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NORTH HERTFORDSHIRE DISTRICT COUNCIL

COUNCIL

THURSDAY, 11TH NOVEMBER, 2021

SUPPLEMENTARY AGENDA

Please find attached supplementary papers relating to the above meeting, as follows:

Agenda No	Item
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| 10. | <u>CONSTITUTIONAL AMENDMENTS</u> (Pages 3 - 12) |
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COUNCIL
11 November 2021

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: CONSTITUTIONAL AMENDMENT – REPORT OF DELEGATED DECISION AMENDMENTS UNDER SECTION 2.6.2

REPORT OF: THE SERVICE DIRECTOR LEGAL AND COMMUNITY & MONITORING OFFICER

EXECUTIVE MEMBER: THE LEADER OF THE COUNCIL: COUNCILLOR ELIZABETH DENNIS-HARBURG

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

1. EXECUTIVE SUMMARY

- 1.1 To report the delegated decision of 22 October 2021 to Full Council under section 2.6.2 with two further minor changes as detailed under sections 7 & 8.

2. RECOMMENDATIONS

- That Full Council
- 2.1. approves the changes made under Delegated Decision 22 October 2021 (subject to title of Revenues Manager – see below); and
- 2.2. approves the further amendments set out in section 7 and 8 below.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure the Constitution remains up to date, and continues to improve its working practices where legally possible.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. See delegated decision attached.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision, it is a Full Council decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 See delegated decision attached, subject to 12.1.2 & 14.6.7(b)(v) title should be Revenues Manager (not Revenues and Benefits Manager).
- 7.2 A further request was made by the Service Director: Customer post Delegated Decisions amendments to increase the LGO compensation level for the Managing Director, from £1000 to £2000 under section 14.6.5(b) xvi, as this is not always sufficient to deal with

such compensation claims. Xvi currently reads: *“To consider any report of the Local Government Ombudsman and to settle any compensation payments up to £1000”*.

8. RELEVANT CONSIDERATIONS

8.1 See delegated decision attached and nothing further to add to 7.1-7.2 above.

9. LEGAL IMPLICATIONS

9.1 See delegated decision attached. Changes under 2.6.2 must be notified to all Members (the delegated decision was notified on 22 October) and if made under 2.6.2(d) come into force immediately, but shall be reported to Full Council as soon as is reasonably possible and shall continue to have effect only if the Full Council agree. The Council would need to endorse the Delegated Decision made on 21 October 2021 so that these amendments continue to have effect.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising from this decision – other than the increase compensation level detailed in 7.2, which is thematic of potential increasing levels of compensation.

11. RISK IMPLICATIONS

11.1. See delegated decision attached, nothing further to add.

12. EQUALITIES IMPLICATIONS

12.1 See delegated decision attached, otherwise nothing to add.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and “go local” requirements do not apply to this decision as it is not a procurement exercise or contract.

14. HUMAN RESOURCE IMPLICATIONS

14.1 There are no direct implications from this report.

15. ENVIRONMENTAL IMPLICATIONS

15.1 None identified.

16. APPENDICES

16.1 Appendix 1 – & B – Delegated Decision and appendix to that of 21 October 2021

17. CONTACT OFFICERS

17.1 Jeanette Thompson, Service Director Legal and Community, Monitoring Officer
jeanette.thompson@north-herts.gov.uk; ext. 4370

18. BACKGROUND PAPERS

17.1 None other than those linked to above.

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

*PART 1 – PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted N/A

SERVICE DIRECTORATE: LEGAL & COMMUNITY

1. DECISION TAKEN

To make amendments to the NHDC Constitution as per Appendix A.
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2. DECISION TAKER

Jeanette Thompson, Monitoring Officer (Service Director: Legal & Community), in consultation with the Leader of Council (and having liaised with other Group Leaders).
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3. DATE DECISION TAKEN:

21 October 2021

3. REASONS FOR RECOMMENDATIONS

3.1. To ensure the Council can operate as effectively and efficiently as possible.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. The proposed changes to the Constitution were sent to the Group Leaders for comment before the decision was published, and the updated Constitution uploaded with the amendments in Appendix A.

