

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Spirella Ballroom, Icknield Way, Letchworth Garden City on Thursday, 23rd November, 2017 at 7.30 pm

PRESENT: Councillors Councillor Alan Millard (Chairman), Ian Albert, Clare Billing, Judi Billing, John Booth, Paul Clark, Julian Cunningham, Bill Davidson, Steve Deakin-Davies, Elizabeth Dennis, Sarah Dingley, Jane Gray, Gary Grindal, Steve Hemingway, Cathryn Henry, Fiona Hill, Terry Hone, Tony Hunter, Steve Jarvis, David Levett, Bernard Lovewell, Sandra Lunn, Ian Mantle, Jim McNally, Gerald Morris, Michael Muir, Lynda Needham, Frank Radcliffe, Mike Rice, Ray Shakespeare-Smith, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscorn, Richard Thake, Terry Tyler and Michael Weeks.

IN ATTENDANCE: David Scholes (Chief Executive), Anthony Roche (Deputy Chief Executive), Ian Couper (Head of Finance, Performance and Asset Management), Jeanette Thompson (Acting Corporate Legal Manager) and Ian Gourlay (Committee and Member Services Manager).

ALSO PRESENT:

2 members of the public.

42 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Bishop (Vice-Chairman), Jean Green, Nicola Harris, Simon Harwood, Lorna Kercher, Ben Lewis, Paul Marment, Janine Paterson, Valentine Shanley and Mrs C.P.A. Strong.

43 MINUTES - 31 AUGUST 2017

It was moved by Councillor Mrs L.A. Needham, seconded by Councillor Julian Cunningham, and

RESOLVED: That the Minutes of the meeting of the Council held on 31 August 2017 be approved as a true record and signed by the Chairman.

44 NOTIFICATION OF OTHER BUSINESS

No additional business was presented for consideration by the Council.

45 CHAIRMAN'S ANNOUNCEMENTS

(1) Declarations of Interest

The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

(2) Volunteer Achievement Awards

The Chairman announced that, for 2017/18, he had introduced Volunteer Achievement Awards. At the moment, he was short of nominations for the "Young Star" category (for volunteers aged 24 and under). If any Members knew of any young people eligible for this

category, the Chairman urged them to put their names forward to him or the Community Development Team.

46 PUBLIC PARTICIPATION

There was no public participation.

47 REPORT OF DELEGATED DECISION - MINOR CHANGES TO THE CONSTITUTION: DEPUTY CHIEF EXECUTIVE ROLE

The Council considered the report of the Acting Corporate Legal Manager in respect of a Delegated Decision made on 31 October 2017 with regard to minor changes to the Council's Constitution in respect of the new role of Deputy Chief Executive. The following appendix was attached to the report:

Appendix 1 – Delegated Decision made on 31 October 2017.

Under Paragraphs 2.6.2(d) and 2.6.3 of the Constitution, the Council was required to agree to the minor changes outlined in the Delegated Decision Notice.

It was moved by Councillor Mrs L.A. Needham, seconded by Councillor Mrs L.A. Needham and,

RESOLVED: That the Delegated Decision made on 31 October 2017, attached as Appendix 1 to the report, with regard to minor changes to the Constitution in respect of the role of Deputy Chief Executive, be agreed.

REASON FOR DECISION: To ensure that good governance and proper administration arrangements are in place.

48 ITEM REFERRED FROM STANDARDS COMMITTEE: 10 OCTOBER 2017 - CODE OF CONDUCT AND REGISTRATION OF INTERESTS REVIEW

The Council considered the Minute of the meeting of the Standards Committee held on 10 October 2017, in respect of the Code of Conduct and Registration of interests Review (Minute 7 refers). A copy of the report considered by the Standards Committee was included with the agenda, as were the following appendices:

Appendix A – Clean version of the Code of Conduct with tracked changes accepted;

Appendix B – Code with tracked changes;

Appendix C – Clean version of the Councillors Register of Interests Form with tracked changes accepted; and

Appendix D – Former notification/declarations form with tracked changes.

In introducing the item, Councillor Mike Rice (Chairman of the Standards Committee) referred to a minor typographical correction to recommendation (3) so that it read "...are a member or in a position of general control or management..."

Subject to the above minor typographical correction, it was moved by Councillor Mike Rice, seconded by Councillor Mrs L.A. Needham and, following debate and upon being put to the vote, it was

RESOLVED:

- (1) That the amendments to the NHDC Code of Conduct (shown as tracked changes to Appendix B of the report) be approved with effect from 4 May 2018, and include the following further amendment to Paragraph 2.2(e):

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Addition of the words “in respect of a criminal offence”, so that it reads “in respect of any criminal offence of which you have been convicted or for which you have accepted an out of court disposal in respect of a criminal offence during your term of office”;

- (2) That the Monitoring Officer be authorised to make any consequential amendments to the Constitution to incorporate the new Councillor Speaking Right; and
- (3) That the amended Councillor’s Register of Interest form (attached at Appendix C to the report) be adopted and be completed by Councillors from 4 May 2018, and include the following further amendment to Section 9:

Addition of the words “non-voting”, so that the Section reads:

“Outside bodies

Any body of which you are a member or in a position of general control or management which:

- (i) you are appointed or nominated to by the authority; or
- (ii) exercises functions of a public nature; or
- (iii) is directed to charitable purposes; or
- (iv) includes as one of its principal purposes the influence of public opinion or policy (including any political party or trade union).

