

# **Part 3**

# **Responsibility for**

# **Functions**

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# Introduction

- 1 The Council may alter the terms of reference of, the composition of and delegations to any Committees, Sub Committees, Working Groups, Parties and Panels reporting directly to it and the Scheme of Delegation to Officers.
- 2 Subject to the provisions of the Constitution and any legal requirements, any function may be delegated to a Committee or to an Officer (whether acting after consultation or otherwise) but may not be delegated to a single Councillor.
- 3 The Committees, Sub Committees, Working Groups, Parties and Panels established at the time of publication of this issue of the Constitution are:
  - 3.1. Committees reporting directly to Full Council:
    - a) Audit and Standards
    - b) Scrutiny
    - c) Development Management
    - d) Licensing
  - 3.2. Working Groups, Parties and Panels reporting directly to Full Council:
    - a) Appointments Panel
    - b) Chief Executive's Appraisal Panel
    - c) Electoral Review Working Group
    - d) Independent Remuneration Panel
    - e) Civic Awards Panel
    - f) Investigatory and Disciplinary Committee (Statutory Officers)
  - 3.3. Working Groups, Parties and Panels reporting directly to Cabinet:
    - a) Cabinet Policy Development Working Group
    - b) Constitution Panel
    - c) Covid-19 Recovery Working Group
    - d) Town Plan Panel

- 3.4. Sub Committees reporting directly to Committees:
- a) Call In Sub Committee to the Scrutiny Committee
  - b) Hearing Sub Committee to the Audit and Standards Committee
  - c) Licensing Sub Committee to the Licensing Committee
  - d) Regulatory Sub Committee to the Licensing Committee

# Matters Reserved to Full Council

- 1 The responsibilities of the Full Council are to:
  - 1.1. approve, adopt and change the Constitution (including political management structure, Council Procedure Rules, Standing Orders, Terms of Reference, Delegation Scheme, Financial Regulations and codes of conduct, subject to paragraph 2 below).
  - 1.2. elect the Chair of the Council.
  - 1.3. appoint the Vice Chair of the Council.
  - 1.4. appoint the Leader of the Council, subject to the provisions in Part 2, Article 6 of the Constitution.
  - 1.5. make appointments to Committees subject to paragraph 2 below.
  - 1.6. appoint Member Champions
  - 1.7. agree and amend the terms of reference and delegated powers of those Committees, Sub Committees, Working Groups, Parties, Panels and Officers, reporting to Council, deciding on their composition and making appointments to them, subject to paragraph 2 below.
  - 1.8. agree the policy framework meaning the following plans and strategies and those required by regulations under the Local Government Act 2000 (as amended)
    - a) The Corporate Plan
    - b) Medium Term Financial Strategy
    - c) Community Cohesion Strategy
    - d) Housing Strategy and Business Plan
    - e) Homelessness Strategy
    - f) Licensing Policy and Statement
    - g) Local Development Framework
    - h) Sustainable Community Strategy

- i) Crime and Disorder Reduction Strategy.
  - j) Together with such other plans and strategies as the Council may decide from time to time should be adopted by the Council as a matter of local choice.
- 1.9. approve the budget including :
- a) The allocation of financial resources to different services and projects
  - b) Proposed contingency funds
  - c) The Council Tax base
  - d) Setting the Council Tax and decisions relating to the control of the Council's borrowing requirement
  - e) The control of its capital expenditure
  - f) The setting of virement limits
  - g) The retention of reserve funds.
- 1.10. approve the adoption of applications (whether in draft form or not) to the Secretary of State in respect of any Housing Land Transfer. This is for the approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.
- 1.11. approve the following:
- a) Council Tax
  - b) General Fund, Housing Revenue Account and Capital Expenditure Estimates
  - c) Housing rent levels (including domestic garages)
  - d) Members' Allowances Scheme
  - e) Applications to the Secretary of State for the transfer of housing land.
- 1.12. appointment of Honorary Aldermen at meetings called specifically for this purpose.
- 1.13. appointment and dismissal of the Chief Executive and Statutory Officers subject to any statutory provision.

- 1.14. resolve differences between the Cabinet, the Scrutiny Committee or the Call In Sub Committee.
  - 1.15. review and make appointments to external organisations except where delegated, for example, to Cabinet.
  - 1.16. deal with other matters not within the terms of reference of any other Committee.
  - 1.17. to receive the reports of Statutory Officers made under Section 114 of the Local Government Finance Act 1988 or the Local Government and Housing Act 1989.
  - 1.18. such other matters as the Full Council may from time to time reserve to itself or are reserved to Full Council by law.
  - 1.19. decide on departures from previously agreed Council policies, strategies and budgets.
  - 1.20. Changing the name of an electoral area of Harlow.
  - 1.21. Making, amending, revoking, re-enacting or adopting byelaws.
  - 1.22. Promoting or opposing the making of local legislation or personal Bills (Personal/Local Bills are Parliamentary Bills but are not part of the legislative programme of Parliament. These normally relate to a specific local issue and are proposed in pursuit of local interests)
- 2 1.1, 1.5 and 1.6 above are subject to the functions delegated to the Licensing Committee by the Council under the Licensing Act 2003 in respect of:
- 2.1. the establishment of a Sub Committee
  - 2.2. regulation of its own procedure and that of its Sub Committees
  - 2.3. arrangements for the discharge of its functions by a Sub Committee or Officer(s).

