

WELWYN HATFIELD BOROUGH COUNCIL



CONSTITUTION

www.welhat.gov.uk

**WELWYN
HATFIELD**
BOROUGH COUNCIL



CONTENTS

Page

PART 1 – Summary of the Constitution	1-4
PART 2 – Articles of the Constitution	
Article 1 – General and Purpose of the Constitution	5
Article 2 – Members of the Council	6-7
Article 3 – Citizens and the Council	8-9
Article 4 – The Full Council	10-12
Article 5 – Chairing the Council	13
Article 6 – Overview and Scrutiny Arrangements	14-16
Article 7 – The Cabinet	17-18
Article 8 – Non Executive Committees	19
Article 9 – The Standards Committee	20-32
Article 10 – Area Committees and Forums	33
Article 11 – Joint Arrangements	34-35
Article 12 – Officers	36-42
Article 13 – Decision Making	43-44
Article 14 – Finance, Contracts and Legal Matters	45
Article 15 – Monitoring and Review of the Constitution	46
Article 16 – Suspension, Interpretation and Publication of the Constitution	47
PART 3 – Responsibility for Functions	
Responsibility for Functions	48-131
PART 4 – Rules of Procedure	
Council Procedure Rules	132-155
Council Petition Scheme	156-159
Access to Information Procedure Rules	160-169
Budget and Policy Framework Procedure Rules	170-174
Cabinet Procedure Rules	175-179
Overview and Scrutiny Procedure Rules	180-187
Procedures for the Operation of the Overview and Scrutiny Function	188-193
Financial Procedure Rules	194-225
Contract Procedure Rules	226-243
Officer Employment Procedure Rules	244-249
PART 5 – Codes and Protocols	
Code of Conduct for Members	250-255
Local Code of Guidance for Members and Officers involved in Planning Matters	256-269
Register of Members’ Interests	270-274
Officers’ Code of Conduct	275-286
Protocol on Member/Officer Relations	287-295
Protocol for Filming, Videoing, Photography and Audio Recording at Council Meetings	296-298
PART 6 – Members’ Allowances	
Members Allowances Scheme	299-310
PART 7 – Management Structure	
Management Structure/Responsibilities	311-315
PART 8 – Member Role Descriptions	316-338

PART 1

SUMMARY OF THE CONSTITUTION

SUMMARY OF THE CONSTITUTION

The Constitution

Welwyn Hatfield Borough Council (the Council) has agreed a new Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business. These are followed by more detailed procedures and codes of practice which are contained in separate Rules, Codes and Protocols. The Constitution also makes it clear who is responsible for carrying out particular functions.

What is in the Constitution

Article 1 of the Constitution commits the Council to provide clear leadership to the community in partnership with others. It aims to enhance the involvement of Citizens in decision making and make the decision making process efficient, effective and transparent and those involved in it, accountable.

Articles 2 to 16 explain the rights of Citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Arrangements (Article 6)
- The Cabinet (Article 7)
- Non Executive Committees (Article 8)
- The Standards Committee (Article 9)
- Area Committees and Forums (Article 10)
- Joint Arrangements (Article 11)
- Officers (Article 12)
- Decision Making (Article 13)
- Finance, Contracts and Legal Matters (Article 14)
- Monitoring and Review of the Constitution (Article 15)
- Suspension, Interpretation and Publication of the Constitution (Article 16)

How the Council Operates

The Council is composed of 48 Members (also called Councillors), with one-third elected three years in four. Councillors are democratically accountable to residents in their ward, although their overriding duty is to the whole community resident in the Council's area.

Councillors have to agree to follow a Code of Conduct to ensure high standards are maintained in the way they undertake their duties. The Council's Standards Committee is responsible for training and advising Councillors on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's major policies and set the budget each year. The Council appoints the Leader of the Council and Members of the Council's Committees (apart from the Cabinet). It holds the Cabinet to account by permitting petitions and questions to Members of the Cabinet from the public and Councillors who are not in the Cabinet.

How Decisions are Made

The Cabinet is the part of the Council which is responsible for the majority of decisions relating to the delivery of services. Whilst day-to-day decisions will be made by Officers of the Council, the Cabinet itself will make decisions which will have a strategic or significant impact or involve significant expenditure or savings. The Cabinet is made up of up to ten Members of the Council to be determined by the Leader. It will publish decisions to be made in a forward plan which enables the public to have prior notice of matters to be determined by the Cabinet and also enables them to see associated papers and make comments. Most Cabinet meetings where decisions are to be made will be open for the public to attend except where confidential or exempt information is being discussed (the categories of exempt information includes information relating to particular Officers, tenants or recipients of Council services or financial assistance, negotiations relating to property, contracts or with Trade Unions and legal proceedings or advice). The Cabinet must make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

There are three Overview and Scrutiny Committees covering areas referred to as Environment, Social and Resources. These Committees will be involved with the development and review of policy, budgets and reviews of services and will advise both the Cabinet and the Council in respect of such matters. The Overview and Scrutiny Committees will consult and listen to those with an interest in a matter being considered and they can co-opt up to five unelected Members onto a Committee to participate in a particular issue. These Committees have a general power to consider any matter affecting the Council's area or its residents. The Council's duties and powers for overview and scrutiny of crime and disorder are undertaken by the Social Overview and Scrutiny Committee. They also monitor decision making and the Committees can "call-in" certain decisions which have been made by the Cabinet but not yet implemented. This enables the Overview and Scrutiny Committees to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision. The Committees can review any decision of the Cabinet, post implementation and make recommendations to the Cabinet in respect of decisions made. For these purposes it may call upon Cabinet Members or Officers to explain decisions or advice given. Scrutiny is carried out by Scrutiny Sub-Committees appointed by the Overview and Scrutiny Committees or their Chairmen,

in consultation with the Opposition Group Leaders in the case of the call-in of a Cabinet decision. There is also a small Group of “Health Champions” to consider strategic health issues reporting to the Social Overview and Scrutiny Committee.

The Council’s Staff

The Council has Officers working for it to give advice, implement policies and budgetary decisions and manage the day-to-day delivery of its services. Certain Officers have specific legal duties to ensure that the Council acts within the law, (the Monitoring Officer) or uses its resources wisely, (the Chief Finance Officer). A Protocol governs the relationship between Councillors and Officers and is part of this Constitution.

Citizens’ Rights

Citizens have a number of rights in their dealings with the Council. These are set out in Article 3 of this Constitution. Many of these are legal rights. Where Members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the following rights.

- To vote at local elections if they are registered.
- To contact their local Councillor about any matters of concern to them.
- To obtain a copy of the Constitution.
- To attend meetings of the Council and its Committees except where confidential or exempt information is being discussed.
- To petition to request a referendum on a mayoral form of executive.
- To participate in question time of the Cabinet at Council meetings by submitting a question in writing or by electronic mail to the Governance Services Manager no later than 5.00pm on the last working day before the meeting. Each question must give the name and address of the questioner and the name of the Member of the Cabinet to whom it is to be put.
- To present petitions at Council meetings and address the meeting in respect of the petition.
- To appear before an Overview and Scrutiny Committee if invited to do so to assist those bodies in connection with the discharge of their functions.
- To find out from the Cabinet’s forward plan what important decisions are to be dealt with by the Cabinet and when, how representations can be made in respect of a particular matter and relevant documents obtained.
- To attend Cabinet meetings (unless confidential or exempt information is being discussed or where the sole purpose of the meeting is to receive a briefing from Officers, including clarification on a particular matter or meetings to permit political discussions, without Officers present) and ask questions and present petitions.
- To see agendas and reports to be considered at meetings of the Council, the Cabinet and Committees which are open to the public and be supplied copies of such papers on payment of a reasonable fee.
- To see minutes of meetings excluding any part which discloses confidential or exempt information and be supplied copies on payment of a reasonable fee.

- To inspect documents (called background papers) referred to in reports on which an important part of a report has been based for a period of four years from the date of the meeting and be supplied copies on payment of a reasonable fee.
- To make representations about why a private section of a Cabinet meeting should be open to the public
- To complain to the Council about the Council's standard of service, action or lack of action.
- To complain to the Ombudsman if it is thought that the Council has not followed its procedures properly. However this should only be done after using the Council's own complaints procedure.
- To complain to the Monitoring Officer if there is evidence which shows that a Councillor has not followed their Code of Conduct.
- To inspect the Council's financial accounts and make representations to the external auditor.

The Council welcomes participation by its Citizens in its work. For further information on your rights referred to above please contact Graham Seal, Governance Services Manager (telephone 01707 357444) (email g.seal@welhat.gov.uk).

PART 2

ARTICLES OF THE CONSTITUTION

1. ARTICLE 1 - GENERAL AND PURPOSE OF THE CONSTITUTION

[Statutory References: Section 37 Local Government Act 2000, Chapter 10 DETR Guidance, The Local Government Act 2000 (Constitutions) (England) Directions 2000]

1.1. Powers of the Council

Welwyn Hatfield Borough Council, otherwise called the Council, will exercise all its powers and duties in accordance with the law and this Constitution.

1.2. The Constitution

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

1.3. Purpose of the Constitution

The purpose of the Constitution is to:-

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help Councillors represent their constituents more effectively;
- (d) ensure that Councillors act in accordance with the highest standards expected of people in public life;
- (e) enable decisions to be taken efficiently and effectively;
- (f) create a powerful and effective means of holding decision-makers to public account;
- (g) ensure that no-one will review or scrutinise a decision in which they were directly involved;
- (h) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (i) provide a means of improving the delivery of services to the community.

1.4. Interpretation and Review of the Constitution

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

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

2. ARTICLE 2 - MEMBERS OF THE COUNCIL

[Statutory References: Part 1, Part VA and Section 79 Local Government Act 1972, Chapter 2, DETR Guidance, Section 18 Local Government and Housing Act 1989 and regulations thereunder]

2.1. Composition and Eligibility

LEADER AND EXECUTIVE ARRANGEMENTS

- (a) **Composition.** The Council will comprise 48 Members, otherwise called Councillors. Two or three Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

2.2. Election and Terms of Councillors

ELECTION BY THIRDS

The ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year beginning in 2002, except that in 2005 and every fourth year after there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.3. Roles and Functions of all Councillors

- (a) **Key roles** - All Councillors will:-
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent the interests of their communities, wards and individual constituents and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities, wards and individual constituents;
 - (iii) make decisions in the interests of the whole Council area;
 - (iv) respond to constituents' enquiries and representations, fairly and impartially;
 - (v) participate in the governance and management of the Council;
 - (vi) be available to represent the Council on other bodies; and
 - (vii) maintain the highest standards of conduct and ethics.

(b) Rights and Duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it or in accordance with the Members' Code of conduct set out in Part 5 of this Constitution.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4. Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution and will where they have a disclosable pecuniary interest, withdraw from any meeting where that matter is being considered.

2.5. Allowances

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

3. ARTICLE 3 – CITIZENS AND THE COUNCIL

[Statutory References: Section 100 Local Government Act 1972, Section 34 Local Government Act 2000, Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000]

The Council will be outward looking and will seek to engage with the public whenever possible. Set out below is what the Council believes Citizens resident in its Borough should expect from the Council. In granting rights to the Citizens of its Borough the Council has also set out how it expects to be treated in return.

3.1. Citizens' Rights

Citizens resident in the Borough of the Council have the following rights under the Council's Constitution.

The rights of Citizens to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:-

- (a) **Voting and Petitions** – Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution. When the Council receives such a petition signed by at least 5% of the local electorate it will hold a referendum. The Council will publish in February each year the number that is equal to 5% of its local electorate which will be the figure used for the purpose of verifying any petition submitted in the year beginning with 1st April immediately after the 5% figure has been published. The Council will provide advice to any Citizen wishing to submit a petition as to the requirements involved.
- (b) **Information** - Citizens have the right to:-
 - (i) attend meetings of the Council and its Committees except where confidential or exempt information as defined in the Access to Information Procedure Rules in Part 4 of this Constitution is likely to be disclosed and the meeting is therefore held in private;
 - (ii) attend meetings of the Executive otherwise called the Cabinet when key decisions are being made except where confidential or exempt information (as defined in the Access to Information Rules) is being considered;
 - (iii) find out from the Forward Plan what Key Decisions will be taken by the Cabinet and when;
 - (iv) see reports and background papers and any records of decisions made by the Council and the Cabinet apart from those that deal with confidential or exempt information;
 - (v) exercise the statutory right to inspect registers of Members interests, allowances paid; and

- (vi) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation** – Citizens have the right to participate in the Council's question time, submit petitions and contribute to the work of the Overview and Scrutiny Committees.
- (d) **Complaints** – Citizens have the right to complain to:-
 - (i) the Council itself under its complaints scheme;
 - (ii) the Ombudsman after using the Council's own complaints scheme;
 - (iii) the Standards Committee about a breach of the Councillor's Code of Conduct.

3.2. **Citizens' Responsibilities**

In granting the Citizens of the Borough the rights outlined above, the Council expects Citizens to exercise these rights; by voting in local elections if otherwise eligible and to take other opportunities open to them to participate in the democratic process locally for example, attending Council meetings and contributing to scrutiny investigations.

The Council will be respectful and courteous in its dealings with its Citizens and expects Citizens to treat Councillors and Officers respectfully and courteously in return. This includes making requests for information or service as clearly as possible and permitting a reasonable time for a response to such requests.

Members of the public who interrupt the proceedings at any meeting or cause a disturbance at meetings will be warned to refrain and the Mayor/Chairman of the meeting will take such action as he/she sees fit in accordance with the Council's Procedure Rules, set out in Part 4 of this Constitution.

4. ARTICLE 4 – THE FULL COUNCIL

[Statutory References: Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, Chapter 2 DETR Guidance]

4.1. Meanings

(a) “The policy framework” means the following plans and strategies:-

- Annual Report
- Area Transport Plans
- Asset Management Plan
- Business Plan
- Capital Strategy
- Contaminated Land Strategy
- Cultural Strategy
- Development Plan Documents submission for independent examination and adoption
- Economic Development Strategy
- Environmental Strategies and Diversity
- Single Equality Scheme
- Food Safety Service Plan
- Gambling Policy
- Hatfield Regeneration Strategy
- Health and Safety Service Plan
- Homelessness Strategy
- Housing Business Plan
- Housing Investment Plan
- Housing Strategy
- Investment Strategy
- Licensing Policy
- Local Housing Strategy
- Medium Term Financial Strategy
- Private Sector Renewal Policy
- Procurement Strategy
- Prudential Indicators
- Sustainable Community Strategy
- Treasury Management Strategy
- Waste Management Plan
- Welwyn Garden City Town Centre Strategy
- Any other major plan/strategy arising from the Council’s own or Government initiatives

(b) “The budget” means the approval or adoption of the allocation of financial resources to different services and projects, proposed contingency funds and decisions relating to the control of the Council’s borrowing requirements, the control of its capital expenditure and the setting of virement limits.

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

4.2. **Functions of the Full Council**

Unless otherwise specified only the Council will exercise the following functions:-

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer as proposed by the Cabinet or Overview and Scrutiny Committees;
- (c) making decisions about any matter in the discharge of an executive function which is not within the budget or policy framework, unless the decision is urgent within the meaning set out in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution;
- (d) appointing the Mayor and Deputy Mayor of the Council, the Leader of the Council and Members of the Council's Committees (apart from the Cabinet);
- (e) receiving annual reports from the Overview and Scrutiny Committees in relation to their work;
- (f) agreeing and/or amending the terms of reference for Committees, exercising non executive functions, deciding on their composition and making appointments to them;
- (g) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (h) adopting an allowance scheme set out in Part 6 of this Constitution;
- (i) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;
- (j) confirming the appointment of the Head of Paid Service;
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) exercising all Local Choice Functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself or delegated to non executive committees rather than the Cabinet; and

- (m) debating and deciding the response to petitions containing more than 1,500 signatures
- (n) all other matters which, by law, must be reserved to Council.

4.3. Council Meetings

There are three types of Council meeting:-

- the annual meeting
- ordinary meetings
- extraordinary meetings

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

4.4. Responsibility for Functions

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

5. ARTICLE 5 – CHAIRING THE COUNCIL

[Statutory References: Sections 3, 5, 245 Schedule 2, 12 Local Government Act 1972, Schedule 3 Local Government Act 2000, Chapter 2 DETR Guidance]

5.1. Role and function of the Mayor of the Council

The Mayor and, in his/her absence, the Deputy Mayor will have the following roles and functions:-

(a) Ceremonial Role

The office of Mayor of the Council has both a symbolic and practical importance. The Mayor is the First Citizen of the Borough and as such is the recognised representative and spokesperson of the Council on all civic and ceremonial occasions and is the figurehead of the community which the Council serves.

In addition to chairing Council meetings and signing legal documents, the Mayor attends many events and official engagements throughout the Borough, and is a vital link between the community and the Council. The Mayor may also raise funds for local charities.

(b) Chairing the Council Meetings

In addition to the ceremonial role, the Mayor of the Council will be the person presiding over Council meetings.

The Mayor will be elected by the Council annually at the Annual Council meeting in May. The Mayor will have the following responsibilities:-

- (i) to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary; the Mayor's interpretation of the Constitution at Council meetings shall be final;
- (ii) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to hold the Cabinet to account;
- (iv) to promote public involvement in the Council's activities.

6. ARTICLE 6 - OVERVIEW AND SCRUTINY ARRANGEMENTS

[Statutory References: Section 21 and Schedule 1 (Paragraphs 7, 8, 10 and 11), Local Government Act 2000, Chapters 3, DETR Guidance]

OVERVIEW AND SCRUTINY COMMITTEES

6.1. The Council will appoint three Overview and Scrutiny Committees to discharge certain of its functions relating to policy review, policy development and scrutiny functions conferred by Section 21 of the Local Government Act 2000.

6.2. General Role

The Overview and Scrutiny Committees will:-

- (a) carry out full and comprehensive reviews of any of the Council's policies, strategies or operations relating to any of the Council's functions;
- (b) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its inhabitants.
- (d) scrutinise and review decisions made or actions taken in connection with the discharge of any of the Council's functions [except those decisions made in respect of development management, licensing, registration, consents and other permissions or in the determination of any matter which concerns individual rights or responsibilities];
- (e) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (f) exercise the right to call-in, as detailed in the Overview and Scrutiny Procedure Rules and Budget and Policy Framework Procedure Rules in Part 4 of this Constitution, for reconsideration by the Cabinet.

6.3. Specific Functions

- (a) Overview and Scrutiny Committees may:-
 - (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues as part of policy review or in accordance with the process for developing the budget and policy framework set out in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution;
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

- (iv) question Members of Cabinet and/or Committees and Senior Officers about their views on issues and proposals affecting the work of Overview and Scrutiny Committees;
 - (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
 - (vi) carry out best value reviews of all Council functions;
 - (vii) respond to consultation documents;
 - (viii) assist in the community planning process;
 - (ix) scrutinise and review the decisions made by the Cabinet and/or Committees and Officers both in relation to individual decisions and collective decisions [except those decisions made in respect of development management, licensing, registration, consents and other permissions or in the determination of any matter which concerns individual rights or responsibilities];
 - (x) question Members of the Cabinet and/or Committees, Directors and Heads of Services about their decisions or advice given in connection with particular decisions;
 - (xi) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
 - (xii) question and gather evidence from any Member, Director or Head of Service, or any other person (with his/her consent); and
 - (xiii) review and scrutinise the performance of other public bodies within the area of the Council and invite reports from them by requesting them to address the relevant Overview and Scrutiny Committee and local people about their activities and performance.
- (b) **Finance** – Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.
 - (c) **Annual Report** – Overview and Scrutiny Committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
 - (d) **Officers** – Overview and Scrutiny Committees will be assisted in their work by appropriate Officers and will be afforded sufficient resources to carry out their work effectively and efficiently.

6.4. Health

A Health Working Group has been established as part of the Social Overview and Scrutiny Committee.

The Group comprises three Member “Health Champions” appointed by the Committee – one from each of the three political groups on the Council and will meet as required.

The role and functions of the Group are: -

(1) Main Purpose and Actions

- (i) Monitor the ongoing operation and planning of the local health service in all sectors, including acute, primary, mental, public health and wellbeing.
- (ii) Provide a lobbying role on behalf of the Borough concerning strategic health and wellbeing issues.
- (iii) To work in partnership with the local health and wellbeing organisations (including Hertfordshire County Council) on behalf of the Social Overview and Scrutiny Committee.
- (iv) To maintain a strategic overview of health issues relevant to the residents of Welwyn Hatfield.
- (v) To act as Health Champions on behalf of Welwyn Hatfield Borough Council.

(2) Main Outcomes

- (i) Responsible for providing advice and support to the Social Overview and Scrutiny Committee on strategic health and wellbeing issues.
- (ii) To make recommendations through a reporting mechanism to the Social Overview and Scrutiny Committee.
- (iii) To invite people with particular health expertise to provide input to meetings and facilitate discussions on key issues within these terms of reference.

6.5. Proceedings of Overview and Scrutiny Committees

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

7. ARTICLE 7 – THE CABINET

[Statutory References: Section 11 and Schedule 1, Paragraphs 1, 2, 3 Local Government Act 2000, Chapters 4, 14 and 15 DETR Guidance and Local Government and Public Involvement in Health Act 2007]

LEADER AND CABINET

- 7.1. **Role** – The Cabinet will carry out all of the Council’s functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.
- 7.2. **Form and Composition** – The Cabinet will consist of the Leader plus a Deputy and up to eight additional Councillors, all appointed by the Leader.
- 7.3. **Leader** – The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:-
- (a) he/she resigns from the office; or
 - (b) he/she is suspended or disqualified from being a Councillor under the Local Government Acts 1972 or 2000; or
 - (c) he/she is removed from office by resolution [simple majority] of the Council; or
 - (d) he/she is no longer a Councillor; or
 - (e) the day when the Council holds its first annual meeting after the Leader’s normal day of retirement as a Councillor.
- 7.4. **Deputy Leader -**
- (a) The Leader will appoint one of the Members of the Cabinet to be the Deputy Leader.
 - (b) The Deputy Leader will hold office until the end of term of office of the Leader, unless:
 - (i) he/she ceases to be a Member of the Authority;
 - (ii) he/she resigns as Deputy Leader;
 - (iii) he/she is removed from office by the Leader
 - (c) If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader may act in his/her place in all non-statutory matters.
 - (d) The Deputy Leader’s tenure of office will commence immediately upon notification of the appointment by the Leader to the Chief Executive of the Council (or Director (Governance)).

- 7.5. **Other Members of the Cabinet** – The other Members of the Cabinet shall hold office until:-
- (a) they resign from office; or
 - (b) they are suspended or disqualified from being a Councillor under the Local Government Acts 1972 or 2000; or
 - (c) they are removed from office, either individually or collectively by the Leader (on receipt of appropriate notice from the Leader by the Proper Officer of the Council).
 - (d) they are no longer Councillors.
- 7.6. **Proceedings of the Cabinet** – The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.
- 7.7. **Responsibility for Functions** – A list and table “Responsibility for executive functions” in Part 3 of this Constitution sets out whether the Cabinet or Officers are responsible for the exercise of particular executive functions.
- 7.8. **Lead Members** - The Leader may appoint Lead Members to assist Cabinet Members in respect of a specified portfolio of matters.

8. ARTICLE 8 – NON EXECUTIVE COMMITTEES

[Statutory References: Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, Chapter 5 DETR Guidance]

8.1. Non Executive Committees

The Council will appoint the non-executive committees set out in the left hand column of the table “Responsibility for non-executive Council functions” in Part 3 of this Constitution to discharge the functions described in column 3 of that table. The table and an accompanying list indicate the extent of delegation of non-executive functions to Officers.

9. ARTICLE 9 – THE STANDARDS COMMITTEE

Statutory References: Sections 28(6) and (7) of the Localism Act 2011

9.1. Standards Committee

The Annual Council Meeting will appoint the Councillor Membership on the Standards Committee. Casual vacancies will be appointed by the Council during the year on recommendation from the Monitoring Officer.

9.2. Composition

- (a) **Membership** – The Standards Committee will be composed of:-
- four Councillors excluding Cabinet Members;
 - one Cabinet Member;
 - one Member of a Parish Council wholly or mainly in the Council's area ("the Parish Member").
- (b) **Independent Persons** – The Independent Persons will be entitled to attend but not vote at meetings of the Standards Committee.
- (c) **Parish Member** – The Parish Member must be present at meetings of the Standards Committee when matters relating to Parish Councils or their Members are being considered. The Parish Member will not be entitled to vote at meetings of the Standards Committee.
- (d) **Councillors** – At least one Borough Councillor must be present at meetings of the Standards Committee when matters relating to the Borough Council or its Members are being considered.
- (e) **Quorum** – A meeting of the Standards Committee shall not be quorate unless at least three Members of the Committee (including when matters relating to Parish Councils or their Members are being considered the Parish Member) are present for its duration.
- (f) **Chairing the Standards Committee** – The Chairman of the Committee will be a Borough Councillor appointed at the Annual Council meeting.

9.3. Role and Function

The Standards Committee will have the following terms of reference:-

- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the authority.
- (b) advising and assisting Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendations to Town and Parish Councils on improving standards or actions following a finding of a failure by a Town or Parish Councillor to comply with the Code of Conduct.

- (c) to progress complaints on behalf of Town and Parish Councils.
- (d) advising the Council on the adoption or revision of the Members' Code of Conduct.
- (e) to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria.
- (f) receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct.
- (g) arranging to train Members and Co-opted Members on matters relating to the Members' Code of Conduct.
- (h) assisting Councillors and Co-opted Members to observe the Members' Code of Conduct.
- (i) hearing and determining complaints about Members and Co-opted Members referred to it by the Monitoring Officer.
- (j) advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council.
- (k) maintaining oversight of the Council's arrangements for dealing with complaints.
- (l) informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.
- (m) to establish a Sub-Committee/Hearings Panel for hearing and determining complaints about Members and Co-opted Members referred to it by the Monitoring Officer including the imposition of any actions where considered appropriate.
- (n) reviewing Council use of the Regulation of Investigatory Powers Act 2000.
- (o) considering the Annual Governance Statement.

ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR MEMBERS

Section 28 Localism Act 2011

I. Introduction

1. This procedure applies when a complaint is received that a Member, Co-opted Member or Parish Member has or may have failed to comply with the Code of Conduct for Members.
2. The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member”.
3. No Member or officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

II. Procedure

1. Making a Complaint

A complaint must be made in writing by post or email to:-

The Monitoring Officer
Welwyn Hatfield Borough Council
Council Offices
The Campus
Welwyn Garden City
Herts
AL8 6AE

OR

r.baldock@welhat.gov.uk

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it and, at the same time, write to the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council as well) with details of the allegations (subject to any representations from the Complainant on confidentiality, which are accepted as valid by the Monitoring Officer). The Subject Member may, within 10 working days of receipt, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint will be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued his Complaint Initial Assessment.

2. Complaint Initial Assessment

The Monitoring Officer will review the complaint and take a decision (a Complaint Initial Assessment) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint. The Monitoring Officer will have the discretion to consult with whoever he considers appropriate given the circumstances of the complaint to assist him in reaching his decision.

If the complaint fails one or more of the following tests, it will be rejected:

- The complaint is against one or more named Members or co-opted Members of the Council or a Parish Council within its district;
- The Subject Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- The complaint, if proven, would be a breach of the Code of Conduct under which the subject Member was operating at the time of the alleged misconduct.

If appropriate, the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected:

- Whether a substantially similar allegation has previously been made by the Complainant to Standards for England, or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
 - (i) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;
 - (ii) whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation (including (i) when the incident complained of happened and (ii) where the member complained of is no longer a councillor)
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;

- Whether the complaint suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether training or conciliation would be the appropriate response;
- Whether the Member apologises for the conduct or was he or she willing to apologise and the matter did not warrant a more serious action
- Is the subject matter of the complaint being dealt with through any other complaints, legal or regulatory process

3. Additional Information

The Monitoring Officer may require additional information to come to a decision and may request information from the Subject Member. Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Clerk of the Parish Council of the complaint and seek the views of the Clerk of the Parish Council before deciding whether the complaint merits formal investigation or other action. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the Subject Member or the authority (in appropriate cases) make a reasonable offer of local resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authorities.

4. Confidentiality

If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Complaint Initial Assessment stage.

As a matter of fairness and natural justice, the Subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the Complainant's identity if on request from the Complainant, or otherwise, they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.

If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Subject Member

5. Investigation

The Monitoring Officer will appoint an Investigating Officer where a complaint merits formal investigation. The Investigating Officer may be a Council officer, an officer of another Council, or an external investigator.

The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost-effective use of Council resources and shall be interpreted in line with these principles.

The Investigating Officer will ensure that the Subject Member receives a copy of the complaint – subject to a Monitoring Officer decision on Confidentiality.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account, before issuing their final report to the Monitoring Officer.

6. Investigation Officer finding of insufficient evidence of failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and, if satisfied that the Investigating Officer's report is satisfactory, will make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct.

The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of the Parish Council, where the complaint relates to a Parish Councillor), with a copy of the Confirmation Decision and the Investigating Officer's final report.

If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, the Investigating Officer may be asked to reconsider their report and conclusion.

7. Investigating Officer finding of sufficient evidence to failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for Local Hearing before the Hearings Panel or, after consulting the Independent Person, seek Local Resolution.

8. Local Resolution

If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the Independent Person and the Complainant and seek to agree a fair resolution. Such resolution may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action. If the Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee and the Clerk to the Parish Council (if appropriate) for information, but will take no further action. If the Complainant or the Subject Member refuses Local Resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a Local Hearing without further reference to the Complainant or the Subject Member.

9. Local Hearing

Where, in the opinion of the Monitoring Officer, Local Resolution is not appropriate or the Complainant and/or Subject Member refuse to co-operate, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a Local Hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

The Council has agreed a procedure for local hearings, which is attached to these arrangements.

10. Constitution of the Hearings Panel

The Hearings Panel is a Sub-Committee of the Council's Standards Committee. The Council has decided that it will comprise of 3 Members of the Council. Where the complaint is about a Parish Member, the Hearings Panel will include the Parish Member co-opted to the Standards Committee.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views must be sought and taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11. The Independent Person

The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of Council at a meeting of the Council.

A person is not eligible for appointment if they:

- 11.1 Are or have been within the past 5 years, a Member, co-opted Member or officer of the Council with the exception that former Independent Members of Standards Committees can be appointed as Independent persons.

- 11.2 Are or have been within the past 5 years, a Member, co-opted Member or officer of a parish council within the Borough, or
- 11.3 Are a relative or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, “relative” means –
 - 11.3.1 Spouse or civil partner;
 - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.3.3 Grandparent of the other person;
 - 11.3.4 A lineal descendent of a grandparent of the other person;
 - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners

12. Action the Hearing Panel may take where a Member has failed to comply with the Code of Conduct

Where a Hearings Panel find that a Member has failed to comply with the Code of Conduct, the Council has delegated to the Standards Committee and its Hearings Panel such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may:-

- 12.1 Publish its findings in respect of the Member’s conduct;
- 12.2 Report its findings to Council (or to the Parish Council) for information;
- 12.3 Recommend to Council that the Member be censured;
- 12.4 Recommend to the Member’s Group Leader (or in the case of ungrouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 12.5 Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their Portfolio responsibilities;
- 12.6 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;
- 12.7 Recommend to Council (or recommend to the Parish Council) that the Member be removed from all outside body appointments to which they

have been appointed or nominated by the Council (or by the Parish Council);

12.8 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

12.9 Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

13. Revision of these Arrangements

The Council may by resolution or delegation to the Monitoring Officer agree to amend these arrangements and has delegated to the Chairman of the Hearings Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

14. Appeals

Subject to Judicial Review, or a decision of the Local Government Ombudsman, there is no right of appeal against a decision of the Monitoring Officer or of the Hearings Panel.

STANDARDS SUB-COMMITTEE HEARING PROCEDURE

Item no.		<u>Procedure</u>
1.		<p style="text-align: center;"><u>Quorum</u></p> <p>1.1 Three members must be present throughout the hearing to form a quorum</p> <p>1.2 Where the complaint refers to a Parish Councillor the non voting Parish member of the Standards Committee may be present</p> <p>1.3 The Sub-Committee shall nominate a Chairman for the meeting</p>
2.		<p style="text-align: center;"><u>Opening</u></p> <p>2.1 The Chairman explains the procedure for the hearing and reminds all parties to turn off mobile phones, audible alarms and pagers, etc.</p> <p>The Chairman asks all present to introduce themselves</p> <p>2.2</p> <p>2.3 The Councillor will be asked whether they wish to briefly outline their position</p>
3.		<p style="text-align: center;"><u>The Complaint</u></p> <p>3.1 The Investigating Officer shall be invited to present their report including any documentary evidence or other material (and to call witnesses as required by the Investigating Officer). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed.</p> <p>3.2 The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer. (This is the Councillor's opportunity to ask questions arising from the Investigator's report and not to make a statement).</p> <p>3.3 Members of the Sub-Committee may question the Investigating Officer upon the content of their report and/or any witnesses called by the Investigating Officer.</p>
4.		<p style="text-align: center;"><u>The Councillor's Case</u></p> <p>4.1 The Councillor against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Councillor or their representative)</p> <p>4.2 The Investigating Officer may question the Councillor and/or any witnesses</p>

	4.3	Members of the Sub-Committee may question the Member and/or any witnesses
5.		<u>Summing Up</u>
	5.1	The Investigating Office may sum up the Complaint
	5.2	The Member (or their representative) may sum up their case.
6.		<u>Decision</u>
	6.1	Members of the Sub-Committee will deliberate in private to consider the complaint in consultation with the Independent Person prior to reaching a decision.
	6.2	Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:
	6.2.1	The Sub-Committee decides that the Member has failed to follow the Code of Conduct or
	6.2.2	The Sub-Committee decides that the member has not failed to follow the Code of Conduct
	6.2.3	The Sub-Committee will give reasons for their decision
	6.3	If the Sub-Committee decides that the Member has failed to follow the Code of Conduct the Panel will consider any representations from the Investigator and/or the Member as to:
	6.3.1	Whether any action should be taken and
	6.3.2	What form any action should take
	6.4	The Sub-Committee will then deliberate in private to consider what action if any should be taken in consultation with the Independent Person
	6.5	On the Sub-Committee's return the Chairman will announce the Sub-Committee's decision (in relation to a Parish Councillor a recommendation to the Parish Council).
	6.6	The Sub-Committee will consider whether it should make any recommendations to the Council or in relation to a Parish Councillor to the Parish Council with a view to promoting high standards of conduct among Members
	6.7	The Chairman will confirm that a full written decision shall be issued as soon as reasonably practicable following the hearing and that the Sub-Committee's findings will be published.

SUB-COMMITTEE (HEARING PANEL)

Appointed by:

The Council, for the purposes of section 28(6) and (7) of the Localism Act 2011 who have delegated this power to the Standards Committee)

Chairman and Vice-Chairman appointed by:

The Chairman shall be elected by the Sub-Committee at each meeting.

Quorum:

Independent Person:

Appointment approved by the Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011

Number of Elected Members:

3 Members appointed from Members of the Standards Committee.

1 Co-Opted Parish/Town Councillor

Political Proportionality:

Rules of political proportionality apply.

Substitutes:

None.

Frequency:

As and when required.

Venue:

To be determined by the Monitoring Officer

At least 3 voting Members.

The Independent Person:

The Independent Person to attend the meetings of the Standards Committee/Sub-Committee dealing with hearings into allegations of misconduct as and when required.

Terms of Reference

To conduct a Hearing into an allegation that a Member or Co-Opted Member has breached the Authority's Code of Conduct.

Following a Hearing, make one of the following findings:

- (a) That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing.
- (b) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing.
- (c) That the Member has failed to comply with the Code of Conduct and that an action and/or an informal resolution should be imposed. (In respect of a Parish Councillor this will be by way of a recommendation to the Parish/Town Council concerned.)

The Sub-Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to the Council by law or policy.

After making a finding the Sub-Committee shall, as soon as reasonably practicable, provide written notice of its findings and the reasons for its decision to the Member and complainant.

10. ARTICLE 10 – AREA COMMITTEES AND FORUMS

10.1. Area Committees

The Council does not presently appoint area committees as part of its decision making structure. If it decides to consider the appointment of area committees it will consult with relevant Parish and Town Councils in its Borough before introducing them.

11. ARTICLE 11 - JOINT ARRANGEMENTS

[Statutory References: Section 2, 19, 20 Local Government Act 2000, Chapter 6 DETR Guidance, The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000]

11.1. Arrangements to Promote Well Being

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

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

11.2. Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions (which are not executive functions) in any of the participating authorities, or advise the Council. (Such arrangements may involve the appointment of a joint committee with these other local authorities).
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Details of any joint arrangements which the Council may enter into including any delegations to joint committees, will be incorporated in the Council's Scheme of Delegations in Part 3 of this Constitution.

11.3. Delegation to and from Other Local Authorities

- (a) The Council may delegate non-executive functions to another local authority pursuant to section 101 of the Local Government Act 1972.
- (b) The Cabinet may delegate executive functions to another local authority or the executive of another local authority with the agreement of that other local authority.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.4. Contracting Out

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

12. ARTICLE 12 – OFFICERS

[Statutory References: Section 151 Local Government Act 1972, Sections 4 and 5 Local Government and Housing Act 1989, Chapter 8 DETR Guidance]

12.1. Management Structure

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

<u>Post</u>	<u>Main Functions and Areas of Responsibility</u>
Chief Executive and (Head of Paid Service)	<p>Supports the political leadership of the Council to provide strategic direction for the Council.</p> <p>As Head of Paid Service within the meaning of Section 4 of the Local Government and Housing Act 1989 has, overall corporate management and operational responsibility involving securing and managing the professional body of Officers needed to deliver modern, effective, well focused services.</p> <p>Facilitates the operation of the Council’s decision making structure both executive and non-executive by providing appropriate support and advice.</p> <p>Represents the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Acts as the Electoral Registration Officer and Returning Officer for elections.</p> <p>Emergency Plan and Business Continuity Plans implementation (shared).</p>
Director (Finance and Operations) and (Chief Finance Officer)	<p>Deputises for the Chief Executive as necessary.</p> <p>Accountancy, information technology, E-Government, insurance, Council tax, business rates, benefits administration.</p> <p>Acts as the Chief Finance Officer within the meaning of Section 151 of the Local Government Act 1972.</p>

Post

Main Functions and Areas of Responsibility

Director (Governance) and
(Monitoring Officer)

Community grants.

Property Services.

Environmental services including refuse, street and building cleaning, grounds maintenance, contract monitoring, burial registration and cemetery management, abandoned vehicles, bus shelters and children's play areas.

Deputises for the Chief Executive as necessary.

Legal, governance services, elections, hackney carriages, local land charges, business support, superintendent and goods-in services, internal audit.

Emergency planning, business continuity management, risk management and health and safety.

Environmental health, licensing, public health and wellbeing, climate change and pest control

Procurement services.

Overall corporate and operational responsibility for Human Resources.

Acts as the Council's Monitoring Officer within the meaning of Section 5 of the Local Government and Housing Act 1989.

Nominated senior responsible officer for the purposes of the Regulation of Investigatory Powers Act 2000.

Director (Strategy and
Development)

Deputises for the Chief Executive as necessary

Acts as the responsible Director for Safeguarding

Town Centre Management

Local Strategic Partnership

Community planning, community safety, health, partnership support, corporate policy development, performance management,

Post

Main Functions and Areas of Responsibility

corporate consultation, website development, internal and external communications and marketing, community and leisure services and facilities, including support for care in the community, day centres and shop mobility. Campus West Arts and Conference Centre and Welwyn Hatfield Museum service and community arts.

Housing strategy (including private sector housing), rent setting, enabling, homelessness and housing (client side).

Town planning Welwyn Garden City Estate Management Scheme, building control, transportation, economic development and landscape and ecology.

(c) **Statutory Officers** - These are:-

- Head of Paid Service
- Monitoring Officer
- Chief Finance Officer

The Council has designated the following Officer posts to these statutory posts:

Post

Designation

Chief Executive

Head of Paid Service

Director (Governance)

Monitoring Officer

Head of Law and Administration and
Principal Governance Officer

Deputy Monitoring Officers

Director (Finance and Operations)

Chief Finance Officer

Head of Resources

Deputy Chief Finance Officer

The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant. The Monitoring Officer cannot be the Chief Finance Officer or Head of Paid Service. The duties of both the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) will be carried out personally. The deputies nominated by the Monitoring Officer and Chief Finance Officer will act in their absence.

The Principal Governance Officer is an Authorising Officer for the purpose of the use of covert intelligence under the Regulation of Investigatory Powers Act 2000.

- (d) A description of the overall departmental structure of the Council showing the management structure and responsibility for functions is set out at Part 7 of this Constitution.
- (e) **Welwyn Hatfield Community Housing Trust**
 - (i) The Council, following the agreement of the Secretary of State, delegated housing management functions to the Welwyn Hatfield Community Housing Trust, as more fully set out in the Management Agreement. The Trust is responsible for its own Constitution and scheme of delegated powers.
 - (ii) The Council has transferred the management of the Jim MacDonald Centre and the Community Bus Service to the Trust.

12.2. Functions of the Head of Paid Service

Discharge of functions by the Council – The Head of Paid Service will be responsible and report to full Council regarding the manner in which the discharge of the Council's functions are co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

12.3. Functions of the Monitoring Officer

- (a) **Maintaining the Constitution** - The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is widely available for consultation by Members, Officers and the public.
- (b) **Ensuring lawfulness and fairness of decision making** - After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee** - The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee which will include advising and training Members and co-opted Members about their responsibilities.
- (d) **Receiving reports** - The Monitoring Officer will receive and act on reports of complaints.

- (e) **Conducting investigations** - The Monitoring Officer will conduct investigations into complaints and make reports or recommendations in respect of them to the Standards Sub-Committee (Hearings Panel).
- (f) **Proper Officer for access to information** - The Monitoring Officer will ensure that the statutory requirements relating to decisions of the Council and the Cabinet, including publication of agendas, public access to meetings, recording decisions and providing relevant Officers reports and inspection of background papers are complied with at all times.
- (g) **Advising whether executive decisions are within the budget and policy framework** – The Monitoring Officer will provide determinations as to whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (h) **Contributing to corporate management** – The Monitoring Officer will contribute to the corporate management of the Council, which will include the provision of professional legal advice.
- (i) **Providing advice** – The Monitoring Officer will provide advice in respect of the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advise Members and Officers in their respective roles.

12.4. Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making** – After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if he or she considers that any proposals, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs** – The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management** – The Chief Finance Officer will contribute to the corporate management of the Council, which will include the provision of professional financial advice.
- (d) **Providing advice** – The Chief Finance Officer will provide advice in respect of the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advise Members and Officers in their respective roles.
- (e) **Give financial information** – The Chief Finance Officer will provide financial information to Members of the public in accordance with his or her statutory obligations in this respect.

12.5. Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.6. Conduct

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

12.7. Employment

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

12.8. Emergency Planning

In connection with the Council's duties to plan for and respond to emergencies or incidents, whether under the Civil Contingences Act 2004, or other legislation, the permanent members of the Council's Resilience Team are:

- The Chief Executive
- Director (Governance)
- The Risk and Resilience Manager
- The Risk and Resilience Officer
- The Corporate GIS Manager
- Quality Control Manager (Welwyn Hatfield Community Housing Trust)
- The Head of Public Health and Protection

The Resilience Team is responsible for developing and maintaining plans and procedures to facilitate the Council's response to incidents and emergencies.

All members of the Resilience Team are hereby appointed and authorised to represent the interests of and make decisions on behalf of Welwyn Hatfield Borough Council at any:

- Command team
- Incident management team
- Multi-agency meeting

which may be set up either in response to any incident or in order to plan for any identified threat or hazard.

The Chief Executive may also appoint and authorise any person, whether a Welwyn Hatfield Borough Council employee or otherwise to act in support of the Council's response to any incident, including the powers referred to in the above paragraph. Such authorisation shall be in writing and will be valid until such time as it is revoked.

The Risk and Resilience Manager will maintain a register of appointed individuals showing the date of their appointment, the scope of their authorisation and records of training received.

The Chief Executive may request or respond to requests for mutual aid assistance arising out of any incident.

13. ARTICLE 13 – DECISION MAKING

(Statutory References: Chapter 7 DETR Guidance)

13.1. Responsibility for Decision Making

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

13.2. Principles of Decision Making

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

- (a) proportionality, that is the action must be proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from Officers;
- (c) compliance with all legal requirements;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;

13.3. Types of Decision

- (a) **Decisions reserved to full Council** – Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.
- (b) **Key Decisions** – These are defined as:-
 - (i) Any executive decision which incurs expenditure, or makes savings which are, significant having regard to the Council's budget for a service or function.

"Significant" means expenditure or savings above £100,000.
 - (ii) Those decisions which although unlikely to involve significant expenditure or savings are nevertheless likely to be significant in terms of their effects on communities living or working in an area comprising two or more wards of the Borough.

All decisions of a strategic nature, or where the outcome will have an impact, for better or worse on the amenity of the community or quality of service provided by the Council to a significant number of people living or working in the locality affected will be considered key decisions. Any decision which is likely to have a significant impact on one ward or electoral division will be considered a key decision.

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

13.4. Decision Making by the Full Council

Subject to Article 13.08 the Council meeting will follow the Council's Procedure Rules set out in Part 4 of the Constitution when considering any matter.

13.5. Decision Making by the Cabinet

Subject to Article 13.08 the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of the Constitution when considering any matter.

13.6. Decision Making by the Overview and Scrutiny Committees

The Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of the Constitution when considering any matter.

13.7. Decision Making by other Committees and Boards and Panels established by the Council

Subject to Article 13.8, other Council Committees, Boards and Panels will follow those parts of the Council's Procedure Rules set out in Part 4 of the Constitution as apply to them.

13.8. Decision Making by Council Bodies which Determine the Rights of Individuals

The Council, a Member or an Officer determining the rights, obligations or the responsibility of any person will follow a fair procedure which accords with the requirements of natural justice.

14. ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

[Statutory References: Sections 135, 151, 223 and 234 Local Government Act 1972, Part VIII Local Government Finance Act 1988, Sections 27 and 28 Courts and Legal Services Act 1990]

14.1. Financial Management

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

14.2. Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of the Constitution.

14.3. Legal Proceedings

The Director (Governance) is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director (Governance) considers that such action is necessary to protect the Council's interests.

14.4. Authentication of Documents

Where any document is necessary to give legal effect to a Council decision or any legal procedure or proceedings on behalf of the Council, it will be signed by the Director (Governance) or other person authorised by him or her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.5. Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director (Governance). A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director (Governance) should be sealed or in relation to the procurement of goods and services, for contracts valued at £150,000 or over. The affixing of the Common Seal will be attested by the Mayor and the Director (Governance) or some other person authorised by him or her.

15. ARTICLE 15 – MONITORING AND REVIEW OF THE CONSTITUTION

[Statutory References: Sections 30 and 37 Local Government Act 2000, Chapters 10 and 15 DETR Guidance]

15.1. Duty to Monitor and Review the Constitution

- (a) The Monitoring Officer will regularly review and monitor the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- (b) An annual review of the Constitution will be carried out at the end of each Municipal Year by the Monitoring Officer.

15.2. Protocol for Monitoring and Review of Constitution by Monitoring Officer

- (a) The Monitoring Officer will make recommendations to the Council in respect of any proposed amendments to the Constitution following his/her review of the Constitution. The Monitoring Officer will make changes when required by statute or decisions of the Council.
- (b) A key role for the Monitoring officer will be to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:-
 - (i) observe meetings of different parts of the Member and Officer structure;
 - (ii) undertake an audit trail of a sample of decisions;
 - (iii) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders;
 - (iv) compare practices in the Council with those in other comparable authorities, or national examples of best practice.

15.3. Changes to the Constitution

- (a) Changes to the Constitution will only be approved following a majority of Members voting at a full Council meeting and after consideration of the proposal and on the recommendation of the Monitoring Officer.
- (b) In the event of a change from a Leader and Cabinet form of executive to another form of executive arrangement, or vice versa the Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and will take these into account before changing its Constitution.
- (c) Changes to the Constitution which do not involve a change in the form of executive arrangement will only be made following consultation which will be proportionate to the scale, scope and extent of the change proposed.

16. ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

[Statutory References: Section 37 Local Government Act 2000, Chapter 10 DETR Guidance]

16.1. Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01.

All of the Council Procedure Rules contained in Part 4 of this Constitution except those which have statutory effect and which are printed in emboldened text in those Rules.

16.2. Interpretation

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

16.3. Publication

- (a) The Monitoring Officer will give a printed copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Monitoring Officer will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by Members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

PART 3

RESPONSIBILITY FOR FUNCTIONS

RESPONSIBILITY FOR NON-EXECUTIVE COUNCIL FUNCTIONS

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
			<p>Functions are delegated to Officers to the extent listed in the Responsibility for Functions in Part 3 of the Council's Constitution.</p>
Council	48 Members of the Council	<p>Unless otherwise specified, only the Council will exercise the following functions:-</p> <ol style="list-style-type: none"> 1. Adopting and changing the Constitution. 2. Approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer as proposed by the Cabinet or Overview and Scrutiny Committees. 3. Making decisions about any matter in the discharge of an executive function which is not within the budget or policy framework, unless the decision is urgent within the meaning set out in the Budget and Policy Framework Procedure Rules in Part 4 of the Council's Constitution. 4. Appointing the Leader, Mayor and Deputy Mayor of the Council. 5. Receiving annual reports from the Overview and Scrutiny Committees in relation to their work. 6. Agreeing and/or amending the terms of reference for Committees, exercising non executive functions, deciding on their composition and making appointments to them. 	

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<ol style="list-style-type: none"> 7. Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council. 8. Adopting an allowance scheme set out in Part 6 of the Council's Constitution. 9. Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough. 10. Confirming the appointment of the Head of Paid Service. 11. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills. 12. Exercising all Local Choice Functions set out in Part 3 of the Council's Constitution which the Council decides should be undertaken by itself or delegated to non executive committees rather than the Cabinet. 13. Debating and deciding the response to petitions containing more than 1,500 signatures. 14. All other matters which, by law, must be reserved to the Council. 	
Standards Committee and Sub-Committees	6 Members comprising 5 Council Members in the ratio 3:1:1 (to include one Executive Member)	<p>Reporting direct to Council</p> <p>Its responsibilities are:</p> <ol style="list-style-type: none"> 1. Promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority. 	The Director (Governance) is the Council's Monitoring Officer in accordance with the Local Government and Housing Act 1989 (Section 5) and has statutory functions under the Localism Act 2011 in

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
	and 1 non-voting Co-opted Local Councils Association Representative (plus 3 Independent Persons)	<ol style="list-style-type: none"> 2. Advising and assisting Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendation to Town and Parish Councils on improving standards or actions following a finding of a failure to comply with the Code of Conduct by a Town or Parish Councillor. 3. To progress complaints on behalf of Town and Parish Councils. 4. Advising the Council on the adoption or revision of the Members' Code of Conduct. 5. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria. 6. Receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct. 7. Arranging to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct. 8. Assisting Councillors and Co-Opted Members to observe the Members' Code of Conduct. 9. Hearing and determining complaints about Members and Co-Opted Members referred to it by the Monitoring Officer. 10. Advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council. 	relation to keeping of a Register of Members' Interests, and in relation to conduct matters which have been brought to the Council's Standards Committee. These functions apply to Members and voting co-opted Members of the Council and all Parish/Town Councils within its area.

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<ol style="list-style-type: none"> 11. Maintaining oversight of the Council's arrangements for dealing with complaints. 12. Informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints. 13. To establish a sub-committee/hearings panel for hearing and determining complaints about Members and Co-Opted Members referred to it by the Monitoring Officer including the imposition of any actions where considered appropriate. 14. Reviewing Council use of the Regulation of Investigatory Powers Act. 15. Considering the Annual Governance Statement. 	
Overview and Scrutiny Committees	10 Members of the Council in the ratios 8:2 who are not Members of the Cabinet	<p>The Council has appointed three Overview and Scrutiny Committees to discharge certain of its functions relating to policy review, policy development and the scrutiny of decision making.</p> <p>The Committees are as follows:-</p> <p>Environment – planning (except planning policy, development matters), building control, transportation (excluding transportation policy development matters), parking services, economic development, environmental health, pollution control, licensing (except for those matters dealt with by a Committee or sub committee set up under the Licensing Act 2003 or by the Hackney Carriage Committee), public health, climate change, animal welfare and environmental services namely waste services, contract services, landscape and ecology services, fleet and workshop management.</p>	

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>Social – statutory partnership working, for example, community safety, health and community plan, leisure and community services, crime and disorder and equalities, strategic housing policy, private sector housing services and housing needs service.</p> <p>In accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, the Council’s duties and powers under the Police and Justice Act 2006 for overview and scrutiny of crime and disorder will be undertaken by the Social Overview and Scrutiny Committee. This empowers the Committee to review or scrutinise decisions made, or other action taken, in the discharge of crime and disorder functions by the Community Safety Partnership under the Crime and Disorder Act 1998 as amended and to make reports or recommendations to the Council about those functions. For Welwyn Hatfield the responsible authorities steering the Community Safety Partnership are the Council, Hertfordshire County Council (including Fire and Rescue), East and North Herts Clinical Commissioning Group, Hertfordshire Constabulary and the Probation Trust covering Hertfordshire.</p> <p>Resources – accountancy, internal audit, information technology, e-Government, insurance, risk management, Council Tax, business rates, benefits administration, property services, human resources, health and safety, legal, governance services, elections, local land charges, corporate policy, corporate consultation and communication.</p> <p>1. General Role</p> <p>The Overview and Scrutiny Committees will:-</p> <p>(1) carry out full and comprehensive reviews of any of the Council's policies, strategies or operations relating to the Council's functions within respective remits;</p>	

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>(2) make reports and/or recommendations to the Cabinet in connection with the discharge of any functions;</p> <p>(3) consider any matter affecting the area or its inhabitants.</p> <p>(4) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions (except those decisions made in respect of development management, licensing, registration, consents and other permissions or in the determination of any matter which concerns individual rights or responsibilities);</p> <p>(5) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;</p> <p>(6) exercise the right to call-in, as detailed in the Overview and Scrutiny Procedure Rules and Budget and Policy Framework Procedure Rules in Part 4 of the Council's Constitution, for reconsideration, by the Cabinet of decisions made but not yet implemented.</p> <p>(7) Annual Report - Overview and Scrutiny Committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.</p> <p>2. Specific Functions</p> <p>(1) Overview and Scrutiny Committees may:-</p> <p>(a) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues as part of policy review or in accordance with the process for</p>	

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>developing the budget and policy framework set out in the Budget and Policy Framework Procedure Rules in Part 4 of the Council's Constitution.</p> <ul style="list-style-type: none"> (b) conduct research, community and other consultation in the analysis of policy issues and possible options. (c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options. (d) question Members of Cabinet and/or Committees and Senior Officers about their views on issues and proposals affecting their respective remits. (e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working. (f) respond to consultation documents. (g) assist in the community planning process. (h) review and scrutinise the decisions made by and performance of the Cabinet and/or Committees and Officers both in relation to individual decisions and collective decisions (except those decisions made in respect of development management, licensing, registration, consents and other permissions or in the determination of any matter which concerns individual rights or responsibilities). (i) question Members of the Cabinet and/or Committees, Directors and Heads of Service about their decisions or advice given in connection with particular decisions. 	

