

3.8 Council Procedure Rules

3.8.1 Ordinary Meetings of the Council will usually take place at least four times a year, commencing at 7:00pm, or at another time agreed by the Chairman.

3.8.2 Meetings will usually take place at the council's main offices but may take place at other venues with the agreement of the Chairman.

3.8.3 There are three types of Council meetings:

- (a) the Annual Meeting;
- (b) Ordinary Meetings; and
- (c) Extraordinary Meetings.

These are dealt with in more detail below.

3.8.4 Council meetings will be chaired by the Chairman, or in his or her absence, by the Vice-Chairman.

3.8.5 Notice of all meetings of the Council will be given to the public by the Proper Officer in accordance with the Access to Information Rules, five clear working days before the date of the meeting. Notice by summons will also be given by the Proper Officer to each Member of the Council in the manner prescribed in the Access to Information Procedure rules. The summons shall contain the date, time and place of each meeting, specify the business to be transacted and be accompanied by such reports that may be available.

3.8.6 The Proper Officer is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient. Before exercising this authority, the Proper Officer will consult with the Chairman and the Leader of the Council. Any outstanding business will be held over to the next Ordinary Meeting or an Extraordinary Meeting on a date to be arranged.

3.8.7 The council may make audio and/or visual recordings of meetings and broadcast or otherwise make them available to the public on its website or by other means.

3.9 Annual Meeting of the Council

3.9.1 The Annual Meeting of the Council will be held:

- (a) in a year when there is an ordinary election of councillors to the Council, on such a day within the 21 days immediately following the day of retirement of the outgoing councillors as the Council may fix;
- (b) in any other year, on such a day in the month of March, April or May as the Council may fix; and
- (c) at such hour as the Council may fix.

3.9.2 At the Annual Meeting, the Council will:

- (a) elect a person to preside if the retiring Chairman and Vice Chairman are not present;
- (b) elect the Chairman for the ensuing year;
- (c) appoint the Vice Chairman of council for the ensuing year;
- (d) approve the minutes of the last meeting;

- (e) receive any announcements from the Chairman; and/or Head of Paid Service;
- (f) receive any announcements from the Officer advising the Chairman including apologies for absence;
- (g) elect the Leader at the post-election annual meeting;
- (h) if necessary, be told by the Leader about the composition and constitution of the Executive for the ensuing year, and the names of Members chosen to be Executive Members;
- (i) determine the Council's Committee structure and Chairmen/membership;
- (j) determine arrangements for Outside Bodies and receive annual updates on outside body activities;
- (k) appoint at least one scrutiny Committee, a Committee to carry out the functions of 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;
- (l) agree the scheme of delegation;
- (m) approve a programme of Ordinary Meetings of the Council for the year; and
- (n) consider any business set out in the notice convening the meeting.

3.9.3 Selection of Members on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (a) decide which Committees to establish for the Civic Year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (d) receive, or arrange the delegation of, nominations of Members to serve on each Committee and any outside body for which a new appointment or re-appointment is required.

3.10 Ordinary Meetings

3.10.1 Ordinary Meetings of the Council will usually take place at 7.00 pm, or at any other time agreed by the Chairman, in accordance with the programme previously approved by the Council.

3.10.2 The order of business at every Ordinary Meeting of the Council will include:

- (a) electing a person to preside if the Chairman and Vice Chairman are not present;
- (b) dealing with any business required by law to be dealt with first;
- (c) confirming as a correct record and signing the minutes of the last meeting of the Council, except that minutes of the annual or Extraordinary Meeting

will be submitted for confirmation to the next Ordinary Meeting of Council;

- (d) the Chairman's announcements;
- (e) the Leader's announcements;
- (f) any announcements from the Officer advising the Chairman (including apologies for absence);
- (g) receiving any declarations of interests from Members;
- (h) receiving any petitions in accordance with the Petition Scheme at paragraph 3.17 to these rules;
- (i) receiving and answering questions from members of the public in accordance with paragraph 3.18 below;
- (j) receiving and answering questions on notice from Members in accordance with paragraph 3.19 below;
- (k) dealing with any business remaining from the last Council meeting in accordance with paragraph 3.16;
- (l) receiving reports from the Executive and from the Council's scrutiny and other Committees and receiving questions and answers on any of those reports;
- (m) receiving reports, questions and answers on the business of joint arrangements and external organisations as appropriate;
- (n) considering any motions under paragraph 3.20 in the order in which they are received;

- (o) considering any other business specified in the summons to the meeting.

3.10.3 The order of business (except for items (a), (b) and (c) of paragraph 3.10.2 of these Rules) may be changed:

- (a) before or at a meeting, as the Chairman sees fit; or
- (b) by a resolution of the meeting passed on a motion under paragraph 3.21.

3.11 Extraordinary Meetings

3.11.1 An Extraordinary Meeting is one that is additional to the scheduled Ordinary Meetings and is called to deal with matters that cannot conveniently be dealt with at one of those meetings. An Extraordinary Meeting will be called for specific purposes. Those listed below may request the Chief Executive to call extraordinary Council meetings in addition to Ordinary Meetings:

- (a) the Council, by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer;
- (d) the Section 151 Officer; and
- (e) in accordance with paragraph 3 of Schedule 12 of the Local Government Act 1972 (as amended), any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

- 3.11.2 Extraordinary Meetings will:
- (a) elect a person to preside if the Chairman and Vice Chairman are not present;
 - (b) receive any declarations of interest; and
 - (c) deal with the business for which the Extraordinary Meeting was called.

3.12 Appointment of substitute Members of Committees and Sub-Committees

- 3.12.1 As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members. Up to six named substitute Members per political group will be permitted for any Committees, joint and Sub-Committees having 10 or more Members, and up to three named substitutes per political group will be permitted for Committees, joint and Sub-Committees having fewer than 10 Members. For Committees or Sub-Committees exercising the functions of development management, licensing or appeals, only Members who have received satisfactory training to enable proper and lawful discharge of the functions may be appointed as substitutes.
- 3.12.2 In the case of Sub-Committees, the appointing committee will determine the number of substitutes and appoint them. Substitute Members must be from the same political group as the absent Member.
- 3.12.3 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.

3.12.4 Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the ordinary Member for whom they are the designated substitute;
- (b) where the ordinary Member will be absent for the whole of the meeting; and
- (c) after notifying the Proper Officer by 12 midday on the day of the meeting of the intended substitution. This does not apply to the Development Management Committee where the required notification must be either to the Committee Chair or to the Executive Member whose portfolio includes Development Management who, in turn, will notify the [Director for Legal, Policy and Governance Monitoring Officer](#) at least seven hours before commencement of the Development Management Committee meeting. The duration of the substitution shall form part of the notification.

3.12.5 The [Director for Legal, Policy and Governance Monitoring Officer](#) 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.

3.13 Notice of and summons to meetings

3.13.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five Clear Days before a meeting, the Proper Officer will send a summons which 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.

3.14 Chairman of the meeting

3.14.1 The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chair also include the Chair of Committees and Sub-Committees.

3.15 Quorum

3.15.1 For Council, the Quorum of a meeting will be one quarter of the whole number of Members. For Committees, joint and Sub-Committees, the Quorum shall be one third of the membership of that body. 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 they do not fix a date, the remaining business will be considered at the next Ordinary Meeting.

3.16 Duration of meeting

3.16.1 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 they do not fix a date, the remaining business will be considered at the next Ordinary Meeting.

3.17 Petitions

- 3.17.1 The Council operates a petitions scheme details of which can be found at: <https://www.eastherts.gov.uk/petitions>
- 3.17.2 A document submitted by a Member or members of the public shall be identified as a petition where it is a formal written request signed by many people appealing to the authority in respect of a particular cause in the authority's remit. Petitions may be submitted in paper form or online.
- 3.17.3 Petitions with 150 signatures or more will be presented to the next Ordinary Meeting of the Council. Petitions must be submitted by midday, three working days before the Council meeting.
- 3.17.4 Lead petitioners shall be invited to address 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.
- 3.17.5 Petitions with 50 – 149 signatures will be referred to the relevant Executive Member to provide a written response.
- 3.17.6 Petitions with fewer than 50 signatures will not be accepted as valid petitions.
- 3.17.7 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.

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

(a) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take; and

(b) the name and address and signature of any person supporting the petition.

3.17.9 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.

3.17.10 E-petitions organised on external websites and referred to the council will also be accepted if in accordance with the above guidelines.

3.18 Questions by the public

3.18.1 Members of the public may ask questions of the Leader and Members of the Executive at Ordinary Meetings of the Council.

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

3.18.3 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to democratic.services@eastherts.gov.uk no later than midday, three 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.

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

3.18.5 The ~~Director for Legal, Policy and Governance~~[Monitoring Officer](#) may reject a question if it:

- (a) is not about a matter for which the council has a responsibility or which affects the district;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) requires the disclosure of Confidential or Exempt Information; or
- (e) contravenes the rules around the Pre-Election Period of Sensitivity, where such rules are in place from time to time.

3.18.6 All questions and answers given will be summarised in the minutes of the meeting.

3.18.7 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.

- 3.18.8 The time allowed for consideration of any questions submitted under 3.18 shall not exceed 15 minutes unless the Chairman consents to a longer period.
- 3.18.9 A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to their 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 paragraph 3.18.5 above.
- 3.18.10 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. Any answers which cannot be given during the meeting due to lack of time will also be summarised in a supplementary document to be published as soon as practical after the meeting.
- 3.18.11 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.

3.19 Questions by Members

3.19.1 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 or statement by the Leader when that item is being received or under consideration by the Council.

3.19.2 A Member of the Council may ask:

- (a) the Chairman;
- (b) the Leader;
- (c) a Member of the Executive; or
- (d) the Chair 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.

3.19.3 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.

3.19.4 A Member may only ask a question under paragraph 3.19.2 or 3.19.3 if either:

- (a) they have given notice in writing of the question to the [Director for Legal, Policy and Governance Monitoring Officer](#), which has been received not later than midday, three 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 [Director for Legal, Policy and Governance Monitoring Officer](#)

[Governance Monitoring Officer](#) by midday on the day of the meeting.

- 3.19.5 Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.
- 3.19.6 A Member may ask only two questions under 3.19.2 or 3.19.3 except with the consent of the Chairman of the Council, Committee or Sub-Committee.
- 3.19.7 A Member asking a question under 3.19.2 and 3.19.3 and a Member answering such a question shall ensure that the question and the reply is succinct.
- 3.19.8 The time allowed for consideration of any questions submitted under 3.19.2 shall not exceed 15 minutes unless the Chairman consents to a longer period.
- 3.19.9 Any remaining questions shall be responded to in writing before the next Ordinary Meeting of the Council. Any answers which cannot be given during the meeting due to lack of time will also be summarised in a supplementary document to be published as soon as practical after the meeting.
- 3.19.10 Every question on notice will be answered without discussion. The Member who is asked the question on notice may ask another Member to answer. 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;

(c) a written answer circulated later to the questioner;
or

(d) a combination of any of the above

3.19.11 If the Member who gave notice of a question is not present at the meeting, the question shall be noted and the Member to whom the question was asked shall reply.

3.19.12 A Member asking a question under paragraph 3.19.2 or 3.19.3 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.

3.19.13 If the Member who gave notice of a question is not present at the meeting, there will be no supplementary question after the Member to whom the question was asked has given their response.

3.20 Motions on notice

3.20.1 Notice

Except for motions which can be moved without notice under paragraph 3.21, written notice of every motion, signed by at least two Members, or if sent by email, confirmed as submitted by at least two Members, must be delivered to the [Director for Legal, Policy and Governance Monitoring Officer](#) in normal office hours not later than 12 noon, six clear working days (excluding the

day of the meeting) before the next meeting of the Council.

e.g. if the Council meeting is held on a Wednesday, the motion deadline would be 12 noon on the Monday the week before.

Motions on notice will be entered in a register open to public inspection. The Proper Officer may, with the consent of the Chairman, refuse to accept a motion if the matter to which it relates is referred to in the Forward Plan for consideration at a later meeting or there is otherwise an intention to consider that matter at a meeting of the Council within the next three months.

3.20.2 Motion set out in agenda

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

3.20.3 Scope

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

3.20.4 One motion per Member

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

3.20.5 Debate at Council

Motions that have been proposed and seconded shall then be the subject of immediate debate unless the Chairman of the Council considers it to be appropriate for the motion to be referred to the Executive or a Committee for consideration. In such cases the Chairman shall provide reasons for such a decision.

3.21 Motions without notice

3.21.1 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 or readmit the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under 3.30.4 or to exclude them from the meeting under 3.30.5; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

3.22 Rules of debate

3.22.1 No speeches until motion seconded

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

3.22.2 Right to require motion in writing

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

3.22.3 Seconder's speech

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

3.22.4 Content and length of speeches

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

3.22.5 When a Member may speak again

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

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

3.22.6 Amendments to motions

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

- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion or otherwise substantially rewrite 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 decided.
- (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 the substantive motion as amended for debate to the vote.

3.22.7 Alteration of motion

- (a) A Member may alter a motion of which they have 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 they have 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.

3.22.8 Withdrawal of motion

A Member may withdraw a motion which they have 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.

3.22.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (d) A reply under this paragraph will be confined to matters raised in the debate on the motion or amendment.
- (e) After every reply to which this rule refers, a vote will be taken without further discussion.

3.22.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) that the subject of debate:
 - (i) be referred to the appropriate forum for consideration; or
 - (ii) be referred back to the appropriate forum for further consideration.
- (d) that the meeting continue beyond 10.00 p.m. in duration;
- (e) to adjourn the debate
- (f) to adjourn a meeting
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a Member named under Rule 3.30.4 or to exclude them from the meeting under Rule 3.30.5.

Any of the motions under paragraph 3.23.10 of these Rules will not take away from the mover of the original motion the right to reply.

3.22.11 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;

- (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion “to proceed to next business” or “that the question be now put” is seconded and the Chairman thinks the item has been sufficiently discussed, they will put the closure motion to the vote. If it is passed, the Chairman will give the mover of the original motion a right of reply and then put the original motion to the vote.
- (c) 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, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

3.22.12 Point of order

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

3.22.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may

appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

3.23 Previous decisions and motions

3.23.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 25 Members. The restrictions contained in 3.25 do not apply to:

- (a) A recommendation contained in a referral from the Executive or any Committee to the Council;
- (b) A recommendation contained in a report presented individually or collectively by Chief Officers.

3.23.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 25 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

3.24 Voting

3.24.1 Majority

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

3.24.2 Chairman's casting vote

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

3.24.3 Show of hands

The Chairman will take the vote by show of hands asking Members to indicate whether they are for, against or abstain, unless a ballot or recorded vote is taken in line with paragraph 3.26.4 and 3.26.5.

3.24.4 Ballots

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

3.24.5 Recorded vote

If five 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.

3.24.6 There will also be a recorded vote when required by law.

This includes that a recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the Budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who

cast a vote for the motion/amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, it cannot be suspended under paragraph 3.32.

3.24.7 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.

3.24.8 Voting on appointments

- (a) 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.
- (b) In the event that the removal of persons jointly having fewest of votes would result in only one candidate remaining (and that candidate does not have a majority), the above provision will not apply and the Chief Executive (or their representative) will draw lots to determine which of the candidates with fewest votes will proceed to the next round.
- (c) In the event of there being an equality of votes for the final two candidates, lots will be drawn by the Chief

Executive (or their representative) to decide which person is elected.

3.25 Minutes

3.25.1 Signing the minutes

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

3.25.2 No requirement to sign minutes of previous meeting at an 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), 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.

3.25.3 Form of minutes

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

3.26 Record of attendance

3.26.1 All Members present during the whole or part of a meeting will be recorded as having been present by Democratic Services.

3.27 Exclusion of public

- 3.27.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Section 12 of this Constitution or paragraph 3.31 (Disturbance by Public).

3.28 Members' conduct

3.28.1 Speaking at Meetings

When a Member wishes to speak at Council they must notify their request by hand and address the meeting through the Chairman. If more than one Member signifies their intention to speak, the Chairman will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

3.28.2 Respect for the Chairman

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

3.28.3 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.

3.28.4 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.

3.28.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they reasonably think is necessary.