# Matters Reserved to Cabinet

- 1 The Terms of Reference of the Cabinet are:
  - 1.1. Develop and review policies within the Council's policy framework.
  - 1.2. Review the use and allocation of assets and resources within approved budgets and make recommendations to Council on the same.
  - 1.3. Be responsible for and review Council services, including the introduction of new services and the standard or level of existing services.
  - 1.4. Promote partnerships consistent with the Council's Corporate Plan.
  - 1.5. Respond to relevant documents and initiatives from other organisations.
  - 1.6. Review and make recommendations on the Scheme of Delegations, Council Procedure Rules, Standing Orders relating to Contracts and Financial Regulations.
  - 1.7. Promote and develop the image and reputation of the district and the Council.
  - 1.8. Prepare and maintain a forward plan of Key Decisions.
- 2 The Cabinet can appoint Working Groups under Article 9 of the Constitution.

# Committees

## 1 Audit and Standards Committee

1.1. The role of the Committee is two-fold:

- a) Audit
  - i) The Committee oversees the Council's internal audit and risk functions, receives and approves external audit reports; scrutinises and approves the Annual Statement of Accounts, makes reports and recommendations to the Cabinet, Committees and the Council as a whole on the adequacy of its corporate governance and risk management arrangements and the associated control environment.
- b) Standards
  - i) The Committee deals with a range of matters including issues concerning Councillors' conduct, providing advice and guidance to the Council, the Cabinet and individual Councillors and advising on the application of the Code of Conduct and matters relating to standards within the constitutional arrangements of the Council.

1.2. Terms of reference

- a) Audit
  - i) To approve the Internal Audit Charter.
  - ii) To consider the Audit Manager's annual report and opinion, the summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance arrangements.
  - iii) To approve the risk-based Internal Audit Plan, including resource requirements and its approach to using other sources of assurance.
  - iv) To consider summaries of Internal Audit reports.
  - v) To consider reports from Internal Audit on agreed recommendations not implemented within reasonable timescales.

- vi) To consider reports dealing with the management and performance of the providers of Internal Audit services.
  - vii) To consider the external auditor's Annual Audit and Inspection Letter and other reports.
  - viii) To comment on the scope and depth of external audit work and to ensure it gives value for money.
  - ix) To liaise over the appointment of the Council's external auditor.
  - x) To commission work from Internal Audit and the external auditor.
- b) Regulatory framework
- i) To review any issue referred to it by the Chief Executive, Statutory Officer or any Council body.
  - ii) To monitor the effective development and operation of risk management and corporate governance in the Council.
  - iii) To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
  - iv) To monitor the Council's policies on whistle blowing, for contraventions of financial and other procedures or fraud-related situations; Anti-fraud and Corruption Strategy and complaints.
  - v) To approve the Annual Governance Statement.
  - vi) To consider the Council's framework of assurance and ensure it adequately addresses the risks and priorities of the Council.
  - vii) To consider the Council's compliance with its own and other published standards and controls.
- c) Accounts
- i) To review and approve the Annual Statement of Accounts, considering whether appropriate accounting policies have been followed.
  - ii) To consider the external auditor's report to those charged with governance on issues arising from their audit of the accounts.

- d) Accountability arrangements
  - i) To report to Full Council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.
- e) Standards
  - i) Promoting and maintaining high standards of conduct by Councillors and co-opted persons of Committees.
  - ii) Assisting Councillors and co-opted persons of Committees to observe the Code of Conduct.
  - iii) Advising the Council on the adoption or revision of the Code of Conduct.
  - iv) Monitoring the operation of the Code of Conduct.
  - v) Advising and/or censuring and/or imposing a sanction on a Councillor or co-opted person of a Committee (or former Councillor or co-opted person) of the Council.
  - vi) Having oversight of all aspects of Councillor development.
  - vii) Train or arrange training for Councillors and co-opted persons
  - viii) Receiving annual reports in a monitoring and guidance role on whistle blowing, bullying and harassment.
  - ix) Being fully involved in any ethical review of the Council or its activities.
  - x) Granting dispensations to Councillors and co-opted persons from requirements relating to interests set out in the Councillor Code of Conduct, where the matter has been referred to the Committee by the Monitoring Officer.

### 1.3. Chairing

- a) Full Council will appoint the Chair and the Vice Chair of the Committee.

1.4. The Audit and Standards Committee has one permanent Sub Committee, the Hearing Sub Committee.

## 2 Hearing Sub Committee

2.1. The Hearing Sub Committee will undertake hearings in respect of a Councillor (or co-opted person) who it is alleged has failed to comply with

the Council's Code of Conduct. Following the hearing, the Sub Committee will report its findings and make recommendations as appropriate.