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<ul style="list-style-type: none"> (j) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process. (k) question and gather evidence from any Member, Director or Head of Service or, with their consent, any other person. (l) review and scrutinise the performance of other public bodies within the area of the Council and invite reports from them by requesting them to address the Committee and local people about their activities and performance. (m) To hear evidence from Council Officers as requested in a petition containing at least 750 signatures. (n) To review the steps that the Council has taken in response to a petition where the petition organiser feels that the petition has not been dealt with properly. <p>(2) Finance – Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.</p>	
Audit Committee	5 Members of the Council in the ratio 3:1:1	<p>The Audit Committee will have the following key purposes:</p> <ol style="list-style-type: none"> 1. To provide independent assurance of the adequacy and effectiveness of the Council’s control environment – the systems of governance, internal control and risk management, 2. To independently scrutinise the Council’s financial and non-financial performance to the extent that it impacts on the Council’s control environment, 	

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>3. To oversee the Council's financial reporting process.</p> <p>In order to effectively discharge these responsibilities, the Audit Committee may require any officer to attend meetings of the Committee so it may receive explanations regarding any matter that it is considering.</p> <p>Further, the Chairman and Members of the Audit Committee may have contact with the Council's External Auditor, Internal Auditor or Head of Governance at any time and all of these may also request access to the Committee or its Chairman, if appropriate.</p> <p><u>Role and Functions</u></p> <ol style="list-style-type: none"> 1. To consider the adequacy and effectiveness of the Council's control environment – the systems of governance, internal control and risk management. 2. To consider and be satisfied that the Council's Annual Governance Statement, together with any other assurance statements, properly reflect the Council's control environment and to monitor management action in response to any significant Governance Issues identified. 3. To consider and approve (but not direct) the Internal Audit Team's Strategy and the Annual Plan and to monitor their performance. 4. To consider the Internal Audit Team's reports and to monitor management action to implement agreed recommendations. 5. To consider the Annual Internal Audit Report. 	

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>6. To consider and approve the External Auditors' Audit and Inspection Plan and associated fees.</p> <p>7. As the body designated as "those charged with governance" under the International Standards of Auditing (ISA 260), to:-</p> <p>(a) consider the External Auditor's Annual Governance Report.</p> <p>(b) accept or reject Officers' recommendations to amend the Council's Statement of Accounts in respect of any non-material matters identified.</p> <p>8. To consider the External Auditors' reports and monitor management action in response to any issues raised and/or recommendations made by the External Auditors.</p> <p>9. To consider the reports of Inspection Agencies and any other relevant bodies, where they relate to governance issues.</p> <p>10. To 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.</p> <p>11. To consider and approve the Council's Statement of Accounts.</p> <p>12. To consider reports in relation to Emergency Planning, Risk Management and Business Continuity and monitor management action in response to any issues raised and/or recommendations made.</p>	

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>13. To consider reports in relation to Performance Management – both financial and non-financial – and to monitor management action in response to any issues raised and/or recommendations made,</p> <p>14. To consider the review of any issue referred to it by the Chief Executive, Directors, the Head of Resources, Head of Governance, or the Council’s Internal Auditors which falls within the remit of the Committee – these reviews could include reports on fraud, corruption and irregularities.</p> <p>15. Annual Report – the Audit Committee must report annually to the Council on its working and make recommendations for future work programmes and amended working methods if appropriate.</p> <p><u>General</u></p> <p>The Committee may review periodically and, if necessary, propose changes to the Committee’s role and responsibility for functions to the Council.</p>	
Development Management Committee	15 Members of the Council in the ratio 12:2:1	To be responsible for all matters relating to Development Management, Enforcement and all Town Planning matters under the Town and Country Planning legislation, Public Health, Clean Air and Environmental Protection Acts.	Functions are delegated to the Director (Strategy and Development) to the extent as detailed in Part 3.
Appeals Committee	5 Members of the Council in the ratio 4:1	1. To deal with appeals of employees against dismissal or any disciplinary action of the Council or on any question of an employee's rights under the appropriate schemes of conditions of service, including his/her salary and/or grading.	Functions 1 and 2 are delegated to Senior officers to the extent as detailed in Part 3 and in accordance with the Council’s disciplinary, grievance and sickness absence

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>2. To adjudicate issues of a personal nature referred to the Committee in accordance with any grievance procedures adopted by the Council.</p> <p>(<u>Note:</u> The Group Leaders are authorised to appoint substitute Members to any specific meeting of the Committee in order to secure impartiality in the consideration of any appeal).</p>	procedures.
Hackney Carriage Committee	5 Members of the Council in the ratio 4:1	<p>1. To consider and determine applications for hackney carriage/private hire vehicle, driver and operator licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and any subsequent legislation.</p> <p>2. To authorise the institution of proceedings for alleged offences committed under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Local Government Act 1972, the Public Health Act 1875, the Transport Act 1985, other relevant legislation and the Council's Hackney Carriage Byelaws in respect of hackney carriage/private hire matters.</p> <p>3. To consider the suspension, revocation or refusal to renew of hackney carriage/private hire vehicle, driver or operator licences in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and other legislation and to decide whether such licences should be suspended, revoked or granted.</p>	Functions 1-3 are delegated to the Director (Governance) to the extent as detailed in Part 3.
Licensing Committee	5 Members of the Council in the ratio 4:1	1. To consider applications for local licences (excluding Hackney Carriage Licences and licences dealt with by the Licensing and Regulated Entertainment Committee), registrations and	

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>consents where factors not covered by established Council policy or strict legislative requirements make a decision by Members necessary.</p> <ol style="list-style-type: none"> <li data-bbox="629 352 1612 496">2. To review Officer decisions regarding licences, registrations and consents taken under delegated powers, where the applicant is not in agreement with the decision and negotiation has proved ineffective. <li data-bbox="629 536 1612 608">3. To conduct hearings into applications for Licences where objections have been received <li data-bbox="629 647 1612 719">4. To deal with such hearings in accordance with the procedure laid down by the Council. <li data-bbox="629 759 1612 863">5. To deal with such hearings in accordance with the relevant legislation and with established Council policy and licensing conditions. 	<p>Functions 1-5 are delegated to the Director (Governance) to the extent as detailed in Part 3.</p>
Licensing and Regulated Entertainment Committee	15 Members of the Council. The political proportionality rules do not apply.	<ol style="list-style-type: none"> <li data-bbox="629 919 1612 1062">1. To consider applications in connection with personal licences, premises licences, club premises, certificates and notifications of temporary event notices and all other applications/notifications made under the Licensing Act 2003. <li data-bbox="629 1102 1612 1286">2. To consider applications in connection with premises licences, club gaming permits, club machine permits, licensed premises gaming machine permits, prize giving permits and all other applications/notifications/registrations made under the Gambling Act 2005. <li data-bbox="629 1326 1612 1430">3. To conduct hearings in respect of any of the applications referred to in 1 and 2 above in accordance with the Council's Statement of Licensing Policy and the Council's Gambling Act 	<p>Functions are delegated in accordance with the Council's Statement of Licensing Policy made pursuant to Section 5 of the Licensing Act 2003 and the Gambling Act Statement of Principles made pursuant to Section 349 of the Gambling Act 2005.</p>

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>statement of principles.</p> <ol style="list-style-type: none"> 4. To conduct hearings following requests to review premises licences and the type referred to in 1 and 2 above. 5. To deal with such hearings in accordance with the procedure laid down by the Council and regulations. 6. To deal with such hearings in accordance with the relevant legislation and with established Council policy and licensing conditions. 7. To determine whether to object when the Council is a consultee and not the relevant authority considering an application made under the Licensing Act 2003 or the Gambling Act 2005. 8. To cancel club gaming or club machine permits. 9. To determine whether to give a counter notice to a temporary use notice. 10. To withdraw Club Premises Registration Certificates under the Licensing Act 2003. 11. To delegate appropriate matters to a Sub Committee set up in accordance with the Council's statement of licensing policy. 12. To determine whether to give a counter notice to a temporary event notice. 13. To deal with all applications under the Scrap Metal Dealers Act 2013. 	

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
Complaints Committee	5 Members of the Council in the ratio 4:1	<p>To consider any matter which is the subject of a complaint under the Council's Complaints Procedure referred to it by the Complainant about the failure of the Council to deal properly with that matter except for</p> <ol style="list-style-type: none"> 1. decisions properly taken in accordance with the Council's policies for the time being; 2. matters dealt with by the Council using statutory procedures where the Council has no discretion; 3. matters which are the subject of judicial proceedings or a judicial decision; 4. matters which are more appropriately dealt with under another procedure, Council or otherwise. 	Senior officers take action to try to resolve complaints in accordance with the Council's Complaints Procedure.
Grants Board	5 Members of the Council in the ratio 4:1	Acting in accordance with the Council's budget provision for grants and in accordance with the Community Grants Policy to be responsible for the allocation of small community grants and the Golden Jubilee Awards for young people and to make recommendations to the Cabinet on the allocation of larger annual grants.	
Member Development Group	4 Members of the Council in the ratio 2:1:1	<ol style="list-style-type: none"> 1. To be responsible for the Members' Skills Audit. 2. To agree the annual Member Induction Programme. 3. To agree the annual Member Development Programme in response to Members' needs and corporate requirements. 4. To lead on and work with the Hertfordshire Member Development Network. 	

COMMITTEE	MEMBERSHIP	NON-EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<ol style="list-style-type: none"> <li data-bbox="627 239 1624 343">5. To receive and monitor the effectiveness of the development and induction programmes to ensure that Members' needs are met. <li data-bbox="627 391 1624 494">6. To encourage Members from all political groups to attend Member Development sessions and to monitor non-attendance and the reasons for this. <li data-bbox="627 542 1624 598">7. To consider all methods of learning and, where possible, make these available to Members. <li data-bbox="627 646 1624 686">8. To support Members' Community Leadership role. 	

RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

WHO IS RESPONSIBLE	MEMBERSHIP	EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
Cabinet	Up to 10 Members of the Council to be determined by the Leader	<p><u>Corporate</u></p> <ol style="list-style-type: none"> 1. To drive forward the Corporate Objectives and policy programme within the policy and budgetary framework, shaping overall strategy, overseeing policy implementation and organisational performance in the round. 2. To review the Corporate Objectives, and make recommendations to the Council where necessary. 3. To prepare plans for the implementation of corporate programmes and initiatives and monitor progress towards strategic objectives. 4. To work up the capital strategy and the annual budget of the Council for final approval by the Council. 5. The setting of the Council tax base. 6. To review and monitor key performance indicators. 7. To have overall responsibility for the financial administration and monitoring of the Council's expenditure and income. 	<p>Functions 1-3 are delegated to the Chief Executive and Executive Board to the extent as detailed in Part 3.</p> <p>Function 4 is delegated to the Director (Finance and Operations) as the Council's Section 151 Officer to the extent as detailed in Part 3.</p> <p>Function 6 is delegated to the Director (Strategy and Development) and Executive Board to the extent as detailed in Part 3.</p> <p>Function 7 is delegated to the Director (Finance and Operations) and Executive Board to the extent as detailed in Part 3.</p>

WHO IS RESPONSIBLE	MEMBERSHIP	EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>8. To determine policies in relation to Land acquisition and disposal.</p> <p>9. To work in partnership with, assist and provide leadership to local people and local groups to foster a sense of community, co-operation and pride within the Borough.</p> <p>10. To develop joint working with the health, Police, County Council, private companies and other bodies in order to foster excellent working relations with such bodies.</p> <p>11. To strengthen local democracy by continuing to encourage residents to exercise their democratic rights and increase their active interest in local affairs.</p> <p>12. To develop the Council's strategies for anti-poverty and equal opportunities including women's issues. To identify where people are unable, because of disability, gender, age, race, language or other circumstances, to gain equitable access to information and services provided by the Council or other organisations; and to seek ways of better providing for those people's needs.</p> <p>13. To seek to focus attention on the promotion of good health the prevention of ill health and wellbeing.</p> <p>14. In association with other bodies, to monitor the health of the Borough and the adequacy of health services and champion the improvement of those services.</p> <p>15. To develop an approach to community safety which promotes and encourages joint working with the community, the police,</p>	<p>Function 8 is delegated to the Director (Finance and Operations) and Director (Strategy and Development) to the extent as detailed in Part 3.</p> <p>Functions 13 and 14 are delegated to the Director (Governance) to the extent as detailed in Part 3.</p> <p>Functions 15-17 are delegated to the Director (Strategy and</p>

WHO IS RESPONSIBLE	MEMBERSHIP	EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>public sector, voluntary organisations and businesses and work on a Community Safety Strategy for final approval by the Council.</p> <p>16. To lead the Council's Community Planning process and strategic joint working with other tiers of local government i.e. the County Council and Parish and Town Councils and other organisations.</p> <p>17. Review the results of the Residents Survey and plan further customer surveys as considered appropriate.</p> <p>18. To be responsible for reviewing the Council's use of the Regulation of Investigatory Powers Act 2000 and for setting its policy under the Act.</p> <p><u>Environment</u></p> <p>19. Driving forward the Council's corporate environmental strategy and organisation wide approach to the environment.</p> <p>20. To promote the conservation and sustainable use of natural resources and to minimise environmental pollution.</p> <p>21. To explore ways the Council can address issues around the effects on health of the local environment.</p> <p>22. To take forward, implement and review the Council's Nature Conservation Strategy.</p> <p>23. To encourage the development of the public, environmentally aware community groups and 'self-help' programmes to</p>	<p>Development) to the extent as detailed in Part 3.</p> <p>Functions 19-27 are delegated to the Director (Finance and Operations) and Director (Strategy and Development) to the extent as detailed in Part 3.</p>

WHO IS RESPONSIBLE	MEMBERSHIP	EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>encourage positive action for environmental improvement at local level.</p> <p>24. To oversee the provision, use and sensitive management of open space, parklands and woodlands in the ownership of the Council.</p> <p>25. To monitor the programming, design and implementation of environmental improvement schemes.</p> <p>26. To be involved with issues relating to transportation policy including close consultation with Hertfordshire County Council in the preparation of the Local Transport Plan (final approval by Council if necessary), transportation policies and programmes (TPP) and in implementation.</p> <p>27. To be involved with Public Transport issues including the transport infrastructure and the provision of Bus Shelters.</p> <p>28. To determine formal objections to Traffic Regulations Orders.</p> <p><u>Social</u></p> <p>29. To approve and co-ordinate policies relating to welfare, community development and community activity support, including shopmobility, day centres and promotion of care in the community, covering all residents in the Borough and to carry out surveys to determine needs and areas where help is most needed.</p>	<p>Functions 29 and 30 are delegated to the Director (Strategy and Development) to the extent as detailed in Part 3.</p>

WHO IS RESPONSIBLE	MEMBERSHIP	EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>30. To oversee the maintenance and development of welfare services within the Borough and to promote their effective co-ordination in liaison with the statutory authorities, voluntary societies and other bodies concerned.</p> <p>31. To monitor and identify housing need and approve strategies to ensure that resources are targeted to meet this need.</p> <p>32. To ensure that the provision of affordable homes is maximised involving amongst other things partnership with public and private agencies.</p> <p>33. To promote the Council's role to provide affordable homes for rent or sale within the Borough.</p> <p>34. To monitor the acquisition or disposal of any housing related assets in accordance with policy guidelines.</p> <p>35. To monitor the budget for Housing Benefits.</p> <p>36. To develop new policies and approaches for achieving the council's homelessness strategy and work up the local homelessness strategy for final adoption by the Council.</p> <p>37. To develop new policies and approaches for achieving the Council's housing strategy and programme and work up a local housing strategy for final adoption by the Council. Work in partnership with Registered Providers to take advantage of any opportunity that may arise to develop affordable housing and prepare and monitor policies on housing standards, rent levels</p>	<p>Functions 31-34 are delegated to the Director (Strategy and Development) to the extent as detailed in Part 3.</p> <p>Function 35 is delegated to the Director (Finance and Operations) to the extent as detailed in Part 3.</p> <p>Functions 36-39 are delegated to the Director (Strategy and Development) to the extent as detailed in Part 3.</p>

WHO IS RESPONSIBLE	MEMBERSHIP	EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>and management arrangements for housing provided by Registered Providers.</p> <p>38. To approve the acquisition of housing and housing related property within the Council's statutory powers.</p> <p>39. To identify new initiatives for special needs housing.</p> <p>40. To approve the award of Grants or other assistance to Voluntary Organisations and other organisations who are active in the Welwyn Hatfield area and who are concerned with welfare, social, cultural, environmental, educational, leisure, recreation or other functions.</p> <p>41. To consider and determine the award of a limited number of individual grants, to provide financial assistance to gifted young people in sports and arts, for personal challenges and overcoming adversity in accordance with the Council's policy.</p> <p>42. To determine the award of discretionary rate relief which falls outside the Council's criteria.</p> <p>43. To be responsible for the provision, management and improvement of all Borough leisure facilities and services, involving buildings, playing fields and children's play areas.</p> <p>44. To be responsible for monitoring of service specifications and contractual arrangements throughout the Leisure Services business units.</p> <p>45. To develop local arts, cultural and recreational strategies through consultation with national and regional agencies such</p>	<p>Functions 40-45 are delegated to the Director (Finance and Operations) and Director (Strategy and Development) to the extent as detailed in Part 3.</p>

WHO IS RESPONSIBLE	MEMBERSHIP	EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>as the Eastern Arts Board and the Sports Council (Eastern Region) and other significant local organisations.</p> <p>46. To exercise powers in relation to the Cinematograph Act, Theatre and Places of Entertainment Acts and other related statutory provisions affecting Council owned and managed facilities.</p> <p><u>Planning</u></p> <p>47. To be responsible for building control functions.</p> <p>48. To approve for public consultation the Preferred Options report of the Council's Statement of Community Involvement; to approve the submission of the Statement of Community Involvement and to approve its adoption following receipt of the Inspector's report.</p> <p>49. To approve for public consultation the Issues and Options report and Preferred Options report of the Development Plan Documents; to consider the submission of the draft Development Plan Document prior to its approval by full Council.</p> <p>50. To approve for public consultation draft Supplementary Planning Documents and their subsequent adoption.</p> <p>51. To approve the Local Development Scheme for the Local Development Framework, to review the Local Development Scheme following the Annual Monitoring Report.</p>	<p>Functions 46-60 are delegated to the Director (Strategy and Development) to the extent as detailed in Part 3.</p>

WHO IS RESPONSIBLE	MEMBERSHIP	EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>52. To consider and approve the Council's Annual Monitoring Report.</p> <p>53. To evaluate and submit recommendations on Countywide Structure, Minerals and Waste Plans in consultation with statutory and voluntary bodies and assist in the monitoring procedure.</p> <p>54. To designate an area as a Conservation Area or area of Special Advertisement Control.</p> <p>55. To consider and approve the making of Compulsory Purchase Orders.</p> <p>56. To approve for public consultation and approve policies for consideration of development under the Welwyn Garden City Estate Management Scheme.</p> <p><u>Economic</u></p> <p>57. To have overall responsibility for economic development and the Council's involvement in the Hertfordshire Economic Development Partnership, Local Economic Partnership and other Economic Development Partnership Initiatives to achieve, in partnership with others, a buoyant and robust local economy, with steady and sustainable development.</p> <p>58. To work with partners to promote inward investment, and retain current investment in the Borough with the objective of regenerating and sustaining the local economy.</p>	

WHO IS RESPONSIBLE	MEMBERSHIP	EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>59. To assist in the development of networks in the business community and workforce which will support innovation in and development of the local economy.</p> <p>60. To review the performance of the local economy and ensure that relevant and up to date information on the Borough is available in order to assist local business and inward investment.</p> <p>61. To be responsible for policies relating to Hackney Carriages including setting of fares.</p>	<p>Function 61 is delegated to Director (Governance) to the extent as detailed in Part 3.</p>
<p>Cabinet Housing and Planning Panel</p>	<p>10 Members of the authority in the ratio 7:2:1</p>	<ol style="list-style-type: none"> 1. To work on the development of strategies, policies and plans relating to housing, planning and transportation matters (including responding to consultation documents) and make recommendations to the Cabinet in relation to the adoption of such strategies, policies and plans. In doing so to consider the results of any sustainability appraisal report of such policies and plans where relevant and the results of any public consultation. 2. To approve the Issues and Options Report for consultation in respect of the Statement of Community Involvement. 3. To consider the results of the Annual Monitoring Report including progress in meeting the key milestones in the Local Development Scheme and to make recommendations to the Cabinet as appropriate in the light of the Annual Monitoring Report. 4. To monitor the Housing Strategy and the Homelessness Strategy. 	<p>Functions 1-5 are delegated to the Director (Strategy and Development) to the extent as detailed in Part 3.</p>

WHO IS RESPONSIBLE	MEMBERSHIP	EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		5. To manage and monitor the work of the Welwyn Hatfield Community Housing Trust including considering its Annual Delivery Plan, Annual Report and Performance Management Reports.	
Whitley Committee	3 Members of the Council appointed by the Cabinet and 3 employees appointed by the Welwyn Hatfield Branches of the joint recognised Unions. The Chairman of the Committee to be a Member nominated by the Cabinet and the Vice-Chairman to be a Member of the Staffside nominated by the Staffside.	<ol style="list-style-type: none"> 1. To establish and foster a good working relationship between the Council and its employees to improve the standards of public service. 2. To act as the sole negotiating body between the Council and its employees irrespective of whether those employees are Members of the recognised Unions or otherwise. However, this Committee shall have no authority to deal with questions of individual discipline, promotion or efficiency. Subject to this, all matters relating to salaries, conditions of service, including any local improvements to the National Scheme of Conditions of Service, welfare and any other matters affecting the well being of the employer/employee relationship shall be considered by this Committee. 3. To consider and report on any relevant matter referred to it by the Cabinet or by the Welwyn Hatfield Branches of the Joint Unions. 4. To consider any reports of meetings between the Staff Side and the Executive Board which may be referred to this Committee by those bodies. 5. The Committee may refer any questions coming before it for the advice of the East of England Local Government Association and shall inform the East of England Regional Council of any recommendations of the Committee which appear to the Committee to be of more than local interest, so long as the recommendation has been approved by the Cabinet 	

WHO IS RESPONSIBLE	MEMBERSHIP	EXECUTIVE FUNCTIONS	DELEGATION OF FUNCTIONS
		<p>prior to its submission to the East of England Local Government Association.</p> <p>6. To make recommendations to the Cabinet as to the application of the terms and conditions of service and the education and training of Local Government Employees employed by the Council.</p>	
Cabinet Grants Appeals Committee	3 Members of the Cabinet appointed annually	<p>1. To hear personal representations and determine appeals from applicants turned down for grant aid by Officers.</p> <p>2. To hear and determine appeals from organisations that are entitled to make personal representations, if they believe the decisions taken by the Business Rate Section are unjust or they believe they have additional information which may increase their entitlement to rate relief.</p>	
Campus West Cabinet Panel	4 Members in the ratio 3:1	<p>To recommend to Cabinet:-</p> <p>1. The setting of a three year investment programme with an accompanying Strategy, and develop an indicative five to ten years Business Plan for Campus West.</p> <p>2. The enhancing of Campus West's reputation as a well regarded provider of arts and leisure services in the Borough, so the business is seen to be both community minded and commercially sensitive.</p>	Functions 1-2 are delegated to the Director (Strategy and Development) to the extent as detailed in Part 3.
Welwyn Garden City Estate Management Panel	6 Members of the Council from the Welwyn Garden City Wards in the ratio 4:1:1	<p>1. To consider appeals against the refusal of Welwyn Garden City Estate Management Consent where the applicant is not in agreement with the decision and negotiation has proved ineffective.</p> <p>2. To consider enforcement and further action under the Welwyn Garden City Estate Management Scheme.</p>	Functions are delegated to the Director (Strategy and Development) to the extent as detailed in Part 3.

MEMBERS OF THE CABINET

Councillor J W Dean	Leader of the Council	42 New Park Road Newgate Street Village Hertford Herts SG13 8RF	Brookmans Park & Little Heath Ward
Councillor A Franey	Deputy Leader of the Council and Executive Member, Resources	204 Daniells Welwyn Garden City Herts AL7 1QQ	Sherrards Ward
Councillor H.Bromley	Executive Member, Environment	32 Parkway Welwyn Garden City Herts AL8 6HQ	Handside Ward
Councillor T.Kingsbury	Executive Member, Policy and Culture	7 Blakes Way Welwyn Herts AL6 9RE	Hatfield East Ward
Councillor A L Perkins	Executive Member, Governance and Environmental Health	8 Canons Field Welwyn Herts AL6 0QD	Welwyn West Ward
Councillor B Sarson	Executive Member, Business and Partnerships	69 Selwyn Crescent Hatfield Herts AL10 9NW	Hatfield East Ward
Councillor R Trigg	Executive Member, Planning, Housing and Community	8 Tanglewood Welwyn Herts AL6 0RU	Panshanger Ward

LEAD MEMBERS

Councillor D.Bennett	Lead Member, Sports
Councillor S.Markiewicz	Lead Member, Strategic Projects
Councillor F.Thomson	Lead Member, Health

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Decision Making Body	Membership	Delegation of Functions
Any functions relating to contaminated land	Cabinet	Up to 10 Members of the Council to be determined by the Leader	Director (Governance) with full power to act unless a key decision.
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet	Up to 10 Members of the Council to be determined by the Leader	Head of Public Health and Protection with full power to act unless a key decision.
The service of an abatement notice in respect of a statutory nuisance	Cabinet	Up to 10 Members of the Council to be determined by the Leader	Head of Public Health and Protection with full power to act unless a key decision
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area	Council	48 Members of the Council	None
The inspection of the Council's area to detect any statutory nuisance	Cabinet	Up to 10 Members of the Council to be determined by the Leader	Head of Public Health and Protection with full power to act
The investigation of any complaint as to the existence of a statutory nuisance	Cabinet	Up to 10 Members of the Council to be determined by the Leader	Head of Public Health and Protection with full power to act
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Cabinet	Up to 10 Members of the Council to be determined by the Leader	Director (Strategy and Development) and Director (Governance)
The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet	Up to 10 Members of the Council to be determined by the Leader	Directors

Function	Decision Making Body	Membership	Delegation of Functions
Making appointments to outside bodies in respect of non executive functions	Council	48 Members of the Council	None
Making appointments to outside bodies in respect of executive functions	Cabinet	Up to 10 Members of the Council to be determined by the Leader	None

EXECUTIVE BOARD

Comprising of: Chief Executive and Directors

1. Responsible for supporting the political leadership of the Council in providing strategic direction for the Council and formulating strategic objectives and plans to achieve these.
2. Facilitate the operation of the Council's decision making structure by providing appropriate support and advice.
3. Consider and agree matters that relate to the overall corporate management arrangements of the Council to achieve a consistent and measured approach to the management of the Council's business.
4. Determine how, in agreeing any matter which relates to the overall corporate management arrangements of the Council and within the Council's adopted performance management framework, monitoring of its implementation will be carried out and ensure such monitoring takes place.
5. To approve all policies and procedures relating to all aspects of employment of the Council's employees, including terms and conditions and pension related matters.
6. Within the Council's framework for Performance Management:
 - (a) Monitor the implementation of strategic priorities set out in Service Plan targets via regular quarterly monitoring reports.
 - (b) Monitor performance against local and national performance indicators and other adopted quality assurance systems via regular quarterly monitoring reports.
 - (c) Monitor the implementation of improvement, action and project plans via regular monitoring reports. Monitoring frequencies to be determined on a case by case basis.
 - (d) Monitor revenue and capital expenditure and trends via regular quarterly monitoring reports.
7. Consider any matter that is of a corporate and/or cross cutting nature.
8. Monitor, on a regular basis, the progress/activities relating to major strategic partnerships and external bodies with which the Council is involved.
9. Receive the minutes of all Officer Working Parties to monitor their respective activities and make recommendations as appropriate.
10. Assist in maintaining probity, honesty and bona fides in the conduct of the Council's business at Officer level by reference to relevant Codes of Conduct or Protocols via the receipt and consideration of Officer reports which deal with proposed changes to practice/policy following instances where Officer conduct falls short of such standards.
11. Make appropriate recommendations to the Cabinet, Committees or the Council on matters within their respective functions.

12. Agree at each Executive Board meeting what matters should be communicated to staff and determine the appropriate mechanism for doing so.
13. In urgent or emergency circumstances to carry out business within the powers of the Council in consultation with the appropriate Executive Member.

HEADS OF SERVICE TEAM (HOST)

TERMS OF REFERENCE

1. To consider issues which have significance for more than one service area.
2. To take decisions under delegated authority on behalf of the Executive Board.
3. To implement strategic directives given by the Executive Board.
4. To provide a consensus view on issues to the Executive Board to assist decision making.

GENERAL POWERS APPLICABLE TO ALL DIRECTORS

1. General

- (1) In all cases where specific authority is given to a Director or other Officer in these Responsibility for Functions that Director/Officer is responsible for undertaking any necessary consultation with any other Director or Officers as may be appropriate.
- (2) To continually review service provision and seek to deliver services in a way which provides best value.
- (3) To determine appropriate and reasonable charges for works/services provided by his/her service area.
- (4) To negotiate with Trade Unions, whenever necessary, on matters appertaining to the workforce or systems in his/her service area.
- (5) To fulfil the prescribed corporate role in relation to health and safety and implement an effective procedure for Health, Safety and Welfare within his/her service area.
- (6) To resolve disputes on interpretation or application of National, Regional or Local Joint Agreements in conjunction with the Director (Governance), when necessary.
- (7) To hire any necessary items of plant and equipment for a short-term use by his/her service area provided this comes from an agreed budget.
- (8) To take all necessary and appropriate action in response to civil emergency or business continuity incidents, in accordance with the Council's Emergency Plan or Business Continuity Plans.
- (9) To engage at his/her discretion Consultants provided this sum comes from an agreed budget and subject to compliance at all times with Finance and Contract Procedure Rules.
- (10) To enter into maintenance agreements and other minor agreements provided this comes from agreed budgets and subject to compliance at all times with Finance and Contract Procedure Rules.
- (11) To do any other thing which is reasonable and necessary to facilitate the performance of his/her specific responsibilities which are detailed in Part 3 of the Constitution – Responsibility for Functions.

2. **Staffing**

- (1) The appropriate Director/Head of Service in consultation with the Human Resources Manager is authorised in accordance with agreed Council procedures:-
 - (a) to arrange for the job evaluation of new posts and re-evaluation of existing posts as and when required in accordance with the procedure adopted by the Council (from time to time);
 - (b) to issue warnings, suspend, dismiss or take other disciplinary action which he/she considers necessary against employees in his/her service area (there may be occasions where a Director has to take action outside their service area) in accordance with the appropriate Disciplinary and Grievance Code referred to at (2) below;
 - (c) to approve applications for car loans under the Assisted Car Purchase Scheme;
 - (d) to approve, at the Council's expense, the installation of telephones at the private residences of employees;
 - (e) to approve the payment of additional monies to Officers under Part 3 paragraph 1.3 of the National Scheme of Conditions of Service or in accordance with any local agreement;
 - (f) to approve post entry training and day release under Part 2 paragraph 3.1 and Part 3 paragraph 3 of the National Scheme of Conditions of Service or in accordance with the policy determined by the Executive Board from time to time;
 - (g) to deal with all matters arising from and following the appointment of trainees or other workers through Government sponsored trainee schemes, including approving post entry training, day release and completion of contractual or other documents in accordance with the policy determined by the Executive Board from time to time;
 - (h) to arrange for the advertising and filling of vacant posts in his/her service area;
 - (i) to deal with applications for special leave of absence with or without pay up to two working weeks on any one occasion to all staff in his/her service area;
 - (j) to agree the appointment of temporary staff as required within approved estimates.
- (2) To carry out functions specified within the approved Disciplinary, Harassment, Grievance and Sickness Procedure documents and all other human resources or corporate procedures.

3. **Consultation with Members**

- (1) Before taking any decision on behalf of the Council, Directors and Heads of Service must consider whether to involve Members. If a matter is a purely routine, administrative, technical or professional matter that is not controversial then Members need not be involved. For the avoidance of doubt matters in relation to development management, licensing, registration, consents and other permissions will always be dealt with in accordance with the procedures which the Council has established from time to time.
- (2) If a matter has only local significance and is not controversial Directors should ensure that local Members are kept up to date on such issues that affect their areas.
- (3) If a matter has general significance for the Council and/or is likely to be controversial then the Director should consult the appropriate Cabinet Member before proceeding. In some cases it will be necessary to consult with more than one Cabinet Member, and in some cases the Leader of the Council will need to be consulted. If the Cabinet Member(s) concurs with the Director then the Director may proceed.

4. **Further provisions**

- (1) Delegations to Directors and Heads of Service include the power for Directors and Heads of Service to further delegate in writing any of their delegated functions either fully or under the general supervision and control of the delegating Director. A record of sub delegations shall be kept by the appropriate Director and copied to the Governance Services Manager for entry into a formal register.
- (2) Directors shall devolve responsibilities for service delivery and management (whether or not involving sub-delegation under 1 above) to the nearest practicable point to the service user and in a way which clearly identifies accountabilities.
- (3) It shall always be open to a Director not to exercise delegated powers but to refer the matter to the Cabinet for decision.
- (4) In exercising delegated powers, Directors shall consult with such other Officers as they deem appropriate and shall have regard to any advice given.

CHIEF EXECUTIVE

1. Support the political leadership of the Council to provide strategic direction for the Council and formulate strategic objectives and plans to achieve this.
2. Be the Council's Head of Paid Service within the meaning of section 4 of the Local Government and Housing Act 1989 with overall corporate management and operational responsibility involving securing and managing the professional body of Officers needed to deliver modern, effective, well focused services.
3. Facilitate the operation of the Council's decision making structure both executive and non-executive by providing appropriate support and service.
4. In the event of the deferral of the appointment of the Leader from the Annual Council meeting to a subsequent meeting, to have broad power to discharge the executive functions of the authority in the absence of the Leader, until such appointment takes place.
5. Monitor the implementation of strategic priorities as translated into targets in annual service plans
6. Monitor performance against performance indicators and other adopted quality assurance systems.
7. Represent the Council on partnership and external bodies (as required by statute or the Council).
8. Undertake any function delegated to a Director/Head of Service provided it is within the law and within his/her capacity.
9. Be the Electoral Registration Officer and Returning Officer in respect of electoral matters, including the conduct of elections.
10. To be a Member of the WHC Resilience Team and take all necessary and appropriate action in response to a civil emergency or business continuity incident, in accordance with the Council's Emergency Plan or Business Continuity Plans, including being the Council's representative at any Strategic Command Group ('Gold command') activated as part of an emergency.

Health and Safety

In connection with the Council's duties under the Health and Safety at Work Act 1974, together with related regulations or other legislation, the Chief Executive has ultimate responsibility for the health and safety performance of the Council and is the Council's Safety Director. In this role the Chief Executive receives reports arising from the work of the Risk and Resilience Manager and Risk and Resilience Officer, and, on a periodic basis, the relevant work of the Treasury Management and Insurance Officer and any Council partner or contractor. The key roles and responsibilities of the Safety Director include:-

- Providing visible and active commitment to health and safety at the Executive Board
- Establishing effective communication systems and safety structures
- Integrating health and safety into decision making structures

The Safety Director, or their designated representatives are empowered to research, develop and implement (once properly approved through the Council's decision making structure) policies, procedures and processes to ensure compliance with the requirements of the Health and Safety at Work Act 1974 and associated regulations or other legislation.

The Safety Director, or their authorised representatives shall have the authority to enter at all reasonable times onto any Council premises or land to carry out any safety related investigation, inspection, assessment or review. They are also authorised to require the immediate suspension of any activity where it is believed in good faith that a breach of health and safety law or regulation has occurred or is likely to occur, or where it is believed that there is imminent danger to the health, safety and wellbeing of any persons.

DIRECTOR (FINANCE AND OPERATIONS)

Deputises for the Chief Executive as necessary.

1. FINANCE

To be responsible for the implementation of strategies, policies and plans relating to finance, information technology, internal audit, Council tax, business rates, housing benefits, property and environmental services.

The Director (Finance and Operations) is the responsible officer under Section 151 of the Local Government Act 1972 and shall, within the framework of statute and the Council's Budget and Policy Framework Procedure Rules and Financial Procedure Rules, administer and advise upon all the financial affairs of the Council. The Head of Resources is the deputy responsible officer under this Section.

- (1) The Director (Finance and Operations) will act as Registrar of Bonds;
- (2) The Director (Finance and Operations) can:-
 - (a) write-off, as irrecoverable, accounts outstanding and under £10,000 including benefits overpayments;
 - (b) deal with all applications for rent and rate rebates, rent allowances and other financial concessions as directed by statute or determined locally;
- (3) The Head of Resources can write off as irrecoverable amounts outstanding and under £5,000.
- (4) The Director (Finance and Operations), Head of Resources and the Client Support Services Manager are each authorised to take all necessary action to issue Council Tax bills and rate demands, recover all such sums due, including unoccupied property rates and to sign and serve all related notices and documents.
- (5) To grant discretionary rate relief to those organisations which meet the Council's criteria, referring those that fall outside it to the Cabinet for decision.
- (6) The Client Support Services Manager can write off as irrecoverable accounts outstanding and under £1,000.
- (7) The Client Support Services Manager is authorised to sign cheque requisitions of up to £2,000 for alterations to Council cheques.
- (8) The Client Support Services Manager is authorised to determine appeals of applicants in respect of benefits claims. (If the applicant wishes to take the appeal further it must be referred to the Benefits Agency and heard by a Social Services Tribunal).

- (9) The Director (Finance and Operations) to have overall responsibility for the financial administration and monitoring of the whole of the Council's expenditure and income including:-
 - (a) Where an overspend occurs to report to the Cabinet with recommendations of action to be taken;
 - (b) Monitoring the special funds and reporting to the Cabinet on the level of contribution and maximum level of funds required.
- (10) The Director (Finance and Operations), Head of Resources and the Client Support Services Manager to be responsible for all matters concerning Rating, Council Tax and benefits/rebates.
- (11) The Director (Finance and Operations), Head of Resources and the IT Client Manager to control and manage Information Systems, Technology and Telecommunications.
- (12) The Director (Finance and Operations), Head of Resources and Client Support Services Manager to be responsible for all matters relating to Housing Benefits.
- (13) To take all necessary and appropriate action in response to civil emergency or business continuity incidents, in accordance with the Council's Emergency Plan or Business Continuity Plans and Chair the Council's Business Continuity Incident Management Team.
- (14) To advise on all grant applications, annual, welfare, leisure and individual grants.
- (15) The Director (Finance and Operations), Client Support Services Manager, Revenue and Benefits Client Officer, the Council's Head of Revenue and Benefits and the Council's Benefits Manager have delegated powers for awarding Council Tax hardship relief.
- (16) To be responsible for the implementation of the strategies, policies and plans relating to Environment, Transportation and Property Services.
- (17) To advertise and make Traffic Regulation Orders under the Road Traffic Regulation Act 1984 and amendments to Orders, subject to the determination by the Cabinet of any formal objection received.

2. ENVIRONMENT SERVICES

All the following delegated powers relating to Environmental Services can also be exercised by the Head of Environment who may also delegate to a suitably qualified or experienced Officer.

(1) To use and exercise the powers of the Environmental Protection Act 1990 and any subordinate Regulations or Orders. Power to inspect, search, investigate and enforce:-

- (a) Streetscene (refuse, recycling and cleansing)
- (b) Grounds Maintenance
- (c) Parking and Council Car Parks
- (d) Decriminalised Parking
- (e) Street Wardens
- (f) Cemetery and Burial Registration
- (g) LLPG, Naming and Numbering
- (h) Road Nameplates
- (i) Abandoned Vehicles
- (j) Stray Dogs
- (k) Bus Shelters
- (l) Litter/Dog Bins and Street Benches
- (m) Children's Play Areas

Section 33	Prohibition on unauthorised or harmful deposit, treatment or disposal of waste (depositing controlled waste)
Section 34	Duty of Care etc as respects waste (Duty of Care)
Sections 46 and 47	Waste Receptacles
Sections 87 and 88	Offence of leaving litter and fixed penalty notices for leaving litter
Section 92	Summary proceedings by Litter Authority (Litter Clearing Notice)
Sections 93 and 94	Street Litter Control Notices
Section 99	Powers in relation to abandoned shopping and luggage trolleys
Sections 149-151	Control of Dogs

(2) To use and exercise the powers of the Refuse Disposal (Amenity) Act 1978 and any subordinate Regulations or Orders, inspect, search, investigate, enforce and issue fixed penalty notices:-

Section 2	Penalty for unauthorised dumping
Section 3	Removal of abandoned vehicles
Section 4	Disposal of removed vehicles
Section 5	Recovery of expenses connected with removed vehicles
Section 8	Powers of entry etc

- (3) To use and exercise the powers of the Clean Neighbourhoods and Environment Act 2005 and any subordinate Regulations or Orders, inspect, search, investigate, enforce and issue fixed penalty notices:-

Part 2	Vehicles
Part 3	Litter and Refuse
Part 4	Graffiti and other defacement
Part 5	Waste
Part 6	Dogs

- (4) To have authority to permit the Parking Services Team Leader to make applications for Deemed Planning Consent for schemes which form part of approved programmes, for example, vehicle hardstandings.
- (5) To deal through the Parking Services Senior officer, as appropriate, with all operational matters arising in respect of Decriminalised Parking Enforcement.
- (6) To be responsible for operational matters associated with the Borough's resident permit parking schemes.
- (7) To manage verge parking infringements and enforce as prescribed by Welwyn Hatfield Council 1975 - Byelaw 1 as to the preservation of road margins laid out for ornamental purposes made under Section 235 of the Local Government Act 1972
- (8) To supervise the LLPG requirements and deal with the postal naming and numbering of new developments pursuant to Sections 17, 18 and 19 of the Public Health Act 1925 and only cases where agreement cannot be reached to be reported to the Cabinet.

3. **CORPORATE PROPERTY**

3.1 **Under the supervision of the Director (Finance and Operations) and Head of Resources , the Corporate Property Manager is authorised:-**

- (1) To control and manage commercial properties owned or occupied by the Council.
- (2) To negotiate and determine valuations and rentals of commercial properties owned or occupied by the Council in accordance with the policies adopted by the Council.
- (3) To approve all rent reviews and terms of leases where an open market rental is agreed between the Council and the lessee.
- (4) To approve changes of use of Neighbourhood Centre shops in accordance with Council Policy.
- (5) Any negotiation which involves the purchase, lease or sale of land or buildings, or the granting of a licence or the right to use Council premises (but excluding halls lettings) shall be conducted by or on behalf of the Corporate Property Manager who will consult the responsible Director and Head of Service and the Director (Governance) as appropriate. The Corporate Property Manager will be able to approve transactions with a value of up to £100,000 as a one-off or, in conjunction with the Head of Resources, up to £250,000 as a one-off. In addition, the Corporate Property Manager will be able to approve transactions up to £100,000 per annum.
- (6) To submit Rating Appeals for NNDR properties and agree Assessments with the Valuation Office.
- (7) To be responsible for General Fund Garages including maintenance, rent setting and recovery of rent owed on these properties.
- (8) Authorised signatories for Notices to Quit garages and service of Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 for garages include Director (Finance and Operations), Head of Resources, Finance Manager, Accounting Services Manager, Corporate Property Manager and Estates Manager.
- (9) Under the Assets of Community Value (England) Regulations 2012, to maintain the List of Assets of Community Value and the List of Assets Nominated Unsuccessfully by Community Nomination and the associated administrative procedures.

3.2 The Director (Finance and Operations), Head of Resources and the Corporate Property Manager to co-ordinate Office Accommodation.

DIRECTOR (GOVERNANCE)

Deputises for the Chief Executive as necessary.

To be responsible for the implementation of strategies, policies and plans relating to legal, democratic, environmental health, licensing, public health, climate change, pest control, human resources and hackney carriage services.

The Director (Governance) is the Monitoring Officer and will exercise all powers necessary to fulfil that statutory role pursuant to Section 5 of the Local Government and Housing Act 1989.

The Director (Governance) is the nominated senior responsible officer for the purposes of the Regulation of Investigatory Powers Act 2000 and is an Authorising Officer for the purpose of the use of covert intelligence under the Act.

1. LEGAL

The Director (Governance) is authorised:-

1.1 To act as the Council's principal legal adviser.

The following delegated powers in 1.2 to 1.10 can also be exercised by the Head of Law and Administration who may also delegate to a suitably qualified or experienced officer.

1.2 To authorise the institution or defence, appearance at, withdrawal or settlement of any legal proceeding and be responsible for its conduct in any civil or criminal proceedings provided any necessary Committee/Cabinet approvals have been obtained and in particular:-

- (a) To instruct and retain Counsel, external Solicitors or other experts in legal proceedings and obtain advice in relation to any matter whenever this is considered to be in the interest of the Council, and
- (b) To negotiate and settle claims or disputes of any description including the payment of damages, compensation etc and legal costs for claims of less than £15,000 in consultation with the Head of Paid Service and Directors.
- (c) To negotiate and settle claims or disputes of any description including the payment of damages, compensation etc and legal costs for claims from £15,000 and up to a limit of £50,000 in consultation with the Head of Paid Service and Directors and the Leader and Executive Member, Resources, subject to a report on the action taken being submitted to the next meeting of the Council.

1.3 To authorise, issue and serve all Statutory Notices (including Requisitions for Information) under any enactment. The Director (Governance) may authorise another officer to serve all such notices, once issued by him. The Director (Governance) may exercise the power of another officer to authorise, issue and serve such notices when that officer is unable or unwilling to act.

- 1.4 To take all steps incidental to completing or obtaining the confirmation of any Order or other statutory decrees made by the Council
- 1.5 To sign and seal documents on behalf of the Council.
- 1.6 To authorise the institution of legal proceedings in accordance with legislation and common law for the purpose of securing possession of land occupied by travellers.
- 1.7 To give legal effect to all agreements, contracts or any other document requiring execution and completion by the Council provided any necessary Committee/Cabinet approvals have been obtained.
- 1.8 To carry out on behalf of and in the name of the Council the acquisition and disposal of land including for the avoidance of doubt the sale of Council houses once terms have been agreed and any necessary Committee/Cabinet approvals have been obtained.
- 1.9 To enter into agreements under statutory or other powers to ensure the Council's functions are fulfilled, including, for the avoidance of doubt, Deeds of Postponement in cases where it is considered appropriate to do so, in respect of first and further charges on properties where discount provisions under the Housing Act 1985 still apply.
- 1.10 To maintain the Council's legal documentation including deeds of conveyance and contracts.
- 1.11 To make street closure orders under section 21 of the Town Police Clauses Act 1847.
- 1.12 To ensure compliance with the requirements specified in the Data Protection Acts 1984 and 1998, and the Freedom of Information Act 2000.
- 1.13 To make changes to the Constitution where required by statute or decisions of the Council.
- 1.14 To receive complaints of alleged failure by Members to comply with the Code of Conduct determining whether a complaint merits formal investigation and to arrange such investigation, seeking resolution of complaints without formal investigation wherever practicable, with the discretion to refer decisions on investigation to the Standards Committee where the Monitoring Officer (and in the absence of the Monitoring Officer, the Deputy Monitoring Officer) feels that it is inappropriate for Officers to take the decision.
- 1.15 To have the power to grant dispensations to Members, where they have a "disclosable pecuniary interest" (and in the absence of the Monitoring Officer, the Deputy Monitoring Officer) under Section 33 (2) (a), (b), (c), (d) and (e) of the Localism Act 2011, and that where the Monitoring Officer or Deputy Monitoring Officer consider it appropriate to refer the request to the Standards Committee for that body to decide whether to grant such dispensation.

2. **HACKNEY CARRIAGES**

The following delegated powers in 2.1 to 2.3 relating to hackney carriages and private hire licences and legislation can also be exercised by the Head of Public Health and Protection and Hackney Carriage Officer who may also delegate to a suitably qualified or experienced officer.

- 2.1 To grant, renew or refuse hackney carriage/private hire vehicle, driver or operator licences in accordance with approved Council policy unless the Director (Governance) or Head of Public Health and Protection considers it more prudent and or appropriate for the application to be dealt with by the Hackney Carriage Committee.
- 2.2 To carry out investigations into alleged contraventions of hackney carriage and private hire legislation, policy, conditions or byelaws and to take appropriate action including the suspension or revocation of any hackney carriage or private hire licence granted by the Council or to prosecute/institute proceedings for offences. Where the Director (Governance) or Head of Public Health and Protection considers that it is not prudent and/or appropriate to exercise this delegated power the alleged contravention shall be referred to the Hackney Carriage Committee for determination.
- 2.3 Having first informed the Executive Member, has the power to serve notice to suspend or revoke any licence in the interest of public safety and must report such action to the first meeting of the relevant Committee following the taking of such action.

3. **PROCUREMENT**

To be responsible, in conjunction with the Procurement Manager, for the co-ordination of the procurement function throughout the Council to ensure best practice and value for money are achieved in procurement exercises and the development of appropriate strategies.

4. **EMERGENCY PLANNING AND RISK MANAGEMENT**

- (1) To be a member of the WHC Resilience Team and take all necessary and appropriate action in response to a civil emergency or business continuity incidents, in accordance with the Council's Emergency Plan or Business Continuity Plans.
- (2) To be responsible for the functions and duties of the Council in accordance with the Civil Contingencies Act 2004, including:
 - The duty to co-operate with other organisations engaged in response within the local resilience area
 - The duty to share information with other responders
 - The duty to carry out risk assessments and co-operate with other agencies in this
 - Maintaining emergency plans
 - Maintaining business continuity plans

- The duty to warn and inform the public
 - Advice and assistance to businesses and the voluntary sector in respect of business continuity management
- (3) To provide corporate support in respect of resilience including the training of employees and testing, validation and exercising of plans.
 - (4) To ensure representation of the Council's interests within meetings of the Local Resilience Forum or groups/sub-groups thereof.
 - (5) To advise the Council as duty holder under the Health and Safety at Work Act 1974 and subordinate legislation and guidance.
 - (6) To maintain an adequate and effective process for risk management

5. **MEMBER INDUCTION AND DEVELOPMENT**

To be responsible, in conjunction with the Governance Services Manager, for arranging the annual member induction and development programmes.

6. **HUMAN RESOURCES**

To be responsible for the implementation of the strategic policies and plans relating to Human Resources Services and have corporate and overall responsibility for the Human Resources service area.

All the following delegated powers relating to Human Resources can also be exercised by the Human Resources Manager who may also delegate to a suitably qualified or experienced Officer.

- (1) To draft appropriate policies and procedures for Executive Board approval relating to all aspects of employment of the Council's employees, and to arrange implementation of those policies and procedures following consultation with the Unions and agreement by Executive Board.
- (2) To implement nationally agreed pay awards for all employees.
- (3) To resolve disputes on the interpretation or application of National Provincial Joint Agreements.
- (4) To negotiate with Trade Unions whenever necessary.
- (5) To develop and secure observance of the Council's Single Equality Scheme.
- (6) To advise employees on employment legislation, including where necessary attendance on behalf of the Council at Employment Tribunal proceedings.
- (7) To make financial settlements arising from employment issues, dismissal, subject to a maximum of £25,000.

- (8) In conjunction with the appropriate Director, to approve ill-health retirements and the award of increments to individual employees, where these are within settled policy guidelines, raise no other policy implications and the issue is a non-contentious one. Cases outside current policies to be referred to the Executive Board for decision.
- (9) To organise a corporate training programme for all employees and Members.

7. **COUNCIL PETITION SCHEME**

To receive petitions and e-petitions and refer them to the appropriate Committee, in accordance with the Council's Petition Scheme and reject those petitions which do not meet the scheme or which are considered to be vexatious, abusive or otherwise inappropriate.

8. **PUBLIC HEALTH AND PROTECTION, INCLUDING ENVIRONMENTAL HEALTH AND LICENSING**

The Head of Public Health and Protection is an Authorising Officer for the purpose of the use of covert surveillance under the Regulation of Investigatory Powers Act 2000.

The Head of Public Health and Protection is a member of the WHC Resilience Team and may take all necessary and appropriate action in response to a civil emergency or business continuity incidents, in accordance with the Council's Emergency Plan or Business Continuity Plans.

All the following delegated powers can also be exercised by the Head of Public Health and Protection who may also delegate to a suitably qualified or experienced Officer.

- (1) To serve or authorise service of notices:
 - (a) Requiring the disclosure of interests in land.
 - (b) Requiring the abatement of statutory nuisances and prohibiting the occurrence or recurrence of statutory nuisances.
- (2) To defer the service of abatement notices in respect of noise nuisance.
- (3) To take action to ensure the restoration or continuation of the supply of water, gas or electricity to premises.
- (4) To negotiate contracts in respect of pest control.
- (5) To negotiate contracts for the performance of any environmental health function.
- (6) To authorise the carrying out of works in default arising from actions taken in accordance with environmental health or other legislation and to arrange for the recovery of costs.

- (7) To request or respond to requests for mutual aid assistance for performance of any environmental health function.
- (8) To appoint or authorise any registered veterinary surgeon or veterinary practitioner to carry out duties in connection with any food or animal related legislation or licence which it is the Council's remit to enforce.
- (9) To make or authorise applications to the Magistrates Court for warrants authorising entry to premises or land.
- (10) To authorise the institution of legal proceedings in accordance with legislation falling within environmental health, public health, pest control and licensing duties and responsibilities and for the purpose of securing possession of land occupied by travellers.
- (11) To authorise any suitably qualified or experienced person to act or to execute powers under any current Environmental Health, Public Health, sunbeds/radiological protection, Food Safety, European Community, Environmental Protection, Health and Safety, Infectious Disease, Pollution Control, Community Protection, Animal Welfare, Health Protection, hackney carriage, private hire, Licensing, Gambling and Housing legislation enforced or administered by the Council and to sign such authorisations.
- (12) To authorise surveillance in connection with the gathering of evidence for environmental health or licensing offences.
- (13) To take or authorise the taking of samples of air, land, water, food or other substances or materials and cause them to be tested or examined.
- (14) To issue Simple Cautions for offences for which Public Health and Protection has enforcement responsibility (including licensing)
- (15) To authorise applications for anti social behaviour orders in connection with legislation falling within the remit of environmental health and licensing.
- (16) To appoint or authorise a General Medical Practitioner or other suitable person(s) to act on behalf of the Council or to advise the Council on matters relating to the removal to suitable premises of persons in need of care and attention.
- (17) To be a Member of the Council's Resilience team.
- (18) To negotiate, agree or modify primary authority agreements having first discussed the matter with the Director (Governance) and relevant portfolio Holder.

8.1 Pollution Control

In pursuance of the Council's duties in respect of pollution control:-

To take action if it appears that waste has been deposited in or on any land in contravention of section 33(1) Environmental Protection Act 1990 and that in order to remove or prevent pollution of land, water or air or harm to human health it is necessary that the waste be forthwith removed or other steps taken to eliminate or reduce the consequences of the deposit or both and to take steps to recover the costs incurred by the Authority in doing so.

- (a) To serve or authorise the service of notices:
 - (a) Requiring the abatement of statutory nuisance and prohibiting or restricting the occurrence or recurrence of statutory nuisance.
 - (b) In respect of the control of noise on building sites.
 - (c) Requiring further information for the purpose of determining applications for authorisation of prescribed processes.
 - (d) Requiring persons to furnish information concerning processes capable of causing pollution of the environment.
 - (e) Requiring information concerning furnaces and fuel consumed.
 - (f) Requiring information concerning the emission of pollutants and other substances into the air from premises.
 - (g) To remediate contaminated land.
 - (h) To determine contaminated land.
 - (i) To designate air quality management areas.
- (b) To negotiate the handover of special sites to the environment agency.
- (c) To determine conditions for the grant, variation, revocation or refusal of authorisations and permits to carry on prescribed processes.
- (d) To serve or authorise the service of enforcement notices and prohibition notices for prescribed processes.
- (e) To approve or reject applications for prior approval of furnace installations.
- (f) To approve or reject applications for approval of chimney heights.
- (g) To approve or reject applications for exemptions from the requirement to fit plant for arresting grit and dust.

