

CABINET AGENDA



TUESDAY 23 APRIL 2024 AT 7.30 PM
M2:18 - THE FORUM

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Capozzi
Councillor Tindall (Leader)
Councillor Bromham
Councillor Dhyani

Councillor England (Deputy Leader)
Councillor Weston
Councillor Wilkie

For further information, please contact Democratic Support or 01442 228209

AGENDA

1. MINUTES (Pages 3 - 4)

To confirm the minutes of the previous meeting.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct for Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements and ask questions in accordance with the rules as to Public Participation.

5. REFERRALS TO CABINET

There were no referrals to Cabinet

6. CABINET FORWARD PLAN (Page 5)

7. QUARTERLY STRATEGIC RISK REGISTER (Pages 6 - 28)

8. ANTI-SOCIAL BEHAVIOUR POLICY (Pages 29 - 56)

9. CONSTITUTIONAL UPDATES (Pages 57 - 350)

MINUTES

CABINET

19 MARCH 2024

Councillors: Tindall (Leader)
Bromham
Dhyani
England (Deputy
Leader)
Capozzi

Also attended: Cllr Williams

Officers:	A Wilkie	Strategic Director People and Transformation
	N Howcutt	Chief Finance Officer
	Mark Brookes	Assistant Director Legal and Democratic Services
	L Fowell	Democratic Services

The meeting began at 7.30 pm

CA/26/21 MINUTES

The minutes of the last meeting were approved

CA/27/21 APOLOGIES FOR ABSENCE

Apologies were received from Cllrs Wilkie and Weston

CA/28/21 DECLARATIONS OF INTEREST

There were no declarations of interest

CA/29/21 PUBLIC PARTICIPATION

There was no public participation.

CA/30/21 REFERRALS TO CABINET

There were no referrals to Cabinet

CA/31/21 CABINET FORWARD PLAN

The forward plan was noted

CA/32/21 ALCOHOL RELATED PUBLIC SPACE PROTECTION ORDERS

Decision

Cabinet approved the re-establishment of the Public Space Protection Orders as set out in paragraph 1.5, and in Appendix A, of the report.

Advice

Recommendation agreed

For full discussion, please see video minutes

CA/33/21 SENIOR OFFICER PAY POLICY

Decision

RESOLVED TO RECOMMEND

(1) Cabinet **recommends to Council** that it adopts the Pay Policy for 2024/25 as set out in Appendix 1 to this report.

(2) Cabinet agreed that any amendments to the Pay Policy throughout the financial year 2024/2025, which may be required as a result of legislative changes, can be approved by the Chief Executive in conjunction with the Council's Monitoring Officer.

Advice

Recommendation agreed

For full discussion, please see video minutes

The Meeting ended at 7.33 pm

CABINET FORWARD PLAN

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/ S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
	21/05/24	Local Connection Policy		09/05/24	Julie Abbey-Taylor Head of Investment and Delivery Julie.Abbey-Taylor@dacorum.gov.uk	
	21/05/24	Mayoral Future Fund		09/05/24	James Doe Strategic Director Place James.doe@dacorum.gov.uk	
	21/05/24	Performance Improvement Project Revised KPI framework		09/05/24	Shaj Choudhury – Head of Transformation Shaj.choudhury@dacorum.gov.uk	
	21/05/24	Markyate Conservation Area Character Appraisal		09/05/24	Philip Stanley Head of Development Management Philip.stanley@dacorum.gov.uk	
	21/05/24	Mayoral Service Arrangements		09/05/24	Mark Brookes – Assistant Director Legal & Democratic Services Mark.brookes@dacorum.gov.uk	
	21/05/24	Affordable Housing SPD		09/05/24	Sara Whelan – Assistant Director Planning Sara.whelan@dacorum.gov.uk	
	21/05/24	Housing Development Programme Update		09/05/24	Julie Abbey-Taylor Head of Investment and Delivery Julie.Abbey-Taylor@dacorum.gov.uk	
	21/05/24	Hemel Health Campus		09/05/24	James Doe Strategic Director Place James.doe@dacorum.gov.uk	
	18/06/24	CIL Review		30/05/24	Sara Whelan – Assistant Director Planning Sara.whelan@dacorum.gov.uk	
	18/06/24	Capital Programme Board Report		30/05/24	David Barrett Assistant Director - Strategic Housing and Delivery David.Barrett@dacorum.gov.uk	
	18/06/24	Provisional Outturn Report		30/05/24	Nigel Howcutt – Chief Finance Officer Nigel.howcutt@dacorum.gov.uk	
	18/06/24	Sports Pitches Project		30/05/24	David Barrett Assistant Director - Strategic Housing and Delivery David.Barrett@dacorum.gov.uk	
	23/07/24	Tenancy Strategy		04/07/24	Natasha Beresford – Assistant Director Housing Operations and Safer Communities Natasha.beresford@dacorum.gov.uk	
	23/07/24	Supported Housing Strategy		04/07/24	Natasha Beresford – Assistant Director Housing Operations and Safer Communities Natasha.beresford@dacorum.gov.uk	



Report for:	Cabinet
Title of report:	Strategic Risk Register Q3 2023-24
Date:	23 rd April 2024
Report on behalf of:	Councillor Michela Capozzi, Portfolio Holder for Corporate and Commercial Services
Part:	I
If Part II, reason:	
Appendices:	Appendix A- Strategic Risk Register Update Q3 2023-24 Appendix B- Risk scoring methodology
Background papers:	Cabinet December 2023 Agenda item 8 Strategic Risk Register Update Q1 and Q2 2023-24
Glossary of acronyms and any other abbreviations used in this report and appendices:	CEE- Climate and Ecological Emergency CLT- Corporate Leadership Team DLUHC- Department for Levelling Up, Housing and Communities. HRA – Housing Revenue Account. The Council’s Housing Landlord function. HTIP- Housing Transformation and Improvement Programme. A review of operational practices within the Housing service. SLT- Strategic Leadership Team. VCS- Voluntary and Community Sector. VFM- Value for Money.

Report Author / Responsible Officer

Fiona Jump, Head of Financial Services



Fiona.jump@dacorum.gov.uk / 01442 228162 (ext. 2162)

Corporate Priorities	Ensuring efficient, effective and modern service delivery
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Wards affected	All
Purpose of the report:	To provide committee with an update against the risks identified in the Council's Strategic Risk Register as at Q3 2023-24.
Recommendation to the decision maker:	To approve the Q3 2023-24 update on the Strategic Risk Register.
Period for post policy/project review:	An update on the Council's Strategic Risk Register is provided to Audit Committee and Cabinet on a quarterly basis.

1 Background

Robust risk management supports the delivery of the Council's corporate plan objectives. The Council has a legal obligation to ensure that it has sound risk management arrangements in place.

A review of the significant strategic risks impacting the delivery of the Council's six key corporate plan priorities was undertaken during 2022-23. This review involved Members, the Strategic Leadership Team (SLT), and Corporate Leadership Team (CLT) and the Council's internal auditors. A revised set of strategic risks were produced as follows, to be reported on from quarter 4, 2022-23:

Risk	Risk Owner
Failure to ensure compliance with statutory and legislative requirements.	Chief Executive
Failure to work with Strategic Partners to deliver Corporate priorities	Chief Executive
The Council is subject to a successful cyber-attack and/ or data breach.	Strategic Director (People and Transformation)
We are unable to deliver effective services to residents due to an inability to retain and recruit sufficient competent and skilled resources.	Strategic Director (People and Transformation)
We do not plan in or deliver action early enough to ensure achievement of the CEE statement.	Strategic Director (People and Transformation)
Inability to manage and deliver safe and good quality affordable homes	Strategic Director (Housing and Property)
Weakening of the Council's Financial Resilience.	Strategic Director (Corporate and Commercial Services) / Chief Finance Officer
Failure to Deliver Place Shaping and Regeneration ambitions.	Strategic Director (Place)

Each risk is owned by a member of the Council's Strategic Leadership Team. Each quarter, they will provide an assessment of the current likelihood and impact/ consequence associated with each risk, together with narrative context. This is explained further below.

2 Strategic Risk Register Update Q3 2023-24

Appendix A provides a detailed update on the Council's strategic risks as at Q3 2023-24.

Between Q2 2023-24 and Q3 2023-24, there has been movement in the current risk score for the following strategic risk:

Weakening of the Council's Financial Resilience - the risk score at Q3 2023-24 has been reduced to 4 (previously score of 6 at Q2 2023-24). This reflects progress on mitigation activities against this risk including approval of a balanced budget for 2024-25.

Risk scores against all other strategic risks are unchanged from Q2 2023-24.

3 Risk scoring and current risk status

Appendix B provides an explanation of the scoring system used by the Council to provide a numerical assessment of the status of each strategic risk.

The Council uses a 4x4 risk scoring matrix. The likelihood that a risk will occur is scored from 1 to 4 (1 being very unlikely, 4 being almost certain). Likewise, the impact/ consequence of a risk is also scored from 1 to 4, (1 being low impact, 4 being significant impact). Both scores are then multiplied together to give an overall score.

For example: likelihood (4) x impact (4) gives an overall risk score of 16.

An overall risk score of 1 indicates low likelihood/ impact of a risk; a score of 16 indicates high likelihood/ impact of a risk.

The Council provides an assessment of three different types of risk score:

- 1) Inherent risk score. This is the risk score if no controls to manage the risk impact or likelihood were in place. It is expected that the inherent score would be relatively high for all strategic risks.
- 2) Target risk score or risk appetite score. This is the risk score that this organisation is prepared to accept, to be achieved by the controls that the Council puts in place to manage the impact and likelihood of each risk.
- 3) Current risk score. This is the risk score that gives an assessment of the current position.

4 Presentation to Audit Committee March 2023

The Q3 2023-24 update of the Council's Strategic Risk Register was presented at Audit Committee in March 2023. It was noted that a recent internal audit review of the Council's risk management arrangements made recommendations for implementation that will further enhance the risk management information provided to members.

5 Financial and value for money implications:

Proper risk management arrangements support delivery of value for money and helps secure the Council's financial resources.

6 Legal Implications

The Council is required by law to make proper risk management arrangements.

7 Risk implications:

Contained in the body of the report.

8 Equalities, Community Impact and Human Rights

None arising directly from the report.

9 Sustainability implications (including climate change, health and wellbeing, community safety)

None arising directly from the report.

10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)

None arising directly from the report.

12 Statutory Comments

Monitoring Officer:

The report presents an overview of the Council's approach to strategic risks and the mitigations in place to manage those risks. The arrangements in place to manage risk appear appropriate for this period.

Deputy S151 Officer:

This is a Deputy S151 Officer report.

13 Conclusion

This report provides an update on the Council's Strategic Register as at Q3 2023-24.

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Risk Register Summary Table

		31 Dec 2023			
Risk Name	Risk Owner	RM01 Risk Consequence	RM02 Risk Likelihood	Status	
		Actual	Actual	Actual	Update
The Council is subject to a successful cyber attack and/ or data breach.	Aidan Wilkie	3	2	6.00	- We have successfully secured PSN accreditation; - We are working towards cyber essentials + accreditation with a view to securing it in the summer. - We have run a Council wide cyber resilience exercise which will form the basis of cross-Council improvements.
Failure to ensure compliance with statutory and legislative requirements.	Claire Hamilton	2	2	4.00	<p>Robust programme of internal and external audit assessment. Findings of these programmes supporting legal compliance on areas of Council activity. Quarterly audit actions report comes to SLT. Review of Council statutory responsibilities is reaching its final stages and will feed into the annual service planning process. Housing Transformation & Improvement Programme (HTIP) underway. Favourable outcomes achieved and improvement programme still progressing. Target Operating Model in final stages of development. Preparation for Regulator of Social Housing Standards requirements continues.</p> <p>Monthly report on GF and HRA compliance presented to SLT. Monthly H&S Chief Executive briefing takes place. Formal Statutory Officer meeting takes place on a monthly basis. Dacorum Assurance Framework is being developed. SLT meeting takes place weekly- attended by all Statutory Officers or their deputies. Chief Executive and senior officers attend briefings on statutory requirements and changes in legislation. Focus has been on our readiness for the changes to Election requirements in this quarter.</p>
Inability to manage and deliver safe and good quality affordable homes	Darren Welsh	4	2	8.00	<ul style="list-style-type: none"> • The Housing Revenue Account Business Plan has been reviewed, as part of the Council's financial budget setting cycle and refresh of the Council's Medium Term Financial Plan. • A new Housing Strategy for 2024/29 has been developed for Cabinet approval. • 4000 Council homes have been surveyed and an interim Housing Asset Management Plan has been developed. • A plan to recommission the Housing Repairs and Maintenance contract has been presented to the Housing and Community Overview and Scrutiny Committee. • Compliance reporting on health and safety management is reviewed by the Council's Senior Leadership Team on a monthly basis. • Quarterly performance reports to the Housing and Community Overview and Scrutiny Committee have been reviewed to provide more information on customer insight and service improvement actions.

Risk Name	Risk Owner	31 Dec 2023			
		RM01 Risk Consequence	RM02 Risk Likelihood	Status	
		Actual	Actual	Actual	Update
We do not plan in or deliver action early enough to ensure achievement of the CEE statement.	Aidan Wilkie	2	2	4.00	- We now have an agreed programme of work, governance and impact/ monitoring approach; - Key delivery risks are identified and work prioritised; - Fleet and housing decarbonisation remain big challenges but big steps forward have been made on both. The latter is a nationwide challenge. - £1.16m has been approved to set aside in reserves to help progress our programme/ augment it with additional activity;
Weakening of the Council's Financial Resilience.	Catherine SilvaDonayre / Nigel Howcutt	2	2	4.00	Financial resilience Inherent risk likelihood 4; inherent risk consequence/ impact 4. Overall inherent risk score is 16. Target risk likelihood 2; target risk consequence/ impact 3. Overall target risk score is 6. Actual Risk Score; Impact 2 likelihood 2. Overall Qtr 3 risk score is 4. During 2023/24 the in-year financial projections for the general fund have projected an overall surplus in comparison to approved budgets. The General fund short term financial position looks strong given the increased performance of cash investments. This has come about due to slippage in the capital spend programme increasing cash balances, and higher and more sustained levels of interest rates than previously forecasted. In addition to this the 2024 Medium Term financial Strategy (MTFS) and 2024/25 budget has been approved by cabinet and is projecting a balanced budget position for 24/25. A total unidentified savings requirement of £2.1m is remaining to be achieved over the MTFS period. The level of reserves at the end of 23/24 are expected to exceed reserve levels achieved in recent years and feel appropriate to support any short and medium term difficulties that could arise. The HRA financial projections worsened in quarter 4 of 22/23 and the financial pressures within the service have maintained in throughout 2023/24 with a current projected pressure of circa £600k in 23/24. The HRA is impacted significantly by inflationary cost pressures and demand relating to repairs and maintenance. The HRA is being closely monitored and mitigation measures are being implemented and assessed as the impact of wider inflationary cost pressures has a greater impact on the housing service than the general fund. In terms of medium term financial sustainability the HRA 30 year business plan has been approved by cabinet and details how the HRA plans to ensure it is both affordable and sustainable in the medium term. Mitigations/Actions importance. 1. Delivering to budget in year. 2. Approval of a sustainable and achievable MTFS 3. Approval of a balanced budget for the next financial year.
Failure to Deliver Place Shaping and Regeneration ambitions.	James Doe	3	2	6.00	• New Local Plan has completed Regulation 18 consultation in December 2023; work progressing in Q4 towards next statutory stage, Regulation 19 by the autumn of 2024 • UKSPF Investment Plan of £1.763m progressing • Draft Hemel Place Strategy now likely to come in Q4 24/25 given failure to recruit new Head of Place and Enterprise; this post has now been made permanent with recruitment in Q4 23/24. • Hemel Town Centre Vision approved by Cabinet 18 July 23; currently handling major investment enquiries • Hemel

		RM01 Risk Consequence	RM02 Risk Likelihood		
		Actual	Actual	Actual	
					<p>Health Campus project being initiated with NHS partners during Q4; move to formal governance and initial PID by Q1 24/25 • Hemel Place Board continues to meet; move to action planning stage by Q4. • Corporate Place Board continuing to progress the Chiltern Beechwoods Mitigation Strategy and roll-out of e-bikes for Hemel Hempstead. Corporate SANG group formed to deliver new SANG on Council-owned sites • Dacorum Local Cycling and Walking Infrastructure Plan being developed with Herts CC and consultation closed 26 Feb 24 • Berkhamsted and Tring Town Councils taking the lead on respective place strategies with support from DBC. • Review of town centre assets underway through Strategic Asset Review • New Dacorum Investment Framework to facilitate inward investment - progress Q4 and into 24/25 with the temporary Head of Place and Enterprise • Infrastructure Delivery Plan being kept up to date to support Local Plan – work ongoing • Work continues on revising CIL spend and governance • Economic Recovery Board progressing with reporting on 6 separate workstreams • New Maylands Masterplan consultants appointed and work has progressed with draft plan produced, engagement with stakeholders continuing into Q4. • Attendance at UKREiiF in Leeds, May 2024, confirmed as part of wider Hertfordshire delegation. • Hemel Garden Communities programme continuing well with work with major landowner to commencing initial planning work in Q1 2024/25. Work programme focused on supporting evidence for both Dacorum and St Albans Local Plans. • VCS recommissioning proposals agreed by Cabinet. • Regeneration proposals to follow Strategic Asset Review, currently being procured, to involve General Fund and HRA assets with view to place making. Implementation of outcomes likely to be progressed from Q1 24/25 • Long lease at Riverside shopping centre has been reassigned; planning discussions and pre-application arrangements under discussion and are progressing to submission of planning application by end of Q3 24/25 • Place Communities and Enterprise Heads of Service Posts selection took place in Q3, with appointments to Head of Communities and Leisure and Head of Arts and Culture. Head of Place and Enterprise was not recruited to, but post has now been made permanent and recruitment taking place in Q4. • Long term planning for SW Herts through the Joint Strategic Plan is moving towards strategic growth location selection by members during Q4 and Q1 of 24/25 • National economy confirmed as in recession which may be a risk to investment proposals over the coming 12 months</p>

Risk Name	Risk Owner	31 Dec 2023			
		RM01 Risk Consequence	RM02 Risk Likelihood	Status	
		Actual	Actual	Actual	Update
We are unable to deliver effective services to residents due to an inability to retain and recruit sufficient competent and skilled resources.	Aidan Wilkie	2	2	4.00	- Turnover and vacancy factor remain broadly in the same place. The market remains challenging in particular for specialist roles but we have had many successful recruitment campaigns for key positions; - Evidence that the market forces policy is helping to tackle longstanding recruitment challenges eg planning; - Work programme in place to improve Dacorum offer and branding - Starting to look at alternative banding/ pay approaches for specialist roles
Failure to work with Strategic Partners to deliver Corporate priorities	Claire Hamilton	2	2	4.00	Key joint working groups established and operating (e.g. Hemel Place Board, SW Herts Joint Strategic Partnership, Hemel Garden Communities Board). Key Delivery Partnerships have the appropriate strategic and operational governance boards in place to monitor delivery. Hertfordshire wide delivery groups supported and monitored. Strategic partners are assigned lead officers for relationship management and communications. Senior officers liaise with Government departments and agencies in relation to the Council's strategic plans and activity. Meetings with DLUHC and Home Office officials have been held and preparations are underway for future visits from Government departments in 2024. Hemel Health Campus project has been launched and a project team with health partners has been established. Strategic Partners are engaged in the production of new strategies and plans for Dacorum, such as the new Housing Strategy. CVS Grant funding proposals have been approved by Cabinet. Local Plan Reg 18 consultation concluded.

Risk Name	Detail	31 Dec 2023
		Status
#RM000000001	Risk Owner	Aidan Wilkie
	Portfolio	People and Transformation
	Risk Description	The Council is subject to a successful cyber attack and/ or data breach.
	Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> ▪ Strategic Risk Register March 2023 ▪ Ensuring efficient, effective and modern service delivery
	Inherent Score	16 ▲
	Mitigated Score	6.00 ●
	Risk Appetite	4.00
	Comments	- We have successfully secured PSN accreditation; - We are working towards cyber essentials + accreditation with a view to securing it in the summer. - We have run a Council wide cyber resilience exercise which will form the basis of cross-Council improvements.
	Controls & Assurances	The Council has implemented a number of measures to manage this risk including use of firewalls, security patching and staff training. Regular back- ups are undertaken. The Council has a robust independently assessed technical infrastructure and security function which is constantly tested against best practice.
	Evidence Risk is being managed	The Council has implemented a number of measures to manage this risk. Due to evidence that those looking to carry our cyber-attacks specifically look for public facing documents outlining control measures in place, these measures are not provided in detail here and are available to Members on request. The Council has a robust independently assessed technical infrastructure and security function which is constantly tested against best practice.
	Consequences / Impacts	Financial loss through inability to deliver business as usual activity. Financial and human resource cost of recovering from the event. Data breach resulting in fines/ penalties. Reputational damage and loss of trust in the Council. Regulator/ government intervention. Inability to deliver frontline services and associated impact on residents.
#RM000000007	Risk Owner	Claire Hamilton
	Portfolio	Leader of the Council
	Risk Description	Failure to ensure compliance with statutory and legislative requirements.
	Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> ▪ Strategic Risk Register March 2023 ▪ Ensuring efficient, effective and modern service delivery

		31 Dec 2023
Detail		Status
Inherent Score	16 ▲	
Mitigated Score	4.00 ★	
Risk Appetite		2.00
Comments	<p>Robust programme of internal and external audit assessment. Findings of these programmes supporting legal compliance on areas of Council activity.</p> <p>Quarterly audit actions report comes to SLT.</p> <p>Review of Council statutory responsibilities is reaching its final stages and will feed into the annual service planning process.</p> <p>Housing Transformation & Improvement Programme (HTIP) underway. Favourable outcomes achieved and improvement programme still progressing. Target Operating Model in final stages of development.</p> <p>Preparation for Regulator of Social Housing Standards requirements continues.</p> <p>Monthly report on GF and HRA compliance presented to SLT.</p> <p>Monthly H&S Chief Executive briefing takes place.</p> <p>Formal Statutory Officer meeting takes place on a monthly basis.</p> <p>Dacorum Assurance Framework is being developed.</p> <p>SLT meeting takes place weekly– attended by all Statutory Officers or their deputies.</p> <p>Chief Executive and senior officers attend briefings on statutory requirements and changes in legislation. Focus has been on our readiness for the changes to Election requirements in this quarter.</p>	
Controls & Assurances	<ul style="list-style-type: none"> - Legal, regulatory and financial frameworks regularly reviewed and considerations imbedded in key policies, processes and decision-making process. - Rigorous framework of Health and Safety monitoring, reporting and escalation. - Developed 3 year rolling Internal Audit programme that challenges statutory and legislative requirements. - External audit reporting annually. - Ombudsman annual assessment and reporting. 	
Evidence Risk is being managed	<p>Statutory deadlines met on key deliverables (including and not limited to Council Tax setting, delivery of a balanced budget, publication of final accounts).</p> <p>Robust programme of internal and external audit assessment. Findings of these programmes supporting legal compliance on areas of Council activity.</p> <p>Housing Transformation & Improvement Programme (HTIP) instigated and progressed during 2022-23. Favourable outcomes achieved and improvement programme still progressing.</p> <p>Monthly compliance report on General Fund and Housing Revenue Account assets presented to the Council's Strategic Leadership Team (SLT).</p>	
Consequences / Impacts	<p>Intervention by sector regulators, including but not limited to HM Treasury, Regulator of Social Housing, and Planning Inspectorate.</p> <p>Intervention by central government including the Office for Local Government.</p> <p>Increase in complaint and escalation to Local Government Ombudsman.</p> <p>Increase in litigation against the Council.</p> <p>Imposition of fines and penalties against the Council.</p> <p>Reputational damage.</p>	

Risk Name	Detail	31 Dec 2023
		Status
Inability to manage and deliver safe and good quality homes.	Risk Owner	Darren Welsh
	Portfolio	Housing and Property Services
	Risk Description	Inability to manage and deliver safe and good quality affordable homes
	Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> ▪ Strategic Risk Register March 2023 ▪ Providing good quality affordable homes
	Inherent Score	16 ▲
	Mitigated Score	8.00 ●
	Risk Appetite	8.00
	Comments	<ul style="list-style-type: none"> • The Housing Revenue Account Business Plan has been reviewed, as part of the Council's financial budget setting cycle and refresh of the Council's Medium Term Financial Plan. • A new Housing Strategy for 2024/29 has been developed for Cabinet approval. • 4000 Council homes have been surveyed and an interim Housing Asset Management Plan has been developed. • A plan to recommission the Housing Repairs and Maintenance contract has been presented to the Housing and Community Overview and Scrutiny Committee. • Compliance reporting on health and safety management is reviewed by the Council's Senior Leadership Team on a monthly basis. • Quarterly performance reports to the Housing and Community Overview and Scrutiny Committee have been reviewed to provide more information on customer insight and service improvement actions.
	Controls & Assurances	<p>Housing Transformation and Improvement Programme in place to transform the housing service.</p> <p>Strong focus on compliance activity and regular reporting to SLT, Scrutiny and Cabinet.</p> <p>New management structure developed and in place for Housing Services to create capacity and deliver strong leadership.</p> <p>Strategic housing function created to drive affordable housing supply and enable, monitor and report on housing needs and delivery.</p> <p>A programme of grant support is in place to Registered Providers to support affordable housing delivery.</p> <p>Housing Revenue Account Business Plan refreshed to reflect all housing priorities.</p> <p>Housing delivery is a key part of the developing 2023 Local Plan.</p>
	Evidence Risk is being managed	<p>Housing Transformation and Improvement Programme (HTIP) - baseline report for HTIP. HTIP is a review of current operating practices within the Housing services, the purpose of which is to identify areas and actions for improvement and change.</p> <p>Safeguarding improvement plan identifies where more effective controls could be applied.</p> <p>New service structure to support service objectives.</p> <p>Monitoring and management of compliance in place.</p> <p>HRA Business Plan annually refreshed.</p> <p>Improved governance across Housing and also corporately.</p> <p>Preparatory work on new regulatory requirements to be reported to Overview and Scrutiny Committee.</p>
Consequences / Impacts	<p>Regulatory intervention.</p> <p>Funding withdrawal.</p> <p>Loss of life/ injury to tenants/ leasehold occupant.</p> <p>Reputational damage.</p> <p>Increased homelessness.</p> <p>Failure to appropriately safeguard households.</p> <p>Failure to maintain assets.</p>	

Risk Name	Detail	31 Dec 2023	
		Status	
Climate and Ecological Emergency	Risk Owner	Aidan Wilkie	
	Portfolio	Climate Change	
	Risk Description	We do not plan in or deliver action early enough to ensure achievement of the CEE statement.	
	Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> ▪ Strategic Risk Register March 2023 ▪ Climate and ecological emergency 	
	Inherent Score	16 ▲	
	Mitigated Score	4.00 ★	
	Risk Appetite	4.00	
	Comments	- We now have an agreed programme of work, governance and impact/ monitoring approach; - Key delivery risks are identified and work prioritised; - Fleet and housing decarbonisation remain big challenges but big steps forward have been made on both. The latter is a nationwide challenge. - £1.16m has been approved to set aside in reserves to help progress our programme/ augment it with additional activity;	
	Controls & Assurances	- Climate and Ecological Strategy and action plan created and implemented. - A renewed programmatic approach including analysis of potential and impact of individual and collective intervention. This includes ownership of delivery spread throughout the Council and renewed governance. - All key strategic decision making includes an assessment of the impact on carbon footprint.	
	Evidence Risk is being managed	Climate and Ecological Strategy and action plan created and implemented. A renewed programmatic approach including analysis of potential and impact of individual and collective intervention. This includes ownership of delivery spread throughout the Council and renewed governance. All key strategic decision making includes an assessment of the impact on carbon footprint.	
Consequences / Impacts	Adverse impact on local biodiversity. Adverse impact on health and wellbeing of the population of the borough. Reputational damage.		
Weakening of the Council's Financial Resilience	Risk Owner	Catherine SilvaDonayre/ Nigel Howcutt	
	Portfolio	Corporate and Commercial Services	
	Risk Description	Weakening of the Council's Financial Resilience.	
	Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> ▪ Strategic Risk Register March 2023 ▪ Ensuring efficient, effective and modern service delivery 	
	Inherent Score	16 ▲	
	Mitigated Score	4.00 ★	

		31 Dec 2023
Detail		Status
Risk Appetite		6.00
Comments	<p>Financial resilience Inherent risk likelihood 4; inherent risk consequence/ impact 4. Overall inherent risk score is 16. Target risk likelihood 2; target risk consequence/ impact 3. Overall target risk score is 6. Actual Risk Score; Impact 2 likelihood 2. Overall Qtr 3 risk score is 4. During 2023/24 the in-year financial projections for the general fund have projected an overall surplus in comparison to approved budgets. The General fund short term financial position looks strong given the increased performance of cash investments. This has come about due to slippage in the capital spend programme increasing cash balances, and higher and more sustained levels of interest rates than previously forecasted. In addition to this the 2024 Medium Term financial Strategy (MTFS) and 2024/25 budget has been approved by cabinet and is projecting a balanced budget position for 24/25. A total unidentified savings requirement of £2.1m is remaining to be achieved over the MTFS period. The level of reserves at the end of 23/24 are expected to exceed reserve levels achieved in recent years and feel appropriate to support any short and medium term difficulties that could arise. The HRA financial projections worsened in quarter 4 of 22/23 and the financial pressures within the service have maintained in throughout 2023/24 with a current projected pressure of circa £600k in 23/24. The HRA is impacted significantly by inflationary cost pressures and demand relating to repairs and maintenance. The HRA is being closely monitored and mitigation measures are being implemented and assessed as the impact of wider inflationary cost pressures has a greater impact on the housing service than the general fund. In terms of medium term financial sustainability the HRA 30 year business plan has been approved by cabinet and details how the HRA plans to ensure it is both affordable and sustainable in the medium term.</p> <p>Mitigations/Actions importance. 1. Delivering to budget in year. 2. Approval of a sustainable and achievable MTFS 3. Approval of a balanced budget for the next financial year.</p>	
Controls & Assurances	<ul style="list-style-type: none"> -Clear financial governance processes in place and adhered to. - Annual independent assessment of VFM and sustainability. - Strategic decision making assesses the financial sustainability of strategies. - Medium term financial sustainability assessed as part of the council approved MTFS and annual budget. -Delivery of a robust annual Internal Audit programme and annual approval by IA of risks and controls processes. -Development and implementation of Transformation and Commercial programmes to support financial resilience. 	

Evidence Risk is being managed

The Council's Medium Term Financial Strategy (MTFS) and the HRA Business Plan are controls that mitigate the likelihood of this risk crystallizing through the effective modelling of the future financial environment.

Sound financial planning maximizes the opportunity for the Council to identify funding risks in advance, and therefore grants more time for it to plan to provide its services differently in order to continue delivering its corporate priorities.

The Council's sound financial planning processes, have resulted in a residual likelihood score is 3, It is likely that the Council's financial resilience will weaken from a position of strength; given current macroeconomic factors that contribute to financial pressures, despite the sound financial control framework in place.

The residual impact score is 2, given the financial planning and reserves policy in place to reduce/finance the impact of any financial downturn. If the economic outlook was to be ongoing for significant period of time the impact score would increase as resources are diminished.

The MTFS details the financial implications of the Corporate Plan over a five-year period. It ensures that the Council is able to forecast likely income pressures in the medium-term, and optimise the balance between its financial resources and the delivery of its priorities. The MTFS is reviewed annually and is approved by Full Council, thereby providing the opportunity for Members to make informed amendments to the Corporate Plan on the basis of likely funding constraints.

The 2022 MTFS outlines the continuation of the ongoing two-pronged approach to combine the Council's need to;
1 Continue driving the efficiencies required to ensure underlying sustainability; and,
2 To protect frontline service provision.

The updated 2022 MTFS can be viewed on the October 2022 Cabinet Agenda, at www.dacorum.gov.uk.

Internal Audit

In recent years, the Council has received independent, third-party audit reviews of the financial processes that contribute to the management of this risk:

The 'Budgetary Control' process is audited by the Council's Internal Auditors annually and in 2022, and 2023 has received the substantial assurance.

The 'Core Financial Systems and Budgetary Control' which have in recent years also achieved substantial assurance with limited recommendations for improvement.

External Audit

The 2022 "Annual Auditors Report and 'Value for Money' opinion issued by Grant Thornton in June 2023 outlined no risks of significant weakness identified in relation to Financial Sustainability, Governance and Improving economy, efficiency and effectiveness. This report was based on evaluation of the MTFS; the budget setting process; the reserves policy and use; and, the Council's financial performance reporting

The Council has a sustainable 2022 MTFS and a balanced budget set for 2023/24 following a financial performance in 2022/23 that followed expectations, and included a significant net contribution to reserves, and hence, it has meant that the Council is able to protect the delivery of its frontline services into the medium-term.

Detail

Status

Consequences / Impacts

The Council is currently facing two fronts of significant financial uncertainty that both hamper planning and risk deliverability of the objectives within the Corporate Plan into the medium-term:

1. The ongoing uncertainty around future Government funding of local authorities.
2. The financial implications of the wider economic downturn and uncertainty.

Government Funding

The Council is currently operating on a one-year Finance Settlement from Government, the fourth in succession, following the conclusion of the 4- year settlement ending in April 2019. One-year settlements, and the planning challenges that accompany them, are expected to continue until after the next general election, expected in October 2024. At this point it is expected that a new Local Government funding allocation model will be implemented following historical work Funding Review work undertaken.

As yet there is no certainty over the level of funding that Dacorum or any other authority can expect in the future.

However, there is a strong belief across the sector that the new model will divert funding away from lower tier authorities in favour of those authorities with responsibility for the provision of Public Health, Social Care and Education. The Council must ensure that it's in a position to adapt to significant funding reductions at potentially short notice when the new model is announced.

Economic Downturn and Inflationary Pressures.

The Council faces significant expenditure pressures as a result of unusually high inflation impacting on contract values, pay awards and utilities.

The current cost of living crisis created by record inflation levels is putting an additional strain on household incomes, this is likely to impact on council income generation.

Income pressures could be brought about by a significant long-term recessionary impact on the Council's primary income generating services, e.g. commercial property, parking and garages.

The magnitude of the potential ongoing economic uncertainty and severity of the economic recovery period creates a significant financial threat to the Council's in-year and medium term budget.

Risk Owner

James Doe

Portfolio

Place

Risk Description

Failure to Deliver Place Shaping and Regeneration ambitions

Reference to Strategic Objectives / Priorities

- Strategic Risk Register March 2023
- Building strong and vibrant communities

Inherent Score

12 ▲

Mitigated Score

6.00 ●

Risk Appetite

4.00

Comments

- New Local Plan has completed Regulation 18 consultation in December 2023; work progressing in Q4 towards next statutory stage, Regulation 19 by the autumn of 2024
- UKSPF Investment Plan of £1.763m progressing
- Draft Hemel Place Strategy now likely to come in Q4 24/25 given failure to recruit new Head of Place and Enterprise; this post has now been made permanent with recruitment in Q4 23/24.
- Hemel Town Centre Vision approved by Cabinet 18 July 23; currently handling major investment enquiries
- Hemel Health Campus project being initiated with NHS partners during Q4; move to formal governance and initial PID by Q1 24/25
- Hemel Place Board continues to meet; move to action planning stage by Q4.
- Corporate Place Board continuing to progress the Chiltern Beechwoods Mitigation Strategy and roll-out of e-bikes for Hemel Hempstead. Corporate SANG group formed to deliver new SANG on Council-owned sites
- Dacorum Local Cycling and Walking Infrastructure Plan being developed with Herts CC and consultation closed 26 Feb 24
- Berkhamsted and Tring Town Councils taking the lead on respective place strategies with support from DBC.
- Review of town centre assets underway through Strategic Asset Review
- New Dacorum Investment Framework to facilitate inward investment - progress Q4 and into 24/25 with the temporary Head of Place and Enterprise
- Infrastructure Delivery Plan being kept up to date to support Local Plan – work ongoing
- Work continues on revising CIL spend and governance
- Economic Recovery Board progressing with reporting on 6 separate workstreams
- New Maylands Masterplan consultants appointed and work has progressed with draft plan produced, engagement with stakeholders continuing into Q4.
- Attendance at UKREiF in Leeds, May 2024, confirmed as part of wider Hertfordshire delegation.
- Hemel Garden Communities programme continuing well with work with major landowner to commencing initial planning work in Q1 2024/25. Work programme focused on supporting evidence for both Dacorum and St Albans Local Plans.
- VCS recommissioning proposals agreed by Cabinet.
- Regeneration proposals to follow Strategic Asset Review, currently being procured, to involve General Fund and HRA assets with view to place making. Implementation of outcomes likely to be progressed from Q1 24/25
- Long lease at Riverside shopping centre has been reassigned; planning discussions and pre-application arrangements under discussion and are progressing to submission of planning application by end of Q3 24/25
- Place Communities and Enterprise Heads of Service Posts selection took place in Q3, with appointments to Head of Communities and Leisure and Head of Arts and Culture. Head of Place and Enterprise was not recruited to, but post has now been made permanent and recruitment taking place in Q4.
- Long term planning for SW Herts through the Joint Strategic Plan is moving towards strategic growth location selection by members during Q4 and Q1 of 24/25
- National economy confirmed as in recession which may be a risk to investment proposals over the coming 12 months

Controls & Assurances

- Hemel Place Strategy in progress to set objectives of agenda
- Hemel Place Strategy to co-ordinate key areas of development and change including Hemel Garden Communities, Hemel Town Centre, Maylands Business Park and Two Waters/Apsley
- Place Implementation Plan to be worked up to govern priorities and delivery
- Governance through partnership Hemel Place Board and internal management and delivery through new Corporate Place Board
- Local communities engaged on new place strategies for Berkhamsted and Tring
- All projects to follow Corporate Project Management governance
- New Town Centre Strategy in progress to steer priorities
- Review of town centre assets underway to determine effective deployment of DBC land and property to deliver and catalyse place shaping, and to realise capital funds to support delivery
- New Local Plan to underpin whole agenda
- New Dacorum Investment Framework to facilitate inward investment
- Engagement in key Government Funding Streams eg Levelling Up Fund, UK Share Prosperity Fund, Investment Zones, Route Improvement Strategy
- Infrastructure Delivery Plan being kept up to date
- Policy on deployment of Community Infrastructure Levy Funds underway
- Cross-service work on HRA and General Fund assets to identify regeneration, place shaping and environmental improvement opportunities
- Economic Recovery Board formed and Plan being actively managed with partners
- Engagement of VCS to support place making
- Internal place project teams to support focused delivery and improvement, with Old Town team already formed and delivering

Detail

Status

Evidence Risk is being managed

- Hemel Place Strategy in progress to set objectives of agenda
- Hemel Place Strategy co-ordinating key areas of development and change including Hemel Garden Communities, Hemel Town Centre, Maylands Business Park and Two Waters/Apsley
- Governance through partnership Hemel Place Board and internal management and delivery through new Corporate Place Board
- Local communities engaged on new place strategies for Berkhamsted and Tring.
- New Town Centre Strategy in progress to steer priorities
- Review of town centre assets underway to determine effective deployment of DBC land and property to deliver and catalyse place shaping, and to realise capital funds to support delivery
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- Engagement in key Government Funding Streams e.g. Levelling Up Fund, UK Share Prosperity Fund, Investment Zones, Route Improvement Strategy
- Infrastructure Delivery Plan being kept up to date
- Policy on deployment of Community Infrastructure Levy Funds underway
- Cross-service work on HRA and General Fund assets to identify regeneration, place shaping and environmental improvement opportunities
- Economic Recovery Board formed and Plan being actively managed with partners
- Engagement of VCS to support place making
- Internal place project teams to support focused delivery and improvement, with Old Town team already formed and delivering

Consequences / Impacts

The borough does not reach its full economic potential.
Town centres fail to thrive, risking higher incidence of crime and anti-social behaviour
Local resident and business dissatisfaction increases, giving rise to higher volumes of complaints.

Page 23

Recruitment and Retention

Risk Owner

Aidan Wilkie

Portfolio

People and Transformation

Risk Description

We are unable to deliver effective services to residents due to an inability to retain and recruit sufficient competent and skilled resources .

Reference to Strategic Objectives / Priorities

- Strategic Risk Register March 2023
- Ensuring efficient, effective and modern service delivery

Inherent Score

16 ▲

Mitigated Score

4.00 ★

Risk Appetite

4.00

Comments

- Turnover and vacancy factor remain broadly in the same place. The market remains challenging in particular for specialist roles but we have had many successful recruitment campaigns for key positions; - Evidence that the market forces policy is helping to tackle longstanding recruitment challenges eg planning; - Work programme in place to improve Dacorum offer and branding - Starting to look at alternative banding/ pay approaches for specialist roles

		31 Dec 2023
Detail		Status
	Controls & Assurances	Ongoing Recruitment and Retention monitoring and reporting. A revised People Strategy developed with a focus on recruitment and retention. Delivery of a customer strategy which will create efficiencies (with the possibility of reinvestment) and a reduced reliance on human intervention. A revised market forces approach being implemented. Development of regional partnerships to review, and report on sector wide approach.
	Evidence Risk is being managed	Ongoing Recruitment and Retention monitoring and reporting. A revised People Strategy developed with a focus on recruitment and retention. A revised market forces approach being implemented. Development of regional partnerships to review, and report on sector wide approach.
	Consequences / Impacts	Increased levels of dissatisfaction from residents and businesses leading to higher volumes of complaints. Increase in financial cost through increased use of agency staff. Reputational damage. Intervention from central government/ regulatory bodies. Poor levels of service delivery.
Failure to work with Strategic Partners to deliver Corporate Priorities Page 24	Risk Owner	Claire Hamilton
	Portfolio	Leader of the Council
	Risk Description	Failure to work with Strategic Partners to deliver Corporate priorities
	Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> ▪ Strategic Risk Register March 2023 ▪ Ensuring efficient, effective and modern service delivery
	Inherent Score	12 ▲
	Mitigated Score	4.00 ★
	Risk Appetite	4.00
	Comments	Key joint working groups established and operating (e.g. Hemel Place Board, SW Herts Joint Strategic Partnership, Hemel Garden Communities Board). Key Delivery Partnerships have the appropriate strategic and operational governance boards in place to monitor delivery. Hertfordshire wide delivery groups supported and monitored. Strategic partners are assigned lead officers for relationship management and communications. Senior officers liaise with Government departments and agencies in relation to the Council's strategic plans and activity. Meetings with DLUHC and Home Office officials have been held and preparations are underway for future visits from Government departments in 2024. Hemel Health Campus project has been launched and a project team with health partners has been established. Strategic Partners are engaged in the production of new strategies and plans for Dacorum, such as the new Housing Strategy. CVS Grant funding proposals have been approved by Cabinet. Local Plan Reg 18 consultation concluded.
Controls & Assurances	Effective Strategic Partnership Boards set up to develop proposals and monitor delivery and outcomes. E.g. HGC, Hemel Place Board, Economic Recovery Board. Key Delivery Partnerships have the correct strategic and operational governance Boards in place to monitor delivery eg. SLM and Osbornes Herts- side delivery groups supported and monitored. Strategic partners assigned lead officer for relationship management and communications.	

	Detail	31 Dec 2023 Status
	Evidence Risk is being managed	Failure to work with Strategic Partners to deliver Corporate priorities Key joint working groups established and operating (e.g. Hemel Place Board, SW Herts Joint Strategic Partnership). Key Delivery Partnerships have the correct strategic and operational governance boards in place to monitor delivery. Hertfordshire wide delivery groups supported and monitored. Strategic partners assigned lead officers for relationship management and communications.
	Consequences / Impacts	Deterioration in service delivery to residents and businesses. Failure to deliver value for money and making best use of public funds. Failure to meet the needs of customers via joined- up working. Failure to deliver key strategic projects, including and not limited to Hemel Garden Communities and the SW Herts Joint Strategic Plan Reputational damage.

Risk Scoring Methodology

Impact Score

The following descriptions and definitions of impact are indicative and not exhaustive. They are a guide to assist you in assessing the impact of the risk **should** it occur.

Description	Factor	Score
<ul style="list-style-type: none"> Brief disruption of service area – up to 1 day No or insignificant environmental damage Financial loss < £5,000 Minor injury (first aid treatment) to an individual or several people Complaint from member of public Litigation/claims/fines up to £5,000 No reputational damage – little or no local press interest 	Minor	1
<ul style="list-style-type: none"> Service disruption 2-3 days Adverse effect on services in one or more areas for a period of several weeks Financial loss < £25,000 Adverse local publicity Significant injury to an individual or several people – medical treatment required Litigation/claims/fines up to £25,000 	Significant	2
<ul style="list-style-type: none"> Service disruption 3-5 days Complete loss of service area for 3-5 days Financial loss up to £50,000 Adverse publicity in professional/municipal press Adverse local publicity of a persistent nature Major injury to an individual or several people Litigation/claims/fines up to £50,000 	Serious	3
<ul style="list-style-type: none"> Service disruption 5+ days Major loss of service, including several important areas, and/or for a protracted period Financial loss >£50,000 Adverse and persistent national media coverage Adverse central government response, involving (threat of) removal of delegated powers Officers and/or Members forced to resign Loss of life Litigation/claims/fines >£50,000 	Major	4

Likelihood Score

The following descriptions and definitions of likelihood of the risk occurring are intended as a guide to assist you in arriving at your risk score.

Description	Indicators	Factor	Score
Less than 10% chance of occurrence	Has happened rarely/never before	Very unlikely	1
10 – 40% chance of occurrence	Only likely to happen every 3 or more years	Unlikely	2
40-75% chance of occurrence	Likely to happen at some point within the next 1–2 years. Circumstances occasionally encountered – few times a year	Likely	3
More than 75% chance of occurrence	Regular occurrence Circumstances frequently encountered – daily, weekly, monthly	Very likely	4

Scoring the risk

The charts above are designed to help you score the risks in terms of likelihood and impact.

This is carried out in two stages:

- Multiply the likelihood and impact scores together, as if there were **no** controls in place. This will give you an inherent risk score.
- With the list of controls that are currently in place, re-score the risk, taking into account the effect of these controls.

These final scores will give you a risk profile of those risks that may need more immediate attention.

Risk Score	Overall Rating
12 - 16	HIGH
6 - 10	MEDIUM
1 - 4	LOW

Level of Risk / (Inherent Risk Score)	Managing the risk
High Risk (12-16)	<p>Requires active management High impact / High likelihood: risk requires active management to manage down and maintain exposure at an acceptable level</p> <p>Contingency Plans A robust contingency plan may suffice together with early warning mechanisms to detect any deviation from profile</p>
Medium Risk (6-10)	<p>Good Housekeeping May require some risk mitigation to reduce likelihood if this can be done cost effectively, but good housekeeping to ensure the impact remains low should be adequate. Reassess frequently to ensure conditions remain same</p> <p>Contingency Plans A robust contingency plan may suffice together with early warning mechanisms to detect any deviation from profile</p>
Low Risk (1-4)	<p>Review Periodically Only put mitigations in place if it's cost effective to do so</p>



Cabinet

Report for:	Cabinet
Title of report:	Anti-Social Behaviour Policy
Date:	23 April 2024
Report on behalf of:	Councillor Simy Dhyani, Portfolio Holder for Housing and Property Services
Part:	I
If Part II, reason:	N/A
Appendices:	
a	n/a
Glossary of acronyms and any other abbreviations used in this report:	ASB – Anti Social Behaviour HTIP – Housing, Transformation and Improvement Plan

<p>Report Author / Responsible Officer</p> <p>Amy Dalton – Community Safety Manager – Safe Communities</p> <p>Joshua Smith – Head of Service, Safe Communities</p> <p> </p> <p>Joshua.Smith@dacorum.gov.uk</p>

Corporate Priorities	A clean, safe and enjoyable environment Ensuring efficient, effective and modern service delivery
Wards affected	All
Purpose of the report:	To inform Members of the current position relating to the ASB policy update and to seek approval of the policy.
Recommendation (s) to the decision maker (s):	That Cabinet approves the Anti-Social Behaviour Policy.
Period for post policy/project review:	2 years from the approval of the updated policy.

1 Introduction/Background:

An effective Anti-Social Behaviour (ASB) and enforcement provision is an essential aspect of governance and community support function for the Council. The Community Safety Team recognises that ASB can have a significant impact on the safety and well-being of individuals and communities.

Investment in responding to ASB robustly, and in a timely manner, means that the Council can help to create safer and more secure neighbourhoods, which subsequently will improve the quality of life for its residents.

As part of HTIP, the Community Safety and Tenancy Enforcement Teams have been aligned, providing a one-team approach to the management of ASB. As HTIP progresses, further analysis and consideration will be undertaken to decide on the best approach to the permanent structure.

The Safe Communities Service now has the overall responsibility for dealing with ASB that is perpetrated by Council tenants, and private households, throughout Dacorum. As a result of this amalgamation, the Council has developed a revised and updated Anti-Social Behaviour policy, to support its approach when tackling nuisance behaviour.

2 Key Issues:

The policy provides a breakdown of the types of ASB that the Council will deal with, both in the Community Safety Team and Tenancy Management Team. Contact timescales have also been revised so that customers have clear guidance relating to initial contact from enforcement officers. In delivering changes to the ASB policy, the Council has also ensured that the policy is aligned with its new corporate behaviours.

The revised ASB policy also takes into account new measures that have been put in place by the Government (ASB Action Plan), giving local authorities and partners a wider range of tools and powers to deal with persistent and unreasonable behaviour. The ASB Action Plan, which was implemented in March 2023, will bring numerous benefits to victims of ASB. The plan seeks to support initial prevention methods, such as early education, and provides a robust approach when dealing with persistent nuisance that blights communities. The ASB action plan also seeks to make improvements and builds on the work already carried out by local authorities and partner agencies by acting in the following ways:

- Treating ASB with the urgency it deserves, bringing in hotspot policing to target the worst affected areas.
- Taking a zero tolerance approach – including cracking down on the illegal drugs that blight communities. This further includes, banning nitrous oxide and expanding drug testing on arrest.
- Giving police and other agencies, including local authorities, the tools they need to act and restore pride in local communities.

A further inclusion within the Council's revised ASB policy is the Council's approach to performance indicators and the requirement to report back specifically on topics such as Hate Crime, which is now a requirement of the new Tenant Satisfaction Measures.

The Community Safety Team, as a whole, has been reviewing approaches to tackling ASB and has identified new initiatives to robustly deal with persistent nuisance, such as increased use of Community Protection Warnings/Notices and demotions of tenure. The new policy details the tools and powers that we currently, and will continue to, utilise moving forward.

3 Options and alternatives considered

Alternative options have not been considered. It is necessary for all policies to be regularly refreshed, to ensure that legislative requirements and best practice are reviewed and incorporated into strategic documents as necessary.

