
Council Issues

1. Part 3 of the Constitution – Responsibility for Functions

Attached at Annex “A” to this report is a revised version of Part 3 of the Constitution – Responsibility for Functions. It has been amended to bring it in line with the changes to Portfolios reported to Council at the last meeting; to take account of changes to the Delegations to the Environment, Sustainability and Highways Directorate; changes required to recognise the move from the Policy, Community Planning and Regeneration Directorate to the Strategic Services Directorate; and the move of the Registration Service from Legal Services to Adult Social Services.

Recommended:

That the revised Part 3 – Responsibility for Functions attached as Annex “A” to this report be adopted as part of the Council’s Constitution.

2. 2011/12 Treasury Management Strategy – Investments

The purpose of this report is to present, for approval, a revision to the counterparty criteria for investments, which forms part of the Council’s 2011/12 Treasury Management Strategy.

The Council’s 2011/12 Treasury Management Strategy, which was approved by Council on 22 February 2011, specifies the criteria that will be applied to determine the counterparties with whom the Council’s funds can be invested, and the amounts that can be placed with each of these counterparties. Counterparties must satisfy minimum credit ratings from the main credit rating agencies, Fitch, Standard and Poor, and Moody’s.

The Strategy states that counterparties will be suspended from the lending list in the event that they are placed on ‘negative ratings watch’. Negative ratings watch means that the credit ratings are under review for a possible downgrade.

The Moody’s credit rating agency has recently placed the long term ratings of 14 UK financial institutions on negative ratings watch. Moody’s credit ratings assume a certain level of government or systemic support when assessing the long term credit ratings of financial institutions. During the financial crisis the level of assumed support was increased. The review will reassess the systemic support assumptions in the “evolving post-crisis environment”.

Moody’s have stated that the reassessment is not driven by either deterioration in the financial strength of the banking system or that of the government. It has been initiated in response to on-going guidance from the UK authorities. The review is expected to take around three months. Even if a financial institution’s credit ratings are downgraded, they could still meet the minimum criteria set out in the Council’s Strategy.

As a result of the negative watch, in accordance with the Council's Treasury Management Strategy, most of the major UK financial institutions have been temporarily suspended from the Council's lending list pending the outcome of the review. This has resulted in a very restricted lending list which gives limited options for investing the Council's funds.

The Council's treasury management advisors have suggested that the Council should change the way it addresses negative watches to a position where each situation is reviewed on an individual basis.

The Moody's review is unusual because so many institutions have been put on negative watch at the same time. In these exceptional circumstances, given that the reassessment is not driven by a deterioration in the financial strength of the banking system or that of the Government, the Executive Director for Finance, in consultation with the Chief Executive, Leader of the Council, Portfolio Holder for Finance and Transformation Programme and Deputy Leader of the Opposition, have agreed that financial institutions which have been temporarily suspended from the Council's lending list because of the negative watch, are reinstated for short investment periods (in this case over night and instant access deposits), within the financial limits in the strategy.

It is now proposed that a formal amendment is made to the Treasury Management Strategy, to give the Executive Director for Finance, in consultation with the Cabinet Member with responsibility for Finance, discretion to decide to reinstate counterparties which are on negative watch if circumstances make this desirable or necessary in future.

The 2011/12 Treasury Management Strategy has been updated to incorporate this proposed amendment (as set out in page 2 of Annex "B" to this report). The amendment is highlighted in bold text and shaded for ease of reference.

Recommended:

That the 2011/12 Treasury Management Strategy be updated to include the amendment set out in Annex "B" to this report, which gives the Executive Director for Finance, in consultation with the Cabinet Member, discretion to reinstate counterparties which are on negative ratings watch.

3. Report of the Development and Regulation Committee

Since Full Council on 10 May 2011, two meetings of the Development and Regulation Committee have taken place; on 27 May and 24 June 2011.

Six planning applications and two Village Green applications have been considered by the Committee. Of the six planning applications, all were resolved to be approved, subject to planning conditions. Three planning enforcement items were also considered by the Committee during this period along with a planning appeal update.

4. Foreign Travel

The Members Allowance Scheme contained within Part 5 of the Constitution provides for reimbursement of expenses incurred by Members undertaking an “Approved Duty”. The Scheme provides Members with a list of pre-approved duties, which will automatically entitle the Member to seek reimbursement. However, this is not an exhaustive list, and those activities which are not specifically identified, would in accordance with the Local Authorities (Member’s Allowances) Regulations 1991 require separate approval from the authority. This approval would be from Council.

Currently under the Members Allowance Scheme Members must seek written approval in advance to undertaking the duty on behalf of Council from the Leader of the Council or the Cabinet Member for Finance and Transformation Programme in the following circumstances:

- (i) where it involves travel abroad;
- (ii) where the total cost for the Member is estimated to exceed £500 when only one Member is involved; or
- (iii) where the aggregate costs for all the Members is estimated to exceed £1,000 when more than one Member is involved.

In practice, there are only a few instances of this a year.

In order to understand this obligation to seek approval it is important to have regard to the Local Government Act 1972. Section 174 provides a Member shall be entitled to receive payments by way of travelling allowance where expenditure on travelling (whether inside or outside the UK) is necessarily incurred by him for the purpose of enabling him to perform any approved duty as a Member. Therefore it needs to be clear that the member is seeking approval for the duty not for undertaking the travel. If the duty is approved the member is able to be reimbursed for the expense of undertaking that duty within the terms set out in the Allowance Scheme.

In the interests of transparency and clarity it is proposed that in future this approval is sought from a Committee of the Council along similar lines to the Committee to determine the Terms and Conditions of Employment of Chief And Deputy Chief Officers. It is further proposed that this arrangement should also include approving overseas

travel by officers. For those who need to travel routinely as an operational requirement, arrangements will be made to ensure this is done in the most efficient manner possible.

Approval must be sought in advance and the information on the schedule attached as Annex “C” should be provided to the Committee. In addition the Committee should have regard to the comments of the Chief Executive and the Section 151 Officer if for a member and the appropriate Executive Director if for an Officer.

Recommended:

- (1) That with immediate effect Article 8, Council Committees, be amended by the addition of the following:

“Committee to consider applications to undertake certain duties by Members and Foreign Travel by Officers

Membership: Five Members of the Council in the ratio 4:1 to include the Leader of the Council, Deputy Leader (or their nominee Cabinet Members if they have an interest in the decision), two other Conservative Members and one Liberal Democrat:

- (a) To determine whether a duty should be an approved duty by a Member:
 - where it involves travel abroad;
 - where the total cost for the Member is estimated to exceed £500 when only one Member is involved; or
 - where the aggregate costs for all the Members is estimated to exceed £1,000 when more than one Member is involved.
- (b) To approve expenditure on foreign travel by officers.”
- (2) That the Members Allowance Scheme be amended to take account of the creation of the Committee at (1) above.

5. Revised Article 9 of the Constitution – Overview and Scrutiny Committees

Attached as Annex “D” is the revised version of Article 9 of the Constitution update to take account of the changes to Portfolios announced at the last meeting. Article 9 provides that it can be automatically updated in such circumstances.

6. Appeals Committee

Under the Constitution the Council has appointed an Appeals Committee comprising five members of the Council (other than the Cabinet) to exercise the powers and duties of the Council on cases in which there is a right of appeal against decisions taken by or on behalf of the Council in relation to any of its functions: the majority of cases relate to appeals against dismissal.

In the past this has been a fairly haphazard task of finding members to fulfil this role. It is very important that the Committee functions smoothly and there is a clear understanding amongst the members of processes and responsibilities. To provide a level of consistency and a focal point for officers to contact and to agree dates it is proposed that a permanent committee be established of five members in the ratio four Conservative: 1 Liberal Democrat with an appointed Chairman. This will ensure that officers know who to contact in the first instance and can ensure that the Chairman is known in advance and is properly briefed. The Chairman is then in a better position to make sure that the proper processes are consistently followed and is better able to manage the input of the other members of the Committee. It is also good to be able to explain that the Chairman is experienced and has been trained to undertake the specific role.

