

Public Document Pack

10 November 2017

Our Ref Council/23.11.17
Your Ref.
Contact. Ian Gourlay (01462) 474403
Direct Dial. (01462) 474403
Email. ian.gourlay@north-herts.gov.uk

To: The Chairman and Members of North Hertfordshire District Council

You are invited to attend a

MEETING OF THE COUNCIL

to be held in the

**SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH
GARDEN CITY**

on

THURSDAY, 23 NOVEMBER 2017

at

7.30 PM

Yours sincerely,



David Miley
Democratic Services Manager

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 31 AUGUST 2017 To take as read and approve as a true record the minutes of the meeting of the Council held on 31 August 2017.	1 - 8
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Council at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	
4. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION To receive petitions, comments and questions from members of the public.	
6. REPORT OF DELEGATED DECISION - MINOR CHANGES TO THE CONSTITUTION: DEPUTY CHIEF EXECUTIVE ROLE REPORT OF THE ACTING CORPORATE LEGAL MANAGER	9 - 16
7. ITEM REFERRED FROM STANDARDS COMMITTEE: 10 OCTOBER 2017 - CODE OF CONDUCT AND REGISTRATION OF INTERESTS REVIEW	17 - 54
8. CAPITAL PROPOSAL TO PURCHASE FOOD WASTE CADDIES JOINT REPORT OF THE HEAD OF LEISURE & ENVIRONMENTAL SERVICES AND HEAD OF FINANCE, PERFORMANCE & ASSET MANAGEMENT	55 - 60
9. BUSINESS RATES PILOT AND POOLING APPLICATION: USE OF URGENCY IN RELATION TO CALL-IN REPORT OF THE HEAD OF FINANCE, PERFORMANCE AND ASSET MANAGEMENT	61 - 64

- | | | |
|------------|---|---------|
| 10. | APPOINTMENT OF ACTING MONITORING OFFICER
REPORT OF THE CHIEF EXECUTIVE | 65 - 68 |
| 11. | QUESTIONS FROM MEMBERS
To consider any questions submitted by Members of the Council, in accordance with Standing Order 4.8.11 (b). | 69 - 74 |
| 12. | NOTICE OF MOTIONS
To consider any motions, due notice of which have been given in accordance with Standing Order 4.8.12. | 75 - 78 |

This page is intentionally left blank

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Spirella Ballroom, Icknield Way, Letchworth Garden City on Thursday, 31st August, 2017 at 7.30 pm

PRESENT: Councillors Councillor Alan Millard (Chairman), Councillor John Bishop (Vice-Chairman), Ian Albert, Clare Billing, John Booth, Paul Clark, Julian Cunningham, Bill Davidson, Steve Deakin-Davies, Elizabeth Dennis, Jane Gray, Nicola Harris, Simon Harwood, Steve Hemingway, Cathryn Henry, Fiona Hill, Terry Hone, Tony Hunter, Steve Jarvis, Lorna Kercher, David Levett, Ben Lewis, Bernard Lovewell, Jim McNally, Paul Marment, Gerald Morris, Michael Muir, Lynda Needham, Janine Paterson, Mike Rice, Deepak Sangha, Ray Shakespeare-Smith, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscorn, Claire Strong, Richard Thake and Michael Weeks

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

ALSO PRESENT: 16 members of the public.

32 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors David Barnard, Judi Billing, Faye S. Frost, Jean Green, Gary Grindal, Ian Mantle, Frank Radcliffe, Valentine Shanley and Terry Tyler.

33 MINUTES - 19 JULY 2017

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

RESOLVED: That, subject to the inclusion of the name of Councillor Nicola Harris in the list of those who had given their apologies for absence, the Minutes of the meeting of the Council held on 19 July 2017 be approved as a true record and signed by the Chairman.

34 NOTIFICATION OF OTHER BUSINESS

No additional was presented for consideration by the Council.

35 CHAIRMAN'S ANNOUNCEMENTS

(1) Councillor John Booth

It was with great pleasure that the Chairman presented an engraved picture, together with the framed Council resolution of thanks, to the past Chairman, Councillor John Booth. Councillor Booth thanked the Council for the gift.