4 Consultation

Due to the nature of this policy, and areas of work that may be impacted, partnership working and community cohesion are reflected in specified casework and feedback provision.

5 Financial and value for money implications:

There are no financial implications associated with this report.

6 Legal Implications

There are various implications of the new policy, which are highlighted throughout the document.

7 Risk implications:

The risk implications would be relating to the increased resource needed within the enforcement team, enabling the team to effectively deal with the current and sustained increased in demand relating to Anti-Social behaviour.

8 Equalities, Community Impact and Human Rights:

An Impact Assessment has reviewed/carried out and annexed - The Community Impact Assessment has been reviewed and there is minimal impact that would occur from updating this policy.

Human Rights – There are no new Human Rights implications arising from this report, which have not already been considered.

9 Sustainability implications (including climate change, health and wellbeing, community safety)

This policy will have a positive impact on areas of work such as the Community Safety Partnership. It will support the work of the current partnership, ensuring that collaborative work is embedded, within the multi-agency approach to tackling crime, disorder and Anti-Social behaviour.

10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)

ASB will continue to impact, not only Council departments, but also external stakeholders, if a robust policy is not in place to ensure, progressive and innovative best practice. It is vital that a partnership approach to tackling ASB continues, with tools and powers being utilised at the earliest opportunity

11 Statutory Comments

Monitoring Officer:

The report highlights the key changes to the existing policy and this should provide a robust framework to enable the Council to manage and reduce anti-social behaviour and take relevant enforcement action where appropriate.

S151:

No further comments to add to the report.

12 Conclusions:

In conclusion, the implementation of the new Anti-Social Behaviour policy is crucial to ensure the progressive and innovative development of the enforcement service. By clearly outlining the consequences of causing Anti-Social Behaviour and providing support for those affected, the policy serves as a mechanism for addressing issues both promptly and proportionately.

The amendments to the current ASB Policy have been necessary to ensure the following aspects are taken in account:

- Updated compliance with the Regulator of Social Housing, Neighbourhood and Community Standard.
- Best practice relating to the use of tools and powers.
- Incorporate newly developed legislative requirements, relating to the ASB Action Plan.
- Clearly document proposed changes to the current service provision.
- Tenant Satisfaction Measures.

Continued monitoring and evaluation of the policy will be necessary to address any emerging issues and risk, ensuring that feelings of safety are promoted throughout the borough.



Anti-Social Behaviour (ASB) Policy

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1 Accessibility of Document

Our aim is to make our services easy to use and accessible for everyone.

We will take steps to make any reasonable adjustments needed for you to contact us, access our policies, or any requests to provide responses in other formats.

Depending on the individual's needs, these might include:

- Using larger print, or a specific colour contrast
- Giving more time than usual to provide information or comments on a complaint
- Using the telephone rather than written communication
- Communicating with a person through their representative or advocate
- Arranging a single point of contact
- Having an 'easy read' version of the document

If you would like to contact us about reasonable adjustments or alternative formats, please email edi@dacorum.gov.uk or call us on **01442 228000**

If you prefer to write to us, send your letter to:

Equality, Diversity and Inclusion Team
Dacorum Borough Council
The Forum, Marlowes, Hemel Hempstead
Hertfordshire
HP1 1DN

You can find information on Advocacy support here:

<https://www.dacorum.gov.uk/home/do-it-online/contact-us/advocacy-support>

Glossary of acronyms and any other abbreviations used in this policy:	Anti-Social Behaviour (ASB) Acceptable Behaviour Contract (ABC) Community Protection Notice Warning (CPNW) Community Protection Notice (CPN) Community Safety Action Group (CSAG) Community Safety Partnership (CSP) Joint Action Group (JAG) Public Space Protection Order (PSPO) Regulator of Social Housing (RSH)
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2 What is the goal of the policy?

Dacorum Borough Council recognises that Anti-Social Behaviour can have a devastating impact on individual's lives and local communities. Problems created by Anti-Social Behaviour (ASB) need to be dealt with in a robust but proportionate manner. Residents are entitled to live in a quiet and peaceful environment, so when appropriate the Council will aim to work quickly and efficiently to tackle incidents of ASB.

This policy document explains what we consider to be 'ASB and sets out the five principles the council will apply, when responding to a report of ASB. It also details the service categories, response times and the quality we will provide.

This policy details how we will deal or seek to resolve incidents of ASB. The policy document should be read in conjunction with Dacorum Borough Council's Antisocial Behaviour Procedure, which relates to the actions our staff will take when investigating ASB.

3 Who and what does the policy impact?

The Council's ASB policy applies to and will impact upon tenants and residents (regardless of tenure), their family members and other occupants and visitors.

4 How does the policy comply with the law and other requirements?

4.1 The Anti-Social Behaviour, Crime and Policing Act 2014 defines ASB as:

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation or residential premises, or;
- Conduct capable of causing (housing-related) nuisance or annoyance to any person.

4.2 Other relevant legislation as follows;

- Data Protection Act 1998, 2003 and 2018;
- Crime and Disorder Act 1998;
- Anti-social Behaviour Act 2003;
- Police and Criminal Evidence Act (PACE);
- Mental Health Act 1983 (amended 2007);
- Environmental Protection Act 1990;
- Criminal Justice and Police Act 2001;
- Housing Act 1996;
- The Noise Act 1996 as amended by the Anti-social Behaviour Act 2003 and the Clean Neighbourhoods and Environmental Act 2005;
- Children's Act 2004;
- Harassment Act 1997;
- Human rights Act 1998;

- Homeless Reduction Act 2017;
- Domestic Abuse Act 2021;
- Freedom of Information Act 2000
- Social Housing Regulation Act 2023.

4.3 Our role as a social landlord.

As a landlord, we have a duty to respond to ASB affecting the properties we manage. Our landlord duties and powers are different from, and in addition to, the duties and powers we have to deal with ASB in the wider community.

4.4 Regulator of Social Housing (RSH) and consumer standards

Social landlords (including councils and housing associations, also known as registered providers) need to comply with standards set by RSH. The RSH promotes an efficient, well governed social housing sector, able to deliver and maintain homes of appropriate quality that meet a range of needs. The RSH has set new standards that all registered providers of social housing must comply with. As part of the new standards that have been set out by the RSH, our ASB policy directly aligns with the following standard;

‘The Neighbourhood and Community Standard will require landlords to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes.’

Dacorum Borough Council ensures that our policy is aligned with the consumer standards by carrying out the following;

- Proactively working with partner agencies to tackle ASB, crime and disorder within the borough.
- Producing an annual Community Safety Partnership strategic assessment, which will support the development of the Community Safety Partnership Action plan.
- Developing an annual engagement plan, to include resident engagement days, 6 monthly newsletters, CSP survey, member feedback and specialised focus groups.
- Publish the strategic assessment and Community Safety Partnership Action plan via our website and other forms of communication.
- Ensuring that work carried out in our Joint Action Group (JAG), is reported to our Community Safety Partnership strategy group and local communities.
- Develop clear plans and measurable actions, in order to tackle and deter hate crime. Data will also be monitored through the Tenant Satisfaction Measures.
- Review all risk assessments upon receiving them, to ensure expectations are managed and communication with individuals is a tailored approach.
- Provide clear and concise information to residents and local communities, via our website, through the development of dedicated ASB leaflets and other communication activity. Ensuring that detailed signposting and guidance is provided, relating to how to report to concerns and what to expect from the service.

4.5 Our role as part of the Community Safety Partnership

Under the Crime and Disorder Act 1988, the Council must work with the Police and other agencies to reduce crime and disorder in Dacorum. In this role, we play a key part in dealing with ASB of all kinds.

4.6 Our environmental protection role

The Council has a range of responsibilities to deal with “environmental” ASB, such as noise, litter, bonfires, fly tipping and abandoned vehicles. These responsibilities arise from a number of Acts and local byelaws, but in particular from the Environmental Protection Act 1990.

Whilst these are three distinct roles, there are very strong links between them and close working arrangements have been developed between teams that deliver the various services.

4.7 ASB Case Review

The Anti-Social Behaviour Case Review, formerly known as Community Trigger, gives victims and communities the right to request that agencies deal with persistent ASB by reviewing their case and any actions taken. Any resident in Dacorum can request an ASB Case Review, if they feel it meets the criteria.

The ASB Case Review can be used if you have complained to Dacorum Borough Council, Herts Police and/or your Housing Association / Registered Social Landlord on 3 or more occasions about separate incidents in the past 6 months. Where the same incident has been reported to more than one agency this is classed as one incident. This is called the threshold. If the threshold is not met the case review will not occur.

<https://www.dacorum.gov.uk/home/community-living/community-safety-dacorum/anti-social-behaviour/community-trigger>

4.8 Governance Structure

As a partnership it is essential that partners remain in regular contact with each other, meeting regularly to discuss concerns, emerging issues, key hot spots, crime trends and to monitor the strategic priorities through the partnership action plan.

Dacorum has a number of fixed groups that meet on a regular basis to ensure that work within the Community Safety Partnership is progressing. The groups are split into three tiers – Community Safety Partnership Board, JAG (Joint Action Group) and CSAG (Community Safety Action Group).

5 Supporting Policies or Procedures

1. Procedures / Guidance / Impact Assessments	2. Dependant policies / strategies
Enforcement procedure Tenancy Enforcement Procedure.pdf	Domestic Abuse Policy Domestic Abuse Policy for Residents, Tenants and Members.pdf

6 EDI Statement

The Council is committed to promoting equality of opportunity. The Council has procedures in place to ensure that all individuals are treated fairly and without unlawful discrimination.

7 Policy Statement

7.1 Context

7.1.1 Which of the six goals in the Corporate Plan does the policy fall under?

A clean, safe and enjoyable environment

7.2 Policy content

7.2.1 The Council's objectives relating to ASB

The Council's ASB Policy is founded on the following five objectives;

1. No one should have to tolerate ASB
2. Reports of ASB will be treated seriously and dealt with professionally
3. ASB will be dealt with firmly, fairly and proportionately
4. We will work with partners in order to deliver an effective, value for money ASB service across the community
5. We will provide a high quality service that meets people's identified needs

7.2.2 Our Commitments

No one should have to tolerate ASB

Our policy is to:

- Make people aware of what anti-social behaviour is.
- Publicise and promote our various services to combat ASB.
- Encourage people to report ASB.
- Seek to respond to each reported case of ASB as quickly as possible.
- Support victims of ASB throughout the case

Reports of ASB will be treated seriously and dealt with professionally

Our policy is to:

- Assess (and reassess, when the Council considers necessary) the seriousness of the ASB reported to us.
- Treat all reports as confidential, sharing information only with other organisations that can help with the problem (e.g. the Police) and observing data protection laws and information-sharing agreements and any other relevant legislation.
- Ensure that criminal ASB reported to the Council is quickly passed on to the Police.
- Register and record each case we take on.
- Fully investigate the complaint, which may involve interviewing any alleged perpetrator and may involve interviewing third party witnesses.
- Quickly refer cases between the different departments of the Council and to other agencies as necessary.
- Formally close all cases in writing.
- Should we feel no action is appropriate, explain our reasons and advise on self-help or other alternative courses of action, whenever it is possible and appropriate to do this.
- Seek feedback on our handling of the case by way of satisfaction surveys sent to all complainants, once their case has been closed.
- Look to improve our service based on the feedback we receive

ASB will be dealt with firmly, fairly and proportionately

Our policy is to:

- Take necessary action at the earliest point, to protect people and property.
- Investigate the circumstances and seek to understand all of the facts, relating to the matter that has been reported to us.
- Always seek to resolve cases at the lowest level of intervention, taking formal action when the ASB is serious or persistent, or when it threatens people's safety or health.
- Use any of the tools and powers available to us under the law and Council policy, according to our best professional judgment.
- Take into account (and adjust our approach as necessary) when a victim or perpetrator is a vulnerable person.
- With the consent of the people involved, we may refer suitable cases to a mediation service.
- Not necessarily intervene where the issue involves private sector housing or private businesses, where there is no statutory duty on the Council to act.
- Insist that when dealing with a neighbour dispute that mediation be attempted and this may be the only action taken by the Council where there is no impact on the wider community.

We will provide a high quality service that meets people's identified needs

Our policy is to:

- Ensure that staff dealing with ASB are appropriately trained.

- Ensure that staff dealing with ASB understand and follow agreed policies and procedures.
- Focusing the response to ASB on the needs of the victims by adopting a victim-centred approach.
- Review this and other relevant policies to reflect new legislation and lessons learnt.
- Seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need; sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.
- Ensure all steps are considered in line with the Equalities Act and that if there is a known vulnerability, or if one becomes known during the course of the investigation, that details are recorded and taken into account when deciding how to proceed or respond.
- All referrals and risk assessments will be reviewed by trained officers, to ensure that subjective views, do not solely form the basis of any necessary investigation and complainant expectations are managed.

Categories and contact times

Reports of ASB, will be prioritised under the following categories, for initial contact to be made by a member of the Community Safety Enforcement Team;

Category 1	Target time for first contact with victim or referrer: 1 working day
<p>Definition</p> <p>Category 1 will include ASB such as:</p> <ul style="list-style-type: none"> • Hate related incidents – Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity. • Physical violence such as assault • Arson • Child abuse • Domestic abuse – definition listed below https://www.legislation.gov.uk/ukpga/2021/17/section/1/enacted • Serious harassment/intimidation and threatening behaviour • Racist or offensive graffiti following a report • Other forms of Antisocial behaviour requiring an immediate response • Threats to Dacorum Borough Council staff 	

Category 2	Target time for first contact with victim or referrer: 3 working days
<p>Category two includes serious cases of Antisocial behaviour such as:</p> <ul style="list-style-type: none"> • Allegations of aggressive/abusive behaviour • Regular disturbances, such as noise • Drug/solvent and alcohol abuse • Allegations of drug dealing • Verbal abuse and written intimidation and harassment • Allegations of sex working, sexual acts and kerb crawling • Vandalism and damage to property (including reports that could be classed as Criminal Damage) • Other forms of serious ASB, which in our opinion, needs priority but does not warrant an urgent or immediate response • Threats of harm / violence 	
Category 3	Target time for first contact with victim or referrer: 5 working days
<p>Category three includes neighbour nuisance and tenancy breaches (which will be investigated by the Tenancy Management Team) such as:</p> <ul style="list-style-type: none"> • Pet and animal nuisance • Minor noise nuisance • Untidy gardens • Litter, rubbish, refuse disposal and fly tipping • Running a business without permission • Car repairs • Nuisance from vehicles such as untaxed vehicles, abandoned vehicles • Access disputes • Misuse of the communal areas • Parking disputes where no restrictions are in place • Lifestyle disputes where breaches of tenancy cannot be proved • Disputes between children • Misuse of communal gardens • Gardening disputes • Disputes about cleaning communal areas where a service charge does not exist. 	

7.2.3 Tools and powers

There are a number of tools available to Local Authorities and partner agencies, such as the police. Using the relevant legislation, we will take the lowest level of intervention appropriate in the circumstances. Examples of tools that we can use to tackle ASB are listed below (this is not an exhaustive list);

Warning letters - This is a warning in writing issued to a tenant(s) where the local authority has received a complaint regarding the behaviour of the tenant, that could be deemed as a breach of a specific term of the tenancy agreement, that prohibits anti-social behaviour, nuisance, or conduct likely to cause annoyance or disturbance to any other persons.

Mediation - In many cases of ASB, mediation can be an effective tool, solving the issue quickly by bringing all parties to the table. This can be very effective in, for example, neighbour disputes, family conflicts, lifestyle differences such as noise nuisance complaints.

[Home | Mediation Hertfordshire \(mediationherts.org.uk\)](http://mediationherts.org.uk)

Acceptable Behaviour Contracts (ABC's) - ABC's are voluntary written agreements between the person who has been involved with the anti-social behaviour and one or more local agencies, whose role it is to prevent such behaviour. Usually this is Dacorum Borough Council

Demoted Tenancy - Section 82A (2) Housing Act 1985 allows the local housing authority to apply to the court for a demotion order which, when applied to secure tenancy, results in a non-secure tenancy. This removes the tenant's right to buy, right to exchange and their security of tenure for a minimum of one year.

Possession Orders - (for Dacorum Borough Council tenants) Possession proceedings allow landlords to apply for and possibly take back possession of a property in cases where there has been a breach of the tenancy or where the Local authority considers other orders or agreements to be inappropriate. A notice of seeking possession will be served in the first instance and then an application to the County Court for a court hearing may be made. It will be for the judge to decide if it is reasonable for the perpetrator to lose their home.

Discretionary Grounds for Possession – A person (or person living in or visiting the tenant's home) is guilty of conduct likely to cause nuisance or annoyance to the landlord, or someone employed in connection with the landlords management functions, where the conduct relates to or affects those housing management functions.

Absolute grounds for possession - With effect from 20th October 2014, if a tenant, a member of the tenant's household, or a person visiting the property has been: - Convicted of at least one of a list of 'serious' offences, or; - found by a court to have breached a civil injunction, or; - convicted for breaching a criminal behaviour order (CBO), or; - convicted for breaching a noise abatement notice, or; the tenant's property has been closed for more

than 48 hours under a closure order for anti-social behaviour. The Local Authority can apply for Court for a mandatory possession order.

Civil Injunction - An injunction to prevent ASB that causes nuisance or annoyance and the injunction can be issued on the balance of probabilities and can be used to prevent someone from doing something or to cause them to do something. This is likely to be used for the more serious cases.

Criminal Behaviour Order (CBO) - Available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

Dispersal Power - This is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community.

Community Protection Notice/Warning (CPNW/CPN) - Designed to tackle the behaviour that has a detrimental effect on the quality of life in the locality and is persistent and ongoing.

Public Space Protection Order (PSPO) – Intended to deal with a particular nuisance or problem in a particular area, that is detrimental to the local community's quality of life.

Closure Order - Closure of premises associated with nuisance or disorder.

7.2.4 Circumstances where the council will not be able to intervene

- One off incidents, such as a party;
- DIY that is carried out at reasonable times;
- Nuisance generated by the placement of bins;
- Parking issues, including parking on verges, pavements and the highway. This also includes, not being able to park outside your own home or parking over driveways;
- Young people gathering socially, unless they are being threatening or deliberately intimidating;
- Children playing in their homes and gardens, including reasonable noise associated with this;
- Noise that is not perpetrated purposefully, such as babies crying;
- Day to day household noise, such as the opening and closing of doors, walking/running up and the down the stairs, people walking around in their own properties (flat blocks), using washing machines and tumble driers at reasonable times;
- Gossip between individuals.

7.2.5 ASB Action plan

On 27 March 2023, the government published its policy paper on the Anti-Social Behaviour Action Plan. The Council will ensure that tools and powers within the plan, are built into procedures, enabling ASB to be dealt as swiftly and robustly as possible.

[Anti-social Behaviour Action Plan \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

7.2.6 How the council work in partnership to tackle ASB

A strong partner agency working relationship, is key to tackling issues that may impact on individuals and the wider community.

Tackling anti-social behaviour can be extremely complex and therefore the work of the Dacorum Community Safety Partnership, is integral in ensuring that residents of Dacorum feel safe, enjoy living in their community and feel confident and supported, when reporting ASB.

The council ensures that it plays a full part, as a key member of the Dacorum Community Safety Partnership. Participating in relevant strategic or preventative initiatives, permanent or ad-hoc multi-agency working groups dealing with specific ASB issues and working with police, housing associations, private landlords, letting agents and businesses, in order to provide professional advice and support as required. Enabling these organisations can act confidently to prevent or tackle ASB, making use of their own resources.

Please see below for the Community Safety Partnership link;

[Dacorum Community Safety Partnership](#)

7.2.7 Concerns for children, young people and vulnerable adults

In the course of an investigation officers may come across a person whose welfare raises concerns. Irrespective of any direct connection to the case under investigation, it remains the duty of officers to ensure these concerns are appropriately recorded and referred to the relevant safeguarding agency via the council's safeguarding mechanism.

7.2.8 Supporting Victims

The investigating officer for any anti-social behaviour case will make contact with the victim and provide their contact details (both email address and direct phone number). An action plan will be completed by the investigating officer, alongside the victim, which will detail what the victim can expect from the Council and what the investigating officer will need from the victim in order to resolve the investigation. The Council will work with local agencies and community groups to help provide support both practical and emotional, for victims of ASB.

The Council is committed to providing a high level of service to both victims and witnesses of ASB. Council will consider using professional witnesses and hearsay evidence where appropriate to do so.

The Council recognises that hate-motivated harassment is a serious offence and will remove hate-motivated graffiti and carry out emergency repairs as a matter of urgency after an incident is reported.

7.2.10 Supporting Perpetrators

We will consider whether the alleged perpetrator's behaviour is a result of their health (including mental health) status or disability. We will offer support and rehabilitation to alleged perpetrators, where we have identified a need for a referral to a relevant support agency.

7.2.11 Customer Engagement

Services that investigate ASB with Dacorum Borough Council will;

- Undertake customer satisfaction surveys and case reviews to identify and implement improvements to our services.
- Organise resident meetings when required to discuss ASB in hotspot areas either virtually or in person.

Provide information on our website to help understand our services

7.2.12 Information exchange and Data protection

Where appropriate, the Council will share information with the Police and other key agencies under the information sharing agreement, so that all agencies can carry out their function and duties in accordance with the Crime and Disorder Act 1998.

The Council will also work to ensure that residents of the Borough are encouraged and are able to report incidents, confident in the knowledge that they will be recorded and investigated where appropriate.

The Council will work within the provisions of the General Data Protection Regulations (GDPR) / Data Protection Act 2018 that provides a background for the sharing of information and the need for confidentiality and privacy.

7.2.13 Performance Indicators

The Council will set, monitor and report on performance in relation to ASB within individual Services, at a local level, and within the Community Safety Partnership. Hate crime figures will be reported under the requirement of the Tenant Satisfaction Measures.

7.3 Roles and Responsibilities

7.3.1. Specialised officers

ASB case management is investigated and managed by specially trained officers.

8 Review

The current version of this policy will be held on the Council's intranet (SharePoint) alongside supporting information, such as procedure guidance or impact assessments. Policies and strategies are continually monitored, and reviewed at appropriate intervals.

You can find external policies on the Council's website. If a policy has been updated or reviewed, these changes will be shown in the website copy. Internal policies are stored on the Council's intranet (SharePoint) alongside supporting information.

9 Appendix

9.1 Appendix 1 Policy Information

N.B. Wherever possible, please use job titles as well as names.

Document Owner Community Safety Manager	Service Community Safety	Approval Body
Author Amy Dalton	Directorate Safe Communities	Date of draft: 12/2023
Team Community Safety	Version no 1.0	Date of Review: TBC
Non-executive partners: (any team, external body contributing to the policy/strategy) _____ _____ _____		

9.2 Appendix 2 List of Version Control

1. Revision Date	2. Previous Revision Date	3. Previous Revision Level	4. Summary of Changes	5. Approved By (e.g. named officer, SLT, Cabinet)	6. Next Review Date
22/12/2023	2019	1.0	New legislation, ASB categories and contact times and addition of performance indicators for Tenant Satisfaction Measures.	Natasha Beresford, Joshua Smith	12/2025
			Add rows as necessary		

Dacorum BC Community Impact Assessment (CIA) Template

Policy / service / decision

Anti-Social Behaviour policy

Description of what is being impact assessed

What are the aims of the service, proposal, project? What outcomes do you want to achieve? What are the reasons for the proposal or change? Do you need to reference/consider any related projects?

Stakeholders; Who will be affected? Which protected characteristics is it most relevant to? Consider the public, service users, partners, staff, Members, etc

It is advisable to involve at least one colleague in the preparation of the assessment, dependent on likely level of impact

An effective Anti-Social behaviour and enforcement provision, is an essential aspect of governance and community development for Dacorum Borough Council. The Community Safety team recognise that Anti-Social behaviour can have a significant impact on the safety and well-being of individuals and communities. By investing in addressing Anti-Social behaviour robustly and in a timely manner, the local authority can help to create safer and more secure neighbourhoods, which subsequently will improve the quality of lives for residents.

As part of HTIP, a decision has been taken to align the Community Safety and Tenancy Enforcement Team, providing a one team approach in managing Anti-Social behaviour, as HTIP progresses further consideration will be given to this approach in reaching a determination of the permanent structure. The Community Safety service now has the overall responsibility for dealing with Anti-Social behaviour that is perpetrated by Dacorum Borough Council tenants and private households throughout Dacorum. As a result of this amalgamation, the council has developed a revised and updated Anti-Social Behaviour policy, in order to support our approach when tackling nuisance behaviour. The new policy can be viewed at Appendix 2.

The policy provides a breakdown of the types of ASB that the council will deal with, both in the Community Safety Team and Tenancy Management Team. Contact times have also been revised so that Customers will have clear guidance, relating to initial contact from enforcement officers. In delivering changes to the ASB policy, the council ensures that the policy is aligned with our new corporate behaviours.

The revised ASB policy, also takes into account new measures that have been put in place by the Government (ASB Action Plan), giving local authorities and partners a wider range of tools and powers to deal with persistent and unreasonable behaviour.

The ASB Action Plan, which was implemented in March 2023, will bring numerous benefits to victims of ASB. The plan seeks to support initial prevention methods, such as early education and take a robust approach when dealing with persistent nuisance that blights communities. The ASB action plan also seeks to make improvements and builds on the work already carried out by local authorities and partner agencies by acting in the following three ways;

- Treating anti-social behaviour with the urgency it deserves, bringing in hotspot policing to target the worst affected areas.
- Taking a zero tolerance approach – including cracking down on the illegal drugs that blight communities. This further includes, banning nitrous oxide and expanding drug testing on arrest.
- Giving police and other agencies, including local authorities the tools they need to act and restore pride in local communities.

A further inclusion within the council's revised ASB policy, details the council's approach to performance indicators and our requirement to report back specifically on topics such as Hate Crime, which is now a requirement of the Tenant Satisfaction Measures.

The Community Safety Team as a whole, has been reviewing approaches to tackling ASB and has identified new initiatives to robustly deal with persistent nuisance, such as increased use of Community Protection Warnings/Notices and demotions of tenure. The new policy, details the tools and powers that we currently and will continue to utilise moving forward.

Evidence

What data/information have you used to assess how this policy/service/decision might impact on protected groups?

(include relevant national/local data, research, monitoring information, service user feedback, complaints, audits, consultations, CIAs from other projects or other local authorities, etc.). You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.

- Analysis of specific case management systems – reporting on the types of nuisance
- Police and Community Safety data
- ASB Case Review data – regarding the types of nuisance reported
- Customer feedback – following on from closure of ASB cases.

Who have you consulted with to assess possible impact on protected groups? *If you have not consulted other people, please explain why? You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

- Community Safety partner agencies, such as Hertfordshire Police.
- Internal teams within DBC – Tenancy, Environmental and Community Protection, Community Safety and CCTV

Due to the nature of the work that the ASB team carry out, protected characteristics is always considered and appropriate referrals are made, as part of the case work procedure.

Proportionality is always a factor that is considered before utilisation of our tools and powers, including legal work.

Analysis of impact on protected groups (and others)

The Public Sector Equality Duty requires Dacorum BC to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service/decision will achieve these aims. Using the table below, detail what considerations and potential impacts against each of these using the evidence that you have collated and your own understanding. Based on this information, make an assessment of the likely outcome, **before** you have implemented any mitigation.

- *The PCs of Marriage and Civil Partnership and Pregnancy and Maternity should be added if their inclusion is relevant for impact assessment.*
- *Use “insert below” menu layout option to insert extra rows where relevant (e.g. extra rows for different impairments within Disability).*

Protected group	Summary of impact	Negative impact / outcome	Neutral impact / outcome	Positive impact / outcome
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<i>What do you know? What do people tell you? Summary of data and feedback about service users and the wider community/public. Who uses / will use the service? Who doesn't / can't and why? Feedback/complaints?</i>				
Age	This policy will have a positive outcome for all ages	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability (physical, intellectual, mental) <i>Refer to CIA Guidance Notes and Mental Illness & Learning Disability Guide</i>	<p>Due to nature of Anti-Social behaviour complaints, both physical and mental disability can be a sole contributory when dealing with ASB case management.</p> <p>Thorough consideration is given to the proportionate and appropriate sanctions that may be needed and procedural steps are taken, to ensure that sign posting and referrals are completed.</p> <p>Tenant Satisfaction Measures also now include designated reporting figures for all hate crimes.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender reassignment	<p>Thorough consideration is given to the proportionate and appropriate sanctions that may be needed and procedural steps are taken, to ensure that sign posting and referrals are completed.</p> <p>The Equality Act 2010 and other relevant legislation is always considered, when managing an ASB case.</p> <p>Tenant Satisfaction Measures also now include designated reporting figures for all hate crimes.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race and ethnicity	Thorough consideration is given to the proportionate and appropriate sanctions that may be needed and procedural steps are taken, to ensure that sign posting and referrals are completed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<p>The Equality Act 2010 and other relevant legislation is always considered, when managing an ASB case.</p> <p>Tenant Satisfaction Measures also now include designated reporting figures for all hate crimes.</p>			
Religion or belief	<p>Thorough consideration is given to the proportionate and appropriate sanctions that may be needed and procedural steps are taken, to ensure that sign posting and referrals are completed.</p> <p>The Equality Act 2010 and other relevant legislation is always considered, when managing an ASB case.</p> <p>Tenant Satisfaction Measures also now include designated reporting figures for all hate crimes.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	<p>Thorough consideration is given to the proportionate and appropriate sanctions that may be needed and procedural steps are taken, to ensure that sign posting and referrals are completed.</p> <p>The Equality Act 2010 and other relevant legislation is always considered, when managing an ASB case.</p> <p>Tenant Satisfaction Measures also now include designated reporting figures for all hate crimes.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<p>Thorough consideration is given to the proportionate and appropriate sanctions that may be needed and procedural steps are taken, to ensure that sign posting and referrals are completed.</p> <p>The Equality Act 2010 and other relevant legislation is always considered, when managing an ASB case.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Tenant Satisfaction Measures also now include designated reporting figures for all hate crimes.			
Not protected characteristics but consider other factors, e.g. carers, care leavers, veterans, homeless, low income, loneliness, rurality etc.	<p>Thorough consideration is given to the proportionate and appropriate sanctions that may be needed and procedural steps are taken, to ensure that sign posting and referrals are completed.</p> <p>Procedurally officers also consult with other Dacorum Borough Council departments and stakeholders, to ensure that concerns dealt with via a multi-disciplinary approach.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Negative impacts / outcomes action plan				
Where you have ascertained that there will potentially be negative impacts / outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
Action taken/to be taken <i>(copy & paste the negative impact / outcome then detail action)</i>	Date	Person responsible	Action complete	
Not applicable.	Select date		<input type="checkbox"/>	
Not applicable.	Select date		<input type="checkbox"/>	
Not applicable.	Select date		<input type="checkbox"/>	

Not applicable.	Select date		<input type="checkbox"/>
Not applicable.	Select date		<input type="checkbox"/>
Not applicable.	Select date		<input type="checkbox"/>
Not applicable.	Select date		<input type="checkbox"/>
Not applicable.	Select date		<input type="checkbox"/>
If negative impacts / outcomes remain, please provide an explanation below.			
Not applicable.			
Completed by (all involved in CIA)	Amy Dalton		
Date	January 2024		
Signed off by <i>(AD from different Directorate if being presented to SLT / Cabinet)</i>			
Date			

Entered onto CIA database - date	
To be reviewed by (officer name)	
Review date	



Cabinet

Report for:	Cabinet
Title of report:	Constitution update
Date:	23 rd April 2024
Report on behalf of:	Councillor Michela Capozzi, Portfolio Holder for Corporate and Commercial Services
Part:	I
If Part II, reason:	N/A
Appendices:	Amended version of Part 2, Part 3 and Part 4 of the Constitution Amended version of the Financial Regulations
Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	SLT – Strategic Leadership Team

Report Author / Responsible Officer

Mark Brookes, Assistant Director (Legal and Democratic Services)



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Corporate Priorities	<p>A clean, safe and enjoyable environment</p> <p>Building strong and vibrant communities</p> <p>Ensuring economic growth and prosperity</p> <p>Providing good quality affordable homes, in particular for those most in need</p>
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	<p>Ensuring efficient, effective and modern service delivery</p> <p>Climate and ecological emergency</p>
Wards affected	All
Purpose of the report:	<ol style="list-style-type: none"> 1. To seek approval to agree Part 2, 3 and 4 of Constitution. 2. To seek approval to amend the Council's Financial Regulations as set out in the body of the report.
Recommendation (s) to the decision maker (s):	<ol style="list-style-type: none"> 1. That Cabinet recommends that Council agree the amendments to Part 2, 3 and 4 of the Constitution as referenced in the report and annexed to this report. 2. That Cabinet recommends that Council agree the amendments to the Council's Financial Regulations as highlighted in the report in section 3 and annexed to this report.
Period for post policy/project review:	The Constitution is kept under continuous review by the Monitoring Officer and updates are proposed to Cabinet when required.

1 Introduction

- 1.1 The Monitoring Officer is under a continuous duty to review the Constitution to ensure that it is up to date and provides an appropriate governance framework for all Council decision making.
- 1.2 Proposals for change may be prompted not only by formal internal reviews, but also by the Monitoring Officer, the Cabinet, other Members or officers and by public opinion.
- 1.3 The changes proposed in this report result primarily as a result of the change of the role of the Chief Housing Officer to Strategic Director, Housing and Property Services and the subsequent creation and restructure of the Housing and Property Services directorate.
- 1.4 The changes also reflect the change in the Deputy Chief Executive function, which is now divided between the five Strategic Directors on a rolling basis.
- 1.5 Changes are also proposed to the Council's Financial Regulations as explained in section 3.

2 Leadership Team Restructure

- 2.1 The restructure of the Council's Strategic Leadership Team is now complete and is operational. The Constitution has therefore been reviewed to ensure that relevant job titles have been reviewed and functions are allocated to the correct post holder or Councillor.
- 2.2 There have been various changes to the Constitution made throughout the year to reflect other changes agreed by Cabinet and Council, such as the agreed delegations with regard to Suitable Areas of Natural Green Space (SANG) and specific changes introduced by new legislation, such as the Building Act 2023.
- 2.3 It is good practice and meets constitutional requirements for the Council to readopt the constitution at least annually and therefore Part 2 (Articles of the Constitution), Part 3 (Responsibility for Functions) and Part 4 (Rules of Procedure) are presented for approval.

3 Update to the Financial Regulations

- 3.1 The Council's Financial Regulations form part of the Constitution and are reviewed periodically to ensure that they remain relevant throughout any structural or operational changes within the Council, as well as legislative changes and relevant best practice guidance.
- 3.2 The Financial Regulations, including recommended updates, are annexed to this report. Details of the recommended changes to the current approved Regulations are set out below.
- 3.3 It is recommended that the Financial Regulations are updated throughout to reflect changes in Portfolio Holder titles.

3.4 **Financial Regulation 1, paragraph 1.2 - the Section 151 Officer**

It is recommended that the Council's Financial Regulations explicitly state the interchangeable nature of the roles of Section 151 Officer and Deputy Section 151 Officer for the purpose of the Financial Regulations. The Chief Finance Officer is the Council's Section 151 Officer and is accountable to the Council for the financial regulations. The Head of Financial Services is the Council's Deputy Section 151 Officer. Where the Financial Regulations refer to the 'Section 151 Officer' this refers to either the 'Section 151 Officer' or the 'Deputy Section 151 Officer'.

This change is an update to the existing regulations to follow best practice to ensure if unexpected events happen. The Deputy S151 Officer has the ability to take on the responsibilities of the S151 Officer.

3.5 **Annexe E Section 4: Debt write-off and credit write-on procedures and limits and Schedule of Authorisations, items 6 and 7.**

Where unclaimed credits are held within the Council's accounts, they may be considered for writing on.

Where a debt owed to the Council remains unpaid it may be necessary for the debt to be written off. The cost of undertaking recovery proceedings can be expensive and given the low value of some debts, it may not be economic to commence such action.

It is recommended that the following amendments to debt write on and write off thresholds are made in order to facilitate timely write on and write off of Council debt:

- A de minimus of £1,000 for Section 151 Officer approval is introduced for all write ons. There is currently no de minimus in place.
- The threshold for Portfolio Holder Corporate and Commercial services approval on debt write off be raised from £20,000 to £50,000.

3.6 **Annex D Regulation D.4. Scheme of Delegation**

It is recommended that the Unit 4 Business World approval limit for the Strategic Director Housing and Property Services be increased from £1m to £3m. This approval limit relates to the approval of transactions in the Council's financial system. The recommendation will ensure that the Strategic Director for Housing and Property Services is able to approve large value payments relating to key service contracts such as new build contractors and ongoing housing stock repairs and maintenance. These payments frequently require approval by the s151 Officer or Chief Executive due to their value. This change will ensure financial transaction approvals are undertaken by the appropriate strategic lead for Housing and Property services.

3.7 **Annex F Section 1 Disposals of Assets (including Stocks and Stores)**

It is recommended that approval limits relating to the disposal of Council assets are brought in line with the Council's Housing and Property Services Acquisitions (Right to Buy; Buy Back) and Disposals Policy, approved by Cabinet in February 2024. This would increase the threshold for Cabinet approvals for land disposals from £500k to £750k. It is proposed that all disposals of land valued above £15k but below £750k be authorised by the Chief Finance Officer in consultation with the

Portfolio Holder for Corporate and Commercial Services. Where such a disposal relates to assets held by the Council's Housing Revenue Account:

- The Strategic Director Housing and Property Service will notify the Chief Finance Officer of their support for the disposal and
- The Chief Finance Officer will, in addition, seek approval for the disposal from the Portfolio Holder for Housing and Property Services.

4 Options and alternatives considered

No other options are considered relevant as the changes are required to ensure that the Council can operate with the appropriate delegations in place.

5 Consultation

There has been consultation with the Council's Strategic Leadership Team, Corporate Leadership Team and senior Cabinet Members to ensure that the appropriate delegations are in place to enable the Council to operate effectively.

6 Financial and value for money implications:

The scheme of delegation in Part 3 of the Constitution and the Financial Regulations provides a framework for effective and compliant decision making and should help to ensure that decisions are taken at the right level and therefore improve the efficient running of Council services.

7 Legal Implications

The scheme of delegation in Part 3 of the Constitution and the Financial Regulations ensure that decisions are made by the correct Committee, Councillor or Officer according to the function being discharged. Failure to have an effective and up to date Constitution in place could lead to legal challenge.

8 Risk implications:

Failure to have an effective and up to date Constitution in place could lead to legal challenge and/or operational challenges as Members, Officers and the public will not be clear how, or by whom, decisions should be taken.

10 Equalities, Community Impact and Human Rights:

There are no Equalities, Community Impact or Human Rights implications arising from this report.

11 Sustainability implications.

There are no sustainability implications arising from this report.

12 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)

There are no implications arising from this report.

13 Statutory Comments

Monitoring Officer:

The Constitution provides a framework for effective decision making and should ensure that officers act within their appointed delegations and therefore minimise legal challenge.

Deputy S151:

The proposed changes will help support appropriate, timely and efficient execution of financial processes within the Council.

14 Conclusions:

The changes proposed in this report are required to ensure that the Council has an appropriate framework in place to facilitate effective decision making and remain agile to enable it to deliver the Council's priorities. The recommendations in the header of this report are therefore presented to Cabinet for referral to Council for final approval.

PART 2

ARTICLES OF THE CONSTITUTION

March 2024

ARTICLE 1 – THE CONSTITUTION

1.1 Powers of the Council

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

1.2 The Constitution

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

1.3 Purpose of Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision – making;
3. help Councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the services that local people receive.

1.4 Interpretation and Review of the Constitution

1. 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.
2. The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.1 Composition and eligibility

- (a) **Composition.** The Council will comprise 51 members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government 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 and terms. The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. 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 have a key role to play in the community and have an overriding responsibility for the good governance of the Borough as a whole.

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interests of their ward and or individual constituents;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the Council; and
- (vi) maintain the highest standards of conduct and ethics.

The Leader and the Members of the Cabinet have, in addition to the above, the extra roles set out in Annexes 2 and 3 at pages 14 and 15 respectively.

(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.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 Conduct

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

2.5 Registration of Members’ Interests

Every Member and Co-opted Member must register in the Council’s Register of Members’ Interests details of their Disclosable Pecuniary Interests and other personal interests as required by the Members’ Code of Conduct.

2.6 Allowances

All Councillors including the Mayor and the Deputy Mayor will be entitled to receive allowances in accordance with the Members’ Allowance Scheme set out in Part 6 of this Constitution.

OUTLINE MEMBER ROLES

Role Title:	Leader of the Council
Responsible to:	The Council
Contact with:	Community, Members, Officers, external organisations and representatives and Members of Parliament, Media
Purpose of role:	To provide political leadership of the Council, to maximise available resources and to provide appropriate political and strategic direction
Principal Accountabilities:	
<ol style="list-style-type: none"> 1. Provide strong leadership to the Council in the delivery of its Vision and Priorities and in the setting of high standards of good governance and ethical behaviour. 2. Chair the overall activities of the Cabinet to ensure that decisions made are well informed, appropriate, fulfil the agreed objectives of the Council and accord with the Constitution's principles of decision making. 3. Develop, implement and review executive strategy to fulfil the agreed objectives of the Council. 4. Maintain, develop and build upon good relationships between political and managerial processes to maximise the benefit gained by the community. 5. Provide principal point of contact to all forms of media on areas of Cabinet activity, as well as the wider Council, to ensure appropriate information is provided on Council activity. 6. Develop policy and budget priorities for the consideration of the Cabinet and for recommendation to the Council as a whole, in line with strategic objectives. 7. Develop role as principal executive voice at meetings of the Council to provide a response to questions from members of the Council and the public. 8. To provide the principal link between the Cabinet and the Chief Executive. 9. To ensure that all interested parties, (including Members, Officers, external groups/companies and the public) have equality in opportunity to speak at meetings. 10. Provide Leadership in the setting of high standards of good governance and ethical behaviour. 	

OUTLINE MEMBER ROLES

Role Title:	Cabinet Member
Responsible to:	Leader of the Council, Cabinet and Council
Contact with:	Community, Members, Officers, external organisations and representatives and Members of Parliament, Media
Purpose of role:	Contribute to decisions made by the Cabinet on all areas within its remit. Exercise their delegated decision making powers and oversee the implementation of the activities within their specific portfolio areas.
Principal Accountabilities:	
<ol style="list-style-type: none">1. Contribute to the overall activities of the Cabinet to ensure that decisions made are well informed, appropriate and fulfil the agreed objectives of the Council.2. Contribute to the development, implementation and review of the executive strategy to fulfil the agreed objectives of the Council.3. Maintain, develop and build upon good relationships between political and managerial processes to maximise the benefit gained by the community.4. Provide principal point of contact to media on appropriate portfolio areas to provide a clear, well-informed response as required.5. Provide leadership on agreed key portfolio area of responsibility to establish clear strategy for implementation of areas under consideration, in line with Council objectives.6. Establish role as key spokesperson on issues relating to their portfolio area both internally and externally to ensure that responses are informed and up to date.7. To exercise those decision making powers delegated by the Leader or the Cabinet in relation to their nominated portfolio area in accordance with the Constitution's principles of decision making.8. Provide the link between the Cabinet and appropriate officers for their specific portfolio.9. Contribute to the overall activities of the Cabinet to ensure that decisions made are well informed, appropriate and fulfil the agreed objectives of the Council.	

OUTLINE MEMBER ROLES

Role Title:	Chairman of Overview and Scrutiny Committee
Responsible to:	The Council
Contact with:	Community, Members, Officers, external organisations and representatives and Members of Parliament, Media
Purpose of role:	To manage the meetings and business of the Committee, liaise with other Chairs and Vice Chairs of Overview and Scrutiny to prevent duplication and to act impartially when challenging Cabinet or Portfolio Holder decisions, service provision and policy development.
Principal Accountabilities:	<ol style="list-style-type: none">1. Manage the meetings of the Overview and Scrutiny Committee to ensure that they provide constructive challenge to Cabinet or Portfolio Holder decisions and to ensure that they are conducted in accordance with the law and the Council's own procedure rules.2. Manage the scrutiny process in a manner which maintains political neutrality.3. Liaise with Chairs and Vice Chairs to prevent duplication and decide what process will be used to scrutinise cross cutting issues.4. To act as a spokesperson for the Committee's decisions in their specific area of responsibility.5. Give advice to the Committee regarding their work programme to ensure that they are not overloaded.6. To ensure that all interested parties, (including Members, Officers, external groups/companies and the public) have equality in opportunity to speak at meetings.7. To produce an annual report of their committee's work, to be included in the Annual Overview & Scrutiny Review.8. To keep up to date with development opportunities relevant to the role of Chairman of Overview & Scrutiny.

OUTLINE MEMBER ROLES

Role Title:	Chairman of a Regulatory Committee
Responsible to:	The Council
Contact with:	Community, Members, Officers, external organisations and representatives and Members of Parliament, Media
Purpose of role:	To manage the business and meetings of the Committee in order to ensure that sound decisions are made in respect of the functions delegated to it by the Council.
Principal Accountabilities:	
<ol style="list-style-type: none">1. Manage the meetings of the Committee to ensure that Members have taken into consideration any advice given by officers or other advisers before the decisions are made and to ensure that they are conducted in accordance with the law and the Council's own procedure rules.2. Manage the meetings to ensure that the public exercise their right to speak in accordance with the Council's Constitution. To ensure that all interested parties, (including Members, Officers, external groups/companies and the public) have equality in opportunity to speak at meetings.3. To monitor the performance of the Council's services within the remit of the Committee.4. To keep up to date with development opportunities relevant to the role of Chairman of a Regulatory Committee.	

OUTLINE MEMBER ROLES

Role Title:	Chairman of Audit Committee
Responsible to:	The Council
Contact with:	The external auditor, Internal Audit, Members, Officers,
Purpose of role:	To Chair the Council's Audit Committee which is charged with overseeing the financial reporting, risk management, audit and internal control arrangements of the Council to assure the Council and the Dacorum Council Tax payers that resources are properly managed and high standards of financial probity are maintained.
Principal Accountabilities:	
<ol style="list-style-type: none">1. To ensure that the meetings are conducted in accordance with the law and the Council's own procedure rules and that the Audit Committee carries out in a proper fashion all of its functions which, in summary, are to review:<ul style="list-style-type: none">• Financial statements• Internal audit reports• External audit reports• Other evidence of the Council's risk management and internal control systems2. Working with the Chief Financial Officer to plan an effective work programme for the Committee3. Report to Council when necessary to give assurances about the Council's financial statements, risk management and internal control mechanisms or to raise concerns of any significant weakness.4. Receive briefings from Directors or other senior staff in order to understand the context and import of forthcoming issues.5. To keep up to date with development opportunities relevant to the role of Audit Committee.	

OUTLINE MEMBER ROLES

Role Title:	Ward Councillor
Responsible to:	The Community, the Council
Contact with:	Community, Members, Officers, media, external organisations and representatives and Members of Parliament
Purpose of role:	To represent the Council to the Community and the Community to the Council.
Principal Accountabilities:	
<ol style="list-style-type: none"> 1. To adhere to the Members' Code of Conduct and the Council's Constitution. 2. Balance the different and, at times, competing interests identified within the ward and the Borough and represent them both and deal with these interests with regard to the Council's Code of Conduct and Constitution. 3. Represent the views of the community to the Council and other bodies. 4. Canvass opinion in their wards on issues and respond promptly to enquiries. 5. Undertake case work on specific problems raised by the constituents and follow up enquiries to ensure that there is a conclusion that is communicated to the person/s concerned. 6. To act as "Community Leaders" within the ward, by representing and becoming advocates for their communities and by bringing their views into the Council's decision making process. 7. Collectively be the ultimate policy makers. 8. Communicate in a variety of ways, including local meetings, the Council's work and role to residents and promote their understanding of what Councillors can do. 9. Except for members of the Cabinet and the Mayor, through membership of an Overview and Scrutiny Committee, or individually, scrutinise and hold to account the Cabinet and Council as a whole. 10. Contribute to the good governance of the Council. 11. Be available to represent the Council on other bodies. 12. To take part in the Member Development programme to help improve their role as an effective councillor. 13. Strive to ensure that the Council delivers high quality public services which represent value for money and be committed to continuous improvement in the services the Council provides. 	

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.1 Citizens' rights

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

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor.
- (b) **Information.** Citizens have the right to:
 - (i) attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) attend meetings of the Cabinet when decisions are 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, Committees and the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
and
 - (v) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to participate in the Council's public question time and may be asked to contribute to investigations by the Overview and the Scrutiny Committees.
- (d) **Complaints.** Citizens have the right to complain to:
 - (i) the Council itself and its officers under the Corporate Customer Complaints Process;
 - (ii) the Local Government Ombudsman after using the Council's own Complaints Process;
 - (iii) the Council's Standards Committee about a breach of the Councillor's Code of Conduct.

3.2 Citizens' responsibilities

Citizens must not be violent, abusing or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

ARTICLE 4 – THE FULL COUNCIL

4.1 Meanings

- (a) **Policy Framework.** The policy framework means the following plans and strategies:-
- Corporate Plan;
 - Community Safety Strategy;
 - Development Plan Documents for which the Council is responsible;
 - Council's Corporate Work Programme;
 - Any other plan or strategy which has Borough-wide application and which the Council may decide should be adopted by full Council, as a matter of local choice.
 - Policy Statements (including any revisions thereto) relating to the licensing of alcohol and gambling required under the Licensing Act 2003 and the Gambling Act 2005 respectively;
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether the 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

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;
- (c) the giving of instructions requiring the Cabinet to reconsider any draft plan or strategy submitted by the Cabinet for the consideration of the Council;
- (d) the amendment of any draft plan or strategy submitted by the Cabinet for the consideration of the Council;
- (e) the approval, for the purposes of public consultation in accordance with Regulation 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999, of draft proposals

associated with the preparation of alterations to, or the replacement of, a local plan;

- (f) the approval, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted except for certain planning matters such as planning applications;
- (g) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a function of the Cabinet which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (h) appointing the Mayor, Deputy Mayor and the Leader of the Council;
- (i) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (j) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (k) adopting an allowances scheme under Article 2.5;
- (l) changing the name of the area, conferring the title of honorary alderman or freedom of the Borough
- (m) confirming the appointment of the Head of Paid Service;
- (n) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (o) all local choice functions set out in Part 3 of this Constitution which the Council decided should be undertaken by itself rather than the Cabinet; and
- (p) all other matters which, by law, must be reserved to Council.

4.3 Council meetings

There are three types of Council meeting:

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

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

4.4 Responsibility for functions

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

ARTICLE 5 – CHAIRING THE COUNCIL

5.1 Role and function of the Mayor

- (i) The Mayor and the Deputy Mayor will be elected by the Council annually. The Mayor and in his/her absence, the Deputy Mayor will have the following roles and functions.
1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
 3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors are able to hold the Cabinet and Committee Chairmen to account;
 4. to promote public involvement in the Council's activities;
 5. to be the conscience of the Council;
 6. to attend and perform such civic and ceremonial functions as the Council and he/she determines appropriate; and
 7. To encourage and support the voluntary sector within the Borough.

ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES

Terms of reference

The Council will appoint the Overview and Scrutiny Committees (“Scrutiny Committees”) set out below, and their Chairmen and Vice Chairmen, to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters listed below.

Strategic Planning and Environment Overview and Scrutiny Committee

Terms of reference

To perform the overview, scrutiny and policy development role in relation to all matters and business associated with the Cabinet Portfolios for ‘Neighbourhood Operations, and ‘Place’. This will include any issues arising within the following areas:

Planning

Development Management
Land Charges
Planning Enforcement
Strategic Planning
Infrastructure/ Developer Contributions

Place & Enterprise

Inward Investment
Economic Growth
Place Strategies

Communities

Community Partnerships & VCS liaison
Arts and Culture & Old Town Hall Theatre
Adventure Playgrounds
Sports and Leisure/Health

Partnership Programmes

Hemel Garden Communities
SW Herts JSP

Environmental Services

Fleet Services
Waste Transformation
Garden Waste
Commercial Waste
Depot Services
Refuse and Recycling

Neighbourhood Management

Clean Safe and Green

Parks and Open Spaces
Trees and Woodlands
Cemeteries and Bereavement services
Parking Services
Garage Management

Environmental Protection

Corporate Health Safety and Resilience
Environmental Health
Operations and Public Health

Climate and Ecological Emergency

Climate Change
Ecological Emergency

Overview and Scrutiny Committees

Terms of reference

The Council will appoint the Overview and Scrutiny Committees (“Scrutiny Committees”) set out below, and their Chairmen and Vice Chairmen, to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters listed below.

Housing and Community Overview and Scrutiny Committee

Terms of reference

To perform the overview, scrutiny and policy development role in relation to all matters and business associated with the Cabinet Portfolios for ‘Housing and Community’. This will include any issues arising within the following areas:

Housing Operations and Safe Communities

HRA Housing Management
Housing Needs and Allocations
General Fund Accommodation Services
Safe Communities
Private Sector Housing
Homeless Prevention
Asylum and Refugees

Strategic Housing and Delivery

Strategy Quality and Assurance
Investment and Project Delivery
Capital programme Delivery
Housing Delivery

HRA Property Services

Safe Homes
Asset Management
Commercial Housing Contracts

General Fund Property Services

Compliance
Responsive repairs and key to key services
Valuation and Estates
Building Services and Facilities Management

Overview and Scrutiny Committees

Terms of reference

The Council will appoint the Overview and Scrutiny Committees (“Scrutiny Committees”) set out below, and their Chairmen and Vice Chairmen, to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters listed below.

Finance and Resources Overview and Scrutiny Committee

Terms of reference

To perform the overview, scrutiny and policy development role in relation to all matters and business associated with the Cabinet Portfolios for Corporate and Contracted Services, Performance and Innovation and Housing and Property Services in respect of commercial property. This will include any issues arising within the following areas:

Corporate and Commercial Services

Financial Services
Revenues and Benefits
Legal and Democratic Services
Licensing

Commercial Strategy and Programme

Commercial and Capital Project Delivery oversight
Procurement
Contract Management
Strategic Asset Review
Shared Services exploration (corporate approach)

Corporate Services

Financial Services
Revs and Bens
Legal Services
Democratic Services
Licensing

Commercial Strategy and Programme

Commercial and Capital Project Delivery oversight
Procurement
Contract Management
Strategic Asset Review
Shared Services exploration – corporate approach

General Fund Property Services

Commercial property
Compliance
Responsive repairs and key to key services
Valuation and Estates
Building Services and Facilities Management

People

HR, OD and Equality and Diversity
Digital
Transformation
Performance and complaints
CSU
Project Management Office
Corporate Governance
Communications and Engagement
Civic Events

6.2 Composition

- (ii) A Member of the Cabinet cannot be a Member of a Scrutiny Committee.
- (ii) The Council will observe the rules governing political balance contained in Section 15 of the Local Government and Housing Act 1989 when allocating seats to each of the Scrutiny Committees.
- (iii) The Chairmen of the Scrutiny Committees are to be appointed by the Council.
- (vi) The Vice-Chairmen of the Scrutiny Committees are also to be appointed by the Council. In the event that there is a Majority Group within the Council, one of the three Vice-Chairmen must be appointed from outside the Majority Group.

6.3 General role

Within their terms of reference, the Scrutiny Committees may:

- (i) review and/or scrutinise decisions made or actions taken, in connection with the discharge of any of the Council's functions.
- (ii) make reports and/or recommendations to the full Council and/or the Cabinet and/or any joint committee in connection with the discharge of any functions;
- (iii) consider any matter affecting the Borough or its inhabitants;
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.
- (v) refer to full Council for review or scrutiny, a decision made but not yet implemented by the Cabinet.

6.4 Specific functions

(a) **Policy development and review.** Overview and Scrutiny Committees may:

- (i) work with the Council and the Cabinet in the development of its budget and major policy framework by independently reviewing policy and/or developing new policies
- (ii) conduct research, community and other consultation as part of the process of policy review and development;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) carry out independent reviews of specific services;
- (v) receive internal and external monitoring reports;
- (vi) undertake work on general policy development;
- (vii) question Members of the Cabinet and/or Committees and senior officers about their views on issues and proposals affecting the Borough; and
- (viii) liaise with other external organisations operating in the Borough, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny.** Overview and Scrutiny Committees may:

- (i) review and scrutinise the decisions made by and performance of the Cabinet and/or Committees and officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question Members of the Cabinet and/or Committees and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the Borough and invite reports from them by requesting them

to address the Overview and Scrutiny Committee and local people about their activities and performance;

- (vi) question and gather evidence from any person (with their consent);
- (vii) exercise overall responsibility for the finances made available to them;
- (viii) exercise overall responsibility for the work programme of the officers employed to support their work;

(c) **Annual Report.** The Scrutiny Committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

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.

6.6 Working methods

The following principles should be adhered to by the Scrutiny Committees when carrying out their work:

- (a) a variety of different approaches and formats for meetings may be used;
- (b) membership should be tailored to ensure appropriate skills and expertise, and external input are brought to bear;
- (c) whenever appropriate, full consultation with all other stakeholder groups and organisations should take place;
- (d) the declaration of interest rules shall apply;
- (e) the imposition of the party whip is regarded as incompatible with the work of Scrutiny Committees.

6.7 Support

In order that the Scrutiny Committees can perform their roles properly they shall be given the following support:

- (a) effective and properly resourced support from officers;
- (b) a discrete budget;
- (c) access to the advice of the Council's Monitoring Officer and Chief Financial Officer;
- (d) the power to require officers to attend to answer questions;

- (e) specific training and development for all persons who undertake overview and scrutiny duties.
- 6.8 The Cabinet's forward plan, containing details of all the matters likely to be the subject of key decisions, shall be made available to all Members of the Scrutiny Committees at least 14 days prior to the first day upon which the forward plan will come into effect.
- 6.9 Any Member of a Scrutiny Committee may require that a matter which is relevant to the functions of the Committee be included on the agenda for, and is discussed at, a meeting of the Committee.
- 6.10 Each Scrutiny Committee may require Members of the Cabinet and officers to attend before them to answer questions. It will be the duty of Members of the Cabinet to comply with any such requirement. Each Scrutiny Committee may invite other persons to attend its meetings.
- 6.11 The Chairmen and Vice-Chairmen of all Scrutiny Committees will ensure that the work of the Committees is properly co-ordinated.
- 6.12 The Chairman or Vice Chairman of an Overview and Scrutiny Committee can request the setting up of a Task and Finish Group to assist the Committee in the carrying out of its specific functions. The procedure for appointing Task and Finish Groups is set out in the Task and Finish Groups Procedure Rules (Part 4 of this Constitution).

D. HEALTH AND WELLBEING COMMITTEE

Terms of Reference

To perform a non-statutory role of overview and scrutiny of matters relating to the provision of Health and Well-Being Services in the Borough by the Council and external local health providers.

- (i) The Health and Well-Being Committee will consist of 12 Members of the Council together with 2 Co-Opted Members (who shall have voting rights) which shall include 2 representatives from the Patients' Forums.
-
- (ii) The Chairman & Vice Chairman of the Health and Well-Being Committee shall be appointed by full Council.
- (iii) The Committee will set and manage its work programme to fulfil its duty in reviewing health and well-being matters which impact Dacorum residents.
- (iv) The Committee will explore any matters affecting Dacorum and/or its residents including the assessing the impact of services provided directly

by the Council, its partners and external health providers/agencies and invite those bodies to provide updates to the committee in accordance with the Committee workplan.

- (v) The Committee will consider how the services directly in the control of the Council can best be deployed, organised and prioritised to support and promote health and wellbeing in Dacorum. To include, but not limited to: Health inequalities work; housing services including tenant liaison and support and homelessness services; provision and management of parks and open spaces; environmental health services; delivery of active travel initiatives, the development of the Sports and Leisure Strategy, economic inclusion work and the role of the Local Plan, Development Management and Place Strategies to deliver new developments which foster active and healthy lifestyles.
- (vi) To work with the Council's statutory Overview & Scrutiny committees, to ensure referral of any matters as relevant, (including those matters subject to public consultation by external health providers with local residents), for formal scrutiny.

ARTICLE 7 – THE LEADER AND CABINET

7.1 Role

The Leader and 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 of the Council ("the Leader") together with two or more Councillors appointed to the Cabinet by the Leader. The number of members of the Cabinet (including the Leader) will not exceed ten.

7.3 Leader

The Leader will be a Councillor elected to the position of Leader by the Full Council:

- (a) the Leader will ordinarily be appointed by the Council at the first Annual Meeting following the ordinary election of Councillors and will hold office for the period ending with the day of the first Annual Meeting after the next ordinary election of Councillors unless within that period the Leader:
 - (i) resigns from the office of Leader by giving notice in writing to the Assistant Director (Legal and Democratic Services), or
 - (ii) is disqualified, or otherwise ceases to be an elected Member of the Council, or
 - (iii) is removed from the office of Leader by a resolution of the Council.
- (b) if, for any reason, the Council fails to elect the Leader at the relevant Annual Meeting the Leader is to be elected at a subsequent ordinary meeting of the Council.
- (c) upon the occurrence of a vacancy in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council, or at an extraordinary meeting summoned for the purpose or, if the vacancy occurs as a result of removal of the Leader by resolution of the Council, at the meeting at which that resolution was passed. The person appointed to fill the vacancy

shall hold office for the remainder of the original term subject to earlier termination as above.

- (d) Appointment of Deputy Leader -
- (i) the Leader shall appoint another Member of the Cabinet to be Deputy Leader
 - (ii) the Deputy Leader shall hold office until the end of the term of office of the Leader, unless he/she –
 - resigns as Deputy Leader by giving notice in writing to the Leader, and copied to the Assistant Director (Legal and Democratic Services), or
 - is disqualified, or otherwise ceases to be a member of the Council, or
 - is removed by the Leader from office
 - (iii) where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another Cabinet member in their place.
 - (iv) if for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his/her place and, during such time, can exercise the Leader's Portfolio responsibilities and any statutory functions which are conferred solely on the Leader.
 - (v) if for any reason the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to act in his/her place.

7.4 Other Cabinet Members

Other Members of the Cabinet will be appointed by the Leader who shall give written notice of the appointment to the Assistant Director (Legal and Democratic Services). They will hold office for the period ending with the day of the next ordinary election of Councillors unless within that period:

- (a) they resign from office by giving notice in writing to the Leader, and copied to the Assistant Director (Legal and Democratic Services);

- (b) they are disqualified, or otherwise cease to be elected Members of the Council; or
- (c) the Assistant Director (Legal and Democratic Services) receives a written notice of removal signed by the Leader.

7.5 Proceedings of the Cabinet

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

7.6 Responsibility for functions

The Leader may discharge any of those executive functions which are the responsibility of the Leader and Cabinet, or may arrange for the discharge of any of those functions –

- (i) by the Cabinet,
- (ii) by another member of the Cabinet,
- (iii) by a committee of the Cabinet, or
- (iv) by an officer of the Council

The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Leader and Cabinet functions.

7.7 Support

The Cabinet, or any individual Cabinet Member, can request the setting up of a Task and Finish Group to assist in policy development. The procedure for appointing Task and Finish Groups is set out in the Task and Finish Groups Procedure Rules (Part 4 of this Constitution).

ARTICLE 8 – REGULATORY COMMITTEES

8.1 Regulatory Committees

The Council will appoint the Committees set out in Part 3 of this Constitution for the purpose of discharging those functions which are not the responsibility of the Cabinet.

ARTICLE 9 – MEASURES FOR STANDARDS OF CONDUCT

9.1 Standards Committee

In order to ensure that Members of the Council (including co-opted Members) observe the Council's Code of Conduct for Members, the Council will establish a Standards Committee.

9.2 The appointment and composition of the Standards Committee will be in compliance with the provisions of sections 101 and 102 of the Local Government Act 1972 and Regulations made thereunder. The Council by resolution made on 16th May 2012 resolved that the rules of political proportionality in Section 15 of the Local Government and Housing Act 1989 should not apply in respect of the Standards Committee.

9.3 The Standards Committee shall comprise of 9 members who shall consist of:

- (a) five elected Members of the Borough Council;
- (b) two co-opted Town or Parish Councillors with no voting rights;
- (c) two co-opted Independent Members with no voting rights;
- (d) the Chairman of the Standards Committee shall be appointed by the Committee at its first meeting in each municipal year;
- (e) the two co-opted Town or Parish Councillors cannot be Members of the Borough Council;
- (f) the Independent Person appointed in accordance with section 28 of the Localism Act 2011 shall be invited to attend meetings of the Standards Committee.

9.4 The Terms of Reference of the Standards Committee will be to:

- (a) promote and maintain high standards of conduct by the Members and co-opted Members of the Council;
- (b) advise and assist Parish and Town Council(s) and Councillors to maintain high standards of conduct and to make recommendations to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish or Town Councillor to comply with the Code of Conduct;
- (c) advise the Council on the adoption or revision of the Members' Code of Conduct;
- (d) receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the Council's assessment criteria;
- (e) receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct;

- (f) advise, train or arrange to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct;
- (g) assist Councillors and co-opted Members to observe the Members' Code of Conduct;
- (h) conduct hearings and determine complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- (i) advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council;
- (j) maintain oversight of the Council's arrangements for dealing with complaints;
- (k) inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- (l) report, with recommendations, to the Council and/or to the Cabinet at such times and in such manner as the Committee thinks fit.

9.5.1 Appointment of Sub-Committee

- (a) The Standards Committee has appointed a Sub-Committee consisting of 5 Members appointed from Members of the Standards Committee. The rules of political proportionality do not apply to the Sub-Committee.
- (b) When the Sub-Committee is meeting to deal with a complaint against a Town or Parish Councillor at least one of the 5 members of the Sub-Committee shall be a co-opted Town or Parish Councillor or substitute co-opted Town or Parish Councillor.
- (c) The Independent Person will attend meetings of the Sub-Committee when dealing with hearings into allegations of misconduct.

9.5.2 The Terms of Reference of the Sub-Committee will be:

- (a) To conduct a hearing into an allegation that a Member or Co-opted Member has breached their Council's Code of Conduct.
- (b) Following a hearing the Sub-Committee may make one of the following findings:
 - (1) 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 complaint, or
 - (2) 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 complaint, or

- (3) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.

9.6 Sanctions

The Council has delegated to the Standards Committee (or a Hearings Sub-Committee) such of its powers as can be delegated to take action in respect of a Member who is found following a hearing to have failed to comply with the Code of Conduct, such actions to include –

- (a) Publishing its findings in respect of the Member's conduct;
- (b) Reporting its findings to Council *[or to the Parish/Town Council]* for information but recommending that no sanction be applied;
- (c) Recommending to Council *[or to the Parish/Town Council]* that the Member be issued with a formal censure or be reprimanded;
- (d) Recommending to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Recommending to Council *[or to the Parish/Town Council]* that the Monitoring Officer be instructed to arrange training for the Member;
- (g) Recommending to Council *[or recommend to the Parish/Town Council]* that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council *[or by the Parish/Town Council]*;
- (h) Recommending to Council *[or recommend to the Parish/Town Council]* that it withdraws facilities provided to the Member by the Council, such as a computer, website and/or email and internet access; or
- (i) Recommending to Council *[or recommend to the Parish/Town Council]* that the Member be excluded from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- (j) Recommend to Council *[or recommend to the Parish/Town Council]* that it prevents the member from having access to a particular officer or officers.
- (k) The Sub-Committee may recommend any action or combination of actions available as above, or impose any informal resolution or combination of informal resolutions as are available to it.

9.7 Dispensations

- (a) To grant dispensations to a Member or Co-opted Member after consultation with the Independent Person pursuant to section 33(2)(b) and (c) of the Localism Act 2011.
- (b) To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to section 33(2)(a), (d) and (e) of the Localism Act 2011.

[note: any dispensation granted shall cease to have effect four years after the date on which it is granted]

9.8 Register of Members' Interests

- (a) The Monitoring Officer shall establish and maintain a register of interests of the Members and Co-opted Members of the Borough Council and the Parish and Town Councils pursuant to section 29 of the Localism Act 2011 and ensure that the register is available for public inspection and published on the Borough Council's website.
- (b) The Monitoring Officer shall provide to each Member and Co-opted Member a registration of interests form which shall be completed by the Member or Co-opted Member and returned to the Monitoring Officer who shall then ensure that it is placed on the register. At the end of each municipal year the Monitoring Officer shall send to each Member and Co-opted Member a copy of their completed registration of interests form with a request that the Member and the Co-opted Member notifies the Monitoring Officer of any changes to their interests.
- (c) The Monitoring Officer shall provide to each Member and Co-opted Member a form to be used for the purposes of giving notification of any change to their interests.
- (d) The Monitoring Officer shall provide to each Member and Co-Opted Member a form to be used for the purposes of giving notification of the receipt of any gifts or hospitality over the value of £25.00.

ARTICLE 10 – JOINT ARRANGEMENTS

10.1 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.

10.2 Joint arrangements

- (a) The Council may enter into joint arrangements with one or more local authorities and/or their executives to exercise functions which are not the responsibility of the executives in all the local authorities concerned, or to advise the participating authorities on matters of joint interest. 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) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet where the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

The Chairman shall preside if present. If the Chairman is not present, the Vice-Chairman shall preside. If neither are present, the Members present shall elect one of their number to preside for that meeting.

- (f) Meetings

The date and time of Joint Member panel meetings shall be set by the Panel as far ahead as possible and notified to Members. Once a date is set it will not normally change unless all Members are consulted.

Meetings shall take place four times a year

The Panel will determine whether or not their meetings are to be open to the public. Hearing loops are to be provided in meeting accommodation wherever possible.

(g) Conduct of Meetings

The order of business shall be as indicated in the summons to the meetings or otherwise as the Chairman shall prescribe.

The Chairman shall control the conduct of the meeting and the ruling of the Chairman on any point of order shall be final and shall not be questioned during the meeting.

All members of the Panel shall conduct themselves in accordance with the Model Code of Conduct in dealing with the business of the Joint Panel.

(h) Voting

All questions coming or arising before the Joint Member Panel shall be decided by a majority of the Members of the Panel present and voting.

The person presiding at the meeting shall not have a second or casting vote in the case of an equality of votes.

If any Member dissents on a decision, upon request, the name of that Member shall be recorded.

(i) Minutes

The names of the Members present shall be recorded

The minutes of meeting shall be entered in a book kept for the purpose and shall be signed at the next ordinary meeting by the Chairman. The book shall be open for inspection by anyone during office hours.

(j) Notice

At least seven clear days before a meeting a notice shall be published at County Hall and the Borough Council Offices, of the time, place and agenda of the meeting.

A summons shall be sent to every Member of the Joint Member Panel stating the time, place and business to be transacted and the minutes of the last meeting shall be sent to every member.

(k) Disclosure

A Member shall not disclose to any person except a Member of the Joint Member Panel, the Borough and the County, any Panel papers indicated to be confidential, unless the Panel expressly consents, the Panel has taken steps to make that business public, or the law requires.

(l) Responsibilities

A Member shall not disclose to any person except a Member of the Joint Member Panel, the Borough and the County, any Panel papers indicated to be confidential, unless the Panel expressly consents, the Panel has taken steps to make that business public, or the law requires.

(m) Activities of the Joint Member Panel

The Panel will consider the matters which are within its remit and the District Manager's delegated authority and which either:

- Relate to budget development, allocations and priorities in relation to any discretionary funding
- Relate to works programmes, progress monitoring reports, activities or performance indicators of the Unit

The Joint Member Panel may seek information from the District Manager to assist in its function of giving guidance to the District Manager. Such information will be provided unless its provision would have unreasonable resource implications

(n) The administrative support to the Joint Member Panel will be provided by the Borough Council Democratic Services Department

10.3 Access to information

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

10.4 Delegation to and from other local authorities

- (a) The Council may delegate functions which are not the responsibility of the Cabinet to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to a meeting of full Council.

10.5 Contracting out

The Council (in respect of functions which are not the responsibility of the Cabinet) and the Cabinet (in respect of executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making powers.

10.6 Dacorum Highways Joint Panel

- (a) Under this Article II the Council has entered into a Dacorum Highways Joint Working Agreement with Hertfordshire County Council for the purposes of improving service delivery and accessibility to Highways Services across the Borough. This Agreement requires the Council and the County to set up a Joint Member Panel.

- (b) Membership

The Joint Member Panel will consist of 12 Members and will comprise 6 Members appointed by the Council and 6 County Members representing the County Divisions in the Borough of Dacorum.

- (c) The quorum of the Joint Member Panel is 6 Members, which must be comprised of both Councils.
- (d) When any matter is before the Joint Member Panel from the area of a Parish or Town Council, a nominated representative of that Council shall have the right to attend and participate in meetings, but not to vote.

- (e) Chairmanship

The Chairman of the Joint Member Panel will be elected annually by the Members of the Panel and the Chairmanship shall rotate between the Council and the County Council each year. A Vice-Chairman who shall not be a representative of the same Council as the Chairman, shall also be elected annually by the Members of the Panel.

ARTICLE 11 – OFFICERS

11.1 Management structure

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

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers) together with specific operational responsibility for those services identified in Part 3 'Responsibility for Functions'
Strategic Director (Neighbourhood Operations)	Overall strategic and operational management of those services falling within the Neighbourhood Operations Directorate.
Strategic Director (Corporate and Commercial Services)	Overall strategic and operational management of those services falling within the Corporate and Commercial Services Directorate.
Strategic Director (Place)	Overall strategic and operational management of those services falling within the Place Directorate.
Strategic Director (People and Transformation)	Overall strategic and operational management of those services falling within the People and Transformation Directorate.
Strategic Director (Housing and Property Services)	Overall strategic and operational management of those services falling within the People and Transformation Directorate.

- (c) **Head of Paid Service, Monitoring Officer and Section 151 Officer.**
The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service (Section 4 Local Government and Housing Act 1989)
Deputy Chief Executive	Each Strategic Director on a rolling basis to be agreed by the Chief Executive
Assistant Director (Legal and Democratic Services)	Monitoring Officer (Section 5 Local Government and Housing Act 1989)
Chief Financial Officer	Section 151 Officer (Local Government Act 1972)

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

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

11.2 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

11.3 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council or to the Cabinet (in relation to an executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer will advise 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, in particular through the provision of professional legal advice and will be responsible to the Council for ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.
- (i) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration,

financial impropriety, probity and budget and policy framework issues to all Councillors.

- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

11.4 Functions of the Section 151 Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council or to the Cabinet (in relation to an executive function) and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council and for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
- (c) **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Section 151 Officer will provide appropriate advice on all financial matters and on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information.** The Section 151 Officer will provide financial information to the media, members of the public and the community.

11.5 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.6 Conduct

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

11.7 Employment

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

ARTICLE 12 – DECISION MAKING

12.1 Responsibility for decision making

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

- (i) The principal aims of the Council's executive arrangements set out in this Constitution are to make decision making more efficient, transparent and accountable so that the Council can be open and responsive to the needs and aspirations of local communities.
- (ii) Members of the Cabinet will be collectively responsible for decisions made by the Cabinet. Cabinet Members will be individually responsible for their own decisions.
- (iii) Key decisions which have significant effects within the community or on interests outside the Borough will need to be identified and properly consulted on. Such key decisions may be delegated to various bodies within the Council, including officers but, no matter who is taking the decision, the same principles should apply.

12.2 Principles of decision making – Introduction

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

PRINCIPLES OF DECISION MAKING

- (a) the decision must be reasonable within the common meaning of the word, i.e. it must be a rational decision based on sound judgement;
- (b) the decision must also be reasonable within the legal meaning of "reasonableness" i.e. all relevant considerations must be fully taken into account in reaching the decision and all irrelevant ones disregarded;
- (c) in the case of 'quasi-judicial' decisions (e.g. a decision as to whether or not to uphold an appeal against a homelessness determination) a fair hearing conducted in accordance with the rules of Natural Justice should be afforded the person who is the subject of the decision;

- (d) the decision must be proportionate (i.e. the action should be proportionate to the desired outcome);
- (e) decisions should be taken on the basis of due consultation and professional advice from officers;
- (f) human rights must be respected and consideration must be given as to whether the decision will give rise to any implications under the Human Rights Act 1998 and the European Convention on Human Rights;
- (g) decisions must be taken in compliance with Council's Schemes of Delegation, financial Regulations and Instructions Relating to Contracts;
- (h) when making decisions a presumption in favour of openness must be applied and a clarity of aims and desired outcomes must be displayed;
- (i) careful consideration should always be given as to whether there is a personal interest that should be declared;
- (j) in the case of executive decisions taken by the Cabinet, or an individual Member of the Cabinet, or an Officer (where the decision is a key decision) a proper record of the decision must be made together with a record of the reasons for the decision, details of any alternative options considered and rejected and any conflicts of interest.

12.3 Types of decision

- (a) Decisions reserved to full Council.

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

- (b) Key decisions

- (i) A 'key decision' means an executive decision which is likely –
 - (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on people living or working in an area comprising two or more wards in the Borough.

- (ii) Wherever practicable, a decision which has a significant impact on people living in a single ward will be treated by the Council as a key decision.
- (iii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution.

12.4 Decision making by full Council

Subject to Article 13.8, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.5 Decision making by the Cabinet

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

12.6 Decision making by overview and scrutiny committees

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

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

Subject to article 12.8, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

12.8 Decision making by Council bodies acting in a quasi-judicial capacity

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

ARTICLE 13 – FINANCE, CONTRACTS AND LEGAL MATTERS

13.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 8 of this Constitution.

13.2 Contracts

Every contract made by the Council will comply with the Procurement Standing Orders set out in Part 8 of this Constitution.

13.3 Legal proceedings

The Assistant Director (Legal and Democratic Services) is authorised to institute, defend, compromise 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 Assistant Director (Legal and Democratic Services) considers that such action is necessary to protect the Council's interests.

13.4 Authentication of documents

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

13.5 Common Seal of the Council

1. Custody of Seal

The Common Seal of the Council shall be kept in a safe place in the custody of the Assistant Director (Legal and Democratic Services).

2. Sealing

2.1 The Common Seal of the Council shall not be applied to any document unless the sealing has been authorised by a resolution or decision of the Council, or a Committee or Sub-Committee of the Council, or the Cabinet, or a Committee of the Cabinet, or an individual Cabinet member, or an officer, made or acting under delegated powers and proof of such resolution or decision has been produced with the document when submitted for sealing.

2.2 A resolution or decision as referred to in 2.1 above authorising the acceptance of a tender, the purchase, sale, letting or taking on lease of any property, the issue of any stock, the presentation of any petition, memorial or address, the making

of any rate or contract or the doing of any other thing, shall be sufficient authority for sealing any document necessary to give effect to the resolution or decision.

2.3 The Common Seal shall be attested by two different persons present at the sealing of whom

2.3.1 One shall be the Assistant Director (Legal and Democratic Services), in his/her absence, the Head of Legal and Democratic Services or any postholder with designated Deputy Monitoring Officer duties, or the Chief Executive or one of the Strategic Directors.

2.3.2 The other shall be any of the above-named persons or a legally qualified person in the employment of the Council and duly authorised in that behalf by the Assistant Director (Legal and Democratic Services).

2.3.3 In cases of civil emergency the Assistant Director (Legal and Democratic Services), any postholder with designated Deputy Monitoring Officer duties, the Head of Legal and Democratic Services, or the Chief Executive or one of the Strategic Directors can seal documents without a second countersignatory. Cabinet and Council shall be updated on the use of this power at the next available meeting.

2.4 An entry of sealing of a document shall be made and consecutively numbered in a book kept for the purpose and signed by the persons who have attested the seal.

ARTICLE 14 – REVIEW AND REVISION OF THE CONSTITUTION

14.1 Duty to monitor and review the constitution

The Cabinet in conjunction with the Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

14.2 Protocol for monitoring and review of constitution by Monitoring Officer

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

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

14.3 Changes to the Constitution

General

- 14.3.1 This Article sets out the requirements for changes to this Constitution. Proposals for change may be prompted not only by formal internal reviews, but also by the Monitoring Officer, the Cabinet, other Members and by public opinion. Proposals to change from one form of executive to another require proper consultation with the public, and change from a Leader and Cabinet form of executive to an elected mayor form, requires a referendum.
- 14.3.2 However, other changes may require limited or no consultation. The amount of consultation required should be proportionate to the scale, scope and extent of the change proposed.
- 14.3.3 Proposals for constitutional change should not be used to overcome disputes between the Cabinet and other Councillors, or even within the Cabinet itself.

Approval

- 14.3.4 Except for changes required to the Constitution following implementation of new or updated legislation changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Cabinet and/or the Monitoring Officer.
- 14.3.5 A vote at Council to change the Constitution should be passed by a simple majority of those present and voting.
- 14.3.6 If the proposal involves a change from the existing Leader and Cabinet form of executive to another form of executive the Council must take reasonable steps to consult with local electors and other interested persons in the Borough. If the proposed new form of executive involves an elected mayor the Council must also hold a binding referendum.
- 14.3.7 The Monitoring Officer may update the Constitution to reflect new or updated legislation or updates required to reflect staffing changes or role titles. Any changes to the Constitution should be reported to Cabinet and full Council at least annually

ARTICLE 15 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

15.1 Suspension of the Constitution

- 15.1.1 The Articles of this Constitution may not be suspended.
- 15.1.2 Any Rules of Procedure, except those required by law, may be suspended at a meeting of full Council, but only if
 - (a) notice of motion to suspend has been given or
 - (b) there are present at least fifteen Members of the Council.
- 15.1.3 The extent and duration of the suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- 15.1.4 No Committee or Sub-Committee or the Cabinet shall have power to suspend any Rules of Procedure, but may resolve to recommend the Council to suspend in special circumstances which shall be stated in the resolution.

15.2 Interpretation

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

15.3 Publication

- (a) The Assistant Director (Legal and Democratic Services) 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 Assistant Director (Legal and Democratic Services) 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 Assistant Director (Legal and Democratic Services) will ensure that the summary of the Constitution is made widely available within the Borough and is updated as necessary.

Author & Responsible Officer	Mark Brookes, Assistant Director, Legal and Democratic Services
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Version no	1

Table of Amendments

Date of Change	Paragraph Amended	Explanation of amendments	Authority
18/03/24	Various to include the Strategic Director of Housing and Property Services role		

PART 3

RESPONSIBILITY FOR FUNCTIONS

April 2024

PART 3 RESPONSIBILITY FOR FUNCTIONS

Introduction – Local Government Acts 1972 and 2000

1. Responsibility for discharging the functions of the Council rests with the Leader and Cabinet except for those functions, which are specified in The Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) as not being the responsibility of the Council's executive. These functions specified in the Regulations, for example, development control and licensing, remain the responsibility of the Council. The Regulations also specify a number of functions which may be (but need not be) the responsibility of the Cabinet (the determination of appeals for example). Responsibility for those functions is down to local choice.

Functions, which are the responsibility of the Leader and Cabinet, can be discharged by the Leader or the Cabinet collectively, or by a committee of the Cabinet, or by any individual Cabinet Member (Portfolio Holder) or by any individual officer of the Council.

Those functions, which remain the responsibility of the Council, can be discharged through committees or sub-committees or by any individual officer of the Council.

The Council is required to set out in its Constitution the following information concerning the allocation (or delegation) of responsibility for functions:

- (a) who is responsible for "local choice functions",
- (b) a description of the functions of the Cabinet which, for time being, are exercisable by individual Cabinet Portfolio Holders stating the name of the Cabinet Member by whom it is exercisable,
- (c) a description of those powers of the Cabinet which for the time being are exercisable by an officer of the Council stating the title of the officer by whom the power is exercisable,
- (d) a description of the terms of reference of the committees or sub-committees appointed by the Council for the purpose of discharging those functions for which it still has responsibility,
- (e) a description of those powers which have been delegated by the Council, or by a committee or sub-committee, to be exercisable by an officer of the Council stating the title of the officer

Interpretation

2. In this Part all references to the title of an officer by whom a specified power is exercisable shall include reference to any officer who has been appointed to act in that capacity on an interim basis during the vacancy in that post. 'Chief Officer' means the holder for the time being of any of the following posts: Chief Executive; Strategic Director (Corporate and

Commercial Services), Strategic Director (Place), Strategic Director (People and Transformation), Strategic Director (Housing and Property Services) and Strategic Director (Neighbourhood Services)

3. References to an Act of Parliament, statutory provision or statutory instrument include a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re-enacted from time to time and to any regulations made under it;

Delegation of Powers

4. Every officer designated in this Part is authorised to act on behalf of and in the name of the Council in those matters shown as delegated to him or her.
5. The powers delegated under this Part shall be exercised in accordance with any requirements in the Council’s Constitution and the necessary financial provision having been made in the approved budget.
6. Any power delegated by this Part to the Chief Executive may, during the absence of the Chief Executive, or during his or her inability to act for any other reason, or during the vacancy in the post of Chief Executive, be exercised by any other Chief Officer.
6. An officer empowered under this Part to exercise delegated power in respect of any matter may authorise the exercise of that power by such other officers as he or she may deem appropriate for the proper performance of the work. Any authorisation given under this provision must be recorded in writing and a copy supplied to the Assistant Director (Legal and Democratic Services). Any exercise of a delegated power in such manner shall be expressed to be on behalf of the officer specified in this Part, who shall remain responsible for the act of his or her appointee.

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

<u>Function</u>	<u>Who is responsible</u>
1. The determination of an appeal against any decision made by or on behalf of the Council	The Appeals Committee
2. The conducting of Best Value reviews	The Cabinet will oversee the conduct of Best Value reviews but may commission a Task and Finish Group to run the reviews who will report their recommendations to the relevant Overview and Scrutiny Committees prior to it being reported to Cabinet

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| 3. | Any function relating to contaminated land | The Cabinet |
| 4. | The discharge of any function relating to the control of pollution or the management of air quality | The Cabinet |
| 5. | The service of an abatement notice in respect of a statutory nuisance | The Cabinet |
| 6. | The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area | The Cabinet |
| 7. | The Inspection of the Council's area to detect any statutory nuisance | The Cabinet |
| 8. | The investigation of any complaint as to the existence of a statutory nuisance | The Cabinet |
| 9. | The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land | The Council |
| 10. | The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 | The Cabinet |
| 11. | Making agreements for the execution of highway works | The Cabinet |
| 12. | The appointment of any individual: | The Council |
| | (a) To any office other than an office in which he is employed by the Council; | |
| | (b) To any body other than: | |
| | (i) The authority; | |

(ii) A joint committee of two or more authorities; or

(c) To any committee or sub-committee of such a body

and the revocation of any such appointment.

(d) The appointment of an officer to an external company

Chief Executive in consultation with the Leader of the Council

13. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.

The Cabinet

2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

2.1 The Regulatory Committees of the Council

2.1.1 The “Regulatory Committees of the Council” are politically proportionate Committees appointed for the purpose of discharging those functions, which are not the responsibility of the Cabinet. They comprise of:

The Development Management Committee
The Licensing and Health & Safety Enforcement Committee
The Licensing and Health & Safety Enforcement Sub Committee
The Licensing of Alcohol & Gambling Sub Committee
The Appeals and Reviews Committee
The Audit Committee

2.1.2 The Appeals Committee has a variable membership which will be chosen from a pool of members appointed by the Council and who have received relevant training.

2.1.3 A Member of the Cabinet is permitted to be a member of any Regulatory Committee but shall not attend any committee meeting which is hearing an appeal or review against a decision which is made by a service which falls within their Portfolio.

2.1.4 The Chairmen, Vice Chairmen and Members of the Regulatory Committees are appointed by full Council.

2.2 Development Management Committee

2.2.1 Shall comprise of 14 members of the Council.

2.2.2 Shall meet in accordance with the cycle of meetings approved annually by the Council.

2.2.3 Terms of Reference

The functions of the Development Management Committee shall be to exercise all powers of the Council relating to:

- (i) Town and country planning and development control (except matters relating to the review, alteration or approval of the Development Plan)
- (ii) The protection and preservation of trees
- (iii) The protection and preservation of hedgerows

- (iv) The various powers relating to public rights of way contained in the Highways Act 1980, which have been delegated to the Council by Hertfordshire County Council as the Highway Authority, under an Agency Agreement. These include the powers to protect and assert public rights of way, including powers to create, divert or stop up footpaths, bridleways and byways
- (v) Complaints about high hedges
- (vi) The authorisation of all allied enforcement action.

2.3 Delegation to Officers from Development Management Committee

POWER OR FUNCTION	TO WHOM DELEGATED
DETERMINATION OF APPLICATIONS	
2.3.1 The making of decisions or representations on all planning and other applications falling to be considered by the Borough Council as local planning authority.	Assistant Director (Planning), Head of Development Management, Development Management Team Managers and Assistant Team Managers or the Specialist Services Team Managers.

The above authority to include:

- the disposal of applications in accordance with Article 40 (13) of the Town and Country Planning (Development Management Procedure) (England Order) Order 2015
- the service of Building Preservation Notices pursuant to Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- the authority to make applications for spot listing to the Department of Culture, Media and Sport or any successor Department.

- the making, varying or revoking of Tree Preservation Orders (including confirmation where there are no objections)
- the making of decisions on all planning applications falling to be considered by the Borough Council as local planning authority where there is a deadline under statute or regulation after which planning permission, prior approval or consent is deemed to be granted
- authority to enter into agreements under S.106 Town and Country Planning Act 1990 required in connection with Development Consent Orders or any other application or appeal determined by the Secretary of State or any S.106 agreement required to secure mitigation measures connected to the Conservation of Habitats and Species Regulations 2017 (as amended) where the development has previously been granted planning permission.

2.3.2 The following matters are excluded from delegation under paragraph 2.3.1:

- (1) Decisions on proposals other than householder developments*, which would have the effect, either cumulatively or otherwise of granting permission, consent or other approval for matters previously refused by the Development Management Committee
- (2) Decisions on proposals which any Borough Councillor representing the ward within which the application site is situated, or the Chairman, Vice-Chairman of the Development Management Committee or Portfolio Holder for Planning and Regeneration has, within a time period of no more than 28 days from public consultation commencement or date of the advertisement of the application,

requested should be reported to the Development Management Committee and where that request is made in writing and supported with material planning reasons save that:

- a) in the event of a public re-consultation following amendment or amendments to an application any Borough Councillor representing the ward within which the application site is situated, or the Chairman, Vice-Chairman of the Development Management Committee or Portfolio Holder for Planning and Regeneration may, within a time period of no more than 14 days from commencement of the public re-consultation, request the application should be reported to the Development Management Committee but only where that request is made in writing and relates purely to the amended element or elements and is supported with material planning reasons.
- b) Excluded from the call-in power referred to in 2.3.2(2) above are all planning applications falling to be considered by the Borough Council as local planning authority where there is a deadline under statute or regulation after which planning permission, prior approval or consent is deemed to be granted

POWER OR FUNCTION DETERMINATION OF APPLICATIONS

- (3) Decisions (other than those relating to applications for lawful development certificates, applications for approval required by condition or under the provisions of a Tree Preservation Order, all planning applications falling to be considered by the Borough Council as local planning authority where there is a deadline under statute or regulation after which planning permission, prior approval or consent is deemed to be granted notifications for the removal of

hedgerows and works to trees in Conservation Areas) on proposals where a Town or Parish Council expresses a contrary view (either to object or to support) to that of the Assistant Director (Planning) and Head of Development Management where that contrary view is submitted in writing and supported with material planning reasons.

- (4) Decisions on large scale major development* proposals to be determined by the Council as local planning authority which are linked either to an existing agreement pursuant to s.52 of the Town and Country Planning Act 1971 or s.106 of the Town and Country Planning Act 1990 or to an existing or proposed planning obligation under s.106 of the Town and Country Planning Act 1990 (as substituted by s.12 of the Planning and Compensation Act 1991). Applications recommended for refusal do not fall within into this category.
- (4(a)) Decisions on proposals seeking variations to existing legal agreements made either within 5 years or under Section 106A of the Town and Country Planning Act 1990 unless (in the opinion of the Assistant Director (Planning) or the Head of Development Management they are considered to be minor variations.
- (5) Decisions on major proposals* or proposals where there is any objection submitted in writing and supported by material planning reasons for the construction of new buildings or the change of use of existing buildings either submitted by or on behalf of the Borough Council or affecting land or buildings in which the Borough Council has an interest. Decisions on minor material and non –material amendments to approved proposals are not included within this exclusion.

POWER OR FUNCTION
DETERMINATION OF APPLICATIONS

- (6) Decisions on proposals (other than those relating to applications for lawful development certificates, applications for approval required by condition or under the provisions of a Tree Preservation Order, applications under Part 6 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 or notifications for the removal of hedgerows and works to trees in Conservation Areas) submitted by or on behalf of either Borough Councillors or members of staff.
- (7) Decisions on proposals which, in the opinion of the Assistant Director (Planning) or the Head of Development Management are of significant public interest, would have a significant impact on the environment, or should otherwise be reported to the Development Management Committee

ENFORCEMENT OF PLANNING CONTROL

- 2.3.3 The making of decisions on all enforcement matters falling to be considered by the Borough Council as local planning authority
- Assistant Director (Planning), Head of Development Management, Development Management Team Managers and Assistant Team Managers, the Specialist Services Team Managers or the Assistant Team Manager (Planning Enforcement)

The above authority to include but not be limited to:

- Service of an enforcement notice pursuant to S.172 Town and Country Planning Act 1990
- Service of an enforcement notice relating

to a listed building pursuant to s S.38 Planning (Listed Buildings and Conservation Areas) Act 1990

- Service of a stop notice pursuant to s.183 Town and Country Planning Act 1990
- Service of temporary stop notice pursuant to S.171E Town and Country Planning Act 1990
- Injunctions to prevent unauthorised development
- Prosecutions under Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990

All enforcement action under 2.3.3 to be reported on a quarterly basis to Development Management Committee

The following matters are excluded from delegation under paragraph 2.3.3:

- (1) Decisions on whether to vary or withdraw proceedings previously authorised by the Development Management Committee.

DEALING WITH APPEALS

2.3.5 The making of decisions on all matters (including settling the case to be made) in relation to the conduct of appeals to which the Borough Council as local planning authority is a party.

Assistant Director (Planning), Head of Development Management, Development Management Team Managers and Assistant Team Managers or the Specialist Services Team Managers

POWER OR FUNCTION

TO WHOM DELEGATED

DETERMINATION OF APPLICATIONS

PROCEDURAL MATTERS

2.3.6 The making of decisions on all

Assistant Director

procedural and administrative matters (including the adoption of a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999) falling to be considered by the Borough Council as local planning authority.

(Planning), Head of Development Management, Development Management Team Managers and Assistant Team Managers or the Specialist Services Team Managers

2.3.7 The following matters are excluded from delegation under paragraph 2.3.6:

- (1) Confirmation or modification of a Tree Preservation Order where any objections and representations have been duly made and not withdrawn.
- (2) The making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 in relation to parts 6, 7, 11, 17, 19, 20, 21-24, 26, 30 and 31 of Schedule 2 (other than in cases where the Assistant Director (Planning) or the Head of Development Management in consultation with the Assistant Director (Legal and Democratic Services), considers urgent action is necessary).
- (3) Decisions to defer from consideration applications which have been included in the agenda for a meeting of the Development Management Committee.
- (4) Any matter relating to the preparation of the Local Development Framework, and the designation or alteration of conservation areas.

* Definitions

Householder: Householder developments are defined as those within the curtilage of a house which require an application for planning permission and are not a change of use. Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular access including footway crossovers, porches and satellite dishes. Excluded from householder development are any work relating to a flat(s), applications to change the number of dwellings (flat conversions, building a separate house in the garden), changes of use to part of all of the property to non-residential (including business) uses, anything outside the garden of the property (including stables if in a separate paddock)

Large Scale Major Development: For dwellings, a large-scale major development is one where the number of residential units to be constructed is 200 or more. Where the number of residential units to be constructed is not given in the application a site area of 4 hectares or more should be used as the definition of a large-scale major development. For all other uses a large-scale major development is one where the floorspace to be built is 10,000 square metres or more, or where the site area is 2 hectares or more

Major Development: For dwellings, a major development is one where the number of residential units to be constructed is 10 or more. Where the number of residential units to be constructed is not given in the application a site having an area of 0.5 hectares or more should be used as the definition of a major development. For all other uses a major development is one where the floorspace to be built is 1000 square metres or more, or a change of use of floorspace of 1000 square metres or more.

POWER OR FUNCTION

TO WHOM
DELEGATED

DETERMINATION OF APPLICATIONS

HIGHWAYS

- | | |
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| 2.3.8 To confirm unopposed orders for the stopping-up, diversion, reclassification and addition to the Definitive Map of footpaths, bridleways and byways. | Assistant Director
(Legal and Democratic Services)) |
| 2.3.9. The discharge of the Council's powers relating to highways and public rights of way contained in the Highways Act 1980, the Acquisition of Land Act 1981, the Wildlife and Countryside Acts 1981 and The Countryside and Rights of Way Act 2000, the Cycle Tracks Act 1984, the Housing Act 1981 and the Town and Country Planning Act 1990 unless otherwise specified elsewhere in this Part. | Strategic Director
(Neighbourhood Operations) and Head of Neighbourhood Management |

HIGH HEDGES

Part 8 Anti-social Behaviour Act 2003

- | | |
|---|----------------------------------|
| 2.3.10 The making of decisions on all matters falling to be considered by | Assistant Director
(Legal and |
|---|----------------------------------|

	the Council under s.68 (procedure for dealing with complaints), s.69 (remedial notices), s.70 (withdrawal or relaxation of requirements of remedial notices)	Democratic Services)
2.3.11	The power to authorise persons to enter land for the purposes of complaints to and appeals under s.74.	Assistant Director (Legal and Democratic Services)
2.2.12	The power to authorise proceedings under s.75 (offences).	Assistant Director (Legal and Democratic Services)
2.3.13	The power to authorise persons to enter land for the purposes of taking required action under s.77.	Assistant Director (Legal and Democratic Services)
2.3.14	The power to authorise the recovery of expenses under s.77.	Assistant Director (Legal and Democratic Services)

2.4 The Licensing and Health and Safety Enforcement Committee:

2.4.1 Shall comprise of 13 members of the Council.

2.4.2 Shall meet on an ad hoc basis when summoned by the Assistant Director (Legal and Democratic services) to deal with matters specified on the Agenda.

2.4.3 Terms of Reference

The functions of the Licensing and Health and Safety Enforcement Committee shall be:

- (i) to fulfil the role of the licensing committee of the Council in its capacity as a licensing authority under section 6 of the Licensing Act 2003 and section 154 of the Gambling Act 2005, and
- (ii) to exercise all the powers of the Council relating to the grant, renewal, refusal, variation, cancellation, or imposition of conditions upon any licence or authorisation which the Council has a power or duty to issue, including the following:
 - Hackney carriages and private hire vehicles, drivers and operators

- Sale and supply of alcohol, regulated entertainment and late night refreshment (Licensing Act 2003)
- Non remote gambling by way of betting, gaming or lotteries (Gambling Act 2005)
- Sex shops, sex cinemas and sexual entertainment venues
- Animal welfare related establishments
- Food safety
- Caravan sites, camping sites and moveable dwellings
- Street trading
- Charitable collections
- Acupuncture, tattooing, piercing and electrolysis
- The registration of persons or premises in pursuance of other public health, safety or related functions
- Any other licensing matter as may from time to time require determination by the Council.

- (iii) to exercise all the powers of the Council relating to the setting of fees and charges, policies (where not otherwise prohibited) and guidance for the above mentioned authorisations.
- (iv) to exercise all the functions relating to health and safety under any “relevant statutory provision” within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.

