

Reference	Subject	Raised by	Reference to changes made to denote <i>proposal</i> . Reason for proposed change.
Section 1			
Section 1.2.6	Council office address		To insert that temporarily located at Town Lodge.
Section 2			
Section 2.2	'Proper Officer'		<p>Update the definition: "Proper Officer" means an officer to whom a <u>duty, role or</u> decision making power is delegated, as set out at Section 14.5."</p> <p>Reason: to reflect wider role (eg Proper Officer in respect of Parish Meetings as a Parish Trustees, see 14.5.1 amendment).</p>
Section 2.8.2	Printed copies of the Constitution being given to Members by Democratic Services Manager (DSM).	Deputy Monitoring Officer (DMO)	<p>Suggest to revise to: if requested. "2.8.2 The Democratic Services Manager will <u>if requested</u>, give a printed copy of this Constitution to each Members of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council."</p> <p>Reason: in the light of the fact that the up to date version is accessible on NHDC website.</p>
Section 2.8.4	Democratic Services Manager updating Constitution	DMO	<p>Current 2.8.4: delete "The Democratic Services Manager will ensure that the Constitution is updated as necessary."</p> <p>Reason: Not reflect actuality and inconsistent with delegations to MO.</p>
Section 3			
Appendix 1	Petitions Scheme	Review required (last reviewed 2013)	<p>Currently suggest limited tweaks to include local businesses in the District and that only those defined as "applicable persons" can be counted for this purpose.</p> <p>Proposed additional wording underlined: 1.1 Any member of the public who is a registered local government</p>

		SMT	<p><i>elector or resident of North Hertfordshire or owns a business. (‘an <u>*applicable person</u>’) may present, to a meeting of full Council, Cabinet or an Area Committee, a petition relating to a matter with which the Council is concerned.</i></p> <p><i>2.2.. A petition must include:</i></p> <ul style="list-style-type: none"> <i>• a clear, concise statement, repeated on each page, covering the subject of the petition <u>and what action you want the Council to take</u>;</i> <i>• the name, address, post code (business if applicable) and signature of at least 120 <u>applicable</u> persons (<u>as defined above</u>) supporting the petition;</i> <i>• the <u>name</u>, address and contact details of the petition organiser (<u>who should be an applicable person</u>).</i> <p><i>....[as before]</i></p> <p><i>New sentence underneath 2.2:</i> <i><u>If the above information is not evident when the petition is submitted, the Proper Officer may reject the petition outright, or seek further information before deciding whether to do so.</u></i></p> <p><i>3.3 Action, on receipt of a petition, may include:</i></p> <ul style="list-style-type: none"> <i>• <u>Undertaking research or an investigation into the issue</u>;</i> <i>• <u>Meeting or discussing the issue wit the petition organiser</u>;</i> <i>• <u>Consulting local Partners or stakeholders</u>;</i> <i>• <u>considering the petition at a full Council/Cabinet/Committee/ Sub-Committee/ meeting/ Area Committee meeting</u>;</i> <i>• <u>referring to officers for consideration and report to a Full Council/Cabinet/Committee/ Sub-Committee/ Area Committee meeting</u>;</i> <p><i>4.2 In general, other, existing, procedures apply to:</i> <i>...[as before]</i></p> <ul style="list-style-type: none"> <i>• <u>any petition considered to be vexatious, abusive, libellous, offensive, in breach of the Council’s statutory duties in respect of equality, diversity and inclusion or otherwise inappropriate.</u></i>
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Section 4			
4.4.1	Remit to nominate representatives	DMO	<p>To make it clear that remit is only to nominate Councillors.</p> <p>(h) “representatives” change to “<u>District Councillors</u>”.</p>
4.8.12 Note no change has been proposed. Options are set out and these/alternatives would have be proposed by Members.	<p><u>Notice of Motions for Council</u></p> <ul style="list-style-type: none"> • Number at one meeting • Too wide • Not something the Council has influence or remit over 	Various.	<p>Current wording:</p> <p>“(a) Notice Except for motions which can be moved without notice under 4.8.13, written notice of every motion, signed by at least five Members where the motion calls for the removal from office of the Leader, or by at least two Members in any other case, must be delivered to the Proper Officer not later than midday, six clear working days (excluding the day of the meeting and the day of delivery) before the Council meeting at which it is to be considered. Motions received will be entered in a book open to public inspection. The Proper Officer may, with the consent of the Chairman, refuse to accept a motion if the matter to which it relates is referred to in the Forward Plan for consideration at a later meeting or there is otherwise an intention to consider that matter at a meeting of the Council within the next three (3) months.</p> <p>(c) Scope Motions must be about matters for which the Council has a responsibility or which affect the District.”</p> <p><u>Number of motions at one meeting:</u> Potential option for (a): to introduce restrictions on the number of motions (with a first come first served basis). Say to 2 or 3 per meeting. Wording can be amended to: “.... <u>Only [2 / 3] motions will be accepted for any one meeting and logged chronologically. Members will be</u></p>

