

Reference	Subject	Raised by	Response/ reason Reference to changes made to denote <i>proposal</i> unless statutory requirement.	Legal response / comments
Section 1				
	Democratic Services Manager/ Committee Services Manager	Service Director Legal & Community	Change reference to Proper Officer – where appropriate to refer to Democratic Services Manager. Committee Services Manager to become Committee, Member and Scrutiny Manager (post phase 2 restructure) Committee & Member Services Officer to become Committee, Member and Scrutiny Officer.	This will be undertaken and checked post acceptance of amendments.
Update address	Remove Town Lodge	Service Director Legal & Community		
Section 2				
Section 2.2	“Deputy Chief Officer” definition	Service Director Legal & Community	Updating reference to legislation. “Deputy Chief Officer” As defined under <u>the Local Government &amp; Housing Act 1989 and relevant Regulations 2(8) of the Local Authorities (Standing Orders) Regulations 1989</u>	<b>Propose Amend.</b>
Section 2.2	Reference to Democratic Services Manager	Service Director Legal & Community	<b>Propose:</b> Remove definition as Democratic Services Manager now in place.  Wording: <del>“Democratic Services Manager”: Reference to such an officer shall be deemed to include the Service Director: Legal and Community, or such officer sub-delegated to undertake any of the specific functions detailed in the Constitution.</del>	<b>Propose: Delete.</b>

Section 2.2	“Forward Plan”	Service Director Legal & Community	<p>Forward Plan is a plan of Key Decisions of the Executive which are both legally defined under legislation requirements Regulations 8-9 LAMA 2012<sup>1</sup>.</p> <p>In this Constitution the Notice of Key Decision and a Notice of Private Meeting of the Cabinet published by the Council over a four month period (including decisions to be made by the Cabinet, individual Cabinet Members or delegated officers, <del>which are not Key Decisions</del>).</p>	<p><b>Propose:</b> Delete part that should not legally be included.</p>
Section 2.2	“Proper Officer”	Service Director Legal & Community	<p>means an officer to whom a duty/ role or decision making power is delegated, as set out at Section 14.5 – <u>14.6 unless otherwise described.</u></p>	
Section 3				
Section 3.1.1(a)	Information available to Members of the public	Cllr Deakin-Davies	<p><b>Relevant text:</b> A programme of meetings is available by contacting the Council direct, logging on to the Council’s website or looking at the Council’s notice board outside the Council Offices or library notice boards in Baldock, Hitchin, Letchworth or Royston.</p> <p><b>Question:</b> why not posted in Knebworth? 5,000 people live there.</p>	<p><b>Response:</b> <i>The libraries in the four named towns do not accept notices from the Council any more. This issue will be raised once again with HCC / relevant Libraries as a separate point. However it is not considered appropriate for the constitution to require notifications to be placed in locations outside of the Council’s control.</i></p> <p><b>Propose:</b> <i>A programme of meetings is available by contacting the Council direct, logging on to the Council’s website or looking at the Council’s notice board outside the Council Offices or library notice boards in Baldock, Hitchin, Letchworth or Royston.</i></p>

<sup>1</sup> Local Authorities (Executives Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089

Section 3.1.1(b)	Forward Plan	Service Director Legal & Community	<p><b>Proposed amendment:</b> add word 'Key' Key Decisions will be taken by the Cabinet to reflect the LAMA2012<sup>2</sup> requirement.</p> <p><b>Reason:</b> to meet the legal requirements defined under LAMA 2012.</p>	<b>Propose Amend.</b>
Section 4				
Section 4.3	The Budget	Service Director: Resources	<p><b>Change:</b> Deletion of reference to virement limits.</p> <p>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 decision relating to the control of the Council's borrowing requirement <i>and</i> the control of its capital expenditure <del>and the setting of virement limits</del>. The Full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. (See Section 16 for how the Council can change the Policy Framework or Budget referred to it for approval by the Cabinet.)</p> <p><b>Reason:</b> The budget does not set virement limits - these are set in the Financial Regulations.</p>	<b>Propose: Amend.</b>
Section 4.4.1 (cc)		Democratic Services Manager/ Service Director Legal & Community	<p>Delete: "setting the scale of fees for elections;"</p> <p><b>Reason:</b> This is a matter for the Returning Officer, with benchmarking across to other authorities and shall be notified to Members and staff with a Delegated Decision (via MIS and the Council's website).</p>	<b>Propose: Delete.</b>

<sup>2</sup> Local Authorities (Executives Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089

