheme under Article 2.5;
- (i) changing the name of the district;
- (j) confirming the appointment of the ~~H~~head of ~~P~~paid ~~S~~service;
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive;
- (m) all other matters which, by law, must be reserved to Council; and
- (n) to represent the views of the local community on matters of significance.

4.3 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

Article 5 – Chairing the Council

5.1 Role and function of the Chairman.

The Chairman of Council and in the Chairman's absence, the Vice-Chairman will have the following roles and functions:

CEREMONIAL ROLE

The Chairman of the Council will be the usual representative of the Council at ceremonial events. ~~such as Remembrance Day, The County Council Garden Party, Civic Dinners and similar events at other authorities, Diocesan Church services, etc.~~

It will be at the discretion of the Chairman of the Council to delegate duties such as the official opening of new buildings or facilities to members of the executive or to other Councillors.

The Leader of the Council will normally represent the Council at any event where a political or policy dimension is required. This would include the Local Government Association conference, meetings of the Hertfordshire LGA and joint meetings with other authorities. The Leader has discretion to delegate these responsibilities to other Members of the executive or to other Councillors.

CHAIRING THE COUNCIL MEETING

The Chairman will be elected by the Council annually. The Chairman will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution, with the benefit of legal advice-when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors, the public and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the executive are able to hold the executive to account;

4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and the Chairman determines appropriate.

Article 6 – Scrutiny Committees

6.1 Terms of reference

6.2 General Role

Within their terms of reference, scrutiny committees will:

- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- b) make reports and/or recommendations to the Executive and/or the Full Council in connection with the discharge of any functions;
- c) consider any matter affecting the area or its inhabitants;
and
- d) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the ~~E~~xecutive.

6.3 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"> <li data-bbox="858 237 1422 913">1. To develop policy options and to review and scrutinise the policies of the Council relating to Corporate Communications, Corporate Performance and Risk Management, East Herts Strategic Partnership, Customer Service, Finance, Information and Communications Technology, Democratic Services, Member Support and Development, Facilities Management and Property Services, Asset Management, Legal, Revenues and Procurement. <li data-bbox="858 965 1331 1093">2. To consider the budget setting proposals and strategies of the Council. <li data-bbox="858 1144 1406 1301">3. 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="858 282 1406 618">4. 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="858 663 1406 1088">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. <li data-bbox="858 1133 1406 1469">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. <li data-bbox="858 1514 1406 1939">7. To appoint annually Standing Panels-Task and Finish Groups 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	Scope
	<p>Committee.</p> <p>8. 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 shall consider any report and recommendations on the item submitted by the Scrutiny Committee.</p>
Community Scrutiny	<p>1. To develop policy options and to review performance and scrutinise the policies of the Council relating to Licensing, Environmental Health, Community Safety, Emergency Planning, Community Development, Housing Services, Leisure, Sport, Arts, Markets, Community grants, frontline Councillor engagement, Equalities, Citizens' Advice, Benefits and East Herts Strategic Partnership.</p> <p>2. To make recommendations to the Executive on matters within the remit of the Committee.</p> <p>3. To take evidence from interested groups and individuals and make recommendations to the</p>

Committee	Scope
	<p>Executive and Council for policy change, and review the performance of outside bodies on matters within the remit of the Committee.</p> <p>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.</p> <p>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.</p> <p>6. To appoint annually Standing Panels<u>Task and Finish Groups</u> 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>7. To consider, should it choose to do so, any item within the remit of the committee to be considered</p>

Committee	Scope
	<p>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>
Environment Scrutiny	<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 Management, Transport, Parking, Economic Development, Waste and Recycling Management, Environmental Standards, Parks and Open Spaces, Historic Buildings and Conservation, Street Scene, Climate Change and East Herts Strategic Partnership.</p> <p>2. To make recommendations</p>

Committee	Scope
	<p>to the Executive on matters within the remit of the Committee.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>6. To appoint annually Standing Panels<u>Task and Finish Groups</u> 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</p>

Committee	Scope
	<p>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>
Health and Wellbeing Scrutiny	<p>1. To consider matters relating to health in East Herts, in particular to scrutinise (a) local public health issues in the East Herts area, (b) partner actions to reduce health inequalities in the East Herts area, and (c) arrangements for the provision of public health initiatives in the East Herts area; Community Wellbeing, Ageing Well Initiative, Fuel</p>

Committee	Scope
	<p>Poverty, East Herts Well-Being Fund, Disabled Facilities Grants, Dementia Friendly Homes and East Herts Strategic Partnership.</p> <ol style="list-style-type: none"> <li data-bbox="858 499 1449 663">2. To make recommendations to the Executive on matters within the remit of the Committee. <li data-bbox="858 712 1449 1048">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="858 1097 1449 1433">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 1482 1449 1818">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 1868 1449 1995">6. To appoint annually Standing Panels<u>Task and Finish Groups</u> 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.

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.
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.

6.4 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) Call InScrutiny.

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).

~~(e) Finance. Scrutiny committees may exercise overall responsibility for any finances made available to them.~~

~~(d)~~(c) 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)~~(d) **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.

6.5 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.

Article 7 – The Executive

THE ROLE OF THE EXECUTIVE

7.1 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 Form and composition

The Executive will consist of the Leader, Deputy Leader together with at least 1, but not more than 98 councillors appointed to the Executive by the Leader of the Council. This body will be known as the Executive.

7.3 From May 2011 the Leader will be a Councillor elected to the position of Leader by the Council at the first annual meeting following the ordinary election of Councillors and holds office for the period of four years, unless within that period:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Councillor;
- (d) in the event of the position of the Leader of the Council becoming vacant for any the reasons in 7.3 (a) to (c), the Council shall appoint another member of the Council to complete the remainder of the four year term of office.

7.4 Other Executive members

The Leader must appoint a Deputy Leader and a minimum of two and a maximum of eight executive members. The Leader may remove the Deputy Leader and Executive Members. The Deputy Leader and Executive Members will automatically be removed from office if;

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor.

7.5 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.6 Responsibility for functions

The Leader determines the allocation of Executive functions. The Leader will maintain a list setting out which individual members of the Executive, Committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions within their respective portfolio areas (see table at Part 3, section 4 of this Constitution).

Article 8 – Regulatory and other committees

8.1 Regulatory and other committees

The Council will appoint the committees set out in Part 3 of this Constitution to discharge the functions described there.

Article 9 – The Audit and Governance Standards-Committee

9.1 Audit and Governance Standards Committee

The Council will establish a ~~Standards~~-Committee called the Audit and Governance Committee to carry out the functions specified below.

9.2 Composition

The Council has established the Audit and Governance Committee composed of 10 members to carry out the functions set out in part 4 of this Constitution to carry out the functions of Audit, Governance and Standards of Conduct. ~~Standards-Committee will be composed of five District Councillors appointed proportionately (of whom one Member may be a Member of the Executive nominated by the Leader of the Council).~~

9.3 Role and Function

The ~~Standards~~-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. promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority;
22. 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;
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. receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the

Members' Code of Conduct;

27. arranging to train Members and Co-opted Members to observe the Members' Code of Conduct;
28. assisting Councillors and co-opted Members to observe the Members' Code of Conduct;
29. hearing and determining complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
30. advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards or conduct throughout the Council;
31. maintaining oversight of the Council's arrangements for dealing with complaints;
32. informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
33. appointment of Sub-Committee.

Article 10 – Joint Arrangements

10.1 Arrangements to promote well being

The Council or the Executive, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

10.2 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the executive may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

- (d) The executive may appoint members to a joint committee from outside the executive in the following circumstances:

- the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the executive may appoint to the joint committee any councillor who is a Member for a ward which is wholly or partly contained within the area,

The political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

10.3 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.
- (c) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

10.4 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

- (b) The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

10.5 Contracting out

The executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 11 – Officers

11.1 Management structure

- (a) General. The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) Chief Officers. The full Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive	Head of Paid Service
Two Director s of Neighbourhood Monitoring Officer Services	
Director of Customer and Community Services	
Director of Finance and Support Section 151 Officer Services	
Such posts as may be designated Chief Officers	

- (c) Head of paid service, monitoring officer and chief financial officer. The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director of Neighbourhood Head of Legal and Democratic Services	Monitoring Officer
Director Head of Strategic Finance & Property Services	Chief Financial Officer

Such posts will have the functions described in Article 11.2 – 11.4 below.

- (d) Structure. The Hhead of Ppaid Sservice will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

11.2 Functions of the Hhead of Ppaid Sservice

- (a) Discharge of functions by the Council. The Hhead of Ppaid Sservice will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) Restrictions on functions. The Hhead of Ppaid Sservice may not be the monitoring officer but may hold the post of chief financialle officer if a qualified accountant.

11.3 Functions of the monitoring officer

- (a) Maintaining the Constitution. The -monitoring officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) Ensuring lawfulness and fairness of decision making. After consulting with the Hhead of Ppaid Sservice and chief financialle officer, the monitoring officer will report to the full Council or to the executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) Supporting the ~~Standards~~ Audit and Governance Committee. The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the ~~Standards~~ Audit and Governance Committee.
- ~~(d) Receiving reports. The monitoring officer will receive and act on reports made by third parties.~~
- ~~(e) Conducting investigations. The monitoring officer will arrange for investigations into matters referred by third parties and make reports or recommendations in respect of them to the Standards Committee.~~
- ~~(f) Proper officer for access to information. The monitoring officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.~~
- ~~(g) Advising whether executive decisions are within the budget and policy framework. The monitoring officer will advise whether decisions of the executive are in accordance with the budget and policy framework.~~
- ~~(h) Providing advice. The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.~~
- (i)(d) Restrictions on posts. The monitoring officer cannot be the chief financial officer or the head of paid service.

11.4 Functions of the chief financial officer

- (a) Ensuring lawfulness and financial prudence of decision making. After consulting with the head of paid service and the monitoring officer, the chief

financialiale officer will report to the full Council or to the executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- (b) Administration of financial affairs. The chief financialiale officer will have responsibility for the administration of the financial affairs of the Council.
- ~~(c) Contributing to corporate management. The chief financialiale officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice, including resourcing implications.~~
- ~~(d) Providing advice. The chief financialiale officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.~~
- ~~(e) Providing Give financial information. The chief financialiale officer will provide financial information to the media, members of the public and the community.~~

11.5 Duty to provide sufficient resources to the monitoring officer and chief financialiale officer

The Council will provide the monitoring officer and chief financialiale officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

11.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Article 12 – Decision Making

12.1 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

12.2 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) an explanation of what options were considered and the reasons for the decision in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

12.3 Types of decision –

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.
- (b) Key decisions.

- (i) “Key decision”, as defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, means an executive decision which is likely:
 - (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
- (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

12.4 Decision making by the full Council

Subject to Article 12.8, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.5 Decision making by the executive

Subject to Article 12.8, the executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.6 Decision making by scrutiny committees

Scrutiny committees will follow the Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.7 Decision making by other committees and sub- committees established by the Council

Subject to Article 12.8, other Council committees and sub- committees will follow those parts of the Council

Procedures Rules set out in Part 4 of this Constitution as apply to them.

12.8 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 13 - Finance, Contracts and Legal Matters

13.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

13.2 Contracts

Every contract made by the Council will comply with the ~~Procurement Rules~~ ~~Procurement Regulations~~ ~~Contracts-Procedure Rules~~ set out in Part 4 of this Constitution.

13.3 Legal proceedings

The ~~Director of Finance and Support Services, the~~ Head of Democratic and Legal Support Services ~~and Legal Services Manager are is~~ authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where ~~the Director of Finance and Support Services, the~~ Head of Democratic and Legal Support Services ~~and Legal Services Manager~~ considers that such action is necessary to protect the Council's interests. Where there are resource implications outside the approved budget, they should do so in agreement with the Head of Strategic Finance and Property.

13.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by ~~the Director of Finance and Support Services, the~~ Head of Democratic and Legal Support Services ~~or Legal Services Manager~~ or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £100,000 entered into

on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must be made under the common seal of the Council attested by ~~the~~ Director of Finance and Support Services, the Head of Democratic and Legal Support Services or Legal Services Manager.

13.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services ~~/or the Legal Services Manager~~ Director of Finance and Support Services (Legal Services Manager). A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Democratic Services ~~or the Legal Services Manager~~ should be sealed. The affixing of the Common Seal will be attested by a Director, Head of Democratic and Support Services ~~or the Legal Services Manager~~.

Article 14 – Review and Revision of the Constitution

14.1 Duty to monitor and review the constitution

Monitoring Officer

The monitoring officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and report to Members as appropriate.

Protocol for monitoring and review of constitution by monitoring officer

A key role for the monitoring officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task the monitoring officer may:

1. observe meetings of different parts of the Member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

14.2 Changes to the Constitution

- (a) Approval. Any change which results from a decision by the Executive where the function sits within their authority will be made by the Monitoring Officer following the Executive's decision and will be reported to the Council each year at the Annual Council. All other €changes to the constitution will only be approved by the full Council after consideration of the proposal by the Monitoring

Officer.

~~(b) Change from a mayoral form of executive to another form of executive or to alternative arrangements, or from alternative arrangements to a mayoral form of executive. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum. The change will not take effect until the end of the mayor's term of office.~~

~~(c) Change from a Leader and cabinet form of executive to alternative arrangements, or vice versa. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.~~

Article 15 – Suspension, Interpretation and Publication of the Constitution

15.1 Suspension of the Constitution

- (a) Limit to suspension. The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) Procedure to suspend. A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) Rules capable of suspension. The following Rules may be suspended in accordance with Article 15.1:

Council Procedure Rule 15 - Rule of Debate
Council Procedure Rule 16 - Previous decisions
Financial Regulations and ~~Contract Procedure Rules~~
Procurement Rules

15.2 Interpretation

The ruling of the Chairman of the Council as to the construction or application of this constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

15.3 Publication

- (a) The Monitoring Officer will give a printed copy of this Constitution to each member of the Council upon request following delivery to him/her of that

individual's declaration of acceptance of office on the Member first being elected to the Council.

- (b) The Monitoring Officer will ensure that copies are available for inspection on the council's website and at council offices, ~~libraries and other appropriate locations~~, and can be purchased by members of the local press and the public on payment of a reasonable fee.

- ~~(c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area including electronically and is updated as necessary.~~

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Scrutiny committees) and the Scrutiny Procedure Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 10 (Joint arrangements)
~~There are no joint arrangements.~~
4. Article 12 (Decision making) and the Access to Information Procedure Rules;
5. Part 3 (Responsibility for Functions)

Introduction

The Council has adopted a Corporate Strategic Plan to improve the health and wellbeing of our communities; enhance the quality of people's lives and enable a flourishing local economy. To enable that vision, managerial and operational decisions are taken, within a framework of democratic accountability, at the most appropriate level, which is usually the closest point of contact to the citizen. The scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the Council's services within the budget and policy framework set by the Council, and subject to the guidelines set by the Executive and the Council's Leadership team.

Overall Limitations

The exercise of delegated powers is subject to the following overriding limitations.

Members Consultation

Officers exercising delegated powers in accordance with this scheme are expected in appropriate cases to:

- Maintain a close liaison with the appropriate portfolio holder or in their absence the Leader or another Executive Member
- In the case of temporary or project specific delegations Officers will consult relevant portfolio holders
- Ensure the Ward Councillors are consulted or advised of the exercise of delegated powers; and
- Ensure that the Chief Executive, the Head of Finance and Property Services and the Head of Legal and Democratic Services are consulted and advised of any decisions as necessary

Before exercising any delegated power, officers must consider whether to exercise the delegated power or refer the matter to the relevant member or member body to decide.

Reservations

The scheme does not delegate to officers;

- Any matter reserved by law to full Council;
- Any matter which by law may not be delegated to an officer
- Any matter expressly withdrawn from delegation by the Council

Restrictions

- Statutory restrictions
- Budget and Policy Framework
- Procedure Rules including Financial Limits
- Policy set out by Council and Executive

Permissions

This scheme delegates to post holders named or described in the Areas of Responsibility section all the powers and duties relevant to those areas of responsibility that rest with the Council or Executive or which have been delegated or granted to the Council, subject to the limitations, restrictions and reservations set out above, within the delegations below and the detailed scheme of delegation. This includes all powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation including but not limited to:

(a) Powers in relation to Staff

Take any action in accordance with the Council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirements and determination of establishment except as specifically delegated to the Head of Human Resource and Organisational Development and except as detailed in the Staff Employment Procedure Rules.

(b) Powers in relation to contracts and property

Powers in relation to contracts and property agreements to negotiate, put out to tender, bid, submit tenders, vary, terminate, dispute, extend and renew and in relation to contracts to buy and sell and in relation to the property to acquire, dispose of, let and licence except as detailed in the Council's Financial Regulations and Procurement Rules in Part 4 of this Constitution.

(c) Powers in relation to Finance

Powers to incur capital and revenue expenditure, to seek recovery of amounts owed, to exercise discretion in recovery, alter or waive repayment periods or approve exemptions in relation to repayments, agree refunds, reduce or remit payments and waive fines, except as detailed in the Financial Regulations and Procurement Rules in Part 4 of this Constitution.

(d) Powers in relation to Legal Action

Powers to authorise, appoint or nominate officers, and to investigate, prosecute, enforce, lay summons, require individuals to disclose information, serve requisitions for information publish information, apply to a court, sign notices, issue, serve, vary revoke and publish notices, including fixed penalty notices and serve documents, make prohibition orders, suspend or vary a prohibition order, take emergency remedial action, carry out works in default, issue certificates, issue consents, issue licences and licence applications, issue permits, refuse vary or revoke licensing applications, issue temporary exemption notices, obtain, introduce, operate, amend extend, vary and revoke orders. Impose conditions, introduce and maintain registers, exercise powers of entry without force, apply for a warrant and in relation to land relevant to the service functions to note applications for licences, planning, consent and approvals, declarations and grants except as specifically detailed in the delegations below.

AREAS OF RESPONSIBILITY

For the purposes of the Permissions above the areas of responsibility are as follows:

Directors	Overall responsibility for the delivery of the Council's vision through the delivery of individual initiatives and projects and the management of the organisation as a whole.
Head of Operations	Leisure Services Waste Management Parks & Open Spaces Hertford Theatre Parking Economic Development Market operations Environmental Inspections
Head of Human Resources and Organisational Development	Organisational Development Payroll Training & Development Health & Safety HR Policy HR Services
Head of Communications, Strategy and Policy	Communications Customer Services Information Web New Media Business Development Performance Strategy Policy Equalities Agenda Corporate Consultation Graduate Support
Head of Strategic Finance and Property	Accountancy Audit Transactional Finance Treasury Management Property & Estates Facilities Management Procurement Risk Insurance
Head of Legal and Democratic	Democratic Services Legal Electoral Services Member Support FOI Data Protection Land Charges Civic Support Scrutiny

Head of Housing and Health	Housing Community Safety Engagement and Partnerships Health and Wellbeing Public Health Licensing Environmental Health Safeguarding Pest Control Animal Warden Emergency Planning Engineering and Drainage
Head of Planning and Building Control	Development Management Planning Policy Conservation Urban Design S.106 / CIL Building Control Enforcement
Head of Shared Business and Technology Services	Business and Technology Shared Service
Head of Shared Revenues and Benefits Shared Service	Revenues and Benefits Shared Service

Scheme of Delegation

Any delegation to an officer includes authority for any further delegation within the relevant Area of Responsibility, in the case of the Chief Executive or those acting as Chief Executive, this includes all Heads of Service and below. Officers shall devolve responsibility for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.

The Chief Executive

1. To carry out the powers and duties of any of the officers in their absence or in consultation with them.
2. All matters relating to staffing, employment, terms and conditions and industrial relations for the Council's workforce, save those matters which have been delegated to Heads of Service above and those relating to the Head of Paid Service and Chief Officers as specified in the Staff Employment Procedure Rules.
3. To incur expenditure in the event of a civil emergency
4. In cases of urgency take any decision which could be taken by the Council, the Executive or a Committee in consultation with the Leader
5. To alter the areas of responsibility of the Directors and Heads of Service set out in the Areas of Responsibility section of this scheme
6. To issue redundancy notices immediately it becomes apparent that redundancies are likely to arise, subject to any policy constraints which may be applied.
7. In consultation with the Executive Member for Finance and Support Services, to approve schemes up to £50,000 within the Capital Contingency Budget.
8. To rearrange dates and times of meetings, previously approved, following consultation with the Leader of the Council; such action being necessary in the interests of the efficient running of the Council.
9. To respond, in consultation with the Leader, to consultation documents in accordance with the Council's approved policies.
10. To compile the list of Assets of Community value in consultation with Executive Member for Development Management and Council Support and Ward Members
11. To carry out all duties and responsibilities and exercise all power under the Localism Act in relation to a Community Right to Challenge and where appropriate to nominate officers to carry out those duties or appoint external officers to carry out part or all of those duties or exercise powers.

Directors

1. To carry out the role of the Chief Executive and Head of Paid Service in his/her absence as nominated.

Heads of Service

Head of Human Resources 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 of the Council's organisational, employee development and human resource plans in consultation with Directors and the Leadership Team.
3. The interpretation and application of pay scales and conditions of service for all employees.
4. Applications, in consultation with the appropriate Directors, Heads of Service, 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.
9. The granting of awards to employees under the Long Service Award Scheme.
10. In consultation with the appropriate Head of Service 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.
11. To administer the Council's car leasing scheme subject to such financial and policy constraints as may be applied from time to time.
12. Responsibility for an effective policy for the health, safety and welfare of Council employees to be implemented at all levels.

Head of Legal and Democratic Services

1. To carry out all legal action as specified under Permissions above in consultation with the relevant Head of Service, their appointed deputy or in their absence.
2. To authorise the appearance of non-admitted legal staff in the Magistrates Court in accordance with the provisions of Section 223 of the Local Government Act 1972.
3. To hold and revise the list of politically restricted posts and to issue a Certificate of Opinion in connection with the Local Government and Housing Act 1989 – Politically Restricted Posts.
4. To carry out a review and submit a report to Council as to the allocation of seats in accordance with the Local Government and Housing Act 1989 political balance provisions.
5. 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.

Head of Planning and Building Control

1. To determine planning, Listed Building, reserved matters and advertisement applications except where the application:
 - (i) is an outline or full permission for a 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;
 - (ii) is by a Member of the Council;
 - (iii) is by an officer of the Council;
 - (iv) is one where a Member considers that delegated powers should not be exercised by the Head of Planning and Building Control. In which case the Member must contact the Chairman of the Development Management Committee to seek referral submitting a completed application referral request form stating the reasons why the decision should not be delegated. The decision remains delegated until the DM Chairman confirms the referral request.
 - (v) applications requiring reference to the Secretary of State;
 - (vi) 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);
 - (vii) applications for development by or on behalf of the Council, or which relate to a site in which it has a landowning interest, to which an objection has been made which is material to the development proposed.
2. To take all actions as necessary with regard to the receipt, validation, consultation and administration of all application types.
3. To take all actions as necessary with regard to the administration and submission of the Councils case, including any review, alteration, amendment or withdrawal of that case, following the appeal of a planning decision that has been made under delegated powers
4. To take all actions as necessary with regard to the administration and submission of the Councils case, including any review, alteration, amendment or withdrawal of that case, in consultation with the Chairman of the Development Management Committee and a minimum of one local ward member, following the appeal of a planning decision that has been made by the Development Management Committee.
5. To take all actions to negotiate and finalise the detail of legal agreements under s106 of the Town and Country Planning Act, following authorization of the heads of terms of such agreements by the Development Management Committee.
6. To take Enforcement Act in relation to legislation within the remit of the Area of Responsibility and in particular as detailed below:
 - To serve Planning Contravention Notices where it appears that a contravention of planning control has taken place.

- To issue Stop Notices, Enforcement Notices, Enforcement Orders and Advert Removal Notices 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.
 - In cases of urgency and subject to consultation with the Chairman, to arrange for the serving of, temporary stop notices, Urgent Works Notices, Repairs Notices and Directions under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and directions relating to unlisted buildings in conservation areas.
 - 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.
 - 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.
7. 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.
 8. 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/her under Section 77, or has dismissed an appeal against the refusal of a similar application, and where, in the opinion of the Head of Planning and Building Control, there has been no significant change since the refusal or dismissal in the Development Plan or in any other material considerations.
 9. The consideration, approval and payment of grants in respect of works to Listed Buildings, Heritage Assets at Risk, Undesignated Heritage Assets and with regard to Conservation Areas.
 12. To exercise the Council's planning powers for control of demolition.
 13. To approve or reject plans submitted as non-material amendments to planning applications previously submitted and approved, subject to consultation with the local Member(s) concerned in accordance with the Council's procedure.
 14. To determine applications for certificates of appropriate alternative development.
 15. To determine applications for certificates of lawful use and development in relation to proposed used and existing use (in consultation with the Head of Legal and Democratic Services).

16. 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.
17. 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.
18. To advertise in the local press and/or by a notice on site applications for planning permission as required by any Development Order made by the Secretary of State.
19. After consultation with the Chairman of the Development Management Committee and the Head of Legal and Democratic Services to institute legal proceedings in respect of the contravention of Tree Preservation Orders and unauthorised works to trees in Conservation Area.
20. To enter into Planning Performance and Extension of Time Agreements
21. To determine the submission of nominations for the registration of Assets of Community Value.
22. To authorise 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.
23. 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 Head of Planning and Building Control, 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 Chief Executive shall determine whether delegated powers should be exercised in consultation with the Chairman and local ward Members.
24. To give screening opinions and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended.
25. To determine fees for planning applications.
26. To determine the building regulation fees charged by the Council.
27. 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.
28. To be the Appointing Officer for the purposes of the Party Wall Act 1996.

Head of Housing and Health

1. To take action (in consultation with the Head of Legal and Democratic) to Prevent Nuisance and Annoyance in accordance with Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014.

2. To apply (in consultation with the Head of Legal and Democratic Services) for Closure Orders and to issue Closure Notices under Part 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.
3. To serve (in consultation with the Head of Legal and Democratic) Community Protection Notices, and Fixed Penalty Notices in the event of a breach, under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
4. To make a public spaces protection order, (in consultation with the Head of Legal and Democratic) under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
5. In all cases involving arrears of mortgage payments and in consultation with the Head of Strategic Finance and Property 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.
6. 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
7. To grant approval for schemes submitted by Housing Associations, and be the Council's approved signatory for such schemes, subject to liaison with the Head of Strategic Finance and Property 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.
8. 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.
9. 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.
10. The issue of occasional permissions in respect of those licences listed in Schedule I upon appropriate conditions.
11. To authorise officers to sign licences listed in Schedules I and II.
12. The variation of licence conditions in respect of:
 - a. licences listed in Schedule I;
 - b. individual licences listed in Schedule II where there are no objections.

Schedule I:

- Charitable Collection Permits including Street Collections and House to House Collections
- Game Licences
- 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

13. 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 Head of Legal and Democratic Services being satisfied as to the sufficiency of the evidence).
14. 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.
15. To authorise suitably qualified and experienced officers to serve and sign in their own name all improvement notices, prohibition notices, decisions, other notices with respect to food safety, health and safety, private sector housing, public health and other legislation in Appendix A.
16. 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.
17. 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
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. To submit 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.
25. To give directions and make applications to the Magistrates' Court in respect of unauthorised

encampments in the District.

26. To undertake, in consultation with the Head of Legal and Democratic Services, prosecutions of hackney carriage drivers and private hire vehicle drivers for road traffic offences and other drivers for criminal offences relating to taxi ranks.
27. To authorise officers to discharge the functions contained in the European Communities Act 1972 and in particular the following matters:
 - i. agricultural produce (quality standards and labelling);
 - ii. animal health and welfare;
 - iii. animal feed;
 - iv. consumer protection;
 - v. environmental protection;
 - vi. food hygiene and standards;
 - vii. public health and standards
 - viii. weights and measures (including measuring instruments).
28. To authorise officers to discharge land drainage functions under the Public Health Act 1936 and the Land Drainage Act 1991.
29. To authorise officers to enforce the Sunbeds (Regulation) Act 2010.
30. To authorise officers to discharge all functions of the Council under the Scrap Metal Dealers Act 2013.

APPENDIX A

Animal Boarding Establishments Act 1963 Animal Welfare Act 2006
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

Head of Strategic Finance and Property

1. To administer the naming and numbering, including the renaming and renumbering, of streets and buildings in the District in consultation with parish and town councils.
2. To review listing decisions and compensation decisions for assets of community value.
3. To represent the Council on Management Board for the Hertfordshire Shared Audit Service (SIAS) and the Shared Anti-Fraud Service (SAFS).
4. Appoint Debt Recovery Agents for the whole or part of the District as the need arises.
5. Sign Bank Transfers, cheques and authorise amendments to cheques.
6. Wherever necessary to amend affected charges for services to take account of changes in VAT or other forms of taxation provided (Enforcement Agents) that any action taken shall be reported to the next convenient meeting of the Executive.
7. To vary the rate of interest and issue notices to the Council's mortgages of any changes in the Council's rate of interest.
8. To administer and manage the Council's Collection Fund.
9. To set precept dates.
10. To administer the Council's insurances Fund.
11. 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.
12. To take day-to-day decisions in respect of the investment of Council funds in accordance with the Annual Treasury Management strategy last approved by the Council.
13. 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
14. Lettings of all properties; 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 to the Executive.
15. To pursue appeals against rating assessments on Council- owned and Council-occupied property which, in his/her 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.
16. In consultation with the appropriate Executive Member to prosecute or authorise the prosecution of persons committing malicious damage to Council property.
17. The letting of Council Offices.
18. To convey the freehold of electricity sub-station sites and to grant the necessary easements to the Electricity Board in respect of Council Housing (or other) developments.
19. The appointment of Debt Recovery Agents (Enforcement Agents) and the issue of warrants to those 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.

Head of Operations

1. To award Arts and Sports Grants in accordance with established criteria and Council Policy.
2. 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.
3. 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.
4. 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.
5. 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.
6. Restriction of the use or closure of bowling greens during periods of drought.
7. Control of all grounds owned by the Council, including Castle Gardens and Grounds at Bishop's Stortford and Hertford.
8. The letting of Council gardens and car parks.
9. The removal, storage and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978
10. To administer the Scheme for the collection of trade refuse.
11. Approval of types and siting of litter bins provided by Parish and Town Councils.
12. 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.
13. 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.
14. To be identified as contact officer for the public under the Code of Practice of the Environmental Protection Act 1990.
15. In consultation with the Head of Legal and Democratic Services 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.
16. 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 Head of Legal and Democratic Services being satisfied as to the sufficiency of the evidence).
17. 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.
18. To serve (in consultation with the Head of Legal and Democratic) Community Protection Notices, and Fixed Penalty Notices in the event of a breach, under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
19. To make a public spaces protection order, (in consultation with the Head of Legal and

- Democratic) under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
20. 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, Crime and Policing Act 2014

Clean Neighbourhoods and Environment Act 2005 Environmental Protection Act 1990

Controlled Waste Regulations (2012)

Criminal Justice and Police Act 2001

Dangerous Dogs Act 1991

Dogs (Fouling of Land) Act 1996 Guard Dogs Act 1975

Environmental Protection Act (1990)

Policing and Crime Act 2009

Prevention of Damage by Pests Act 1949 Refuse Disposal (Amenity) Act 1978 Dangerous Dogs Act 1989

Head of Revenue and Benefits Services

1. Authorise officers to institute and appear in any legal proceedings relating to Council Tax and National Non Domestic Rates.
2. 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.
3. 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, in accordance with the Discretionary Rates Relief policy approved by Executive on 8 April 2014 or subsequently.
 - b. Other than for debts, to which 4 below applies (bankruptcy or liquidation) the writing-off of debts in excess of £5,000
 - c. The reduction or remission of liability under section 49.
4. To write-off all Council Tax and NNDR outstanding which are the subject of formal bankruptcy or liquidation claims or debt relief orders.
5. To determine charges for the service of a Summons and Liability Order for non-payment of Council Tax and NNDR and the issue of a Distress Warrant subject to the approval of the Court.
6. To consider in respect of any reapplication for reduction in Non-Domestic Rate bills (within six months of refusal) whether there is a significant change in circumstances in which case the application shall be submitted to the relevant Portfolio holder for consideration.
7. To determine and pay Discretionary Housing payment in accordance with Housing Benefit regulations and section 13 (A)(1)(c) Local Government Finance Act 1992, relating to Exceptional Hardship in respect of Council Tax.

