

**PROPOSALS FOR EXECUTIVE ARRANGEMENTS**

*Report of the County Secretary*

**1. Purpose of Report**

To ask the Council to agree proposals for new Executive Arrangements.

**2. Summary**

The New Member Structure Panel has considered draft Executive Arrangements, and these are attached as an Annex.

The Arrangements feature a Leader & Cabinet Model of Executive, which is the option preferred in the public consultation.

The Arrangements can be drawn up now and sent to the Secretary of State, but they cannot be implemented until the Government has made Regulations modifying current legislation.

Until that time, the current Constitution can continue in force, but the Panel suggests some minor modifications.

**3. Conclusion**

The Council are asked:

1. To note the results of public consultation on new political structures.
2. To adopt Proposals for Executive Arrangements in the form annexed to this report and based on the Leader and Cabinet Model; to be implemented by the Council as soon as the Government has made the necessary modification orders to legislation later this calendar year.
3. To continue with the current Constitution until implementation, subject to some minor changes.
4. To authorise the County Secretary, in consultation with Group Leaders, to prepare a draft Constitution for consideration by the Council when the Executive Arrangements are implemented.

#### **4. Public Consultation**

- 4.1 As required by the Local Government Act 2000, the Council have consulted the public on the options for new political structures i.e.:
- Leader & Cabinet
  - Elected Mayor & Cabinet
  - Elected Mayor & Council Leader
- 4.2 The County Council worked with MORI to conduct its public consultation on political structures. This has included a series of focus groups, a Citizens Panel survey, publicity to every household via the County Council Newsletter and a postal survey of members of the public. The Council also conducted a web based survey on the Herts Direct website during February –March 2001.
- 4.3 The Citizens Panel survey highlighted a large amount of people admitting to know little, if anything, about the Government’s proposals for new political structures within local government. The residents’ lack of knowledge is reflected in their chosen priorities for the future of the County Council, with an even split between the options: 26% Leader with Cabinet, 25% Mayor with Cabinet, 25% Mayor and Council Manager and 24% Don’t Know/Not Stated.
- 4.4 The focus groups deliberated on all three options, but eventually concluded that they favoured the Leader with Cabinet model.
- 4.5 The launch edition of the County Council newspaper, Herts Direct, included a centre page feature article on the issue of political management structures. This was designed to inform the public and local people who wanted more information and were invited to call free for an information pack/questionnaire. Two hundred information packs were despatched to the general public. Additionally information packs were also sent to community and voluntary organisations across Hertfordshire. A total of 168 questionnaires were returned before the closing date from the general public and other stakeholders. The large majority of respondents (69%) expressed a preference for the Leader with Cabinet model. 17% of respondents opted for Mayor with Cabinet, 12% for Mayor with Council Manager and 2% did not state an answer.
- 4.6 The Herts Direct web survey which was conducted during February to early March 2001 followed the same format as the Citizens Panel Survey. 133 web surveys have been returned. 33.8% of respondents expressed a preference for the Leader with Cabinet model. 24.1% of respondents opted for Mayor with Cabinet, 24.1% for Mayor with Council Manager and 18% expressed no preference.

4.7 Geographic breakdown of the questionnaire and web survey results is as follows:

<u>Questionnaire</u>		<u>Web Survey</u>	
Broxbourne	6	Broxbourne	6
Dacorum	19	Dacorum	4
East Herts	22	East Herts., Stevenage, North Herts.	41
Hertsmere	4	Welwyn Hatfield, St Albans	24
North Herts	11	Watford, Hertsmere, Three Rivers	10
St Albans	34	Did not state postcode area	48
Stevenage	15	Total	133
Three Rivers	15		
Watford	8		
Welwyn Hatfield	20		
Outside of Herts postcode area	14		
Total	168		

4.8 The County Council must satisfy the Secretary of State that its consultation has followed DETR guidance; and that the chosen model is in line with public views. MORI have confirmed that the consultation fully meets DETR requirements. MORI have also noted that the focus groups opted for the Leader & Cabinet Model when provided with more detailed information; and that none of the surveys showed a majority in favour of either of the mayoral options.

## **5. Proposals for Executive Arrangements**

In the light of the results of the public consultation, the New Member Structure Panel recommend to the Council that a Leader and Cabinet model be adopted. The formal process to achieve this is for the Council to adopt Proposals for Executive Arrangements. Draft Proposals, incorporating comments from the Panel, are attached as an Annex to this report.