2.5 Scheme of Delegation to Officers (From the Licensing and Health and Safety Enforcement Committee)

POWER OR FUNCTION	TO WHOM DELEGATED
Food Safety	
2.5.1 To register and issue licences in respect of premises used or to be used for the purposes of a food business (S.19 Food Safety Act 1990 and the appropriate Regulations)	Strategic Director (Neighbourhood Operations) and Head of Regulatory Services
2.5.2 To grant licences authorising the use of	Strategic Director (Neighbourhood

special milk designations (S.18(2) Food Safety Act 1990 and the appropriate Regulations) Operations) and Head of Regulatory Services

2.5.3 To register hawkers of food and their premises Assistant Director (Legal and Democratic Services), Strategic Director (Neighbourhood Operations) and Head of Regulatory Services

Hackney Carriage and Private Hire Vehicles

2.5.4 To grant and renew vehicle and driver licences in respect of hackney carriages and private hire vehicles on the Council's relevant Standard Conditions in accordance with the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services

2.5.5 Power to grant variations or exemptions to the Council's Standard Conditions subject to a right of appeal against a refusal to grant an exemption or variation to the Committee. Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services)

2.5.6 To grant or renew private hire operators' licences Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services

2.5.7 To inspect and test a licensed vehicle under section 68 of the Local Government (Miscellaneous Provisions) Act 1976, and to suspend a vehicle's license under that section where the officer was not satisfied as to the fitness of the vehicle or the accuracy of the taximeter on inspection or test thereof, until such time as any defects have been rectified to the satisfaction of the officer. Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services)

2.5.8a To suspend hackney carriage and private hire drivers' licences in accordance with the provisions of S.50 of the Town Police Assistant Director (Legal and Democratic Services), Head of

	Clauses Act 1847 and S.61 of the Local Government (Miscellaneous Provisions) Act 1976	Legal and Democratic Services
2.5.8b	To suspend a vehicle's licence under section 60 of the Local Government (Miscellaneous Provisions) Act 1976, on the grounds that the vehicle is unfit for use as a hackney carriage or private hire vehicle	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
2.5.8c	To suspend or revoke a vehicle's licence, a driver's licence, or an operator's licence with immediate effect under section 60, 61 or 62 of the Local Government (Miscellaneous Provisions) Act 1976 respectively, on any of the grounds thereunder, following consultation with the chair or vice-chair of the Licensing, Health, Safety and Enforcement Committee	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
2.5.8d	To inspect and test a licensed vehicle under section 68 of the Local Government (Miscellaneous Provisions) Act 1976, and to suspend a vehicle's licence under that section where the officer was not satisfied as to the fitness of the vehicle or the accuracy of the taximeter on inspection or test thereof, until such time as any defects have been rectified to the satisfaction of the officer	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
2.5.9	To approve the display of advertisements on the outside or inside of a hackney carriage	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
Charitable/Street Collections		
2.5.10	To issue licences for house to house collections in the Borough	Assistant Director (Legal and Democratic Services) Head of Legal and Democratic Services
2.5.11	To deal with applications for the use of public precincts for meetings, street collections or similar purposes.	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services

2.5.13 To grant permits for street collections and to exercise the Council's other powers under relevant regulations. Assistant Director (Legal and Democratic Services
Head of Legal and Democratic Services

Street Trading Consents

2.5.13 (1) To grant consents and impose conditions upon consents to trade in streets in the Borough (other than prohibited streets) under the Local Government (Miscellaneous provisions) Act 1982 Assistant Director (Legal and Democratic Services
Head of Legal and Democratic Services

(2) To authorise designated employees of the Council to be proper officers for the purpose of enforcing the street trading provisions Assistant Director (Legal and Democratic Services
Head of Legal and Democratic Services

(3) To institute proceedings in respect of contravention of street trading consents and street trading in prohibited streets under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 Assistant Director (Legal and Democratic Services
Head of Legal and Democratic Services

Animals

2.5.14 To act as the Council's Licensing Officer for the grant (including determining the length and risk rating of licences where relevant), variation, refusal, and revocation of licences under the following enactments (and any subordinate legislation made or deemed to be made thereunder): Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services)

Relating to Animals:
The Animal Welfare Act 2006

Dangerous Wild Animals Act 1976

The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018
Zoo Licensing Act 1981

To institute proceedings in respect of any offence committed under the following enactments (and any subordinate legislation made or deemed to be made thereunder)

Assistant Director
(Legal and Democratic Services), Head of Legal and Democratic Services

Dangerous Wild Animals Act 1976

Zoo Licensing Act 1981

Animal Welfare Act 2006

Relating to theatres, entertainments, etc:

Hypnotism Act 1952

2.5.15 To act as the Council's Licensing Officer and to grant, vary or revoke licences (including the giving of consents to requests for variations to licence conditions) under the following enactments (and any subordinate legislation made or deemed to be made thereunder) where:

Assistant Director
(Legal and Democratic Services), Head of Legal and Democratic Services)

- (1) there is no objection to the grant of a licence AND
- (2) the character or antecedents of the applicant are either not an issue or are not in doubt AND
- (3) all formalities have been duly complied with AND
- (4) the Licensing Officer has no other reason to refer the matter to the Council's Licensing and Health and Safety Enforcement Committee for determination

2.5.16 **Local Government (Miscellaneous**

Assistant Director

Provisions) Act 1982: Part II and Schedule 3 (sex establishments)

(Legal and Democratic Services)

Relating to Caravan and Camping Sites

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| 2.5.17 | To make all decisions/determinations serve notices and authorise the taking of any necessary action in pursuance of the Council's licensing and enforcement responsibilities (including, but not limited to, the service of notices and orders, imposing civil penalties, arranging for the carrying out of remedial works, the recovery of expenses and the keeping of registers of licences and orders) and all other duties or powers which the Council may have in accordance with the following statutory provisions and any orders or regulations made thereunder: | Assistant Director (Legal and Democratic Services), Strategic Director (Neighbourhood Operations) and Head of Regulatory Services |
| 2.5.18 | Caravan Sites Control of Development Act 1960 | Assistant Director (Legal and Democratic Services), |
| 2.5.19 | Mobile Homes Act 2013 | Assistant Director (Legal and Democratic Services)), |
| 2.5.20 | Under or in relation to any of the enactments specified in paragraphs 2.5.15 and 2.5.20 above and the subordinate legislation referred to therein, and in accordance with S.223 Local Government Act 1972 to act as authorised Officer of the Council, to inspect premises, to authorise the institution of proceedings in a Magistrates' Court and to appear in any proceedings instituted by the Council | Assistant Director (Legal and Democratic Services) |
| Sunday Trading | | |
| 2.5.21 | To appoint by an instrument in writing Inspectors for the purposes of the Sunday Trading Act 1994 | Assistant Director (Legal and Democratic Services) |

2.5.22 To authorise the institution of legal proceedings for offences under the Sunday Trading Act 1994 Assistant Director (Legal and Democratic Services)

Health and Safety at Work

2.5.23 To exercise the powers of the Council under S.19 Health and Safety at Work, etc Act 1974: Strategic Director (Neighbourhood Operations) and Head of Regulatory Services

(1) To appoint by an instrument in writing signed by him or her persons as Inspectors for the purposes of the 1974 Act, being persons having suitable qualifications;

(2) To specify in the instrument of appointment which of the following powers are to be exercisable by each of the persons so appointed:

(a) the powers of an Inspector specified in:

(i) SS.20, 21, 22 and 25 of the 1974 Act;

(ii) the provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the Regulations, Orders or other instruments of a legislative character made or having effect under any provision so specified, as in force from time to time;

(b) to authorise the institution of proceedings in England and Wales pursuant to S.38 of the 1974 Act.

(3) to terminate any appointment so made whether by him or her or another

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| 2.5.24 | To authorise another person to accompany an Inspector of Health and Safety on any inspection, examination or investigation under the Health and Safety at Work, etc Act 1974 | Strategic Director (Neighbourhood Operations) and Head of Regulatory Services |
| 2.5.25 | To provide general legal representation on behalf of Inspectors appointed by the Council in relation to matters covered by the Health and Safety at Work, etc Act 1974 | Assistant Director (Legal and Democratic Services) |
| 2.5.26 | To transfer or assign responsibility for enforcement of the Health and Safety at Work etc Act 1974 to or from the Health and Safety Executive in cases where the responsibility is uncertain or where one authority is more appropriate for enforcement. | Strategic Director (Neighbourhood Operations) and Head of Regulatory Services |

Tattooing/Acupuncture/Piercing/Electrolysis

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| 2.5.27 | To register persons carrying on the practice of acupuncture, or the business of tattooing, piercing, or electrolysis, and their premises (SS.14 & 15 Local Government (Miscellaneous Provisions) Act 1982) | Assistant Director (Legal and Democratic Services) |
| 2.5.28 | To authorise the institution of proceedings for offences under s.16 of the Local Government (Miscellaneous Provisions) Act 1982 | Assistant Director (Legal and Democratic Services) |
| 2.5.29 | To authorise officers to inspect premises under s.17 Local Government (Misc Provisions) Act 1982 | Assistant Director (Legal and Democratic Services), |
| 2.5.30 | To authorise the administration of formal cautions in appropriate circumstances | Assistant Director (Legal and Democratic Services, Head of Legal and Democratic Services) |

Highways (Provision of services, amenities, etc)

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| 2.5.31 | To grant permission for provision, etc of services, amenities, recreation and | Assistant Director (Planning)) |
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refreshment facilities on a highway, and related powers. (Sections 115E, 115F and 115K of the Highways Act 1980)

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| 2.5.32 | To publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980 (Section 115G Highways Act 1980) | Assistant
(Planning) | Director |
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Licensing Act 2003

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| 2.5.33 | To make representations on behalf of the licensing authority in its capacity as a responsible authority in respect of applications under sections 17, 29, 34, 41A, 51, 53A, 71, 84, 86A, 87 or 167 of the Licensing Act 2003. | Assistant
(Legal and Democratic Services), | Director
Head of Legal and Democratic Services |
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| 2.5.34 | To apply for the review of a premises licence under section 51 of the Licensing Act 2003 on behalf of the licensing authority in its capacity as a responsible authority, and make appropriate supporting representations at the resulting committee hearing. | Assistant
(Legal and Democratic Services), | Director
Head of Legal and Democratic Services) |
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| 2.5.35 | To apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 on behalf of the licensing authority in its capacity as a responsible authority, and make appropriate supporting representations at the resulting committee hearing | Assistant
(Legal and Democratic Services), | Director
Head of Legal and Democratic Services) |
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Gambling Act 2005

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| 2.5.36 | To make representations on behalf of the licensing authority in its capacity as a responsible authority in respect of applications under sections 159, 187, 188, 195, 197, 200 or 204 of the Gambling Act 2005. | Assistant
(Legal and Democratic Services), | Director
Head of Legal and Democratic Services |
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| 2.5.37 | To apply for the review of a premises licence under section 197 of the Gambling Act 2005 on behalf of the licensing authority in its capacity as a responsible authority, and make appropriate supporting representations at the resulting committee hearing. | Assistant
(Legal and Democratic Services), | Director
Head of Legal and Democratic Services |
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- 2.5.38 To initiate reviews of premises licences of a particular class under section 201 of the Gambling Act 2005 on behalf of the licensing authority, and make appropriate supporting representations at the resulting committee hearing(s).
- Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services

2.6 Delegation to the Licensing and Health and Safety Enforcement Sub-Committee:

2.6.1. The Licensing and Health and Safety Enforcement Committee has appointed a Sub-Committee comprised of 7 members which shall meet in accordance with the cycle of meetings approved annually by the Council or when summoned by the Assistant Director (Legal and Democratic Services) to deal with matters specified on the agenda.

2.6.2 Terms of reference

To carry out any of the functions relating to the determination of applications, the conditions applied to authorisations, or exemptions from the Council's standard policies, which may otherwise be carried out by the Licensing and Health and Safety Enforcement Committee, except for those functions otherwise delegated to the Licensing of Alcohol and Gambling Sub Committee, contained within the Licensing Act 2003 and the Gambling Act 2005.

2.7 Delegation to the Licensing of Alcohol and Gambling Sub-Committee

2.7.1 The Licensing of Alcohol and Gambling Sub-Committee is an ad hoc Sub-Committee with a membership of 3 members chosen from the 12 members of the full Committee and summoned by the Assistant Director (Legal and Democratic Services) to deal with the licensing matters specified on the Agenda. A meeting of the Sub-Committee shall not be quorate if less than three members are present.

2.7.2 The Sub-Committee shall have the delegated power from the full Committee to deal with the following licensing matters, and in all cases the Sub Committee may take any of the steps for the determination of those matters as may be set out in the relevant legislative provisions so indicated:

Licensing Act 2003

- 2.7.3 Determination of an application for a premises licence where relevant representations have been made and not withdrawn (s.18).
- 2.7.4 Determination of an application for a provisional statement where relevant representations have been made and not withdrawn (s.31)
- 2.7.5 Determination of an application to vary a premises licence where relevant representations have been made and not withdrawn (s.35)
- 2.7.6 Determination of an application to specify a designated premises supervisor on a premises licence where an objection notice has been given and not withdrawn (s.39)
- 2.7.7 Determination of an application to transfer a premises licence where an objection notice has been given and not withdrawn (s.44)
- 2.7.8 Cancellation of an interim authority notice where an objection notice has been given and not withdrawn (s.48)
- 2.7.9 Determination of an application for review of a premises licence (s.52)
- 2.7.10 Determination of an application for summary review of a premises licence (s.53C), and setting of interim steps pending review (s.53B)
- 2.7.11 Determination of application for a club premises certificate where relevant representations have been made and not withdrawn (s.72)
- 2.7.12 Determination of application to vary a club premises certificate where relevant representations have been made and not withdrawn (s.85)
- 2.7.13 Determination of an application for review of a club premises certificate (s.88)
- 2.7.14 Issue of a counter-notice following an objection to a standard temporary event notice (s.105)
- 2.7.15 Imposition of conditions on a standard temporary event notice following an objection (s.106A)

- 2.7.16 Determination of application for grant of a personal licence, where an objection notice has been given and not withdrawn (s.120)
- 2.7.18 Consideration of convictions coming to light after grant or renewal of a personal licence, where an objection notice has been given and not withdrawn (s.124)
- 2.7.19 Determination of a review of a premises licence following a closure order and magistrates' court notification (s.167)
- 2.7.20 Imposition of restrictions on dancing and live music, on review of a premises licence or club premises certificate (s.177, s.177A)
- 2.7.21 Decision to make representation when the authority is consulted on a premises licence application by a neighbouring licensing authority

Gambling Act 2005

- 2.7.22 Determination of application for a premises licence where representations have been made and not withdrawn, or where it is proposed to attach an additional condition or exclude a default condition (s.163, s. 169)
- 2.7.23 Determination of application to vary a premises licence where representations have been made and not withdrawn, or where it is proposed to attach an additional condition or exclude a default condition (s.187)
- 2.7.24 Determination of application to transfer a premises licence where representations have been made and not withdrawn, or where it is proposed to attach an additional condition or exclude a default condition (s.188)
- 2.7.25 Determination of application to reinstate a premises licence where representations have been made and not withdrawn, or where it is proposed to attach an additional condition or exclude a default condition (s.195)
- 2.7.26 Determination of a review of a premises licence (s.201)
- 2.7.27 Determination of application for a provisional statement where representations have been made and not withdrawn, or where it is proposed to attach an additional condition or exclude a default condition (s.204)
- 2.7.28 Issue of counter-notice following receipt of a notice of objection in respect of a temporary use notice (s.224)

- 2.7.29 Dismissal of objections given in respect of temporary use notices (s.225)
- 2.7.30 Refusal of application for a family entertainment centre gaming machine permit, or for renewal of an existing permit (Sched. 10)
- 2.7.31 Refusal of application for registration for the promotion of small society lotteries, or revocation of registration (Sched. 11, part 5)
- 2.7.32 Determination of applications for a club machine permit or club gaming permit, where objections have been made and not withdrawn, or consideration of the cancellation of permits (Sched. 12)
- 2.7.33 Refusal of application for a licensed premises gaming machine permit, grant for lesser/lower number of machines than requested, or cancellation or variation of permit (Sched. 13)
- 2.7.34 Refusal of transfer of licensed premises gaming machine permit (by virtue of refusal of an application for transfer of an alcohol licence)
- 2.7.35 Refusal of application for a prize gaming permit, or for renewal of an existing permit (Sched. 14)

2.8 DELEGATION TO OFFICERS FROM LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

Licensing Act 2003

	MATTER TO BE DEALT WITH	TO WHOM DELEGATED
2.8.1	Application for a personal licence where no police objection is made and the applicant has no unspent convictions	Assistant Director (Legal and Democratic Services)
2.8.2	Application for a premises licence/club premises certificate where there are no relevant representations made	Assistant Director (Legal and Democratic Services)
2.8.3	Application for a provisional statement (where premises being built, etc) where there are no relevant representations made	Assistant Director (Legal and Democratic Services)

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| 2.8.4 | Application to vary a premises licence/club premises certificate where there are no relevant representations made | Assistant Director (Legal and Democratic Services) |
| 2.8.5 | Application for a provisional statement (where premises being built, etc) where there are no relevant representations made | Assistant Director (Legal and Democratic Services) |
| 2.8.6 | Application to vary designated premises supervisor where there is no police objection | Assistant Director (Legal and Democratic Services) |
| 2.8.7 | Request to be removed as designated premises supervisor | Assistant Director (Legal and Democratic Services) |
| 2.8.8 | Application for a transfer of a premises licence where there is no police objection | Assistant Director (Legal and Democratic Services) |
| 2.8.9 | Applications for an interim authority where there is no police objection | Assistant Director (Legal and Democratic Services) |
| 2.8.10 | A decision on whether a complaint is irrelevant, frivolous, vexatious, etc | Assistant Director (Legal and Democratic Services) |

Rights of Entry for the following purposes

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| 2.8.11 | The inspection of premises before the grant, variation or review of a licence or a provisional statement | Assistant Director (Legal and Democratic Services) |
| 2.8.12 | To investigate whether a licensable activity is being carried on in accordance with an authorisation | Assistant Director (Legal and Democratic Services)
) |
| 2.8.13 | To assess the likely effect of a temporary event notice on the promotion of the crime prevention objective in the Council's Licensing Policy | Assistant Director (Legal and Democratic Services) |

Authorised persons

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| 2.8.14 | To act as 'authorised persons' for the purposes of the Licensing Act 2003. | Assistant Director (Legal and Democratic Services) together with any one or more of his/her staff who he/she so authorises |
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Gambling Act 2005

	MATTER TO BE DEALT WITH	TO WHOM DELEGATED
2.8.15	Application for premises licence where no representations received/representations have been withdrawn.	Assistant Director (Legal and Democratic Services)
2.8.16	Application for a variation to a licence where no representations received/representations have been withdrawn.	Assistant Director (Legal and Democratic Services)
2.8.17	Application for a transfer of a licence where no representations received from the Gambling Commission.	Assistant Director (Legal and Democratic Services)
2.8.18	Application for a provisional statement where no representations received/representations have been withdrawn.	Assistant Director (Legal and Democratic Services)
2.8.19	Application for club gaming/club machine permits where no objections made/objections have been withdrawn	Assistant Director (Legal and Democratic Services)
2.8.20	Applications for other permits	Assistant Director (Legal and Democratic Services)
2.8.21	Cancellation of licensed premises gaming machine permits	Assistant Director (Legal and Democratic Services)
2.8.22	Consideration of temporary use notice	Assistant Director (Legal and Democratic Services)
2.8.23	Fee setting (when appropriate)	Assistant Director (Legal and Democratic Services)

2.9 The Appeals and Reviews Committee

2.9.1 The Appeals and Reviews Committee is an ad hoc committee with a membership of 5 members of the Council chosen from a pool of Members appointed by the Council who have received appropriate training and summoned by the Assistant Director (Legal and Democratic Services) to deal with matters specified on the Agenda.

2.9.2 Terms of Reference

The function of the Appeals and Reviews Committee is to hear and determine all appeals and reviews with regards to

any decision made by or on behalf of the Council in relation to the following matters:

- (i) The determination of appeals brought by employees against dismissals resulting from redundancy, misconduct, ill-health and capability.
- (ii) To consider any objections and representations that have been duly made, in respect of a Tree Preservation Order and to confirm or modify any such Order.
- (iii) The determination of appeals against decisions made in relation to discretionary rate relief.

2.10 Audit Committee

2.10.1 Shall comprise of 6 members of the Council.

2.10.2 The Audit Committee shall meet a minimum of 4 times a year and in accordance with the cycle of meetings approved annually by the Council.

2.10.3 Terms of Reference

The functions of the Audit Committee shall be to exercise the audit powers of the Council in relation to:

External Audit:

- (i) To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's governance arrangements.
- (ii) To consider summaries of specific Internal Audit reports as requested.
- (iii) To consider reports dealing with the management and performance of the providers of Internal Audit Services
- (iv) To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (v) To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance.
- (vi) To consider specific reports as agreed with the External Auditor

- (vii) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (viii) To liaise with the Public Sector Audit Appointments (PSAA LTD) over the appointment of the Council's external auditor.
- (ix) To commission work from Internal and External Audit.

Regulatory Framework:

- (x) To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- (xi) To review any issue referred to it by the Chief Executive, Chief Finance Officer, Strategic Director, or any Council body.
- (xii) To monitor the Governance and Risk arrangements within the Council.
- (xiii) To monitor council policies on 'Raising Concerns at Work' and 'Anti-fraud and corruption'.
- (xiv) To oversee the production of the Council's Annual Governance Statement and to formally agree it.
- (xv) The Council's arrangements for governance and agreeing necessary actions to ensure compliance with best practice.
- (xvi) The Council's compliance with any relevant legislation and its own and other published, policies standards and controls.

Accounts

- (xvii) To review and approve the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit.
- (xviii) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

Support

- (xix) In order that the Audit Committee can exercise its audit powers properly it may require any senior officer to attend before the Audit Committee to answer questions within their remit and it is the duty of those persons to attend if so required".

3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 3.1 Executive functions are grouped together in the form of 'Cabinet Portfolios', the number and scope of which are agreed by the Leader.
- 3.2 The Leader may discharge any of those executive functions which are the responsibility of the Leader and Cabinet, or may arrange for the discharge of any of those functions by the Cabinet, by another member of the Cabinet, by a committee of the Cabinet, or by an officer of the Council.
- 3.3 The Leader is responsible for allocating responsibility for the Cabinet Portfolios among the individual members of the Cabinet. The Leader will allocate the Cabinet Portfolios on an annual basis. The table at Schedule 1 below sets out which Cabinet Member is currently responsible for each particular Portfolio. Schedule 1 also shows the relevant Directorate(s) in respect of each Portfolio.
- 3.4 The delegation of executive functions from the Leader and Cabinet to Chief Officers is set out in Schedule 2.
- 3.5 The onward delegation of executive functions from Chief Officers to other officers is set out in Schedule 3.
- 3.6 If or to the extent that the functions which are the responsibility of the Leader and Cabinet are not allocated under Schedule 1, the Leader may discharge any of those functions or may arrange for their discharge by the Cabinet collectively, or by a committee of the Cabinet, or by an individual Cabinet Member or by an officer of the Council.
- 3.7 Any function allocated under Schedule 1 to an individual Cabinet Member may, during the absence of that Cabinet Member, or during his or her inability to act for any other reason, or during the vacancy of that Cabinet position, be exercised by the Leader.

CABINET PORTFOLIOS AND DIRECTORATES

SCHEDULE 1

PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	LEAD OFFICERS
<p>Climate Change and Ecological Emergency Cllr Adrian England</p> <p>Climate Change Ecological Emergency</p>	<p>Principally: Finance & Resources</p>	<p>Strategic Director (People and Transformation)</p> <p>Head of Transformation</p>

PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	LEAD OFFICERS
<p>Portfolio Holder for Corporate and Commercial Services</p> <p>Councillor Michela Capozzi</p> <p>Corporate and Commercial Services Financial Services Revenues and Benefits Legal and Democratic Services Licensing</p> <p>Commercial Strategy and Programme Commercial and Capital Project Delivery oversight Procurement Contract Management Strategic Asset Review Shared Services exploration (corporate approach)</p> <p>GF Property Services Commercial property Compliance Responsive repairs and key to key services Valuation and Estates Building Services and Facilities Management</p>	<p>Principally FINANCE & RESOURCES Audit Committee Standards Committee Licensing Committee</p>	<p>Strategic Director (Corporate and Commercial Services) Strategic Director (People & Transformation) Strategic Director (Housing and Property Services)</p> <p>Chief Finance Officer (S.151 Officer) Assistant Director Legal and Democratic Services (Monitoring Officer)</p> <p>Assistant Director (Property Services) Assistant Director (Strategic Housing and Delivery) Head of Commercial Development</p>

PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	OFFICER SUPPORT
<p>Portfolio Holder for Neighbourhood Operations: Councillor Robin Bromham</p> <p>Environmental Services Fleet Services Waste Transformation Garden Waste Commercial Waste Depot Services Refuse and Recycling</p> <p>Neighbourhood Management Clean Safe and Green Parks and Open Spaces Trees and Woodlands Cemeteries and Bereavement services Parking Services Garage Management</p> <p>Environmental Protection Corporate Health Safety and Resilience Environmental Health Operations and Public Health</p>	<p>Principally STRATEGIC PLANNING AND ENVIRONMENT</p>	<p>Strategic Director (Neighbourhood Operations)</p> <p>Head of Environmental Services Head of Regulatory Services Head of Neighbourhood Management Head of Corporate Health and Safety</p>

PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	OFFICER SUPPORT
<p>Portfolio Holder for Housing and Property Services:</p> <p>Councillor Simy Dhyani</p> <p>Housing Operations and Safe Communities HRA Housing Management Housing Needs and Allocations General Fund Accommodation Services Safe Communities Private Sector Housing Homeless Prevention Asylum and Refugees</p> <p>Strategic Housing and Delivery Strategy Quality and Assurance Investment and Project Delivery Housing Delivery</p> <p>HRA Property Services Safe Homes Asset Management Commercial Housing Contracts</p>	<p>Principally, HOUSING & COMMUNITY</p>	<p>Strategic Director (Housing and Property Services)</p> <p>Assistant Director (Strategic Housing and Delivery) Assistant Director (Housing Operations and Safe Communities) Assistant Director (Property)</p> <p>Head of Housing Operations Head of Safe Communities Head of Strategy, Quality and Assurance Head of Investment and Delivery Head of Safe Homes Head of Asset Management Head of Commercial Housing Contracts</p>

2020-14

PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	OFFICER SUPPORT
<p>Portfolio Holder for Place</p> <p>Councillor Sheron Wilkie</p> <p>Planning Development Management Land Charges Planning Enforcement Strategic Planning Infrastructure/ Developer Contributions</p> <p>Place & Enterprise Inward Investment Economic Growth Place Strategies</p> <p>Communities Community Partnerships & VCS liaison Arts and Culture & Old Town Hall Theatre Adventure Playgrounds Sports and Leisure/Health</p> <p>Partnership Programmes Hemel Garden Communities SW Herts JSP</p>	<p>Principally, STRATEGIC PLANNING & ENVIRONMENT</p>	<p>Strategic Director (Place)</p> <p>Assistant Director (Planning) Asistant Director (Place, Communities & Enterprise) Heads of Arts and Culture Head of Place Strategy and Delivery Head of Communities Head of Development Management Hemel Garden Communities Programme Director SW Herts Joint Strategic Plan Director</p>

PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	OFFICER SUPPORT
<p>Portfolio Holder for People and Transformation Councillor Carole Weston</p> <p>People (HR, OD and Equality and Diversity) Digital Transformation Performance and complaints CSU Project Management Office Corporate Governance Communications and Engagement Civic Events</p>	<p>Principally, FINANCE AND RESOURCES</p>	<p>Strategic Director (People and Tranformation)</p> <p>Assistant Director (People) Head of Digital Head of Communications and Engagement Head of Transformation</p>

SCHEME OF DELEGATION FROM THE CABINET TO CHIEF OFFICERS

PART 1

Overall Basis

- 1.1 In relation to delegation of powers and duties generally the Council has approved, as part of its Executive Arrangements, the following broad principles for determining the distribution of decisions within the Council's political management structure:
- (i) Major strategic/policy decisions and regulatory issues (e.g. development control and licensing) are made or dealt with by full Council or a Committee of the Council.
 - (ii) Strategic/policy issues are dealt with by full Cabinet.
 - (iii) Major operational issues are dealt with by individual Cabinet Members.
 - (iv) Straightforward operational issues are dealt with by officers at an appropriate level of seniority.
 - (v) Matters for information only should be distributed to all Members via a separate regular information bulletin (including performance management information).
- 1.2 This Scheme delegates the functions of the Cabinet to officers and should be interpreted widely rather than narrowly.
- 1.3 This Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation, including appointment and dismissal of staff and authorising the affixing of the Common Seal.
- 1.4 This Scheme operates under the Local Government Act 2000 ("the Act") and all other powers enabling the Council.
- 1.5 None of the provisions contained in this Scheme which delegates the exercise of powers or duties to officers prevent the Cabinet from exercising those powers or duties.
- 1.6 This Scheme can be amended, varied, temporarily amended for specified purposes or revoked by the Cabinet at any time.

Overall Limitations

- 1.7 This Scheme does not delegate to officers:
- (i) Any matter which is not the responsibility of the Cabinet by virtue of the Act, any Regulations made thereunder or the Executive Arrangements adopted by the Council.
 - (ii) The power to make new policy or amend any policy which has been adopted by the Council or the Cabinet.
 - (iii) The power to exceed the provision of capital and revenue budgets for their services except insofar as authorised by the Council's Financial Regulations or Procurement Standing Orders.
 - (iv) Any other matter which is specifically excluded in this Scheme.
- 1.8 Officers shall exercise delegated powers in accordance with:
- (i) The provisions of legislation, in particular the requirements of the Act and Regulations made thereunder in respect of the taking and recording of Key Decisions;
 - (ii) The provisions of the Constitution and Executive Arrangements adopted by the Council;
 - (iii) The requirements of Sections 1.10-1.16 below in respect of consultation with Members.
 - (iv) Policies approved by the Council or the Cabinet;
 - (v) Instructions from the Chief Executive as Head of Paid Service.
- 1.9 In exercising delegated powers, officers shall have regard to any report by the Head of the Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or of the Chief Finance Officer under Section 114 of the Local Government Finance Act 1988.

Consultation with Members

- 1.10 Before taking any decision on behalf of the Council, an officer must consider whether to involve Members.
- 1.11 If the matter is a straightforward operational issue (e.g. a purely routine technical or professional matter) which is not controversial in any way, Members will not need to be involved.

- 1.12 If the matter has local significance, but no general significance for the Council and no controversial aspects, the officer shall inform the Ward Member(s) in writing and proceed. **It is essential that officers ensure that Ward Members are kept properly informed on issues affecting their Wards.**
- 1.13 If the matter has general significance for the Council or is, or is likely to be, controversial, the officer shall consult with the relevant Cabinet Member before proceeding. In some cases it will be necessary to consult more than one Cabinet Member, and in some cases the Leader will need to be consulted.
- 1.14 Consultation may be in writing but officers must allow sufficient time for the consultee to respond before a decision is taken.
- 1.15 A consultee may ask that other Members' views be sought, including those of the Ward Member(s).
- 1.16 If the Cabinet Member concurs with the officer's proposed course of action, the officer may proceed.

Further Provisions

- 1.17 This Scheme includes the power for officers to further delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officers. Sub-delegations shall be recorded in a register kept by the Assistant Director (Legal and Democratic Services). Sub-delegations may be made across strategic departmental boundaries and to other Councils and their officers.
- 1.18 Wherever possible officers shall devolve responsibilities for service delivery and management (whether or not involving sub-delegation under this Scheme) to the nearest practicable point to the service user and in a way, which clearly identifies accountabilities.
- 1.19 It shall always be open to an officer not to exercise his/her delegated powers but to refer the matter to the Cabinet for decision.
- 1.20 In exercising delegated powers, officers shall consult with such other officers as they determine appropriate and shall have regard to any advice given.
- 1.21 The Scheme delegates to the holder of each post named in it the management of the resources made available for the duties of the post as specified in the terms of the post-holder's appointment.

PART 2

Delegation to Officers of the Council

- 2.1 This Part of the Scheme describes which functions of the Cabinet have been allocated to individual officers of the Council.
- 2.2 It is important that this Part of the Scheme is read in conjunction with the provisions in Part 1 which set out the limitations and constraints placed on officers when exercising these delegated powers and duties.

A. TO THE CHIEF EXECUTIVE

- (a) To be responsible for all aspects of operational management of the Council.
- (b) To authorise, after consultation with the Leader of the Council, twinning arrangements.
- (c) To incur expenditure, and grant funding to any external organisation or Council contractor as the Chief Executive deems appropriate, in the event of a civil emergency. The Chief Executive will report all expenditure and funding made pursuant to this delegation to the next available Cabinet and Council meeting.
- (d) To manage the co-ordination of budget processes, including overall strategy, planning and information.
- (f) To approve Special Severance payments of £20,000 and above, but below £100,000, subject to agreement with the Leader of the Council, and consultation with S.151 Officer and Monitoring Officer, and agree the terms of any associated Settlement Agreements.
- (g) To approve all early retirements and redundancies, subject to an assessment on Best Value and consultation with the Monitoring Officer and S.151, and to report on a six-monthly basis to the relevant Cabinet Portfolio holder on the use made of this power.
- (h) To approve funding for interim resource to deliver corporate priorities subject to a budget being approved in accordance with the Council's Financial Regulations and to report all expenditure and funding on a six-monthly basis to the relevant Cabinet Portfolio holder on the use made of this power.
- (i) All operational matters in relation to civil aid and emergency planning.
- (j) In cases of urgency, after consultation with the Leader of the Council and the relevant Cabinet Member, to take any decision which could be taken by the Cabinet.

Note: The Chief Executive is Head of Paid Service.

B. TO THE STRATEGIC DIRECTOR (CORPORATE AND COMMERCIAL SERVICES)

- (a) The functions of the Cabinet in relation to operational matters falling within the Corporate and Commercial Services) Directorate as shown in the table below

Commercial	Corporate
Commercial Strategy and Programme Corporate Project Delivery Procurement Contract Management Strategic Asset Review Shared Services exploration – corporate approach	Financial Services Revenues and Benefis Legal and Democratic Services Elections and Electoral registration Licensing

- (b) Except for:
- (i) Grants to external organisations of above £2,000 per annum.
 - (ii) Any relevant income and charging strategies.
 - (iii) Major restructuring proposals.
- (c) To make recommendations on the above service areas as follows:

- (i) On major operational decisions – to the relevant individual Cabinet Member.
- (ii) On strategic or policy issues – to the Cabinet.
- (ii) On major strategic issues – to the Council.

C. TO THE STRATEGIC DIRECTOR (NEIGHBOURHOOD OPERATIONS)

- (a) The functions of the Cabinet in relation to operational matters falling within the Neighbourhood Operations Directorate, as shown in the table below.

<p>Environmental Services Fleet Services Waste Transformation Garden Waste Commercial Waste Depot Services Refuse and Recycling</p> <p>Neighbourhood Management Clean Safe and Green Parks and Open Spaces Trees and Woodlands Cemeteries and Bereavement services Parking Services Garage Management</p>	<p>Environmental Protection Corporate Health Safety and Resilience Environmental Health Operations and Public Health</p>
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Except for:

- (i) Grants to external organisations of above £2,000 per annum.
 - (ii) Any relevant income and charging strategies.
 - (iii) Major restructuring proposals.
- (b) To make recommendations on the above service areas as follows:
 - (i) On major operational decisions – to the relevant individual Cabinet Member.

- (ii) On strategic or policy issues – to the Cabinet.
- (iii) On major strategic issues – to the Council.

D. TO THE STRATEGIC DIRECTOR (PLACE)

- (a) The functions of the Cabinet in relation to operational matters falling within the Place Directorate, as shown in the table below.

<p>Partnership Programmes Hemel Garden Communities SW Herts Joint Strategic Plan</p> <p>Communities Community Partnerships Arts and Culture Adventure Playgrounds Sports and Leisure/Health</p>	<p>Planning Development Management Land Charges Planning Enforcement Strategic Planning Infrastructure/ Developer Contributions including Suitable Alternative Natural Greenspace (SANG)</p> <p>Place & Enterprise Inward Investment Economic Growth Place Strategies</p>
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Except for:

- (i) Grants to external organisations of above £2,000 per annum.
 - (ii) Any relevant income and charging strategies.
 - (iii) Major restructuring proposals.
- (b) To make recommendations on the above service areas as follows:
- (i) On major operational decisions – to the relevant individual Cabinet Member.
 - (ii) On strategic or policy issues – to the Cabinet.
 - (iv) On major strategic issues – to the Council.
- (c) Development Plan Documents

To respond on behalf of the Council to any representations made in respect of the Core Strategy or a Development Plan Document

which has been submitted to the Secretary of State, except that, the Leader of the Council shall be responsible for responding on behalf of the Council where there are major planning policy issues involved and/or major changes to a Development Plan Document are being suggested by officers.

(d) Strategic Environmental Assessments

To make determinations on behalf of the Council as local planning authority as required under regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 as to whether or not a plan, programme or modification of a description referred to therein is likely to have significant environmental effects.

The Strategic Director (Place) will be responsible:

- (i) To initiate apply and/or act in relation to the provisions of the Derelict Land Act 1982.
- (ii) To commission, initiate and/or review ground stabilisation works as are necessary in relation to Council land and/or its statutory or public obligations.

(e) Suitable Alternative Natural Green Space (SANG)

Cabinet has delegated the following authorisations in respect of SANG.

Decision	delegated authority to:
1 Approval for Council owned public open space to be used as SANG, where these sites have previously been reported to Cabinet.	<ul style="list-style-type: none"> • Portfolio Holder for Corporate and Commercial Services and Portfolio Holder for Place (for Council owned land) • Portfolio Holder for Place (for non-council owned)
2 Approval of extensions to existing SANG sites by adding further parcels / adjustments to the red line boundary of a SANG.	<ul style="list-style-type: none"> • Portfolio Holder for Corporate and Commercial Services and Portfolio Holder for Place (for Council owned land) • Portfolio Holder for Place (for non-council owned)
3 Approval of SANG management plans for new SANG sites, and for these to be made publicly available.	<ul style="list-style-type: none"> • Strategic Director - Place or the Assistant Director - Planning, and the Strategic Director - Neighbourhood Operations
4 Approval of amendments or updates to	<ul style="list-style-type: none"> • Strategic Director - Place or the Assistant Director -

existing SANG management plans (eg changes in interventions, management plans for later time periods/phases, or additions due to SANG sites being extended as per 2 above).	Planning, and the Strategic Director - Neighbourhood Operations
5 Approval for spending SANG contributions paid to the Council (to include post-commencement charges).	<ul style="list-style-type: none"> • S151 or Deputy S151 Officer
6 Adoption of SANG sites or public open space sites provided/gifted by a developer where recommended by officers.	<ul style="list-style-type: none"> • Strategic Director - Place or the Assistant Director - Planning, in consultation with the Strategic Director - Housing and Property Services and/or the Strategic Director - Neighbourhood Operations
7 Decisions relating to the use of third party SANG by a developer.	<ul style="list-style-type: none"> • Strategic Director - Place or the Assistant Director - Planning or the Head of Development Management
8 Approval of revised/varied Council-led SANG tariff (amending the tariff approved by Cabinet in November 2022)	<ul style="list-style-type: none"> • Portfolio Holder of Place in consultation with the Strategic Director - Place and the S151 or Deputy S151 Officer
9 Approval of revisions to the Chilterns Beechwoods SAC Mitigation Strategy including variations to the Allocations Protocol for Council owned SANG.	<ul style="list-style-type: none"> • Portfolio Holder for Place in consultation with the Strategic Director - Place
10 Approval for officers to offer Council SANG capacity to development within the borough.	<ul style="list-style-type: none"> • Strategic Director - Place or the Assistant Director - Planning or the Head of Development Management
11 Approval for officers to offer Council SANG capacity to development outside of the borough where this is deemed appropriate or beneficial by officers.	<ul style="list-style-type: none"> • Strategic Director - Place or the Assistant Director - Planning

E. TO THE STRATEGIC DIRECTOR (PEOPLE AND TRANSFORMATION)

- (a) The functions of the Cabinet in relation to operational matters falling within the People and Transformation Directorate, as shown in the table below.

<p>People and Transformation People (Human Resources, Occupational Development and Equality and Diversity) Digital Transformation Performance Customer Services Unit Project Management Office Corporate Governance Communications and Engagement Events</p>	
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Except for:

- (i) Grants to external organisations of above £2,000 per annum.
 - (ii) Any relevant income and charging strategies.
 - (iii) Major restructuring proposals.
- (b) To make recommendations on the above service areas as follows:
- (i) On major operational decisions – to the relevant individual Cabinet Member.
 - (ii) On strategic or policy issues – to the Cabinet.
 - (v) On major strategic issues – to the Council.

F. TO THE STRATEGIC DIRECTOR (HOUSING AND PROPERTY SERVICES)

- (a) The functions of the Cabinet in relation to operational matters falling within the Housing and Property Directorate, as shown in the table below.

<p>Housing Operations and Safe Communities HRA Housing Management Housing Needs and Allocations General Fund Accommodation Services</p>	
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<p>Safe Communities Private Sector Housing Homeless Prevention Asylum and Refugees</p> <p>Strategic Housing and Delivery Strategy Quality and Assurance Investment and Project Delivery Housing Delivery</p> <p>HRA Property Services Safe Homes Asset Management Commercial Housing Contracts</p> <p>General Fund Property Services Compliance Responsive repairs and key to key services Valuation and Estates Building Services and Facilities Management</p> <p>Development Services Housing development Capital project delivery</p>	
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Except for:

- (i) Grants to external organisations of above £2,000 per annum.
 - (ii) Any relevant income and charging strategies.
 - (iii) Major restructuring proposals.
- (b) To make recommendations on the above service areas as follows:
- (i) On major operational decisions – to the relevant individual Cabinet Member.
 - (ii) On strategic or policy issues – to the Cabinet.
 - (vi) On major strategic issues – to the Council.

G. TO THE CHIEF FINANCE OFFICER

- (a) To be responsible to the Council for ensuring that appropriate advice is given to it on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
- (b) To manage the Council's banking arrangements.
- (c) To manage the Council's Borrowing and Lending Portfolio.
- (d) To implement national and local pay awards and increase payments under the Pension Increase Acts.
- (e) To manage the Council's insurance arrangements.
- (f) To manage the Council's Leased Car and Car Loan Scheme.
- (g) To agree the writing-off of debts of any value where the debtor has gone into liquidation or bankruptcy
- (h) To review, in consultation with the relevant Portfolio Holder, the monetary value thresholds for accepting credit card payments and where commission charges may be added to service costs for non-statutory services.
- (i) To set and monitor the Internal Audit Programme

Note: The Chief Finance Officer is the S.151 Officer

H. TO THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- (a) To be responsible for ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.
- (b) To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal.
- (c) To authorise officers of the Council to appear in the Crown and Magistrates Courts and County Courts.
- (d) To take decisions as Proper Officer of the Council except where legislation or this scheme names another officer and to authorise the making and issue of any formal documents.
- (e) To be the Senior Information Risk Officer for the purposes of compliance with the Council's responsibilities under the Data Protection Act in relation to information security.
- (f) To be the Senior Responsible Officer for the purposes of compliance with the Council's policies and procedures on the use of covert surveillance and the use of covert human intelligence

sources and with the requirements of the Regulation of Investigatory Powers Act 2000 and the Codes of Practice made thereunder.

- (g) To be the delegated person for instituting Proceeds of Crime investigations under the Proceeds of Crime Act 2002 on behalf of the Council (whilst the Council's enforcement officers shall be delegated as investigating officers).

Note: the Assistant Director (Legal and Democratic Services) is the Council's Monitoring Officer

SCHEDULE 3

SCHEME OF ONWARD DELEGATION FROM CHIEF OFFICERS TO OTHER OFFICERS

A. FROM THE CHIEF EXECUTIVE

POWER OR FUNCTION	TO WHOM DELEGATED
1. To control the salaries and wages budget	Each Member of Corporate Leadership Team
2. To make appointments and promotions within the authorised establishment other than Chief Officer.	Each Member of Corporate Leadership Team
3. To make temporary appointments additional to the authorised establishment.	Each Member of Corporate Leadership Team
4. To suspend an employee from duty or to take other appropriate action in accordance with the approved procedures for conduct and capability	Each Member of Corporate Leadership Team
5. To dismiss an employee	Each Member of Corporate Leadership Team
6. To authorise in-service training including day release, study leave and financial assistance in accordance with national and local agreements	Each Member of Corporate Leadership Team
7. To authorise the attendance of employees at training courses, qualification courses and other development events	Each Member of Corporate Leadership Team
8. To grant special leave with pay for	Each Member of Corporate

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| | extraneous duties (e.g. acting as Justice of the Peace, or Jury Service) or arising out of the illness or death of a near relative | Leadership Team |
| 9. | To grant leave of absence without pay | Each Member of Corporate Leadership Team |
| 10. | To authorise employees, in exceptional circumstances, to carry forward annual leave from one year to the next | Each Member of Corporate Leadership Team |
| 11. | To authorise attendance by employees at conferences, seminars and the like concerning their duties | Each Member of Corporate Leadership Team |
| 12. | To authorise the payment of installation costs of telephones in the homes of employees where this is considered necessary in the performance of their jobs, and telephone rentals and business calls where justified | Chief Officers |
| 13. | To approve bonus schemes and methods of remunerating employees of like effect subject to equal value considerations | Strategic Leadership Team |
| 14. | To authorise the granting of leave with pay (additional to normal entitlement) to employees attending annual camps associated with service in non-regular forces | Each Member of Corporate Leadership Team |
| 15. | To implement awards and recommendations in regard to salaries, wages and service conditions of any National Joint Negotiating Body recognised by the Council. Such awards and recommendations to be reported to a meeting of the Cabinet | Chief Finance Officer |
| 16. | To approve, or otherwise vary the allocation of, essential or casual user car allowances for posts in the authorised establishment | Each Member of Corporate Leadership Team |
| 17. | To approve loans to employees for the purchase of cars and other forms of transport for use on the Council's business | Each Member of Corporate Leadership Team in consultation with the Chief Finance Officer) |

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| 18. | To authorise the payment of lodging and travelling home allowances; removal expenses allowances, within the Council's approved relocation scheme | Each Member of Corporate Leadership Team |
| 19. | To allocate service tenancies in relation to general fund properties to authorised employees | Strategic Director (Housing and Property) |
| 20. | To authorise the provision of uniforms or protective clothing for employees | Each Member of Corporate Leadership Team |
| 21. | To authorise payments in respect of clothing and personal items damaged accidentally in the course of an employee's duties | Each Member of Corporate Leadership Team |
| 22. | To deal with the letting of rooms at the Forum, Hemel Hempstead, Berkhamsted Civic Centre and Victoria Hall, Tring and use of the foyer and forecourt areas | Assistant Director (property Services) and Head of Property Services |
| 23. | To exercise the powers of the Council to refuse applications for regrading from employees. | Each Member of Corporate Leadership Team |
| 25. | To approve the redesignation of posts provided there are no cost implications | Each Member of Corporate Leadership Team |
| 26. | To approve the regrading of posts in the establishment (other than Chief Officers) within the overall budget provision and to report from time to time to the relevant Cabinet Portfolio holder on the use made of these powers. | Chief Officers |
| 27. | To award payment of benefits in respect of retirement on compassionate ground or any other payments permitted by virtue of the Local Government (Discretionary Payments) Regulations 1996s | Chief Officers |
| 28. | To approve Special Severance payments up to a value of £20,000 and agree the terms of any associated Settlement Agreements. | Chief Officers in consultation with the S.151 and Monitoring Officer |
| 29. | To approve all matters relating to the | Strategic Director (Housing and |

acquisition, appropriation, sale or other disposal of land and buildings having a current market value of £5,000 or less.

Property Services), Assistant Director (Property) Head of Property Services in consultation with the Chief Finance Officer

NB: For authority to dispose of land valued at £500,000 and above please refer to the Financial Regulations, Annex F, Section 1 Land Disposals paragraph 1.c) at page 47 and to paragraph 1.d) for land valued at more than £5000 but less than £500,000.