## 2.2. Terms of Reference

- a) To conduct a Hearing into an allegation that a Councillor or Co-opted person has breached the Council's Code of Conduct.
- b) Following a Hearing, make one of the following findings:
  - i) that the Councillor/co-opted person has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing.
  - ii) that the Councillor/co-opted person has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing.
  - iii) that the Councillor/co-opted person has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.
- c) The Sub Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.
- d) After making a finding the Sub Committee will, as soon as reasonably practicable, provide written notice of its findings and the reasons for its decision to the Councillor/co-opted person and complainant.

## 2.3. Chairing

- a) Full Council will appoint the Chair and the Vice Chair of the Sub Committee.

# 3 Scrutiny Committee

- 3.1. The Council's Scrutiny functions are undertaken by the Scrutiny Committee and the Call In Sub Committee.
- 3.2. The Scrutiny Committee supports the work of the Cabinet and the Council as a whole. The Scrutiny Committee has no decision making powers and cannot scrutinise individual regulatory or quasi-judicial issues. Its function is to raise issues for consideration, to examine and scrutinise matters of community interest, to hold the Cabinet to account, and to represent the interests and views of the public. Where appropriate, joint reviews will be undertaken with other organisations.

### 3.3. Terms of Reference

- a) To provide the main forum for the Council's internal and external scrutiny work, focusing on activities that improve outcomes for local people.
- b) To approve an annual overview and scrutiny work programme, including the programme of any task and finish groups appointed so as to ensure that the Committee's and task and finish groups' time is effectively and efficiently utilised.
- c) To ensure that referrals from the Scrutiny Committee to the Cabinet, either by way of report or for reconsideration, are managed efficiently.
- d) At the request of the Cabinet to make recommendations about the priority of referrals if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business.
- e) To receive and action requests from the Cabinet and/or the Council for reports.
- f) To have the powers in relation to Cabinet decisions made but not implemented as set out in Section 21(3) of the Local Government Act 2000 (as amended).
- g) To have the power to investigate any matters it considers relevant to its work area, and to make recommendations to the Council, the Cabinet or any other Committee or Sub Committee of the Council as it sees fit.
- h) To provide an annual report to Full Council setting out the work completed by the Committee in the previous year. This report will be considered at the first ordinary Full Council meeting after Annual Council.

### 3.4. Chairing

- a) Full Council shall appoint the Chair and the Vice Chair of the Committee.
- b) The Chair shall be a member of the Opposition and the Vice Chair a member of the Administration.

3.5. The Scrutiny Committee has one permanent Sub Committee (the Call In Sub Committee) which will carry out the internal scrutiny functions of the Scrutiny Committee. This Sub-Committee will have the same membership as the Scrutiny Committee.

## **4 Call In Sub Committee**

### 4.1. Terms of Reference

- a) To review and scrutinise decisions made or other action taken, in connection with the discharge of any functions of the Council making recommendations to the Scrutiny Committee.
- b) To call in, review or scrutinise any decision made but not implemented and to recommend that the decision be reconsidered by the person or body who made it.
- c) To have power to require any Harlow Council Councillor and/or Officer to attend before it and to answer questions; it being the duty of any such Councillor or Officer to comply with any such requirement.
- d) To consider matters referred by individual Councillors.

### 4.2. Chairing

- a) The Chair and Vice Chair will be the same as the Scrutiny Committee.
- b) In the absence of the Chair the Vice Chair will preside.

## **5 Development Management Committee**

### 5.1. Terms of Reference

- a) Functions relating to town and country planning and development control.

### 5.2. Terms of Delegation

- a) Town and Country Planning Act 1990 and any related legislation including:
  - i) determination of planning applications (subject to b) below)
  - ii) enforcement of planning control
  - iii) waste land notices, purchase notices, etc.
- b) The only planning matters that are dealt with by the Committee are<sup>1</sup>:

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<sup>1</sup> As agreed by Full Council on 27 September 2012  
<http://moderngov.harlow.gov.uk/CeListDocuments.aspx?CommitteeId=123&MeetingId=216&DF=27%2f09%2f2012&Ver=2>

- i) applications on which two or more material planning objections have been received in the stipulated time span, which has not been resolved by negotiation or through the imposition of conditions and which Officers wish to support.
  - ii) applications which any Councillor requests in writing within 21 days of the circulation of the details of the application on the Weekly List, with a valid planning reason for bringing it to the Committee.
  - iii) major planning applications, or contentious applications which Officers, in consultation with the Chair, consider are likely to be of significant public interest.
  - iv) applications submitted by or on behalf of the Council for its own development, except for minor developments, for which no objections have been received.
  - v) applications which are notified to Planning Services as being submitted by or on behalf of a Councillor of the Authority, or their relevant person as defined in the Code of Conduct, the MP for the district, or Officers at Assistant Director Level or above.
- c) The following matters may be referred to the Committee by the Assistant Director Planning and Building Control, subject to the criteria in paragraph b) above:
- i) householder development and related applications for listed building and conservation area consent;
  - ii) temporary planning permissions (subject to a maximum 3 year time limit) and related applications for listed building consents;
  - iii) applications for alterations to shop fronts, including the installation of external shutters and ATM's and other related applications;
  - iv) applications for a means of access;
  - v) advertisements, blinds, canopies and related applications for listed building and conservation area consent;
  - vi) all major commercial development;
  - vii) all new residential development.