This is a very responsible position which is crucial to the proper conduct of any hearing and therefore will require a high level of engagement from the member concerned. For this reason it is proposed that the role attract a Special Responsibility Allowance. Decisions taken at the last meeting resulted in a reduction of the number of Special Responsibility Allowances paid by the Council from 49 to 39. The Independent Review Panel has been consulted and agrees with the proposal and has suggested that an allowance of £6,700 be paid.

Recommended:

- (1) That a permanent appeals committee be established of five members in the ratio four Conservative: 1 Liberal Democrat with an appointed Chairman and the two Groups be invited to nominate members to it.
- (2) That in light of her considerable experience on the Appeals Committee, Councillor Iris Pummell be appointed Chairman.
- (3) That a Special Responsibility Allowance of £6,700 per annum be established with effect from 1 April 2011 for the role of Chairman of the Appeals Committee.

7. Civil Parking Partnership Arrangement

Cabinet in February approved a new partnership operating model for civil parking to execute the Council's statutory duty for on-street parking and waiting restriction enforcement and remove over the next two years the current £900,000 annual deficit support payment that the Council makes to district and borough councils.

The model provides for the delegation, via a strategic commissioning agreement to two parking partnerships comprising district and borough councils, one in the North of the County and one in the South, of:

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- the Council's statutory responsibility for the enforcement of on-street waiting / parking restrictions;
 - the making of relevant traffic regulation orders; and
 - procurement of installation and maintenance of signs and lines relating to on street enforcement.

Basildon Borough Council is now formally a member of the South Parking Partnership Joint Committee which met on 16 June for the first time with all local authorities present. This is to confirm to Council that the Joint Committee is fully constituted.

8. Committee Memberships

This is to report that the Conservative Group has appointed Councillor D Madden a member of the Children and Young People Policy and Scrutiny Committee to replace Councillor J Roberts.

9. Members' Annual Statement

The Independent Review Panel on Members' Allowances recommended that Members should prepare a publicly available annual statement which highlights their achievements and activities throughout the year. The Panel proposed that these reports will also be submitted to the Standards Committee.

In exceptional circumstances, where a member was judged to be conspicuously failing to perform, the Independent Review Panel proposed that the Standards Committee may recommend the non-payment of allowances due. Reviewing the guidance on member allowances issued by the Department of Communities and Local Government confirms that payment may only be withheld if a Member is suspended or partially suspended so it is not possible to implement that part of the Panel's proposals.

The Standards Committee agreed that producing an Annual Statement would provide an opportunity to engage all elected members and promote best practice. It provided an opportunity to benefit from the experience of those members achieving well. The concept of members producing evidence of providing value for money was fully supported by the Committee. The Committee's proposal is to set up a sub-committee comprising three members (one independent member as Chairman and two councillors drawn only from those appointed to the Committee by the County Council to be agreed by the Chairman of the Committee) will monitor that a report has been produced by each member of the Council and produce an appropriate statement for inclusion in the Committee's Annual Report to Council, including deciding whether to name any member who has not complied.

A proposed format for an annual statement is attached at Annex "E".

Recommended:

That the format for a member Annual Statement be approved and that each Member produce a first report for the year 1 May 2010 to 30 April 2011 using the format set out in Annex “E” to this report.

10. Development of a Local Code of Conduct

The Localism Bill seeks to remove the statutory Code of Conduct for Members and provides that an authority may, if it chooses to do so, adopt a voluntary Code in its absence. There is no requirement in the Bill that a local authority has in place a Code at all: the authority may either revise the existing code of conduct, adopt a code to replace its existing code or withdraw its existing code without replacing it. The Bill is still subject to the Parliamentary process and has not yet been enacted.

The Bill provides that if an allegation of a breach of the voluntary Code is received in writing, the authority must take a decision on whether or not to investigate and, if it is considered that an investigation is warranted, investigate in any way the authority sees fit. However, there appears to be no right to require an investigation in circumstances where there isn't a Code in place; an individual would then appear to have little recourse other than to report the matter to the police.

The Bill attempts to deal with misconduct in three ways: first, serious misconduct for personal gain would become a criminal offence; secondly, individuals who have been personally disadvantaged by something a Councillor has done will be able to complain to the Local Government Ombudsman; and thirdly, for other instances of misconduct, the remedy will be left to the ballot box. The concern is that these three options will allow for instances of misconduct to go without remedy.

The Bill stipulates that regardless of whether it adopts a voluntary Code, an authority must promote and maintain high standards of conduct by its Members. Whilst it is not clear how an authority is expected to achieve the promoting and maintaining of high standards of conduct, adopting a Code, is likely to be the preferred option within most authorities. Allowing each authority to write its own Code would result in uncertainty and differing opinion on what is an acceptable level of behaviour. This would cause unnecessary confusion for the public and for those members who are both district/borough and county councillors.

It is in the interest of all authorities to have clear standards of conduct and the public should feel confident that those who are elected to public office will maintain the highest standards of probity and good conduct.

Council is, therefore, asked to endorse that it is in the interests of both the Council as a whole and all of its members that there should be a voluntary Code of Conduct for Members with a Standards Committee operating alongside the Code and to achieve as much consistency as possible across the authorities in the County.

Recommended:

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- (1) That, in principle, Council agrees it is in the best interests of both the Council as a whole and of all its members for there to be a voluntary Code of Conduct for Members.
 - (2) That the Monitoring Officer take responsibility for the drafting of a code based upon the work being undertaken by the Local Government Association, the Association of Council Secretaries and Solicitors (the Monitoring Officer's professional body) and work by Monitoring Officers in local councils acting collectively.

11. Senior Management Appointments

Council is asked to note the following appointments:

- Steven Lee-Foster - appointed as Assistant Director of Strategy and Policy: Adults
- Simon Neilson - appointed as Assistant Director of Strategy and Policy: Place
- Dan Gascoyne - appointed as Assistant Director of Corporate Policy, Strategy & Partnerships
- Jason Fergus - appointed as Head of Sports Delivery and 2012 Legacy
- Claire Shuter - appointed as Head of Corporate Business Management
- Adam Bowles appointed as Head of Human Resources.

12. Dates of Future Meetings

The Council is asked to approve the dates of its meetings for the Municipal Year 2012/13.

Recommended:

That meetings of the Council be held on Tuesdays at 10am on 10 July, 9 October and 11 December 2012 and 5 February (Budget) and 14 May 2013 (Annual).

PART 3

RESPONSIBILITY FOR FUNCTIONS

PART 3

14. RESPONSIBILITY FOR FUNCTIONS

14.1 Introduction

Section 13 of the Local Government Act 2000 provides that all functions of the Authority shall be functions of the Cabinet except in so far as they are reserved to the Council by any other enactment or by Regulations made under the Local Government Act 2000.

The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 define those functions as reserved to Council as those:

- (i) which must not be discharged by the Cabinet;
- (ii) which may be the responsibility of the Cabinet;
- (iii) which may not be the sole responsibility of the Cabinet.

Only the Council has the discretion to decide which functions fall into (ii) and (iii) above.

It follows that the functions of the Council are either:

- (i) the responsibility of the Council, (a Council Function); or
- (ii) the responsibility of the Cabinet, (an Executive Function); or
- (iii) a Local Choice Function, which is a function where the Council is free to choose whether responsibility rests with either Council or Cabinet.

14.2 Council Functions

“Council Functions” are therefore;

- (i) those functions which are reserved as a Council Function by the Local Government Act 2000 and by subsequent enactments and regulations;
- (ii) those functions which are reserved as Council Functions by Regulation 2 of, and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent regulations made under the Local Government Act 2000;
- (iii) those functions set out in Regulation 3 of, and Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, unless otherwise stipulated; and

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- (iv) the plans and strategies, the adoption or approval of which shall be a Council Function (the “Policy Framework”), namely those plans and strategies set out in Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 together with such other plans and strategies as the Council may identify from time to time for this purpose.