<p>Section 4.4.1(dd)</p>	<p>Functions of Full Council</p>	<p>Service Director: Resources</p>	<p><b>Change:</b> Deletion of word 'statement'  <i>"the treasury management strategy <del>statement</del>"</i></p> <p><b>Reason:</b> Changes to statutory guidance mean that the Council will have an integrated treasury and capital strategy that will be known as an investment strategy. The deletion of statement gives scope for the treasury management strategy to be contained within an integrated investment strategy.</p>	<p><b>Propose:</b>  <del>(dd)</del>(cc) <i>approving the treasury management strategy <u>(as may be incorporated in an integrated investment strategy)</u>;</i></p> <p><i>NB becomes (cc) with scale of fees provision deleted.</i></p>
<p>Section 4.8</p>	<p>Rules for Conducting Meetings ("Standing Orders")</p>	<p>Service Director Legal &amp; Community</p>	<p><b>Change:</b> Insertion of 'guillotine' provisions that limit the duration of meetings and mean that the meeting comes to an end after a fixed number of hours.</p> <p><i>Proposal of requirement for a resolution just prior to 2.5 hours of the meeting, if required to extend.</i></p> <p><b>Reason:</b>  <i>As meetings ordinarily start at 7.30pm this will mean that if a meeting is to go beyond 10pm a resolution should be passed to extend the guillotine.</i></p> <p><i>If 2.5 hours is considered too short then 3 hours is proposed.</i></p> <p><i>The purposes of good decision making/ health and safety of Members/ Officers leaving the meeting. Many authorities have this provision for such a reason.</i></p>	<p><b>Propose:</b>  <i>"All Council meeting shall end after two and a half hours ("the guillotine"). Prior to the guillotine provision coming into effect, where the Members believe that a specific extension of time is warranted, this may be agreed by a resolution to extend the guillotine for a specified period. There is no limit to the number of extensions which may be agreed under this rule. No motion to extend the guillotine shall be permitted once the guillotine has fallen."</i></p> <p><b>NB this to be inserted as a new 4.8.5(e). Heading to be amended to include "length"</b></p>

<p>Section 4.8.4</p>	<p>Appointment of Substitute Members of Committees and Sub-Committees &amp; task and finish groups.</p>	<p>Cllr Martin Stears-Handscomb and Cllr J Billing</p>	<p>Amendment to the rules for Member substitution – current wording below:                      4.8.4 Appointment of Substitute Members of Committees and Sub-Committees                      (a) As well as allocating seats on Committees and Sub-Committees the Council will allocate seats in the same manner for substitute Members.                      (b) For Committees or Sub-Committees listed at 4.8.4(c) below, but not the Cabinet, the Council will appoint a proportionate number of substitutes in respect of each political group as that group holds ordinary seats on that Committee or sub-Committee. The number of substitutes shall be a maximum of 40% of the total of each group’s full Committee Membership rounded up to the nearest whole number.                      (c) The Committees for which substitutes are permitted are; Employment Committee, Planning Control Committee, Overview and Scrutiny Committee, Finance, Audit and Risk Committee, Council Tax Setting Committee, Joint Staff Consultative Committee and the Standards Committee.                      (d) Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercised by the person they are substituting.                      (e) Substitute Members may attend meetings in that capacity only:                      (i) to take the place of the ordinary Member for whom they are designated substitute;                          (i) when the ordinary Member will be absent for the whole of the meeting;                          (ii) after notifying the Proper Officer by 12 noon on the day of the meeting of the intended substitution.”  <b>Reason for change:</b>                      The Labour Group has asked for this flexibility.</p>	<p><b>Response:</b>  <i>Power to appoint to the Committee Task and Finish Groups unlikely to be feasible for project-based work – specifically as may be part of evidence gathering exercise/ over a period of time. For that reason not recommended</i></p> <p><b>Potentially propose amendment for a new (c):</b>  <i>“The Democratic Services Manager (‘the Proper Officer’) may change substitutes on Committees or Sub-Committees for a meeting at the request and in consultation with the relevant Group Leader providing:</i>                          (i) any Member substituting must have undertaken any pre-Committee compulsory training before such a request is made to act as the substitute; and                          (ii) the request is sent in writing to the Proper Officer at least 7 clear working days before the meeting.                          (iii) The appointment as substitute is for a particular meeting and shall then cease.”</p> <p><b>NB would also need to update Service Director/ Proper Officer delegation in section 14.6.9 (xx) update the wording. This will also, in any event, require updating to include replacement of substitutes and Members during the year – as currently this only covers a permanent vacancy.</b></p>
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4.8.10 (c)	(c) Notice of Questions	Cllr Deakin-Davies	Add wording to allow copies of the questions to be available to Members prior to the meeting.	<p><b>Propose:</b>  <b>Amend (c) and add:</b></p> <p><i>“The Proper Officer shall endeavour to make the question that has been accepted under 4.8.10 available to Members three days before the day of the meeting.”</i></p>
Section 4.8.10 (i)	Questions by the Public – Written answers	Cllr Deakin-Davies	<p><b>Proposed change:</b> written answers to questions by the public should be made publically available.</p> <p>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 Councillor to whom it was to be put, will be dealt with by a written answer as soon as practicable and <i>any written answer will be made publically available including on the Council’s website.</i></p> <p><b>Reason for change:</b></p>	<p><b>Propose:</b>  <b>Amend</b></p> <p><i>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 Councillor to whom it was to be put, will be dealt with by a written answer as soon as practicable <u>and any written answer will be made available on the Council’s website.</u></i></p>
Section 4.8.11(d)	<p>Questions by Members</p> <p>(Maximum number of questions)</p>	<p>Labour Group</p> <p>Group Leaders discussion</p>	<p><b>Change:</b> The maximum number of questions to apply for each political group</p> <p>The maximum number of questions that may be asked at any meeting of the Full Council by <i>each political group</i> is two.</p> <p><b>Reason for change:</b></p>	<p><i>NB initially proposed by Labour Group as 3 – the compromise is 2 each Political Group. (i) will then be deleted as not applicable as any questions to be answered at the meeting.</i></p> <p><i>To read (d):</i>  <i>“Notice of Questions</i>  <i>For any one meeting each Political Group A <del>Member</del> may submit ask a <u>up to two</u> questions under 4.8.11(b) or 4.8.11(c) if either:</i>  <i>(ii) they have given at least three clear working days’ notice in writing of the question to the Proper Officer; or</i></p>