(2) Councillor Jim McNally

The Chairman conveyed his congratulations to Jim McNally and his partner, Barbara, on their recent success at the FINA World Masters Diving Championships in Budapest. They won a total of eight medals in various categories, including a gold in a mixed synchronised diving event.

Councillor Weeks also paid tribute to Councillor McNally's achievement, and asked that this be recorded in the minutes. Councillor McNally thanked the Chairman and Councillor Weeks for their kind words.

(3) 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.

36 **PUBLIC PARTICIPATION**

(i) Mr David Leal-Bennett (Director and Company Secretary - HTH Finance Ltd)

Mr Leal-Bennett stated that there had been a lot of misinformation circulating, and so he would like to clarify the role of HTH Finance Ltd, which was banker to Hitchin Town Hall Ltd.

Mr Leal-Bennett advised that HTH Finance Ltd was created to secure 14/15 Brand Street, the entrance to the North Hertfordshire Museum in Hitchin. The property had been put up for sale by the bank, SIB, with whom NHDC officers had several meetings, but never agreed anything. The property was formerly two shops, in the centre of Hitchin with upstairs flats and, during the sale process last year, this was not lost on developers. He knew of at least two developers who were interested, so the threat was very real that the building could be lost forever.

Mr Leal-Bennett organised a meeting with various local businessmen to see what could be done. They considered putting in an offer, but this would not necessarily secure a purchase, as they could be outbid. He suggested that they approached SIB to see if they could be persuaded to take it off the market and buy their loan - they were offering to step into their shoes as secured banker. SIB would not take it off the market but, if they could act quickly, agreed to extend the time period for offers. It was extended by a month while finance and documentation was sorted out.

Mr Leal-Bennett and his associates then established HTH Finance Ltd, who then appointed lawyers and, after some negotiation, an agreement was signed with SIB. The property was then taken off the market and SIB agreed it would refer all enquiries to HTH Finance Ltd - this was over a year ago. Their concerns were validated by SIB, who advised that they had received several bids and that NHDC had been informed they were "a significant under bidder"; they further stated that "if NHDC had been close they could have secured the purchase, but they were not even within three and sixpence", in fact NHDC were off the mark by hundreds of thousands of pounds.

Mr Leal Bennett commented that some Members had been informed that had we not stepped in, NHDC's bid would have secured the property. He absolutely categorically stated that this would not have been the case, and that this was misinformation of the worse kind. He confirmed that one of NHDC's Cabinet Members had also heard this direct from SIB.

Mr Leal-Bennett explained that HTH Finance was not making any money and, in negotiations with NHDC, they had agreed to take a "haircut" to secure a deal. This was because the business backers wished the Town Hall to always be available for the community of North Hertfordshire. We wish to ensure that NHDC purchase 14/15 Brand Street to enable the Museum to be open and that a fair arrangement be sought, which would secure the Town Hall for the future and will ensure that there was no litigation. He felt that this was not an unreasonable request, especially as the land was originally gifted by a group of Quaker businessmen in 1897.

Mr Leal-Bennett advised that those Members who had visited the new museum would realise what a superb facility it would be, but that it needed 14/15 Brand Street to work. The only 'confidentiality' aspect that was important was the price of £550,000, but unfortunately this was leaked.

For clarification, Mr Leal-Bennett stated that HTH Finance Ltd gave its consent for all documentation to go into the public domain so that councillors and the public may decide, rather than rejecting the proposal 'out of hand'. As representatives of the 'Community of North Hertfordshire', he believed Members that needed to have a democratic discussion about this facility, which was important for the whole of North Hertfordshire, and to instruct NHDC officers to "make it happen". HTH Finance Ltd's experienced Local Authority lawyer was of the view that NHDC was able to do this deal. This was now an NHDC Members' decision.

In summary, Mr Leal-Bennett considered that, if it were not for HTH Finance Ltd, the current situation would not be prevailing, as the site would have been developed, probably as shops. NHDC would have had to spend over £800,000 for access, and there would still be outstanding litigation. He was pleased that the business community were able to step in, and he confirmed that the directors of HTH Finance Ltd were able to sign this documentation now.