## **6 Licensing Committee**

### 6.1. Terms of Reference

- a) Functions relating to statutory licensing and registrable functions and health and safety.<sup>2</sup>

## 6.2. Terms of Delegation

- a) Except in relation to the Statement of Licensing Policy, to discharge all functions conferred upon the Council as a licensing authority under the Licensing Act 2003, including responsibility for licensing the sale and supply of alcohol, the provision of regulated entertainment and late night refreshment.
- b) Except in relation to the Statement of Licensing Policy, to discharge all functions conferred upon the Council as a licensing authority under the Gambling Act 2005.
- c) The enforcement of trading requirements relating to the sale of goods and opening hours of shops and other premises and the issue of licences, consents and/or registrations as appropriate.
- d) To progress actions arising from the Crime & Disorder Strategy which may be referred to it for consideration.
- e) The delegation of functions to the statutory Licencing Sub-Committee and/or officers of the Council.
- f) Any other matters relating to the statutory licensing function of the Council acting as the Licensing Authority that may be referred to it or its Sub-Committee.
- g) Any other matters relating to licensing which may be referred to it.

## 7 Licensing Sub Committee

### 7.1. Terms of Reference

- a) Function to consider any matters referred to it by the Licensing Committee or Officers in relation to functions conferred upon the Council as The Licensing Authority.

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<sup>2</sup> Functions have been delegated in respect of the Licensing Act 2003 in the Statement of Licensing Policy (<https://www.harlow.gov.uk/sites/default/files/documents/Alcohol%20and%20entertainment%20licensing%20policy%20statement.pdf>), the Gambling Act 2005 (<http://moderngov.harlow.gov.uk/documents/s13341/Appendix%20A%20-%20Delegation%20of%20Functions.pdf>), the General Enforcement Policy for Licensing Services (<https://www.harlow.gov.uk/sites/default/files/documents/Taxi%20and%20private%20hire%20general%20enforcement%20policy.pdf>), and the Scrap Metal Dealers Act 2013 (<http://moderngov.harlow.gov.uk/documents/s3553/SMDA%20delegation%20July%202014%20appendix%202.pdf>)

## 7.2. Terms of Delegation

- a) Except in relation to the Statement of Licensing Policy to discharge all functions conferred upon the Council as The Licensing Authority where:
  - i) Applications on which objections have been received in the stipulated time span, which cannot be resolved through negotiation or the imposition of conditions supported by Officers.
  - ii) Applications submitted by or on behalf of any Councillor, their spouse or partner or any officer of the Council their spouse or partner.
  - iii) Any other matter that officers believe should rightly be referred for a decision to be made.
- b) To progress actions arising from the Crime & Disorder Strategy that may be referred to it for consideration.
- c) To report on an annual basis to Full Council decisions taken.
- d) Any other matters relating to the functions of the Licensing Authority that may be referred to it.

## 7.3. Membership

- a) The membership of each Licensing Sub Committee meeting will comprise of three Members of the Licensing Committee.

# 8 Regulatory Sub Committee

## 8.1. Terms of Reference

- a) Functions: relating to licencing and regulatory functions (in so far as not covered by any other Committee or Sub-Committee of the Council).

## 8.2. Terms of Delegation

- a) To discharge the functions of the Council in regard to its' licensable and registration functions bar those conferred on the Licensing Committee and Sub-Committee [above].
- b) The enforcement of trading requirements relating to the sale of goods, opening hours of premises and/or shops, issue of licences, consents and/or registrations as appropriate including but not limited to the enforcement of the following:

- i) Hackney carriages and private hire vehicles, including their drivers, operators and vehicle inspections;
  - ii) pet shops, riding establishments, boarding kennels and catteries, dog breeding establishments, zoos and keepers of dangerous wild animals;
  - iii) ear piercing, acupuncture, electrolysis and tattooing;
  - iv) sex establishments;
  - v) street trading;
  - vi) pavement permits (Highways Act 1980);
  - vii) charity street collections and house-to-house collections;
  - viii) camping and caravan sites;
  - ix) motor salvage operators and scrap metal dealers; and
  - x) game dealers; and
  - xi) markets.
- c) To progress actions arising from the Crime & Disorder Strategy that may be referred to it for consideration.
  - d) To report on an annual basis to Full Council decisions taken.
  - e) Any other matters relating to licensing which may be referred to it.

### 8.3. Membership

- a) The membership of each Regulatory Sub Committee meeting will comprise of three Members of the Licensing Committee.

## **9 Investigatory and Disciplinary Committee (Statutory Officers) terms of Reference**

### 9.1. Appointed by:

- a) Full Council

### 9.2. Membership

- a) Five Councillors allocated between political groups in accordance with the rules on political balance set out in the Local Government and Housing Act 1989 and two Independent Persons appointed by Full Council.

### 9.3. Chair/Vice Chair

- a) To be elected by members of the Committee.