List of Statutory and Proper Officers

Statutory Officers

Legislation	Function	Post holder
Section 4(1) Local Government and Housing Act 1989	Head of Paid Service	Chief Executive (Directors nominated as deputies)
Section 5(1) Local Government and Finance Act 1989	Monitoring Officer	Head of Legal and Democratic Services (Legal Services Manager nominated as deputy)
Section 151 Local Government Act 1972	Chief Financial Officer	Head of Finance and Property Services
Section 35 Representation of the People Act 1983	Returning Officer	Chief Executive
Section 8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive

Notes:

1. Section 113 Local Government and Finance Act 1988 provides that the Chief Finance Officer must also be the Council Tax Registration Officer.
2. Under Section 114 Local Government and Finance Act 1988 the Chief Finance Officer must nominate a suitable qualified member of his staff to carry out his duties under that Section when he is unable to act through absence or illness.
3. Under 5(7) Local Government and Housing Act 1989 the Monitoring Officer must nominate a deputy to act when he is unable through absence or illness to fulfil the role himself.
4. Under Section 35 Representation of the People Act 1983 the Returning Officer may appoint deputies to assist him in his duties.
5. Under s52(2) Representation of the People Act 1983 the Electoral Registration Officer may appoint deputies to assist him in his duties.
6. Under s24 Representation of the People Act 1983 the Returning Officer at a parliamentary election is the Chairman of the Council However under Section 28, the Electoral Registration Officer may discharge the functions of the Returning Officer as Acting Returning Officer. Under sub-section (5) the Acting Returning Officer has power to appoint deputies.

Proper Officers

Legislation	Function	Post Holder
Local Government Act 1972		
Section 83 (1) to (4)	Provides that a declaration in the prescribed form of acceptance of officer of Chairman, Vice-Chairman or Councillor be made to the proper officer	Head of Legal and Democratic Services
Section 84(1)	States that written notice of resignation must be given by Councillors to the proper officer	Head of Legal and Democratic Services
Section 88(2)	Gives the proper officer power to convene a meeting for the purpose of convening a casual vacancy in case of Chairman of the Council.	Head of Legal and Democratic Services
Section 89(1)(b)	Makes provision for the proper officer to accept notice in writing of the casual vacancy occurring in the office of councillor.	Head of Legal and Democratic Services
Section 96	Provides that the Proper Officer is to receive and record disclosures of pecuniary interests under Section 94	Head of Legal and Democratic Services
Section 100(a) to (h) (excluding (f))	For all purposes connected in the Local Government Act 1972 and the Local Government Act 2000 concerned with the provision of information about the decisions made or to be made by councillors including access to agenda, reports, background papers, minutes and records of decisions	Head of Legal and Democratic Services
Section 100 (f)	Provides that the proper officer is to deal with additional rights of access of documents for members of principal councils	Chief Executive
S115	Provides that the proper officer shall receive any monies held or received by officers during the course of employment, or shall issue directions as to whom the monies should be paid	S151 Officer

Section 137(a)	Gives the proper officer power to require a voluntary organisation or similar body to supply information to him, where a local authority uses its powers under Section 137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum	S151 Officer
Section 146	Provides that the proper officer is to make a statutory declaration, or give a certificate, in order to allow for securities etc. to be transferred on change of name of local authority or change of area	S151 Officer
Section 210(6) and (7)	Appoints the proper officer to be vested with certain powers in respect of charities	Chief Executive
Section 212	Proper Officer for the Local Register for Land Charges	Head of Legal and Democratic Services
Section 225	Imposes a duty on the proper officer to receive and retain documents deposited with him pursuant to standing orders of either House of Parliament or any statute or instrument	Head of Legal and Democratic Services
Section 228	Accounts of any Proper Officer to be open to inspection by any Member of the Authority	S151 Officer
Section 229(5)	Provides that the proper officer must certify any photographic copies of documents	Head of Legal and Democratic Services
Section 234 (1)	Provides that any notice, order or other document which a local authority are authorized or required	Head of Legal and Democratic Services

	to give under any enactment may be signed on behalf of the authority by the proper officer	
Section 238	Provides that printed copies of bylaws are endorsed with a certificate signed by the proper officer	Head of Legal and Democratic Services
Schedule 12 Section 99	Conduct of meetings including requirements for notices to be given by proper officer and the appointment of the proper officer to sign summons to attend meetings of the Council	Head of Legal and Democratic Services
Local Government Act 1974		
Section 30	Proper Officer must give public notice of Local Government Ombudsman's Reports	Head of Legal and Democratic Services
Representation of the People Act 1983		
Section 67	Receipt of notice of an election agent for local elections	Chief Executive
Sections 82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
Sections 128	Provides that a copy of any petition questioning a local government election shall be sent to the proper officer who shall publish it in the local authority area	Chief Executive
Local Elections (Principal Area) Rules 1986 and (Parishes and Communities) Rules 1986		
	Retention and public inspection of document after an election	Chief Executive
Local Government and Finance Act 1988		
Section 114	Duty to Report	S151 Officer
Section 116	Provides that the proper officer must give the authority's auditor notice of meetings held under s115	S151 Officer
Local Government and Housing Act 1989		
Section 2	Proper Officer to hold a list of politically restricted posts	Head of Legal and Democratic Services
Section 19	Notices of Members Interests and Maintenance of Records	Head of Legal and Democratic Services
Local Government Act 2000		
All	All references to the Proper Officer in the Local Government Act 2000 and	Head of Legal and Democratic Services

	subordinate legislation	
Scrap Metal Dealers Act 2013		
	To carry out the functions under the Scrap Metal Dealers Act	Head of Housing and Health
Miscellaneous		
All Provisions	Any other miscellaneous proper or statutory officer functions not otherwise specifically delegated by the Authority	Chief Executive or his/her nominee

B. PROPER OFFICERS

The following are the Proper Officers of the Council under the enactments shown below.

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

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

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

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

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

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

Representation of the People Acts and Regulations made thereunder and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Registration Officer, Returning Officer and Proper Officer functions	Chief Executive <u>Director of Neighbourhood Services</u>	Head of Democratic and Legal Support Services <u>Elections Manager</u>

(iii) LOCAL GOVERNMENT FINANCE ACT 1988

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

(iv) LOCAL GOVERNMENT AND HOUSING ACT 1989

Section of the Local Government and Housing Act 1989 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 4 Head of Paid Service	Chief Executive	-
Section 5 Monitoring Officer	Director of Neighbourhood Services <u>Head of Legal and Democratic Services</u>	Head of Democratic and Legal Support Services <u>Legal Services Manager or other appointed officer</u>
Section 19 and regulations made there under. Notices of Members' Interest. Maintenance of Records.	Director of Neighbourhood Services <u>Head of Legal and Democratic Services Manager</u>	Head of Democratic and Legal Support Services <u>Legal Services Manager or other appointed officer</u>

Section of the Local Government and Housing Act 1989 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 2 Deposit of politically restricted posts	Director of Neighbourhood Services <u>Head of Legal and Democratic Services Manager</u>	Head of Democratic and Legal Support Services <u>Legal Services Manager or other appointed officer</u>

(v) MISCELLANEOUS

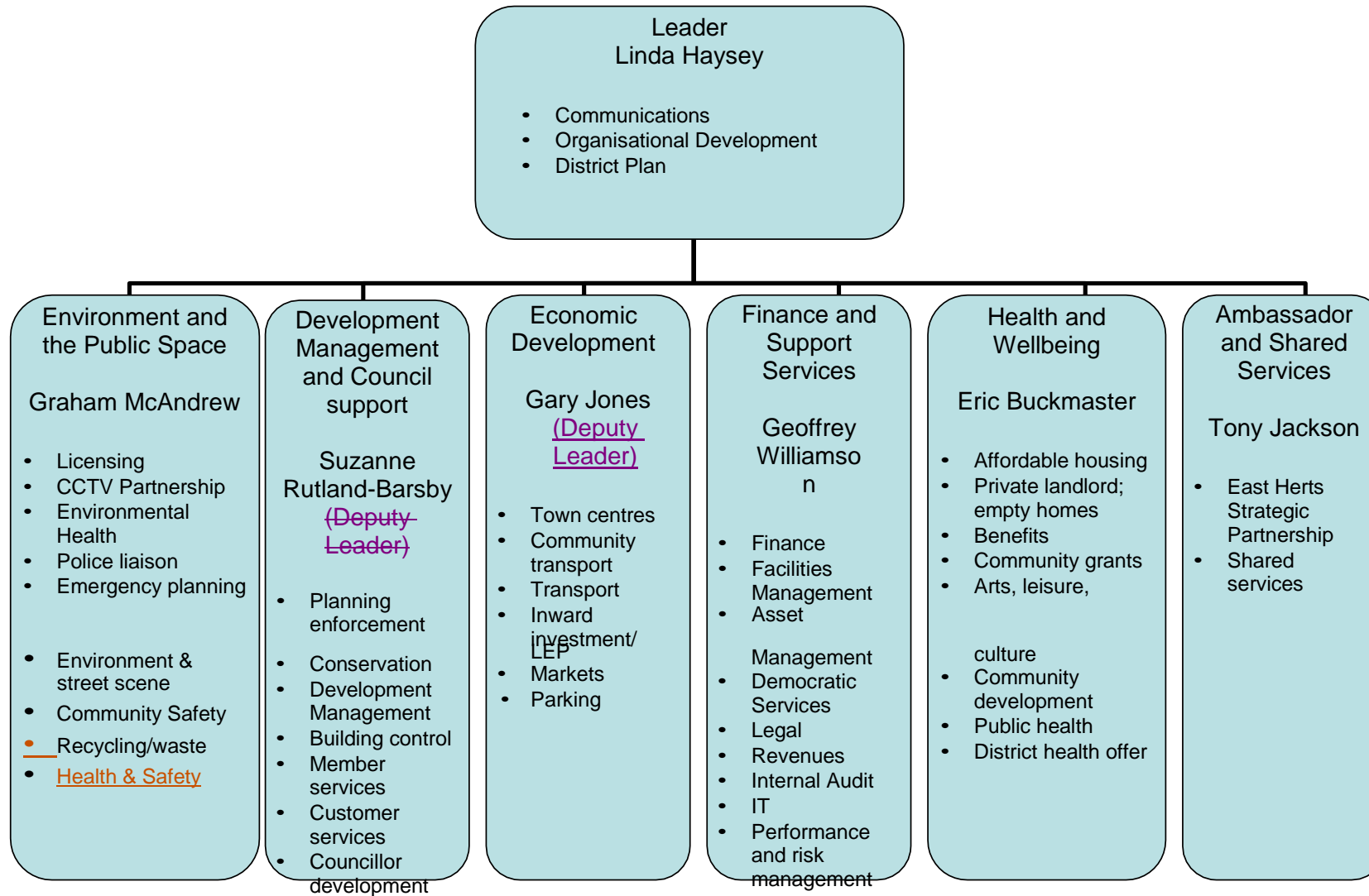
Miscellaneous	Proper Officer	Alternative Proper Officer
Officers authorised to issue authorisations to carry out directed surveillance or to use covert human intelligence sources under Part II of the Regulation of Investigatory Powers Act 2000.	Head of Paid Service Director of Finance and Support Services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

Proper Officer for the compilation of the list of assets of community value

Chief Executive

Head of Strategic Finance and Property

TABLE A - EXECUTIVE PORTFOLIO STRUCTURE (MAY 2016)



PART 4

Rules of Procedure

Council Procedure Rules

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Appointment of Substitute Members of Committees and Sub-Committees
5. Time and place of meetings
6. Notice of and summons to meetings
7. Chairman of meeting
8. Quorum
9. Duration of meeting
10. Questions by the public and Petitions
11. Questions by members
12. Portfolio Reports
13. Motions on notice
14. Motions without notice
15. Rules of debate
16. Previous decisions and motions
17. Voting
18. Minutes
19. Record of attendance
20. Exclusion of public
21. Members' conduct
22. Disturbance by public
23. Suspension and amendment of Council Procedure Rules
24. Application to committees and sub-committees
25. Disclosable Pecuniary Interests

1.1 ANNUAL MEETING OF THE COUNCIL

1.2 Timing and business

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

The annual meeting will:

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

1.3 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

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

2.1 ORDINARY MEETINGS

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

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

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

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

3.1 EXTRAORDINARY MEETINGS

3.2 Calling extraordinary meetings.

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

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

4.1 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.2 Allocation

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

4.3 Powers and duties

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

4.4 Substitution

Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after notification has been given by the absent Member to the Head of Democratic and Legal Support Services at least 24 hours before the meeting of the intended substitution or at least 7 hours before the meeting for Development Management Committee meetings. The duration of the substitution shall be included in the notice.

4.5 The ~~Director of Finance and Support Services~~Head of Legal and Democratic Services shall change the standing membership of committees and joint committees in accordance with the wishes of the political groups to whom seats on these committees have been allocated.

5.1 TIME AND PLACE OF MEETINGS

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

6.1 NOTICE OF AND SUMMONS TO MEETINGS

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

7.1 CHAIRMAN OF MEETING

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

8.1 QUORUM

8.2 The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a

time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9.1 DURATION OF MEETING

- 9.2 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted until 10.00 p.m. will adjourn on completion of the item being considered. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10.1 QUESTIONS BY THE PUBLIC ~~AND PETITIONS~~

10.2 General

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

10.3 Order of questions

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

10.4 Notice of questions

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

10.5 Number of questions

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

10.6 Scope of questions

The Chief Executive may reject a question if it:

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

10.7 Record of questions

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

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

10.8 Asking the question at the meeting

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

10.9 Supplemental question

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

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

10.10 Written answers

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

10.11 Reference of question to the executive or a committee

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

~~10.12 Petitions~~

~~The Council operates a petitions scheme in accordance with the provisions of the Local Democracy, Economic Development and Construction Act 2009. A document submitted by a Member or members of the public shall be identified as a petition where it is indicated to be so by the person or persons submitting it. Petitions may be submitted in paper form or online.~~

~~Lead petitioners shall be invited to address an ordinary meeting of the Council for up to three minutes after which a response shall be given by the relevant Executive Member outlining how the Council intends to deal with the petition. Local Ward Members may also speak on the subject of the petition.~~

~~If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply.~~

~~Petitions submitted to the Council should be accompanied by contact details, including an address, for the petition organiser and must include:~~

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

Full Council debates

~~If a petition contains more than 1,37755 signatures (1% of the local population) it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in a petition will be discussed at a meeting which all Councillors can attend. The organiser of a petition will be given five minutes to present their petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. Council will decide how to respond to a petition at this meeting. They may decide to take the action a petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. A petition organiser will receive written confirmation of this decision~~

Officer evidence

~~Petitions may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. If a petition contains at least 68977 signatures (0.5% of the local population), then the relevant senior officer will give evidence at a public meeting of one of the Council's overview and scrutiny Committees on the subject matter.~~

E-petitions

~~E-petitions which are created and submitted through the Council's website must follow the same guidelines as paper petitions. The petition organiser will need to provide their name, postal address and email address. The petition organiser will also need to decide how long a petition should be open for signatures.~~

11.1 QUESTIONS BY MEMBERS

11.2 On reports of the executive or committees

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

11.3 Questions on notice at full Council

A Member of the Council may ask:

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

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

11.4 Questions on notice at committees and sub-committees

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

11.5 Notice of questions

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

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

Two Questions per Member

A Member may ask only two questions under 11.2 or 11.3 except with the consent of the Chairman of Council, Committee or Sub-Committee.

Length of Speeches

A Member asking a question under 11.2 and 11.3 and a Member answering such a question shall ensure that the question and the reply is succinct.

Time Allowed for Questions at Council Meetings

The time allowed for consideration of any questions submitted under 11.2 shall not, without consent of the Council, exceed 15 minutes unless the Chairman consents to a longer period.

Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

11.6 Response

An answer may take the form of:

- (a) a direct oral answer;

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

11.7 Supplementary question

A Member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply. The Chairman has the right to prevent any Members from asking a protracted supplementary question or giving a protracted answer.

12.1 PORTFOLIO REPORTS

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

13.1 MOTIONS ON NOTICE

13.2 Notice

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

13.3 Motion set out in agenda

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

13.4 Scope

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

13.5 One Motion per Member

No Member may give notice of more than one motion of any Council meeting, except with the consent of the Chairman.

13.6 Time Allowed for Motions

The time allowed for consideration of motions submitted shall not, without the consent of the Council, exceed 10 minutes.

Any remaining motions submitted shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

14.1 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

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

- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 10.00 p.m. in duration;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

15.1 RULES OF DEBATE

15.2 No speeches until motion seconded

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

15.3 Right to require motion in writing

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

15.4 Secunder's speech

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

15.5 Content and length of speeches

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

15.6 When a Member may speak again

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

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

15.7 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.8 Alteration of motion

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

- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

15.9 Withdrawal of motion

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

15.10 Right of reply

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

15.11 Motions which may be moved during debate

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

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

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

15.12 Closure motions

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

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

15.13 Point of order

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

15.14 Personal explanation

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

16.1 PREVIOUS DECISIONS AND MOTIONS

16.2 Motion to rescind a previous decision

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

16.3 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment

is signed by at least 25 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17.1 VOTING

17.2 Majority

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

17.3 Chairman's casting vote

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

17.4 Show of hands

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

17.4 Ballots

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

17.5 Recorded vote

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

17.6 Right to require individual vote to be recorded

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

17.7 Voting on appointments

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

18.1 MINUTES

18.2 Signing the minutes

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

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

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

18.4 Form of minutes

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

19.0 RECORD OF ATTENDANCE

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

20.0 EXCLUSION OF PUBLIC

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

21.1 MEMBERS' CONDUCT

21.2 Chairman standing

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

21.3 Member not to be heard further

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

21.4 Member to leave the meeting

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

21.5 General disturbance

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

22.1 DISTURBANCE BY PUBLIC

22.2 Removal of member of the public

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

22.3 Clearance of part of meeting room

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

23.1 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.2 Suspension

All of these Council Rules of Procedure except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

23.3 Amendment

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

24.0 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the executive. Only Rules 4 – 9, 11 (part), 14, 17 – 22 apply to meetings of committees and sub-committees. Committees and Sub-Committees may elect a Vice Chairman.

25.0 DISCLOSABLE PECUNIARY INTERESTS

A Member must withdraw from the meeting room including from the public gallery during the whole of consideration of any item of business in which he/she has a Disclosable Pecuniary Interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Access to Information Procedure Rules

1.1 SCOPE

- 1.2 These rules apply to all meetings of the Council, scrutiny committees, area committees (if any), the Standards Committee and regulatory committees and public meetings of the executive (together called meetings).

2.1 ADDITIONAL RIGHTS TO INFORMATION

- 2.2 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3.1 RIGHTS TO ATTEND MEETINGS

- 3.2 Members of the public may attend all meetings subject only to the exceptions in these rules.

4.1 NOTICES OF MEETING

- 4.2 The Council will give at least five working days notice of any meeting by posting details of the meeting at Wallfields, Pegs Lane, Hertford, Hertfordshire SG13 8EQ, the designated office.

5.1 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 5.2 The Council will make copies of the agenda and reports open to the public available for inspection on the Council's website and at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

6.1 SUPPLY OF COPIES

6.2 The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

7.1 ACCESS TO MINUTES ETC AFTER THE MEETING

7.2 The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8.1 BACKGROUND PAPERS

8.2 List of background papers

The ~~Director of Finance and Support~~ author of the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report;

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of a political advisor.

8.3 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting a copy of each of the documents on the list of background papers.

9.0 SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at Wallfields, Pegs Lane, Hertford, Hertfordshire SG13 8EQ.

10.1 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.2 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.3 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.5 Meaning of exempt information

Descriptions of Exempt Information

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes:

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

8. Qualifications

Information is not exempt information if it is required to be registered under:

- (a) the Companies Act 1985;
- (b) the Friendly Societies Act 1974;
- (c) the Friendly Societies Act 1992;
- (d) the Industrial and Provident Societies Acts 1965 to 1978;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 1993.

9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

10. Information which:

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case,

the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. Interpretation

In Parts 1 and 2 and this Part of this Schedule: "employee"

means a person employed under a contract of service;

"financial or business affairs" includes contemplated, as well as past or current, activities;

"labour relations matter" means—

- (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
- (b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the acts mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

"registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

11.1 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

- 11.2 If the ~~Director of Finance and Support Services~~Head of Legal and Democratic Services thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

12.1 APPLICATION OF RULES TO THE EXECUTIVE

- 12.2 Rules 13 – 29 apply to the Executive, its committees and Portfolio Holders.

13.1 PROCEDURES PRIOR TO PRIVATE MEETINGS

- 13.2 At least 28 clear days before a private meeting, the Executive will make available at its offices a notice of its intention to hold the meeting in private and publish that notice on the Council’s website. The notice will include a statement of the reasons for the meeting to be held in private. At least five clear days before a private meeting, the Executive will make available at its offices a further notice of its intention to hold the meeting in private and publish that notice on the Council’s website. The notice will include -

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received by the Executive about why the meeting should be open to the public; and
- (c) a statement of its responses to any such representations.

- 13.3 Where the date by which a meeting must be held makes compliance with paragraph 13.42 impracticable. The meeting may only be held in private where the Executive has obtained agreement from -

- (a) the Chairman of the relevant Overview and Scrutiny Committee; or
- (b) if the Chairman of the relevant Overview and Scrutiny Committee is unable to act, the Chairman of the Council;
- (c) where there is no Chairman of either the relevant Overview and Scrutiny Committee or of the Council, the Vice- Chairman of the Council, that the meeting is urgent and cannot reasonably be deferred.

13.4 As soon as reasonably practicable after the Executive has obtained agreement under paragraph 13.2 to hold a private meeting, it must -

- (a) make available at the Council's offices a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the Council's website.

14.1 PROCEDURES PRIOR TO PUBLIC MEETINGS

14.2 The Council will give notice of the time and place of a public meeting by displaying it at the Council's offices and publishing it on the Council's website,

- (a) at least five clear days before the meeting; or
- (b) where the meeting is convened at short notice, at the time that the meeting is convened.

14.3 An item of business may only be considered at a public meeting-

- (a) where a copy of the agenda or part of the agenda including the item has been available for inspection by the public for at least five clear days before the meeting; or
- (b) where the meeting is convened at shorter notice, a copy of the agenda including the item has been available for inspection by the public from time that the meeting was convened.

15.1 ACCESS TO AGENDA AND CONNECTED REPORT FOR PUBLIC MEETINGS

15.2 A copy of the agenda and every report for a meeting will be made available for inspection by the public at the Council's offices and on the Council's website.

15.3 If the ~~Director of Finance and Support Services~~Head of Legal and Democratic Services thinks fit, there may be excluded from the copy of any report the whole, or any part, of the report which relates only to matters during which, in the opinion of the ~~Director of Finance and Support Services~~Head of Legal and Democratic Services, the meeting is likely to be a private meeting.

15.4 Any document which is required to be available for inspection by the public must be available from such inspection for at least five clear days before the meeting except that -

- (a) where the meeting is convened at short notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened; and
- (b) where an item which would be available for inspection by the public is added to the agenda, copies of the revised agenda and any report relating to the item for consideration at the meeting, must be available for inspection by the public when the item is added to the agenda.

15.5 A copy of the agenda item or report will not be available for inspection by the public until a copy is available to Members of the Council. Where the whole or of the part of a report for a public meeting is not available for inspection by the public -

- (a) every copy of the whole report or of the part of the report, as the case may be, must be marked "not for publication" and
- (b) there must be stated on every copy of the whole or part of the report -
 - i. that it contains confidential information; or

- ii. the description of exempt information by virtue of which the Executive is likely to exclude the public during the item to which the report relates.

15.6 Except during any part of a meeting during which the public are excluded, the Council will make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.

15.7 Unless they contain confidential or exempt information, following a request made by a member of the public or on behalf of a newspaper and on payment being made of postage, copying or other necessary charge for transmission, the Council will supply to that person or newspaper -

- (a) a copy of the agenda for a public meeting and a copy of each of the reports for consideration at the meeting;
- (b) such further statements or particulars, as are necessary to indicate the nature of the items contained in the agenda; and
- (c) if the ~~Director of Finance and Support Services~~Head of Legal and Democratic Services thinks fit in the case of any item, a copy of any other document supplied to members of the Executive in connection with the item.

16.1 PUBLICITY IN CONNECTION WITH KEY DECISIONS

16.2 Where a decision maker intends to make a key decision, the Council will publish, a document which states -

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is the Portfolio Holder, the Portfolio Holder's name, and title if any and where the decision maker is the Executive, its name and a list of its members;

- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any documents listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

16.3 At least 28 clear days before a key decision is made, the document must be made available for inspection by the public at the Council's offices and on the Council's website.

16.4 Where, in relation to any matter -

- (a) the public may be excluded from the meeting at which the matter is to be discussed; or
- (b) documents relating to the decision need not, be disclosed to the public,

the document will contain particulars of the matter but may not contain any confidential or exempt information.

17.1 GENERAL EXCEPTION

17.2 Where the publication of the intention to make a key decision is impracticable, that decision may only be made -

- (a) where the ~~Director of Finance and Support Services~~Head of Legal and Democratic Services has informed the Chairman of the relevant Overview and Scrutiny Committee or, if there is no such person, each member of the relevant Overview and Scrutiny Committee

by notice in writing, of the matter about which the decision is to be made;

- (b) where the ~~Director of Finance and Support Services~~Head of Legal and Democratic Services has made available at the Council's offices for inspection by the public and published on the Council's website, a copy of the notice; and
- (c) after five clear days have elapsed following the day on which the ~~Director of Finance and Support Services~~Head of Legal and Democratic Services made available the notice.

17.3 As soon as reasonably practicable after the ~~Director of Finance and Support Services~~Head of Legal and Democratic Services has issued the notice, they ~~Director~~ will -

- (a) make available at the Council's offices a notice setting out the reasons why compliance with the publicity is impracticable.
- (b) publish that notice on the Council's website.

18.1 CASES OF SPECIAL URGENCY

18.2 Where the date by which a key decision must be made, makes compliance with publication of the notice impracticable, the decision may only be made where the decision maker has obtained agreement from -

- (a) the Chairman of the relevant Overview and Scrunity Committee; or
- (b) or if the Chairman of the relevant Overview and Scrunity Committee is unable to act, the Chairman of the Council;
- (c) where there is no Chairman of either the relevant Overview and Scrutiny Committee or of the Council, the Vice Chairman of the Council.

that the making of the decision is urgent and cannot reasonably be deferred.

- 18.3 As soon as reasonably practicable after the decision maker has obtained agreement of the relevant Chairman that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must -
- (a) make available at the Council's offices a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and
 - (b) publish that notice on the Council's website.

19.1 RECORDING OF EXECUTIVE DECISIONS MADE AT MEETINGS

- 19.2 As soon as reasonably practicable after any meeting of the Executive or its Committee at which an executive decision was made, the ~~Director of Finance and Support Services~~ Head of Legal and Democratic Services, or ~~if the Director was not present at the meeting,~~ the person presiding, must ensure that a written statement is produced for every executive decision made which includes the information specified in paragraph 19.2.

- 19.3 The statement referred to in paragraph 19.1 must include -

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the Executive at the meeting which the decision was made;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any Member of which the decision was made;
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

20.1 RECORDING OF EXECUTIVE DECISIONS MADE BY PORTFOLIO HOLDERS

20.2 As soon as reasonably practicable after a Portfolio Holder has made an Executive decision, the Portfolio Holder will produce or instruct the ~~Director of Finance and Support Services~~Head of Legal and Democratic Services to produce a written statement of that Executive decision which included the information specified in paragraph 20.2.

20.3 The Statement referred to in paragraph 20.1 must include -

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the Portfolio Holder when making the decision;
- (d) a record of any conflict of interest declared by any Executive Member who is consulted by the Portfolio Holder which related to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

21.1 RECORDING OF EXECUTIVE DECISIONS MADE BY OFFICERS

21.2 As soon as reasonably practicable after an officer has made a decision which is an Executive decision, the officer will produce a written statement which must include -

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the officer when making the decision;
- (d) a record of any conflict of interest declared by any Executive Member who is consulted by the officer which relates to the decision; and

- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

22.1 INSPECTION OF DOCUMENT FOLLOWING EXECUTIVE DECISIONS

- 22.2 Unless they contain confidential or exempt information, after a meeting of the Executive or its Committee at which an executive decision has been made, or after a Portfolio Holder or an officer has made an Executive decision the ~~Director of Finance and Support Services~~Head of Legal and Democratic Services must ensure that a copy of –

- (a) any record of the decision; and
- (b) any report considered at the meeting or, considered by the Portfolio Holder or officer and relevant to a decision record or, where only part of the report is relevant to such a decision, that part,

must be available for inspection by members of the public as soon as is reasonably practicable, at the Council's offices, and on the Council's website,

- 22.3 Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection, those documents will be supplied for the benefit of the newspaper by the Council on payment by the newspaper of postage, copying or other necessary charge for transmission.

23.1 INSPECTION OF BACKGROUND PAPERS

- 23.2 When a copy of the whole or part of a report for a meeting is made available for inspection by members of the public, at the same time -

- (a) a copy of a list of the background paper to the report or part of the report, must be included in the report or, as the case may be, part of the report; and

(b) at least one copy of each of the documents included in that list, must be available for inspection by the public at the Council's offices and on the Council's website.

24.1 ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF LOCAL AUTHORITIES

24.2 Subject to paragraphs 24.1 to 24.6, any document which

- (a) is in possession or under the control of the Executive; and
- (b) contains material relating to any business to be transacted at a public meeting,

will be available for inspection by any Member of the Council.

24.3 Any document which is required by paragraph 24.1 to be available for inspection by any Member of the Council must be available for such inspection for at least five clear days before the meeting except that -

- (a) where the meeting is convened at shorter notice, such as a document must be available for inspection when the meeting is convened; and
- (b) where an item is added to the agenda at shorter notice, a document that would be required to be available under paragraph 24.1 in relation to that item, must be available for inspection when the item is added to the agenda.

24.4 Subject to paragraphs 24.5 to 24.6, any document which -

- (a) is in the possession or under the control of the Executive; and
- (b) contains material relating to -
 - (i) any business transacted at a private meeting;
 - (ii) any decision made by a Portfolio Holder;

- (iii) any decision made by an officer in accordance with Executive arrangements,

must be available for inspection by any Member of the Council when the meeting concludes or where an Executive decision is made by a Portfolio Holder or an office immediately after the decision has been made.

24.5 Any documents which is required by paragraph 24.3 to be available for inspection by any Member must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

24.6 Paragraphs 24.1 and 24.3 do not require a document to be available for inspection if it appears to the ~~Director of Finance and Support Services~~Head of Legal and Democratic Services that it discloses exempt information.

24.7 Notwithstanding paragraph 24.5, paragraphs 24.1 and 24.3 do require the document to be available for inspection if the information -

- (a) relates to the financial or business affairs of any particular person (including the authority holding that information) (except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract); or
- (b) reveals that the authority proposes:
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (ii) to make an order or direction under any enactment.