Before the Council decide to adopt the Proposals they must consider whether they are likely to assist in securing the continuous improvement in the way in which the Council's functions are exercised having regard to a combination of economy, efficiency and effectiveness.

If the Council do choose to adopt the Proposals they must submit them to the Secretary of State together with a statement showing how the public were consulted and how the outcome is reflected in the Proposals.

## **6. Implementation of the Proposals**

The law does not require the Secretary of State to approve the Executive Arrangements before the Council can begin to operate them. The Secretary of State can, however, require the Council to hold a referendum on a mayoral option if he considers that the Proposals do not reflect the outcome of public consultation.

Nevertheless, the Council cannot begin to operate the Executive Arrangements until DETR have made the necessary Regulations to modify the Local Government Act 1972. These Regulations were originally promised in early 2001, the latest information is that they will not be made until late May/early June. If a General Election is called, the Regulations are likely to be deferred to the Autumn. Consequently, the Proposals attached to this report state that the Council will implement them when the Regulations have been made. It will be necessary for a full Council meeting to pass a resolution to that effect.

The best estimate of an implementation date is therefore the scheduled Council Meeting on 27 November or an Extraordinary Meeting summoned by the Chairman before that date.

Once Executive Arrangements are implemented, they can only be changed by resolution of the Council. If a major change is proposed it would be necessary to re-consult the public. A minor change, such as an alteration in the size or function of Select Committees, would not require re-consultation.

## **7. Interim Arrangements**

Until the Executive Arrangements are implemented, the Panel recommend that the current Constitution continue in force with the following amendments to incorporate elements of the Arrangements:

- an Executive Member may establish a Panel (with politically proportionate membership) to assist with policy development
- an Executive Member may bring proposals for Policy development to a Select Committee or Panel without the need for a prior report to Cabinet.

## **8. New Constitution**

When the Council start to operate the new Arrangements, it must adopt a New Constitution. This will include the Executive Arrangements, but will also contain a great deal of procedural details.

Work on the Constitution can begin now and continue in consultation with Group Leaders so that a draft is ready for Council approval later in the year.

## 9. Key Decisions

- 9.1 When the new Executive Arrangements have been implemented the Council will need to be in a position to comply with the requirements of Regulations and Statutory Guidance in respect of Key Decisions.

The Regulations define a Key Decision as one which

- a) will result in expenditure or savings which is significant in relation to the budget of the service concerned; OR
- b) has a significant impact on people living or working in two or more electoral divisions.

The Statutory Guidance (now in its 3<sup>rd</sup> version since October 2000) adds the following requirements:

- the Government will issue indicative “significant” thresholds of expenditure/savings for different services. They propose to consult local authorities before issuing these.
- Councils should treat as Key any Decision which has a significant effect on one electoral division “for example a decision to close a village school or carry out roadworks”.

- 9.2 When the arrangements are in force, the Council will have to prepare and publish a Forward Plan which shows those issues in respect of which Key Decisions will be taken, and by whom, over the next 4 months. The Plan will need to be updated monthly. When a Key Decision is taken, a record will need to be made showing

- who took the decision
- the reasons for it
- the options considered.

Many current decisions which would be Key Decisions under the new regime are taken by Cabinet/Executive Committee/Council. Incorporating these into the Forward Plan, and complying with the recording requirements, will not present a difficulty.

There will however be a range of Key Decisions which will be taken by officers, normally after consultation with members. Examples of these will include:

- Environment: deciding the annual work schedules of road maintenance for each of the 10 areas; deciding whether to support particular bus routes (about 50 such decisions each year)
- Children Schools & Families: decisions about nursery provision at specific schools within the context of an overall plan agreed by Cabinet; decisions about grant aid to specific youth organisations within the context of such an overall plan
- All Services: decisions about specific capital projects within an overall capital allocation; decisions to secure benefits for the community through planning agreements with developers.

- 9.3 Further work will be done to identify Key Decisions which are likely to be needed and draw up procedures to ensure they are taken and recorded in accordance with the legal requirements. Group Leaders will be consulted as the work progresses.

## **10. Standards Panel/Committee**

The Local Government Act requires the Council to establish a Standards Committee to advise them on a Local Code of Conduct for Members.

The Regulations which will specify the membership of the Committee have not yet been made. It is likely however that the independent members of the current Standards Panel will be able to sit on the new Standards Committee.