- (h) To determine applications for prior consent in respect of measures to minimise noise on construction sites.
- (i) To register or to refuse the registration of intruder alarms. To designate or withdraw alarm notification areas.
- (j) To issue or authorise the issue of fixed penalty notices for failure to notify key holder details and to arrange for the collection of receipts from such fixed penalty notices.
- (k) To issue or authorise the issue of fixed penalty notices for noise from licensed premises or domestic premises and to arrange for the collection of the fixed penalty receipts from such notices.
- (l) Authorised person for the purposes of s108 and 109 of the Environment Act 1995
- (m) To pursue legal action against occupiers of premises for dark smoke emitted from chimney stacks and dark smoke emitted from industrial or trade premises.
- (n) For the purpose of determining whether any provision of the pollution control enactments in the case of that authority is being, or has been, complied with; of exercising or performing one or more of the pollution control functions of that authority; or of determining whether and, if so, how such a function should be exercised or performed any or all of the powers below:
 - (a) to enter at any reasonable time (or, in an emergency, at any time and, if need be, by force) any premises which he has reason to believe it is necessary for him to enter;
 - (b) on entering any premises by virtue of paragraph (a) above, to take with him
 - (i) any other person duly authorised by the enforcing authority and, if the authorised person has reasonable cause to apprehend any serious obstruction in the execution of his duty, a constable; and
 - (ii) any equipment or materials required for any purpose for which the power of entry is being exercised;
 - (c) to make such examination and investigation as may in any circumstances be necessary;
 - (d) as regards any premises which he has power to enter, to direct that those premises or any part of them, or anything in them, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under paragraph (c) above;

- (o) to take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under paragraph (c) above;
- (p) to take samples, or cause samples to be taken, of any articles or substances found in or on any premises which he has power to enter, and of the air, water or land in, on, or in the vicinity of, the premises;
- (q) in the case of any article or substance found in or on any premises which he has power to enter, being an article or substance which appears to him to have caused or to be likely to cause pollution of the environment or harm to human health, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it, unless that is necessary);
- (r) in the case of any such article or substance as is mentioned in paragraph (g) above, to take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely
 - (i) to examine it, or cause it to be examined, and to do, or cause to be done, to it anything which he has power to do under that paragraph;
 - (ii) to ensure that it is not tampered with before examination of it is completed;
 - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under the pollution control enactments in the case of the enforcing authority under whose authorisation he acts or in any other proceedings relating to a variation notice, enforcement notice or prohibition notice under those enactments;
- (s) to require any person whom he has reasonable cause to believe to be able to give any information relevant to any examination or investigation under paragraph (c) above to answer (in the absence of persons other than a person nominated by that person to be present and any persons whom the authorised person may allow to be present) such questions as the authorised person thinks fit to ask and to sign a declaration of the truth of his answers;
- (t) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records
 - (i) which are required to be kept under the pollution control enactments for the enforcing authority under whose authorisation he acts, or
 - (ii) which it is necessary for him to see for the purposes of an examination or investigation under paragraph (c) above,

and to inspect and take copies of, or of any entry in, the records;
- (u) to require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the

authorised person to exercise any of the powers conferred on him by this section;

- (v) any other power for:-
 - (i) a purpose falling within any paragraph of subsection (1) above, or
 - (ii) any such purpose as is mentioned in subsection (2) above,
which is conferred by Regulations made by the Secretary of State.
in the case of any article or substance found by him on any premises which he has power to enter, and having reasonable cause to believe that, in the circumstances in which it is found the article or substance is a cause of imminent danger of serious pollution of the environment or serious harm to human health, seize it and cause it to be rendered harmless (whether by destruction or otherwise).
- (w) To appoint suitable persons as authorised persons under Section 108 of the Environment Act 1995.
- (x) To issue or authorise the issue of community protection notices.
- (y) To be an Authorised person for the purpose of part 4 chapter 1 and sections 47, 52 and 53 of the Anti-social Behaviour, Crime and Policing Act 2014.
- (z) To authorise or designate persons for the purpose of part 4 chapter 1 and sections 47 and 53 of the Anti-social Behaviour, Crime and Policing Act 2014.
- (aa) To issue or authorise the issue of a written warning prior to issuing a community protection notice.
- (bb) To take or authorise the taking of remedial action where a person has failed to comply with a community protection notice.
- (cc) To serve or authorise the service of a notice to a person who has failed to comply with a community protection notice and notices setting out works and costs.
- (dd) To authorise the institution of proceedings for failure to comply with a community protection notice.
- (ee) To issue or authorise the issue of a fixed penalty notice to anyone believed to have committed an offence under section 48 of the Anti-social Behaviour, Crime and Policing Act 2014.
- (ff) To issue or authorise a closure notice under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014 to cancel or vary such notices

and to make or authorise the making of an application to a court for a closure order.

8.2 Food Protection

In pursuance of the Council's duties in respect of food protection:-

- (1) To serve notices in respect of food appearing to fail to comply with food safety requirements or appearing likely to cause food poisoning or disease.
- (2) To take necessary steps to deal with food which appears to be unsafe.
- (3) To serve improvement notices in respect of food premises.
- (4) To serve hygiene improvement notices.
- (5) To serve emergency prohibition notices and to make application for emergency prohibition orders in respect of food premises.
- (6) To serve hygiene emergency prohibition notices and to make application for hygiene emergency prohibition orders in respect of food premises.
- (7) To issue certificates ceasing the effect of emergency prohibition notices, emergency prohibition orders, hygiene prohibition notices and hygiene prohibition orders.
- (8) To register food premises.
- (9) To approve food establishments under product specific legislation and to modify or withdraw approvals.
- (10) To detain consignments of food not of animal origin and offer options for rejection, re-export, destruction or alternative use for unsound or unwholesome goods including those which fail to satisfy the food safety requirements.
- (11) To enforce Local Authority controls inland for animal products.
- (12) To inspect, seize, detain and dispose of meat suspected of containing specified risk material.
- (13) To serve remedial action notices.
- (14) To serve detention notices.
- (15) To certify food as unsafe where a premises within which it is found fails to meet any of the food hygiene requirements.
- (16) To approve establishments to remove Specified Risk Material (Bovine Vertebral Column) in animals 24 to 30 months old in butchers shops.

(17) To issue or sign food export certificates.

(18) To sign national food hygiene rating scheme certificates.

8.3 Health and Safety at Work

In pursuance of the Council's duties and functions except in its capacity as an employer in respect of health and safety at work:-

(1) To serve improvement notices.

(2) To serve prohibition notices.

(3) To grant exemptions to welfare provisions in offices and shops.

(4) To agree the transfer or assignment of enforcement responsibility for health and safety enforcement of premises to and from the Health and Safety Executive.

(5) To appoint suitably qualified persons as Inspectors.

(6) To authorise persons to accompany Inspectors.

(7) To exercise all or any of the powers of Inspectors.

(8) To deal with the causes of imminent danger.

(9) To disclose health and safety information.

(10) To institute proceedings.

(11) To prosecute.

(12) To exercise powers in connection with the control of pesticides.

(13) To accept the handover of an incident scene from the Police.

(14) To enter into flexible warranting arrangements with the Health and Safety Executive.

8.4 Public Health

In pursuance of the Council's duties in respect of public health:-

- (1) To serve or authorise the service of notices:-
 - (a) For the cleansing and disinfecting of premises and the disinfecting or destruction of articles.
 - (b) In respect of filthy or verminous premises.
 - (c) In respect of insufficient, blocked, defective or leaking drains, sewers, cesspools and septic tanks.
 - (d) Requiring the provision of satisfactory drainage to buildings.
 - (e) Requiring the provision of closets and sanitary conveniences.
 - (f) Requiring the putting into a satisfactory condition of defective closets.
 - (g) In respect of improving a private water supply and requiring the provision of water supply to a premises.
 - (h) For the carrying out of works to remedy unwholesome or insufficient water supplies.
 - (i) For the removal of accumulations of rubbish and noxious matter.
 - (j) Requiring the provision of dustbins.
 - (k) Requiring steps to be taken to destroy rats and mice or otherwise keep land free from rats and mice.
 - (l) To give notice of intention to carry out block treatments for rodents.
 - (m) To issue or authorise the issue of litter clearing notices on the owner or occupiers of land and to authorise work in default, prosecution or receipt of a fixed penalty payment for default of such a notice.
 - (n) The disinfestations of verminous articles offered for sale.
 - (o) In conjunction and consultation with an officer from the County Council Social Services to direct that a person in need of care is removed to a hospital or institution.
 - (p) To control communicable, infectious disease, parasites and pests.
- (2) To authorise applications for orders to close or restrict the use of polluted water supplies.

- (3) To arrange for the unblocking and cleansing of drains and private sewers where alternative courses of action are likely to result in a higher cost to the Council.
- (4) To make arrangements for the disposal of dead bodies where no other suitable arrangements are being made.
- (5) To issue licences in respect of moveable dwellings.
- (6) To set fees for pest control treatments.
- (7) To authorise applications for orders for the removal, detention and cleansing of verminous persons.
- (8) To make arrangements to secure the removal to suitable premises of persons in need of care and attention.
- (9) To represent the Environmental Health interests of the Council at any Science and Technical Advice Cell (STAC), Joint Health Advisory Cell (JHAC), Health Advisory Team, Outbreak Control Team, Command Team or Incident Management Team.
- (10) To respond to a consultation from the statutory water undertaker regarding their proposal to obtain a short-term authorised departure from the relevant prescribed concentration or value or other recognised standard.
- (11) To issue or authorise the issue of notices to persons who smoke in a smoke-free place.
- (12) To issue or authorise the issue of notices for remedying the failure to display no smoking signs in a smoke-free premise, place or vehicle.
- (15) Serve notice requiring a parent to keep a child away from school.
- (16) Serve notice upon a head teacher (or their deputy) requiring them to provide details of the names, addresses and contact numbers for all the pupils or a group of pupils.
- (17) Disinfect or decontaminate or cause to be disinfected or decontaminated a thing when requested to do so by the owner of a thing.
- (18) Disinfect or decontaminate or cause to be disinfected or decontaminated a thing upon request of a person with custody or control of that thing.
- (19) Disinfect or decontaminate or cause to be disinfected or decontaminated a premises on request of the owner.

- (20) Disinfect or decontaminate or cause to be disinfected or decontaminated a premises on request of a tenant.
- (21) Refuse to disinfect or decontaminate or cause to be disinfected or decontaminated a thing or premises.
- (22) Serve notice on any person or group of persons to request that the person or group of persons do, or refrain from doing, anything for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination which presents or could present significant harm to human health.
- (23) Serve notice prohibiting contact with dead bodies.
- (24) Serve notice to restrict access to dead bodies.
- (25) Relocate or cause to be relocated a dead body to a place where it is considered the risk of the dead body infecting or contaminating people is reduced or removed.
- (26) Apply to a justice of the peace for an order under part 2A of the Public Health (Control of Disease) Act 1984 as amended.
- (27) Enter a premises at all reasonable hours, other than any part of a premises used as a private dwelling, in order to find out if a part 2A order has been breached or find out if action should be taken in relation to an order or take action in relation to an order or generally for the performance of local authority functions in relation to an order.
- (28) To take or authorise the taking of works for the purpose of preventing entry where a building is not secured against unauthorised entry or where land is likely to become a danger to public health.
- (29) To deal with any rubbish which is in the open air and which is seriously detrimental to the amenities of the neighbourhood, including service of notice, issue of fixed penalty notice, collection of fixed penalty receipts, authorisation of work in default and prosecution.
- (30) To require the removal of material from a demolished building.
- (31) To appoint authorised officers in connection with the regulation of sunbeds.
- (32) To make such purchases and secure the provision of such services as considered necessary for the purpose of the proper exercise of functions under the Sunbeds (Regulation) Act 2010.
- (33) To enter any premises (other than domestic premises) where there is reason to believe that a sunbed business is being carried on.

- (34) To carry out on any premises (other than domestic premises) where there is reason to believe that a sunbed business is being carried on such inspections as the officer considers necessary for the purpose of the proper exercise of the officer's functions under the Sunbeds (Regulation) Act 2010.
- (35) Where considered necessary for that purpose, to require the production of any book, document or record (in whatever form it is held) and inspect it, and take copies of or extracts from it (in connection with the regulation of sunbeds).
- (36) To take possession of any book, document or record which is on the premises (in whatever form it is held) and retain it for as long as the officer considers necessary for that purpose; (in connection with the regulation of sunbeds).
- (37) To require any person to give such information, or afford such facilities and assistance, as the officer considers necessary for that purpose (in connection with the regulation of sunbeds).
- (38) To remove or cause to be removed from any land in the open air any rubbish (including rubble, waste, paper, crockery and metal) which is seriously detrimental to the amenity of the neighbourhood.
- (39) to serve a notice under section 9 of the Health Act 2006 relating to smoke free England controls.
- (40) To deal with unoccupied buildings which are not effectively secured or are likely to be a danger to public health, including the service of notice or undertaking immediate works to prevent a danger to public health.

In respect of public health partnership working, health and wellbeing and health improvements:-

- (3) To facilitate the Council's partnership working with the National Health Service and other organisations, co-ordinate the Council's response to NHS initiatives and support the promotion of the Council's role in health improvement by focusing attention on the prevention of ill health in respect of public health partnership working, health and wellbeing and health improvement.

8.5 Local Licensing

In pursuance of the Council's duties in respect of local licensing:-

- (1) To grant, renew, or transfer licences for the use of premises for film exhibitions, for regulated entertainment, alcohol, for the public performance of plays and as private places of entertainment.
- (2) To grant, renew or vary licences for late night refreshment houses.
- (3) To issue, renew, refuse or revoke licences in respect of animal boarding establishments, pet shops and dog breeders.
- (4) To grant, renew, refuse, revoke or vary licences for the keeping of dangerous wild animals.
- (5) To grant, renew, refuse or revoke licences for riding establishments.
- (6) To grant, renew, vary, revoke or refuse licences or consents for street trading.
- (7) To register or refuse to register persons and premises for acupuncture, tattooing, semi permanent skin colouring, cosmetic piercing, ear piercing and electrolysis.
- (8) To grant, renew, refuse or revoke gaming machine permits.
- (9) To set fees for licences, registrations and consents.
- (10) To determine and amend conditions for licences registrations and consents.
- (11) To authorise the service of notices for the provision, cleaning and availability of sanitary accommodation at entertainments, exhibitions or sporting events, at places used for the sale of food and drink and at betting offices.
- (12) To deal with the approval or refusal of applications for licences/permits in relation to house-to-house and street collections.
- (13) To deal with the approval or refusal of applications for registrations of societies and the issue or refusal of permits for amusements with prizes at commercial entertainments.
- (14) To grant a personal licence for selling alcohol if no representation has been made.
- (15) To grant a premises licence to enable a premises to be used for regulated entertainment if no representation has been made.
- (16) To issue a club premises certificate if no representation has been made.

- (17) To approve a provisional statement if no representation has been made.
- (18) To approve a variation to a premises licence or club premises certificate if no representation has been made.
- (19) Except if a representation has been made by the Police, to approve a variation to a designated personal licence holder.
- (20) To remove a person as a designated premises supervisor, upon their request.
- (21) To approve an application for a transfer of a premises licence if no Police representation has been made.
- (22) To approve applications for interim authorities if no Police representation has been made.
- (23) To decide if a request for a licence review is irrelevant, frivolous, repetitious or vexatious.
- (24) To object to a licence application when the Authority is a consultee and not the lead authority.
- (25) To deal with the approval or refusal of applications for registration of societies and the issue or refusal of permits for amusements with prizes at commercial entertainments for the purposes of the Gambling Act.
- (26) To respond to Temporary Event Notices.
- (27) To approve new applications for the use of up to five amusement with prizes machines and to approve applications for transfers and renewals of existing amusement with prizes machines.
- (28) With the approval of the Executive Member to set fees under the Gambling Act 2005.
- (29) To approve an application for a premises licence to enable gambling, where no representations have been received or where representations have been withdrawn.
- (30) To approve an application for variation to a licence to enable gambling where no representations have been received or where representations have been withdrawn.
- (31) To approve an application for transfer of a Gambling Act 2005 licence where no representations have been received from the Commission.
- (32) To approve an application for a provisional statement under the Gambling Act 2005 where no representations have been received or where representations have been withdrawn.

- (33) To approve an application for club gaming or club machine permits where no representations have been received or where representations have been withdrawn.
- (34) To approve applications for permits under the Gambling Act 2005.
- (35) To issue a cancellation of licensed premise gaming machine permits.
- (36) To consider and respond to a temporary use notice in connection with the Gambling Act 2005.
- (37) To designate persons as an “authorised person” for the purpose of part 15 of the Gambling Act 2005.
- (38) To set fees under the Gambling Act 2005, in consultation with the Executive Member, (Governance).
- (39) To be an inspector for the purposes of section 51 of the Animal Welfare Act 2006.
- (40) To inspect premises to check compliance with the conditions of a licence or registration relating to animal welfare or regulations which implement a community obligation.
- (41) In connection with the welfare of animals, to serve improvement notices in relation to an animal’s needs.
- (42) To take, or arrange to be taken, appropriate immediate steps to alleviate a protected animal’s suffering.
- (43) To enter premises for the purposes of searching for a protected animal and for the purpose of exercising any powers under section 18 of the Animal Welfare Act 2006.
- (44) To require the production of records kept pursuant to an animal welfare licence.
- (45) To carry out an inspection to check compliance with regulations concerning animals bred or for farming.
- (46) To prosecute proceedings for an offence under the Animal Welfare Act 2006.
- (47) To stop, detain and search a vehicle for the purpose of searching for a protected animal where accompanied by a constable in uniform.
- (48) To suspend premises licences and club premises certificates for non-payment of annual fees.
- (49) To issue licences in relation to scrap metal.
- (50) To agree minor variations.

- (51) To approve applications of all types under the Scrap Metal Dealers Act 2013 under delegated authority in the case of applications which are uncontested and/or where enquiries with relevant consultees do not reveal any relevant offences or other cause for concern and to use all local authority enforcement powers provided by the Act and to further delegate these powers to other suitable Council Officers.
- (52) To determine if the Council should exercise its powers as a responsible authority for the purposes of the Licensing Act 2003; and if appropriate to exercise those powers and to put in place arrangements to ensure that there is adequate separation of functions when carrying out those powers.
- (53) To apply to a residential property tribunal when a fee for a caravan site licence has become overdue for an order requiring the licence holder to pay the amount due by a specified date.
- (54) To apply to a residential property tribunal for an order revoking a caravan site licence.
- (55) To determine fees for caravan site licences.
- (56) To issue compliance notices in circumstances where an occupier is failing or has failed to comply with a condition attached to a caravan site licence.
- (57) To revoke a compliance notice.
- (58) To vary a compliance notice by extending the period within which steps must be taken.
- (59) To exercise initiative to determine whether a compliance notice should be revoked or varied.
- (60) To apply to a court for an order revoking a caravan site licence.
- (61) To apply to a court to make an order specifying the date on which the revocation of a caravan site licence takes effect.
- (62) To serve a demand which sets out the expenses which are sought to be recovered from an occupier of land in connection with a compliance notice.
- (63) To take steps required by a compliance notice and to take such further action as considered appropriate for ensuring condition(s) specified in the compliance notice are complied with.
- (64) To serve notice setting out the mandatory matters needed to give notice that the local authority will be taking steps required by a compliance notice or such further action as considered appropriate for ensuring condition(s) specified in the compliance notice are complied with.
- (65) To authorise persons other than an officer of the local authority to take action on behalf of the authority to take steps required by a compliance notice and to take such further action as considered appropriate for ensuring condition(s) specified in the compliance notice are complied with.

- (66) To exercise powers to take emergency action in connection with licensed caravan sites.
- (67) To serve notice setting out the mandatory matters prior to taking emergency action.
- (68) To apply for a warrant to enter caravan sites.
- (69) To authorise persons other than an officer of the local authority to take emergency action on behalf of the authority in connection with licensed caravan sites.
- (70) To serve notice within the period of 7 days beginning with the date when the emergency action is to start which sets out the mandatory matters relating to the nature of the imminent risk of serious harm, the nature of the emergency action and other prescribed matters.
- (71) To impose a charge on the recipient of emergency action to recover the costs incurred in taking emergency action by service of a demand for expenses.
- (72) To grant, transfer and vary licences for caravan sites.
- (73) To alter conditions on site licences for caravan sites.

8.6 Infectious Disease

In accordance with the environmental health legislation falling within the duties and responsibilities of the Council and in accordance with Council Policy and Responsibility for Functions:-

The Proper Officer for the Council in respect of all matters relating to the control of the spread of infectious disease shall be any physician working as a consultant in public health medicine or communicable disease control and employed by Public Health England or the Primary Care Trusts in Hertfordshire (including those providing out of hours consultant cover for the public health on call rota in Bedfordshire, Hertfordshire, Northamptonshire or Milton Keynes) who is authorised and empowered to:-

- (1) Execute all powers in relation to the notification and control of infectious disease.
- (2) Issue Pasteurisation Orders.
- (3) Sign notices requiring the cleansing of a filthy or verminous person.
- (4) To keep a child with infectious disease or contamination off school.
- (5) To formally request co-operation to protect public health.
- (6) To undertake or arrange for the disinfection/decontamination of premises or articles.
- (7) To limit contact with the body of a person who has died from infectious disease or contamination.

DIRECTOR (STRATEGY AND DEVELOPMENT)

Deputises for the Chief Executive as necessary.

To be responsible for the implementation of strategies policies and plans relating to partnerships and performance services, town planning, building control, economic development, landscaping and ecology, strategic housing services, leisure and community services, communications and community safety.

1. PARTNERSHIPS AND PERFORMANCE

All the delegated powers relating to partnerships can also be exercised by the Head of Housing and Community who may also delegate to a suitably qualified or experienced Officer.

- (1) To administer the Local Strategic Partnership.
- (2) To lead the Council's Community Planning process and strategic joint working.
- (3) To lead strategic joint working with other tiers of local government.
- (4) To co-ordinate the production of the Community Safety Strategy and ensure its delivery in conjunction with statutory and community partners.

All the delegated powers relating to performance can also be exercised by the Head of Policy and Culture who may also delegate to a suitably qualified or experienced Officer.

- (5) To support the Council in developing and reviewing its Corporate Promises and strategic priorities as part of the annual Corporate Plan process.
- (6) To develop and manage a regular performance management framework which integrates Council objectives and service planning activities within the budget setting process and the accurate and timely collection and monitoring of the Corporate Plan priorities, best value performance indicators and other performance indicators and measures including best value implementation plans, audit action plans and other statutory monitoring activities.
- (7) To integrate quality initiatives (determined by the Council) into a framework for performance management.
- (8) To manage the Council's corporate community engagement programme and Borough Panel liaison.

2. **COMMUNICATIONS**

All the delegated powers relating to Communications can also be exercised by the Policy and Communications Manager who may also delegate to a suitably qualified or experienced Officer.

- (1) To manage the Council's internal and external communications activities.
- (2) To manage the Council's E-Government activities relating specifically to the content of the Council website and Intranet.
- (3) To manage and promote the Council's brand.
- (4) To manage the Council's printing and design contracts.

3. **COMMUNITY AND LEISURE**

All the following delegated powers relating to Community and Leisure Services can also be exercised by the Head of Policy and Culture or Head of Housing and Community as appropriate who may also delegate to a suitably qualified or experienced Officer.

- (1) To grant or refuse applications for the use of community services/leisure facilities.
- (2) To determine the normal and bank holiday opening times of community/leisure facilities.
- (3) To agree charges for refreshment and licensed bar services.
- (4) To approve the programme of events at the community services/leisure facilities.
- (5) To agree charges for admission to Council sponsored promotions and activities at the Council's Community facilities.
- (6) To issue complimentary tickets for facilities as appropriate.
- (7) To agree charges for community/leisure services facilities and activities.
- (8) To negotiate variations in community/leisure services charges set by the Cabinet in the interest of maximising usage and income and achieving budget targets and to report this action to the Cabinet.
- (9) To deal with the promotion and marketing of Community/leisure services facilities and activities, including sponsorship where appropriate.
- (10) To oversee the organisation of established special events.
- (11) To replace identified equipment needs from the relevant fund programme.
- (12) To modify facility programme changes within agreed policy.

- (13) To consult with residents on community provision and quality issues.
- (14) To resolve local issues in relation to the Service area which do not have policy implications in consultation and agreement with Members.
- (15) To improve access to community/leisure premises for people with disabilities.
- (16) To comment on Borough arts/heritage National Lottery applications and report any significant projects to the Cabinet.
- (17) To process county/regional subscriptions, for example, Hertfordshire Marketing, Arts Board, Museums Board, etc.
- (18) To represent the Council on the Board of the Welwyn Hatfield Leisure Trust.
- (19) To co-ordinate the work of the Cultural Consortium.
- (20) To administer and co-ordinate the Ward Improvement Scheme (Community Chest) on behalf of the Council.
- (21) Community Services:-
 - (1) Community Arts Development
 - (2) Liaison with voluntary agencies
 - (3) Community and Leisure Development
 - (4) Finesse Leisure Trust
 - (5) Campus West Arts & Conference Centre
 - (i.) 300 seat theatre/cinema
 - (ii.) Roller City
 - (iii.) Functions
 - (iv.) Box office/agency
 - (v.) Vineyard Barn Community Centre
 - (vi.) Hazel Grove Community Centre
 - (vii.) Bars/catering
 - (6) Welwyn Hatfield Museum Service
 - (i.) Mill Green Museum
 - (ii.) Mill Green Water Mill
 - (iii.) Welwyn Roman Baths
 - (iv.) Collection interpretation
 - (v.) Preservation & presentation of local archaeology & history
 - (vi.) Archiving and education
 - (vii.) Flour production

All the following delegated powers relating to Community Care can also be exercised by the Head of Housing and Community who may also delegate to a suitably qualified or experienced Officer.

- (1) The Council's Shopmobility scheme
- (2) The Community Services Day Centres
- (3) Community development
- (4) Liaison with voluntary agencies

3. **PLANNING**

All the following delegated powers relating to planning and other matters in 1, 2, 3, 4, 5, 6 and 7 can also be exercised by the Head of Planning who may also delegate to a suitably qualified or experienced Officer, with the exception of the service of Stop Notices in 5.3 which can only be served in consultation with either the Director (Strategy and Development) or Director (Governance).

The Director (Strategy and Development) after having ensured that all statutory requirements have been complied with and after considering all representations received is given delegated authority to:-

1. APPROVE

All types of application (except works to trees) submitted under the Town and Country Planning Act 1990 (except those made under sections 191 and 192 (see paragraph 5 below), Planning (Listed Building and Conservation Areas) Act 1990 and to agree minor amendments to previously approved proposals provided that:-

- 1.1 They accord with the provisions of the appropriate development plan, other policy guidance or supplementary planning guidance.
- 1.2 The application had not been "called in" by any Member of the Borough Council within the specified consultation period.
- 1.3 The decision would not conflict with any objection received from any Member of the Borough Council within the specified consultation period.
- 1.4 The decision would not conflict with an objection received from a local Council or adjoining local authority within the specified consultation period.
- 1.5 The Director (Strategy and Development) considers it prudent to exercise his delegated authority, failing which he shall report the matter to the appropriate Committee.
- 1.6 Where Welwyn Hatfield Council is the applicant and/or has an interest in the land/property the subject of the application it is not a Major Development and no objections have been received.
- 1.7 A member of the planning staff (Planning Policy or Development Management), a Director or Senior Officer of the Council or a Member of the Borough Council is not the applicant and/or has an interest in the land/property the subject of the application.

SUBJECT

- (a) To the prior completion of agreements and/or obligations securing controls over the development or financial contributions/works for the benefit of the community authorised by the Director (Strategy and Development) where he/she deems such appropriate in accordance with planning policies and guidance.

- (b) To such conditions as the Director (Strategy and Development) deems is appropriate to impose on the grant of permission.

2. APPROVE

All types of applications for works to trees submitted under section 198 and 211 of the Town and Country Planning Act 1990 and to agree minor amendments to previously approved proposals provided that:-

- 2.1 They accord with the provisions of the appropriate development plan, other policy guidance or supplementary planning guidance.
- 2.2 The application had not been 'called-in' by any Member of the Borough Council within the specified consultation period.
- 2.3 The decision would not conflict with an objection received from any Member of the Borough Council within the specified consultation period.
- 2.4 The Director (Strategy and Development) considers it prudent to exercise his delegated authority, failing which he shall report the matter to the appropriate Committee.
- 2.5 A member of the planning staff (Planning Policy or Development Management), a Director or Senior Officer of the Council, a Member of the Borough Council is not the applicant and/or has an interest in the land/property the subject of the application.

SUBJECT

- (b) To the prior completion of agreements and/or obligations securing controls over the development or financial contributions/works for the benefit of the community authorised by the Director (Strategy and Development) where he/she deems such appropriate in accordance with planning policies and guidance.
- (b) To such conditions as the Director (Strategy and Development) deems is appropriate to impose on the grant of permission.

3. APPROVE

All types of application submitted under the Welwyn Garden City Estate Management Scheme and to agree minor amendments to previously approved proposals

4. REFUSE

All types of application submitted under the Town and Country Planning Act 1990 (except those made under sections 191 and 192 (see paragraph 5 below), Planning (Listed Buildings and Conservation Areas) Act 1990 and the Welwyn Garden City Estate Management Scheme where he/she is satisfied that:-

The proposal is contrary to the development plan, planning policy guidance, Estate Management Scheme Policy circulars or supplementary planning guidance and would cause demonstrable harm to an interest of acknowledged importance.

PROVIDED THAT:-

- (a) The decision would not conflict with any representation submitted by a Member of the Borough Council within the specified consultation period.
- (a) The Director (Strategy and Development) considers it prudent to exercise his/her delegated authority failing which he/she shall report the matter to the appropriate Committee.

5. OTHER MATTERS

- 5.1 The service of Planning Contravention Notices.
- 5.2 The service of Breach of Condition Notices.
- 5.3 In the case where urgent action is considered necessary, the commencement of enforcement action under Section 172 of the Town and Country Planning Act 1990 (as amended), or Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the service of a Stop Notice under Section 183 of the Town and Country Planning Act 1990 (as amended) or the service of a Temporary Stop Notice under Section 171E of the Town and Country Planning Act 1990 (as amended).
- 5.4 To authorise the service of Building Preservation Notices.
- 5.5 The service of Planning and Listed Building Enforcement Notices where the same development has previously been refused planning permission or listed building consent.

PROVIDED THAT:-

such action is taken after consultation with the Director (Governance).

- 5.6 Determination of all applications for Certificates of Lawfulness made under sections 191 and 192 of the Town and County Planning Act 1990.
- 5.7 Determination of the appropriate fee for planning or other applications.
- 5.8 The determination as to whether the Council's case at an appeal should be dealt with by way of public inquiry, informal hearing or written representations and to agree the nature and extent of the case to be presented.
- 5.9 Responding to consultations concerning development proposals by statutory bodies, local authorities, Government Departments or the Crown.
- 5.10 The service of a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land.
- 5.11 The execution of works required by Section 215 of the Town and Country Planning Act 1990 and permitted by Section 219.
- 5.12 The making of representations on applications for and in respect of goods vehicle operators' licences under Part V of the Transport Act 1968.
- 5.13 Authorisation of any persons to enter any land for any purpose in connection with the function of the Council as Local Planning Authority.
- 5.14 The making of Tree Preservation Orders under Section 198 and provisional orders under Section 201 of the Town and Country Planning Act 1990.

- 5.15 To deal with all prior notifications and prior approvals submitted under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or as subsequently amended or re-enacted.
- 5.16 To deal with the discharge of planning conditions and matters pursuant to items.
- 5.17 To deal with the discharge of any matters in respect of requirements set out in an agreement completed under Section 106 of the Town and Country Planning Act 1990.
- 5.18 To determine the Council's response to Hedgerow Removal Notices including the service of Hedgerow Retention Notices where appropriate.
- 5.19 To determine the Council's response to any screening or scoping opinions sought under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 5.20 To grant licences, issue notices and authorise the removal and reinstatement under the Highways Act 1980 in connection with the planting of trees, shrubs etc in highways.
- 5.21 Authorisation to have powers of entry for the purposes of complaints and appeals under Section 74 of the Anti-Social Behaviour Act 2003 and to take action on behalf of the authority under Section 77 of the Act.
- 5.22 The making of Article 4 directions.
- 5.23 Determination of the information (including planning fees) needed prior to the registration or determination of planning and other applications including the content of any Validation Checklist or the decision whether to accept the planning or other application.
- 5.24 Determination of non-material changes after the grant of planning permission or other planning approvals.
- 5.25 To enter into, vary or revoke agreements or unilateral undertakings under section 106 of the Town and Country Planning Act:
 - (a) for applications delegated to him under parts 1 and 2,
 - (b) where it is in the council's interests to do so during the conduct of planning appeals, and
 - (c) where it is in the council's interests to do so during the investigation of a breach of planning control
- 5.26 To remove or obliterate unauthorised placards, posters and advertisements
- 5.27 To determine whether it is expedient to pursue planning enforcement action in relation to a breach of planning control.

- 5.28 The obtaining of information under Requisitions for Information and under Section 330 of the Town and Country Planning Act 1990.
- 5.29 The issuing and service of planning and listed building enforcement notices where substantially the same development has previously been refused planning permission and/or listed building consent.
- 5.30 To determine whether it is expedient to pursue action, through referral to the Welwyn Garden City Estate Management Scheme Panel, in relation to a breach of the Welwyn Garden City Estate Management Scheme.
- 5.31 To authorise prosecutions for summary only offences, in conjunction with the Director (Governance), with these cases being subsequently reported to the Development Management Committee under the Town and Country Planning Act 1990 (as amended).

6. BUILDING CONTROL

- (1) The passing, subject to conditions, or the rejection of plans deposited under the Building Regulations.
- (2) The processing of Building notices.
- (3) To approve or refuse relaxations of the Building Regulations, provided all necessary consultations have been carried out and, in the case of approval, no objections have been received.
- (4) The service of notices under Section 32 of the Building Act 1984 declaring plans passed under the Building Regulations to be of no effect after 3 years.
- (5) The making of combined drainage orders under section 22 of the Building Act 1984.
- (6) The making of decisions, service of notices and the making of arrangements for the carrying out of works or the taking of other necessary action in pursuance of or in default of compliance with any notice or Court Order, in accordance with the following statutory provisions and where necessary following the advice of the Director (Governance) except in the case of emergency works to alleviate an immediate danger to persons or property.
 - (a) Sections 47 and 53 of the Building Act 1984 and the (Approved Inspectors etc) Regulations 1985;
 - (b) Section 72 of the Building Act 1984 (means of escape from fire in the case of certain high buildings);
 - (c) Section 77 of the Building Act 1984 (dangerous or dilapidated buildings or structures);
 - (d) Section 78 of the Building Act 1984 (emergency measures to deal with dangerous buildings);
 - (e) Section 79 of the Building Act 1984 (ruinous and dilapidated buildings and neglected sites);
 - (f) Sections 80, 81, 82 and 83b of the Building Act 1984 (control of demolitions).
- (7) The authorisation of commencement of enforcement proceedings under Sections 35 and 36 of the Building act 1984 PROVIDED that such action is only taken after consultation with the Director (Governance).
- (8) Authorisation of any persons to enter any land for any purpose in connection with the function of the Council under the Building Act and building regulations.
- (9) Minor changes to Building Control fees and charges to take into account new legislation and costs

7. VARIOUS MATTERS

- (1) To approve applications for mains and services pursuant to Section 3 of the Public Utilities Street Works schemes, including the necessary authority to serve notices pursuant to Sections 64 and 65 of the Town Improvement Clauses Act 1847.
- (2) To deal with notices in respect of temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.
- (3) To take action under the provisions of Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 (power to deal with dangerous trees) in appropriate cases.
- (4) To serve high hedges remedial notices under the Anti Social Behaviour Act 2004 and authorise any prosecutions.
- (5) To grant licences, issue notices and authorise the removal and reinstatement under the Highways Act 1980 in connection with the planting of trees, shrubs etc in highways.
- (6) To apply for enforcement order against unlawful works on registered common land under section 41 of the Commons Act 2006.
- (7) To protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under section 45(2)(a) of the Commons Act 2006.
- (8) To institute proceedings for offences in respect of unclaimed land under section 45(2)(b) of the Commons Act 2006.
- (9) To deal with all aspects of allotment management as set out in the Allotment Policy 2009, including setting rental charges, letting plots, collecting rent and enforcing tenancy agreements.
- (10) To determine the Council's response to High Hedge applications and the authorisation of powers of entry for the purposes of executing remedial notices under Part 8 (High Hedges) of the Anti Social Behaviour Act, 2003.

8. STRATEGIC HOUSING SERVICES

All the following delegated powers relating to strategic housing and private sector housing services can also be exercised by the Head of Housing and Community who may also delegate to a suitably qualified or experienced Officer.

- 8.1 To be responsible for the development and implementation of strategies, policies and plans relating to housing services.
- 8.2 Ensuring that the Council, including through the work carried out by the Welwyn Hatfield Community Housing Trust, fulfils its statutory duties in providing accommodation and assistance as required by the Housing Act 1996 Part VI and Part VII as amended by the Homelessness Act 2002.
- 8.3 To review annually the housing needs of the Borough and to submit the Housing Strategy Statement (or its equivalent) and statutory returns to the appropriate body.
- 8.4 To make arrangements for the selection of Registered Providers for development projects.
- 8.5 To arrange for applications for planning consent in connection with development projects and other housing initiatives. Authorised signatories for deemed planning consent to be the Head of Housing and Community or Principal Development Manager
- 8.6 Considers reports from the Welwyn Hatfield Community Housing Trust and makes decisions to:-
 - (1) Consider reviews of decisions to exclude applicants from the Housing Needs Register in accordance with relevant legislation.
 - (2) Set up local letting schemes in accordance with Council policy.
 - (3) Agree the lease of units to external partner agencies for special schemes up to a maximum of 10 units for any one scheme.
 - (4) Agree nomination rights to Council and registered social landlord properties for partner agencies for use as move on.
 - (5) Approve special allocations schemes in accordance with the Council's hard to let strategy, in order to meet housing need, or otherwise in accordance with Council policy.
 - (6) To approve the Annual Lettings Plan and any revisions to the Annual Lettings Plan.
 - (7) To agree prioritisation of properties to specific groups, to ensure the lettings targets set out in the Annual Lettings Plan are met.

- (8) Revise and change priority of Housing for applicants accepted as Homeless as necessary to ensure Homelessness duties are managed effectively alongside duties to waiting list and transfer applicants.
- (9) Agree the necessary arrangements to ensure that wherever possible, in times of high demand from homeless households, Council and Registered Provider properties are used to free up temporary accommodation to prevent the use of bed and breakfast and to ensure that any such arrangements are regularly reviewed and monitored.
- (10) Make decisions where the interpretation of Housing Policy, including the Allocations Policy is disputed.
- (11) Consider appeals against housing management decisions and matters where there are disputes with the Housing Service, including unsuccessful applications to buy garages or buy/licence parcels of land and matters concerning properties which are not owned by the Council, or which have been leased.
- (12) Make decisions where the interpretations and implementation of the Statutory Right to Buy Scheme is required.

8.7 In pursuance of the Council's duties in respect of private sector housing:-

- (1) To sign orders, notices, approvals, licences and registrations authorised in accordance with Council policy and Responsibility for Functions.
- (2) To authorise any suitably qualified or experienced person to act or to execute powers under any current licensing and housing legislation enforced or administered by the Council and to sign such authorisations.
- (3) To authorise the carrying out of works in default arising from actions taken in accordance with housing legislation and to arrange for the recovery of costs.
- (4) To serve or authorise the service of notices:
 - (a) Requiring the execution of works of repair to unfit and fit houses.
 - (b) Requiring the abatement of overcrowding of dwellings.
 - (c) Of intention to cleanse premises of vermin before demolition.
 - (d) Requiring statements of the number of people sleeping in dwellings.
 - (e) Proposing the grant, refusal to grant, variation, refusal of variation, revocation, refusal or revocation of a licence for a house in multiple occupation.
 - (f) Proposing to make a Final Management Order.

- (g) Proposing to make a Final Management Order with modifications
 - (h) Proposing to vary, refuse, revoke or refusing to revoke an Interim or Final Management Order.
 - (i) To make or propose to make any other relevant Order or take any necessary action in pursuance of the Council's licensing and enforcement responsibilities as set out within housing legislation.
- (5) To determine applications for all classes of home improvement grants and/or loans and applications for Disabled Facilities Grants.
- (6) In connection with houses which have been assessed under the Housing Health and Safety Rating System to serve or authorise the service of the following notices and orders:
- (a) Improvement Notices
 - (b) Prohibition Orders
 - (c) Hazard Awareness Notices
 - (d) Emergency Prohibition Orders
 - (e) Demolition Orders
- (7) In connection with houses which have been assessed under the Housing Health and Safety Rating System to authorise the taking of Emergency Remedial Action or the making of a Slum Clearance Declaration.
- (8) To issue notices and make Orders in respect of houses in multiple occupation to deal with overcrowding, means of escape from fire and living conditions or any other relevant issue.
- (9) To serve a Notice of Intention to register or licence houses in multiple occupation.
- (10) To make, serve, enforce and execute Closing Orders and Demolition Orders in respect of unfit dwelling houses and unfit houses in multiple occupation.
- (11) In connection with mandatory, additional and selective licensing of houses in multiple occupation to:
- (a) Grant, refuse, revoke or vary a licence
 - (b) Authorise the taking of legal action for non-compliance with licence conditions or for operating without the required licence
 - (c) To make Interim Management Orders
 - (d) To consider representations regarding the making of Final or Interim Management Orders
 - (e) To make Final Management Orders
 - (f) To consider representations made in accordance with a notice proposing the grant, refusal to grant, variation, refusal of variation,

revocation, refusal of revocation of a licence for a house in multiple occupation.

- (12) In respect of empty dwellings to make interim and final Empty Dwelling Management Orders.
- (13) To serve or authorise the service of Overcrowding Notices for houses in multiple occupation that do not require a licence.
- (14) To accept or reject proposals for the reconstruction of condemned houses.
- (15) To substitute closing orders for Demolition Orders and Demolition Orders for Closing Orders.
- (16) To determine closing orders.
- (17) To serve notice of the time and place at which the making of an order in respect of a building will be considered.
- (18) To determine home loss and disturbance payments, and compensation payments in respect of Closing and Demolition Orders.
- (19) To authorise the institution of legal proceedings in accordance with housing legislation enforced or administered by the Council.
- (20) To authorise the issue of simple cautions for offences for which Housing and Community has enforcement responsibility.

PROPER OFFICERS

For the purposes of the Local Government Act 1972, the Local Government Act 2000 and other relevant Acts appointments of Proper Officers have been made as follows:-

<u>Section of the 1972 Act</u>	<u>Proper Officer's Function</u>	<u>Specified Officer</u>
13(3)	Parish Trustee.	Director (Finance and Operations) and Deputy Section 151 Officer
83(1) to (4)	Witness and receipt of declarations of acceptance of office.	Chief Executive, Director (Governance) and Governance Services Manager
84	Receipt of declaration of resignation of office.	Chief Executive, Director (Governance) and Governance Services Manager
88(2)	Convening of meeting of Council to fill casual vacancy in the office of Mayor.	Chief Executive, Director (Governance) and Governance Services Manager
89(1)(b)	Receipt of notice of casual vacancy from 2 local government electors.	Chief Executive, Director (Governance) and Governance Services Manager
100A to 100C (As inserted by Local Government (Access to Information) Act, 1985)	Preparing a fair and coherent record of meetings.	Director (Governance) and Governance Services Manager
	For all other purposes required by the Act.	The Director in whose name a Council, Cabinet or Committee report is prepared (in the case of joint reports the first named Chief Officer) in all other cases the Governance Services Manager
100G (As interested by Local Government (Access to Information) Act, 1985)	Prepare and maintain: (a) Register of Councillors (b) Delegation of Powers to Officers (c) Summary of public information rights.	Director (Governance) and Governance Services Manager

<u>Section of the 1972 Act</u>	<u>Proper Officer's Function</u>	<u>Specified Officer</u>
115(2)	Receipt of money due from Officers.	Director (Finance and Operations) and Deputy Section 151 Officer
146(1)(a) and (b)	Declarations and certificates with regard to securities.	Director (Finance and Operations) and Deputy Section 151 Officer
151	Chief Finance Officer responsible under this section.	Director (Finance and Operations)
	Deputy responsible Chief Finance Officer under this section.	Head of Resources
191	Functions with respect to ordnance survey.	Director (Finance and Operations)
204(3)	Receipt of Applications for licences under Schedule 2, Licensing Act 1964.	Director (Governance)
210(6) and (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to Proper Officers.	Chief Executive and Director (Finance and Operations)
212(1) and (2)	Proper Officer to act as local registrar under the Land Charges Act 1925 ("Proper Officer" for this section is defined by Section 15 of the Act).	Director (Governance)
225(1)	Deposit of documents.	Director (Governance)
228(3)	Accounts of any "Proper Officer" to be open to inspection by any Member of the authority.	Director (Finance and Operations) and Deputy Section 151 Officer
229(5)	Certification of photographic copies of documents.	Chief Executive and Director (Governance)

<u>Section of the 1972 Act</u>	<u>Proper Officer's Function</u>	<u>Specified Officer</u>
234(1) and (2)	Authentication of documents (Notices, order or other documents under any enactments).	Director (Governance)
236(9)	To send copies of byelaws for Parish records.	Director (Governance) and Governance Services Manager
Schedule 6 Para 1	Appointment of deputy to registration officer (amendment made in section 41(4)(a) of the Representation of the People Act 1949).	Chief Executive
Schedule 12 Para 4(2)(b)	Signature of summonses to council meetings.	Director (Governance) or Governance Services Manager
Para 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent.	Director (Governance) or Governance Services Manager
Schedule 14 Para 13	For the purposes of sections 152(1), 157, 158(1) and 163(1) of the Public Health Act 1936, the references to the Medical Officer of Health are to be construed as references either to the Proper Officer or to a registered medical practitioner.	Head of Public Health and Protection
Para 25(7)	Certification of resolutions under paragraph 25 of Schedule 14.	Director (Governance) and Governance Services Manager
Schedule 16 Para 28	Receipt on deposit of lists of protected buildings (Town and Country Planning Act 1990as amended).	Head of Planning

The Act**Proper Officer's Function****Specified Officer**

Acts relating to the Public Health and Protection functions of the Council

Duties under the Acts, and Regulations, Orders and Statutory Instruments made under such Acts, except those relating to the control of the spread of infectious disease, and including those matters specifically mentioned in the responsibility for functions.

Director (Governance) and Head of Public Health and Protection

Acts relating to the control of the spread of infectious disease

Duties under the Acts, and Regulations, Orders and Statutory Instruments made under such Acts, relating to the control of the spread of infectious disease and including those matters specifically mentioned in the responsibility for functions.

Any physician working as a consultant in public health medicine/communicable disease control and employed by the Health Protection Agency, Public Health England or the Primary Care Trusts in Hertfordshire (including those covering on-call functions from outside of Hertfordshire)

General Rate Act 1967 (Sections 8 and 15) and Local Government Act 1972

Rating administration, issue of rate demand notes, recovery of general rate and unoccupied property rate.

Director (Finance and Operations), Deputy Section 151 Officer and named officers as recorded in the Minutes from time to time.

Local Government Act 1972 (Section 223)

To prosecute or defend in connection with recovery of general rate or to appear before a Magistrates Court.

Director (Finance and Operations), Deputy Section 151 Officer and Director (Governance)

Rating (Disabled Persons) Act 1978 (Paragraph 9, Schedule 1)

To invoke in appropriate cases.

Director (Finance and Operations) and Deputy Section 151 Officer

Health and Safety at Work Etc. Act 1974 as amended

To ensure the implementation of an effective policy for Health, Safety and Welfare which is understood at all levels of personnel.

Director (Governance) and Executive Board.

<u>The Act</u>	<u>Proper Officer's Function</u>	<u>Specified Officer</u>
Data Protection Act 1984 as amended	To ensure the data protection requirements are met.	Director (Finance and Operations) and Deputy Section 151 Officer
Local Government and Housing Act 1989 (Sections 4 and 5)	(a) Head of Paid Service (b) Monitoring Officer (c) Deputy Monitoring Officers	Chief Executive Director (Governance) Head of Law and Administration and Principal Governance Officer
Local Government Finance Act 1990	Council Tax administration, registration, demands and recovery.	Director (Finance and Operations) and Deputy Section 151 Officer
Representation of the People Act 1983 (as amended) Section 81, 82, 83 and Schedule 4	Delivery to and witness of Candidates' expenses Storage, inspection and disposal of election documents	Chief Executive, Director (Governance) and Electoral Registration Officer
Localism Act 2011 Section 28	Keeping register of interests relating to Members and voting co-opted Members of the Council and Parish/Town Councils.	Monitoring Officer and Governance Services Manager

PART 4

RULES OF PROCEDURE

COUNCIL PROCEDURE RULES

(Local Government Act, 1972 Sch.12 Pts I and VI as amended by the Local Government and Public Involvement in Health Act 2007)

The Procedure Rules indicated by emboldened text can only be changed by Act of Parliament or statutory order and Procedure Rules 106 and 107 relating to the variation, revocation and suspension of Procedure Rules cannot apply to them.

ANNUAL MEETING OF THE COUNCIL **(Sch.12 Pt. 1 Para. 1)**

1. **The Council shall hold an Annual Meeting each year, on 20 May, or as soon as practicable afterwards. The date, time and place shall be fixed by the Mayor.**
2. The annual meeting will:
 - (a) elect a person to preside if the Mayor is not present;
 - (b) elect the Mayor;
 - (c) elect the Deputy Mayor;
 - (d) receive any announcements from the Mayor and/or Head of Paid Service;
 - (e) appoint the Leader of the Council (at appropriate times only)
 - (f) agree the terms of reference of and elect Members to the Overview and Scrutiny Committees;
 - (g) agree the terms of reference of and elect Council Members to the Standards Committee;
 - (h) agree the terms of reference of and elect Members to all other Committees and other formally constituted meetings of Members, to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3 of the Constitution);
 - (i) decide the allocation of seats to political groups in accordance with the provisions of Sections 15 to 17 of the Local Government and Housing Act 1989 for the Overview and Scrutiny Committees and those Committees referred to in (h) above;
 - (j) approve a programme of ordinary meetings of the Council for the year;
 - (k) consider any business set out in the notice convening the meeting; and

- (l) appoint to Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.
- 3. **The Mayor shall continue in office until his/her successor is appointed unless he/she resigns or ceases to be qualified or becomes disqualified.**
- 4. **The Deputy Mayor shall hold office until immediately after the election of a Mayor at the next Annual Meeting of the Council unless he/she resigns or ceases to be qualified or becomes disqualified.**

LEADER AND DEPUTY LEADER OF THE COUNCIL AND OPPOSITION

- 5. The Council will appoint one of its Members to be the Executive Leader of the Council (known as the Leader of the Council).
- 6. (a) The function of the Executive Leader is to take a leading role in formulating Council policies and ensuring that the policies are implemented effectively and efficiently.

(b) The Executive Leader will:
 - (i) Determine the size of the Cabinet
 - (ii) Appoint the Members of the Cabinet
 - (iii) Allocate portfolios or areas of responsibility to the various Cabinet Members
 - (iv) Allocate decision making powers to the Cabinet and to individual Cabinet Members
 - (v) Have the Power to remove and replace Cabinet Members.
- 7. The Members in opposition to the majority party may appoint amongst themselves a Leader and Deputy Leader of the Opposition.
- 8. In the case of there being no majority party because of an equality of seats on the Council, the party holding the chairmanship of the Council shall appoint from themselves a Leader of the Council and the Members in opposition to that party may appoint amongst themselves a Leader and Deputy Leader of the Opposition.

ORDINARY MEETINGS

- 9. Business of ordinary meetings of the Council will take place in accordance with a programme of meetings decided at the Council's Annual Meeting.

CANCELLATION,
POSTPONEMENT OR VARIATION
OF MEETINGS

10. The Council may by resolution cancel, postpone or vary the day and hour and place of meeting.
11. The Governance Services Manager, after consultation with the Mayor, Leader of the Council and Leader of the Opposition, may cancel, postpone or vary the day, hour or venue of a Council meeting, if he/she considers there is good reason to do so.

(In the absence of those mentioned, the Deputy Mayor or Deputy Group Leaders may be consulted instead)

12. If after consultation the Opposition disagree with the proposed change in arrangements, the matter shall be referred to and determined by the Chief Executive, who shall have regard to the wishes (if any) expressed by the Groups and the requirements of the fair and efficient conduct of the Council's business.

ORDER OF BUSINESS AT ORDINARY COUNCIL MEETINGS

13. (a) Except where the Council vary the order of business in accordance with Part (b) of this Procedure Rule, the order of the business at every meeting of the Council shall be:-
- (a) to choose a person to preside if the Mayor and Deputy Mayor are absent;
 - (b) to deal with any business required by law to be done first;
 - (c) to agree the Minutes of the last meeting and sign them;
 - (d) to receive public petitions (limited to 3 petitions at each meeting); and hear any deputations relating to matters affecting the Council, its business or the Borough;
 - (e) to deal with questions from the public for a period of 30 minutes; relating to matters which are relevant to the business of the Council or the Borough;
 - (f) receive any declarations of interest from members;
 - (g) to deal with any business specifically required by law (unless previously dealt with under (b));
 - (h) to dispose of business (if any) remaining from the last meeting;
 - (i) to receive any announcements by the Mayor, Leader, Member of the Cabinet or the Head of Paid Service;
 - (j) to answer any questions asked by Members under Procedure Rules 43-48;
 - (k) to receive reports and recommendations from the Cabinet;
 - (l) to receive reports and recommendations from the Overview and Scrutiny Committees, Standards Committee and Scrutiny Sub-Committees;
 - (m) to consider notices of motion in accordance with Rule 49 in such order as the Mayor shall direct;
 - (n) to receive reports from Officers of the Council;
 - (o) to receive reports about the business of joint arrangements, boards and partnership bodies and external organisations;
 - (p) to make appointments or fill vacancies on Committees or other authorities;
 - (q) any other business, specified in the summons to the meeting including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework;
 - (r) consider any matters of urgency subject to the agreement of the Mayor.

- (b) Business falling under items (a), (b) or (c) of paragraph (a) cannot be displaced, but the above order of business may otherwise be varied:-
 - (a) by the Mayor at his/her discretion;
 - (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

RECOMMENDATIONS TO COUNCIL

- 14. The Council will consider and resolve upon those items which must be decided by the Council itself, namely the recommendations from the Cabinet and Committees, and other matters specifically reserved to the Council.
- 15. When the Council considers "recommendations" of the Cabinet and Committees the procedure shall be as follows:-
 - (a) The Leader or Deputy Leader (in the case of Cabinet recommendations), Chairman, Vice-Chairman or some other appropriate Member who was present at the meeting of the Committee, which is the subject of the report will rise and formally move "that the recommendations of the Cabinet or Committee set out on the Council Agenda be approved"

When this motion is formally seconded, the Mayor will call out each recommendation in turn and unless a Member rises to speak within a reasonable time then the Mayor shall move to the next item of business.

- (b) A Member may move an amendment at this stage and he/she shall rise when the recommendation is called and the rules of debate referred to in Rules 58 - 65 shall apply. If on being put to the vote an amendment is lost and no further amendment proposed, the Mayor will pass on to the next item of business in sequence. If, however, an amendment is declared carried, the adoption of the recommendation as amended will become the substantive recommendation and will be subject to the rules of debate contained in Rules 58 - 65.
- (c) Where a Member wants to oppose a particular recommendation but is unable to move an amendment under (b) above because it would be directly negative to the recommendation he/she can, on hearing the recommendation called, rise and ask for a vote. Following such discussions as the Mayor thinks reasonable, the adoption of the recommendation shall be put to the vote. If there are more votes against than in favour, the Mayor shall accept any suitable amendment for a substitution of words for the recommendation which has just been rejected. If no amendment is put forward, it will stand automatically referred back to the Cabinet or originating Committee for re-submission to the Council at a further meeting.
- (d) At the end of each Cabinet or Committee recommendations, the Mayor will, without a show of hands, obtain agreement that the recommendations have been adopted, with or without amendments, by the Council.