3.29 Disturbance by public

3.29.1 Removal of member of the public

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

3.29.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The Chairman may without debate or resolution adjourn the meeting to allow removal to take place.

3.30 Suspension and amendment of council procedure rules

3.30.1 Suspension

All of these Council Rules of Procedure except paragraph 3.26.5, 3.26.6, 3.27.2 and 3.29 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.

3.30.2 Amendment

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

3.31 Application to Committees and Sub-Committees

3.31.1 All of the Council Rules of Procedure apply to meetings of Council. None of the rules apply to meetings of the Executive. Only paragraphs 3.12 – 3.16, 3.19.3 – 3.19.7, 3.21, 3.24 – 3.29 and 3.31 – 3.32 apply to meetings of Committees and Sub-Committees.

3.32 Disclosable Pecuniary Interests

3.32.1 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 they have a Disclosable Pecuniary Interest, except where they are permitted to remain as a result of a grant of a dispensation.

3.40 Responsibility for Local Choice Functions

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

Function	Decision Making Body	Delegation
Functions under local Acts (other than a function specified in Regulations 2 and Schedule 1 of the Regulations)	Council	Directors within their area of responsibility as defined in the Officer Scheme
The determination of an appeal against any decision made by or on behalf of the authority	Council	Committee of the Council or an officer as detailed elsewhere in this Constitution
Any function relating to contaminated land	Council	Director for Communities
The discharge of any function relating to the control of pollution or the management of air quality	Council	Director for Communities

The service of an abatement notice in respect of a statutory nuisance	Council	Director for Communities
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Executive	
The inspection of the authority's area to detect any statutory nuisance.	Council	Director for Communities
The investigation of any complaint as to the existence of a statutory nuisance	Council	Director for Communities
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or S.330 Town & Country Planning Act as amended 1990	Council	Director for Legal, Policy and Governance Shared Corporate Legal Service Manager
The appointment of any individual (a) To any office other than an office in	Council	As delegated elsewhere in this Constitution or by the decision of Council on a case-by-case basis

<p>which he is employed by the authority:</p> <p>(b) To any body other than</p> <p>i. The authority;</p> <p>ii. A Joint Committee of two or more authorities; or</p> <p>(c) To any Committee or Sub-Committee of such a body</p> <p>and the revocation of any such appointment</p>		
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4.7 Executive Procedure Rules

4.7.1 Executive functions

The Executive is the council's executive body and is responsible for carrying out those functions which by law or under this Constitution are designated as 'executive functions'.

4.7.2 The Leader decides how the executive functions shall be discharged. This may be 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.

4.7.3 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 them for inclusion in the Council's scheme of delegation at Section 4 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, and wards of the people appointed to the Executive by the Leader;
- (c) the name, 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 committees of the Executive 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, in addition to delegations already listed within this Constitution, with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

4.8 Further delegation of executive functions

4.8.1 Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an executive function, they may further delegate the

exercising of that executive function to an officer or via joint arrangements unless where disallowed by law.

- 4.8.2 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

4.9 The council's scheme of delegation and executive functions

- 4.9.1 The council's scheme of delegation will be subject to adoption by the Council and the Executive.

- 4.9.2 The Leader may amend the scheme of delegation relating to Executive functions at any time during the year by giving written notice to the Monitoring Officer 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 appropriate amendments to the Constitution will be made by the Monitoring Officer. This will have immediate effect and the change(s) will be referred to Council within the Constitution.

- 4.9.3 When the Executive seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when the Leader has served it on the Chair of the committee.

4.10 Conflicts of Interest

- 4.10.1 Where any or all members of the Executive has or have a conflict of interest this should be dealt with as set out in the council's Code of Conduct for Members in Section 14 of this Constitution.

4.10.2 If the exercise of an executive function has been delegated to a committee of the Executive, an individual Member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body who made the delegation or otherwise if so specified in the council's Code of Conduct for Members in Section 14 of this Constitution.

4.11 Executive meetings

4.11.1 The Executive will meet at least five times a year at times to be agreed by the Leader. The Leader has the ability to cancel meetings of the Executive.

4.11.2 The Executive shall meet at the council's offices at Wallfields, Pegs Lane, Hertford, Hertfordshire or another location to be agreed by the Leader.

4.11.3 Notice of the dates and times of meetings, and their agendas, will be published in accordance with the Access to Information Procedure Rules.

4.12 Quorum

4.12.1 The quorum for a meeting of the Executive shall be a majority of the members of the Executive. The quorum of any committee of the Executive shall be a majority of the Members appointed to that committee.

4.13 Decisions taken by the Executive

4.13.1 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 Section 12 of the Constitution.

4.13.2 Where an executive decision is 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.

4.14 Executive meetings

4.14.1 The Leader will preside at any meeting of the Executive or its committees at which they are present, or may appoint another person to do so. If the Leader is not present and has not appointed another person to preside at the meeting, the members of the Executive who are present shall choose a member to preside.

4.14.2 All members of the Council may attend meetings of the Executive.

4.14.3 Without prejudice to the powers of the person presiding at the meeting to control debate as Chair, the following rights of address apply:

- (a) members of the Executive are entitled to speak at any meeting on any agenda item;
- (b) any Group Leader who is not a member of the Executive (or a member nominated by them) may speak on any item before the Executive;
- (c) any Member Champion may speak on any particular agenda item so long as they have informed the Leader of the Council prior to commencement of the meeting of their wish to do so. So long as this requirement is met, the person presiding at the Executive meeting shall call on the Member Champion to speak on the agenda item immediately

following its presentation by the appropriate Executive Member(s) or Officer(s). The Member Champion shall make clear to those present at the meeting their particular Member Champion remit and that he or she is speaking in this capacity;

- (d) any member of the Council who is not an Executive Member may speak in accordance with paragraph 4.17.1(d) or with the consent of the person presiding; and
- (e) the person presiding may, at their discretion, permit one or more members of the public to address the Executive on a matter on the agenda provided they are satisfied that to do so would assist the Executive in coming to a decision on that matter. In giving such permission, the person presiding may attach such conditions as he or she thinks fit.

4.14.4 The person presiding has discretion to determine or limit the amount of time, and the number of times, that any member may speak on a particular item.

4.15 Conduct of the Executive meeting

4.15.1 At each meeting of the Executive or a Committee of the Executive the following business will be conducted:

- (a) Leader's announcements, if any, whether made in person or by a person nominated to do so in the Leader's absence or the person presiding in the absence of such a nomination;
- (b) apologies for absence;

- (c) confirm as a correct record and sign the minutes of the last meeting;
- (d) declarations of interest, if any;
- (e) matters referred to the Executive (whether by the Overview and Scrutiny Committee, Audit and Governance Committee, the Council or any other Member as provided at 4.17.1(d) below) 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 Section 13 of this Constitution;
- (f) consideration of recommendations from the Overview and Scrutiny Committee and/or Audit and Governance Committee if any; and
- (g) matters set out on the agenda for the meeting, which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Section 12 of this Constitution.

4.15.2 The person presiding at the meeting may vary the order of the agenda where it is necessary to do so for the proper conduct of the business of the meeting. Where the person presiding is of the opinion that there is insufficient information available to the Executive to enable a proper decision to be reached, they may defer consideration of the matter in question to a future meeting.

4.16 Consultation

4.16.1 All reports to the Executive on proposals relating to the Budget and Policy Framework must contain details of the

nature and extent of consultation with stakeholders and the relevant Scrutiny Committee, where applicable, 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.

4.17 How items can be put on the agenda for an Executive meeting

4.17.1 Items may be placed on the agenda of an Executive meeting in any of the following ways:

- (a) an item will be placed on the agenda of the next available meeting of the Executive where the Overview and Scrutiny Committee, the Audit and Governance Committee or the Council has resolved that an item be considered by the Executive. There will be an item on the agenda of each meeting of the Executive for matters referred by the Overview and Scrutiny and Audit and Governance Committees when required;
- (b) The Chief Executive, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require that such a meeting be convened in pursuance of their statutory duties.
- (c) the Leader or any other member of the Executive may require the Proper Officer to place on the agenda of the next available meeting an item for consideration;

- (d) the Leader may agree to a request of any member of the Council that an item be placed on the agenda of the next available meeting for consideration. The notice of the meeting will give the name of the member who asked for the item to be considered. This member will be invited to attend the meeting and will be allowed to speak on the item. There shall be a maximum of two such items on any one Executive meeting agenda; or
- (e) By giving the appropriate notice of an item on the Forward Plan

4.18 Decision-making

4.18.1 Key decisions

4.18.2 A key decision is an executive decision which is likely to:

- (a) result in new expenditure, income or savings of more than £200,000 in relation to the council's revenue or capital budget, this being deemed significant having regard to the council's overall budget; or
- (b) be significant in terms of its effects on communities living or working in an area consisting of two or more wards.

4.18.3 Key decisions may be taken by:

- (a) the Executive;
- (b) an Executive Member to whom, or a committee of the Executive to which, authority over the function to which the key decision relates has been delegated;

- (c) an Executive Member or officer to whom, or a committee of the Executive to which, authority to make the specific key decision has been delegated; or
- (d) the delegator of the authority should the decision be returned to the delegator.

4.19 Forward Plan

4.19.1 The Leader will ensure that the Proper Officer publishes a document, to be known as 'the Forward Plan', which shall include:

- (a) all key decisions that are likely to be made on behalf of the council during the four month period following publication of the Forward Plan, with the proposed date of a decision on any matter appearing on the Forward Plan for the first time being no less than 28 calendar days after publication;
- (b) a list of the documents to be submitted to the decision maker(s) for each key decision listed;
- (c) details of how copies of the listed documents may be reasonably accessed along with the procedure for requesting copies; and
- (d) other relevant documents which may be submitted to the decision-maker(s) along with details of to whom such documents should be submitted.

4.19.2 The Proper Officer will ensure that the current Forward Plan may be inspected at all reasonable hours and free of charge at the council's main offices and on the council's website.

4.20 Making key decisions

- 4.20.1 Key decisions may be taken only if due notice has been given of them in the Forward Plan unless the procedure for taking decisions without due notice has been followed.
- 4.20.2 Key decisions may be taken by the Executive, by individual Executive Members, by committees of the Executive or by officers acting in accordance with powers delegated generally or specifically for that purpose.
- 4.20.3 No key decision shall be acted upon until either the deadline for submission of a requisition (often termed 'call in') has passed without one being submitted or any requisition submitted has been disposed of, unless the urgency provisions in paragraph 4.25 below apply.
- 4.20.4 Where an Executive Member or an Officer receives a report which they intend to take into account when making a key decision, they must not make that decision until the report has been available for public inspection for at least five clear days. This mirrors the notice period applicable to reports relating to key decisions to be considered by the Executive when meeting together.
- 4.20.5 The Executive Member or officer must ensure that the Proper Officer makes the report referred to in 4.20.4 above (and a list and copies of Background Papers) available for inspection by members and the public as soon as reasonably practicable after the Executive Member or officer receives it.
- 4.20.6 Before making a decision, the decision-maker shall give full consideration to all reports made available relating to the decision, any comments on the proposed decision made by

Members and, where necessary, consideration shall be given to the need for further consultation or information.

4.21 Non-key decisions

4.21.1 A non-key decision is an executive decision that does not meet either criterion of a key decision as defined above.

4.22 Making Executive Member non-key decisions

4.22.1 Executive Member non-key decisions may be taken by the Executive or an individual Executive Member. In all cases, the decision-making body or person will be determined in accordance with powers delegated generally or specifically for that purpose.

4.22.2 No non-key decision shall be acted upon until either the deadline for submission of a requisition (often termed 'call in') has passed without one being submitted or any requisition submitted has been disposed of, unless the urgency provisions under paragraphs 4.25.2 (b), 4.25.2 (c) and 4.25.3 below apply.

4.22.3 Where an Executive Member receives a report which they intend to take into account when making a non-key decision, they must not make that decision until the report has been available for inspection by members and the public for at least five clear days. This mirrors the notice period applicable to reports relating to key decisions.

4.22.4 The Executive Member must ensure that the Proper Officer makes the report referred to in 4.22.3 above (and a list and copies of Background Papers) available for inspection by members and the public as soon as reasonably practicable after the Executive Member receives it.

4.22.5 Before making a decision, the decision-maker shall give full consideration to all reports made available relating to the decision, any comments on the proposed decision made by Members and, where necessary, consideration shall be given to the need for further consultation or information.

4.23 Executive Member Decisions: Supplemental Rules

4.23.1 Individual Executive Members are empowered in line with their portfolios and delegations listed in 4.26 to make Executive decisions. If an individual Executive Member intends to make a key and non-key decision, the following additional rules apply:

- (a) If the Leader or an Executive Member has a Disclosable Pecuniary Interest in any matter which he or she is requested to consider, they 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 fully as possible to avoid this situation arising.
- (b) If an Executive Member is absent or unavailable for any reason, the Leader of the Council (or in their 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 on the matter). The Leader or Executive Member will be able to take part in the decision-making process if a dispensation has been granted.
- (c) If an Executive Member is unable to act for any other reason, the Leader of the Council is authorised to make the decision or in their absence or at their 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 an Executive Member may exceptionally decline to decide the matter and instead ask the Proper Officer to put it on the agenda for the next Executive meeting.
- (e) In respect of any urgent business, if the Executive Member delays or declines to make a decision the Chief Executive shall have power to seek a decision from the Leader or Deputy Leader.

4.23.2 Individual Executive Members shall not be empowered to make a key or non-key decision if:

- (a) the decision would be a departure from the agreed annual Budget or Policy Framework;
- (b) the Leader has indicated that the decision should be taken collectively by the Executive. Notification of this by the Leader must be made to the [Director for Legal, Policy and Governance Monitoring Officer](#);
- (c) the decision is solely in relation to the Executive Member's own ward including, for example, making a grant, unless this is agreed by the Leader;
- (d) the Executive Member has either a Disclosable Pecuniary Interest or some other conflict of interest in which case the provisions in 4.23.1(a) above apply;

- (e) the authority to make the decision has been delegated to an officer, unless the officer refers the decision to the Executive Member; or
- (f) the Monitoring Officer or Chief Executive has determined that the decision is not an executive decision.

4.23.3 As with any executive decision, the Executive Member must consult those officers deemed appropriate by the Chief Executive and must take into account of this advice and the legal, financial and equalities implications of the decision under consideration.

4.23.4 Where there are significant implications across portfolios, the decision should be made in consultation with other appropriate Executive Members.

4.23.5 Where a decision has a significant impact on an individual ward the Executive Member should consult the appropriate ward member(s).

4.23.6 Where it is not clear in which Executive Member's portfolio an issue sits, the Leader shall decide. If the appropriate Executive Member is unavailable and a decision needs to be taken urgently, then the Leader may take the decision in consultation with the Chief Executive.

4.23.7 The rules relating to the notification and recording of decisions, along with call in procedures, as covered elsewhere in Section 4 of the Constitution apply to executive decisions taken by individual Executive Members.

4.24 Recording of Key and Non-Key Executive decisions

4.24.1 The outcome of executive decisions, whether key decisions or non-key decisions, shall be recorded as soon as practicable after they have been made in accordance with Access to Information Procedure Rules.

4.24.2 An executive decision taken by the Executive at an Executive meeting shall be recorded in the minutes of that meeting. An executive decision taken by an individual Executive Member or an officer shall be recorded separately. In both cases, the Proper Officer shall produce a written statement in respect of that decision which includes:

- (a) a record of that decision;
- (b) a record of the reasons for that decision;
- (c) details of any alternative options considered and rejected at the time;
- (d) a record of any conflict of interest or of any dispensation granted.

4.24.3 Following the making of an executive decision as allowed by this constitution, the Proper Officer shall ensure that any records prepared in connection with and any report considered shall be available for inspection by members of the public.

4.25 Action where a key decision has not been shown on the Forward Plan

4.25.1 A key decision that has not been shown on the Forward Plan shall only be made in exceptional circumstances.

4.25.2 Such a key decision shall only be made if the Chair of the Overview and Scrutiny Committee signifies in writing on the report relating to the decision to be made that:

- (a) it was reasonable in the circumstances for notice of the need for the decision not to appear on the Forward Plan;
- (b) there is urgency for the decision to be made that justifies its being dealt with immediately rather than being processed in the normal way;
- (c) there are no grounds for supposing that the decision would be called in if processed in the normal way.