				<p><i>(iii)the question relates to urgent matters, they have the consent of the Chairman or Member to whom the question is to be put and the content of the question is given to the Proper Officer by 10.00 a.m. on the day of the meeting.”</i></p> <p><b>NB is accepted, consequential amendments then required to (f) and (h).</b></p>
4.8.11(f)	Response to questions that are not answered at the meeting	Cllr Clark	Asked for time period for this to be provided.	<p><i>Propose:</i>  <i>“...Any outstanding questions unable to be asked should be addressed in writing to the Proper Officer for a written response to be provided to all Members <u>via the website with the draft minute or in any event within 5 working days of the meeting.</u>”</i></p> <p><b>NB this provision will be deleted if the amendments to (f) are accepted as there will be no additional questions that are left unanswered.</b></p>

<p>Section 4.8.12(a)</p>	<p>Motions on notice - notice</p>	<p>Cllr Deakin-Davies</p>	<p><b>Relevant text:</b> Except for motions which can be moved without notice under 4.8.13 written notice of every motion, signed by at least five Members where the motion calls for the removal from office of the Leader, or by at least two Members in any other case, must be delivered to the Proper Officer not later than midday, six clear working days (excluding the day of the meeting and the day of delivery) before the Council meeting at which it is to be considered. Motions received will be entered in a book open to public inspection. The Proper Officer may, with the consent of the Chairman, refuse to accept a motion if the matter to which it relates is referred to in the Forward Plan for consideration at a later meeting or there is otherwise an intention to consider that matter at a meeting of the Council within the next three (3) months.</p> <p><b>Question:</b> Do we actually have a book? Shouldn't this be on the website. I suggest that motions presented don't always follow this rule. have we got data? Also all Councillors should be informed by email of such motions on the same day it is put in the "Book".</p>	<p><b>Response:</b> <i>The procedure has been recently reviewed so that Committee services keep an electronic record of motions received.</i></p> <p><b>Propose:</b> <i>Amend slightly.</i></p> <p><i>"..Motions received will be retained in a record of motions <del>entered in a book</del> which is open to public inspection."</i></p>
<p>Section 4.8.12(a)</p>	<p>Motions on notice - notice</p>	<p>Liberal Democrats</p>	<p><b>Comment:</b> we also have the silly situation where we are forced to submit motions on paper with 2 signatures, when we are meant to e moving to a paperless system. Then there is also the problem of the paper being lost or misfiled</p>	<p><b>Response:</b> Can email/ or send a photograph of a signed motion. Will clarify with a footnote:</p> <p><i>"The motion may be signed by hand, or by electronic signatures and may either be emailed or delivered by hand to the Proper Officer."</i></p>