The Council has determined that certain Council Functions shall be carried out by the Committees as set out in Article 8 of this Constitution.

14.3 Executive Functions

“Executive Functions” are therefore:

- (i) those functions stipulated as an Executive Function by the Local Government Act 2000 and by subsequent enactments and regulations; and
- (ii) all other functions shall be Executive Functions.

Part 3 of this Constitution describes which functions are the responsibility of the Council and/or its committees or sub-committees, and which functions are the responsibility of the Cabinet and/or its committees or sub-committees or individual Members of Cabinet. It also sets out those functions that have been delegated to officers.

14.4 Local Choice Functions

The Cabinet is responsible for exercising the following Local Choice Functions:

- (i) the making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996;
- (ii) the conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999;
- (iii) the appointment of any individual;
 - (a) to any office other than an office in which he is employed by the authority;
 - (b) to any body other than;
 - (1) the authority;
 - (2) a joint Committee of two or more authorities;
 - (3) a politically balanced body; or
 - (4) to any Committee or Sub-Committee of such a body

and the revocation of any such appointment; and

- (iv) the making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.

The Council is responsible for all other Local Choice Functions.

15. SCHEME OF DELEGATIONS TO CABINET MEMBERS

15.1 Delegations

The delegations to officers in respect of the functions of the Cabinet are set out in paragraph 16 below.

15.2 Functions Reserved to Cabinet

Any Executive decision which will result in a recommendation or proposal to Full Council shall only be taken by the Cabinet as a whole and may not be taken by an individual Cabinet Member or Officer.

Any decision falling within any of the following categories shall be taken by the Cabinet as a whole and may not be taken by an individual Cabinet Member, a Cabinet Committee or an Officer or under joint arrangements unless it is delegated to that Cabinet Member, Committee, Officer or under joint arrangements after consideration by the Cabinet:

- (i) a decision on a matter that is cross cutting and affects the area of responsibility of more than one Cabinet Member unless the decision falls within an area of responsibility of a Cabinet Member which is itself cross-cutting in which case the decision can be taken by the Cabinet Member concerned; or
- (ii) a decision that the Leader has decided should be referred to Full Council.

15.3 General principles

This scheme delegates powers and duties in relation to Executive Functions and Local Choice Functions which are the responsibility of the Cabinet to Cabinet Members.

This scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation as well as authorising the affixing of the Common Seal.

This scheme operates under Section 14 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and all other powers enabling.

15.4 General limitations

Before taking a decision a Cabinet Member shall receive advice from the appropriate officer and must take advice from the Monitoring Officer and Chief Finance Officer (Section 151 Officer).

Any exercise of delegated powers shall be subject to the Policy Framework approved by the Council or the policies approved by the Cabinet from time to time including the Employment Policies (and Disciplinary Procedures), Equal Opportunities, Service Delivery Policies, and shall be guided by the relevant Codes of Conduct.

Any exercise of delegated powers shall be subject to:

- (i) any statutory restrictions;
- (ii) the Standing Orders of the Council;
- (iii) Financial Regulations; and
- (iv) Procurement Procedure Rules;

as contained within Part 4 of the Constitution and within the Code of Corporate Governance.

In exercising delegated powers, Cabinet Members shall not go beyond the provision made in the revenue or capital budgets for their service except to the extent permitted by Financial Regulations and Procurement Procedure Rules contained within the Code of Corporate Governance.

Delegation of Executive Functions to a Cabinet Member does not include the functions reserved to Full Council contained in Article 5 of the Constitution, or the functions reserved to Cabinet contained in Article 7 of the Constitution.

15.5 Further provisions

All action taken under the terms of these delegations shall be properly documented in accordance with arrangements approved by the Monitoring Officer.

This scheme operates from 14 December 2010.

In each case the delegated authority excludes the determination of policy, exceptions to policy and budgets by the Cabinet Member concerned.

Cabinet Members shall consult their Cabinet colleagues on all strategically important issues.

15.6 Portfolios of Individual Cabinet Members

Members appointed to the Cabinet will lead for the Cabinet in the areas shown and will exercise the functions delegated to them by the Leader. The roles encompass relations with external partners unless other provision is explicitly made.

These responsibilities are in addition to those set out in Article 3 and Article 7 of this Constitution.

15.6.1 Leader

- The overall strategic direction, policies and priorities of the Cabinet and of Council, including the overall corporate revenue and capital budget strategy of the Authority;
- Transformation Strategy
- Performance management
- Community Leadership, Community Strategy and Essex Partnership;
- Strategic Public Health
- Equalities and Diversity
- Customer services (including Registration Services)
- Community budgets
- Liaison with MPs
- Strategic communications leadership
- Corporate governance
- Member Support
- The functions of other portfolio holders in their absence or in an emergency.

15.6.2 Deputy Leader and the Cabinet Member for Finance and Transformation Programme

- Financial Resources (revenue and capital), precepts and levies;
- Transformation programme, including New Ways of Working
- Audit and Risk
- Business Continuity
- Human Resources, employee services and organisational development
- Internal communications;
- Information services and technology
- Change management and 'value for money'.

15.6.3 Children's Services

- Lead Member for Children's Services and the Children's Trust Arrangements (overall 'responsibility' as defined in Section 19 of the Children Act 2004);
- Children's social care, including: the safeguarding of children; looked after children; services to vulnerable children and young people and their families; and adoption and fostering;
- Preventative services, including the development of community budgets for families with complex needs;
- Corporate Parenting;
- Special Schools;
- Special Education Needs provision, including specialist and complex services in mainstream schools;
- Children's Centres and early years provision;
- Child poverty;
- Youth offending;
- Joint commissioning; and

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- Partnership working and all child health-related matters.

15.6.4 Education and the 2012 Games

- Mainstream schools and education including: diversity, organisation, planning and admissions; standards and achievement; attendance; 14-19 provision; transport for educational purposes; behaviour and education welfare services; and awards and benefits (in respect of further and higher education);
- School improvement;
- Skills and apprenticeships (including vocational centres, Train to Gain and Work Based Learning);
- Youth services and careers advice
- Sport, recreation and 2012 Games and legacy;
- Hadleigh Country Park and Lee Valley Regional Park Authority; and
- Lead Member for the Thames Gateway.

15.6.5 Adults, Health and Community Wellbeing

- The support of and assistance of people with learning or physical disabilities or sensory impairment, people with mental health problems, older people and the homeless;
- Safeguarding vulnerable adults
- Support to carers
- Community wellbeing, healthier communities and health partnerships;
- Joint commissioning and contracting;
- Adult public health and health inequalities;
- Health system reform and transition planning;
- Drug and Alcohol Action Team; and
- Supporting People

15.6.6 Economic Development and Waste and Recycling

- Regeneration, economic development and enterprise
- Economic regeneration, international trade and inward investment
- European funding programmes;
- The promotion of recycling and waste minimisation and the disposal of waste;
- Trading standards, weights and measures, food safety, consumer protection, animal health, performing animals and explosives licensing;
- External communications, including media and marketing strategy.

15.6.7 Highways and Transportation

- Matters of strategic, regional or countywide significance in relation to integrated spatial development and transportation planning; and
- Highways (including bridleways, footpaths and byways), all car parking and road safety, traffic and vehicle regulation, school crossing patrols and public transport;
- Delivery of Highways capital programme;
- Essex Transport;
- Concessionary fares;
- Emergency Planning; and
- Flood Management.

15.6.8 Procurement, Property and Major Projects

- Procurement
- Capital Programme Governance
- Major Projects and Investment (excluding highways)
- Delivery of Waste capital programme;
- Property Strategy
- Asset management and Facilities Management
- Legal services (including coroner's service)
- Member support (Legal)

15.6.9 Communities and Planning

- Localism
- Big Society (including Big Society revenue and capital fund)
- Rural affairs;
- Relations with district and borough, parish and town councils;
- Relations with the voluntary and community sector;
- Strategic and local planning;
- Waste and mineral planning;
- Sustainable development;
- Community Safety; and
- Gypsies and travellers.