4.25.3 Where the Chair so signifies, the decision may be made forthwith and implemented without delay in line with the urgency procedure at paragraph 5.32 of this Constitution.

5.11 Overview and Scrutiny Procedure Rules

- 5.11.1 The Council is required by law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. A Scrutiny Committee can contribute to the development of Council policies and also hold the Executive to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.
- 5.11.2 Scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants and service users. A Scrutiny Committee should not shy away from the need to challenge and question decisions and make constructive criticism.
- 5.11.3 The Council has one Scrutiny Committee, the Overview and Scrutiny Committee and it is required by statute to abide by any statutory limitations placed upon it.

5.12 Composition and arrangements

- 5.12.1 The Committee will consist of a maximum of 14 Members of the Council
- 5.12.2 All Councillors except Members of the Executive may be members of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

5.13 Appointment of Members and substitutes

- 5.13.1 Members and Substitutes shall be appointed by Annual Council in accordance with the wishes of the political group

to whom the seats have been allocated.

5.14 Co-optees

5.14.1 The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

5.15 Meetings of the Overview and Scrutiny Committee

5.15.1 Meetings of the Overview and Scrutiny Committee shall be programmed in each year. There will normally be between four and six meetings of the Committee annually.

5.15.2 In addition, Extraordinary Meetings may be called from time to time as and when appropriate. An Extraordinary Meeting may be called by the Chair of the Committee, by any four Members of the Committee or by the [Scrutiny Democratic Services](#) Officer if they consider it necessary or appropriate.

5.16 Quorum

5.16.1 The quorum for the Overview and Scrutiny Committee shall be five voting members of the Committee.

5.17 Procedure at Overview and Scrutiny Committee meetings

5.17.1 Meetings of the Overview and Scrutiny Committee and Sub-Committees shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest;

- (c) public participation
- (d) consideration of any matter referred to the Committee for a decision in relation to call- in of a decision;
- (e) responses of the Executive to reports of the Committee;
- (f) consideration of the forward plan; and
- (g) the business otherwise set out on the agenda for the meeting, including the Committee's work programme.

5.17.2 Executive Members will be invited by the Committee in relation to items of business specific to their portfolio.

5.17.3 Where the Committee conducts inquiries (for example, with a view to policy options), it may also ask people to attend committee meetings to assist Members which are to be conducted in accordance with the following principles:

- (a) that the inquiry be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (c) that the inquiry be conducted so as to maximise the efficiency of the investigation or analysis.

5.17.4 Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and

findings public.

5.18 Public Participation

- 5.18.1 In the event that a member of the public has proposed a topic for the Overview and Scrutiny Committee to scrutinise which has been accepted by the Chair, the member of the public will have the opportunity to address the Committee at the meeting that the item appears on the agenda.
- 5.18.2 Each member of the public addressing the Overview and Scrutiny Committee is allowed a maximum of three minutes in which to address the Committee, up to a maximum of 15 minutes in total from members of the public.
- 5.18.3 Every person wishing to address the Committee should contact Democratic Services (democratic.services@eastherts.gov.uk) by 12 noon, three working days before the meeting. This must be submitted in writing.
- 5.18.4 The Monitoring Officer reserves the right to omit or refuse a request which includes any matter which appears to be defamatory, frivolous, offensive or for any other legitimate reason.

5.19 Overview and Scrutiny Committee Chair

- 5.19.1 The Chair of the Overview and Scrutiny Committee will be appointed by Council at its annual meeting. The Vice-Chair will be appointed by the Committee at its first meeting of the Civic Year.
- 5.19.2 In the event that there is more than one political group

within the Council, it will be desirable for:

- (a) the Overview and Scrutiny Committee to be chaired by a Member who is not a Member of the majority group; and
- (b) the Vice-Chair of the Overview and Scrutiny Committee to be a Member of the majority group.

5.19.3 The Chair and Vice-Chair will hold office until:

- (a) they resign from the office of Chair or Vice-Chair;
- (b) they are no longer a Councillor; or
- (c) they are removed by a resolution of the Council.

5.19.4 Upon the occurrence of a vacancy in the office of Chair or Vice-Chair, the Committee shall fill the vacancy at its next ordinary meeting

5.20 Work programme

5.20.1 The Overview and Scrutiny Committee will be responsible for setting their own Work Programme and in doing so they shall take into account wishes of Members of that Committee who are not Members of the largest political group on the Council. The Work Programme should retain flexibility to deal with urgent issues.

5.20.2 In setting its work programme, the Overview and Scrutiny Committee shall take into account;

- (a) the council's corporate and strategic priorities;

- (b) significant policies in the forward plan;
- (c) submissions from members of the public;
- (d) submissions from Members/Executive; and
- (e) should have a clear rationale for including items for consideration and with regard to the forward plan, ensuring that the largest, strategic items are given precedence.

5.20.3 The Committee will be 'forward-looking', shaping new policies at an early stage of their development, and undertaking reviews of existing policies or service delivery models in order to look to make future improvements.

5.21 Terms of Reference

5.21.1 The Overview and Scrutiny Committee has the following functions:

- (a) Discharge the statutory functions granted to the Committee by Section 21 of the Local Government Act 2000, as amended, plus consideration of any matter referred to it under Section 21A, plus any powers and functions conferred under Sections 21A, 21B and 21D of the Local Government Act 2000;
- (b) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive.

- (c) To make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive;
- (d) Pursuant to the requirements of the Police and Justice Act 2006 (as amended) review or scrutinise decisions made, or other action taken, in connection with the discharge by the Council and other bodies and persons responsible for crime and disorder strategies for the area or in relation to a local crime and disorder matter, and to make reports or recommendations to the Council for the discharge of those functions, and arrange for copies of any report to be sent to those bodies and persons responsible for crime and disorder strategies for the area (and such other co-operating persons and bodies as it thinks appropriate);
- (e) To consider a local crime and disorder matter, (including in particular forms of crime and disorder that involve anti-social behaviour or adversely affecting the local environment, or the misuse of drugs, alcohol and other substances), referred to it by any member of the Council or by Executive pursuant to the requirements of the Police and Justice Act 2006 (as amended);
- (f) Question members of the Executive and/or Committees and/or officers about their views on issues and proposals affecting the area and to make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area;

- (g) Liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative partnership working;
- (h) Conduct research, community and other consultation in the analysis of policy issues and possible options;
- (i) Consider mechanisms to encourage and enhance community participation in the development of policy options;
- (j) Consider the impact of policies to assess if they have made a difference;
- (k) To consider the Forward Plan and comment as appropriate prior to any decision being made;
- (l) Consider reports relating to the authority's use of the Regulation of Investigatory Powers Act (2000) (RIPA);
- (m) To review performance against the Council's agreed objectives / priorities and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or service areas. To consider risk to the achievement of those objectives/ priorities. To make recommendations to the Executive;
- (n) Receive a referral from any member of the Committee, relevant to the functions of the Committee;
- (o) To appoint time limited Rapid Reviews and/or Task and Finish Groups to undertake detailed scrutiny work report back to the Overview and Scrutiny

Committee to make recommendations to the Executive;

- (p) To scrutinise decisions prior to implementation in accordance with the Council's adopted call-in procedure (as detailed below)
- (q) Consider reports relating to the authority's safeguarding responsibilities

5.22 Agenda items

- 5.22.1 Any Member of the Overview and Scrutiny Committee or of its Sub-Committees shall be entitled to give notice to the [Scrutiny Democratic Services](#) Officer that they wish for 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, following such procedures as are established at the time. Ten working days' notice of the item should be given to the [Scrutiny Democratic Services](#) Officer together with sufficient information to enable the Officer to advise about the nature and purpose of the item.
- 5.22.2 On receipt of such a request, so long as it is within the relevant terms of reference, the [Scrutiny Democratic Services](#) Officer will ensure that it is included on the next available agenda, subject to having scoped out the work required to deliver the item and considered the feasibility of this work in terms of officer/other resources.
- 5.22.3 The Committee or Sub-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 Committee or Sub-Committees shall report their findings and any

recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report at its next meeting.

5.23 Limitations of Scrutiny

5.23.1 The Overview and Scrutiny Committee shall have the power to receive a Call-In made in accordance with the rules at paragraph 5.31 below, relevant to any of the functions of the Committee, other than:

- (a) A planning or licensing decision;
- (b) Any matter relating to an individual or entity where there is already a statutory right to review or appeal (but not including the right to complain to the ombudsman);
- (c) Any matter which is vexatious or is substantially the same as a call in previously reviewed by a meeting of the Committee in the last six months, discriminatory or otherwise unreasonable;

5.23.2 The decision as to whether the call-in is valid or falls within (a)-(c) above rests with the [Scrutiny Democratic Services](#) Officer in consultation with the Monitoring Officer.

5.24 Reports from Overview and Scrutiny Committee

5.24.1 Once it has formed recommendations on proposals the Committee (with support from Officers) will prepare a formal report and submit it via the [Scrutiny Democratic Services](#) Officer for consideration by the Executive (if the proposals are consistent with the existing Budget 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).

- 5.24.2 The Chair, or in their absence, the Vice-Chair of the Overview and Scrutiny Committee and will normally be responsible for presenting the report to the Executive or the Council as appropriate. However, in the case of the report of a Rapid Review and/or Task and Finish group, the report to the Executive and/or Council can also be made by the Chair or Vice-Chair of that Rapid Review and/or the Task and Finish Group.
- 5.24.3 If the 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.
- 5.24.4 The Council or Executive shall consider the report of the Overview and Scrutiny Committee at its next meeting.

5.25 Making sure that scrutiny reports are considered by the Executive

- 5.25.1 Once the Committee has completed its deliberations on any matter it will forward a copy of its final report to the [Scrutiny Democratic Services](#) Officer who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the [Scrutiny Democratic Services](#) Officer refers the matter to Council, they will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Executive must be given the opportunity to respond to the Scrutiny report before the Council meets to consider it. When the Council does meet to consider any referral from the Scrutiny Committee on a

matter which would impact on the Budget and Policy Framework, it shall also consider any response of the Executive to the scrutiny proposals.

- 5.25.2 The agenda for Executive meetings shall include an item entitled 'Issues arising from Overview and Scrutiny' and the Chair will have a standing invitation to present this item should they wish to. Any reports referred to the Executive shall normally be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda).

5.26 Members and officers giving account

- 5.26.1 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 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 such as:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement council policy; and/or
- (c) their performance;

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

- 5.26.2 Where any Member or officer is required to attend a Scrutiny Committee or Sub-Committee under this provision, the Chair of that Committee or Sub-Committee will inform the [Scrutiny Democratic Services](#) Officer. The

[Scrutiny Democratic Services](#) Officer shall inform the Member or officer in writing giving at least 10 working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are 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.

- 5.26.3 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Committee or Sub-Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

5.27 Attendance by others

- 5.27.1 The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 5.26 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 from other parts of the public sector and shall invite such people to address it.

5.28 Forms of Scrutiny

- 5.28.1 Scrutiny should not be limited to meetings of the Overview and Scrutiny Committee. Members will contact Executive Members and Officers to gather information to facilitate informed and focused discussion at Committee. These informal enquiries may assure Members at an early stage and allow the Committee's limited time to be used more appropriately.

5.28.2 The Overview and Scrutiny Committee have the following tools to utilise when scrutinising a topic and should be considered in the following order;

- (a) A report via the Overview and Scrutiny Committee
- (b) Rapid Review
- (c) Task and Finish Group
- (d) Call-in

5.29 Rapid Reviews

5.29.1 Rapid reviews can be set up by the Overview and Scrutiny Committee to work on a short, highly focused piece of work which cannot be completed in Committee.

5.29.2 Only one Rapid Review should be set up at one time and they should generally be limited to one meeting, which may be supported by Officers.

5.29.3 Rapid Reviews are informal bodies and shall have no decision making powers.

5.29.4 The Rapid Review will produce a report for consideration by the Overview and Scrutiny Committee at the end of the review.

5.30 Task and finish groups

5.30.1 Task and Finish Groups will be set up by the Overview and Scrutiny Committee to carry out detailed work in relation to specific topics or issues. The Overview and Scrutiny Committee will decide what Task and Finish Groups are set

up and what their terms of reference will be. These will include the membership of the group and the proposed dates of reporting to the Overview and Scrutiny Committee.

- 5.30.2 Only one Task and Finish Group should be set up at one time and they should be time limited and have duration of no more than eight weeks.
- 5.30.3 Task and Finish Groups are informal bodies and shall have no decision making powers.
- 5.30.4 Task and Finish Groups will keep the Overview and Scrutiny Committee informed of their progress. They will produce a report for consideration by the Overview and Scrutiny Committee at the end of the review.

5.31 Call-in

- 5.31.1 A key element of the scrutiny role concerns the arrangements for the "Call-in" of a decision taken by or on behalf of the Executive. Key or non-key decisions by the Executive, a Committee of the Executive or an individual Executive Member and key decisions made by an officer with delegated authority from the Executive, may be "called in" by four Members of the Council submitting a request in writing on the call in request form to the Chief Executive within five working days of the publication of that decision. No action can be taken on an item called in for scrutiny.
- 5.31.2 Call-in should only be used in exceptional circumstances. These are where Members have evidence which suggests that the Executive decision was not taken in accordance with the principles set out in Section 3b (Decision Making).

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:

- (a) a decision must be called in by at least four Members of the Council; and
- (b) a decision on the same item may only be called in for scrutiny by the Committee on one occasion within a six month period. The six month period is to commence from the date the Call-in request is received by the Chief Executive;
- (c) Members who have called in a decision may withdraw their Call-in at any time prior to the meeting taking place to hear the Call-in, by giving notice in writing to the [Scrutiny Democratic Services](#) Officer.

5.31.3 The following arrangements for a Call-in will apply:

- (a) when a key or non-key decision is made by the Executive (or by any Committee or Members of the Executive with a delegated authority contained in Section 3b of this Constitution) or a key decision is made by an officer with delegated authority from the Executive, the decision shall be published electronically. Notification of all such decisions will also be issued to all members by the person responsible for publishing the decision;
- (b) the relevant 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 five working days after the publication of the decision, unless it is called in;

- (c) during that period, the Chief Executive shall call in a decision for scrutiny by the Committee if so requested by Members (in accordance with paragraph 5.31.2 above), and shall notify the decision-taker of the Call-in. An item called in for scrutiny will normally be considered by the Overview and Scrutiny Committee at its next scheduled meeting. However, in consultation with the Chair of the Committee, they may call an Extraordinary Meeting of the Committee on such date as they may determine (in accordance with the Access to Information Procedure Rules in Section 12 of this Constitution);
- (d) any Member considering calling in a decision must first make every effort to discuss the issue with the relevant Executive Member or the Leader of the Council;
- (e) Members using the Call-in arrangements have the right to address the Committee when it deals with the issue;
- (f) normally, the Committee will complete its scrutiny of the issue at that meeting and report the outcome to the next meeting of the Executive. However, the Committee may consider that further time is required to consider the issue and would therefore need to recommend to the Executive that further work be carried out and that the Overview and Scrutiny Committee makes recommendations at a later date. In these circumstances, the Executive will decide whether or not the decision should be implemented, having regard to the urgency, if any, of the matter and the provisions of the Budget and Policy Framework Rules (see (i) below);

- (g) if the Overview and Scrutiny Committee agrees with a called-in decision, the decision may be implemented immediately following the Overview and Scrutiny Committee meeting;
- (h) if, through the scrutiny process and/or in pursuance of the Budget and Policy Framework Procedure Rules set out in Section 13 of this Constitution, a called in decision is deemed to be contrary to the Policy Framework, and/or contrary to or not wholly consistent with the Budget, it may have to be referred to the Council for a final decision and the action cannot be acted upon until this decision is made;
- (i) if the called in decision does not contradict the Policy Framework and/or Budget but the Committee decides to make an alternative recommendation, this will be considered by the Executive at its next meeting and no action should be taken until a final decision has been made by the Executive.