4.8.12(a)	Motions on notice - notice	Cllr Weeks/ Cllr Needham	To be signed by the proposer and seconder	<p><b>Propose:</b> Add those words underlined: "Except for motions which can be moved without notice under 4.8.13, written notice of every motion, signed by at least five Members where the motion calls for the removal from office of the Leader, or by at least two Members in any other case (<u>as proposer and seconder</u>), must be delivered to the Proper.."</p>
Section 4.8.23(a)	Decision Making	Cllr Clark	<p>Relevant text: In order to vote on an agenda item at any meeting of the Council or a Committee or Sub-Committee, a Member must be present in the room for the entirety of the debate and consideration of that item.</p> <p>Question: Apart from Planning &amp; Licensing, how do other Councils deal with this?</p>	<p><b>Response:</b> The Constitution contains provisions to deal with this as set out.</p> <p>Members should be addressed as a point of order to the Chairman if it is not picked up by officers.</p> <p><b>Proposed:</b> No change.</p>
Section 4.8.24	Application to Committees and Sub-Committees	Service Director Legal and Community	The application of standing orders to Committees and Sub-Committees will need to be reviewed once Constitutional amendments have been approved.	
Section 5				
Section 5.6.18	Clarification to s9D LGA 2000 Executive powers	Service Director Legal & Community/ Planning Lawyer	<p>Amend to make this clearer that these Article 4 direction fall under 5.6.20 definition.</p> <p>Pursuant to section 9D of the Local Government Act 2000 all functions of an authority are executive functions unless they are specified as not in either the 2000 Act or the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). Whilst some planning</p>	<p><i>To exercise the Authority's functions as Local Planning Authority and to receive reports on: strategic planning matters, applications for, approval/ designation, consultations/ referendums revocation (or recommend revocation of)</i></p>

			functions cannot be the responsibility of the Executive, the confirmation of an Article 4 direction is not a specified function, although it originates under the 2015 Order/ Town & Country Planning Act 1990, so should make it clear this is an Executive decision.	<i>neighbourhood plans, Article 4 Directions and orders, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).</i>
Section 5.6.29	Waivers to Contract Procurement Rules (CPR)	Subsequent to FAR approval of proposed changes to the CPR 17.12.18	Consequential amendments required recommended to Council on 17 January 2019, if approved.	<b>Propose Wording as amended:</b> <i>“To approve any waiver of Contract Procurement Rules referred to it by the Monitoring Officer and section 151 Officer, in accordance with the adopted policy Rules.”</i>
Section 5.6.39	Functions of Cabinet	Service Director: Resources	<b>Change:</b> Deletion of word ‘statement’ at 5.6.39 (By recommendation to Council) The treasury management strategy <del>statement</del>  <b>Reason:</b> Changes to statutory guidance mean that the Council will have an integrated treasury and capital strategy that will be known as an investment strategy. The deletion of statement gives scope for the treasury management strategy to be contained within an integrated investment strategy.	<b>Propose:</b> Delete word, and also add:  <i>“The treasury management strategy <del>statement</del> (as may be incorporated in an integrated investment strategy);”</i>

<p>Section 5.11.3</p>	<p>Cabinet Sub-Committee (Local Authority Trading Companies' Shareholder) – Roles and Functions</p>	<p>Cllr Deakin-Davies</p>	<p><b>Proposed change:</b> addition of new functions:</p> <p>(k) to report to Council the annual accounts of such Limited Companies we are shareholders in and also where there is a material change in the financial performance of the company, or where legal action has been taken against the company or where any service failure or customer failure has occurred”</p> <p>(l) as part of the reporting on budgetary matters quarterly, the current trading state and health of the company will be reported to Council”.</p> <p>(m) the financial contribution target from such companies will be reported to Council annually</p>	<p><b>Response:</b> <i>Amendments proposed instead to Finance Audit &amp; Risk Committees terms of reference under 10.1.5 below.</i></p>
<p>Section 6</p>				
<p>Section 6.1.2</p>	<p>Scrutiny - introduction</p>	<p>Cllr Deakin-Davies</p>	<p><b>Relevant text:</b> Scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. A Scrutiny Committee should not shy away from the need to challenge and question decisions and make constructive criticism.</p> <p><b>Comment/proposed change:</b> Local inhabitants is not accurate enough... O&amp;S scrutinises the EHDC and NHDC waste contract, EH people are not our local inhabitants... Also Careline could have customers anywhere in the UK, it is not a geographically bound service.</p>	<p><b>Response:</b> <i>Localism Act 2011 s9F powers specific power to (e) “to make reports or recommendations to the authority or the executive on matters which affect the authority’s area or the inhabitants of that area”</i></p> <p><b>Propose:</b> <i>“Scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants and customers. A Scrutiny Committee should not shy away from the need to challenge and question decisions and make constructive criticism. “</i></p>