24.8 These rights are in addition to any other rights that a Member may have.

- 25.1 ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF OVERVIEW AND SCRUTINY COMMITTEES
- 25.2 Subject to paragraph 25.3 a Member of an Overview and Scrutiny Committee is entitled to a copy of any document which -
- (a) is in the possession or under the control of the Executive; and
 - (b) contains material relating to –
 - (i) any business that has been transacted at a meeting of the Executive or its Committee;
 - (ii) any decision that has been made by a Portfolio Holder in accordance with executive arrangements; or
 - (iii) any decision that has been made by an officer in accordance with executive arrangements.
- 25.3 Subject to paragraph 25.3, where a Member of an Overview and Scrutiny Committee requests a document which falls within paragraph 25.1, the Executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the Executive receives the request.
- 25.4 No Member of an Overview and Scrutiny Committee is entitled to a copy of any such document or part of a document as contains exempt or confidential information unless that information is relevant to –
- (a) an action or decision that a Member is reviewing or scrutinising; or
 - (b) any review contained in any programme of work of such a Committee or Sub-Committee of such a committee
- 25.5 Where the Executive determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in paragraph 25.1

or 25.3, it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

26.1 REPORTS TO THE LOCAL AUTHORITY WHERE THE KEY DECISION PROCEDURE IS NOT FOLLOWED

26.2 Where an Executive decision has been made and -

- (a) was not treated as being a key decision; and
- (b) a relevant Overview and Scrutiny Committee is of the opinion that the decision should have been treated as a key decision,

that Overview and Scrutiny Committee may require the Executive which is responsible for the decision to submit a report to the Council within such reasonable period as the Committee may specify.

26.3 A report under paragraph 26.1 must include details of -

- (a) the decision and the reasons for the decision;
- (b) the decision maker by which the decision was made; and
- (c) if the Executive are of the opinion that the decision was not a key decision, the reasons for that opinion.

27.1 EXECUTIVE REPORTS TO THE LOCAL AUTHORITY

27.2 The Leader shall submit to the Council a report containing details of each executive decision taken during the period since the last report was submitted to the Council where the making of the decision was agreed as urgent.

27.3 A report submitted for the purposes of paragraph 27.1 must include -

- (a) particulars of each decision made; and

- (b) a summary of the matters in respect of which each decision was made.

27.4 The Leader shall submit a least one report under paragraph 27.1 annually to the Council.

28.1 INSPECTION AND SUPPLY OF DOCUMENTS

28.2 Any document relating to decisions of the Executive or its Committees or a Portfolio Holder required to be open to inspection by members of the public will be available for inspection -

- (a) at all reasonable hours at the Council's offices;
- (b) on the Council's website; and
- (c) in the case of background papers on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of the Council.

29.1 ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE

29.2 All Members of the executive will be served notice of all private meetings of committees of the executive, whether or not they are Members of that committee.

29.3 All Members of the executive are entitled to attend a private meeting of any committee of the executive.

29.4 The head of the paid service, the chief financial officer and the monitoring officer, and their nominees are entitled to attend any meeting of the executive and its committees. The executive may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place.

29.5 A private executive meeting may only take place in the presence of the Chief Executive or his/her nominee with responsibility for recording and publicising the decisions

29.6 In all of the above examples, the provisions of paragraph 19 (recording and publicising decisions) will apply.

30.1 DOCUMENT RETENTION SCHEDULE

30.2 The Council's document retention schedule can be found at:

| www.eastherts.gov.uk/intranet/documentretention

Budget and Policy Framework Procedure Rules

- 1.1 The framework for executive decisions
- 1.2 The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the executive to implement it.
- 2.1 Process for developing the framework
- 2.2 The process by which the budget and policy framework shall be developed is:
 - (a) The executive will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairmen of the Scrutiny Committees will also be notified.
 - (b) At the end of that period, the executive will then draw up firm proposals having regard to the responses to that consultation. If the Scrutiny Committees wishes to respond to the Executive in that consultation process then it may do so. As the Scrutiny Committees have responsibility for fixing their own work programme, it is open to them to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Executive will take any response from a Scrutiny Committee into account in drawing up firm proposals for submission to the Council and its report to Council will reflect the comments made by consultees and the Executive's response.
 - (c) Once the Executive has approved the firm proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.

- (d) Where the Council has any objections to the proposals, it must take the action set out in (e) below.
- (e) Before the Council:
 - (i) amends the proposals;
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any proposals (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - (iii) adopts (with or without modification) the proposals it must inform the Leader of any objections which it has and must give ~~him~~him/her instructions requiring the Executive to reconsider, in the light of those objections, the proposal which was submitted to it.
- (f) Where the Council gives instructions in accordance with (e) above, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives from the Chief Executive the instructions on behalf of the Executive within which the Leader may:
 - (i) submit a revision of the proposal as amended by the Executive (the “revised proposals”), with the Executive’s reasons for any amendments to the Council for the Council’s consideration; or
 - (ii) inform the Council of any disagreement that the Executive has with any of the Council’s objections together with its reasons for any such disagreement.
- (g) When the period specified by the Council, referred to in (f) above, has expired, the Council must, when:
 - (i) amending the proposal or, if there is one, the revised proposal;

(ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any proposal (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(iii) adopting (with or without modification) the proposal

take into account any amendments, representations or observations made by the Executive together with the reasons for them, submitted within the period specified.

(h) Subject to paragraph (l) below, where, before 8 February in any financial year, the Executive submits to the Council for its consideration in relation to the following financial year:

(i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 of the Local Government Finance Act 1992 (the 1992 Act);

(ii) estimates of other amounts to be used for the purposes of such a calculation;

(iii) estimates of such a calculation

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in (i) below.

(i) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in (h) above, it must inform the Leader of any objections which it has to the Executive's estimates or amounts and must give to ~~him~~him/her instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

- (j) When the Council give instructions in accordance with (i) above, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives from the Chief Executive the instructions on behalf of the Executive within which the Leader may:
 - (i) submit a revision of the estimates or amounts as amended by the Executive (“revised estimates or amounts”), which have been reconsidered in accordance with the Council’s requirements, with the Executive’s reasons for any amendments made to the estimates or amounts to the Council for the Council’s consideration; or
 - (ii) inform the Council of any disagreement that the Executive has with any of the Council’s objections and the Executive’s reasons for any such disagreement.
- (k) When the period specified by the Council, referred to in (j) above has expired, the Council must take into account, when making the calculations (whether originally or by way of substitute) in accordance with the sections referred to in (h) above:
 - (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (ii) the Executive’s reasons for those amendments;
 - (iii) any disagreement that the Executive has with any of the Council’s objections; and
 - (iv) the Executive’s reasons for that disagreement which the Leader submitted to the Council or informed the Council of within the period specified.
- (l) (h) to (k) above shall not apply in relation to calculations or substitute calculations which the Council may be required to make in accordance with section 52I, 52T and 52U of the 1992 Act.

- 2.3 In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and the degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraph 5 and 6 of these rules. Any other changes to the budget and policy framework are reserved to the Council.

Executive Procedure Rules

1.1 HOW DOES THE EXECUTIVE OPERATE?

1.2 Who may make Executive decisions?

The Leader decides how the Executive functions shall be discharged by:

- (a) the Executive as a whole;
- (b) a Committee of the Executive;
- (c) an individual Member of the Executive;
- (d) an officer;
- (e) an area Committee;
- (f) joint arrangements; or
- (g) another local authority.

1.3 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (a) the size of the Executive;
- (b) the names, addresses and wards of the people appointed to the Executive by the Leader;
- (c) the name, address and ward of the person appointed to be the Deputy Leader;

- (d) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;
- (e) the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of Executive Members appointed to them;
- (f) the nature and extent of any delegation of Executive functions to area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and
- (g) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.4 Sub-delegation of executive functions

- (a) Any Executive function which is the responsibility of a Member or Members may be delegated, for example, to an officer.
- (b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.5 The Council's scheme of delegation and executive functions

- ~~(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.~~
- ~~(b) The Leader may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Chief~~

~~Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.~~

~~(c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairman.~~

1.6 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an Executive function has been delegated to a Committee of the Executive, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.7 Executive meetings – when and where?

The Executive will meet at least 6 times per year at times to be agreed by the Leader. The Executive shall meet at the Council's offices at Wallfields, Pegs Lane, Hertford, Hertfordshire or another location to be agreed by the Leader.

1.8 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be 4 Members of the Executive.

1.9 How are decisions to be taken by the Executive?

- (a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened

in accordance with the Access to Information Rules in Part 4 of the Constitution.

- (b) Where Executive decisions are delegated to a Committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

2.1 DECISION-MAKING

2.2 Key decisions

Key decisions shall only be taken at a meeting of the Executive (ie not by the Leader or a Portfolio Holder or an officer).

2.3 How key decisions are made

Prior to any key decision being taken, Scrutiny will be given the opportunity to consider the item, unless it is an urgent item (as defined in paragraph 16 of the Access to Information Rules). The Scrutiny Committee will receive a full report on the item and consider it before the meeting of the Executive where the decision is to be taken, if requested by the Chairman of the Scrutiny Committee. The Executive shall take account of the views of the Scrutiny Committee in reaching its decision.

2.4 Portfolio Holder (non-key) decisions

- (a) The Leader and Portfolio Holders are authorised to take executive decisions on all non-key matters within their respective portfolios, subject to the matter being considered by Members through intranet discussion.
- (b) Before taking any non-key decisions, the Leader or Portfolio Holder must consult all Members. A full report on the non-key decision shall be posted on the intranet and Members may respond within 7 working days.
- (c) All decisions will be recorded and signed off by the Leader or Portfolio Holder. Where a request is made for further information, the decision may be deferred for the information to be supplied.

2.5 Other (non-key) executive decisions

Within its terms of reference, the Executive is authorised to make

- (a) decisions which are not key decisions and do not fall within the portfolios of the Leader or any Portfolio Holder or their respective delegations or the delegation to any officer; and
- (b) decisions on matters which, whilst falling within a portfolio or delegation, the Chief Executive or other chief officers think it more appropriate to put on the Executive agenda for decision.

2.6 Portfolio Holder Decisions: Supplemental Rules

The following additional rules apply to Portfolio Holder decisions:

- (a) If the Leader or a Portfolio Holder has a Pecuniary Interest in any matter which s/he is requested to consider, s/he shall immediately return the papers to the Chief Executive. The matter will then be considered by the Executive. It is incumbent on Council officers to brief themselves as well as possible to avoid this situation arising.
- (b) If a Portfolio Holder is absent or unavailable for any reason, the Leader of the Council (or in his/her absence the Deputy Leader) may, by written notice to the Chief Executive, have power to temporarily re-allocate that portfolio to another Executive Member until the next Executive meeting (when the Executive can decide the matter). The Leader or Portfolio Holder will be able to take part in the decision-making process if a dispensation has been granted.
- (c) If a Portfolio Holder is unable to act for any other reason, the Leader of the Council is authorised to make the decision or in his/her absence or at his/her request the Deputy Leader is authorised to make the decision. If the Leader is unable to act, the Deputy Leader is authorised to make the decision.

- (d) In respect of any ordinary business, the Leader or a Portfolio Holder may exceptionally decline to decide the matter and instead ask the relevant chief officer to put it on the agenda for the next Executive meeting.
- (e) In respect of any urgent business, if the Portfolio Holder delays or declines to make a decision the Chief Executive shall have power to seek a decision from the Leader or Deputy Leader.
- (f) Before making a decision, full consideration shall be given by the Leader and Portfolio Holders to all reports posted on the intranet and any comments made by Members.
- (g) Before making a decision, where necessary, consideration shall be given to the need for further consultation or information.
- (h) Decisions shall be published electronically and in accordance with Access to Information Procedure Rules.

3.1 HOW ARE EXECUTIVE MEETINGS CONDUCTED?

3.2 Who presides?

The Leader will preside at any meeting of the Executive or its committees at which he/she is present, or may appoint another person to do so.

3.3 What business?

At each meeting of the executive the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Executive (whether by a Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy

Framework Procedure Rules set out in Part 4 of this Constitution;

- (d) consideration of reports from Scrutiny Committees; and
- (e) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

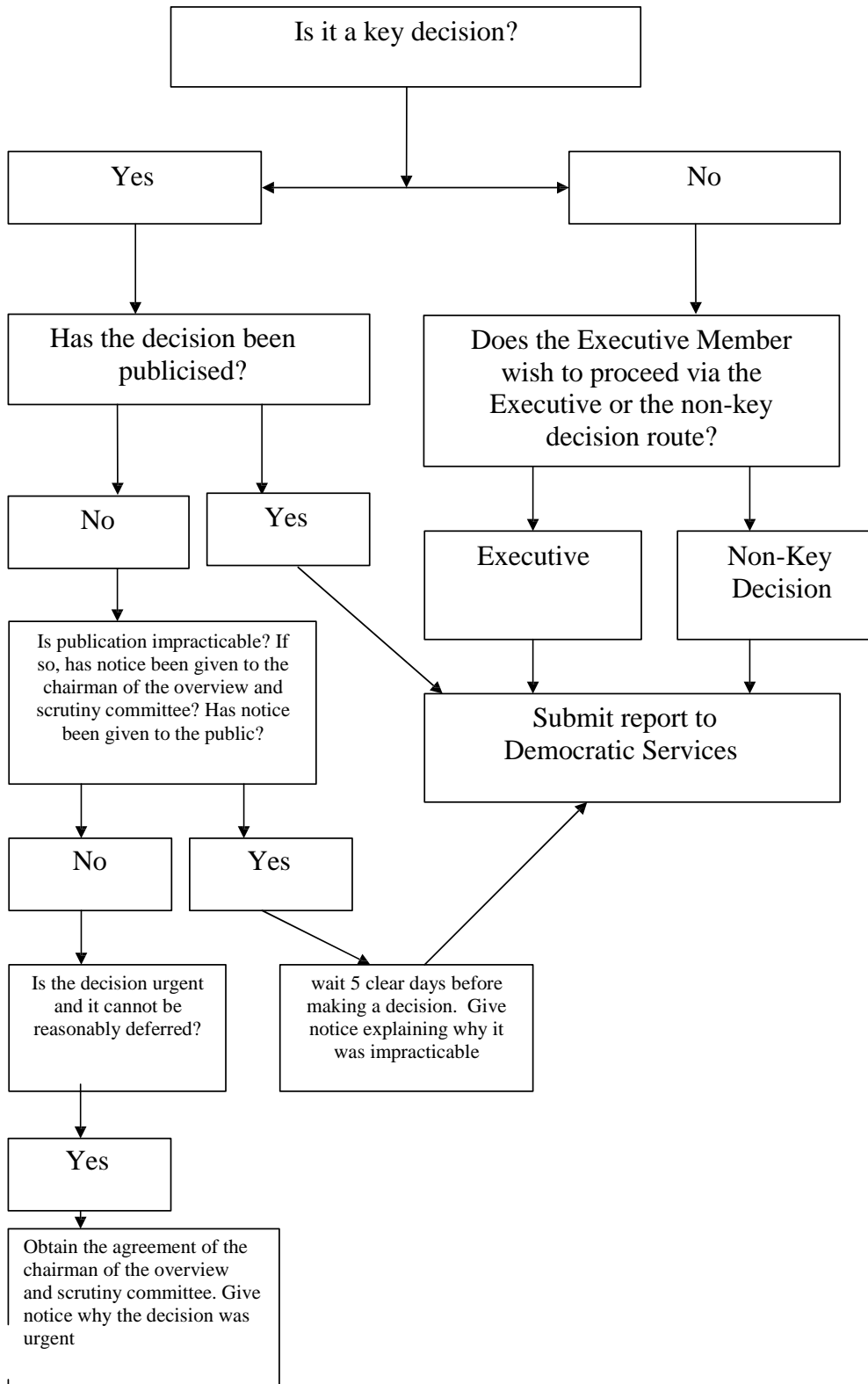
3.4 Consultation

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

3.5 Who can put items on the executive agenda?

The monitoring officer and/or the chief financial officer may request an item be included for consideration on the agenda of an Executive meeting and may request the ~~Director of Finance and Support Services~~Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial officer and monitoring officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly request that an item be included on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to request that an item be included on the agenda may also request that a meeting be convened at which the matter will be considered.

EXECUTIVE DECISION-MAKING PROCESS



Scrutiny Procedure Rules

1.1 Scrutiny Committee arrangements

1.2 Role of scrutiny committee

- (a) The role of the scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committee or sub-committees may make proposals to the executive for developments in so far as they relate to matters within their terms of reference.
- (c) Scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

1.3 What will be the number and arrangements for scrutiny committees?

The Council will have the scrutiny committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees. Scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist. Scrutiny Committees may appoint Standing Panels and/or task and finish groups which shall be given a brief to consider a specified subject area and report back to Committee on a regular basis as determined by the Committee.

1.4 Who may sit on Scrutiny committees?

All Councillors except Members of the executive may be members of a scrutiny committee. However, no Member may be involved in scrutinising a decision [in](#) which he/she has been directly involved.

1.5 Co-optees

Each scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

1.6 Meetings of the scrutiny committees

Meetings of Scrutiny committees shall be programmed in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A scrutiny committee meeting may be called by the Chairman of the relevant scrutiny committee, by any 4 members of the committee or by the Chief Executive if he/she considers it necessary or appropriate.

1.7 Quorum

The quorum for a scrutiny committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

1.8 Who chairs scrutiny committee meetings?

There shall be a different Chairman for each Scrutiny Committee.

1.9 Work programme

The scrutiny committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of Members on that committee who are not Members of the largest political group on the Council.

1.10 Agenda items

Any Member of a scrutiny committee or sub-committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and the executive to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of the scrutiny committee within one month of receiving it.

1.11 Reports from scrutiny committee

- (a) Once it has formed recommendations on proposals for development, the scrutiny committee will prepare a formal report and submit it to the Chief Executive for consideration by the executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If a scrutiny committee cannot agree on one single final report to the Council or executive as appropriate, then a minority report may be prepared and submitted for consideration by the Council or executive with the majority report with the agreement of the Committee.
- (c) The Council or executive shall consider the report of the scrutiny committee within one month of it being submitted to the Chief Executive.

1.12 Making sure that scrutiny reports are considered

Where a scrutiny committee or sub-committee prepares a report for consideration by the executive in relation to a matter where the Leader or Council has delegated decision making power to another individual Member of the executive, then the scrutiny committee will submit a copy of their report to him/her for consideration. At the time of doing so, the scrutiny committee shall serve a copy on the Chief Executive. The Member with delegated decision making power must consider the report and respond in writing to the scrutiny committee within 2 months of receiving it. A copy of his/her written response to it shall be sent to the Chief Executive and the Leader. The Member will also attend a future meeting of the scrutiny committee to present their response.

1.13 Rights of Members:

Documents

- (a) In addition to their rights as Councillors, Members of scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the executive and scrutiny committees as appropriate depending on the particular matter under consideration.

Other

- (c) Any Member may refer to a scrutiny committee a “local government matter”, i.e. a matter relating to the Council’s functions which affects their electoral division. If the scrutiny committee decides not to scrutinise the matter, then it must provide the Member with a reason why.

1.14 Members and officers giving account

- (a) Any scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection

with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any (other) Member of the executive, the head of paid service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance;

and it is the duty of those persons to attend if so required.

- (b) Where any Member or officer is required to attend a scrutiny committee under this provision, the Chairman of that committee will inform the Chief Executive. The Chief Executive shall inform the Member or officer in writing giving at least 7 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the Member or officer arrange an alternative date for attendance.

1.15 Attendance by others

A scrutiny committee may invite people other than those people referred to in paragraph 1.13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to address it.

1.16 Call-in

- (a) When a decision is made by the executive, an individual Member of the executive or a committee of the executive, or a key decision is made by an officer with delegated authority from the executive, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council usually within 2 days of being made. Chairmen of all scrutiny committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless a scrutiny committee objects to it and calls it in.
- (c) During that period, the Chief Executive shall call-in a decision for scrutiny by a scrutiny committee if so requested by any four members of the Council, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of a scrutiny committee on such date as he/she may determine, where possible after consultation with the Chairman of the committee, and in any case within 5 days of the decision to call-in.
- (d) If, having considered the decision, the scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 21 working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the scrutiny committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take

effect on the date of the scrutiny meeting, or the expiry of that further 5 working day period, whichever is the earlier.

- (f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the executive as a whole or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

1.17 Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

- (i) that a scrutiny committee may only call-in 16 decisions per year;
- (ii) decisions involving expenditure or reductions in service over a value of £1,000 may be called in;
- (iii) four Members are needed for a decision to be called in;

1.18 Call-In and Urgency

- (i) The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call- in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (ii) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

1.19 Procedure at scrutiny committee meetings

- (a) Scrutiny committees and sub-committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
 - (iv) responses of the executive to reports of the scrutiny committee; and

- (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the scrutiny committee conducts investigations (e.g. with a view to policy options), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all Members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

1.20 Matters within the remit of more than one scrutiny committee

Where a scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another scrutiny committee, before submitting its findings to the executive and/or Council for consideration, the report of the reviewing scrutiny committee shall be considered by the other scrutiny committee for comment. Those comments shall be incorporated into the report which is then sent to that body for consideration.

Table 1:

ROLE OF SCRUTINY

1. To review the discharge by the executive of any of its functions, within the remit of the Committee including comparison of performance against any appropriate targets, plans or standards and to recommend:
 - (a) whether any action should be taken to improve the economy, efficiency and effectiveness of those functions
 - (b) whether any action should be taken to improve the co-ordination of the various functions of the Council or their co-ordination with the functions of any person or body
 - (c) whether the function should continue to be discharged in this manner.
2. To develop policy options and to review and scrutinise the policies and performance of the Council and to recommend to the Council or the executive:
 - (a) whether any new policies are required
 - (b) whether any existing policies are no longer required
 - (c) whether any changes are required to any existing policies
 - (d) whether any action is required to make the policies more effective.
3. To review and scrutinise any decisions or proposed decisions or action of the Council and of the executive on matters within the Committee's remit and to report and recommend to the Council or the executive:
 - (a) whether the decision should be reconsidered, and if so what alternative decision should be taken;
 - (b) whether the proposed decision should be taken or not taken, or taken in a different form;
 - (c) whether any further action should be taken in the experience of that decision to secure that it, or similar decisions, is/are properly and effectively implemented;
 - (d) whether any further action should be taken in the experience of that decision to improve the manner or

quality or decision-making for the future.

4. In undertaking such reviews and considerations, the Committee shall in particular consider:
 - (a) whether the relevant criteria were applied to that decision;
 - (b) whether the decision is in accordance with the policy framework of the Council;
 - (c) whether the decision or action was within the powers of the Council;
 - (d) whether the decision was lawful;
 - (e) whether the decision contributes to the efficient, effective and economic discharge of the function.

Councillor Call for Action (CCfA) Protocol

Under section 119 of the Local Government and Public Involvement in Health Act 2007, Members may call for debate and discussion at committee, a topic of neighbourhood concern. These powers are limited to an issue which affects a single council ward. CCfA will be considered by the scrutiny committee, whose terms of reference include within its remit, the subject of the CCfA. If in doubt, the Monitoring Officer shall determine which scrutiny committee would be the relevant recipient. In order to initiate the CCfA process, the Chairman of the relevant scrutiny committee in conjunction with the Monitoring Officer will need to be satisfied that the following criteria have been met:

Criteria

Statutory Regulations specify matters that are excluded from CCfA:

1. any matter which is vexatious, discriminatory or not reasonable;
2. any matter which is the subject of an individual complaint;
3. any matter relate to a planning appeal, licensing appeal or other issue where there is an alternative avenue available; and
4. the matter must be one where all other attempts at resolution have been exhausted.

The following process will need to be followed: Process

1. A Member should direct a CCfA request in writing to the Chairman of the relevant scrutiny committee and the Monitoring Officer who will, if the above criteria are met, allow the issue to be placed on the agenda for a subsequent meeting. The request should specify:
 - the ward concerned and how the issue relates only to that ward;
 - the views and concerns of local residents;
 - how existing mechanisms for resolution have been tried and exhausted; and
 - the desired outcomes for resolving the issue.
2. The scrutiny Chairman, in conjunction with the Monitoring Officer, may determine whether the next scheduled meeting of the

relevant scrutiny committee is appropriate or if an additional meeting needs to be convened.

3. The scrutiny committee, subject to the necessary notice being given, will be able to request attendance from the relevant Executive Member and/or representatives of partner organisations, and/or to request information.
4. The scrutiny committee should discuss how to achieve the desired outcomes that the member bringing the CCfA has specified and should conclude its consideration with a recommendation that certain action(s) should take place. The scrutiny committee may decide to challenge whether the desired outcome is reasonable.
5. Whilst there will be no specified procedure for the discussions at committee, the scrutiny Chairman, in consultation with Officers, may determine an informal structure that will enable all parties to contribute.
6. All CCfA requests, whether pursued or not, should be reported to the next relevant scrutiny committee for information. This will enable scrutiny committees to take account of all requests in determining work programmes.

Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor, or officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment.

- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.
- (iii) Nothing in paragraph (i) and (ii) above will preclude a Councillor from giving a written reference for a candidate for submission with the application for appointment.

2. Recruitment of head of paid service and chief officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointment of head of paid service

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or Sub-Committee of the Council. That Committee or Sub-Committee must include at least one Member of the Executive.
- (b) The full Council may only make or approve the appointment of the Head of Paid Service where no well- founded objection has been made by any Member of the Executive.
- (c) Where a Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of the appointment of an officer designated as the Head of the Council's Paid Service, the Council must approve that appointment before an offer of appointment is made to that person.

4. Appointment of chief officers ~~and deputy chief officers~~

- (a) A Committee or Sub-Committee of the Council will appoint chief officers. That Committee or Sub-Committee must include at least one Member of the Executive.

- (b) An offer of employment as a Chief Officer shall only be made where no well-founded objection from any Member of the Executive has been received.

5. Notification of appointments

- (a)
 - (i) No offer of an appointment shall be made to the Head of Paid Service ~~or~~ Chief Officer ~~or Deputy Chief Officer~~ until the Chairman of the Committee or Sub-Committee (on behalf of the Committee or Sub-Committee) has notified the Head of Paid Service of the name and other relevant particulars of the person the Committee or Sub-Committee wishes to appoint.
 - (ii) The Head of Paid Service has notified every Member of the Executive of the name and other relevant particulars of the person the Committee wishes to appoint.
- (b) The Leader may object, on behalf of the Executive to an appointment within 5 working days of the issue of the notice in (a) above.
- (c) An offer of appointment may be made if:
 - (i) The Leader has notified the Chairman of the Committee or Sub-Committee within 5 working days that neither he or she nor any other Member of the Executive has any objection to the making of the offer.
 - (ii) The Head of Paid Service has notified the Committee or Sub-Committee that he or she has not received any objection within the period specified in (b) above.
 - (iii) The Committee or Sub-Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

6. Other appointments

- (a) Officers below ~~deputy Chief of~~ Officer. Appointment of officers below ~~deputy Chief~~ Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
- (b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. Disciplinary Action

1. In the following paragraphs-
 - (a) “the 2011 Act” means the Localism Act 2011;
 - (b) “chief finance officer”, “disciplinary action”, head of the Council’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulation 2011;
 - (c) “independent person” means a person appointed under section 28 (7) of the 2011 Act;
 - (d) “local government elector” means a person registered as a local government elector in the register of electors in the Council’s area in accordance with the Representation of the Peoples Acts;
 - (e) “the Panel” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to dismissal of relevant officers of the Council;
 - (f) “relevant officer” means the chief finance officer, head of the Council’s paid service or monitoring officer, as the case may be.
2. A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
3. The Council must invite relevant independent to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
5. Subject to paragraph 6, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order-
 - (a) A relevant independent person who has been appointed by the Council ~~and~~ who is a government elector;
 - (b) Any other relevant independent person who has been appointed by the Council;
 - (c) A relevant independent person who has been appointed by another authority or authorities..
6. The Council is not required to appointment than two relevant independent persons in accordance with paragraph 5 but may do so.
7. The Council must appoint any panel at least 20 working days before the relevant meeting.
8. Before the taking of a vote at relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular-
 - (a) Any advice, views or recommendation of the Panel
 - (b) The conclusions of any investigation into the proposed dismissal; and
 - (c) Any representations from the relevant officer.
9. Any remuneration, allowances or feed paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as independent person under the 2011 Act.

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10. Where a Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the Head of the Council's Paid Service, as the Chief Finance Officer, or as the Council's Monitoring Officer, the Council's must approve that dismissal before notice is given to that person.

Financial Regulations

	INDEX	
1.	INTRODUCTION	
1.1	Why do we have Financial Regulations?	
1.2	Status of Financial Regulations	
1.3	Financial Thresholds	
2	FINANCIAL MANAGEMENT AND ACCOUNTABILITY	
2.1	General	
2.2	Council	
2.3	Executive	
2.4	Head of Paid Service	
2.5	Monitoring Officer	
2.6	S.151 Officer	
2.7	Heads of Service	
3	FINANCIAL PLANNING	
3.1	General	
3.2	Preparation and Approval of Budget	
3.3	Authority to Incur Expenditure	
3.4	Budgetary Control	
3.5	Supplementary Budgets	
3.6	Virements	
3.7	Treatment of Year-end Balances	
3.8	Reserves	
4	RISK MANAGEMENT AND INTERNAL CONTROL	
4.1	Risk Management	
4.2	Internal Control	
4.3	Investment and Treasury Management	
4.4	Security	
4.5	Inventories	
4.6	Stocks and Stores	
4.7	Insurance	

4.8	Gifts and Hospitality	
4.9	Fraud and Irregularity	
4.10	Money Laundering	
4.11	Land Holdings	
4.12	Internal Audit	
5	SYSTEMS AND PROCEDURES	
5.1	Orders for Works, Goods and Services	
5.2	Compliance with Environmental and Other Policies	
5.3	Authorisation of Orders	
5.4	Goods Receipting	
5.5	Payment of Invoices	
5.6	Urgent Processing	
5.7	Periodic Payments	
5.8	Petty Cash	
5.9	Income	
5.10	Banking and Cheques	
5.11	Smart Cards	
5.12	Salaries and Wages	
5.13	Travel, Subsistence and Flexible Working Hours	
5.14	Taxation	
6	EXTERNAL ARRANGEMENTS	
6.1	Introduction	
6.2	Partnerships	
6.3	External Funding	
6.4	Work for Third Parties	
6.5	Procurement by Third Parties on Behalf of the Council	
	APPENDICES:	
	1 Local Government Finance Act 1988	

1. INTRODUCTION

1.1 Why do we have Financial Regulations?

1.1.1 The Council is responsible for many millions of pounds of public money and has a number of statutory responsibilities in relation to its financial affairs.

1.1.2 The Local Government Act 1972 directs that Authorities shall make arrangements for the proper administration of their financial affairs and that one of their officers be responsible for the administration of those affairs. The Council designates the Section 151 Officer (S.151 Officer) as the Chief Financial Officer.

1.1.3 The Accounts and Audit Regulations 2011 require that the S.151 Officer must determine:

- (a) accounting records, including the form of accounts and supporting accounting records; and
- (b) accounting control systems.

To conduct its business efficiently, a local authority needs to ensure that it has sound financial management policies in place and that they are adhered to. Part of this process is the establishment of financial regulations that set out the financial policies of the Authority.

1.2 Status of Financial Regulations

1.2.1 Financial regulations provide the framework for managing the authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.

1.2.2 The regulations identify the financial responsibilities of the full Council, Executive and Scrutiny Members, the Head of Paid Service, ~~Strategic~~ Directors, the Monitoring Officer, the S.151 Officer and other Heads of Service.

1.2.3 All members and officers have a responsibility for taking reasonable action to provide for the security of the assets

under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.

- 1.2.4 The S.151 Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to ~~the~~ full Council for approval. He/she is also responsible for reporting, where appropriate, breaches of these Financial Regulations to the Council and/or to the members of the Executive.

~~1.2.5 The authority's detailed financial procedures, setting out how these Regulations will be implemented, are contained in the Financial Standards manual.~~

~~1.2.6~~1.2.5 Heads of Service are responsible for ensuring that all staff in their ~~service~~ departments are aware of the existence and content of the authority's financial regulations, as well as ensuring that they remain up to date.

~~1.2.7~~1.2.6 The S.151 Officer is responsible for issuing advice and guidance to underpin the financial regulations.

~~1.2.8~~1.2.7 Financial regulations are subject to annual review. This edition of the regulations will apply from May 201~~6~~⁵ and supersedes all previous editions.