5.32 Call-in and urgency

5.32.1 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 interest. 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 Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable and that there are reasonable grounds for treating the decision as a matter of urgency. In the absence of the Chair, the Vice

Chair of the Overview and Scrutiny Committee's consent shall be required. In the absence of both, the Head of Paid Service or their 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.

5.33 The party whip

- 5.33.1 As part of the scrutiny function, the imposition of the party whip is regarded by the Council as incompatible with the Overview and Scrutiny Committee's terms of reference. The party whip should not therefore be imposed on any member of the Overview and Scrutiny Committee while engaged in that Committee's work.

5.34 Councillor Call for Action (CCfA)

- 5.34.1 Any Councillor may request that the Overview and Scrutiny Committee consider the inclusion of a Councillor Call for Action (CCfA) on its work programme, under the terms of the CCfA Protocol set out below. The operation of CCfA will be in full compliance with the Protocol and, as for Call-in, will be used only in exceptional circumstances where all other possible avenues for resolution of the issue have been followed by the referring Councillor, and yet a problem still exists.

Councillor Call for Action (CCfA) Protocol

Under section 119 of the Local Government and Public Involvement in Health Act 2007, a Member may call for debate and discussion at a committee meeting, on a topic of neighbourhood concern. These powers are limited to an issue which affects a single council ward. CCfA will be considered by the Overview and Scrutiny Committee, whose terms of reference include within its remit, the subject of the CCfA. In order to initiate the CCfA process, the Chair of the 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 relating 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 Chair of the Overview and 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 Committee Chair, in conjunction with the Monitoring Officer, may determine whether the next scheduled meeting of the Committee is appropriate or if an additional meeting needs to be convened.
 3. The 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 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 Committee may decide to challenge whether the desired outcome is reasonable.
 5. Whilst there will be no specified procedure for the discussions, the Chair, 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 meeting of the Committee for information. This will enable the Committees to take account of all requests in determining work programmes.

Section 8 – Other Committees

8.1 Audit and Governance Committee

8.1.1 The Audit and Governance Committee will have the specific role of monitoring the Budget, approving the council's Statement of Accounts and acting as the council's audit committee. The Committee also reviews ~~carries out~~ the Council's treasury management functions.

8.1.2 The number and arrangements for this Committee are as follows:

- (a) the Committee will consist of a maximum of seven Members of the Council;
- (b) two Independent non-voting Members;
- (c) the Committee may appoint Sub-Committees;
- (d) no Member of the Executive may be a Member of the Committee;
- (e) Substitute Members to the committee shall be appointed by the Council in accordance with the wishes of the political group to whom the seats have been allocated.

8.1.3 Meetings of the Committee shall be programmed ~~in~~programmed each year. There will normally be between four and six meetings annually. In addition, Extraordinary Meetings may be called from time to time as and when appropriate. A Committee meeting may be called by the Chair, by any four Members of the Committee or by the Monitoring Officer if they consider it necessary or appropriate.

8.1.4 Quorum for the Committee shall be three Members.

8.1.5 ~~Appointment of Chair and Vice Chair~~ The Chair of the Audit and Governance Committee will be appointed by the Council at its annual meeting. The Vice-Chair will be appointed by the Committee at its first meeting of the Civic Year.

8.1.6 Subject to 8.1.5 above, the Chair and Vice-Chair will hold office during that Civic Year until, in each case:

- (a) they resign from the office of Chair or Vice-Chair;
- (b) they are no longer a Councillor; or
- (c) they are removed by a resolution of the Council.

8.1.7 Upon the occurrence of a vacancy in the office of Chair, the Council shall appoint a Chair at its next meeting. In the ~~case~~event of a vacancy in the office of Vice Chair, the Committee shall fill the vacancy at its next meeting.

8.1.8 Terms of Reference - The Audit and Governance Committee ~~has~~have the following functions:

- (a) assist the Council and the Executive in the development of the annual Budget;
- (b) approving the Council's statement of accounts;
- (c) consider the effectiveness of the council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements;
- (d) seek assurances that action is being taken on risk-related issues identified by auditors and inspectors;
- (e) be satisfied that the council's assurance statements, including reviewing the Annual Governance Statement

against the good governance framework, properly reflect the risk environment and any actions required to improve it;

- (f) ensuring Internal Audit and the Audit Committee comply with the Global Internal Audit Standards in the UK Public Sector;
- (g) approving the Internal Audit Charter and Mandate;
- (h) championing and supporting the Internal Audit Service to enable it to fulfil the purpose of Internal Auditing, including its independence, and pursue its strategy and objectives;
- (i) approving the Internal Audit Plan, including Internal Audit's resource requirements;
- (j) considering the Internal Audit annual report and conclusion on risk management, governance and control, as well as update reports from the Chief Audit Executive (CAE) on Internal Audit's work and performance during the year;
- (k) receiving the results on the quality and performance of the Internal Audit Service, including any recommendations, and monitoring any resulting actions;
- (l) communicating both formally and informally with the CAE, including on assurance, risks, and concerns; approve internal audit's strategy, its plan and monitor its performance;
- (mg) approve the shared anti-fraud service strategy, its plan and monitor its performance;
- (h) ~~review summary internal audit reports and the main issues arising and seek assurance that action has been taken where necessary;~~
- (i) ~~consider the annual report of the head of internal audit;~~

- (nj) consider the reports of external audit (including the annual audit letter) and inspection agencies, and monitor management action in response to the issues raised;
- (ok) ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted;
- (pl) review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit; and
- (mq) have oversight of the council's commercial projects

8.1.9 ~~Audit function~~ As an integral part of its role as the council's audit committee, undertake the following areas:

- (a) consider budget monitoring reports and risk management reports;
- (b) lead the cross Member scrutiny and consideration of the council's draft annual budget and medium term finance strategy;
- (c) scrutinise the council's Annual Investment Strategy, Annual Capital Strategy, Mid-Year Treasury Management Report and Annual Treasury Management Report and through review gain assurance that systems of governance and control for Treasury Management are effective;
- (d) where appropriate, assisting the Council and the Executive in the development of its budget and policy framework by in-depth analysis of financial, procurement and governance related policy issues;

- (e) review anti-fraud and corruption controls and arrangements, including the whistleblowing process.



8.4 Local Joint Panel

8.4.1 Remit

The Local Joint Panel is the joint union and employer negotiation and consultative body.

8.4.2 The Local Joint Panel will consist of four Members of the Council ('the Employer') to be appointed annually by the Council and four representatives of officers drawn from the constituent trade union (currently UNISON).

8.4.3 Named substitute Members may be appointed by either side, to attend meetings of the Local Joint Panel in the absence of a Member thereof, provided prior notice is given to the [Director for Legal, Policy and Governance Monitoring Officer](#).

8.4.4 In the event of any failure to appoint/elect the number of representatives provided for by this Constitution, such failure to appoint/elect shall not invalidate the decisions of the Panel.

8.4.5 If a member of the Local Joint Panel ceases to be a Member or Officer of the council they shall cease to be a member of the Local Joint Panel; any vacancy shall be filled by the Council, the constituent trade union or the combination of the two.

8.4.6 A Chair and a Vice Chair shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chair appointed is a Member of the Council, the Vice Chair shall be appointed from the employees' side, and vice versa. The appointment of the Chair of the Panel shall be rotated on an annual basis between the employer's side and the employees' side. The Chair of a meeting may vote as a Panel

member but shall not have a casting vote.

- 8.4.7 The ~~Head of Human Resources and Organisational Development~~ Deputy Chief Executive or a senior Human Resources Officer shall act as secretary to the employer's side.
- 8.4.8 The Local Joint Panel shall meet during office hours as and when required, but not less than quarterly. The Chair or Vice Chair may direct Democratic Services to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by at least two Members of either side. The matters to be discussed at any meeting of the Local Joint Panel shall be stated upon the notice summoning the meeting.
- 8.4.9 Agendas shall be prepared by Democratic Services, after discussion with the ~~Head of Human Resources and Organisational Development~~ Deputy Chief Executive (or a senior Human Resources Officer), the Chair and the Vice Chair, and shall be circulated at least five Clear Days before the meeting.
- 8.4.10 Either side will have the right to co-opt, in a consultative capacity, representatives of particular interests affected by a question under discussion which are not directly represented on the Panel but only for the period during which the relevant question is under consideration.
- 8.4.11 Either side shall arrange for the attendance in an advisory capacity of an officer or trade union official at any Panel meeting where it would be helpful to the business under discussion.
- 8.4.12 Attendances at 8.4.10 and 8.4.11 above shall be notified in advance to the ~~Head of Human Resources and~~

Organisational Development Deputy Chief Executive (or a senior Human Resources Officer in his or her capacity as secretary to the employer's side.

- 8.4.13 No recommendation shall be regarded as carried unless it has been approved by a majority of the Members present on each side of the Local Joint Panel, and in the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant council body disagreeing with the Panel's recommendations, then the matter in dispute should be referred to the Executive by way of mediation.
- 8.4.14 The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the next meeting of the Human Resources Committee.
- 8.4.15 Delegation of Functions

The functions of the Local Joint Panel shall be:

- (a) To establish regular methods of consultation and negotiation between the council and its officers on matters of mutual concern with the intent of maintaining and developing an efficient service. This process will aim to address differences should they arise with a genuine commitment to seek consensus and enter into agreements, as appropriate. No question of any individual's discipline, promotion, efficiency or conditions of employment shall be within the scope of the Joint Panel;
- (b) To consider any relevant matter referred to it by a Committee of the Council, or by any of the officer organisations;
- (c) To make recommendations to Human Resources Committee and/or a suitable Committee of the

Council as to the application of the terms and conditions of service and the education and training of officers of the council;

- (d) To discharge such other functions specifically referred to the Local Joint Panel with the exception of staffing issues;
- (e) To consider matters relating to Health and Safety at Work referred to the Local Joint Panel by an Employee Association or by a Committee of the Council; and
- (f) the trade union(s) recognised by the council shall represent all council officers. This duty will include raising issues on behalf of non-trade union members, should they be requested to do so.

8.4.16 Procedure at meetings shall be in accordance with the Council Procedure Rules, except as provided for in 8.4.17 below.

8.4.17 The Quorum of the Local Joint Panel shall be two representatives of each side.

Section 9 - Finance, Contracts and Legal Matters

9.1 Introduction

9.1.1 Financial management

The management of the council's financial affairs will be conducted in accordance with the financial rules set out in paragraphs 9.2 – 9.11 of this Constitution.

9.1.2 Contracts

Every contract made by the council will comply with the Procurement Rules set out in paragraphs 9.12 – 9.30 of this Constitution.

9.1.3 Legal proceedings

The [Shared Corporate Legal Service Manager Director for Legal, Policy and Governance](#) is authorised by the Scheme of Delegation to Officers set out in Section 10 of this Constitution 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 they consider that such action is necessary to protect the council's interests.

9.1.4 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 Chief Executive or the [Shared Corporate Legal Service Manager Director for Legal, Policy and Governance](#) or

other person authorised by the [Shared Corporate Legal Service Manager Director for Legal, Policy and Governance](#), unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

9.1.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the [Shared Corporate Legal Service Manager Director for Legal, Policy and Governance](#).

9.1.6 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.

9.1.7 The Common Seal will be affixed to those documents which in the opinion of the [Shared Corporate Legal Service Manager Director for Legal, Policy and Governance](#) should be sealed. Sealed documents will be signed by any one of the following Officers of the council:

- (a) the Chief Executive; or
- (b) the Deputy Chief Executive; or
- (c) the [Shared Corporate Legal Service Manager Director for Legal, Policy and Governance](#); or
- (d) the Legal Services Manager.

9.1.8 An entry of every sealing of documents shall be made and consecutively numbered in a register and be signed by the person who attested the seal.

9.2 Financial Procedure Rules

- 9.2.1 These Financial Procedure Rules (FPR) have been issued in accordance with Section 151 of the Local Government Act 1972, the Accounts and Audit (England) Regulations Act 2011, the provisions of Section 114 of the Local Government Finance Act 1988 and Sections 4 and 5 of the Local Government and Housing Act 1989.
- 9.2.2 The FPR have been adopted by East Herts District Council to provide a framework of control, responsibility and accountability for the administration of the council's financial affairs. The FPR are, in many of the areas detailed below, supported by more detailed guidance and procedures which set out how they will be implemented.
- 9.2.3 The FPR are intended to clarify the powers and duties to be exercised with regard to the principles of good financial management. All Officers must comply with the FPR. Officers must ensure that any Agents, consultants and contractual partners acting on the council's behalf also comply. Any queries regarding the interpretation of the FPR should be directed to the Chief Financial Officer.
- 9.2.4 For the purposes of these FPR there is a requirement for all communication to be in writing except where otherwise specified. This requirement shall be deemed to include electronic communication.
- 9.2.5 Where inconsistencies arise the order of precedence shall be:
- (a) legislation;
 - (b) other rules of procedure in this Constitution;

- (c) Scheme for the Responsibility for Functions (Section 10 of this Constitution); then
- (d) Financial Procedure Rules.

9.2.6 Financial delegations

All Officers must operate within the council's Scheme of Financial Delegations as listed in Appendix 1. As a general principle, financial decisions will be taken at the lowest level allowable within the officer and Member hierarchy in the scheme.¹

9.2.7 Officer responsibilities for financial management

The Chief Financial Officer is responsible for administering the financial affairs of the council and for establishing proper systems of internal control.

9.2.8 The Chief Financial Officer shall:

- (a) ensure that the policies of the council and statutory requirements are adhered to;
- (b) ensure that the business of the council is carried out in an orderly, efficient and effective manner;
- (c) ensure that the council's records are complete and accurate;
- (d) ensure financial information and reporting is timely and accurate;

¹ It should also be noted that the council has an authorised signatory list which lists specific values for delegated Council staff.

- (e) ensure the assets of the council are safeguarded;
- (f) make and control arrangements for the payment of the council's creditors and for the collection, custody and accounting of all monies received by the council;
- (g) establish an adequate and effective internal audit of the council's accounting records and system(s) of internal control;
- (h) have access to all records, cash or other council property as required for audit purposes. If required the Chief Financial Officer may also request access to such information and explanations from any officer or Member as may be necessary for audit purposes;
- (i) prepare and publish the annual accounts of the council in accordance with statutory requirements and the policies of the council; and
- (j) have responsibility for making all statutory returns and the like to HM Revenues and Customs in relation to Value Added Tax, and for the obtaining and giving of advice and guidance to the council and Heads of Service on all tax matters.

9.2.9 The Chief Financial Officer is the Officer designated by the Council as being responsible under section 151 of the Local Government Act 1972 for the proper administration of the council's financial affairs.

9.2.10 The role of budget holders

Budget holders are Officers who are responsible for monitoring a budget, including determining expenditure

from and/or income posted to that budget. Budget holders may be at any level within the council.

9.2.11 Budget holders shall:

- (a) maintain financial records and accounts that can be accessed by the Chief Financial Officer when required. The financial records shall be retained by budget holders for such periods as required for council or statutory purposes. Records should, wherever possible, be stored on the financial management system;
- (b) in consultation with the Chief Financial Officer ensure that all financial affairs of the council are managed in a properly controlled environment and compliant with the council's Information Security Policy;
- (c) manage budgets, including forecasting annual spend, using the council's financial management system. This will enable the Chief Financial Officer to maintain effective control and audit of the financial affairs of the council;
- (d) designate Officers to be responsible for authorising financial transactions on their behalf if and when required. Budget holders must inform the Chief Financial Officer of all Officers with delegated financial responsibilities; and
- (e) be responsible for ensuring the correct treatment of Value Added Tax on all accounts payable and all invoices raised.

9.2.12 Officer roles regarding financial reporting and investigation

Any officer who suspects any financial irregularity should raise his or her concerns with his or her line manager or a member of the council's Leadership Team in accordance with the Whistleblowing Policy. The Chief Executive, the Monitoring Officer and the Chief Financial Officer will take such steps as they consider necessary by way of investigation and report.

- 9.2.13 The Chief Financial Officer shall control the issue and use of controlled stationery. Controls on the use of such stationery must be adequate to enable usage to be traced and to prevent incorrect or fraudulent usage.
- 9.2.14 Budget holders shall be responsible for the security and use of controlled stationery and are not permitted to obtain controlled stationery other than in accordance with the internal arrangements set out by the Chief Financial Officer.