Section 8				
Section 8.2.3	Licensing and Appeals Committee – Meetings	Licensing Manager	<p><b>Proposed change:</b></p> <p>(1) additional function of the Committee to adopt or approve substantial changes to Licensing policies with minor amendments to be delegated to an officer in consultation with the chair of the Licencing and Appeals Committee and the relevant Executive Member.</p> <p>(2) Also to receive an annual report on Licensing activities including performance information.</p>	<p><b>Response:</b>  <b>Expand remit.</b>  <b>Propose:</b>                      8.2.3 new (c) <i>To consider and amend other non-executive Licensing Policies (minor amendments to be delegated to the Licensing Manager in consultation with the Chairman of Committee and the relevant Executive Member).</i></p> <p><i>New (d) to receive an annual report on Licensing activities including performance information.</i></p>
Section 8.3.1	Licensing Sub-Committee Membership	Licensing Manager & Democratic Services Manager	<p><b>Proposed change:</b> To add a reserve Member to the Sub-Committee selected from the existing Membership of the Licensing and Appeals Committee, who shall be sent the papers and should be available to attend and hear the matter, in the event of the inability of one of the three Sub-Committee Members being able to attend/ participate.</p> <p><b>Reason:</b>                      To prevent unnecessary delays and adjournments. Enable the Council to meet statutory hearing deadlines in the event of an inquorate Sub-Committee.</p>	<p><b>Propose: Final wording to be considered/ checked. Currently propose</b></p> <p>8.3.1 <i>Membership</i>  <i>Three (3) Councillors shall be appointed to a Licensing Sub-Committee <u>and one non-voting reserve Councillor.</u></i></p> <p><u><i>Footnote: In the event that one of the voting Councillors cannot attend, has a conflict or is unable to participate for any other reason for that meeting, the reserve shall become a voting Member and no further reserve is required.</i></u></p>

<p>Section 8.4.4</p>	<p>Planning control Committee</p>	<p>Service Director: Regulatory</p>	<p><b>Proposed change:</b> addition of the words ‘for determination or consideration’</p> <p><b>Reason for change:</b> to clarify Planning Control Committee’s role</p>	<p><b>Response:</b>  <b>Propose:</b>  <i>Include amended wording:                  “The Planning Control Committee exercises those functions of the local planning authority not delegated to the Service Director: Regulatory. The Service Director: Regulatory may refer a matter to the Planning Control Committee for <u>determination or consideration</u> if the application is controversial or of significant public interest or is likely to have a significant impact on the environment.”</i></p>
<p>Section 8.4.5(c)(ii)/ (iii) &amp; ‘support’ of ward Member/ call in to PCC</p>	<p>Planning Control Committee</p>	<p>Strategic Sites Planning Officer</p>	<p>1 To make it clearer that supporting a referral into Committee does not preclude a Member necessarily being involved in the debate or vote if they are on the Committee (so long as they have not shown any pre-determination of the issue/ do not have an interest). Re-define ‘support’.</p> <p><b>Reason:</b> to prevent impression of bias and predetermination and legal challenge to the Council.</p>	<p><b>Response:</b>  <b>Propose:</b>                  Change ‘supported’ in (iii) 1 &amp; 2</p> <p>1 with:  <i>“<u>detailing the</u> reasons based upon one or more material planning considerations :” or</i></p> <p>2 with:  <u>detailing the</u> reasons that the matter is in the wider public interest.</p>

		<p>Service Director: Legal &amp; Democratic</p>	<p>2 Remove also word ‘declarable’ interest and leave interest (to cover both Declarable and Disclosable Pecuniary Interests).</p>	<p><i>Update footnote to (ii) B footnote* to state: provided that the written opinion of the parish or town council is supported in writing by at least one Ward Member<sup>3</sup> within five working days of the Ward Member being notified of the representation.</i></p> <p><i>* <sup>1</sup> A Ward Member with an <u>an declarable</u> interest must not be involved in the referral to Committee. This to apply to (iii): Footnote:3 as above.</i></p>
<p>Appendix 1 to Section 8 paragraph 1.3</p>	<p>Procedure for public participation in the consideration by the Planning Control Committee</p>	<p>Cllr Steve Jarvis</p>	<p>Proposed change: An issue has been raised with me about the public speaking rights at Planning Committee meetings. The first objector (or supporter) to respond gets complete control over who else may speak. This is a particular concern when it results in a parish, town or community council (which has been elected by the local community and are of course statutory consultees) being unable to speak. I think that we should consider giving some sort of priority to these councils when allocating speaking time (clearly only in relation to planning applications within their own area).</p>	<p><b>Response:</b> <i>Parish/ Town Councils are statutory consultees for certain types of development as per Schedule 4(d) Development Management Procedure Order</i></p> <p><i>No consistent approach with other Councils who have less time and a 3 minute slot for example, for the Parish/ 3 for others – but possible disparity leads to unfairness in process.</i></p>