1.3 Financial Thresholds

- 1.3.1 Where values appear in these regulations they are as follows:

Value A - up to £10,000

Value B - over £10,000 and up to £~~5~~¹⁰⁰,000

Value C - over £~~5~~¹⁰⁰,000.

(The values are exclusive of VAT.)

- 1.3.2 The Executive and the ~~Corporate Management~~Leadership Team should maintain a written record of any decision and the reasons for the decision.

- 1.3.3 All Members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, properly authorised and provides value for money.
- 1.3.4 Exceptions to these Regulations may be authorised by the S.151 Officer where such are in the best interest of the Council on matters with a value of less than £10,000. For matters of a value exceeding £10,000 but less than £~~5~~100,000 exceptions may be approved by ~~at~~the Director in consultation with the Executive Member for Finance. The Executive may approve exceptions in respect of matters above £~~5~~100,000 other than where these Regulations reserve a decision in respect of matters above £~~5~~100,000 to the Council.

2. FINANCIAL MANAGEMENT AND ACCOUNTABILITY

2.1 General

- 2.1.1. Financial Management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget. Below are set out the main areas of responsibility of financial management.

2.2 Council

- 2.2.1 The Full Council is responsible for adopting the Council's constitution and Members code of conduct and for approving the policy framework, budget and borrowing within which the Executive operates. It is also responsible for approving and monitoring compliance with the Authority's overall framework of accountability as set out in its constitution and is responsible for monitoring compliance with agreed policy and reporting decisions taken.
- 2.2.2 No bank account will be opened on behalf of or including the name of the Council except on the authority of a resolution by the Council.

2.3 The Executive

- 2.3.1 The Executive is responsible for proposing the policy framework and budget to the full Council, and for discharging executive functions in accordance with the policy framework and budget. Executive decisions can be delegated to a committee, an individual Member, or an officer.
- 2.3.2 Within the approved policy and budget frameworks the Executive is responsible for day to day direction of the Council's affairs. The Constitution provides for the necessary decision-making at three levels:
- (a) Key Decisions – decisions which by reason of their financial, strategic or corporate importance are taken by the whole Executive;

- (b) Executive Member Decisions – each member of the Executive is assigned a particular area of service responsibility (an Executive portfolio) and can take decisions within that portfolio after the proposal has been notified to all members of the Council;
- (c) Chief Officer and Heads of Service Decisions – decisions taken within a chief officer’s professional or management role or in accordance with specific delegated powers.

2.4 Head of Paid Service

- 2.4.1 The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority as a whole. He/she must report to and provide information for the Executive, the full Council, Scrutiny Committees and other Committees. He/she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

2.5 Monitoring Officer

- 2.5.1 The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and for reporting any actual or potential breaches of the law or maladministration and for ensuring that the procedures for recording and reporting key decisions are operating effectively.
- 2.5.2 The Monitoring Officer is responsible for advising all members and officers about who has the authority to take a particular decision and whether a decision is likely to be considered contrary to the policy framework.
- 2.5.3 The Monitoring Officer and the S.151 Officer are also responsible for advising the Executive or full Council if a decision could be considered contrary to the budget. An example of such a decision would be promoting a new policy without thought as to the budget implications.

2.6 The S.151 Officer

- 2.6.1 Lawfulness and Financial Prudence of Decision Making. After consulting with the Head of the Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the Full Council or to the Executive in relation to an Executive function and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.
- 2.6.2 The Chief Financial Officer, if necessary in conjunction with the Head of Paid Service and after consultation with the Leader of the Council, shall have the powers to take any action necessary to safeguard the interests of the Council.

Administration

- 2.6.3 The S.151 Officer has responsibility for the proper administration of the Council's financial affairs. This includes setting and monitoring compliance with financial management standards, advising on the corporate financial position and on key financial controls, providing financial advice, advising on preparation of revenue and capital budgets, and treasury management.
- 2.6.4 These responsibilities are set out in statute such as section 151 of the Local Government Act 1972. They refer to the totality of the financial affairs of the Council in all its dealings.

Advice

- 2.6.5 The S.151 Officer is responsible for advising committees on all financial matters. He/she must be consulted on all financial matters and given adequate opportunity to provide written comments in any report with financial implications. All reports to the Executive or Committees with a significant financial implication are to be made under the joint names of the Head of Service concerned and the Chief Financial Officer.

- 2.6.6 Where the urgency procedures set out in the Council's Constitution are to be invoked, the Chief Financial Officer must first be consulted on financial and other resource implications.

Treasury Management responsible officer

- 2.6.7 All money in the hands of the Council will be under the control of the ~~officer designated for the purposes of Section 151 of the Local Government Act 1972 i.e.: the~~ S.151 Officer, who will take all executive decisions on borrowing, lending, repayment and financing in line with current Council policy.

Records

- 2.6.8 The S.151 Officer will be the Council's Registrar of bonds and mortgages and will maintain records of any borrowing and lending by the Council.

Budgetary system

- 2.6.9 The S.151 Officer will be responsible for establishing, in consultation with the ~~Corporate Management Leadership Team and Heads of Services~~, a timetable for the preparation of each year's budget. This timetable will be agreed by the Executive by July of each year and will be constructed to ensure that the Council will meet its statutory obligations in respect of setting the Council Tax.
- 2.6.10 The S.151 Officer will determine, in consultation with the ~~Corporate Management Leadership~~ Team, the form in which the revenue and capital budget will be prepared.
- 2.6.11 The S.151 Officer will propose for approval by the Executive a Financial Strategy setting out the principles and objectives of financial planning to set the Medium Term Financial Plan and Annual Budget. The Financial Strategy is to be amended or endorsed annually at the commencement of the budget setting process.

Payment of invoices

- 2.6.12 All payments made on behalf of the Council, with the exception of petty cash payments will be made under the direction of the S.151 Officer.

Insurance

- 2.6.13 The S.151 Officer will arrange all necessary insurances for the Council in accordance with agreed policy. A record of all properties and risks covered will be kept, and a review will take place at least annually to ensure that all the insurances remain adequate.

Income

- 2.6.14 The S.151 Officer will be responsible for ensuring that prompt and proper arrangements exist for the collection, custody, control, disposal and accounting of all cash and remittances due to the Council.
- 2.6.15 It will be the responsibility of Head of Services to ~~promptly~~ notify the S.151 Officer promptly of the need to write off any debt, giving details of the steps taken to recover the debt and valid reasons for the write off. A “debt” may be classified as:
- (i) an individual amount for an individual debtor, or
 - (ii) the cumulative amount of several related debts for an individual debtor, (for example all business rates arrears or all outstanding trade refuse payments).
- 2.6.16 The Heads of Service may authorise the write off of an individual debt or the cumulative total of related debts of up to £2,5005,000.

Banking and Cheques

- 2.6.17 The S.151 Officer will operate bank accounts to carry out the Council’s banking transactions at the bank nominated by the Council, and will be responsible for the authorised

operation of all bank accounts, bank transfers and the issue of all cheques on behalf of the Council.

- 2.6.18 Accounts will only be opened when authorised by the personal signature of S.151 Officer or other authorised officer.

Salaries and wages

- 2.6.19 The S.151 Officer will make arrangements to pay all salaries and allowances properly payable by the Council to its employees and Members.

2.7 Heads of Service

- 2.7.1 Heads of Service have responsibilities in a number of areas of financial management and internal control. These responsibilities are set out in the table below.

Area	Responsibility
General	<p>Heads of Services will comply with the requirements of the S.151 Officer, to ensure that as far as possible arrangements are made to ensure internal financial checks and that different officers carry out the following functions:-</p> <p>(i) provide information regarding sums due to or from the Council and calculate, check, record and examine these.</p> <p>(ii) collect or disburse amounts due to or from the Council.</p> <p>(iii) in the case of payments, certify documents for payment.</p>
General	<p>Heads of Services will submit to the S.151 Officer Head of Strategic Finance</p>

	all information which the latter considers necessary for costing and accounting purposes and will afford to the S.151 Officer access to all accounts, records and documents. The S.151 Officer will be responsible for supplying financial information to Head of Services in an agreed form and frequency.
Data protection and Freedom of Information	The Chief Executive, as the Senior Information Risk Owner will be nominated as Data Protection Officer and will be responsible for ensuring that the Council acts in accordance with the provisions of the Data Protection and Freedom of Information legislation.
Internal control	Heads of Services are responsible for managing risks and maintaining sound arrangements for planning, appraising, authorising and controlling operations in order to secure continuous improvement, economy, effectiveness and efficiency, and to achieve financial performance targets. Arrangements to test those internal controls will be made through the Internal Audit function.
Inventory	Heads of Services will maintain an inventory of all significant items of plant, vehicles, machinery, equipment, tools, furniture and other movable property under their control over the value of £100.
Inventory	Heads of Services will be responsible for ensuring that inventories are continuously updated, and that appropriate action is taken on the discovery of deficiencies and surpluses. Attractive and portable items such as computers and cameras should be marked with security markings as belonging to the Council.
Security	Heads of Services will be responsible for the safe keeping and authorised use

	of all assets under their control.
Stocks and Stores	Heads of Services will be responsible for the care and physical custody of the stocks and stores under their control, and for ensuring that such stocks and stores are not kept in excess of normal requirements.
Breaches in security	The appropriate Head of Service will immediately report breaches of security to the Head of Paid Service who will consider the audit and insurance implications, take appropriate action and refer sufficiently serious cases to the Police.
Salaries and wages	<p>In accordance with agreed procedures, each Head of Service will notify the S.151 Officer's authorised representative immediately in writing of all matters affecting the payment of salaries and emoluments, and in particular:-</p> <p>(i) <u>a</u>ppointments, resignations, dismissals, suspensions, secondments, retirements and redundancies;</p> <p>(ii) <u>a</u>bsences from duty for sickness or other reason apart from approved leave;</p> <p>(iii) changes in remuneration other than normal increments and pay awards;</p> <p>(iv) any information necessary to maintain records of service for pension, income tax, national insurance and the like.</p>
Salaries and wages	Each Head of Service will forward a clearance certificate to the Payroll Section within 2 working days of receiving formal notice that an

	employee's employment will be terminating, to ensure any debts incurred by the employee have been repaid e.g. car loan/lease car, post entry training expenses, leave taken over entitlement etc.
Land holdings	<p>The Head of Democratic and Legal Support<u>Legal & Democratic Services and Head of Strategic Finance and Property</u> will maintain a terrier of all land and properties and any other interests in land owned by the Council and will maintain an asset register of the Council's land and property holdings. The land and property terrier will contain the following details:</p> <ul style="list-style-type: none"> (i) purpose for which held (ii) location (iii) extent and plan reference (iv) purchase details, including date of acquisition (v) rents receivable/payable and rent review dates (vi) reference to easements in deeds (vii) other charges against the property such as repairing and insuring obligations. (viii) Sum insured if buildings insurance is to be arranged by the Council.
Land holdings	The Head of Democratic and Legal Support <u>Democratic services</u> Support Services will keep all title deeds securely and will record all deeds temporarily removed.
Land holdings	The Head of Democratic and Legal Support Services will register the

	Council's interest in land at the earliest opportunity.
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3. FINANCIAL PLANNING

3.1 General

3.1.1 The Council will establish a strategic policy framework to incorporate the main issues facing the Council and to match policies with resources.

- The Corporate Strategic plan;
- The medium term financial plan;
- The annual revenue budget;
- The annual capital programme;
- Prudential Indicators (limits for external borrowing; other long term liabilities and related matters; and Treasury Management Strategy).

The annual budget may then be seen as the first year of a rolling four year programme contained in the Medium Term Financial Plan.

3.1.2 The ~~Leadership~~Corporate Management Team will submit to the Executive annual proposals for schemes for capital and revenue developments, including an indication of the priority of the schemes. Proposals will be submitted to the appropriate Scrutiny Committee prior to consideration by the Executive.

3.1.3 Capital and revenue budgets will be considered jointly so that the future impact of current proposals can be assessed, including the extent to which current capital expenditure commits or frees future resources. Proposals will be submitted to the appropriate Scrutiny Committee prior to consideration by the Executive.

3.1.4 The proposals will distinguish between already approved policies and those where expenditure is foreseen but not yet approved.

3.1.5 The S.151 Officer will report to the Executive details of the level of resources required to service these proposals, in the context of the overall financial strategy of the Council, and the accomplishment of strategic objectives.

- 3.1.6 The Executive will consider the provisional programme and make a general determination of amendments to be made following detailed consideration of the estimates.

3.2 Preparation and Approval of Budget

- 3.2.1 Estimates of gross and net revenue and capital expenditure will be prepared annually in accordance with Council policy and will take suitable account of any options. Budgets will be prepared by the nominated budget holders under the direction of the S.151 Officer, in an agreed form and within the agreed timetable.
- 3.2.2 The ~~S.151 officer~~Head of Strategic Finance will at all times monitor the preparation of the revenue and capital estimates and will ~~in consultation with the S.151 Officer~~ collate the resultant budgets for submission to and consideration by the Executive.
- 3.2.3 In addition, the S.151 Officer will submit a statement of the requirements of the precepting authorities and a recommended level of Council Tax for the year.
- 3.2.4 The Executive will submit its recommended budget proposals to the Council according to the agreed timetable and complying with any statutory requirements.

3.3 Authority to Incur Expenditure

- 3.3.1 For revenue budgets, provided that Procurement Regulations have been complied with and subject to any specific exclusions, the inclusion of any item in the approved revenue budget other than a contingency provision, will constitute authority to incur expenditure.
- 3.3.2 For capital budgets, authority to incur expenditure will follow various stages, from initial feasibility through to project implementation, which will ensure that all projects are considered in detail, including both capital and revenue implications. Funding for each stage will be specifically agreed by the Executive/Council in accordance with agreed

procedures and only when the Council, through its budget approval process, agrees the allocation of funds will the project be included in the current funded capital programme.

3.3.3 Provided the Constitution, including Financial Regulations and any Council instructions for the time being in force have been complied with, inclusion of any items in the approved funded capital expenditure programme shall be deemed to:

- (i) authorise the Head of Service concerned to spend the capital sums provided for projects included in the programme for the current financial year, provided that Procurement Regulations have been complied with;
- (ii) in the case of schemes for which provision has been made in the current financial year but which are completed in subsequent financial years, authorise the Head of Service concerned to commit the provision in subsequent financial years, provided the expenditure is contractually committed; and
- (iii) authorise the Head of Service concerned:
 - (a) to take steps to enable land required for the purpose of the programme to be acquired in due time, subject to the Council having approved the financing of the capital programme;
 - (b) to proceed with the preparation of plans and other preparatory work, the acceptance of tenders and the ordering of materials or equipment for which there is a long delivery period in connection with schemes, initial expenditure on which is included in the following financial year(s).

3.3.4 Where it appears that any capital project budget will be exceeded, it shall be the duty of the Head of Service concerned, after joint consultation with the Head of Paid

Service and the S.151 Officer, to inform the Executive at the earliest opportunity.

- 3.3.5 Any proposal involving the adoption of a new policy or the variation or extension of existing policy which may or does affect the Council's finances will be submitted initially to the Executive for consideration and subsequent approval by full Council. Proposals will be submitted to the appropriate Scrutiny Committee prior to consideration by the Executive. The proposal will include a comprehensive report justifying the project, outline any revenue and capital implications and include the comments of the S.151 Officer. The proposal will take into consideration any provisions for virement in accordance with paragraph 3.6.
- 3.3.6 Expenditure considered essential to meet the sudden needs of an emergency or disaster (referable to section 138 of the Local Government Act 1972) may be incurred on the joint approval of the Head of Paid Service and S.151 Officer in consultation with the appropriate Executive Member(s). It will be reported to the next meeting of the Executive.

3.4 Budgetary Control

- 3.4.1 Allocated budgets will be cash limited, with budgetary monitoring undertaken by each Executive Member under the overall guidance of the Executive, such responsibility being devolved on a day to day basis to nominated budget holders for their own areas of activity, provided that Procurement Regulations have been complied with. Heads of Services will be responsible for controlling and achieving income and expenditure within their area in accordance with approved budgets, and will take any permitted action necessary to avoid exceeding their budget allocation, including virement requests, alerting the Head of Paid Service and the S.151 Officer of any problems significant forecast variances.
- 3.4.2 The S.151 Officer, ~~in conjunction with the Head of Strategic Finance and Heads of Service~~ will ensure as far as practicable that systems are available which will provide such financial information as is required to enable budget holders to satisfactorily monitor budgets.

3.4.3 The ~~S.151 Officer~~Head of Strategic Finance will ensure that the appropriate Executive Member(s) are provided with budgetary control information relevant to their areas of responsibility, on a monthly basis and in accordance with agreed policy, incorporating the comments of the nominated budget holder regarding any significant under or over spending.

3.4.4 The ~~Head of Strategic Finance~~S. 151 Officer will report budgetary performance to the Executive on a quarterly basis.

3.5 Supplementary Budgets

3.5.1 Any proposal to vary annual budgets by incurring expenditure not provided for in the original ~~estimates budget~~ and which cannot be met by virement in accordance with Financial Regulation 3.6, will be referred in writing by the appropriate Head of Service to the S.151 Officer prior to its inclusion in any report to be considered by the Executive. Such a proposal will be indicated on the meeting agenda.

~~3.5.1~~3.5.2 Any proposal to incur expenditure not provided for in the original budget which involves the use of an earmarked reserve for the purpose for which the earmarked reserve was created, will be referred in writing by the appropriate Head of Service to the S.151 Officer prior to its inclusion in any report to be considered by the Executive. Such a proposal will be indicated on the meeting agenda.

~~3.5.2~~3.5.3 In exceptional circumstances the Executive may approve a request for a supplementary ~~estimate~~budget:

~~(a) — Where this involves the use of an earmarked reserve for the purpose for which the earmarked reserve was created.~~

~~(b)~~(a) Where the amount is not more than £50,000 to be taken from the general reserve and where the use of the general reserve does not take the balance on the reserve below the minimum level agreed in the reserves policy, or such other sums as the Council may determine when setting the annual budget.

~~(c)~~(b) Where the supplementary budget is in respect of a capital scheme which is:

EITHER

to be fully funded by external grant or contribution and the revenue consequences of the scheme are no more than an additional £50,000 per annum:

OR

to be funded by use of capital receipts and the capital expenditure is not more than £50,000 provided that the aggregate sum of any supplementary together with prior supplementary estimates approved since the programme was last set by the Council does not exceed £200,000 or such other sums as the Council may determine when setting the annual budget.

~~3.5.3~~ 3.5.4 All other supplementary budget requests will be submitted to full Council for approval.

~~3.5.4~~ 3.5.5 All supplementary budgets granted constitute approval to incur expenditure.

3.6 Virements

- 3.6.1 Virements will be restricted to extensions of existing policies/ schemes and will not be used for new policies/schemes not previously considered by the Council. Overspend on a particular budget head may be met by virement of budgetary provision from an underspent budget head, subject to the following paragraphs in this section, thereby avoiding the need for supplementary budget approval.
- 3.6.2 Virements between revenue and capital budgets will not be permitted, due to the different funding sources for each type of expenditure.
- 3.6.3 Virements between revenue income and expenditure will not be permitted.
- 3.6.4 Virements of amounts up to Value A (£10,000) may be carried out by Heads of Service in consultation with the S.151 Officer.
- 3.6.5 Virements of Value B amounts (£10,000 to £~~10~~50,000) may be carried out by the appropriate ~~Head of Service~~ Director in consultation with the S.151 Officer and the appropriate Executive

Member, and reported to the next Executive meeting.

- | 3.6.6 Virement of Value C amounts (over £5100,000) will be subject to prior approval by the Executive.

- 3.6.7 Any exceptions to the above rules must be approved by the Executive. Virement limits apply to capital and revenue.

3.7 Treatment of Year-end Balances

- 3.7.1 The S.151 Officer may, having regards to the overall financial position of the Council at the end of the financial year, recommend to the Executive whether overspends by departments should be set-off against in the subsequent financial year and whether underspends can be made available for specific projects or carried forward to the subsequent financial year, or otherwise accounted for in line with the Medium Term Financial Plan.

3.8 Reserves

- 3.8.1 In the event of an ~~department~~ underspend the Executive may establish an earmarked reserve and approve appropriations thereto where the purpose of that reserve is to defer expenditure included in a budget (or supplementary budget) approved by the Council where the expenditure in subsequent years will be in respect of the purpose for which the original budget (or supplementary budget) was approved.
- 3.8.2 Proposals to appropriate more than £100,000 to a single reserve or more than £500,000 in aggregate in any year beyond sums set out in the Medium Term Financial Plan shall be subject to the prior approval of the Council.

4. RISK MANANAGEMENT AND INTERNAL CONTROL

4.1 Risk Management

4.1.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the Council. Equally regulations are needed to ensure arrangements are in place to protect the assets and resources of the Council.

4.1.2 This should include a risk assessment of the Council's priorities, budget plans, programme options and service plans involving the proactive participation of Scrutiny, the Executive, the [LeadershipCorporate Management](#) Team, Heads of Services and all officers associated with the planning and delivery of services. The [Head of Strategic Finance and PropertyMonitoring Officer](#) will obtain Executive approval ~~foref~~ the corporate risk management strategy and will promote and coordinate risk management activity throughout the Council.

4.2 Internal Control

4.2.1 Internal control refers to the systems of control devised by management to help ensure that the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

4.3 Investment and Treasury Management General

4.3.1 The Local Government Act 2003 requires the Council to "have regard to" the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable

4.3.2 All borrowing, lending and financing will be in accordance with the CIPFA Code of Practice on Treasury Management.

- 4.3.3 Should the S.151 Officer wish to depart in any material respect from the main principles of this publication, the reasons will be disclosed in a report to the Council for its approval.

Policy, strategy and reporting

- 4.3.4 A long-term treasury management policy statement will be adopted by the Council and thereafter its implementation and monitoring will be delegated to the S.151 Officer. This policy will be reviewed at least every three years.
- 4.3.5 At or before the start of the financial year the S.151 Officer will report to the Executive on the proposed treasury management strategy for the coming financial year.
- 4.3.6 The S.151 Officer is responsible for ensuring that up to date treasury management practice statements are in place providing written guidance and instruction on routine operational activities.
- 4.3.7 The S.151 Officer will report to the Executive on the activities of the treasury management operation. This will include an annual report on treasury management for presentation by 30 September of the succeeding financial year.

4.4 Security

Cash holding

- 4.4.1 Maximum limits of cash holdings will be ~~set by~~ agreed with the S.151 Officer ~~and the Corporate Risk team~~ and will not be exceeded without written permission.

4.5 Inventories

Form and control

- 4.5.1 Inventories will be in a form approved by the S.151 Officer.

Write offs

4.5.2 Unserviceable inventory items of little value and items past their useful life will be written off under the written authority of a Head of Service.

4.5.3 No item will be written off other than as a result of fair wear and tear except on the authority of:

- (i) the ~~Head of S. 151 Officer-Governance and Risk Management~~ on the recommendations of the Head of Service if the current replacement value of the item is estimated not to exceed £10,000;
- (ii) the S.151 Officer in consultation with the appropriate Executive Member if the current replacement value of the item is estimated not to exceed £50,000;
- (iii) the full Executive if the current replacement value of the item is estimated at over £50,000.

4.5.4 Disposal of written off inventory items will be the responsibility of the relevant Head of Service ~~in consultation with the Head of Governance and Risk Management~~. This will be by competitive tender, public auction, or such other manner which is most beneficial to the Council. Any disposal of a single inventory item in excess of Value A will be reported to the Executive.

Removal of property

4.5.5 The Council's property will not be removed or used other than in accordance with the ordinary course of the Council's business except in cases where specific direction or approval has been issued by the appropriate Head of Service

4.5.6 Loan items of clothing, equipment etc. will be signed for by the recipient and returned when leaving the Council's employment.

4.6 Stocks and Stores

Records

- 4.6.1 Stocks and stores records will be kept in a form to be agreed by the S.151 Officer.

Stocktaking

- 4.6.2 Stocks and stores will be subject to periodic test checks by officers other than the storekeepers and all stocks and stores will be checked at least annually, to include a review of the level and condition of stock.
- 4.6.3 A certificate of value will be produced on the last day of each financial year and stored locally. A copy will be forwarded to the S.151 Officer if requested.

4.7 Insurance

Claims

- 4.7.1 The S.151 Officer will be responsible for dealing with all claims against or on behalf of the Council.
- 4.7.2 The appropriate Head of Service will notify the S.151 Officer immediately in writing of any loss, liability of damage or any other event likely to lead to a claim, and will provide full supplementary information relating to the claim within timescales directed by the Risk Assurance Officer. Where necessary the appropriate Head of Service, having consulted with the S.151 Officer will inform the Police.

Cover

- 4.7.3 Heads of Service will immediately inform the S.151 Officer, in writing, of all new risks, properties or vehicles, and any material alterations to existing risks, properties or vehicles.
- 4.7.4 The appropriate Head of Service will consult the S.151 Officer in respect of the terms of any indemnity the Council is required to give.

- 4.7.5 Contractors will be required to have in place insurance to indemnify the Council against Employers' and Public/ Products Liability risks with a minimum limit of indemnity of £5,000,000 in respect of any one incident or series of incidents occurring in connection with or arising out of any one event. A minimum limit of indemnity of £10,000,000 is required for building works at Council offices or other significant sites. (This condition will not apply for advisory and other professional services where the Head of Service deems that property damage and injury risks are not applicable)
- 4.7.6 Contractors will be required to hold Professional Indemnity cover with a minimum limit of indemnity agreed in writing by the Risk Assurance Officer, where advice or professional services are provided.
- 4.7.7 Where a prime contractor proposes to engage sub-contractors the prime contractor shall ensure to the satisfaction of the Council that the sub-contractor has in place insurances of equivalent values to those set out at 4.7.5 and 4.7.6 above. In the absence of equivalent insurance cover the prime contractor must ensure to the satisfaction of the Council that the prime contractor's own insurances provide cover for such excess as is not covered by the sub-contractors insurance. "

4.8 Gifts and hospitality

- 4.8.1 The officer Code of Conduct provides guidance on acceptance of gifts and hospitality and following that guidance will protect the reputation of both officers and the Council. Similar guidance in respect of Members is contained in the Members Code of Conduct.
- 4.8.2 The Council has approved the Anti-Fraud and Anti-Corruption Strategy, the Policy on Bribery and the Disclosure (Whistleblowing) Code.

4.9 Fraud and irregularity

- 4.9.1 The S.151 Officer is responsible for maintaining and promoting the Council's Anti-Fraud and Anti-Corruption Strategy and Disclosure (Whistleblowing) Code.

- 4.9.2 Any officer who suspects that an irregularity is being or has been perpetrated concerning the Council's affairs shall immediately inform their manager and/or the ~~Head of Governance and Risk Management~~S.151 Officer. Responsibility for progressing each case rests with the ~~S. 151 Officer~~Head of Governance and Risk Management who will ensure compliance with the Council's Anti-Fraud & Anti-Corruption Strategy and Disclosure (Whistleblowing) Code.
- 4.9.3 Any Member who suspects that an irregularity is being or has been perpetrated concerning the Council's affairs shall immediately inform the Head of Paid Service and the S.151 Officer, who will investigate and report as necessary.
- 4.9.4 The Council's policy is that the Police or whichever external agency is appropriate to the alleged offence will normally be informed without delay of any suspicion of fraud and corruption. Any decision not to notify the Police or other agency will be made by the Head of Paid Service and will be documented on the case file.
- 4.9.5 Any Member or officer who suspects that an irregularity concerning the Council's affairs is being or has been perpetrated by the Head of Paid Service shall immediately inform the Monitoring Officer and the Head of the Shared Internal Audit Service.
- 4.9.6 The Council has a whistleblowing policy which aims to:
- (i) provide confidential avenues for employees and others to raise concerns and receive feedback on any action taken;
 - (ii) allow employees to take the matter further if they are dissatisfied with the Council's response;
 - (iii) reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith.

4.10 Money Laundering

4.10.1 For the purposes of the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007, the ~~section S.151~~ Officer is appointed as the Money Laundering Reporting officer.

4.10.2 ~~He/she/They~~ will be responsible for notifying the National Criminal Intelligence Service (NCIS) of any suspected cases of money laundering committed within the accounts of East Herts Council as soon as possible and fulfil other duties as defined by legislation or regulation related to the post. Simultaneously, the Executive Member for Finance & Property Support Services will be kept informed of any notifications to NCIS and of any issues arising from them.

4.10.3 ~~Heads of Service/Directors~~ must operate efficient systems of financial control and are responsible for

- (a) ensuring that Executive members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Financial ~~Officer~~ Officer.
- (b) ensuring that Executive members are advised of legal implications of all proposals and that the legal implications have been agreed with the Monitoring Officer.
- (c) the signing of contracts on behalf of the Council (except where the seal of the council is applied). ~~Strategic Directors may, however, delegate authority to sign contracts below £100,000 to Heads of Service or an Officer to whom they have specifically delegated authority to sign contracts within their area of responsibility.~~ In all cases before signing a contract the ~~Head of Service/officer~~ concerned must be satisfied that the necessary approval to award the contract has been obtained.
- (d) Consulting with the S.151 Officer and seeking his/her approval on any matter that could materially affect the authority's financial position before any commitments are incurred.

4.10.4 Any cash receipts in excess of 15,000 Euros or the sterling equivalent must be recorded and the details sent to the S.151 Officer weekly.

4.10.5 All unusual or suspicious payments (whatever the value or form of payment – cash, cheque, card, transfer, etc.) must be reported immediately to the S.151 Officer ~~and the Head of S.I.A.S Governance and Risk Management~~ in accordance with the procedure on the Council's intranet.

4.11 Land Holdings

Acquisitions

4.11.1 Any acquisition of land or property or other interest in land by the Council will comply with relevant legislation and current guidelines reflecting best practice.

4.11.2 The Head of Paid Service and S.151 Officer in conjunction with the appropriate Executive Member will jointly exercise a delegation to deal with Value A and Value B (see paragraph 1.3) acquisitions and will advise the Local Member before the decision is taken.

4.11.3 Routine acquisition of any Value C (see paragraph 1.3) land or property will be authorised by a prior resolution of the Executive. The provisions for key decisions should be applied where appropriate.

4.11.4 For urgent acquisitions of Value C land or property, a meeting of the Executive will be convened, and the advice of the Local Member will be sought before any decision is taken.

4.11.5 The S.151 Officer may exercise a delegation up to Value C to deal with property management issues such as lease renewals and rent reviews.

Disposals

4.11.6 Any disposals of Council land or property or other interest in land will comply with relevant legislation and current guidelines reflecting best practice. In particular the Local

Government Act 1972 s123 requires that disposals will be for the best consideration that can reasonably be obtained. Detailed guidance is given in Professional Guidance Note No. 2 (Disposals of land interests by Local Authorities) issued by the Valuation Liaison Group.

- 4.11.7 The Head of Paid Service and S.151 Officer in conjunction with the appropriate Executive Member may jointly exercise a delegation to deal with Value A and Value B disposals.
- 4.11.8 Routine disposal of any Value C Council land or property will require the prior approval of the Executive, who will consider a report by the S.151 Officer which will include the financial, legal and other consequences of the proposed disposal.
- 4.11.9 Terms shall not be finalised without the benefit of a current valuation from a qualified valuer with appropriate expertise. This is particularly important where negotiations are conducted with a single purchaser.
- 4.11.10 Where disposals are related to land where the proposed purchaser already has an existing interest, for example adjacent owner, lessor, tenant, sale by private treaty may be applicable.
- 4.11.11 Where an offer is accepted subject to contract and a higher offer is received before contracts are exchanged, the person who made the former offer shall be given the opportunity to increase it if it is proposed to accept the higher offer.
- 4.11.12 In exceptional circumstances, if urgent disposal of Value C land or property is necessary, a meeting of the Executive will be convened, and the advice of the Local Member will be sought before any decision is taken.

Further Requirements

- 4.11.13 This section (4.11.15 to 4.11.24) shall apply to purchases and sales of property and land and to leases for a fixed term of more than twenty five years.