It is suggested that the Council consider the establishment of a Standards Committee at the Annual Meeting on 22 May 2001.

## **11. Financial Implications**

None arising already from this report.

**DRAFT**

**HERTFORDSHIRE COUNTY COUNCIL**  
**LOCAL GOVERNMENT ACT 2000**  
**PROPOSALS FOR EXECUTIVE ARRANGEMENTS**

**1. Introduction**

These Proposals for Executive Arrangements set out how the County Council takes decisions. They comply with the Local Government Act 2000, and with Regulations and Guidance made under that Act. They take account of the views of the people of Hertfordshire.

**2. Form of Executive**

- (1) The Executive is a Leader and Cabinet Executive, consisting of
  - a) a County Councillor elected as Leader by the Council; and
  - b) between 2 and 9 County Councillors appointed to the Executive by the Leader.
- (2) The Leader is appointed by the Council as the first Annual Meeting following the ordinary election of County Councillors and holds office for the period ending with the day of the next ordinary election of County Councillors unless within that period the Leader:
  - a) resigns from the office of Leader by giving notice in writing to the County Secretary or
  - b) is suspended from being a Councillor under Part III of the Local Government Act 2000 (but shall resume office at the end of the suspension) or
  - c) ceases to be a County Councillor or
  - d) is removed from the office of Leader by resolution of the Council.
- (3) 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 under 2(2).
- (4) The Leader may nominate another member of the Executive to act during any period of absence.
- (5) Members of the Executive other than the Leader are appointed by the Leader who shall give written notice of the appointment to the County Secretary. They hold

office for the period ending with the day of the next ordinary election of County Councillors unless within that period:

- a) they resign from office by giving notice in writing to the Leader, copied to the County Secretary
- b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension)
- c) they cease to be County Councillors
- d) the County Secretary receives a written notice of removal signed by the Leader.

### **3. Roles of the Executive**

(1) The Executive:

- a) leads the Council's community planning process and the search for best value
- b) leads the preparation of the Council's policies and budget
- c) takes decisions on resources and priorities to deliver and implement the Council's policies and budget
- d) is the focus for forming partnerships with other organisations to address local needs.
- e) has responsibility for all functions of the Council which are not excluded from its remit by Regulations made under Section 13(3) of the Local Government Act 2000.
- f) has responsibility for "local choice" functions as specified in Appendix 1.
- g) delegates functions which are its responsibility to officers of the Council in accordance with the Scheme of Delegations from the Executive to Officers set out in Appendix 2.

(2) Individual members of the Executive may be allocated portfolios by the Leader. A member with such a portfolio in relation to a particular area of the Council's work shall, in relation to that work:

- a) oversee the development and implementation of policy
- b) propose an appropriate course of action when a matter comes before the Executive for decision
- c) be consulted by officers before decisions are taken by them under powers delegated from the Executive

- d) establish a Panel of County Councillors (to which the rules of political proportionality shall apply) to assist them in drawing up proposals for policy development for consideration by the Executive
  - e) bring proposals for policy development before a Select Committee or a Panel thereof
  - f) attend meetings of relevant Select Committees and their Panels to assist with scrutiny
- (3) The Leader shall notify the County Secretary in writing of the allocation of a portfolio to a member of the Executive, and of any change to a portfolio.

#### **4. Role of the Council**

- (1) All County Councillors, acting together as the full Council, have the following roles
- a) adopting and changing the Constitution
  - b) approving the policy framework (see (2) below) and the budget
  - c) adopting the Code of Conduct
  - d) taking decisions about any matter in the discharge of an executive function where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or the budget
  - e) taking decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to Committees or officers
  - f) appointing the Leader
  - g) agreeing and amending the terms of reference for Committees
  - h) adopting a Scheme of Members' Allowances
  - i) confirming the appointment of Head of Paid Service
  - j) performing "local choice functions" as set out in Appendix 1.
  - k) dealing with all other matters which by law must be reserved to the Council.
- (2) "The Policy Framework" means those policies required by law to be approved by the Council i.e.
- a) Annual Library Plan
  - b) Best Value Performance Plan
  - c) Children's Services Plan

- d) Community Care Plan
- e) Community Strategy
- f) Crime & Disorder Reduction Strategy
- g) The Development Plan (Structure Plan and associated Plans)
- h) Early Years Development Plan
- i) Education Development Plan
- j) Youth Justice Plan
- k) Local Transport Plan

TOGETHER WITH

- l) Food Law Enforcement Service Plan
- m) Agenda 21 Strategy
- n) Lifelong Learning Development Plan
- o) Quality Protects Management Action Plan
- p) School Admission Arrangements.