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| 30. | To exercise the powers of the Council in respect of the management and control of all general fund land and buildings owned by the Council. | Strategic Director (Housing and Property Services), Assistant Director (Property Services), Head of Property Services |
| 31. | To settle and execute, either under seal or under hand (as appropriate), any contract, agreement, lease, notice or document of a like nature required to give effect to any decision of the Council or of the Cabinet or any Committee or employee acting under delegated powers. | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services,

Any other post with designated Deputy Monitoring Officer duties. |
| 32. | To serve notices requiring information as to use of, operations carried out on and ownership or interest in property pursuant to any statute or statutory instrument. | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| 33. | To institute legal proceedings in relation to any matter contained in this Scheme, at the direction of the employee having delegated power in that behalf | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| 34. | To authorise the issue of formal cautions in lieu of prosecutions in appropriate cases | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| 35. | To agree the quantum of costs awarded to or against the Council in the course of legal proceedings. | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| 36. | To recover possession of any land (including buildings) from persons who have entered without the Council's consent. | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |

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| 37. | To release bonds on the completion of contracts | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| 38. | To prepare and maintain a list of politically restricted posts under s.2 of the Local Government and Housing Act 1989 and any regulations made thereunder | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| 39. | To authorise any officer of the Council to prosecute, defend and appear on behalf of the Council in proceedings before a magistrates' court or a County Court in accordance with S.223 Local Government Act 1972 and S.60 County Court Acts 1984 | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services) |
| 40. | To enter into contracts and/or extend existing contracts in respect of the purchase of gas and electricity supplies as is necessary to service the Council's properties and, more generally, in terms of the award, extension, renewal and termination of such arrangements as are in the best interests of the Council | Strategic Director (Corporate and Commercial Services) or Head of Commercial Development |

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| 41. | To purchase or lease fleet vehicles subject to the Capital Programme and Fleet Strategies in pursuance of the Council's operational requirements | Strategic Director (Neighbourhood Operations), Head of Environmental Services or Chief Finance Officer |
| 42. | To appoint representatives to replace those who resign from outside organisations and school governing bodies during the municipal year | Assistant Director (Legal and Democratic Services) in consultation with the relevant Group Leader |
| 43. | To initiate, manage and determine corporate contracts in accordance with Procurement Standing Orders | Head of Commercial Development |
| 44. | To institute proceedings under S.64 (1) Local Government (Miscellaneous Provisions) Act 1976 against any drivers reported to have parked on a duly appointed Hackney Carriage stand | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| 45. | To exercise all the functions, duties and powers of the Council contained in the Scrap Metal Dealers Act 2013 or in any amendments thereto or in any secondary legislation made thereunder. | Assistant Director (Place, Communities and Enterprise)
Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| 46. | To award grants of up to £5000 to community organisations who are eligible under the criteria which is applied in the Council's grants process. | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| 47. | To grant licenses for the use of land as a caravan site where the conditions to be applied follow the Council's standard conditions (Caravan Sites and Control of Development Act 1960) | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| 48. | To authorise the institution of legal proceedings for offences under the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963 | Assistant Director (Legal and Democratic Services) |
| 49. | To grant licenses for the use of land as a caravan site where the conditions to be applied follow the Council's standard conditions (caravan Sites and Control of Development Act 1960) | Assistant Director (Legal and Democratic Services), Assistant Director (Property), Head of Property |
| 50. | To exercise the powers of the Council under section 19 of the Criminal Justice and Police Act 2001(closure notices) | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |

**B. FROM THE STRATEGIC DIRECTOR
(CORPORATE AND COMMERCIAL SERVICES)**

1. To invest and raise loans in exercise of any borrowing authorised by the Council in accordance with statute, all necessary consents and the Voluntary Code of Practice for Local Authority Borrowing Chief Finance Officer
2. To apply to the High Court for the payment to the Council of money paid into court under ss.76 or 85 Land Clauses Consolidation Act 1845 or s.9 or Schedule 2 to the Compulsory Purchase Act 1965 where after twelve years a court has not ordered payment of it to anyone else Chief Finance Officer
3. To make and to agree or object to proposals for the valuation of property for local taxation purposes. Chief Finance Officer
4. To serve or withdraw completion notices in respect of newly erected buildings in pursuance of Paragraph 1 Schedule 4A to the Local Government Finance Act 1988. Chief Finance Officer
5. To administer Housing Benefit, Council Tax Benefit, Discretionary Housing Payment, Local Scheme and any subsequent modifications in accordance with statutory provisions and assess applications and claims in respect of same. Chief Finance Officer
6. To grant disability allowances under the Local Government Finance Act 1992. Chief Finance Officer
7. To remit rates on Business Rate properties on the grounds of hardship under section 49 Local Government Finance Act 1988 Chief Finance Officer
8. To bill, collect and enforce Council Tax Chief Finance Officer

and Non-Domestic Rates in accordance with statutory provisions

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| 9. | To submit proof of debt or relevant claim in insolvency proceedings | Chief Finance Officer |
| 10. | To recover rates, other debts or damages. | Chief Finance Officer |
| 11. | To institute proceedings to recover overpaid Housing Benefit | Chief Finance Officer |
| 12. | To reduce or remit payment of Non-Domestic rates in accordance with the schemes agreed by the Council under

S.47 Local Government Finance Act 1988 – Discretionary Rate Relief to Charitable and Other Organisations

S.1 Local Government and Rating Act 1997 – Discretionary Rate Relief for businesses in rural areas. | Chief Finance Officer |
| 13. | To authorise the institution of proceedings for any offence under s.111 and s.112 of the Social Security Administration Act 1992 and/or the Theft Act 1968 (including the authorisation of any other sanctions referred to in these Acts) | Chief Finance Officer |

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| 14. | To award contracts relating to any insurance claim in satisfaction of agreements reached with a loss adjuster | Chief Finance Officer |
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Renovation Grants

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| 15. | To approve applications for grants for house renovations | Assistant Director (Housing Operations and Safe Communities) |
| 16. | To deal with the repayment of house renovation grants where there has been a breach of the conditions attached to the grant | Assistant Director (Housing Operations and Safe Communities) |
| 17. | To authorise and make the following payments | |
| | (1) Compensation payable in respect of closing or demolition orders (S.584A Housing Act 1985) | Assistant Director (Housing Operations and Safe Communities) |
| | (2) Home loss payments where persons displaced from dwelling (Ss.29 and 30 Land Compensation Act 1973) | Assistant Director (Housing Operations and Safe Communities) |
| | (3) Disturbance payments for persons without compensatable interests (Ss.37 and 38 Land compensation Act 1973) | Assistant Director (Housing Operations and Safe Communities) |
| 18. | To authorise proceedings in respect of alleged harassment or unlawful eviction. | Assistant Director (Legal and Democratic Services), Assistant Director (Housing Operations and Safe Communities) |

Leisure, Sport and Recreation

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| 19. | To deal with the letting of pitches and recreational facilities | Head of Property Services |
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| 20. | To deal with the letting for specific occasions or performances of the Old Town Hall and any other Council buildings used for entertainments or other leisure pursuits. | Head of Property Services |
| 21. | To grant permission for the use of public parks and recreation grounds for organised functions and to approve the taking of collections at such functions. | Head of Property Services |
| 22. | To make grants, not exceeding £1,000 in any one case to non-profit making organisations in the Borough having recreational, sporting, artistic, cultural, community services or entertainment's aims or interests. | Chief Finance Officer |
| 23. | To deal with the allocation of allotments. | Head of Property Services |
| 24. | To serve Notice to Quit Allotments and to authorise any necessary proceedings to recover possession in the event of arrears of rent, poor cultivation, or for any other reason in pursuance of a decision of the Council or of a Committee acting under delegated power. | Head of Property Services |
| 25. | To accept the transfer of amenity open space not exceeding 0.25 hectares when completed on private housing developments, on payment of a commuted sum estimated to cover 25 years' maintenance costs. | Chief Finance Officer in consultation with the relevant Strategic Director |
| 26. | To review and revise charges for the use of facilities and participation in activities. | Head of Property Services |

Anti-Social Behaviour

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| 27. | To authorise the application for an injunction against a person aged 10 or over under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014. | Assistant Director (Housing Operations and Safe Communities), Head of Housing operations, Head of Safe Communities, in consultation with Assistant Director (Legal and Democratic Services) |
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28. To authorise the issue of a closure notice and application for a closure order in respect of premises used or likely to be used to commit nuisance or disorder under Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014. Chief Executive or relevant Strategic Director in consultation with the relevant Assistant Director and the Assistant Director (Legal and Democratic Services) where the specified duration of the closure notice exceeds 24 hours.
29. To authorise the issue of Community Protection Notices under Part 4, Chapter 1 of the Ant-social Behaviour, Crime and Policing Act 2014 Head of Regulatory Services, Head of Neighbourhood Management, Head of Safe Communities, Head of Housing Operations in consultation with the Assistant Director (Legal and Democratic Services)
30. To authorise the application and confirmation of a public spaces protection order under Part 4, Chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014 and to set the sum payable for fixed penalty notices for contravention of the relevant order Assistant Director (Housing Operations and Safe Communities) in consultation with the relevant Assistant Director and the Assistant Director (Legal and Democratic Services)
31. To authorise officers to issue fixed penalty notices pursuant to any public space protection order in force. (a) Assistant Director (Housing Operations and Safe Communities), Head of Regulatory Service, Head of Neighbourhood Management, Head of Safe Communities in consultation with Assistant Director (Legal and Democratic Services)
32. To give penalty notices for graffiti and fly posting. (Section 43 Anti-Social Behaviour Act 2003) Assistant Director (Housing Operations and Safe Communities), Head of Regulatory Services, Head of Housing Operations, Head of Neighbourhood Management, Head of Safe Communities in consultation with Assistant Director (Legal and Democratic Services)

C. FROM THE STRATEGIC DIRECTOR (HOUSING AND PROPERTY SERVICES)

POWER OR FUNCTION

TO WHOM DELEGATED

Housing Management

1. To allocate the tenancies of dwellings in accordance with the Council's Allocation Policy and its Choice Based Lettings Scheme and to provide nominations to Registered Providers in line with nomination agreements and the Council's Allocations Policy. Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
2. To deal with exchanges of tenancies of Council dwellings, including mutual exchanges between tenants, transfers of tenancies to survivors of the same household and reciprocal transfers with other local authorities Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
3. To deal with cases of homelessness Assistant Director (Housing Operations and Safe Communities), Head of Housing, Housing Options Manager
4. To determine reviews requested under section 202 of the Housing Act 1996 (as amended) Assistant Director (Housing Operations and Safe Communities), Head of Safe Communities or the Reviews, Insight and Improvement Officer
5. To grant to homeless persons licences to occupy temporarily Council dwellings and to determine such licences as necessary Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Safe Communities, Housing Options and Temporary Accommodation (Review) Manager
6. To allocate the tenancies of garages held for housing purposes which do not comprise part of a commercial letting Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Commercial Development
7. To deal with all matters of estate Assistant Director (Housing

- management falling within the conditions of tenancy of dwellings or garages held for housing purposes which do not comprise part of a commercial letting
- Operations and Safe Communities), Head of Housing Operations, Head of Commercial Development
8. (1) To serve a Notice of Seeking Possession in respect of any dwellings let under a secure tenancy, or a Notice to Quit in respect of any other dwelling held for housing purposes which do not comprise part of a commercial letting
- Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
- (2) To determine by notice the tenancies of garages held for housing purposes and not comprising part of a commercial letting for non-payment of rent or other breaches of the conditions of tenancy
- Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Commercial Development
- (3) To serve a notice of proceedings for possession in respect of any dwelling let under an introductory tenancy
- Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
- (4) To conduct a review of a decision to seek an order for possession of a dwelling let under an introductory tenancy
- Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
- (5) To serve a notice of extension to the trial period in relation to an introductory tenancy.
- Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
- (6) To conduct a review of a decision that the trial period for an introductory tenancy should be extended
- Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
- (7) To apply to the Court for a demotion order in respect of any dwelling let under a secure tenancy
- Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
- (8) To serve a notice of proceedings for possession in respect of any dwelling let under a demoted
- Assistant Director (Housing Operations and Safe Communities), Head of Housing

	tenancy	Operations
(9)	To conduct a review of a decision to seek an order for possession of a dwelling let under a demoted tenancy	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
(10)	To make application for a Possession Order in respect of any Council dwelling where considered necessary	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
(11)	To make application for a Possession Order in respect of any Council dwelling where considered necessary in a case of serious arrears of rent or licence fees in respect of temporary accommodation	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Safe Communities
9.	To authorise the institution of proceedings for the recovery of sums in respect of which cheques have been tendered for rent or arrears of rent which are subsequently dishonoured.	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
10.	To authorise the commencement of possession proceedings where considered necessary in respect of any dwellings held for housing purposes which do not comprise part of a commercial letting.	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations

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| 11. | To authorise the repossession (including the enforcement of any order for possession) of any dwellings held for housing purposes which do not comprise part of a commercial letting. | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations |
| <u>Anti-social Behaviour (Tenants and Leaseholders)</u> | | |
| 12. | To serve a notice of proceedings for possession on absolute ground for anti-social behaviour in respect of any dwelling let under a secure tenancy under Part 5 of the Anti-social Behaviour, Crime and Policing Act 2014. | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Safe Communities |
| 13. | To conduct a review of a decision to seek possession on absolute ground for anti-social behaviour in respect of any dwelling let under a secure tenancy under Part 5 of the Anti-social Behaviour, Crime and Policing Act 2014. | Assistant Director (Housing Operations and Safe Communities), Head of Safe Communities |
| 14. | To authorise the commencement of injunction proceedings in relation to conduct capable of causing nuisance or annoyance to any person insofar as the conduct relates to any dwellings held for housing purposes which do not comprise part of a commercial letting (including the authorisation of any subsequent proceedings necessary to enforce breaches of any such injunction), or insofar as the conduct directly or indirectly relates to or affects the housing management functions of the Council. | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Safe Communities |
| 15. | To approve terms and conditions for the leasing of properties from Government departments and other public bodies for use as housing accommodation | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Safe Communities |

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| 16. | To grant applications for loans or the purchase or improvement or repair of houses within the Borough and to grant consent to the letting, transfer or sale of, or otherwise relating to, property in mortgage to the Council. | Chief Finance Officer, Head of Financial Services, Assistant Director (Housing Operations and Safe Communities) |
| 17. | To seal vacating receipts on redemption of mortgage. | Assistant Director (Legal and Democratic Services), any other post with designated Deputy Monitoring Officer duties. |
| 18. | To accept tenders for items included in the approved budget for housing repairs and maintenance provided that no tender shall be accepted which is in excess of the provision of the budget. | Assistant Director (Property) |
| 19. | Right to Buy Scheme | |
| | (1) To make such determinations of fact as are necessary for the purposes of Part V of the Housing Act 1985 or any scheme extending the Right to Buy | Relevant Assistant Director |
| | (2) To respond to a written notice claiming to exercise the right to buy served upon the Council by a secure tenant | Chief Finance Officer, Head of Financial Services, |
| | (3) To agree to include in the sale of a dwellinghouse land used for the purposes of the dwellinghouse which is not let to the tenant under the tenancy of the dwellinghouse (e.g. a garage or accessway) | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations |
| | (4) To consent to members of a tenant's family who reside with him or her, but have done so for less than 12 months, sharing the Right to Buy | Chief Finance Officer |
| | (5) To determine all valuations required to be made by the Council for the purpose of Part V of the Act or of any scheme extending the Right to Buy | Chief Finance Officer |

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| (6) | To agree and settle the provisions to be contained in conveyances, leases and mortgage deeds for the purpose of Part V of the Act or any scheme extending the Right to Buy | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| (7) | To grant extensions of the period for claiming to exercise the right to a mortgage | Chief Finance Officer |
| (8) | To serve notice requiring a tenant to complete the transaction within a specified period | Assistant Director (Legal and Democratic Services) |
| (9) | To grant extensions of the period for serving notice claiming entitlement to defer completion | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| (10) | To sign and give Certificates of Title to convey the freehold or make the grant | Assistant Director (Legal and Democratic Services) or a solicitor or barrister employed by or acting for the Council |
| (11) | To accept as sufficient evidence of the matters declared therein, any statutory declaration made for the purpose of Part V of the Act or any scheme extending the Right to Buy | Chief Finance Officer) in consultation with the Assistant Director (Legal and Democratic Services) |
| (12) | To consent to a disposal to a person satisfying the condition stated in S.157(3), where a locality covenant is imposed by the Council | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| (13) | To make applications under paragraph 11 of Schedule 5 Housing Act 1985 for determination of the Right to Buy in respect of dwellings occupied by the elderly | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations |
| (14) | To determine applications for assignment under S.92 Housing Act 1985 and to consent to subletting under S.94 Housing Act 1985. | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations |

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| (15) | To give consent, in accordance with section 156 of the Housing Act 1985, to the Council postponing its charge on premises in respect of liability to repay the statutory discount under the Right to Buy Scheme in favour of any advance or further advance provided to the tenant or former tenant by an external lender. | Chief Financial Officer |
| (16) | To agree to the service of a Initial and Final Demolition Notice in accordance with Schedule 5(A) Housing Act 1985 | Chief Financial Officer |
| 20. | To determine freehold reversion sales. | Chief Financial Officer |
| 21. | To prove for housing rents in bankruptcy or liquidation. | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations |
| 22. | To authorise the institution of proceedings for possession and arrears in cases of default by mortgagors. | Chief Financial Officer |
| 23. | To deal with applications under the Right to Repair Scheme including payment to tenants. | Assistant Director (Property) |
| 24. | To agree terms for the purpose of individual properties under the Acquisition of Existing Properties Scheme. | Chief Financial Officer |

25. To exercise the powers of the Council in respect of the management and control of all Housing Revenue Account land and buildings owned by the Council for development purposes including, but not limited to, authorising the completion of:
- (i) leases, licenses, easements and wayleaves
 - (ii) Planning obligations under S.106 Town and Country Planning Act 1990
 - (iii) Agreements under S.278 Highways Act 1980
- Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Assistant Director (Property)
26. To make all decisions/determinations serve notices and authorise the taking of any necessary action in pursuance of the Council's licensing and enforcement responsibilities (including, but not limited to, the service of notices and orders, imposing civil penalties, arranging for the carrying out of remedial works, the recovery of expenses and the keeping of registers of licences and orders) and all other duties or powers which the Council may have in accordance with the following statutory provisions and any orders or regulations made thereunder:
- Assistant Director (Housing Operations and Safe Communities)
- (1) Housing Act 2004
 - Part 1 – Housing Conditions
 - Part 2 – Licensing of Houses in Multiple Occupation
 - Part 3 - Selective Licensing of Other Residential Accommodation
 - Part 4 - Additional Control Provisions in Relation to Residential Accommodation
 - Part 6 - Chapter 3 Mobile Homes
 - Chapter 5 Miscellaneous
 - Part 7 - Supplementary Powers
 - Including any relevant schedules contained in the Act.
 - (1a) Housing and Planning Act 2016
 - All parts, sections, schedules, regulations and orders relating to private sector landlords and property agents.
 - (1b) Smoke and Carbon Monoxide Alarm (England) Regulations (2015)

- (1c) Energy Efficiency (Private Rented Property) (England and Wales) Regulations (2015)
- (1d) Enterprise and Regulatory Reform Act 2013 (Tenancy Redress Schemes s.83-88)
- (1e) Sections 60, 62, 65, 66, 78, 84, 95, 96 & 99 Buildings Act 1984
- (1f) Sections 62, 91 Control of Pollution Act 1974
- (1g) Section 33 Environmental Protection Act 1990
- (1h) Works for preventing unauthorised entry to certain unoccupied premises or for preventing such premises from being a danger to public health (s.29 Local Government (Miscellaneous Provisions) Act 1982).
- (1i) Sections 331(2)(c), 335, 336, 337, 338, 340 and 600 Housing Act 1985
- 1j) Housing Grants Construction and Regeneration Act 1996, Regulatory Reform Act 2001,
- (1k) Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- (1l) Section 16 Local Government (Miscellaneous Provisions) Act 1976
- (1m) Part II Section 2 and Schedule 3 – Local Government (Misc Provisions) Act 1982
- (1n) Sections 13-17 Local Government (Misc Provisions) Act 1982
- (1o) Private Rented Sector (England) Regulations 2020

27. request of the occupier of a dwelling, for the undertakers to restore or continue to supply gas, water or electricity to the dwelling where it is, or is likely to be, cut off because of the failure of the owner to pay for it; and to exercise the Council's powers of recovery of any sum due in consequence of such action (S.33 Local Government (Miscellaneous Provisions) Act 1976).
- Assistant Director
(Housing Operations)
& Safe
Communities

Property and Asset Management

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| 28. | To give undertakings to and enter into agreements with the Water Undertaker for the provision of a supply of water for new buildings erected by or for the Council. | Head of Property Services |
| 29. | To take licences, wayleaves or easements over private land where necessary for the use or enjoyment by the Council of land or premises in its ownership or for the purpose of carrying out any function. | Head of Property Services |
| 30. | To grant: | |
| | (a) Leases, tenancies and licences for any period other than in respect of dwellings and garages used for housing purposes. | Head of Property Services |
| | (b) Wayleaves and easements | |
| 31. | To consent to assignment, subletting, charging or change of use, in respect of any lease (other than dwellings and garages used for housing purposes). | Head of Property Services |
| 32. | To determine or accept the surrender (in whole or in part) or vary the terms and conditions (including as to rent) of any lease, tenancy or licence of property owned by the Council (other than dwellings and garages used for housing purposes) including the payment of any compensation due under the Landlord and Tenant Act 1954, without recourse to court proceedings. | Head of Property Services |
| 33. | To seek planning permission and building control consent in order to carry out development which the Council propose to carry out. | Head of Property Services,
Head of Development |

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| 34. | To manage the Council's markets. | Head of Property Services |
| 35. | To authorise the use of Council land and buildings for the delivery of services, allocate space appropriately and re-allocate space that is under-utilised or being inefficiently used. | Head of Property Services |
| 36. | To approve the release and/or variation of restrictive covenants (including the terms and conditions of such release) which have been imposed in relation to any former Council property or land | Head of Property Services |

C. FROM THE STRATEGIC DIRECTOR (PLACE)

POWER OR FUNCTION

TO WHOM DELEGATED

Regeneration

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| 1. | To sign any document required for the purpose of making, amending or substantiating any form of application to obtain funding to effect the Council's Economic Development | Strategic Director (Place),
Assistant Director (Place,
Communities and Enterprise) |
| 2. | To amend any document relating to any form of application to obtain funding to effect the Council's Economic Development Strategy, where the amendment is necessary to correct an error and/or to give effect to a decision of the Council or of the Cabinet or any Committee, Sub-Committee or employee acting under delegated powers. | Strategic Director (Place),
Assistant Director (Place,
Communities and Enterprise) |
| 3. | To approve the provision of and expenditure on hospitality and the undertaking of any expenditure on overseas travel and the incurring of attendant expenses in relation to such overseas travel in connection with any application for funding to effect the Council's Economic Development Strategy. | Assistant Director (Place,
Communities and Enterprise)
in consultation with the
Strategic Director (Place) |
| 4. | (a) To authorise the delegation of the decision on naming streets within a parish to the appropriate Town or Parish Council and to settle the terms of formal agency arrangements between the Council and the appropriate Town or Parish Council to enable such decisions to take effect | Assistant Director (Legal and
Democratic Services) |
| | (b) To settle the names of streets in unparished areas of Hemel Hempstead | Assistant Director (Legal and
Democratic Services) or the
Information Security Team
Manager |
| | (c) To settle the names of streets in parished areas of the Borough where no such arrangements as mentioned in (a) above have been entered into or authorised | Assistant Director (Legal and
Democratic Services) or the
Information Security Team
Manager |

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| 5. | To number and renumber streets | Assistant Director (Legal and Democratic Services) or the Information Security Team Manager |
| | Building Control | |
| 6. | The carrying out of all functions, and the making of decisions or determinations on all matters falling to be considered by the Council under or in connection with the Building Act 1984 or the Building Regulations 2010 and associated legislation. | Lead Building Control Officer or the Head of Development Management |
| 7. | To authorise the issue of permits for access by vehicles to the pedestrianised areas of town centres and the institution of legal proceedings for breach of the conditions of such permits | Assistant Director (Planning) |
| 8. | In relation to the pedestrianised area of Hemel Hempstead Town Centre | |
| | (1) To grant Street Trading Licences under Part VIIA Highways Act 1980, approve the terms of such Licences, allocate trading pitches and approve any variations of the Street Trading Policy. | Assistant Director (Planning) |

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| (2) | To administer street trading under Part VIIA Highways Act 1980, including logging enquiries, processing applications and Street Trading Licences, making recommendations to members, enforcement of breaches of Licence Conditions and to exercise power to withdraw Licences or prohibit unlicensed traders. | Assistant Director (Planning) |
| 9. | To accept, make use of and keep confidential statistical information received from outside agencies relating to Development Plan matters | Head of Development Management |
| 10. | To determine applications for the removal of Public Telephone Kiosks under Communications Act 2003 | Assistant Director (Planning) and the Head of Development Management |

Community Infrastructure Levy (CIL)

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| 11. | To make all decisions relating to liability for CIL payments contained in the Community Infrastructure Levy Regulations 2010 (as amended) including but not limited to decisions relating to calculation, exemptions, relief from CIL, surcharges, and internal reviews. | Assistant Director (Planning)
Head of Development
Management or the Team
Manager (Strategic Planning and
Regeneration) |
| 12. | To make all enforcement decisions relating to CIL Stop Notices as detailed in Part 9 Chapter 2 of the Community Infrastructure Levy Regulations 2010 (as amended). | Assistant Director (Planning)
Head of Development
Management, the Assistant
Team Manager(Planning
Enforcement) |
| 13. | To determine whether to accept land as payment in kind in accordance with Part 8 regulation 73 of the Community Infrastructure Levy Regulations 2010 (as amended). | Assistant Director (Planning)
Assistant Director Place,
Communities and Enterprise) in
consultation with the Chief
Finance Officer |
| 14. | To serve Demand Notices, manage the collection and accounts for CIL and distribute funds to infrastructure providers, Town and Parish Councils and Ward Councillors as approved by Council. | Chief Finance Officer, Head of
Financial Services |
| 15. | To authorise the commencement of any action to recover CIL contained in Part 9 Chapter 3 of the Community Infrastructure Levy Regulations 2010 (as amended). | Assistant Director (Planning)
Head of Development
Management, the Assistant
Team Manager(Planning
Enforcement) |

D. FROM THE STRATEGIC DIRECTOR (NEIGHBOURHOOD OPERATIONS)

Cemeteries

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| 1. | To deal with the grant, transfer or surrender of rights of burial and the maintenance of graves in accordance with the Council's regulations | Head of Neighbourhood
Management |
| 2. | To grant relief from the payment of double fees in respect of the interment of former residents | Head of Neighbourhood
Management |

Public Health

3. To make decisions, serve notices and arrange for the carrying out of works or the taking of other necessary action (including the authorisation of any criminal or civil proceedings) in pursuance of or in default of compliance with any notice or Court Order, in accordance with the following statutory provisions:

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| (1) | S.48 Public Health Act 1936
(Examination and testing of drains) | Head of Regulatory Services |
| (2) | S.50 Public Health Act 1936
(Overflowing and leaking cesspools) | Head of Regulatory Services |
| (3) | s.79 Public Health Act 1936
(Power to require removal of noxious matter by occupier of premises in urban district) | Head of Regulatory Services |
| (4) | SS.83-85 Public Health Act 1936
(Filthy and verminous premises, articles and persons and their clothing) | Head of Regulatory Services |
| (5) | S.140 Public Health Act 1936
(Closing or restricting use of water from polluted source of supply) | Head of Regulatory Services |
| (6) | S.141 Public Health Act 1936
(Power to deal with insanitary cisterns, &c) | Head of Regulatory Services |
| (7) | S.259 Public Health Act 1936
(Nuisances in connection with watercourses, ditches, ponds etc) | Head of Regulatory Services |
| (8) | s.264 Public Health Act 1936 (Urban authority may require repair and cleansing of culverts) | Head of Regulatory Services |

(9)	S.268 Public Health Act 1936 (Tents, vans, etc)	Head of Regulatory Services, Assistant Director, Housing Operations and Safe Communities , Head of Safe Communities
(10)	s.275 Public Health Act 1936 (Power of local authority to execute certain work on behalf of owners or occupiers.	Head of Regulatory Services, Assistant Director, Housing Operations and Safe Communities , Head of Safe Communities
(11)	s.287 Public Health Act 1936 (Power to enter premises)	Head of Regulatory Services, Assistant Director, Housing Operations and Safe Communities, Head of Safe Communities Assistant Director (Strategic Housing)
(12)	s.290 Public Health Act 1936 (Provisions as to appeals against, and the enforcement of, notices requiring execution of works)	Head of Regulatory Services, Assistant Director, Housing Operations and Safe Communities , Head of Safe Communities
(13)	Prevention of Damage by Pests Act 1949	Head of Regulatory Services
(14)	S.20 Clean Air Act 1993 (Proceedings in cases arising from emission of smoke in smoke control areas)	Head of Regulatory Services
(15)	S.24 (1) Clean Air Act 1993 (Adaptation of fireplaces in private dwellings)	Head of Regulatory Services
(16)	S.17 Public Health Act 1961 (Repair of drains and stopped-up drains)	Head of Regulatory Services
(17)	S.22 Public Health Act 1961 (Cleansing or repairing of drains)	Head of Regulatory Services
(18)	S.34 Public Health Act 1961 (Accumulations of rubbish)	Head of Regulatory Services

(19)	S.36 Public Health Act 1961 (vacation of premises during fumigation)	Head of Regulatory Services
(20)	S.74 Public Health Act 1961 (power to reduce number of pigeons)	Head of Regulatory Services
(21)	S.14-16 Clean Air Act 1993 (Height of chimneys)	Head of Regulatory Services
(22)	S.23 Clean Air Act 1993 (Acquisition and Sale of Unauthorised Fuel in Smoke Control Area)	Head of Regulatory Services
(23)	S.60 Control of Pollution Act 1974 (Control of noise on construction sites)	Head of Regulatory Services
(24)	S.61 Control of Pollution Act 1974 (Prior consent for work on construction sites)	Head of Regulatory Services
(25)	SS.10, 11, 12, 6 and 36 Clean Air Act 1993 (Measurement of and requiring information about air pollution)	Head of Regulatory Services
(26)	S.93 Control of Pollution Act 1974 (Power of obtaining information)	Head of Regulatory Services
(27)	S.35 Local Government (Miscellaneous Provisions) Act 1976 (Removal of obstructions from private sewers)	Head of Regulatory Services
(28)	SS.29, 30, 31 and 32 Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings)	Head of Regulatory Services
(29)	S.28 Public Health (Control of Disease) Act 1984 (Prohibiting	Head of Regulatory Services

	work where notifiable disease exists)	in consultation with the Director of Public Health at Hertfordshire County Council
(30)	S.59 Building Act 1984 (Drainage of building)	Head of Regulatory Services
(31)	S.64 Building Act 1984 and S.45 Public Health Act 1936 (Defective or unsatisfactory closets)	Head of Regulatory Services
(32)	S.76 Building Act 1984 (Defective premises – urgent action)	Head of Regulatory Services, Assistant Director, (Housing Operations and Safe Communities)
(33)	Part III of the Environmental Protection Act 1990 (Statutory Nuisances)	Head of Regulatory Services
(34)	S.103 Clean Air Act 1993	Head of Regulatory Services
(35)	S.51 Clean Air Act 1993	Head of Regulatory Services
(36)	(Part II of the Environmental Protection Act 1990 section 59 and 59za (Powers to require removal of waste unlawfully deposited and supplementary power in relation to owner of land)	Head of Regulatory Services
(37)	S.59, 60,62, 64,65,66,76,78, 84, 93, 95,96, 99 Building Act 1984	Head of Regulatory Services
(38)	S.60,61, 62, 91, 92, 93 Control of Pollution Act 1974	Head of Regulatory Services
(39)	S.6,7,8,9,10,11,13,14, 19(2), 22(2), 22(4), 33, 59, 78b(3), 78c, 78e, 78m 78n, 80(i) 80(ii), 81, 88, , 9), 94A, 94B,149 Environmental Protection Act 1990	Head of Regulatory Services Head of Regulatory

(40) S.45,48,50,79,141,259,264,275,287,290 Public Health Act 1936 Services

4. To approve grant applications for the purposes of complying with smoke control orders. Head of Regulatory Services
5. To make application for any such Order as is authorised by S.47 of the National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 (removal of persons in need of care and attention). Assistant Director (Legal and Democratic Services) in consultation with a senior Doctor in Public Health or a consultant in communicable disease control

Smoke Free Premises

6. To exercise the enforcement duties of the Council in relation to smoke-free premises under the Health Act 2006 including the appointment of authorised officers under Section 10 of that Act. Head of Regulatory Services

Food Safety

7. To authorise proceedings under S.20 of the Food Safety Act 1990 (offences due to fault of another person), S.19(1) of the Food Safety and Hygiene (England) Regulations 2013 and Regulation 4 of the General Food Regulations 2004 Assistant Director (Legal and Democratic Services)
8. To exercise the powers of the Council under S.5 of the Food Safety Act 1990: Head of Regulatory Services
 - (a) To appoint by an instrument in writing Authorised Officers for the purposes of the Act, being Officers having suitable qualifications and experience
 - (b) To specify in the instrument of appointment which of the following powers are to be exercisable by each of the Officers so appointed:
 - (i) SS.9, 10, 12, 29, 30 and 32

- (ii) of the Food Safety Act 1990
Regulations made under
SS.16, 17, 18 and 19 of the
Food Safety Act 1990
 - (c) To terminate any appointment so
made whether by him or her or
another
 - (d) To authorise the institution of legal
proceedings for the offence of
failing to comply with an
Improvement Notice, Prohibition
Order, Emergency Prohibition
Notice or Emergency Prohibition
Order made or issued under the
Food Safety Act 1990
 - (e) To authorise the institution of
proceedings for offences under
SS.8, 14 and 15 of the Food
Safety Act 1990
- 9. To manage the emptying of cesspools Head of Neighbourhood
Management
- 10. To settle the terms of and enter into Assistant Director (Legal and
agreements under S.21 of the Public Democratic Services)
Health Act 1936. (Agreements with
County Council for use of highway drains)
- 11. To discharge the functions of a local Head of Regulatory
authority in relation to Air Pollution Services
Control under Part 1 of the Environmental
Protection Act 1990 and Regulations
made thereunder.
- 12. To discharge the functions of a local Strategic Director
authority under the Environment Act (Neighbourhood Operations)
1995.
- 13. To discharge the functions of a local Head of Regulatory
authority in relation to the Control of Dogs Services
under SS.149 and 150 of the
Environmental Protection Act 1990 and
S.13 of the Animal Health Act 1981 as
amended by S.151 of the Environmental
Protection Act 1990 and Orders made
thereunder.
- 14. To enforce the provisions of the Control Head of Regulatory
of Pesticides Regulations 1986, as Services
specified by the Minister of Agriculture, Head of Regulatory Services

Fisheries and Food under S.19 (1B) Food and Environment Protection Act 1985

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| 15. | To exercise the powers and duties in the Dangerous Dogs Act 1991 | Assistant Director (Legal and Democratic Services) |
| 16. | To issue a Direction under Section 77 of the Criminal Justice and Public Order Act 1994 and to commence proceedings immediately against persons camping or stationing any caravan or other vehicles used or adapted for human habitation on any land in the Borough where to do so constitutes a contravention of an enforcement notice under Section 179 of the Town and Country Planning Act 1990 or contravention of an Order under Section 23 of the Caravan Sites and Control of Development Act 1960 or an offence under Section 77 of the Criminal Justice and Public Order Act 1994. | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services) |
| 17. | To seek such injunction or other legal action as may be considered appropriate against any person or persons in control of a caravan or vehicle which is occupied as living accommodation while stationed on any off-street parking place owned or operated by the Council. | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services) |
| 18. | To grant bus permits in accordance with the Council's scheme | Chief Finance Officer |
| 19. | Regulatory Services (Miscellaneous) | Head of Regulatory Services |
| | To exercise all of the council's powers and duties, including the making of decisions, the service of notices and the carrying out of works or the taking of any other necessary action (including the authorisation of any criminal or civil proceedings) in pursuance of, or in default of compliance with any notice or court order, in accordance with the following legislation: | Assistant Director (Housing Operations and Safe Communities), Assistant Director, (Legal and Democratic Services) |
| | 1) Home Energy Conservation Act 1995 | |

- 2) Clean Neighbourhoods & Environment Act 2005 (and all other related legislation such as the Refuse Disposal (Amenity) Act 1978 and Environmental Protection Act 1990)
- 3) Pollution Prevention and Control Act 1999
- 4) Noise and Statutory Nuisance Act 1993
- 5) Protection from Eviction Act 1977
- 6) Housing Act 1988
- 7) Caravan Sites Act 1968
- 8) Water Industry Act 1991
- 9) Environmental Protection Act 1990
- 10) Sunbeds (Regulation) Act 2010
- 11) Animal Welfare Act 2006
- 12) The Microchipping of Dogs (England) Regulations 2015
- 13) Enterprise and Regulatory Reform Act 2013

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| 20. | To deal with the removal and disposal of abandoned vehicles and refuse under the Refuse Disposal (Amenity) Act 1978 | Head of Neighbourhood Management |
| 21. | To authorise proceedings under S.87 Environmental Protection Act 1990 against persons depositing litter outside of the household waste sites in the Borough | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services) |
| 22. | To discharge the Council's functions relating to S.88 of the Environmental Protection Act 1990 and Orders made thereunder relating to the imposition of fixed penalty notices for leaving litter | Head of Regulatory Services |

Environmental Services

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| 23. | To exercise the powers of the Council under S.25 Local Government (Miscellaneous Provisions) Act 1976 (Dangerous trees) | Head of Neighbourhood Management |
| 24. | To exercise the powers of the Council under S.25 Local Government (Miscellaneous Provisions) Act 1976 (Dangerous excavations) | Assistant Director (Neighbourhood Delivery) |

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| 25. | To accept the dedication of land for highway purposes where the total cost (including accommodation works and professional fees) does not exceed £5000. | Assistant Director (Legal and Democratic Services) in consultation with the Strategic Director (Neighbourhood Operations) |
| 26. | To accept responsibility for the maintenance of new street lighting, traffic sign lighting and traffic signals | Head of Neighbourhood Management |
| 27. | To adopt private streets in pursuance of S.228 Highways Act 1980 | Assistant Director (Legal and Democratic Services) on the recommendation of the Strategic Director (Neighbourhood Operations) |
| 28. | To serve notices, deal with plans and proposals submitted under and authorise proceedings under the New Roads and Street Works Act 1991 | Head of Neighbourhood Management |
| 29. | To issue notices, to make orders and to apply for consent to continue in force orders temporarily restricting or prohibiting traffic (SS.14, 15 and 16 Road Traffic Regulation Act 1984) | Assistant Director (Legal and Democratic Services) in consultation with the Strategic Director (Neighbourhood Operations) |
| 30. | To give notice of the Council's intention to introduce all forms of traffic regulation orders and cycle track orders | Assistant Director (Legal and Democratic Services) |
| 31. | To make and confirm unopposed traffic regulation and cycle track orders. | Assistant Director (Legal and Democratic Services) |
| 32. | To arrange for floral displays and emblems. | Strategic Director (Neighbourhood Operations) and Head of Neighbourhood Management |
| 33. | To erect flagpoles, etc on highways, for the purpose of displaying decorations (S.144 Highways Act 1980) | Head of Neighbourhood Management |
| 34. | To serve notices and to take any action in default of compliance therewith under SS.46 and 47 Environmental Protection Act 1990. (Dustbins, or receptacles for commercial or industrial waste) | Head of Environmental Services |

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| 35. | In connection with charitable events or temporary promotions by the Council and other public bodies to carry out or authorise works for the placing of structures on footpaths, bridleways and other pedestrianised areas of highway under Part VIIA Highways Act 1980 (Provision of Amenities on certain Highways) and to serve the requisite notices | Head of Neighbourhood Management |
| 36. | To discharge the Council's functions in relation to keeping land and highways clear of litter etc under s.89 of the Environmental Protection Act 1990 and Orders made thereunder | Head of Regulatory Services |
| 37. | To discharge the Council's functions in relation to the service of "litter abatement notices" under S.92 and "street litter control notices" under S.93 of the Environmental Protection Act 1990 and Orders made thereunder | Head of Regulatory Services |
| 38. | To approve a discount charging structure for the collection of commercial waste where more than two containers are sited at the same site | |
| 39. | To determine the charges for the collection of materials from premises for recycling | Head of Environmental Services in consultation with Chief Financial Officer |
| 40. | To agree contracts and pricing structures for the disposal of materials for recycling | Head of Environmental Services in consultation with Head of Commercial Development |
| 41. | To manage payments to local community groups for the collection of used aluminium beverage cans. | Head of Environmental Services |
| 42. | To exercise the powers of the Council under Sections , 25, and 64 of the Land Drainage Act 1991 (maintenance of flow of watercourses, powers to undertake drainage works against flooding, powers of entry for purposes of the Act) | Head of Neighbourhood Management |

DELEGATION TO ALL OFFICERS IN THE CORPORATE LEADERSHIP TEAM

POWER OR FUNCTION

LIMITS ON DELEGATION

1. To authorise an employee of the Council to enter on any land (including buildings) in the Borough in exercise of any right of entry for any purpose in connection with the execution of the Council's functions, and to take with him or her any other persons, equipment, materials or vehicles, provided that:
 - (a) The public have access to the land; or
 - (b) the occupier (or if there is no occupier, the owner) has expressly or implicitly consented to the entry; or
 - (c) entry is urgently necessary to prevent death or injury to any person or serious damage to property
2. To authorise any employee of the Council to enter on any land (including buildings) in the Borough in exercise of any right of entry for any purpose in connection with the execution of the Council's functions and to take with him or her any other persons, equipment, materials or vehicles without the consent of the occupier or owner of the land or to apply to a court for authority to enter
3. To dispose of any lost or uncollected property which has or will become vested in the Council and to make charges for storage and administrative costs to owners of lost property.
4. To sign any notice, demand, licence, certificate or other document pursuant to any power contained in this scheme.

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| <p>5. To initiate procurement exercises, accept tenders and make contracts up to a value of £250,000 for the supply of goods or materials or the execution of work or the provision of services in relation to such purposes as are under the control of the authorising employee and for which specific budgetary provision has been approved by the Council subject to the compliance with the requirements of the Council's Procurement Standing Orders.</p> | <p>To report to the relevant Portfolio Holder the exercise of such power in all cases.</p> |
| <p>6. To commence procurement exercises in pursuance of Council, Cabinet or Portfolio Holder decisions</p> | <p>To report to the relevant Portfolio Holder the exercise of such power in all cases</p> |
| <p>7. To commence procurement exercises in pursuance of Council policy decisions, or operational matters set out in Part 2, A(d), B(a), C(a) and D(a) above, subject to there being specific budgetary provision previously approved by the Council and subject also to compliance with Procurement Standing Orders. This delegation requires that the authority to award a contract shall only flow from provisions elsewhere in this Part 3 Responsibility for Functions or in accordance with Procurement Standing Orders</p> | |
| <p>8. To authorise the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p> | |

SCHEDULE 4 SCHEME OF DELEGATION

Provision or class of provision	Proper Officer	Substitute Proper Officer
<p>1. Every enactment not otherwise specified in this Schedule and in respect of which no express appointment of a Proper Officer is made after the coming into operation of this Constitution.</p> <p>In relation to each provision or class of provisions specified in column 1 of this Schedule the holder for the time being of the office specified in column 2 shall be the Proper Officer, provided that during any time that officer is absent or otherwise unable to act, or there is a vacancy in that office, then the holder for the time being of the office specified in column 3 shall be the Proper Officer</p> <p>Local Government Act 2000 and any regulations made thereunder</p>	Chief Executive	Assistant Director (Legal and Democratic Services)
<p>2. To act as Proper Officer on all aspects of this Act and any Regulations made thereunder</p> <p>Local Government Act 1972</p>	Chief Executive	Assistant Director (Legal and Democratic Services)
<p>3. S.83(1) To receive and witness (2) and declarations of (3) acceptance of office</p>	Chief Executive	Assistant Director (Legal and Democratic Services)
<p>4. S.84(1) To receive resignations</p>	Chief Executive	Assistant Director (Legal and Democratic Services)
<p>5. S.88(2) To convene meeting of Council to fill casual vacancy in the office of Mayor</p>	Chief Executive	Assistant Director (Legal and Democratic Services)

	Provision or class of provision		Proper Officer	Substitute Proper Officer
6.	S.89(1)	To receive notice of casual vacancy	Chief Executive	Assistant Director (Legal and Democratic Services)
7.	S.96(1)	To receive notice of members' pecuniary interest	Chief Executive	Assistant Director (Legal and Democratic Services)
8.	S.100B (2)	Withholding from public deposit of 'Part 2' reports	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
9.	S.100B (7)	Supply to newspapers of additional documents	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
10.	S.100C (2)	Written summary of 'Part 2' proceedings	Assistant Director, Legal and Democratic Services)	Any solicitor or barrister employed by the Council
11.	S.100D	Identifying and compiling list of 'Background Papers'	Relevant Corporate Leadership Team Officer	The most senior Officer responsible for the preparation of the report
12.	S.100F (2)	Deciding whether document discloses exempt information of certain types	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
13.	S.115 (2)	To receive money due from Officers	Chief Finance Officer)	Head of Financial Services
14.	S.146 (1)	Declarations and certificates with regard to securities	Chief Finance Officer	Head of Financial Services

	Provision or class of provision	Proper Officer	Substitute Proper Officer
15.	S.151 Administration of Council's financial affairs	Chief Finance Officer)	Head of Financial Services
16.	S.191 (2) To receive directions from Ordnance Survey	Assistant Director (Planning)	Head of Development Management
17.	S.225 (1) Deposit of documents	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
18.	S.229 (5) Authentication of photographic copies	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
19.	S.234 Authentication of documents	Relevant Strategic Director	Relevant Corporate Leadership Team Officer
20.	S.236 (9) and (10) To send By-laws to other Councils	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
21.	S.238 Authentication of copy Bye-laws	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
22.	S.248 To keep freemen's roll	Chief Executive	Head of Legal and Democratic Services
23.	12 th Sch Para 4 Executive (2)(b) and (3) To sign summons to attend Council meeting and to receive notice as to address for service of summons	Chief Executive	Assistant Director (Legal and Democratic Services)
24.	14 th Sch Para 25(7) Certification of particular resolutions	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council

Services)

	Provision or class of provision	Proper Officer	Substitute Proper Officer
	<u>Public Health Act 1936</u>		
25.	S.84 Certification as to filthy or verminous articles	Assistant Director (Neighbourhood Delivery)	Head of Regulatory Services)
26.	S.343 (1) Authorised Officer	Assistant Director (Neighbourhood Delivery)	Head of Regulatory Services)
	<u>Public Health Act 1961</u>		
27.	S.17 Summary power to remedy stopped-up drains	Assistant Director (Neighbourhood Delivery)	Head of Regulatory Services, Assistant Director (Property)
28	S.36 Power to require vacation of premises during fumigation	Assistant Director (Housing Operations)	Head of Regulatory Services, Head of Housing Operations
29a	S.37 Prohibition on sale of verminous articles	Assistant Director (Neighbourhood Delivery)	Head of Regulatory Services
	<u>Representation of the People Act 1983</u>		
30.	S.8 Electoral Registration	Chief Executive	Assistant Director (Legal and Democratic Services), Elections Team Leader, Electoral Service Lead Officer
31.	S.35 Returning Officer for	Chief Executive	Assistant Director

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Public Health (Control of Disease) Act 1984

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| 32. | All the provisions of the Public Health (Control of Disease) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988, conferring powers or duties upon a proper officer or an authorised officer
<u>Housing Act 1985</u> | Assistant Director (Housing Operations and Safe Communities) | Head of Regulatory Services, Head of Housing Operations |
| 33. | S.606 Reports on particular houses or areas | Strategic Director (Nighbourhood Operations) | Head of Regulatory Services |

Local Government (Miscellaneous Provisions) Act 1976

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| 34. | S.41 To authorise the evidence of resolutions and minutes of proceedings etc | Assistant Director (Legal and Democratic Services) | Any solicitor or barrister employed by the Council |
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Local Government and Housing Act 1989

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| 35. | SS.2 & 3 To prepare, maintain and supervise the list of politically restricted posts within the Council's establishment | Assistant Director (Legal and Democratic Services) | Any solicitor or barrister employed by the Council |
| 36. | S.4 Head of Paid Service | Chief Executive | Designated Strategic Director acting in Deputy Chief Executive role) |
| 37. | S.5 Monitoring Officer | Assistant Director (Legal and Democratic Services) | Deputy Monitoring Officer |
| 38. | SS.15 & 16 To receive and deal with notices relating to the constitution and membership of political groups | Assistant Director (Legal and Democratic Service) | Any solicitor or barrister employed by the Council |

Food Safety Act 1990

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| 39. | S.49
(3) | To act as Proper Officer to the Council with respect to the signing of documents | Strategic Director (Neighbourhood Operations) | Head of Regulatory Services |
| 40. | S.49
(3) | To authorise in writing Officers to sign documents | Strategic Director (Neighbourhood Operations) | Head of Regulatory Services |

Localism Act 2011

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| 41. | | To maintain a register of interest of members and co-opted members of the authority | Assistant Director (Legal and Democratic Services) | Head of Legal and Democratic Services |
| 42. | | <u>Building Act 2022 and associated regulations</u> | | |
| | | To act as the Accountable Officer | Chief Executive | Deputy Chief Executive |

Author & Responsible Officer	Mark Brookes, Assistant Director, Legal and Democratic Services
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Table of Amendments

Date of Change	Paragraph Amended	Explanation of amendments	Authority
21/07/23	Scehdule 1 p83-89	Change to Portfolios following May 2023 elections	Council May 2023
18/03/24	2.3.1	Changes to planning scheme of delegation as agreed by council on 28/02/24	
08/04/24	Various	Changes to reflect the restructures in the Housing and Property Team	

PART 4

RULES OF PROCEDURE

July 2023

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

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

The Annual Meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or the Chief Executive;
- (vi) elect the Leader (only in the case of the first Annual Meeting following the ordinary election of Councillors);
- (vii) receive any report from the Leader on the appointment of the Deputy Leader and members of the Cabinet and the allocation of responsibility for the Cabinet Portfolios among the Cabinet members or any subsequent changes thereto;
- (viii) appoint 3 Overview and Scrutiny Committees, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (ix) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (x) approve a programme of ordinary meetings of the Council for the year;
- (xi) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

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

2. ORDINARY MEETINGS

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

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor or the Chief Executive;
- (v) receive any report from the Leader on the appointment of members to the Cabinet and the allocation of responsibility for the Cabinet Portfolios among the Cabinet members or any subsequent changes thereto;
- (vi) receive any announcements or reports from the Leader or other Members of the Cabinet and receive questions and answers on any of those reports or on matters within their respective portfolios;
- (vii) receive questions from, and provide answers to, the public in relation to matters, which in the opinion of the person presiding at the meeting are relevant to the business of the Council;
- (viii) deal with any outstanding business from the last Council meeting;
- (ix) receive reports or referrals from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (x) receive reports or referrals from Overview and Scrutiny Committees and receive questions and answers on any of those reports.
- (xi) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xii) consider motions; and
- (xiii) consider 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 and reports of the Overview and Scrutiny Committees for debate.
- (xiv) deal with any Petitions as detailed in the Dacorum Borough Council Petitions Scheme 2010.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) The Council by resolution;
- (ii) the Mayor;

- (iii) the Assistant Director (Legal and Democratic Services);
and
- (iv) 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.

3.2 Business

No business shall be transacted at a meeting other than that specified in the summons except as required by any enactment or as a matter of urgency in accordance with this Constitution.

4. TIME AND PLACE OF MEETINGS

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

5. NOTICE OF AND SUMMONS TO MEETINGS

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

6. CHAIR OF MEETING

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

7. QUORUM

The quorum of a meeting will be 18 members of the whole number of members. 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.

8. DURATION OF MEETING

All meetings of the Council, except meetings where the summons states a different time, will commence at 7.30 pm.

9. QUESTIONS BY THE PUBLIC

9.1 General

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

9.2 Order of questions

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

9.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive or the Assistant Director (Legal and Democratic Services) no later than the date and time set out in Appendix A. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

9.4 Number of questions

At any one meeting no person may submit more than 1 question and no more than 2 such questions may be asked on behalf of one organisation.

9.5 Time allowed for questions

The time allocated for questions by the public and replies shall not exceed one half-hour. Each questioner shall be allowed up to three minutes to put his/her question.

9.6 Scope of questions

The Mayor may reject a question if it:

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

9.7 Record of questions

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

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

9.8 Asking the question at the meeting

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, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

9.9 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.6 above.

9.10 Written answers

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

9.11 Reference of question to Cabinet or a Committee

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 Cabinet, the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

10. QUESTIONS BY MEMBERS

10.1 On reports of Cabinet Members

- 10.1.1 The Leader and Cabinet members may make a report (either orally or in writing) to the Council on any matter falling within their portfolio.
- 10.1.2 Where the Leader or a Cabinet member makes a report to the Council under 10.1.1 above a member of the Council may, at the conclusion of the report, ask the Leader or Cabinet member any question without notice upon an item on the report or upon any matter falling within their portfolio.
- 10.1.3 Where the Leader or a Cabinet member does not make a report to the Council under 10.1.1 above a member of the Council may, nonetheless, ask the Leader or Cabinet member any question without notice upon any matter falling within their portfolio.
- 10.1.4 If a Cabinet member is absent a report need not be given to the Council on their behalf by another Cabinet member. Any question which may have been asked of the absent Cabinet member may be asked of the Leader. The Leader may, where appropriate, ask another Cabinet member to answer any such question.
- 10.1.5 The maximum time allowed for members of the Council to ask questions without notice of the Leader or a Cabinet member under 10.1.2 and 10.1.3 above and for answers to be given is 10 minutes in respect of each executive member.

10.2 On reports of the Cabinet or Committees

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

10.3 Questions on notice at full Council

Subject to Rule 10.5, a member of the Council may ask:

- the Mayor
- a member of the Cabinet;
- the chairman of any committee or sub-committee

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

10.4 Questions on notice at committees and sub-committees

Subject to Rule 10.5, a member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the Borough and which falls within the terms of reference of that committee or sub-committee.

10.5 Notice of questions

A member may only ask a question under Rule 10.3 or 10.4 if either:

- (a) they have given notice in writing as set out in Appendix A; or
- (b) the question relates to urgent matters, they have the consent of the Mayor or chairman of the committee or sub-committee to whom the question is to be put and the content of the question is given in writing to the Chief Executive by 10 am on the day of the meeting.

10.6 Response

An answer may take the form of:

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

10.7 Supplementary questions

A member asking a question under Rule 10.3 or 10.4 may ask a maximum of three supplementary questions without notice of the member to whom the first question was asked. A supplementary question must arise directly out of the reply to the previous question.

11. MOTIONS ON NOTICE

11.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion must be delivered to the Chief Executive or the Assistant Director (Legal and Democratic Services) not later than the date and time set out in Appendix A. These will be entered in a book open to public inspection.