				<p><b>Propose:</b>  <i>The issue could then be that Members of public are unable to speak, is the Ward Advocate the route for the Parish etc. under Appendix 2 to Section 8, therefore no change proposed.</i></p> <p><i>Other option would be to give the Parish Council the priority share of the public speaking time.</i></p>
Appendix 1 to Section 8 paragraph 1.3	Procedure for public participation in the consideration by the Planning Control Committee	Cllr Deakin-Davies	<p><b>Proposed change:</b> amended wording in relation to time keeping responsibilities.</p> <p>The time slot allocated to each group of speakers should not exceed 5 minutes. This time limit should be strictly adhered to in order to ensure that the business of the Committee can be transacted as expeditiously as is reasonably possible. <del>It is suggested that the</del> The Committee &amp; Member Services Officer or another officer not directly involved <del>will have</del> <i>has</i> the responsibility for time-keeping <del>rather than the Chairman</del></p>	<p><b>Response:</b>  <i>Suggest this is better dealt with outside of the Appendix.</i></p> <p><b>Propose:</b>  <i>Delete last sentence and deal with under normal officer procedure. It to read:                  Subject to suggestions above, to read:                  “The time slot allocated to each group of speakers should not exceed 5 minutes. This time limit should be strictly adhered to in order to ensure that the business of the Committee can be transacted as expeditiously as is reasonably possible.”</i></p>

<p>Appendix 3 to Section 8 paragraph 13</p>	<p>North Hertfordshire District Council's Member's Planning Code of Good Practice</p>	<p>Cllr Deakin-Davies</p>	<p><b>Change:</b> replace the word 'of' with 'on'</p> <p>Don't put pressure <del>of</del> <i>on</i> Planning Officers to change their recommendations before a Committee.</p> <p><b>Reason for change:</b> to correct a typographical error</p>	<p><b>Response:</b> <i>Accepted.</i></p> <p><b>Propose:</b> <i>Amend.</i></p>
<p>Section 9</p>				
<p>Section 9.8.</p>	<p>Area Committee terms of reference</p>	<p>Cllr Grindal</p>	<p><b>Proposed change:</b> I would like to introduce at the Letchworth Area Committee a scheme by which the Committee can recognise just a small good deed or work by an individual or a group from within the town that has shown good community spirit.</p> <p>It is a simple concept and in no way is intended to infringe on the annual Chairman awards which provide the opportunity to recognise those 'bigger' good deeds from across the district. On a few occasions recently I have been approached and told about 'small' good deeds performed by individuals and I feel that it would be no bad thing to recognise that. After all, engaging with the residents must be a priority and following the successful first Letchworth Town Talk this would be another small step in a closer link with our community and in inviting individuals or groups to the Committee to recognise those good deeds with a certificate would assist in that aim. Discussion with group leaders and annually to consider by Annual Committee,</p>	<p><b>Response:</b> <i>Council terms of reference allow for recognising community. However, could allow a localised recognition. If so proposal below.</i></p> <p><b>Propose:</b> <i>Amend 9.8.2 add “(h) At the penultimate annual meeting the Committee may recognise exceptional contribution to the community in their Area Committee locality by an individual.”</i></p>