			<p><i>informed if their motion has been accepted or rejected under this rule. Motions received will be entered in a book open to public inspection...[as before above]."</i></p> <p><u>Too wide/ not something that the Council has influence over:</u> Potential options for (c): Council add word "<i>significantly</i>" affects the District or remove the word "or" and replace with "and" so reads: <i>"Motions must be about matters for which the Council has a responsibility or which <u>significantly</u> affect the District."</i></p> <p>Or</p> <p><i>"Motions must be about matters for which the Council has a responsibility <u>or and</u> which affect the District."</i></p> <p>No recommendation provided. Reason: Difficult to define 'significant' (too subjective), and other options for (a) and (c) will be restrictive in terms of what motions can proceed.</p>
Section 5			
New 5.6.34 and renumbering of subsequent Terms of Reference.	Local Authority Trading company overall remit.		<p>Proposed new 5.6.34 <u>"To agree to the establishment or wind up of a Council wholly or partly owned Local Authority Company, and to approve investment, loans, resource arrangements and asset transfers, act as corporate shareholder, save as otherwise delegated to the Cabinet Sub-Committee (Local Authority Trading Companies' Shareholder), Executive Members or Officers under the Sub-Committee terms of reference."</u></p> <p>Reason: Cabinet has the general power of competence under section 1 of the Localism Act 2011 as expressed under 5.6.14 to do anything an individual may do, subject to a number of limitations. This can be exercised for a commercial purpose and/or for the benefit of others, and would cover the establishment of a Local Authority Trading company. A more specific delegation, linked to the establishment of a Cabinet Sub-</p>

			Committee ((Local Authority Trading Companies' Shareholder), will however, clarify matters and separation of delegations for the Cabinet and the Sub-Committee.
	Cabinet Sub-Committee (Local Authority Trading Companies' Shareholder)	Chief Executive	<p><u>5.11 Cabinet Sub-Committee (Local Authority Trading Companies' Shareholder)</u></p> <p><u>5.11.1 Membership</u> <u>(a) The Sub-Committee shall compromise three (3) Executive members nominated by the Leader. Substitutes may be permitted at the discretion of the Leader.</u></p> <p><u>5.11.2 Quorum</u> <u>3</u></p> <p><u>5.11.3 Meetings</u> <u>Ad hoc</u></p> <p><u>5.11.4 Roles and Functions</u> (a). <u>To represent the Council's interests as shareholder in wholly owned and other companies.</u> (b). <u>To undertake all functions of the Council as shareholder under the Company Act, unless delegated otherwise.</u> (c). <u>To ensure that actions taken by the companies accord with the interests of the Council as shareholder and contribute to the Council's objectives.</u> (d). <u>To consider (and approve in principle where appropriate) any proposed or amended company documentation (save minor administrative documentation) including Memorandum and Articles of association and shareholder agreements.</u> (e). <u>To undertake the actions, activities and responsibilities as</u></p>