(ii) Stephen Pike (Hitchin Town Hall Limited)

As Chairman of Hitchin Town Hall Ltd (“HTH”), a registered charity, Mr Pike represented his members and the community groups of Hitchin; he was required to comply with HTH’s charitable objects and Charity Law. He had undertaken many discussions with the Charity Commission on this matter, and was legally bound to consider the assets and liabilities of HTH Ltd, including the Development Agreement, property, debtors and creditors. He was also required to obtain ‘Best Value’.

Mr Pike advised that, at an Extraordinary General Meeting of HTH Ltd, it was agreed that there must be ‘robust’ protection of the Town Hall. It had always been the case that HTH Ltd required Hitchin Town Hall to be a Community Asset (to this end NHDC were prepared to grant a 125 year lease). He was of the view that the Community Asset Register was virtually meaningless, as it would not give sufficient protection, particularly with regard to time, should NHDC no longer wish to keep the Town Hall. The documentation merely ensured that this was the case.

Mr Pike stated that HTH Ltd went to great lengths to ensure that their proposal would be acceptable under Local Authority rules. They employed the services of an expert lawyer, specialising in both these rules and Charity Law. The original NHDC documentation did not take into consideration the complexity of the unwinding process and HTH Ltd had spent many hours with their lawyers, costing over £12,000, to ensure that all aspects had been covered. This effort was to ensure that all parties would be satisfied with the outcome and they considered this money to have been well spent.

Mr Pike commented that Mr Scholes (NHDC Chief Executive) had turned down the detailed documentation, stating that this was a direct result of his discussions with the “Executive Members” where the “implications” had been discussed. There was absolutely no attempt at any compromise, just a statement saying that NHDC “best considerations” would not be met. It appeared as if those Executive Members did not want to proceed. Not knowing who they were, HTH Ltd wrote to all Executive Members expressing their concerns in the hope that pragmatism would prevail. After all, HTH Ltd’s lawyer had been briefed to ensure that NHDC would be able to comply.

Mr Pike explained that HTH Ltd’s lawyer, who dealt with numerous Local Authorities, wrote to NHDC lawyers to explain that the deal was indeed permissible and acceptable. HTH Ltd was therefore surprised that there seemed to be an impasse on this critical point. They fully understand that NHDC may wish to extend the benefit beyond Hitchin, and they had no objection to this, but a total rejection of everything without further investigation or a democratic debate seemed to them to be rather draconian. HTH Ltd had been assured that this was possible under Local Authority rules.

Mr Pike made the following points:

- This was not just a sale of 14/15 Brand Street, it was meant to:
 - draw a line under the Development Agreement;
 - ensure that there will not be any legal claim against NHDC;
 - pass title of 14/15 Brand Street to the Workman’s Hall Trust;
 - ensure the Town Hall was always a Community Asset and cannot be sold off for development.

- NHDC did not have
 - an entrance to the Museum;
 - access to three rooms;
 - lift access;
 - access to its servers.

- The cost of not including 14/15 Brand Street was significant:
 - modification costs over £800,000;

Thursday, 31st August, 2017

- encroachment to the amazing museum displays to “break through three walls”;
- restricted access to the Museum;
- further delay in opening;
- litigation with a no win no fee lawyer who had reviewed the documentation;
- full disclosure of all internal NHDC documentation, e-mails, notes, witness statements etc.

Mr Pike advised that the documentation was passed to NHDC on 27 July 2017 with a legal synopsis and he confirmed that he had his members’ authorisation to sign; this could be done very quickly.

For the record and for Members’ information, Mr Pike attached recent e-mail exchanges and the legal synopsis.

Mr Pike gave his consent that there should be no further ‘confidentiality’; HTH Ltd would much prefer an open discussion. He commented that Mr Scholes had promised to get back to him last week after discussions with his ‘Executive Members’ but at the time of writing his presentation he have heard nothing. However, he had heard from Mr Scholes earlier in the day, and it was hoped that a meeting would be held during the week commencing 4 September 2017.

Mr Pike was of the opinion that this valuable Community Facility for North Hertfordshire had had a considerable amount of Council Taxpayers’ money spent on it, and that it was essential that the facility remained in the control of those taxpayers. He urged Members to discuss this proposition democratically and make it happen for the good of everyone in North Hertfordshire.

Mr Pike concluded by putting a potential new offer on the table which his members may find acceptable, subject to community representation. This was, in addition to the sale, to transfer the Town Hall and Museum into the Charitable Workman’s Hall Trust.