Section 10				
Section 10.1.5	Terms of Reference of the Finance, Audit and Risk Committee	Cllr Deakin-Davies	<p><b>Proposed change:</b> to add to the terms of reference</p> <p><i>Monitor and report on the financial performance of Limited Companies where we are a shareholder with 51% plus shareholding, plus any risk factors to that company, and our actions to mitigate them</i></p> <p><b>Reason for change:</b></p>	<p><b>Response:</b> <i>This is arguably covered by Cabinet Sub-Committee (Local Authority Trading Companies' Shareholder), as role is to represent Council's shareholder interest, as per 5.11.4 (a) &amp; 5.11 (g)(ii). An addition to the terms of reference of this committee could be added to allow for any additional reporting by the directors of such companies.</i></p> <p><b>Propose:</b> new <i>"(h) To receive reports referred by the Chief Finance Officer on the financial performance of any of the Council's wholly owned limited companies."</i> <b>NB subsequent numbering will change.</b></p>
Section 14				
Section 14.5.2	Responsibility for Local Choice Functions	Cllr Martin Stears-Handscomb and Cllr J Billing	<p><b>Comment/proposed change:</b> Consideration of more flexibility on local choice functions – so that Cabinet can refer these to full Council if they wish.</p>	<p><b>Response:</b> <i>Discussed with Group Leaders Issues with LGA 2000, relevant functions regulations, issues with executive key decisions/ notice and certainty. Local choice and taking that forward as a larger piece of work in 2019/20 if wished to proceed.</i></p> <p><b>Propose:</b> <i>Following discussions with Group Leaders this to form part of a larger piece of work during 2019/20.</i></p>

<p>Section 14.6.7(b)(i) (C) and 14.6.12(b)(i) (B)</p>	<p>Delegation of Authority – Service Director: Commercial</p>	<p>Deputy Chief Executive</p>	<p><b>Proposed change:</b> increase in the value of property acquisition that falls within officer delegation:</p> <p>In consultation with the Service Director: Resources, acquisition of land where the purchase price or premium does not exceed £250500,000 or such higher figure as is determined in any adopted Asset Management Strategy.</p> <p><b>Reason:</b> to improve the Council’s ability to move at pace and respond to commercial opportunities</p>	<p><b>Response:</b> Discussed with Group Leaders and propose to increase limit of officer delegation.</p> <p><b>NB.</b> If adopted then the Cabinet delegation at 5.6.20 will need to be amended to reflect this flexibility in the Service Director: Commercial’s delegation. The values in the delegation for the Service Director: Resources would also be updated to mirror this change.</p>
<p>Section 14.6.7(b)(i) (B)</p>	<p>Delegation of Authority – Service Director: Commercial</p>	<p>Service Director: Resources</p>	<p><b>Proposed change:</b> Should we explicitly cover the gap between £50,000 and £250,000 for leases etc.</p> <p><b>Reason for change:</b> for clarification as the Constitution is presently silent on this point</p>	<p><b>Response:</b>  <i>The Constitution shows that the Executive Member for Finance and IT is responsible for ‘leadership, strategic planning and development, partnership working and decision making within Asset Management’.</i>  <i>This is presently relied upon to provide authority for rent reviews and minor land matters that exceed officer delegation. It should be noted that there is currently no Cabinet delegation for minor land matters of this type.</i>  <i>Can explicitly amend.</i></p> <p><b>Propose:</b>  <i>Increase officer delegation to make it consistent with the disposals values: granting, negotiating and settling terms of leases, licences, easements, wayleaves, rent reviews, assignment of leases, the appointment of arbitrators / experts, consents,</i></p>

				<p>guarantees and all other minor land matters where the initial annual rent (after the expiry of any rent free period) or the premium does not exceed <b>£500,000 provided that in respect of any matter where the initial rent or premium exceeds £50,000 the decision shall be made in consultation with the Executive Member for Finance and IT.</b></p> <p><b>NB.</b> Cabinet delegation would be amended to explicitly cover matters where the value exceeds £500,000.</p>
Section 14.6.9(a) (xxviii)	Delegation to Service Director Legal & Community		<p>To move to Service Director: Customers</p> <p>To verify foreign national pensions<sup>4</sup>. Reason: direct access via customer services in reception.</p>	<p><b>Propose:</b> Move to 14.6.8 (a) &amp; read: (viii) To authorise officers to provide a discretionary service to verify foreign national pensions.</p>
Section 14.6.9(b) (xiv)	Licensing delegation for Service Director Legal & Community	Service Director Legal & Community	<p>Drafting Unclear, as not delegated elsewhere:</p> <p>“Licensing including all functions under all relevant Licensing Executive Member for Housing and Environmental Health which shall include: legislation other than matters reserved to the Licensing and Appeals Committee, street trading, Sunday trading and scrap metal”</p>	<p><b>Propose:</b> <b>Amend as set out.</b> Licensing and Appeals Committee and Full Council, <del>street trading, Sunday trading and scrap metal.</del></p>

