



Council 13 December 2011

Schedule of Referrals from Cabinet, Performance and Audit Scrutiny Committee and Democratic Renewal Working Party

(A) Referrals from Cabinet: 23 November 2011

1. Haverhill Council Offices: Management Arrangements

Forward Plan Reference: Dec11/12
Cabinet Member: Cllr John Griffiths

Report C228

RECOMMENDED:- That

- (1) *the management of Haverhill Council Offices be included in the terms of reference of the West Suffolk House Joint Committee;*
- (2) *the joint committee be renamed as the 'Shared Offices Joint Committee'; and*
- (3) *the Terms of Reference of the West Suffolk House Joint Committee, as set out in Appendix 1 of Report C228, form the basis of the Terms of Reference for the new Joint Committee.*

St Edmundsbury Borough and Suffolk County Councils have agreed to share the Borough Council's Haverhill Offices in a way similar to West Suffolk House in Bury St Edmunds. The building will be jointly owned by both authorities.

The integrated approach to the delivery of services by the County Council and Borough Council is extended at the Haverhill Council Offices to include shared occupation of the building with four voluntary organisations, designed to improve the quality of service for visitors, to enhance the work environment for all office based and peripatetic employees, to meet Government aspirations for localism and to make efficiency savings on property occupation costs.

It is recognised that the most efficient way to undertake the management functions required for the Haverhill Council Offices is to extend the terms of reference of the West Suffolk House Joint Committee.

On 20 June 2007 the Council agreed to the establishment of a Joint Committee with Suffolk County Council and its Terms of Reference (minute 33(B)(2)). Relatively minor amendments to the agreed Terms of Reference are required which mainly relate to the references to procurement and construction of West Suffolk House.

2. Joint Health and Safety Policy

***Forward Plan Reference: Dec11/04
Cabinet Member: Cllr David Ray***

***Report C230 (Central
Safety Working Party
Report C165)***

RECOMMENDED:- That

- (1) St Edmundsbury Borough Council's (SEBC) existing Health and Safety Policy be amended to enable its development into a joint Health and Safety Policy relevant and applicable to both SEBC and Forest Heath District Council, as detailed in Paper C165; and***
- (2) the Health and Safety Manager be authorised to make minor typographical, factual or grammatical changes to the Health and Safety Policy in consultation with the Portfolio Holder with responsibility for health and safety and the Chairman of the current Central Safety Working Party and any subsequent body.***

As part of progressing the Shared Service agenda, the Borough Council's Health and Safety Manager has the responsibility for health and safety at both St Edmundsbury Borough Council (SEBC) and Forest Heath District Council (FHDC). It is, therefore, considered appropriate that a joint Health and Safety Policy be adopted by both authorities and it is proposed that SEBC's existing Health and Safety Policy be developed into the joint Policy. This process requires minor amendments to be made to the existing Policy to make it relevant and applicable to both authorities.

The Health and Safety Policy has been approved by full Council and, therefore, amendments to the Policy need to be approved by the Council. However, the amendments recommended above and those taken to Council on 27 September 2011 are minor in nature. The Council is requested to additionally approve that minor changes to the Policy can be approved by the Portfolio Holder with responsibility for health and safety and the Chairman of the Central Safety Working Party, or subsequent body.

**(B) Referrals from Performance and Audit Scrutiny Committee:
21 October 2011**

**1. Treasury Management Report and Investment Activity: 1 April to
30 September 2011**

Chairman of Committee: Cllr John Hale

*Report C176
(Performance and Audit
Scrutiny Committee: 31
October 2011 and
Treasury Management
Sub-Committee: 24
October 2011)*

RECOMMENDED:-

That the contents of Report C176, including details of Treasury Management Performance for the first six months of 2011/2012, be noted.

The Chartered Institute of Public Finance and Accountancy's (CIPFA's) revised Code of Practice for Treasury Management, published in November 2009, was adopted by the Council on 23 February 2010. The Code requires that Members are provided with regular reports on the performance of the Council's treasury management function. Report C176, the mid-year report, has been prepared in compliance with the CIPFA Code. Specifically, the Code requires receipt by the full Council of the following reports:-

- (1) an annual Treasury Management Strategy Statement for the year ahead, including the annual investment strategy and minimum revenue provision policy;
- (2) a mid-year review report covering treasury management activities and performance for the first half of the financial year; and
- (3) an annual report (Stewardship Report) covering activities and performance during the previous year.

The total amount invested at 1 April 2011 was £32.4m and at 30 September 2011 was £39.65m. The increase in balances over this period was due primarily to timing differences in respect of the collection of local taxes and the payment of precepts. The average level of funds available for investment purposes in the first six months of 2011/2012 was £38.8m. At the end of September 2011, interest actually earned during the first six months of the financial year amounted to £280,000 against the profiled budget for the period of £238,000, a budgetary surplus of £42,000, which was primarily due to higher than projected average cash holdings during the period. The average rate of return on investments during the period was 1.44% against a target rate of 1.5%, reflecting the continuation of historically low interest rates during the period. The Committee noted that if the current interest rates continued to prevail, the budgeted income from investments for 2011/2012 may still not be achieved. In this situation any shortfall in budgeted income would be met from the Interest Equalisation Reserve. A full list of investments held at 30 September 2011 was shown at Appendix 1 to the report.

