

SCHEME OF DELEGATION TO COMMITTEES

INTRODUCTION

1. This Scheme delegates the powers and duties of the Council to Committees and should be interpreted widely rather than narrowly. This Scheme delegates functions of policy-making and of ensuring the implementation of policies.
2. 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.
3. This Scheme includes the power for Committees to delegate functions to sub-committees, officers or other local authorities, and for sub-committees to delegate to officers or other local authorities, in addition to any general scheme drawn up by the Council, and for committees or sub-committees to make appointments to internal or external bodies, or to authorise officers to do so.
4. This Scheme operates under Section 101 of the Local Government Act 1972 and all other powers enabling the Council.
5. Part 1 of this Scheme covers Committees and Sub-Committees within the Local Government Acts. Part 2 summarises the Council's arrangements for Panels and Task Groups which are outside the Local Government Acts and does not delegate to those bodies the power to discharge any functions of the Council.
6. This Scheme does not delegate to committees
 - the raising of money by precept or loan
 - the promotion of any local or personal legislation
 - any function which by law may not be delegated.
7. The Scheme requires Committees and Sub-Committees to exercise their delegations within the Council's overall policies, including those determined by the Policy Committee.
8. When a function is delegated to a sub-committee, it will normally be performed by the sub-committee and not by the parent committee. This Scheme shall be operated, in general, so as to avoid multiple handling of business.
9. This Scheme should be read in conjunction with the Scheme of Delegation to Officers which delegates to officers operational functions except to the extent expressly withheld by committees.
10. The Section 17 arrangements referred to are attached as an Addendum.

PART 1

1. POLICY COMMITTEE

Constitution: 14 Members of the Council

Functions:

1. To determine and co-ordinate policies and priorities for the Council as a whole to the extent permitted by law.
2. To determine the Local Performance Plan and the strategic performance indicators for the Council's services.
3. To determine the allocation between services of the overall resources agreed by the Council.
4. To advise the Council on overall resources including capital and revenue budgets.
5. To oversee the finance, staff and land resources of the Council and to be the quasi-landlord of the Council's land.
6. To provide central and support services, statutory direct service organisations and any other trading units determined by the Council.
7. To deal with member and constitutional issues.
8. To appoint, dismiss and discipline officers graded PMA and above (fully delegated to Staff Appointments and Appeals Sub-Committee).
9. To determine the Council's strategy for public consultation.
10. To exercise the Council's functions under the Crime and Disorder Act 1998 (except for Youth Offending Teams, see Social Services Committee).
11. To exercise the Council's functions in respect of:
 - economic and social regeneration
 - relations with Europe
 - relations with other public authorities at local and regional levels.
12. To oversee and co-ordinate the Council's policies for ensuring equality of opportunity in employment and service delivery.

* **Staff Appointments and Appeals Sub-Committee**

Constitution: Up to 6 members of the Council appointed under the Section 17 arrangements in the Addendum. (See also function 4 below)

NB: No member shall be appointed to the Sub-Committee who has not, within the previous four years, attended a training course organised by the County Council on appointment and discipline matters.

Functions:

1. To appoint, dismiss or discipline officers graded PMA and above.
2. To hear and determine grading appeals, grievances and discipline appeals by staff.
3. To hear and determine rent hardship appeals by tenants and associated maintenance grievances.
4. To review complaints under the Access to Personal Files (Social Services) Regulations 1989 (when acting in this capacity the Sub-Committee shall have a membership of 3, not more than one of whom shall be a member of the Social Services Committee).

2. INFORMATION AND ACCESS COMMITTEE

Constitution: 8 Members of the Council

Functions:

To exercise the functions of the Council for:

- determination of a strategy for unified access to services
- public libraries, museums and the arts
- archives and records
- trading standards, consumer protection, animal health, public health, licensing and as weights & measures and food authority
- development in co-operation with the District Councils, of policies for sport and recreation

3. IMPROVEMENT AND REVIEW COMMITTEE

Constitution: 14 Members of the Council

Functions:

- To oversee the Council's programme of Best Value reviews.
- To make recommendations to the Council and other Committees on changes to policy and practice to implement the requirements of Best Value.
- To implement and monitor the strategic performance indicators for the Council's services as approved by the Policy Committee.
- To oversee the Council's programme for quality standards and benchmarking.