11.2 Motion set out in agenda

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

11.3 Scope

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

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Cabinet or committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;

- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to amend the Council procedure rules;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 No speeches until motion seconded

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

13.2 Right to require motion in writing

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.

13.3 Seconder's speech

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

13.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 10 minutes in the case of a mover of a motion and 5 minutes in the case of any other speaker without the consent of the Mayor.

13.5 When a member may speak again

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 if the motion has been amended since he/she last spoke;

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

13.6 Amendments to motions

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

13.7 Alteration of Motion

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

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

13.8 Withdrawal of motion

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

13.9 Right of reply

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

13.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

13.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the 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.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of order

A member may raise a point of order at any time. The Mayor will hear them 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.

13.13 Personal explanation

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

14. RULING BY MAYOR/CHAIRMAN

The Mayor/Chairman may issue a ruling during a meeting which can only be overturned by two thirds of members present voting against the ruling. The proposer of the motion to reverse the ruling will have 2 minutes to speak, the seconder will have the right to speak and there will be no debate. The Mayor/Chairman will put the motion to the vote.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 8 members.

15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 8 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. VOTING

16.1 Majority

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

16.2 Mayor's casting vote

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

16.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

16.4 Ballots

The vote will take place by ballot if 3 members present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

16.5 Recorded vote

16.5.1 If 3 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

16.5.2 A recorded vote will be required at a meeting of the Council on business to approve the Budget or set Council Tax. The minutes of the Council meeting will record the names of those voting for, against and abstaining.

(Amended 02/15)

16.6 Right to require individual vote to be recorded

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

16.7 Voting on appointments

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

17. MINUTES AND RECORD OF PROCEEDINGS

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

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

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(11) and (2) of schedule 12 relating to signing of minutes.

17.3 Form of minutes

Minutes shall record the decision of each agenda item and the full debate of the meeting will be available to view on the Council's website as a video recording. Minutes of council meetings will contain all motions and amendments in the exact form and order the Mayor put them.

17.4 Record of proceedings

Those present may make a written record of the proceedings and may undertake photography or any form of sound or vision recording as long as it does not disrupt proceedings.

18. RECORD OF ATTENDANCE

A record of attendance will be kept for each meeting which will be included in the minutes.

19. EXCLUSION OF THE PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

20. MEMBERS' CONDUCT

20.1 Standing to speak

When a member speaks at full Council they 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.

20.2 Mayor standing

When the Mayor stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

20.3 Member not to be heard further

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

20.4 Member to leave the meeting

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

20.5 General disturbance

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

21. DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

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

21.2 Clearance of part of meeting room

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

22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

All of these Council Procedure Rules except Rule 16.6 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

22.2 Amendment

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.

23. COMMITTEES RULE APPLICATION

23.1 All of these Council Procedure Rules apply to meetings of full Council. Rules 4-6, 9, 10.4, 14 and 16-19 apply to meetings of committees and sub-committees. The Rules applicable to meetings of the Cabinet are set out in the Executive Procedure Rules.

23.2 Rule 8 also applies to meetings of Committees and Sub-Committees except that the meeting of the Development Management Committee will commence at 7.00 pm.

24. PROGRAMME

24.1 A programme of meetings of the Council's Committees shall be approved annually by the Council but the date of any meeting may be varied by the appropriate Council's Committee.

24.2 Meetings of other Committees or Sub-Committees shall be held at times determined by the respective Chairs.

25. SPECIAL MEETINGS

25.1 The Chairman of a Committee may call a special meeting at any time.

25.2 On the written requisition signed by one half of the whole number of members of a Committee delivered to the Chief Executive a special meeting of the Standing Committee shall be called.

25.3 The summons to a special meeting shall set out the business to be transacted and no other business shall be considered at that meeting.

26. RIGHT TO ATTEND

A member of the Council may attend any meeting of any Committee or sub-Committee of which he or she is not a member and may, with the permission of the Chairman of the meeting, speak but shall not move or second any motion or vote.

27. QUORUM

The quorum of a meeting of a Committee appointed by the Council will be a third of the whole number of members. During any meeting, if the Chair/man counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.

28. ORDER OF BUSINESS

Order of business shall be as indicated in the agenda or otherwise as the Chairman shall prescribe.

29. PUBLIC PARTICIPATION

29.1 An item will be included on the agenda for meetings of the Committees after the item on "Apologies for Absence" to allow members of the public to make statements or ask questions in accordance with the rules for public participation.

- 29.2 At a meeting of a Committee (except for planning applications at Development Management Committee) a member of the public may (if written notice has been given by 12 noon on the working day preceding the date of the meeting) make a statement or ask the Chairman a question provided that it is within the powers and functions of that Committee.
- 29.3 The maximum time allowed for the making of statements and the asking of questions is 15 minutes.
- 29.4 Every person is allowed a maximum of 2 minutes in which to make their statement or ask their question.
- 29.5 Every person must when invited to do so address their statement or question to the Chairman of the Committee.
- 29.6 Every statement or question answered must be answered without discussion and the Chairman may decline to answer.
- 29.7 Every person must maintain respect for the Chairman and the meeting.
- 29.8 Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.
- 29.9 The Chairman may at his or her discretion disallow the making of a statement or the asking of questions if he or she is of the opinion that the proper dispatch of the business of the Committee may be impeded or that a breach of order may be occasioned.
- 29.10 The questioner may not ask the same or a similar question within a six month period except for the following circumstances:
- (a) Deferred planning applications which have foregone a significant or material change since originally being considered.
 - (b) Re-submitted planning applications which have foregone a significant or material change.
 - (c) Any issues which are re-submitted to Committee in view of further facts or information to be considered.

That matters with regard to (a) and (b) above be determined by the case officer in consultation with the Development Control Manager and Chairman. Matters with regard to (c) above, the case officer and relevant Chairman.

That in cases where there are more than 1 or 2 people wishing to speak on a planning application, the shared time be increased from 3 minutes to 5 minutes.

29.11 Development Management Committee

At a meeting of the Development Management Committee, a person or their representative may, if notice in writing, by telephone or in person has been given by 5pm the day before the meeting, speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

29.12 For each planning application, which is subject of consideration at the meeting, a maximum period of five minutes will be allocated for each of the following to address the meeting, on a 'first come first served' basis:

Town/Parish Council and Neighbourhood Associations
Objectors to an application
Supporters of the application

If an application is recommended for approval only objectors can invoke the above speaking rights.

29.13 If more than one person in any of the categories in 29.12 above wishes to speak they should agree with the other members of that category the order in which they should speak or alternatively they may if they so wish, agree that one member of a category will represent the views of the others. Where one person in a category wishes to speak that person will be allowed a maximum of three minutes. Where more than 1 person in a category wishes to speak, a total time of 5 minutes will be shared between the speakers in that category.

29.14 If a person wishes to speak on any other matter (other than a planning application) they must give notice and comply with the conditions in paragraph 29.2 above.

30. MOTIONS AND AMENDMENTS

30.1 Every motion shall be relevant to some matter within the Committee's terms of reference and shall arise upon a matter contained within the agenda. The Chairman may however at his or her discretion allow consideration of reports or motions which are within the Committee's terms of reference but not contained within the agenda, if by reason of special circumstances which shall be specified in the minutes, the matter is urgent.

30.2 Motions and amendments shall not be considered unless they are moved and seconded.

31. SPEECHES

All speeches shall be concise and relevant to the matter in hand.

32. QUESTIONS

- 32.1 Questions relating to matters on the agenda shall be asked when that matter is discussed.
- 32.2 Questions may be addressed to the Chairman or, through the Chairman, to an employee, who may answer orally, may undertake to provide a written reply within seven days or may decline to answer.

33. CONDUCT

- 33.1 The Chairman shall control the conduct of the meeting and the decision of the Chairman on any point of order shall be final and shall not be questioned during the meeting.
- 33.2 Members may speak sitting and as often as the Chairman may consider reasonable and may move motions without notice.
- 33.3 Except as otherwise indicated in this paragraph, the rules of order of debate of the Council shall, as far as they are applicable, govern the proceedings of all Committees and Sub-Committees.

34. MISCONDUCT

34.1 Misconduct by Member

If a member persistently disregards the ruling of the Chairman, behaves in a disorderly manner or wilfully obstructs the business of the meeting, the Chairman may require that the member be silent or that the member leave the meeting. If the member does not comply or otherwise persists in misconduct, the Chairman may order that the member be removed.

34.2 Misconduct by Public

If a member of the public interrupts the meeting or behaves in a disorderly manner the Chairman shall give a warning. If the warning is disregarded, the Chairman may order that the member of the public be removed and may adjourn or suspend the meeting for so long as seems fit.

34.3 General Disturbance

In the case of general disturbance by members of the public, the Chairman may order that all or part of the room be cleared and may order that members of the public be removed from all or any part of the building.

35. SUBSTITUTE MEMBERS

- 35.1 Subject to paragraph 35.10, below, substitute members will where required be nominated by the relevant Leader or Deputy Leader of a political group for each Committee and Sub-Committee, subject to the following rules:
- 35.2 The substitution of a member shall be effected by the service of an email notice upon the Assistant Director (Legal and Democratic Services) sent to member.support@dacorum.gov.uk by the Leader or Deputy Leader of the appropriate political group.
- 35.3 The Leader or Deputy Leader of the political group of which the member to be substituted is a member must serve notice of the substitution on the Assistant Director (Legal and Democratic Services) as soon as possible, and in any event not less than 24 hours before the meeting in respect of which the substitution is proposed.
- 35.4 That a reason for the substitution of a member be included in the email and that the circumstances in which substitution may be permitted are Members' business commitments (including Council business) sickness, inescapable family commitments, religious or cultural reasons or reasons of disability.
- 35.5 The substitute member must be of the same political group as the member substituted and no substitute member may substitute for more than one ordinary member of a Committee or Sub-Committee at any one time.
- 35.6 In respect of the Development Management Committee, the Licensing and Health & Safety Enforcement Committee (including the appointed Licensing sub-committees), the Appeals and Reviews Committee and the Audit Committee, the substitute member must have attended appropriate training.
- 35.7 Notices of substitute membership served on the Assistant Director (Legal and Democratic Services) in accordance with this Standing Order shall be recorded in the minutes.
- 35.8 If a substitute member attends a Committee in accordance with the above rules he or she will be entitled to the full rights of membership including the right to speak and vote, subject to the rules relating to declaration of interests.
- 35.9 Once a member or substitute member has attended for part of a meeting he or she shall not be entitled to be replaced for any subsequent part of the same meeting.
- 35.10 These rules relating to substitute members shall not apply to the Standards Committee or any sub-committee of the Standards Committee.

APPENDIX A

TABLES

Notices of Motion and questions by Members of the Council

Set out in the table below is the day and time on which Notices of Motion must be delivered to the Chief Executive or the Assistant Director (Legal and Democratic Services)

Day of Meeting	Date on which notice must be delivered to Chief Executive or the Assistant Director (Legal and Democratic Services)	Latest time notice must be received by the Chief Executive or the Assistant Director (Legal and Democratic Services)
Monday and Tuesday	The 2nd Wednesday preceding the meeting	4.00 pm
Wednesday, Thursday and Friday	The 2nd Friday preceding the meeting	4.00 pm

Questions by Members of the Public

Set out in the table below is the day and time on which Questions must be delivered to the Chief Executive or the Assistant Director (Legal and Democratic Services)

Day of Meeting	The date on which notice must be received by the Chief Executive or the Assistant Director (Legal and Democratic Services)	Latest time notice must be received by the Chief Executive or the Assistant Director (Legal and Democratic Services)
Monday and Tuesday	The Wednesday preceding the meeting	
Wednesday, Thursday and Friday	The Friday preceding the meeting	4.00 pm

PART 4 ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committees, the Standards Committee and regulatory committees and public meetings of the Cabinet (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 MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Council's main offices.

4(a) NOTICE OF PRIVATE MEETINGS OF THE EXECUTIVE

4(a)(1) At least 28 days before a private meeting of the Executive the proper officer will publish on the Council's website and make available at the Council's office a notice of the Executive's intention to hold a meeting in private. The notice must contain the reasons why the meeting is to be held in private.

4 (a)(2) At least 5 clear days before a private meeting the proper officer will publish on the Council's website and make available at the Council's office a further notice detailing the reasons for the meeting being held in private and details of any representations received about why the meeting should be open to the public and any response to those representations.

4 (a) (3) Where the date by which a meeting must be held makes compliance with 4 (a) (1) and/or 4 (a) (2) impracticable the meeting may only be held in private where agreement has been sought and obtained from the Chairman of the relevant Overview and Scrutiny Committee, or if there is no Chairman or they are unable to act, the Mayor or in his absence the Deputy Mayor.

4 (a) (4) Where agreement has been obtained under 4 (a) (3) a notice must be published on the Council's website and made available at the Council's office setting out the reasons for the urgency of the meeting.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

6. SUPPLY OF COPIES

The Council will supply copies of:

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

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

7. ACCESS TO MINUTES ETC AFTER THE MEETING

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

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

8. BACKGROUND PAPERS

8.1 List of background papers

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

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

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10)

8.2 Public inspection of background papers

The Council 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.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's main offices.

A copy of these Rules will constitute the written summary.

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 Exempt information – discretion to exclude public

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

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

10.3 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.

10.4 Meaning of exempt information

- (a) Exempt information means information falling within the descriptions set out in the following paragraphs (subject to the qualifications mentioned at (b) (c) and (d) below):

Category	Condition
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).	"financial or business affairs" includes contemplated, as well as past or current activities.
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.	"employee" means a person employed under a contract of service "labour relations matter" means: (a) any of the matters specified in paragraphs (a) to (g) of sections 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act): or

	<p>(b) any dispute about a matter falling within paragraph (a) above</p> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority</p> <p>“office-holder in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p>
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	
Where a meeting of the Standards Committee, or a sub-committee of the Standards Committee is convened to consider a matter referred under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000 the following descriptions of exempt information are inserted -	
7A. Information which is subject to any obligation of confidentiality.	
7B. Information which relates in any way to matters concerning national security.	
7C. Information presented to the Standards Committee or a sub-committee of the Standards Committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.	

- (b) Information falling within the description in paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
 - (h) the Companies Act 1985;
 - (ii) the Friendly Societies Act 1974 and 1992;
 - (iii) the Industrial and Provident Societies Acts 1965 to 1978;
 - (iv) the Building Societies Act 1986*; or
 - (v) the Charities Act 1993

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

- (c) Information falling within any of the above descriptions is not exempt information if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
- (d) Information which:
 - (i) falls within any of the above descriptions; and
 - (ii) is not prevented from being exempt by virtue of (b) and (c) above;

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

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE EXECUTIVE

- (a) Rules 13-22 apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a decision in public then it must also comply with Rules 1-11.
- (b) If the Cabinet or its committees meet to discuss a key decision to be taken collectively within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief members.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency) a key decision 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 5 clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 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 months covered in the preceding plan.

14.2 Contents of forward plan

- (a) The forward plan will contain matters which the Leader has reason to believe will be the subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars insofar as the information is available or might reasonably be obtained:
 - (i) the matter in respect of which a decision is to be made;
 - (ii) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
 - (iii) the date on which, or the period within which, the decision will be taken;
 - (iv) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

- (v) the means by which any such consultation is proposed to be undertaken;
 - (vi) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
 - (vii) a list of the documents submitted to the decision taker for consideration in relation to the matter.
- (b) The forward plan must be published at least 14 days before the start of the period covered. The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating:
- (i) that key decisions are to be taken on behalf of the Council;
 - (ii) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
 - (iii) that the plan will contain details of the key decisions to be made for the fourth month period following its publication;
 - (iv) that each plan will be available for inspection at reasonable hours free of charge at the Council's main offices;
 - (v) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
 - (vi) 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;
 - (vii) that other documents may be submitted to decision takers;
 - (viii) the procedure for requesting details of documents (if any) as they become available; and
 - (ix) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.
- (c) Exempt information need not be included in a forward plan and confidential information cannot be included.

15. 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 16 (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 proper officer has informed the Chairman of the relevant 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 proper officer has made copies of that notice available to the public at the offices of the Council, and published notice on the Council's web-site; and
- (d) at least 5 clear days have elapsed since the proper officer complied with (a) and (b).

As soon as reasonably practicable after the proper officer has complied with a) and b) he/she must publish a notice on the Council's website stating why compliance with Rule 14 is impracticable.

16. SPECIAL URGENCY

If by virtue of the date by which a key decision must be taken Rule 15 (general exception) cannot be followed, then the decision can be made by the decision taker if the Chairman of the relevant Overview and Scrutiny Committee agrees that the decision is urgent and cannot reasonably be deferred. If there is no Chairman of a relevant Overview and Scrutiny Committee, or if the Chairman of the relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

As soon as reasonably practicable after the decision taker has obtained agreement a notice must be published on the Council's web-site setting out the reasons for urgency and that it cannot reasonably be deferred.

17. REPORT TO COUNCIL

17.1 When an Overview and Scrutiny Committee can require a report

If an 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; or
- (c) the subject of an agreement with the relevant Overview and Scrutiny Committee Chairman or the Mayor/Deputy Mayor of the Council under Rule 16;

the Overview and Scrutiny Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the proper officer who shall require such a report on behalf of the Committee when so requested by the Mayor or any 5 members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

17.2 Cabinet's report to 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 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (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.

18. RECORD OF DECISIONS

After any meeting of the Cabinet or any of its committees, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. OFFICERS

- (a) the Head of the Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet and its committees. The Cabinet may not meet unless the proper officer has been given reasonable notice that a meeting is to take place.

- (b) A Cabinet meeting may only take place in the presence of the proper officer or his/her nominee with responsibility for recording and publicising the decisions.

In all of the above examples, the provisions of Rule 18 (recording and publicising decisions) will apply.

20. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE OFFICERS UNDER DELEGATED POWERS

20.1 Reports intended to be taken into account

Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

20.2 Provision of copies of reports to Overview and Scrutiny Committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman and Vice-Chairman of every relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

20.3 Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet or officers. This does not require the disclosure of exempt or confidential information.

21. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

21.1 Rights to copies

Subject to Rule 21.2 below, an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

- (a) any business transacted at a meeting of the Cabinet or its committees; or
- (b) any decision taken by an individual member of the Cabinet.

21.2 Limit on rights

An Overview and Scrutiny Committee 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 intend to scrutinise.

22. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

22.1 Material relating to previous business or business to be transacted

22.1.2 Subject to paragraph 22.1.3 below, all members of the Council will be entitled to inspect any document which is in the possession or under the control of the Council or the Cabinet and contains material relating to any business to be transacted (or previously transacted) at a meeting of the Council, or a committee or sub-committee of the Council, or the Cabinet.

22.1.3 Members of the Council are not entitled to inspect any document if it appears to the proper officer that it discloses exempt information unless it is information of a description for the time being falling within:

- (a) paragraph 3 (except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, or

- (b) paragraph 6.

22.2 Material relating to key decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision.

22.3 Nature of rights

These rights of a member are additional to any other right he/she may have.

PART 4 BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The Council is responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it is the responsibility of the Cabinet to implement it.
2. **The Process for Developing the Framework**
 - (a) The Cabinet will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairmen of the Overview and Scrutiny Committee will also be notified. The consultation period shall in each instance be not less than 6 weeks.
 - (b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If a relevant Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Overview and Scrutiny Committees have responsibility for fixing their own work programme, it is open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from an Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
 - (c) Once the Cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
 - (d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.
 - (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
 - (f) The decision will be publicised in accordance with the Access to Information Rules and a copy shall be given to the Leader.
 - (g) An in-principle decision will automatically become effective at least 5 days from the date of the Council's decision, unless within that period the Leader informs the proper officer in writing that he/she objects to the decision becoming effective and provides reasons why.

- (h) In that case, the proper officer will call a Council meeting within a further 5 days. The Council will be required to re-consider its decision and the Leader's written submission within 10 days of being called. The Council may:
 - (i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.
- (i) The decision shall then be made public in accordance with the Access to Information Rules, and shall be implemented immediately.
- (j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet. Any other changes to the policy and budgetary framework are reserved to the Council.

3. Urgent Decisions Outside the Budget or Policy Framework

- (a) The Cabinet, a Committee of the Cabinet, an individual member of the Cabinet or officers, or joint arrangements 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 full 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) unless both the Chairman and Vice Chairman of a relevant 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 and Vice-Chairman of the relevant 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 and Vice-Chairman of a relevant Overview and Scrutiny Committee the decision be referred to a special meeting of the Council.

4. Virement

- (a) The Council's rules concerning the transfer of budgets (virement) are set out in the Financial Regulations

5. In-Year Changes to Policy Framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet or officers, or joint arrangements, discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes necessary to ensure compliance with the law, ministerial direction or statutory guidance.

6. Call-In of Decisions Outside the Budget or Policy Framework

- (a) Where an Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made 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 Assistant Director (Legal and Democratic Services) and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the Assistant Director (Legal and Democratic Services) report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Assistant Director (Legal and Democratic Services) report and/or Chief Finance Officer's report and to prepare a report to Council in the event that the Assistant Director (Legal and Democratic Services) or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Assistant Director (Legal and Democratic Services) or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made, but not yet implemented, and the advice from the Assistant Director (Legal and Democratic Services) and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. 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. At the meeting the Council will receive a report of the decision or proposals and the advice of the Assistant Director (Legal and Democratic Services) and/or the Chief Finance Officer. The Council may either:
 - (i) endorse a 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;

OR

- (ii) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function 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 Cabinet to reconsider the matter in accordance with the advice of either the Assistant Director (Legal and Democratic Services) Chief Finance Officer.

CABINET PROCEDURE RULES

1. HOW DOES THE CABINET OPERATE?

1.1 Who may make executive decisions?

The Leader decides how the Council's executive functions are to be exercised unless this Constitution directs otherwise.

Executive functions may be discharged by:

- (i) the Cabinet as a whole;
- (ii) a committee of the Cabinet (only Cabinet members can have voting rights on such a committee although other members can be co-opted with no voting rights);
- (iii) an individual member of the Cabinet;
- (iv) an officer;
- (v) joint arrangements; or
- (vi) another local authority.

1.2 Delegation by the leader

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

- (i) the allocation of the Cabinet Portfolios among the Cabinet members for insertion in Schedule 1 of this Constitution;
- (ii) the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and

- (v) the nature and extent of any delegation to officers with details of any limitation on that delegation and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of executive functions

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to any joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (c) Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader 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.

1.4 The Council's scheme of delegation and executive functions

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the proper officer and to the person, body or Cabinet committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a Cabinet committee, notice will be deemed to be served on that committee when he/she has served it on its Chairman.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

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

1.6 Cabinet meetings – when and where

The Cabinet will meet at least 12 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Meetings of the Cabinet

Meetings of the Cabinet shall be open to the public (subject to the exclusion in circumstances defined in the Access to Information Rules in Part 4 of this Constitution).

1.8 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be one quarter of the total number of members of the Cabinet (including the Leader), or 3 including the Leader, whichever is the larger.

1.9 How are decisions to be taken by the cabinet?

- (a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, then Cabinet Member appointed to do so by those present shall preside.

2.2 Who may attend?

See Access to Information Rules in Part 4.

2.3 What business?

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

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from Overview and Scrutiny Committees; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 Consultation

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

2.5 Who can put items on the Cabinet agenda?

- (a) The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.
- (b) Any member of the Cabinet may require the proper officer 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 proper officer will comply.

- (c) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees.
- (d) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. However, there may only be up to 3 such items per Cabinet meeting.
- (e) 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 proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

3. TIME AND DURATION OF MEETINGS

All meetings of the Cabinet except meetings where the agenda states a different time, will commence at 7.30 pm.

4. VOTING

4.1 Majority

Any matter shall be decided by a simple majority of those members voting and present in the room at the time the question is put.

4.2 Chair's casting vote

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

4.3 Show of hands

The Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

4.4 Voting on appointments

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

4.5 Right to require a vote to be recorded

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

5. PUBLIC PARTICIPATION AT CABINET MEETINGS

- 5.1 At a meeting of the Cabinet a member of the public may (if written notice has been given by 12 noon on the working day preceding the date of the meeting) make a statement or ask the Chairman a question provided that it is within the powers and functions of the Cabinet.
- 5.2 The maximum time allowed for the making of statements and the asking of questions is 15 minutes.
- 5.3 Every person is allowed a maximum of 2 minutes in which to make their statement or ask their question.
- 5.4 Every person must when invited to do so address their statement or question to the Chairman of the Cabinet.
- 5.5 Every statement or question answered must be answered without discussion and the Chairman may decline to answer.
- 5.6 Every person must maintain respect for the Chairman and the meeting.
- 5.7 Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.
- 5.8 The Chairman may at his or her discretion disallow the making of a statement or the asking of questions if he or she is of the opinion that the proper dispatch of the business of the Committee may be impeded or that a breach of order may be occasioned.
- 5.9 The questioner may not ask the same or a similar question within a six month period except on any issues which are re-submitted to Cabinet in view of further facts or information to be considered.

6. DISTURBANCE BY PUBLIC

6.1 Removal of a member of the public

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

6.2 Clearance of part of meeting room

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

PART 4 OVERVIEW AND SCRUTINY PROCEDURE RULES

1. THE NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEES

- (a) The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint to them annually. Overview and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

- (b) The Council will have a minimum of three Overview and Scrutiny Committees, which will perform all overview and scrutiny functions on behalf of the Council. They will consist of at least 12 members of the Council on a politically proportional basis to be appointed at the Annual Meeting of Council. The Chairman and Vice-Chairman of each Committee will be appointed at the Annual Meeting of Council.

- (c) The Chairman and Vice-Chairmen of the Overview & Scrutiny Committees will be appointed from within the majority group and one of the three Vice-Chairmen will be appointed from outside the majority group.

- (d) The terms of reference of each Overview and Scrutiny Committee on matters within its scope will be:
 - (i) the performance of all overview and scrutiny functions on behalf of the Council;
 - (ii) to approve an annual overview and scrutiny work programme, so as to ensure that the committee's time is effectively and efficiently utilised;
 - (iii) in the event of reports to the Cabinet exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of business or jeopardises the efficient running of Council business, at the request of the Cabinet to make decisions about the priority of referrals made.
 - (iv) to appoint informal member working groups or panels to assist the work of the Committee.

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES?

All Councillors except the Mayor and Cabinet members may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. CO-OPTees

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

4. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES

Each Overview and Scrutiny Committee shall have meetings programmed at least every 8 weeks. Additional Overview and Scrutiny Committee meetings may be called by the Chairman of the relevant Overview and Scrutiny Committee, by any 3 members of an Overview and Scrutiny Committee, 1 member of an Overview and Scrutiny Committee with the agreement of the Chairman or by the proper officer if he/she considers it necessary or appropriate.

5. QUORUM

The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

6. CHAIRMAN

The Chairman and Vice-Chairman of each Overview and Scrutiny Committee will be appointed at the Annual Meeting of Council.

7. WORK PROGRAMME

Each Overview and Scrutiny Committee will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that Committee who are not members of the largest political group on the Council. The Chairman and Vice Chairman of all Overview and Scrutiny Committees will meet at least once a month to ensure that the work of the Committees is properly co-ordinated.

8. Agenda Items

- (a) Any member of an Overview and Scrutiny Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request, the proper officer will ensure that it is included on the next available agenda.
- (b) The leader of any political party may, without the consent of the Chairman, on up to 3 occasions per Overview and Scrutiny Committee per year require the proper officer to include an item on the agenda of a relevant Overview and Scrutiny Committee for consideration. The proper officer shall inform the Chairman of the relevant Overview and Scrutiny Committee of the request at the earliest opportunity, and make arrangements for the matter to be included on the agenda at the next available meeting of that Overview and Scrutiny Committee.
- (c) Any 5 members of the Council may give written notice to the proper officer that they wish an item to be included on the agenda of a relevant Overview and Scrutiny Committee. If the proper officer receives such a notification, then he/she will include the

item on the first available agenda of the relevant Overview and Scrutiny Committee for consideration by the committee.

- (d) Any member of the Council may give written notice to the proper officer that they wish a local government matter to be included on the agenda of a relevant Overview and Scrutiny Committee of which he/she is not a member. If the proper officer receives such a notification, then he/she will include the matter on the first available agenda of the relevant Overview and Scrutiny Committee for consideration by the Committee. In deciding how to deal with the matter the Committee may consider representations from the member who referred the matter, and take into account the extent to which the member has exercised any delegated functions which the Council or Leader may have given them. It is open to the Committee to decide not to exercise any of its powers in relation to the matter, but it must let the member know its decision and the reasons for it.
- (e) Where a member has referred a local government matter to an Overview and Scrutiny Committee, and the Committee makes a report or recommendation to the Council or the Cabinet in relation to the matter, it must provide a copy to the member.

“Local government matter” means any matter which relates to the discharge of any function of the Council and affects all or part of the member’s ward or any person who lives or works in the ward, with the exception of:

- a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006,
- issues relating to individuals concerning planning and licensing,
- issues which are vexatious, discriminatory or not reasonable to be included on the agenda, and

issues where there is already a right to a review or appeal (other than the right to complain to the Local Government Ombudsman).

- (f) Where an Overview and Scrutiny Committee makes a report or recommendations to the Council or the Cabinet –
- (i) it may publish the report or recommendation
- (ii) it must by notice in writing, require the Council or the Cabinet –
- to consider the report or recommendations,

- to respond to the Overview and Scrutiny Committee indicating what (if any) action the Council, or the Cabinet, proposes to take
 - if the Overview and Scrutiny Committee has published to report or recommendations, to publish the response,
 - if the Overview and Scrutiny Committee provided a copy of the report or recommendations to a member of the Council under (e) above, to provide the member with a copy of the response.
- (g) The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate, the Cabinet, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within two months of receiving it.

9. POLICY REVIEW AND DEVELOPMENT

- (a) 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 detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, 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. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES

- (a) Once it has formed recommendations on proposals for development, an Overview and Scrutiny Committee will prepare a formal report and submit it to the proper officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). The Chairman, or in his/her absence, the Vice-Chairman of the relevant Overview and Scrutiny Committee will be responsible for presenting the report to the Cabinet or the Council as appropriate.
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

- (c) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within two months of it being submitted to the proper officer.

11. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET

- (a) The agenda for Cabinet meetings shall include an item entitled 'Issues Arising From Overview and Scrutiny'. The reports of Overview and Scrutiny Committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations.
- (b) Where an Overview and Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader has delegated decision making power to another individual member of the Cabinet, then the Overview and Scrutiny Committee will submit a copy of their report to him/her for consideration. At the same time, the Overview and Scrutiny Committee shall serve a copy on the proper officer. The member with delegated decision making power must consider the report and respond in writing to the Overview and Scrutiny Committee within 4 weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer and the Leader. The member will also attend a future meeting of the Overview and Scrutiny Committee to present their response, if requested by the Committee.
- (c) Only one report every three months may be submitted by each Overview and Scrutiny Committee to the Cabinet.
- (d) Overview and Scrutiny Committees will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

12. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

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

13. MEMBERS AND OFFICERS GIVING ACCOUNT

- (a) Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance

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

- (b) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least 5 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the member or officer, arrange an alternative date for attendance to take place within a maximum of 10 working days from the date of the original request.

14. ATTENDANCE BY OTHERS

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and may invite such people to attend.

15. CALL-IN

Call-in should only be used in exceptional circumstances. These are where Members of the appropriate Overview and Scrutiny Committee have evidence which suggests that the Cabinet or Officer did not take the decision in accordance with the principles set out in Article 12 (Decision Making).

- (a) When a decision is made by the Cabinet, an individual member of the Cabinet or a Committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, and shall be available at the main offices of the Council within 2 working days of being made. Chairmen and Vice Chairmen of all Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the proper officer responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless 5 members of the Council objects to it and calls it in.
- (c) During that period, the proper officer shall call-in a decision for scrutiny if so requested by any 5 members of the Council. Any member who calls in a decision must give supporting reasons in writing which must fall within one or more of the 'Principles of Decision Making set out in paragraph 12.2 of Article 12. Such member may also submit in writing a proposed recommendation(s) for suggested actions or alternative actions for consideration by the relevant Overview and Scrutiny. The Proper Officer shall notify the decision-taker of the call-in. The called in decision will be referred to the next meeting of the Overview and Scrutiny Committee. In exceptional circumstances, the Proper Officer may, after consultation with the Chairman and Vice Chairman arrange an extraordinary meeting of the Committee to consider the called in decision.
- (d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. The decision maker shall then reconsider the decision within 4 weeks amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting.
- (f) If the matter was referred by an Overview and Scrutiny Committee to full Council and the Council does not object to the decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provisions below. However, if the Council does object, it has no power to overturn or change a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether or not to amend the decision before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a

whole or a committee of it, the decision will be reconsidered at its next meeting. Where the decision was made by an individual, the individual will reconsider within 4 weeks of the Council request.

- (g) If the Council does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting.

16. CALL-IN AND URGENCY

16.1 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, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

16.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

17. THE PARTY WHIP

17.1 The Party Whip is defined as:

"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 or any committee or sub-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"

17.2 The imposition of the party whip is regarded by the Council as incompatible with Overview and Scrutiny. The Party Whip should not therefore be imposed on any member of an Overview and Scrutiny Committee while engaged in the work of Overview and Scrutiny.

18. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

(a) Overview and Scrutiny Committees shall consider the following business:

- (i) minutes of the last meeting;

- (ii) declarations of interest;
 - (iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
 - (iv) responses of the Cabinet to reports of the Overview and Scrutiny Committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (eg with a view to reviewing policy), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted with the following principles:
- (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

20. MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY COMMITTEE

- (a) Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee, then the Committee conducting the review shall:
- (i) invite the Chairman of the other Committee (or his/her nominee) to attend its meetings when the matter is being reviewed
- or
- (ii) before submitting its findings to the Cabinet and/or Council for consideration, the report of the reviewing Overview and Scrutiny Committee shall be considered by the other Overview and Scrutiny Committee for comment. These comments shall be incorporated into the report which is then sent to that body for consideration.

TASK AND FINISH GROUPS PROCEDURE RULES

1. PROGRAMMING PANEL

- 1.1 The Programming Panel will comprise the three political Group Leaders or their representatives and will receive advice and support from appropriate officers.
- 1.2 The Panel will have the following functions:
 - 1.2.1 To co-ordinate requests for the setting up of Task and Finish Groups made by the Chairman or Vice-Chairmen of Overview and Scrutiny Committees, the Cabinet or individual Cabinet Members.
 - 1.2.2 To regulate the number and duration of the Task and Finish Groups to ensure that there is no duplication of work being carried out by these Groups.
 - 1.2.3 To appoint the membership and decide the terms of reference for each Task and Finish Group.
 - 1.2.4 To assist both Members and officers in the allocation and timetabling of matters for consideration. The Panel is to be regarded as an administrative tool to promote effective and efficient decision making and co-ordination of the work of the Task and Finish Groups.
- 1.3 The Panel will meet at least once every cycle of meetings and will elect its own Chairman.

2. THE APPOINTMENT AND ROLE OF TASK AND FINISH GROUPS

- 2.1 Task and Finish Groups will be set up by the Programming Panel to carry out detailed work in relation to specific topics or issues. The Panel will decide what Task and Finish Groups are set up and what their terms of reference will be. All requests to the Panel for the setting up of a Task and Finish Group must be submitted to the Panel in the form of a standard pro forma.
- 2.2 Subject to these procedure rules, Members will be appointed to Task and Finish Groups by the Panel. The important consideration will be a Member's interest in the particular topic or issue, their interest as a Ward Member (if the issue is geographically based), and any particular personal knowledge, ability or expertise that may be valuable to the group.
- 2.3 Task and Finish Groups are informal bodies and shall have no decision making powers. There is no requirement to have formal agendas or minutes of meetings.

- 2.4 Meetings of Task and Finish Groups will, as far as possible, be Member led, and will not require advice or support from officers unless specifically requested.
- 2.5 All Task and Finish Groups set up at the request of an Overview and Scrutiny Committee shall –
 - 2.5.1 Consist of at least six members.
 - 2.5.2 Comply with the political balance rules in section 15 of the Local Government and Housing Act 1985.
 - 2.5.3 Elect their own Chairman.
- 2.6 Task and Finish Groups set up at the request of the Cabinet or an individual Cabinet Member do not have to comply with the political balance rules and may, if appropriate, consist entirely of Members from the same political Group.

PART 4 OFFICER EMPLOYMENT PROCEDURE RULES

1. Recruitment and appointment

(a) Declarations

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

(b) Seeking support for appointment

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service and Chief Officers

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

(a) draw up a statement specifying:

- (i) the duties of the officer concerned; and
- (ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. Appointment of Head of Paid Service

- (a) The full Council will approve the appointment of the Head of Paid Service before the offer of appointment is made following the recommendation of such an appointment by the Appointments

Committee. The Appointments Committee must include at least one member of the Cabinet.

- (b) The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

4. **Appointment of Chief Officers and deputy Chief Officers**

- (a) The Appointments Committee will appoint Chief Officers and deputy Chief Officers. The Appointments Committee must include at least one member of the Cabinet.

5. **Other appointments**

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary action**

- (a) The terms of reference of the Appointments Committee include the dismissal of, and taking disciplinary action against, a Chief Officer or deputy Chief Officer. Where the Chief Officer or the deputy Chief Officer is the designated Head of Paid Service, Chief Finance Officer or Monitoring Officer full Council must approve the dismissal before notice of dismissal is given.
- (b) The Appointments Committee may suspend a Chief Officer or deputy Chief Officer for a period of up to two months on full pay for the purpose of investigating alleged misconduct, or the taking of disciplinary action, where the officer under investigation or the subject of the disciplinary action is the designated Head of Paid Service.
- (c) The Chief Executive, in consultation with the Chairman of the Appointments Committee, may suspend a Chief Officer or deputy Chief Officer, including the designated Chief Finance Officer or Monitoring Officer, for a period of up to two months on full pay for the purpose of investigating alleged misconduct, or the taking of disciplinary action.
- (d) No other disciplinary action may be taken in respect of the designated Head of Paid Service, Chief Finance Officer or Monitoring Officer except in accordance with the procedure set out in the Schedule below and the Appointments Committee, together with any independent persons appointed to it by the Council, shall constitute "the Panel" as referred to in the Schedule.

- (e) The Appointments Committee together with two Independent Persons to be co-opted to the Committee shall approve any Special Severance Payments to the Head of Paid Service.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

SCHEDULE

Procedure to be followed in the event that disciplinary action is taken in respect of the designated Head of Paid Service, Chief Finance Officer or Monitoring Officer

[inserted under regulation 6 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015]

1. In the following paragraphs –
 - (a) “the 2011 Act” means the Localism Act 2011;
 - (b) “the chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
 - (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
 - (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
 - (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
 - (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (g) “relevant officers” means the chief finance officer, head of authority’s paid service or monitoring officer, as the case may be.
2. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

5. Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order –
 - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the authority;
 - (c) a relevant independent person who has been appointed by another authority or authorities
6. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
7. The authority must appoint any Panel at least 20 working days before the relevant meeting.
8. Where the Panel proposes dismissal, the Monitoring Officer shall notify every Member of the Cabinet of the name and any particulars relevant to the dismissal. The Leader of the Council shall notify the Monitoring Officer within 5 working days if the Cabinet object to the dismissal with reasons. The objection shall then be referred to the Panel for further consideration.
9. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular –
 - (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
9. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to the independent person in respect of that person's role as independent person under the 2011 Act".

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Table of Amendments

Date of Change	Paragraph Amended	Explanation of amendments	Authority
21/07/23	17.3	To clarify that minutes shall record decisions only and the debate will be video recorded which shall stand as the record of debate.	Council 12/07/23



FINANCIAL REGULATIONS

Author	Fiona Jump, Head of Financial Services
Responsible Officer	Nigel Howcutt, Chief Finance Officer

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Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper



A clean, safe and enjoyable environment



Building strong and vibrant communities



Ensuring economic growth and prosperity



Providing good quality affordable homes, in particular for those most in need



Delivering an efficient and modern council

Dacorum Borough Council Financial Regulations

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Dacorum Borough Council Financial Regulations

1. INTRODUCTION, GENERAL AND INTERPRETATION

- 1.1.** Financial Regulations provide the framework for managing the financial affairs of the Council. They are approved by the Council and they apply to every Member and employee of the Council and to anyone acting on its behalf. All Members and employees must adhere to them at all times. Financial Regulations form part of the Council's constitution. Any changes to the Financial Regulations must be agreed by Council following their presentation to Audit Committee.
- 1.2.** The Chief Finance Officer is the Council's Section 151 Officer and is accountable to the Council for the financial regulations. The Head of Financial Services is the Council's Deputy Section 151 Officer. Where the Financial Regulations refer to the 'Section 151 Officer' this refers to either the 'Section 151 Officer' or the 'Deputy Section 151 Officer'. All Chief Officers are accountable to the Chief Finance Officer for compliance with these regulations. All officers with delegated responsibilities for undertaking financial responsibility are accountable to their Strategic Director for compliance with the Financial Regulations.
- 1.3.** Executive Members and Strategic Directors must maintain a written record where they have delegated decision-making to employees, including seconded employees. Where they have delegated or devolved decisions to other responsible employees, references to the Strategic Director in the regulations should be read as referring to those employees.
- 1.4.** All Members and employees have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and contributes to the Council's strategic aims.
- 1.5.** Should a breach of the Financial Regulations come to light it must be reported immediately to the Section 151 Officer. The Section 151 Officer is responsible for maintaining a continuous review of Financial Regulations and for submitting any additions or changes necessary to the full Council for approval. They are also responsible for reporting material breaches of the Financial Regulations to the Senior Leadership Team, the Cabinet or the Full Council as they consider appropriate. Disciplinary action can be taken for breaches of Financial Regulations.
- 1.6.** The Section 151 Officer is responsible for issuing advice and guidance to underpin Financial Regulations that Members, employees and others acting on behalf of the Council are required to follow.
- 1.7.** This document should be read and applied in conjunction with the Council's constitution and other internal regulatory documents forming part of the constitution.
- 1.8.** Throughout these Financial Regulations, where the words 'Strategic Director' and 'Director' appear in a departmental context, they refer also to the Chief

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Executive. References are made to 'Heads of Service'. In these instances (and where Heads of Service report directly to Assistant Directors) Assistant Directors are responsible for ensuring that Heads of Service for their group of services have adequate arrangements in place and will also apply to Assistant Directors where they are directly responsible for functions or projects or where there is no Head of Service in post. The post of Chief Finance Officer is included within 'Assistant Directors' for the purposes of these Financial Regulations.

- 1.9.** The term 'current' as it applies in these Regulations shall mean the last approval given by Council, Cabinet or Strategic Director under delegated powers.
- 1.10.** The terms 'Chief Finance Officer' and 'Section 151 Officer' are synonymous in the current structure of the Council. If, at any time, that should cease to be the case, all duties, authorities and responsibilities assigned to the Chief Finance Officer in these Financial Regulations shall be interpreted as applying to the Section 151 Officer.

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Financial Regulation A: Financial Management

Introduction

- A.1.** Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

Committees of the Council

- A.2.** The functions and responsibilities of the full Council, the Cabinet, the Overview and Scrutiny Committees and Regulatory Committees are set out in Part 3 of the Council's constitution. The Council and all subsidiary bodies must have regard to financial regulations and procurement standing orders in the conduct of Council business.

Statutory officers

Chief Executive

- A.3.** The Chief Executive, as Head of Paid Service, is responsible for the corporate and overall strategic management of the Authority as a whole. They are also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the Council's decisions.

Monitoring Officer

- A.4.** The Assistant Director Legal and Democratic Services is the Authority's designated Monitoring Officer, under Section 5 of the Local Government and Housing Act 1989. The role of the Monitoring Officer is set out in the Council's Constitution (Article 11).
- A.5.** They (together with the Section 151 Officer – see below) is responsible for advising the Portfolio Holder, Cabinet or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the approved budget. Actions that may be 'contrary to the budget' include:
- a) initiating a new policy
 - b) taking, or failing to take action which will, or is likely to result in any defined budget for the current year being exceeded by a given value, determined by the Section 151 Officer
 - c) committing, or seeking to commit expenditure in future years above the approved level
 - d) causing the Council's total budgeted sum for either the Housing Revenue Account or the General Fund to increase by more than an amount specified by the Section 151 Officer in any one year.

Current values in relation to regulation A.5. are given at Annex A.

Section 151 Officer

- A.6.** The Chief Finance Officer is the Council's designated Section 151 Officer. This post has statutory duties in relation to the financial administration and stewardship of the Council's financial affairs. These duties arise from Section 151 of the Local Government Act 1972 and subsequent legislation and cannot be overridden.
- A.7.** The functions of the Section 151 officer are defined in the Council's constitution (Article 11). In particular, they have responsibility for the administration of the financial affairs of the Council, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
- A.8.** Section 114 of the Local Government Finance Act 1988 requires the Section 151 Officer to report to the Cabinet, Council, and external auditor if the Council or one of its officers:
- (a) has made, or is about to make, a decision which involves incurring unlawful expenditure
 - (b) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
 - (c) is about to make an unlawful entry in the authority's accounts.
- A.9.** Section 114 also requires the Section 151 Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under Section 114 personally. The Head of Financial Services is the designated officer for this purpose.
- A.10.** The Act also requires the Council to provide the Section 151 Officer with sufficient staff, accommodation and other resources – including legal advice where it is necessary to carry out duties under S114.

Strategic Directors

- A.11.** Strategic Directors are individually responsible for financial management within their own areas of responsibility and collectively for matters of corporate responsibility. In respect of Financial Regulations they have specific responsibilities for:
- a) Ensuring that Members of Cabinet and the relevant Overview and Scrutiny Committee(s) are advised of the financial implications of all proposals and that the financial implications have been agreed with the Section 151 Officer.
 - b) Consulting with the Section 151 Officer and seeking approval on any matter liable to affect the Council's finances materially before any commitments are incurred.

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- c) Demonstrating the proper financial management and effective deployment of resources allocated to their respective services.
- d) Ensuring that all staff have access to a copy of Financial Regulations and that these are retained in a current state and ensuring that employees comply with them at all times.
- e) Ensuring that Assistant Directors, Heads of Service and other key personnel receive sufficient training to enable them to discharge their responsibilities under these Regulations, Procurement Standing Orders and related rules and procedures introduced from time to time.
- f) Ensuring that their Portfolio Holder and, as appropriate, the Portfolio Holder for Corporate and Commercial Services are advised of the financial implications of any proposals and that the financial implications have been agreed by the Section 151 Officer.
- g) Ensuring the financial probity and correctness of all reports, advice and opinions submitted to Members and others that may act on such information. Where they have any doubt in this regard, the Strategic Director must consult with the Section 151 Officer prior to issuing a report, providing advice or offering an opinion.
- h) Ensuring that the Section 151 Officer is consulted on and approves any proposal that may affect the ability of stand-alone financial systems and processes to be reconciled with any relevant corporate financial information system.
- i) Signing contracts on behalf of the Council which are not under seal.
- j) Ensuring that vouchers and other financial documents are not destroyed other than in accordance with the Council's Corporate Retention of Documents Policy.
- k) Maintaining a complete management trail allowing financial transactions to be traced from accounting records to source and vice versa.
- l) Ensuring that all financial systems' inputs are genuine, complete, accurate, timely and not previously processed.

Management of in-year finances

A.12. Strategic Directors are responsible for effective financial management. To support them, the Council has specific policies relating to six key control areas:

- (a) **Transfer of budgets.** Council sets the budget and Cabinet has executive responsibility for the delivery of services within budgets. Resources are allocated to defined budget headings which are managed by budget managers (usually allocated at Head of Service or Assistant Director

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level). A scheme of virement is required to enable budget holders to transfer resources between budgets where appropriate and necessary. The Council is responsible for approving a scheme for enabling virement. This is set out in regulation B.11.

- (b) **Use of contingencies.** When approving the annual budget the Council may set aside specific sums to meet unforeseen eventualities.
- (c) **Supplementary budgets.** Strategic Directors are responsible for arranging the effective delivery of services within the annual budgets allocated. Under circumstances where it cannot be dealt with under the Council's scheme of virement, and where appropriate, Cabinet, on the advice of the Section 151 Officer, may grant a supplementary budget to be met from any contingency provision established under section A12.b above. Where insufficient resources exist, Cabinet may, on the advice of the Section 151 Officer, seek Council approval to the granting of a supplementary budget to be met from relevant balances or reserves. This is set out in regulation B.12.
- (d) **Supplementary budgets: section 106 and Community Infrastructure Levy (CIL) Contributions.** Council sets the budget and Cabinet has executive responsibility for the delivery of services within budgets. Delegation is given to the Section 151 Officer for in-year amendments to budgets via supplementary budget where a one-off item is to be funded wholly from Section 106 receipts or CIL receipts. This is set out in regulation B.12.
- (e) **Supplementary budgets: grant income.** Delegation is given to the Section 151 Officer for in-year amendments to budgets via supplementary budget where expenditure is to be funded wholly from grant receipts, up to the value of £100k. For expenditure equal to or above £100k Cabinet may, on the advice of the Section 151 Officer, seek Council approval to the granting of a supplementary budget to be met from grant funding. This is set out in regulation B.12
- (f) **Under- and overspends.** The Council is responsible for agreeing any procedures, on the advice of the Section 151 Officer, for carrying forward under- and overspending against revenue budgets. The unspent portion of budgets will be transferred by the Section 151 Officer to Reserves and Balances after the year end. The unspent portion of budgets will not be carried forward to the following year's service budgets without the express authority of Council which decision shall be made on the advice of the Section 151 Officer. This function has been delegated to the Audit Committee as part of the review and approval of the annual Statement of Accounts. The Section 151 Officer will report to Cabinet as soon as is practicable after the year end on which budgets have underspent and which budgets have overspent, together with the net position. Cabinet will make recommendations to the Audit Committee who carry out this function on behalf of Council as part of their responsibility for review of the preparation of the Statement of Accounts. Cabinet and Audit Committee

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will take account of the advice of the Section 151 Officer on how any net overspend should be funded.

- (g) **Urgency.** Nothing in these Financial Regulations shall preclude expenditure being incurred where an emergency or disaster involving destruction of, or danger to, life or property occurs, or is imminent, that may not be contained within the totality of budgets allocated to Strategic Directors. If, in the opinion of the relevant Director, in consultation, where possible, with the Chief Executive and the Section 151 Officer, the urgency of the situation will not permit delay, the Director may authorise such expenditure as is measured and reasonable in the circumstances. Where a Director has had to act without having been able to consult the Chief Executive and/or the Section 151 Officer, they shall be informed as soon as is practicable. Action under this Regulation shall be reported at the first opportunity to Cabinet and to the full Council.

The Annual Report

- A.13.** The Audit Committee is responsible for approving the Annual Report and Statement of Accounts.