9.3 Banking arrangements

- 9.3.1 The Chief Financial Officer shall make and control arrangements as necessary for the operation of banking services for the council.
- 9.3.2 All monies received on behalf of the council should be brought to the attention of the Chief Financial Officer and banked in accordance with their instructions.
- 9.3.3 The Chief Financial Officer shall arrange payments or transfers to and from the council's bank accounts by the use of electronic methods.
- 9.3.4 The Chief Financial Officer shall ensure that all bank accounts and credit cards operated by the council are reconciled at intervals of no longer than one calendar month.

9.4 Forward financial planning

- 9.4.1 The Chief Financial Officer will prepare for the Executive, a timetable each year for the preparation, submission and approval of the forward financial plan covering revenue budgets and capital expenditure.
- 9.4.2 The Chief Financial Officer will ensure that the forward financial plan is prepared in accordance with the timetable and any guidelines issued by the Executive.
- 9.4.3 The Executive shall consider the proposed forward financial plan and each year shall submit appropriate recommendations to the Council. The report shall include a recommendation as to the council tax to be levied in the following financial year.
- 9.4.4 The Chief Financial Officer shall provide financial information in an appropriate form for the continuous monitoring and control of financial activities of the council by the Executive and each Committee with finances allocated to it.
- 9.4.5 The Chief Financial Officer shall inform the Executive of any significant variation to the financial plan during the financial year. If for any reason any budget of approved expenditure may be exceeded or the estimated income not reached, the Chief Financial Officer shall inform the Executive or relevant Committee together with a proposal to address the situation.
- 9.4.6 Any proposal to incur expenditure, either capital or revenue, above those limits set out in the council's budget and policy rules, that is not included in the existing financial plan or

budget shall be delegated to the relevant Committee or Officer as stated in Appendix 1.

9.5 Expenditure

9.5.1 Official orders

Official orders shall be issued using the council's financial system, for all works, goods or services to be supplied to the council except for supplies of public utility services, for periodical payments such as rent or rates, for petty cash purchases or other exemptions approved by the Chief Financial Officer.

9.5.2 Procurement of works, goods or services to be supplied to the council shall be completed in accordance with the council's Contract Procedure Rules.

9.5.3 Official orders shall specify the nature and quantity of goods, services, or works required, any relevant contract, and the agreed prices.

9.5.4 Official orders shall not be issued for works, goods or services unless the cost is within an approved estimate or other financial provision.

9.5.5 Certificates for payment

All certificates for payment shall be authorised for payment by the signature, or electronic signature, or via the approval facility on the council's financial management system, of the appropriate budget holder or other authorised signatory, as agreed by the Chief Financial Officer. Such authorisation shall imply that:

- (a) the expenditure is within an approved estimate or other financial provision;
- (b) the expenditure has been coded to the correct financial heading;
- (c) the goods, services or works have been supplied and are satisfactory;
- (d) appropriate prices have been charged for the goods, services or works;
- (e) all conditions imposed by the order or contract agreement have been substantially complied with;
- (f) where applicable Value Added Tax, Construction Industry Tax or any other relevant taxation requirements are complied with;
- (g) the certificate for payment has not previously been passed to the Chief Financial Officer for payment; and
- (h) appropriate entries have been made in all relevant inventories, stock records or asset registers.

9.5.6 To reduce multiple certificates for payment, budget holders should aim to agree payment within 30 days of receipt of invoice. Invoices will be paid by BACS or other electronic funds transfer.

9.5.7 The Chief Financial Officer shall examine accounts passed for payment and shall make such enquiries and receive such information as necessary to establish that the payments are in order.

- 9.5.8 The Chief Financial Officer may provide advance accounts to designated Officers for petty cash or for change float purposes.
- 9.5.9 The maximum limit of advance accounts shall be agreed with the Chief Financial Officer and not exceeded without permission of the Chief Financial Officer. Appropriate safes and other receptacles shall be provided as required.
- 9.5.10 The Officers responsible for advance accounts shall maintain a record of their transactions in the form and manner required by the Chief Financial Officer.
- 9.5.11 Payments from advance accounts shall be limited to minor items of expenditure not exceeding £20. The claim must be supported by a receipted voucher and properly authorised claim form.
- 9.5.12 Officers with responsibility for an advance account shall be required to provide information about the state of the account to the Chief Financial Officer as necessary.
- 9.5.13 If the advance account is no longer required or an officer ceases to be responsible for holding an account, the relevant budget holder shall ensure that the balance of the advance account is returned to the Chief Financial Officer.

9.6 Income

- 9.6.1 Budget holders shall notify the Chief Financial Officer of all money due to, or expected by, the council. This includes sponsorship or grant income, contracts, leases and other agreements entered into which involve the receipt of monies.

- 9.6.2 Where cheques are paid in, the amount of each cheque and a reference to enable the cheque to be traced shall be recorded on the banking paying-in-slip or a format agreed with the Chief Financial Officer.
- 9.6.3 An official receipt is a written or printed acknowledgement given on behalf of the council for monies received. Such acknowledgement shall be given from a cash receipting system which has been approved for use by the Chief Financial Officer.
- 9.6.4 All monies shall be held and transported securely in accordance with any requirements from the Chief Financial Officer.
- 9.6.5 Each budget holder is responsible for ensuring that accounts are promptly and accurately raised in respect of charges for work done or goods or services supplied. This includes cases where sponsorship money or grant income is due.
- 9.6.6 The Chief Financial Officer may write off irrecoverable debts up to a limit of £50,000 in any one case. Irrecoverable debts in excess of this amount shall be referred to the Executive.

9.7 Contracts

- 9.7.1 All contracts made for and on behalf of the council shall be subject to the Contract Procedure Rules, these Financial Procedure Rules and any other statutory provision, except in circumstances where the council is acting as an Agent for another organisation which specifically directs otherwise.
- 9.7.2 The Chief Financial Officer shall maintain a register of payments due and made under formal contracts over £50,000 to show the state of account on each contract

between the council and the contractor, together with any other payments.

- 9.7.3 Payment on account of the contract sum shall be made only on a certificate signed by the appropriate budget holder. The certificate shall show, as a minimum, the total amount of the contract, the value of work executed to date, retention money, amount paid to date and the amount now certified.
- 9.7.4 Before a certificate for final payment under a contract is paid, the appropriate budget holder shall produce to the Chief Financial Officer a detailed written statement of account, together with such other documents as may be required.
- 9.7.5 Subject always to the council's Contract Procedure Rules in paragraphs 9.12 – 9.30 of this Constitution, the appropriate budget holder shall be empowered to authorise a variation or addition to a contract. Where the variation or addition is estimated to result in a material increase, that is the higher of 5% of the contract value or £10,000, it must be approved in advance by the Chief Financial Officer.
- 9.7.6 Where completion of a contract is delayed, except for reasons qualifying for an extension of the contract, it shall be the duty of the budget holder to supply the Chief Financial Officer with all necessary information to allow the correct amount of Liquidated and Ascertained Damages to be claimed.

9.8 Treasury Management

- 9.8.1 The council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA) Code for Treasury Management in Local Authorities. If deemed necessary, the

Chief Financial Officer shall advise the Executive of any significant amendment to the CIPFA Code.

- 9.8.2 The Chief Financial Officer shall be authorised to make investment, borrowing and financing decisions on behalf and in the name of the council. All decisions shall be taken in accordance with the council's Treasury Management Investment Strategy.
- 9.8.3 All monies held by the council shall be aggregated for the purposes of treasury management and shall be under the control of the Chief Financial Officer.
- 9.8.4 All investments and borrowing, including for any trust administered by the council, shall be made in the name of the council and any deeds relating to such funds shall be deposited with the Monitoring Officer or otherwise as deemed appropriate by the Chief Financial Officer.
- 9.8.5 The Chief Financial Officer is given the authority to deal with any emergency situation that may arise in relation to any matters not already delegated within the Treasury Management Policy. Use of emergency authority will be reported at the next meeting of the Executive.

9.9 Staffing

- 9.9.1 The ~~Head of Human Resources and Organisational Development~~Deputy Chief Executive or senior Human Resources Officer shall make and control arrangements for the payment of salaries, wages, expenses and benefits to Officers in accordance with the approved salary scales and wage rates.
- 9.9.2 The Deputy Chief Executive or senior Human Resources Officer or senior Human Resources Officer ~~Head of Human~~

[Resources and Organisational Development](#) shall be provided with the appropriate documentation required to ensure the payment of salaries, wages, pensions and other expenses due to Officers.

9.9.3 All claims for payment must be made as soon as possible and in no circumstances should a claim be delayed for more than three months after the date on which the work was done or the expenses incurred.

9.9.4 Matters which affect officer payments shall be referred directly to the [Deputy Chief Executive or senior Human Resources Officer](#)~~Head of Human Resources and Organisational Development~~. Notification shall include:

- (a) details of all appointments, resignations, dismissals, suspensions, secondments and transfers;
- (b) details of any training;
- (c) changes in remuneration except for national pay increases;
- (d) absence from duty for sickness or other reason, apart from approved leave; and
- (e) information necessary to maintain records for pension, income tax, national insurance and the like.

9.9.5 The [Deputy Chief Executive or senior Human Resources Officer](#)~~Head of Human Resources and Organisational Development~~ shall maintain appropriate records and make arrangements for the payment of sums due to Members in accordance with the Allowance Scheme approved by the Council.

9.10 Insurance

- 9.10.1 The Chief Financial Officer shall make and control arrangements for the provision of necessary insurance cover and for the negotiation of any insurance claims.
- 9.10.2 The Chief Financial Officer shall obtain competitive quotations from insurers for the provision of insurance at least every five years unless otherwise determined by the current contract term or the Executive.
- 9.10.3 All budget holders shall notify the Chief Financial Officer of all insurable risks arising from the activities carried out in their area of operation. Such notification shall include:
- (a) the acquisition of any property which is capable of insurance against fire or other risks;
 - (b) any amendment to the value of any council-owned asset likely to affect the insurable risk; and
 - (c) any insurable risk which may arise through the activities of Members or Officers of the council.
- 9.10.4 All Heads of Service shall notify the Chief Financial Officer of the occurrence of any event which may give rise to a claim under any policy of insurance held by the council or to an ex gratia payment.
- 9.10.5 The Chief Financial Officer shall be authorised to make the appropriate reimbursement of any insurance claim up to the excess limit of the insurance policy concerned.
- 9.10.6 The Chief Financial Officer shall in consultation with the [Deputy Chief Executive or senior Human Resources Officer](#) [Head of Human Resources and Organisational Development](#)

be authorised to make appropriate ex gratia payments and write off the loss of any stores, equipment and other assets up to £1,000.

- 9.10.7 All appropriate Officers of the council shall be included in a suitable fidelity guarantee insurance.
- 9.10.8 Officers shall consult the Chief Financial Officer in respect of the terms of any indemnity which the council is requested to give.

9.11 Assets

- 9.11.1 The Chief Financial Officer is the council's Corporate Property Officer and shall maintain an asset register and associated records of all land, buildings, vehicles and equipment owned, leased or managed by the council.
- 9.11.2 An annual report of vacant and underused properties owned by the council shall be made to the Executive.
- 9.11.3 Where land or buildings are no longer required for their intended use the Corporate Property Officer shall report to the Executive on the suggested future use, or disposal, of the asset.
- 9.11.4 The Monitoring Officer shall have custody of and keep all title deeds in a secure manner.
- 9.11.5 All Officers shall be responsible for maintaining proper security of the assets under their control.
- 9.11.6 The Chief Financial Officer shall be responsible for ensuring that adequate controls and security procedures are maintained in connection with the council's information technology systems and installations.

Appendix 1: Scheme of Financial Delegations

Financial action	Council	Executive	Chief Executive / Deputy	Chief Financial Officer / Deputy	Directors	Service Managers	Budget holders
Budget setting							
Annual approval of the budget, the Medium Term Financial Plan and setting the Council Tax	No financial limit and no delegation of authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority
In year capital funding approval	No financial limit	Up to £500,000	Up to £250,000	Up to £100,000	No delegated authority	No delegated authority	No delegated authority
Management of approved budgets							
Expenditure within approved capital and revenue budgets	Delegated to officers	Delegated to officers	Delegated to budget holders	Delegated to budget holders	Delegated to budget holders	Delegated to budget holders	Up to approved budget
Authority to use earmarked reserves	Delegated to officers	Delegated to officers	Delegated to Chief Financial Officer	No financial limit	No delegated authority	No delegated authority	No delegated authority
Purchase order approval and/or contract award	Delegated to officers	Delegated to officers	No financial limit	No financial limit	Up to £1,000,000 & delegated to Service Managers, Budget Holders & Service Officers as per Authorised Signatory list	No authority unless delegated by Director – Up to £250,000	No authority unless delegated by Director – Up to £100,000
Payment of grants	Delegated to officers	Delegated to officers	No financial limit	No financial limit	Up to £500,000 & delegated to Service Managers, Budget Holders & Service Officers as per Authorised Signatory list	No authority unless delegated by Director – Up to £100,000	No authority unless delegated by Director – Up to £100,000

Virements within a service's approved budgets	Delegated to officers	Delegated to officers	Delegated to Chief Financial Officer	No financial limit	Up to £100,000	No authority unless delegated by Director - Up to £100,000	No authority unless delegated by Director - Up to £100,000
Virements across services, within overall approved budget levels	Delegated to officers	Delegated to officers	Delegated to Chief Financial Officer	No financial limit	No delegated authority	No delegated authority	No delegated authority
Write offs / waivers of income due	No financial limit	Up to £100,000	Delegated to Chief Financial Officer / Directors	Up to £50,000	Up to £5,000 & delegated to Service Managers, Budget Holders & Service Officers as per Authorised Signatory list	No authority unless delegated by Director - Up to £1,000	No authority unless delegated by Director - Up to £1,000
Insurance and other settlements	No financial limit	No financial limit	Up to £100,000	Up to £50,000 & up to £10,000 delegated to Insurance team for small claims	No Delegated authority	No delegated authority	No delegated authority

Section 10 – Officers’ Responsibility for Functions

10.1 Introduction

10.1.1 The Council has adopted a Corporate Plan with four strategic priorities to be listening, open and transparent, environmentally focussed, acting with the community and fair and inclusive. To enable that vision, managerial and operational decisions are taken, within a framework of democratic accountability at the most appropriate level. 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

10.1.2 The exercise of Delegated Powers is subject to the following overriding limitations.

10.1.3 Where broad functional descriptions are used, the delegations in this scheme should be taken to include powers and duties within all present and future legislation, and all powers incidental to that legislation, including the incidental powers and duties under Section 111 of the Local Government Act 1972.

Sub-Delegation

10.1.4 Any Officer with Delegated Powers in this scheme is also authorised to further delegate in writing all or any of the delegated functions to other Officers (described by name or post) either fully or under the general supervision and control of the delegating Officers. Administrative functions ancillary to the exercise of Delegated Powers are deemed to be carried out in the name of the officer exercising the function.

Further Provisions

10.1.5 It shall always be open to an officer not to exercise their Delegated Powers but to refer the matter to the Council, Executive, or relevant Committee (as appropriate) for decision.

10.1.6 In exercising Delegated Powers, Officers shall consult other Officers as appropriate and have regard to any advice given. In particular, Officers must have regard to any report by the Head of Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989.

10.1.7 In exercising Delegated Powers, Officers shall consider whether the matter is controversial or major and if so shall as appropriate consult or inform the relevant Executive Member(s) and/or Ward Member(s).

10.2 Member Consultation

10.2.1 Officers exercising Delegated Powers in accordance with this scheme are expected in appropriate cases to:

- (a) maintain a close liaison with the appropriate Executive Member or in their absence the Leader or another Executive Member;
- (b) in the case of temporary or project specific delegations, Officers will consult relevant Executive Members;
- (c) ensure the Ward Members are consulted or advised of the exercise of Delegated Powers;
- (d) ensure that the Chief Executive, the Director for Finance, Risk and Performance, [Shared Corporate Legal Service Manager](#) and the [Director for Legal, Policy and Governance Monitoring Officer](#) are consulted and advised of any decisions as necessary; and
- (e) 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.