			<p><u>shareholder provided for and required by any Memorandum and Articles of Association and shareholder agreements.</u></p> <p>(f). <u>To provide, or withhold, consent as appropriate (in principle, where formal company ratification is required) on those matters requiring shareholder consent as defined in the Memorandum and Articles of Association and shareholders agreements.</u></p> <p>(g). <u>In the specific case of a wholly owned company to:</u></p> <p>(i) <u>review the Business Plan prepared by the Company prior to its adoption by the company.</u></p> <p>(ii) <u>monitor performance and financial delivery against business plan;</u></p> <p>(iii) <u>review and agree (in principle where formal company ratification is required) any proposals to undertake activities outside of the District, unless already allowed for within Memorandum and Articles of association;</u></p> <p>(iv) <u>to agree to appoint or dismiss (in principle in so far as company ratification is required) any Director of the company (where power is reserved to the shareholder).</u></p> <p>(h). <u>To make recommendations to Cabinet on the investment, loans, resource arrangements and asset transfers to companies;</u></p> <p>(i). <u>Delegating specific functions, other than those listed below, to Officers of the Council to increase commercial flexibility.</u></p> <table><tr><th><u>Delegated Powers</u></th><th><u>Delegated Members and Officers</u></th></tr><tr><td><u>Approval of minor administrative documentation</u></td><td><u>Chairman of Sub-Committee in consultation with the Lead Officer for the Company concerned</u></td></tr><tr><td><u>Signing of documentation on behalf of the Council</u></td><td><u>Lead Officer for the Company concerned</u></td></tr><tr><td><u>In cases of emergency or urgency</u></td><td><u>Chief Finance Officer or</u></td></tr></table>	<u>Delegated Powers</u>	<u>Delegated Members and Officers</u>	<u>Approval of minor administrative documentation</u>	<u>Chairman of Sub-Committee in consultation with the Lead Officer for the Company concerned</u>	<u>Signing of documentation on behalf of the Council</u>	<u>Lead Officer for the Company concerned</u>	<u>In cases of emergency or urgency</u>	<u>Chief Finance Officer or</u>
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			<p><u>to carry out any of the Sub-Committee functions, powers or duties</u></p> <p><u>Monitoring Officer in consultation with the Chairman of Sub-Committee where possible.</u></p> <p>Reason: to reflect commercialisation developments/ likely developments.</p>
Section 6 Overview & Scrutiny			
			<p>NOTE – Central Government inquiry commenced in January 2017 regarding Scrutiny. Submissions due by 10 March 2017. Follow on actions through legislation/ best practice may also be required in 2017 / 2018. Link for information: http://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/inquiries/parliament-2015/inquiry6/</p>
6.2.7(x)	'Challenge Board'? Does this paragraph apply?	Cllr S Hemingway	<p>Proposed action: Delete (x).</p>
6.3.3	Call-in: generally only “Key decisions” are subject to call in – although the definition in the call-in rule appears to cover wider general executive decisions (and therefore more can be called in).	DMO	<p><i>Consider if wish to narrow this to key decisions under Rules (a). Sections 9F(2)(a) and 9F(4) of that Local Government Act 2000 establish power to review or scrutinise decisions made but not implemented by the executive; CfPS indicates this just a key decision – but not sure the legislation is worded as narrowly as that. S9F LGA 2000 refers to decisions which are the responsibility of the executive, which since local choice may be less than a key decision as defined by individual councils.</i></p> <p>To discuss. Suggest leave as is for present although as per intro, review post Government Inquiry.</p>
6.3.3	Unclear who decides whether something is accepted as a Call-in.	Various	<p>Proposed add to (iii) <i>(iii) Any matter which is vexatious, <u>is substantially the same as a call in previously reviewed by a meeting of the Committee in the past</u></i></p>