EXTRAORDINARY MEETINGS
(Sch. 12 Pt.1 Para.3)
AND SPECIAL MEETINGS

16. Those listed below may request the Governance Services Manager to call Council meetings in addition to ordinary meetings:
- (a) the Council by resolution;
 - (b) the Mayor;
 - (c) the Monitoring Officer;
 - (d) Chief Finance Officer; or
 - (e) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.**

(Note: Call a meeting in this Procedure Rule means that notification of the date of the meeting of the Council must be given to all Members of the Council within 7 days and that the meeting must then be held within a reasonable period of time after the seven days).

17. Business at Extraordinary or Special meetings of the Council shall be restricted to the item of business for which the meeting has been called.
18. Any other business that the Mayor agrees to accept can be included on the Agenda in accordance with these Procedure Rules.

APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

19. The Council will operate a scheme of substitution in respect of Members on Committees other than the Standards Committee and in respect of other formally constituted meetings of Members.
20. Substitute Members will have all the powers and duties of any ordinary Member of the Committee or meeting.
21. Substitute Members may attend meetings as substitutes:
- (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.
22. The detailed procedure governing substitutions is set out in Schedule 1 to these Procedure Rules.

TIME AND PLACE OF MEETINGS

23. The time and place of meetings will be determined by the Governance Services Manager and notified in the summons.

NOTICE OF AND SUMMONS TO MEETINGS

(Sch. 12 Pt. 1 Para. 4)

24. At least five clear working days before a meeting of the Council, Cabinet or Committee:-
- (a) Notice of the time and place of the intended meeting shall be published at the offices of the Council.
 - (b) Where the meeting is called by Members of the Council the notice shall be signed by those Members and shall specify the business proposed to be transacted; and
 - (c) A summons to attend the meeting, specifying the date, time and place of the meeting, and the business to be transacted with all available reports will be signed by the Director (Governance) or Governance Services Manager and shall be left at, or sent by post to, the usual residence of every Member of the Council.
25. Failure to serve the summons on any Member of the Council shall not affect the validity of the meeting.

CHAIRMAN OF MEETING

(Sch. 12 Pt. 1 Para. 5)

26. If the Mayor is present at a meeting of the Council, he/she will preside, if not the Deputy Mayor, will preside. In the absence of both the Mayor and the Deputy Mayor from a meeting of the Council, another Member, to be chosen by the Members present, shall preside.
27. References in these rules to the Mayor also include the Deputy Mayor and any person elected to preside at a meeting of the Council in the absence of the Mayor. The person presiding at the meeting may exercise any power or duty of the Mayor.
28. The ruling of the Mayor on any matter and any requirements or instructions by the Mayor to ensure the orderly debate and proper conduct of the Council's business, shall be final and accepted without discussion by all Members.

QUORUM AND VALIDITY OF PROCEEDINGS

(Sch. 12 Pt. 1 Para. 6 and Pt. VI Paras. 43 and 45)

29. **The quorum of a meeting of the Council will be one quarter of the whole number of Members of the Council, except where one third of the Members of the Council become disqualified at the same time, in which case, until the number of Members in office is increased to not less than two thirds of the whole number of Members of the Council, the quorum shall be determined by reference to the number of Members of the Council remaining qualified.** During any meeting if the Mayor 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 Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
30. **The proceedings of the Council shall not be invalidated by any vacancy among their number, or by any defect in the election or qualification of any Member.**

QUESTIONS BY THE PUBLIC

31. Members of the public may ask questions of:
- (a) Members of the Cabinet at the beginning of ordinary meetings of the Council for a period up to thirty minutes;
 - (b) Members of the Cabinet and Committees (with the exception of the Standards Committee and quasi-judicial Committees) at meetings of the Cabinet and appropriate committees for a period of up to fifteen minutes.
32. Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.
33. A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Governance Services Manager no later than 5:00p.m. on the last working day before the meeting. Each question must give the name and address of the questioner and must name the Member to whom it is to be put.
34. 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.
35. The Governance Services Manager may reject a question if:
- (a) it is not about a matter for which the Council has a responsibility or which affects the Borough;
 - (b) it is defamatory, frivolous or offensive;

- (c) the response would be substantially the same as the response to a question which has been put at a meeting of the Council in the past six months; or
 - (d) it requires the disclosure of confidential or exempt information.
36. The Governance Services Manager will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection and will be notified to the questioner prior to the meeting wherever possible.
 37. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.
 38. The Mayor 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, the questioner may ask another person to put the question on his/her behalf. If another person does not ask the question, a written reply will be given to the questioner as soon as is practicable.
 39. Supplementary questions will not be allowed.
 40. Any question which cannot be dealt with during public question time, either because of lack of time or other reason, will be dealt with by a written answer.
 41. Unless the Mayor 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 Cabinet for consideration and report back to the Council. Once seconded, such a motion will be voted on without discussion.

PUBLIC PETITIONS

42. Provision shall be made at the beginning of ordinary meetings of the Council, Cabinet and Committees (apart from the Standards Committee and quasi-judicial Committees) for the public to present petitions (signed by at least fifty people) in person and address the meeting. Presentation of petitions will be limited to the first three petitions received in accordance with the procedure adopted by the Council (unless the Chairman of the meeting decides otherwise). The appropriate Member will be given the opportunity to respond at the meeting.

QUESTIONS BY MEMBERS

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

44. For a period up to 30 minutes, and subject to Rule 45, a Member of the Council may ask:
- (a) the Mayor;
 - (b) the Leader
 - (c) A Member of the Cabinet
- a question on any matter in relation to which the Council has powers or duties or which affects the Borough.
45. A Member may only ask a question under Rule 44 if either:
- (a) notice has been given in writing of the question to the Governance Services Manager by 12.00 noon on the Monday of the week preceding the Council meeting on the Monday.
 - (b) the question relates to urgent matters, and is given to the Governance Services Manager by 10.00 am on the day of the meeting.
46. The following procedure will be followed with regard to Members' questions:
- (a) A register of the subject of questions in the order received and name of the Member will be kept by the Governance Services Manager and Members from each party on the Council will be called alternately by the Mayor to put their question until time runs out.
 - (b) A Member who has asked a question at that meeting will go to the back of the queue for further questions at subsequent meetings in the current Municipal Year.
 - (c) Subject to these points the questions will be answered in the order received and in the time allowed.
47. Answers - An answer may take the form of:
- (a) a direct oral answer;
 - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply cannot reasonably be given orally, a written answer circulated later to the questioner;
 - (d) there shall be no debate on the answers given to the questions.
48. A Member asking a question under Rule 44 may ask one supplementary question without notice, of the Member to whom the first question was asked. The supplementary question must arise directly out of the reply.

MOTIONS ON NOTICE

49. Except for motions which can be moved without notice under Rule 57, written notice of every motion, moved and seconded, must be delivered to the Governance Services Manager at least 6 clear days (12 Noon on the Monday of the week preceding the Council meeting on the Monday) before the next meeting of the Council, at the Office of the Governance Services Manager. In the event of the Monday before the Council meeting being a Bank Holiday the deadline will be 12noon on the Tuesday before the Council meeting. The Governance Services Manager will date and number the motions in the order in which they are received and will enter them in a book open to public inspection.
50. A motion must be formally moved and seconded in the form set out in the summons. This can be done by the Member or Members who gave notice, or others on their behalf. If this does not happen it will be treated as withdrawn and cannot be moved without fresh notice. Alternatively, if the Council agrees, the motion can be postponed.
51. 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.
52. Motions must be about matters for which the Council has a responsibility or which affect the Borough.
53. No motion shall reopen business previously resolved by the Cabinet or a Committee.

FINANCIAL MOTIONS

54. Any motion which, if carried, would substantially increase expenditure on any service, shall be adjourned, without discussion, to the next ordinary meeting of the Council, after the motion has been proposed and seconded.
55. The Cabinet will consider the motion and report back to the next ordinary meeting of the Council.
56. Procedure Rules 54 and 55 will not apply where the motion results from a recommendation or report of the Cabinet, a Committee, or of an Officer.

MOTIONS WITHOUT NOTICE

57. 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 the Cabinet, an appropriate Committee or an Officer;

- (e) to appoint Committee Members arising from an item on the summons for the meeting;
- (f) to receive reports of the Cabinet, the Overview and Scrutiny Committees, other 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 before the meeting be now put to the vote;
- (k) to adjourn a debate;
- (l) to adjourn the meeting;
- (m) to suspend a particular Council Procedure Rule (subject to the restrictions contained in Rule 106;
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (o) to not hear further a Member named under Rule 101 or to exclude him/her from the meeting;
- (p) to move an urgent motion where the Mayor has given consent;
- (q) to extend the time limit for speeches; and
- (r) to give the consent of the Council where its consent is required by the Constitution.

RULES OF DEBATE

- 58. No speeches may be made after the mover has moved a motion until the motion has been seconded.
- 59. Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.
- 60. When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- 61. Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 3 minutes without the consent of the Mayor except that the proposer of any motion shall have 8 minutes.

62. A Member who has spoken on a motion may not speak again 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;
 - (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
 - (d) where he/she has reserved his/her right to speak as seconder of a motion;
 - (e) in exercise of a right of reply;
 - (f) on a point of order;
 - (g) by way of personal explanation;
 - (h) to move any of the following resolutions:-
 - "That the question before the meeting be now put to the vote";
 - "That the debate be now adjourned";
 - "That the Council proceed to the next business"; or
 - "That the Council now adjourn".
63. No Member shall interrupt the speech of any other Member except in the following cases:-
- (a) On a point of order;
 - (b) On a point of personal explanation.
64. The Mayor can close the discussion when he or she considers the subject has been sufficiently debated.
65. THE RULING OF THE MAYOR ON A POINT OF ORDER OR PERSONAL EXPLANATION, OR ON AN AMENDMENT, SHALL BE FINAL AND NOT OPEN TO DISCUSSION.

AMENDMENTS TO MOTIONS

66. An amendment to a motion must be positive in nature and relevant to the motion and will either be:
- (a) to leave out words;
 - (b) to leave out words and insert or add others; or
 - (c) to insert or add words.

as long as the effect of these is not to negate the motion.

67. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
68. If an amendment is not carried, other amendments to the original motion may be moved.
69. 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.
70. After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or debate.

ALTERATION OF MOTION

71. A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent or otherwise will be signified without discussion.
72. A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent or otherwise will be signified without discussion.
73. Only alterations which could be made as an amendment may be made.

WITHDRAWAL OF MOTION

74. A Member may withdraw a motion or amendment which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent or otherwise 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.

RIGHT OF REPLY

75. 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.
76. If amendments are moved, the mover of the original motion has the right of reply at the close of the debate on each amendment, until an amendment is carried, in which case Rule 77 below applies.
77. The mover of the amendment has no right of reply to the debate on his or her amendment but if the amendment is carried and becomes the substantive motion he/she shall have a right of reply in the event of any amendment to it being moved.
78. A Member exercising a right of reply shall only answer previous speakers and shall not introduce new matter. After every such reply a decision shall be taken without further discussion (subject to the provisions of this Procedure Rule).

MOTIONS WHICH MAY BE MOVED DURING DEBATE

79. When a motion is under debate, no other motion may be moved except the following procedural motions:
- (a) to withdraw a motion;
 - (b) to postpone consideration of the motion;
 - (c) to amend a motion;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) to adjourn a debate;
 - (g) to adjourn a meeting;
 - (h) that the subject of the motion be referred to the Cabinet, Committee, or appropriate Officer for report;
 - (i) to exclude the public and press in accordance with the Access to Information Procedure Rules;
 - (j) to not hear further a Member named under Rule 101 or to exclude them from the meeting; or
 - (k) that a motion, amendment, or other business be not considered because of its objectionable nature under Rule 100.

CLOSURE MOTIONS

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

82. If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
83. If a motion to adjourn the debate or to adjourn the meeting is seconded the Mayor will put the procedural motion to the vote. If the procedural motion is carried, either the matter being discussed, or all the items on the Agenda that have not been dealt with, as appropriate, will stand adjourned to the next ordinary meeting of the Council, or other appropriate meeting of the Council.

POINT OF ORDER

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

PERSONAL EXPLANATION

85. 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 a Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

PREVIOUS DECISIONS AND MOTIONS

86. 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 one quarter of all Members.
87. 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 one quarter of all Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
88. Procedure Rules 86 and 87 shall not apply to motions resulting from the report or recommendations of the Cabinet, a Committee, or an Officer; nor to motions to carry out any statutory duty of the Council, which in the opinion of the Mayor is urgent.

VOTING
(Sch. 12 Pt. VI Para. 39)

89. **Subject to the provisions of any enactment, any matter at a meeting of the Council, Cabinet, or Committee, will be decided by a simple majority of those Members voting and present in the room at the time the question was put.** The Mayor/Chairman shall ascertain from the Governance Services Manager the numbers voting for or against any matter and his/her declaration of the result shall be conclusive.

MAYOR'S/CHAIRMAN'S CASTING VOTE

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

SHOW OF HANDS

91. Unless a recorded vote is demanded under Rules 92 and 93, the Mayor/Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

92. (a) If 5 Members present at the meeting demand it, by standing up, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes.
- (b) At any budget decision meeting of the Council a recorded vote shall be taken on any motion or amendment relating to making a budget decision. Immediately after any vote is taken relating to making a budget decision at a budget decision meeting of the Council there must be recorded in the Minutes of the proceedings of the meeting the names of the Members who cast a vote for the decision or against the decision and who abstained from voting.

(Note: Under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the term 'budget decision' will include the setting of the Borough Council's budget and the setting of the Council Tax. This Procedure Rule will apply to any meeting of the Council at which votes are taken on the Council's budget and/or Council Tax.)

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED
(The Local Authority (Standing Orders)
(Regulations 1993 - Regulation 4)

93. **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.**

VOTING ON APPOINTMENTS

94. 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.

MINUTES

(Sch. 12 Pt. VI Para's. 41 and 44)

95. (a) Minutes of the proceedings of a meeting of the Council, the Cabinet and Committees, shall be drawn up and entered in a book kept for that purpose. These shall be signed by the person in the chair at the same or next meeting of the Council, Cabinet or Committee. In the case of the Minutes of an extraordinary meeting, the next ordinary meeting will be treated as a suitable meeting for this purpose. Any Minute purporting to be so signed shall be received in evidence without further proof.
- (b) The signed Minutes of a meeting shall, unless the contrary is proved, be proof that it was duly convened and held and that all the Members present were duly qualified. In the case additionally of Committees, the signed Minutes will, unless the contrary is proved, be proof that they had power to deal with the matters referred to in the Minutes.
- (c) The Mayor/Chairman shall put the question that the Minutes of the meeting of the Council held on the relevant date be approved as a correct record.
- (d) No discussion shall take place on the Minutes, except on their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised, or, if it is raised, then as soon as it has been disposed of, the Mayor/Chairman shall sign the Minutes.
- (e) The Minutes of the Council and of all public Minutes of the Cabinet and Committees shall be circulated to all Members.
- (f) The signed copies of all such Minutes shall be bound together in a book and retained by the Governance Services Manager.

RECORD OF ATTENDANCES

(Sch. 12 Pt. VI Para. 40)

96. (a) The names of the Members present at a meeting of the Council, Cabinet, or Committees shall be recorded.
- (b) It shall be the duty of each Member to enter his/her name in the official attendance list.

EXCLUSION OF PUBLIC

97. Members of the public and press may only be excluded from proceedings at the Council, Cabinet or Committees either in accordance with the Access to Information Procedure Rules, that is in respect to exempt or confidential information, or Rules 103 and 104 (Disturbance by Public).

MEMBERS' CONDUCT

98. When a Member speaks at Council meetings, he/she must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.
99. When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.
100. At a Council meeting, if the Mayor considers any matter to be objectionable or undesirable, he/she may, either before or after it is brought forward, put to the vote a motion that it be not heard. No discussion shall be allowed on the Mayor's motion. If the Mayor's motion is carried, the matter shall be considered as disposed of for that meeting.
101. If a Member at a Council, Cabinet or Committee meeting disregards the ruling of the Mayor/Chairman by behaving improperly or offensively or deliberately obstructs business, the Mayor/Chairman may request the immediate discontinuance of this behaviour. If the Member persists with the misbehaviour, the Mayor/Chairman will rule that the Member be not heard further and/or that the Member shall leave the room for a period which the Mayor/Chairman considers appropriate. The Mayor/Chairman has powers to take whatever measures he/she may consider necessary to secure the removal of, or prevent the Member from re-entering the room.
102. If there is a general disturbance making orderly business impossible, the Mayor/Chairman may adjourn a meeting of the Council, Cabinet, or Committee for as long as he/she thinks necessary.

DISTURBANCE BY PUBLIC

103. If a Member of the public interrupts proceedings at a Council, Cabinet or Committee meeting, the Mayor/Chairman will warn the person concerned. If they continue to interrupt, the Mayor/Chairman may order their removal from the meeting room.
104. If there is a general disturbance in any part of the meeting room open to the public, the Mayor/Chairman may call for that part to be cleared and for an adjournment of the meeting if necessary.

RESTRICTIONS DURING COUNCIL, CABINET AND COMMITTEE MEETINGS

105. No food shall be eaten nor any alcohol drunk in the Chamber during meetings of the Council, Cabinet or Committees. Smoking is prohibited at these meetings, and all mobile telephones will be switched off.

SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

106. All of these Council Procedure Rules, except those which have statutory effect, may be suspended by motion on notice or without notice if at least one half of all Members of the Council are present. Suspension can only be for the duration of the meeting.
107. Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. The Council cannot add to, vary or revoke any Procedure Rule which has statutory effect.

INTERPRETATION OF PROCEDURAL RULES

108. The ruling of the Mayor/Chairman as to the construction or application of any of these Rules shall not be challenged at any meeting of the Council, Cabinet, or Committee.

APPLICATION TO OTHER MEETINGS

109. All of the Council Procedure Rules apply to meetings of the full Council. They also apply to meetings of the Cabinet and Committees where specifically indicated.

RULES RELATING TO COMMITTEES

110. A Committee shall meet on the date and time specified at the Annual Meeting of the Council.
111. The Governance Services Manager may:-
- (a) cancel a Committee meeting if he/she considers there is insufficient business.
 - (b) after consultation with the Committee Chairman and Opposition Spokesperson, cancel, postpone or vary the day, hour or venue of a Committee meeting for any other good and substantial reason.

(In the absence of those mentioned, the Vice-Chairman of the Committee and Leader of the Opposition may be consulted instead)

In the case of (b), if, after consultation, the Opposition disagree with the proposed change in meeting arrangements, the matter shall be referred to and determined by the Chief Executive, who shall have regard to the wishes (if any) expressed by the Groups and to the requirements of the fair and efficient conduct of the Council's business. His/her decision shall be final.

SPECIAL MEETINGS OF COMMITTEES

112. The Governance Services Manager may summon a special meeting of a Committee if he/she considers there is a good reason to do so. A special meeting shall also be summoned if a quarter of the Members of the Committee request it in writing or at the request of the Chairman of the Committee or the Mayor made to the Governance Services Manager in writing. The summons shall set out the business about to be considered at the special meeting, and no other business except that set out shall be considered at that meeting.

APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES

113. The Chairmen and the Vice-Chairmen of all Committees shall be appointed at the Annual Meeting of the Council unless owing to special circumstances the Council decide otherwise.
114. In the event of a casual vacancy occurring in the Chairman or the Vice-Chairman of a Committee, an appointment shall be made at the next ordinary meeting of the Committee.
115. Chairmen and Vice-Chairmen shall remain in office until their successors have been appointed.
116. In the absence of the Chairman, the Vice-Chairman shall take the chair and in the absence of the Chairman and Vice-Chairman the Members present may appoint someone to chair the meeting.
117. In the case of a Committee newly created during the course of the Municipal Year, the Chairman and Vice-Chairman shall be appointed from the majority group on the Council.

QUORUM

118. Except where authorised by statute, or permitted by the Council, no business can be dealt with at a meeting of any Committee unless at least half of the Membership of the Committee or five Members of it (whichever is the less) are present.

VOTING

119. All issues in Committee, where in doubt, shall be determined by show of hands.

(Schedule 12 Pt.VI (39(2))

- 120. In the case of an equality of votes at the meeting, the person presiding shall have a second or a casting vote.**

(The Local Authority (Standing Orders)
(Regulations 1993 - Regulation 4)

121. Where, immediately after a vote is taken at a meeting of a Committee, any Member so requires, there shall be recorded in the Minutes whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.

PROCEDURE IN COMMITTEE

122. The general provisions of Rules 58 - 65 as to the rules of debate, with due allowance for change, will apply to meetings of Committees except those elements which relate to standing, time limits and speaking more than once.
123. A Member can, after consulting the Chairman of the Committee concerned, or the Governance Services Manager, give written notice beforehand of any motion he/she may intend to move at a meeting of a Committee. If this occurs, the Governance Services Manager shall notify the Members of the Committee accordingly.
124. EXCEPT WHERE THESE PROCEDURE RULES OR STATUTE PROVIDE OTHERWISE, ALL QUESTIONS AS TO PROCEDURE OR THE PROPRIETY OF ANY MATTER IN COMMITTEE SHALL BE DETERMINED BY THE CHAIRMAN OF THE COMMITTEE WHOSE DECISION SHALL BE FINAL.

PROPOSER OF MOTION MAY ATTEND

125. A Member who has moved a motion which has been referred to any Committee shall have the right to attend the meeting of that Committee, and if attending, shall have the opportunity of explaining the motion.

MEMBERS MAY ATTEND

126. Any Member may attend a meeting of the Cabinet or a Committee even if he or she is not a Member of it. This rule shall not apply to meetings where the proceedings are of a quasi-judicial nature, or in the case of Overview and Scrutiny Committees when exercising scrutiny functions.
127. Except in relation to the Overview and Scrutiny Committees, when exercising scrutiny functions where there will be no general right to speak unless required by those Committees to do so, Cabinet and non Committee Members will be permitted to speak once on any item unless the Chairman agrees that he/she may speak again. The Member shall not be permitted to vote on the item.

SCHEDULE 1
(PROCEDURE RULE 22 REFERS)

APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

1. The attached form (Appendix A) must be completed by Group Leaders or Deputy Leaders to notify the appointment of substitute Members to the Overview and Scrutiny Committees, Committees and other formally constituted meetings of Members. Individual Members cannot nominate their own substitutes, nor can a substitute nominate someone else to take his or her place.
2. Substitution is permitted under any circumstances where a Member is unable to attend a meeting other than as in 7 below.
3. The completed form (in Appendix A) must be signed and dated and be in the hands of the Governance Services Manager, appropriate Committee Manager, Director (Governance) or Chief Executive at any time up to the commencement of the relevant meeting.
4. On receipt by the Governance Services Manager or other designated Officer the form will be signed and dated and the time of doing so will be recorded.
5. If a completed form cannot be produced at the meeting, signed, dated and timed as above, the appointment will not be valid, and the replacement will have no rights of Membership or voting.
6. Valid substitute Membership forms will be placed in a file and maintained for inspection. The substitution will also be recorded in the Minutes of the meeting.
7. Substitutions are not permitted for meetings of the Cabinet, Standards Committee and Scrutiny Sub-Committees.
8. Once a substitution has been made and notified to the Governance Services Manager, appropriate Committee Manager, Director (Governance) or Chief Executive withdrawal of the substitute can be made up to the time of the meeting.

WELWYN HATFIELD COUNCIL

APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

From: Councillor _____ (please print)
(Group Leader/Deputy Group Leader)

Signed _____ Date _____

To: Governance Services Manager/Committee Manager
Director (Governance)/Chief Executive

I hereby give notice that my Group will be represented at the following meeting(s) by the substituted Member(s) set out below:-

(insert name of committee, or other meeting with the relevant date(s))

Councillor _____ in place of Councillor _____
for the above date(s)

Councillor _____ in place of Councillor _____
for the above date(s)

Councillor _____ in place of Councillor _____
for the above date(s)

Notice received by Governance Services Manager/Committee Manager/
Director (Governance)/Chief Executive up to commencement of the meeting.

Signed _____ Date _____ Time _____

Welwyn Hatfield Borough Council

Petition Scheme

Petitions

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

Paper petitions can be sent to the Committee Management Office, Governance Department, Welwyn Hatfield Borough Council, Council Offices, Welwyn Garden City, Herts AL8 6AE.

Petitions can also be presented to a meeting of the council. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Graham Seal, Governance Services Manager on 01707 357444 at least 10 working days before the meeting and he will talk you through the process. If your petition has received 1,500 signatures or more it will also be scheduled for a council debate and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

What are the guidelines for submitting a petition?

Petitions submitted to the council must include and show on every page:-

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

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

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

What will the council do when it receives my petition?

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

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

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available from the Governance Services Manager (telephone 01707 357444).

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

How will the Council respond to petitions?

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

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

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition. Two examples are given below of the type of action that the council may consider appropriate.

1. A Petition concerning alcohol related crime and disorder

If your petition is about crime or disorder linked to alcohol consumption, the Council may, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.

2. A petition concerning anti-social behaviour (ASB)

As the elected representatives of your local area, as social landlord and licensing authority, the council plays a significant role in tackling anti-social behaviour. When responding to petitions on ASB, we will consider, in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken, including what role CCTV might play, consider identifying a dedicated contact within the Council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and, where possible, will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

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

Full Council debates

If a petition contains more than 1,500 signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of fifteen minutes. The Council will

decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

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

If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of an Overview and Scrutiny Committee. You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition. The Committee may also decide to call the relevant Councillor to attend the meeting. Committee Members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting the Governance Services Office up to three working days before the meeting.

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

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

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

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

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, the Overview and Scrutiny Committees, the Standards Committee and non executive Committees and public meetings of the Cabinet (executive) (together called “meetings”).

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETINGS

2.1 The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the offices at the Campus, Welwyn Garden City, Hertfordshire AL8 6AE (the designated office) and on the website.

2.2 The Council will give at least twenty eight clear days notice of the intention to consider items in the private section of a Cabinet meeting stating the reasons for this. The notice will be made available at the offices and published on the website.

2.3 At least five clear days before a Cabinet meeting a further notice will be made available at the offices and published on the website stating the reasons for the private section of the meeting and giving details of any representatives received about why the meeting should be open to the public together with a statement of the response to these.

2.4 Where the date by which a meeting must be held makes compliance with this requirement impracticable, agreement has to be obtained from the Chairman of the relevant Overview and Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred and notice of this must be made available at the offices and published on the website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

5.1. The Council will make copies of the Agenda and reports to be considered at meetings open to the public available for public inspection at reasonable hours, free of charge, at the designated office at least five clear working days before the meeting. If an item is added to the Agenda after the summons to the meeting has been sent out, the Governance Services Manager shall make each such report available for inspection by the public as soon as the report is completed and sent to Members.

- 5.2. If the Governance Services Manager in conjunction with the author of a report thinks fit, the Council may exclude access by the public to reports which relate to items during which, in accordance with Rule 10 (confidential and exempt information), the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

6. SUPPLY OF COPIES

The Governance Services Manager will make available copies of:-

- (a) any Agenda, reports and background papers which are open to public inspection and
- (b) any further statements or particulars necessary to indicate the nature of the items in the Agenda if possible without disclosing exempt or confidential information
- (c) background papers for reports considered at executive meetings on the Council's website

to any person on payment of a reasonable charge, including postage if relevant.

7. ACCESS TO MINUTES ETC. AFTER MEETING

- 7.1. As soon as reasonably practicable after a Cabinet meeting the Governance Services Manager will record or arrange to be recorded in a written statement:-

- (a) a record of the decisions;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the meeting;
- (d) a record of any interest which is declared by a Member in respect of the matter decided; and
- (e) a note of any dispensation granted by the Standards Committee in respect of any declared interest.

- 7.2. The Governance Services Manager will make available for public inspection at reasonable hours, free of charge, at its designated office, as soon as reasonably practicable following a meeting, copies of the following for a period of six years after the meeting:-

- (a) The Minutes of a meeting or written statement referred to in 7.1 above, in respect of decisions of the Cabinet or individual Cabinet Member, excluding any part of the Minutes or written statement of the proceedings which disclose exempt or confidential information;

- (b) a summary of any proceedings not open to the public where the Minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the Agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. SUPPLY OF COPIES

The Council will supply copies of any of the papers listed in Rule 7 above to any person on payment of a reasonable charge, including postage if relevant.

9. BACKGROUND PAPERS

9.1. List of Background Papers

Authors of reports shall set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:-

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) which have been relied on to a material extent in preparing the report
- but not including any published works.

9.2. Public Inspection and Copies of Background Papers

The Governance Services Manager will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers and will provide copies on payment of a reasonable charge, including postage if relevant.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1. Confidential Information – Requirement to Exclude Public

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

10.2. Meaning of Confidential Information

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

10.3. Exempt Information – Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed and the public interest is judged to be that the exemption from disclosure should be maintained.

10.4. Meaning of Exempt Information

Exempt information means information falling within the following seven categories (subject to the stated qualifications):-

Categories of Exempt Information:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
 - (a) Information which is subject to any obligation of confidentiality.
 - (b) Information which relates in any way to matters concerning national security.
 - (c) The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Sections 60(2) or (3), 64 (2), 70 (4) or (5) or 71 (2) of that Act.

NB: 7(a), 7(b) and 7(c) apply only to the Standards Committee

Qualifications

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
 - (a) the Companies Act 1985
 - (b) the Friendly Societies Act 1974
 - (c) the Friendly Societies Act 1992
 - (d) the Industrial and Provident Societies Acts 1965 to 1978
 - (e) the Building Societies Act 1986
 - (f) the Charities Act 1993.
9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
10. Information which:
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above

is exempt information if, and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 10.5. All Cabinet meetings will be in public subject to the above exceptions relating to confidential and exempt information and to the further exceptions which are permitted under legislation:-
 - (a) where the sole purpose of the meeting is to receive a briefing from Officers of the Council, including clarification on particular matters;
 - (b) meetings to permit political discussions, without Officers present.

11. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 13 (general exception) and Rule 14 (special urgency), a Key Decision [as defined in Article 13.3 of this Constitution] may not be taken unless:-

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least twenty eight clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a Cabinet meeting, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

12. THE FORWARD PLAN

12.1. Period of Forward Plan

Forward Plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

12.2. Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject to a Key Decision to be taken by the Cabinet during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:-

- (a) the matter in respect of which a decision is to be made;
- (b) the identity of the decision taker i.e. the Cabinet with details of its Membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Cabinet about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the Cabinet for consideration in relation to the matter.

At least twenty-eight clear days notice must be given of the intention to make a key decision on the Forward Plan at a Cabinet meeting. The Governance Services Manager will publish once a year a notice in at least one newspaper circulating in the area, stating:-

- (a) that Key Decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the Key Decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours, free of charge, at the designated office;

- (e) that each plan will contain a list of the documents submitted to the Cabinet for consideration in relation to the Key Decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- (g) that other documents may be submitted to the Cabinet in respect of the Key Decision
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the designated office.

Exempt information as defined in Rule 10 need not be included in a Forward Plan and confidential information cannot be included.

13. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 14 (special urgency), the decision may still be taken if:-

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Governance Services Manager has informed the Chairman of the appropriate Overview and Scrutiny Committee or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Governance Services Manager has made copies of that notice available to the public at the designated office; and
- (d) at least 5 clear days have elapsed since the Governance Services Manager complied with (b) and (c).

14. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 13 (general exception) cannot be followed, then the decision can only be taken if the decision taker in this case either the Cabinet or individual Member of the Cabinet making the decision, obtains the agreement of the Chairman of the appropriate Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of that Overview and Scrutiny Committee, or if the Chairman of that Overview and Scrutiny Committee is unable to act, then the agreement of the chairman of another Overview and Scrutiny Committee will suffice.

15. REPORTS TO COUNCIL

15.1. When Overview and Scrutiny Committees Can Require a Report

If the relevant Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the general exception procedure under Rule 13; or
- (c) the subject of an agreement with the Chairman of their Committee or another Overview and Scrutiny Committee under Rule 14.

The Overview and Scrutiny Committee concerned may resolve to require the Cabinet to submit a report to the Council. The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 working days of receipt of the written notice, or the resolution of the Overview and Scrutiny Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision and if the Leader is of the opinion that it was not a Key Decision the reasons for that opinion.

15.2. Reports on Special Urgency Decisions

In any event the Leader will submit at least one report annually to the Council containing details of the Cabinet decisions taken in the circumstances set out in Rule 14 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

16. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET AND OFFICERS

16.1. Key Decisions by individual Members of the Cabinet will only be permitted in the case of urgency. The Leader or in the Leader's absence, the Deputy Leader or in both their absences, the appropriate portfolio holder will be authorised to make individual decisions:-

- (a) where there is an urgent requirement for a decision; and
- (b) where it is not practicable to convene a quorate meeting of the Cabinet

16.2. The reasons for the urgency must be recorded in writing by the decision taker.

16.3. If such individual decisions are Key Decisions then the procedure detailed in Rule 14 (special urgency) must be followed.

16.4. Individual executive decisions by Members and Officers must be recorded in a written statement as soon as reasonably practicable by the individual Member who made the decision or, if instructed to do so, the Governance Services

Manager. Officer delegated decisions must be recorded by the Officer making the decision. The statement must include:-

- (a) a record of the decision;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the time by the Member concerned;
- (d) a record of any interest declared by any Cabinet Member who is consulted by the Member or Officer making the decision, in relation to the decision; and
- (e) a note of any dispensation granted by the Standards Committee in respect of any declared interest.

16.5. The record of the decision and any reports considered together with any background papers listed, must be available for inspection by the public as soon as is reasonably practicable at the offices and on the website and must be supplied on request to a newspaper.

17. ACCESS TO DOCUMENTS BY THE OVERVIEW AND SCRUTINY COMMITTEES

17.1. Right to Copies

Subject to Rule 17.2 below the Overview and Scrutiny Committees will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to:-

- (a) any business transacted at a decision making meeting of the Cabinet;
- (b) any decision taken by an individual Cabinet Member.

17.2 Limits to Rights

The Overview and Scrutiny Committees will not be entitled to:-

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or is relevant to any review contained in any programme of work.

18. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

18.1. Member Right to Inspect

All Members of the Council will be entitled to inspect any document relating to business to be transacted at meetings.

18.2. Individual Cabinet Decisions

Any material relating to decisions by individual Cabinet Members may be inspected by any Member immediately after the decision is made.

18.3. Exception to Member Right to Inspect

Rule 18.1 and 18.2 are subject to an exemption in the cases where compliance would involve the disclosure of exempt information of a description falling with any of paragraphs 1,2,3 (if the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract), 4, 5 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), as more particularly described in Rule 10.4.

18.4. Nature of Rights

These rights of a Member are additional to any other right he/she may have by statute or common law and more specifically referred to in the Protocol on Member and Officer Relations in Part 5 of this Constitution.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4 of the Constitution. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

The Council will adopt the following procedure for developing the budget and policy framework:-

- (a) After consulting stakeholders in a manner appropriate to the matter under consideration, the Cabinet will draw up initial proposals in relation to any budget plan or strategy which forms part of the Councils budget or policy framework. Once drawn up the Governance Services Manager will serve copies of them on the Chairman of the relevant Overview and Scrutiny Committee together with dates when the Cabinet will consider them further.
- (b) The appropriate Overview and Scrutiny Committee will be convened without unnecessary delay to consider whether to respond to the Cabinet's proposals and whether any further consultation by it is appropriate. If so the Overview and Scrutiny Committee will conduct a consultation exercise and will reflect any representations made to it in its response to the Cabinet within the timescale set for decision by the Cabinet.
- (c) The Cabinet will finalise its proposals for the Council to consider having taken into account the comments from the relevant Overview and Scrutiny Committee as it considers appropriate. The report to Council will show the Cabinet's response to those comments. [Proposals in respect of the budget must be submitted to the Council before 8 February in any financial year for the following financial year in respect to estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitution) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992, or estimates of other amounts to be used for the purposes of such a calculation or estimates of such a calculation or amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992 unless calculations or substitute calculations which the Council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.]
- (d) The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place.

- (e) The Council's decision will be publicised by appropriate notice on the notice board and by giving a copy to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- (f) If the Leader objects to the decision of the Council, he/she shall give written notice to the Governance Services Manager to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. (In the alternative the Leader can submit a revised estimate or amount, plan or strategy with reasons for the revision). Where such notification is received, the Governance Services Manager shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- (g) The Council meeting must take place without unnecessary delay following receipt of the Leader's written objection (or revised estimate, amount, plan or strategy). At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection (or revision), which shall be available in writing to all Members of the Council beforehand.
- (h) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be implemented immediately.
- (i) In approving a budget, plan or strategy, the Council will also specify the extent of virement within the budget and degree of in-year changes to the plan or strategy which may be undertaken by the Cabinet. Any other changes to the budget or policy framework are reserved to the Council.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) Subject to the provisions of paragraph 5 (virement) and paragraph 6 (agreed changes) the Cabinet, individual Members of the Cabinet and any Officers discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, individual Members of the Cabinet and any Officers discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Director (Finance and Operations) as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those Officers is

that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

(a) The Cabinet, an individual Member of the Cabinet or Officers discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by the Council if the decision is a matter of urgency. However, the decision may only be taken:-

- (i) if it is not practical to convene a quorate meeting of the full Council; and
- (ii) if the Chairman of the appropriate Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Overview and Scrutiny Committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the appropriate Overview and Scrutiny Committee the consent of the Chairman of another Overview and Scrutiny Committee will be sufficient.

(b) Following the decision, the decision taker will provide a report to the Council at its next meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. VIREMENT

Steps taken by the Cabinet, an individual Member of the Cabinet or any Officers, discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such a body or individuals shall be entitled to vire across budget heads up to a maximum of those limits agreed by the Council when approving a budget, plan or strategy or set out in the Councils Financial Procedure Rules (Part 4 of this Constitution). Beyond those limits approval to any virement across budget heads will require the agreement of full Council.

6. IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, an individual Member of the Cabinet or any Officers, discharging executive functions must be in line with it. No changes to any plan and strategy which make up the policy framework may be made by that body or individuals except those changes:-

- (a) which were agreed by the Council could be made when approving a plan or strategy; or

- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;

such changes to be reported to the Council at its next meeting.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) Where any Member of an Overview and Scrutiny Committee is of the opinion that an executive decision yet to be made or made but not yet implemented would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.
- (b) The Monitoring Officer and/or Chief Financial Officer shall report their advice to the Cabinet with a copy to every Member of the Overview and Scrutiny Committee. If the advice of either of those Officers is that the decision, or potential decision would be contrary to the policy framework or not wholly in accordance with the budget then the Cabinet must meet within three working days (unless the taking of the decision or its implementation is urgent in which case the provisions in paragraph 4 shall apply) to decide what action to take to ensure the decision or potential decision is reviewed to comply with the policy framework or budget and report their proposed action to the Overview and Scrutiny Committee within two working days.
- (c) If the Cabinet fail to review the decision or potential decision to conform with the policy framework or budget within the timescales referred to in (b) above the Overview and Scrutiny Committee may refer the matter to Council within ten working days of publication of the decision or knowledge of the potential decision by the Cabinet. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within ten working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report from the Cabinet and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may either:-
 - (i) endorse the decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
 - (ii) amend the Council's Financial Procedure Rules or policy concerned as far as it is legally permissible to do so, to encompass the decision or proposal and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

- (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the executive decision maker to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer to ensure compliance with the policy framework or budget.

CABINET PROCEDURE RULES

1.1 Who makes executive decisions

(a) Cabinet

The Cabinet will take all key decisions collectively. A key decision is as defined in Article 13.3 of this Constitution.

(b) Individual Cabinet Members

Individual Cabinet Members can take key decisions only in cases of urgency as detailed in paragraph 16 of the Access to Information Procedure Rules.

(c) Officers

Specified Officers can take those executive decisions set out in the Council's Responsibility for Functions at Part 3 of this Constitution.

1.2 Executive functions

(a) The responsibility for the exercise of executive functions will be as set out in Part 3 of this Constitution.

(b) The responsibility for the exercise of executive functions will be updated throughout the Municipal Year to reflect any changes to those delegations made by the Cabinet.

1.3 Sub-delegation of executive functions

(a) The Cabinet may delegate further to an area Committee, joint arrangements or an Officer, those executive functions for which it is responsible.

(b) The Cabinet may delegate further to a Committee of the Cabinet.

(c) Unless the Cabinet directs otherwise, a Cabinet Committee to whom functions have been delegated may delegate further to an Officer.

(d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.4 Changes to the Council's Responsibility for Functions in relation to executive functions

(a) The Cabinet may amend the Responsibility for Functions relating to executive functions at any time during the Municipal Year. To do so, the Leader must give written notice to the Governance Services Manager and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the Responsibility for Functions, and

whether it entails the withdrawal of delegation from any person, body or Committee. The Governance Services Manager will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

- (b) Where the Cabinet seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when it has been served on its Chairman.

1.5 Conflicts of interest

Where any Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution:-

1.6 Cabinet meetings

The Cabinet will meet at least twelve times per year at times scheduled into the calendar of meetings at the beginning of a Municipal Year at the venue specified.

1.7 Admission of the public

All Cabinet meetings will be in public subject to exceptions relating to confidential and exempt information (as defined in paragraph 10 of the Access to Information Procedure Rules) and to the further exceptions which are permitted under legislation namely:-

- (a) where the sole purpose of the meeting is to receive a briefing from Officers, including clarification on particular matters; or
- (b) meetings to permit political discussions, without Officers present.

1.8 Quorum

The quorum for a meeting of the Cabinet shall be one quarter of the total number of Members of the Cabinet, or three, whichever is the larger.

1.9 Decision taking

Executive decisions which are key decisions will be taken by the Cabinet as a whole at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, subject to urgent decisions being taken by individual Cabinet Members as detailed in paragraph 16 of the Access to Information Procedure Rules.

2. THE CONDUCT OF CABINET MEETINGS

2.1 The person presiding

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside and in both their absences a person appointed to do so by those present shall preside.

2.2 Persons who may attend

The right of the public to attend is detailed in paragraph 1.7 of these rules. For the avoidance of doubt this right is extended to the press and other non-executive Members of the Council.

2.3 Order of business

At each meeting of the Cabinet the following business will be conducted:-

- (a) public question time and petitions;
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest, if any;
- (d) matters referred to the Cabinet by an Overview and Scrutiny Committee or by the Council for reconsideration in accordance with the provisions contained in paragraph 14 of the Overview and Scrutiny Procedure Rules or paragraph 2 of the Budget and Policy Framework Procedure Rules set out in part 4 of this Constitution;
- (e) consideration of reports from the Overview and Scrutiny Committees; and
- (f) matters otherwise set out in the Agenda for the meeting.

2.4 Items from the Overview and Scrutiny Committees

- (a) The Chairman of the appropriate Overview and Scrutiny Committee may address the Cabinet on matters referred to it by that Overview and Scrutiny Committee as detailed in 2.3(d) above or in respect of that Overview and Scrutiny Committee's reports to the Cabinet as referred to in 2.3(e) above.
- (b) The Cabinet must respond specifically to points being made to the Cabinet by an Overview and Scrutiny Committee and, if appropriate, give reasons for not agreeing with an Overview and Scrutiny Committee's views.

2.5 Consultation

All reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders 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.

2.6 Placing items on Cabinet agendas

- (a) Officers reporting on matters which are part of the budget or policy framework or are otherwise Key Decisions (as defined in Article 13.03 of this Constitution) can require the Governance Services Manager to place an item to consider such a report at the next available Cabinet meeting.
- (b) Any Member of the Cabinet may require the Governance Services Manager to make sure that an item is placed on the Agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the Governance Services Manager will comply.
- (c) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Governance Services Manager to call such a meeting in pursuance of their statutory duties.

2.7 Cabinet Panels

- (a) Cabinet Panels may be established by the Cabinet at any time to conduct the business specified by the Cabinet at the time of setting up a Panel.
- (b) Their Members shall be appointed by the Cabinet and may include Members of the Cabinet. The rules of political proportionality shall apply to their Membership.
- (c) They shall appoint their own Chairman (and Vice Chairman if required) unless appointed by the Cabinet.
- (d) The Chairman, if present shall preside; if not present the Vice-Chairman (if appointed) shall preside. If there is no Chairman or Vice-Chairman present the Members present shall elect a person to preside.
- (e) The date of meetings shall be set by the Cabinet or Chairman of a Panel as far ahead as possible and notified to Members. Dates will not be changed unless there is good reason to do so.

- (f) All meetings will be open to the public and press unless a Panel decides to exclude such persons on specified grounds of exempt information or on the basis of confidentiality as defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

All Members will be permitted to attend meetings including the consideration of exempt or confidential information.

- (g) The quorum for a meeting is one quarter of the Members, with a minimum of three.
- (h) An Agenda and all available reports will be sent to Members at least five clear working days in advance of each meeting.

Minutes of each meeting will be produced and circulated to Panel Members and the Cabinet.

- (i) If any papers or proceedings of a body are declared to be confidential, Members of the body shall honour that confidentiality unless they agree otherwise or the material becomes public in the ordinary course of business.
- (j) Panels shall have the power to report and recommend to the Cabinet and may refer matters to a relevant Overview and Scrutiny Committee for comment.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

The Council will have three Overview and Scrutiny Committees as set out in Article 6 of this Constitution.

- 1.1 The Council will appoint three Overview and Scrutiny Committees to be involved in policy review and development, and the scrutiny of decision making.
- 1.2 The general and specific roles (terms of reference) of the Overview and Scrutiny Committees are set out in Article 6 of this Constitution.
- 1.3 The Overview and Scrutiny Committees will operate in accordance with the Procedures for the operation of the Overview and Scrutiny which are set out in Part 4 of this Constitution.

2. MEMBERSHIP OF THE OVERVIEW AND SCRUTINY COMMITTEES

- 2.1 All Councillors except Members of the Cabinet may be Members of the Overview and Scrutiny Committees. However, no Member may be involved in scrutinising or reviewing a decision in which he/she has been directly involved.
- 2.2 Cabinet Members may attend meetings of Overview and Scrutiny Committees, except when these Committees are dealing with “called in” items detailed in paragraph 14 of these rules or deciding whether items should be scrutinised.

3. CO-OPTTEES

- 3.1 Each Overview and Scrutiny Committee shall be entitled to appoint up to five non-voting co-optees, at any time to assist the relevant Committee in the performance of its policy review and development functions.
- 3.2 The Social Overview and Scrutiny Committee is the Council’s designated crime and disorder scrutiny Committee with power to review or scrutinise the discharge by the responsible authorities of their crime and disorder functions. Members of the public and representatives of community groups are able to sit on this Committee as co-opted Members with a view to holding Community Safety Partnerships to account. This is subject to the discretion of the Committee where it believes that co-opting members of the public would be of benefit.

4. MEETINGS

- 4.1 There shall be five meetings scheduled for each Overview and Scrutiny Committee in each municipal year. In addition, meetings may be called as part of the process for developing the budget and policy framework as set out in paragraph 2 of the Budget and Policy Framework Procedure Rules or as required for policy review or development. Meetings may also be called to consider called-in items in accordance with the procedure set out in paragraph 14 of these rules.
- 4.2 A meeting of an Overview and Scrutiny Committee may be called by the Chairman of the relevant Committee or by the Governance Services Manager if he/she considers it necessary or appropriate.

5. QUORUM

The quorum for the Overview and Scrutiny Committees shall be as set out for Committees in the Council's Procedure Rules in Part 4 of this Constitution.

6. CHAIRMAN OF OVERVIEW AND SCRUTINY COMMITTEES

The Chairmen of Overview and Scrutiny Committees will be determined in accordance with the rules set out in the Council's Procedure Rules in Part 4 of this Constitution.

7. WORK PROGRAMME

Overview and Scrutiny Committees will conduct those policy reviews set annually by full Council, be involved in the process for developing the budget and policy framework as set out in paragraph 2 of the Budget and Policy Framework Procedures Rules, be involved in detailed working on policy development, conduct best value reviews and assist in the Community Planning process. In addition they will be involved in pre and post implementation scrutiny of decision making through task and finish Scrutiny Sub-Committees.

8. AGENDA ITEMS

Any Member of an Overview and Scrutiny Committee shall be entitled to give notice to the Governance Services Manager that he/she wishes an item relevant to the functions of that Committee to be included on an agenda of a meeting of that Committee. Such a request shall be dealt with in accordance with the process specified in the Procedures for the operation of the Overview and Scrutiny function which are set out in Part 4 of this Constitution.

9. CONSIDERATION OF OVERVIEW AND SCRUTINY COMMITTEE REPORTS

The agenda for Cabinet meetings shall include an item entitled "Issues arising from Overview and Scrutiny". The reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda.

10. POLICY REVIEW AND DEVELOPMENT

- 10.1 The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in paragraph 2 of the Budget and Policy Framework Procedure Rules.
- 10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budgetary framework, Overview and Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 10.3 Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint consultants to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay consultants and witnesses a reasonable fee and expenses for doing so.
- 10.4 Overview and Scrutiny Committees can set up from within their respective Membership sub groups of Members to carry out specific tasks and report back with the outcomes and any recommendations.
- 10.5 Where a Committee decides an issue should be reviewed, a Review Group (ratio 3:2 with an Administration Chairman) should be appointed to review the specific item. Review Groups are in place of Task and Finish Working Groups and carry out "lighter-touch" exercises.
- 10.6 Once it has formed recommendations on proposals for development, the appropriate Overview and Scrutiny Committee will prepare a formal report and submit it to the Governance Services Manager for consideration by the Cabinet.
- 10.7 The Cabinet shall consider the reports of the Overview and Scrutiny Committees within one month of them being submitted to the Governance Services Manager.

11. SCRUTINY

- 11.1 Overview and Scrutiny Committees will set up task and finish Scrutiny Sub-Committees which may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function except those decisions made in respect of development management, licensing, registration, consents and other permissions or in the determination of any matter which concerns individual rights or responsibilities. As well as reviewing documentation, in fulfilling this scrutiny role, Scrutiny Sub-Committees may require any Member of the Cabinet and/or the Chief Executive or any Director or Head of Service to attend before them to explain in relation to matters within their remit:-
 - (a) any particular decision or series of decisions; and/or

(b) the extent to which the actions taken implement Council policy;

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

- 11.2 Scrutiny Sub-Committees will comprise four Members in the ratio 2:2 and be chaired by an Opposition Member. Scrutiny Sub-Committees will make recommendations direct to the Cabinet. The agreement of a majority of the Members of a Sub-Committee is required in order for recommendations to be made to the Cabinet. The Chairman has no casting vote.
- 11.3 Where any Member or Officer is required to attend a Scrutiny Sub-Committee under this paragraph, the Chairman of the relevant Sub-Committee will inform the Governance Services Manager. The Governance Services Manager shall inform the Member or Officer in writing giving at least seven working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Sub-Committee. Where the account to be given to the Sub-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.
- 11.4 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Governance Services Manager shall in consultation with the Member or Officer arrange an alternative date for attendance to take place within a maximum of fourteen working days from the date of the original request, or if there are reasons why this is not possible for a deputy to attend in his/her place.
- 11.5 For the avoidance of doubt these powers do not apply to pre-implementation call-in detailed in paragraph 14.2.
- 11.6 The Administration and Opposition Groups each have the right within the Municipal Year to have one scrutiny topic referred to a Scrutiny Sub-Committee by each of the three Overview and Scrutiny Committees, with other topics by agreement.

12. ATTENDANCE BY OTHERS

A Scrutiny Sub-Committee may invite other persons to address it and/or answer questions relevant to the discharge of the Sub-Committee's powers detailed in paragraph 11.

13. CONDUCT OF INVESTIGATIONS

13.1 Where a Scrutiny Sub-Committee conducts investigations, pursuant to its powers referred to in paragraph 11, it may also ask people to attend to give evidence at a Sub-Committee meeting which are to be conducted in accordance with the following principles:-

- (a) that the investigation be conducted fairly and all Members of the Sub-Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

- (b) that those assisting the Sub-Committee by giving evidence be treated with respect and courtesy; and
 - (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 13.2 Following any investigation or review, the Scrutiny Sub-Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

14. CALL-IN

- 14.1 An Overview and Scrutiny Committee has the power to scrutinise all Cabinet decisions post-implementation. It will appoint a Scrutiny Sub-Committee to do this.
- 14.2 Cabinet decisions will be subject to pre-implementation review through the following call-in procedure:-
- (a) the Cabinet publishes decisions it has made either at a Cabinet meeting or which have been taken by an individual Cabinet Member within three working days; publication will be effected by appropriate notice on the notice board and by posting notice to each Member of Overview and Scrutiny Committees;
 - (b) it gives notice that decisions will come into force within ten working days of the decision being published unless the appropriate Overview and Scrutiny Committee calls it in;
 - (c) decisions that are clearly within the budget or policy framework and involve expenditure of less than £100,000 cannot be called in, they would be subject to post-implementation scrutiny only;
 - (d) decisions that involve expenditure over £100,000 can be called in. "Call-in" requires at least a quarter of the Members of the appropriate Overview and Scrutiny Committee to request the "call-in", in writing, within four working days of the publication of the decision by the Cabinet, to be effective. The Chairman of the appropriate Overview and Scrutiny Committee, in consultation with the Opposition Group Leaders, has delegated authority, to set up the Scrutiny Sub-Committee to deal with the item. The Scrutiny Sub-Committee must meet to consider the "called-in" item(s) within twenty working days of the publication of the decision by the Cabinet.
 - (e) if the Scrutiny Sub-Committee decides it is unhappy with the decision, it can refer it back to the Cabinet for reconsideration;
 - (f) if the matter is referred back to the Cabinet, the Cabinet must reconsider the decision as quickly as possible and may or may not amend it before adopting a final decision;

- (g) if the appropriate Overview and Scrutiny Committee wants to challenge any decision yet to be made or made but not yet implemented and reasonably believes it is not in accordance with the budget or policy framework then it must follow the procedure set out in paragraph 7 of the Budget and Policy Framework Procedure Rules;
- (h) decisions which are required to be made as a matter of urgency cannot be called in and can only be subject to post-implementation scrutiny.

14.3 Limitations to call-in

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

- (a) only decisions involving expenditure over a value of £100,000 may be called in;
- (b) a quarter of the Members of the appropriate Overview and Scrutiny Committee are needed for a decision to be called-in; and
- (c) to avoid a conflict of interest an Overview and Scrutiny Committee should not call-in a decision in which they have been involved in developing as part of its policy review and development function. In such instances another Overview and Scrutiny Committee will be permitted to exercise the right of call-in.

14.4 Call-in and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision shall state that in the opinion of the decision making person or body, the decision is an urgent one. The Mayor must agree to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually by the Monitoring Officer and a report submitted to Council with proposals for review if necessary.

14.5 Councillor Call for Action

Overview and Scrutiny Committees will receive any request from a Councillor for a discussion on behalf of residents on an issue affecting a single Council Ward where local problems have arisen and other methods of resolution have been exhausted.

15. THE PARTY WHIP

- 15.1 Any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council, the Cabinet or any Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner is referred to as “the party whip”.
- 15.2 There will be no whipping of Overview and Scrutiny Committee or Scrutiny Sub-Committee Members when exercising scrutiny functions. Any evidence of whipping must be referred to the Monitoring Officer as soon as possible.

16. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

- 16.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committees have the additional right to documents, as set out in paragraph 17 of the Access to Information Procedure Rules in part 4 of this Constitution.
- 16.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

17. OFFICER SUPPORT

Appropriate senior Officers will prepare reports and attend Overview and Scrutiny Committees to assist the Committees with policy review or development. Officer support in respect of the scrutiny function is detailed in paragraph 11 of these rules.