Detail: Date of appointment and position (ie. Director, Trustee, member/representative/ non-voting observer.”

REASON FOR DECISION: To ensure good governance within the Council.

49 CAPITAL PROPOSAL TO PURCHASE FOOD WASTE CADDIES

[Note: Prior to the consideration of this item, Councillors Terry Hone, Fiona Hill and Michael Muir made declarable interests, in view of their various roles at Hertfordshire County Council, the Authority responsible for strategic waste matters. They chose to remain in the meeting, but not to participate in the debate or vote upon the item.]

The Council considered the joint report of the Head of Leisure & Environmental Services and Head of Finance, Performance & Asset Management in respect of a capital proposal to purchase food waste caddies, pursuant to the Cabinet’s decision to introduce a weekly food waste collection service made at its meeting held on 16 October 2017.

It was moved by Councillor Michael Weeks, seconded by Councillor Julian Cunningham and, following debate and upon being put to the vote, it was

RESOLVED: That £132,000 be added to the Council’s Capital Programme for the purchase of food waste caddies.

REASON FOR DECISION: To providing each household with a plastic caddy, being the most cost effective way of providing this service.

50 BUSINESS RATES PILOT AND POOLING APPLICATION: USE OF URGENCY IN RELATION TO CALL-IN

The Council considered the report of the Head of Finance, Performance and Asset Management in respect of the use of the urgency procedure regarding a decision made regarding a Business Rates Pilot and Pooling application.

It was noted that the following urgent Delegated Decision in relation to this matter was made on 25 October 2017:

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“That North Hertfordshire District Council should be part of the application for a Business Rates Pilot in 2018/19, with the other ten Hertfordshire Authorities. To also apply to be part of a Hertfordshire Business Rates Pool (with five other Authorities) in 2018/19, as an alternative if the Pilot application is not successful.”

It was further noted that the timing of the availability of the final business case meant that it was not possible for the decision to be made in time to allow a scrutiny call-in period and still meet the application deadline set by the Department for Communities and Local Government.

It was moved by Councillor Julian Cunningham, seconded by Councillor Mrs L.A. Needham, and

RESOLVED: That it be noted that, due to urgency, the Delegated Decision in respect of the Business Rates Pilot and Pooling Application was not subject to call-in.

REASON FOR DECISION: To comply with the deadline for applications set by the Department for Communities and Local Government.

51 APPOINTMENT OF ACTING MONITORING OFFICER

[Note: Prior to the consideration of this report, Anthony Roche (Deputy Chief Executive) and Jeanette Thompson (Acting Corporate Legal Manager) withdrew from the meeting for the duration of the item.]

The Chief Executive presented a report in respect of the proposed appointment of an Acting Monitoring Officer.

The Chief Executive advised that this would be necessary following the recent appointment of the existing Monitoring Officer to the post of Deputy Chief Executive.

The Chief Executive proposed that, with immediate effect, the acting Corporate Legal Manager be designated as Acting Monitoring Officer until a permanent Monitoring Officer was appointed in due course. This would be a temporary appointment until the conclusion of the next phase of the senior management restructure.

It was moved by Councillor Mrs L.A. Needham, seconded by Councillor Julian Cunningham, and

RESOLVED:

- (1) That the Council exercises its right to appoint an Acting Monitoring Officer without requiring a recommendation of the Employment Committee; and
- (2) That, with immediate effect, the Acting Corporate Legal Manager be designated as Acting Monitoring Officer until the appointment of a permanent Monitoring Officer in due course.

REASON FOR DECISION: To ensure that the Council complies with statutory requirements.

52 QUESTIONS FROM MEMBERS

(A) District Wide Survey

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Paul Clark to Councillor Mrs L.A. Needham (Leader of the Council):

“What is the sample size for the District Wide survey that is currently being conducted?”

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Councillor Needham replied that the sample size was 1,000 respondents. Quotas were set on age and area, in order to achieve a cross-section of responses. The data was also weighted by area, age, gender, working status and ethnicity to ensure that the data set was as comprehensive and representative as possible.

As a supplementary question, Councillor Clark asked why was a survey of 1,000 residents adequate, when the views of a much larger number were not paid attention to, as was the case in the recent Waste Services consultation?

Councillor Needham replied that the District Wide Survey should not be confused with a consultation exercise. The District Wide Survey was similar to surveys carried out by other local authorities in the County, usually at 2 or 3 yearly intervals. With regard to the waste Services consultation, the Council's Constitution required that major service changes such as those proposed would be subject to public consultation. She commented that the Council had taken action on a number of matters revealed in the consultation responses, but reminded Members that it had been consultation and not a referendum.

(B) Staffing at North Hertfordshire Museum and Community Facility

[Note: Prior to consideration of this matter, Councillor David Levett declared that his wife was the Secretary of the local branch of UNISON. However, as there was no debate or vote on the matter, he chose to remain in the meeting for the duration of the item.]