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Financial Regulation B: Financial Planning and Budgeting Policy Framework

Introduction

- B.1.** These Financial Regulations apply to all plans and strategies within the Council's policy framework. Financial Regulations relating to budgets apply to General Fund and to Housing Revenue Account matters, and to both revenue and capital.
- B.2.** The Council is responsible for approving procedures for setting and varying budgets on the advice of the Section 151 Officer, for agreeing plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. The Council is also responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another (virement). Details of the virement scheme are provided under Regulation B.11.
- B.3.** The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council. Consideration of such matters will be on the advice of the Section 151 Officer.

Corporate Governance

- B.4.** Budgeting and budgetary control forms an essential part of the overall governance arrangements of the Council. The full Council is responsible for agreeing corporate governance arrangements, its framework and policies and the budget. Within such timescale as may be laid down by statute the Audit Committee under delegated powers from the Council shall approve publication of the Annual Report and Statement of Accounts and the Leader and Chief Executive shall concurrently present a statement of compliance with the framework.

Revenue budgeting and budgetary control

- B.5.** The Section 151 Officer is responsible for determining the format of the revenue budgets and ensuring that they are prepared on an annual basis for consideration by the Cabinet, before submission to the Council in the fourth quarter of the financial year.
- B.6.** Strategic Directors, and their delegated representatives, are responsible for ensuring that budget estimates reflect agreed service plans and comply with the budget guidance issued by the S151 Officer which will take account of the Council's approved Medium Term Financial Strategy. The submitted budgets will be scrutinised and endorsed by appropriate Members including Portfolio Holders. These will be collated by the S151 Officer for submission to a combined meeting of the Overview and Scrutiny Committees to scrutinise the draft budget, prior to submission to Cabinet.

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- B.7.** Strategic Directors, Assistant Directors and Heads of Service are responsible for controlling income and expenditure within their area, taking account of financial information provided by the Section 151 Officer, as well as supplementary local information systems. Each Director shall ensure that all expenditure committed by his/her directorates is within a revenue, capital, or other budget approved by Council. Any potential expenditure or loss of income, which cannot be funded from within the totality of the service budget, supported by the approved scheme of virement, shall be reported to the Section 151 Officer as soon as this is anticipated by the Director.
- B.8.** Detailed regulations relating to revenue budgeting and budgetary control are set out in Annex B, section 1.

Capital plans and budgets

- B.9.** The Section 151 Officer is responsible for ensuring that a rolling 5 year Capital Programme is prepared on an annual basis for consideration by Cabinet and submission to the Council as part of its annual budget-setting process, and that capital and revenue budgets are fully integrated. Detailed regulations governing capital budgeting are set out in Annex B, section 2.

Maintenance of reserves

- B.10.** Under the Local Government Act 2003, the Section 151 Officer must advise the Cabinet and/or the Council on prudent levels of reserves and balances. The Section 151 Officer will prepare, keep under review and present to Cabinet, at least annually, a strategy for the Council's reserves that provides a justification for each earmarked reserve, together with a recommended minimum level of general (un-earmarked) reserves. Consideration of these issues will include the application of risk management processes.

Scheme of virement

- B.11.** To support Strategic Directors, Assistant Directors and Heads of Service to fulfil their responsibilities under Regulation B.7, the transfer of funds between budget lines is permitted, subject to approval, where this supports sound financial management. The Virement policy is set out in Annex B, section 3 and applies to all transfers of budget, of any value and for any reason, including for reasons of organisational restructure.

Scheme of supplementary budgets

- B.12.** To support Strategic Directors, Assistant Directors and Heads of Service to fulfil their responsibilities under Regulation B.7, under circumstances where these responsibilities cannot be dealt with under the Council's scheme of virement, a supplementary budget may be granted, subject to appropriate approval, where this supports sound financial management. The supplementary budgets policy is set out in Annex B, section 4 and applies to all supplementary budgets, of any value and for any reason.

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Financial Regulation C: Risk Management and Resource Control

Introduction

- C.1.** It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the Council and for identifying and evaluating significant opportunities for development. This should include the proactive participation of all those associated with planning and delivering services.

Risk and opportunity management

- C.2.** The Cabinet is responsible for approving amendments to the Council's risk management strategy and for reviewing the effectiveness of the Council's risk management practices. It is also responsible for ensuring that proper insurance exists where appropriate.
- C.3.** The Section 151 Officer is responsible for preparing the authority's risk management strategy, for ensuring that there is proper management of risk throughout the Council, and for advising the Cabinet on proper insurance cover or alternative arrangements.

Maintaining internal control

- C.4.** Internal control refers to the management processes and systems of control devised by management and endorsed by Members to help ensure that the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources, safeguards the Council's assets and interests and enables the Council to take advantage of opportunities. The operation of sound internal control is an essential component of good corporate governance.
- C.5.** The Section 151 Officer is responsible for advising on effective systems of internal control. Strategic Directors are responsible for establishing sound arrangements for safeguarding public funds by planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness, and for achieving their personal and service based financial and outcome performance targets.
- C.6.** Effective internal control is supported by policies relating to:
- i) Audit arrangements
 - ii) Preventing and detecting fraud and corruption
 - iii) Securing assets
 - iv) Treasury management.

Detailed regulations governing these policies are set out in Annex C, section 1.

Staffing Arrangements

- C.7.** A staff structure is required to provide support to the Cabinet, the Council and the Committees of the Council for the conduct of business. The Chief Executive, as Head of Paid Service, is responsible for determining how officer support for Cabinet and non-Cabinet roles within the authority will be organised in line with hierarchy of the authorisations specified in Annex C, Clause 2.g. The Chief Executive is responsible for providing overall management to staff and for ensuring that there is proper use of the evaluation or other agreed systems for determining remuneration of employment.
- C.8.** Detailed responsibilities and regulations governing staffing arrangements are set out in Annex C, section 2. This section includes arrangements relating to:
- i) The staffing structure.
 - ii) Consultants.

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Financial Regulation D: Income and Assets

Introduction

D.1. The Council has many systems and procedures relating to the control of the authority's assets. These include purchasing, costing and management systems. Each must contain effective controls to ensure that all transactions are recorded and properly processed, and that errors are detected promptly.

General Responsibilities

D.2. The Section 151 Officer is responsible for the sound and proper operation of the authority's accounting systems, the form of accounts and supporting financial procedures and records. Any changes proposed to be made by Strategic Directors to their existing financial systems or the establishment of new systems must be approved beforehand by the Section 151 Officer.

D.3. Strategic Directors are responsible for ensuring that:

- a) there is the proper operation of financial processes within their Directorate
- b) data exists to enable them to plan, formulate and deliver the Council's objectives, targets and budgets
- c) performance is communicated to relevant managers on an accurate, complete and timely basis
- d) intelligence exists to warn of potential deviations from targets, plans and budgets requiring management attention
- e) systems and procedures are fully documented and operate effectively and securely
- f) staff receive relevant financial training approved by the Section 151 Officer.

D.4. Strategic Directors shall maintain a scheme of delegation identifying officers authorised to act on their behalf on financial matters. A copy of this, together with specimen signatures shall be supplied to the Section 151 Officer. A copy of the scheme of delegation is attached at Annex D to these regulations.

Accounting for Income

D.5. Effective income collection systems are necessary to ensure that all revenues due to the Council are collected. Income can be vulnerable to loss. In order to maximise the Council's income, it is important that all income due is properly identified, collected, receipted, banked and recorded in accounting systems.

Key controls and responsibilities

D.6. The Section 151 Officer and the Strategic Directors are responsible for the operation of the key controls governing the receipt of income and for ensuring that all due income is correctly recorded and received. Detailed responsibilities governing the collection of income are set out at Annex E, section 1. The Section 151 Officer shall review these responsibilities from time to time.

Documentation and cash handling

D.7. In accordance with these regulations the Section 151 Officer and Strategic Directors are responsible for securing the Council's assets. Cash due and held by the Council is vulnerable to loss and must be recorded, held, processed and banked securely. Detailed requirements governing documentation and record keeping relating to Council income, for handling cash and cash held for third parties, are set out in Annex E, Section 2.

Banking and investment arrangements

D.8. The Section 151 Officer shall:

- a) Make arrangements for all banking services.
- b) Ensure that surplus cash is systematically invested on a daily basis consistent with the Council's Treasury Management Strategy.
- c) Ensure all cheques or other financial instructions issued on behalf of the Council bear the impression or manuscript signature of an authorised officer, in accordance with the counter-signature hierarchy specified in Annex G, Clause 1.f.
- d) Be responsible for the ordering and control of cheques and similar secure stationery, and make sound arrangements for the safe custody of cheque stocks, and the control and reconciliation of those issued.
- e) Make secure arrangements for the telephonic and electronic transmission of payments and receipts, including the application of effective internal controls to mirror those set out above.

D.9. Strategic Directors are responsible for ensuring that their staff comply with all guidance and instructions issued by the Section 151 Officer in this regard.

Petty Cash, Change Floats, and Electronic Purchasing Card Payments

D.10. The Council's resources may be held as cash only where there is a business need. Any cash holdings must be authorised by the Section 151 Officer who will review the need for such cash holdings periodically and may, at his/her discretion, in consultation with Strategic Directors, withdraw or alter the size of cash holdings. Detailed regulations governing cash, change floats and electronic purchasing cards are set out in Annex E, section 3.

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Debt collection

- D.11.** The invoicing, collection and enforcement of Sundry Income is the responsibility of the Chief Finance Officer who shall initiate proceedings to recover monies owing to the Council in an expeditious manner. The Section 151 Officer will ensure that there are recovery procedures for all debts due and which have remained unpaid. These will take place automatically.
- D.12.** Where a debtor is also a creditor to the Council, the amount due to the Council shall be deducted from amounts payable by the Council where, in the opinion of the Chief Finance Officer such a course would seem to be more expeditious and/or cost effective than recovery action through the courts.

Bad debts and unclaimed credits

- D.13.** Where recovery processes have been fruitless and the debt has become irrecoverable, it will be written off. The procedure to be followed for writing off bad debts is set out at Annex E, section 4.
- D.14.** Where unclaimed credits are held within the Council's accounts, they may be considered for write on. The procedure to be followed for writing on unclaimed credits is set out at Annex E, section 4.

Stocks and stores and minor assets

- D.15.** Stocks and stores represent short term assets of the authority and are therefore subject to the same general regulations applying to other assets and cash holdings. Detailed regulations and responsibilities for managing stocks and stores are set out in Annex E, section 5.

Trading Accounts/Business Units

- D.16.** The Section 151 Officer is responsible for advising on the establishment and operation of trading accounts and business units.
- D.17.** Strategic Directors shall take advice from the Section 151 Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Council. Such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- D. 18.** All officers must observe statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income and expenditure, including full overhead costs are charged, and to produce an annual report in support of the final accounts.
- D.19.** Strategic Directors must ensure that the appropriate accounting principles are applied to trading accounts as advised by the Section 151 Officer. Each internal trading unit shall prepare an annual business plan.

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D.20. Cabinet shall approve the Council's banking and brokering arrangements, and authorised signatories on the advice of the Section 151 Officer.

Document retention – general

D.21. Hard copy documentation or electronic media admissible by the Courts created or maintained for transactions covered by these Financial Regulations or the Council's Procurement Standing Orders shall be retained for a period not less than 6 years after the transaction/ project ceases to be current and/or the financial year to which it relates. For more specific guidance please refer to the Retention Schedule.

D.22. All quotations (including unsuccessful ones) obtained for orders made in accordance with these Financial Regulations shall be retained for not less than the current year plus one.

Disposal of Assets (including Stocks and Stores)

D.23. As a public authority the Council should, in the disposal of its landholdings and other assets, always seek to obtain the best price reasonably obtainable, in terms of money or monies worth, unless it is absolved from this duty by statute, regulation or other lawful authority. If in the particular case of any disposal these rules cannot be followed in such a way as to ensure both propriety and optimum value, the matter must be reported to the Cabinet by the Chief Finance Officer for authority to proceed in a different way.

D.24. Detailed regulations governing the disposal of assets are set out in Annex F. The annex covers detailed regulations concerning the disposal of:

- Land
- equipment
- scrap and ICT equipment
- major reusable items
- investments
- intangible assets.

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Financial Regulation E: Expenditure, Liabilities and Procurement of, Ordering, and Paying for Works, Goods, Services and Assets

Introduction

- E.1** The Council has a duty to manage and spend public money with due regard to probity and in accordance with the Council's policies. All staff and Members of the Council are required to comply with the Council's procurement policies and procedures, as set out in Procurement Standing Orders. In particular, every officer and Member of the Council must advise the Monitoring Officer of any real or perceived links or personal interests they may have with purchasers suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council.
- E.2.** Procurement Standing Orders are supplemented by detailed regulations governing the day-to-day ordering of works, goods and services. These are provided in Annex G, section 1.
- E.3.** The Chief Finance Officer is responsible for reporting to the Cabinet not less than twice each financial year on the exercise of his/her delegated powers. One such report will comprise an annual report on procurement for presentation within the following financial year.
- E.4.** It is the responsibility of Strategic Directors to ensure that a proper scheme of delegation has been established for the procurement, certification and authorisation of payment within their area, and to take steps periodically to test that the scheme is operating effectively. Further detailed responsibilities of the Section 151 Officer and Strategic Directors in respect of the regulations governing ordering and paying for works, goods and services are set out in Annex G, section 2.
- E.5.** All acquisitions of assets by the Council, as defined in Annex F, must comply with the detailed regulations set out in Annex G, section 5.

Contract arrangements

- E.6.** All contracts with a value in excess of the amount specified in Annex G, section 3, are subject to the provisions contained in the Council's Procurement Standing Orders. No tender shall be accepted and no contract shall be entered into until all of the requirements of Procurement Standing Orders as well as all necessary approvals, sanctions and consents have been obtained. Prior to letting a contract, Officers must ensure that they have the necessary delegated authority to proceed and there is sufficient budget provision in place.
- E.7.** For all contract in excess of the value specified in Regulation E.6, the Section 151 Officer will be responsible for:
- a) Arranging payment in accordance with the contract terms or Council's scheme for prompt payment.

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b) Examining, at his/her discretion, and making such enquiries as may be necessary to satisfy him/herself as to the fairness and accuracy of the accounts.

E.8. The Assistant Director Legal and Democratic Services shall consider all claims, which appear not to clearly fall within the scope of the primary contract with a view to determining liability. They will consult with the Section 151 Officer on any financial consideration before settlement is reached.

E.9. Detailed responsibilities of Strategic Directors in relation to contracts are set out in Annex G, Section 3.

Engagement of, and Payments to, Employees

E.10. The Chief Executive, as Head of the Paid Service, has overall responsibility for ensuring that all staff emoluments and entitlements are approved for all current employees. The Section 151 Officer is responsible for calculating emoluments and entitlements and for ensuring that all payments are timely and accurate.

E.11. Detailed responsibilities of the Section 151 Officer and Strategic Directors in respect of engagement of, and payment to, employees are set out in Annex G, section 4. In particular, no advances of pay shall be made without the express agreement of the Section 151 Officer. Any advances of pay that are made shall be effected through the Council's payroll system unless determined otherwise by the Section 151 Officer.

Payments to Members

E.12. The Section 151 Officer is responsible for the payment of allowances and other sums due to Members in accordance with the Council's Members' Allowances Scheme, and best practice nationally.

E.13. The Section 151 Officer is responsible for implementing the provisions for Members' travel and subsistence contained in the Members' Allowances Scheme.

Taxation

E.14. The Section 151 Officer is responsible for managing the Council's tax affairs, approving systems and processes where in the opinion of the Section 151 Officer they may have a significant impact on the Council's tax position, and advising Strategic Directors on all taxation issues affecting the authority. They are also responsible for maintaining the authority's tax records, making all tax payments by the due dates, receiving tax credits and submitting tax returns by their due date as appropriate.

E.15. Strategic Directors are responsible for ensuring that the correct amount of VAT is paid and/or collected on rateable purchases and supplies, in accordance with guidance issued by the Section 151 Officer, and for making proper

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arrangements to administer the correct tax liabilities for contractors engaged in construction and maintenance works.

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Financial Regulation F: External Arrangements

Partnerships

- F.1.** For the purpose of the Regulations a partnership is defined as a joint working arrangement between otherwise independent bodies that:
- a) agree to co-operate to achieve a common goal
 - b) create new organisational structures or processes to achieve this goal separate from their own organisations
 - c) plan and implement a jointly agreed programme often with joint staff or resources
 - d) share relevant information
 - e) pool risks and rewards.

Service contracts that are described colloquially as “partnerships” are not partnerships for this purpose but are regarded as contracted services dealt with under procurement rules.

Responsibilities and expectations

- F.2.** The Council requires that potential partners are aware of their responsibilities under the Authority’s Financial Regulations and the procurement requirements. When partnerships are developed, the partners shall agree on which financial regulations and standing orders shall apply as part of the governance arrangements for the partnership. The Council’s expectations regarding partnerships are set out at Annex H, section 1. These should be adapted and written into partnership governance documents, as appropriate.
- F.3.** The Council is responsible for considering, and where appropriate, approving the formation of any strategic partnership or any proposed change to existing external relationships, on the recommendation of the Leader of the Council.
- F.4.** The Chief Executive shall be the Council’s principal advisor and representative on partnership and external bodies. Further detailed responsibilities are set out in Annex H section 2.

External funding

- F.5.** Where funding is due from external bodies the Section 151 Officer shall ensure that:
- (a) All funding due is received and properly recorded in the authority’s accounts.

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(b) Match-funding requirements and obligations are considered prior to entering into any agreement, and that future revenue budgets reflect these requirements.

(c) Audit requirements are met.

F.6 Further responsibilities in respect of external funding and providing works to third parties are set out in Annex H, Section 2.

Annex A

Monitoring Officer responsibilities – schedule of values

Regulation A.5.

Last updated: September 2015

The Assistant Director (Legal and Democratic Services) is the Authority's designated Monitoring Officer, under Section 5 of the Local Government and Housing Act 1989. They (together with the Section 151 Officer) are responsible for advising the Portfolio Holder, Cabinet or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the approved budget. Actions that may be 'contrary to the budget' include:

- a) Initiating a new policy
- b) Taking, or failing to take action which will, or is likely to result in any defined budget for the current year being exceeded by an amount which in the view of the Section 151 Officer, taking into account all the circumstances at the time, is contrary or not wholly in accordance with the budget.
- c) Committing, or seeking to commit expenditure in future years above the approved level.
- d) Causing the Council's total budgeted sum for either the Housing Revenue Account or the General Fund to increase by more than the following amount in any one year (determined by the Section 151 Officer):

£100,000

ANNEX B

Financial Planning and Budgeting Policy Framework

Section 1: Budgeting and budgetary control

Regulation B.8

Last updated: September 2015

The Section 151 Officer shall determine the format of how budgets, revenue and capital, are presented and reported on. Revenue and capital budgets shall be submitted to Cabinet for consideration together and will be fully integrated and cross-referenced.

Section 1: Budget preparation

- 1.a)** The Section 151 Officer is responsible for ensuring that a revenue budget is prepared on an annual basis for consideration by the Cabinet, before submission to the Council in the fourth quarter of the financial year. Fully-costed service budgets shall be prepared by the Section 151 officer in conjunction with the delegated budget holder. Budgets proposed to Cabinet should include allocations to each service and projects (where appropriate), proposed taxation levels and contingency funds (where appropriate). Such budgets will be in accordance with the Council's Medium Term Financial Strategy, will include revenue projections covering three years and capital projections covering five years, and will include appropriate risk management processes in their compilation.
- 1.b)** It is the responsibility of Strategic Directors, and their delegated representatives, to ensure that budget estimates reflect agreed service plans and are scrutinised and endorsed by appropriate Members including Portfolio Holders and relevant Overview and Scrutiny Committees, prior to collation by the Section 151 Officer for submission to Cabinet.
- 1.c)** The budget submission for the coming year shall show in respect of each defined item of income and expenditure:
 - i) the original estimate and any revised estimate for the current year
 - ii) the actual outturn for the previous year
 - iii) estimates for the coming year with appropriate explanation of any significant issues or variations anticipated in the future.

In relation to i.) above the responsible Director, or the Section 151 Officer, shall report on any material variations.

- 1.d)** The Cabinet shall consult with stakeholders and Overview and Scrutiny Committee(s) and make amendments as thought fit (subject to the advice of the Section 151 officer), prior to recommending appropriate budgets to Council.
- 1.e)** Changes to the Budget which increase the Council's total expenditure and require either the use of the Council's general reserves or increased borrowing must be referred by the Section 151 Officer to the Cabinet for consideration before being referred to the full Council for approval.

Budget monitoring and control

- 1.f)** In order to enable budgets to be monitored effectively, the Section 151 Officer will provide appropriate financial information to Strategic Directors, Assistant Directors and Heads of Service. The Section 151 officer will monitor expenditure and income against budget, and will report to the Senior Leadership Team on the Council's financial position against its budget on a monthly basis, and to Cabinet on a quarterly basis. This quarterly report will include the detailed actual position in comparison to the budget for the year, projected outturn position for the end of the year, and any proposed action to be taken to deal with any variances. The report will show performance against individual detailed service budgets and also on a subjective basis.
- 1.g)** Strategic Directors shall make appropriate arrangements, subject to these having been approved by the Section 151 Officer, to process all income and expenditure in a timely manner and charge it to an appropriate account code, so that information, and interpretations thereof, provided in accordance with clause 1.f above fairly reflects the true position.
- 1.h)** It is the responsibility of Strategic Directors, Assistant Directors and Heads of Service to control income and expenditure within their area, taking account of financial information provided by the Section 151 Officer, as well as supplementary local information systems. Each Director shall ensure that all expenditure committed by their directorates is within a revenue, capital, or other budget approved by Council. Any potential expenditure or loss of income, which cannot be funded from within the totality of the service budget, supported by the approved Scheme of Virement shall be reported to the Section 151 Officer as soon as this is anticipated by the Director.
- 1.i)** The inclusion of items in approved revenue or capital budgets shall constitute approval to incur expenditure, subject to compliance with Procurement Standing Orders or other requirements included within these Regulations.

Section 2: Capital plans and budgets

Regulation B.9

Last updated: December 2019

Preparation and approvals

- 2.a)** The Section 151 Officer is responsible for ensuring that a rolling 5 year Capital Programme is prepared on an annual basis for consideration by Cabinet and submission to the Council as part of its annual budget-setting process, and that capital and revenue budgets are fully integrated.
- 2.b)** The Programme will be informed by the Council’s Capital Strategy and Medium Term Financial Strategy and by such capital and revenue resources as the Section 151 Officer recommends be made available over the Programme period.
- 2.c)** The Section 151 Officer, in conjunction with Strategic Directors, will prepare and submit to Cabinet the estimates of capital payments planned to be incurred in the ensuing years. Capital estimates will be integrated with and cross-referenced to revenue budget estimates.
- 2.d)** The Capital Programme submitted to Cabinet for consideration will include the total sum set aside for capital projects in the year under consideration and for future relevant years, together with details of individual projects being submitted for approval. The Capital Programme submitted to Cabinet will also include details of and provision for capital schemes already approved and in progress from previous years. Projects will be considered for inclusion within the Capital Programme in accordance with the arrangements set out in the Capital Strategy.
- 2.e)** So far as is possible, all new schemes for the coming year will be identified in the budget report. Any subsequent new schemes will be approved by Cabinet within the total made available for capital schemes. Cabinet may ringfence sums of capital, or agree schemes in principle, with release of detailed sums delegated to the Portfolio Holder for Corporate and Commercial Services if it considers it appropriate.

Section 3: Scheme of virement

Regulation B.11

Last updated: October 2021

- 3.a)** Virement is an in-year mechanism for formally determining and seeking agreement to the transfer of funds from one approved budget heading to another. The Virement policy set out below applies to all transfers of budget, of any value and for any reason, including for reasons of organisational restructure.
- 3.b)** No virement has been carried out unless it has been done in accordance with these Regulations, has been approved by the Section 151 Officer and is recorded in a register maintained by him/her, and the Council’s corporate Financial Management Information System has been updated accordingly. The

recording of an approved virement does not alter the original budget approved before the start of the year.

- 3.c) The rules on virement apply to revenue and to capital and to all accounts under the Council's control.
- 3.d) A virement cannot increase nor decrease the total amount of budget resource available: the net effect of all virements must be nil.

Levels of authority

- 3.e) A hierarchy of authorities is required to determine the type and level of virement that may be authorised by committees and officers of the Council. This is given in the **Schedule of Authorisations, item 1**.
- 3.f) In no instance should a virement be considered where approval would have the effect, or be seen to have the effect of frustrating, circumventing or amending the Council's policies or budget framework. Proposals for any new capital or revenue scheme, new sources of income, and significant variation in approved charges shall be considered by Cabinet and, if appropriate, Council.

Principles of application

- 3.g) The proposed virement must be for a purpose or budget previously approved by Council. Sufficient funds must remain in the transferor budget to meet all remaining commitments for the year. "Transferor budget" in this context refers to individual line budgets and not to the total budget for the service.
- 3.h) Subject to being over-ridden by a higher authority, no virement shall take place without the agreement of the transferor.
- 3.i) In seeking approval for a revenue virement, it must be specified whether a virement is one- off in nature (impacting current year budgets only) or represents a permanent change (affecting current and all future year budgets). Capital virements may only be one- off in nature.
- 3.j) Any proposed transfer of funding to 'employee' budgets must not increase total employment costs beyond the current year. Employment cost for this purpose shall include payments to and for staff, agency and other temporary engagements, and overtime.
- 3.k) Where not specifically budgeted for within a scheme or project, consultancy and agency staff fees shall be deemed to be included within 'employee' costs for the purpose of this scheme.
- 3.l) Budgets for central and departmental recharges, asset rents, depreciation, interest receivable, capital receipts / charges, and similar corporate 'accounts' are excluded from this scheme.

Section 4: Scheme of supplementary budgets

Regulation B.12

Last updated: December 2019

- 4.a)** Supplementary budgets are an in-year mechanism for formally determining and seeking agreement to the increase of a budget heading to be wholly funded by a specific funding sources, usually, existing reserves, s106 receipts, CIL receipts or grant funding. The supplementary budgets policy set out below applies to all supplementary budgets, of any value and for any reason.
- 4.b)** No supplementary budget has been carried out unless it has been done in accordance with these Regulations, has been approved by the Section 151 Officer and is recorded in a register maintained by him/her, and the Council's corporate Financial Management Information System has been updated accordingly.
- 4.c)** The rules on supplementary budgets apply to revenue and to capital and to all accounts under the Council's control.

Levels of authority

- 4.d)** A hierarchy of authorities is required to determine the type and level of supplementary budget that may be authorised by committees and officers of the Council. This is given in the **Schedule of Authorisations, item 2**.
- 4.e)** In no instance should a supplementary budget be considered where approval would have the effect, or be seen to have the effect of frustrating, circumventing or amending the Council's policies or budget framework. Proposals for any new capital or revenue scheme, new sources of income, and significant variation in approved charges shall be considered by Cabinet and, if appropriate, Council.

Principles of application

- 4.h)** The supplementary budgets must not commit expenditure in any following year. Base budgets for the following year(s) shall be 're-set' to exclude any supplementary budget made.
- 4.i)** Any proposed supplementary budgets altering 'employee' budgets must not increase total employment costs beyond the current year. Employment cost for this purpose shall include payments to and for staff, agency and other temporary engagements, and overtime.
- 4.j)** Where not specifically budgeted for within a scheme or project, consultancy and agency staff fees shall be deemed to be included within 'employee' costs for the purpose of this scheme.

ANNEX C

Risk Management and Resource Control

Section 1: Maintaining internal control

Regulation C.6

Last updated: December 2019

Audit arrangements

- 1.a)** The Accounts and Audit Regulations 2015, require every local authority to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes. The Chief Finance Officer has the responsibility to ensure that the Internal Audit Contractor independently reviews and reports formally to the Audit Committee on the adequacy and effectiveness of the Council's control environment.
- 1.b)** The Section 151 Officer shall maintain an adequate and effective system of internal audit of all accounting, financial and other operations of the Council, and in particular shall arrange, either directly or through an Internal Audit service provided under contract, for the examination, review and appraisal of:
- i) the soundness, adequacy and application of internal controls
 - ii) the safeguards applied to Council assets to protect them from loss, theft, fraud, waste, inefficiency, extravagance, or poor value for money
 - iii) the suitability and reliability of financial and other management information
 - iv) compliance with rules, regulations, legislation, policy and procedures.
- 1.c)** The Chief Finance Officer shall be responsible for ensuring that an annual report is prepared setting out:
- i) an opinion on the overall adequacy and effectiveness of the Council's control environment
 - ii) disclosure and qualifications to that opinion
 - iii) a summary of the audit work undertaken, and
 - iv) any issues that are relevant to the preparation of the Annual Governance Statement. This shall be submitted to the Audit Committee as soon as is practicable after the end of the year to which it relates.

- 1.d)** Internal Audit staff have specific authority to access appropriate Council personnel, correspondence and data at any time. Details of these powers are set out in the contract with the Internal Audit provider.

Preventing and detecting fraud and corruption

- 1.e)** The Section 151 Officer is responsible for the development and maintenance of an anti-fraud, anti-corruption and whistleblowing policies. The Monitoring Officer shall be advised in any instance where a member may be implicated.
- 1.f)** The Section 151 Officer shall be notified immediately by the relevant Strategic Director of any suspected irregularity:
- i) concerning income, expenditure, cash, stores or other property of the Council
 - ii) in the exercise of the functions of the authority that may appear to place an officer(s) or member(s) under suspicion of obtaining financial benefit, directly or indirectly, as a result of the exercise of any Council function with which they are associated.

Where notification has been received, the Section 151 Officer shall take such steps as is considered necessary by way of investigation and report.

- 1.g)** Should it be found that any major irregularity has, is, or is about to occur, the Section 151 Officer shall immediately inform the Chief Executive and the Chairman of the Audit Committee. The Section 151 Officer is responsible for determining whether any irregularity shall be referred to the Police. There shall, however, be a presumption when considering any case, that suspected criminal acts perpetrated against the Council should be referred to the Police for investigation.

Security of assets

- 1.h)** Strategic Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that effective contingency plans are in place to:
- i) ensure continuity of service in the event of disaster or system failure
 - ii) ensure that assets are secured in the event of disaster
 - iii) hold in trust all assets secured as a result of clearing vacated council-owned premises until such a time as they can be properly disposed of in accordance with the regulations to be set out in the contingency plan.
- 1.i)** The Head of Property Service shall maintain a terrier of all land and buildings owned by the Council, or premises in which the Council has an interest. They shall ensure that all council buildings comply with all relevant legislation and that all relevant permissions and consents are secured.

- 1.j) The Assistant Director Legal and Democratic Services shall be responsible for the safe custody of all title deeds, formal contracts and agreements, under secure arrangements agreed with the Chief Executive and the Section 151 Officer.
- 1.k) Heads of Service shall maintain adequate and proper security at all times for all buildings, stocks, stores, furniture, equipment, vehicles, plant, cash and other assets of the Council, under their control.
- 1.l) Maximum limits for cash holdings, in whatever receptacle, shall be agreed with the Section 151 Officer, and shall not be exceeded without his/her express permission and with regard to the appropriate insurance limit. Current limits are set out in the **Schedule of Authorisations, item 3**. Cash received in total in excess of this amount must be banked within 24 hours.
- 1.m) Officers, who in the course of their duties collect monies on behalf of the Council, the Council's partners or third parties, shall take all reasonable steps to secure safe custody and shall comply with any instructions given by the Section 151 Officer.
- 1.n) Each Strategic Director shall make arrangements to maintain a register of keys for external doors, safes, cash boxes and others items of similar importance. All safes shall meet with such specifications determined by the Section 151 Officer after consultation with the Council's insurers. The Register shall list the keyholders and out of hours contact arrangements. The Register should be held securely and only be available to authorised officers. All keys issued to staff are to be carried on the person, or held in a secure place, by those responsible at all times. Safe keys must not be left on the premises where the safe is situated. The loss of keys must be reported to the relevant Director and Section 151 Officer immediately.
- 1.o) With regard to computing, systems, software and data integrity, the Strategic Director responsible for ICT services shall:
- i) Ensure proper security and privacy arrangements are applied in respect of all information held on the Council's computer installations, and that information is used in accordance with Data Protection and other relevant legislation.
 - ii) Ensure that effective contingency plans, disaster recovery and back-up procedures enable information systems to resume speedily in the event of an interruption. These should be documented and distributed to all appropriate personnel. They shall from time to time arrange for such plans to be tested.
 - iii) Ensure that the Council, its employees, contractors, partners and agents working in support of the Council, comply with copyright, design, patent and similar legislation.

- 1.p)** Each Strategic Director shall ensure that all staff and third party contractors/partners are aware of, and observe such rules and guidance, as may be issued under clause 1.m above. In addition, they shall ensure that the same standards of care apply to those computer systems directly under their control.
- 1.q)** Strategic Directors are responsible for ensuring that all visitors to any Council buildings or sites, except in public areas, are signed-in and wear authorised identification. They shall also ensure that any visitor is adequately supervised to ensure confidentiality of information and security of Council assets at all times.
- 1.r)** Strategic Directors, acting with the advice of the Section 151 Officer, shall ensure that the principles of separation of duties and good control procedures are observed in the allocation of accounting duties. They shall make arrangements so that:
- i) Duties of providing information regarding sums due to or from the Council and of calculating, checking and recording such sums shall be separated from the duty of cash or income handling and disbursing them.
 - ii) Officers responsible for examining and checking the accounts for cash, stocks, stores and similar transactions shall not themselves be engaged in any of these transactions.
 - iii) The organisational structure provides internal controls and minimises the risk of fraud or other malpractice.

Treasury management

- 1.s)** The authority has adopted the Code of Practice for Treasury Management in the Public Services published by CIPFA (2021 edition).
- 1.t)** The Section 151 Officer is responsible for reporting to Cabinet a proposed Treasury Management Strategy for the coming financial year on an annual basis. The Council is responsible for approving the Treasury Management Statement. The Section 151 Officer has responsibility for implementing and monitoring the Statement.
- 1.u)** They are responsible for reporting to the Cabinet at least twice in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation within the period of the succeeding financial year.
- 1.v)** All executive decisions on borrowing, investment or financing shall be delegated to the Section 151 Officer, who is required to act in accordance with CIPFA's Code of Practice.

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- 1.w)** All money in the hands of the Council is controlled by the Section 151 Officer. All external investments shall be made in the name of Dacorum Borough Council and shall be undertaken by the Section 151 Officer.
- 1.x)** The Section 151 Officer is responsible for authorising the opening of any new bank accounts or for closing bank accounts, for managing and controlling all bank accounts held by the Council, and for liaison with the Council's bankers. They will also approve the financial limits of authorised signatories to bank accounts. The term 'bank account' includes accounts with building societies, the post office or any financial institution and also includes credit or debit card facilities.
- 1.y)** The Section 151 Officer is responsible for applying for any debit or credit cards and for determining the ongoing need for any such cards in use.

Section 2: Staffing and consultancy arrangements

Regulations C.7 & C.8

Last updated: September 2015

Staffing arrangements

- 2.a)** A staff structure is required to provide support to the Cabinet, the Council and the Committees of the Council for the conduct of business. The Chief Executive, as Head of Paid Service, is responsible for determining how officer support for Cabinet and non-Cabinet roles within the authority will be organised in line with hierarchy of the authorisations specified in Annex C, Clause 2.g). The Chief Executive is responsible for providing overall management to staff and for ensuring that there is proper use of the evaluation or other agreed systems for determining remuneration of employment.
- 2.b)** Strategic Directors, Assistant Directors and Heads of Service are responsible for ensuring that:
 - i) staffing levels can be funded within the totality of the approved current and forward years' budget provision allocated to them
 - ii) rules relating to virement as they apply to the engagement of staff are observed.
- 2.c)** The Chief Executive shall ensure that there is an official record of the officer structure showing each post.
- 2.d)** The Chief Finance Officer will ensure that the annual budget presented for approval balances with the approved structure charts, net of any vacancy provision policy that the Council may operate from time to time.
- 2.e)** Directors may appoint employees only to posts identified in the structure chart and on grades set out therein (apart from any additional remunerative

arrangements such as leased cars, market forces supplements etc. that the Council may apply from time to time).

- 2.f) The Chief Finance Officer shall ensure that the corporate employee database and payroll reflect only the official gradings of posts, and that additions to the payroll are effected only for posts within the structure charts.
- 2.g) Changes may be made to the structure charts in accordance with the hierarchy of authorities given in the **Schedule of Authorisations, item 4**, where the net effect of any changes is no increase in cost for the current, or a full year. Where a change to the structure chart results in an increased net cost, it shall require the approval of Council on the recommendation of Cabinet.
- 2.h) Strategic Directors may engage temporary staff to cover for the exigencies of the moment and/or staff absences/vacancies. Whilst not reflected on the structure charts, payment may be effected through the payroll if in the opinion of the Section 151 Officer it is appropriate to do so. The Section 151 Officer will ensure that all such 'employment' is clearly shown on system as temporary and will ensure that no contractual commitment is entered into that would cause the temporary or interim worker to gain full employment rights.
- 2.i) The annual budget report submitted by the Chief Finance Officer shall include a section identifying any changes made to the structure charts since the previous budget report and defining the structure for the coming year.

Use of consultants

- 2.j) A consultant organisation or consultant may be engaged, where in the opinion of the Chief Executive or relevant Strategic Director, they consider that the consultant will add value to the Council's determination of a particular technical, professional, managerial or political matter. This scheme applies to commissioned work and managing or advising consultancy and does not embrace the engagement of agency or other personnel covering vacancies within established posts. Costs of consultants must be contained within existing budgets.
- 2.k) A consultancy or interim staffing arrangement will exist where the person and/or company is not employed under a direct contract of employment with the Council and such appointments shall be procured through the following:
 - i) an agency contract agreed under a framework agreement for the supply of agency staff as detailed on the Council's Contract Register; or
 - ii) be procured through the Corporate Procurement Team and in accordance with Procurement Standing Orders.
- 2.l) Prior to inviting consultancy support the relevant Strategic Director shall identify and set down in writing the project objective(s), required 'deliverables', and timescales, which shall then form the basis of any consultancy contract.

Project brief and monitoring arrangements

2.m) In letting and managing a consultancy contract, the Strategic Director shall:

- i) ensure that the outcomes and timescales of a consultancy are determined in writing in advance of any contract being let
- ii) assign responsibility within his/her directorate for the day to day management of the consultancy
- iii) determine the monitoring arrangements, review points, and any documentation and/or access and/or other protocols necessary for the conduct of the consultancy
- iv) ensure that adequate and appropriate records are kept of consultant hours and/or outputs where payment is based on time used or production of specified outputs
- v) ensure that all consultants are engaged on the basis of a written contract, set down and agreed before the commencement of the consultancy, and that such contract requires the consultant(s) to comply and be bound by any prevailing policies, standing orders, financial regulations and other instructions that are relevant to the consultancy task as though the consultant(s) were employees of the Council
- vi) ensure that all documentation or other outputs generated by the consultancy are and remain the property of the Council in all respects, but especially including copyright and intellectual property rights, and that such material shall be in the possession of the Council at the end of the consultancy
- vii) ensure that where consultants are retained to supply a product of significant ongoing tangible value to the Council, e.g. architects, engineers, software consultants etc, that the consultant(s) have adequate professional indemnity and public liability insurance cover in place, and that the existence of such cover shall be a contractual requirements.

ANNEX D

Schemes of Delegation

Regulation D.4.

Last updated: April 2024

Strategic Directors are required to maintain a scheme of delegation identifying officers authorised to act on their behalf on financial matters. A completed copy will be retained by the Section 151 Officer.

The scheme shall cover authorisation of payments to be made to staff, contractors and suppliers, the collection of income and placing of orders including variations. The scheme shall also apply to the authorisation of Accounts Receivable credits and cancellation of invoices. In each instance, the financial limits within which the member of staff or agent has authority to act shall be identified as follows. All contracts must be let in accordance with the Procurement Standing Orders, and Procurement guidance must be sought for the letting of contracts outside of the approval levels contained within the table below. Where a postholder meets more than one of the criteria below e.g. Section 151 Officer and Strategic Director, the higher of the two values should be taken.

Postholder	Authorisation Level	
	Contract Letting	Unit 4 Business World Approval
Chief Executive	£500,000	£20,000,000
Section 151 Officer	£500,000	£10,000,000
Strategic Director Housing and Property Services	£500,000	£3,000,000
Strategic Director	£500,000	£1,000,000
Assistant Director	£250,000	£250,000
Head of Service	£75,000	£250,000
Team Leader	£25,000	£25,000

ANNEX E

Income and assets

Section 1: Accounting for income

Regulation D.6

Last updated: December 2019

1.a) The key controls for income are that:

- i) all income due to the Council is identified and charged correctly, in a timely manner and in accordance with corporate charging policies, and is collected and properly accounted for
- ii) in the case of significant contracts, a financial vetting procedure is used to assess the merits of trading with the prospective (or, where appropriate, existing) customer
- iii) all income is banked or remitted to the Finance Department within one working day in line with the requirements of the Section 151 Officer
- iv) responsibility for cash handling should be separated from the person raising the debt
- v) effective action is taken to pursue non-payment within defined timescales
- vi) formal approval for debt write-off is obtained in accordance with Council policy and actioned promptly
- vii) retention and storage of all appropriate income documents is in accordance with the document retention guidelines.

Responsibilities of the Section 151 Officer

1.b) The responsibilities of the Section 151 Officer are:

- i) To authorise arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection.
- ii) To maintain a financial vetting procedure for use in selecting and approving prospective (or, where appropriate, existing) customers in respect of significant contracts.
- iii) To establish and initiate appropriate recovery procedures, including legal and bailiff action where necessary (subject to legal advice where appropriate), for debts that are not paid promptly.

- iv) To authorise the write-off of bad debts up to an approved limit and to ensure that larger sums are referred to the Portfolio Holder for Corporate and Commercial Services with their recommendation, or to Cabinet as appropriate.
- iv) To ensure that appropriate accounting adjustments are made following write off action for all debts
- vi) Debts will be collected by the Chief Finance Officer unless specifically authorised otherwise by them. Assistant Directors/Heads of Service will notify the Chief Finance Officer of all debts due promptly so that they can issue debtor accounts expeditiously. Such notification to the Chief Finance Officer will include all information required by him/her, and be in a form required by him/her to enforce collection effectively. This may include evidence to support enforcement during legal proceedings.
- vii) To maintain and keep updated by submitting proposals to Cabinet, a policy for fees and charges, in consultation with relevant Strategic Directors.
- viii) Reviewing the ordering, issuing and control of official receipting documentation.
- ix) Regularly advising relevant managers of the status of debts outstanding.
- x) Agreeing, determining and advising responsible officers of the minimum amount for which an invoice may be raised.
- xi) Agreeing and determining the use and terms acceptable for credit and debit card receipting.
- xii) Ensuring that appropriate accounting adjustments are made following write-off action.
- xiii) Where money, money's worth or the security of financial documents may be at risk ensuring, where practical, that at least two employees are present when post is opened so that funds, or the financial document received is properly identified and recorded.

Responsibilities of Strategic Directors

1.c. The responsibilities of Strategic Directors are:

- i) To establish departmental charges for the supply of goods or services, including the appropriate charging of VAT, and to review them at least annually, in line with the corporate charging policies.
- ii) To ensure that the advice of the Section 151 Officer (or an officer to whom responsibility has been delegated) is obtained in respect of prospective

(or, where appropriate, existing) customers where significant contracts are being considered.

- iii) To supply the Section 151 Officer with details relating to work done, goods supplied, services rendered or other amounts due in a timely manner, so that sums due to the Council are recorded correctly. This includes ensuring that there is sufficient evidence of a usable quality is taken and held for debt collection purposes such as proving invoices or initiating legal proceedings.
- iv) To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- v) To ensure that proper banking and accounting procedures are observed, which will include the issue of official receipts and to ensure that appropriate details are recorded on to bank paying-in slips to provide an audit and management trail. These details should match the payment to the account or invoice to be credited.
- vi) To assist the Section 151 Officer by providing any further information requested by Financial Services to facilitate the follow up and recovery of outstanding debts and to assist in the following up of outstanding debts on behalf of the Council.
- vii) Identification, collection, receipt, custody, control, disposal and proper accounting of all monies received, or receivable by the Council in accordance with any requirements of the Section 151 Officer.
- viii) Immediate acknowledgement of sums received by an officer, by the issue of a sequentially pre-numbered receipt, ticket, voucher, or other document approved by the Section 151 Officer. Accounting for all receipts issued to officers, ensuring that they are used for official purposes and that the monies so receipted have been promptly collected and paid over to the Council, or its bankers intact, and without deduction for other purposes.
- ix) Systematic consideration of bad and doubtful debts, including the cessation of service where there is a history of persistent poor payment in consultation with the Section 151 Officer.
- x) Levying and collecting charges in advance or at the time for services provided. Where this is not feasible responsible officers shall promptly issue a sundry debtor account.

Responsibility for recovering the Council's income

1.d) The responsibility for recovering the Council's income is as follows:

- i) Council Tax and Business Rates – Chief Finance Officer

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- ii) Housing rents and associated income – Assistant Director (Housing Operations).
- iii) Parking – Head of Commercial Development
- iv) Entertainment – Assistant Director (Place, Communities and Enterprise).
- v) Sales – various.
- vi) Government grants – Chief Finance Officer.
- vii) Commercial rents and associated income – Head of Property Services).
- viii) Planning application fees – Assistant Director (Planning).
- viii) Licensing application fees – Assistant Director (Legal and Democratic Services).
- x) Invoicing annual fees - Chief Finance Officer
- xii) Sundry income invoiced through Accounts Receivable – Chief Finance Officer.

The definition of “Sundry Income” for the purposes of the above is:

- (a) those amounts due in respect of sales, fees and charges for services provided by the Council or falling due for payment, and which are:
- (b) invoiced using the Accounts Receivable system, and/or
- (c) all income types other than those listed above.

Section 2: Documentation and cash handling

Regulation D.7

Last updated: December 2019

- 2.a)** All books and forms of account and all official receipt forms or books, licences, tickets and all documents or vouchers or tokens representing receipts or money shall be in a form approved by the Section 151 Officer.
- 2.b)** The arrangements for ordering, storing and control of such receipts, forms, books and other documents shall be approved by the Section 151 Officer. All receipts and issues of such documents shall be properly recorded and acknowledged in a manner approved by the Section 151 Officer.
- 2.c)** All cash received on behalf of the Council shall be properly acknowledged by the issue of an official Council receipt or other document of a type referred to

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above, unless alternative arrangements have been approved by the Section 151 Officer.

- 2.d)** Receipts for payments made by cheque should be made when requested by the payer. Payments received by automated methods, such as by debit/credit cards or via the Internet, must be recorded in such a manner as to facilitate reconciliation of the amounts received with the account(s) to be credited.
- 2.e)** Bankings must always be intact, i.e. to include all monies received that day (or other agreed period).
- 2.f)** No expenditure should be made out of income received which should all be banked in full. Refunds of overpayments must be made through the Creditors system, unless specifically sanctioned by the S151 Officer.
- 2.g)** Third-party cheques should only be accepted where the cheque is from an approved source, e.g., utility undertaking and where it is used in full or part settlement of a Council debt. In no circumstances should they be cashed, or be accepted and change given.
- 2.h)** Council cheques should only be accepted when it has been confirmed with Financial Services that no "stop" exists.
- 2.i)** No cheques from anyone should be cashed at all apart from, in limited situations, Dacorum Borough Council cheques being cashed or opened. Where a request is made to open a cheque, such action must be approved by the Section 151 Officer.
- 2.j)** Under no circumstances should personal cheques belonging to staff be cashed in, or money borrowed from, income or other Council monies. Breach of this Financial Regulation will be regarded as disciplinary matter.

Holding cash for third parties

- 2.k)** In instances where officers of Members of the Council receive cash belonging to third parties, such as in the case of clearing council owned property and retaining assets until they can be passed to an identified owner, the standard procedure note for receipting cash will be followed.

Invoices and record keeping

- 2.l)** Demand notices or invoices shall be raised in respect of all debts except:
 - (i) parking fees
 - (ii) entertainment tickets
 - (iii) ad hoc cash sales

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- (iv) such other situations as the Section 151 Officer may determine as appropriate, such situations being recorded in a revision of Financial Regulations as soon as is practical.
- 2.m)** Where income is derived from a certificated grant claim to the government, the documentary provisions related to that claim shall apply for record keeping purposes.
- 2.n)** Where a demand notice or invoice is required, the following services shall be responsible for issuing them:
 - i) Council Tax and Business Rates – Chief Finance Officer – Demand Notices.
 - ii) Housing rents and associated income – Assistant Director (Housing Management) – Rent Statements.
 - iii) Commercial rents and associated income – Head of Property Services – Invoice.
 - iv) (Sundry income via Accounts Receivable – Chief Finance Officer – Invoice.
- 2.o)** For debts arising for Council Tax, Business Rates and Housing Rents, there are statutory provisions that must be followed for raising demand notices. These provisions are set out in separate procedure manuals and are not repeated here.
- 2.p)** Where a debt is to be invoiced and recovered by Financial Services, it shall be the responsibility of the Head of Service that has arranged or provided the service to ensure that:
 - (i) Liability is properly established.
 - (ii) The service is documented in a contract or agreement that has been correctly signed by all relevant parties.
 - (iii) That the contract or agreement or other relevant evidence is provided to Financial Services as evidence with the invoice request.
 - (iv) All liabilities should be raised against individuals or corporate entities. Liabilities shall not be raised in the name of “The Occupier” or similar forms and neither should trading names be used in the place of proper legally recognised persons.
- 2.q)** It is imperative that proper evidence supports invoice requests as this prevents invalid invoices being issued. Invalid invoices generally lead to debit reversal to the originating department cost centre or bad debts and write offs.

- 2r)** All notifications of debt to debtors will be by official invoice issued by the Chief Finance Officer or by a Strategic Director in respect of a service and in a manner approved by the Section 151 Officer. Under no circumstances may service departments operate unofficial debtor systems or seek to manage debt via correspondence with the debtor.
- 2.s)** All invoices for income due to the Council shall be prepared and issued by Financial Services, such issues immediately following an invoice request that is supported with the relevant evidence. Invoice requests that are not adequately supported will be returned to the originating department for rectification.
- 2.t)** Invoices shall be set out and issued in the manner approved by the Section 151 Officer.
- 2.u)** Invoices may be reduced in value if the services provided have been incorrectly charged at a higher level. Where the value of an invoice needs to be reduced, a written instruction must be provided to Financial Services detailing the reasons and the revised amount and authorised in line with the **Scheme of Delegation, Annex D**.
- 2.v)** Invoices may only be cancelled where:
- (i) the debt has been raised against an incorrect liable party
 - (ii) a variation to a lease or licence results in a lower charge
 - (iii) the planned service has not been provided, e.g. a trade refuse contract that has commenced, but the bin was not been delivered
 - (iv) the information recorded on the invoice is factually wrong, or
 - (v) the “debtor” has no liability in law.
- 2.w)** Where an invoice is cancelled, the reason for cancellation must be recorded in a written instruction and authorised in line with the **Scheme of Delegation, Annex D**. In all other circumstances where an invoice needs to be cancelled, the write off procedure must be used.
- 2.x)** No customer should be advised that a debt is uncollectable or will be written off or be given similar undertakings unless the decision making process with regard to debt write-off has been completed.