4. PROTECTION COMMITTEE

Constitution: 8 Members of the Council

Functions:

To exercise the functions of the Council

- as fire authority
- for civil aid and emergency planning
- for Registration of Births, Marriages and Deaths, the Coroners and Rent Officer Services.

5. EDUCATION COMMITTEE

- Constitution:*
- (i) 14 Members of the Council.
 - (ii) 2 voting representative members appointed annually:-
 - 1 on the nomination of Education Committee of the Diocese of St Albans.
 - 1 on the nomination of Archdiocese of Westminster Schools Commission.
 - (iii) 14 non-voting representative members appointed annually:-
 - 1 on the nomination of the Free Church Federal Council.
 - 6 teachers or lecturers employed at schools or colleges maintained by the Council, one on the nomination of each of the following teacher associations, NUT, NAS/UWT, ATL, PAT, NAHT, SHA.
 - 7 persons of experience in education:-
 - 1 to be a representative of the Further Education sector;
 - 1 on the nomination of the Hertfordshire branch of the National Association of Governors and Managers (NAGM);
 - 5 appointed by the County Councillor members of the Committee from nominations made by those County Councillor members.

Functions:

To exercise the functions of the Council -

- (a) as local education authority,
- (b) in relation to careers
- (c) in relation to services for young people.

*** Cases and Appeals Sub-Committee**

Constitution: Up to 5 members of the Council appointed under the Section 17 arrangements in the Addendum.

Functions:

To determine any matters of personal casework or appeals

6. ENVIRONMENT COMMITTEE

Constitution: 14 Members of the Council

Functions:

To exercise the functions of the Council

- as county planning authority and in relation to the physical and economic environment of the county including smallholdings and Green Belt estates, tourism, rights of way and open spaces
- as highway authority and in relation to traffic and vehicle regulation, public transport, car parking and road safety.
- to deal with waste disposal, including to hold land and to place contracts.

NB: Matters of casework are dealt with by the Development Control Committee.

7. DEVELOPMENT CONTROL COMMITTEE

Constitution: 10 Members of the Council

Functions:

1. To deal with any matters of casework (excluding the management of land and buildings) relating to the determination of planning applications and applications for deemed planning permission.
2. To deal with any matters of casework relating to the Council's functions in respect of highways, traffic and vehicle regulation.

8. SOCIAL SERVICES COMMITTEE

Constitution: 14 Members of the Council.

Functions:

1. To exercise those functions of the Council which are required by law to be referred to the Social Services Committee.
2. To exercise the functions of the Council in relation to gypsy service provision.
3. To exercise the functions of the Council in relation to Youth Offending Teams under the Crime and Disorder Act 1998.

*** Cases and Appeals Sub-Committee**

Constitution: Up to 5 Members of the Council appointed under the Section 17 arrangements in the Addendum.

Functions:

To determine any matters of personal casework or appeals, including appeals concerning care establishments, nurseries and childminders.

- * These Sub-Committees meet as and when required and are not normally scheduled in the County Diary.

LOCAL GOVERNMENT AND HOUSING ACT 1989

SECTION 17 PROVISION

1. **Ad Hoc Committees or Sub-Committees**

The appointing body shall:-

- i) determine the function of the committee or sub-committee
- ii) determine the number of Members
- iii) determine the allocation of that number between political groups proportionately (or otherwise if all Members present agree).
- iv) when urgency requires, appoint to the committee or sub-committee the persons nominated by the appropriate Group Members present; or the County Secretary may appoint Members on the nomination of the Group Leader or the Committee Spokesperson at any time up to the meeting of the ad hoc committee or sub-committee.

If any Group declines to nominate the seat remains vacant.

2. **Committees or Sub-Committees with Variable Membership**

Unless the appointing body resolves otherwise, the County Secretary shall appoint Members proportionately (or otherwise if all Groups agree) on the nomination of the Group Leader or Committee Spokesperson. If any Group declines to nominate, the seat remains vacant.

3. This provision shall take effect from 18 May 1999. This provision shall cease to have effect if the Policy Committee so resolve or if the Leader of any Group gives written notice to the County Secretary.