10.3 Reservations

10.3.1 This scheme does not delegate to Officers:

- (a) any matter reserved by law to the Council, the Executive, the Leader of the Council, a Committee or Sub-Committee of the Council; and
- (b) any matter which is specifically excluded from delegation by the scheme or by resolution of the Council or Executive.

10.4 Restrictions

- 10.4.1 Officers may only exercise Delegated Powers in accordance with:
- (a) statutory requirements, guidance and codes of practice;
 - (b) the Budget and Policy Framework, including all plans, schemes and strategies approved by or on behalf of the Council or Executive;
 - (c) the council's Procedure Rules including Financial Limits; and
 - (d) the council's equalities and other policies, procedures, standards and the Local and National Conditions of Service.

10.5 Delegation in the case of absence or inability to act

- 10.5.1 If the officer/s having delegated authority under the Constitution are absent or otherwise unable to exercise their delegation, and there is no other officer to whom the authority has been sub-delegated, these provisions shall apply.
- 10.5.2 The duties of the Monitoring Officer and the Chief Financial Officer can be carried out by a deputy, nominated by them, in cases of absence or illness.
- 10.5.3 The Head of Paid Service may nominate a deputy in the event of absence or illness.

10.6 Permissions

10.6.1 Chief Executive, Deputy Chief Executive, all Directors and their duly authorised officers

The delegations that follow apply to the Chief Executive, Deputy Chief Executive and Directors or their duly authorised Officers when acting in accordance with the Rules of Procedure as described elsewhere in this Constitution. 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:

10.6.1.1 Powers in relation to staff

Take any action in accordance with the council's agreed policies and procedures with respect to the:

- (a) recruitment, appointment, promotion, training, grading, discipline of staff;
- (b) determination of wages and salary scales, determination of allowances of staff; and
- (c) 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 Deputy Chief Executive or Senior Human Resources Officer](#), except as detailed in the Officer Employment Procedure Rules.

10.6.1.2 Powers in relation to contracts and property

Powers in relation to:

- (a) contracts and property agreements to negotiate;
- (b) put out to tender, bid, submit Tenders, vary, terminate, dispute, extend and renew; and
- (c) 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 Contract Procedure Rules in Section 9 of this Constitution.

10.6.1.3 Powers in relation to finance

Powers to:

- (a) incur capital and revenue expenditure;
- (b) to seek recovery of amounts owed;
- (c) to exercise discretion in recovery;

- (d) alter or waive repayment periods or approve exemptions in relation to repayments;
- (e) agree refunds, reduce or remit payments and waive fines, as detailed in the Financial Regulations and Contract Procedure Rules in Section 9 of this Constitution.

10.6.1.4 Powers in relation to legal action

Powers to:

- (a) authorise, appoint or nominate Officers;
- (b) investigate, prosecute, enforce, lay summons, require individuals to disclose information;
- (c) serve requisitions for information, publish information, apply to a court, sign notices, issue, serve, vary, revoke and publish notices and orders, including fixed penalty notices and serve documents;
- (d) make prohibition orders, suspend or vary a prohibition order;
- (e) take emergency remedial action, carry out works in default, issue certificates, issue consents, issue licences, issue permits, refuse vary or revoke licensing applications or licences or consents;
- (f) issue temporary exemption notices, obtain, introduce, operate, amend extend, vary and revoke orders; and

- (g) 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.

These powers shall be taken with reference to the [Shared Corporate Legal Service Manager Director for Legal, Policy and Governance](#) where relevant.

10.7 Areas of responsibility

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

<p>Chief Executive and Deputy Chief Executive</p>	<p>Overall responsibility for the delivery of the Council's vision through the delivery of the Corporate Strategic Plan, including cross cutting individual initiatives and projects and the leadership and management of the organisation as a whole.</p> <p>Legal Services Democratic Services Electoral Services Information Governance and Protection</p>
<p>Director for Regeneration, Customer and Corporate Services</p>	<p>BEAM Customer Services Corporate Support Hub Communications and Digital Media Parking Services</p>

	Old River Lane
Director for Finance, Risk and Performance	Financial Services Risk and Insurance Revenues and Benefits Shared Service ICT Shared Service
Director for Legal, Policy and Governance	Legal Services Democratic Services Electoral Services Transformation Information Governance and Protection Shared Waste Service (Until August 2025)
Director for Communities	Property Services Housing Services Licensing and Enforcement Environmental Sustainability Economic Development Community Wellbeing and Partnerships Shared Waste Services (from August 2025)
Director for Place	Planning and Building Control (including Gilston) Leisure, Parks and Open Spaces Environmental Health Land Charges and Street Naming and Numbering Section 106

10.8 Officer Specific Delegations

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 Directors 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.

10.9 The Chief Executive

10.9.1 The Chief Executive has been appointed the council's Head of Paid Service.

10.9.2 The following powers and duties are delegated to the Chief Executive. With the exception of 10.9.2(q) below, for which there are separate arrangements, if they are absent or otherwise unable to exercise the delegation, they may be exercised by the Deputy Chief Executive. In the case of 10.9.2(e) below, should the Chief Executive and Deputy Chief Executive be absent or unable to act, the power may be exercised by a Head of Service:

- (a) to carry out the powers and duties of any of the Officers in their absence or in consultation with them (excluding the statutory functions of the Monitoring Officer and the Section 151 officer);
- (b) to authorise a Director to act in their absence on any matter within their authority;
- (c) 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 Directors above and those relating to the Head of Paid Service and Chief Officers;
- (d) to determine changes within the management structure where these involve substantial

changes to responsibilities of first and second tier posts;

- (e) where emergency action is required, to take any action, including the incurring of expenditure;
- (f) to exercise the functions of the Head of Paid Service under the provisions of the Local Government and Housing Act 1989;
- (g) in cases of urgency take any decision which could be taken by the Council, the Executive or a Committee in consultation with the Leader, provided that any such decision shall be reported to the next meeting of the Executive, appropriate Committee or Council unless there is a need for confidentiality, in which case the reporting of the decision may be deferred until the need for confidentiality expires;
- (h) to alter the areas of responsibility of the Directors set out in the Areas of Responsibility section of this scheme;
- (i) to issue redundancy notices immediately it becomes apparent that redundancies are likely to arise, subject to any policy constraints which may be applied;
- (j) 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;

- (k) to respond, in consultation with the Leader, to consultation documents in accordance with the council's approved policies;
- (l) to negotiate and settle claims by or against the council where this is considered to be in the best interests of the council in consultation with the relevant Director and [Shared Corporate Legal Service Manager](#)~~Director for Legal, Policy and Governance~~;
- (m) to carry out all duties and responsibilities and exercise all power under the Localism Act 2011 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;
- (n) having consulted where appropriate with the relevant Member, to issue news releases and to call press conferences;
- (o) to issue and renew authorisations for Officers, and appoint inspectors to enter premises for the purpose of their official duties, in pursuance of statutory provisions in that behalf;
- (p) after consultation with the [Shared Corporate Legal Service Manager](#) ~~Director for Legal, Policy and Governance~~/Monitoring Officer to make revisions and amendments to the list of Politically Restricted Posts maintained under Section 2 of the Local Government and Housing Act, 1989 and to give Certificates of Opinion in connection with applications for exemption;

- (q) to act as Returning Officer, and any variation thereof as appropriate to different elections, and to appoint from time to time such Deputy Returning Officers as appear necessary for the proper conduct of elections; and to act as the Electoral Registration Officer, and appoint deputy Electoral Registration Officers. In the event that the Chief Executive is absent or incapacitated, the Proper Officer for the purposes of exercising the functions of the Electoral Registration Officer shall be the Assistant Director – Democracy, Elections and Information Governance;
- (r) within approved budgets, to determine all fees for functions carried out in respect of electoral registration and elections;
- (s) in consultation with the Leader to designate an officer of the council as its Monitoring Officer.
- (t) to designate a polling place for each polling district under Sections 18 and 18B of the Representation of the People Act 1983; and
- (u) to undertake a review of polling districts and places under section 18C of the Representation of the People Act 1983.

Shared Corporate Legal Service Manager

10.9.3 To carry out all legal action as specified under Permissions above in consultation with the relevant Director or their appointed deputy in their absence.

- 10.9.4 To act as Chief Legal Officer to the Council and take all necessary steps in legal proceedings authorised by the council.
- 10.9.5 To authorise the institution, defence, withdrawal or settlement of any legal proceedings, civil or criminal, including Employment Tribunals (other than for Health and Safety proceedings, council tax, non-domestic rates and sundry debts) at their discretion
- 10.9.6 To negotiate and settle any claim or disputes without recourse to Court proceedings including the use of alternative dispute resolution.
- 10.9.7 To authorise Officers of the council to appear before the Magistrates' Court or County Court District Judges, including under sections 222 and 223 of the Local Government Act 1972.
- 10.9.8 To certify resolutions and documents as being correct.
- 10.9.9 To obtain Counsel's Opinion, instruct Counsel to appear on behalf of the Council and/or retain the services of other experts or external solicitors whenever they consider such action advisable.
- 10.9.10 To insert and cancel entries in the Local Land Charges Register and otherwise to take all steps in respect of searches.
- 10.9.11 In consultation with appropriate Officers, to grant wayleaves to statutory undertakers.

10.9.12 To undertake the role of Senior Responsible Officer under the council's Regulation of Investigatory Powers Act 2000 (RIPA) Policy.

10.9.13 To fix charges for legal work carried out by the council, including for external bodies.

10.9.14 To institute legal proceedings in respect of any contravention of any licences, permits or consents and/or any breach of any condition attached thereto.

10.9.15 To sign, and where appropriate, affix the Common Seal of the Council to, any deed or other document, which, in his or her professional judgment, is necessary or desirable to sign and seal.

10.9.16 To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation

Monitoring Officer

10.9.17 To hold and revise the list of politically restricted posts, in consultation with the Chief Executive and advise on all applications from council employees (or prospective employees) for exemption from political restriction in respect of their posts including, where appropriate, signing the Certificate of Opinion required by the independent adjudicator under the Local Government and Housing Act 1989.

10.9.18 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.

10.9.19 To authorise changes to the Constitution to reflect resolutions of Council or of the Executive, and changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all Members of such changes.

10.9.20 To appoint the members of the Independent Remuneration Panel, having first consulted the Chief Finance Officer and Group Leaders as to any reason why someone may not be considered independent.

10.10 Deputy Chief Executive

10.10.1 To carry out the role of the Chief Executive and Head of Paid Service in their absence.

10.10.2 To lead on cross cutting projects spanning the council.

10.10.3 To take any steps necessary for the day to day management and routine administration of matters within their remit without reference to the Executive or a Committee but subject to any necessary reference to the Head of Paid Service.

10.10.4 To take emergency action necessary for the safety of the public or the preservation of property of the council.

Human Resources

10.10.5 Human Resource matters should be subject to the overall direction of the Head of Paid Service.

- 10.10.6 To interpret, administer and implement the council's organisational, employee development and human resources plans and policies in consultation with Leadership team.
- 10.10.7 To interpret and apply pay scales and conditions of service for all employees.
- 10.10.8 To administer the granting of awards and application of benefits in consultation with Leadership team.
- 10.10.9 To be responsible for an effective policy for the health, safety and welfare of council employees to be implemented at all levels.

Directors

~~10.11 — Director for Legal, Policy and Governance~~

- ~~10.11.1 — To carry out all legal action as specified under Permissions above in consultation with the relevant Director or their appointed deputy in their absence.~~
- ~~10.11.2 — To hold and revise the list of politically restricted posts, in consultation with the Chief Executive and advise on all applications from council employees (or prospective employees) for exemption from political restriction in respect of their posts including, where appropriate, signing the Certificate of Opinion required by the independent adjudicator under the Local Government and Housing Act 1989.~~
- ~~10.11.3 — 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.

~~10.11.4 — To act as Chief Legal Officer to the Council and take all necessary steps in legal proceedings authorised by the council.~~

~~10.11.5 — To authorise changes to the Constitution to reflect resolutions of Council or of the Executive, and changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all Members of such changes.~~

~~10.11.6 — To authorise the institution, defence, withdrawal or settlement of any legal proceedings, civil or criminal, including Employment Tribunals (other than for Health and Safety proceedings, council tax, non-domestic rates and sundry debts) at their discretion~~

~~10.11.7 — To negotiate and settle any claim or disputes without recourse to Court proceedings including the use of alternative dispute resolution.~~

~~10.11.8 — To authorise Officers of the council to appear before the Magistrates' Court or County Court District Judges, including under sections 222 and 223 of the Local Government Act 1972.~~

~~10.11.9 — To certify resolutions and documents as being correct.~~

~~10.11.10 — To obtain Counsel's Opinion, instruct Counsel to appear on behalf of the Council and/or retain the services of other experts or external solicitors whenever they consider such action advisable.~~

- ~~10.11.11 To insert and cancel entries in the Local Land Charges Register and otherwise to take all steps in respect of searches.~~
- ~~10.11.12 In consultation with appropriate Officers, to grant wayleaves to statutory undertakers.~~
- ~~10.11.13 To undertake the role of Senior Responsible Officer under the council's Regulation of Investigatory Powers Act 2000 (RIPA) Policy.~~
- ~~10.11.14 To fix charges for legal work carried out by the council, including for external bodies.~~
- ~~10.11.15 To institute legal proceedings in respect of any contravention of any licences, permits or consents and/or any breach of any condition attached thereto.~~
- ~~10.11.16 To sign, and where appropriate, affix the Common Seal of the Council to, any deed or other document, which, in his or her professional judgment, is necessary or desirable to sign and seal.~~
- ~~10.11.17 To act as Deputy Electoral Registration Officer.~~
- ~~10.11.18 To make changes to the Local Land Charge fees, including making changes to existing charges and the introduction of new charges and fee arrangements for new land charge services.~~
- ~~10.11.19 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.~~

~~10.11.20 To appoint the members of the Independent Remuneration Panel, having first consulted the Chief Finance Officer and Group Leaders as to any reason why someone may not be considered independent.~~

~~10.11.21 To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation.~~

10.112 Director for Finance, Risk and Performance

10.1211.1 To deliver, direct and manage the medium term financial planning of the organisation ensuring it is monitored and reported in a timely accurate fashion.

10.112.2 To deliver unqualified Statement of Accounts in accordance with legislative requirements.

10.112.3 To review listing decisions and compensation decisions for assets of community value.

10.112.4 To represent the council on the Management Board for the Hertfordshire Shared Audit Service (SIAS) and the Shared Anti-Fraud Service (SAFS).

10.121.5 Appoint Debt Recovery Agents for the whole or part of the district as the need arises.

10.112.6 Authorise and sign bank transfers and other payment types, including cheques and amendments to cheques.

10.121.7 Wherever necessary, to amend and agree affected charges for services to take account of changes in

VAT or other forms of taxation, provided (in respect of Enforcement Agents), that any action taken shall be reported to the next convenient meeting of the Executive.

10.121.8 To be responsible for the rate of interest for any of the council's borrowing activities and issue notices to the council's mortgages of any changes in the council's rate of interest.

10.112.9 To administer and manage the council's Collection Fund.

10.121.10 To set precept dates in agreement with precepting partners.

10.121.11 To administer the council's insurances fund.

10.121.12 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.

10.121.13 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.

10.121.14 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.

10.121.15 To pursue appeals against rating assessments on council-owned and council-occupied property which, in his or 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.

10.121.16 In consultation with the appropriate Executive Member and Director of Legal, Policy and Governance to prosecute or authorise the prosecution of persons committing malicious damage to council property.

10.121.17 To convey the freehold of electricity sub-station sites and to grant the necessary easements to electricity suppliers/distributors in respect of developments.

10.121.18 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.

10.121.19 To authorise Officers to discharge land drainage functions under the Public Health Act 1936 and the Land Drainage Act 1991.

10.11.20 To approve and submit the annual National Non-Domestic Rates (NNDR1) return to the Government.

10.11.21 Authorise Officers in consultation with the Head of Legal and Democratic Services to institute and appear in any legal proceedings relating to council tax and national non- domestic rates.