Section 3: Petty cash, change floats, and electronic purchasing card (EPCs) purchases

Regulation D.10

Last updated: July 2017

- 3.a)** The Council's resources may be held as cash only where there is a business need. Any cash holdings must be authorised by the Section 151 Officer who will review the need for such cash holdings periodically and may, at his/her discretion, in consultation with Strategic Directors, withdraw or alter the size of cash holdings.
- 3.b)** Any requests for cash holdings shall be made by the relevant Strategic Director to the Section 151 Officer. Directors will also furnish the Section 151 Officer with a schedule of all cash holdings with details of the officer responsible for their custody.
- 3.c)** In all instances vouchers seeking payment shall be properly certified for payment by officers authorised to do so and coded. All vouchers shall have attached to them securely receipts and/or other appropriate documentation in support of the full value of the payment that is requested. Vouchers shall be stored in line with the Document retention schedule.
- 3.d)** The Section 151 officer shall determine the form for vouchers to be used to seek disbursement from petty cash holdings or imprests. No other form of voucher shall be used to obtain disbursement of official monies in this manner.
- 3.e)** Cash reimbursements shall be limited to minor purchases (when supported by receipts) not exceeding a sum determined by the Section 151 Officer and specified in the **Schedule of Authorisations, item 5**. Payments must not be broken up to avoid this limit. Petty cash floats may not be used for reimbursements of employee expenses, payments of invoices, or refunds. Official monies must never be used for cashing personal cheques.
- 3.f)** Periodically, and at least monthly, responsible officers shall perform, in conjunction with another officer regular checks to ensure that the balance of credit on the account together with the sums disbursed equal the amount of the approved imprest. A record of such reconciliation, signed by both officers, shall be retained.
- 3.g)** Strategic Directors shall ensure that any imprest held by an officer leaving his/her post is checked prior to his/her leaving and either paid back into the Council's Bank Account or transferred to another authorised officer.
- 3.h)** Electronic Purchasing Cards (EPCs) will be issued to, and retained by officers who have a business need. Applications for Plastic Cards with Standard and Higher Spend Limits shall be counter-signed by the Head of Service of the relevant Department. In cases where the application is for a higher limit, these shall be signed thereafter the Council's Section 151 Officer on the advice of the Head of Financial Services.
- 3.i)** The use of EPCs, standard limits and controls are set out in the Councils separate e-purchasing cards policy, available to employees on the intranet. Employees will only be issued with an EPC after formal training on the scheme, and signing a cardholder agreement detailing proper usage.

- 3.j)** EPCs will never be used for obtaining cash advances.
- 3.k)** Employees holding EPCs will ensure that VAT receipts are obtained, where relevant, for all transactions and that all supporting documentation is handed over promptly to permit the payment of EPC bills.
- 3.l)** In addition to plastic cards, the Council has the ability to lodge embedded cards with suppliers. Embedded Cards are recommended for high value transactions, and are to be used for the Council's larger contracts and where the Council will generate a significant rebate.
- 3.m)** The suitability of a supplier for the use of an embedded card will be identified by Financial Services and will be approved by the Council's Section 151 Officer.

Section 4: Debt write-off and credit write-on procedures and limits

Regulations D.13 & D.14

Last updated: March 2024

Write-offs

- 4.a)** A write-off request must be prepared detailing:
 - (i) name and address of the debtor
 - (ii) value of the debt
 - (iii) service provided
 - (iv) reason why the debt is irrecoverable
 - (v) the authorisation route that must be followed.
- 4.b)** The write-off request should account for the full indebtedness of an individual or organisation and any information relevant to determining their financial obligations to the Council, and should also identify previous write-offs for that debtor.
- 4.c)** Where credits exist in the name of the debtor, they should be offset against the debt in order to minimise the extent of write-off.
- 4.d)** Where there are multiple write-off requests, the requests shall be compiled into a schedule for each month that shows the following:
 - (i) name of the debtor
 - (ii) value of the debt

- (iii) type of reason why the debt is irrecoverable
 - (iv) the total value of debt write-off requests in the period covered by the schedule and the sub-total of values by type.
- 4.e)** The write-off request must be supported by appropriate working papers that support the reason for writing off the debt. The individual request or schedule of requests must be approved by the relevant Head of Service and the Section 151 Officer. The Section 151 Officer may request further details of write-off requests listed on the schedules prior to approval.
- 4.f)** Authorisation for write-offs depends on the value of the write-off request. A schedule of authorisations is provided in the **Schedule of Authorisations, item 6**. Depending upon the write-off thresholds, the request may be supported with a minute/decision sheet relating to a Portfolio Holder or Cabinet decision. All proposed write-offs shall be subject to review and approved by the Section 151 Officer who may, if they consider it appropriate, determine that a higher level of authority for write-off should be exercised.

Write-ons

- 4.g)** Where unclaimed credits are held within the Council's accounts, they may be considered for writing on. Where this happens and the value of the write on is £1000 or higher, a write-on request form shall be prepared detailing:
- (i) name and address of the account holder
 - (ii) value of the credit
 - (iii) service that the credit relates to
 - (iv) reasons why the credit should be written on.
- 4.h)** The write-on request form must be signed by the relevant Head of Service and supported by appropriate working papers. The request will be considered and determined by the Section 151 Officer.
- 4.i)** All write-off and write-on paperwork shall be retained for such period of time as required by the Document Retention Schedule for Dacorum Borough Council.

Write-off recovery thresholds

- 4.j)** The cost of undertaking recovery proceedings can be expensive and given the low value of some debts, it may not be economic to commence such action. The Section 151 Officer, shall set de-minimis levels for recovery action and review and amend them on a periodic basis. Write-off recovery thresholds are set out in the **Schedule of Authorisations, item 7**.
- 4.k)** Where a debt is considered in court proceedings and it is in the interests of the

Council to accept a consent order for a lower amount in full and final settlement of the debt, any value that needs to be written off will be accounted for as per the threshold table with the reasons attached to it. Where this occurs, the authorising role will not be able to challenge the write-off due to the existence of a court order. However, if there are doubts as to the appropriateness of the full and final settlement decision that related to the court order, then the Section 151 Officer shall investigate the case and take appropriate action.

- 4.l) With the exception of court order cases, the process of writing off debt is not irreversible and in the event that monies are recovered in the future, the relevant amount will be credited back into the Council's accounts.

Credit Limits

- 4.m) There is a general presumption that discretionary services provided to a customer should be paid for on time. In the event of a repeated failure to pay in accordance with the credit terms and where appropriate, the Accounts Receivable Team will recommend to the service department that the provision of services should cease. In the event that the recommendation is not accepted by the service department, then the service department must provide reasons in writing to the Section 151 Officer as to why services should continue to be supplied.
- 4.n) To reduce the risk of loss of income or value of good and services to be supplied, the Section 151 Officer shall maintain a financial vetting procedure in order to assess or review the risk of entering into or, where appropriate, continuing with, significant contracts with existing and prospective customers, suppliers or partners.
- 4.o) The procedure referred to in Clause 4.n above shall define the term 'significant contract' and take into account the Council's revenue streams, procurement contracts and partnerships and the prevailing risks associated with them. Where a prospective (or, where appropriate, existing) customer, supplier or partner fails to achieve a satisfactory financial vetting assessment, the Council shall:
- (i) not enter into any new contractual arrangement and
 - (ii) review any existing contractual arrangement to establish whether it is appropriate to continue the said existing contractual arrangement in the light of the assessment.

Section 5: Responsibilities for stocks, stores and minor assets

Regulation D.15.

Last updated: September 2015

Responsibilities of the Section 151 Officer

5.a) The Section 151 Officer is responsible for:

- i) Adopting appropriate accounting policies and advising Strategic Directors of the basis to be adopted for valuing stocks and stores.
- ii) Ensuring that the valuation of all stocks and stores is fairly reflected in the Annual Financial Statement of Accounts.
- iii) Determine minimum standards to be complied with under regulations relating to assets, at paragraphs (a) (b) and (e) below.

Responsibilities of Strategic Directors

5.b) Each relevant Strategic Director is responsible for, ensuring :

- i) That there are effective and efficient procedures for procuring, holding and the issue of stocks and stores, and that such procedures are to the satisfaction of the Section 151 officer.
- ii) That objective statistical methods are used, in accordance with best practice, to determine order quantities and maximum and minimum order levels, and that such methods are to the satisfaction of the Section 151 officer.
- iii) Furnishing the Section 151 Officer with details and a signed certificate of the value of stocks and stores held within their directorates as and when required by the Section 151 Officer.
- iv) Arranging for goods to be checked at the time of delivery to ensure that quantity, quality and price comply with the contractual or order specification.
- v) That comprehensive, complete and up to date stores/stock records are maintained and that such records are in a form that is satisfactory to the Section 151 Officer. Where stores / stock recording systems are computerised, they shall interface appropriately with the Council's main Financial Management System and interface controls will be to the minimum standard determined by the Section 151 officer.
- vi) Regular and systematic stocktaking, ensuring that every item is checked at least once annually, and that fast moving, valuable or desirable items are checked more frequently.
- vii) Procedures for the disposal of surplus or obsolete stock are correctly complied with. These are set out under Financial Regulation D.23.

Asset inventories

5.c) Asset inventories shall be held and kept current by Heads of Service , who will

ensure that all areas under their authority have an asset inventory. They shall contain clear descriptions of all fixed and moveable assets having a current value in excess of an amount specified by the Section 151 Officer in the **Schedule of Authorisations, item 8**, other than land and buildings, which are listed in the property terrier, which is kept by the Head of Property Services and ICT equipment for which a separate inventory is kept by the responsible Strategic Director.

- 5.d)** Where assets have unique serial numbers, they shall be recorded in the asset inventory.
- 5.e)** The Section 151 Officer is responsible for:
- i) Ensuring that all equipment, furniture, fixtures and fittings, plant, machinery, tools and other valuables are appropriately insured, and that appropriate risk management reviews are undertaken periodically.
 - ii) Determining the form for official inventories.
 - iii) Determining the basis for valuation of items recorded in asset inventories.
- 5.f)** The Strategic Director with responsibility for Digital Services is responsible for:
- i) The maintenance of a comprehensive Hardware and Software Inventory for all Council ICT equipment held throughout the Council.
- 5.g)** Strategic Directors are responsible for:
- i) Ensuring that each Head of Service compiles and maintains an inventory of assets in the official form (other than land and buildings, and ICT equipment), and that appropriate entries are made at the time of purchase and disposal.
 - ii) Arranging for an independent annual inspection of all items on the inventory.
 - iii) Informing the Section 151 Officer and if it appears that assets cannot be accounted for.
 - iv) Ensuring that all purchases of ICT equipment are made through ICT Services.
 - v) Advising the Section 151 Officer of the valuation of inventories for insurance purposes.
 - vi) Determining the method by which redundant or assets surplus to requirements shall be disposed of. Asset disposals shall be undertaken in accordance with these regulations and in accordance with European Directives on the disposal of electrical and computer equipment.

- vii) Ensuring that all assets are used wholly and exclusively for Council business.

ANNEX F

Disposal of Assets (including Stocks and Stores)

As a public authority the Council should, in the disposal of its landholdings and other assets, always seek to obtain the best price reasonably obtainable, in terms of money or monies worth, unless it is absolved from this duty by statute, regulation or other lawful authority. The following regulations govern the disposal of assets.

Section 1: Land disposals

Regulation D.24

Last updated: March 2024

- 1.a)** For the purposes of the following, "land" includes land of which the Council owns the freehold or leasehold interest and interests such as restrictive covenants of which the Council has the benefit It includes land and buildings, leases, easements and other rights of way.
- 1.b)** Disposals of land shall always be for the best consideration possible, including monetary and other relevant factors. Any authorisations from Government that are required in respect of the need to seek best consideration shall be applied for by the Chief Finance Officer.
- 1.c)** Disposals of land valued at £750k or above shall be authorised by Cabinet on the basis of advice by the Chief Finance Officer and Cabinet shall also approve any nonmonetary aspects of the disposal where they are material to the consideration sought.
- 1.d)** Disposals of land valued above £15k but below £750k may be authorised by the Chief Finance Officer in consultation with the Portfolio Holder for Corporate and Commercial Services. Where such a disposal relates to assets held by the Council's Housing Revenue Account:
 - The Strategic Director Housing and Property Service will notify the Chief Finance Officer of their support for the disposal and
 - The Chief Finance Officer will, in addition, seek approval for the disposal from the Portfolio Holder for Housing and Property Services.
- 1.e)** Disposals of land valued at £15k or below may be authorised by the Chief Finance Officer or Head of Financial Services.
- 1.f)** All valuations and negotiations in respect of land disposals must be carried out by or under the supervision of a properly qualified member of the Society of Valuers and Auctioneers or a member of the Royal Institution of Chartered Surveyors, who is not a member of the Council and who is in a position to judge the conditions prevailing in the local property market.

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- 1.g)** All valuations will be carried out in a manner that will satisfy external audit requirements, and the advice of the Section 151 Officer will be taken in that respect.
- 1.h)** Negotiations with prospective developers should take place at the Council's offices or the developer's office within normal office hours (subject to the necessity for such negotiations to be extended in exceptional circumstances beyond those hours). Two officers of the Council will be present during negotiations and all such valuations and negotiations shall be subject to written record and approved by the Chief Finance Officer unless delegated. A signed record of all meetings shall be retained.
- 1.i)** The Strategic Director of the appropriate directorate and the Council's duly appointed valuer or other agent shall be involved in or appraised of all major steps in the negotiations in respect of transactions or of a series of transactions, the estimated value or the aggregated value of which exceeds an amount specified by the Section 151 Officer in the **Schedule of Authorisations, item 9**.
- 1.j)** It shall be the duty of the Chief Finance Officer to report on the progress of any major transaction authorised by the Council to Cabinet at least at six monthly intervals and upon completion of the transaction. This duty will apply to transactions in respect of which the aggregate consideration is likely to exceed the amount specified in Clause 1.g above and those where there are significant operational implications.
- 1.k)** No land owned or leased by the Council shall be disposed of to another body or person until it has been offered to all other services of the Council, unless in the opinion of the Senior Leadership Team such land is of no conceivable value or interest to any of the Council's services. Transfer of land between services requires the approval of:
- i) the Senior Leadership Team
 - ii) the "transferor" Cabinet Portfolio Member*
 - iii) the "transferee" Cabinet Portfolio Member*.
- *Approval by Cabinet Portfolio Holders in this regard shall be by formal Portfolio Holder decision.
- 1.l)** The Chief Finance Officer shall effect any transfer in the accounts that may be required.
- 1.m)** No land owned by the Council or of which the Council is lessee shall be disposed of except by way of renewal of lease until a report has been prepared by the Chief Finance Officer containing:-
- i) an inspection report describing the land and, where appropriate, its physical characteristics and development constraints

- ii) a report on title by the Assistant Director (Legal and Democratic Services)
 - iii) any information from the Council's records which would affect the land's value or development potential
 - iv) where appropriate an assessment of the development potential of the land by the Assistant Director (Planning)
 - v) any advice by the Strategic Director seeking to dispose of the land.
- 1.n)** In formulating his/her advice, the Chief Finance Officer shall make recommendations in respect of
- i) issues that need to be resolved before marketing of the land can proceed
 - ii) the method of disposal
 - iii) the title to be transferred
 - iv) the price the Council should receive along with the "asking" and "reserve" price
 - v) any special conditions of sale
 - vi) any appointment of external advisers or agents that may be desirable.
- 1.o)** All disposals of land owned or leased by the Council shall be by one of the following methods. The Chief Finance Officer shall determine on the basis of appropriate professional advice which method is in the best interests of the Council at any given time.
- i) **Private Treaty**
This method may be used where in view of the size, value or location of the land there is only one prospective purchaser with a foreseeable interest in acquiring it. It may also be appropriate where the number of those interested is limited to two or three and the value of the land is low, but in any such case those with a foreseeable interest should be notified of the Council's intention to dispose of the land and any interest in acquiring it should be pursued and assessed.
 - ii) **Tender**
This method may be appropriate where there are two or more prospective purchasers with a foreseeable interest in acquiring the land. Where the estimated value of the land exceeds a value specified by the Section 151 Officer in the **Schedule of Authorisations, item 10** and more than one prospective purchaser exists, this method should be used in preference to Private Treaty. Advertisements should be placed in the local newspaper and, if appropriate, national newspapers. Tenders should be on the basis of identical terms and conditions of the sale. The tender documentation

should make it clear that the Council is not obliged to accept the highest or any tender and in the event of any higher offer being received before a contract is exchanged, the Council may be obliged to consider it. In the event of any such higher offer being received, all interested parties who have submitted a tender must be given the opportunity of making a further or revised offer by a specified date.

iii) **Public Auction**

This method will be used where the value of the land is difficult to ascertain in view of its size, location, development constraints or other factors, and interest in it is unknown. If the land is valued by a Chartered Surveyor as likely to achieve £750k or over, then appropriate conditions of sale and any reserve price should be approved by Cabinet. If the land is valued by a Chartered Surveyor as likely to be less than £750k, then appropriate conditions of sale and any reserve price should be approved by Chief Finance Officer in consultation with the Portfolio Holder for Corporate and Commercial Services. Where the disposal relates to assets held by the Council's Housing Revenue Account, the Chief Finance Officer and Strategic Director Housing and Property will, in addition, consult with the Portfolio Holder for Housing and Property Services. The current requirement for third party valuation of land for disposal would remain, as would the requirement for sign off by the Council's Section 151 Officer and Monitoring Officer.

iv) **Building Agreements**

Where land is to be disposed of under a building agreement and subsequent lease, developers' proposals should be invited by public advertisement and considered by the appropriate Cabinet Portfolio Member.

- 1.p) These rules do not apply to a disposal under the "Right to Buy" provisions of the Housing Act 1985, to disposals under any scheme adopted by the Council for the extension of the "Right to Buy", to any disposal which is required either by statute or by a court of law, or to a disposal otherwise than for best price reasonably obtainable under a general or specific consent of the Secretary of State.

Section 2: Equipment disposals

- 2.a) This Section applies to all plant, equipment and other smaller assets. It includes vehicles, plant, machinery, office equipment (including ICT equipment) etc. It also applies to items of stocks and stores with an individual value of less than the amounts specified by the Section 151 officer in the **Schedule of Authorisations, item 11**.
- 2.b) Save for any ICT equipment, any vehicle or article of equipment, machinery, furniture, etc., which is surplus to the requirements of one of the Council's service units must be valued by or under the instructions of the Head of Service of the service unit which has responsibility for it. The need for accuracy in the valuation will depend largely upon the intrinsic value placed upon the article.

Scrap Items (where the responsible Head of Service is satisfied that there is no economic value in the item for its original or intended use).

- 2.c) The Head of Service should use his/her best endeavours to obtain best price on the open market.
- 2.d) If on investigation a better value can be obtained in a trade-in for new equipment than on a sale on the open market, the Head of Service may conduct the disposal on the basis of trade-in.

ICT Equipment

- 2.e) All ICT equipment for disposal should be passed to Digital Services.
- 2.f) Digital Services should ensure all equipment conforms to licensing and Health and Safety requirements.
- 2.g) Where possible Digital Services should re-use the equipment within the Council.
- 2.h) If the equipment is not required by the Council, it may be given free of charge to voluntary or not-for-profit organisations.
- 2.i) If the equipment has value, the best price possible to should be obtained.
- 2.j) The Digital Services are required to schedule and retain documentary evidence of the disposal of ICT equipment for a period, as outlined in then Retention Schedule for documents.
- 2.k) The Head of Service responsible for Digital Services will ensure that all ICT equipment disposed of has sensitive data or material that would contravene the Data Protection Act or other legislation erased irretrievably and retained in accordance with the Council's document retention strategy.

Other Minor Usable Items (with an intrinsic resale value up to the value specified in clause (a) above.

- 2.l) The responsible Head of Service should first cause an internal advertisement for the article to be published amongst all Heads of Service with a potential use for the article for Council business.
- 2.m) Where no service unit Manager requires the article to be disposed of, it may be advertised for sale to Council employees at the price placed upon the article by the responsible Heads of Service.
- 2.n) Where no Head of Service or employee requires the article to be disposed of it may be publicly advertised for sale at the price placed upon the article by the responsible Head of Service; or it may be offered to a voluntary or educational organisation.

- 2.o) The responsible Head of Service is authorised to dispose by way of trade-in or by way of Private Treaty with a view to obtaining best price or value reasonably obtainable.
- 2.p) Where the value of asset to be disposed of is as specified by the Section 151 Officer in the **Schedule of Authorisations at item 11b**, sections 2a)- 2.o) above apply and the Head of Service must also seek formal authorisation for the disposal from the Section 151 Officer and relevant Strategic Director via an approved officer decision sheet, prior to any disposal taking place.

Section 3: Major reusable items

- 3.a) This section applies to assets with an intrinsic resale value in excess of the amount specified under Clause 2.a) above and to stocks and stores with an individual value above this amount.
- 3.b) Assets within this section should be the subject of public advertisement in local or national newspapers and/or appropriate trade journals and open tendering procedures. Tenders should be on the basis of identical terms and conditions of sale. The tender documentation should stipulate that the Council is not obliged to accept the highest or any tender.
- 3.c) Alternatively these items may be disposed of by way of public auction, with or without reserve price including via electronic auction on a recognised auction website.
- 3.d) Alternatively, these items may be disposed of by way of trade-in for new or replacement equipment if this method will achieve better value than the best open market price reasonably achievable.
- 3.e) Disposals of major reusable items must be authorised by the Cabinet where the disposal may achieve a receipt in excess of an amount above that specified by the Section 151 Officer in the **Schedule of Authorisations, item 12**. The responsible Head of Service must prepare a report containing:
 - i) An inspection report describing the equipment and its condition.
 - ii) Any information from the Council's records or within the responsible Head of Service's knowledge which would affect the equipment's value.
 - iii) Recommendations where appropriate on the following:
 - a.) issues that need to be resolved before marketing of the equipment can proceed
 - b.) the method of disposal
 - c.) the price the Council should receive along with the "asking" and any "reserve" price, if the equipment is to be sold by public auction.

- d.) any special conditions of sale
 - e.) the appointment of external advisers or agents
 - f.) whether negotiations should proceed with a special purchaser.
- 3.f)** These rules shall not apply to disposal by the Council of items by way of sale in the normal course of the Council's business (e.g. food from the food outlets etc.).

Section 4: Disposals of other assets

- 4.a)** This Section applies to all other tangible or intangible assets, including but not restricted to stocks and shares, works of art, debts, goodwill and intellectual property such as copyright.

Investments

- 4.b)** The disposal of all investments is delegated to the Section 151 Officer and shall be made in compliance with the best prevailing advice of the Council's appointed advisers, CIPFA or other reputable and authoritative sources such as the Bank of England, Stock Exchange or HM Treasury.
- 4.c)** All procedures relating to the disposal of investments shall be detailed in a Treasury System Document produced by or under the direction of the Section 151 Officer.

Other Intangible Assets

- 4.d)** All 'Other Assets' other than investments (eg debts, patents, trade marks) which are to be disposed of shall be valued by a person who is professionally qualified in the particular field.
- 4.e)** The appropriate Strategic Director will obtain Cabinet authorisation where the value of the asset(s) to be disposed of exceeds an amount specified by the Section 151 Officer in the **Schedule of Authorisations, item 13**. The Cabinet report will include:
- a) a description of the asset
 - b) a report on title by the Assistant Director Legal and Democratic Services
 - c) any information from the Council's records or within the knowledge of its employees which may affect the asset's value.
- 4.f)** The report to the Cabinet Portfolio Member shall contain recommendations on:
- a) the method of disposal

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- b) an estimate of the price which the Council should receive along with the "asking" price and any "reserve" price, if appropriate
 - c) any special conditions of sale
 - d) the appointment or external advisers or agents
 - e) whether negotiations should proceed with a special purchaser.
- 4.g)** The method of disposal of other assets will depend upon the nature of the asset, its intrinsic value and the professional advice of any employee or appointee who is qualified to advise in the particular field.

ANNEX G

Expenditure, Liabilities and Procurement of, Ordering, and Paying for Works, Goods, Services and Assets

Section 1: Detailed regulations governing the procurement of, ordering and paying for works, goods and services

Regulation E.2

Last updated: September 2015

- 1.a) Every officer and member of the authority must comply with the Ethical Code contained in the Council's Procurement Standing Orders (Section 1, paragraphs 5 and 6).
- 1.b) Official orders must be in a form approved by the Section 151 Officer in conjunction with the Monitoring Officer. Official orders must be issued for all works, goods or services to be supplied to the authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Section 151 Officer.
- 1.c) Each order must conform to approved procurement guidelines and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Chief Finance Officer.
- 1.d) Apart from petty cash, and other payments from advance accounts, the normal method of payment from the authority shall be by BACS or cheque (or other instrument or approved method), drawn on the Council's approved bank accounts by the Section 151 Officer or a signatory approved by the Section 151 Officer.
- 1.e) Direct debit facilities shall not be set up other than by the Section 151 Officer and no officer shall commit to payment by that means without the prior agreement of the Section 151 Officer.
- 1.f) Arrangements for signing and countersigning cheques and other payments will be determined by the Section 151 Officer. Signing and countersigning limits are set out in the **Schedule of Authorisations, item 14**.
- 1.g) Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of the Council's contracts.
- 1.h) All goods and services may be ordered only by persons authorised to do so in line with each Strategic Director's scheme of delegation and must be correctly recorded.
- 1.i) Goods and services received must be checked to ensure that they are in accordance with the order. The person who placed the order should preferably not receive goods.

- 1.j) Unless specifically agreed with the Section 151 Officer in each instance, advance payment shall not be made for goods or services. The Section 151 Officer may authorise specific categories and/or values of expenditure as standing exceptions to this Regulation, and may amend or delete any such exceptions from time to time. Standing exceptions are recorded in the **Schedule of Authorisations, item 15**.
- 1.k) Payments shall be made to the correct person, for the correct amount and shall be properly recorded, regardless of the payment method.
- 1.l) Payments by the Council shall be made only on an official invoice, except for recurring payments, for contract payments and for other exceptions as may be specifically approved by the Section 151 Officer.
- 1.m) Appropriate evidence of the transaction and payment documents shall be retained and stored for the defined period, in accordance with the Council's document retention schedule.
- 1.n) Expenditure, including VAT, shall be accurately recorded against the correct budget code.
- 1.o) Processes shall be put in place, according to the regulations governing responsibilities, to maintain the security and integrity of data for transacting business electronically.
- 1.p) Invoices shall be settled within the period defined by Government prompt payment requirements. Where invoices are disputed, that fact will be clearly recorded on any invoices together with the date that the dispute was settled before such invoices are passed for payment.
- 1.q) In the case of significant contracts, a financial vetting procedure shall be used to assess the merits of trading with the prospective (or, where appropriate, existing) supplier.

Section 2: Responsibilities for procurement of, ordering, and paying for works, goods and services

Regulation E.4

Last updated: September 2015

Responsibilities of the Section 151 Officer

- 2.a) The Section 151 Officer shall:
 - i) Ensure that sufficient fidelity guarantee insurance is in place to cover those officers authorised to initiate or make payments.

- ii) Make payments from the Authority's funds on the authorisation of the appropriate officer that the expenditure has been duly incurred in accordance with financial regulations.
- iv) Subject to the receipt of properly signed-off invoices in good time, arrange payment to suppliers promptly.
- iv) Make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- v) Make payments to contractors on the certificate of the appropriate Strategic Director, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- vi) Determine, in conjunction with the Assistant Director Legal and Democratic Services the form of official orders.
- vii) Agree and determine a scheme for the issue and usage of corporate electronic payment cards where the costs of ordering and procuring is excessive when judged against the value of purchases.
- viii) Approve 'draw-down' arrangements for supplies and provisions covered by annual contracts.
- ix) Maintain a financial vetting procedure for use in selecting and approving prospective (or, where appropriate, existing) suppliers in respect of significant contracts.

Responsibilities of Strategic Directors

2.b) Strategic Directors shall ensure that:

- i) All procurement practices accord with the Council's policies on procurement.
- ii) Relevant officers authorised to sign orders or certify payments do so with a full signature where done manually or under a password-controlled electronic process. Initialled authorisations will be rejected by the Section 151 Officer's Accounts Payable Team.
- iii) Official orders are used for all goods and services, other than for exceptions specified, and that they are used only for goods and services to be consumed by services under the Director's control.
- iv) The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained where required by these regulations and other instructions.

- v) Goods and services are checked on receipt to verify that they are in accordance with the order. A different officer from the person who authorised the order should where possible, carry out this check. Appropriate entries should then be made in inventories or stores records.
- vi) Payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment. When an authorised officer certifies an invoice for payment, they are confirming:
 - (a.) That the official order procedure has been observed and that Standing Orders are complied with.
 - (b.) Receipt of goods or services.
 - (c.) That the invoice has not previously been paid.
 - (d.) That expenditure has been properly incurred and is within budget provision.
 - (e.) That prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices.
 - (f.) That the correct accounting treatment of tax has been followed in line with guidance issued by the Section 151 Officer.
 - (g.) That the invoice is correctly allocated to an approved budget code under the director's jurisdiction.
 - (h.) That discounts have been taken where available and where it is cost effective for the Council to take them.
 - (i.) That appropriate entries have been made in inventories, stores records or stock books and in accounting records.
- vii) The principle of division of duties is applied wherever practicable. Different members of staff shall be involved in the ordering, receiving and payment processes. Where practical, a different officer from the person who authorised the order, and in every case, a different officer from the person checking an invoice, should authorise the invoice.
- viii) Payments are not made on a photocopied or faxed invoice, statement or document other than the formal invoice.
- ix) Invoices are duly and correctly processed in good time to make payment to suppliers within stipulated timeframes.
- x) Loans, leasing or rental contracts are not entered into without agreement of the Section 151 Officer.

- xi) The Section 151 Officer is notified of outstanding expenditure (formal commitments) relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer.
- xii) With regard to contracts for construction and alterations to buildings and for civil engineering works, that procedures exist to document and agree with the Section 151 Officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- xiii) The Section 151 Officer is notified immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- xiv) All appropriate payment records are retained and stored for the period defined by the Council's document retention schedule.
- xv) No Head of Service, Assistant Director or Strategic Director shall commit expenditure against any budget head for which they are not accountable, without the specific and written authority of the accountable budget holder and in accordance with the virement scheme set out in these regulations.
- xvi) Suppliers' invoices are not amended manually.
- xvii) The advice of the Section 151 Officer (or an officer to whom responsibility has been delegated) is obtained in respect of prospective (or where appropriate, existing) suppliers where significant contracts are being considered.

Section 3: Responsibilities of Strategic Directors in respect of contracts

Regulations E.6 & E.9

Last updated: September 2015

- 3.a)** All contracts are subject to the provisions contained in the Council's Procurement Standing Orders.
- 3.b)** Strategic Directors shall be responsible for:
 - i) Maintaining a Contract Register which shall include major contracts (as defined by the Head of Commercial Development) entered into by the Directorate and schedules of payments, retentions, fees and other specific matters relating to each contract let to individual contractors.

- ii) Informing the Head of Commercial Development of all major contracts, and contract extensions entered into.
- iv) Advising the Head of Commercial Development of all relevant contract payments.
- v) Making payments to contractors on account only on approved certificates issued by the authorised Managing Officer or Consultant.
- vi) Ensuring that any variation order is authorised in writing and can be met within the approved budget.
- vii) Where the sum of all variations pertaining to a contract, is likely to result in a cost over-run exceeding a value shown in the **Schedule of Authorisations, item 16**, reporting the potential over-run for approval to both the relevant Portfolio Holder and the Section 151 Officer prior to payment. Such cost over-runs shall be contained within the Portfolio Holder's overall budget allocation.
- viii) Seeking claims for restitution, acceleration of programme or liquidated damages when appropriate.
- ix) Ensuring that the release of retention monies and final payments under a contract are not made prior to checks on contractors' final claims being undertaken by a qualified independent officer.

Section 4: Responsibilities for engagement of, and payments to, employees

Regulation E.11.

Last updated: September 2015

Responsibilities of the Section 151 Officer

4.a) The Section 151 is responsible for:

- i) Calculation and payment of all staff emoluments and entitlements for current and former employees.
- ii) Reconciliation of and reporting on payroll expenditure against approved current budgets and future budget allocations.
- iii) Securely retaining payment details, including pension payments history in accordance with the Council's Document retention schedule.
- iv) Agreeing, where appropriate an advance of pay, on request of a Director.
- v) Ensuring that current HM Revenue and Customs requirements are properly applied and that the correct liabilities are duly accounted for within the statutory periods.

- vi) Providing guidance to Strategic Directors with regard to the Council's potential tax and national insurance liabilities.
- vii) Ensuring those adequate arrangements exists for administering superannuation matters.
- viii) Controlling and paying to third parties sums deducted from pay by Court Order or at the employee's request in a timely manner.

Responsibilities of Strategic Directors

4.b) Strategic Directors shall be responsible for ensuring that:

- i) Appointments are made in accordance with the regulations and can be afforded within budgets delegated to them.
- ii) The Section 151 Officer is notified of all appointments, terminations or variations that may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Section 151 Officer.
- iii) Adequate and effective systems and procedures are operated, so that:
 - a.) Payments are only authorised to bona fide employees.
 - b.) Payments are only made where there is a valid entitlement, and budget provision exists to fund employment.
 - c.) Conditions and contracts of employment are correctly applied.
 - d.) Employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
 - e.) Appropriate time keeping and charging rates are operated, such that Directors are aware of, and may therefore be held accountable for the effective deployment of staff.
- iv) An up-to-date list of the names of officers, authorised to sign records is provided to the Section 151 Officer, or such contractor as may be engaged by him/her together with specimen signatures.
- v) Payment to staff is processed only through the payroll system.
- vi) Careful consideration is given to the employment status of individuals employed on a self-employed consultant or subcontract basis. In cases of doubt, advice should be sought from the Section 151 Officer.
- vii) Travel and subsistence claims and other allowances are appropriately examined and approved. Certification is taken to mean that journeys were

authorised and expenses properly and necessarily incurred. Due consideration should be given to any tax implications affecting claims.

- viii) The Section 151 Officer is notified of the details of any employee benefits in kind, by a date determined by him/her for each year to enable full and complete reporting to HM Revenue and Customs.
- ix) Appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.
- x) Statistical returns are accurately completed by the due date.

Travel and subsistence

4.c) The Section 151 Officer shall:

- i) Make all payments in respect of travel and subsistence expenses to employees when properly due and authorised by the appropriate officer.
- ii) Determine the specification of all reimbursement forms to be used.
- iii) Ensure that all employees making expenses claims in respect of the use of their private cars on council business have adequate motor insurance in place.

4.d) Strategic Directors shall make arrangements to ensure that:

- i) Claims are properly certified by an officer specifically authorised to do so.
- ii) A current list of authorised officers, with specimen signatures, is provided to the Section 151 Officer.
- iii) The lower of actual costs, or the allowances permitted under the scheme, are certified for payment.

4.e) All employees are responsible for ensuring that expense claims are submitted promptly in accordance with timetable specified by the Payroll Client Officer. Claims must be submitted within one month of the date of the expenditure and within the financial year in which the expenditure was incurred. All claims, including claims for mileage incurred on Council business, must be supported by a VAT receipt where VAT is incurred.

Section 5: The acquisition of assets

Regulation E.5

Last updated: October 2021

5.a) Asset definitions are given at Annex F. The purchases of these assets shall be authorised under a scheme of delegation as follows:

Postholder	Authorisation Level
	Total asset purchase price
Chief Executive	£500,000
Section 151 Officer	£500,000
Strategic Director	£500,000
Assistant Director	£250,000
Head of Service	£75,000
Team Leader	£25,000

i) Any acquisition with a total purchase price of over £500k in value shall be authorised by Cabinet, with the exception of land or buildings purchased for the Council's Housing Revenue Account new build housing programme and which is 100% funded from the Housing Revenue Account's Strategic Acquisitions reserve.

ii) Authorisation of the acquisition of any land or buildings with a total purchase price of over £500k purchased for the Council's Housing Revenue Account new build housing programme and which is 100% funded from the Housing Revenue Account's Strategic Acquisitions reserve will be delegated to the Strategic Director, Resident Services in consultation with the Chief Finance Officer, the Assistant Director, Legal and Democratic Services, the Portfolio Holder for Housing and Property Services and the Portfolio Holder for Corporate and Commercial Services.

Responsibility of the Section 151 Officer

5.b) The Section 151 Officer shall:

- i) Ensure that sufficient fidelity guarantee insurance is in place to cover those officers authorised to initiate or make payments.
- ii) Make payments from the Authority's funds on the authorisation of the appropriate officer that the acquisition is carried out in accordance with financial regulations.

Responsibilities of Strategic Directors

Strategic Directors shall ensure that:

- i) Relevant officers authorised to sign orders or certify payments do so with a full signature where done manually or under a password-controlled electronic process.
- ii) No Head of Service, Assistant Director or Strategic Director shall commit expenditure against any budget head for which they are not accountable, without the specific and written authority of the accountable budget holder and in accordance with the virement scheme set out in these regulations.

- iii) The advice of the Section 151 Officer (or an officer to whom responsibility has been delegated) is obtained in respect of prospective (or where appropriate, existing) asset purchases being considered relating to land, buildings or with a purchase price of over £100k .
- iv) The advice of the Assistant Director Legal and Democratic Services or an officer to whom responsibility has been delegated) is obtained in respect of prospective (or where appropriate, existing) asset purchases being considered relating to land, buildings or with a purchase price of over £100k.

ANNEX H

Partnerships, External Funding and Third Party Contracts

Section 1: Partnerships expectations

Regulation F.2.

Last updated: September 2015

1.a) The Council requires that potential partners are aware of their responsibilities under the Authority's Financial Regulations and the procurement requirements. When partnerships are developed, the partners shall agree on which financial regulations and standing orders shall apply as part of the governance arrangements for the partnership. The following expectations should be adapted and written into governance documents, as appropriate

- i) The agreed set of financial regulations governing this partnership will be those of XXXXX [organisation].

Partners will:

- ii) Support the concept of risk management within the partnership and actively work with the Council to ensure that risk management processes are in place to identify and assess all potential risks.
- iii) Ensure that project appraisal processes are in place to demonstrate the viability of the project in terms of resources, staffing, expertise, and expected outcomes.
- iv) Agree and formally endorse the roles and responsibilities of each of the partners involved in the project before the initiative commences.
- v) Communicate regularly with other partners throughout the initiative so that potential problems are identified, shared and successfully resolved.
- vi) Openly and explicitly share a vision of collective and individual expectations.
- vii) Demonstrate an ability and willingness to add real value to any relationship.
- viii) Be open and honest about any conflicts of interest that might arise, and demonstrate a willingness to agree mechanisms to resolve these from the outset.
- ix) Demonstrate a willingness to take on a role in the broader programme appropriate to the skills and resources of the partnering organisations.

- x) Act in good faith at all times and in the best interests of the partnership's aims and objectives.
- xi) Will be comfortable with, support, and comply with the principles of "open-book accounting".
- xii) Hold as confidential any information received as a result of partnership activities or duties that is of a sensitive or confidential nature.
- xiii) Act as champions and ambassadors for the project.

Section 2: Responsibilities in respect of partnerships, external funding and third party contracts

Regulations F.4 & F.6

Last updated: September 2011

- 2.a)** Cabinet is responsible for approving the contractual arrangements for any work proposed to be undertaken for external bodies.

Responsibilities of the Monitoring Officer

- 2.b)** The Monitoring Officer is responsible for:

- (i) Ensuring that governance and standards of conduct arrangements to be adopted by partnerships and joint ventures are no less stringent than apply to the Council.
- (ii) Ensuring that partnership contractual documentation requires any partner(s) to comply with the agreed Financial Regulations and Procurement Rules unless Council determines otherwise.

Responsibilities of the Section 151 Officer

- 2.c)** The Section 151 Officer is responsible for:

- (i) Ensuring that accounting, audit, control, governance, and risk management arrangements to be adopted by partnerships and joint ventures are no less stringent than apply to the Council.
- (iii) Ensuring that partnership contractual documentation requires the Partner to comply with the agreed Financial Regulations, to the satisfaction of the Monitoring Officer.
- (iv) Providing advice on the key funding elements of any project, including:
 - Appraisal of financial viability for the current and future years.
 - Risk appraisal and management.

- Resourcing, including taxation issues.
 - Audit, security and control requirements.
 - Budget 'carry-forward' arrangements.
- (iv) Issuing guidance with regard to the financial aspects of third party contracts.
- (v) Ensuring that the Council's accounting and costing conventions identify the fair cost of trading and working for third parties.
- (vi) Maintaining a financial vetting procedure for use in selecting and approving prospective (or, where appropriate, existing) partners in respect of significant contracts.

Responsibilities of Strategic Directors

2.d) Strategic Directors are responsible for:

- (i) Ensuring that appropriate approvals are obtained before any negotiations are concluded.
- (ii) Maintaining a register of all contracts entered into with external bodies in accordance with procedures specified by the Monitoring Officer and Section 151 Officer.
- (iii) Ensuring that, before entering into agreements with external bodies, a comprehensive risk assessment has been carried out, a risk register drawn up, and appropriate mitigation action taken.
- (iv) Ensuring that such agreements and arrangements do not impact adversely upon the services provided by the Council or other services provided to the Council.
- (v) Ensuring that all agreements, arrangements and contracts are properly documented.
- (vi) Ensuring that partnership contractual documentation requires the Partner to comply with the agreed Financial Regulations, to the satisfaction of the Monitoring Officer.
- (vii) Providing information to the Section 151 Officer as may be required by him/her to enable a note to be entered into the authority's statement of accounts
- (viii) Ensuring that all claims for external funds are made by the due date.

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- (ix) Ensuring that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.
- (x) Informing, where the project is potentially deviating significantly from the plan, his/her Portfolio Holder and the Section 151 Officer as soon as this becomes apparent.
- (xi) Ensuring that records are kept of resource usage and/or service delivery that accord with the requirements of the external funding source.
- (xii) Ensuring that all requirements and stipulations relating to the payment of external funding and the auditing thereof, are understood and acted upon.
- (xiii) Putting appropriate insurances in place through the Section 151 Officer for all dealings with third parties and external partners.
- (xiv) Ensuring, as far as reasonably possible, that the external contracts and partnerships for which they are responsible do not put the Council at risk from bad debts.
- (xv) Ensuring that no contract entered into with third parties is subsidised by the Council either directly or indirectly.
- (xvi) Seeking, wherever possible, payment in advance of the delivery of the service.
- (xvii) Ensuring that the Division/unit has the appropriate expertise to undertake the contract or to manage the contract in a client capacity.
- (xix) Seeking the advice of the S151 Officer (or an officer to whom responsibility has been delegated) is obtained in respect of prospective (or, where appropriate, existing) partners where significant contracts are being considered.

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DACORUM BOROUGH COUNCIL - FINANCIAL REGULATIONS SCHEDULE OF AUTHORISATIONS

Item 1. Virement policy – hierarchy of authorisations

Annex B, clause 3.e)

Last updated: September 2015

Type	Applies to transfers between	Sanctioning Authority
1	Between Cabinet Portfolios	Cabinet
2	Between Services within a Portfolio	Strategic Director and Portfolio Holder*
3	Between CIPFA Subjective headings within the same Service	Strategic Director and Head of Service
4	Between budgets both within the same Service and the same CIPFA Subjective heading	Strategic Director and Head of Service
5	For items 2, 3 and 4 above where the amount to be vired is at least <ul style="list-style-type: none"> • £50,000 And • 10% of the transferring budget 	Cabinet

All proposed virements shall be subject to review and comment by the Section 151 Officer. They shall determine whether the proposal should be subject to the positive endorsement of a higher authority.

*"Portfolio Holder" means a formal Portfolio Holder decision.

Item 2. Supplementary budget policy- hierarchy of authorisations

Annex B, clause 4.d)

Last updated: December 2019

Type	Applies to supplementary budget wholly funded by	Sanctioning Authority
1	Reserve balances held	Cabinet, to recommend to Council
2	Grant income	S151 Officer, Strategic Director and Head of Service
3	For item 2 above where the amount is greater than £100k	Cabinet, to recommend to Council
4	S106 income or CIL income	S151 Officer, Strategic Director and Head of Service

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All proposed supplementary budgets shall be subject to review and comment by the Section 151 Officer. They shall determine whether the proposal should be subject to the positive endorsement of a higher authority.

Item 3. Limits on cash holdings

Annex C, clause 1.l)

Last updated: September 2015

Maximum limits for cash holdings, in whatever receptacle, shall be agreed with the Section 151 Officer, and shall not be exceeded without his/her express permission and with regard to the appropriate insurance limit. Cash received in total in excess of this amount must be banked within 24 hours. The current limit is:

£500

Item 4. Changes to Structure - hierarchy of authorisations

Annex C, clause 2.g)

Last updated: September 2015

Where the net effect of any changes is no increase in cost for the current, or a full year, changes may be made to the official structure in accordance with the following hierarchy of authorities. Where a change to the official structure results in an increased net cost, it shall be allowed only on the authority of Cabinet.

Type	Applies to Changes where one or more changes impacts as follows	Sanctioning Authority
1	Between General Fund and HRA Services	Council
2	Between Cabinet Portfolios	Cabinet
3	Between Services within a Portfolio	Strategic Director and Portfolio Holder
4	Between budgets, activities and project provision being the responsibility of an individual Head of Service.	Strategic Director and Head of Service

All proposed changes to the official establishment shall be subject to review and comment by the Section 151 Officer. They shall determine whether the proposal should be subject to the positive endorsement of a higher authority.

In considering the matter, the Section 151 Officer shall satisfy him/herself that all proposed changes will be correctly recorded on the corporate employee database and that all necessary budgetary virements have also been identified and will be implemented.

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Item 5. Petty Cash, Change Floats, and Electronic Payment Card Purchase Value of cash reimbursements for minor purchases

Annex E, clause 3.e)

Last updated: September 2015

The value of cash reimbursements shall not exceed:

£50.00

Item 6. Debt write-offs - Hierarchy of authorisations

Annex E, clause 4.f)

Last updated: March 2024

Individual value (per debtor)	Authorised by:	Conditions
Up to £500	Relevant Head of Service, Assistant Director or Head of Financial Services	
Between £500 and £50,000	Section 151 officer in consultation with the appropriate Strategic Director	
Above £50,000	Portfolio Holder for Corporate and Commercial Services on the advice of the Section 151 Officer and Strategic Director	Applicable in situations where a referral to Cabinet (see below) is not necessary
Above £50,000	Cabinet on the advice of the Section 151 Officer and Strategic Director	Where the write off, if approved, would, in the opinion of the Section 151 Officer, have budgetary implications for the relevant service
Any value, where the amount written off will cause the Council's General Fund or Housing Revenue Account to fall into deficit	Council on the advice of the Section 151 Officer	

Item 7. Debt write-off recovery threshold

Annex E, clause 4.j)

Last updated: September 2015

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The de-minimis level for debt recovery action and review is determined by the Section 151 Officer and shall be as follows:

£50

Item 8. De minimis amount for asset registers

Annex E, clause 5.c)

Last updated: September 2015

Asset inventories shall be held and kept current by Heads of Service, who will ensure that all areas under their authority have an asset inventory. They shall contain clear descriptions of all fixed and moveable assets, other than land and buildings, having a current value in excess of an amount specified by the Section 151 Officer. This amount is:

£500

Land and buildings are listed in the Asset Management System (see Regulation.C6), and ICT equipment is listed in a separate inventory kept by the relevant Strategic Director.

Item 9. Transaction authority level for asset disposals

Annex F, clause 1.g)

Last updated: September 2015

The Strategic Director of the appropriate directorate and the Council's duly appointed valuer or other agent shall be involved in or appraised of all major steps in the negotiations in respect of transactions or of a series of transactions, the estimated value or the aggregated value of which exceeds the following amount:

£100,000

Item 10. Disposal by tender

Annex F, clause 1.m), ii)

Last updated: September 2015

Disposal by tender may be appropriate where there are two or more prospective purchasers with a foreseeable interest in acquiring the land. This method should be used in preference to Private Treaty where:

- i) more than one prospective purchaser exists, and
- ii) the estimated value of the land exceeds the following amount:

£25,000

Item 11. Disposal of equipment

Annex F, clause 2.a)

Last updated: December 2019

The regulations relating to disposals within Section 2 of this annex apply to all assets specified in clause 2.a) as follows:

11a) those with a value of up to and including £50,000;

11b) those with a value of greater than £50,000 but less than £100k.

Item 12. Major reusable items

Annex F, clause (3.e)

Last updated: July 2017

Disposals of major reusable items must be authorised by the Cabinet where the disposal may achieve a receipt in excess of the following amount:

£50,000

Item 13. Disposals of other intangible assets

Annex F, clause 4.e)

Last updated: July 2017

The appropriate Strategic Director will obtain Cabinet authorisation for the disposal of other intangible assets where the value of the asset(s) to be disposed of exceeds the following amount:

£50,000,

Item 14. Hierarchy of authorisations for cheque and electronic payments

Annex G, clause 1.f)

Last updated: September 2015

Payment by cheque (or any electronic payment) by an amount to be determined by the Section 151 Officer shall be signed by one of those approved to do so by the Section 151 Officer. One authorised officer shall countersign cheques (or any electronic payment) over a value to be determined by the section 151 officer. The values so determined are as follows:

Dacorum Borough Council Financial Regulations

Value	Authorising signatories
Up to £40,000	Any one authorised officer (electronic or manual signature)
Above £40,000	Any two authorised officers (electronic or manual signatures)

Item 15. Exceptions to advance payments regulations

Annex G, clause 1.j)

Last updated: September 2015

Advance payment shall not be made for goods or services. The Section 151 Officer may authorise specific categories and/or values of expenditure as standing exceptions to this Regulation, and may amend or delete any such exceptions from time to time. Standing exceptions currently in place are as follows:

Software Support and Maintenance
Software Licences
Artists/Performer Fees

Item 16. Value of cost-overruns to be reported

Annex G, clause 3.b) vii)

Last updated: September 2015

Where the sum of all variations pertaining to a contract, is likely to result in a cost over-run exceeding the value shown below, The relevant Head of Service shall report the potential over-run for approval to both the relevant Portfolio Holder and the Section 151 Officer prior to payment:

Value of scheme	Over-run limit
Up to £100,000	£5,000
Above £100,000	10% of value of scheme