### 9.4. Terms of Reference

- a) To screen potential disciplinary/dismissal matters to consider whether they require investigation and whether the relevant Statutory Officer should be suspended.
- b) To organise the investigation, including appointing a suitably qualified investigator, who will consult with the Chair of the Committee.
- c) To review the outcome of the investigation to consider whether disciplinary action is appropriate, after hearing the Statutory Officer under investigation, and report its recommendations.
- d) Where a recommendation is dismissal, to refer the matter to the Full Council with its views and recommendations.
- e) The Report of the Committee to be placed before Full Council for Council to be fully informed prior to making a decision whether to dismiss or not.
- f) To suspend and keep under review the suspension of the Chief Executive, Monitoring Officer and Section 151 Chief Financial Officer whilst an investigation takes place into alleged misconduct.
- g) To take disciplinary action short of dismissal against the Chief Executive, Monitoring Officer and Section 151 Chief Financial Officer.
- h) Where Full Council approves the dismissal to action the dismissal by authorising a notice of dismissal.
- i) The Committee will be governed by the provisions contained in Part 5 of the Constitution (Officer Employment Procedure Rules).

# Working Groups, Parties and Panels

- 1 The meetings of Working Groups, Parties and Panels are open to the public unless a Working Party, Panel or Group decides otherwise for a specific reason.
- 2 The definitions of a Working Group, Party or Panel will be as follows:
  - 2.1. where the appointed body is of an ongoing nature it will be called a working group
  - 2.2. where the appointed body has a definite start/finish date with "task and finish" terms of reference, it will be called a working party
  - 2.3. where the appointed body is established for a specific purpose, but meets only when required to consider and resolve specific issues on that agenda, it will be called a panel.
- 3 No Working Group, Party or Panel will have decision making powers.
- 4 All Working Groups, Parties and Panels will:
  - 4.1. have at least three (3) Members and no more than ten (10) Members, adhering to the principle of political balance where practicable
  - 4.2. have their membership agreed at the meeting where the body is established
  - 4.3. have their terms of reference agreed at the meeting where the body is established.
    - a) The terms of reference must fall under the remit of the parent body.
    - b) A Working Party's finish date must be agreed at the meeting where it is established and will be included in its terms of reference.
- 5 The membership and terms of reference of a Working Group, Party or Panel can only be changed by resolution of the parent body.
- 6 The identification, classification and terms of reference of current Working Groups, Parties and Panels are available from the Corporate and Governance Support section.

# Terms of Reference for Working Groups, Parties and Panels

## 1 Appointments Panel

- 1.1. Recommends the appointment of the Chief Executive to Full Council.
- 1.2. Recommend dismissal of the Chief Executive to Full Council.
- 1.3. Recommend disciplining of the Chief Executive to Full Council.
- 1.4. To determine disciplinary and/or capability hearings for other staff where it would be inappropriate for a member of the Senior Management Board to ordinarily determine

## 2 Cabinet Policy Development Working Group

- 2.1. Terms of reference
  - a) To prepare a work programme as directed by Cabinet to consider issues of relevance to Harlow.
  - b) To review the key issues relating to the work plan policy item in order to identify and propose to Cabinet, practicable, affordable and prioritised recommendations which improve the effectiveness of the policy within the resources available.
- 2.2. Charing and membership
  - a) Cabinet will appoint the Chair and Vice Chair of the Working Group along with its membership which can be drawn from the full membership of the Council.
- 2.3. The Chair and Vice Chair will be members of the Administration.

## 3 Civic Awards Panel

- 3.1. A panel appointed by Council to consider such nominations and make recommendations for allocating Civic Awards. The panel will consist of the Chair of the Council, the Vice-Chair of the Council and one representative of each political group represented on the Council.

#### **4 Constitution Panel**

- 4.1. Consider constitutional developments that may have an impact on or benefit for Harlow Council.
- 4.2. Make recommendations to Cabinet on such matters.
- 4.3. Liaise with the Monitoring Officer in order to ensure that the Constitution is accurate and up to date.

#### **5 Covid-19 Recovery Working Group**

- 5.1. To advise the Portfolio Holder on the proposals contained within the pandemic action plan.
- 5.2. To provide a forum for consultation on measures within the pandemic action plan.
- 5.3. To discuss Council related impacts that require additional resources or alternate service delivery methods.
- 5.4. To provide a focus for community action; business engagement and new ways of working.

#### **6 Electoral Review Working Group**

- 6.1. Composition
  - a) The Working Group shall comprise of five Members and will be politically proportionate.
- 6.2. Scope
  - a) The Working Group is established to:
    - i) oversee and ensure full Member involvement in and support to officers in progressing the review of Council size and the ward boundaries in Harlow by the Local Government Boundary Commission for England (LGBCE).
    - ii) to formulate draft recommendations to the Local Government Boundary Commission for consideration by the Council relating to:
      - the total number of Members of the Council;
      - the number and boundaries of electoral wards for the purposes of the election of Councillors;

- the number of Councillors to be returned by any electoral division; and
  - the name of any electoral area.
- iii) to make recommendations to the Council on its future electoral cycle if considered appropriate.
- iv) to advise the Council, in consultation with officers, on proposals relating to any wider “community governance review” of local democratic and electoral arrangements, which emerge that are considered relevant as a result of the current review process.

## **7 Grants Panel**

7.1. To consider the grants policy and the allocation of grants.

## **8 Independent Remuneration Panel**

8.1. To recommend to Full Council changes to the Councillors’ Allowance Scheme as set out in Part 6 of this Constitution and in accordance The Local Authorities (Members' Allowances) (England) Regulations 2003.