- 10.11.22 To receive and process housing benefit and council tax support applications including initial reviews of decisions relating thereto and to approve the backdating of housing benefit payments and council tax benefit payments to attend, as necessary, valuation and council tax tribunal hearings.
- 10.11.23 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.
- 10.11.24 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, which should be undertaken in accordance with the most recent discretionary rates relief policy approved by Executive;
 - (b) other than for debts referred to in 14.5 below (bankruptcy, liquidation, and any other legally irrecoverable debt) the writing-off debts (including council tax, housing benefit and national non-domestic rates) in excess of £5,000; and

(c) the reduction or remission of liability under section 49.

10.11.25 To write-off all council tax, housing benefits, and national non-domestic rates outstanding debts which are the subject of formal bankruptcy, liquidation claims, debt relief orders and any other legally irrecoverable debt at any level.

10.11.26 To determine charges for the service of a Summons and Liability Order for non-payment of council tax and national non-domestic rates and the issue of a Distress Warrant subject to the approval of the Court.

10.11.27 To enter into agreements for deferred payment of national non-domestic rates, subject to registration of a charge on the Land Register, and in accordance with council policy.

10.11.28 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 Executive Member for consideration.

10.11.29 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.

10.121.30 To apply powers relevant to Housing Benefit, Council Tax reduction, Council Tax and Business Rates included in the above stated regulations, and any relevant regulations (and any amendments thereto) other than where Executive or Council approval is required.

10.121.31 To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation.

10.123 Director for Place

10.123.1 To carry out all the functions of the Council as local planning authority, **except where this Constitution limits those powers**, including, but not limited to, the processing of all planning applications, appeals and pre-application enquiries; and the investigation and decision to take or not take enforcement action¹.

10.123.2 To determine all applications submitted under the Acts or secondary legislation listed in footnote 2² **except where** the application:

¹ For the avoidance of doubt all of the functions of the Council as Local Planning Authority means any functions or activities that are beneficial to securing the proper planning of the authority area. This includes providing a development management service, the provision of a planning enforcement service and provision of a planning policy service to advise on the determination of planning applications, prepare policy and guidance (as set out in other sections of this Constitution) and provide specialist advice on a number of subjects including sustainability, urban design, landscaping and heritage.

² All applications submitted under relevant town planning legislation, inter alia the Town and Country Planning Act 1990 (as amended), the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), the Planning (Hazardous Substances) Act 1990 (as amended), Part 8 of the Anti-social Behaviour Act 2003, the Planning Act 2008 (as amended), the Environment Act 2021 the Levelling Up and Regeneration Act 2023 and secondary legislation related to these Acts)

- (a) is an outline or full application for a major development as defined in the Town and Country Planning (Development Management Procedure) Order (England) 2015 as amended, except:
 - (i) applications which are for major development by virtue of the extent of the site area only;
 - (ii) where the application is a reserved matters application pursuant to a previous major application;
 - (iii) where the application is a major application which the Director of Place recommends to be refused and has notified the Chair of the Development Management Committee of the intended decision.
- (b) is a non-material or minor material amendment application (variation) pursuant to a previous major application except where the Director of Place has notified the Chair of the Development Management Committee that the matter can be dealt with as a delegated decision;
- (c) is an application for planning permission or Listed Building Consent by a Member of the Council;
- (d) is an application other than an application to discharge a condition or make a non-material amendment and is by an officer of the council employed in the planning service area;

- (e) is an application for planning permission or Listed Building Consent by an officer of the council, other than one employed in the planning service area and proposes development other than householder development;

- (f) is an application other than an application to discharge a condition or make a non-material minor amendment or one for prior approval where a Member considers that Delegated Powers should not be exercised by the Director of Place and the Chair of Development Management Committee agrees that a delegated decision is not appropriate and the Member follows the procedure at a. -c. below.
The procedure is:
 - a. The Member must submit a completed application referral form within 28 days of the application being notified or within 21 days of a revised notification being circulated to Ward Members or the Town and Parish Council.
 - b. The application referral form must state the relevant valid planning reasons why the decision should not be delegated and whether the referral relates to a decision to approve or refuse the application.
 - c. Where the Chair agrees that a delegated decision is not appropriate, the Member is expected to speak at Development Management Committee in support of their referral having followed the procedure set out in 6.5.2.
 - d. Following receipt of a referral form as set out in a. and b. and prior to a

recommendation being made, the Director of Place shall brief the Chair of Development Management Committee and seek their confirmation as to whether a delegated decision is appropriate.

For the avoidance of doubt, a Member may withdraw their referral at any time in advance of the application being placed on an agenda for consideration by the Development Management Committee, which shall allow the application to be determined under delegated powers (unless another section of this Constitution requires a decision by Development Management Committee).

- (g) is for development by or on behalf of the council, or which relates to a site in which it has a landowning interest, to which an objection has been made which is material to the development proposed.

10.123.3 To take all actions as necessary with regard to the receipt, validation, consultation and administration of all application types.

10.132.4 To take all actions as necessary with regard to the administration and submission of the council's case, including any review, alteration, amendment or withdrawal of that case, following the appeal of a planning decision.

10.123.5 To take all actions to negotiate, vary and finalise the detail of legal agreements under section 106 of the Town and Country Planning Act 1990 as amended,

following authorisation of the heads of terms of such agreements by the Development Management Committee on applications requiring their decision, or following authorisation as a delegated decision, or following the submission of a planning appeal.

- 10.132.6 To authorise the spending of collected s106 monies following notification to the Executive Member for Planning and Growth.
- 10.123.7 To take planning enforcement action including registering, investigating and negotiating on alleged breaches of planning control and taking decisions as to whether or not it is expedient to take enforcement action where a breach of planning control has occurred and to take enforcement action both informally and formally, including the serving or withdrawal of notices.
- 10.132.8 In consultation with the [Shared Corporate Legal Service Manager](#)~~Director for Legal, Policy and Governance~~, to initiate prosecutions and the taking of direct action or other enforcement action where Notices have not been complied with, where considered necessary to secure the good planning of the area.
- 10.123.9 In consultation with the [Shared Corporate Legal Service Manager](#)~~Director for Legal, Policy and Governance~~, 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.

- | 10.132.10 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 the matter be referred to the DM Committee and, in those cases with the agreement of the Chair of the DM Committee.
- | 10.132.11 To make Directions under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), where it is considered to be an urgent matter and directions relating to unlisted buildings in conservation areas.
- | 10.132.12 To make Tree Preservation Orders, and to determine applications for consent for the cutting down, topping or lopping of trees applications under the Town and Country Planning Act 1990 (as amended) and those submitted under the Hedgerow Regulations 1997 and exercise the powers and duties relating to high hedges under the Anti-Social Behaviour Act 2003.
- | 10.132.13 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 or her under Section 77, or has dismissed an appeal against the refusal of a similar application, and where, in the opinion of the Director of Place, there has been no significant change since the refusal or dismissal in the Development Plan or in any other material considerations.

- 10.1~~32~~.14 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.
- 10.1~~23~~.15 To exercise the council's planning powers for control of demolition.
- 10.1~~23~~.16 To approve or reject plans submitted as non-material amendments to planning applications other than major planning applications.
- 10.1~~32~~.17 To determine applications for certificates of appropriate alternative development.
- 10.1~~23~~.18 To determine applications for certificates of lawful use and development in relation to proposed used and existing use.
- 10.1~~23~~.19 To make observations and respond to consultations on development proposals and consultations on other matters by or on which comments are sought by Government Departments, the Planning Inspectorate, statutory undertakers, and Hertfordshire and Essex County Councils and any other Local Planning Authorities, which, where relevant, are substantially in accordance with the council's policies and are not likely to be controversial.
- 10.1~~23~~.20 To carry out all functions relating to National Infrastructure Planning including co-ordination of the Council's response to any consultation, examination or other any other matter concerned with major infrastructure projects.

- 10.123.21 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.
- 10.123.22 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.
- 10.123.23 After consultation with the Director of Legal, Policy and Governance, to institute legal proceedings in respect of the contravention of Tree Preservation Orders and unauthorised works to trees in Conservation Area.
- 10.123.24 To enter into Planning Performance and Extension of Time Agreements.
- 10.123.25 To provide advice regarding the potential use or development of land or buildings to prospective applications through either the pre-application system, a Planning Performance Agreement or informally.
- 10.123.26 To determine the submission of nominations for the registration of Assets of Community Value.
- 10.123.27 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.
- 10.123.28 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.

10.132.29 To give screening opinions and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 2017 as amended.

10.123.30 To determine fees for planning applications and planning performance agreements.

10.123.31 To determine the building regulation fees charged by the council and to take all actions as necessary acting at the council's representative on the Commissioning Panel with regard to the commissioning of the Building Control service.

10.123.32 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.

10.123.33 To be the Appointing Officer for the purposes of the Party Wall Act 1996.

10.123.34 To determine any footpath and bridleways matters including heir protection, creation, diversion, modification and extinguishment.

10.132.35 To finalise the wording and requirements of planning conditions and reasons for refusal following the approval or refusal to grant planning

permission by Development Management Committee in line with the resolutions of the Committee.

10.123.36 To make minor amendments and/or corrections of a clerical, grammatical or editorial nature only to the wording of conditions, obligations, reasons and informatives.

10.123.37 To refuse an application where a planning obligation (including a deed modifying or discharging an existing obligation) acceptable to the Director of Place and meeting the requirements of a decision of Development Management Committee (where relevant) has not been entered into.

10.123.38 To prepare, consult on, adopt and publish a list of information requirements to be submitted with planning applications, and to use the list to assess the validity of submitted applications.

10.123.39 To discharge obligations under s.106 TCPA 1990 (or s.52 of the TCPA 1971) where Director of Place deems that the obligation(s) has been complied with or is no longer relevant due to subsequent planning decisions or the passage of time.

10.123.40 Restriction of the use or closure of bowling greens during periods of drought.

10.123.41 Control of all grounds owned by the council.

10.123.42 The removal, storage and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978.

10.132.43 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.

10.132.44 To be identified as contact officer for the public under the Code of Practice of the Environmental Protection Act 1990.

10.123.45 To serve notices under the Environmental Protection Act 1990 and the Town and Country Planning Act 1990

10.132.46 Pursuant to Section 223 of the Local Government Act 1972 to authorise and institute proceeding in any Court in respect of Officers or other matters falling within relevant legislation subject to the Director of Law, Policy and Governance being satisfied as to the sufficiency of the evidence.

10.123.47 To authorise Officers to serve and sign in their own name all authorisation, variation, revocation and enforcement and other notices and orders as related to in the powers and duties afforded to the District Council in legislation.

10.123.48 To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation.

10.123.49 To apply the powers and duties of enforcement afforded to a District Council in all legislation relating to Environmental Health matters.

10.132.50 To authenticate on the council's behalf any notice, certificate or other document required to apply any power or duty afforded to a District Council in legislation relating to Environmental Health unless reserved for determination by another body of the Council.

10.123.51 To exercise the powers of the council as registration authority including the issue, renewal, transfer or variation of all licences, consents and registrations set out in legislation pertaining to Environmental Health matters unless in the case of contested matters reserved for determination by another body of the Council.

10.123.52 To authorise suitably qualified and experienced officers to act as inspectors and serve and sign in their own name all notices and enforcement instruments as related to the powers and duties afforded to District Councils in Environmental Health legislation.

10.123.53 To appoint and instruct veterinary surgeons to act on behalf of the council.

10.132.54 To nominate Officers for the council and take appropriate actions as required under the National Assistance Act 1948.

10.132.55 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.

10.123.56 To make representation on or objections to any applications for activity in the District on the grounds that permission would be prejudicial to the public interest on environmental, health, nuisance or similar grounds.

10.12.57 To make changes to the Local Land Charge fees, including making changes to existing charges and the introduction of new charges and fee arrangements for new land charge services.

10.12.58 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.

10.134- Director of Communities

Housing

10.134.1 To exercise the council's functions with regard to homeless persons.

10.143.2 To procure and/or manage temporary accommodation in pursuance of the council's homelessness duties and powers.

10.134.3 To write off arrears and debts arising from the discharge of homelessness powers and duties up to a maximum sum specified by the Director for Finance, Risk and Performance.

10.143.4 To maintain registers and records of those in housing need requiring social or affordable housing

and nominate applicants to properties owned by Registered Providers (RPs).

10.134.5 To determine levels of housing need, stock condition and market conditions.

10.134.6 To make representations on or objections to housing development applications which are not in the public interest in relation to meeting local housing need.

10.134.7 To draw up development and/or regeneration schemes with RPs and other partners and pay grants to RPs and others on approved development schemes.

10.134.8 To make arrangements for and oversee the making of grants and loans and taking of other actions to enable the improvement or return to use of residential properties, including Disabled Facilities Grants.

10.134.9 To take action under the Crime and Disorder Act 1998, Police and Justice Act 2006 and Anti-Social Behaviour, Crime and Policing Act 2014 or associated guidance and/or replacement legislation to tackle anti-social behaviour, acting in consultation with the [Shared Corporate Legal Service Manager Director for Legal, Policy and Governance](#) as appropriate.

10.143.10 In all cases involving arrears of mortgage payments to the council and in consultation with the Director for Finance, Risk and Performance and [Shared Corporate Legal Service Manager Director for Legal, Policy and Governance](#) or duly authorised Officers,

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.

- 10.134.11 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; and
 - (b) to make special arrangements in the case of hardship or, where necessary, to comply with an existing agreement.

Licensing

10.134.12 To exercise the council's functions relating to hackney carriage/private hire licensing unless relating to a matter reserved for Licensing Committee or Licensing Sub-Committee. To undertake, in consultation with the [Shared Corporate Legal Service Manager](#)~~Director for Legal, Policy and Governance~~, prosecutions of hackney carriage drivers and private hire vehicle drivers for road traffic offences and other drivers for criminal offences relating to taxi ranks.

10.134.13 To exercise functions, unless reserved for the Licensing Committee or Licensing Sub-Committee, under the Licensing Act 2003 and Gambling Act 2005 including all administrative functions and determinations of unopposed applications for premises licences, personal licences, club premises

certificates, temporary events notices, regulated entertainment and late night refreshments, permits and the setting of fees and charges where the legislation allows local determination.

10.134.14 To apply the powers and duties of enforcement afforded to a District Council in all legislation relating to Licensing and Environmental Health matters.

10.134.15 To authenticate on the council's behalf any notice, certificate or other document required to apply any power or duty afforded to a District Council in legislation relating to Licensing unless reserved for determination by another body of the Council.

10.143.16 To exercise the powers of the council as registration authority including the issue, renewal, transfer or variation of all licences, consents and registrations set out in legislation pertaining to Licensing matters unless in the case of contested matters reserved for determination by another body of the Council.

10.134.17 To authorise suitably qualified and experienced officers to act as inspectors and serve and sign in their own name all notices and enforcement instruments as related to the powers and duties afforded to District Councils in Licensing legislation.

Health, Wellbeing and Community Safety

10.134.2318—To determine requirements and make any necessary arrangements for CCTV cameras in public areas funded by the council.

10.1 ~~43.24~~19 — To determine the case for activities under the Regulation of Investigatory Powers Act 2000 or associated guidance and/or replacement legislation, including, acting in consultation with the [Shared Corporate Legal Service Manager](#) ~~Director for Legal, Policy and Governance~~, applications to court to conduct covert surveillance.

10.1 ~~34.25~~0- To be responsible for emergency planning matters.

10.1 ~~34.21~~6 To exercise the council's functions to promote community safety and deter anti-social behavior and fly-tipping.

10.1 ~~34.22~~7 To act as the council's designated Lead Officer for Safeguarding, promote safeguarding and respond to safeguarding issues raised.

10.1 ~~43.28~~3 To devise and administer arrangements for distributing grants to improve the health and wellbeing of local people.

10.1 ~~34.29~~4 To make arrangements to promote environmental sustainability and reduce carbon emissions within the council and throughout the District.

Other

10.1 ~~34.25~~30 To submit monitoring returns to government departments, regulatory bodies and others.

[10.13.26](#) To determine road closure applications under the Town Police Clauses Act 1847.

[10.13.27](#) To manage the council's property portfolio.

[10.13.28](#) Lettings of all properties including council offices; 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 or lessor, 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.

[10.13.29](#) To administer the Scheme for the collection of trade refuse.