(3) The Council delegates its functions under (1) e) above to:

- a) the Development Control Committee
- b) the Casework Committee
- c) officers

in the manner set out in the Schemes of Delegation from the Council to Committees and Officers in Appendices 3 & 4.

**5. Arrangements for Operation of Select Committees**

(1) The Council shall carry out its duty under the Local Government Act 2000 to appoint Overview & Scrutiny Committees by the appointment of the following Select Committees:

- a) Children, Schools & Families
- b) Environment
- c) Adult Care Services
- d) Community Information & Protection

- e) Resources Prosperity Partnership & Consultation
  - f) Audit.
- (2) The terms of reference and membership of each Select Committee are as set out in Appendix 5.
  - (3) Each Select Committee has power to:
    - a) review or scrutinise decisions made in connection with the discharge of any functions whether or not they are the responsibility of the Executive
    - b) report and make recommendations to the Council or the Executive with respect to the discharge of any functions whether or not they are the responsibility of the Executive
    - c) report or make recommendations to the Council or the Executive on matters which affect the County or its inhabitants
    - d) recommend that a decision which is the responsibility of the Executive which has been taken but not implemented be reconsidered by the decision maker
    - e) refer to the Council for review or scrutiny a decision which is the responsibility of the Executive and which has been taken but not implemented.
  - (4) The Executive's Forward Plan, containing details of all matters likely to be the subject of key decisions, shall be made available to all members of Select Committees at least 14 days prior to the first day upon which the Forward Plan comes into effect.
  - (5) Each Select Committee, other than the Audit Committee, may appoint Best Value Review Groups to carry out Best Value reviews as set out in Appendix 5.
  - (6) Any member of a Select Committee may require that a matter which is relevant to the functions of the Committee be included on the agenda for, and discussed at, a meeting of the Committee.
  - (7) Each Select Committee may appoint Panels and Topic Groups to deal with particular matters within their remit.
  - (8) No member of the Executive shall be a member of a Select Committee or a Panel or Topic Group thereof.
  - (9) As part of their functions under (3) b) above, a Select Committee (or Panel thereof) may consider and make recommendations to the Executive on any proposals for policy development referred to them by the Executive or by a member of the Executive.
  - (10) Each Select Committee (or Panel and Topic Group thereof) may require members of the Executive and officers to attend before them to answer questions. It is the duty of

a member to comply with any such requirement. Each Select Committee may invite other persons to attend its meetings.

- (11) The Chairmen and Vice-Chairmen of all Select Committees shall meet regularly to ensure the work of their Committees is properly co-ordinated.

## **6. Measures for Probity**

- (1) In order to ensure that County Councillors observe, and are seen to observe, high standards of conduct the Council shall appoint a Standards Committee.
- (2) The Standards Committee shall consist of:
  - a) 4 independent persons appointed to the Committee following public advertisement
  - b) 2 County Councillors, neither of whom shall be a member of the Executive.
- (3) The Chairman of the Standards Committee shall be appointed by the Committee from among the 4 independent members.
- (4) The remit of the Standards Committee shall be to:
  - a) promote and maintain high standards of conduct by County Councillors and any co-opted members
  - b) advise the Council on the adoption or revision of the Code of Conduct
  - c) assist County Councillors and co-opted members to observe the Council's Code of Conduct
  - d) monitor the operation of the Code of Conduct
  - e) advise, train or arrange to train County Councillors and co-opted members on the Code of Conduct.
- (5) The proceedings of the Standards Committee shall be as determined by the Local Government Act 2000 and Regulations and Guidance made thereunder; and otherwise as determined by the Committee itself.
- (6) The Standards Committee shall have power to report, with recommendations, to the Council and to the Executive at such times and in such manner as they think fit.

## **7. Implementation**

The Executive Arrangements cannot come into effect until the Secretary of State has made the necessary secondary legislation under the Local Government Act 2000. As soon as practicable after that secondary legislation has been brought into effect the Council will implement the Executive Arrangements. The Executive Arrangements will then continue in effect unless or until amended in accordance with the requirements of the Local Government Act 2000.