## **9 Town Plan Panel**

9.1. To oversee the preparation of the Council’s development plan documents including:

- a) Consideration of relevant technical reports’ evidence, the implications for Harlow and how the findings could to be addressed through planning policy to ensure that the Council’s corporate objectives are achieved.
- b) Making appropriate recommendations to Cabinet on any proposals concerning the Council’s overall planning strategy and policies.

9.2. Chairing and membership

- a) Cabinet shall appoint the Chair and Vice Chair of the Local Development Plan Panel. Cabinet will also appoint the membership from the full membership of the Council.

## **10 Shareholder Sub Committee**

10.1. To receive reports and approve Key Decisions (those decisions related to, but not limited to, borrowing of funds, changes and appointments to senior management structure, strategic policy adoption) of HTS Group and its subsidiaries, including, but not exclusively, the Articles of Association, the scheme of delegation, the appointment of Board Advisors, the

appointment to any standing committees of the HTS Group and its subsidiaries and determining shareholder controls.

- 10.2. To be consulted on the appointment and dismissal of Statutory Directors for HTS Group and its subsidiaries and external auditors.
- 10.3. To hold the all HTS Group Boards to account.
- 10.4. To receive and agree the Business Plans for HTS Group Limited and its trading subsidiaries.
- 10.5. To receive financial and performance monitoring reports and accounts for the HTS Group and its subsidiaries.
- 10.6. To approve activities and thresholds contained in each scheme of delegation for HTS Group and its subsidiaries.
- 10.7. To be consulted and approve any proposals to change the HTS Group Limited and any subsidiary corporate structure.
- 10.8. Relationship between the Shareholder Sub Committee (“SSC”) and HTS Group and its subsidiaries.
  - a) The SSC may consider the options available to all HTS Group trading arms with a view to improving performance or mitigating adverse consequences in the light of actual or reasonably anticipated circumstances. In addition the SSC may offer non-binding proposals, recommendations and opinions (all without liability on the part of the Council or any individual member) on any matter affecting the Council as a shareholder of the HTS Group. The SSC shall take into consideration the interests of the Council in giving any proposals, recommendations or opinion to the HTS Group and its trading arm.
  - b) HTS Group and its subsidiaries shall provide for each SSC meeting at least one Director from each trading arm qualified and authorised to address SSC Agenda items and issues listed for consideration by the Members of the SSC
  - c) Upon request by the SSC, HTS Group and its subsidiaries shall provide:
    - i) Copy agendas and support papers provided to any HTS Group Boards at the same time as the Boards (except for minutes that shall be supplied following signature).
    - ii) Supply the SSC with all information and data reasonably requested by the SSC to enable it to reach an informed judgement on any matter within its purview under these Terms of Reference.

10.9. Meetings of the SSC for the HTS Group are open to members of the public, subject to the statutory exemptions contained in the Local Government Act 1972.

# Member Champions

## 1 Role description

- 1.1. Member Champions are appointed by Full Council. Their main responsibility is to act as an ambassador on behalf of the Council and promote the area for which they are champion,
- 1.2. Represent all those people who are covered by the position and ensure that their needs are identified, recognised and met where possible by the Council and other relevant bodies, including the voluntary sector.
- 1.3. Act as spokesperson to promote the positive aspects of the Council's work among those on whom the Member Champion's interest area impacts.
- 1.4. Promote a joined-up approach between the activities of the Council and the work of other organisations, in supporting activities for the Member Champion's interest area and involving them in developing services.
- 1.5. Encourage people to play a fuller role in shaping the policies relevant to the Member Champion's interest area and to participate with statutory and voluntary organisations that are planning, making decisions on and delivering services that affect them.
- 1.6. Encourage statutory and voluntary organisations to actively seek out and engage with other bodies in planning, defining and delivering services which affect them.

## 2 Duties and responsibilities

- 2.1. Foster cross-party co-operation and be able to engage with relevant outside groups and Officers.
- 2.2. Understand and express the opinions and priorities of those groups.
- 2.3. Be sensitive to Council priorities. Champions cannot forget about their broader role as a Councillor.
- 2.4. Act in respect of the whole range of relevant issues.
- 2.5. Raise the profile of the issue and signaling to the relevant groups the Council's commitment to the issue.
- 2.6. Foster the engagement of a wider range of Councillors in the issue.

- 2.7. Promote effective communication and positive working relationships both within the Council and among relevant partners, stakeholders and community groups.
- 2.8. Provide positive support and, on occasions, constructive challenge to Officers in driving forward the Council's agenda on the issue.
- 2.9. Be available to be the Council's nominee on appropriate outside bodies and to attend relevant conferences, training and briefing opportunities.
- 2.10. Keep up to date on issues relevant to the Member Champion's interest.
- 2.11. Identify and represent needs of groups and individuals who are at the moment not represented or part of the existing processes.

### 3 Accountability

- 3.1. Member Champions shall report annually to the last ordinary Full Council meeting of the year, but the Cabinet and the Scrutiny Committee may ask for updates.