37 ITEM REFERRED FROM CABINET: 25 JULY 2017 - CORPORATE PLAN 2018 TO 2023

The Council considered the Minute of the meeting of the Cabinet held on 25 July 2017, in respect of Corporate Plan 2018 to 2023 (Minute 20 refers). A copy of the report considered by the Cabinet was included with the agenda, as was the following appendix:

Appendix A – Corporate Plan 2018-2023.

It was moved by Councillor Ray Shakespeare-Smith, seconded by Councillor Mrs L.A. Needham and, following debate and upon being put to the vote, it was

RESOLVED: That the Corporate Plan 2018 to 2023, as attached at Appendix A to the report, be adopted.

REASON FOR DECISION: To ensure that a suitable, high level policy document is in place to inform the Council’s Corporate Business Planning process.

38 ITEM REFERRED FROM CABINET: 25 JULY 2017 - MEDIUM TERM FINANCIAL STRATEGY 2018-2023

The Council considered the Minute of the meeting of the Cabinet held on 25 July 2017, in respect of the Medium Term Financial Strategy 2018-2023 (Minute 21 refers). A copy of the report considered by the Cabinet was included with the agenda, as was the following appendix:

Appendix A – Medium Term Financial Strategy 2018-2023.

It was moved by Councillor Julian Cunningham, seconded by Councillor Mrs L.A. Needham and, following debate and upon being put to the vote, it was

RESOLVED: That the Medium Term Financial Strategy 2018-2023, as attached at Appendix A to the report, be adopted.

REASON FOR DECISION: To assist in the process of forward planning the use of Council resources and in budget setting for 2018/19 to 2022/23, culminating in the setting of the Council Tax precept for 2018/19 in February 2018.

39 ITEM REFERRED FROM CABINET: 25 JULY 2017 - CAPITAL PROPOSAL TO PURCHASE CARDIO AND RESISTANCE FITNESS EQUIPMENT FOR THE COUNCIL'S HITCHIN AND ROYSTON LEISURE FACILITIES

The Council considered the Minute of the meeting of the Cabinet held on 25 July 2017, in respect of the Capital proposal to purchase Cardio and Resistance fitness equipment for the Council's Hitchin and Royston Leisure Facilities (Minute 24 refers). A copy of the report considered by the Cabinet was included with the agenda, as was the following appendix:

Appendix A – Proposed repayment schedule.

It was moved by Councillor Jane Gray, seconded by Councillor Mrs L.A. Needham and, upon being put to the vote, it was

RESOLVED: That the project for the purchase of Cardio and Resistance fitness equipment for the Hitchin and Royston Leisure Centres, as detailed in the report, be approved and added to the Council's Capital Programme for 2017/18 onwards.

REASON FOR DECISION: To help in achieving the Council's Attractive and Thriving corporate objective, through increasing health and wellbeing, and ensure customer satisfaction is maintained within the Council's Leisure Facilities.

40 QUESTIONS FROM MEMBERS

(A) Homelessness

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Clare Billing to Councillor Bernard Lovewell (Cabinet Member for Housing and Environmental Health):

“Could the Executive Member for Housing and Environmental Health update the Council on the number of homeless people recorded in North Hertfordshire, including Street Homeless, people ‘sofa surfing’ and those ‘rural homeless’ who might be living in cars, tents and farm buildings, and what measures are being taken to manage the increasing number of rough sleepers we see in the towns of North Hertfordshire, especially Hitchin and Letchworth, which are causing so much concern to residents and business owners?”

Councillor Lovewell replied that reliable statistics concerning different levels of homelessness were not always available. For example, those that sofa surfed were often referred to as the “hidden homeless” because of their concealed nature. In terms of rural homelessness in cars, tents and farm buildings the numbers were not known, but officer experience suggested that it was very limited and transitory.

Councillor Lovewell explained that the Council had current data concerning local housing stress. Following a recent exercise carried out in urban areas by Stevenage Haven (who also managed the North Herts Sanctuary) they, together with the Police and NHDC officers, had identified 22 individuals, some of whom could be termed Rough Sleepers, but there was an element who were street drinkers and/or beggars who may not be actually homeless. It was considered that of these 22, 13 may be homeless, but that number was subject to fluctuation due to the transient nature of the situation.