18. ATTENDANCE BY OTHERS

- 18.1 The Overview and Scrutiny Committees may in connection with policy development and review work, invite other persons to address them, discuss issues of local concern and/or answer questions. They may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.
- 18.2 Each Overview and Scrutiny Committee must specifically consider whether and how to involve the public before commencing a policy development or review matter.

19. PROCEDURE AT MEETINGS

The Overview and Scrutiny Committees shall consider the following business:-

Part 1

Section A

- (a) Minutes of last meeting;

- (b) Declarations of interest;
- (c) Public question time and petitions;
- (d) Scheduled items;
- (e) Overview and scrutiny work programme.

Section B

- (a) Consideration of items for scrutiny and appointment of Scrutiny Sub-Committee(s).
- (b) Call in of any Cabinet decisions or potential Cabinet decisions.

Part 2

- (a) Any confidential items.

PROCEDURES FOR THE OPERATION OF THE OVERVIEW AND SCRUTINY FUNCTION

1. Purpose of these procedures – to assist Members and Officers to participate in and support the overview and scrutiny function so that effective overview and scrutiny is achieved. The procedures are intended to facilitate the important principle that effective overview and scrutiny is not opposition.

2. Role of Overview and Scrutiny Committees

Overview and Scrutiny Committees will:

- carry out full and comprehensive reviews of any of the Council's policies, strategies or operations relating to any of the Council's functions;
- make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- consider any matter affecting the area or its inhabitants;
- scrutinise and review decisions made or actions taken in connection with the discharge of any of the Council's functions (except those decisions made in respect of development management, licensing, registration, consent and other permissions or in the determination of any matter which concerns individual rights or responsibilities);
- make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- exercise the right to call-in certain decisions as detailed in the Overview and Scrutiny Procedure Rules and the Budget and Policy Framework Procedure Rules for reconsideration by the Cabinet.
- to hear evidence from Council Officers as requested in a petition containing at least 750 signatures.
- to review the steps that the Council has taken in response to a petition where the petition organiser feels that the petition has not been dealt with properly.

3. Composition of Overview and Scrutiny Committees

There are three Overview and Scrutiny Committees namely Social, Environment and Resources which are politically balanced with Memberships of ten each.

4. Officer Support

4.1 Each Committee has allocated to it:

- one or more Directors as support officers,
- a Committee Manager.

4.2 The Director's support will be directed at:

4.2.1 **Agenda planning** – items should arise from:

- (a) matters forming part of the policy framework/budget which must be subject to consideration by Overview and Scrutiny Committees,
- (b) matters which the Cabinet feels need detailed working on for their consideration/approval,
- (c) items which Members themselves wish to be subject to overview or scrutiny. Any Member involved in overview or scrutiny has a legal right to require an item to appear on an agenda for a meeting. **It is however the Committee itself which has the legal power to decide whether or not to review or scrutinise an item.** Such items may result from:
 - Members selecting items from the Forward Plan for consideration
 - Groups wishing to look at budget/performance indicator monitoring information
 - a Member requesting their Group Spokesman to ask the Committee to look into an area of concern, which could be a local issue
 - a Member of the public writing direct to the Chairman of an Overview and Scrutiny Committee
 - another Overview and Scrutiny Committee referring an item

4.2.2 **preparation of reports** – the Director will provide “independent” Officer support to ensure that reports to be considered by Overview and Scrutiny Committees and Scrutiny Sub-Committees are appropriate, adequate and relevant. This will be a two stage process:

- ensuring Committees have enough information to decide whether to review or scrutinise a matter (with a presumption in favour of review or scrutiny unless there is justifiable reason not to do so) (a proforma has been developed for use in scoping reviews), and
- ensuring that the final reports include sufficient information for the Scrutiny Sub-Committee to decide how to scrutinise a matter, reach a conclusion, fully address the issues raised and present a balanced picture of the issue under review or scrutiny.

4.2.3 **to do any other thing** to help Committees achieve effective overview and Sub-Committees to achieve effective scrutiny. This will include:

- advising on how an issue could be reviewed or scrutinised,
- ensuring the public and interested groups are involved in overview and/or scrutiny wherever appropriate,
- summing up the discussion, significant issues raised and conclusions reached by Committees, and
- monitoring outcomes and ensure there are reports back.

- 4.3 The Director's specific role is to ensure that Committees and Sub-Committees have available to them the detailed information and data they require and that Members understand the service-related issues involved.
- 4.4 It is part of the role of the Director to ensure throughout that the advice Members receive is clear and consistent.
5. Agenda preparation procedures in relation to items raised by Members
- 5.1 Groups or individual Members will notify Committee Management no later than three weeks before a meeting of items they wish to put on an agenda. Committee Management will notify the appropriate Director(s), other group representatives on the Committee and the relevant Executive Member. The appropriate support Officer will clarify the remit of the report with the Member concerned if necessary, and liaise with the relevant Director(s). The Director(s) will then prepare a brief report, giving enough detail to enable a Committee to decide whether to review or scrutinise the issue. Reports should:
- be in "bullet point" format;
 - focus on the specific issues of concern rather than giving background information;
 - suggest options for how a review or scrutiny process might be conducted should the Sub-Committee decide to do it using the scoping proforma.
- 5.2 The report in draft form must be sent for comment, in good time, to:
- the Member who requested the item
 - the Committee Chairman and Spokesman
 - the appropriate Executive Member
 - the Director(s)
 - the Committee Manager
 - any other relevant Officers
- 5.3 The Committee Manager will arrange pre-meeting briefings for Chairmen and Vice Chairmen of Committees (and if requested for the other Group Spokesmen). If Members agree, these briefings may be cross party. Appropriate Directors/Heads of Service will attend.

5.4 Chairmen and Vice-Chairmen together must ensure that Committee work programmes are properly organised. They are responsible with the assistance of the relevant Directors for agenda planning. They may wish to meet in addition to pre-meeting briefings to plan work programmes.

6. Procedure at meetings

6.1 **Organisation**

- The Chairman (if present) presides; otherwise the Vice Chairman; otherwise a Member of the Committee chosen by the other Members.
- The appropriate Director sits on the Chairman's right; the Committee Manager sits on the Chairman's left at meetings of the Overview and Scrutiny Committees.
- The Executive Members and Directors sit together. Executive Members may not be Members of a Committee. They are summoned to attend in order to answer questions and to contribute to the debate at the discretion of the Chairman.
- "Specialist" officers (e.g. legal/financial/human resources/property) only attend if required.

6.2 **How to deal with reports arising from a request by a Member**

- The Chairman will ask the Member who put forward an item to speak to it, and justify why the Committee should agree to review or scrutinise it. The Group Spokesman or another Member can speak on behalf of the Member who put forward the item if they cannot attend the meeting.
- The relevant Director will speak to the brief report, and answer any questions on its content.
- Members may also put questions to:
 - the Member who proposed the item
 - the relevant Director
 - the Executive Member
- The Committee will discuss whether to review or scrutinise the issue; the Chairman will ask the relevant Director to sum up the Committee's views. The Chairman will aim for a consensus; if that is not possible, a vote may be taken.

6.3 **Exercise of Scrutiny Functions**

When Members wish to exercise "scrutiny" functions a small task and finish Scrutiny Sub-Committee will be set up to carry out that specific piece of scrutiny work. Members of a Sub-Committee can be drawn from any of the respective group Members excluding Executive Members, in consultation with the Group Leaders and the Chairmen of the Overview and Scrutiny Committees. The Scrutiny Sub-Committees will have the power to call appropriate Members and Officers before them to give account and answer questions. The remit of the Scrutiny Sub-Committees will be to act as a critical friend and thereby help to enhance Executive decision making.

Appropriate Officer support will be given to the Scrutiny Sub-Committees. Their findings and recommendations will be reported directly to the Cabinet or Council, as appropriate, for consideration.

The Scrutiny Sub-Committees will comprise up to four Members, with no overall majority from any political group. The Chairman will be appointed by the Sub-Committee and will be a Member of the Opposition and will not have a casting vote. Consequently for any recommendation of a Scrutiny Sub-Committee to be agreed, a majority decision will be required.

A Scrutiny Sub-Committee will meet as often as is necessary to complete its particular scrutiny item.

Where Members of a Sub-Committee wish to question Officers, Executive Members or others extensively on a particular subject they may find it helpful to meet in private in advance (with the appropriate Director(s)) to prepare their questions. (Written guidance is available which deals with effective questioning techniques).

6.4 **A Scrutiny Sub-Committee may review the issue in any way they think fit, for example**

- by asking questions of Officers/Executive Members
- a briefing note
- requesting one or more Members to carry out visits/investigations on their behalf and report back.
- requesting an independent consultant, partner organisation or interest group to investigate the matter on their behalf and report back.
- holding one or more public hearings which are specifically designed to enable Members of the public, interest groups etc. to give their views. Public hearings will be particularly useful where a Sub-Committee is reviewing or scrutinising an issue of general importance to the Borough but which is outside the direct control of the Council, e.g. policing.

7. Involvement of the public and interested groups

7.1 Overview and Scrutiny Committees are one of the prime public faces of the Council and members of the public should be both encouraged and enabled to attend and where appropriate to contribute. Public involvement can often strengthen the effectiveness, impact and profile of the overview and scrutiny process. The public only have a **right** to speak at a Committee when they are asking a question or presenting a petition. However, the Chairman has discretion to allow anyone whom he or she wishes to speak at a Committee to do so. In order to make the contribution of the public most useful the following guidelines should be observed:

- When agendas for Overview and Scrutiny Committees are prepared this should be done with contributions from interested individuals or organisations in mind. When considering the approach to any item the Chairman, Vice Chairman and Officers involved in preparing the item

should consider whether any interest groups or individuals need to be involved and how their contribution can be managed.

- If appropriate up to five non voting co-optees can be appointed to participate in a particular review or policy development matter being considered by an Overview and Scrutiny Committee.
- When co-option is not appropriate people who are to be invited to attend to contribute to the debate should be briefed in advance and given a structure for their contribution. They should also be given a copy of the Council's Charter for public participation in meetings and guidance notes.
- It is helpful for the Chairman to introduce interested people who have come at the request of a Committee to contribute to the debate. Each of these people can then be asked to give a short (five minutes maximum) input immediately after the Officer presentation of the item. They can also contribute to the following debate by indicating that they wish to speak and on being asked by the Chairman to do so.
- The number of contributors to any item should be limited to five or six as a maximum. They should therefore be people who are able to represent special interest groups if at all possible. Whilst any number of representatives of a particular interest group are welcome to attend any Overview and Scrutiny Committee, they should be asked to channel their contribution through one person.
- Members of the public who arrive at the meeting without prior arrangement should not normally be allowed to contribute to the debate.
- Where interest groups or Members of the public are expected to attend for an item, this item should, where possible, be put at the beginning of the agenda or where there are multiple items so this is not possible, a start time for the item should be given for those invited to attend and every attempt made to stick to it.
- Ad hoc contributions from the public are difficult to manage and should not be allowed. The Chairman's introduction at the beginning of the meeting should, when appropriate, include regret that it is not possible for everyone present to contribute and ask people who have not been nominated as speakers for a particular group or interest to approach their representative or one of the Officers if they feel that they have an important point that has been missed.

These guidelines apply to ordinary meetings of the Committee. If the Committee decides to hold a public hearing it will arrange the format and procedures so as to encourage the most effective input from the public.

8. Outcomes

The outcome of effective overview and scrutiny should be improvement to the Council's services to the public or, in the case of issues outside the Council's direct control, clear recommendations to other agencies for improvement. Committees have the opportunity to determine the nature of their final report and the extent to which they are intended to generate public interest as well as promote the value of the process.

FINANCIAL PROCEDURE RULES

INTRODUCTION

1. LEGAL BACKGROUND TO FINANCIAL PROCEDURES

- 1.1. The Local Government Act 1972 (Section 151) makes the Director (Finance and Operations) responsible for the proper administration of the Council's financial affairs. The Local Government Finance Act 1988 (Section 114) prescribes that the Director (Finance and Operations) "must make a report if he considers that a decision has been made or is about to be made involving expenditure which is unlawful or which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency to the authority".
- 1.2. It is in order to regulate the Council's financial administration and control processes in the sections which follow, that these Procedures are made.
- 1.3. Any reference to the Director (Finance and Operations) in these Procedures includes an officer authorised to act on his/her behalf.
- 1.4. The Financial Procedure Rules (the Rules) are deemed to be part of and have equal effect with the Council's Constitution; article 14.1 of the Council's Constitution lays the platform for Financial Procedures. It states that "The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of the Constitution". Any doubt as to the interpretation of the Rules will be resolved by consultation with the Chief Executive and the Director (Finance and Operations).
- 1.5. The Director (Finance and Operations) shall be the Officer appointed under Section 151 of the Local Government Act 1972 and other relevant enactments to be responsible for the financial administration of the Council. The Director (Finance and Operations) shall decide on all matters concerning the regulations and control of the Council's finances and shall be responsible for recommending amendments to the Rules to the Cabinet and Council as necessary. In the absence of the Director (Finance and Operations), the Head of Resources as the Deputy Section 151 Officer will have full power to act as Section 151 Officer.

2. OVERALL FINANCIAL RESPONSIBILITIES

- 2.1. The Council's Financial Procedure Rules set the control framework for six key areas of activity:
 - (A) Financial planning
 - (B) Financial management
 - (C) Risk management and audit
 - (D) Control of resources
 - (E) Financial systems and procedures
 - (F) External arrangements.

- 2.2. This control framework outlines the overall financial responsibilities of members and officers in the management and execution of the Council's financial affairs.
- 2.3. The Council exercises its financial responsibilities through its Cabinet, the Cabinet Member for Resources, other Cabinet Members, officers acting under delegated powers, and committees, the principal ones of which are;
- Overview and Scrutiny Committee, especially Resources.
 - The Audit Committee.
- 2.4. The Cabinet and Cabinet members are responsible for “executive” functions as defined by law, whilst the Audit Committee is responsible for certain “non executive functions”. Both executive and non-executive functions may be discharged by officers acting under delegated powers and may be subject of input and review by Overview and Scrutiny Committees.
- 2.5. Any instances of non-compliance with the Financial Procedure Rules shall be discussed by the Director (Finance and Operations) and Heads of Service concerned and shall be reported to the Cabinet portfolio holder for Resources if the Director (Finance and Operations) considers it to be necessary.
- 2.6. All Officers shall consult the Director (Finance and Operations) on any matter which may require a report in relation to Section 151 of the Local Government Act 1972 or section 114 of the Local Government Finance Act 1988 and information must be supplied by the appropriate Directors and Heads of Service to the Director (Finance and Operations) in sufficient time and detail to meet the statutory requirements on the Director (Finance and Operations) for the report to be circulated to Council members.
- 2.7. Any proposal from or to the Cabinet or a committee for:
- (a) a new policy
 - (b) a development or variation of an existing policy
 - (c) a variation in the means or timescale of implementing an existing policy
- must be accompanied by a full statement of financial implications including future effects.
- 2.8. Due regard shall be given to guidance on best practice issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) or the Audit Commission in the administration of the Council's financial affairs.
- 2.9. The Director (Finance and Operations) may issue statements of financial practice and procedures from time to time, which will form part of these Rules.
- 2.10. All references in these Rules to Director (Finance and Operations) shall include other approved Finance officers within the Finance and Operations Department.

- 2.11. Each Director and Head of Service is responsible for complying with these rules appropriate to their service areas, and for the training of staff to enable them to comply with these rules.
- 2.12. From April 2010, the Council's housing stock will be managed by an Arms Length Management Organisation (ALMO), Welwyn Hatfield Community Housing Trust. The Housing Revenue Account (HRA) and the HRA element of the capital and revenue programme is agreed and managed by the Trust Management board, although ultimate responsibility for the HRA rests with Welwyn Hatfield Borough Council. The Housing Trust is expected to follow the Council's financial procedure rules; the detailed responsibilities between the Trust and the Council in relation to financial matters are laid out in the Management Agreement.
- 2.13. Any employee who knowingly or by negligence breaches these Rules or financial procedures may be subject to disciplinary action.
- 2.14. References to Directors and Heads of Service in these Rules shall include Service Heads where this is covered in an agreed scheme for the arrangements for delegation within their departments or where this is covered in any detailed notes on financial procedures.

3. FINANCIAL PROCEDURE A – FINANCIAL PLANNING

- 3.1. This section of the Council's financial regulations addresses responsibilities for the;
- (1) Preparation of the capital estimates.
 - (2) Preparation of the revenue estimates.
 - (3) Adequacy of reserves.
 - (4) Financial implications included in reports
- 3.2. In order to ensure a consistent approach across the Council, the Director (Finance and Operations) shall determine the detailed form and procedures relating to revenue and capital estimates by the issue of standard formats (including timetables and challenge processes), consistent with the directions of the Cabinet. Directors and Heads of Service shall prepare their reports to these standards.

A.1 PREPARATION OF CAPITAL ESTIMATES

- 3.3. Directors and Heads of Service in consultation with the Director (Finance and Operations) shall, at least annually, submit programmes of capital projects to the Cabinet in accordance with guidelines, which will be issued by the Director (Finance and Operations). The capital programme will be a five year medium term statement of the Council's proposals for capital expenditure and it conforms to the principles set out in the Capital Strategy.

- 3.4. The programmes submitted to the Cabinet must include projected capital costs together with all the revenue implications for current and future years, and capital resources available. Programmes approved by the Cabinet shall then be submitted to the Council for final approval.
- 3.5. Directors must submit a report to the Cabinet for the release of capital funds before any expenditure is committed or incurred. The report must contain sufficient information (including financial implications) in relation to the scheme, so that the Cabinet can appraise the probable effect of the scheme on the capital programme and on the revenue income and expenditure of the Council.
- 3.6. In respect of housing refurbishment works included in the approved capital programme, it will be sufficient to proceed with each programme once a report detailing the schedule of works has been reported to Cabinet.
- 3.7. No capital expenditure apart from preliminary expenses (site investigations, feasibility design, estimating work, and items for which, because of delivery delays, approval has been given to ordering in advance of the contract) may be incurred until the financial appraisal has been approved and a tender or quotation has been accepted (in full compliance with the Contract Procedure Rules). Where expenditure to be incurred under this Rule is not contained within the approved capital programme, the approval of the Council through the Cabinet must be received.

A2 PREPARATION OF REVENUE ESTIMATES

- 3.8. Revenue budgets shall be prepared in accordance with guidelines issued by the Director (Finance and Operations) to meet the Council's requirements. The budgets will be prepared on an outturn basis to include any provision for pay and prices inflation as defined by the Director (Finance and Operations).
- 3.9. Budgets for salaries and wages will be prepared at current pay levels plus provision for pay awards in the budget year estimated by the Director (Finance and Operations), in consultation with Directors and Heads of Service, on the best information available.
- 3.10. Draft budgets shall be submitted in the format prescribed by the Director (Finance and Operations) to the Cabinet for consideration and reference to the Council. Also each year (or more frequently if required) the section 151 Officer shall submit to the Cabinet a Medium Term Financial Strategy (MTFS) for approval. The MTFS shall provide an assessment of the financial resources available to the Council and the implications of existing policy commitments and proposed policy developments set out in the Council's business plans.
- 3.11. The Cabinet shall review the estimates and make recommendations to the Council on the overall revenue and capital budget for the following year, the amount of Council Tax to be set for the following year, the size of working balances and the need and, if necessary, the size of any contingency sum.

- 3.12. The Budget and Policy Framework Procedure Rule (Part 4 of the Council's Constitution) requires the budget to be presented to Council by 8th February to enable the dispute resolution process to take place if necessary. The Local Government Finance Act 1992 Section 93 requires the council tax to be set for the following year before 11th March, i.e. on or before 10th March.
- 3.13. Approval of the revenue estimates by the Council shall authorise Directors and Heads of Service to incur the revenue expenditure subject to observance of Contract Procedure Rules, these Rules and Procedures and any particular restrictions imposed by the Council.
- 3.14. The recommendation to Council will include and specify the level of any prudential borrowing required to finance capital expenditure.
- 3.15. The Council at a meeting on or before the 10 March each year, will approve the budget and prudential borrowing proposal and set the resulting council tax for the following year.

A.2 (i) Precepting Authorities and the Tax Base

- 3.16. The Cabinet must before 31 January each year approve the council tax base for the following financial year. Following the Council decision, the Director (Finance and Operations) will inform precepting and levying bodies and Parish/Town Councils of the approved council tax base.

A.2 (ii) Collection Fund

- 3.17. The Director (Finance and Operations) will determine the probable Collection Fund surplus or deficit for the year, notify precepting bodies, and report to the Cabinet.

A.3 ADEQUACY OF RESERVES

- 3.18. In addition to the General Fund Balance, the Council holds earmarked reserves for specific expenditure planned or likely to arise in future accounting periods and where it has been considered prudent to provide resources in advance. The Director (Finance and Operations) will advise the Cabinet and Council on a prudent level of reserves for budget purposes.
- 3.19. Reserves held by Directors and Heads of Service must be applied for their intended purposes.

A.4 FINANCIAL IMPLICATIONS INCLUDED IN REPORTS

- 3.20. The Directors and Heads of Service shall ensure that all reports to Cabinet and Committees include financial implications and that these are complete, accurate and consistent.

- 3.21. As appropriate, the financial section of reports must show the costs or savings of proposals together with any approved budget provision and future commitments or potential risks. Any other financial consequences which may arise from the options and recommendations shall also be included in the report. An appropriate précis of the financial implications should be shown in the summary of the report.
- 3.22. Where these financial implications require supplemental approvals or may lead to significant financial risks or future expenditure commitments, the Director (Finance and Operations) shall be consulted at the earliest opportunity. Similarly where there may be financial implications for other Cabinet Members or Committees appropriate consultation shall take place.
- 3.23. The Director (Finance and Operations) shall have absolute discretion to refer any proposal for expenditure to the Cabinet or appropriate Cabinet Member for approval and pending a decision, no expenditure shall be incurred.
- 3.24. To enable members to make informed decisions, those officers involved in the preparation of reports must comply with the contents of these procedures.

4. FINANCIAL PROCEDURE B – FINANCIAL MANAGEMENT

- 4.1. This section of the Council's financial procedure addresses;
- (1) Financial monitoring – general requirements
 - (2) Financial control of the capital estimates
 - (3) Financial control of the revenue estimates
 - (4) Budgetary Control and Virements.
 - (5) Devolved financial services.

B.1 FINANCIAL MONITORING – GENERAL REQUIREMENTS

- 4.2. Directors and Heads of Service shall ensure that levels of expenditure, and performance are properly monitored and controlled throughout each financial year, that any practicable and necessary steps are taken to avoid exceeding an approved estimate and that economy, efficiency and effectiveness are achieved.
- 4.3. In accordance with performance planning procedures and timetables, Directors and Heads of Service shall report to Cabinet Members and the appropriate Overview and Scrutiny Committee during the year, on performance achievements compared to targets and on projected expenditure and income compared with approved budgets for both capital and revenue purposes.
- 4.4. Where expenditure may exceed or income fall short of, an approved estimate and this cannot be offset by budget transfer (virement), it shall be the duty of the Director and Head of Service concerned, after consultation with the Director (Finance and Operations), to inform the appropriate Cabinet Member of the need for a supplemental estimate.

- 4.5. An under spending shall not be carried forward from one year to the next without the approval of the Cabinet. Requests for unspent budget provisions to be carried forward (by way of earmarked balances) should generally be restricted to specific items of a “one off” nature where monies will be spent for the same purpose in the following financial year.
- 4.6. Directors and Heads of Service in consultation with the Director (Finance and Operations) shall monitor the levels of actual capital and revenue expenditure monthly throughout the year. The explanation for any major variations from the budget shall be reported to the Directors and Heads of Service Team monthly, or earlier if the variation is regarded as significant by the Director (Finance and Operations) in consultation with the Director and Head of Service.

B.2. FINANCIAL CONTROL OF THE CAPITAL ESTIMATES

- 4.7. The Director (Finance and Operations) shall periodically review the Council's overall capital expenditure and capital resources and report to the Cabinet quarterly; and the Director (Finance and Operations) will report to the Cabinet annually on the outturn position for capital expenditure incurred by the Council as a whole.
- 4.8. Directors and Heads of Service must report to the Cabinet annually on the actual capital expenditure incurred in the previous financial year compared to budget together with a comparison between the approved total cost and the projected total cost for each scheme.
- 4.9. Directors and Heads of Service must ensure that their total departmental capital spending in any financial year does not exceed the relevant provision within the capital programme.
- 4.10. The threshold for a formal report on overrun costs is the lesser of 25% of the contract price, or £100,000. The responsible Director and Head of Service shall report to the Directors and Heads of Service Team at the earliest opportunity. Excess costs below the above limits shall be deemed as approved subject to the report of final costs to the Directors and Heads of Service Team. Directors and Heads of Service Team will take any necessary steps to deal with the overrun and report to the Cabinet.
- 4.11. The Director (Finance and Operations) shall raise sums necessary for the capital requirements and commitments of the Council and make advances of such amount and period as necessary. The Director (Finance and Operations) will decide upon the method and terms of financing capital expenditure and the charges to reflect the use of capital assets.
- 4.12. No credit arrangements as defined by the Prudential Code Regime or any scheme which may be a credit arrangement, shall be entered into by the Council without the approval of the Director (Finance and Operations), who shall report the matter to the Cabinet as soon as practicable.

- 4.13. In cases of urgency the appropriate Director and Head of Service with the concurrence of the Director (Finance and Operations) may approve capital expenditure within the capital programme subject to the action being reported to the next meeting of the Cabinet with a statement of the reason for urgency.

B.3 FINANCIAL CONTROL OF THE REVENUE ESTIMATES

- 4.14. The Council's approval to the revenue estimates constitutes authority for a Director and Head of Service to incur expenditure subject to compliance with the approved policies of the Council and (to the extent permitted by the policy framework approved by the Council) the relevant Cabinet Member, the standing orders, financial procedures and any other limitation that may be imposed.
- 4.15. Budget managers, Directors and Heads of Service have responsibilities to manage their services within approved budget levels.
- 4.16. The Director (Finance and Operations) shall periodically review the Council's overall revenue expenditure and revenue resources and report to the Executive Board monthly. The Cabinet also receives copies of revenue monitoring report every quarter; and the Director (Finance and Operations) will report to the Cabinet annually on the outturn position for revenue expenditure incurred by the Council as a whole.

B.4 BUDGETARY CONTROL AND VIREMENTS

- 4.17. Each Director and Head of Service shall be responsible for controlling their expenditure within their budgets and shall ensure that each budget head is allocated to a nominated officer as budget holder. An up to date list of budget holders shall be maintained by each Director and Head of Service and forwarded to the Director (Finance and Operations).
- 4.18. Each Director and Head of Service must make arrangements to ensure that in each month they are aware of, and can report on, the actual expenditure and income of their departments under each budget heading, and the projected outturn for the financial year, having regard to any contingent liabilities for which financial provision may be required. Directors and Heads of Service must present reports containing up to date summary projections to the relevant Portfolio member and Cabinet on a quarterly basis.
- 4.19. The Director (Finance and Operations) will report on the overall financial position of the Council to the Cabinet on a quarterly basis. This report will include any concerns about the budget projections being made by Directors and Heads of Service or about financial controls within departments.
- 4.20. The Director (Finance and Operations) will report to the Cabinet and not later than October of each year, on the financial outturn for the previous financial year.

- 4.21. Each Director and Head of Service shall take appropriate action immediately he/she is aware that the expenditure under any budget head exceeds or is expected to exceed or income to fall short of the revenue provision, by making a corresponding reduction in another head of expenditure or increase in income as appropriate.
- 4.22. Details of the limits of revenue and capital virement levels are described in the sections below;

B.4 (i) Revenue Virements

- 4.23. Transfers between revenue budget headings can take place, provided that they do not involve;
- A new policy or policy change.
 - An increasing commitment in future years that cannot be contained within existing approved budget allocations.

and provided that they are not from;

- Salaries and wages (exceptions: job advertising, agency cover for vacant posts).
 - Capital charges, capital financing costs and revenue contributions to capital outlay.
 - Capital to revenue.
 - Interest earnings and income generated from investments.
 - Government grants and grant related expenditure to other payments.
 - Inter-authority payments.
- 4.24. Virements including revenue contributions to capital expenditure may be approved within the framework set out below:-
- (a) up to £25,000 – Business Manager/Budget Holder (range of limits to be agreed by appropriate Director and Head of Service and Director (Finance and Operations))
 - (b) up to £50,000 – Head of Service
 - (c) up to £100,000 – Director and Head of Service

- 4.25. The appropriate accountant must certify that the provision exists and that future commitments can be financed from the proposed virements. All virements must be reported to the Head of Resources for monitoring and control purposes and to the Cabinet for information and/or action.
- 4.26. Revenue virements exceeding £100,000 and up to £250,000, on any budget head, must be subject to a report to, and approval by, the Cabinet. Virements over £250,000 to be authorised by a meeting of the full Council. Provisions included within departmental budgets on the instructions of the Director (Finance and Operations), e.g. insurance, capital charges, leasing costs, may not be vired for other purposes without the specific approval of the Director (Finance and Operations).

- 4.27. Except in the case of urgency neither the Cabinet, nor a committee or an officer of the Council shall commit the Council to any expenditure exceeding budget provision, as amended by any approved supplementary estimate or virement recorded. Any such urgent expenditure must be reported to the Director (Finance and Operations) immediately and dealt with as in paragraph 4.21.
- 4.28. In the event of a department's actual revenue outturn varying from its revised estimates the Director (Finance and Operations) in consultation with the Directors and Heads of Service must submit proposals to the Cabinet, as soon as is practically possible, to recover overspends. The proposals might include the reduction of the current year's budget, or submission via the Cabinet to the Council for approval of a supplementary estimate to compensate for any underspends. Certain items as defined from time to time by the Director (Finance and Operations) will be excluded from this requirement.
- 4.29. Transfers involving a new policy or a change in an existing policy require prior approval by the appropriate Cabinet Member. Subject to a full and detailed financial appraisal the Cabinet may recommend to the Council additional expenditure to be financed from new sources of income.
- 4.30. For the purpose of the amounts referred to above, transactions must not be broken down in order to avoid the rules on delegated limits. Where a series of related transactions occur within a 12 month period which together exceed a delegated limit, approval at the next level must be sought.
- 4.31. Where an approved budget is a lump sum budget or a contingency intended for allocation during the year, its allocation will not be treated as virement, provided that the amount has been used in accordance with the purposes for which it was established and the Director (Finance and Operations) has agreed the basis and the terms, including financial limits, on which it will be allocated.
- 4.32. Directors and Heads of Service are responsible for reporting all virement to the Director (Finance and Operations) who shall be responsible for monitoring and recording virements agreed, and reporting to the Cabinet on the impact on revenue budgets.

B.4(ii) Capital virements

- 4.33. Capital resources may be vired from one capital project or heading as follows provided that such transfers do not result in an overall increased commitment of capital resources and do not involve new policy or policy changes:-
- (a) up to £25,000 – Business Manager/Budget Holder (range of limits to be agreed by appropriate Director and Head of Service and Director (Finance and Operations))
 - (b) up to £50,000 – Head of Service
 - (c) up to £100,000 – Director

- 4.34. The appropriate accountant must certify that the provision exists and that future commitments can be financed from the proposed virements. All virements must be reported to the Head of Resources for monitoring and control purposes and to the Cabinet for information and/or action.
- 4.35. Capital virements exceeding £100,000 and up to £250,000, on any budget head, must be subject to a report to, and approval by, the Cabinet. Virements over £250,000 to be authorised by a meeting of the full Council.
- 4.36. For the purpose of the amounts referred to above, transactions must not be broken down in order to avoid the rules on delegated limits. Where a series of related transactions occur within a 12 month period which together exceed a delegated limit, approval at the next level must be sought.
- 4.37. Virement should not be applied in the following circumstances;
- virement should not result in deferment or cancellation of an approved scheme within the capital programme without the consent of the Cabinet Member.
 - transfers from a capital project should not materially limit the approach or scope of the capital project, but should arise from cost reductions in progressing the scheme e.g. arising through the tendering process.
 - Virement may only apply to a scheme which has been admitted to the approved capital programme.
- 4.38. Notwithstanding that any additional cost of a scheme can be contained in the overall capital programme by virement, any scheme where the variance from the approved budget will exceed 25% of the budget or £100,000 (whichever is less) must have Directors and Heads of Service Team approval to the revised costs (such decisions will also be reported to Cabinet).
- 4.39. Where there are ongoing commitments arising in future years, these must also be reported and met by making future transfers in the budgets for succeeding years.
- 4.40. In the case of a transfer between votes of different Cabinet Members, the prior approval of the transferring Cabinet Member shall be obtained unless the transfer is approved by Cabinet.

5. FINANCIAL PROCEDURE C – RISK MANAGEMENT AND AUDIT

- 5.1. This section of the Council's financial regulations addresses responsibilities for:
- (1) Risk management
 - (2) Insurance
 - (3) Internal controls
 - (4) Audit requirements (internal and external)
 - (5) Preventing fraud and corruption

C.1 RISK MANAGEMENT

5.2. The Director (Governance) shall promote and advise on the Council's risk management strategy. In adopting the Director (Governance)'s advice, Business Managers shall:

- Embed risk management within their departments.
- Manage the Council's risk management strategy.
- Maintain and test business continuity plans.
- Carry out a review in terms of risk of their area of operation. The procedure for dealing with significant legal cases brought by or against the Council, as agreed by the Council on 13 October 1999 shall be followed in all appropriate cases and is attached as an Appendix to these Rules.

C.2 INSURANCE

5.3. Subject to specific Council decision, the Director (Finance and Operations) shall determine and effect all insurance cover, such cover to be periodically reviewed in consultation with appropriate Directors and Heads of Service to comply with the Council's statutory and contractual obligations and to safeguard the Council's financial position in the event of losses or claims arising from:

- (a) loss of, or damage to, the assets of the Council;
- (b) the Council's legal liability as an employer; and
- (c) the Council's legal liability to third parties

5.4. The Director (Finance and Operations) and appropriate Directors and Heads of Service shall deal with claims.

5.5. The Director (Finance and Operations) shall keep a record of all insurances and the property and risks covered.

5.6. The Director (Finance and Operations) shall purchase Fidelity Guarantee insurance indemnifying the Council in respect of acts of fraud and dishonesty on the part of all its employees, servants and agents.

5.7. Directors and Heads of Service shall immediately inform the Director (Finance and Operations), in writing, of any amendments required to insurable risks relating to their departments. These include acquisitions or disposals of owned or leased assets, the creation (or abrogation) of any legal liability to pay compensation to third parties or other matters requiring disclosure to insurers.

5.8. Directors and Heads of Service shall immediately inform the Director (Finance and Operations) in writing of any occurrence potentially giving rise to a claim on the Council's insurers.

5.9. Directors and Heads of Service shall consult the Director (Finance and Operations) and the Director (Governance) concerning the terms of any indemnity which the Council is requested to give.

- 5.10. All matters relating to insurance or indemnities shall be carried out in accordance with arrangements made by the Director (Finance and Operations).

C.3 INTERNAL CONTROLS

- 5.11. The Director (Governance) is responsible for the production of the Annual Governance Statement and for ensuring that an effective system of internal control exists within key financial areas of the Council's operation. These shall guard against fraud and corruption, ensure that public funds are properly safeguarded and are used economically, efficiently and in accordance with statutory authorities.

C.4 AUDIT REQUIREMENTS

C.4 (i) Internal Audit

- 5.12. The Director (Governance) shall conduct the internal audit of the Council's accounts and for this purpose shall have access to all documents and records of the Council's departments and shall be afforded all facilities and co-operation by Directors and Heads of Service and members of their staff who shall provide whatever information or explanation is deemed necessary.
- 5.13. Internal audit is an independent appraisal function established by the management of the Council for the review of the internal control system. It objectively examines, evaluates and reports upon the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.
- 5.14. The Director (Governance) shall ensure that the Accounts and Audit Regulations are complied with, i.e., that the Council maintains an adequate and effective system of internal audit of its accounting records and of its systems of internal control in accordance with proper practices in relation to internal control.
- 5.15. All Council Members or officers are required to:-
- (a) make available such documents, which relate to the Council's accounting and other records, that are considered necessary for the purpose of the audit; and
 - (b) supply the Council with such information and explanations that are considered necessary for that purpose.
 - (c) Notify to the Director (Finance and Operations) and Director (Governance) of any suspected irregularity relating to both private and Council funds, including cash, stores or other property or of any material weakness which has been identified in any system or control. Private funds shall mean those funds held in an official capacity (Trust funds, voluntary grant aided funds etc.)

- 5.16. The Regulations also require the Council, at least once in each year, to conduct a review of the effectiveness of its system of internal audit. The findings of the review are considered, as part of the consideration of the Annual Governance Statement by the Audit Committee.

C.4 (ii) External Audit

- 5.17. The Director (Finance and Operations) shall ensure that the statutory requirements for external audit are complied with and in order that the external auditor is able to effectively scrutinise the Council's records, Directors and Heads of Service shall ensure that the appointed auditors have reasonable access to the Council's premises and records relevant to the audit.

C5 PREVENTING FRAUD AND CORRUPTION

- 5.18. The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the organisation.
- 5.19. The Council's expectation of propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 5.20. The Council also expects that individuals and organisations (eg., suppliers, contractors and service providers) with whom it comes into contact will act with integrity and without thought or actions involving fraud and corruption.
- 5.21. The Council has approved an Anti-Fraud and Anti-Corruption Strategy and a Whistle Blowing Policy.
- 5.22. Each Director and Head of Service is responsible for ensuring compliance with the Council's policies and procedures to prevent fraud and corruption.
- 5.23. Each Director and Head of Service is also responsible for ensuring that the Chief Executive (Head of Paid Service), the Director (Finance and Operations) (S151 Officer), the Director (Governance) (Monitoring Officer) and the Head of Governance are notified immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's resources.

6. FINANCIAL PROCEDURE D – CONTROL OF RESOURCES

- 6.1. This section of the Council's financial regulations addresses responsibilities for;
- (1) Management of Assets
 - (2) Security of Assets
 - (3) Inventories and Custody of Property
 - (4) Treasury management and banking
 - (5) Staffing
 - (6) Anti-Money laundering

D.1 MANAGEMENT OF ASSETS

- 6.2. All financial transactions must be accurately and promptly recorded on the Council's corporate financial systems, or such other interfaced systems as the Director (Finance and Operations) has specifically approved. The Director (Finance and Operations) must also approve any variations, interface changes or upgrades to those systems that could impact upon financial transactions recording. Financial records must be kept in accordance with the accounting policies determined by the Director (Finance and Operations).
- 6.3. The Corporate Property Manager shall, under the direction of the Director (Finance and Operations), maintain a record of all properties owned by the Council, including relevant information on Housing properties in an Asset System. The Asset system will show the purpose for which the asset is held, location, extent and plan reference, purchase details, particulars of nature of interest, rents payable and tenancies granted, and shall inform the appropriate Accountant promptly of all changes having financial implications.
- 6.4. Each Director and Head of Service is responsible for ensuring arrangements are in place for the physical control of all Council assets used and/or managed by his/her department.
- 6.5. Directors and Heads of Service shall ensure that any cash and securities are properly safeguarded in accordance with the instructions issued by the Director (Finance and Operations) and that proper inventories are maintained of Council equipment (e.g. personal computers and workstations).
- 6.6. The Council's Asset system forms the basis by which the Council meets capital accounting requirements in the raising of capital charges etc for the use of assets, and is monitored by the Director (Finance and Operations). The system must be able to interface with the Council's financial information system.
- 6.7. Any negotiation which involves the purchase, lease or sale of land or buildings, or the granting of a licence or the right to use Council premises (but excluding halls lettings) shall be conducted by or on behalf of the Corporate Property Manager who will consult the responsible Director and Head of Service and the Director (Finance and Operations) as appropriate. Where such negotiations result in a financial implication in excess of £100,000 one-off or £100,000 per annum the matter will be referred to the Cabinet for approval.
- 6.8. Directors and Heads of Service may declare equipment and materials surplus to requirements in accordance with procedures issued by the Director (Finance and Operations).
- 6.9. The Director (Finance and Operations) may issue financial accounting and processing instructions in relation to stocks, stores and inventory arrangements.

- 6.10. The Director (Strategy and Development) will ensure appropriate records are maintained in respect of all housing and non-housing properties under his/her control.
- 6.11. The Director (Governance) shall have custody of all title deeds relating to properties owned by the Council and shall retain these under secure arrangements, and maintain a register of all title deeds.
- 6.12. Intellectual property created by Council employees in the course of their employment belongs to the Council, and any use other than for the Council's own purpose must be approved in advance by the relevant Director and Head of Service. Contractual arrangements with consultants must clarify the rights of the Council and the consultants in relation to intellectual property. Arrangements for the exploitation of corporate intellectual property must be approved by the Director (Finance and Operations).
- 6.13. Directors and Heads of Service have the authority, subject to the provisions detailed below, to approve the disposal of any assets under their control which due to damage, wear or obsolescence, are no longer required.
- 6.14. All computer equipment must be disposed of in accordance with the Council's procedure for the disposal of this equipment.
- 6.15. Before the disposal of any leased asset, a Director and Head of Service must formally notify the Director (Finance and Operations) so that the terms of the lease may be examined and advice provided.
- 6.16. Assets must be sold for the best available market price.
- 6.17. Any disposals of items listed separately on the Council's insurance policy must be notified to the Council's Treasury Management and Insurance Officer.
- 6.18. Items disposed of must be notified to the Director (Finance and Operations).

D.2 SECURITY OF ASSETS

- 6.19. Each Director shall be responsible for maintaining security at all times for personnel, buildings, land, stores, equipment, cash, computers, and confidential information, within his/her department. The Director (Finance and Operations) shall be consulted in respect of arrangements for cash, stores and valuable items of equipment. The Corporate Property Manager shall be consulted on security issues relating to the building fabric e.g. security alarms.
- 6.20. Directors and Heads of Service, shall maintain such records relating to the operation of vehicles and plant in their control as approved by the Director (Finance and Operations) and make them available to the Director (Finance and Operations) as required.

- 6.21. Maximum limits for cash holdings shall be agreed with the Director (Finance and Operations) and shall not be exceeded without his/her express permission.
- 6.22. Each Director and Head of Service shall be responsible for security of access to safes and similar receptacles, ensure that the responsible staff carry keys on their person at all reasonable times, and report the loss of such keys to the Director (Finance and Operations) promptly.
- 6.23. Heads of Service and Managers of Council establishments shall be responsible for the control and security of all funds managed by employees arising out of their employment.
- 6.24. Whenever any matter arises which involves or is thought to involve irregularities concerning cash, stores or other property of the Council or any suspected financial irregularity in the exercise of the functions of the authority, the Director and Head of Service of the department concerned shall immediately notify the Director (Finance and Operations) and the Chief Executive, in accordance with the Council's policy on fraud, who will take such steps as they consider necessary by way of investigation and report.
- 6.25. Whenever breaking and entering, burglary or criminal damage occurs the matter must be reported immediately to the police and the Director (Finance and Operations).

D3. INVENTORIES AND CUSTODY OF PROPERTY

- 6.26. Directors and Heads of Service shall maintain up-to-date inventories of furniture and equipment in their departments in a form to be agreed by the Director (Finance and Operations), and such assets shall, where possible, be effectively marked as Council property.
- 6.27. Surplus or obsolete items shall be disposed by the appropriate Directors and Heads of Service in accordance with procedures approved by the Director (Finance and Operations).
- 6.28. The appropriate Directors and Heads of Service shall be responsible for the safe keeping and recording of any items taken into custody by their department and reasonable access to such property and records shall be available to the Director (Finance and Operations).
- 6.29. The Director (Finance and Operations) shall issue guidance from time to time for dealing with items of property or cash found on Council premises.
- 6.30. Details of items leased, loaned or donated to the Council must be included in the relevant inventories but identified separately.

D.3(i) Stocks

- 6.31. Each Director and Head of Service shall be responsible for the custody and physical control of stocks and stores in his/her department.

- 6.32. Directors and Heads of Service shall arrange a strict programme of continuous stock-taking covering all items at least once a year. Disposal of surplus stores shall be arranged by the appropriate Director and Head of Service and the Director (Finance and Operations) in accordance with procedures laid down by the Director (Finance and Operations).
- 6.33. Directors and Heads of Service shall provide the Director (Finance and Operations) with such information as he/she may require about the value of stock-holdings at the end of each financial year or at such shorter intervals as he/she may require.
- 6.34. Records shall be maintained of all stocks and stores in a form approved by the Director (Finance and Operations) in consultation with the appropriate Director and Head of Service.
- 6.35. The Director (Finance and Operations) and his nominated staff may at all times have access to all stocks and stores of the Council and may make such checks as are deemed necessary including presence during stock-taking.

D.4 TREASURY MANAGEMENT AND BANKING

D.4 (i) Treasury Management and Investments

- 6.36. The Council adopts the key principles of CIPFA's Treasury Management in the Public Services: Code of Practice (2009) (the Code), as described in Section 4 of that Code.
- 6.37. Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:
- a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
 - suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 6.38. The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the Code's key principles.
- 6.39. The Full Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid year review and an annual report after its close, in the form prescribed in its TMPs.

- 6.40. The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet, and for the execution and administration of treasury management decisions to the Director (Finance and Operations), who will act in accordance with the Council's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.
- 6.41. The Council nominates the Resources Overview and Scrutiny Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

D.4 (ii) Banking Arrangements and Cheques

- 6.42. The Director (Finance and Operations) shall have authority to manage and operate the Council's bank accounts and all cheques and other forms of authority for payment out of the Council's bank accounts shall bear the signature of the Director (Finance and Operations) or other officer authorised by him/her. All arrangements with the Council's bankers shall be made by or approved by the Director (Finance and Operations).
- 6.43. No employee, section or department of the Council may open a Council's bank account without the consent of the Director (Finance and Operations).
- 6.44. Instructions to the Council's bankers and cheques other than payments from advance accounts shall bear the facsimile or manuscript signature of the Director (Finance and Operations), or such other authorised officer. All cheques between £10,000 and £99,999 in value shall require the manuscript signature of the Director (Finance and Operations) or such other authorised officer. All cheques of £100,000 and above in value shall require the manuscript signature of two authorised officers.
- 6.45. All cheques shall be ordered by or with the authority of the Director (Finance and Operations). The Director (Finance and Operations) will ensure that a register is maintained to record all stocks of cheques held by the Council.
- 6.46. All cheques will be stored in a secured location covered by adequate insurance arrangements.
- 6.47. Individual officers holding purchase cards must keep them securely and prevent unauthorised use.
- 6.48. Individual officers holding council credit cards must keep them safe and prevent unauthorised use.
- 6.49. All bank accounts must be reconciled at regular intervals.

D.5 STAFFING

- 6.50. Directors and Heads of Service are responsible for determining staff levels to meet Council priorities and for recommending these to Council as part of the budget process. When approved and to maintain service delivery within approved cash limits, budget managers are responsible for exercising control of resources and for containing staff numbers within approved establishments and costs within budgeted levels.
- 6.51. All employee appointments must comply with the Council's conditions of service.

D.6 ANTI-MONEY LAUNDERING

- 6.52. Welwyn Hatfield Borough Council have adopted an anti-money laundering policy which embraces the underlying principles behind the money laundering legislation and regulations policy in line with the CIPFA guidelines.
- 6.53. Directors and Heads of Service have placed an upper limit of £950 on the amount of cash they are prepared to accept as payment for individual or related transactions involving goods and services.

7. FINANCIAL PROCEDURE E – FINANCIAL SYSTEMS AND PROCEDURES

- 7.1. This section of the Council's financial regulations addresses responsibilities for the:
- (1) Control of income
 - (2) Control of expenditure
 - (3) Taxation
 - (4) Financial accounting and processing
 - (5) Internal recharges
 - (6) Propriety and Governance

E.1 CONTROL OF INCOME

- 7.2. The generation of income is important to the Council. Directors and Heads of Service have a responsibility to maximise income by undertaking regular reviews of fees and charges and by implementing effective recovery processes.
- 7.3. The arrangements for the collection of all money due to the Council shall be under the supervision of the Director (Finance and Operations) and the records and procedures for the assessment and collection of all income and charges for services in each department shall be agreed by the Director (Finance and Operations).

- 7.4. Each Director and Head of Service shall promptly inform the Director (Finance and Operations) of all particulars necessary to record sums due to the Council and to render accounts for income due as appropriate. Original documents or other evidence shall be made available to the Director (Finance and Operations) and the Director (Governance).
- 7.5. All monies received on behalf of the Council shall be acknowledged immediately in a form agreed with the Director (Finance and Operations), and shall, without delay, be passed to the Director (Finance and Operations) or paid to the Council's bankers as indicated by the Director (Finance and Operations).
- 7.6. In the case of transfer of official money between members of staff a receipt shall also be given and the transaction recorded. The procedure shall be as determined by the Director (Finance and Operations) from time to time.
- 7.7. Any proposal concerning new or existing sources of revenue which would result in a variation of income exceeding £10,000 per annum shall be reported to the Cabinet with an estimate of the financial effects. This regulation does not apply to the fixing of individual rents of dwellings, nor to any rents or charges, which are laid down in accordance with policy already adopted by the Council, or are mandatory.
- 7.8. Directors and Heads of Service shall review charges made for services provided at least annually and shall recommend the level of charge to the Cabinet except where:
- (a) the charge has to be set by a Council body;
 - (b) the charge level is 3% or more above or below the annual rate of inflation approved by the Council for its budget preparations;
 - (c) the type of charge or degree is to be altered;
 - (d) the charge is set by an external body (e.g. the government).
- In the above cases, the Cabinet must consider the recommendation of the Director and Head of Service and refer the matter to the Council for decision.
- 7.9. Charges should be reviewed in terms of the Council's Strategic Aims and Policies and take due regard of market and business considerations.
- 7.10. Assessment scales not laid down by statute shall be approved by the Director (Finance and Operations) and Directors and Heads of Service Team at least annually.
- 7.11. Personal and third party cheques must not be cashed from monies held on behalf of the Council and third party cheques must not be accepted.

- 7.12. All verbal and written guidance provided about cheque payments made to the Council should include:
- (a) cheques made payable to Welwyn Hatfield Borough Council, and
 - (b) account references or any other Council reference should be written on the reverse of the cheque.
- 7.13. Directors and Heads of Service shall ensure that every effort is made to recover debts due to the Council using the central sundry debtors services as appropriate. No significant amendment should be made to any procedures for billing or recovery of monies due to the Council without prior consultation and agreement with the Director (Finance and Operations). Where Directors and Heads of Service consider that the sums are not reasonably recoverable, they shall have the authority to write off a debt, deficiency of stock or stores, or any item in an inventory subject to the following;
- Director (Finance and Operations) - amounts under £10,000
- Head of Resources - amounts under £5,000
- Accounting Services Manager – amounts under £500
- Head of Client Support Service - amounts under £1,000
- Cabinet must approve amounts of £10,000 and over.
- 7.14. Director (Finance and Operations) shall maintain a register of all debts written off and the amounts written off will be reported to the Cabinet annually

E.2 CONTROL OF EXPENDITURE

- 7.15. The Director (Finance and Operations) may issue financial instructions to Directors and Heads of Service which must be complied with in relation to:
- The ordering, certification and payment for all works, goods and services (subject to the provisions of the Contract Procedure Rules, which can be found at Part 4 of the Councils' constitution).
 - The payment of salaries, wages, superannuation or other employee costs.
 - Payments made from petty cash imprest accounts.

E.2(i) Orders For Goods, Works and Services

- 7.16. Each Director and Head of Service shall be responsible for ensuring strict compliance with these Rules and with the Contract Procedure Rules.

- 7.17. Official orders must be raised at all times and this must be at the time when goods or services are ordered. This should be done electronically through the Council's financial information system. For goods or services ordered by purchase cards, the cardholder must maintain a record of all orders placed using the Financial Information system, (see guidelines issued by the Director (Finance and Operations)).
- 7.18. Orders placed through the IDEA-market place will be recorded in the financial information system.
- 7.19. Official orders shall be in a form approved by the Director (Finance and Operations).
- 7.20. On very few occasions there will be goods and services ordered without an official order. This has to be agreed by the Director (Finance and Operations) prior to the initiation of the order.
- 7.21. The Council's Contract Procedure Rules (as part of the Council's Constitution) cover the limits governing the placing of orders, competitive quotations and tendering procedures and deal with the letting of contracts between the Council and contractor and must be complied with at all times.
- 7.22. Directors and Heads of Service shall ensure that details of nominated authorising officers are notified to the Director (Finance and Operations) and that specimen signatures of nominated officers are forwarded to the Director (Finance and Operations) and that all changes are notified promptly.
- 7.23. The general powers and responsibilities of Directors and Heads of Service are listed in Part 3 of the Council's constitution and they must be adhered to at all times.
- 7.24. The responsible Director and Head of Service or authorised officer shall examine and verify each invoice and certify that:
- (a) the expenditure is authorised against the official order, quoting the minute in cases of special authorisation;
 - (b) the goods have been received, examined and approved as to quantity and quality or services rendered or work done satisfactorily;
 - (c) the proper entries have been made in inventories or stores records where appropriate;
 - (d) the price is correct and discounts due deducted;
 - (e) such arithmetical checks as agreed with the Director (Finance and Operations) have been done;
 - (f) the proper expenditure code has been applied;
 - (g) the invoice has not been paid previously;

(h) VAT is separated and dealt with in accordance with instructions from the Director (Finance and Operations).

7.25. The use of consultants must be confined to those areas where the Council does not have sufficient in-house skills available to either undertake a task or meet the required timescales for its completions. Under certain circumstances the use of consultants is also justified where an independent view point is necessary.

7.26. The selection and appointment of consultants must be carried out in accordance with the Council's Contract Procedure Rules.

E.2 (ii) Salaries, Pensions and Gratuities

7.27. The Director (Finance and Operations) shall be responsible for the assessment, calculation and payment of all salaries, wages, pension, compensation and other emoluments to all employees and former employees of the Council.

7.28. Directors and Heads of Service, in consultation with the Director (Finance and Operations), shall be responsible for adherence to the scheme of conditions and service within their departments, and for applying the terms and conditions laid down in scales of pay and allowances adopted by the Council from time to time.

7.29. Directors and Heads of Service shall notify the Director (Finance and Operations) promptly in respect of any employees within their departments:

(a) of all appointments, resignations or other circumstances affecting their salaries, wages or emoluments;

(b) of all absences due to sickness, accidents on or off duty and special leave without pay;

(c) of any information necessary for superannuation, income tax (P11D requirements), and national insurance;

(d) of any information necessary for financial information and costing purposes.

7.30. Directors and Heads of Service shall ensure that time records are prepared and certified by duly authorised officers in such detail and format as agreed by the Director (Finance and Operations).

7.31. Payment of remuneration shall be made by such methods as may be determined by the Council from time to time after consultation with employees' representatives.

E.2(iii) Advance Accounts (Imprest Accounts)

- 7.32. The Director (Finance and Operations) shall provide advance accounts at his discretion to such officers of the Council who need them for defraying petty expenses. Such accounts shall be kept on the Imprest System.
- 7.33. Payments shall be limited to minor items of expenditure not exceeding £50 unless approval is given by the Director (Finance and Operations) for exceptional payments in excess of this figure either as individual payment or for prescribed areas of expenditure.
- 7.34. Each payment shall be promptly recorded and supported by a receipted voucher and these together with the cashbook shall be subject to examination by the Director (Finance and Operations).
- 7.35. Proper completed claims for reimbursement shall be submitted to the Director (Finance and Operations) at such regular intervals as determined by him/her.
- 7.36. Income received on behalf of the Council shall not be paid into an Advance Account, but banked or paid promptly into the Council's accounts.
- 7.37. An Advance Account shall not be allowed to become overdrawn.
- 7.38. Each officer responsible for an advance account shall give an annual certificate of the amount held at 31st March in the form prescribed by the Director (Finance and Operations) for the amount advanced.
- 7.39. On leaving the employment of the Council or otherwise ceasing to hold an imprest account an officer shall account to his/her Director and Head of Service and the Director (Finance and Operations) for the amount advanced.