- 4.11.14 All valuations and negotiations in respect of transactions shall be carried out by or under the supervision of a properly qualified Member of the Royal Institution of Chartered Surveyors or equivalent. In no circumstances shall Members of the Council conduct them.
- 4.11.15 This section will apply to all valuations of land carried out by a qualified and independent Chartered Surveyor not in the employ of the Council.
- 4.11.16 In respect of all transactions not subject to tender and where the estimated value (or the aggregated value of related transactions) exceeds £250,000 at least two officers of the Council or an officer of the Council and its duly appointed valuer / advisor or other agent shall be involved in all negotiations.
- 4.11.17 It shall be the duty of the Council's valuer whether employed or appointed to report on the progress of any transaction authorised by the Council or the Portfolio holder to the appropriate Committee or Group (normally Asset Management Group) at least at every other convened meeting of that Committee or Group.
- 4.11.18 All valuations prepared for the purpose of a transaction shall be accompanied by evidence of the values of comparable properties in the locality.
- 4.11.19 No property or land owned or leased by the Council shall be disposed of to a third party until it has been established that no other [services/directorates](#) of the Council have a need for the property or land.
- 4.11.20 Any appropriation between functions will reflect the open market value of the land as certified by the Council valuer.
- 4.11.21 No property or land owned or leased by the Council shall be disposed of until a detailed report has been presented by the S.151 Officer and the Executive Member for Finance containing:

- a description of the property or land, its title, physical characteristics and development constraints.
- any information from the Council's records or those of statutory undertakers which would affect the property or land's value or development potential.
- an assessment of the development potential of the property or land.
- evidence that the property or land has been offered to all [services directorates](#) and that the Council has no operational use for the property or land, and local members have been advised of the proposed disposal.
- recommendations on the following:
 - i) the title to be transferred
 - ii) the method of disposal
 - iii) whether negotiations should proceed with a special purchaser
 - iv) the estimated price the Council may receive.

4.11.22 In arriving at the recommendation, other factors that officers need to take into consideration are:

- i) issues that need to be resolved before marketing of the property or land can proceed
- ii) whether legal and other costs should be recovered from the prospective purchaser and if so an estimate of their amount
- iii) whether the appointment of external advisors or agents is required.

4.11.23 In the event that it is decided to dispose of property or land by way of a tender then so far as it is practicable the procedures laid down in Procurement Regulations shall apply.

4.11.24 The community right to bid, contained within the Localism Act 2011, provides an opportunity for local community groups to bid to buy buildings or land which are listed by the local authority, as assets of community value. This may include privately-owned land and buildings as well as publicly-owned assets. Inclusion of land on the list effectively places a moratorium on the disposal of the

listed asset for a defined period. This full moratorium period is set at six months. The list of assets of community value will include any assets within the local authority's area that meet the definition of an asset of community value, as defined in the Assets of Community Value (England) Regulations 2012.

4.12 Internal Audit

General

4.12.1 The statutory requirement for internal audit in local government is prescribed by the Accounts and Audit Regulations 2003 as amended by the Accounts and Audit (Amendment) (England) Regulations 2006. The responsibility for maintaining an adequate and effective system of internal audit rests with the relevant body i.e.: the Council. Accordingly, a system of continuous internal audit, under the control and direction of the S.151 Officer will carry out an examination of the accounting, financial and other operations in so far as they have financial effects on the Council. Internal audit effort will be co-ordinated with that of the Council's external auditors.

4.12.2 Internal Auditors are responsible for reviewing and advising on the Council's internal control systems. These systems need to ensure compliance with all applicable statutes, regulations and best practice guidance. Internal controls should also ensure that the risks facing the Council are identified, assessed, appropriately mitigated and managed and that public funds are properly safeguarded and used economically, effectively and efficiently, in accordance with the statutory and other authorities that govern their use.

Rights of access

4.12.3 The S.151 Officer's authorised Internal Audit representative will have authority:

- (i) to enter any land, building, vehicle or plant owned or used by the Council;

- (ii) to have access at all times to any record, document, contract or correspondence relating to the affairs of the Council, including those stored by mechanical, electric or electronic means;
- (iii) to possess or take copies of any record, document or correspondence;
- (iv) to require such explanations as are necessary from any Council officer concerning any matter under examination;
- (v) to require any employee of the Council to produce cash, stores or any other Council property under their control.

Standards

4.12.4 The Internal Audit Service will comply with all legislative requirements and guidelines issued reflecting best audit practice. The results of internal audit work will be reported quarterly and at such other times as are necessary to the Audit Committee.

5. SYSTEMS AND PROCEDURES

5.1 Orders for Works, Goods and Services

To be read in conjunction with the Procurement Regulations.

General

- 5.1.1 It is Council policy that all orders must be placed through the Council's financial purchasing system. The only exceptions to this rule are for insurance claims work, credit card purchases and emergency planning.
- 5.1.2 Prior to placing any order the officer requiring an order to be raised shall ensure that the financial commitment to be incurred is able to be met by a budget approved for the purpose for which the order is to be placed and that the commitment otherwise complies with these Financial Regulations.
- 5.1.3 Prior to placing an order officers must ensure that there are no existing contracts already in place or that no supplier already set up on The Council's financial system can meet requirements.
- 5.1.4 In the event of a decision being taken to place an order with a supplier that is not already on ~~t~~The Council's financial system a new supplier form must be completed and sent to Procurement for sign off.
- 5.1.5 Once a supplier is live on the Council's financial system, a requisition can be raised which will create a purchase order number and commit the money to budget. The supplier will then receive an official Council purchase order together with the council's terms and conditions. Invoices without a purchase order will be returned to the supplier and request that the supplier obtains a purchase order from the purchaser.
- 5.1.6 ~~Officers should not raise retrospective orders i.e. place orders with suppliers via email, telephone or fax, before the order has been authorised and committed to budget. This~~

~~avoids risk to the Council of unavailable budget and an expectation by the supplier for providing the goods/works/services. No orders should be placed with a supplier under their terms and conditions as this could place the council at risk. For exceptions to this rule see 5.3.2 Emergency Orders.~~

- 5.1.7 The ~~Leadership~~[Corporate Management](#) Team will ensure that all officers have due regard to the Council's Procurement Strategy and the need to obtain best value (both in regard to current Council functions and also when considering procurement options for future service delivery).
- 5.1.8 Every officer and Member of the Council has a responsibility to declare any links or personal interests they may have with suppliers or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with appropriate codes of conduct.
- 5.1.9 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts.

5.2 RETROSPECTIVE ORDERING

Officers should not raise retrospective orders i.e. place orders with suppliers via email, telephone or fax, before the order has been authorised and committed to budget. This avoids risk to the Council of unavailable budget and an expectation by the supplier for providing the goods/works/services. No orders should be placed with a supplier under their terms and conditions as this could place the council at risk. For exceptions to this rule see 5.3.2 Emergency Orders.

5.3 Compliance with Environmental and other Policies

- 5.3.1 All orders placed will take account of the Council's Procurement Strategy, sustainability policies and commitments. These seek to minimise the adverse environmental impact of goods and services. Where appropriate, suppliers will be asked to highlight any environmentally significant features of their goods and services such as life expectancy, energy efficiency, source of timber and recyclability and end of life disposal.

All order must have a full description of the goods, works or services required. Orders must not just state e.g. “As per telephone conversation with ‘?’ “

Quotations below £100k must be attached to the Purchase Order via the Council’s Financial System.

- 5.3.2 All orders placed will take into account other Council policies where applicable, for example Diversity and Equal Opportunities.

5.4 Authorisation of Orders

- 5.2.1 All orders will be authorised by the appropriate Head of Service, nominated budget holder or other authorised senior officer. Heads of Services will ensure that separation of duty exists between the ordering of goods and the approval of that order by a more senior, or authorised officer. Each officer approving an order will only certify expenditure against budget heads for which they are responsible, or for which they have delegated authority and should ensure that the relevant expenditure has been properly ordered, authorised or incurred, is properly chargeable to the correct expenditure code and is within the relevant budget provision.

The S. 151 Officer ~~Head of Governance and Risk Management~~ will be notified of all officers so authorised, will receive and retain a list of specimen signatures and will be notified immediately of any changes. The S. 151 Officer is ultimately responsible for this list.

Orders for Emergencies Only

- 5.2.2 In the event that ~~t~~The Council’s financial purchasing system is not working and an urgent order is required, a manual order number will be provided by the Procurement Team, it will be at their discretion, from the information provided by the officer, if they feel that the requirement is urgent. For example, a stationery order would not be classed as urgent. Officers must ensure that, once the system is enabled, they raise a retrospective order, (an order raised after the receipt of the goods/services). These orders must have “Confirmation Order Only” as a heading in the Description Box using the manual order number in the text as reference.

5.4. Goods Receipting

5.4.1 In Goods Receipting officers will satisfy themselves that:- the

works, goods or services to which the order relates have been carried out, received, examined and approved, are fit for the purpose and where appropriate comply with predetermined standards and quantities;

~~You must~~ Goods receipting immediately on receipt of the order/ services or works complete slip of the order on ~~t~~The Council's financial system must be completed to allow the invoice to be processed on time.

5.5 Payment of Invoices

Method

- 5.5.1 Apart from petty cash, the method of payment will be by BACS, cheque or other instrument drawn on the Council's account.
- 5.5.2 The use of credit cards and purchasing cards will be in accordance with the rules issued from time to time by the S.151 Officer. Such cards shall not be used for personal use.
- 5.5.3 The S.151 Officer will be entitled to rely on (but may challenge) the certification of authorised officers and will be empowered to pay all accounts addressed to East Herts Council and so certified. Authorised officers should ensure that where appropriate, adequate supporting documentation is retained with the invoice in order to provide a satisfactory audit trail to justify the reason for the payment.
- 5.5.4 Payments will only be made on proper tax invoices (when applicable) which display the word "invoice" and the VAT registration number. Any payments made on proforma invoices must be followed up by the issue of a proper tax invoice, and must include East Herts official purchase order number generated by The Council's financial system. If an invoice does not clearly state the purchase order number the invoice must be returned to the supplier with the appropriate letter attached (available from Procurement).

Invoices must correspond to delivery notes/goods received notes where appropriate, are arithmetically correct and discounts, allowances, credits and tax are correct; and

The account has not previously been passed for payment; and appropriate entries have been made in inventories and stores records.

- 5.5.5 Photocopied or fax copies of invoices are not acceptable, except in extreme circumstances and then only if the copy has been annotated to show why an original is not available and certified by an authorised signatory.

- 5.5.6 Payments on the Council's financial system will be authorised in accordance with guidance issued by the S.151 Officer.
- 5.5.7 Any copy of an invoice produced prior to payment, for example a file copy, will be scored through and marked to clearly identify it as a copy.
- 5.5.8 To comply with VAT requirements, where it is necessary to amend an invoice, it must either be returned to the supplier, or a credit note/supplementary invoice should be requested prior to payment being made. The manual amendment including the use of correcting fluid etc. to amend invoices is forbidden.
- 5.5.9 In the case of payments in which an officer may have an interest (for example attendance on a training course, payment for accommodation etc.) the countersignature of the officer's line manager will be obtained.
- 5.5.10 Staff responsible for processing payments will ensure that appropriate attention is paid to the commitments system, especially where de-commitments are not carried out automatically.

5.6 Urgent Processing

- 5.6.1 Certified invoices due for payment but which require payment in advance of normal processing may in exceptional circumstances be processed through the urgent payment system with the approval of the Head of Strategic Finance [& Property or their Deputy](#).

5.7 Periodic Payments

- 5.7.1 Any order or contract entered into by a budget holder which entails periodic payments will be recorded in a periodic register. All amendments to such orders or contracts will be entered in the register, entered as a commitment into the Council's financial system and profiled in budget monitoring statements.

5.8 Petty Cash

Provision

- 5.8.1 Petty cash floats/imprests will only be raised following the approval of the Head of Strategic Finance & Property, who will arrange for all accounts to be recorded and reconciled. Officers will obtain a holding account code for each imprest/float from the Accountancy Section.
- 5.8.2 Under no circumstances shall petty cash be used , including temporarily, for personal purposes.
- 5.8.3 Under no circumstances shall petty cash be used to bypass the Procurement Regulations to purchase off-contract. e.g. purchasing stationery at a local supplier.

Operation

- 5.8.4 Use of petty cash should be supported by VAT receipts in respect of each purchase.
- 5.8.5 The holder of petty cash shall ensure a weekly reconciliation of cash and vouchers held to the amount advanced.

Security

- 5.8.6 An officer to whom an advance is made will:
 - (i) be personally responsible for ensuring the proper use of and safe custody of the money advanced;
 - (ii) be liable to produce upon demand to the S.151 Officer's authorised representative cash or vouchers to the total of the advance together with a certificate of the state of the imprest account;
 - (iii) on leaving the employment of the Council, be liable to account to the S.151 Officer for the amount advanced.

5.8.7 The Head of Strategic Finance [& Property](#) will ensure that:

- (i) a record is maintained of petty cash advances made;
- (ii) the vouchers and receipts retained by officers in substantiation of payments are examined and reimbursed as often as may be necessary.

Annual statement of value

5.8.8 An annual statement of value of each imprest will be certified by the appropriate Head of Service or their authorised representative and submitted to the Head of [Strategic Finance & Property](#)~~Governance and Risk Management~~ within seven days of the end of each financial year.

5.9 Income

5.9.1 Budget managers will notify the S.151 Officer of all sums due to the Council in respect of payment for goods and services or other transactions involving the receipt of money in a manner as prescribed by the S.151 Officer.

5.9.2 All sums due from sundry debtors will be raised promptly via the debtors' module of the Council's Financial System. Responsibility for the prompt and thorough recovery of debts rests with the appropriate budget officer. Whenever appropriate, payment in advance should be obtained as this improves the Council's cash flow and also avoids the time and cost of administering debts.

5.9.3 Where an error or anomaly is identified in the approval fees and charges schedule rectification may be agreed by the [Head of Service](#)~~Director~~ in consultation with the relevant Portfolio Holder in accordance with the Council's fees and charges policy.

Paying in

5.9.4 All money received by an officer on behalf of the Council will be paid into one of the Council's Cash Offices on the day of collection, or if instructed by the S.151 Officer, direct to the Council's bank account without delay.

5.9.5 No deduction or payments will be made from sums due to the Council.

5.9.6 Officers paying into a bank account must enter a reference to the debt or the origin of the cash or cheque on the paying in slip.

Official receipts

5.9.7 All official receipts, forms, tickets, vouchers and similar documents will be ordered, stored and issued in accordance with procedures approved by the S.151 Officer.

5.9.8 No receipt given by an officer for money received will be in a form other than an official receipt.

Cashing cheques

5.9.9 No personal cheques will be cashed out of money held on behalf of the Council.

5.9.10 No third party cheques will be accepted by cashiers for the payment of any debt.

5.9.11 No East Herts District Council cheques endorsed "Account Payee" will be accepted by cashiers in respect of any outstanding debt unless there are any extenuating circumstances which have been considered and approved by the S.151 Officer.

Transfer of remittances

5.9.12 Every transfer of money held on behalf of the Council from one member of staff to another will be evidenced by the signature of the receiving officer in a register or pro forma maintained for this purpose.

5.9.13 Any blank cheques received and those which are not "Account Payee Only" will be crossed with an official stamp immediately on receipt as part of the post opening procedure.

Financial Write-offs

5.9.14 The write off of an individual debt or the cumulative total of related debts of up to £~~2,500~~5,000 may be written off by Heads of Service. The write off of an individual debt or the cumulative total of related debts of up to £105,000 may be written off by the S.151 Officer and such debts up to £~~50~~10,000 may be written off by the S.151 Officer in conjunction with the Portfolio Holder for ~~Resources~~Finance & Support Services ~~and Internal Support~~. The write off of an individual debt or the cumulative total of related debts of more than £~~10~~50,000 will require the authorisation of the Executive. In the case of bankruptcy and liquidations, including debt relief orders or insolvency, debts which are significant to the budget will be reported in the budget monitoring process.

5.9.15 In all cases, due consideration will be given during the write off process to the ongoing provision of the service and any other Council services being provided to the debtor.

Credit Balances

5.9.16 Where advance payments result in credit balances on the Council's accounts after the services have been provided, or credits on Council Tax accounts, all reasonable steps will be taken to refund the amount to the original debtor. In determining reasonable steps, due regard will be taken of the costs of such steps in relation to the amount of the refund.

5.9.17 Heads of Service may authorise the write-off of an individual credit or the total of related credits of up to £2,500.

5.9.18 The write-off of an individual credit or the cumulative total of related credits of up to £5,000 may be written off by the S.151 Officer.

5.9.19 The write-off of an individual credit or the cumulative total of related credits of over £5,000 may be written off by the S.151 Officer, in consultation with the Executive Member for Resources ~~and Internal Support~~.

5.10 Banking and Cheques

Order and custody of cheques

5.10.1 Cheques will only be ordered on the authority of the Head of Strategic Finance & Property who will make proper arrangements for their safe custody.

5.10.2 Internal transfers of cheques will be recorded and a discharge of liability signature will be obtained.

5.10.3 Any necessary replacement cheques shall not be drawn until confirmation has been received in writing from the Council's bank that the original cheque has been "stopped."

Signatures

5.10.4 All cheques drawn on the bank accounts of the Council will bear the S.151 Officer's facsimile signature, ~~or be signed by the S.151 Officer or other authorised officer~~. All facsimile signatures will be checked at the time of printing.

5.10.5 Any cheques for £5,000 and over will also require the manuscript signature of a second ~~the S.151 Officer or other~~ authorised officer.

~~5.11 Smart Cards~~

~~5.11.1 Smart Cards shall be managed in accordance with procedures prescribed by the S.151 Officer.~~

~~5.12~~ 5.11 Salaries and Wages

New appointments

~~5.12.1~~ 5.11.1 Appointments of all employees will be made in accordance with the regulations of the Council and the approved establishment, grades and rates of pay, and within any statutory requirements.

~~5.12.2~~ 5.11.2 Where temporary staff are to be engaged on a self-employed basis, prior advice will be sought from the Human Resources/Legal/Payroll Sections as appropriate, in order to protect the Council from any employment liabilities (for example tax, national insurance) which may arise.

~~5.12.3~~5.11.3 An application form and medical questionnaire must be completed by all external applicants.

~~5.12.4~~5.11.4 Two written references must be obtained and relevant qualifications evidenced, prior to commencement of work. (One reference will be from the immediately preceding employer if within five years). This condition (5.12.4) applies to all permanent and fixed term appointments, and agency staff and consultants.

Approved forms

~~5.12.5~~5.11.5 All timesheets, overtime approvals and other pay documents will be in a form as prescribed by the S.151 Officer.

Certification

~~5.12.6~~5.11.6 All timesheets, overtime approvals or other pay documents will be signed by a Head of Service or other senior officer authorised to do so. The S. 151 Officer~~Head of Governance and Risk Management~~ will be notified of all authorised officers, will receive and retain a list of specimen signatures, and will be notified of any changes.

~~5.13~~5.12 Travelling, Subsistence and Flexible Working Hours

Approved forms

~~5.13.1~~5.12.1 All claims for travelling and subsistence payments and adjustments to the staff flexible working hours scheme will be made only on forms approved by the ~~S.151 Officer~~Head of HR & Organisational Development.

~~5.13.2~~5.12.2 The mode of travel will maximise value for money for example by having regard to car sharing and discounted tickets for public transport.

Certification

~~5.13.3~~5.12.3 All travelling and subsistence claims and flexible working hours adjustment sheets will be signed by the appropriate Head of Service or other senior officer authorised to

do so.

~~The Head of Governance and Risk Management will be notified of all officers so authorised, will receive and retain a list of specimen signatures, and will be notified immediately of any changes.~~

~~5.13.4~~5.12.4 Certifying officers will normally be the claimant's line manager who will ensure to the best of their knowledge that:-

- (i) travelling and subsistence claims relate to journeys made and expenses properly and reasonably incurred whilst carrying out official duties, in accordance with current Human Resources policy and procedural guidance;
- (ii) flexible working credits/debits are accurately recorded on adjustment sheets and are in accordance with current Council policy.

Payment of Travelling and Subsistence Claims

~~5.13.5~~5.12.5 Certified claims will be forwarded to the Payroll Section within five working days following the end of the month to which the claim relates for payment through the payroll system.

~~5.13.6~~5.12.6 Payments to Members will be made by the Payroll Section upon receipt of the prescribed form duly completed and submitted within five working days following the end of the month to which the claim relates.

~~5.13.7~~5.12.7 All claims for mileage payments will have an appropriate VAT receipt attached.

~~5.13.8~~5.12.8 Claims for payments which relate to claims which are more than 3 months old will not be accepted.

5.14 Taxation

5.14.1 Where a proposed transaction will occur a tax liability (other than VAT or tax collected through the payroll system) the relevant Director or Head of Service will consult with the

S.151 Officer who will determine whether external advice is sought to mitigate that liability.

6. EXTERNAL ARRANGEMENTS

6.1 Introduction

6.1.1 The Council provides a distinctive leadership role for the community and can bring together the contributions of the various stakeholders. It can also act to promote or improve the Council's economic, social and environmental wellbeing.

6.2 Partnerships

6.2.1 The Executive is responsible for approving delegations, including frameworks for partnerships. The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs. There is a Partnership Protocol in place that requires the Council to maintain a partnership register and to undertake an annual review of the register.

6.2.2 The Executive can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the Council's constitution. Where functions are delegated, the Executive remains accountable for them to the full Council.

6.2.3 Officers can represent the Council on partnerships and external bodies, in accordance with the scheme of delegation.

6.2.4 Council representatives on partnerships will promote and maintain the same high standards of financial administration that normally apply within the Council.

6.2.5 The S.151 Officer must ensure that the accounting arrangements adopted by partnerships and joint ventures are satisfactory. Consideration must be given to the overall corporate governance arrangements and legal issues when arranging contracts with external bodies, and all significant risks must be fully appraised before agreements are entered into.

6.2.6 Heads of Services are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

6.3 External Funding

6.3.1 The S.151 Officer is responsible for ensuring that all funding notified by external bodies is received and used for the intended purpose and properly recorded in the Council's accounts.

6.4 Work for Third Parties

6.4.1 The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

6.4.2 Heads of Services will ensure that:

- (i) all risks are identified, assessed, appropriately mitigated and managed and such work is intra vires;
- (ii) all information is provided to the Procurement Team, who hold the central register;~~a register is maintained of all contracts entered into with third parties;~~
- (iii) appropriate insurance arrangements are made;
- (iv) the Council is not put at risk from any bad debts;
- (v) no contract is subsidised by the Council;
- (vi) wherever possible, payment is received in advance of the delivery of the service;
- (vii) the Service Unit has the appropriate expertise to undertake the contract;
- (viii) all contracts are properly documented;
- (ix) appropriate information is provided to the S.151 Officer for final accounts purposes.

6.5 Procurement by Third Parties on Behalf of the Council

- 6.5.1 The appropriate Director may appoint a third party to undertake procurement on behalf of the Council subject to the following requirements. Where the appropriate Director proposes to appoint a third party to undertake procurement on behalf of the Council, the third party shall so far as possible comply with the Council's Financial Regulations and the Council's Procurement Regulations and where compliance is not possible the provisions in the Regulations as to varying or waiving of the regulations shall apply. The use of third parties for procurement shall be permitted only where ~~the appropriate~~ Director is satisfied that the use of a third party offers better value for money for the Council. The Council remains accountable for the procurement and the related projects at all times.

APPENDIX 1

LOCAL GOVERNMENT FINANCE ACT 1988

Section 114 Functions of responsible officer as regards reports

- (1) On and after the commencement day the person having responsibility for the administration of the financial affairs of a relevant authority under section 151 of the 1972 Act, section 73 of the 1985 Act or section 112 above shall have the duties mentioned in this section, without prejudice to any other functions; and in this section he is referred to as the chief finance officer of the authority.
- (2) The chief finance officer of a relevant authority shall make a report under this section if it appears to ~~him~~him/her that the authority, a committee or officer of the authority, or a joint committee on which the authority is represented –
 - (a) has made or is about to make a decision which involves or would involve the authority incurring expenditure which is unlawful,
 - (b) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority,or
 - (c) is about to enter an item of account the entry of which is unlawful.
- (3) The chief finance officer of a relevant authority shall make a report under this section if it appears to ~~him~~him/her that the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

- (3A) It shall be the duty of the chief finance officer of a relevant authority, in preparing a report in pursuance of subsection (2) above, to consult so far as practicable –
- (a) with the person who is for the time being designated as the head of the authority's paid service under section 4 of the Local Government and Housing Act 1989; and
 - (b) with the person who is for the time being responsible for performing the duties of the authority's monitoring officer under section 5 of that Act.
- (4) Where a chief finance officer of a relevant authority has made a report under this section he shall send a copy of it to –
- (a) the person who at the time the report is made has the duty to audit the authority's accounts, and
 - (b) each person who at that time is a Member of the authority.
- (5) Subject to subsection (6) below, the duties of a chief finance officer of a relevant authority under subsections (2) and (3) above shall be performed by ~~him~~him/her personally.
- (6) If the chief finance officer is unable to act owing to absence or illness his duties under subsections (2) and (3) above shall be performed –
- (a) by such member of his staff as is a member of one or more of the bodies mentioned in section 113(3) ~~above~~below and is for the time being nominated by the chief finance officer for the purposes of his section, or
 - (b) if no member of his staff is a member of one or more bodies, by such member of his staff as is for the time being nominated by the chief finance officer for the purposes of this section.

- (7) A relevant authority shall provide its chief finance officer with such staff, accommodation and other resources as are in his opinion sufficient to allow his duties under this section to be performed.
- (8) In this section –
- (a) references to a joint committee are to a committee on which two or more relevant authorities are represented, and
 - (b) references to a committee (joint or otherwise) include references to a subcommittee.

Note - For the purposes of paragraph 1 above, the ~~Director of Finance and Support Services~~ S.151 Officer will be the nominated officer.

Section 113(3) refers to The bodies. These are—

(a)the Institute of Chartered Accountants in England and Wales.

(b)the Institute of Chartered Accountants of Scotland.

(c)the Chartered Association of Certified Accountants.

(d)the Chartered Institute of Public Finance and Accountancy.

(e)the Institute of Chartered Accountants in Ireland.

(f)the Chartered Institute of Management Accountants, and

(g)any other body of accountants established in the United Kingdom and for the time being approved by the Secretary of State for the purposes of this section.

Procurement Regulations

1. Every contract or official order for works, goods or services made by the Council's statutory or approved objectives and shall conform to all relevant EU Directives and United Kingdom legislation.
2. The Procurement regulations shall govern Council tendering and contract procedures. The ~~Director of Finance and Support Services~~Head of Strategic Finance & Property shall maintain and issue these Regulations. Any procurement activity shall proceed in accordance with the Regulations and any financial thresholds for procurement specified by the Regulations.
3. The ~~Director of Finance and Support Services~~Head of Strategic Finance & Property shall make the latest version of the Procurement Regulations available to ~~the Leadership Team~~all Senior Management Team members, the Leader and all Members of the Council and any other person engaged in procuring works, goods or services on behalf of the Council. Senior Management or officers acting on their behalf shall apply the requirements of the Regulations when engaging in any procurement activity.
4. The purpose of procurement activity shall be to achieve best value for local people in accordance with the Council's statutory or approved objectives. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of best value by having regard to a combination of economy, efficiency and effectiveness.
5. Nothing in the Procurement Regulations shall be construed as removing or diminishing the responsibility of all involved to meet individual and collective accountabilities.
6. The ~~Leadership Team~~Council Management Team shall ensure that the Executive and/or an Executive Member is consulted on any procurement activity of a controversial nature.
7. The contracting strategy and/or award of any contract for goods works or services shall be approved by the Executive where there

is a significant cost to the Council in accordance with the Procurement Regulations.

8. The ~~Leadership~~~~Senior Management~~ Team must ensure that audit trails are in place for all procurement activity in accordance with the Procurement Regulations.
9. The ~~Senior Management Team~~~~S.151 officer~~ must ensure a register of contracts is kept for all contracts over the value of £5,000.
10. No Member shall be permitted to become security under any agreement between the Council and a contractor employed by it.

Internet - <http://www.eastherts.gov.uk/index.jsp?articleid=30928>

Intranet - <http://www.eastherts.gov.uk/intranet/index.jsp?articleid=30940>

PART 5

Codes and Protocols

Members' Code of Conduct

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

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.

Officers' Code of Conduct

CONTENTS

Introduction

1. Standards
2. Disclosure of Information
3. Political Neutrality
4. Relationships
5. Employment Matters
6. Outside Commitments
7. Personal Interests
8. Equality Issues
9. Tendering Issues
10. Corruption
11. Use of Financial Resources
12. Gifts and Hospitality
13. Sponsorship

INTRODUCTION

The public are entitled to expect the highest standards of conduct from all Council employees. This code incorporates points from existing laws, regulations and conditions of service for the guidance of all staff. The aim of the code is to help maintain and improve standards and protect employees from misunderstanding or criticism, it must be read and followed by all employees. This code is complementary to the Council's 'Policies and Staff Codes', copies of which are kept by Directors and Heads of Service for reference, as they give fuller details on some items. They can also be accessed via the Intranet

1.1 STANDARDS

- 1.2 Council employees are expected to give the highest possible standard of service to the public and provide appropriate advice and information to Councillors and fellow employees. Employees are expected to report any deficiency in the provision of service to the appropriate manager. They must report any impropriety or breach of rules or procedure to the manager concerned. Concerns about another Officer or Member can be raised through the Confidential Reporting Code

2.1 DISCLOSURE OF INFORMATION

- 2.2 The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. Managers will advise their staff what information should be given and what is confidential. Personal information is generally considered to be confidential and anyone in doubt should check with their manager prior to providing information to contacts.
- 2.3 Employees should not use any information, obtained in the course of their employment, for personal gain or benefit, nor should they pass it to others who might use it in such a way. Any personal information from a Councillor should not be divulged without the Councillor's approval, except where required by law.

3.1 POLITICAL NEUTRALITY

- 3.2 Employees serve all Councillors and must ensure that their individual rights are respected.
- 3.3 Some employees may be required to advise political groups and must do so in ways which do not compromise their political neutrality.
- 3.4 Employees must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 3.5 Any political assistants, appointed in accordance with the Local Government and Housing Act 1989, are exempt from the standards set in 3.1 to 3.3 above.
- 3.6 Employees holding politically restricted posts are disqualified from membership of any local authority other than a Parish or Community Council and from being an MP or MEP. The Council will maintain a list of these posts and advise the postholders concerned.

4.1 RELATIONSHIPS

- 4.2 Councillors - Mutual respect between employees and Councillors is essential. Close personal familiarity between employees and Councillors can damage the relationships and should be avoided.
- 4.3 The Local Community and Service Users - Employees should always remember their responsibilities to the community and should ensure courteous, efficient and impartial service to all groups and individuals within it.
- 4.4 Contractors - All relationships with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders and no special favour should be shown. No part of the community should be discriminated against.

5.1 EMPLOYMENT MATTERS

- 5.2 Employees involved in appointments should ensure that these are made on the basis of merit and ability of the candidates. Employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with one.
- 5.3 Employees should not be involved in decisions relating to discipline, promotion or pay adjustment for any other employee who is a relative or partner.
- 5.4 Every candidate for any appointment must disclose in writing if they are related to any member or senior officer of the Council. A reference to this disclosure is included in the Application Form for Appointment, which must be completed by anyone applying for a post.

6.1 OUTSIDE COMMITMENTS

- 6.2 Employees should not undertake outside work if this would overlap with their official duties or cause a conflict of interest. Officers require written consent to take any outside employment, from ~~at~~^{the} Director.
- 6.3 Any inventions, writings or drawings created in the course of an employee's normal duties are considered the 'intellectual property' of the Council and should not be passed on to another party without the permission of the employee's manager.