**LOCAL CHOICE FUNCTIONS**

<b><u>Function</u></b>	<b><u>Proposed Allocation</u></b>
1. Determining appeals against any decision made by or on behalf of the Authority.	1. The Casework Committee.
2. Making arrangements for hearing appeals in relation to school admissions and exclusions.	2. The Cabinet (but normally dealt with by officers under delegated powers).
3. Making arrangements for enabling questions on police matters to be asked at Council Meetings.	3. The Council (through Standing Orders).
4. Appointing members to the Police Authority	4. The Council (but may be dealt with by officers under delegated powers).
5. Conducting Best Value Reviews	5. a) The Cabinet sets the terms of reference for each review.  b) The relevant Select Committee appoints a Review Group to conduct the review (but this may be dealt with by officers under delegated powers).  c) The Cabinet considers and makes decisions on the recommendations of the Best Value Review Group.  d) The recommendations are copied to the Select Committee.
6. Obtaining information as to interests in land under the Town & Country Planning Act 1990 and the Local Government (Miscellaneous Provisions) Act 1976.	6. The Cabinet (but normally dealt with by officers under delegated powers).
7. Making Agreements for the execution of highway works.	7. The Cabinet (but normally dealt with by officers under delegated powers).
8. Appointing to outside bodies.	8. The Council (but may be dealt with by officers under delegated powers)

**SCHEME OF DELEGATION FROM THE EXECUTIVE TO OFFICERS**

**1. INTRODUCTION**

**Overall Basis**

- 1.1 This scheme delegates the functions of the Executive to officers and should be interpreted widely rather than narrowly.
- 1.2 This scheme delegates power 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.
- 1.3 This scheme operates under the Local Government Act 2000 (“the Act”) and all other powers enabling the Council.

**Overall Limitations**

- 1.4 This scheme does not delegate to officers
  - (i) any matter which is not the responsibility of the Executive 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 adopted by the Council or the Executive
  - (iii) the power to exceed the provision of capital and revenue budgets for their services except insofar as authorised by Financial Regulations or Contract Regulations.
- 1.5 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 1.7-1.13 below in respect of consultation with members
  - (iv) Policies approved by or on behalf of the Council
  - (v) Instructions from the Chief Executive as Head of Paid Service.

- 1.6 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 Finance Director under Section 114 of the Local Government Finance Act 1988.

### **Consultation with Members**

- 1.7 Before taking any decision on behalf of the Council, an officer must consider whether to involve members. If the matter is a purely technical or professional routine matter, which is not controversial in any way, then members will not need to be involved.
- 1.8 If the matter has local significance, but no general significance for the Council and no controversial aspects, the officer shall consult or inform the local member in writing (or by e mail) and proceed. **It is essential that all officers responsible for delivering services ensure that local members are kept well briefed on issues affecting their areas.**
- 1.9 If the matter has general significance for the Council and/or is, or is likely to be, controversial, then the officer shall consult the appropriate Executive Member before proceeding. In some cases it will be necessary to consult more than one Executive Member, and in some cases the Leader of the Council will need to be consulted.
- 1.10 Consultation may be in writing or by e mail, but must allow sufficient time for the consultee to respond before a decision is taken.
- 1.11 A consultee may ask that other members' views be sought, including those of the local member.
- 1.12 If the Executive Member concurs with the officer's proposal, the officer may proceed.
- 1.13 As soon as practicable after the decision is taken, the officer must
- document it
  - notify all consultees
  - notify the Chairman, Vice-Chairman and other Group Spokesmen on the relevant Select Committee.

### **Further provisions**

- 1.14 This scheme includes the power for officers further to 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 officer. Sub-delegations shall be recorded in a register kept by the County Secretary. Sub-delegations may be made across departmental boundaries and to other Councils in Hertfordshire and their officers.
- 1.15 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.

- 1.16 It shall always be open to an officer not to exercise delegated powers but to refer the matter to the Executive for decision.
- 1.17 In exercising delegated powers, officers shall consult with such other officers as they determine appropriate and shall have regard to any advice given.
- 1.18 In this scheme “officer” means the holder of any post named in this scheme as having delegated powers and duties.
- 1.19 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.
- 1.20 In each case, except where the Chief Executive is exercising delegated authority under paragraph 2(e), none of the officers named are authorised to make a formal response on behalf of the County Council to any White Paper, Green Paper or Government Consultation Paper, without reference first to the relevant Select Committee.