Councillor Lovewell stated that the current number of households in temporary accommodation was 79, which equated to 207 people. The Council had a legal duty to accommodate these people. Of the 79 households, 4 were in Bed and Breakfast accommodation.

Councillor Lovewell turned to the measures the Council was taking to support those people seen on the streets of the District's towns and the action being taken to control those who would not engage and displayed criminal and anti-social behaviour. As the question correctly stated, they were causing a lot of concern to residents and business owners, especially in Hitchin and Letchworth Garden City. The Council had embarked on the three pronged strategy.

Thursday, 31st August, 2017

Firstly, the Council was commissioning an outreach service to be run by a highly reputable local charity which was experienced in dealing with homelessness. They would do this in partnership with another dedicated local charity who were experts in this field. The aim of the service was to assist rough sleepers off the street into settled independent accommodation. The service provider would work with specialist agencies to ensure that appropriate support was provided for rough sleepers although, of course, engagement by the individual was crucial to providing them with the support they needed.

Secondly, the Police and Council were working together to tackle those people who would not engage and who displayed evidence of criminal or anti-social behaviour. Community Protection Notice warnings (which were available under the Anti-Social Behaviour, Crime and Policing Act 2014) had been issued to some individuals on 24 August 2017. Unfortunately, some had not heeded the warning and Community protection Notices (CPNs) had been issued to those people on 30 August 2017. Should a CPN be breached then appropriate enforcement action would be taken via a Magistrates Court. In appropriate cases, the Council would apply for a Criminal Behaviour Order which, on failure to comply, could result in a prison sentence.

Thirdly, the Council was urging members of the public who wished to help homeless people, or those they believed to be homeless, to refrain from donating money to those on streets and to support local homelessness charities instead, such as the North Herts Sanctuary or Stevenage Haven. That was their money would be used to productively support services for homeless people, rather than finding its way directly into the pockets of drug dealers or off licence tills which so often happened.

Councillor Lovewell concluded by emphasising how important it was for people who were threatened with homelessness, or who were actually homeless, to contact the Council's Homelessness and Advice Team for assistance at the very earliest stage. Ashe hoped his answer confirmed, the Council would give every help possible to those who wanted to engage, but would also take action against those whose behaviour caused stress for the District's residents and business owners.

As a supplementary question, Councillor Billing asked what support was available for the homeless with drug and alcohol problems, bearing in mind that the Sanctuary had a policy of not accommodating such people?

Councillor Lovewell replied that the people to be used to do the outreach work were extremely experienced in this field, and would work in tandem with other appropriate agencies. There were plans in the county to introduce some form of hostel accommodation for those with drug and alcohol problems, but this was a very specialist service. He was unable to provide any further information on this matter at the current time.

Councillor Lovewell stated that the Council did have some successes in this area. In the last week, one of the people on the streets who had not previously engaged with the Council was now so doing and as a result was now living in his own private accommodation. Similarly, there was another case in Hitchin where an individual's addiction was being treated, and it was hoped that he could be found suitable accommodation in the near future.

(B) Commercialisation

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Steve Jarvis to Councillor Lynda Needham (Leader of the Council):

"When is it expected that the Commercialisation Project Board will make further recommendations to Cabinet or Council?"

Councillor Needham replied that she was not expecting any more reports from the Commercialisation Project Board to either Cabinet or Council. She reminded Members that the project Board's remit was to consider the outcome of the Commercialisation Task and Finish Group report and to recommend a way forward, which the Project Board duly did to the Cabinet in March 2017.

Councillor Needham further reminded Members that, at the Annual Council meeting on 18 May 2017, the Cabinet Sub-Committee (Local Authority Trading Companies Shareholder) had been established to carry forward all of the commercialisation work areas supported by the Cabinet. When commercialisation reports were ready they would come to the new Sub-Committee and Cabinet and Council as required. Members would also be updated through the Members' Information Service.

Thursday, 31st August, 2017

As a supplementary question, Councillor Jarvis asked if the Leader of the Council was satisfied that the suggestions made by the Commercialisation Project Board would be sufficient to deliver the sort of commercially raised income that the Council was going to need in order to fund its activities at anywhere near current levels?