15.6.10 Environment and Culture

- Heritage, Culture and the Arts;
- Libraries;

- Adult Community Learning;
- Built Environment; and Historic Environment
- Natural Environment and Environmental strategy;
- Climate change, carbon reduction and energy;
- Country Parks (except Hadleigh Country Park and Lea Valley); and
- Lead Member for Tourism.

16. SCHEME OF DELEGATION TO OFFICERS

16.1 Principles applicable to both the Executive and Council Functions

This scheme delegates powers and duties in relation to Executive Functions, Council Functions and Local Choice Functions which are the responsibility of Cabinet and Full Council accordingly.

This scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation within those descriptions and all powers and duties incidental to that legislation as well as authorising the affixing of the Common Seal.

This scheme operates under Section 14 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ('the Regulations') and all other powers enabling. Schedule 1 of the Regulations is set out within the Code of Corporate Governance.

This scheme includes the obligation on officers to keep Members (including local members) properly informed of activity arising within the scope of these delegations.

Any exercise of these delegated powers shall be subject to the Policy Framework approved by the Council or the policies approved by the Cabinet from time to time including the Employment Policies (and Disciplinary Procedures), Equal Opportunities, Service Delivery Policies, and shall be guided by the relevant Codes of Conduct.

Any exercise of delegated powers shall be subject to:

- (i) any statutory restrictions;
- (ii) the Standing Orders of the Council;
- (iii) Financial Regulations; and
- (iv) Procurement Procedure Rules;

as contained within Part 4 of the Constitution and within the Code of Corporate Governance.

In exercising delegated powers, officers shall not go beyond the provision made in the revenue or capital budgets for their service except to the extent permitted by Financial Regulations and Procurement Procedure Rules.

This scheme includes the power for officers to further delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officer.

Sub-delegations shall be recorded in a register kept by the Monitoring Officer under Section 100G of the Local Government Act 1972. Sub-delegations may be made across service boundaries.

(Any officer exercising powers or duties in pursuance of full sub-delegation will be politically restricted under Section 2(1)(g) of the Local Government and Housing Act 1989.)

All action taken under the terms of these delegations shall be properly documented in accordance with arrangements approved by the Monitoring Officer.

In exercising any delegated powers, officers shall consult with other appropriate officers and shall have regard to any advice given.

In this scheme “officer” means the holder of any post named in this scheme as having delegated powers and duties.

A power specifically delegated by this scheme to one officer shall not be exercised by another officer without the consent of the former.

This scheme operates from 14 December 2010.

In each case the delegated authority to officers includes management of the human and material resources made available for the service areas and the functions concerned within the limitations of this scheme and subject to specific delegations in this scheme or elsewhere to another officer.

In each case the delegated authority excludes the determination of policy, exceptions to policy and budgets by the officer concerned.

16.2 Delegations to officers

The powers delegated to officers exclude the authority to take Key Decisions, except for the Chief Executive, who may do so in accordance with the limitations contained within paragraph 16.5.1(ii)(a) below.

Officers are responsible for the management of their services and the implementation of Council and Cabinet policies and Executive Decisions.

Decisions which an officer takes under delegated powers must:

- (i) implement a policy or decision previously approved or taken by the Cabinet or a Cabinet Member; or

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- (ii) facilitate or be conducive or incidental to the implementation of a policy or decision previously taken by the Cabinet or a Cabinet Member; or
 - (iii) relate to the management of the human, material and financial resources made available for the functions for which they are responsible.

16.3 Executive Functions

It shall always be open to an officer to consult with the appropriate Cabinet Member on the exercise of a delegated Executive Function; or not to exercise a delegated Executive Function but to refer the matter to the Cabinet.

16.4 Council Functions

The following Council functions shall not be delegated to officers:

- (i) any matter reserved to full Council;
- (ii) any matter which by law may not be delegated to an officer;
- (iii) any matter expressly reserved to a committee by the Standing Orders of the Council or Financial Procedure Rules or withdrawn from delegation by this scheme or by a committee;
- (iv) changes to fees, charges or concession policies (for the avoidance of doubt officers may agree fees for charging out professional services for which they are responsible to other public bodies);
- (v) decisions on permanent savings in a budget;
- (vi) the making of an order for the compulsory acquisition of land;
- (vii) the acquisition of land in advance of requirements; and
- (viii) the confirmation of any order or the issue or grant of any permission, consent, licence or other determination which is the subject of a statutory right of objection that has been duly exercised.

16.5 Executive and Council Functions the Responsibility of Chief Officers

16.5.1 TO THE CHIEF EXECUTIVE

Executive Functions

- (i) To be the Head of Paid Service.

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- (ii) To exercise the Executive Functions delegated to the Leader of the Council in relation to:
 - (a) Key Decisions when the Leader or Deputy Leader are not otherwise available in an emergency; and
 - (b) the overall strategic direction, policies and priorities of the Cabinet and of Council, including the overall corporate revenue and capital budget strategy of the authority.
 - (iii) To incur expenditure in the event of a civil emergency including payments over £500,000.
 - (iv) To exercise in cases of urgency the Executive Functions delegated to the Tier 1 Officers (except in relation to the Executive Director for Finance's Section 151 responsibilities).
 - (v) To be responsible for management in the Authority.

Council Functions

- (i) To be Head of Paid Service.
- (ii) To exercise the Council Functions delegated to the Tier 1 Officers in cases of urgency.
- (iii) The power to appoint and dismiss staff as specified in Schedule 1I paragraph 37 of the Regulations.
- (iv) To exercise the Council Functions relating to elections as specified in Schedule 1D of the Regulations.
- (v) To determine the level of performance pay to be awarded to officers and recommend levels of performance pay to be awarded to the Tier 1 Officers.
- (vi) To be the Proper Officer of the Council for the purposes of Accepting Declarations of Office of Councillors.
- (vii) Power to make payments in cases of maladministration as specified in Schedule 1I paragraph 48 of the Regulations.

16.5.2 TO THE ASSISTANT CHIEF EXECUTIVE, STRATEGIC SERVICES

Executive Functions

- (i) To exercise the Executive Functions of the Leader of the Council in relation to:

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- (a) Community Leadership, Community Strategy and Essex Partnership;
 - (b) Community budgets;
 - (c) strategic communications leadership
 - (d) liaison with MPs; and
 - (e) Member support
 - (ii) To exercise the Executive Functions of the Cabinet Member for Environment and Culture in relation to tourism.
 - (iii) To exercise the Executive Functions of the Cabinet Member for Communities and Planning in relation to:
 - (a) relations with the voluntary and community sector, district and borough, parish and town councils;
 - (b) rural affairs; and
 - (c) Community Safety.
 - (iv) To exercise the Executive Functions delegated to the Cabinet Member for Education and the 2012 Games in relation to:
 - (a) Thames Gateway;
 - (b) sport, recreation and 2012 Games and legacy;
 - (c) Hadleigh Country Park and Lee Valley Regional Authority. and
 - (vi) To exercise the Executive Functions delegated to the Cabinet Member for Economic Development and Waste in relation to external communications including media and marketing strategy.
 - (vi) To exercise the Executive Functions of local partnerships; the Local Enterprise Partnership; and the Integrated County Strategy.

Council Functions

- (i) After Consultation with the Chairman of the Council, shall be responsible for the reproduction or use of the County Seaxes (outside of the coat of arms) by other bodies or persons.
- (ii) Power to make payments in cases of maladministration as specified in Schedule 11 paragraph 48 of the Regulations.