When the timescale does not allow for reference to a scheduled Select Committee meeting, officers are authorised to respond, following consultation with the relevant Executive Member and the Select Committee Chairman and Vice-Chairman.

## **2. To THE CHIEF EXECUTIVE**

- (a) To authorise, after consultation with the Leader of the Council, twinning arrangements.
- (b) To incur expenditure in the event of a civil emergency.
- (c) To manage the co-ordination of budget processes, including overall strategy, planning, and information.
- (d) In cases of urgency, after consultation with the Leader of the Council and the relevant Executive Member, to take any decision which could be taken by the Executive.
- (e) The functions of the Executive in relation economic and social development and regeneration; consultation and communications; and relations with European, regional and local public bodies.

Note The Chief Executive is Head of Paid Service.

## **3. To THE DIRECTOR OF COMMUNITY INFORMATION**

- (a) The functions of the Executive in relation to unified public access to services; public libraries, arts and museums and the provision of schools library services,
- EXCEPT FOR the withdrawal or modification of public facilities.

- (b) The functions of the Executive for weights and measures and food safety; and for trading standards and consumer protection, animal health, performing animals and explosives licensing.
- (c) The functions of the Executive in relation to archives and records,  
EXCEPT FOR the withdrawal and modification of public facilities.
- (d) The functions of the Executive in relation to culture (including sport and recreation).

#### **4. To THE DIRECTOR OF CHILDREN SCHOOLS & FAMILIES**

The functions of the Executive in relation to: education; children under social services legislation; the Youth Service; and in relation to the Youth Justice Service,

EXCEPT FOR

- (i) Significant variations to the Scheme of Local Management of Schools and withdrawal of delegated powers.
- (ii) Changes to fees, charges and concessions policies, including Maintenance and Clothing Allowances.
- (iii) Decisions to publish statutory notices to open or close schools or make significant changes to them.

#### **5. To THE FINANCE DIRECTOR**

- (a) To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.
- (b) To manage the Council's banking arrangements.
- (c) To manage from day to day the:-
  - (i) County Fund and all subsidiary and associated accounts.
  - (ii) Borrowing and Lending Portfolio.
- (d) To make payments under the Council's Personal Accident Injury Scheme.
- (e) To implement national and local pay awards and increase payments under the Pension Increase Acts.
- (f) To manage the Leased Car and Car Loan Scheme.
- (g) To make leasing arrangements.
- (h) To manage the Council's Insurance arrangements.

Note The Finance Director is the Proper Officer under Section 115 of the Local Government Act 1972 and acts as Head of Profession for finance staff.

**6. To THE HEAD OF COUNTY SUPPLIES AND CONTRACT SERVICES**

To take decisions for the purpose of purchasing goods in common use.

**7. To THE CHIEF FIRE OFFICER**

The functions of the Executive in relation to fire matters and for petroleum licensing.

EXCEPT FOR:

- (i) Changes to duty schemes, including day crewing at fire stations.
- (ii) Closure of fire stations.

**8. To THE COUNTY SECRETARY**

- (a) To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal.
- (b) To authorise officers of the Council to appear before Magistrates Courts or County Court Registrars.
- (c) 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.
- (d) The functions of the Executive in relation to Registration of Births, Deaths and Marriages and the Coroners Service.
- (e) The functions of the Executive under the Crime & Disorder Act 1998 (except for Youth Justice functions for which see the Director of Children Schools & Families).

Note The County Secretary is the Monitoring Officer and acts as Solicitor to the Council.

**9. To THE CORPORATE DIRECTOR (PEOPLE AND PROPERTY)**

- (a) To manage central training and job evaluation (including judgement on market forces and employee benefits).
- (b) To authorise acquisition, re-use, appropriation and disposal of land and buildings.

EXCEPT FOR any transaction the value of which is expected to exceed £1M and which does not fall within (e) below.

(Note: the Director can only agree property disposals for self-financing schemes where appropriate member level decisions have been taken through Cabinet and Select Committees.)

- (c) To act as client for all land and buildings used primarily for office purposes.
- (d) To act as client for land and buildings not in direct operational use.
- (e) To take (without limit on value) disposal, replacement, asset investment and other related decisions for the purposes of achieving effective decisions under the Local Government and Housing Act 1989 Capital Finance regulations, provided that the Executive have already agreed in principle the disposal, new asset and other projects and that no additional net capital expenditure is created.
- (f) The functions of the Executive for Health & Safety, Civil Aid and Emergency Planning.