# Scheme of Delegations to Officers – (Part 1) General Provisions

## 1 Conditions concerning delegations

- 1.1. In the event an Officer's role or title changes, the Officer who delegated the function to them will determine any changes to the delegations that may be required.
- 1.2. Powers delegated shall, unless expressly stated to the contrary, include all of the powers of the Council or Committee under legislation or common law. They will be exercised in line with the relevant procedures, rules and regulations of the Council and in line with the expressed policies and objectives of the Council relevant to the matter.
- 1.3. The delegations to Officers will be deemed to extend to any statutory re-enactment thereof. This can be in whole, or part, or varied in extent or wording. Any major variation will be reported to for information to the Council or any relevant Committee.
- 1.4. The delegation of any power or function includes the authority to take all steps and actions to support or facilitate the exercise of the power or function.
- 1.5. An appropriate record will be made and retained of the exercise of delegated powers and functions.

## 2 Functions of Officers – General Delegations

- 2.1. The Chief Executive and any Officer acting in their place in accordance with paragraph 2.18 below may discharge the functions of, any of the Council's Committees or the Cabinet, the professional and managerial functions relating to their service and any of the Council's functions in cases of emergency.
- 2.2. The Chief Executive and Director (any Officer acting in their place in accordance with paragraph 18 below) may discharge the general functions delegated to them (in paragraphs 2.3 to 2.18 below). They may also delegate the specific professional and managerial functions relating to their service as identified below.

- 2.3. To implement changes to service delivery arrangements and to approve the transferring of items between financial accounts (virement) between budget heads which do not significantly affect levels of service, require changes to policies or cause budgets to be exceeded in accordance with Financial Regulations.
- 2.4. Together, with the Director of Governance and Corporate Services, to initiate legal and other procedures as necessary pursuant to authorising the institution, defence or settlement of any legal proceedings and incurring any necessary expenditure for the same purpose within existing budgets.
- 2.5. To determine charges/concessions in accordance with policies determined by the Council.
- 2.6. To take all necessary steps to preserve the Council's land and property, including repairs, insurance and the employment of agents and contractors.
- 2.7. To make purchases and/or enter into agreements on behalf of the Council in line with policy and the approved budget in accordance with Financial Regulations and Standing Orders relating to Contracts.
- 2.8. To implement agreed schemes and incur capital and revenue expenditure within budget except for matters which require further consideration by a Committee or the Council.
- 2.9. To make planning applications for Council development proposals.
- 2.10. To deal with all complaints from the Local Government Ombudsman and to make settlements of up to £1,000 in cases where, in accordance with Financial Regulations, it is considered appropriate.
- 2.11. To make representations regarding governmental or other consultation processes in line with agreed policy.
- 2.12. If a matter involves considerations not wholly within the remit of the Officer primarily involved there shall be an obligation to consult with any other Officer, agency or local authority with related responsibilities and to take account of their views before decisions are made and action taken.
- 2.13. Before discharging any function an Officer should consider whether it is desirable to consult with the Leader, appropriate Portfolio Holder or Committee Chair and/or Councillors.
- 2.14. The Officer will always be entitled to refer a matter to the appropriate Committee for decision where they consider it appropriate to do so.
- 2.15. The Officer may authorise other Officers in their service to exercise, on their behalf, functions delegated to them. Any decision taken under this

authority will remain the responsibility of the relevant Officer named above. They will remain accountable and responsible for these decisions.

- 2.16. In carrying out delegated functions Officers will:
- a) comply with all relevant legislation
  - b) have regard for the provisions of the Constitution
  - c) consider the best value principles and use the most efficient and effective means available. This will include the deployment of staffing and other resources within their control and the procurement of other resources necessary whether within or outside the Council
  - d) act in accordance with the policies and objectives of the Council
  - e) have regard to the corporate interests and image of the Council.
- 2.17. Officers discharging functions under paragraph 2.1 above, other than those which relate to their service, must report any action taken to the appropriate Committee or partnership.
- 2.18. Where an Officer referred to in paragraphs 2.1 or 2.2 above is to be absent for any period they, the Chief Executive or Director as appropriate, must nominate in writing another Officer to act in their place during the period of absence.

### **3 Calling in Officer decisions**

- 3.1. An Officer decision taken under delegated powers on behalf of the Cabinet which has yet to be implemented may be called in by the Call In Sub Committee for consideration.
- 3.2. The call in procedures for decisions taken by officers are set out in paragraphs 15 and 17 in the Scrutiny Procedure Rules.
- 3.3. The following decisions of Officers are not subject to call in:
- a) a decision to implement Council policy approved by the Council within the preceding six (6) months
  - b) a decision that has already been subject to call in under paragraph 2.2 above
  - c) a decision taken in the exercise of the Council's functions as the local planning authority under the Town and Country Planning Acts and in the exercise of non-policy matters relating to the Licensing Committee
  - d) a decision on a procedural, operational or managerial matter

- e) decisions in relation to which a specific appeals procedure of any description exists
- f) any decisions taken by the Monitoring Officer or the Chief Finance Officer in relation to their statutory functions.

#### **4 Appointment of Proper Officers**

- 4.1. An Officer referred to in the Scheme of Delegations to Officers – (Part 2) Specific Delegations below is the Proper Officer for all purposes relating to their service.
- 4.2. The Chief Executive will appoint Proper Officers to carry out the Council's functions where required by any legislation.