16.5.3 TO THE EXECUTIVE DIRECTOR FOR SCHOOLS, CHILDREN AND FAMILIES

Executive Functions

- (i) To exercise the functions conferred on or exercisable by the Council pursuant to Section 18 of the Children Act 2004 and Regulations made thereunder.
- (ii) To exercise the Executive Functions delegated to the Cabinet Member for Education and the 2012 Games in relation to:
 - (a) Mainstream schools and education, including: diversity, organisation, planning and admissions; standards and achievement; attendance; 14-19 provision; transport for educational purposes; behaviour and education welfare services; and awards and benefits (in respect of further and higher education);
 - (b) School improvement;
 - (c) youth services and careers advice; and
 - (d) skills and apprenticeships (including vocational centres, Train to Gain and Work-based Learning).
- (iii) To exercise the Executive Functions delegated to the Cabinet Member for Children's Services in relation to:
 - (a) leadership of the Children's Trust arrangements (overall "responsibility" as defined in Section 19 of the Children Act 2004);
 - (b) Children's social care, including: the safeguarding of children; looked after children; services to vulnerable children and young people and their families and adoption and fostering;
 - (c) Preventative services, including the development of community budgets for families with complex needs;
 - (d) Corporate Parenting;
 - (e) Special Schools;
 - (f) Special Education Needs provision, including specialist and complex services in mainstream schools;
 - (g) Children's Centres and early years provision;
 - (h) Child poverty;

- (i) Youth offending;
- (j) Joint commissioning; and
- (k) Partnership working and all child health-related matters.

Council Functions

- (i) To exercise the power to license the employment of children as specified in Schedule 1B paragraph 35 of the Regulations.
- (ii) To exercise the social service functions of the Council as set out in Section 18 of the Children Act 2004, except for those which are the responsibility of the Commissioning Director for Adult Social Services.
- (ii) Power to make payments in cases of maladministration as specified in Schedule 1I paragraph 48 of the Regulations.

16.5.4 TO THE DEPUTY CHIEF EXECUTIVE AND COMMISSIONING DIRECTOR FOR ADULT SOCIAL SERVICES

Executive Functions

- (i) To exercise the Social Service functions of the Council other than those for which the Executive Director for Schools, Children and Families is responsible under Section 18 of the Children Act 2004.
- (ii) To exercise the Executive Functions delegated to the Cabinet Member for Adults, Health and Community Wellbeing in relation to:
 - (a) The support of and assistance of people with learning or physical disabilities or sensory impairment, people with mental health problems, older people and the homeless;
 - (b) Safeguarding vulnerable adults
 - (c) Support to carers;
 - (d) Community wellbeing, healthier communities and health partnerships;
 - (e) Joint commissioning and contracting;
 - (f) Adult public health and health inequalities;
 - (g) Health system reform and transition planning;
 - (h) Drug and Alcohol Action Team; and
 - (i) Supporting People
- (iii) To exercise the Executive Functions delegated to the Cabinet Member for Environment and Culture in relation to:
 - (a) Heritage Culture and the Arts;
 - (b) Libraries; and
 - (c) Adult Community Learning.

- (iv) To exercise the Executive functions delegated to the Leader of the Council in relation to:
 - (a) customer services (including Registration Services);
 - (b) Strategic Public Health;
- (v) To exercise the Executive Functions of the Cabinet in relation to the Registration of Births, Deaths and Marriages and the Coroners Service.
- (vi) To act as the Proper Officer for the purposes of the Registration Service.

Council Functions

- (i) To exercise the functions in relation to approval of premises for the solemnisation of marriages as specified in Schedule 1B paragraph 36 of the Regulations.
- (ii) Power to make payments in cases of maladministration as specified in Schedule 1I paragraph 48 of the Regulations.

16.5.5 TO THE EXECUTIVE DIRECTOR FOR ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS

Executive Functions

- (i) To exercise the Executive Functions delegated to the Cabinet Member for Highways and Transportation in relation to:
 - (a) matters of strategic, regional or Countywide significance in relation to: integrated spatial development and transportation planning;
 - (b) Highways (including bridleways, footpaths, and byways), all car parking and road safety, traffic and vehicle regulation, school crossing patrols and public transport;
 - (c) delivery of highways capital programme.
 - (d) Essex Transport;
 - (e) concessionary fares;
 - (f) Emergency Planning; and
 - (g) Flood Management.
- (ii) To act as Traffic Manager under the Traffic Management Act 2004.
- (iii) To exercise the Executive Functions delegated to the Cabinet Member for Economic Development and Waste and Recycling in relation to:
 - (a) regeneration, economic development and enterprise;
 - (b) Economic Regeneration, international trade and inward investment;
 - (c) the promotion of recycling and waste minimisation and the disposal of waste; and

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- (d) Trading Standards, weights and measures, food safety, consumer protection, animal health, performing animals and explosives licensing.
 - (iv) To exercise the Executive Functions delegated to the Cabinet Member for Communities and Planning in relation to:
 - (a) strategic and local planning;
 - (b) waste and mineral planning;
 - (c) sustainable development; and
 - (d) Gypsies and Travellers.
 - (v) To exercise the Executive Functions delegated to the Cabinet Member for Environment and Culture in relation to:
 - (a) the built environment and historic environment;
 - (b) Natural Environment and Environmental Strategy;
 - (c) Climate change, carbon reduction and energy; and
 - (d) country parks (except Hadleigh Country Park and Lee Valley Regional Authority);
 - (vi) To exercise the Executive Functions delegated to the Cabinet Member for Procurement, Property and Major Projects in relation to:
 - (a) capital programme governance;
 - (b) major projects and investment (excluding Highways);
 - (c) Delivery of Waste capital programme;
 - (d) Property Strategy; and
 - (e) asset management and facilities management.

Council Functions

- (i) To exercise the power in relation to the preservation of trees as specified in Schedule 1I paragraph 47 of the Regulations.
- (ii) To exercise the power in relation to listed buildings as specified in Schedule 1A paragraphs 24-31 of the Regulations.
- (iii) To exercise the functions of the Council relating to highways and rights of way as specified in Schedule 1A paragraph 8, Schedule 1B paragraphs 41, 46A, 47-55 and Schedule 1I paragraphs 1-34, (subject to the responsibility of the County Solicitor to determine all applications and proposals for modification of the Definitive Map and Statement of Public Rights of Way) of the Regulations.
- (iv) To authorise the making of agreements for the execution of highways works under Section 278 of the Highways Act 1980.

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- (v) To exercise the licensing and registration functions of the Council as specified in Schedule 1B paragraphs 22, 26, 27, 31, 42-46 and 56 of the Regulations.
 - (vi) To exercise the powers of the Council under the Essex Act 1987 in relation to massage parlours.
 - (vii) Power to make payments in cases of maladministration as specified in Schedule 1I paragraph 16 of the Regulations.

16.5.6 TO THE EXECUTIVE DIRECTOR FOR FINANCE

Executive Functions

- (i) To exercise the Executive Functions delegated to the Deputy Leader and Cabinet Member for Finance and Transformation Programme in relation to:
 - a. Financial Resources (Revenue and Capital), precepts and levies;
 - b. Audit and Risk; and
 - c. Business Continuity.
- (ii) To exercise the Executive Functions delegated to the Leader of the Council in relation to performance management.
- (iii) To exercise the Executive Functions delegated to the Cabinet Member for Procurement, Property and Major Projects in relation to:
 - (a) Procurement;
 - (b) Legal Services (including the Coroners Service; and
 - (c) Member Support (Legal).
- (iv) To exercise the Executive Functions delegated to the Cabinet Member for Adults, Health and Community Wellbeing in relation to supporting people, in so far as this requires the application to become, and power to act as a Deputy in respect of the management of the finances and property of an individual lacking capacity in accordance with the Mental Capacity Act 2005.
- (v) To exercise the Executive Functions delegated to the Cabinet Member for Economic Development and Waste in relation to European Funding Programmes.
- (vi) To be the Proper Officer under Section 115 of the Local Government Act 1972.