Note The Corporate Director acts as Head of Profession for personnel staff.

#### **10. To THE DIRECTOR OF ENVIRONMENT**

- (a) The functions of the Executive in relation to planning, highways, traffic and vehicle regulation, public transport, car parking and road safety; 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.
- (b) The functions of the Executive in respect of waste disposal matters.

Note 1: The following matters are excluded from this delegation:-

- (i) Development Plans
  - approval of draft consultation
- (ii) Major Trunk Road and major Motorway improvement schemes - County Council response to public draft line, side road and compulsory purchase orders.
- (iii) Major Capital County Transportation Proposals:-
  - Choosing a preferred route or option following public consultation
  - Authorising the promotion of Compulsory Purchase and Side Road Orders.
- (vi) Passenger Transport Services
  - Implementing area-wide reviews of passenger transport services.

Note 2: The Director is responsible for co-ordination of the Council's requirements for transport services.

**11. To THE DIRECTOR OF ADULT CARE SERVICES**

The functions of the Executive in relation to:

- (a) social services for adults
- (b) gypsy site provision
- (c) the Health Service

EXCEPT FOR

- (i) Decisions on the location of gypsy sites.
- (ii) Decisions on the closure, relocation or change of use of residential and day care establishments.

**SCHEME OF DELEGATIONS FROM THE COUNCIL TO COMMITTEES**

1. Introduction

This Scheme delegates to Committees those functions which by virtue of the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 or any amendment thereof (“the Regulations”), are not to be the responsibility of the Council’s Executive.

2. The Development Control Committee shall comprise 10 members of the Council and has delegated to it all the functions of the Council relating to:

- (i) Town and Country Planning & Development Control as specified in Schedule 1 A of the Regulations.
- (ii) Registration of common land or town and village greens as specified in Schedule 1 B paras. 37 and 38 of the Regulations.
- (iii) Highways and rights of way matters as set out in Schedule 1 B paras. 41, 47, 48, 49, 50, 51, 52, 53, 54 and 55; and in Schedule 1 I paras. 1, 2, 3, 4, 5, 6 and 7 of the Regulations.

Note The Development Control Committee shall advise the Executive and appropriate officers on the making of traffic regulation orders when requested to do so.

3. The Casework Committee is an ad hoc committee with variable membership of up to 5 members of the Council appointed by the County Secretary and summoned to deal with the matter specified on the Agenda. It has delegated to it all the functions of the Council relating to:

- (i) the appointment, dismissal and discipline of the Chief Executive and Chief Officers
- (ii) the determination of appeals by members of staff in relation to discipline, grievance and related matters
- (iii) appeals in respect of complaints under the Access to Personal Files (Social Services) Regulations 1989
- (iv) appeals in respect of the registration of residential care homes, nurseries and childminders
- (v) those matters specified in Schedule 1 to the Regulations which are not delegated to the Development Control Committee under 2. above and which are capable in law of delegation to a committee.

## SCHEME OF DELEGATION FROM THE COUNCIL TO OFFICERS

### Introduction

- 1.1 This Scheme delegates to officers those functions which are by virtue of the Local Authorities (Functions & Responsibilities (England)) Regulations 2000 or any amendment thereof (the Regulations) are not to be the responsibility of the Council's Executive.
- 1.2. The exercise of delegated powers by officers under this Scheme is subject to the limitations set out in sections 1.4 to 1.6 of the Scheme of Delegation from the Executive to Officers; and the further provisions set out in sections 1.14 to 1.20 of that Scheme.

### Consultation with Members

- 1.3 The exercise of delegated powers under this Scheme is subject to the requirements for member consultation set out in sections 1.7 to 1.13 of the Scheme of Delegation from Executive to Officers EXCEPT THAT where the decision to be made has general significance and/or is, or is likely to be, controversial the officer shall consult leaders of all political groups or their nominees before proceeding and shall notify those members of the decision as soon as practicable after it has been taken.

1. Finance Director

Functions in relation to pensions as specified in Schedule 1 H of the Regulations.

2. Chief Executive and All Chief Officers

The power to appoint staff as specified in Schedule 1 I para. 14 of the Regulations.

3. Director of Community Information

The licensing and registration functions of the Council specified in Schedule 1 B paras. 22, 31, 42, 43, 44, 45 and 46 of the Regulations.

4. Director of Children Schools & Families

Power to license the employment of children as specified in Schedule 1 B para. 35 of the Regulations.