7.1 PERSONAL INTERESTS

- 7.2 Employees must declare to their ~~Head of Service~~^{Director} and to the Head of Democratic and Legal Support Services any interests, financial or non-financial, which could bring about a conflict with the Council's interests.

- 7.3 Employees should declare to their Head of Service~~Director~~ and the Head of Democratic and Legal ~~Support~~ Services, membership of any organisation not open to the public, including any lodge, chapter, society trust or regular meeting, other than activities of a generally recognised religion.
- 7.4 Employees who join such an organisation during their employment with the Council must also disclose such memberships to their Head of Service~~Director~~ and the Head of Democratic and Legal ~~Support~~ Services.
- 7.5 Candidates for a post will not be asked and need not declare their membership of an organisation. However, candidates for all posts will be required to sign a declaration on their application form accepting the need to comply with this requirement, if they are subsequently employed by the Council.
- 7.6 Following the advice of the Employers Organisation, Freemasonry is an “organisation” for the purposes of para 7.2, 7.3 and 7.4.

8.1 EQUALITY ISSUES

- 8.2 All employees must comply with the Council’s Equal Opportunity Policy.
- 8.3 All members of the community, customers and other employees have a right to be treated with fairness and equity. The Council will not tolerate any discrimination on the grounds of gender, marital status, race, colour, creed, sexuality, nationality, ethnic or national origins, age or disability.

9.1 TENDERING ISSUES

- 9.2 Employees involved in tendering and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Employees must follow the procedures and rules incorporated in the Council’s Financial Regulations, Financial Procedures and Rules of Procedure relating to Contracts. Senior

officers who have a client and/or contractor responsibility must be aware of the need for accountability and openness.

- 9.3 Employees in client or contractor units must exercise fairness and impartiality when dealing with customers, suppliers, other contractors and sub-contractors.
- 9.4 Employees who have access to confidential information on tenders or costs, for either internal or external contractors, should not disclose that information to any unauthorised party.
- 9.5 Any employees contemplating a management buy-out should inform their manager as soon as they have formed an intent and withdraw from the contract awarding process.
- 9.6 Employees should ensure that no special favour is shown to current or former employees, or their partners, relatives or assistants, in awarding contracts to businesses run by or employing them in a managerial capacity.

10.1 CORRUPTION

- 10.2 Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour or disfavour to anyone in their official capacity. If an allegation is made, the employee would have to demonstrate that any such rewards have not been obtained corruptly.

11.1 USE OF FINANCIAL RESOURCES

- 11.2 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the community and avoid legal challenge to the authority.

- 11.3 Employees must comply with the Council's Financial Regulations and Financial Procedures and Procurement Regulations to safeguard assets and the use of financial resources.
- 11.4 Employees should inform their ~~Director~~ Head of Service, who will in turn inform ~~the Director of Finance and Support Services~~, the Head of Paid Service, ~~the appropriate Director and S. 151 Officer~~ Manager of Corporate Risk of any irregularity or suspected irregularity.
- 11.5 All employees will be issued with a copy of the Anti-Fraud and Anti-Corruption Strategy and the Confidential Reporting Code.

12.1 GIFTS AND HOSPITALITY

- 12.2 Employees should not accept significant personal gifts from contractors or suppliers. Small insignificant items of token value may be accepted, for example, calendars, pens and diaries. If there is any doubt, the gift should be politely and tactfully refused. If any significant gift is sent, this should be reported to ~~the~~ Director, who will advise if it may be kept or returned. All gifts and offers of gifts should be recorded in the registers of gifts and hospitality, which are held by the Executive PAs. Contract tender documents should prohibit gifts.
- 12.3 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend social or sporting functions should be recorded and only be accepted when authorised by ~~the~~ Director and recorded in the register of gifts and hospitality, which is held by the Executive PAs ~~to your Director~~.
- 12.4 When gifts or hospitality ~~have~~ is to be declined, those making the offer should be courteously informed of the standards operating within the Council.
- 12.5 Acceptance by employees of hospitality at conferences and courses is acceptable where it is clear that the hospitality is corporate rather than personal and where the visit has been authorised. Where visits to inspect equipment or other items are required, employees should

ensure the Council meets the cost of the visit to avoid jeopardising the integrity of any purchasing decision.

- 12.6 Fuller details on the Council's policy regarding gifts and hospitality are included in the Council's Staff Codes, which should be referred to for guidance when appropriate, via [an employee's](#) ~~your~~ line manager, HR or the Intranet.

13.1 SPONSORSHIP - Giving and Receiving

- 13.2 When an outside organisation wishes to sponsor a local government activity, the basic conventions concerning acceptance of gifts and hospitality apply. Any staff involved in a sponsored activity are governed by the conventions outlined in Section 12 above.
- 13.3 Where the Council wishes to sponsor an event or service, no employee, partner or relative must benefit from the sponsorship in a direct way without there being a full disclosure to [the appropriate](#) ~~an employee's~~ Director of any such interest.
- 13.4 When the Council gives support in the community, through sponsorship, grant aid or other means, employees should ensure that impartial advice is given and there is no conflict of interest involved.

MEMBER/OFFICER PROTOCOL

1.0 Introduction

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another.
- 1.2 The primary responsibility for Members is to set policy as a Member of Council. Officers are responsible for implementing those policies.
- 1.3 Given the variety and complexity of such relations, the Protocol does not seek to be prescriptive and it may not cover all situations. However, it does seek to provide guidance on some of the issues that most commonly arise. The approach to these issues will serve as a guide to dealing with other issues.
- 1.4 The Protocol is a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.5 It also seeks to reflect the principles underlying the respective rules of conduct that apply to Members and Officers. Its purpose, therefore, is to enhance and maintain the integrity (real and perceived) of local government by seeking high standards of personal conduct.
- 1.6 Members and Officers depend on each other in carrying out the work of the Authority. Officers are responsible to the Council. Officers give advice to the Council, as well as to individual Members, and to carry out the Council's work under the direction and control of the Council and its various bodies.
- 1.7 Mutual respect between Members and Officers is essential to good local government. However, close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to other Members and Officers.

1.8 The relationship has to function without compromising the ultimate responsibilities of Officers to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Officers can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Officers.

2.0 Roles of Members

2.1 Members undertake many different roles. Broadly these are:

- Members express political values and support the policies of the party or group to which they belong (if any).
- Members represent their wards and are advocates for the constituents who live in the area.
- Members are involved in active partnerships with other organisations as community leaders.
- Members contribute to the decisions taken in full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
- Members help develop and review policy and strategy.
- Members monitor and review policy implementation and service quality.
- Members are involved in quasi-judicial work through their membership of regulatory committees.

3.0 Roles of Officers

3.1 Briefly, Officers have the following main roles:

- Managing and providing the services for which the Council has given them responsibility and being

accountable for the efficiency and effectiveness of those services.

- Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.
- Initiating policy proposals.
- Implementing agreed policy.
- Ensuring that the Council always acts in a lawful manner.

4.0 Respect and Courtesy

- 4.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. This plays an important part in the Council's reputation and how it is seen in public. It is important that both Members and Officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other Officers, in public places.

5.0 Undue Pressure

- 5.1 It is important in any dealings between Members and Officers that neither should seek to take unfair advantage of their position.
- 5.2 In their dealings with Officers (especially junior Officers) Members need to be aware that it is easy for them to feel at a disadvantage.
- 5.3 A Member should not apply undue pressure on an Employee either to do anything that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

5.4 Similarly, an Employee must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Officers. (The Council has formal procedures for consultation, grievance and discipline, and Officers have the right to report possible wrongdoing under the Council's confidential code).

6.0 Familiarity

6.1 Close personal familiarity between individual Members and Officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

6.2 Such familiarity could also cause embarrassment to other Members and/or other Officers and even give rise to suspicions of favouritism.

6.3 Members should be aware of the need for a professional relationship with officers.

7.0 Breach of Protocol

7.1 If a Member considers that [she](#)/he has not been treated with proper respect or courtesy [she](#)/he may raise the issue with the Employee's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service-~~or Director~~ responsible for the employee concerned [or a Director](#). Breach of the Protocol may give rise to disciplinary proceedings against an Employee if the circumstances warrant it.

7.2 If an employee considers that a Member has contravened -the protocol [she](#)/he should consult [her](#)/his line manager who will if necessary involve the Head of Service or [a](#) Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint to be considered for potential investigation by the Standards Committee. Many complaints will be capable of informal resolution. The

Monitoring Officer or the Chief Executive will assist in this process if necessary.

8.0 Provision of Advice and Information to Members

- 8.1 Members are free to approach Officers of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
- 8.2 Officers should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed i.e. either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within 5 working days of the receipt of the enquiry.
- 8.3 The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.
- 8.4 The Access to Information Procedure Rules in the Constitution explain the position with regard to access to papers relating to the business of a Council body.
- 8.5 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient.
- 8.6 Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the "need to know". Officers are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member's enquiry that any individual would be entitled to receive such documentation. The Council's Information Manager will be able to advise in consultation if necessary

with the Monitoring Officer on whether any request would fall within the Freedom of Information Act.

- 8.7 The information sought by a Member should only be provided by the respective Service as long as it is within the limits of the Service's resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.
- 8.8 It is important for Services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the areas that they represent. Local Members should be informed about proposals that affect their wards and should also be invited to attend Council initiated events within their wards.
- 8.9 If a Member asks for specific information relating to the work of a particular Service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Executive Member or Committee Chairman concerned should be advised about the information provided.
- 8.10 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members sometimes assume that this is a case of Officers deliberately obstructing the wishes of politicians. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Council.
- 9.0 Confidentiality
- 9.1 Members should be aware of their data protection responsibility. The Council may disclose personal information to Member which should only be used for the purposes of carrying out their duties.

- 9.2 Members must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:
- he/she has the consent of a person authorised to give it;
 - he/she is required by law to do so;
 - the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - the disclosure is:
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority.
- 9.3 Confidential Committee papers (pink papers) are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 9.4 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 9.5 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.

- 9.6 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 9.7 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that officer.

10.0 Provision of Support Services to Members

- 10.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

11.0 Correspondence

- 11.1 Official letters on behalf of the Council should be sent in the name of the appropriate Employee, rather than over the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.
- 11.2 Members shall use the Council email address provided for that Member when acting in an official capacity as a Member.

12.0 Media

- 12.1 Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Officers provide factual information. If a Member is unsure about the circumstances of a particular

issue he should contact ~~at the appropriate~~ Director or Head of Service concerned or ask the Press Office to do so.

12.2 Members should ~~Do~~ not allow members of the public to communicate with ~~you~~ them during any formal meeting of the Council its Committee or sub-committee (orally or in writing) other than through the scheme for public speaking, as ~~this~~ they may give the appearance of bias.

12.3 Members should ~~Do~~ ensure that ~~you~~ they comply with the Council's procedures in respect of public speaking.

13.0 The Council's Role as Employer

13.1 In their dealings with Officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that Officers could rely on inappropriate behaviour of a Member in an employment case against the Council.

14.0 Political Activity

14.1 There are a number of constraints that apply to an employee who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.

14.2 In summary, such Officers are prevented from:

- (1) being a Member of Parliament, European Parliament or local authority;
- (2) acting as an election agent or sub-agent for a candidate for election as a member of any the bodies referred to in (1);
- (3) being an officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch, if his duties would be likely to require ~~him~~ him/her to:
 - participate in the general management of the party or branch; or

- act on behalf of the party or branch in dealings with persons other than members of the party;
- (4) canvassing on behalf of a political party or a candidate for election to any the bodies referred to in (1);
- (5) speaking to the public with the apparent intent of affecting public support for a political party; and
- (6) publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.

14.3 It is common for party groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Members relating to their roles e.g. Chairman. Officers should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by Officers.

14.4 Usually the only Officers involved in attending group meetings will be the Chief Executive, Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions.

14.5 Officers are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and ~~their~~ ~~respective~~ Directors/Heads of Service, and not to individual Members of the Council whatever office they might hold.

14.6 Both Members and Officers are subject to their own Codes of Conduct which can be found in the Constitution. This Protocol provides guidance on working relationships between Members and Officers. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

15.0 Sanctions

15.1 Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.

15.2 Complaints about any breach of this protocol by an Officer may be referred to the Chief Executive ~~or the relevant Director~~.

16.0 Conclusion

16.1 ~~It is hoped that f~~Following good practice and securing sensible and practical working relationships between Members and Officers will provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Officers.

Head of Paid Service Protocol

A GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES

- 1 The Head of Paid Service is a statutory appointment pursuant to section 4 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged in East Hertfordshire District Council.
- 2 The ~~current responsibilities of the~~ Head of Paid Service should rest with the Director of Community and Customer Services, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council.
- 3 A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Head of Paid Service's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:
 - (a) addressing the staffing needs of the authority;
 - (b) meeting the staffing needs of the Council;
 - (c) the appointment and proper management of the staff.

B WORKING ARRANGEMENTS

- 4 Having excellent working relations with Members and Officers will assist in the discharge of the statutory responsibilities of the Head of Paid Service. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers should, therefore, work with the Head of Paid Service to discharge the Council's statutory and discretionary responsibilities.
- 5 The following arrangements and understandings between the Head of Paid Service, Members and Directors are designed to ensure the effective discharge of the Council's business and

functions. The Head of Paid Service will:

- (a) be alerted by Members and officers to any issue(s) that may become of concern to the Council, including the manner in which the discharge by the Council of its different functions is co-ordinated, the number and grades of staff required for the discharge of its functions, the organisation of the Council's staff and the appointment and proper management of the Council's staff;
- (b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
- (c) have the right to attend any meeting of the Council (including the right to be heard and report to the Executive) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
- (d) in carrying out any investigation(s) and exercising any duties have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of the functions;
- (e) ensure the other statutory officers (Chief Financial Officer and the Monitoring Officer) are kept up-to-date with relevant information regarding the manner in which the Council discharges its various functions, the corporate approach of the Council, the staffing needs of the Council, the organisation of the staff and the appointment and proper management of the staff;
- (f) meet regularly with the Chief Financial Officer and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern described in e) above;

- (g) report to the Council, from time to time, on the corporate approach of the Council and any necessary or desirable changes following consultation, in particular, with the Chief Financial Officer and Monitoring Officer;
- (h) as per the statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources required to discharge his statutory functions;
- (i) have a special relationship of respect and trust with the Leader, Deputy Leader and the Chairmen of the Standards, Regulatory and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;
- (j) develop effective working liaison and relationship with the External Auditor (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- (k) in consultation, as necessary, with the Chairman of the Council, the Executive and the External Auditor, defer the making of a formal report under Section 4 of the Local Government and Housing Act 1989 where another investigative body is involved;
- (l) have sufficient resources to address any matters concerning his Head of Paid Service functions

6 To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Head of Paid Service, as soon as practicable.

7 The Head of Paid Service is also available for Members and Officers to consult on any issues of the corporate approach of the Council, staffing needs, appointment and management of staff.

8 To ensure the effective and efficient discharge of this Protocol, the Head of Paid Service will ensure adequate insurance and

indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Head of Paid Service role.

- 9 The Head of Paid Service will record details of any advice given.

ANNEX

SUMMARY OF HEAD OF PAID SERVICE FUNCTIONS

	Description	Source
1	Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account.	Section 4 Local Government and Housing Act 1989
2	Report on resources.	Section 4 Local Government and Housing Act 1988.
3.	All staff to be appointed on merit.	Section 7 Local Government and Housing Act 1989
4.	Duty to adopt Standing Orders with respect to staff.	Section 8 Local Government and Housing Act 1989
5.	Confidentiality of staff records.	Section 11 Local Government and Housing Act 1989
6.	Conflicts of interest in staff negotiations	Section 12 Local Government and Housing Act 1989
7.	Appointment of staff	Section 112 Local Government Act 1972

Chief Financial Officer (Section 151 Officer) Protocol

A GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES

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

B WORKING ARRANGEMENTS

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

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

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

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

- 6 The following arrangements and understandings between the Chief Financial Officer, Members, Chief Executive and Directors are designed to ensure the effective discharge of the Council's business and functions. The Chief Financial Officer will:
 - (a) be alerted by Members and officers to any issue(s) that may become of concern to the Council, including, in particular issues around financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - (b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
 - (c) have the right to attend any meeting of the Council (including the right to be heard and report to the Executive) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);

- (d) in carrying out any investigation(s) and exercising any fiduciary duties have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions;
- (e) ensure the other statutory officers (Head of Paid Service and the Monitoring Officer) are kept up-to-date with relevant information regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
- (f) meet regularly with the Head of Paid Service and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
- (g) report to the Council, from time to time, on the Financial Regulations and any necessary or desirable changes following consultation, in particular, with the Head of Paid Service and Monitoring Officer;
- (h) as per the statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources required to discharge his statutory functions;
- (i) have a special relationship of respect and trust with the Leader, Deputy Leader and the Chairmen of the Standards, Regulatory and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;
- (j) develop effective working liaison and relationship with the External Auditor (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- (k) in consultation, as necessary, with the Chairman of the Council, the Executive and the External Auditor, defer the making of a formal report under Section 114, 114A, 115

and 116 of the Local Government and Finance Act 1988 where another investigative body is involved;

- (l) have sufficient resources to address any matters concerning his Chief Financial Officer functions; and
- (m) nominate a suitably qualified deputy and keep the deputy briefed on any relevant issues that the deputy may be required to deal with in the absence of the Chief Financial Officer. Appoint an appropriate external adviser in cases where the Chief Financial Officer is precluded from offering advice and the deputy is unable to advise.

- 7 To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Chief Finance Officer, as soon as practicable.
- 8 The Chief Financial Officer is also available for Members and Officers to consult on any issues of the Council's financial powers, possible unlawful payments, or general advice on the financial arrangements.
- 9 To ensure the effective and efficient discharge of this Protocol, the Chief Financial Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Chief Financial Officer role.
- 10 The Chief Financial Officer or deputy will record details of any advice given.

ANNEX 1

SUMMARY OF CHIEF FINANCIAL OFFICER FUNCTIONS

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

KEY ROLES OF THE CHIEF FINANCIAL OFFICER

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

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

2.1 **CONTRIBUTING TO CORPORATE MANAGEMENT AND LEADERSHIP**

- 2.2 Contributing to the effective leadership of the authority.

3.1 **SUPPORTING AND ADVISING DEMOCRATICALLY ELECTED REPRESENTATIVES**

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

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

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

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

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

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

Monitoring Officer Protocol

A GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES

- 1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged in East Hertfordshire District Council.
- 2 The current responsibilities of the Monitoring Officer role rest with the Head of Legal & Democratic ~~Director of Neighbourhood~~ Services, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council. In doing so, the Monitoring Officer will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 3 A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:
 - (a) complying with the law (including any relevant Codes of Conduct and Protocols);
 - (b) complying with any general guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;
 - (c) making lawful and proportionate decisions; and
 - (d) generally, not taking action that would bring the Council, their post or professions into disrepute.

B WORKING ARRANGEMENTS

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

with the Monitoring Officer to discharge the Council's statutory and discretionary responsibilities.

- 5 The following arrangements and understandings between the Monitoring Officer, Members, the Chief Executive and Directors are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:
- (a) be alerted by Members and officers to any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - (b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
 - (c) have the right to attend any meeting of the Council (including the right to be heard) before any Decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
 - (d) in carrying out any investigation(s) have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of any functions;
 - (e) ensure the other statutory officers (Head of Paid Service and the Chief Financial Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - (f) meet regularly with the Head of Paid Service and the Chief Financial Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards,

probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

- (g) report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Head of Paid Service and Chief Financial Officer;
- (h) as per the statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources required to discharge his statutory functions;
- (i) have a special relationship of respect and trust with the Leader, Deputy Leader and the Chairmen of the-
~~Standards~~Audit and Governance, Regulatory and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;
- (j) develop effective working liaison and relationship with the External Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary and settle any compensation payments for alleged or actual maladministration found against the Council;
- (k) maintain and keep up-to-date relevant statutory registers for the declaration of Members' interest, gifts and hospitality;
- (l) give informal advice and undertake relevant enquiries into allegations of breaches of the Members' Code of Conduct;
- (m) in consultation, as necessary, with the Chairman of the Council, the Executive and the Standards Committee, defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved;
- (n) make arrangements to ensure effective communication with the Town and Parish Councils within the District on

Monitoring Officer and Standards Committee issues;

- (o) have sufficient resources to address any matters concerning his Monitoring Officer functions;
 - (p) subject to the approval of the Standards Committee, be responsible for preparing any training programme for Members on ethical standards and Code of Conduct issues; and
 - (q) appoint a deputy and keep the deputy briefed on any relevant issues that the deputy may be required to deal with in the absence of the Monitoring Officer. Appoint an appropriate external adviser in cases where the Monitoring Officer is precluded from offering advice and the Deputy is unable to advise.
- 6 To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Monitoring Officer, as soon as practicable.
- 7 The Monitoring Officer is also available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. ~~Standing Orders~~ Procurement Regulations, policy framework, terms of reference, scheme of delegations etc).
- 8 To ensure the effective and efficient discharge of this Protocol, the Chief Financial Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.
- 9 The Monitoring Officer or the Deputy Monitoring Officer will record details of any advice given.

ANNEX

SUMMARY OF MONITORING OFFICER FUNCTIONS

	Description	Source
1	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3	Appointment of Deputy.	Section 5 Local Government and Housing Act 1989.
4	Report on resources.	Section 5 Local Government and Housing Act 1989.
5	Receive copies of whistleblowing allegations of misconduct.	Code of Conduct
6	Establish and maintain registers of Members' interests and gifts and hospitality.	Section 29 Localism Act 2011
7	Compensation for maladministration.	Section 92 LGA 2000.
8	Advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	ODPM guidance.

Media Protocol

- 1.1 Communication between the Council and the public is vital for access to services and for local democracy.
- 1.2 Because we recognise the importance of the media to effective public communications, we have produced this protocol which sets out:
 - the professional support offered by the Communications Team
 - the roles of Members and officers in media relations
 - the legal framework for publicity
 - a formal account of media relations practice at East Herts.
- 1.3 It is designed to help everyone in the Council to work more effectively together and with our contacts in the local or national media.

The Role of the Communications Team

- 2.1 The purpose of the Communications Team is to increase public awareness of the Council's services and functions, to explain to the public and stakeholders what the policies and priorities are and to support the organisation in gathering public views on services, policies and priorities.
- 2.2 It fulfils this role through the production of press releases, responding to press enquiries, press briefings, production of Link magazine, and the hosting of conferences and media events.
- 2.3 The Communications Team provides officers and Members with support on any communications matter that relates to the reputation of the Council as a whole, its policies and its services.

Who speaks for East Herts Council to the Media?

- 3.1 As democratically elected and publicly accountable representatives, the Members of East Herts are the primary spokesmen for the Authority with the media. Only Councillors

who hold particular positions should be individually identified in publicity.

3.2 These should be taken as:

- Leader and other Committee Chairmen
- Chairman and Vice Chairman (in their ceremonial roles)
- Portfolio holders
- Scrutiny Chairmen

3.3 Therefore:

- The Leader is the main spokesman on cross cutting policies and issues at national level. Currently these include proposals on airport development, for example.
- Executive Members are spokesmen for the Council in their respective portfolios.
- Other leading Members (such as Chairmen of Scrutiny and Development Management) will be quoted and referred to in relation to issues within their own areas of expertise.
- The Chairman will be the spokesman on all matters of a civic or ceremonial nature.
- Officers are also important spokesmen for the Authority. Whilst the Communications Team can and will handle many factual enquiries, there will be many occasions when more specialist or technical information will be required.
- In these instances it is expected that senior officers (Chief Executive and Directors) will handle media interviews.
- Other officers, with the agreement of their respective Director, may also be the most appropriate person to handle media enquiries and this can be facilitated with support from the Communications Team.

Other officers

- 4.1 Officers who are contacted directly by the media without advance knowledge, agreement or preparation are advised to politely redirect the [call request](#) to the Communications Team in the first instance.

Ward Councillors

- 5.1 The Communications Team is happy to advise Ward Councillors who are approached directly by the media for comment/interview but it is not a political resource.

The Legal Framework

- 6.1 Council resources can only be used for non party-political publicity of the work of the Council – not for criticism of the Council or of Council policies.
- 6.2 All Council publicity and media work is governed by provisions in the Local Government Act 1972, the Local Government Act 1986 and the Government's Code of Recommended Practice on Local Authority Publicity 1988 as Revised 2001.
- 6.3 Collectively these pieces of legislation are intended to ensure that public money is not spent inappropriately on political communications. They require authorities to ensure that "Any publicity describing the Council's policies and aims should be as objective as possible, concentrating on facts or explanation or both." They also forbid Councils from publicity which could in any way be construed as being designed to "affect support for a political party".
- 6.4 Council publicity should focus on publicising the democratically agreed policy.

Election time

- 7.1 Special restrictions apply during the period prior to elections.

- 7.2 The updated Code of Practice on Local Authority Publicity requires that proactive publicity should be precluded in all its forms for candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Members or groups of Members.

Note: It is acceptable for the Authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a Member level response to an important event outside the Authority's control. Proactive events arranged in this period should not involve Members likely to be standing for election.

- 7.3 Consequently, no Councillors will be quoted in news releases produced by East Herts Council in the period leading up to an election.
- 7.4 Wider publicity initiatives also need to be considered carefully during this period.
- 7.5 In the advent of an election, it is possible that prospective candidates (Parliamentary, District, European or County) may request visits to Council services and premises. All candidates must be treated equally and there is no requirement for such requests to be refused. Council staff should not be included in any photographs that may be arranged during such visits.
- 7.6 Within East Herts the Communications Team and/or Legal Services colleagues are best placed to advise and support colleagues on any legal implications of publicity. If in doubt, their advice should also be sought.

General Media Relations Practice at East Herts

- 8.1 The Communications Team will promote:
- Agreed service initiatives in liaison with the Leader of the Council, Chief Executive and Directors.

- Agreed service initiatives as requested by senior managers in liaison with the Leader of the Council and appropriate Executive Members.
- The role of scrutiny within the overall democratic process, as the opportunity arises, in liaison with the Chief Executive and the Leader of the Council.
- Other activities and developments of the Council through news releases and publications, quoting officers of East Herts and partner organisations and/or service users, where their contributions add to the relevance and interest of the story.
- Ceremonial and cross-organisational events in liaison with the Chairman of the Council.

At Full Council and Executive Meetings

- 9.1 Agendas will have been issued to the media in advance.
- 9.2 Where appropriate, press releases will be issued following the meeting describing the decision and quoting the Leader or Executive Member as appropriate. Such releases will highlight key issues and will help to explain and publicise Council policies and services.
- 9.3 Motions and questions from individual Councillors shown on the agenda will not be publicised through press releases.
- 9.4 The Communications Team will respond to subsequent press enquiries by providing a factual explanation at officer level (either directly or through another officer). Where a matter of policy is in question, the matter will be referred to the Leader of the Council or the appropriate Executive Member. Interviews and photo opportunities will be facilitated.
- 9.5 Where a reporter wishes to find out what was said by individual Councillors during a debate, officers will refer the reporter to the Councillor direct.

At Other Council Meetings

- 10.1 Communications officers will respond to any press enquiries before the meeting by providing a factual explanation at officer level. Where a matter of policy is in question, they will consult the appropriate Chairman and inform the Chief Executive and/or the Executive Member.
- 10.2 If the meeting (e.g. Scrutiny) collectively agrees to issue a press release on any given topic, this will be prepared and issued by Communications Staff in consultation with and quoting the relevant Chairman following the meeting. These releases will be issued in line with the information item, factually describing the outcome.
- 10.3 Where a matter of policy is in question, Communications Staff will advise the appropriate Chief Officer and/or Executive Member that a release is being issued and will respond to press enquiries following the meeting by providing a factual explanation of the outcome at officer level, in line with the information item.

Political Communications

- 11.1 The Communications Team can and will only provide professional non party-political communications advice to Members on request.
- 11.2 Nothing in the protocol precludes any political group from issuing its own press information and making any other arrangements for media coverage.

Members' Planning Code of Good Practice

This Code of Practice supplements the Council's Code of Conduct for Members and where appropriate Members should refer to the Code of Conduct which is set out in the Council's Constitution. The Council's Monitoring Officer's advice may be sought on the interpretation of the Code of Conduct or this Code.

1.0 Introduction

- 1.1 Planning affects land and property interests, including the financial value of land and the quality of their settings. It is not an exact science. It is often highly contentious because decisions affect the daily lives of everyone and the private interests of members of the public, landowners and developers. Opposing views are often strongly held by those involved. A key role of the planning process is balancing the needs and interests of individuals and the community.
- 1.2 The planning system can only function effectively if there is trust among those involved. There must be trust between Members and Officers and between the public and the Council. The Third report of the Committee on Standards in Public Life (the Nolan Committee) (1997) recommended that each local authority's practices and procedures were set out in a local code of planning conduct to avoid allegations of malpractice in the operation of the planning system.
- 1.3 The Council is committed to open, fair and transparent decision-making. Planning decisions should be made impartially, with sound judgement and for justifiable reasons.
- 1.4 This Code of Practice sets out practices and procedures that Members and Officers shall follow when involved in planning matters. Planning matters include the consideration of planning applications, the preparation of development plans and other planning policy and the enforcement of planning control.
- 1.5 Failure to follow this Code without good reason could be taken into account in investigations into possible

maladministration against the Council, or have implications for the position of individual elected Members and officers. Breaches of this Code may also amount to breaches of the Council's Code of Conduct for Members. If in doubt about what course of action to take, a member or officer should seek the advice of the Council's Monitoring Officer.

- 1.6 This Code of Practice sets out principles to guide Members and officers in determining planning applications and making other decisions within the terms of reference of Development Management Committee. Although of particular relevance to members of Development Management Committee it applies to all Members of the Council who may become involved in planning and development matters.
- 2.0 The Role and Conduct of Members and Officers
- 2.1 Members and Officers have different, but complementary roles. Both serve the public but Members are responsible to the electorate, while Officers are responsible to the Council as a whole.
- 2.2 The role of a Member of the Development Management Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 2.3 Whilst Members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent to Members involved in making a planning decision. A key role of the planning system is the consideration of development proposals against the wider public interest.
- 2.4 Members' decisions shall not discriminate in favour of any individuals or groups and, although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Members must, therefore, consider all of the material issues in the light of Development Plan policies, Government advice and their own individual judgement and make a decision in the interests of the area as a whole.

- 2.5 Whilst Members should take account of all views expressed, they shall not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.6 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that code may be subject to disciplinary action by the Institute.
- 2.7 Officers in their role of advising Members shall provide:
- Impartial and professional advice;
 - Consistency of interpretation of planning policy; and
 - Complete written reports covering all necessary information for a decision to be made.
- 2.8 The Council endorses the statement in the RTPI code that, 'RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions', and extends it to apply to all officers in the authority advising on planning matters.
- 3.0 Interests of Members
- 3.1 Where the interest is such that Members of the public may feel that the Member will not be able to approach matters with an open mind and consider the application on its planning merits, Members should consider withdrawing from the Committee for that item.
- 3.2 The Code of Conduct for Members provides guidance as to Disclosable Pecuniary Interests which may affect a Member's ability to take part in the decision-making process.
- 3.3 Members should also consider carefully whether in any particular case they could reasonably be seen to approach the planning merits of the application with an open mind. If the Member considers that this is not possible, the Member should withdraw from consideration of that item.