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Martin Stears-Handscomb to Councillor Mrs L.A. Needham (Leader of the Council):

“All Members will have received a letter from the Council's UNISON Branch expressing the concerns of staff regarding the staffing of the Museum and Town Hall. Will the Leader of the Council ask Councillor Hill to convene an urgent meeting of the Joint Staff Consultative Committee to address the matter and make recommendations?”

Councillor Needham replied that she would not be asking Councillor Hill to convene an urgent meeting of the Joint Staff Consultative Committee, as staffing matters were the responsibility of the Senior Management Team and ultimately the Head of Paid Service. She added that it was highly unusual for UNISON to circulate a response to a consultation regarding a proposed restructure. However, the remit of the Joint Staff Consultative Committee did not extend to the points raised by Councillor Stears-Handscomb in the question.

As a supplementary question, Councillor Stears-Handscomb asked if the Leader of the Council took seriously the views raised by staff in the letter?

Councillor Needham replied that the NHDC UNISON branch was a sensible and reliable body. As such, officers were looking at all of the comments raised in the letter and in the consultation, and would be responding to all staff affected by the proposed restructure. Where valid points were raised, officers would carefully consider whether appropriate amendments could be made.

53 NOTICE OF MOTIONS

(A) Public Sector Pay

[Notes:

- (1) The mover and seconder of the motion (Councillors Frank Radcliffe and Ian Albert) both declared Disclosable Pecuniary Interests in the matter, as they were both employed by the Civil Service. They stated that they would introduce the motion, prior to withdrawing from the meeting for debate and vote, in accordance with a Dispensation granted by the Monitoring Officer in advance of the commencement of the meeting;

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- (2) Councillor David Levett declared a Disclosable Pecuniary Interest, as his wife worked for NHDC and was the Secretary of the local branch of UNISON. He withdrew from the meeting for the whole of the item;
- (3) Councillor Michael Weeks made a Declarable Interest, as his son worked for NHDC. He withdrew from the meeting after the motion had been introduced by the mover and seconder; and
- (4) Councillor Paul Clark declared a Disclosable Pecuniary Interest, as he was employed by the Highways Agency. He withdrew from the meeting after the motion had been introduced by the mover and seconder.]

Due notice having been given in accordance with Standing Order 4.8.12, it was moved by Councillor Frank Radcliffe, and seconded by Councillor Ian Albert,

“That North Herts District Council recognises and values the work of its employees and those across the breadth of the public sector.

It acknowledges that the Government’s imposition over many years of a public sector pay cap of 1% has resulted in wages in the public sector falling considerably behind the yearly UK rate of inflation. This has meant a real terms pay cut for our employees, causing some families to live in increasing poverty. It has also led to difficulties in recruitment and made public sector employees feel undervalued.

This Council urges Government to scrap the public sector pay cap. We also urge the Government to adequately fund councils to pay their staff a decent pay rise in line with the cost of living.”

[At this point in the proceedings, Councillors Radcliffe, Albert, Weeks and Clark withdrew from the meeting for the remainder of the item.]

Following debate, and as an amendment, it was moved by Councillor Mrs L.A. Needham and seconded by Councillor Julian Cunningham that the words “causing some families to live in increasing poverty” be deleted from the second paragraph, and that the third paragraph be re-worded to read “The Council will work with our MPs, regional and national representative bodies to urge the Government to scrap the public sector pay cap and fully fund an award in line with the cost of living”.

Following debate, and being put to the vote, the amendment was carried.

Upon the substantive motion being put to the vote, it was

RESOLVED: That North Herts District Council recognises and values the work of its employees and those across the breadth of the public sector.

It acknowledges that the Government’s imposition over many years of a public sector pay cap of 1% has resulted in wages in the public sector falling considerably behind the yearly UK rate of inflation. This has meant a real terms pay cut for our employees. It has also led to difficulties in recruitment and made public sector employees feel undervalued.

The Council will work with our MPs, regional and national representative bodies to urge the Government to scrap the public sector pay cap and fully fund an award in line with the cost of living.

(B) Homelessness

Due notice having been given in accordance with Standing Order 4.8.12, it was moved by Councillor Clare Billing, and seconded by Councillor Martin Stears-Handscorn,

“That this Council:

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1. Is deeply concerned about the increase in the number of rough sleepers reported in North Hertfordshire, council statistics show a 300% increase since 2011.
2. Recognises that the true numbers of 'hidden' homeless, including those sofa surfing or sleeping in cars and vans in the district are likely to be higher than the 13 people reported to Council in August 2017.
3. Recognises that without support for those people with mental health problems and addictions to drugs or alcohol these numbers will increase.
4. Regrets the recent death reported in Letchworth and attack in Hitchin of people who were sleeping rough.

This Council calls for:

1. A comprehensive assessment of the true number of rough sleepers in North Herts and their needs; and
2. Continuation of the work carried out in conjunction with key stakeholders to prevent homelessness and support people in our district who are sleeping rough."

Following debate, and being put to the vote, the motion was lost.

The meeting closed at 8.03pm.

Chairman