Councillor Needham replied that the vehicle to take matters forward would be the new Shareholder Sub-Committee. The commercialisation work areas approved by Cabinet would be supported, one of these being the establishment of a housing company. Also being progressed were a number of the work areas highlighted by the Task and Finish Group. When decisions were required, Members would be fully updated.

(C) Charges for collection of garden waste

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Paul Clark to Councillor Michael Weeks (Cabinet Member for Waste Management, Recycling and Environment):

“What effect would the introduction of charges for the collection of garden waste have on the Council’s recycling rates?”

Councillor Weeks replied that nothing had yet been decided on this matter, however, it would be a consideration as part of the new Waste Contract that a charge for the collection of garden waste may be applied. It was unknown at the present time how this would affect recycling rates. However, members should be aware that there were a number of other factors that could impact on recycling rates.

Councillor Weeks stated that the views of the appointed contractor would also need to be taken into account. However, it was felt that there would be little change on recycling rates, with a possible slight downturn. However, as NHDC’s recycling rate was currently at 60%, this was 10% higher than was expected of the Council, and was a further consideration to be taken into account.

As a supplementary question, Councillor Clark asked what measures were in place to prevent residents from placing garden waste in the purple general waste bins?

Councillor Weeks replied that, in addition to the issue raised by Councillor Clark, there was also the issue of residents adding waste/recycling to other residents’ bins. He had no specific answer to the question, other than to state that most of the purple bins put out for collection were full, and so there would be limited or no room to add to them. He felt that the take up on the garden waste charging scheme would be good, similar to current levels, although it was too early to give a precise indication.

41 NOTICE OF MOTIONS

There were no notices of motions.

The meeting closed at 9.20 pm

Chairman at the meeting on
Thursday, 31 August 2017

This page is intentionally left blank

COUNCIL 23 NOVEMBER 2017

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 6
----------------------------------	------------------------------------

TITLE OF REPORT: REPORT OF DELEGATED DECISION – MINOR CHANGES TO THE CONSTITUTION: DEPUTY CHIEF EXECUTIVE ROLE

REPORT OF THE ACTING CORPORATE LEGAL MANAGER

1. EXECUTIVE SUMMARY

1.1 In accordance with Paragraph Paragraphs 2.6.2(d) and 2.6.3 of the Council's Constitution, the purpose of this report is to seek the Council's agreement to a Delegated Decision made on 31 October 2017 with regard to minor changes to the Constitution in respect of the role of Deputy Chief Executive.

2. RECOMMENDATIONS

2.1 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.

3. REASONS FOR RECOMMENDATIONS

3.1 Set out in the Delegated Decision Notice at Appendix 1 to the report.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 Set out in the Delegated Decision Notice at Appendix 1 to the report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 Set out in the Delegated Decision Notice at Appendix 1 to the report.

6. RELEVANT CONSIDERATIONS

6.1 Set out in the Delegated Decision Notice at Appendix 1 to the report.

7. LEGAL IMPLICATIONS

7.1 Set out in the Delegated Decision Notice at Appendix 1 to the report.

8. FINANCIAL IMPLICATIONS

8.1 Set out in the Delegated Decision Notice at Appendix 1 to the report.

9. RISK IMPLICATIONS

9.1 Set out in the Delegated Decision Notice at Appendix 1 to the report.

10. EQUALITIES IMPLICATIONS

10.1 Set out in the Delegated Decision Notice at Appendix 1 to the report.

11. SOCIAL VALUE IMPLICATIONS

11.1 Set out in the Delegated Decision Notice at Appendix 1 to the report.

12. HUMAN RESOURCE IMPLICATIONS

12.1 Set out in the Delegated Decision Notice at Appendix 1 to the report.

13. APPENDICES

13.1 Appendix 1 – Delegated Decision made on 31 October 2017.

14. CONTACT OFFICERS

14.1 Jeanette Thompson, Acting Corporate Legal Manager
jeanette.thompson@north-herts

15. BACKGROUND PAPERS

15.1 None.

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

*PART 1 – PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted <i>[if applicable]</i>	N/A
--	-----

DIRECTORATE: Finance, Policy and Governance

1. DECISION TAKEN

- 1.1. To make minor changes to the Constitution in respect of the role of Deputy Chief Executive.