# Scheme of Delegations to Officers – (Part 2) Specific Delegations

## 1 Chief Executive

- 1.1. The Chief Executive will act as the Head of the Paid Service in accordance with Section 4 of the Local Government & Housing Act 1989. The Council will provide them with such staff, accommodation and other resources as are, in their opinion, sufficient to allow their duties under this section to be performed.
- 1.2. The Chief Executive shall have the delegated authority to define the specific roles of any Chief Officer and Director.
- 1.3. At the publication of this version of the Constitution the Chief Executive is specifically responsible for the Director.

## 2 Functions Delegated to Directors

- 2.1. Under paragraphs 1 to 4 of the General Provisions of the scheme of delegations to Officers, the Directors will have the delegated authority to exercise all of the powers in relation to the areas listed below of the Council, or any Committee, under legislation or common law. This will be exercised in line with the relevant procedures, rules and regulations of the Council in force and in accordance with the expressed policies and objectives of the Council relevant to the matter.
- 2.2. This delegated authority will be deemed to extend to any statutory re-enactment of any relevant legislation. This can be, whether in whole, or part, whether varied in extent or wording. Any major variation will be reported for information to the Council or any relevant Committee.
- 2.3. The delegation of any power or function includes the authority to take all steps and actions to support or facilitate the exercise of the power or function.
- 2.4. The Directors have the power to delegate any of their functions to any appropriately experienced or qualified Officer in their service. They will be responsible for ensuring that a full list of Officers in receipt of such delegated power is maintained on the Council's internal website. Any decision taken under this authority will remain the responsibility of the Director. They will remain accountable and responsible for such decisions.

- 2.5. Notwithstanding the obligation to maintain an updated list where any matter is delegated to a particular Officer this scheme of delegation shall apply to any Officer to whom those duties may have been assigned. This can be as a result of any management restructuring or otherwise and howsoever the post may be named or designated.

### **3 Deputy to the Chief Executive and Director of Finance**

3.1. The Deputy to the Chief Executive and Director of Finance will act as the Council's appointed Officer (Chief Finance Officer) under Section 151 of the Local Government Act 1972. They will be responsible for the proper administration of the Council's financial affairs and for reporting under Section 114 of the Local Government Finance Act 1988. They will nominate an Officer to deputise in their absence under those sections.

3.2. They will have all the functions of the following services:

- a) Insurance and Risk
- b) Internal Audit
- c) Finance and Accountancy
- d) Revenues and Benefits

### **4 Director of Governance and Corporate Services**

4.1. The Director of Governance and Corporate Services will have all the functions of the following services:

- a) Business Continuity
- b) Communications and Media/Website
- c) Complaints/FOI
- d) Corporate and Governance Support
- e) Customer Services
- f) Electoral Services
- g) ICT
- h) HR
- i) Legal Services
- j) Performance Management

- k) Print Unit
- l) Project Support

4.2. In addition, the Director of Governance and Corporate Services will exercise the functions of the Monitoring Officer under the provisions of the Local Government and Housing Act 1989 (and as necessary appoint a deputy). They will:

- a) authorise Officers to appear on behalf of the Council before the courts in any proceedings instituted by or on behalf of or against the Council
- b) complete all necessary documentation in connection with sales and acquisitions of land or property for the Council
- c) complete, execute, sign any other deed, document, letter or process in relation to any other transaction or matter where the Council is a party or has an interest
- d) authorise the issue of proceedings (whether civil or criminal or of any other description) on behalf of the Council
- e) defend, compromise, settle, dispose or conclude the same in such manner as in the opinion of the post holder will meet the best interests of the Council and to be the Proper Officer for the purpose of the Local Government Act 1972, Section 234.

## **5 Director of Communities and Environment**

5.1. The Director of Communities and Environment shall have all the functions of the following services:

- a) Arts, Culture and Tourism
- b) Economic Growth and Development
- c) Environmental Health
- d) Environmental Management including Carbon Management and GIS
- e) Harlow Museum
- f) Harlow Playhouse
- g) Health and Safety
- h) Health and Wellbeing

- i) Licensing
- j) Pets' Corner
- k) Safeguarding
- l) Safer Harlow Partnership/Community Safety
- m) Sam's Place
- n) Street Scene and Trees
- o) Youth and Citizenship

## **6 Director of Housing**

6.1. The Director of Housing shall have all the functions of the following services:

- a) Estates Management
- b) Home Ownership
- c) Housing Asset Management and Facilities
- d) Housing Assets and Business Systems
- e) Housing Needs and Options
- f) Housing Projects
- g) Leah Manning Centre
- h) Non-Housing Asset
- i) Office Facilities
- j) Property and Facilities
- k) Supported Housing
- l) Surveying, Technical Services
- m) Tenancy Conditions
- n) Tenant and Leaseholder Engagement

## **7 Director of Strategic Growth and Regeneration**

7.1. The Director of Strategic Growth and Regeneration shall have all the functions of the following services:

- a) Building Control
- b) Development Management
- c) Council Housing Delivery
- d) Planning Policy
- e) Regeneration Projects