	Issues around vexatious call-ins		<p><u>six months, discriminatory or unreasonable;</u></p> <p><u>The decision as to whether the call-in is valid or falls within (i)-(iii) above rests with the Proper Officer or Monitoring Officer in his/her absence."</u></p> <p>Reason: to address this issue.</p>
6.3.5 (b)	Requirement for those signing a call in to be present to answer question.	(Various officers and Members, including Chief Executive/ Monitoring Officer (MO)/ Chairman/ Vice Chairman of O&S)	<p>Proposed wording: <i>"The Members who signed the Notice of Call-In <u>will be expected to attend the meeting and</u> shall be invited to address the Committee on the reasons for the Call-In. Ordinarily it is expected that one Member will be nominated to present the reasons on behalf of those who called in the decision. The Overview and Scrutiny Committee shall be invited to ask questions of the Members who signed the Notice of Call-In;"</i></p> <p>Reason: As per CfPS - call-in should be a last resort and those calling in a decision should be available to confirm reasons/ answer questions at the Committee meeting.</p>
6.3.3, 6.3.4	Errors in there 6.3.3, 6.3.5, 6.3.5(d) all refer to 6.3.10 when it should be 6.3.11. Also 6.3.4(a)(ii) refers to 6.3.11 when it should be 6.3.12.	MO	Changed (explanation: automatic word number macros failed/ been deleted).
6.3.11 (a)	(ii) Call-in, statutory time period for implementation of key decision.	DMO	<p>Change to five working days verses six in (a)(ii), as per Reg 10((1)(c) Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.</p> <p>Reason: To match statutory provision.</p>
	(vii) unclear how Council can meet this time rule for Council meetings and for practical reasons for officers	DMO/ MO	<p>Proposed change strike out/ underlined <i>"...That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet, or a</i></p>

	or individual Members making decision.		<p>Committee of it, a meeting will be convened to reconsider within five <u>ten</u> working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within three <u>ten</u> working days of the Council's request."</p> <p>Reason: In respect of Council meetings, to allow time to arrange these to meet the 5 clear days statutory requirements and for practical reasons for individual decisions - to provide sufficient time for officers/ Members to do this/ consider.</p>
6.3.14	Councillor Call for action (CCfA) & Appendix 1 Guidance for Councillors	Last reviewed in 2013 & due for review	<p>Not been used at NHDC to MO's knowledge. No noticeable national changes since Localism Act 2011 provided further clarification around the CCfA process. Not mentioned in House of Commons Briefing Paper Number 06520, 2 March 2016 Overview and scrutiny in local government. Only suggested action below.</p> <p><u>Appendix 1</u> <u>Proposed add</u> <u>"4.6 Any matter that has already been through the Call for Action Process."</u></p> <p>Para 11 – change Cabinet Portfolio Member to <i>Executive Member</i>.</p>
Sections 12 & 14			
	<i>To review sections 12 & 14 post reorganisation. Issues raised below</i>		Two recommended interim changes under 14.6.10(b) below.
	<p><i>Issues raised and to be covered:</i></p> <ul style="list-style-type: none"> - Combine / marry up sections 12 & 14 - Building control - Homeless applications - Changes to facilitate commercial/company 		

	<ul style="list-style-type: none"> activity - Housing company - Remit for Policy under different Exec Directors - Change asset management responsibilities for granting licences for council events. - Change asset management responsibilities for granting licences for council events. - Add proper officer function for Parish Trusts as Trustee to DSM. - Outside bodies delegation 	<p>DSM/ Cllr Jarvis in respect of Clothall.</p> <p>Post SIAS review of Outside body arrangements</p>	<p>Proposed add new 14.5.1 <i><u>"Proper Officer" under section 13(3) Local Government Act 1972, to act as Parish Trustee to a Parish Meeting (in a parish not having a separate parish council). Democratic Services Manager</u></i> Reason: To cover issue raised regarding this proper officer role.</p> <p>14.6.10(b) or equivalent revised paragraph <i>To make appointments (or where relevant nominate) Councillors to Committees, sub-Committees, panels, boards and outside bodies, in consultation with Group Leaders, when vacancies arise during the civic year in respect of the appointments <u>that have previously been</u> made at Annual Council;</i></p> <p>Reason: Re-wording to make this clear that appointment/ nomination of Councillors is to those bodies the Council has approved and appointed/ nominated to previously.</p>
Section 15			
	At 15.14.1 the reference	MO	Propose update.