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- (vii) To have responsibility for the overall management of the internal audit function in accordance with the Accounts and Audit (England) Regulations 2011.
 - (viii) To have responsibility for borrowing and lending within limits approved by the Council.

Council Functions

- (i) To exercise the functions of the Council in relation to pensions as specified in Schedule 1H of the Regulations.
- (ii) Subject to the agreement of the Chief Executive in any case involving a Tier 1 Officer, the County Solicitor, the Monitoring Officer or the Executive Director for Finance, to exercise discretion under the Local Government Pensions Regulations, the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 and the Teachers Pension Regulations or any regulations amending or replacing the same.
- (iii) To exercise the functions of the Council in relation to the pay and conditions of directly employed teachers who are subject to the School Teachers Pay and Conditions Document.
- (iv) Power to make payments in cases of maladministration as specified in Schedule 1I paragraph 48 of the Regulations.
- (v) 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.
- (vi) To be the Proper Officer under Section 115 of the Local Government Act 1972.
- (vii) To manage the Pension Fund including the power to seek professional advice and to devolve day-to-day handling of the Fund to professional advisers within the scope of the Pensions Regulations.

Note: The Executive Director for Finance is not empowered to change the managers of the Pension Fund.

16.5.7 TO THE EXECUTIVE DIRECTOR FOR TRANSFORMATION

Executive Functions

- (i) To exercise the Executive Functions delegated to the Leader of the Council in relation to;

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- (a) equalities and diversity; and
 - (b) Transformation Strategy.
- (ii) To exercise the Executive Functions delegated to the Deputy Leader and the Cabinet Member for Finance and Transformation Programme in relation to:
- (a) Transformation Programme including New Ways of Working;
 - (b) change management and “value for money”
 - (c) Human Resources, employee services and organisational development;
 - (d) internal communications; and
 - (e) information services and technology.

Council Functions

The power to make payments in cases of maladministration as specified in Schedule 11 paragraph 48 of the Regulations.

16.5.8 TO THE COUNTY SOLICITOR

Executive Functions

- (i) To be the Solicitor to the Council.
- (ii) To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals.
- (iii) To authorise officers of the Council to appear before Magistrates' Courts or District Judges.
- (iv) To be Proper Officer of the Council for the purposes of the Local Government Act 2000 and regulations made thereunder except where legislation or the scheme of Delegation names another officer and to authorise the making and issue of any formal documents.
- (v) To authorise the giving of any indemnity by the Council.
- (vi) To authorise the service of notices to ascertain interests in land and to enter upon land in connection with the discharge of any of the functions of the Council.
- (vii) To exercise the Executive Functions of the Cabinet in relation to the Coroners Service.
- (viii) To authenticate documents on behalf of the Council.

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- (ix) To determine which documents should be sealed by the affixing of the Common Seal.
 - (x) To attest the affixing of the Council's Common Seal.
 - (xi) To be the Monitoring Officer.

Council Functions

- (i) To be the Solicitor to the Council.
- (ii) To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals.
- (iii) To authorise officers of the Council to appear before Magistrates' Courts or District Judges.
- (iv) To be Proper Officer of the Council except where legislation or the scheme of Delegation names another officer and to authorise the making and issue of any formal documents.
- (v) To exercise the functions of the Council in relation to common land and town and village greens as specified in Schedule 1B paragraphs 37 and 38 of the Regulations.
- (vi) To authorise the giving of any indemnity by the Council.
- (vii) To authorise the service of notices to ascertain interests in land and particulars of persons interested in land and to enter upon land in connection with the discharge of any of the functions of the Council.
- (viii) To determine all applications and proposals for modification of the Definitive Map and Statement of Public Rights of Way pursuant to Section 53 and 53A of the Wildlife and Countryside Act 1981.
- (ix) After consultation with the Chairman of the Council, to authorise the reproduction of the County Coat of Arms or the flying of the County Flag by other bodies or persons.
- (x) To authenticate documents on behalf of the Council.
- (xi) To exercise the functions of the Governance Team.
- (xii) To determine which documents should be sealed by the affixing of the Common Seal.
- (xiii) To attest the affixing of the Council's Common Seal.

- (xiv) To act as the administering authority for the purposes of the pensions complaints procedure.
- (xv) The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.
- (xvi) The making of arrangements pursuant to Section 94(1) (1A) and (4) of the School Standards and Framework Act 1998 (admission appeals).
- (xvii) The making of arrangements pursuant to Section 95(2) of the School Standards and Framework Act 1998 (children to whom Section 87 applies: (appeals by governing bodies).
- (xviii) The power to make payments in cases of maladministration as specified in Schedule 11 paragraph 48 of the Regulations.

16.5.9 TO THE ASSISTANT DIRECTOR, SUSTAINABLE ENVIRONMENT AND ENTERPRISE

Executive Functions

- (i) To exercise the Executive Functions delegated to the Cabinet Member for Communities and Planning in respect of local planning policies and development documents for minerals and waste.
- (ii) To exercise the functions delegated to the Cabinet Member for Environment and Waste in relation to trading standards, weights and measures, food safety, consumer protection, animal health, performing animals and explosives licensing (including the exercise of discretion as to the institution of legal proceedings).
- (iii) To enforce, including prosecution in the Magistrates' Court, for contravention of traffic regulation orders restricting the use of roads by vehicles by reference to their weight, whether the restriction is permanent, experimental or temporary and in accordance with the Trading Standards' Enforcement Policy.

Council Functions

- (i) To exercise all functions of the Council relating to Town and Country Planning and Development Control as specified in Schedule 1A paragraphs 5-7, 9-23 of the Regulations except for:
 - (a) approval of planning applications and proposals in accordance with the Development Plans where objections are raised by other Local Authorities or/ and have more than two individual representations raising planning related objections;
 - (b) approval of minerals and waste applications requiring Environmental Impact Assessments;
 - (c) approval of applications for County Matter and County Council development where no more than two individual representations raising planning related objections are received and the Chairman of the Development and Regulation Committee determines, in consultation with the Head of Environmental Planning, that the application should be determined by the Committee; and
 - (d) approval of major departures from Development Plans arising from planning applications and proposals.

Counterparty Criteria for Investments

Lending List

The Council will only use UK banks and building societies, and non UK banks domiciled in a country with a minimum sovereign rating of **AA**, that have credit ratings equivalent to or better than the following:

Rating category	Credit rating agencies		
	Fitch	Standard and Poor	Moody's
Short term rating	F1	A-1	P-1
Long term rating	A	A	A2
Individual / financial strength rating	B	-	C
Support rating	3	-	-

The Council may also use eligible institutions for the HM Treasury Credit Guarantee Scheme, initially announced on 13 October 2008, that satisfy the minimum short and long term ratings above.

In addition, the Council may invest its funds with:

- The UK Government.
- Other local authorities.
- Pooled investment vehicles (i.e. Money Market Funds) that have been awarded an **AAA** credit rating.
- Financial institutions nationalised by the UK Government whose credit ratings do not meet the above criteria.
- Bank subsidiaries and treasury operations where their parent bank has the necessary ratings outlined above. In addition, the subsidiary must itself have a short and long term rating meeting the above criteria or be guaranteed by the parent bank.

Finally, the Council may use banks and building societies whose ratings fall below the criteria specified above if all of the following conditions are satisfied:

- Wholesale deposits in the bank are covered by a government guarantee;
- The government providing the guarantee is rated **AAA** by Fitch, Standard and Poor and Moody's.
- The Council's investments with the bank are limited to amounts and maturities within the terms of the stipulated guarantee.