<sup>4</sup> This is a discretionary service and may be subject to a charge

<p>Section 14.6.9(b) (xiv)</p>	<p>Licensing delegation for Service Director Legal &amp; Community</p>	<p>Cllr Needham</p>	<p>Conservative Group would like this to be set by the Executive Member.</p>	<p><b>Propose:</b>  <i>Amend Executive Member's for Housing and Environmental Health delegation in respect of Taxi fares:</i></p> <p><del>being consulted on the s</del> <i>Setting of charges and fees for hackney carriages and private hire vehicles <u>in consultation with the Service Director: Legal and Community and Licensing Manager.</u></i></p>
<p>Section 14.6.9(b) (xvii) A and B</p>	<p>Delegation of Authority – Service Director: Legal and Community</p>	<p>Cllr Deakin-Davies</p>	<p><b>Relevant text:</b></p> <p>A safeguarding of vulnerable adults Executive Member for Housing and Environmental Health          B safeguarding of children and young people Executive Member for Community Engagement and Rural Affairs which shall include promoting the Council's position in regard to children's services across the district and in particular the protection of children and young people.</p> <p><b>Question:</b> I wonder why two Executive Members here are involved, Housing and Environment which includes health, such as Careline which a growing number of young people use... What does the Exec for Com Engagement and Rural affairs do for children and young people?</p>	<p><b>Propose:</b>  <i>Have consulted the Leader move to Executive Member for Community Engagement and Rural Affairs:</i></p> <p><i>Amalgamate A for Service Director Legal &amp; Community. Executive Members to read:</i>  <i>"promoting the Council's position in regards <u>to children's services safeguarding responsibilities</u> across the district <del>and in particular the protection of children, and young people undertaken within its safeguarding responsibilities</del>"</i></p>

<p>14.6.11(b) (viii)</p>	<p>Delegation of Authority Service Director: Regulatory</p>	<p>Service Director: Regulatory</p>	<p><b>Proposed change:</b> addition to service responsibilities: All functions relating to National Infrastructure Planning including co-ordination of the Council’s response to any consultation, Examination or other any other matter concerned with major infrastructure projects.</p> <p><b>Reason for change:</b> to clarify responsibility for such matters including responsibility for responding to Development Consent Orders</p>	<p><b>Propose:</b> <i>Amend.</i></p>
<p>Section 14.6.12(a) (vi)</p>	<p>Delegation of Authority Service Director: Resources</p>	<p>Service Director: Resources</p>	<p><b>Relevant text:</b> ‘to appoint the Members of the Independent Remuneration Panel, having first consulted the Monitoring Officer and Group Leaders as to any reason why Member(s) not independent’</p> <p><b>Proposed change:</b> I think this should move to the Director: Legal and Community</p>	<p><b>Response:</b> <i>Move to 14.6.9</i></p> <p><b>Propose:</b></p>
<p>Section 14.6.18</p>	<p>Champions</p>	<p>Cllr Deakin-Davies</p>	<p><b>Change:</b> Where’s the Business Champion</p> <p><b>Reason:</b> we should have one</p>	<p><b>Response:</b> <i>Discussed with Group Leader and to remove all together as will be covered on the Council’s website where applicable.</i></p> <p><b>Propose:</b> <i>Delete from Constitution.</i></p>

Section 15				
Section 15.6.3	Access to Information – Supply of copies	Cllr Deakin-Davies	<p><b>Relevant text:</b> If you are not a Member of the Committee you should access the agenda and reports via the Council’s website.</p> <p><b>Comment/proposed change:</b> Probably better say moderngov or whatever it’s called as well.</p>	<p><b>Response:</b> <i>Can indicate that – but still currently (legally) need to make paper copy available for inspection under the LGA 1972 &amp; LAMA 2012 for the public</i></p> <p><b>Propose:</b> <i>Footnote (via Modern.gov or replacement Committee management system).</i></p>
Section 16				
Section 16.1	Budget and Policy Framework Procedure Rules The Framework for Executive Decisions	Cllr Deakin-Davies	<p><b>Comment/proposed change:</b> Something needs to go in here about Limited companies we own or JV with.</p>	<p><b>Response:</b> <i>This will be dealt with under the Governance arrangements agreed, but does not specially have to be covered by the Budget and Policy Framework that is approved by Council, as there will generally be separate and independent arrangements for budgets/accounts approval etc.</i></p> <p><b>Propose:</b> <i>No further action.</i></p>
Section 17				
General		Cllr Deakin-Davies	<p><b>Proposed change:</b> Hey maybe gender neutral stuff needed everywhere here . So no his/her things just “their”...</p>	<p><b>Response:</b> <i>If you wish to take this further, will need to do so for next review, to ensure this reads correctly in finished document.</i></p> <p><b>Propose:</b> <i>No further action at this stage.</i></p>