2. DECISION TAKER

- 2.1. Jeanette Thompson (Senior Lawyer acting under delegated authority as Monitoring Officer).

3. DATE DECISION TAKEN: 31.10.17

4. REASON FOR DECISION

- 4.1. To ensure good governance and proper administration arrangements are in place.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1. None considered appropriate.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1. The Chief Executive and Leader were consulted on the wording of the delegated decision.
- 6.2. Full Council, employees and the public have been made aware of the proposals for Senior Management arrangements in respect of new post of Deputy Chief Executive, through the Senior Management Arrangements report to Full Council on 19 July 2017. The postholder will take up this role on 1 November 2017.

7. RELEVANT CONSIDERATIONS

- 7.1. The Head of Paid Service (the Chief Executive), submitted a report to Full Council on 19 July, setting out the proposals for Senior Management and a new post of Deputy Chief Executive.
- 7.2. An appointment has been made to the post, with effect from 1 November 2017. Whilst delegations within the Constitution have been earmarked for a review following reorganisation (most recently 11 April 2017), there is no provision within the delegations for the role of Deputy Chief Executive.
- 7.3. The amendments undertaken are minor ones to sections 14.6.4 (a) and 14.6.5 (a) of the Constitution, as detailed as tracked changes in Appendix A attached. These

amendments recognise the Deputy Chief Executive post within the scheme of delegation. They provide a Constitutional framework for any subsequent delegations from the Chief Executive.

- 7.4 Note that the Constitution shall be further reviewed and amendments proposed to Full Council following the Senior Management reorganisation outlined on 19 July.

8. LEGAL IMPLICATIONS

8.1 Section 37 Local Government Act 2000 requires the Council to have in place a Constitution and to keep that Constitution 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.

8.2 The Monitoring Officer has delegated authority to make minor changes to the Constitution, under 2.6.2 of the Constitution. This is on the basis that, in the reasonable opinion of the Monitoring Officer or the Chief Finance Officer, a change is (amongst other things) (d) requested only for practical purposes, in order to ensure the proper administration of the Council.

8.3 Any changes made under paragraph 2.6.2(d) shall come into force with immediate effect, but shall be referred to Full Council as soon as is reasonably possible and continue to have effect only if Full Council agrees (as per 2.6.3). Members will be notified of the delegation decision, as per normal practice, to meet the requirements of 2.6.4.

8.3 Amendments to the Constitution can be made by the Deputy Monitoring Officer, acting as Monitoring Officer in the event of absence of the Monitoring Officer by virtue of section 5 (7) Local Government & Housing Act 1989 (and under the delegations to the Senior Lawyer).

9. FINANCIAL IMPLICATIONS

9.1 There are no direct financial implications arising from this delegated decision.

10. RISK IMPLICATIONS

10.1 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. The amendments will contribute to the Council's effective internal control.

11. EQUALITIES IMPLICATIONS

11.1 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. However, there are no equalities implications to this decision.

12. SOCIAL VALUE IMPLICATIONS

12.1 There is no Social Value Act and "go local" policy implications to this decision.

13. HUMAN RESOURCE IMPLICATIONS

13.1 There are no direct human resources implications to this decision, although the background and basis for the Deputy Chief Executive post and its human resource

implications are set out in the Senior Management Arrangements report of 19 July 2017.

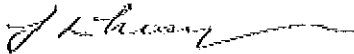
14. BACKGROUND PAPERS

- 14.1 Senior Management Arrangements report, Appendices 1-2 Full Council 19 July 2017, and minutes: <http://web.north-herts.gov.uk/aksnherts/users/public/admin/kab12.pl?cmte=COU&meet=107&arc=71>
- 14.2 Constitution page: <https://www.north-herts.gov.uk/home/council-and-democracy/council-constitution>

15. NOTIFICATION DATE

- 15.1 3.11.17.

Signature of Decision Taker



This is a Non-Executive decision. Call-in does not apply to NON-EXECUTIVE DECISIONS

- (i) any matter exclusively reserved to Council, Cabinet or a committee;
 - (ii) any matter which by law may not be delegated to an officer.
- (b) All decisions made under delegated powers must have regard to the legal, financial, risk, equalities, social value and human resource implications of the decision.
- (c) Officers shall exercise delegated powers in accordance with the policies of the Council and the requirements of this Constitution.