6. FORWARD PLAN

6.1 This decision does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

Recorded vote whilst in the Chamber:

7.1. Following a question at Full Council in July 2021, a request was made to review whether the electronic voting system could be used to record votes, rather than manually doing so.

7.2. Such enquires were undertaken with the current provider and another linked to the democratic document management system, to see whether this was feasible and any costs.

7.3. Having liaised with the Group Leaders following this on the options, the decision is to stay with the current system and where available, use the electronic voting system to notate any 'Recorded Vote', rather than manually do this. An amendment to section 4.8.16 (e) was therefore required, as per Appendix A.

Service Directors - changes

- 7.4. Following the appointment of the Service Director: Customers, some further minor amendments are required in terms of Data Protection (section 12.1.2), move and deleted some areas under/ from Customer Services, and add customer payment systems (cashiering) to section 14. 6.7 (b) Service Responsibilities.
- 7.5. Following the appointment of the Service Director: Place, the Managing Director has delegated the service responsibilities for Communications, including public relations and consultations to that Service Directorate. A change was therefore required under Section 14.6.5(b)(i) and 14.6.9(b) new (x).

8. RELEVANT CONSIDERATIONS

Section 4: Recorded vote whilst in the Chamber

- 8.1. As part of the July Constitutional review report a question was asked regarding the Council's voting system and the ability to use this for recording votes generally and or the formal 'Recorded Votes' process. The Service Director: Legal & Community confirmed that enquiries would be made with current providers regarding automated voting and showing these at a meeting and subsequently in the minutes, rather than manual recording.
- 8.2. For information, in terms of the system(s) that the Council, the systems in the Council Chamber are:
- the Auditel conference system (microphones, voting, camera / feed); and separately
 - the Modern.Gov, paperless meeting (wider system for, e.g., Declarations/ library management etc). Those are on tablets/ laptops.
- The systems are separate and procured / supplied under different contracts/ from different suppliers.

Auditel

- 8.3 The Auditel system records all votes in the Council Chamber automatically and a file is saved, which the Committee team can access. It can show who is voting in favour/ against/ abstain on the Council's screens (although is unlikely to be visible on the YouTube when live streaming). Those votes/ names will not automatically move to the minutes (and current Constitutional rules reflect that). At present the files record who voted and how they voted, and what number the vote was (i.e. first vote that meeting, second vote that meeting) – to understand what was being voted on, a relevant officer would have to cross reference with minutes or time on the audio recording. If this system is used for the 'Recorded vote' Council Procedure Rule process, then after the meeting this would be pulled across by the officer from the saved file. It could take between 10-20 mins per item to pull this across. This is labour intensive, but could be justified as compared with a Recorded Vote being manually taken and entered in the minutes. If there was a requirement to automatically record all votes for all items, then this system could not deal with this and the amount of time officers would take to pull information across would be disproportionate (and would only apply to those meetings held in the Council Chamber in any event).

Modern.gov

- 8.4 The additional system that the Council uses is Modern.gov and has a module for recording a vote. This would cost an additional £1500 per annum. Whilst this could be used on Councillors' tablets in other meetings outside of the Council Chamber, it would make the current voting equipment in the Chamber obsolete (including the voting screen) and the screen (although whether this could have been integrated at additional cost was not considered).

- 8.5 Having liaised with all Group Leaders on this issue, decision has been taken to remain with the Auditel system (subject to any normal procurement process), and to use the electronic voting system for any procedural 'Recorded Vote' within the Council Chamber (or as may be available) and such information will be reported in the minutes. This is reflected in the amendment to 4.8.16(e), and the electronic voting system will not be used for recording all votes for every item.

**Sections 12 & 14: Changes following appointments of Service Directors
Data Protection Officer**

- 8.6 There is nothing further to add to the background information, other than to confirm that corporate stationery has moved from the customer services section to MSU and the courier and member mail service has been deleted. The Revenues and Benefits Manager is the Data Protection Officer and the Constitution needs to reflect those changes.

**Section 14 – Managing Director direct reporting and remit for Communications
including public relations and consultations**

- 8.7 There are no further relevant considerations to add.