Notes:

- The criteria outlined above will ensure that the Council's funds are only invested with high quality counterparties.
- Not all ratings categories are assessed by each of the ratings agencies.
- Counterparties will only be considered for inclusion on the Council's lending list if they have all of the following credit ratings:
 - Short term rating.
 - Long term rating.
 - Individual / financial strength rating.
 - Support rating.
- Where a counterparty is rated by more than one credit rating agency, the lowest ratings will be used to determine whether or not it is included on the counterparty list.
- Credit ratings are continually monitored, and counterparties will be removed from the Council's lending list in the event that they receive a downgrading to their credit rating status below the minimum criteria outlined above. Counterparties will also be suspended from the lending list in the event that they are placed on 'negative ratings watch'. **The Executive Director for Finance, in consultation with the Cabinet Member with responsibility for Finance, will have discretion to reinstate counterparties which are on negative watch if circumstances make this desirable or necessary.**
- Money Market Funds (MMFs) are short term investment instruments; they are pooled investments that are placed, by a manager, in a wide range of money market instruments. The size of the investment pool of a MMF enables the manager to not only offer the flexibility of overnight and call money, but also the stability and returns of longer dated deposits. Strict rules and criteria are set down by the official rating agencies, covering the types of investment counterparties used, the maturity distribution of the funds and investment concentrations. The MMFs that the Council would use will all be denominated in sterling and be regulated within the EU.
- In the event that the Council's own banker falls below the minimum credit rating criteria outlined above, the bank will be used for transactional purposes only, and not as an active outlet for investments.
- Organisations that are Eligible Institutions for the HM Treasury Credit Guarantee Scheme are authorised UK deposit-takers which have a substantial business in the UK or are UK building societies. The Government considers the role of institutions in the UK banking system, and to the overall economy, when considering applications to the Credit Guarantee Scheme. The Credit Guarantee Scheme provides Eligible Institutions with access to government help in raising capital and with the ability to issue securities with a

government guarantee, thus enabling the organisations in question to meet their funding needs.

Lending Limits

For banks and building societies satisfying the 'lending list' criteria, lending limits will be determined with reference to the counterparties' short and long term credit ratings, as follows:

- Investment limit of **£60 million** for investments of up to **5 years**:

Rating category	Credit rating agencies		
	Fitch	Standard and Poor	Moody's
Short term rating	F1+	A-1+	P-1
Long term rating	AA	AA	Aa2

- Investment limit of **£50 million** for investments of up to **4 years**:

Rating category	Credit rating agencies		
	Fitch	Standard and Poor	Moody's
Short term rating	F1+	A-1	P-1
Long term rating	AA-	AA-	Aa3

- Investment limit of **£35 million** for investments of up to **1 year**:

Rating category	Credit rating agencies		
	Fitch	Standard and Poor	Moody's
Short term rating	F1	A-1	P-1
Long term rating	A	A	A2

The lending limits for organisations that are Eligible Institutions for the HM Treasury Credit Guarantee Scheme will also be determined with reference to the counterparties' short and long term credit ratings, as outlined above. However, investments with these counterparties will be restricted to periods of up to 1 year.

Lending limits for other counterparties will be as follows:

- No restrictions will be placed on the amounts that can be invested for periods of up to one year with the UK Government (ie. Debt Management Office).
- An investment limit of **£50 million** will be applied for investments with individual Money Market Funds.
- An investment limit of **£25 million** will be applied for investments of up to **one** year with individual top tier local authorities.
- An investment limit of **£15 million** will be applied for investments of up to **one** year with individual lower tier local authorities.

- In addition to the limits outlined above, a further restriction will be applied in respect of investments with non UK financial institutions; that is, a country limit of **£35 million** will be applied and investments outside of the UK will only be made for periods of up to one year. Thus, the individual limits for non UK financial institutions will be the lower of the country limit or the limit that results from applying the credit rating criteria outlined above. In addition, the country limit will restrict the total amount that can be invested within any one country outside of the UK at any one time.

Notes:

- The above lending limits represent the maximum amounts that can be placed with counterparties; the Director for Finance may apply lower limits for management purposes, to ensure that funds are managed prudently according to prevailing circumstances.
- The short, long term, individual and support ratings will be used to determine the pool of counterparties with whom the Council can transact. The short and long term ratings will then be used further, to determine the maximum amount that can be invested with each of these counterparties, and for what period.
- Top tier local authorities will include county councils, unitary and metropolitan authorities and London Boroughs.
- Lower tier local authorities will include district / borough councils and police and fire authorities.

Annex "C"**APPROVAL FOR VISITS MADE BY MEMBERS
involving travel abroad / individual costs exceeding £500 /
aggregate costs for more than one member of £1,000**

Name of Member(s) travelling: _____

Details of the visit (incl. dates): _____

£

Estimated cost of the visit:

Rationale for the estimated cost:

* Please note you will need to demonstrate that in accordance with the Members' Allowances Scheme three quotes have been obtained before booking foreign hotels.

Purpose of the visit and anticipated value to the County Council:

Comments of the Chief Executive

Comments of the Section 151 Officer

ARTICLE 9**OVERVIEW AND SCRUTINY COMMITTEES****9.1 Functions of the Overview and Scrutiny Committees**

The Council will appoint the Overview and Scrutiny Committees set out below to discharge the functions conferred by Section 21 of the Local Government Act 2000 or Regulations under Section 32 of that Act as amended by Part 5 Chapter 2 of the Local Government and Public Involvement in Health Act 2007.

The functions conferred by Section 21 of the Local Government Act 2000 to Overview and Scrutiny Committees are as follows:

- (i) to review or scrutinise decisions made in connection with the discharge of Executive functions;
- (ii) to make reports or recommendations to the Council or Cabinet with respect to the discharge of Executive functions;
- (iii) to review or scrutinise decisions made in connection with the discharge of non-executive functions; and
- (iv) to make reports or recommendations to the Council or to Cabinet on matters affecting the Council’s area or its citizens.

9.2 Membership

No Overview and Scrutiny Committee shall include any Member of the Cabinet.

A Deputy to a Cabinet Member may not serve on an Overview and Scrutiny Committee that scrutinises the work undertaken by that Cabinet Member.

No Member may be involved in scrutinising a decision in which he has been directly involved.

9.3 Chairmen of Overview and Scrutiny Committees

The Chairman of each Overview and Scrutiny Committee will:

- (i) provide leadership of the relevant Overview and Scrutiny Committee;
- (ii) facilitate and encourage the active involvement of all Members on the relevant Overview and Scrutiny Committee; and

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- (iii) promote a consensual, apolitical approach to the Committee's activities

9.4 Roles and Responsibilities of the Overview and Scrutiny Committees

The Overview and Scrutiny Committees, within their terms of reference, will:

- (i) engage in policy review and policy development, with a focus on improvement and how it can best be achieved;
- (ii) scrutinise decisions made or actions taken in connection with the discharge of the Council's and the Cabinet's functions;
- (iii) scrutinise the performance of the Council and the Cabinet;
- (iv) engage with the community and encourage community engagement;
- (v) question and engage with Members of the Cabinet and/or Committees and Chief Officers;
- (vi) look outwards and show community leadership by providing constructive challenge to other public bodies particularly those with whom the Council delivers services in partnership;
- (vii) consider any matter affecting the area or its inhabitants;
- (viii) consider any matters referred by full Council or Cabinet;
- (ix) make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process; and
- (x) take evidence from a senior Council Officer/Cabinet Member if requested by a petition supported by at least 2,000 signatures as specified in the Council's Petitions Policy.

9.5 The Overview and Scrutiny Committees

Each Overview and Scrutiny Committee shall exercise the function of call-in of a decision made by a Cabinet Member which falls within its remit in order to consider whether:

- (i) to refer the decision back to the person who made it; or
- (ii) to refer the matter to the full Council to decide whether to refer the decision back to the person who made it.