E.2(iv) Invoices

- 7.40. The following rules shall relate to invoices processed for payment:-
- (a) they must in normal circumstances be prepared by the creditor. In special circumstances i.e. where no invoice is available they may be prepared by an officer of the Council on the official form provided for that purpose. Examples include refunds and improvement grants;
 - (b) any amendments made by an officer must be initiated by him/her and the reason stated – no amendment shall be made to a proper tax invoice (VAT) without the written agreement of the creditor;
 - (c) they must be proper tax invoices if the supplier is a registered trade supplier;
 - (d) tax must be deducted if necessary under the sub-contracting arrangements in the building industry.

- 7.41. In exceptional circumstances where duplicate or photocopied invoices are used for payment purposes, the invoice must be endorsed "I certify that the original invoice has not previously been paid" and signed by the certifying officer.
- 7.42. Directors and Heads of Service must ensure that certified invoices and documents for payment shall be passed to the Director (Finance and Operations) without delay to avoid the possibility of any claims for interest arising from late payments.
- 7.43. The Director (Finance and Operations) shall be notified as soon as possible of all amounts payable under contracts, leases, tenancy agreements, agreements for the purchase of property and any other agreements entered into which involve payment by the Council and shall have access to the original documents of relevant particulars.
- 7.44. Arrangements for dealing with periodical payments shall be as specified by the Director (Finance and Operations).

E.3 TAXATION

E3 (i) General Taxation

- 7.45. The Director (Finance and Operations) has overall responsibility for dealing with all statutory requirements concerning the collection, payment and accounting for taxes.
- 7.46. Directors and Heads of Service must refer taxation issues that require advice or clarification to the Director (Finance and Operations).

E.3 (ii) VAT

- 7.47. Directors and Heads of Service must ensure that VAT is correctly identified and accounted for in respect of all Council income and expenditure. Supporting evidence must be available for every transaction.
- 7.48. VAT must not be paid without evidence of the supplier's VAT registration number. This should be displayed on any invoice received. Similarly receipts used to verify Imprest Account expenditure or income must show VAT registration numbers. VAT receipts for under £250 (which may only be till receipts) do not always show the amount of VAT. In these instances VAT forming part of the total paid must be calculated and taken in account as for formal tax invoices.
- 7.49. HM Revenue and Customs distinguish between expenditure and income for VAT refunds. The two must therefore be identified separately in all records.
- 7.50. All queries on VAT must be directed to the Director (Finance and Operations).

E.3 (iii) Construction Industry Scheme (CIS)

- 7.51. Directors and Heads of Service must ensure that all tax deducted under the Construction Industry Scheme (CIS) is correctly identified and accounted for in Council income and expenditure records. Supporting evidence must be available for every transaction.
- 7.52. Directors and Heads of Service must refer CIS issues that require advice or clarification to the Director (Finance and Operations).

E.4 FINANCIAL ACCOUNTING AND PROCESSING

- 7.53. In order to allow the Directors and Heads of Service and the Director (Finance and Operations) to carry out the responsibilities referred to in these financial procedures, the Director (Finance and Operations) may issue, update and amend such financial instructions to comply with;
- The maintenance and integrity of the Council's accounts insofar as they relate to service income and expenditure and the submission of detailed information for consolidation into the Council's accounts.
 - The compilation of revenue and capital estimates for the services concerned and the provision of detailed information for consolidation into the Council's overall budget.
 - The maintenance of accounting standards and the adoption of Council wide accounting policies and practices.
 - Such other matters of a financial nature, as is considered necessary.
- 7.54. Directors and Heads of Service shall ensure that these procedures are applied in their departments. Approval to vary these procedures to meet special local circumstances must be obtained in writing from the Director (Finance and Operations) or an approved Finance Officer within the Finance and Operations Department.
- 7.55. Directors and Heads of Service may issue (but not substitute) such additional procedures and control directives as necessary to achieve proper financial administration within their departments, providing that the proposed change is confirmed by the Director (Finance and Operations) and is consistent with the Council's financial control policies.
- 7.56. The Director (Finance and Operations) shall prepare the Council's consolidated accounts and financial statements for audit and publication. In order for this to be achieved within the statutory deadline, Directors and Heads of Service shall meet the timetables required by the Director (Finance and Operations).

- 7.57. All accounting procedures and records shall be determined by the Director (Finance and Operations) who shall present an annual report on the accounts to the Cabinet. The Director (Finance and Operations) shall, in consultation with the Director and Head of Service concerned, make such recommendations to the Cabinet as necessary regarding the accounting system, internal check and financial operations of any department.
- 7.58. All accounting and costing and cost recovery systems throughout the Council shall be agreed by the Director (Finance and Operations) after consultation with the Director and Head of Service concerned, and shall operate within procedures issued by the Director (Finance and Operations).
- 7.59. Directors and Heads of Service shall be responsible for ensuring that the Director (Finance and Operations) is consulted on and approves all new or developments to existing computer applications, which affect in any way accounting and other financial procedures.

E.4 (i) Retention of Financial Records and Documents

- 7.60. Directors and Heads of Service, in consultation with the Director (Finance and Operations), shall ensure that arrangements are made for the retention and availability of relevant documents under their control following completion of the external audit for the year to which such documents relate. The Director (Finance and Operations) will specify the periods for which certain financial documents and related papers will be retained.
- 7.61. All information relating to the Council's financial operation and activity must be retained securely and in an easily retrievable form to support the Council's accounting and financial account processes. This includes information on computer, microfiche and prime documents.
- 7.62. Retention periods will follow the statutory requirement.
- 7.63. Directors and Heads of Service must make arrangements to dispose of financial records and documents as "confidential waste". Sensitive information, must not, under any circumstances, be disposed of through the normal waste collection process.

E.4 (ii) Reconciliations

- 7.64. The Director (Finance and Operations) will indicate the accounting records that need to be regularly reconciled and the required frequency. Reconciliation is the process of agreeing two related financial records including identifying, investigating and, if necessary correcting differences between them.

E.4 (iii) Contracts

- 7.65. The Director (Finance and Operations) shall keep a contract register to record amounts due and payments made under any contracts for works, which require payments to be made by instalments.

- 7.66. The Director (Governance) shall forward to the Director (Finance and Operations) a copy of every formal contract entered into as soon as practicable after execution.
- 7.67. All payments to contractors shall be made on a certificate given by the proper officer under the contract in a format agreed by the Director (Finance and Operations).
- 7.68. The Director (Finance and Operations) shall examine and audit contractors' final accounts as considered appropriate before a final certificate of payment is issued.

E.5 INTERNAL RECHARGES

- 7.69. The Director (Finance and Operations) will develop and implement an appropriate system of internal recharges in accordance with the accounting codes of practice for local government, to ensure that the full cost of service is identified.

E.6 PROPRIETY AND GOVERNANCE

E.6 (i) Governance

- 7.70. Governance is about how the Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable way.
- 7.71. Governance comprises the systems and processes, and cultures and values, by which the Council is directed and controlled and through which it accounts to, engages with and, where appropriate, leads its communities.
- 7.72. The Council has approved a Local Code of Governance and each Director and Head of Service is responsible for ensuring its ongoing application and effectiveness within their area of activity.
- 7.73. The Director (Governance) shall ensure that the Council has the appropriate processes in place to prepare an Annual Governance Statement to report publicly on the extent to which the Council complies with its own Code.

E.6 (ii) Gifts and Hospitality

- 7.74. Employees must not accept any gift, reward or benefit from any member of the public, organisation or firm with whom they have been brought into contact by reason of their duties, except in those circumstances detailed in the Employees' Code of Conduct.
- 7.75. A register of gifts and hospitality is held by the Director (Governance). Employees must inform their line manager in writing of any hospitality or gift offered and must include details referred to in the Employees' Code of Conduct on a form available from the Director (Governance).

8. FINANCIAL REGULATION F – EXTERNAL ARRANGEMENTS

8.1. This section of the financial regulations addresses responsibilities for;

- (1) External funds
- (2) Partnerships

F.1 EXTERNAL FUNDS

8.2. Directors and Heads of Service are able to submit bids for external funds subject to the necessary resources and financing being identified from within the budget or elsewhere at the time of bidding.

8.3. The Director (Finance and Operations) is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

F.1 (i) Grant and External Funding Income

8.4. The Director (Finance and Operations) is responsible for submitting grant and other claims by the due date. He/She may agree to service departments completing claim forms where appropriate but these must be signed by the Director (Finance and Operations), or an officer approved by him/her, before submission to the relevant authority. For claims processed via the internet, a verifiable digital signature must be used.

8.5. Claims must be certified to the effect that all conditions have been met.

8.6. Amounts claimed must reconcile to the Council's financial ledger.

8.7. For any bids for funding Directors and Heads of Service must examine the conditions attached to the external funding and ensure these are compatible with the Council's strategic aims and objectives. Directors and Heads of Service must put exit strategies in place for all schemes and projects which have a limited life to plan for the time when funding ceases.

8.8. Directors and Heads of Service must ensure external funds are only acquired to meet the Council's stated priorities and proposed projects must reflect Council Policy.

8.9. Where match funding is required, Directors and Heads of Service must ensure that sufficient resources are available before they submit a bid. The impact on future revenue budgets must be fully assessed and necessary adjustments made.

8.10. Where a bid for funding is successful, the Director and Head of Service must ensure that arrangements are in place to monitor progress of the project against the agreed implementation plan. All expenditure must be properly incurred and recorded.

F.2 PARTNERSHIPS

- 8.11. The Director (Finance and Operations), and any Council employee acting on his/her behalf in relation to the Council's partners, must ensure that all procedures and processes followed are compatible with Welwyn Hatfield Borough Council's internal financial controls, unless the Director (Finance and Operations) agrees that the internal financial controls of the partner organisation give the Council sufficient protection. In particular accounting arrangements must conform to relevant prevailing standards and roles and responsibilities both clearly defined and formally accepted.
- 8.12. Directors and Heads of Service have a responsibility to take appropriate professional advice (including legal) when entering into partnership arrangements and to ensure that any such arrangements do not impact adversely on Council services.
- 8.13. The Council's Partnership Toolkit must be used when officers and/or Members of the Council evaluate the feasibility of a new partnership.
- 8.14. Appropriate financial arrangements should be established for each partnership and published in an accessible place. In particular, where a partnership is in receipt of funding from the Council, the lead officer managing the partnership on behalf of Welwyn Hatfield Council must agree appropriate monitoring arrangements with the Partnership and should in all circumstances consult with the Director (Finance and Operations) or Head of Resources at the earliest opportunity.
- 8.15. Directors and Heads of Service must be satisfied that partner organisations are financially sound before investing funds into a partnership or project.
- 8.16. All partnerships must carry out a risk assessment at least once a year.
- 8.17. All financial information must be entered on the Partnerships Database and kept updated, such financial information should cover the following:
- Amount of budget involved in the partnership
 - Names of parties that provide the funding
 - Decision making powers on expenditures
 - Financial arrangements of payments and incomes
 - Demonstration of value for money
 - Financial liability of the Council upon termination of partnership
 - Maintenance of financial records and arrangements of internal/external audit
 - Implications on VAT

APPENDIX

CONDUCT OF SIGNIFICANT LEGAL CASES

1. This procedure applies to the conduct of significant legal cases brought by or against the Council.
2. "Significant" legal cases refer to matters where the claim by or against the Council exceeds, or could potentially exceed, £250,000. It also refers to matters where the Council's reputation could be at risk through the alleged unlawful or unreasonable action of the Council or its officers.
3. The Director (Governance) shall notify the Chief Executive and Leader of the Council and of the Opposition as soon as is practicable of the existence of any significant legal case being brought by or against the Council. Such notification to include an indication of the strength and weakness of the Council's case and the proposed basis of claim or defence, seeking Counsel's opinion if necessary.
4. The existence of any significant legal case shall be reported to the next meeting of the Cabinet with an indication of the strength or weakness of the Council's case, as far as is practicable at that stage.
5. Furthermore any of the following matters shall be referred to the Cabinet for decision with regard to significant legal cases where the Council is conducting the litigation. A special meeting of the Cabinet shall be arranged if Court timescales make this necessary:-
 - a counter claim to the action being received or proposed to be made;
 - consideration of any proposed settlement by the Council or other party with delegation to a smaller group of Members to negotiate a basis for settlement and report back on the conclusion of the negotiations if appropriate, for decision, and to full Council for appropriate funding if not available within the existing budgets;
 - any matter arising which might significantly affect the strength or weakness of the Council's case as initially reported to the Cabinet;
 - consideration of withdrawing a claim or defence.
6. The final outcome of significant legal cases shall be reported to the Cabinet and full Council.
7. All reports to the Cabinet and full Council to be classed as exempt information and be in Part II of the agenda pursuant to paragraph 12 of Part I of Schedule 12A to the Local Government Act 1972.
8. No one with a personal interest in the outcome of the litigation shall be involved in its conduct. Members must declare any such interests at the Cabinet or full Council as appropriate and Officers must notify the Chief Executive and Director (Governance) accordingly.

CONTRACT PROCEDURE RULES

1. PURPOSE AND SCOPE OF CONTRACT PROCEDURE RULES

The purpose of these Contract Procedure Rules is to ensure that any procurement process for services, work or goods achieves best value and is transparent, open and fair making it possible for all decisions to be audited satisfactorily. They must be followed every time the Council wishes to enter into a contract for services, work or goods.

2. PRINCIPLES OF GOOD PROCUREMENT

The principles of good procurement are:-

- 2.1 Achieving value for money and compliance with these Procedural Rules, the Public Contracts Regulations 2006 and European Public Procurement Legislation (Appendix 1).
- 2.2 Balancing the needs of the Council and the potential contractor. The procurement process should give the Council sufficient information to form a sound view of a potential contractor's competence but without placing unreasonable burdens on them.
- 2.3 Potential contractors should understand from the outset what categories of information and general standards and responsibilities will be expected of them. They should be provided with adequate, accurate and timely information at all relevant stages of the procurement process.
- 2.4 All decisions should be based on objective measures that are justifiable in terms of the matters specified under the contract.
- 2.5 All potential contractors, should be subject to the same requirements and be treated equally throughout the procurement process.
- 2.6 All potential contractors should be made fully aware of the basis for evaluation of tenders.
- 2.7 The Procurement Handbook gives further details on the processes behind delivering the principles.

3. PROCUREMENT AND BEST VALUE

The Council's Procurement Responsibilities, (Appendix 2), recognises the duty on the Council to achieve best value in the provision of all of its services. This duty requires every procurement process to include consideration of:-

- 3.1 The possibility of building in a requirement for continuous improvement in contracts.
- 3.2 Ensuring sufficient information is obtained in respect of the following matters:-

- 3.2.1 all relevant experience and track record over the past three years (five years for works contracts) in providing similar services, and at least three referees that can be called upon to vouch for performance;
- 3.2.2 background information on the organisation, financial accounts for last three years, average annual staffing for the previous three years and details of staff involved in the provision of the service in question, including their qualifications and training, TUPE track record where relevant;
- 3.2.3 details of quality accreditation, documentation and procedures, including health and safety management, staff management and employment practices, environmental policy, as relevant to the performance of the contract;
- 3.2.4 details of convictions for criminal offences or of any acts of grave misconduct relating to the potential contractor's business or profession including details of cases over the last three years where the potential provider has been found by a Court or Tribunal to have breached the requirements of employment protection, including legislation under the Equality Act 2010(including matters on sex, race, disability) and health and safety matters. Details of any appropriate remedial actions taken should also be included.

The list is not exhaustive and where relevant to the performance of the contract further detailed questions can be asked.

4. HEALTH AND SAFETY

The Council must be satisfied in any procurement process that potential providers have satisfactory systems for managing health and safety in relation to the matters concerned. Details of their health and safety policy relevant to the performance of the contract must be obtained to ensure it provides satisfactory systems for managing health and safety. Monitoring arrangements must be in place post contract award to ensure that health and safety matters are being properly addressed.

Potential providers are also asked to acknowledge that they have seen and understand the terms of the Council's health and safety policy in relation to the matters concerned.

5. EQUALITY AND DIVERSITY

- 5.1 The Council is committed to equality of opportunity, both as an employer and service provider. The Council recognises that the Council's equality values, principles and standards underpin everything the Council represents and aims to achieve.

The Council is committed to the provision of high quality services in a way which is accessible to everyone. It will consult the people of Welwyn Hatfield on equality issues and will play an active enabling role with the private sector, voluntary groups and other agencies in the promotion of equal opportunity policies and practices.

The Council's Equality and Diversity Scheme details the Council's approach and commitment to equality. These include commitments that the Council's services are delivered equitably; that the Council works with partner organisations in a collective commitment to equality of opportunity and that the same commitment will also be required of those providing a service on behalf of the Council.

In order to satisfy these commitments, those submitting an application for a tender are required, to respond and provide evidence in respect of the following matters:

- Their experience of delivering services in a multi-cultural community.
- Their strategies for ensuring equal access to services.
- Examples of and outcomes arising from consultation undertaken with service users and/or proposals for how such consultation might be undertaken.
- Evidence that information and services they provide are accessible to those for whom they are relevant irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- How they would work towards building a workforce that reflects the diversity of the community in Welwyn Hatfield.
- How they would comply with the Council's commitment to equality and the priorities set out in its Equality and Diversity Scheme.

5.2 The Council's standard contract terms and conditions include obligations relating to equality and diversity.

6. TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT) REGULATIONS 2006 (AS AMENDED) (TUPE)

6.1 TUPE should be presumed to apply in any procurement process involving the contracting out of a service area with a discrete budget and staff assigned to it. The exception to this is if there are genuine exceptional reasons for TUPE not to apply. These could be any of the following:-

6.1.1 where a contract is for the provision of both goods and services, but the provision of services is ancillary in purpose to the provision of the goods; or

6.1.2 where the matter being contracted is essentially new or a one off project; or

6.1.3 where services or goods are essentially a commodity bought "off the shelf" and no grouping of staff are specifically and permanently assigned to a common task; or where the features of the service or function subject to the contracting exercise are significantly different from the features of the function previously performed within the Council, or by an existing contractor e.g. a function to be delivered electronically and in such a way that it requires radically different skills, experience and equipment.

6.2 Invitations to tender should state that staff are to transfer pursuant to TUPE and sufficient information should be provided to enable potential providers to cost the effect of TUPE applying and staff transferring to them. The Human

Resources service area will deal with the provision of the appropriate information. Pensions provided to transferred staff must be certified by the Government Actuary as “broadly comparable” with the Local Government Superannuation Scheme. There should also be an agreement with the new employer’s pension scheme providing that staff will be able to transfer their accrued service credits into that scheme on a day-for-day, or equivalent, basis. Alternatively, transferred staff can, if the new employee so wishes, continue to have access to the Local Government Superannuation Scheme. Advice on the applicability of TUPE and the clauses to be inserted in invitations to tender and contracts should be sought in the first instance from the Procurement Manager.

- 6.3 TUPE should also be presumed to apply to a procurement process when an external contract is to be relet where there are staff involved. Invitations to tender should state that staff are to transfer pursuant to TUPE and information relating to pay, bonus payments, allowances, holiday entitlement and pension details should be obtained from the incumbent Contractor to enable potential providers to cost the effect of staff transferring to them.
- 6.4 All Contracts to which TUPE applies must contain specific clauses relating to the application of TUPE. These clauses can be obtained from the Procurement Manager.

7. EXPENDITURE AND AUTHORISATION THRESHOLDS

7.1 All purchases are subject to the following procedure:-

Estimated Value	Minimum No. of Quotations/ Tenders	Council Seal	<u>Notes</u>	<u>Authorisation to award contract</u>
Under £10,000	(Obtain a minimum of one written quotation)	No	Although a formal procurement process does not need to be followed, value for money still needs to be demonstrated e.g. obtain written quotation.	Departmental Manager
£10,000 - £49,999	3 quotations	No	Unless a recognised trade or profession contract is to be used (i.e. JCT) then the Council’s standard terms and conditions must be used. The Director (Governance) must approve any deviation from these terms and conditions. Consideration should also be given to the use of Liquidated Damages (a predetermined and realistic estimate of potential loss	Head of Service

Estimated Value	Minimum No. of Quotations/ Tenders	Council Seal	<u>Notes</u>	<u>Authorisation to award contract</u>
			arising from default under a contract). If Liquidated Damages are not considered appropriate then the reason should be given on the contract file. The Procurement Manager should be advised at the start of the procurement process.	
£50,000 - £ 99,999	5 tenders	No	In addition to the above a financial appraisal of all tenderers should be undertaken as part of the procurement process. Consideration should also be given to whether a performance bond is appropriate and if the EU Procurement Directives apply. The Procurement Manager should be advised at the start of the procurement process.	Director
£100,000 and over	5 tenders	Yes	The Procurement Manager must manage the procurement process. In addition to the above the officer must require security for the performance of the contract of up to 10% of the contract sum in the form of a performance bond or a parent company guarantee.	Cabinet

7.1.1 Those Officers wishing to enter into contracts must use their best endeavors to achieve the minimum number of quotations/tenders referred to in the above table. If having done so it is not possible to achieve the minimum number of quotations/tenders a clear note must be placed on the contract file giving the reasons why the minimum number could not be achieved.

7.1.2 In situations where there is only one quotation or tender and one of the circumstances referred to in Procedure Rule 12 does not apply the agreement of the Procurement Manager must be obtained before any contact is entered into in respect to all contracts with an estimated value exceeding £10,000.

7.2 How to calculate the estimated value.

When a new supplier is to be used, or a new service / commodity is purchased then the following should be considered.

7.2.1 For Capital projects (without maintenance) it should be the Capital Budget approved for the purchase.

7.2.2 For Capital projects that include a contractual requirement for maintenance, it should be the cost of the capital budget plus the maintenance costs for the duration of the maintenance agreement (i.e. a capital purchase of £45,000, that includes a maintenance contract for 5 years estimated at £5,000 per annum has a total estimated value of £70,000 and is therefore subject to 5 sealed tenders

7.2.3 For revenue contracts the estimated value should be for either:

a) The estimated value of a one off purchase

b) For recurring requirements with that supplier the estimated shall be either the value for the proposed contract length or If it is not known how long the arrangement will be in place then the estimated value should be **4** times the annual expected expenditure.

7.2.4 The estimated value must exclude Value Added Tax (VAT) but must include all other taxes and duties

8. INVITATION TO TENDER LIST AND TENDER EVALUATION CRITERIA

Where the estimated value of the contract is over £10,000 a tender list must be compiled by one of the following methods, and the agreement of the Tender Evaluation Criteria must be agreed at the following level

Value of Contract	Method of Selecting List	Prequalify	Authority to agree Tender Evaluation Criteria
£10,000 - £49,999	The officer should consult trade journals and directories of organisations that give details of companies that trade in the field of work. Officers should use reasonable endeavours to obtain at least one quotation from an organisation based in the Borough of Welwyn Hatfield. This organisation must compete on an equal basis with other bidders	Not essential.	Head of Service
£50,000 - £99,999	An advertisement should be placed on the Supply Hertfordshire Portal inviting	Yes. The prequalification questionnaire	Director

	applicants to apply	must be scored and the tender list should consist of the highest scores.	
£100,000 and over	An advertisement should be placed on the Supply Hertfordshire Portal inviting applicants to apply for a prequalification questionnaire. If advertisement in Europe is necessary this must be done before advertisements are placed elsewhere.	Yes. The prequalification questionnaire must be scored and the tender list should consist of the highest scores.	Director or Member Procurement Board if established in accordance with section 24

9. PREQUALIFICATION QUESTIONNAIRES

- 9.1 The purpose of using a prequalification questionnaire in the circumstances referred to in Procedure Rule 8 is to form a reasonable basis on which to justify the exclusion of potential tenderers from participating in a formal tender exercise before its commencement. Such questionnaires must as a minimum requirement pose questions relating to financial standing, technical ability, equality and diversity and as far as relevant to the contract, health and safety and environmental policies.
- 9.2 A predetermined evaluation model must be used to score responses to questions posed and apply any appropriate weightings to responses.
- 9.3 If tenders are to be issued to five companies then these must be those with the five highest scores obtained as the result of the prequalification exercise.
- 9.4 The Procurement Manager will supply a copy of the Council's prequalification questionnaire on request and will assist with the prequalification exercise.
- 9.5 All financial information received as part of the prequalification exercise must be evaluated by the Council's Finance division. Similarly information relating to health and safety must be assessed by the Council's Health and Safety Officer.

10. TENDER EVALUATION CRITERIA

- 10.1 For all contracts with a value of below £50,000, the contracts must be awarded on the basis of one of the two options that must be determined by the relevant Head of Service
- a) The cheapest acceptable tender (the tender that meets all delivery and specification requirements) or
 - b) A pre set and disclosed price / quality criteria.

- 10.2 For all contracts with a value of £50,000 or over, tenders must be evaluated on a mixture of price and quality. The percentage split between price and quantity should be agreed with the Procurement Manager, who will also advise if these criteria should be agreed by a Member Procurement Board.
- 10.3 The tender evaluation criteria must clearly be laid out in all tender documents

11. SPECIFICATION

- 11.1 All invitations to quote or tender for works must be based on a definitive specification. The purpose of a service specification is to define the Council's objectives for the service to be provided and the requirements of potential contractors. As far as possible requirements should be specified in terms of output and performance rather than how the potential contractor is to go about providing the service (input based).
- 11.2 Technical specifications should refer to national standards or schemes and relevant European Union standards or equivalent where available.

12. ALTERNATIVE PROCEDURES IN PRESCRIBED CIRCUMSTANCES

The market place does not always allow the procedures to be followed in the tables above. Contracts can also be entered into by an appropriate officer in the following circumstances (subject to compliance at all times with European procurement rules).

- For the supply of goods or services where there is only one supplier and no acceptable alternative, following consultation with the Procurement Manager.
- For any extension, addition to or maintenance to existing buildings, works plant or equipment contracts, the matter will be referred to Cabinet for a decision to waive these rules. Cabinet will consider if this can only be done satisfactorily by the original contractor or supplier
- As part of a consortium (where the Council is not the lead authority).
- A contract that has been tendered by a central government body (i.e. the Office of Government Commerce).
- Where there is an urgent Health and Safety requirement, subject to the prior approval of the Council's Risk and Resilience Manager.
- By the Chief Executive certifying that there is extreme urgency, after consulting the Leader of the Council and relevant Cabinet portfolio holder. The reasons for extreme urgency must be recorded in writing and placed on the contract file
- Where the Cabinet considers it desirable on commercial grounds to accept a quotation from a contractor already engaged by the Council on a project provided that further services have a connection with the original project and that the price is no more than 50% of the original contract sum.
- For loans arrangements.

- On behalf of another authority where the agency agreement provides that the procurement rules of that authority are to be followed.
- Where the Cabinet agrees a report from a Director detailing a case where it is to the advantage of the Council that the Contract Rules should be waived

13. RECEIPT AND OPENING OF TENDERS

13.1 All purchases with an estimated value of £10,000 or above are, dependent on value, subject to one of the following procedures.

Between £10,000 and £49,999

13.2 Any requests for quotations must be returned to the relevant Head of Service in a plain sealed envelope by a predetermined deadline.

13.3 Tender must all be opened at the same time, by the Head of Service and another representative and recorded on the relevant form (available from the Procurement Manager).

13.4 A copy of the form must be returned to the Procurement Manager within 7 days of opening

13.5 For quotations less than £50,000, the E Procurement System may also be used with agreement of the Procurement Manager

£50,000 and above

13.5 The E Procurement System is the preferred method of conducting tenders, but the Manual system may be used in exceptional circumstances and when agreed with the Procurement Manager.

13.6 **E Procurement.** The Council is committed to e commerce and is using the tenderbox system to manage a fully e compliant tender process. Where the tenderbox system is used the following procedure should be used.

13.7 Each tenderer will be supplied with a unique reference number when they are issued with tender documents. This reference number allows the tenderer to upload their tender documents in the tenderbox up until the tender return deadline.

13.8 It is the tenderers responsibility to load the tender in the tenderbox by the tender deadline. Late tenders will not be accepted in any circumstances.

13.9 The tenderbox is timelocked and cannot be accessed by the Council until after the tender return deadline. After the deadline the tenderbox is opened electronically by the Procurement Manager and the tenders are disseminated for evaluation. The tenderbox system keeps a record of the times, dates and by whom the tenderbox was opened by.

13.10 **Manual System.** Every potential contractor invited to tender must be issued with an adhesive label of a type issued by the Purchasing Support Officer. The invitation to tender must state that a tender will only be considered in a plain sealed envelope with the label attached. There must be no mention of the sender's name or any other way of identifying the sender from the envelope. The label will clearly identify that it contains a tender document. The label will state whom the tender should be returned to. Potential contractors should be made aware that tenders will only be accepted if they are returned using the label provided, properly completed and that no identifying mark should be added to the envelope. They should also be made aware of the deadline for the receipt of tenders.

13.11 All tenders must be returned to the Council Offices at Campus East for the attention of the Business Support Officer. It is the responsibility of the Officer who administers the tender process for the particular contract to inform the Business Support Section that a tender is going to be returned. The Business Support Section takes responsibility for returned tenders. All tenders should be stamped with the time and date upon receipt. Tenders should be kept securely until the agreed time for their opening. Where tenders are returned by hand, the receiving employee should issue a receipt to the potential contractor.

13.12 The Business Support Officer will arrange a date and time for the tender opening. Tenders should be opened as soon as possible after the set deadline. Tender documents will be opened in the presence of:-

- The Procurement Manager or his representative;
- a representative of the Director (Governance) who will normally be the Business Support Officer or a member of his/her staff;
- the Leader or appropriate portfolio holder and a representative of the Internal Audit Section will also be invited to attend, if appropriate.

13.13 Tenders should only be opened by the Business Support Officer. A register and tender opening sheet should be completed by the Business Support Officer or a Member of his/her staff that should record the date of opening and the employees present.

13.14 Upon opening, the times and dates on the envelope should be transferred to the register and tender opening sheet. The appropriate service area should retain the envelopes in which the tenders were received.

13.15 Late tenders will not be accepted under any circumstances.

14 TENDER CLARIFICATION

14.1 After tenders have been opened clarification may be necessary to check apparent omissions, arithmetical errors, completeness of documentation etc. In seeking clarification all communications with tenderers should be properly recorded. The objective at this stage is to evaluate the tenders as submitted and it follows therefore that under no circumstances should any tenderer be

given the opportunity to engage in negotiations with regard to pricing or any other aspects of the tender. Clarification should be obtained solely to the extent necessary for a clear evaluation.

15 THE LETTING OF CONTRACTS

15.1 The appropriate officer must let a contract to the potential contractor offering the best overall value for money (in accordance with the prescribed evaluation criteria) and must ensure that authority is in place to let the contract.

15.2 The contract between the Contractor and the Council must contain:-

- a description of the services, works or goods to be supplied;
- the price and any discounts;
- commencement and completion dates including the provision of liquidated damages in the case of late completion in the circumstances referred to in Procedure Rule 7;
- delivery date, if appropriate;
- the terms of payment;
- appropriate insurance cover including £10 million cover in respect of public liability and £1 million cover for professional indemnity liability where relevant.

15.3 In addition the following controls should be present:-

- there should be written authority by the appropriate Chief Officer of acceptance of the tender in accordance with procedural rule 7.1
- the contract between the Contractor and the Council should always be in writing;
- the contract should be signed by an authorised signatory of the Contractor and the Council and be under seal if its value is £100,000 or over;
- any amendments to the contract must be initialed by an authorised signatory of the Contractor and the Council;
- there should be a written record of the Contractor chosen for each contract;
- the Council's standard forms of contract must be used except in the circumstances referred to in Procedure Rule 7.1

16 NOTIFICATIONS TO POTENTIAL CONTRACTORS

16.1 The successful Contractor should be notified promptly in writing that they have been selected to carry out the contract. It should be confirmed with the Contractor that they are available to commence the contract and that they will undertake the work to the terms and conditions of their tender.

- 16.2 Unsuccessful contractors should be informed, in writing that they have not been selected to carry out the contract at the same time as the successful Contractor.
- 16.3 In the event that the selected Contractor does not confirm that they are still available to carry out the work to the terms and conditions of the tender then the contract can be offered to the second best tenderer unless the Procurement is subject to the European Procurement Directives when the project must be readvertised
- 16.4 Potential contractors should also be notified of any of the following decisions taken in respect of them:-
- not to invite to tender when a request has been made;
 - not to accept the submission of a tender;
 - not to approve, select or nominate sub-contractors;
- 16.5 In the event of a potential contractor making a written request for information regarding any contract decision, the appropriate officer must provide a written response detailing the reasons for such decision within 15 days of the receipt of the potential contractor's request (or within 3 days if the procurement is subject to EU procurement procedures).

17 VARIATION TO CONTRACTS

- 17.1 The authority to accept a variation to contract is dependent upon the value of the change (calculated as the estimated value of the change for the remainder of the contract term):
- Up to £49,999 – Head of Service
 - Between £50,000 and £99,999 – Director
 - £100,000 and over – Cabinet

18 EXTENSION OF CONTRACTS

- 18.1 An extension to a contract can only be made if there is provision within the existing contract. The decision to extend the contract is dependent upon the value of the extension and shall be agreed at the following level:
- Up to £49,999 – Head of Service
 - Between £50,000 and £99,999 – Director
 - £100,000 and over – Cabinet

19 ASSIGNMENT AND NOVATION OF CONTRACT

- 19.1 Assignment or Novation of a contract can only be made if there is provision in the contract to allow this to happen. Any Assignment or Novation must be agreed by the relevant Director

20 CURRENCY

- 20.1 All contracts entered into should fix the price in Sterling. Any changes in the value of money which have a material impact on the value of a contract must be reported to the Director (Finance and Operations) for report and consideration by the Cabinet. Any proposals to contract in a currency other than Sterling on the basis that it represents value for money must be agreed by the Director (Finance and Operations).

21 NOMINATED SUB-CONTRACTORS AND SUPPLIERS

- 21.1 Where a sub-contractor or supplier is to be nominated to a main contractor the appropriate officer must invite quotations or tenders in accordance with these Procedural Rules and authorise the letting of the sub-contract between the sub-contractor or supplier and main Contractor.
- 21.2 The sub-contractor or supplier must send with their quote or tender an undertaking to work for the main contractor and to indemnify the main contractor for the sub-contracted works or materials and provide a collateral warranty

22 OUTSIDE CONSULTANTS AND TECHNICAL OFFICERS

- 22.1 Outside consultants and technical officers employed to supervise or to be otherwise involved with the operation of contracts must follow any provision of these Procedural Rules which are relevant to their appointed duties. Their contract for services must stipulate this requirement.

23 BRIBERY AND FRAUD

- 23.1 The Director (Finance and Operations) shall keep a Fraud Risks Register upon which is identified potential contractors who are considered by the Council to be at high risk from benefit fraud, abuse or misuse in connection with the potential contractor's business and/or its employees, sub-contractors or agents.

- 23.2 The Bribery Act 2010 was passed in April 2010 and came into force on 1 July 2011. The four key principle points to note in relation to offences under the Act are:

The Act extends the crime of bribery to cover all private and public sector transactions (previously bribery offences were confined to transactions involving public officials and agents). These offences cover all legal persons (which includes companies and individuals).

The Act creates a new offence of failing to prevent bribery which applies to commercial organisations. A commercial organisation is stated as being a company, corporate body or partnership but not a sole trader. Section 7 provides that a relevant commercial organisation, ('C'), commits an offence if a person, ('A'), associated with it, bribes another person intending either to obtain or retain business for C or an advantage in the conduct of business for C. An offence is committed if the conduct complained of would constitute the

commission by A of an offence contrary to two other sections of the Act (which cover the general offence of bribery and the more specific offence of bribing a foreign public official). The Act defines A as a person who performs services for or on behalf of C. A may therefore be a service provider, subsidiary, contractor, agent or employee and they may be based in or outside of England and Wales. An organisation will only have a defence to this offence if it can show it had 'adequate procedures' in place to prevent bribery.

The scope of the Act is extensive – the offences are very broadly defined and it has significant extra-territorial reach.

The offences contained in the Act carry criminal penalties for individuals and organisations. For individuals, a maximum prison sentence of ten years and/or an unlimited fine can be imposed; for companies, an unlimited fine can be imposed.

The Council, its employees and contractors/bidders are covered by the Act.

23.3 All contracts must contain a relevant Bribery Clause

23.4 Officers should be alert to indicators of potential bribery in procurement which may include:

- Unjustified and unexplained favourable treatment of a particular supplier from a particular contracting employee over a period of time, including number or amount of contracts awarded to a given firm or supplier
- Unjustified high prices and important price increases
- Low quality and late delivery acceptance by procurement official
- Unusually high volume of purchases to a single source
- Unusually high volume of purchases approved by a single purchaser
- Unnecessary or inappropriate purchases
- Recurrent and systematic rejection of firms who ultimately act as subcontractors
- official accepting inappropriate gifts or entertainment
- Close relationship (including social) between the official and the vendor
- Unexplained sudden increase in wealth of the procurement official
- Supplier has a reputation of paying bribes
- Commercial contracts different from the suppliers core business
- Intermediary charges high commission, claims special influence on buyer
- Unnecessary middleman involved in contacts or purchases
- High risk sectors or countries
- official has undisclosed outside business
- Procurement official declining promotions to other non-procurement position
- Procurement official acting beyond or below normal scope of duties in awarding or administering contracts
- Long and unexplained delays between announcement of the winning bidder and the signing of the contract (this may be an indication of the negotiation of the bribe)
- Frequent open or restrictive calls for tender that are inconclusive, ending in Negotiated procedures

24. ROLES OF MEMBERS IN PROCUREMENT

- 24.1 It is recognised that Members of the Council should be fully involved in the Procurement process for major projects.
- 24.2 Before the commencement of any procurement with a value of £100,000 or more the relevant officer should consult with the Portfolio Holder to ascertain in a Member Procurement Board should be established. An officer may also elect to take this route for contracts less than £100,000 if there is a specific need for Members to be involved (e.g. a high profile public facing procurement)
- 24.3 The Portfolio Holder shall determine if a Members Procurement Board is established. If so, a recommendation should be made to the next Cabinet meeting recommending the establishment of the Member Procurement Board and requesting that Board Members be nominated by Cabinet.
- 24.4 A terms of reference of the Member Procurement Board will be established, but is likely to include:
- a) Agreement of evaluation criteria for the application stage
 - b) Agreement of the tender list
 - c) Agreement of the evaluation criteria for tender stage
 - d) Attending presentations by bidders
 - e) Undertaking site visits (if appropriate)
 - f) Recommendation of award of contract to Cabinet.
- 24.5 In no circumstances shall the Member Procurement Board have the authority to award or enter into any contract

EUROPEAN PROCUREMENT RULES

The European procurement directives (implemented through Contract Regulations) seek to ensure that all significant public sector purchasing is open to competition across the Member states.

The current thresholds, where the European Directives apply, effective for the two years from 1st January 2014 are:- Thresholds in force 1 January 2014 to 31 December 2015

- Works – £4,322,012
- Supplies – £172,514
- Services – £172,514

Contracts above these levels need to be advertised in the Official Journal of the European Communities and the resulting awards must also be published (there are specific formats that must be used).

Depending on the type of procedure chosen there are minimum time scales detailed within the Directives which must be adhered to, and which obviously must be taken into account when deciding on the timing of exercise. The Directives provide for 4 different procedures:-

- **OPEN PROCEDURE.** A stage process which requires the Council to send a tender to any supplier requesting one. This procedure retains shorter time scales but may involve the Council in sending out an unwieldy number of tenders.

Minimum time scales: 52 days between the despatch of the notice and receipt of tenders.

- **RESTRICTED PROCEDURE.** A two stage process which involves correspondingly longer time scales – this procedure invites expression of interest which are judged against declared criteria and only those suppliers meeting the criteria need to be sent a tender.

Minimum time scales: 37 days between despatch of the notice and the closing date for receipt of applications to tender, then 40 days between despatch and final date for receipt of tenders.

- **COMPETITIVE DIALOGUE:** A procedure that can be used for complex procurements and allows the flexibility to work up different solutions with different suppliers. The process is a lot more time consuming, is likely to take longer and is likely to be more costly for bidders and the Council. Careful consideration should be given before using this process,
- **NEGOTIATED PROCEDURE.** A procedure whereby the Council may negotiate the terms of the contract with one or more suppliers of its choice. The circumstances in which this procedure can be used are very specific. This procedure has the shortest time but may be used only under the following circumstances:-

1. an open procedure or a restricted procedure produced no tenders or only inappropriate tenders (as long as the terms of the contract remain substantially unaltered);
2. there is only one contractor in a position to carry out the contract for technical or artistic reasons or because of exclusive rights;
3. for reasons of extreme urgency the time limits require for open and restricted procedures cannot be met;
4. additional works, supplies or services are required from the contractor, which are a repetition of the requirement of the original contract;
5. an open or restricted procedure was "discontinued" because of "irregular tenders" (as long as every eligible contractor who submitted a tender and who meets the authority's minimum financial and technical standards is invited to negotiate).

Minimum time scales: 37 days for despatch for requests to participate.

These time scales are allowed to be reduced if the Council uses an e-sender accredited system for the procurement process. An e-sender system is only accredited with this title if all stages within the procurement process are electronically based. For an Open tender the timescales are reduced from 52 days to 40 days, this is when there is an electronic contract notice and electronic tender documents. For a restricted tender stage 1 (application) reduces from 37 days to 30 days and stage 2 (Tender) drops from 40 down to 35.

The whole process of placing contracts that are above the threshold levels can be both time consuming and involve a significant amount of correspondence with would-be suppliers. If you are involved in preparing a contract which may fall within the European Directives, the Procurement Manager must manage the procurement process.

PROCUREMENT RESPONSIBILITIES

These procurement responsibilities recognise the duty on the Council to achieve best value in the provision of all of its services. The duty to deliver best value demands that the interests of the public are put first. It requires the Council to review its services and select the delivery option that achieves best value and ensures continuous improvement. Best Value challenges the Council to prove that its current method of service delivery is as effective and efficient as other methods of service delivery available.

In recognition and compliance with these responsibilities and challenges the Council's procurement responsibilities demand that all reviews of services have regard to the following general principles:-

- **External Focus.** All best value reviews must have an external focus and must demonstrate how they have considered opportunities within existing markets and potential markets for more efficient service delivery. Where supply markets are weak or poorly developed reviews must involve consideration of what can be done to encourage new suppliers to come forward if this could lead to more efficient service provision.
- **Diversity of Provision.** This demands recognition of the possibility of a variety of means for service provision e.g. part direct provision, part contracted out/partnership or joint local authority provision.
- **Encouraging Innovation in Service Delivery.** This requires concentrating, in any procurement process on required outputs as far as possible rather than prescribing in detail how a potential supplier is to go about providing the service.
- **Balancing Cost and Quality Considerations.** This will depend on the nature of the service to be provided and the requirements of the service users. It is unlikely that either a purely cost-driven or an unjustifiably expensive service will represent best value.
- **Conducting a Transparent, Open and Fair Procurement Process.** This requirement demands full compliance with the Council's Contract Procedure Rules at all stages of a procurement process.
- **Ability to Deliver.** This requires obtaining information from potential providers in respect of experience, track record in providing similar services, background information on an organisation and evidence of quality accreditation. These matters are more fully described in the Council's Contract Procedure Rules.
- **Suitability of Provider.** This involves consideration of criminal convictions, breach of employment protection legislation and health and safety legislation. It also involves consideration of equality and diversity practices in order to satisfy the Council's approach and commitment to equality and diversity as set out in the Council's Equality and Diversity Scheme. These commitments include that the Council's services are delivered equitably; that the Council works with partner organisations in a collective commitment to equality of opportunity and that the same commitment will also be required of those providing a service on behalf of the Council.

PROCUREMENT PROCEDURE/CHECKLIST

1. Establish whether the project is works, services or supplies.
2. Establish whether the estimated value of project is above the thresholds for EU procurement. NB ensure that the project has been aggregated with the same or similar projects. HM Treasury recommends that a 20% safety limit should apply to any EU tender.
3. At least six months will need to be allowed if using the EU procurement rules.
4. If the project needs to be tendered within EU procurement rules follow the procedure in Appendix 1 with the Procurement Manager managing the procurement process.
5. If the estimated value is below the thresholds then the table in Procedure Rule 7 should be followed.
6. If the project is estimated to be £50,000 and above then the Procurement Manager must be advised at the start of the process.
7. If the value of the contract is £10,000 and above then any quotation / tender must be returned under seal or through the E Procurement system
8. When evaluating tenders, consideration should be given to:-
 - whether all bids comply with the specification;
 - whether all questions have been answered, if not seek clarification from the tenderer
 - ensuring that if criteria has been specified other than price, that these criteria will be evaluated objectively;
 - arranging presentations by tenderers where appropriate;
 - considering the whole life costs where appropriate, (they should be indicated as criteria within the tender);
 - respecting commercial confidentiality i.e. never discussing details of a bid with any other tenderer
9. The successful tenderer should be advised in writing that they have been selected to carry out the work.
10. The written contract should be signed by both parties and in the case of contracts £100,000 and over be sealed on behalf of the Council and the Contractor.

OFFICER EMPLOYMENT PROCEDURE RULES

1. **RECRUITMENT AND APPOINTMENT**

1.1 **Declarations**

- (a) The Council will include a statement in application forms for the employment of Officers requiring any candidate for appointment as an Officer to state in writing whether they are related to, or have a professional or personal connection with, a Councillor or Senior Officer of the Council.

“Related” means:

- (i) husband or wife or partner;
- (ii) parent or child (natural or adoptive);
- (iii) grandparent or grandchild (natural or adoptive);
- (iv) brother or sister;
- (v) uncle or aunt
- (vi) nephew or niece;
- (vii) in-laws

or if any of these relationships are known to apply to the partner of the candidate.

“Senior Officer” means any Council Officer on Scale J or above.

- (b) No candidate so related or connected to a Councillor or a Senior Officer will be appointed without the authority of the relevant Director or an Officer nominated by him/her.

1.2 **Seeking support for appointment**

The Council will disqualify any applicant who fails to disclose such a relationship or connection referred to in Rule 1.1. An applicant will also be disqualified if there is any attempt to improperly influence the recruitment and selection process. The content of this paragraph will be included in the application forms for the employment of Officers.

2. **RECRUITMENT OF OFFICERS**

- 2.1 The recruitment of Officers will follow the procedures established for the recruitment process as amended from time to time.
- 2.2 No Officer or Member shall be involved in the recruitment process without first having been trained in the appropriate procedures.

3. APPOINTMENT OF HEAD OF PAID SERVICE

- 3.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee of the Council. That Committee must include at least one Member of the Cabinet.
- 3.2 Before an offer of appointment as the Head of Paid Service is made the Director (Governance) must notify every Cabinet Member of:-
- (a) the name of the person to whom the Council wishes to make the offer;
 - (b) any other particulars relevant to the appointment; and
 - (c) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Director (Governance).
- 3.3 An offer of appointment can be made if:-
- (a) the Leader has within the period referred to in 3.2 (c) above stated that there is no Cabinet objection to the appointment; or
 - (b) no objection from the Leader has been received within the period referred to in 3.2 (c); or
 - (c) the appointing body is satisfied that any objections received from the Leader within the period referred to in 3.2 (c) are not material or are not well founded.

4. APPOINTMENT OF DIRECTORS

- 4.1 Where the Council proposes to appoint a Director, it shall:-
- (a) draw up a statement specifying the duties of the Officer concerned and any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - (c) make arrangement for a copy of the statement mentioned in paragraph (a) to be sent to any person on request;
 - (d) where a post has been advertised in accordance with paragraphs (a) – (c) above, interview all qualified applicants for the post, or select a short list of such qualified applicants and interview those included on the short list;
 - (e) where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with paragraphs (a) – (c) above; and

- (f) a Committee of the Council will appoint the Directors. That Committee must include at least one Member of the Cabinet.
- 4.2 Before an offer of appointment as a Director is made the Director (Governance) must notify every Cabinet Member of:-
- (a) the name of the person to whom the Council wishes to make the offer;
 - (b) any other particulars relevant to the appointment; and
 - (c) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Director (Governance).
- 4.3 An offer of appointment can be made if:-
- (a) the Leader has within the period referred to in 4.2 (c) above stated that there is no Cabinet objection to the appointment; or
 - (b) no objection from the Leader has been received within the period referred to in 4.2 (c); or
 - (c) the appointing body is satisfied that any objections received from the Leader within the period referred to in 4.2 (c) are not material or are not well founded.
- 4.4 “Directors” are all those Officers who report to the Chief Executive’s Team.

5. OTHER APPOINTMENTS

5.1 Officers below Director

Appointment of Officers below Director (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and will not be made by Councillors.

5.2 Political assistants to political groups

- (a) There should be no appointment of a political assistant to a political group until the Council has allocated a post to each of the groups (not exceeding three in total) which qualify for one. A political group qualifies for a political assistant if:-
 - (i) the Membership of that group comprises at least one-tenth of the Membership of the Council;
 - (ii) the number of the other groups (if any) which are larger than the group does not exceed two; and
 - (iii) where the number of the other groups which are the same size as or larger than that group exceeds two, the Council have

determined that that group should be a group to which a post is allocated; or

- (iv) where only one group has a Membership that comprises one-tenth or more of the Membership of the Council the group qualifying for a post shall be that group and one other group which shall be the one with the next largest Membership or, in a case in which there is more than one group with the next largest Membership, such one of those groups as may be determined by the Council.
- (b) An appointment of a political assistant to a political group shall be made in accordance with the wishes of that group.
- (c) There shall be no allocation of a political assistant to a political group which does not qualify for one under paragraph (a) above.
- (d) No more than one political assistant may be allocated to any one political group.

6. DISCIPLINARY ACTION

6.1 Interpretation

In paragraph 6.2 “Chief Finance Officer”, “Council Manager”, “disciplinary action”, “Head of the Council’s Paid Service” and “Monitoring Officer”, have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and “designated independent person” has the same meaning as in regulation 7 of those Regulations.

6.2 Independent person

No disciplinary action in respect of the Head of the Council’s Paid Service (unless he is also a Council Manager of the Council), its Monitoring Officer or its Chief Finance Officer, except action described in paragraph 6.3, may be taken by the Council, or by a Committee, a Sub-Committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

- 6.3 The action mentioned in paragraph 6.2 is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 6.4 The designated independent person must be such person as may be agreed between the Council and relevant Officer or, in default of such agreement, nominated by the Secretary of State for Communities and Local Government.

6.5 The designated independent person

- (a) may direct:-
 - (i) that the Council terminate any suspension;
 - (ii) that any suspension continue beyond two months;
 - (iii) that the terms on which suspension has taken place be varied;
 - (iv) that no steps towards disciplinary action or further disciplinary action be taken by the Council, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under subparagraph (iv) below;
- (b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Council, or which the Council has power to authorise the designated independent officer to inspect;
- (c) may require any Member of staff of the Council to answer questions concerning the conduct of the relevant officer;
- (d) must take a report to the Council:-
 - (i) stating whether the evidence obtained supports an allegation of misconduct against the relevant officer; and
 - (ii) recommending any appropriate disciplinary action to be taken by the Council against the relevant officer;
- (e) must on making the report under (iv) above send a copy to the relevant officer;

6.6 The Council must pay reasonable remuneration to the designated independent person and any costs incurred in the discharge of the functions of that position.

6.7 Disciplinary action against a Director other than the Head of Paid Service, Monitoring Officer and Chief Finance Officer shall be conducted by Councillors in accordance with the Conditions of Service for Directors as amended from time to time.

- 6.8 Councillors will not be involved in disciplinary action against any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct. This does not prevent Members dealing with appeals in respect of disciplinary action in accordance with the Council's disciplinary procedures as amended from time to time.
- 6.9 Before dismissal of the Head of Paid Service or Directors can take place the Director (Governance) must notify every Cabinet Member of:-
- (a) the name of the person it is proposed is dismissed;
 - (b) any other particulars relevant to the dismissal; and
 - (c) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Director (Governance).
- 6.10 The dismissal referred to in 6.3 above can be made if:-
- (a) the Leader has within the period referred to in 6.3 (c) above stated that there is no Cabinet objection to the dismissal; or
 - (b) no objection from the Leader has been received within the period referred to in 6.3 (c); or
 - (c) the dismissing body is satisfied that any objections received from the Leader within the period referred to in 6.3 (c) are not material or are not well founded.

PART 5

CODES AND PROTOCOLS

WELWYN HATFIELD COUNCIL

CODE OF CONDUCT FOR MEMBERS

This Code as a whole is consistent with “Nolan Principles” which are attached to this code.

1 Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Welwyn Hatfield Borough Council, including:

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and Cabinet Committees
- 1.2 when acting as a representative of the authority
- 1.3 in taking any decision as a Cabinet member or a Ward Councillor
- 1.4 in discharging your functions as a Ward Councillor
- 1.5 at briefing meetings with officers
- 1.6 at site visits and
- 1.7 when corresponding with the authority other than in a private capacity

2 General Conduct

You must:

- 2.1 provide leadership to the authority and communities within its area, by personal example and
- 2.2 respect others, not bully any person and you must not do anything which may cause your authority to breach any of the equality enactments
- 2.3 recognise that officers (other than political assistants) are employed by and serve the whole authority
- 2.4 respect the confidentiality of information which you receive as a member:
 - 2.4.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and overriding public interest in doing so; and
 - 2.4.2 not obstructing third parties' legal rights of access to information
- 2.5 not conduct yourself in a manner which is likely to bring the authority into disrepute
- 2.6 use your position as a Member in the public interest and not for personal advantage
- 2.7 accord with the authority's reasonable rules on the use of public resources for private and political purposes

- 2.8 exercise your own independent judgement, taking decisions for good and substantial reasons –
 - 2.8.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - 2.8.2 paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
 - 2.8.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.9 account for your actions, particularly by supporting the authority's scrutiny function
- 2.10 ensure that the authority acts within the law.

3 Disclosable Pecuniary Interests

You must:-

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest (as defined in the table in the Appendix to this code)
- 3.2 to notify the monitoring officer of any disclosable pecuniary interest or any other interest within 28 days of the adoption of this code
- 3.3 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests or other interests
- 3.4 make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- 3.5 "Meeting" means any meeting organised by or on behalf of the authority, including:-
 - 3.5.1 any meeting of the Council, or a Committee or Sub-Committee of Council
 - 3.5.2 any meeting of the Cabinet and any Committee of the Cabinet
 - 3.5.3 in taking a decision as a Ward Councillor or as a Member of the Cabinet
 - 3.5.4 at any briefing by officers; and
 - 3.5.5 at any site visit to do with business of the authority

4 Other Interests

- 4.1 In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 4.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
 - 4.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
 - 4.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close associationand that interest is not a disclosable pecuniary interest.

5 Gifts and Hospitality

- 5.1 You must, within twenty eight days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a Member from any person or body other than the authority.
- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

Interest	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:-</p> <ul style="list-style-type: none">(a) under which goods or services are to be provided or works are to be executed; and(b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge):-</p> <ul style="list-style-type: none">(a) the landlord is the relevant authority; and(b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	<p>Any beneficial interest in securities of a body where:-</p> <ul style="list-style-type: none">(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either:-

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“Member” includes a co-opted member;

“relevant authority” means the authority of which M is a Member;

“relevant period” means the period of twelve months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011

SELFNESSNESS

To serve only the public interest and never improperly confer an advantage or disadvantage on any person

INTEGRITY

Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

OBJECTIVITY

Make decisions on merit, including when making appointments, awarding Contracts or recommending individuals for rewards or benefits.