- 3.4 The integrity of the planning system requires openness on the part of Members; it must operate fairly and be seen to operate fairly.
- 3.5 Members should seek guidance from officers where appropriate.
- 4.0 Lobbying Of and By Members
- 4.1 Lobbying is a normal and proper part of the political process. The applicant, supporters or those who may be affected by a proposal will often seek to influence the decision by an approach to their local Member or Members of a Development Management Committee. However, reacting to lobbying can lead to the impartiality of a Member being called into question.
- 4.2 The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees, neighbours and the assessment of the case by the planning officer all need to be considered before a Member is in a position to make a balanced judgement on the merits of the case. Members should provide officers with copies of any lobbying material they may have received, whether in favour or against a proposal.
- 4.3 The time for individual Members of the Development Management Committee to make a decision on a proposal is at the Committee meeting when all available information is to hand and has been duly considered.
- 4.4 A Development Management Committee member shall be free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to officers). Even though they may agree with a particular view, Development Management Committee members should take care about expressing an opinion indicating they have made up their mind before the decision-making meeting. To do so, without all the relevant information and views, would be unfair and prejudicial. A decision is at risk of being challenged if Members do not

retain open minds and are not genuinely susceptible to persuasion at the decision-making meeting. Members who are lobbied should:

- make clear that they reserve their final decision on a proposal until the committee meeting;
- only give procedural advice;
- consider referring those lobbying to the relevant Officer who can provide further advice; and
- not seek to meet an applicant or potential applicant alone.

- 4.5 Members of the Development Management Committee shall not, in general, organise support or opposition for a proposal, or lobby other Members (other than when addressing the Development Management Committee). Members shall not put improper pressure on officers for a particular recommendation.
- 4.6 The local Member who is not a member of the Development Management Committee will be allowed to attend and speak at the decision-making meeting (either presenting their own views if they are an affected party or representing the views of their ward) but not vote. The Member of an adjacent ward substantially affected by the proposal shall, at the discretion of the Chairman of the Development Management Committee be allowed to attend and speak at the decision-making meeting (either presenting their own views if they are an affected party or representing the views of their ward) but not vote.
- 4.7 Members of a Development Management Committee must be free to vote as they consider appropriate on planning matters.
- 4.8 Members should inform the Monitoring Officer where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers.

5.0 Pre- and Post- Application Discussions and Negotiations

- 5.1 Discussions between an applicant and a planning authority, prior to the submission of an application can be of considerable benefit to both parties and is encouraged. Continued discussions and negotiations between these parties, after the submission of proposals, is a common and important facet of the planning process. However, they should take place within clear guidelines, as follows.
- 5.2 It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the Officer only, and are provisional.
- 5.3 Advice should be consistent and based upon the Development Plan and material considerations. There should be no significant difference of interpretation of planning policies by individual planning officers.
- 5.4 A written note should be made of all potentially contentious meetings. Two or more officers should attend potentially contentious meetings. A note should also be taken of potentially contentious telephone discussions.
- 5.5 Members need to preserve their role as impartial decision makers and should not take part in pre- or post- submission discussions and negotiations with applicants regarding development proposals. Should there be occasions when Members are involved, it should be part of a structured arrangement with Officers, including a senior planning officer. Members must avoid indicating the likely decision on an application or otherwise committing the authority during contact with applicants.
- 5.6 Members may receive information from applicants and give information to applicants and Members of the public but, to safeguard their impartiality, they should maintain a clear distinction between receiving information and negotiating. Any information received by Members should be provided to the officers dealing with the application. Members who are approached for planning, procedural or technical advice should refer the applicant to the relevant officer.

6.0 Officer Reports to Committee

- 6.1 The Head of Planning and Building Control will submit written reports to the appropriate Development Management Committee on planning applications to be determined by the Council. The reports will give the background to the application including any relevant planning history of the site, a description of the proposals and their likely effects, and the relevant Development Plan and Government policy considerations, together with any other material considerations. Where a planning application requires an environmental impact assessment the Head of Planning and Building Control shall include in his/her report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with his/her own comments. The reports will include a summary of representations made about the application. The Head of Planning and Building Control in his/her report will give a reasoned assessment of the proposals and a justified recommendation.
- 6.2 Oral reports (except to present and update a report) should be extremely rare and fully minuted when they do occur.
- 6.3 The Head of Planning and Building Control will have available for inspection by Members the full planning application, environmental statement (where required) and representations from bodies consulted and members of the public.

7.0 Planning Considerations

- 7.1 Planning decisions should be made on planning considerations and should not be based on immaterial considerations.
- 7.2 Members of Development Management Committee should attend training sessions which may be organised from time to time. All other Members are encouraged to attend.
- 7.3 Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless

that opposition or support is founded upon valid planning reasons which can be substantiated.

- 7.4 Having identified all the material planning considerations and put to one side all the immaterial considerations, Members must come to a carefully balanced decision which can be substantiated, if challenged on appeal.

8.0 The Decision Making Process

- 8.1 Members shall recognise that the law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.
- 8.2 Where an environmental impact assessment is required, the Development Management Committee shall take the information provided in the report into consideration when determining the application.
- 8.3 If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 8.4 Where the Development Management Committee decide to adopt the recommendation of the Head of Planning and Building Control, the reasons contained in his/her report will be minuted, together with any additional reasons determined by the Committee.
- 8.5 Where the Development Management Committee is minded to approve or to refuse a planning application, contrary to the recommendation of the Head of Planning and Building Control, or the Development Plan, agreement shall be reached at the meeting on the planning reasons for that decision. They shall be fully minuted .
- 8.6 The reasons for Committee's decision to defer any proposal should also be recorded.

9.0 Site Visits

- 9.1 Any information gained from the site visit should be reported back to the Committee, so that all Members have the same information.
- 9.2 The site visit should be treated as an opportunity to seek information and to observe the site. The purpose of a site visit is to gain information relating to the land and buildings that is the subject of the planning application, which is not apparent from the report to be considered by the Development Management Committee. A site visit may also assist Members in matters relating to the context of the application in relation to the characteristics of the surrounding area. Members are encouraged to visit sites accompanied by other Members.
- 9.3 Do not hear representations from any other party, with the exception of the Ward/Local Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present. Members should make a note recording the details of the meeting.
- 9.4 Do not express opinions or views to anyone. Members should not express an opinion on the planning application and its merits (or otherwise) at the site visit.
- 9.5 Do not enter a site which is subject to a proposal unless:
- You feel it is essential for you to visit the site;
 - It is safe for you to do so
 - You can ensure you will comply with these good practice rules on site visits, and
 - Identify yourself (if necessary).

10.0 Representations on Planning Applications

- 10.1 Wherever possible, objections or representations to planning applications should be made in writing. Written representations received will be made available for public inspection and objections summarised and reported to the Development Management Committee. Members will be given the opportunity to inspect all letters received before the decision on the application is made.
- 10.2 There will be occasions when applicants or objectors, or both, may wish to make representations in person to the Development Management Committee.
- 10.3 The Council has a scheme for public speaking at Development Management Committee. Details of this scheme are on the Council's website.

11.0 Review of Decisions

- 11.1 The Audit Commission's Report, 'Building in Quality', recommended that elected members should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision-making and help with reviews of planning policy.
- 11.2 Visits to application sites previously considered by the Council shall be organised in tandem with visits to current application sites, as appropriate. Briefing notes shall be prepared in each case.
- 11.3 Attendance at the review site visits shall be restricted to members of the committee and the local Member.

12.0 Training

- 12.1 Members should not participate in decision-making at meetings dealing with planning matters if they have not attended the mandatory planning training prescribed by the Council.

- 12.2 Members should endeavour to attend any other specialised training sessions provided since these will be designed to extend Members' knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

PART 6

Members' Allowances Scheme

EAST HERTS COUNCIL

LOCAL GOVERNMENT AND HOUSING ACT 1989

AND

LOCAL AUTHORITIES (MEMBERS' ALLOWANCES)
REGULATIONS 1993 (AS AMENDED)

MEMBERS' ALLOWANCES SCHEME
(including Special Responsibility Allowances)

1 April 2015 – 31 March 2016
(Revised February 2015)

THE SCHEME

1. This scheme will be in effect from 1 April 201~~6~~⁵ to 31 March 201~~7~~⁶.
2. Appendix '1' details the allowances payable for the period 1 April 201~~6~~⁵ to 31 March 201~~7~~⁶. Members be restricted to receiving only one SRA (i.e. that of the higher value) if they occupy two or more posts which attract SRAs (save that this restriction should not apply to the SRA to all Development Management Members).
3. Travel and subsistence allowances can be claimed in respect of the approved duties detailed in Appendix '2'. Receipts must be provided for all subsistence/carer's/hotel accommodation/public transport claims and for any expenditure incurred on parking fees when using a vehicle on an approved duty.
4. No Members be admitted to the Local Government Pension Scheme.
5. The ~~S. 151 Officer~~^{Director of Finance and Support Services} be authorised to determine allowance entitlements in circumstances where: the scheme of allowances is amended at anytime throughout the year; an individual ceases to be a Member, and an individual is elected to the office of Councillor of East Herts Council. In the event that a new chairmanship of a Committee or Panel is created the ~~S. 151 Officer~~^{Director of Finance and Support Services} be authorised to determine the allowance entitlement by reference to the lowest relevant multiplier until review by the Panel.
6. No allowance under this scheme shall be paid unless an individual Member has, in writing, requested payment of the allowance(s) to which they are entitled.
7. A Councillor may by notice in writing given to the Head of ~~Legal & Democratic~~^{Democratic and Legal Support} Services elect to forego any part of his entitlement to an allowance under this scheme.
8. No allowances be index linked.

APPENDIX '1'

For the period 1 April 2015 to 31 March 2016

£

Basic Allowance (BA): 5,218.00

Special Responsibility Allowances:

Leader of the Council 19,176.00

Deputy Leader 11,985.00

Executive Member 9,588.00

Committee Chairman
(Development
Management) 7,191.00

Committee Chairman
(Corporate Business
Scrutiny, Licensing) 5,992.50

Committee Chairman
(Audit and
Governance, Human
Resources) 4,794.00

Committee Chairman (Community Scrutiny, Environment Scrutiny)	3,595.50
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Leader of a minority political group	A factor of 0.1 of the Basic Allowance multiplied by the number of members
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Chairman of Health and Wellbeing Panel	2,397.00
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Development Management Committee Member	270
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Mileage allowance:

Motor vehicles (cycles)	0.45 per mile for the first 50 miles of a (return) journey and 0.25 per mile thereafter
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Bicycles	0.20 per mile
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Public Transport:

(including the use of taxis for
short journeys where public
transport is not convenient)

Reimbursement of actual cost
or ordinary standard fare,
whichever is the lesser upon
production of a receipt

Carer's Allowance:

10.15 per hour or the actual sum paid, whichever is the lesser

Travel and Subsistence Allowance

in the case of an absence, not involving an absence overnight from the usual place of residence:

of more than 4 hours before 11 am	6.45
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Breakfast*

of more than 4 hours, including the period between 12 noon and 2 pm	8.91
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Lunch*

of more than 4 hours, including the period 3 pm to 6 pm	3.52
---	------

Tea*

of more than 4 hours ending after 7 pm	11.03
--	-------

Evening Meal*

* Not claimable where refreshments have been provided at the

meeting/event attended

Travel and Subsistence

Allowance in the case of an absence involving an absence overnight from the usual place of residence:

The actual cost of overnight accommodation and where meals are not included, subsistence allowance as detailed above.

APPENDIX '2'

APPROVED DUTIES

- meetings of the Council, a Committee or Sub-Committee or Working Party of the Authority, or any other body to which the Authority makes appointments or nominations, or of a Committee or Sub-Committee of such a body, provided that no other arrangements for payment exist in respect of such bodies to which the Authority makes appointments or nominations
- attendance at any other meeting which has both been authorised by the Authority (Executive, Scrutiny or Regulatory Committee) and to which representatives of more than one political group have been invited
- the attendance at a meeting of a Local Authority Association of which the Council is a Member
- carrying out any other duty connected with the Authority's functions approved by the Council (Executive) and such approval must be given before it is carried out

- The following conferences, approved for the purposes of Section 175 of the Local Government Act 1972:

Local Government Association

Chartered Institute of Housing - Housing Conference Royal

Town Planning Institute - Summer School

- any other conference not mentioned above, or a training course or seminar shall be considered as an approved duty provided that such attendance has been authorised in advance by either the Executive or the [Chief Executive](#)~~Director of Finance and Support Services~~.

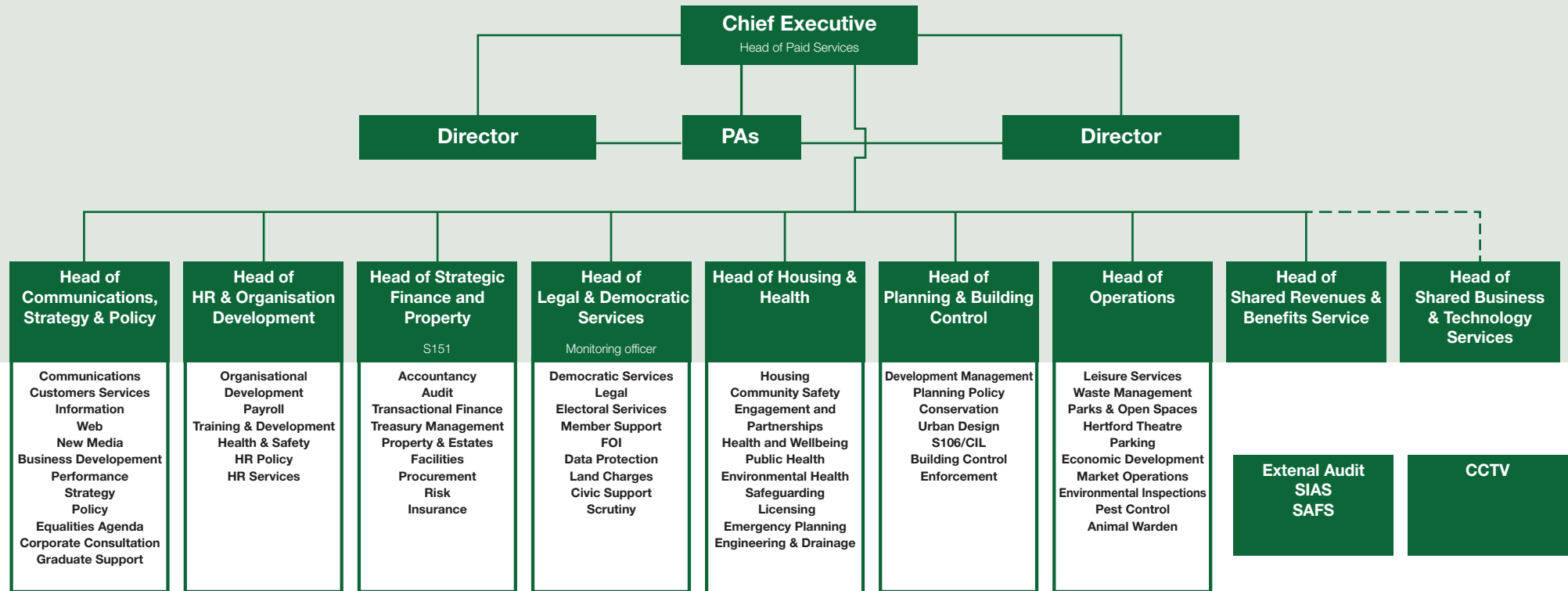
(Notes:

1. A member attending any conference, training course or seminar shall be entitled to receive the relevant allowance for travelling and subsistence.
2. The ~~Chief Executive~~~~Director of Finance and Support Services~~ may, upon application to ~~him~~him/her/her by any Member of the Council, subject to consultation with the Leader of the Council for the time being, designate the attendance of that Member at any other meeting, training session, seminar or conference or other attendance not hereinbefore specifically referred to as an approved duty for the purpose of this scheme, provided that such designation shall be reported to Members via the Members' Information Bulletin, and the meeting does not conflict with the provisions of Section 1 of this scheme. No retrospective designations can be given.
3. Travel allowances under approved duties will only be paid on the basis that a Member travels from their home address to the meeting etc and returns to their home address within the District. No payments will be made for any additional costs incurred over and above those costs of travel from a Member's home address within the District to a meeting and return.)

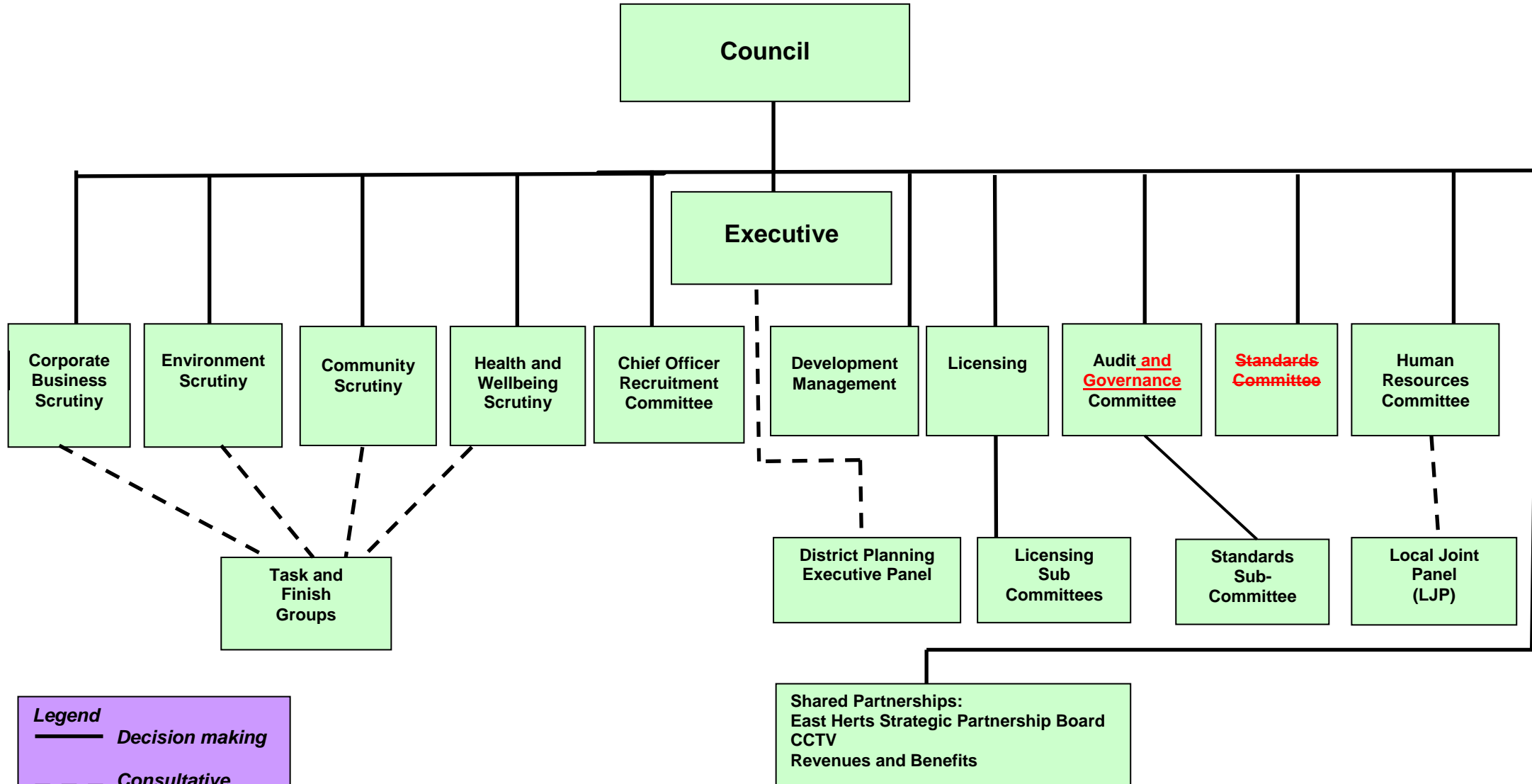
PART 7

Management and Council Structure

Leadership team



Council Structure 20156 - 20167



PART 8

ANNUAL GOVERNANCE STATEMENT

ANNUAL GOVERNANCE STATEMENT

Scope of responsibility

East Hertfordshire District Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, including arrangements for the management of risk.

The Council's financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010).

The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government' (CIPFA 2007).

This statement explains how the Council has complied with the code and also how it meets the requirements of regulation 4 of the Accounts and Audit (England) Regulations 2011 that requires authorities to carry out an annual review of the effectiveness of its system of internal control.

The purpose of the governance framework

The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and by which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. Controls cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify risks to the achievement of the council's policies, aims and objectives. It evaluates the likelihood of those risks being realised and the impact should they be realised, and it prioritises and manages them efficiently, effectively and economically.

The Governance Framework

The Council's governance framework derives from the six core principles identified by the Independent Commission on Good Governance in Public Services – a commission set up by the Chartered Institute of Public Finance and Accountancy (CIPFA), and the Office for Public Management. The Commission used work done by, amongst others, Cadbury (1992), Nolan (1995) and CIPFA/SOLACE (2001). These principles were adapted for application to local authorities and published by CIPFA in 2007.

The six core principles are:

- a. focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area;
- b. Members and officers working together to achieve a common purpose with clearly defined functions and roles;

- c. promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
- d. taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
- e. developing the capacity and capability of Members and officers to be effective; and
- f. engaging with local people and other stakeholders to ensure robust public accountability.

The key elements of East Herts Council's application of each of these core principles are as follows:

a) Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area

The Sustainable Community Strategy outlines the vision, aims and priority themes for the district. It was produced in conjunction with the East Herts Strategic Partnership, which brings together all relevant stakeholders, including those that deliver services in the area.

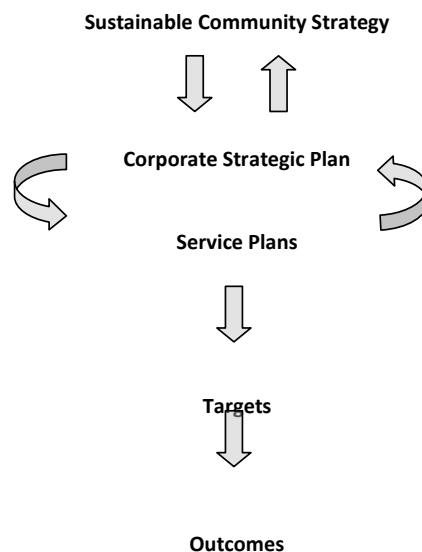
The Customer Services Strategy requires all services to individually consider insight about their customers, local need and how their service is accessed and set out actions, within the Council's medium term financial planning process, to maximise the appropriate digital operation and delivery of services. This will include the requirement to understand the reasons for customer contact and the methods currently used.

The Council's aims and objectives are set out in the annually updated Corporate Strategic Plan. This sets out what the Council expects to deliver over the next four years and, in many cases, beyond this timeframe. The details of how the Council will get there are incorporated in the individual service plans. The Plan will be updated each year to include new service developments and to remove outcomes once they are achieved. The Plan sets the direction for the financial planning of the Council based on the Council's priorities. During 2015/16 the financial and business planning process is being fundamentally changed. It will ensure that service actions reflect

changing patterns of demand, need and preference balanced against financial constraints in the medium term.

The Executive receives the Medium Term Financial Strategy covering a four-year period, which is used to set initial parameters for the coming budget process to ensure that spending proposals are affordable and sustainable over the medium term.

The diagram below sets out the various links in the process of establishing and subsequently monitoring the achievement of the Council's ambitions. It shows the links between the Sustainable Community Strategy and Corporate Strategic Plan which then feed into, and are informed by, service plans, service targets and individual employees via specific areas of responsibility allocated to them.



The Council has an effective performance management framework using a dedicated IT system to record and report performance. The system is driven by the Service Plans which focus on activities that will deliver the Council's ambitions and priorities. This is cascaded through individual employee appraisals.

This process monitors how the Council is meeting its performance targets and triggers corrective actions where targets are proving challenging, through the Corporate Healthcheck report and Service Plan monitoring reports.

The Council's Executive and its Scrutiny Committees monitor and scrutinise progress against targets and performance in priority areas affecting relevant service areas, and consider and approve corrective action where necessary. For ease of interpretation performance graphs are reported. There are reports which include the results of monthly and quarterly budget monitoring reports covering the revenue expenditure, capital projects, key performance indicators and absence monitoring.

The monitoring process has enabled the Council to concentrate on areas which require particular attention.

The Council is therefore able to monitor all key measures on a monthly basis and respond quickly and effectively to changes at an early stage.

The Council maintains an objective and professional relationship with external auditors and statutory inspectors, as evidenced by the Annual Audit Letter.

Through reviews by external auditors, external agencies, the Shared Internal Audit Service (SIAS) and internal review teams, the Council constantly seeks ways of securing continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness in the use of resources. The Council has regularly reviewed Financial Regulations and has adopted Procurement Regulations to ensure proper arrangements are in place for procurement of goods and services.

All budget cost centres are allocated to a named post holder, who is responsible for controlling spend against those budgets, and who is also responsible for maximising the benefits from assets used in the provision of their service.

b) Members and officers working together to achieve a common

purpose with clearly defined functions and roles

The Council has adopted a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed. This ensures that decisions are transparent and that Members are accountable to local people.

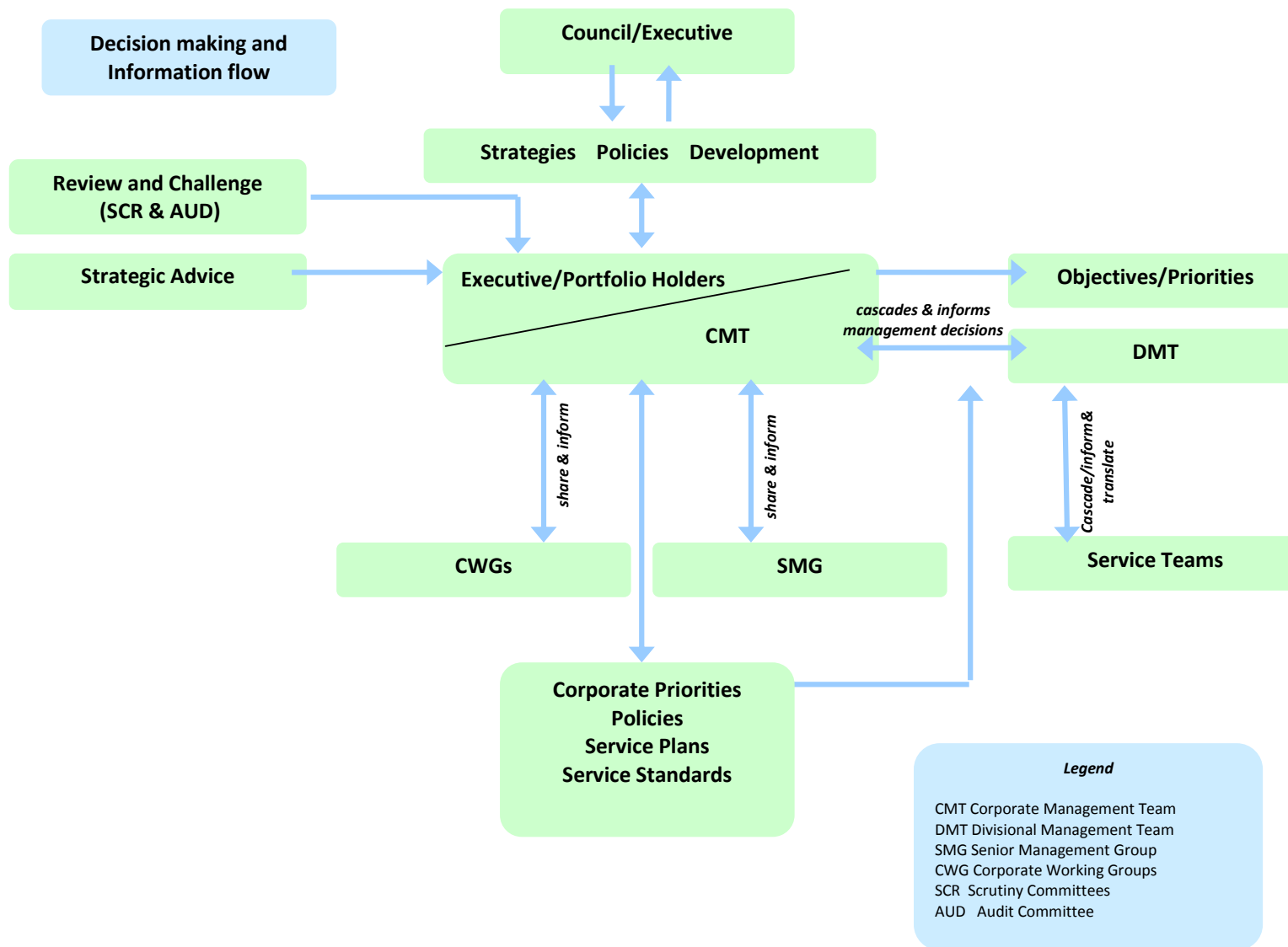
The Council adopted the Leader and Cabinet Executive model. The main features are:

- The Council's Executive consists of a Leader and between two and nine other Councillors.
- The Leader is elected by full Council and will hold office in accordance with the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011.
- The other Executive Members will be appointed by the Leader who will decide their portfolios and also which executive functions will be discharged by full Executive, any of its Committees or any individual Executive Member or officers.
- There are currently seven Councillors on the Executive.

The Council's Chief Executive retired in May 2015 and a new Chief Executive takes up the post in Autumn 2015.

The Council's Corporate Management Team (CMT) consisting of the Chief Executive, Directors and the Head of Human Resources and Organisational Development meets on a fortnightly basis to develop policy issues commensurate with the Council's aims, objectives and priorities. CMT also considers internal control issues, including risk management, performance management, compliances, efficiency and value for money, and financial management. Members of CMT meet with Portfolio Holders on a monthly basis to review progress in achieving the Council's ambitions, priorities for action, budget monitoring, performance management and forward planning for major issues. CMT has a corporate responsibility for the messages that the Council produces, both internally and externally.

Below CMT the management structure is well defined. The chart below indicates how decisions are implemented and cascaded:



The Council has adopted a number of codes and protocols that will govern both Member and officer activities. These are:

- Members' Code of Conduct
- Officers' Code of Conduct
- Members' Planning Code of Good Practice
- Member/Officer Relations Protocol

c) Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour

It is the function of the Monitoring Officer to ensure compliance with established policies, procedures, laws and regulations. After consulting the Chief Executive and Section 151 Officer he will report to the full Council if he considers that any proposal, decision or omission would give rise to unlawfulness or maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Under Section 5 of the Local Government and Housing Act 1989 it is the duty of the Council's Monitoring Officer to report to Council if it appears that the Authority, a Committee or Officer of the Authority has made a decision which is contrary to law.

The Council has responsibility for responding to Freedom of Information Requests (FOI) promptly and within 20 working days. The Council constantly monitors its speed of response to FOI's and seeks to proactively publish regularly requested information by making a wider range of information more easily available through the Council's website.

The Council determines its Members' Allowances scheme in accordance with the legislative framework. Each allowance scheme is determined following consideration of the recommendations made by its Independent Remuneration Panel. A scheme forms part of the Council's constitution and details of actual allowances paid are published as soon as possible after the end of the year in question.

All Council services are delivered by trained and experienced people. All posts have a detailed post profile and person specification. Training needs are identified through the Personal Development Review Scheme and addressed via the Human Resources service and/or individual services as appropriate.

The Council achieved Bronze standard re-accreditation for a further three years from May 2015 under the Investors in People Standard, which is a quality framework to ensure that the Council's employees have the right

knowledge, skills and motivation to work effectively.

The financial management of the Council is conducted in accordance with Financial Regulations that form part of the Council's constitution. The Director of Finance and Support Services is the statutory Chief Finance Officer in accordance with Section 151 of the Local Government Act 1972.

The Council has a Treasury Management Strategy Statement and Annual Investment Strategy in place. Investments are made in accordance with the Council's approved policy. All investment transactions and transfers undertaken in house are supported by appropriate documentation and are properly authorised. External fund managers are subject to strict regulation by the Financial Conduct Authority. The Portfolio holder and the Leader of the Council receive regular updates from the Director of Finance and Support Services. The Chairman of the Audit Committee is invited to participate in review meetings with Fund Managers.

The Council utilises an Internal Audit Service delivered under a shared partnership with seven other Councils. This service operates to the standards set out in the CIPFA Public Sector Internal Audit Standards which came into effect on 1 April 2013. An Anti-Fraud and Anti-Corruption Strategy and a Disclosure (Whistleblowing) Code are in place. A Whistleblowing hotline and email facility operates and has been well publicised. Each year all staff are required to complete Annual Declaration forms. The Council has adopted a policy on bribery. The Council does not tolerate bribery committed by Council employees or its contractors or partners and will take consistent and swift action against those persons committing bribery.