PART 2

This Part summarises the arrangements for Standing Panels and Task Groups approved by the County Council on 18 May 1999. For further details please refer to the report to, and minutes of, that meeting.

1. STANDING PANELS AND TASK GROUPS

1.1 Standing Panels

A Committee may appoint a Standing Panel where there is a need for a continuing body to enable members to oversee a particular area of the County Council's activities.

1.2 Scrutiny and Audit Panel

The Scrutiny and Audit Panel has been established to ensure that there is a degree of independent review and evaluation of the impact of the Council's policies. It will be chaired by a member of the Opposition and have a membership of seven. The Panel may report to Policy Committee or to the Council when they consider it appropriate.

The Terms of Reference of the Panel are to:-

- review the strategic control processes within the Authority
- monitor the adequacy of arrangements for achieving value for money
- monitor implementation of audit recommendations

1.3 Standards Panel

The Standards Panel has been appointed to:

- advise the Council, member bodies and individual members on matters of propriety
- oversee the operation of the Council's Complaints and Whistleblowing procedures.

It consists of 3 senior members of the Council and 4 Independent members, one of whom takes the chair.

1.4 Local Panels

There are 10 Local Panels, each comprising the County Councillors for a District Council area. The role of each Panel is:

- to ensure members are thoroughly briefed on local issues
- to enable members to feed back their views to the Council about relevant issues
- to guide local consultation by the Council
- to oversee and develop local partnerships with the District Council and other partners as appropriate.

1.5 Task Groups

A Committee may appoint a Task Group to look at a particular issue where change is needed; it will seek evidence, consult with users and put forward recommendations.

It will:-

- have specific terms of reference
- have a limited life

The Improvement and Review Committee will appoint a Review Group to oversee each of the Best Value Reviews and report back to the Committee with recommendations.

1.6 Membership

Members of all Panels and Task Groups shall be appointed by the parent Committee or by the County Secretary, after consultation with appropriate Committee Spokespersons. Unless appointed by the parent committee, Panels and Task Groups shall appoint their own Chairmen and Vice-Chairmen.

1.7 Procedures and Guidelines

Procedures to be followed by Standing Panels and Task Groups are incorporated in the Series G guidelines for Panels and Task Groups, set out in the County Council's Standing Orders.

All meetings of Panels and Task Groups will have appropriate agendas, written reports and minutes. There is a presumption that all meetings of Panels and Task Groups will be open to other members of the Council, the press and public.

END

GUIDELINES FOR PANELS AND TASK GROUPS.

SERIES G

These Guidelines apply to all Panels and Task Groups.

G.1 Chairmen and Vice-Chairmen

The Chairman if present shall preside ; if not present the Vice Chairman (if appointed) shall preside. If there is no Chairman or Vice Chairman present the members present shall elect a person to preside.

G.2 Meetings.

The date and the place of meetings shall be set by the Chairman as far ahead as possible and notified to members. Once a date is set it will not be changed without consulting other members.

All meetings will be open to the public, press and other councillors, unless the body decides to close the whole or part of a meeting on specified grounds of confidentiality.

The quorum for a meeting is half the members, with a minimum of three.

Smoking is prohibited at meetings.

G.3 Substitutes

There shall be no substitution of members of the Standards Panel. Otherwise, the administration and opposition groups may each nominate one standing substitute for a Panel. Each group may nominate replacements for members who cannot attend particular meetings of Task Groups.

G.4 Procedures

An agenda and reports will be sent to members at least three clear working days in advance of each meeting.

None of the bodies covered by these Guidelines exercises delegated powers on behalf of the Council. They will all, however, offer recommendations and advise on matters within their remit and need to express those in clear terms.

Minutes of each meeting will be produced and circulated to members of the body.

If any papers or proceedings of a body are declared to be confidential, members of the body shall honour that confidentiality unless they agree otherwise or the material becomes public in the ordinary course of business.

G.5 Reports

The Standards Panel and Scrutiny and Audit Panel may submit reports to the Policy Committee or direct to the Council. The Scrutiny and Audit Panel is also entitled to place one item on the agenda of any Policy Committee meeting, and may request others, after consultation with relevant Chief Officers and the Chairman of the Policy Committee. Panels and Task Groups shall report to their parent Committees as instructed by those Committees.