ACCOUNTABILITY

To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

OPENNESS

To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

HONESTY

Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

LEADERSHIP

Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

WELWYN HATFIELD COUNCIL

LOCAL CODE OF GUIDANCE FOR MEMBERS AND OFFICERS INVOLVED IN PLANNING AND WELWYN GARDEN CITY ESTATE MANAGEMENT MATTERS

1. CONDUCT OF MEMBERS DEALING WITH PLANNING AND WELWYN GARDEN CITY ESTATE MANAGEMENT SCHEME MATTERS

STANDARDS

Members must have regard to and act in accordance with the standards set out in the Members Code of Conduct which has been adopted by this Council under the Localism Act 2011.

Of critical relevance to the planning process is:-

- the requirement that a Member must not in his/her official capacity or any other circumstances, use his/her position as a Member improperly to confer on or secure for him/herself or any other person, an advantage or disadvantage
- the requirement for Members when reaching decisions to have regard to any relevant advice provided by an Officer of the Council with statutory responsibilities
- the declaration of relevant interests

To ensure compliance with the required standards of conduct Members involved in planning matters should follow the procedures outlined below.

DO'S AND DON'TS

- (a) Listen and take account of views but in so doing should not favour or appear to favour any particular view.
- (b) Not accept gifts and hospitality from people with an interest in a planning proposal.
- (c) Follow the requirements and guidance contained in the Members Code of Conduct (and in any subsequent statutory code) on the declaration of Members' disclosable pecuniary and other interests, if in doubt seeking the advice of the Monitoring Officer BEFORE any meeting of the Development Management Committee or Welwyn Garden City Estate Management Scheme Panel or before the matter is discussed. The decision whether to make any such declaration rests ultimately with the Member.

MEMBERS MUST NOTE THAT THERE WILL BE OCCASIONS WHERE THEY LOSE THE RIGHT TO ACT AS A PRIVATE INDIVIDUAL AND SHOULD ASK ANOTHER MEMBER TO REPRESENT THEIR LEGITIMATE PERSONAL AND PRIVATE INTERESTS AS A “CONSTITUENT”.

As a general guidance Members should **NOT** participate in the discussion or determination of matters:-

- in which they have a disclosable pecuniary or other interest in the matter and the interest is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member’s judgement of the public interest;
 - in which they could be seen to be using their position as a Member to secure preferential treatment or advantage or disadvantage for themselves or those with whom they are connected.
- (d) Members must notify the Governance Services Manager of certain financial and other interests for incorporation into the Council’s statutory Register of Members’ Interests.
- (e) Members must not serve on the Development Management Committee or Welwyn Garden City Estate Management Scheme Panel where substantial property interests, or other interests would prevent a Member from voting on a regular basis.
- (f) Members must play no part in the decision making process in respect of their own planning proposals to the Council or those of persons to whom the Member is acting as agent. This restriction does not prevent Members in seeking to explain and justify their proposal to an Officer in advance of consideration by the Development Management Committee or Welwyn Garden City Estate Management Scheme Panel in the same way as a Member of the public might.
- (g) When being lobbied, Members sitting on the Development Management Committee, Welwyn Garden City Estate Management Scheme Panel or Development Consultation Forum’s in particular must take great care in not expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. To avoid doing so Members should:-
- (i) Restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the officers report to the Committee or Panel.
 - (ii) If Members do express an opinion, make it clear that any opinion expressed by them is their personal opinion, is not their final decision on the matter and that they will only be in a position to

take such a decision after having heard all the relevant evidence and arguments at the Committee or Panel.

- (h) Members should never openly declare which way they intend to vote in advance of the Development Management Committee or Welwyn Garden City Estate Management Scheme Panel meeting and of hearing evidence and arguments on both sides. If they do so (i) below will apply.
- (i) If Members of the Development Management Committee or Welwyn Garden City Estate Management Scheme Panel decide as a response to lobbying to go public in support of a particular outcome, the sensible course of action for such a Member would be to make a declaration to that effect and not to vote on the issue. The Member may still address the Development Management Committee or Panel on the same basis as a Member who is not a Member of the Committee.
- (j) Members should in general avoid organising support for or opposition to an application and avoid lobbying other Members. Any political group meeting prior to a Development Management Committee should not be used to decide how Members should vote. (The use of political whips to seek to influence the outcome of a planning application may amount to misadministration).
- (k) Members should not put pressure on Officers for a particular recommendation and, as required by the Members Code of Conduct, should not do anything which compromises or is likely to compromise, their impartiality.
- (l) Members should never become involved in discussions on alterations to applications which might be required to overcome neighbour objections and/or officer comments.
- (m) In dealing with enquiries relating to a planning or estate management scheme matter Members should comply with the following guidance.
 - (i) If the enquiry relates to a proposal for which a planning or estate management scheme application has been submitted, contact the Planning Officer to ascertain the current position and the likely issues involved.
 - (ii) If the enquiry relates to a planning or estate management scheme decision, ascertain from the Planning Officer what the decision was and the reason it was made and any other relevant background information. Also Members should ascertain what rights of appeal are available and whether there is an outstanding appeal.
 - (iii) If the enquiry refers to a proposal for which no planning or estate management application has yet been submitted, Members should refer the person concerned to the planning office. An Officer will deal with the person by giving them a general indication as to the

acceptability of the proposal and indicate any areas of potential problem or conflict.

- (iv) Members of the Development Management Committee or Welwyn Garden City Estate Management Scheme Panel should preserve their impartiality as decision makers and not normally take part in pre-application or post-submission discussions with developers or other interested parties regarding development proposals. In those exceptional circumstances where Members do attend such meetings, such as the Development Consultation Forum, they should be structured, with an Officer always in attendance and a note taken of the meeting. Where possible, meetings should ensure that representatives of both proposers and objectors should be allowed to present their views through structured meetings. It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision.

2. **CONDUCT OF OFFICERS DEALING WITH PLANNING MATTERS**

(a) **Generally**

Officers should at all times adhere to the standards set out in the Royal Town Planning Institute's Code of Professional Conduct.

(b) **During Pre-Application, Pre-Decision Discussions**

Officers should comply with the following practices:-

- (i) SUBJECT to (ii) below always make clear at the outset that the discussions will NOT bind the Council to making a particular decision and that any views expressed on the way a decision is likely to go in the light of the provisions of the development plan are given on a strictly without prejudice basis.
- (ii) Make clear if they have authority to bind the Council because they can determine an application under delegated powers. Any decisions taken under delegated powers must be well documented and recorded.
- (iii) Give consistent advice based upon the development plan and material considerations.
- (iv) Keep a written note of discussions.
- (v) Ensure two officers attend potentially contentious meetings whenever possible.
- (vi) Send follow up letters where it is important to add to or clarify points arising from discussions.

- (vii) Keep a written note of telephone discussions on file in respect of significant matters.
- (viii) Avoid hospitality from people with an interest in a planning proposal at all times. If receipt of hospitality is unavoidable officers should ensure it is of a minimum level and declare its receipt as soon as possible in accordance with the Council's Code of Practice concerning the same.

(c) Officer Reports to the Development Management Committee and Welwyn Garden City Estate Management Scheme Panel

These must be:-

- (i) Accurate)
 - (ii) Relevant) as for all
 - (iii) Recommend actions) Committee reports
 - (iv) Explain departures from the Development Plan (not for Estate Management Appeals)
- (i) Accuracy – this is obvious and should cover the substance of objections and views of people who have been consulted.
 - (ii) Relevance – again straightforward. Reports should include a clear exposition of the development plan, site or related history, and any other material considerations including reference to any technical appraisal which may have been carried out.
 - (iii) Recommend Actions – reports should have a written recommendation of action. Oral reporting (except to update a written report) should be extremely rare and carefully minuted when it does occur. Reasons for a recommended action should involve weighing up the human rights of persons affected by the recommendation. Recommended action must always be proportionate, that is the ends justify the means.
 - (iv) Departures from Provisions of the Development Plan or Estate Management Scheme Policies – The material considerations which justify this must be stated.

(d) Officer Reports to the Development Consultation Forum

These must be:-

- (i) Accurate
 - (ii) Relevant
- (i) Accuracy – this is obvious and should cover the substance of the pre-application proposal together with any relevant correspondence that has been received.

- (ii) Relevance – again straightforward. Reports should include a clear exposition of the development plan, site or related history, description of the proposal and any other material considerations.

(e) Planning Applications by the Council

Planning applications submitted by the Council for its own development should be treated in the same way as those for private developers, both in terms of procedures and the assessment of material planning considerations prior to their submission to the Development Management Committee.

3. PROCEDURES FOR COMMITTEES CONSIDERING PLANNING OR ESTATE MANAGEMENT MATTERS

- (a) Any decision which is made which is contrary to the Officers' recommendations (whether for approval or refusal):-
 - (i) Should be subject to a detailed minute of the Committee's reasons and a copy placed on the application file.
 - (ii) Officers should be given the opportunity to explain the implications of the contrary decision.
 - (iii) Applications which are refused contrary to Officer recommendations should be supported by clear and convincing reasons for refusal, taking into account material planning or Estate Management considerations.
- (b) In the case of conditions which Members wish to add or amend, Members should advise the Committee of the condition(s) that they wish to add or amend together with relevant wording. Where the full wording cannot be agreed during the Committee, Members will allow Officers to draft the conditions and refer the wording to the Chair and Vice-Chair for approval.
- (c) Members should have good and cogent reasons based on considerations which are material to the consideration of a planning application or Welwyn Garden City Estate Management Scheme Appeal before agreeing any deferment of its consideration to a subsequent meeting.
- (d) The Development Management Committee should review on a biennial basis a sample of implemented planning permissions including those determined under Officers' delegated powers to assess the quality of the decisions. Such a sample to include examples from a broad range of categories. Briefing notes should be prepared on each case and site visits arranged as appropriate. The review should allow the Committee to assess whether it gives rise to the need to review policies or practices.

- (e) Any planning applications submitted by a Member or Officer of the Council or others on their behalf should be considered by the Development Management Committee, irrespective of whether it conforms to policy or is uncontentious, and the Member or Officer should take no part in the processing of the application. The onus is on the Member or Officer to make clear their connection with the Council when submitting their application. The Council's Monitoring Officer should be notified of any such applications and will confirm within the report to the Committee that the application has been processed normally.

4. **PROCEDURES FOR DEVELOPMENT CONSULTATION FORUM**

- (a) Members sitting on the Development Consultation Forum are presumed to have familiarised themselves with the site before the meeting at which the item will be presented.
 - (i) In familiarising themselves with a site Members should avoid being persuaded to carry out site visits at the instigation of, or in the company of a developer/potential applicant.
 - (ii) If Members visit sites with local residents they should be careful, particularly if a Member of the Development Management Committee, not to offer a firm opinion on the matter and should follow the advice outlined in 1, (g), (h) and (i) of this Code.
 - (iii) Members should remember they cannot enter onto private land without first obtaining the permission of the owner and should endeavour whenever possible to familiarise themselves with a site from a public viewpoint.
- (b) Members at the Development Consultation Forum are able to question the developer and seek clarity about the proposals, but should not offer an opinion on the proposal. Any views will be “without prejudice” to the formal decision making process.
- (c) Members will not be able to require the developer to amend the scheme as a result of the Forum.

5. **SITE VISITS BY MEMBERS**

- (a) Members sitting on the Development Management Committee and Welwyn Garden City Estate Management Scheme Panel are presumed to have familiarised themselves with a site before the meeting at which they will be asked to determine the planning application in respect of it:-
 - (i) In familiarising themselves with a site Members should avoid being persuaded to carry out site visits at the instigation of, or in the company of a party to the planning application i.e. the applicant and/or their agent.
 - (ii) If Members visit sites with other residents/objectors they should be careful, particularly if a Member of the Development Management Committee or Welwyn Garden City Estate Management Scheme Panel, not to offer a firm opinion on the matter and should follow the advice outlined in 1, (g), (h) and (i) of this Code.
 - (iii) Members should remember they cannot enter onto private land without first obtaining the permission of the owner and should endeavour whenever possible to familiarise themselves with a site from a public viewpoint. Whilst a Member might be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the Councillor is no longer impartial.

6. **SITE VISITS BY DEVELOPMENT MANAGEMENT COMMITTEE AND WELWYN GARDEN CITY ESTATE MANAGEMENT SCHEME PANEL**

- (a) Site visits arranged by the Development Management Committee and Welwyn Garden City Estate Management Scheme Panel can cause delay and additional costs and should only be used if either of the following circumstances apply:
- (i) The impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by Officers.
 - (ii) There is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- (b) If it is appropriate to defer consideration of a planning application or estate management appeal pending a site visit, the site visit should be carefully organised to ensure that its purpose, format and conduct are clearly established at the beginning and subsequently adhered to. The following guidance should be noted and adhered to at all times.
- (i) The purpose of a site visit is to observe the location of the site and its relationship to adjoining properties and the area generally, where this is relevant. The purpose of the visit is not to discuss the issues with either the applicant or any other third party.
 - (ii) It is for Members to decide whether they wish to view the site from other property or undertake a wider visit to the immediate locality. The need will vary from case to case.
 - (iii) If the applicant and/or the agent are in attendance at the site visit their only role is to bring to the attention of Members any aspect of the site or the surrounding area that they wish Members to familiarise themselves with. They should not be allowed to debate the merits of the proposal with Members.
 - (iv) In instances where Members visit a neighbouring property the point made in paragraph (iii) above also applies to other third parties.
 - (v) During the course of the site visit Members should not give any indication to the applicant or third parties of their opinion on the planning application or Estate Management Appeal and the subject of the site visit.
- (c) For appeals being considered by the Welwyn Garden City Estate Management Scheme Panel, panel members may make a request for a site visit, in writing, before the meeting, to the Head of Planning. Such requests will be discussed with the Chairman of the Panel and, where agreed, carried out prior to the meeting.

General Note

In order that the site visit runs as smoothly as possible the applicants and any other parties likely to be involved in the site visit will be advised of the above procedure prior to the visit whenever possible. If this is not possible the Planning Officer will explain the procedures on the day.

- (d) The reasons for agreeing to a site visit should be fully minuted.

7. TRAINING

- (a) All members are required to attend training before sitting on the Development Management Committee and Welwyn Garden City Estate Management Scheme Panel and to attend as many training sessions as possible.
- (b) Only members who have attended planning training can be appointed as substitutes for members of the Development Management Committee and Welwyn Garden City Estate Management Scheme Panel

8. PUBLIC SPEAKING AT DEVELOPMENT MANAGEMENT COMMITTEE AND WELWYN GARDEN CITY ESTATE MANAGEMENT SCHEME PANEL

The public speaking scheme at Development Management Committee and Welwyn Garden City Estate Management Scheme Panel permits members of the public, Town and Parish Councils, applicants/agents for planning applications and Welwyn Garden City Estate Management appeals to address the Committee meeting where the relevant item is under consideration on the following basis:

- (a) One speaker for, one against, on a first comes, first served basis for an Agenda item (excluding the Town or Parish Council).
- (b) Discretion is given to the Chairman of the Development Management Committee/Welwyn Garden City Estate Management Panel to allow two speakers against in exceptional circumstances, for example if the objections were based on entirely separate grounds.
- (c) The time limit on speaking is three minutes.
- (d) Only persons who have submitted written observations or applicants/agents will be allowed to speak.
- (e) There is a system to put objectors in touch with each other to agree who should speak.
- (f) Following the Officer presentation on the application, the applicant or his/her agent would speak followed by the objector and the Town or Parish Council and then the Ward Member.

- (g) The intention to speak must be registered with Governance Services by telephone or email no later than 5.00pm on the day before the meeting.
- (h) The public is not allowed to circulate written information during the meeting. Written submissions are restricted to those received in advance which would be circulated before the meeting.
- (i) Members of the Committee/Panel are not permitted to put questions to the speakers.

9. **WELWYN GARDEN CITY ESTATE MANAGEMENT SCHEME PROTOCOL**

- (a) When the Council receives an application for building works under the Estate Management Scheme it will notify those people most likely to be affected by it. This usually includes the occupiers of land neighbouring the proposal. The applicant or resident may contact their local Councillor to represent their views.

Notification of Applications to Members

- (b) Whilst neighbours are notified by letter or site notice, Members will be notified by the inclusion of applications for building works on the 'weekly list' of new applications. These lists are circulated weekly by email.

Members' Representations

- (c) Members who would like to make any comments on the application should make them in writing to the Head of Planning before the 'Call-in' date on the weekly list.

Consideration of Members' Views

- (d) The Planning Officer will write a report on each application. If the Planning Officer's recommendation is contrary to the Member written view the application will be discussed with the Executive Member for Planning before a decision is taken under delegated powers.
- (e) If, following discussions with the Executive Member the view is taken to make a decision contrary to a Member's written comments, then a full explanation is given within the final report, setting out why the decision is not made in accordance with the Member's view. If the Executive Member has to declare an interest in the application, then the discussions will take place with the Leader of the Council. The Member will be advised of the decision.

Appeals Against the Refusal of Consent

- (f) Appeals against the refusal of Estate Management Consent where the applicant is not in agreement with the decision and negotiation has proved ineffective shall be dealt with by the Welwyn Garden City Estate Management Panel in accordance with the relevant legislation and with established Council policy.
- (g) The existing arrangements for Site Visits and for Public Speaking at Meetings of the Development Management Committee shall apply to the Panel except that the arrangements for site visits, due to the length of time between meetings, be varied to allow requests to be made in writing before the meeting, to the Head of Planning. Such requests to be discussed with the Chairman of the Panel and, where agreed, carried out prior to the meeting.

10. **CALL-IN OF NORMALLY DELEGATED PLANNING APPLICATIONS TO THE DEVELOPMENT MANAGEMENT COMMITTEE FOR DECISION**

- (a) From time to time local Councillors may choose to call-in sensitive or controversial planning applications that would normally be delegated to Officers, for decision by the Committee.
- (b) Call-ins need to be made as soon as possible after the date a valid application is submitted to avoid unnecessary delays in determining applications. However, call-ins can only be made once a valid application has been received.
- (c) Call-ins should be made within three weeks of the application being published on the Council's weekly list of planning applications sent by email to all councillors.
- (d) **A call-in is generally justified in the following circumstances:-**
 - (i) The application raises unusual or sensitive planning issues which would benefit from the consideration of the Committee.
 - (ii) The application has attracted an unusually high level of public interest. This might be reflected in the number of letters or emails or a petition received in connection with the application.
 - (iii) There has been a recent and significant change of planning policy (either at national or local level) which would result in a different recommendation being made in respect of an application than would previously have been the case.
 - (iv) The application has wider ramifications of more than just local interest.

Other Circumstances

- (e) Any other reasons for requesting a call-in other than those set out above will be discussed with the Member depending on its individual merits and circumstances.

Call-ins requested after the three week period (following the date on which application first appears on the weekly list of planning applications) has expired.

- (f) No call-ins will be accepted beyond the call-in expiry.
- (g) Any exceptional circumstances to justify a late call-in can be made by a member in writing provided the reasons for lateness of the request are explained. In these circumstances, the Chairman of the Development Management Committee (or in the Chairman's absence the Vice-Chairman) will be consulted before a decision is made.

(h) **A call-in should not solely be made in the following circumstances:-**

- (i) In order to “resolve” a disagreement between an applicant and the objector(s) to an application.
- (ii) Because the applicant considers that there is more likelihood of a grant of permission if the application is referred to the Committee for a decision.
- (iii) Because the objectors to an application consider that there is more likelihood of a refusal of permission if the application is referred to the Committee for a decision.
- (iv) Because the applicant/objector does not agree with the advice given by a Planning Officer.

(i) **Procedure**

- (i) A Councillor requesting the call-in of an application to the Development Management Committee should always provide reason(s) in writing for doing so.
- (ii) Any such request should be made by email or in writing to the Development Management Service Manager or the Head of Planning. Officers will confirm the call-in with an acknowledgement email. Councillors should check with the Development Management Service Manager if an acknowledgement is not received.
- (iii) A copy of the call-in will be available for public inspection on the Council’s website and incorporated within the report to the Development Management Committee.

WELWYN HATFIELD COUNCIL

LOCALISM ACT 2011

MEMBERS CODE OF CONDUCT - REGISTER OF MEMBERS INTERESTS

Following adoption of the Members Code of Conduct by the Council at its meeting on 23 July 2012 all elected Members and voting Co-opted Members were required to register their financial and other interests within twenty eight days of adoption of the Code.

Details of the financial and other interests in the prescribed form which Members are required to register are attached.

Any change in the information contained in the notice, must within twenty eight days of the change, be notified to the Governance Services Manager by completion of a new register of Members Interests form.

A copy of the completed Register of Members interests is available for inspection, free of charge, at the Council Offices, Welwyn Garden City, from 9.00am to 5.00pm on Mondays to Thursdays and from 9.00am to 4.30pm on Fridays and is published on the Council's website.

I recognise that it may be an offence under the Localism Act 2011 to:-

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to bring up to date information given in this notice after my re-election or reappointment or to fail to declare a disclosable pecuniary interest that I acquire after the date of this notice and have to declare under the provisions of s. 31 (2) Localism Act 2011.

I also acknowledge that it may be a breach of the Code of Conduct to:-

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to provide written notification to the authority's monitoring officer of any change in my interests contained in this notice within 28 days of my becoming aware of such change of circumstances

Signed :

Date:

RECEIVED

Signed:

Proper Officer of Welwyn Hatfield Borough Council

Date:

WELWYN HATFIELD BOROUGH COUNCIL

REGISTER OF MEMBERS' INTERESTS

GENERAL NOTICE OF REGISTERABLE INTERESTS

I,

A member of Council, set out below under the appropriate headings my interests, which I am required to declare under the Localism Act 2011 and the Council's Code of Conduct and I have put "none " where I have no such interests under any heading.

<u>Disclosable Pecuniary Interests</u>	
Members are required to register not only their own interests under this heading but also those of their husband or wife, civil partner or of any person with whom they are living as if husband and wife or as civil partners when such interests are known by them	
1. Your employment, office, trade, profession or vocation carried on by you or those persons referred to above for profit or gain (includes any payments or benefits in kind which are subject to Income Tax).	
2. Any payment or provision of any other financial benefit (other than for your authority) made or provided within the last twelve months in respect of expenses your have incurred in carrying out your duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 other than from a registered political party	

<p>3. The name of any person or body in which you or a person referred to above has a beneficial interest in securities of that body where:</p> <p>(a) that body to your knowledge has a place of business or land in the area of your authority; and</p> <p>(b) either-</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issue share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or a person referred to above has a beneficial interest exceeds one hundredth of the total issue share capital of that class</p>	
<p>4. A description of any contract for goods, services or works made between your authority and you or the persons referred to above (or a body in which you or they have a beneficial interest) and which has not been fully discharged</p>	
<p>5. Any land in your authority's area in which you have a beneficial interest</p>	
<p>6. Any tenancy where to your knowledge the landlord is your authority and the tenant is a body in which you or a person referred to above has a beneficial interest</p>	
<p>7. Any land in the authority's area for which you or the persons referred to above have a licence (alone or jointly with others) to occupy for a month or longer</p>	

Other Pecuniary Interests

Members are only obliged to register their own interests under this heading and do not need to include the interests of husbands/wives/civil partners or others

1. The name of the person who employs or has appointed you, the name of any firm in which you are a partner, and the name of any company for which you are a remunerated director.

2. A description of any contract for goods, services or works made between your authority and you (or a body in which you or they have a beneficial interest) and which has been fully discharged within the last 6 months

Registerable Non-Pecuniary Interests

Members are only obliged to register their own interests under this heading and do not need to include the interests of husbands/wives/civil partners or others

1. Your membership of or the fact that you are in a position of general management and control of any body:-

- a. to which you have been appointed or nominated by your authority
- b. exercising functions of a public nature
- c. directed towards charitable purposes
- d. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

2. The name of any person from whom you have received a gift or hospitality with an estimated value of at least £100

OFFICERS CODE OF CONDUCT

1. CODE OF CONDUCT

- 1.1 This Code of Conduct for all Welwyn Hatfield Council (the Council) employees is introduced with effect from 1st May 2002 and replaces the previous Codes of Conduct for Employees. It may be amended from time to time to take into account changing requirements and also to include matters which the Council is required to include by law.
- 1.2 The Code is based on the minimum standards set out in the LGMB Code of Conduct, supplemented by local arrangements. The Code forms part of the Employment Contract and will be referred to in contracts of employment.
- 1.3 It is very important for all employees to read and understand this Code. It is possible in some circumstances that if employees fall below the Code's requirements disciplinary action and possibly dismissal may result. The Code has been developed to ensure that honesty, integrity and high standards of personal behaviour are maintained at all times, and applies equally to all Council employees. This Code builds on what is already in place, and is likely to be supplemented by a statutory code of conduct. This Code is intended to assist all employees to behave in an appropriate manner at all times. Employees and the Council will seek to observe not only the letter of this code but also its spirit. The key factors are:-
- * You should be aware of the possible implications of your actions and those of others in official matters.
 - * Seek advice from your Line Manager if you have difficulty understanding the Code or complying with it.
 - * Realise that if you fail to observe the rules and guidance contained in this Code you may be liable to disciplinary action which could lead to your dismissal.
- 1.4 As an employee your duties under your contract of employment with the Council include:-
- (a) A duty of service - to work in accordance with your contract, eg not to be late or absent without permission.
 - (b) A duty to comply - to act in accordance with reasonable instructions which include disciplinary rules.
 - (c) A duty of care - to be competent, capable and not be negligent at work.
 - (d) A duty of good faith - to be honest and not accept fees, commissions or gifts, or to divulge confidential information about the Council.

2. STANDARDS

- 2.1 Welwyn Hatfield employees are expected to give the highest possible standard of service to the public and to maintain conduct of the highest standards such that public confidence in their integrity is sustained.
- 2.2 Welwyn Hatfield employees are expected to give appropriate advice to Councillors, fellow employees and the public with impartiality.
- 2.3 Welwyn Hatfield employees are expected to bring to the attention of the appropriate Manager any deficiency in the provision of service and will be able to do so without fear of recrimination.
- 2.4 Employees must also report any impropriety or breach of procedure, using the Employee Fraud and Dishonesty Policy or the Whistleblowing Policy where appropriate.

3. DISCLOSURE OF INFORMATION

- 3.1 The law requires certain types of information to be available to Councillors, Auditors, Government Departments, Service Users and the public.
- 3.2 Welwyn Hatfield Council believes in open government and will provide as much information as it reasonably and legally is able to do. However under no circumstances should the following information be disclosed without the prior agreement of your Manager:-
 - * confidential Cabinet or Committee reports (green papers)
 - * information relating to employees other than where the employee has given specific permission or there is a requirement to do so within the Data Matching Framework
 - * Personal Information relating to service users.
 - * Information which could be prejudicial to the Council
 - * any other papers given in confidence

It is expected that Council reports and documents will not be discussed outside the Council. This paragraph refers to information held both in paper and electronic formats.

- 3.3 You must not supply information concerning an employee's personal details to any person outside the Council's employ or within the Council unless that person has a legitimate right to know and/or you have the employee's consent to do so.
- 3.4 When you leave the Council's employ you must maintain a proper level of trust and confidence.

3.5 If there is any doubt about the type of information not in the public domain to be disclosed there is a duty on employees to check with their Line Manager before making any disclosure. The Monitoring Officer (Director of Governance) will be the final judge of what may or may not be disclosed.

3.6 Employees must not use any information about the Council obtained in the course of their employment for personal gain or benefit nor should they pass it on to others who might use it in such a way. Any information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged by the employee without prior approval of that Councillor except where such disclosure is required or sanctioned by law.

4. POLITICAL NEUTRALITY

4.1 Employees serve the Council as a whole. This means that they must serve all Councillors, not just those of the controlling Group, and must ensure that the individual rights of all Councillors are respected.

4.2 Employees may be required to advise political Groups. They must do so in ways which do not compromise their political neutrality.

4.3 Employees, whether or not subject to political restriction must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

4.4 Employees should not discuss any personal issues e.g. their relationship with managers, relating to their job or any other employee's job with Councillors directly. They should go through the accepted Council procedures, through their Line Manager or the Human Resources Manager. In the same way, allegations or claims about other employees should be taken up under the appropriate procedure and not with a Councillor.

4.5 Employees should not use Councillors to bypass formal Council procedures in any way, for example to influence the outcome of any disciplinary matter. This does not affect the rights of Trades Unions to take up matters on behalf of their members through the recognised channels.

4.6 If you have any concerns about working relationships with Councillors you should raise them with your Line Manager, the Human Resources Manager or the Monitoring Officer

5. RELATIONSHIPS

5.1 Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage relationships and prove embarrassing to other employees and Councillors and must therefore be avoided.

- 5.2 Applicants for posts in the Council are required to disclose any relationship with Councillors or Senior Officers. Should any relationship develop post employment the employee has a duty to notify his/her Line Manager in confidence.
- 5.3 Employees must comply with the protocol the Council has established which deals with employee/Councillor relationships.
- 5.4 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council. Employees must not discriminate against any sector of the community either in providing access to service, through delivery of that service or in denying service outside the Council's agreed policy. The Council will support employees who are abused or assaulted by members of the public in the course of their duties. If a member of the public is being abusive or completely unreasonable and the employee's attempts to defuse the situation have not been successful, the employee should try to end the conversation in a polite manner and report the incident to the Line Manager. The employee should make every effort not to be rude or abusive in return. This should also be reported through the Incident reporting mechanism.
- 5.5 All relationships with external contractors or potential contractors, of a business or personal nature must be made known to the appropriate Line Manager and Section 151 Officer (Director of Finance and Operations). Orders and contracts must be awarded on the basis of value for money and in accordance with Contract Standing Orders.
- 5.6 In considering whether it is appropriate to declare relationships employees must err on the side of caution, seeking advice from their Line Manager or the Monitoring Officer as to whether a formal declaration is appropriate. It is vital that the integrity of all employees is maintained in all external contracts.

6. EMPLOYMENT

- 6.1 All appointments to the service of the Council must be made on merit. It would be unlawful for an employee to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, employees should avoid, wherever possible, involvement in any appointment where they are related to the applicant or have a personal relationship outside work with him or her. If this is not possible, the relationship must be declared to other panel members at the start of the process.
- 6.2 Employees placed in this situation should err on the side of caution and seek advice from their Line Manager or Human Resources Manager. Any relationship must be declared to the Human Resources Manager who will keep a confidential record.

6.3 Similarly employees should not normally be involved in decisions relating to discipline, promotion or pay for any other employee who is a relative, partner etc. If this is unavoidable any decision relating to a relative must be agreed by the relevant Director prior to implementation. If in doubt seek advice from your manager.

6.4 The Officer Employment Procedure Rules must be complied with at all times.

7. OUTSIDE COMMITMENTS

7.1. The Council accepts that an employee's off duty hours are his/her personal concern but that the employee must not subordinate his duty to his private interests and place him/herself in a position where duty and private interests conflict. The Council will not preclude employees undertaking additional employment but any such employment must not actually or potentially, in the Council's view, conflict or react detrimentally to the Council's interests or in any way weaken public confidence in the Council's business, i.e. whether public confidence could reasonably be said could be weakened.

7.2 Employees above spinal column point 30 must not take up additional employment without the express consent of their Director. Employees should remember that a new job or regrading may take them above spinal column point 30, and the provisions of this paragraph will then apply. For employees below spinal column point 30, although express permission is not required, the provisions of this code regarding conflict of interest and public perception still apply.

7.3 If you wish to undertake additional employment you should approach your Line Manager who will forward your request with his/her recommendation to your Director. Permission will not be unreasonably withheld, but the final decision will be with the Director, subject to the right of appeal set out in paragraph 7.4 below.

7.4 Consideration will be given to all the circumstances and in particular to possible conflict of interest, to public perception or overlap with official duties, or to the use of information or documentation not otherwise in the public domain which an employee has access to by virtue of his/her position. It is irrelevant whether or not the work is paid. Examples of external work which are likely, unless there is direct conflict of interest or conflict with the Working Time Regulations to be agreed are evening work in bars or shops, work for charitable organisations. If an employee feels that his/her request has been unreasonably refused, there is a right of appeal to the Chief Executive, and ultimately to the Council Appeals Committee. Any employee, who before the date of implementation of this Code, has been working in his/her own time is asked to regularise the situation with their Line Manager as soon as possible. No action will be taken against any employee who has been working without approval prior to the introduction of this Code.

7.5 Employees must also declare to their Line Manager and The Monitoring Officer any non-financial interest that they or their Line Manager or the Monitoring Officer would reasonably consider might bring about conflict with the Council's interests.

7.6 Employees must also declare to their Line Manager and the Monitoring Officer any financial interest which could conflict with the Council's interests.

7.7 Absolutely no external work unrelated to Council business or for personal gain must be undertaken in the office and use of any office facilities, telephones, computers etc. is expressly forbidden.

8. EQUALITY

8.1 All employees should ensure that the Council's equalities policies are complied with both in letter and spirit in addition to the requirements of the law.

9. SEPARATION OF ROLES DURING TENDERING

9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of the client and contractor roles, and the need for accountability and openness. Any employee who believes that his/her position is being or could be compromised through the tender process must raise the matter immediately with the Monitoring Officer.

9.2 Employees who are privy to confidential information on tenders or costs of either internal or external contractors should not disclose that information to any unauthorised party or organisation.

9.3 Employees contemplating a management buy out should, as soon as they have formed a definite intent, inform the Chief Executive and withdraw from the contract awarding process.

9.4 Employees should ensure that no special favour is shown to current or former employees or their partners, close relatives or business associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. CORRUPTION

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

10.2 Providing the public with the highest quality of service possible requires integrity and honesty at all times.

10.3 To prevent any suspicion of dishonesty and to protect employees from suspicion, a Gifts and Hospitality Register will be kept by the Governance Services Manager. Any offer of a gift or hospitality should be dealt with in compliance with sections 12 and 13 of this code. It is the employee's

responsibility to ensure that any offers are communicated to the Manager for entering into the register.

11. USE OF FINANCIAL RESOURCES

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

12. HOSPITALITY

12.1 Gifts

- 12.2 There can be little doubt that the acceptance of gifts by employees from persons who have or may seek to have dealings with the Council would be viewed by the public with grave suspicion and would make the employee concerned and the Council extremely vulnerable to criticism. An employee should therefore tactfully refuse any personal gift which is offered to him/her (or to a member of his/her family) by anyone who has, or may have, dealings of any kind whatsoever with the Council.

- 12.3 The only exceptions to this rule are:-

- (a) Small gifts of only token value often given by way of trade advertisements to a wide range of people, e.g. calendars, diaries, tape measures and similar articles of use in the office; or
- (b) Small gifts of only token value given on the conclusion of a courtesy visit, e.g. to a factory or other premises.

- 12.4 If there is any doubt about whether a gift may be accepted it should be politely and tactfully refused. An offer of preferential terms for a firm's products or services for example could constitute a gift (unless negotiated by Trades Unions).

- 12.5 Employees are reminded that, under the provisions of section 117 of the Local Government Act 1972, they are forbidden under the colour of their office and employment to accept any fee or reward other than their proper remuneration and any person who contravenes this provision would be liable on summary conviction to a fine not exceeding £2,500.

- 12.6 If an employee received a gift without warning, which does not fall in any of the exceptions mentioned above, this should immediately be reported to their Director or the Chief Executive and/or Director (Governance) who will decide whether it should be returned or could be forwarded to some charitable or other deserving cause. In such cases, the Director concerned should inform the donor what has happened to the gift, explain to him/her why and ask if he/she will kindly not send gifts in future.

- 12.7 In all cases, other than gifts of only token value, a Departmental record should be kept of all gifts received.

12.8 Giving and Receiving Hospitality

- 12.9 Any hospitality given by employees should be justified as in the public interest. The hospitality given should be on a scale appropriate to the occasion; extravagance and parsimoniousness alike are to be avoided.
- 12.10 Employees must refuse offers of hospitality where any suggestion of improper influence is possible. Special caution is necessary where hospitality is offered by a person or body having or seeking business with a decision from the Council, particularly where the offer is to an individual.
- 12.11 Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonable incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality.
- 12.12 Whatever hospitality is offered to an employee, other than hospitality of nominal value only, the circumstance and the type of hospitality should be recorded in a Departmental record.
- 12.13 The following are examples of hospitality which are acceptable and with the exception of example (a) need to be declared:-
- (a) An offer of a non-alcoholic drink during or following a site or premises inspection.
 - (b) Invitations to attend functions where the employee represents the Council (e.g. dinners where they are invited to speak, opening ceremonies, trade shows, etc.) or to functions which they attend by virtue of their professional position.
 - (c) Hospitality offered by other non-commercial public bodies.
 - (d) A working lunch of modest standard provided to enable the parties to continue to discuss business.
- 12.14 Anything that is outside the list set out at 12.13 above should be discussed with the appropriate Director. In the case of Directors being offered gifts or hospitality outside the defined areas, the proposition should be discussed beforehand with the Chief Executive and/or the Director (Governance).

13. REGISTER OF GIFTS AND HOSPITALITY

- 13.1 The Register of Gifts and Hospitality is held by the Governance Services Manager. Employees must inform their Line Manager in writing of any hospitality/gift offered and must include the following details on a form available from the Governance Services Manager.

* Name of employee

* Name of provider of hospitality/gift

- * Circumstances of offer
- * Approximate value
- * Was hospitality/gift accepted or rejected
- * Name of Officer authorising acceptance

14. CONTACT WITH THE PRESS

14.1 Any contact by the Press should be referred to the Policy and Communications Team. Employees must not speak to the Press in their official capacity unless authorised to do so.

14.2 Publications

14.2.1 If you wish to write to a newspaper or other journal or publish or authorise the publication of any book or article where you could be identified as a Council employee you must obtain permission from your Director. If you wish to write a letter to the local press in your capacity as a local resident you should make this clear, and not use any information in support of your views which you could only have accessed through your work for the Council.

14.2.2 When acting in a personal capacity or as a spokesperson for a private group you must consider any possible conflict of interest between genuine personal interests and your employment with the Council and must not publicise any information or documentation gained in the course of employment which is not otherwise in the public domain. For example if you are spokesperson for a group which is objecting to an action being taken by the Council you should be aware of possible conflicts of interest and public perception of your position.

14.3 Lectures

14.3.1 If you are asked to give lectures outside your normal job requirements in your own or the Council's time on matters directly concerning your job with the Council you must obtain your Director's approval in advance and ensure that any fees for acting in an official capacity are paid into the Council's funds.

14.4 Public Office

If you wish to seek public office either elected (e.g. Councillor) or non-elected (e.g. JP) you must apply to your Director for consent. Such consent will not unreasonably be withheld. Before pursuing your application you should:-

- (a) ensure that you are not prevented from being involved because your post is politically restricted under the Local Government and Housing Act 1989
- (b) be aware of the possible conflicts of loyalty between being a Councillor in one Council and an employee of another

- (c) keep the two roles separate and not use confidential information obtained in one position to gain advantage in the other
- (d) give careful consideration to your involvement in local politics or community matters which may affect the Council, so as to prevent any conflict between public office and employment.

15. TRADE UNIONS

- 15.1 Trade Unions elected officers and representatives have a legitimate interest in influencing management and protecting the interests of their Members. Elected officers may therefore make contact with the press to state their position and make comment without the need for any such statement to be agreed by the Council's Press Office.

16. USE OF COUNCIL FACILITIES

- 16.1 Employees should not use Council facilities for their own benefit. However it is accepted that there may be occasions when phone calls of a personal nature are made and received. Employees are required to ensure that this is kept to a minimum. All personal telephone calls made must be noted and paid for through the monthly call log. Employees are also required to ensure that personal telephone calls received are not intrusive and kept to a reasonable level and that there is a genuine need for such calls during office hours. For example telephone calls to your solicitor relating to a house move may be acceptable but not calls to Estate Agents to send you details; calls relating to social events are not. Managers are required to exercise reasonable judgement in the circumstances. This includes calls made from mobile phone and calls to mobile phones.

17. IT FACILITIES

- 17.1 The Council will not condone the unauthorised use and copying of software. Any employee found copying software other than for legitimate back up purposes will be subject to the Council's Disciplinary procedure. Any employee giving software to any outside third party will be similarly subject to Disciplinary Procedure.
- 17.2 Any employee found to have deliberately, recklessly or negligently introduced a virus into the Council's IT systems will be subject to the Disciplinary Procedure.
- 17.3 Any Officer wishing to use software licensed by the Council at home must check with the IT Client Officer to ensure the Council's licence arrangements permits this.
- 17.4 **INTELLECTUAL PROPERTY**
- 17.5 This covers invention, creative writing and drawings. If these are created during the course of employment or in connection with the employment they are the property of the Council. For example you do not own any IT system

you have developed for use in the workplace even if some of that development has been done in your own time.

18. INVENTION OR PATENTS

18.1 These are the property of the Council if:-

- * they have been made during the course of the employee's duties
- * they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- * it was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

18.2 Any employee who believes they have a claim to intellectual property or rights under the Patents Act 1977 must, as soon as they believe they have this right, lodge their claim by writing to the Monitoring Officer who will investigate the claim. An employee may have rights under this Act if he/she owns the patent in an invention or makes a patentable invention outside work duties, or in the course of work duties but where an invention might not reasonably be expected to result and there is no special obligation to benefit the employer.

19. CORRUPTION

19.1 The procedure by which the Council selects developers, consultants and suppliers is set out in Contract Procedure Rules. The Local Government Act 1972 provides that if an employee knows that a contract in which he or she has a pecuniary interest is before the Council he/she must give notice of the interest to the Council. This must be done in writing to the Monitoring Officer.

19.2 Section 117(2) of the Local Government Act 1972 forbids an employee "under colour of his office or employment" to accept "any fee or reward" whatsoever other than proper remuneration.

20. CONDUCT

20.1 At all times an employee must bear in mind the need to uphold the reputation of the Council and not do anything which would bring the Council into disrepute or raise, in the eyes of the public, any potential for disrepute. This requirement also applies to activities outside work where the employee's employment with the Council could be an issue.

21. USE OF COUNCIL PROPERTY

21.1 Unauthorised use of certain Council property may constitute theft. The Council allows a measure of latitude for the use of minor stationery items such as pens and pencils.

22. BEHAVIOUR

- 22.1 All employees are expected to treat colleagues and customers with respect. The Council's policies on equalities, harassment, victimisation and discrimination apply in this area.
- 22.2 Everyone has the right to be treated with courtesy and respect at all times and it is the employees responsibility to ensure that they always treat others in this way.
- 22.3 Additionally, everyone is entitled to be treated fairly and not be discriminated against and the Council expects employees to reflect this when carrying out their duties.

PROTOCOL ON MEMBER/OFFICER RELATIONS

The purpose of this Protocol is to guide Members and Officers in their relations with one another so as to assist in the proper running of the Council.

1. **THE PRINCIPLES UNDERLYING MEMBER – OFFICER RELATIONS**

- A good working relationship between Members and Officers is essential to the proper functioning of the Council.
- Members and Officers have distinct but complementary roles and responsibilities and are indispensable to one another.
- Mutual respect between Members and Officers is essential to good local government.
- Close personal familiarity between Officers and individual Members can damage a good working relationship and should be avoided. If it exists it should be declared.
- The political neutrality of Officers must be respected and observed at all times.
- Officers must serve all Members not just those of any particular group
- Officers must not allow their own personal or political opinions to interfere with their work
- Members need professional assistance and support from Officers in order to be effective in their various roles.
- Members should accept and act on the professional advice given to them by Officers unless they have good reasons not to do so.
- Members should not put unreasonable demands on Officers and must never ask Officers to breach any Council procedure, policy or legal requirement.
- Officers should provide efficient support to Members at all times
- There should be no improper disclosure of information between Members and Officers
- Members should not raise matters relating to the conduct or capability of an Officer in public.

2. THE ROLE OF MEMBERS

Members of the Council have a complex role and have to act in a number of capacities.

The representative role – Members are accountable to the electorate who elect them and have an important role in expressing the wishes of the electorate, which will involve representing ward interests and representing individuals as occasion arises.

The role as a Member of the Council and its Committees – Members have individual and collective responsibility in properly fulfilling the role as a Member of full Council or serving on a Council Committee.

The role as an office holder - Members who are appointed to the Cabinet or are appointed as Committee Chairmen, Vice Chairmen etc. will have individual and collective responsibility for performing these roles effectively.

The role as a Member of a political group – Members will usually belong to a political group represented officially on the Council and will be free to express political values and support the policies of the Group to which they belong.

3. THE ROLE OF OFFICERS

Officers are employees of and responsible to the Council. Their role is to carry out the Council's work in accordance with the policy and budgetary framework agreed by the Council and under the direction as to implementation of the Cabinet. They are responsible for assisting in the work of the Council Committees, sub committees and the overview and scrutiny function. Officers also have responsibility for supporting Members in their various roles, by the provision of advice and support as appropriate.

In addition, certain Officers hold the statutory posts of Head of Paid Services, the Chief Finance Officer and the Monitoring Officer.

4. THE RELATIONSHIP BETWEEN MAYOR OF THE COUNCIL AND OFFICERS

The Mayor is appointed annually from the Membership of the Council. The principles which underlie Member/Officer relations therefore also apply to the relationship between the Mayor and Officers. However the position as Mayor carries with it specific civic and ceremonial duties and Officers will provide support to assist the Mayor in the performance of the civic and ceremonial role. This will include the provision of support in organising the calendar of civic events, transport arrangements and administrative support in dealing with complaints addressed directly to the Mayor. Support will also be provided to the Mayor on implementation of the Council's Procedure Rules to assist in the chairing of meetings of the Council.

5. THE RELATIONSHIP BETWEEN THE LEADER AND MEMBERS OF THE CABINET AND OFFICERS

The Leader and Members of the Cabinet are appointed by the Council from serving Members. In addition to the principles which underlie the relationship between Members and Officers there are some additional requirements in connection with the relationship between the Cabinet and Officers.

The Cabinet will be involved in preparing the policy and budgetary framework for agreement by the Council. These responsibilities will require a close working relationship with Officers.

The following principles shall apply to facilitate this working relationship.

- Officers shall make themselves available to brief and advise the Leader and other Members of the Cabinet outside the formal decision making process in connection with executive matters at all reasonable times.
- Officers shall keep the detail of such meetings confidential together with the associated papers.
- Officers shall make themselves available to advise Executive Members at all reasonable times in connection with the discharge of executive functions.

6. THE RELATIONSHIP BETWEEN THE CHAIRMEN AND MEMBERS OF OVERVIEW AND SCRUTINY AND OFFICERS

Members exercising overview and scrutiny functions will be serving Members from outside the Cabinet. In order for such functions to be effective the following principles will apply in connection with the relationship with Officers in addition to the underlying principles governing Member/Officer relationships. These principles shall be applied to accord at all times with the Overview and Scrutiny Procedure Rules for the operation of the Overview and Scrutiny function which are set out in Part 4 of this Constitution.

- Officers shall respond to requests from the Overview and Scrutiny Committees for information which is necessary in order for those Committees to discharge their functions.
- Officers shall provide support to Members exercising overview and scrutiny functions which will include giving advice and assistance and providing written reports on matters within their remit.
- Officers shall attend before the Overview and Scrutiny Committees to answer questions posed by Members of those Committees in connection with the reasonable discharge of their functions. Such questions may include requiring Officers to state and explain the advice they have given the Cabinet in connection with an executive decision or matter that the Overview and Scrutiny Committee is reviewing.

7. THE RELATIONSHIP BETWEEN CHAIRMEN AND MEMBERS OF OTHER COMMITTEES AND OFFICERS

There will be non-executive Committees exercising regulatory and licensing functions, for example, Development Management Committee and the Hackney Carriage Committee. Again the principles underlying Member/Officer relations apply to such Committee Members and Officers.

In addition Officers will provide administrative and professional support and advice to such Committees pursuant to their functions.

8. OFFICER RELATIONSHIPS WITH PARTY GROUPS

Party groups are an integral part of the way the Council works and it is a proper function of Officers to support and contribute to party group consideration if required. In practice this is most likely to be for the majority group, although Officer support is available to all party groups.

In connection with Officer relationships with party groups the following principles shall apply.

- Any attendance of an Officer at a meeting of a party group shall be with the prior agreement of the Chief Executive (unless it is a general briefing meeting prior to a Committee).
- Officers will provide factual information and advice only on areas within their professional remit and in relation to issues currently or shortly to be considered by the Council, whether relating to executive or non-executive functions, provided that the request does not relate to an individual matter such as a planning application, or does not disclose information given at confidential briefings with the Cabinet. The provision of such Officer information and advice cannot act as a substitute for providing all necessary information and advice to the ultimate decision making body.
- Any such meeting will be held at the Council offices.
- The only other persons present at such a meeting should be Members of the Council.
- Officers must leave group meetings before groups enter into political discussion. Group Members should refrain from political comment until the Officer concerned has left the meeting.
- Officers must not disclose the nature of any business conducted at party group meetings.

Group leaders and the Chief Executive will formally meet jointly at regular intervals on a basis to be determined between them. This should not inhibit any Member seeking a meeting with the Chief Executive or appropriate Director in connection with a matter affecting the Council.

Groups, through their Leaders, may require to be briefed by the Chief Executive or appropriate Director on the business of the Council. Such a briefing will be treated with whatever level of confidentiality the group requires.

9. MEMBERS IN THEIR WARD ROLES AND OFFICERS

It is necessary for Members, in order to properly discharge their representative roles, to be provided with information on items which affect their Wards. Members are entitled to such information unless the work required to supply the information is out of proportion to the benefit. Requests for information should be directed to Officers with management responsibilities.

Members will also receive administrative support to facilitate the holding of surgeries within their respective Wards. This support together with items such as computers are provided to Members to assist them in discharging their role as Members of the Council.

10. MEMBER ACCESS TO DOCUMENTS AND INFORMATION

The principles which govern Members right of access to documents and information are as follows.

- The proper running of the Council requires Members to be fully informed on items on which they are required to make decisions or which affect their Wards and to support overview and scrutiny.
- In principle, information is the property of the whole Council, but there are circumstances recognised by statute where it is reasonable to restrict circulation.
- The legal rights of Members to access Council documents for the purpose of fulfilling their functions as Members will be respected at all times.
- Members' rights to access to documents relate to documents in the possession of the Council and not, for example, documents in the possession of a particular party/political group.
- Any document or information provided to Members will only be used in connection with the proper performance of the Member's duties as a Member of the Council.
- There will be no leaking of confidential documents or information to third parties e.g. the press.

The legal right of access

Members have the right to see documents containing information relating to any business to be transacted at Council/Committees/Panel/Cabinet meetings (regardless of whether they are Members of such bodies). **Excluded** from this right are documents containing certain exempt information relating to individuals, terms to be proposed by or to the Council in the course of negotiations for a contract, labour relations matters, information where a claim

to legal professional privilege could be maintained and information relating to any action in connection with the prevention, investigation or prosecution of crime.

The same right of access applies to documents relating to decisions made by individual Cabinet Members and any key decisions made by Officers once the decisions are made. The same exclusion from the right of access applies in relation to certain confidential/exempt information, as detailed in the above paragraph.

For the purposes of overview and scrutiny access by Members exercising those functions to **any** confidential/exempt information is permitted if such information is relevant to the work of overview and scrutiny.

Members also have the legal rights available to the public to inspect agendas, reports, minutes and background papers on the public part of agendas.

In addition to these statutory rights any Member has a common law right to inspect any document if they have a “**need to know**” i.e. if it is reasonably necessary to fulfil their duties as a Member.

A Member will normally have a “**need to know**” if he/she is a Member of the Committee/decision making body which is responsible for the service to which the document relates or it is relevant to their responsibilities as a Ward Member.

In cases where Members are not entitled to access to documents either by virtue of statute or common law, access to otherwise confidential/exempt documents e.g. because they relate to personal circumstances or contain commercially sensitive information, will have to be justified by Members.

Information – Members are free to ask Officers for information, explanation and advice as they may need to help them discharge their role, but there may be circumstances where the work required to supply the information is out of proportion to the benefit. Information will be refused if it clearly is being requested for a political purpose or some other improper purpose e.g. to assist an individual to take or contest action by the Council. Further, compliance with data protection principles may limit the ability of Officers to comply with a Member’s request.

Any dispute relating to a Member’s right to access documents or information should be referred to the Director (Governance) for decision.

11. CO-OPTED MEMBERS

Individuals who are not Members of the Council may be co-opted onto decision making bodies from time to time. For example Overview and Scrutiny Committees are given specific power to co-opt Members onto their Committees to assist their work.

This Protocol on Member/Officer relations will apply to the extent necessary to enable co-opted Members to properly discharge their functions. Co-opted

Members with voting rights are also required to comply with the Local Code of Conduct for Members.

12. PUBLIC RELATIONS AND PRESS RELEASES

The Policy and Communications Service serves the Council as a whole and operates within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to effect public support for a political party.

All press releases issued by the Council and in the Council's name shall only contain factual information. The Council press releases are drafted by Officers. Where such releases contain quotations from Members (within the limits of the Local Government Act 1986) those Members whose quotations are being used must be consulted.

Press releases relating to Committee items will be prepared by the Policy and Communications Manager in consultation with the author of the report, the relevant Director and the Chairman of the relevant Committee. Those relating to executive functions will be prepared in consultation with the relevant executive Member.

All press releases will be copied to the Mayor, the Leader and all Group rooms at the time of release to the press, and will be available on the Council's web site.

When a Member is quoted, their political affiliation will be specified. In press releases where there are no Member quotations, non-political quotations from Officers will be acceptable.

Media briefings may be called by the Chief Executive in consultation with the Leader of the Council or appropriate executive Member.

Press requests for information or comment from the Council will be referred by the Policy and Communications Service, to the Chief Executive, or relevant Director (or other senior officer directly responsible for the matter concerned) except where a response has been pre-agreed or is a matter of basic information which has already been a Part 1 Item. The Policy and Communications Service should be kept informed of all direct approaches by the press and other media and the information and comment supplied. Members contacting or contacted by the media should indicate in what capacity they are speaking e.g. in a personal capacity, as Ward Member, as Chairman of a Committee, on behalf of the Council or on behalf of a political group. Where any matters of policy or of a controversial nature relating to Council business are concerned, the Leader or appropriate portfolio holder or Committee Chairman must be informed as soon as possible and given an opportunity to respond, with assistance of the Communications Manager.

"Photo opportunities" will be arranged for the Mayor, Deputy Mayor, Chairman of relevant Committees, Leader or relevant portfolio holder in connection with Council business or civic duties.

Local journalists will be encouraged to exercise their right to attend all public meetings of the Council, its Committees and the Cabinet.

13. CORRESPONDENCE

Correspondence between an individual Member and an Officer, particularly when it has been initiated by the Member, should not normally be copied (by the Officer) to any other Member other than the appropriate Group Leader. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of “silent copies” should not be employed.

Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

14. THE APPOINTMENT AND DISCIPLINE OF OFFICERS

Members taking part in the recruitment of Officers should judge candidates on merit in accordance with the Council’s Recruitment and Selection Policy, and may only participate in Appointment Panels if they have undertaken appropriate training in recruitment and selection. Members must not seek to influence appointments made by Panels to which they do not belong or otherwise seek support for any candidate, or give any particular candidate information not available to others, or participate in recruitment where friends, relatives, partners or members of their household are candidates.

Members may be involved in disciplinary issues at an Appeals Committee. Officers have the right to be dealt with in accordance with the Council’s procedures, with impartiality and objectivity. At disciplinary hearings Members act in the role of employer. Decisions must be based on the facts of the case. Political or personal considerations must not be allowed to influence the decision. Because the information about disciplinary cases relates to particular Officers, Members other than those hearing the case, have no right to see the papers.

All the principles in the foregoing paragraph apply equally to Councillor involvement in employee grievances.

If a Member has any concerns about the conduct or capability of an Officer then the Member should report it to the appropriate Manager. They must not however seek to influence any subsequent disciplinary procedure conducted by the Manager. Further, Members must never seek to influence any disciplinary matter heard by a Member Committee to which they do not belong. (Any concerns which Officers have regarding a Members’ conduct should be raised with the Monitoring Officer).

15. EMPLOYMENT NEGOTIATIONS

Members who are involved in employment negotiations do so in the role of employer. Members who are Members of a trade union must not serve on bodies which have a responsibility for negotiating with that trade union.