9.5.1 Executive Scrutiny Committee

Membership: 16 Members

- (i) To scrutinise the financial arrangements and performance of the Council including considering the budget and accounting processes.
- (ii) To scrutinise performance against the Corporate Plan and to review and scrutinise the performance of the Council in relation to its policy objectives, performance targets, corporate risk management and/or particular service areas.
- (iii) To review and/or scrutinise the discharge of any functions by Council, Cabinet, Cabinet Members and Council Officers both in relation to individual decisions and over time.
- (iv) To scrutinise any area of the Council's service provision or performance deemed appropriate by the Committee, particularly those areas which affect the whole Council, save that it cannot scrutinise any issue which a Policy and Scrutiny Committee has scrutinised in the immediately preceding 12 months without the agreement of the Scrutiny Board.
- (v) To consider any matters referred to the Committee by full Council or Cabinet.
- (vi) To contribute to the delivery of the Council's objectives in relation to the overall strategic direction, policies and priorities of the Cabinet and of Council, including the overall corporate revenue and capital budget strategy of the Authority; Transformation Strategy; Transformation programme, including New Ways of Working; Performance management; Equalities and Diversity; Customer Services (including registration services); Community budgets; Liaison with MPs; Strategic communications leadership; Corporate governance; Member support; Business Continuity; Human Resources, employee services and organisational development; internal communications; External communications, including media and marketing strategy; Information Services and Technology; Change Management and "value for money"; Procurement; Capital Programme Governance; Major Projects and Investment (excluding Highways); Property Strategy; Asset Management and Facilities Management; and Legal Services (including Coroner's Service).
- (vii) In relation to (ii) - (vi), to report and make recommendations to the Cabinet or Council as appropriate.
- (viii) To agree a rolling work programme for policy development and scrutiny within the Committee's remit.

9.5.2 Children and Young People Policy and Scrutiny Committee

Membership: 16 Members

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- (i) To contribute to the delivery of the Council's objectives in relation to mainstream schools and education including diversity, organisation, planning and admissions; standards and achievement; attendance; 14 - 19 provision; transport for educational purposes; behaviour and education welfare services; and awards and benefits (in respect of further and higher education); School improvement; Skills and apprenticeships (including vocational centres, Train to Gain and Work Based Learning); Youth services and careers advice; Sport, recreation and 2012 Games and legacy; Hadleigh Country Park and Lee Valley Regional Park Authority; leadership for Children's Services and the Children's Trust Arrangements; Children's social care, including: the safeguarding of children, looked after children, services to vulnerable children and young people and their families and adoption and fostering; Preventative services, including the development of community budgets for families with complex needs; Corporate Parenting; Special Schools; Special Education Needs provision, including specialist and complex services in mainstream schools; Children's Centres and early years provision; Child poverty; Youth offending; joint commissioning; and Partnership working and all child health-related matters.
 - (ii) To scrutinise areas of the Council's policy, service provision or performance within the Committee's remit and make recommendations to the Cabinet or Council as appropriate.
 - (iii) To agree a rolling work programme for policy development and scrutiny within the Committee's remit.

9.5.3 Community and Older People Policy and Scrutiny Committee

Membership: 16 Members

- (i) To contribute to the delivery of the Council's objectives in relation to the support and assistance of people with learning or physical disabilities, or sensory impairment, people with mental health problems, older people and the homeless; Safeguarding vulnerable adults; Support to carers; Community wellbeing, healthier communities and health partnerships; joint commissioning and contracting; Adult public health and health inequalities; Health system reform and transition planning; Strategic Public Health; Drug and Alcohol Action Team; Community Safety; Supporting People; community leadership, community strategy and Essex Partnership; Localism; Big Society (including Big Society revenue and capital fund); relations with district and borough, parish and town councils; relations with the voluntary sector and community sector; Heritage, Culture and the Arts; Libraries; Adult Community Learning;

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- (ii) To scrutinise areas of the Council's policy, service provision or performance within the Committee's remit and make recommendations to the Cabinet or Council as appropriate.
 - (iii) To agree a rolling work programme for policy development and scrutiny within the Committee's remit.

9.5.4 Economic Development, Environment and Highways Policy and Scrutiny Committee

Membership: 16 Members

- (i) To contribute to the delivery of the Council's objectives in relation to matters of strategic, regional or County-wide significance relating to integrated spatial development and transportation planning; Highways (including bridleways, footpaths and byways), all car parking and road safety, traffic and vehicle regulation, school crossing patrols and public transport; Delivery of highways capital programme; Essex Transport; Concessionary fares; Emergency Planning; Flood Management; Regeneration, economic development and enterprise; Economic regeneration, international trade and inward investment; Thames Gateway; European funding programmes; the promotion of recycling and waste minimisation and the disposal of waste; delivery of waste capital programme; trading standards, weights and measures, food safety, consumer protection, animal health, performing animals and explosives licensing; Built Environment and Historic Environment; Natural Environment and Environmental strategy; Climate change, carbon reduction and energy; Rural affairs; Strategic and local planning; Country Parks (except Hadleigh Country Park and Lee Valley); Tourism; Waste and mineral planning; sustainable development; and gypsies and travellers.
- (ii) To scrutinise areas of the Council's policy, service provision or performance within the Committee's remit and make recommendations to the Cabinet or Council as appropriate.
- (iii) To agree a rolling work programme for policy development and scrutiny within the Committee's remit.

9.6 Amending the Terms of Reference

The terms of reference of the Overview and Scrutiny Committees reflect the details of the Cabinet Portfolios. The terms of reference will be routinely updated to reflect any changes made to the Portfolios.

9.7 Proceedings of Overview and Scrutiny Committees

Committees will conduct their proceedings in accordance with the Overview and Scrutiny Committee Procedure Rules contained within Part 4 of this Constitution.

9.8 The Scrutiny Board

A Scrutiny Board comprising the Chairmen of the Policy and Scrutiny Committees, the Executive Scrutiny Committee, the Health Overview and Scrutiny Committee and the Audit Committee and the Vice-Chairman of the Committee also chaired by the Chairman of the Scrutiny Board will oversee the Council's overview and scrutiny functions.

The Board's terms of reference are as follows.

- (ii) To have overall responsibility for the direction and management of the Council's overview and scrutiny functions.
- (ii) To ensure that overview and scrutiny activity reflects the aims of the Corporate Plan and adds value to the organisation, whilst recognising that on occasion Opposition Members may not support those aims.
- (iii) To champion overview and scrutiny within the organisation and the community at large.
- (iv) To co-ordinate the work of the Overview and Scrutiny Committees.
- (v) To ensure the best use of the resources available for overview and scrutiny, including allocating membership of Committees.
- (vi) To monitor the outcomes of recommendations of Overview and Scrutiny Committees and to ensure that all such recommendations are followed up.
- (vii) To ensure that cross-cutting reviews are properly dealt with.
- (viii) To keep Council informed of the work of overview and scrutiny.
- (ix) To agree work methods and protocols for the Overview and Scrutiny Committees and to disseminate best practice.
- (x) To raise issues with Cabinet Members, the Chief Executive and Leader as appropriate.
- (xi) To raise issues with partners and outside organisations as appropriate.
- (xii) The Chairman of the Board to be responsible to the Council for the effectiveness of the Scrutiny arrangements.

ESSEX COUNTY COUNCIL

COUNCILLOR JOHN ALDRIDGE
ANNUAL REPORT
May 2010 – May 2011

Conservative Member for the
Broomfield and Writtle Division

Term of Office 4 June 2009 – 2 May
2013 (first elected 5 May 2005)



From 1 May 2010 to 30 April 2011 I have attended the following meetings:

- *Full Council 100% attendance*
- *Area Forum 70% attendance*
- *Children and Young People Policy and Scrutiny Committee (Chairman) 89% attendance*
- *Essex Police Authority 89% attendance*

I have represented the Council on the following other bodies:
Chelmsford Local Strategic Partnership

From 1 May 2010 to 30 April 2011 I have attended the following training sessions, seminars, briefings and conferences to develop skills and gain knowledge that will help me serve the people of my division;

- *European Funding 28 March 2011*
- *Transforming Essex 1 April 2011*
- *Freedom of Information Requests 5 April 2011*

Any other comments:

Allowances received:

- *Basic: £11,500*
- *Special Responsibility: £21,400 as Chairman of the Scrutiny Board*
- *£604.41 claimed in expenses*

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