9. LEGAL IMPLICATIONS

- 9.1. Full Council's terms of reference include "approving or adopting the Policy Framework". The Policy Framework includes the Constitution.
- 9.2. Section 37 Local Government Act 2000 requires the Council to have in place a Constitution and to keep that under review. The Local Government Act 2000 section 9P sets out the requirements of a local authority's Constitution, including the requirements to prepare it and keep it up to date and the requirement to make it available for public inspection.
- 9.3. Section 2.6.2 provides:

2.6.2 Minor Changes

If, in the reasonable opinion of the Monitoring Officer or the Chief Finance Officer, a change is:

(a) a minor variation; or

*(b) required to be made to remove any inconsistency, ambiguity or typographical error;
or*

(c) required to be made so as to put into effect any decision of the Council or its committees or the Cabinet; or

(d) requested only for practical purposes, in order to ensure the proper administration of the Council,

the Monitoring Officer or the Chief Finance Officer may make such a change.

Changes under 2.6.2 must be notified to all Members. Those under (d) are to be reported to Council. It is considered that these are amendments that fall under (d) and whilst coming into immediate effect, shall be reported to Full Council and shall, as per 2.6.2 only continue to have effect if Full Council agree.

- 9.4 Not at the same time a further issue will be reported through seeking authority for the Service Director: Resources to commence co-option for an Independent Co-opted Member to the Finance Audit and Risk Committee (with any instruction on consequential

amendments required following this decision, to be undertaken by the Service Director: Legal & Community).

10. FINANCIAL IMPLICATIONS

10.1 There are no significant financial implications arising from this decision.

11. RISK IMPLICATIONS

11.1. Ensuring the Council has appropriate governance arrangements in place is an important risk mitigation measure. The Council's Constitution is a fundamental part of those governance arrangements.

12. EQUALITIES IMPLICATIONS

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are no equalities implications for this report.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and "go local" requirements do not apply to this decision.

14. HUMAN RESOURCE IMPLICATIONS

14.1 There are no direct implications from this report.

15. ENVIRONMENTAL IMPLICATIONS

15.1 None.

16. APPENDICES

16.1 Appendix A – Table of constitutional changes.

17. CONTACT OFFICERS

Jeanette Thompson, Service Director Legal and Community, Monitoring Officer
jeanette.thompson@north-herts.gov.uk.

18. BACKGROUND PAPERS

None.

NOTIFICATION DATE

22 October 2021

Signature of Executive Member Consulted



.....

Signature of Decision Taker ... 

Date21.10.21

Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS – THIS IS A NON-EXECUTIVE DECISION

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Constitutional section	Current Constitution Reference	Changes underlined
4.8.16 (e) Recorded Vote	4.8.16 (e) <i>Recorded Vote</i> <i>If one Member present at the meeting so demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot. A recorded vote must be taken when a budget decision is made under 4.8.16(h).</i>	4.8.16 (e) <i>Recorded Vote</i> <i>If one Member present at the meeting so demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing, <u>or where available, the electronic voting system used to record this</u> and entered into the minutes. A demand for a recorded vote will override a demand for a ballot. A recorded vote must be taken when a budget decision is made under 4.8.16(h).</i>
12.1.2 Officer delegation & Council's data protection officer.	Customer Services Manager	Change to: <u>Revenues & Benefits Manager</u>
14.6.7(b) D	Areas no longer relevant or moved from the customer services section. <i>D corporate stationery, Courier, member mail service and print contract</i> <i>Executive Member for Finance and IT</i>	Corporate stationery moved to Management Support and central administrative services (vi) new C. The rest deleted as no longer applicable <i>D corporate stationery, Courier, member mail service and print contract Executive Member for Finance and IT</i>
14.6.7(b)(iii) Customer Services	Needed to add the cashiering service under Revenues.	Add new: <u>E Cashiering and related services</u> Relevant Executive Member – Finance & IT.

<p>14.6.9(b)</p>	<p>14.6.5(b) Managing Director’s Service Responsibility.</p> <p>(i) Communications including public relations and consultations.</p> <p>Executive Member the Leader and Executive Member for Community Engagement.</p>	<p>Move to Service Director: Place New 14.6.9(b)(x)</p> <p>(x) <i>Communications including public relations and consultations.</i></p> <p>Relevant Members to remain the same.</p>
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