A Member may be asked for advice and assistance by an Officer who is one of his/her constituents on issues not directly connected with the Officer's employment with the Council. However it is not appropriate for Members to be approached by Officers on issues relating to their employment and if this occurs, Members should advise the Officer concerned to use the proper procedures.

OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

Filming, Videoing, Photography and Audio Recording At Council Meetings

This legislation provides the press and public the right to film and digitally report from all public meetings of local government bodies.

It should be noted that the legislation also covers Parish Councils and Parish Meetings.

The press and public will be allowed to use modern technology and communication methods such as filming, audio-recording, blogging and tweeting to report the proceedings of the meetings of councils and other local government bodies.

Welwyn Hatfield Borough Council supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public. It also allows the use of social networking websites (such as Twitter and Facebook) and blogging to communicate with people about what is happening, as it happens.

This protocol provides guidance on acceptable conduct for filming, recording and photographing and the use of traditional and social media tools.

Filming, Recording and Photography

As a courtesy and in order to ensure that provision is made to accommodate the public and press who wish to film, record or photograph at meetings, the Council requests, where possible, notice of the intention a minimum of two working days in advance. The Governance Services Manager (01707 357444) or relevant Committee Manager should be made aware of the intention to film, record or photograph and they will in turn notify the Chairman of the meeting of what is to take place.

Those intending to bring large equipment or wishing to discuss any special requirements are advised to contact the Council's Communications Team (01707 357271) in advance of the meeting to seek advice and guidance.

All recording devices, mobile devices and other equipment must be set on silent mode during the course of the meeting.

In order to keep disruption to a minimum, there will be an area of the meeting room set aside for press or public who wish to film, record or photograph a meeting. Filming, recording or photography will only be allowed from this area.

Where the Council has been notified of the intention to film, record or photograph in a meeting, the Chairman will, at the beginning of the relevant meeting, make an announcement that the meeting will be filmed, recorded or photographed and will ask if anyone objects to this.

The Council understands that some members of the public attending its meetings may not wish to be recorded whilst using their right to speak during the public question session or when speaking about a planning or licensing application. The Chairman of the meeting will take all reasonable steps to ensure that any request not to be recorded is complied with. The Chairman has the final say in this matter.

There is a presumption that the Council's own participants in a meeting, being either serving Councillors or officers employed by the Council, consent to being filmed, recorded or photographed at those meetings where those activities have been agreed.

It should be noted that the Chairman of a meeting will have absolute discretion to terminate or suspend any of the above activities if, in their opinion, continuing to allow it would prejudice the running of the meeting. Circumstances in which termination or suspension might occur could include:

- Public disturbance, disruption or suspension of the meeting
- The meeting agreeing to formally exclude the press and public from the meeting due to the exempt/confidential nature of the business being discussed, in accordance with statutory procedures
- For any other reason which the Chairman considers reasonable in the circumstances

The use of additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings. Flash photography will not be allowed.

Filming, Recording and Photography will not be allowed for any meeting or part of a meeting where the press and public are excluded. The Chairman will announce that Filming, Recording and Photography must cease when the announcement to exclude the press and public is made.

Filming, Recording and Photography must cease immediately once the Chairman announces that the meeting is at an end.

Anyone who makes a full or partial recording of a meeting must respect the law, including the Human Rights and Data Protection legislation and intellectual property rights. They will be responsible for any allegations of breaches of the law which may result from their use of recorded material and are admitted to the meeting room on the basis that they accept that responsibility.

Anyone who makes a full or partial recording of a meeting must agree that audio/visual recordings and photographs will not be edited in such a way that could lead to misinterpretation or misrepresentation of the proceedings. This includes refraining from editing the views being expressed in a way that might ridicule or show lack of respect towards those being filmed, recorded or photographed.

Councillors who have concerns that the protocol is not being adhered to in any way should discuss these concerns with the Monitoring Officer in the first instance. Where possible and applicable, Councillors will have the support of the Council should they be considering any individual action.

Members must not film, record or photograph any meeting, when they are participating in that meeting.

Minutes of meetings will be prepared and signed by the Chairman at the next meeting of the Committee and will remain the Council's official record of the meeting. Filming, recording or photography at meetings will not impact on the status of minutes being the true and accurate reflection of the discussions and decisions made.

Social Media

No restrictions will be placed on those attending meetings who wish to use blogs, Twitter, Facebook or other media, provided that their actions do not affect the conduct of the meeting.

Councillors, as participants in the meeting, have an obligation to pay close attention to the proceedings and therefore during the course of a meeting they should not engage in the use of social media. If Councillors are not taking part in the meeting, they can use social media.

The use of social media tools will not be permitted in a meeting where the press and public are excluded.

PART 6

MEMBERS' ALLOWANCES SCHEME

WELWYN HATFIELD COUNCIL

MEMBERS' ALLOWANCES SCHEME

1. ENQUIRIES

- 1.1. Enquiries about allowances may be addressed to Graham Seal, Governance Services Manager (01707) 357444.

2. BASIC ALLOWANCE

- 2.1. Basic allowance is payable at a flat rate to all elected Members of the Council.
- 2.2. If a councillor is elected to or leaves the Council during the year, basic allowance will be paid pro-rata for the proportion of the year during which the councillor has been a serving Member of the Council.
- 2.3. With effect from 1 July 2015, basic allowance will be paid at the rate of £4,912 per annum. Payment will be made in monthly instalments of £409.00.

3. SPECIAL RESPONSIBILITY ALLOWANCE (SRA)

- 3.1. The Council has authorised the following payments in addition to Members' basic allowance: -

	<u>Per Annum (£)</u>	<u>Monthly (£)</u>
	<u>2015/16</u>	<u>2015/16</u>
Leader of the Council	9,505	792.00
Deputy Leader	6,652	554.00
Cabinet Member	5,698	475.00
Lead Member	3,808	317.00
Chairmen of Overview and Scrutiny Committees	4,020	335.00
Chairman of Development Management Committee	3,808	317.00
Chairman of Hackney Carriage Committee	3,808	317.00
Chairman of Cabinet Panel	3,808	317.00
Chairman of Audit Committee	3,808	317.00
Chairman of Liquor and Regulated Entertainment Licensing Committee	3,808	317.00
Chairman of Appeals Committee	1,190	99.00
Leaders of Opposition Groups	5,698	475.00
Chairman of Standards Committee	5,698	475.00
Mayor	6,153	N/A
Deputy Mayor	1,539	N/A

- 3.2. The Mayor's allowance will be paid in two equal instalments, in June and December each year. The Deputy Mayor's allowance will be paid in a single payment in June each year.
- 3.3. Where a councillor holds more than one office of special responsibility he or she will receive only one SRA and this will be the higher or highest of the allowances due.
- 3.4. If a councillor is appointed to or relinquishes a post of special responsibility during the year, special responsibility allowance will be paid pro-rata for the proportion of the year during which the office is held.

4. TRAVELLING EXPENSES

- 4.1. Travelling expenses are payable to councillors and co-opted Members for the following approved duties:
- (a) Attendance by any Member at meetings of the Council, the Cabinet and the Overview and Scrutiny Committees.
 - (b) Attendance at meetings of the Council's committees and panels by Members of the Committee or appointed substitutes.
 - (c) Attendance at meetings of any working party or sub-group arranged by the Council, Cabinet or committees, to which the Member is appointed.
 - (d) Attendance by the Leader or Deputy Leader of the Council or by the leader of the Opposition at any of the above meetings.
 - (e) Attendance by Members of the Cabinet at any meeting.
 - (f) Attendance by the Chairman of an Overview and Scrutiny Committee at meetings relating to the business of the Overview and Scrutiny Committee.
 - (g) Public meetings authorised by the Council if Members are requested to attend.
 - (h) Attendance by Members at officer meetings, for example best value meetings.
 - (i) Any joint meetings between this authority and other authorities or public bodies.
 - (j) Councillors' surgeries.
 - (k) Any other meeting or event, such as local public meetings, where Members are required to attend.
 - (l) Any conference, site visit or official visit provided attendance has the Council's prior approval.

- (m) Site visits by the Chairman and Opposition Lead Member of the Development Management Committee and Chairmen of Licensing Sub-Committees to sites of planning or licensing applications due to be heard by the Committee or Sub-Committee.
- (n) Individual site visits by members of the Development Management Committee to sites of applications due to be heard by the Committee, up to a maximum of 15 miles per meeting, the site location(s) to be stated on the claim form.
- (o) Official group meetings.
- (p) Members' training sessions
- (q) Civic functions carried out by the Mayor, the Deputy Mayor, the Leader of the Council, Deputy Leader of the Council and Leader of the Opposition.
- (r) Meetings of national, regional and local outside organisations to which a Member has been appointed as this Council's representative, as set out in Appendix A to the scheme of Councillors' Allowances.
- (s) Chairmen, Vice-Chairmen and Opposition Lead Members may also claim travel expenses for up to two briefing meetings prior to Cabinet and Committees and up to two meetings per week with Chief Officers.
- (t) The Mayor, the Deputy Mayor, the Leader of the Council, Deputy Leader of the Council and Leader of the Opposition may claim travel expenses for all reasonable journeys on legitimate Council business, including briefings with the Chief Executive and other Chief and Senior Officers.
- (u) Non office holding Members of the Council may claim travel allowances for attending up to two meetings per week with Officers on Council business within the Borough.
- (v) Members of the Council may claim travel expenses for one-off, occasional duties, for example, where the Chairman of a Committee is required to attend a subsequent appeal or court hearing, subject to the prior approval of the Governance Services Manager. A form to seek approval may be obtained from the committee section.

4.2. The current allowances payable are as follows

Member's own private motor vehicle

45 pence per mile

Member's own solo motor cycle

Up to 125cc	20.44 pence per mile
Over 125cc	31.99 pence per mile

Travel by bicycle 15p per mile

Travel by public transport

The actual cost of bus or second class rail fair for journeys within the Borough.

- 4.3. Travelling expenses will normally be payable:-
- (a) From a Member's home address if within or just outside the Borough or;
 - (b) From a Member's work place if within the Borough or;
 - (c) From an alternative starting point (e.g. the Borough boundary) if less than (a)
- 4.4. In cases of urgency where no public transport is reasonably available, the actual fare for a taxicab is payable. A receipt should be obtained.
- 4.5. For journeys outside the Borough, car allowance or standard rail fare or low cost air fare will be paid, whichever is the lower. Reimbursement of low cost air fares for journeys outside the Borough, will be subject to the prior approval of the Governance Services Manager and will be on condition that the total cost of the air fare and travel to the airport is lower than the cost of mileage allowance or standard rail fare.
- 4.6. In the case of attendance at two meetings in one day at the same venue, with the second meeting immediately following the first, travel expenses should only be claimed for one meeting.

5. SUBSISTENCE ALLOWANCE

- 5.1. Subsistence Allowance is payable for absence from home of more than four hours because of attendance at conferences and meetings outside the Borough.
- 5.2. The Council will reimburse the actual reasonable cost of accommodation or of meals or refreshments taken.
- 5.3. In the event of overnight absences at conferences etc, bookings should be made at medium range hotels and arrangements made for the Council to be invoiced directly for the actual, reasonable cost of accommodation and meals taken.

6. TELEPHONE INSTALLATION AND CALLS

- 6.1. The costs of installing one additional telephone line per Member (if required) for Council business will paid by the Council.
- 6.2. All telephone calls including costs of broadband internet access should be met from Members' basic allowance.

7. CLAIMS AND PAYMENTS

- 7.1. Basic allowance and special responsibility allowance will be paid monthly in arrears. Bank accounts will normally be credited by the 5th of each month.
- 7.2. Claims for travel and subsistence allowances should be made monthly on the official claim form. (see Appendix C) Travel expenses claim forms submitted by the 24th of the month will be processed for payment at the next payment date. Any forms received after the 24th will be held over for processing the following month. Any receipts for subsistence allowances must be enclosed with the claim form. Members are asked to ensure that claims are made within two months of the date of the journey to which they relate.
- 7.3. Claims may also be made by email. Details of the procedure to be followed are attached at appendix D.
- 7.4. Payment will be direct to Members' own bank or building society account, unless written instructions have been given otherwise. Details of the bank account number should be given to the Governance Services Manager, using the questionnaire provided at Appendix B.
- 7.5. The Committee Section should be informed immediately if any of this information changes, using the copy of the questionnaire provided at Appendix B.

8. TAXATION

- 8.1. Basic allowance and special responsibility allowance are subject to income tax and national insurance contributions which are deducted at source.
- 8.2. Subsistence allowance and travelling expenses are taxable, but the tax is not deducted at source and any expenses payments should be included in income tax returns.
- 8.3. Any Member over state retirement age and therefore not liable to pay national insurance contributions may apply for a certificate of age exemption from the Inland Revenue. An application form is available from the Committee Section.

9. STATE BENEFITS

- 9.1. Entitlement to allowances should be declared in any application for job seekers allowance, housing and council tax benefit and other means tested benefits.

10. PUBLICATION

- 10.1. The Council keeps a record of allowances paid to Councillors, which is open to inspection by any local government elector.
- 10.2. Councils are required to make arrangements for the publication of any Members' allowance scheme and, at the end of each financial year, for the publication of the total amount of each allowance paid to each Member.

11. RENUNCIATION

- 11.1. A Member may forgo all or any part of any of the allowances to which he or she is entitled. Notice of such renunciation should be given to the Governance Services Manager in writing.

12. WITHDRAWAL OF ALLOWANCES

- 12.1 Where a Member is suspended from their duties, their allowance entitlement will be withdrawn and any allowance overpaid should be repaid.

OUTSIDE ORGANISATIONS TO WHICH THE COUNCIL APPOINTS REPRESENTATIVES

Hertfordshire Local Government Association
Local Government Association
Arts Council England Local Government Forum
Bill Salmon Centre Steering Committee
Breaks Manor Youth Club
Citizens Advice Bureau (Welwyn Hatfield)
CPRE The Hertfordshire Society
Digswell Art Trust
East of England Local Government Association
Finesse Leisure Trust
Hatfield and District Age Concern (Friendship House)
Haldens Residents and Community Association
Hertfordshire Arts Partnership
Hertfordshire Environmental Forum
Hertfordshire Groundwork Trust
Hertfordshire Health Scrutiny Committee
Hertfordshire Infrastructure Planning Panel
Hertfordshire Police and Crime Panel
Hertfordshire Sustainability Forum
Herts. Museum Partnership
Herts & Middx Trust for Nature Conservation Stanborough Reedmarsh Nature Reserve
Jim McDonald Centre
Joint Waste Management Group
Jubilee House
Lemsford Mount Stephen Charity
Local Cultural Consortium
Ludwick Family Club Management Committee
1 Market Place Management Committee
School Governing Bodies
Welwyn Hatfield Action on Disability
Welwyn Hatfield Community Housing Trust
Welwyn Hatfield Community Safety Partnership
Welwyn Hatfield Council for Voluntary Service
Women's Resource Centre Management Committee

APPENDIX B

**WELWYN HATFIELD COUNCIL
COUNCILLORS' ALLOWANCES QUESTIONNAIRE**

TO ALLOW YOUR ALLOWANCE PAYMENT TO BE MADE DIRECT TO YOUR BANK ACCOUNT THROUGH THE COUNCIL'S PAYROLL SYSTEM, PLEASE RETURN THE COMPLETED AND SIGNED FORM TO GOVERNANCE SERVICES. PLEASE USE BLOCK CAPITALS.

NAME Councillor

HOME ADDRESS:.....

.....

.....

SECTION A - NATIONAL INSURANCE NUMBER

National Insurance Number

Date of Birth

SECTION B - BANK ACCOUNT

BANK OR BUILDING SOCIETY

BRANCH ADDRESS

.....

BRANCH SORT CODE..... ACCOUNT NUMBER.....

SECTION C CERTIFICATION

I certify that the above information is correct to the best of my knowledge. I will notify the Governance Services Manager immediately should any of the above details change.

Signed..... Date.....

APPROVED DUTIES FOR WHICH TRAVELLING EXPENSES ARE PAYABLE

- (a) Attendance by any Member at meetings of the Council, the Cabinet and Overview and Scrutiny Committees.
- (b) Attendance at meetings of the Council's committees and panels by Members of the Committee or appointed substitutes.
- (c) Attendance at meetings of any working party or sub-group arranged by the Council, Cabinet or committees, to which you are appointed
- (d) Attendance by the Leader or Deputy Leader of the Council or by the leader of the Opposition at any of the above meetings.
- (e) Attendance by Members of the Cabinet at any meeting.
- (f) Attendance by the Chairman of an Overview and Scrutiny Committee at meetings relating to the business of the Overview and Scrutiny Committee.
- (g) Public meetings authorized by the Council if Members are requested to attend.
- (h) Attendance by Members at officer meetings, for example best value meetings.
- (i) Any joint meetings between this authority and other authorities or public bodies.
- (j) Councillors' surgeries
- (k) Any other meeting or event, such as local public meetings, where Members are required to attend.
- (l) Any conference, site visit or official visit if attendance has the Council's prior approval.
- (m) Site visits by the Chairman and Opposition Lead Member of the Development Management Committee and Chairmen of Licensing Sub-Committees to sites of planning or licensing applications due to be heard by the Committee or Sub-Committee.
- (n) Individual site visits by members of the Development Management Committee to sites of applications due to be heard by the Committee, up to a maximum of 15 miles per meeting, the site location(s) to be stated on the claim form.
- (o) Official group meetings.
- (p) Members' training sessions
- (q) Civic functions carried out by the Mayor or the Deputy Mayor, the Leader of the Council, Deputy Leader of the Council and Leader of the Opposition.
- (r) Meetings of national, regional and local outside organisations to which you have been appointed as this Council's representative, as set out in Appendix A to the scheme of Councillors' Allowances.
- (s) Chairmen, Vice-Chairmen and Opposition lead Members may also claim travel expenses for up to two briefing meetings prior to Cabinet and Committees and up to two meetings per week with Chief Officers.
- (t) The Mayor or the Deputy Mayor, the Leader or Deputy Leader of the Council and Leader of the Opposition may claim travel expenses for all reasonable journeys on legitimate Council business, including briefings with the Chief Executive and other Chief and Senior Officers.
- (u) Non office holding Members of the Council may claim travel allowances for attending up to two meetings per week with officers on Council business within the Borough.
- (v) Members of the Council may claim travel expenses for one-off, occasional duties, for example, where the Chairman of a Committee is required to attend a subsequent appeal or court hearing, subject to the prior approval of the Governance Services Manager. A form to seek approval may be obtained from the committee section.

Travelling expenses will normally be payable: -

- (a) From your home address if within or just outside the Borough or;
- (b) From your work place if within the Borough or;
- (c) From an alternative starting point (e.g. the Borough boundary) if less than (a)

In cases of urgency where no public transport is reasonably available, the actual fare for a taxi cab is payable. A receipt should be obtained.

SUBSISTENCE ALLOWANCE

Subsistence Allowance is payable for absence of more than four hours due to attendance at conferences and meetings outside the Borough. Please give times of departure and return. Full details are contained in the Scheme of Members Allowances.

Members Allowances – submitting mileage claims by email

Some members may prefer to send claims for mileage by email. If you do want to do this, it is important that you follow the procedure set out below.

1. Details of journeys and mileage claims may be entered on an electronic copy of the claim form.
OR
2. Details of the claims may be given on a separate sheet, e.g. an excel spreadsheet. In this case the details must include all the information requested in the claim form., i.e. the date of the journey, details of meeting, the venue, the miles claimed, engine size of car.
OR
3. Full details of the claim may be included directly in the body of an email.
4. If 1 or 2, the claim form or other list of claims should be attached to an email to Graham Seal in Governance Services (G.Seal@welhat.gov.uk).
5. Whether you attach the claim form to an email or include the claim details in the email text, the email **must** state the total number of miles claimed and **must** contain the following statement
“I claim mileage allowance for a total of xxx miles and certify that all journeys have been carried out on Council business”
6. The email **must** be sent from your own email address so that the Council can be sure that it has been sent by the member claiming.
7. Your email will be checked and authorised for payment by the Governance Services Manager and a confirmation email will be sent to you.

Please let the committee section know if you would like an electronic copy of the claim form sent to you for this purpose.

WELWYN HATFIELD COUNCIL

INDEPENDENT REMUNERATION PANEL

TERMS OF REFERENCE

To consider and make recommendations for a scheme of remuneration for Members of the Council in accordance with The Local Authorities (Members' Allowances) (England) Regulations 2003, as amended.

To consider and make recommendations on the following issues:

1. The level of basic allowance payable to all elected Members to recognise both their time commitment and incidental costs, taking account of the voluntary public service element in the work of local Members.
2. The categories of Members or the specific posts which should attract a Special Responsibility Allowance (SRA).
3. The amount(s) of any SRA and whether any Member should be entitled to claim more than one such SRA.
4. Whether the scheme should provide for the payment of an allowance in respect of care for children or other dependents.
5. Whether travel and subsistence allowances should be payable; for which duties and at what rates.
6. Whether allowances should be paid to co-opted members.

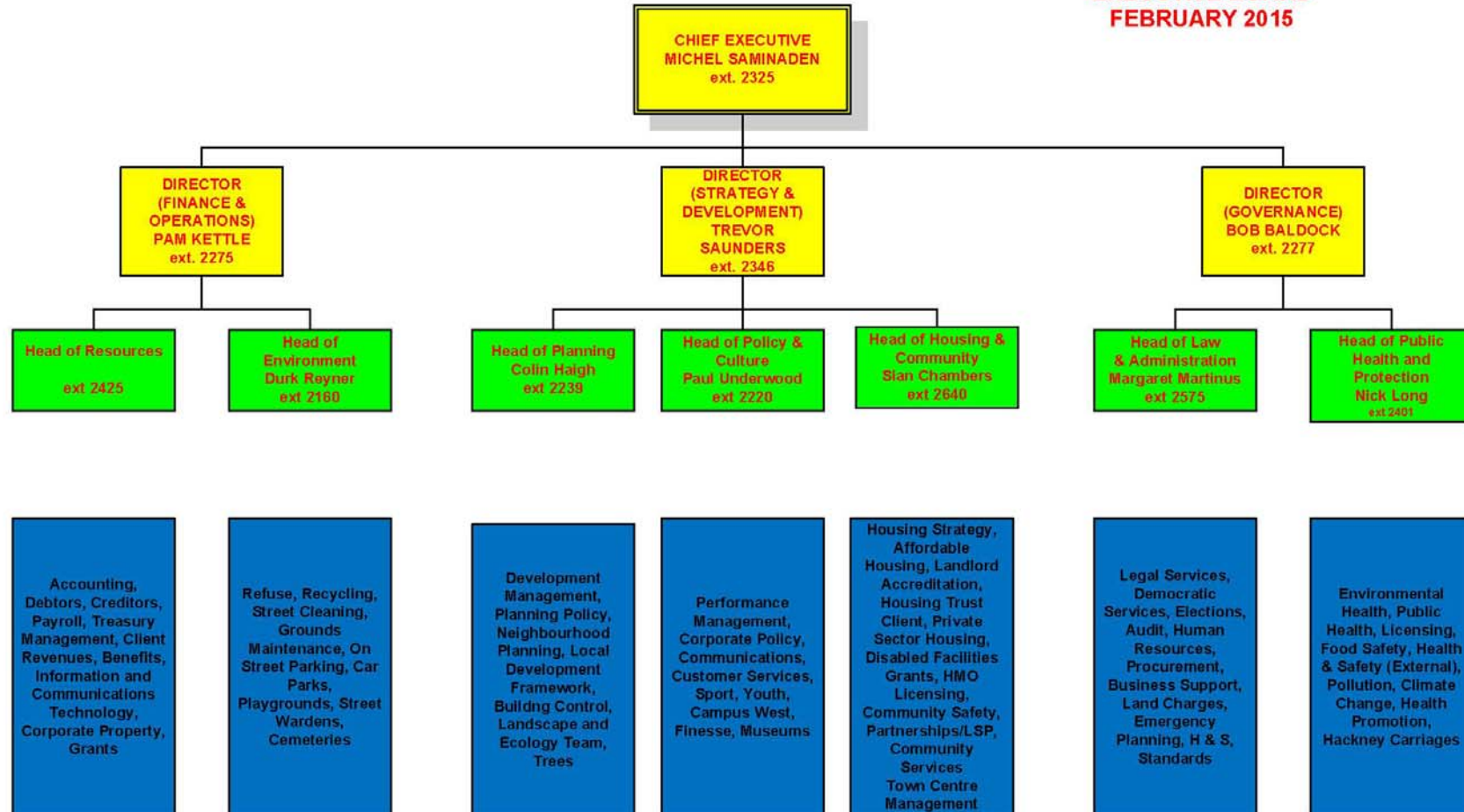
PART 7

MANAGEMENT STRUCTURE

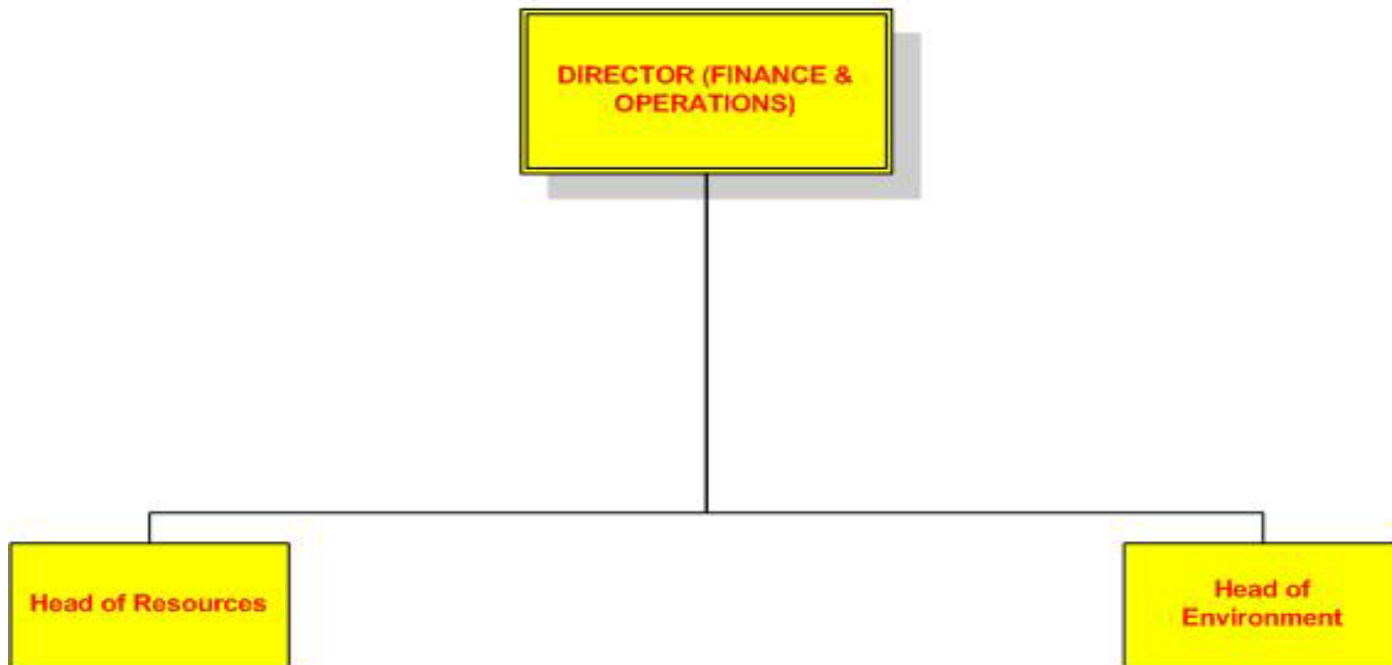
February 2015



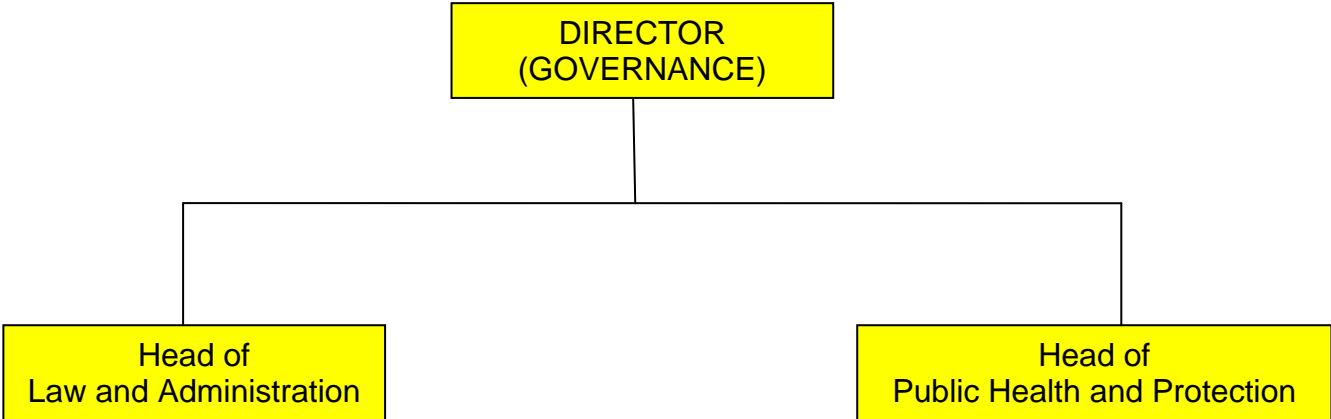
**WELWYN HATFIELD COUNCIL
EXECUTIVE BOARD
FEBRUARY 2015**



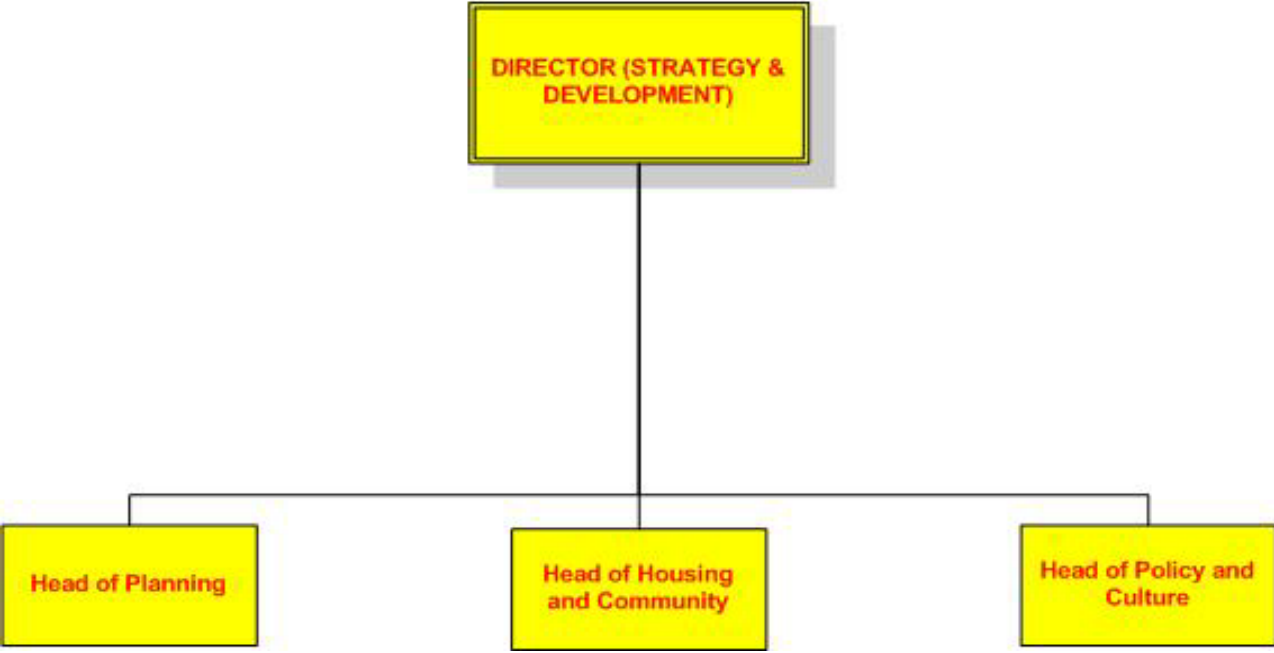
FINANCE AND OPERATIONS
DIRECTORATE



GOVERNANCE
DIRECTORATE



STRATEGY AND DEVELOPMENT
DIRECTORATE



PART 8

MEMBER ROLE DESCRIPTION

Welwyn Hatfield Council
Role Description

Councillor

Purpose of the role:

To represent the interests of their communities, wards and individual constituents and bring their views into the Council's decision making process i.e. become the advocate of and for their communities, wards and individual constituents, making decisions in the interest of the whole Council area.

Key accountabilities:

1. To attend meetings of the Council and the Council's committees and panels working corporately to contribute to the development of policy and the decisions taken there.
2. To advocate the needs and aspirations of the residents of their ward to the Cabinet particularly when issues affecting their ward are trailed in the forward plan.
3. To deal with requests for assistance from Members of the public within their ward in dealings with the Council, responding to constituents' enquiries, representations and complaints, fairly and impartially.
4. To be aware of the nature, scale and scope of the Council and to develop and maintain a knowledge of its services, management arrangements, powers, duties and constraints.
5. To seek learning and development opportunities through the Council's member induction and development programme to improve knowledge and skills and be equipped to effectively carry out the role of Councillor.

Other tasks:

1. To actively contribute to the democratic process by questioning and challenging proposed decisions.
2. Participate in the governance of the Council.
3. Maintain the highest standards of conduct and ethics, complying at all times with the Members' Code of Conduct.
4. Be available to represent the Council on other bodies.
5. To offer comment in other forums and through the press and other media as appropriate.

Key contacts:

1. Members of the public within their ward
2. Council Officers
3. Local interest groups
4. Other Councillors

Welwyn Hatfield Council
Role Description

Leader of the Council

Purpose of the role:

To take overall responsibility for the strategic direction to the Council, the guidance given to Officers and to lead the work of the Cabinet.

To work closely with Officers in implementing agreed policies and strategies, and to ensure the implementation of these are in accordance with the policy framework set by the Cabinet and the Council.

Reporting to: Cabinet and Council

Key accountabilities:

1. Overall responsibility for the strategic direction of the work of the Council and its administration.
2. Providing Leadership within the Council and in the community.
3. Determining the size and Membership of the Cabinet, appointing the Deputy Leader and Cabinet Members and deciding their respective portfolios, allocating decision-making powers to the Cabinet and Cabinet Members, removing and replacing Cabinet Members and identifying Lead Members and Member Champions.
4. Working on the policy framework and budget for approval by the full Council.
5. Ensuring key decisions are made by the Cabinet that accord with the policy framework or budget and ensuring that approval is sought from full Council regarding any proposed change to the policy framework or budget.
6. To set out for Officers and Lead Members a clear statement of the policies to be pursued in respect of the issues falling within their portfolio and oversee their implementation.
7. To work with support from Lead Members to advance these policies including working up reports and recommendations for consideration by the Cabinet.
8. To be accountable and explain the policy positions and decisions taken to implement matters falling within a specified portfolio area at meetings of the full Council, public meetings and through the press and other media.
9. To undertake specific responsibilities as required to ensure strong corporate governance or effective performance management systems exist.

11. To represent the Council at the highest level in dealings with businesses, external agencies, interest groups, voluntary organisations, other local authorities, the Government and the public at large.
12. To keep abreast of national best practice and new initiatives relating to local government so ensuring continuous improvement of Council services.
13. To ensure that the Cabinet responds to recommendations from Committees, Panels, Boards and Sub-Committees as appropriate.
14. To take overall responsibility for ensuring the provision of new member induction and member development programmes which are based on the needs of Councillors to enable them to effectively fulfil their roles.

Other tasks:

1. To give Officers clear strategic direction and advice in relation to service delivery.
2. To manage the work of the Cabinet in the absence of any Cabinet Member.
3. To act as Chairman at Cabinet meetings and ensure that business is transacted effectively, lawfully and in accordance with the Council's constitution.
4. To promote partnerships within the community for the wellbeing of the citizens of Welwyn Hatfield.
5. To be accountable and explain the strategies and policies of the Council at meetings of the full Council, public meetings and through the press and other media.
6. To be the focal point for liaison between the Cabinet, other political group leaders and Chairmen of Overview and Scrutiny Committees.
7. To appear before the Overview and Scrutiny Committees to provide information and explanation concerning Cabinet decisions or actions when called upon by the Overview and Scrutiny Committee to do so.

Key contacts:

1. The Deputy Leader
2. Other Cabinet Members
3. Lead Members
4. Mayor and Deputy Mayor of the Council
5. Chairmen of Overview and Scrutiny Committees.
6. Political Group Leaders.

7. Chief Executive and Directors
8. Other local authorities and government agencies
9. Partners in Welwyn Hatfield Alliance
10. The public
11. Businesses
12. Voluntary organisations

Welwyn Hatfield Council
Role Description

Deputy Leader of the Council

Purpose of the role:

To support and assist the Leader of the Council in providing strategic direction to the Council, the guidance given to Officers and leading the work of the Cabinet, deputising for the Leader whenever necessary.

If required, to work closely with specified Lead Members (where appropriate) and Officers in implementing agreed policies and strategies, in a specified portfolio area and to ensure that implementation of these is in accordance with the policy framework set by the Cabinet and Council.

Reporting to: Cabinet and Council

Key accountabilities:

1. To support and assist the Leader in providing Officers with clear strategic direction and advice in relation to service delivery.
2. To support and assist the Leader in managing the work of the Cabinet, including chairing meetings of the Cabinet in the Leader's absence.
3. If required, to set out for Officers and Lead Members (where appropriate) a clear statement of the policies to be pursued in respect of the issues falling within their portfolio and oversee their implementation.
4. If required, to work with support from Lead Members (where appropriate) to advance these policies including working up reports and recommendations for consideration by the Cabinet.
5. If required, to be accountable and explain the policy positions and decisions taken to implement matters falling within a specified portfolio area at meetings of the full Council, public meetings and through the press and other media.
6. To undertake specific responsibilities as required to ensure strong corporate governance or effective performance management systems exists.
7. To represent the Council at the highest level in dealings with businesses, external agencies, interest groups, voluntary organisations, other local authorities, the Government and the public at large.

Other tasks:

1. To support the Leader in being accountable and explaining the strategies and policies of the Council at meetings of the full Council, public meetings and through the press and other media.
2. To promote partnerships within the community for the wellbeing of the citizens of Welwyn Hatfield.
3. To meet with special interest groups across Welwyn Hatfield and consider whether or not to recommend changes to policy in the light of such contact.
4. If required, to advocate the budgetary needs and policy position for the specified portfolio area at meetings of the Cabinet
5. To appear before the Overview and Scrutiny Committees to provide information and explanation concerning Cabinet decisions or actions.
6. To review and develop, in conjunction with other Members of the Cabinet the policy framework and budget for recommendation to the full Council.

Key contacts:

1. The Leader
2. Other Cabinet Members
3. Lead Members (where appropriate)
4. Mayor and Deputy Mayor of the Council
5. Chairmen of Overview and Scrutiny Committees
6. Political Group Leaders
7. Chief Executive and Directors
8. Other local authorities and government agencies
9. Partners in Welwyn Hatfield Alliance
10. The public
11. Businesses
12. Voluntary organisations

Welwyn Hatfield Council
Role Description

Cabinet Member

Purpose of role:

To take responsibility, with the Leader and Deputy Leader, for the strategic direction of the Council, and make an effective input to corporate strategies, policies, and the overall budget and policy framework.

To work closely with specified Lead Members (where appropriate) and Officers in implementing agreed policies and strategies, in a specified portfolio area and to ensure that implementation of these is in accordance with the policy framework set by the Cabinet and Council.

Reporting to: Cabinet and the Council

Key accountabilities:

1. To support and assist the Leadership in providing Officers with clear strategic direction and advice in relation to service delivery.
2. To set out for Officers and Lead Members (where appropriate) a clear statement of the policies to be pursued in respect of the issues falling within their portfolio and oversee their implementation.
3. To work with support from Lead Members (where appropriate) to advance these policies including working up reports and recommendations for consideration by the Cabinet.
4. To be accountable and explain the policy positions and decisions taken to implement matters falling within a specified portfolio area at meetings of the full Council, public meetings and through the press and other media.
5. To undertake specific responsibilities as required to ensure strong corporate governance or effective performance management systems exist.

Other tasks:

1. To meet with special interest groups across Welwyn Hatfield and consider whether or not to recommend changes to policy in the light of such contact.
2. To advocate the budgetary needs and policy position for the specified portfolio area at meetings of the Cabinet.
3. To appear before the Overview and Scrutiny Committees to provide information and explanation concerning Cabinet decisions on actions concerning the specified portfolio.
4. To offer comment in the press and other media as needed on specified portfolio issues following consultation with the Leadership.

5. To review and develop, in conjunction with other Members of the Cabinet, the policy framework and budget for recommendation to the full Council.

Key contacts:

1. The Leader
2. Other Cabinet Members
3. Lead Members (where appropriate)
4. Chief Executive, Directors and Heads of Service
5. Special interest groups
6. Relevant Partners
7. The public

Welwyn Hatfield Council
Role Description

Lead Member

Purpose of role:

To work closely with the appropriate Cabinet Member and Officers on a specified portfolio of matters in implementing agreed policies and strategies.

Reporting to: Appropriate Cabinet Members.

Key accountabilities:

1. To support the appropriate Cabinet Member in setting out for Officers a clear statement of the Cabinet's policies to be pursued in respect of the issues falling within their portfolio.
2. To support the appropriate Cabinet Member in working with Officers to advance these policies including working up reports and recommendations for consideration by the Cabinet Member.

Other tasks:

1. To support the appropriate Cabinet Member when meeting with special interest groups across Welwyn Hatfield and consider whether or not to recommend changes to policy in the light of such contact.
2. To support the appropriate Cabinet Member in advocating the budgetary needs and policy position for the portfolio at meetings of the Cabinet.
3. To appear before the Overview and Scrutiny Committees, with the Cabinet Member, as appropriate, to provide information and explanation about actions concerning the portfolio.
4. To refer media enquiries to the appropriate Member of the Cabinet.
5. To support the appropriate Cabinet Member in reviewing and developing, in conjunction with Officers and other Members of the Cabinet the policy framework and budget for recommendation to the full Council.

Key contacts:

1. The Cabinet Member for the portfolio concerned
2. Other Cabinet Members
3. Chief Executive, Directors and Heads of Service
4. Special interest groups
5. Relevant Partners
6. The public

Welwyn Hatfield Council
Role Description

Chairman of a Cabinet Panel

Purpose of the role:

To act as Chairman of a Cabinet Panel and ensure that the business of the Panel is transacted in a proper and democratic manner.

Key accountabilities:

1. To chair meetings of the Cabinet Panel in accordance with the letter and spirit of the Council's Constitution.
2. In conjunction with advice from Officers conduct the business specified by the Cabinet at the time of setting up the Panel and make appropriate reports and recommendations to the Cabinet.

Other tasks:

1. To liaise as necessary with the Cabinet.
2. To refer matters to a relevant Overview and Scrutiny Committee for comment as appropriate.

Key contacts:

1. The Cabinet
2. Chief Executive, Directors and Heads of Service as appropriate
3. Parties involved in the matter being considered by the Panel

Welwyn Hatfield Council
Role Description

Chairman of an Overview and Scrutiny Committee

Purpose of the role:

To lead the work of the Overview and Scrutiny Committee in undertaking policy and review and development, undertaking scrutiny of decisions made or actions taken in connection with the Council's functions, and drafting recommendations for the Cabinet to consider.

Key accountabilities:

1. To chair meetings of the Overview and Scrutiny Committee in accordance with the letter and spirit of the Council's Constitution ensuring that business is transacted in a proper and democratic manner.
2. To drive the work of the Committee in conjunction with the Cabinet, relevant Officers and other Members of the Committee to ensure that there is a planned programme of work.
3. To lead the work of the Committee in deciding how best to investigate specific policy issues and determining the appropriate range and methods of engaging with proposed consultees.
4. To lead the work of the Committee in deciding what and how best to scrutinise issues with particular reference to the Forward Plan, Publication of Cabinet Decision List and Cabinet papers.
5. To guide Officers in drafting reports and/or recommendations to the Cabinet, ensuring that the reasoning of the Committee is apparent.

Other tasks:

1. To ensure that written information is properly considered and that courtesy and care is shown to those providing information to the Committee.
2. To ensure that fair and open debate takes place and whenever appropriate, with proper scrutiny of the rationale and reasoning behind a decision.
3. To ensure as far as possible that a consensus opinion emerges in respect of policy proposals.
4. To liaise on a regular basis with the Cabinet, in particular the appropriate portfolio holder(s), when developing both work plans and policy proposals, ensuring that timescales set by the Cabinet in respect of the development of the budget and policy framework are met.
5. To deal with issues referred by a Cabinet Panel within any required timescale.

6. To ensure that Members of the Committee are fully engaged in respect of the Committee's involvement in best value reviews and that Officers receive appropriate comments and guidance.
7. To ensure as far as possible that the scrutiny work of the Committee is conducted in a non political and non partisan manner.
8. To lead on the implementation of the call-in powers of the Committee whenever appropriate.

Key contacts:

1. The Cabinet, in particular the appropriate portfolio holder(s)
2. Chief Executive, Directors and Heads of Service as appropriate
3. Special interest groups
4. The public

Welwyn Hatfield Council
Role Description

Chairman of the Hackney Carriage Committee

Purpose of the role:

To act as Chairman of the Hackney Carriage Committee and ensure that the business of the Committee is transacted in a proper and democratic manner and in compliance with the appropriate statutory requirements.

Key accountabilities:

1. To chair meetings of the Hackney Carriage Committee in accordance with the letter and spirit of the Council's Constitution.
2. In conjunction with advice from Officers to ensure that the procedures adopted by the Committee accord at all times with the rules of natural justice.
3. To ensure that all Members of the Committee have undergone proper training in respect of the conduct of quasi judicial proceedings.
4. To meet with Hackney Carriage and Private Hire trade representatives and other relevant organisations to understand their issues and to progress matters in partnership.

Other tasks:

1. To ensure that written evidence is properly considered and that courtesy, care and proper balance is shown when recording evidence from witnesses and applicants.
2. To ensure that fair and open debate takes place with proper recording of the rationale and reasoning behind decisions.
3. To alert the Cabinet and Officers to any need for policy review or revision.
4. To take advice from Officers present as necessary.

Key contacts:

1. Director (Governance) and other senior Legal Officers
2. Head of Public Health and Protection, Hackney Carriage Officer and Assistant Hackney Carriage Officer
3. The Applicant and any representative
4. Witnesses involved in the consideration of an application or appeal
5. The Hackney Carriage and Private Hire trade
6. Other relevant organisations
7. The Cabinet

Welwyn Hatfield Council
Role Description

Chairman of the Development Management Committee

Purpose of the role:

To act as Chairman of the Development Management Committee and ensure that the business of the Committee is transacted in an effective and democratic manner and in compliance with the appropriate statutory requirements.

Key accountabilities:

1. To chair meetings of the Development Management Committee in accordance with the letter and spirit of the Council's Constitution.
2. In conjunction with advice from Officers to lead the Committee to consistent, reasonable and lawful decisions with relevant planning policies, other material considerations, government policy, the views and advice of Officers and the views of other parties being adequately considered and balanced.
3. To ensure all Members of the Committee have undergone proper training in dealing with planning matters.

Other tasks:

1. To conduct the business of the Committee in accordance at all times with the Local Code of Guidance for Members and Officers involved in planning matters.
2. To liaise as necessary with the Cabinet.
3. To offer comment in the press and other media as needed, on the decisions and processes of the Committee.
4. To alert the Cabinet and Officers to any need for policy review or revision.
5. To take advice from Officers present as necessary.
6. To offer comment in the press and other media as needed, on the decisions and processes of the Committee.

Key contacts:

1. Director (Strategy and Development)
2. Head of Planning and other senior Planning Officers
3. The Cabinet

Welwyn Hatfield Council
Role Description

Chairman of the Standards Committee

Purpose of the role:

To act as Chairman of the Standards Committee and ensure that the business of the Committee is transacted in a proper and democratic manner.

Key accountabilities:

1. To chair meetings of the Standards Committee in accordance with the letter and spirit of the Council's Constitution.
2. In conjunction with advice from the Monitoring Officer lead the Committee in its work of promoting and monitoring high standards of conduct by Members and co-opted Members.
3. To ensure that all Members and co-opted voting Members of the Council and the Town and Parish Councils within the Council's administrative area have undergone standards training.

Other tasks:

1. To ensure that the Council is advised in respect of matters relating to the operation of the Members Code of Conduct as necessary and that the same advice is available to the Town and Parish Councils.
2. To deal with reports or recommendations from the Monitoring Officer or an Ethical Standards Officer in accordance with the procedures laid down.
3. To take advice from the Monitoring Officer as necessary.

Key contacts:

1. The Monitoring Officer and Deputy Monitoring Officer
2. The Chief Executive and other Senior Officers
3. Members
4. Witnesses involved in the consideration of a Member conduct matter

Welwyn Hatfield Council
Role Description

Chairman of the Appeals Committee

Purpose of the role:

To act as Chairman of the Appeals Committee and ensure that the business of the Committee is transacted in a proper and democratic manner.

Key accountabilities:

1. To chair meetings of the Appeals Committee in accordance with the letter and spirit of the Council's Constitution.
2. In conjunction with advice from Officers to ensure that the procedures adopted by the Committee accord at all times with the rules of natural justice.
3. To ensure that all Members of the Committee have undergone proper training in respect of the conduct of quasi judicial proceedings.

Other tasks:

1. To ensure that written evidence is properly considered and that courtesy, care and proper balance is shown when recording evidence from witnesses and the appellant.
2. To ensure that fair and open debate takes place with proper recording of the rationale and reasoning behind decisions.
3. To alert the Cabinet and Officers to any need for policy review or revision.
4. To take advice from Officers present as necessary.

Key contacts:

1. Director (Governance) and other senior Legal Officers
2. Other appropriate Directors or Heads of Service
3. The Appellant and any representative
4. Witnesses involved in the consideration of an appeal
5. The Cabinet

Welwyn Hatfield Council
Role Description

Chairman of the Complaints Committee

Purpose of the role:

To act as Chairman of the Complaints Committee and ensure that the business of the Committee is transacted in a proper and democratic manner.

Key accountabilities:

1. To chair meetings of the Complaints Committee in accordance with the letter and spirit of the Council's Constitution.
2. In conjunction with advice from Officers to ensure that the procedures adopted by the Committee accord at all times with the rules of natural justice.
3. To ensure that all Members of the Committee have undergone proper training in respect of the conduct of quasi judicial proceedings.

Other tasks:

1. To ensure that written evidence is properly considered and that courtesy, care and proper balance is shown when recording evidence from witnesses and the complainant.
2. To ensure that fair and open debate takes place with proper recording of the rationale and reasoning behind decisions.
3. To alert the Cabinet and Officers to any need for policy review or revision.
4. To take advice from Officers present as necessary.

Key contacts:

1. Director (Governance) and other senior Legal Officers
2. Other appropriate Directors or Heads of Service
3. The Complainant and any representative
4. Witnesses involved in the consideration of a complaint
5. The Cabinet

Welwyn Hatfield Council
Role Description

Chairman of the Licensing Committee

Purpose of the role:

To act as Chairman of the Licensing Committee and ensure that the business of the Committee is transacted in an effective and democratic manner and in compliance with the appropriate statutory requirements.

Key accountabilities:

1. To chair meetings of the Licensing Committee in accordance with the letter and spirit of the Council's Constitution and ensure that the statutory licensing objectives are reflected in all decisions taken.
2. In conjunction with advice from Officers to ensure that the procedures adopted by the Committee accord at all times with the rules of natural justice.
3. To ensure that all Members of the Committee have undergone proper training in respect of the conduct of quasi judicial proceedings.

Other tasks:

1. To ensure that evidence both written and oral is properly considered and that courtesy, care and proper balance is shown when receiving evidence from witnesses and applicants.
2. To ensure that fair and open debate takes place with proper recording of the rationale and reasoning behind decisions.
3. To alert the Cabinet and Officers to any need for policy review or revision.
4. To take advice from Officers present as necessary.

Key contacts:

1. Director (Governance) and other senior Legal Officers
2. Head of Public Health and Protection and Licensing Officers
3. The Applicant and any representative
4. Witnesses involved in the consideration of an application
5. The Cabinet

Welwyn Hatfield Council
Role Description

Chairman of the Licensing and Regulated Entertainment Licensing Committee

Purpose of role:

To act as Chairman of the Licensing & Regulated Entertainment Licensing Committee and ensure that the business of the Committee is transacted in an effective and democratic manner and in compliance with the appropriate statutory requirements.

Key accountabilities:

1. To chair meetings of the Liquor & Regulated Entertainment Licensing Committee in accordance with the letter and spirit of the Council's Constitution and ensure that the statutory licensing objectives are reflected in all decisions taken.
2. In conjunction with advice from Officers to ensure that the procedures adopted by the Committee accord at all times with the rule of natural justice.
3. To ensure that all Members of the Committee have undergone proper training in respect of the conduct of quasi judicial proceedings.

Other tasks:

1. To ensure that evidence both written and oral is properly considered and that courtesy, care and proper balance is shown when receiving evidence from witnesses and applicants.
2. To ensure that fair and open debate takes place with proper recording of the rationale and reasoning behind decisions.
3. To alert the Cabinet and Officers to any need for policy review or revision.
4. To take advice from Officers present as necessary.

Key contacts:

1. Director (Governance) and other senior Legal Officers.
2. Head of Public Health and Protection and Licensing Officers.
3. The Applicant and any representative.
4. Witnesses involved in the consideration of an application.
5. The Cabinet.

Welwyn Hatfield Council
Role Description

Chairman of the Audit Committee

Purpose of role:

To act as Chairman of the Audit Committee and ensure that the business of the Committee is transacted in an effective and democratic manner.

Key accountabilities:

1. To chair meetings of the Audit Committee in accordance with the letter and spirit of the Council's Constitution.

7. In conjunction with advice from the Head of Governance and External Audit lead the Committee in its work of providing independent assurance of the effectiveness of the Council's internal control environment.

Other tasks:

1. To ensure that the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens its internal control environment is independently scrutinised.

2. To take advice from the Head of Governance and External Audit.

Key contacts:

1. The Head of Governance
2. External Audit
3. The Chief Executive, Director (Governance) and other Senior Officers
4. Members
5. Internal Audit

Welwyn Hatfield Council
Role Description

Chairman of the Welwyn Garden City Estate Management Panel

Purpose of the role:

To act as Chairman of the Welwyn Garden City Estate Management Panel and ensure that the business of the Committee is transacted in an effective and democratic manner and in compliance with the appropriate statutory requirements.

Key accountabilities:

1. To chair meetings of the Welwyn Garden City Estate Management Panel Licensing Committee in accordance with the letter and spirit of the Council's Constitution
2. To ensure that the procedures adopted by the Panel accord at all times with the rules of natural justice, to lead the Committee to consistent and reasonable decisions with relevant policies, the views and advice of Officers and the views of other parties being adequately considered and balanced.
3. To ensure that all Members of the Committee have undergone proper training to carry out their work.

Other tasks:

1. To conduct the business of the Committee in accordance at all times with the Local Code of Guidance for Members and Officers involved in Planning and Welwyn Garden City Estate Management Matters.
2. To ensure that evidence both written and oral is properly considered and that courtesy, care and proper balance is shown when receiving evidence from third parties and applicants.
3. To ensure that fair and open debate takes place with proper recording of the rationale and reasoning behind decisions.
4. To alert the Cabinet and Officers to any need for policy review or revision.
5. To take advice from Officers present as necessary.
6. To offer comment in the press and other media as needed, on the decisions and processes of the Committee.

Key contacts:

1. Director (Strategy and Development)
2. Head of Planning and other senior Planning Officers
3. The Cabinet