	should be to 15.17 not 17.17		
Section 18 Protocol on Member/Officer Working Arrangements			
		Due for a review	<p>Could re-write in more narrative style, but basically covers the essentials, unless, like some authorities repeat things such as access to information/ code of conduct etc.</p> <p>Opted to retain as drafted, and add Appendix into main body of the Protocol where appropriate, then delete Appendix, as per below.</p>
1.5			<p>Proposed wording: 1.5 A Code of Conduct for all Members has been adopted by The Council which sets out the Conduct expected from Members. has adopted a Councillor Code of Conduct (Section 17 of the Constitution) which sets out the conduct expected of Members. Officers are also bound to follow the Council's Employee Code of Conduct and may, in addition, be subject to their own professional codes of conduct.</p> <p>Reason: Refers to Member Code of Conduct, should also refer to Employee Code and re-word.</p>
1.7			<p>Proposed wording: "1.7 Failure of a Member to follow the Protocol for Member / Officer Working Arrangements is not a formal part of the Council's Constitution but a breach of this Protocol may amount to a breach of the Councillor Code of Conduct and by an Officer of the Employee Code of Conduct and therefore their terms and conditions of employment."</p> <p>Reason: Updated to include reference to Employee Code of Conduct/ rephrasing</p>
3.2	3.2 Officers can expect from Members: i)		<p>Proposed wording: i) That Members will not criticise individual officers in public and will</p>

			<p><i>instead raise any concerns <u>or complaints</u> with the appropriate officer (dependent on the seniority of the officer concerned – directly or <u>their line manager</u>) in the first instance;</i></p> <p>Reason: Consistency with the approved Standards Committee Guidance on the Councillor Code of Conduct.</p>
3.3	3.3 Limitations on Behaviour d)		<p>Proposed wording: <i>d) Members in their private capacity will sometimes need to use Council Services <u>in their private capacity</u>, for example a planning application for their property, or a licensing application for an organisation they are involved with. In order to ensure good future working relationships Members should follow with the principles of this Protocol in such interactions with officers <u>and in any event any requirements in the Councillors Code of Conduct (and where applicable the Planning Code of Good Practice)</u>. Members are reminded that the Code of Conduct <u>applies to any formal or informal meeting with officers and Members where authority business such as this is discussed. Members should therefore use a third party to liaise and correspond on their behalf.</u></i></p> <p>Reason: Consistency with the Code of Conduct and the Planning Code of Good Practice.</p>
44. Member/Officer Communication	4.1 – 4.5.3 to incorporate some of the Appendix into the body of the Protocol with some updated references/ wording.		<p>Proposed wording underlined. Strike through words to be moved:</p> <p><i>4.1 Members should communicate with officers at the appropriate level. Routine service related enquiries should be initiated through normal departmental enquiry/contact points. <u>Contact and communication includes telephone, e-mail, letters and in person. Members should always identify themselves as being a Member when contacting officers. Flexible working arrangements mean that this will be especially important, as contact will often be via email or telephone. Senior officers may use briefings, e-mail or dispatch to notify Members of Ward issues. The relevant Senior officer will keep Members informed of general developments affecting the Council and/ or the District via MIS.</u></i></p>