~~10.143.3530-~~ Approval of types and siting of litter bins provided by parish and town councils.

[10.13.31](#) To take action under the Anti-Social Behaviour, Crime and Policing Act 2014 or associated guidance and/or replacement legislation acting in consultation with the Director for Law, Policy and Governance.

[10.13.32](#) To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation.

10.154 Head of ICT Strategic Partnership Manager (or equivalent post-holder as provided by Stevenage Borough Council under the shared services arrangements)

~~10.4514.1~~ To develop the council's information systems, information technology and e-government strategies.

10.145.2 To develop the council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to Officers and Members.

10.145.3 To supply connections and services to public sector partners and other organisations as required, provided that the integrity of the council's information systems is maintained.

10.145.4 To advise on and provide resilient ICT hardware and software solutions to maximise the efficiency of the council's operations.

10.156 Director for Regeneration, Customer and Commercial Services

10.165.1 To lead interpretation of and promote council compliance with the Public Sector Equality Duty as part of the Equality Act 2010.

10.156.2 To ensure compliance with Section 88 of the Localism Act regarding the registering of Assets of Community Value.

10.156.3 To ensure compliance with the Government's Code of Recommended Practice on Local Authority Publicity pursuant to the Local Government Act 1986.

10.165.4 To advise on best practice in public consultation in line with the Cabinet Office's Consultation Principles 2016 and any successor guidance or requirements.

- | 10.15.5 To administer the council's Complaints Policy and liaise with the Ombudsman when complaints have been escalated.
- 10.15.6 To take action against persistent and unreasonable complainants.
- | 10.15.7 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.
- 10.15.8 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.
- | 10.15.9 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.
- 10.15.10 To consider objections received in relation to proposed Traffic Regulation Orders in consultation with the Executive Member for Environmental Sustainability.
- 10.15.11 The letting of council gardens and car parks
- 10.15.12 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.

10.15.13 To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation.

11.7 Designation of Statutory and Proper Officers

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

11.7.2 Statutory Officers

Legislation	Function	Post holder
Section 4(1) Local Government and Housing Act 1989	Head of Paid Service	Chief Executive (Deputy Chief Executive nominated as deputy)
Section 5(1) Local Government and Housing Act 1989	Monitoring Officer	Director for Legal, Policy and Governance (Legal Services Manager nominated as deputy) <u>Communities</u>
Section 151 Local Government Act 1972	Chief Financial Officer	Director for Finance, Risk and Performance
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 (Assistant Director – Democracy, Elections and Information Governance nominated as deputy)
Article 37 General Data Protection Regulations 2016/679	Data Protection Officer	Data Protection Officer

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 Act 1988 the Chief Finance Officer nominate a suitable qualified member of his/her staff to carry out his/her duties under that Section when s/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 s/he is unable through absence or illness to fulfil the role him/herself.
4. Under Section 35 Representation of the People Act 1983 the Returning Officer may appoint deputies to assist him/her in his/her duties.
5. Under s52(2) Representation of the People Act 1983 the Electoral Registration Officer may appoint deputies to assist him/her in his/her 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.
7. Under Article 37 of the General Data Protection Regulations 2016/679, the Council as a data controller shall designate a Data Protection Officer.

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 office of Chairman, Vice Chairman or Councillor be made to the proper officer.	Director for Legal, Policy and Governance Monitoring Officer
Section 84(1)	States that written notice of resignation must be given by Councillors to the proper officer.	Director for Legal, Policy and Governance Monitoring Officer
Section 88(2)	Gives the proper officer power to convene a meeting for the purpose of convening a casual	Director for Legal, Policy and Governance Monitoring Officer

Legislation	Function	Post Holder
	vacancy in case of Chairman of the Council.	
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.	Chief Executive
Section 96	Provides that the Proper Officer is to receive and record disclosures of pecuniary interests under Section 94.	Director for Legal, Policy and Governance Monitoring Officer
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.	Director for Legal, Policy and Governance Monitoring Officer
Section 100 (f)	Provides that the proper officer is to deal with additional rights of access of documents for	Chief Executive

Legislation	Function	Post Holder
	members of principal councils.	
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.	-Director for Finance, Risk and Performance
Section 137(a)	Gives the proper officer power to require a voluntary organisation or similar body to supply information to him/her, 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.	Director for Finance, Risk and Performance
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	Director for Finance, Risk and Performance

Legislation	Function	Post Holder
	authority or change of area.	
Section 210(6) and (7)	Appoints the proper officer to be vested with certain powers in respect of charities.	Chief Executive
Section 225	Imposes a duty on the proper officer to receive and retain documents deposited with him/her pursuant to standing orders of either House of Parliament or any statute or instrument.	Director for Legal, Policy and Governance Shared Corporate Legal Service Manager
Section 228	Accounts of any Proper Officer to be open to inspection by any Member of the Authority.	Director for Finance, Risk and Performance
Section 229(5)	Provides that the proper officer must certify any photographic copies of documents.	Director for Legal, Policy and Governance Shared Corporate Legal Service Manager
Section 234	Provides that any notice, order or other document which a local authority are authorized or required to give under any enactment may be signed on behalf of the	Director for Legal, Policy and Governance Shared Corporate Legal Service Manager

Legislation	Function	Post Holder
	authority by the proper officer.	
Section 238	Provides that printed copies of bylaws are endorsed with a certificate signed by the proper officer.	Director for Legal, Policy and Governance Shared Corporate Legal Service Manager
Schedule 12 Section 99	Conduct of meetings including requirements for notices to be given and sign summons to attend meetings of the Council and polls	Director for Legal, Policy and Governance Monitoring Officer
Local Government Act 1974		
Section 30	Proper Officer must give public notice of Local Government Ombudsman's Reports.	Director for Legal, Policy and Governance Shared Corporate Legal Service Manager
Local Land Charges Act 1975		
Section 3(1)	Chief Land Registrar for the Register of Local Land Charges	Director for Legal, Policy and Governance Director for Place
Representation of the People Act 1983		
Section 67	Receipt of notice of an election agent for local elections.	Chief Executive

Legislation	Function	Post Holder
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 Areas) (England and Wales) Rules 1986 and (Parishes and Communities) (England and Wales) Rules 1986		
	Retention and public inspection of document after an election.	Chief Executive
Local Government Finance Act 1988		
Section 114	Duty to Report.	-Director for Finance, Risk and Performance
Section 116	Provides that the proper officer must give the authority's auditor notice of meetings held under s115.	Director for Finance, Risk and Performance
Local Government and Housing Act 1989		

Legislation	Function	Post Holder
Section 2	Proper Officer to hold a list of politically restricted posts.	Director for Legal, Policy and Governance Monitoring Officer
Local Government Act 2000		
All	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation.	Director for Legal, Policy and Governance Monitoring Officer
Assets of Community Value (England) Regulations 2012		
Assets of Community Value	Decisions under Assets of Community Value (England) Regulations 2012	Director for Legal, Policy and Governance Shared Corporate Legal Service Manager
Miscellaneous		
All Provisions	Any other miscellaneous proper or statutory officer functions not otherwise specifically delegated by the Authority.	Chief Executive or his/her nominee

Section 20 – Members’ Allowances
Scheme

LOCAL GOVERNMENT AND HOUSING ACT 1989

AND

LOCAL AUTHORITIES (MEMBERS’ ALLOWANCES)

REGULATIONS 2003 (AS AMENDED)

MEMBERS’ ALLOWANCES SCHEME

(including Special Responsibility Allowances)

(Revised October 2025)

20.1 Introduction

- 20.1.1 This scheme is made by East Hertfordshire Council (“the Council”) pursuant to the Local Authorities (Members’ Allowances) (England) Regulations 2003. It was approved by the Council on 18 October 2023 after consideration of the recommendations from the Independent Remuneration Panel.
- 20.1.2 The Scheme will apply for the civic year from the next day after the meeting of the Council to the date of the next annual meeting of the Council, unless the Council decides otherwise.

20.2 Basic Allowance

- 20.2.1 Subject to paragraphs 20.9 and 20.10 below, for each year a basic allowance shall be paid to each Member as set out in Schedule 1 to the scheme.
- 20.2.2 The basic allowance includes incidental costs such as stationery, printing telephone and broadband.
- 20.2.3 The basic allowance is to be paid in equal instalments on the 15th day of each month.

20.3 Special Responsibility Allowance (SRA)

- 20.3.1 Subject to paragraphs 20.9 and 20.10 below, for each year a SRA shall be paid to those Members who hold the special responsibilities that are set out in Schedule 1 to the scheme.
- 20.3.2 Members will be restricted to receiving only one SRA (that of the higher value) if they occupy two or more posts which attract SRAs.

20.3.3 The SRA is to be paid in equal instalments on the 15th day of each month.

20.4 Indexation

20.4.1 Neither the basic allowance nor the SRAs are index linked.

20.5 Travel and Subsistence Allowance

20.5.1 Members may claim travel allowance in respect of their travel to and from the following approved duties:

- (a) meetings covered by the list of duties referred to in Schedule 2;
- (b) meetings of outside bodies and organisations to which they have been appointed by the Council as set out in Schedule 3, provided that no other arrangements for payment exist in respect of such bodies to which the Authority makes appointments or nominations; and
- (c) meetings with the Chief Executive, Deputy Chief Executive and/or Heads of Service/Service Managers, subject to such meetings having been pre-arranged and not relating specifically to a Member's ward work or activities.

20.5.2 Travel allowances in connection with attendance at approved duties may be claimed, subject to the following:

- (a) the claim must be for actual mileage incurred/actual public transport used; and
- (b) the base for starting and finishing all journeys will normally be regarded as the member's home address, provided that the home address is within the District or an adjacent District/Borough.

20.5.3 Subsistence allowances in connection with attendance at approved duties may be claimed, subject to the following. Members are able to claim subsistence allowances where they are prevented by official duties from taking a meal at home or other place where normally taken. Claims will not be permitted where refreshment has been provided by the meeting organiser.

20.5.4 VAT receipts for the purchase of fuel must be provided with all claims for travel expenses. Receipts must be provided for all subsistence/hotel accommodation/public transport claims and for any expenditure incurred on parking fees when using a vehicle on an approved duty.

20.5.5 Details of the rates of travel and subsistence allowances are set out in Schedule 1. The rates are index linked to the rates payable to officers.

20.6 Child Care and Dependant Carers' Allowance

20.6.1 Contribution towards costs incurred for the provision of care may be claimed, at the rates set out in Schedule 1, in respect of care costs incurred due to attendance at approved duties. Claims are subject to the following.

20.6.2 The principle of providing the allowance is to allow members who are carers to undertake their duties and to allow others who might otherwise be deterred from Council membership by virtue of caring responsibilities to consider standing for election. Contributions in 20.6.1 above will be paid towards care in respect of:

- (a) children aged 14 or under;
- (b) a dependant, that is, someone who relies on the member for care (the member's spouse, partner, child, parent, dependant relative or someone who lives in the same household as the member but who is not his or her employee, tenant, lodger or boarder);

In each case, the dependant must normally live with the Member as part of the family and be unable to be left unsupervised. The carer can be any responsible mature person who does not normally live with the claimant as part of the family. The allowance should not be payable in respect of members of the member's immediate and close family.

20.6.3 Receipts must be provided for all carer claims.

20.7 Homeworking Allowance

20.7.1 Contribution toward the costs incurred in homeworking is included within the basic allowance.

20.8 Pensions

20.8.1 No Members be admitted to the Local Government Pension Scheme.

20.9 Renunciation

20.9.1 A Member may, by notice in writing given to the [Director for Legal, Policy and Governance Monitoring Officer](#), elect to forego any part of their entitlement to an allowance under this scheme.

20.10 Part Year Entitlements

20.10.1 Where a Member's term of office begins or ends, or the holding of a special responsibility begins or ends, part way in the year, then the entitlement to any allowances due to a Member will be in the same proportion as the number of days served in the year.

20.10.2 When an amendment to this scheme changes the amount to which a Member is entitled, then the existing rates are payable ending with the day before the amendment takes effect.

20.10.3 The s151 Officer be authorised to determine allowance entitlements in circumstances where:

- (a) the scheme of allowances is amended at any time throughout the year;
- (b) an individual ceases to be a Member, or an individual is elected to the office of Councillor of East Hertfordshire Council;
- (c) in the event that a new chairmanship of a Committee or Panel is created the s151 Officer be authorised to determine the allowance

entitlement by reference to the lowest relevant comparable allowance until review by the Panel.

20.11 Claims

- 20.11.1 Claims should be made using method prescribed by the Council, on a monthly basis. Claims submitted by the fifth day of the month will be processed for payment on the 15th day of that month. Claims received after the 5th day will be processed for payment in the following month.
- 20.11.2 Receipts as described in paragraphs 20.5.4 and 20.6.3 above, must accompany each claim.
- 20.11.3 In accordance with the Council's Financial Regulations, claims for duties performed more than three months ago are not permitted.

20.12 Record of Allowances

- 20.12.1 The ~~Head of Human Resources and Organisational Development~~Deputy Chief Executive or Senior Human Resources Officer shall keep a record of all payments made to all Members in accordance with the scheme and the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003. Such records shall be available for public inspection free of charge at all reasonable times during usual office hours.
- 20.12.2 The ~~Director for Legal, Policy and Governance~~Monitoring Officer will issue the required notice under the Regulations providing summary information on the payments made under the scheme each year.

SCHEDULE 1

	£
<u>Basic Allowance :</u>	6,178.79
<u>Civic Allowances:</u>	
Chairman	6,500
Vice Chairman	1,450
<u>Special Responsibility Allowances:</u>	
Leader of the Council	19,767
Deputy Leader	12,225.96
Executive Member	9,780.96
Committee Chair (Development Management)	7,336
Committee Chair (Licensing)	6,051
Committee Chair (Human Resources)	4,842
Committee Chair (Overview and Scrutiny)	6,464.04
Committee Chair (Audit and Governance)	6,646.04
Committee Chair (Standards)	2,421

Committee Vice Chair (Development Management)	2,200
Leader of a minority political group	A factor of 0.1 of the Basic Allowance multiplied by the number of members
<u>Mileage allowance:</u>	
Motor vehicles (<i>incl. motor cycles</i>)	£0.45 per mile for the first 10,000 miles of a (return) journey
Electric vehicle	£0.45 per mile per mile for the first 10,000 miles of a (return) journey
Bicycles	£0.20 per mile
<u>Public Transport:</u> (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
<u>Carer's Allowance – Dependent care:</u>	Up to £35 per

	hour
<u>Childcare Allowance</u>	Up to £20 per hour
<u>Subsistence Allowance</u> in the case of an absence from the member's normal base, not involving an absence overnight from the usual place of residence:	
of more than 4 hours before 11 am Breakfast*	£7.21
of more than 4 hours, including the period between noon and 2.30 pm Lunch*	£9.95
of more than 4 hours ending after 7 pm Evening Meal*	£15.20
* Not claimable where refreshments have been provided at the meeting/event attended.	
<u>Subsistence Allowance</u> in the case of an absence involving an absence overnight from the usual place of residence:	
The actual cost of the most cost effective overnight accommodation and where meals are not included, subsistence allowance as detailed above.	

SCHEDULE 2

APPROVED DUTIES

1. The following shall be recognised as approved duties:
 - attendance at meetings of the Council, the Executive, a Committee, Sub-Committee, Panel, Working Party or Task and Finish Group of the Authority;
 - 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);
 - the following conferences, approved for the purposes of Section 175 of the Local Government Act 1972:
 - i. Local Government Association
 - ii. Chartered Institute of Housing - Housing Conference
 - iii. 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.

- attendance relating to site visits in respect of Development Management Committee business for members and substitutes of the Development Management Committee.
2. A member attending any conference, training course or seminar shall be entitled to receive the relevant allowance for travelling and subsistence.
 3. The Chief Executive may, upon application to him/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.

SCHEDULE 3 – OUTSIDE BODIES

1. Attendance at any meeting of an outside body on which the Member is appointed to represent the Council.
2. Attendance at any conferences, seminars or training events, the attendance at which is approved by the Council, or the Executive or a Committee of either, or the Chief Executive.
3. Attendance at any meetings of a Local Government Association or any Joint or Liaison Committee for Members of Local Authorities.