(C) Referrals from Democratic Renewal Working Party: 24 November 2011

1. Amendments to the Constitution

Chairman of the Working Party: Cllr Mrs P A Warby

Report C243

RECOMMENDED:-

That the amendments to the Constitution detailed in Report C243 be approved.

The proposals are to amend the Scheme of Delegation to Officers in respect of the Head of Legal and Democratic Services (HLDS) and Head of Environmental Health and Housing. With regard to the delegations to HLDS it was considered that there needed to be an explicit delegation of powers in respect of procedures relating to the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004. It was also considered prudent that the current delegation in respect of proceedings at any Court of Law needed explicit delegation to settle the proceedings when it was considered prudent because when these situations may arise. It was proposed that the current delegated authority to the Corporate Director for Community Services in respect of Housing, Health and Safety Rating System: Enforcement Policy should be transferred to the Head of Environmental Health and Housing as it is considered that it is more appropriate that the senior manager with the necessary technical expertise makes these decisions.

(The report to the Democratic Renewal Working Party is attached as Appendix A for information.)



Democratic Renewal Working Party 24 November 2011

Amendments to the Constitution

1. Background

- 1.1 The Democratic Renewal Working Party has as part of its Terms of Reference, to 'recommend amendments to the Council's Constitution to full Council'.

2. Delegated Authority to the Head of Legal and Democratic Services

- 2.1 The delegated authority to the Head of Legal and Democratic Services is contained within Section E of the Scheme of Delegation to Officers in Part 3, Responsibility for Functions, of the Council's Constitution.

- 2.2 It is proposed to insert a new paragraph E3(a)(1)27 as follows:-

'To administer the procedures and exercise the Council's powers and responsibilities under the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004.'

- 2.2.1 This change is needed to ensure that explicit delegation of these powers can be demonstrated.

- 2.3 It is proposed to amend paragraph E3(a)(1)2 as follows:-

*'To institute, prosecute, defend and appear in all actions, cases, matters and proceedings of whatsoever nature in any Court of Law and to act, as such, in all proceedings, in the Lands and other Tribunals, all manner of arbitrations and Ministerial Inquiries **and to compromise any legal proceedings which have been started.**'*

- 2.3.1 This provision is considered prudent because situations may arise when the most sensible course is to settle proceedings, but at present the explicit delegated authority to do so does not exist.

- 2.4 It is proposed to delete '**solicitors in the Resources Directorate**', so that the amended paragraph E3(a)(1)3 reads:-

*'To seek injunctive relief with respect to Pay Parties and to sub-delegate this power to **qualified lawyers in the Legal Services Section** in cases of urgency.'*

- 2.4.1 This change is required to reflect the fact that the Resources Directorate no longer exists.

3. Delegated Authority to the Head of Environmental Health and Housing

- 3.1 The delegated authority to the Head of Environmental Health and Housing is contained within Section F of the Scheme of Delegation to Officers in Part 3, Responsibility for Functions, of the Council's Constitution.
- 3.2 It should be noted that paragraphs 45 and 54 in Section F3(a) are duplicates and, therefore, paragraph 54 needs to be deleted and subsequent paragraphs renumbered.
- 3.3 It is proposed that the delegated authority to the Corporate Director for Community Services in respect of Housing, Health and Safety Rating System: Enforcement Policy (Section F1(1)) be transferred to the Head of Environmental Health and Housing as it is considered that it is more appropriate that the senior manager with the necessary technical expertise makes these decisions. Therefore, the contents of former Section F1(1) are transferred to F3(a) as follows:-

F3(a) 56

56. Housing Health and Safety Rating System: Enforcement Policy

- 56.1 In consultation with the Chief Finance Officer, to set the charges for the enforcement actions detailed below, except in the case of owner-occupiers in receipt of means tested benefits, based on the hourly rates for the work involved.
- 56.2 Reasonable charges for the cost of enforcement will be made in accordance with Section 49 of the Housing Act 2004 in respect of the following actions:-
- (i) serving an improvement notice under section 11 or 12 of the Act – (determining whether to serve the notice, identifying any action to be specified in the notice, and serving the notice);
 - (ii) making a prohibition order under section 20 or 21 of the Act – (determining whether to make the order, and serving copies of the order on persons as owners of premises);
 - (iii) serving a hazard awareness notice under section 28 or 29 – (determining whether to serve to notice, identifying any action to be specified in the notice, and serving the notice);
 - (iv) taking emergency remedial action under section 40 – (determining whether to take such action, and serving the notice required by section (7) of that section);
 - (v) making an emergency prohibition order under section 43 – (determining whether to make the order, and serving copies of the order on persons as owners of premises); and
 - (vi) Making a demolition order under section 265 of the Housing Act 1985 – (determining whether to make the order, and serving copies of the order on persons as owners of premises).

4. Recommendation

- 4.1 The Working Party is asked to approve the amendments to the Constitution detailed in Report C243.

For further information please contact:-

Steven Lincoln, Committee Services Manager,

Telephone: (01284) 757108 or email steven.lincoln@stedsbc.gov.uk

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