			<p><u>If a Member wants an officer to undertake new or additional work (other than routine requests described below) contact should be made in the first instance with the appropriate Senior officer for the service concerned. This will be considered in the context of the Council's priorities, approved policies and resources available.</u> If in doubt as to who to contact for such routine enquiries, Members should contact Democratic Services. Other matters will normally involve the appropriate Head of Service, Corporate Manager or other senior manager. Disagreement with regard to adopted policy should ordinarily be directed to the Executive Member responsible. [latter part move to new 4.6 below]</p> <p><u>4.4 When a Member wishes to discuss policy, contact should be made with the relevant Executive Member. Operational queries should be raised with the Senior officer for the Service concerned (Head of Service, Corporate Manager or other Senior manager).</u></p> <p><u>4.5 Members will experience a number of standardised requests for assistance from constituents and should approach such matters as per below. Officer response times will be as per the Council's published customer care standards:</u></p> <p><u>4.5.1. 'First Time' Service Requests or Reports of a service failure: if reporting matters for the first time, then this can be reported on line via the Council's website: https://www.north-herts.gov.uk/</u></p> <p><u>4.5.2 When dealing with specific planning applications, Members should contact the Development Control case officer at the contact number set out on material produced by the Planning Service. This does not include a Member's own application, as this should be handled through a third party on a Member's behalf.</u></p> <p><u>4.5.3 Electoral registration issues for residents, including postal votes are handled by the Elections Team. Residents can register on line via https://www.north-herts.gov.uk/home/elections-and-voting/register-vote</u></p>
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			<u>4.6 If in doubt as to who to contact for such routine enquiries, Members should contact Democratic Services.</u>
5.3	5. Officer Advice to Party Groups. 5.3 a)		<p>Rephrase:</p> <p>Proposed wording:</p> <p>a) <u>The support provided by an Officer support</u> in these circumstances must not extend beyond providing information and advice in relation to matters of Council business.....”.</p>
5.6, 5.9, 6.1, 6.2, 6.3, 7.3			<p>5.6 Change reference from Strategic Director to “senior officer for the service concerned”</p> <p>5.9 delete reference to “Strategic Director”.</p> <p>6.1 delete “Strategic Director and other”.</p> <p>6.2 delete/ replace wording: “Directors/Heads of Service” and replace with “<i>The relevant officer</i>”. “a Strategic Director” and replace with “<i>the relevant senior officer</i>”. “Strategic Director of Finance, Policy and Governance as Statutory” replace with “<u>Chief Finance Officer</u>”.</p> <p>6.3 additional wording underlined: <i>In relation to any action under delegated powers, it is important to remember that the law allows for decisions relating to the discharge of any of the Council’s functions which are not specifically reserved to the Council to be taken by the Cabinet or an officer. Normally, wherever the authority to make a decision is delegated to an officer it is on the basis that the officer will exercise that authority in consultation with the Cabinet Member and/or other nominated Members and a record of that decision (as per the Guidance for Decisions Made Under Delegated Authority) completed and published.</i></p> <p>6.4 deleted and replace x 2: “and Strategic Director” with “or other senior officer”.</p>

			7.3 Delete: "Strategic Director,"
	Media relations protocol updated in 2016. 8. Publicity and the Media	Communications Manager	8.3: Delete and replace: "Code of Practice on Local Government Communications" with: <i>"the Code of recommended practice on local authority publicity"</i> 8.1-8.3 does not refer to the Media Relations protocol. Proposed addition: Add new 8.4 <u>8.4 In all other respects such communications should be in accordance with the Council's Media Relations protocol.</u> (footnote: Available on the internet: https://www.north-herts.gov.uk/home/customer-services/publications-and-consultations/media-relations-protocol)
9	9. Personal Relationships, 9.2 & 9.3		Proposed wording: 9.2 "An officer who is personally connected or related to any Member <u>has a Personal Interest that should be notified</u> notify to his or her <u>Appropriate Officer Strategic Director</u> in writing using the <u>(Personal) Interests Register Form of Interests form (G: Drive)</u> . (Intranet/ Web link required) <u>(on the intranet: http://intranet.north-herts.gov.uk/home/human-resources/hr-policies/conflicts-interest)</u> " 9.3 "Members should take into account any personal relationship or connection with any other Member or officer, in considering the need to register or declare a <u>Disclosable Pecuniary Interest or Declarable</u> personal or personal and prejudicial interest whenever appropriate." Reason: update so consistent with employee Conflicts of Interests Policy.
Additional Information	& Does not match up with the sections referred to/		Delete.

Guidance Appendix	duplication and needs updated references.		Reason: relevant parts have been incorporated into the main Protocol.
Section 19 Financial Regulations	Review what sits in part A (especially section 14) versus what is in the Finance Regulations	HP&AM	To review when sections 12/14 been considered – so consistent with delegations.