Individual services have produced Service Plans that are updated each year so that services know what they are required to do to achieve the Council's priorities and ambitions.

At individual employee level the Council has established a Personal Development Review Scheme so as to agree individual employee objectives and identify training and development needs jointly. The Scheme provides for a mid-year review as well as an annual appraisal at which past performance is reviewed.

d) Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.

The Council has several committees which carry out regulatory or scrutiny functions. These are:

- Overview and Scrutiny committees (Corporate Business Scrutiny, Community Scrutiny, Environment Scrutiny and from 2015/16, Health and Wellbeing Scrutiny) review and/or scrutinise decisions made or actions

taken in connection with the discharge of any of the Council's functions, developing the capacity and capability of members and officers to be effective.

- Audit Committee provides assurance about the adequacy of internal controls, financial accounting and reporting arrangements, and that effective risk management is in place. Its work is intended to enhance public trust in the corporate and financial governance of the Council;
- Development Management Committee determines planning applications and related matters;
- Licensing Committee monitors and reviews the effectiveness of the Council's licensing policy and procedures;
- The Human Resources Committee's functions relate to all aspects of the Council's role as an employer. This includes the monitoring and strategic overview of Human Resources activities.
- Standards Committee promotes and maintains high standards of conduct for the Council's Members, and advises and assists Parish Councils and Councillors to maintain high standards of conduct;

The Council has data protection policies, a Data Protection Action Plan and a data sharing protocol in place to ensure that personal data is maintained securely and used correctly. There is a Data Protection Compliance Governance Framework which involves the Corporate Business Scrutiny Committee in the governance structure. The Committee takes a strategic oversight of the completion of the Data Protection Action Plan and Data Protection compliance through a formal annual report. Data Protection risk assessment is also part of the service planning process.

The Risk Management Strategy defines risk management, explains the benefits of a strategic approach, outlines how it will be implemented, identifies roles and responsibilities and formalises the process. The Strategy sets out the links between risk management, emergency planning and business continuity. It recognises that risk management is a key part of the management of projects and partnerships.

The Strategy highlights how risk management supports strategic planning, financial planning, policy making and review and performance management.

The Corporate Management Team is responsible for ensuring that the key risks on the strategic risk register are managed. Strategic and service risk registers are reviewed quarterly. Risks will be amended so that they reflect the current situation, obsolete risks deleted and new risks added. This will ensure that the risk register and the resulting risk mitigation measures are appropriate for corporate objectives and services.

Members have received risk management training.

The Council also has a Partnership Protocol in place.

The Council is represented on the Joint Committee and the Joint Management Board following the introduction of a shared Revenues and Benefits service with Stevenage Borough Council.

A shared service partnership with Stevenage Borough Council to deliver ICT, Business Improvement, Print and Design services came into operation on 1 August 2013. A Partnership Board with Director representation is responsible for making the key decisions about the way that the partnership operates.

The Shared Internal Audit Service (SIAS) is a partnership of eight Hertfordshire Authorities. The Council is represented on the Board that provides strategic direction and oversight for the partnership. The Head of Governance and Risk Management is the Audit Champion for the Council and has monitoring meetings every three months with the Director of Finance and Support Services and SIAS managers. Progress reports are submitted to four Audit Committee meetings per year.

The Shared Anti-Fraud Service (SAFS) launched in June 2015 and is a partnership of six Hertfordshire Authorities. It is a 'sister' partnership with SIAS and has shared governance arrangements through the Partnership Board. SAFS will provide robust fraud prevention, detection and investigation across Council services. The Council is represented on the Board and the Head of Governance and Risk Management is the Council's Anti-Fraud Champion.

The Council is one of four partners in the Hertfordshire CCTV Partnership. A new company to conduct the commercial trading affairs of the Hertfordshire CCTV Partnership is operating.

e) Developing the capacity and capability of Members and officers to be effective

The Council plans and provides training for members in carrying out their roles effectively including their responsibilities for governance, challenge, scrutiny and review. The Council did hold accreditation for the Charter for Member Development but when that came to the end of the four year term, it was replaced by a local Member Development Pledge (based on the same parameters as the Charter). The Pledge was originally signed in December 2014 by the leaders of all the political groups represented on the council at the time. It has recently been re-signed by the Leader on behalf of all Members at Annual Council in May 2015.

The Council's vision is to empower Members to be more self sufficient, confident in their community leadership roles and responsive to local issues, problems and challenges in a variety of ways by drawing on existing skills, knowledge, strength, resources and expertise from within. This vision is being taken forward through a comprehensive Member Development programme overseen by a Members' Development Group. With 22 new councillors

elected in May 2015, support is being offered through a co-ordinated Mentor support programme. A key aspect of on-going peer-to-peer support for local problem solving is the use of Action Learning Sets.

The Council has an infrastructure in place to support members' needs in respect of ICT requirements.

The Council's Democratic Services team provide general advice and assistance.

Protocols have been adopted to ensure clarity of the respective roles of officers and members.

The Council's recruitment process is designed to ensure only well qualified applicants are employed and the subsequent induction process is robust so that employees are effective. The Performance Development Review process ensures individual contributions are effective in meeting corporate priorities and capability issues addressed by training. Internal communications methods and processes are reviewed to ensure staff remain well informed and their feed back is responded to. A biennial staff survey leads to action plans to improve effectiveness.

The Council is taking forward the concept of 'Here to Help' which is an organisational development activity which has been developed in-house to allow managers and staff to contribute to the development of the Council's performance, values and behaviours. The purpose of 'Here to Help' is celebrating what is good, sharing good practice, making things better and unlocking barriers to better working. It is about giving employees greater opportunity to think about improvements to their ways of working together to deliver a high quality customer experience every time.

The Council reviews its organisation and capacity as part of its annual service planning to ensure its staffing is commensurate in both quantitative and qualitative terms with its business plans. The Council is committed to taking forward the shared services agenda which will ensure more effective use of scarce skills by sharing across boundaries.

The Council's Organisational Development Strategy sets out the Council's workforce development plan over the next four years to support the Council's priorities and values. It focuses on how the Council attracts, retains, rewards and develops its employees.

The Council seeks to maintain effective employee relations to enable a high standard of service to the public to be maintained. Staff are fully consulted on proposed changes to terms and conditions. The Council engages with the trade union and staff to manage issues arising from pay settlements and changes to the organisation including the Local Joint Panel and the Human Resources Committee. The Council also utilises Staff Surveys.

Use is made of the Intranet to provide staff with ready access to learning material and best practice via a series of tool kits.

f) Engaging with local people and other stakeholders to ensure robust public accountability.

The Council encourages all members of the local communities to contribute to, and participate in, the work of the Council. The Council achieves this through Residents' Surveys and follow-up focus groups. Engagement events around specific issues will be considered where they provide a proportionate and cost effective model for engagement.

The Council's Communications Strategy has identified a need to engage more through social media and reconfirmed the use of the LINK magazine quarterly as a communications and engagement tool.

Individual members are active in their localities and with local groups and serve on a number of external bodies. Training is offered to all Members who are asked to represent East Herts on outside bodies and Trusteeships.

Hertfordshire Forward and the East Herts Strategic Partnership are forums for active engagement with wider stakeholders and a mutual holding to account in delivering the Community Strategies.

The Council publishes an Annual Report setting out progress on its priorities in the prior year. An Annual Report on Overview and Scrutiny is also presented to Council and published every year.

There is a strategic approach to consultation to ensure the information returned is reliable – the Council has adopted a Consultation Toolkit setting out best practice.

The Council's web site is under constant review to ensure it is of a good standard and that information is easily accessed. A consultation section has been introduced so members of the public can easily access open consultations and information on past consultations. Members of the public also have the opportunity to present petitions to, and ask questions at, full Council meetings.

The Council manages freedom of information requests effectively to ensure transparency including the corporate governance arrangements. Information is made available on the website to reduce the need for requests. The Council has procedures in place to engage with members of the public to receive Comments, Compliments and Complaints. Oversight of the Council's approach is provided by annual report to the Corporate Business Scrutiny Committee. The Local Government Ombudsman reported on complaints made about the authority for the year ended 31 March 2015 that there were

no concerns about response times and no issues arising from complaints.

As part of the Council's drive to increase the transparency of its spending, the Council publishes all payments on a weekly basis and has complied with the requirements of the Local Government Transparency Code.

The Council has approved a Pay Policy Statement as required under section 38 of the Localism Act. The statement follows three principles when publishing data; responding to public demand; releasing data in open formats available for re-use; and releasing data in a timely way.

Review of Effectiveness

This statement explains the Council's overall governance arrangements. Each year, the Council reviews its governance framework including the system of internal control. The Council produces and monitors an Action Plan each year. The process is detailed below:

- All Directors, Heads of Service, Members of the Executive and Chairmen of Committees given the opportunity to make contributions.
- Consideration by the Audit Committee.
- Production of a draft Annual Governance Statement.
- Consideration by Corporate Management Team
- Consideration by the Corporate Business Scrutiny Committee.
- Consideration by the Executive
- Approval by the Audit Committee.

The review of effectiveness is informed by the work of the Directors within the Council who have responsibility for the development and maintenance of the governance environment, the reports by the SIAS and also by comments made by the Council's External Auditors and other review agencies and inspectorates.

The process that has been applied in maintaining and reviewing the effectiveness of the governance framework includes:

The Monitoring Officer has a legal duty to monitor and review the operation of the Constitution to ensure its aims and principles are given full effect. The Council reviews the Constitution annually to incorporate any necessary changes.

The Council had three overview and scrutiny committees (up to 2014/15) and four from the start of 2015/16. The committees can establish 'task and finish' groups, which can look at particular issues in depth, taking evidence from internal and external sources, before making recommendations on to the Executive. Four Members can "call-in" a decision which has been made by the Executive but not yet implemented, to enable it to consider whether the decision is appropriate. In addition the Corporate Business Scrutiny

Committee can exercise its scrutiny role in respect of Executive functions. Scrutiny Committees will conduct regular performance monitoring of all services, with particular attention to areas identified as under-performing.

The Council complies with the Regulation of Investigatory Powers Act (RIPA) 2000:

The Audit Committee

Seven Councillors sit on the Audit Committee. The Committee's terms of reference are detailed below:

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

- 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.

The Audit Committee’s work programme and the minutes of its meetings are public documents and are published on the Council’s web site.

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East Hertfordshire District Council
Head of Governance and Risk Management
Wallfields
Pegs Lane,
Hertford
SG13 8EQ

Scope of responsibility

East Hertfordshire District Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, including arrangements for the management of risk.

The Council's financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010).

The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government' (CIPFA 2007).

This statement explains how the Council has complied with the code and also how it meets the requirements of regulation 4 of the Accounts and Audit (England) Regulations 2011 that requires authorities to carry out an annual review of the effectiveness of its system of internal control.

The purpose of the governance framework

The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and by which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its

strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. Controls cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify risks to the achievement of the council's policies, aims and objectives. It evaluates the likelihood of those risks being realised and the impact should they be realised, and it prioritises and manages them efficiently, effectively and economically.

The Governance Framework

The Council's governance framework derives from the six core principles identified by the Independent Commission on Good Governance in Public Services—a commission set up by the Chartered Institute of Public Finance and Accountancy (CIPFA), and the Office for Public Management. The Commission used work done by, amongst others, Cadbury (1992), Nolan (1995) and CIPFA/SOLACE (2001). These principles were adapted for application to local authorities and published by CIPFA in 2007.

The six core principles are:

- a. focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area;
- b. Members and officers working together to achieve a common purpose with clearly defined functions and roles;
- c. promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
- d. taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
- e. developing the capacity and capability of Members and officers to be effective; and

f. engaging with local people and other stakeholders to ensure robust public accountability.

The key elements of East Herts Council's application of each of these core principles are as follows:

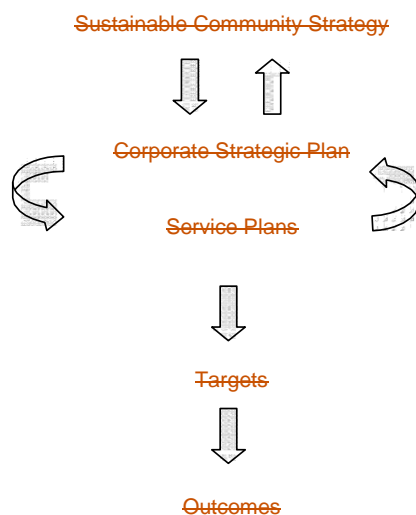
a) Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area

The Sustainable Community Strategy outlines the vision, aims and priority themes for the district. It was produced in conjunction with the East Hertfordshire Local Strategic Partnership, which brings together all relevant stakeholders, including those that deliver services in the area.

The Council's aims and objectives are set out in the annually updated Corporate Strategic Plan. This sets out what the Council expects to deliver over the next four years and, in many cases, beyond this timeframe. The details of how the Council will get there are incorporated in the individual service plans. The Plan will be updated each year to include new service developments and to remove outcomes once they are achieved. The Plan sets the direction for the financial planning of the Council based on the Council's priorities.

The Executive receives the Medium Term Financial Strategy covering a four-year period, which is used to set initial parameters for the coming budget process to ensure that spending proposals are affordable and sustainable over the medium term.

The diagram below sets out the various links in the process of establishing and subsequently monitoring the achievement of the Council's ambitions. It shows the links between the Sustainable Community Strategy and Corporate Strategic Plan which then feed into, and are informed by, service plans, service targets and individual employees via specific areas of responsibility allocated to them.



The Council has an effective performance management framework using a dedicated IT system to record and report performance. The system is driven by the Service Plans which focus on activities that will deliver the Council's ambitions and priorities. This is cascaded through individual employee appraisals.

This process monitors how the Council is meeting its performance targets and triggers corrective actions where targets are proving challenging, through the Corporate Healthcheck report and Service Plan monitoring reports.

The Council's Executive and its Scrutiny Committees monitor and scrutinise progress against targets and performance in priority areas affecting relevant service areas, and consider and approve corrective action where necessary. For ease of interpretation performance graphs are reported. There are reports which include the results of monthly and quarterly budget monitoring reports covering the revenue expenditure, capital projects, key performance indicators and absence monitoring.

The monitoring process has enabled the Council to concentrate on areas which require particular attention.

~~The Council is therefore able to monitor all key measures on a monthly basis and respond quickly and effectively to changes at an early stage.~~

~~The Council maintains an objective and professional relationship with external auditors and statutory inspectors, as evidenced by the Annual Audit Letter.~~

~~Through reviews by external auditors, external agencies, the Shared Internal Audit Service (SIAS) and internal review teams, the Council constantly seeks ways of securing continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness in the use of resources. The Council has regularly reviewed Financial Regulations and has adopted Procurement Regulations to ensure proper arrangements are in place for procurement of goods and services.~~

~~All budget cost centres are allocated to a named post holder, who is responsible for controlling spend against those budgets, and who is also responsible for maximising the benefits from assets used in the provision of their service.~~

~~b) Members and officers working together to achieve a common purpose with clearly defined functions and roles~~

~~The Council has adopted a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure these are efficient, transparent and accountable to local people.~~

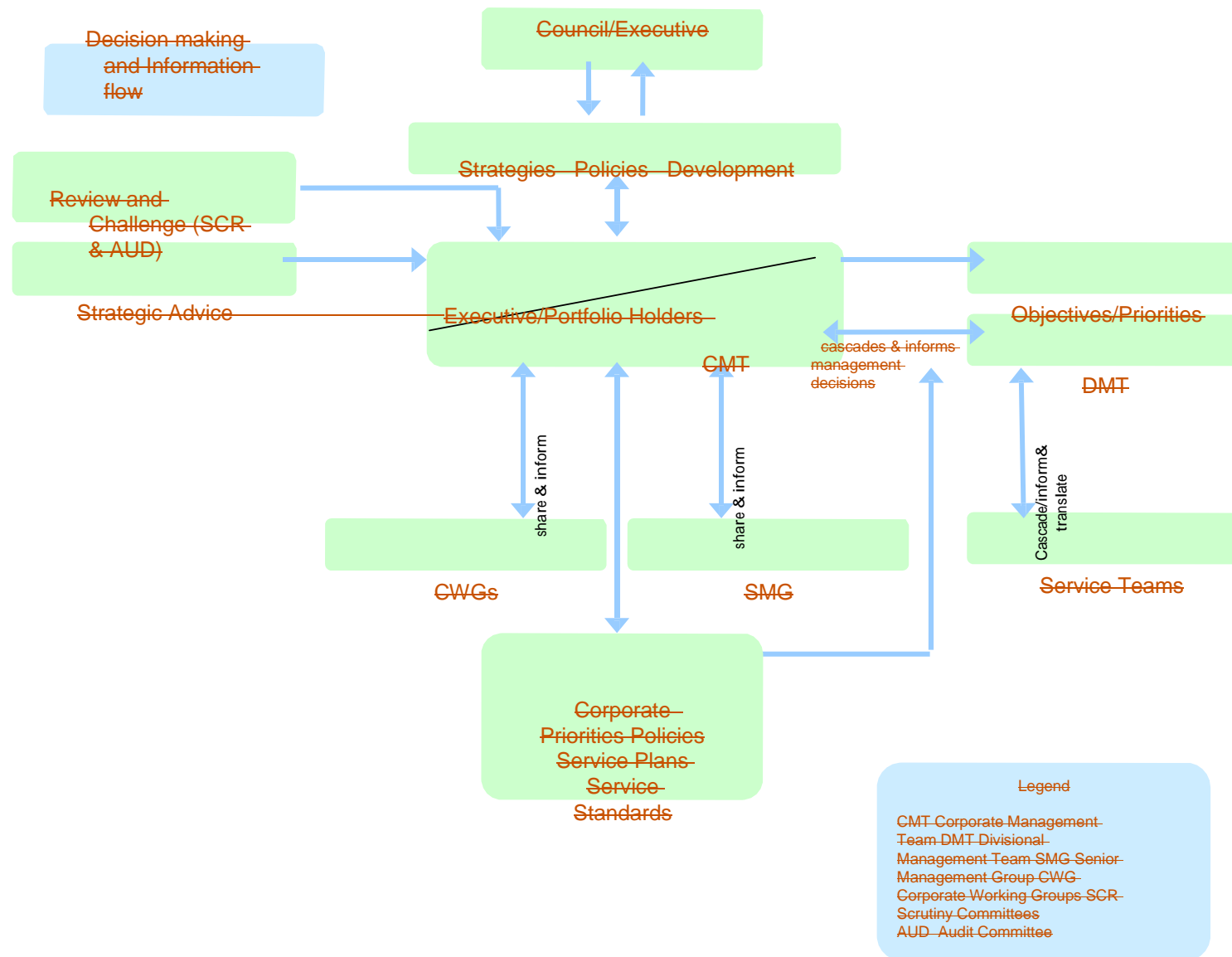
~~The Council adopted the Leader and Cabinet Executive model. The main features are:~~

- ~~■ The Council's Executive consists of a Leader and between two and nine other Councillors.~~
- ~~■ The Leader is elected by full Council and will hold office in accordance with the Local Government and Public Involvement in Health Act 2007.~~

- The other Executive Members will be appointed by the Leader who will decide their portfolios and also which executive functions will be discharged by full Executive, any of its Committees or any individual Executive Member or officers.
- There are currently seven Councillors on the Executive.

The Council's Corporate Management Team (CMT) consisting of the Chief Executive and Director of Customer and Community Services, Directors and the Head of People and Property Services meets on a fortnightly basis to develop policy issues commensurate with the Council's aims, objectives and priorities. CMT also considers internal control issues, including risk management, performance management, compliances, efficiency and value for money, and financial management. Members of CMT meet with Portfolio Holders on a monthly basis to review progress in achieving the Council's ambitions, priorities for action, budget monitoring, performance management and forward planning for major issues. CMT has a corporate responsibility for the messages that the Council produces, both internally and externally.

Below CMT the management structure is well defined. The chart below indicates how decisions are implemented and cascaded:



The Council has adopted a number of codes and protocols that will govern both Member and officer activities. These are:

- Members' Code of Conduct
- Officers' Code of Conduct
- Members' Planning Code of Good Practice
- Member/Officer Relations Protocol

c) Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour

It is the function of the Monitoring Officer to ensure compliance with established policies, procedures, laws and regulations. After consulting the Chief Executive and Section 151 Officer he will report to the full Council if he considers that any proposal, decision or omission would give rise to unlawfulness or maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Under Section 5 of the Local Government and Housing Act 1989 it is the duty of the Council's Monitoring Officer to report to Council if it appears that the Authority, a Committee or Officer of the Authority has made a decision which is contrary to law.

The Council has responsibility for responding to Freedom of Information Requests (FOI) promptly and within 20 working days.

The Council has taken action to improve its speed of response to FOI's. An important element of that plan is to shift the Council from waiting for FOI requests to proactively reducing the need for individuals to request information by making a wider range of information more easily available through the Council's website.

The Council recognises that expenses of politicians have come under serious scrutiny. The current Members Allowances scheme is published in the Constitution.

All Council services are delivered by trained and experienced people. All posts have a detailed post profile and person specification. Training needs are identified through the Personal Development Review Scheme and addressed via the Human Resources service and/or individual services as appropriate.

The Council achieved re-accreditation for a further three years from April 2012 under the Investors in People Standard, which is a

quality framework to ensure that the Council's employees have the right knowledge, skills and motivation to work effectively.

The financial management of the Council is conducted in accordance with the Constitution and with Financial Regulations. The Director of Finance and Support Services is the statutory Chief Financial Officer in accordance with Section 151 of the Local Government Act 1972.

The Council has a Treasury Management Strategy Statement and Annual Investment Strategy in place. Investments are made in accordance with the Council's approved policy. All investment transactions and transfers undertaken in house are supported by appropriate documentation and are properly authorised. External fund managers are subject to strict regulation by the FCA. The Portfolio holder and the Leader of the Council receive regular updates from the Director of Finance and Support Services S151 officer. The Chairman of the Audit Committee is invited to participate in review meetings with Fund Managers.

The Council utilises an Internal Audit Service delivered under a shared partnership with seven other Councils. This service operates to the standards set out in the CIPFA Public Sector Internal Audit Standards which came into effect on 1 April 2013. An Anti-Fraud and Anti-Corruption Strategy and a Disclosure (Whistleblowing) Code are in place. A Whistleblowing hotline and email facility operates and has been well publicised. Each year all staff are required to complete Annual Declaration forms. The Council has adopted a policy on bribery. The Council does not tolerate bribery committed by Council employees or its contractors or partners and will take consistent and swift action against those persons committing bribery.

Individual services have produced Service Plans that are updated each year so that services know what they are required to do to achieve the Council's priorities and ambitions.

At individual employee level the Council has established a Personal Development Review Scheme so as to jointly agree individual employee objectives and identify training and development needs. The Scheme provides for a mid-year review as well as an annual appraisal at which past performance is reviewed.

d) Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.

The Council has several committees which carry out regulatory or scrutiny functions. These are:

- Overview and Scrutiny committees (Corporate Business Scrutiny, Community Scrutiny and Environment Scrutiny) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions, developing the capacity and capability of members and officers to be effective.
- Audit Committee provides assurance about the adequacy of internal controls, financial accounting and reporting arrangements, and that effective risk management is in place. Its work is intended to enhance public trust in the corporate and financial governance of the Council;
- Development Management Committee determines planning applications and related matters;
- Licensing Committee monitors and reviews the effectiveness of the Council's licensing policy and procedures;
- The Human Resources Committee's functions relate to all aspects of the Council's role as an employer. This includes the monitoring and strategic overview of Human Resources activities.
- Standards Committee promotes and maintains high standards of conduct for the Council's Members, and advises and assists Parish Councils and Councillors to maintain high standards of conduct;

The Council has data protection policies, a Data Protection Action Plan and a data sharing protocol in place to ensure that personal data is maintained securely and used correctly. There is a Data Protection Compliance Governance Framework which involves the Corporate Business Scrutiny Committee in the governance structure. The Committee will take a strategic oversight of the completion of the Data Protection Action Plan and Data Protection compliance through a formal annual report. Data Protection risk assessment is also part of the service planning process.

The Risk Management Strategy defines risk management, explains the benefits of a strategic approach, outlines how it will be implemented, identifies roles and responsibilities and formalises the process. The Strategy sets out the links between risk management, emergency planning and business continuity. It

recognises that risk management is a key part of the management of projects and partnerships.

The Strategy highlights how risk management supports strategic planning, financial planning, policy making and review and performance management.

The Corporate Management Leadership Team is responsible for ensuring that the key risks on the strategic risk register are managed. Strategic and service risk registers are reviewed quarterly. Risks will be amended so that they reflect the current situation, obsolete risks deleted and new risks added. This will ensure that the risk register and the resulting risk mitigation measures are appropriate for corporate objectives and services.

Members have received risk management training. The

Council also has a Partnership Protocol in place.

The Council is represented on the Joint Committee and the Joint Management Board following the introduction of a shared Revenues and Benefits service with Stevenage Borough Council.

A shared service partnership with Stevenage Borough Council to deliver ICT, Business Improvement, Print and Design services came into operation on 1 August 2013. A Partnership Board with Director representation is responsible for making the key decisions about the way that the partnership operates.

The Shared Internal Audit Service (SIAS) is a partnership of eight Hertfordshire Authorities. The Council is represented on the Board that provides strategic direction and oversight for the partnership. The Manager of Corporate Risk S151 officer is the Audit Champion for the Council and has monitoring meetings every two months with the a Director of Finance and Support Services and SIAS managers. Progress reports are submitted to four Audit Committee meetings per year.

The Council is one of four partners in the Hertfordshire CCTV Partnership. A new company to conduct the commercial trading affairs of the Hertfordshire CCTV Partnership has been created. The Chief Executive is the shareholder representative and the Head of Strategy, Communications and Culture acts as Director of the trading company.

e) Developing the capacity and capability of Members and officers to be effective

The Council plans and provides training for members in carrying out their roles effectively including their responsibilities for governance, challenge, scrutiny and review. The Council holds accreditation for the Charter for Member Development.

The Council's vision is to empower Members to be more self sufficient, confident in their community leadership roles and responsive to local issues, problems and challenges in a variety of ways by drawing on existing skills, knowledge, strength, resources and expertise from within. This vision is being taken forward through a comprehensive Member Development programme overseen by a Members' Development Charter Group. A key aspect of peer-peer support for local problem solving is the use of Action Learning Sets.

The Council is taking forward the concept of 'Here to Help' which is an organisational development activity which has been developed in-house to allow Councillors, managers and staff to contribute to the development of the Council's performance, values and behaviours. The purpose of 'Here to Help' is celebrating what is good, sharing good practice, making things better and unlocking barriers to better working. It is about giving employees greater opportunity to think about improvements to their ways of working together to deliver a high quality customer experience every time.

The Council has an infrastructure in place to support members' needs in respect of ICT requirements and the Council's Democratic Services team provide advice and assistance.

Protocols have been adopted to ensure clarity of the respective roles of officers and members.

The Council's recruitment process is designed to ensure only well-qualified applicants are employed and the subsequent induction process is robust so that employees are effective. The Performance Development Review process ensures individual contributions are effective in meeting corporate priorities and capability issues addressed by training. Internal communications methods and processes are reviewed to ensure staff remain well informed and their feed back is responded to. A biennial staff survey leads to action plans to improve effectiveness.

The Council reviews its organisation and capacity as part of its annual service planning to ensure its staffing is commensurate in both quantitative and qualitative terms with its business plans. The

The Council is committed to taking forward the shared services agenda

~~which will ensure more effective use of scarce skills by sharing across boundaries.~~

~~The Council's HR People and Organisational Development Strategy seeks to ensure its pay and terms and conditions are appropriate to attract and retain sufficient staff and to encourage staff to invest in their own development.~~

~~The Council seeks to maintain effective employee relations to enable a high standard of service to the public to be maintained. Staff are fully consulted on proposed changes to terms and conditions. The Council engages with the trade union and staff to manage issues arising from pay settlements and changes to the organisation including the Local Joint Panel and the Human Resources Committee. The Council also utilises Staff Surveys.~~

~~Use is made of the Intranet to provide staff with ready access to learning material and best practice via a series of tool kits.~~

~~f) Engaging with local people and other stakeholders to ensure robust public accountability.~~

~~The Council encourages all members of the local communities to contribute to, and participate in, the work of the Council. The Council achieves this through Residents' Surveys and follow up focus groups. Engagement events around specific issues will be considered where they provide a proportionate and cost effective model for engagement.~~

~~The Council's Communications Strategy has identified a need to engage more through social media and reconfirmed the use of the LINK magazine quarterly as a communications and engagement tool.~~

~~Individual members are active in their localities and with local groups and serve on a number of external bodies.~~

~~The Hertfordshire County LSP and the East Herts District LSP are forums for active engagement with wider stakeholders and a mutual holding to account in delivering the Community Strategies.~~

~~The Council publishes an Annual Report setting out progress on its priorities in the prior year. An Annual Report on Overview and Scrutiny is also presented to Council and published every year.~~

There is a strategic approach to consultation to ensure the information returned is reliable—the Council has adopted a Consultation Toolkit setting out best practice.

The Council's web site is under constant review to ensure it is of a good standard and that information is easily accessed. A consultation section has been introduced so members of the public can easily access open consultations and information on past consultations.

The Council manages freedom of information requests effectively to ensure transparency including the corporate governance arrangements. Information is made available on the website to reduce the need for requests. The Council has procedures in place to engage with members of the public to receive Comments, Compliments and Complaints. The Local Government Ombudsman reported on complaints made about the authority for the year ended 31 March 2014 that there were no concerns about response times and no issues arising from complaints.

As part of the Council's drive to increase the transparency of its spending, the Council publishes all payments on a weekly basis as opposed to the Government's expectation that spend over £500 is detailed.

The Council has approved a Pay Policy Statement as required under section 38 of the Localism Act. The statement follows three principles when publishing data; responding to public demand; releasing data in open formats available for re-use; and releasing data in a timely way.

Review of Effectiveness

This statement explains the Council's overall governance arrangements. Each year, the Council reviews its governance framework including the system of internal control. The Council produces and monitors an Action Plan each year. The process is detailed below:

- All Directors, Heads of Service, Members of the Executive and Chairmen of Committees given the opportunity to make contributions.
- Consideration by the Audit Committee.
- Production of a draft Annual Governance Statement.
- Consideration by Corporate Management Team
- Consideration by the Corporate Business Scrutiny Committee.

- ~~Consideration by the Executive~~
- ~~Approval by the Audit Committee.~~

~~The review of effectiveness is informed by the work of the Directors within the Council who have responsibility for the development and maintenance of the governance environment, the reports by the SIAS and also by comments made by the Council's External Auditors and other review agencies and inspectorates.~~

~~The process that has been applied in maintaining and reviewing the effectiveness of the governance framework includes:~~

~~The Monitoring Officer has a duty to monitor and review the operation of the Constitution to ensure its aims and principles are given full effect. The Council reviews the Constitution annually to incorporate any necessary changes.~~

~~The Council has three overview and scrutiny committees. The committees can establish 'task and finish' groups, which can look at particular issues in depth, taking evidence from internal and external sources, before making recommendations to their 'parent' Scrutiny Committee and on to the Executive. Four Members can "call in" a decision which has been made by the Executive but not yet implemented, to enable it to consider whether the decision is appropriate. In addition the Corporate Business Scrutiny Committee can exercise its scrutiny role in respect of Executive functions, Scrutiny Committees will conduct regular performance monitoring of all services, with particular attention to areas identified as under performing.~~

~~The Council complies with the Regulation of Investigatory Powers Act (RIPA) 2000:~~

~~The Audit Committee~~

~~Seven Councillors sit on the Audit Committee. The Committee's terms of reference are detailed below:~~

~~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

- ~~• 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.~~

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Manager of Corporate Risk Wallfields
Pegs Lane,
Hertford SG13
8EQ