5. Chief Fire Officer

Power to issue fire certificates as specified in Schedule 1 B para. 28 of the Regulations.

6. County Secretary

- (i) Functions in relation to the licensing of sports grounds as specified in Schedule 1 B paras. 26 and 27 of the Regulations.

- (ii) Functions in relation to approval of premises for marriages as specified in Schedule 1 B para. 36 of the Regulations.
- (iii) Functions in relation to elections as specified in Schedule 10 of the Regulations.
- (iv) Power to make Standing Orders for Contracts as specified in Schedule 1 I para. 15 of the Regulations.
- (v) Power to make payments in cases of maladministration as specified in Schedule 1 I para. 16 of the Regulations.
- (vi) Power to make appointments to Committees, Sub-Committees, Panels, Topic Groups, Best Value Review Groups, other member bodies and outside bodies.

7. Director of Environment

All functions of the Council relating to

- (i) Town & Country Planning and Development Control as specified in Schedule 1 A of the Regulations.
- (ii) Registration of common land or town or village greens as specified in Schedule 1 B paras. 37 and 38 of the Regulations.
- (iii) Highways and rights of way matters as set out in Schedule 1 B paras. 41, 47, 48, 49, 50, 51, 52, 53, 54, 55; and in Schedule 1 I paras. 1, 2, 3, 4, 5, 6 and 7 of the Regulations.

**TERMS OF REFERENCE OF SELECT COMMITTEES**

Note The composition of each Select Committee describes the voting membership. Each Select Committee has power to co-opt persons who are not members of the Council in a non-voting capacity.

(1) Children, Schools & Families

- Composition : 16 members of the Council, 4 elected parent governor representatives  
2 church representatives (one appointed by the Diocese of St Albans, one by the Archdiocese of Westminster).
- Remit : The policies and services of the Council: as local education authority; in relation to children, as social services authority, and for youth justice.

(2) Adult Care Services

- Composition : 10 members of the Council.
- Remit : The policies and services of the Council as social services authority in relation to adults.  
Gypsy Site provision.  
The Council's relationship with the Health Service.

(3) Environment

- Composition : 10 members of the Council.
- Remit : The policies and services of the Council as:
- county planning authority and in relation to the physical and economic environment of the County, including small holdings, Green Belt estates, tourism, rights of way and open spaces
  - highway authority, work in relation to traffic and vehicle regulation, public transport, car parking policy and road safety
  - waste disposal authority.

(4) Community Information & Protection

- Composition : 10 members of the Council.
- Remit : The policies and services of the Council for
- culture (including sport & recreation)
  - securing unified access to services

- public libraries, museums and the arts
- registration of births, marriages and deaths
- fire & rescue
- civil and emergency planning
- trading standards and consumer protection
- the Coroners Service

(5) Resources Prosperity Partnership & Consultation

Composition : 10 members of the Council.

Remit : The policies and services of the Council for

- overall resource allocation
- the best value performance plan
- community leadership
- the community strategy
- central support services
- personnel matters
- property resources
- public consultation
- crime & disorder reduction
- economic & social regeneration
- relations with the Region and Europe
- equality of opportunity
- any other matter which does not fall within the remit of any other Select Committee.

(6) Audit Committee

Composition : 8 members of the Council.

Remit : In relation to all services of the Council: to review

- the adequacy of internal control systems
- financial statements
- the internal audit strategy & plan
- the annual report of the Chief Internal Auditor
- the implementation of Internal Audit recommendations
- the annual external Audit Plan except in so far as it relates to value for money issues (which fall within the remit of the relevant Select Committee)
- management's response to key issues and recommendations in District Audit and the District Auditor's management letter, except in so far as it relates to value for money issues, which fall within the remit of the relevant Select Committee

**BEST VALUE REVIEWS**

- (1) The programme of best value reviews is determined by the Council as part of the Best Value Performance Plan.
- (2) The Cabinet or relevant Executive Member shall propose the terms of reference for each review to the appropriate Select Committee.
- (3) The Select Committee shall establish a BV review group to oversee the review, which shall include at least one member of the Select Committee. The County Secretary may appoint a BV review group after consultation with the lead member of the majority group and the lead member of the opposition on the Select Committee.
- (4) The BV review group shall report on behalf of the Select Committee to the Cabinet with recommendations.
- (5) The BV review group's report also goes to the Select Committee.