14.6.4 General Authorisations

- (a) Chief Executive, the Deputy Chief Executive, the Strategic Directors, Heads of Service and Corporate Managers

The Chief Executive, the Deputy Chief Executive, Strategic Directors, Heads of Service and Corporate Managers are delegated the following functions, powers and duties for their respective service areas:

- (i) The operational management of staff;
- (ii) Entering into contracts to carry out works and/or for the supply of goods and services within approved budgets (subject also to approval of the Strategic Director of Finance, Policy and Governance for IT software or hardware contracts);
- (iii) Serving any requisition for information, notice or authorising any works in default and recovery of any related expenditure;
- (iv) Recommending legal proceedings to the Chief Legal Officer;
- (v) To submit tenders and, where successful, to enter into contracts for the supply of goods and services to other local authorities and public bodies;
- (vi) To have responsibility for the operational management of the health and safety policy;
- (vii) To consider and co-ordinate any investigation by the Local Government Ombudsman;
- (viii) To set fees and charges in accordance with the Council's Financial Regulations and relevant policies, in consultation with the Executive Member;
- (ix) National Lottery and external funding applications.

14.6.5 Delegation of Authority - Chief Executive

- (a) The Chief Executive shall exercise the following functions (and may delegate such functions, powers and duties to the Deputy Chief Executive):
- (i) To carry out the duties of the Head of Paid Service (section 4 of the Local Government & Housing Act 1989) which includes all necessary powers for:
 - A. Co-ordinating the discharge of all functions;
 - B. Exercising overall managerial responsibility for staff.
 - (ii) To make any minor changes to terms and conditions for staff.
 - (iii) To dismiss any member of staff including Strategic Directors, Heads of Service and Corporate Managers (unless otherwise reserved to Committee or Full Council and excluding Statutory Officers) either by way of redundancy or any other appropriate use of the Council's staff related policies.
 - (iv) In cases of emergency or urgency (where possible in consultation with the Leader of the Council) to carry out any council or executive function, power or duty.
 - (v) To represent the authority on partnerships and external bodies as required by statute or by the Council.
 - (vi) To lead the Senior Management Team.
 - (vii) To ensure a system for record keeping of all Key Decisions.
 - (viii) To decide, in consultation with the Monitoring Officer, upon Members' "need to know" and provide for access to information and to decline access where information would be considered exempt (as defined under section 15.10.4).
 - (ix) To be responsible for performance review issues.
 - (x) To carry out the duties of the Electoral Registration Officer.
 - (xi) To carry out the duties of the Returning Officer.
 - (xii) To carry out the duties of the Emergency Planning Officer with all necessary power to act and incur expenditure.
 - (xiii) To authorise employees of the Council to enter onto land where necessary to enable them to carry out the functions of the Council.
 - (xiv) The granting of approval for staff to be allowed to undertake outside work.
 - (xv) Attestation of the Council's Common Seal.

This page is intentionally left blank

COUNCIL

23 NOVEMBER 2017

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 7
----------------------------------	--

TITLE OF REPORT: ITEM REFERRED FROM STANDARDS COMMITTEE: 10 OCTOBER 2017 –

The following is an extract from the Draft Minutes of the Standards Committee meeting held on 10 October 2017.

7. CODE OF CONDUCT AND REGISTRATION OF INTERESTS REVIEW

The Deputy Monitoring Officer presented a report requesting the Committee to review the proposed amendments to NHDC’s Councillors’ Code of Conduct and Register of Interests process and form. The following appendices were submitted with the report:

- 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 respect of the Code of Conduct, the Deputy Monitoring Officer reminded the Committee that there was no mandatory Code. The relevant legislation had not changed and hence the Code had not been reviewed since 2013. The proposed revisions to the Code were set out in the table under Paragraph 8.1 of the report, with Appendix A being a clean copy version of the Code, with Appendix B containing track changes in red and sections moved from one area to another in green. The proposed revisions had been discussed with the Independent Person and Reserve Independent Person.

In relation to the proposed new Register of Interests Form, the Deputy Monitoring Officer commented that should this be approved then the implementation date would be following the next District Council Elections in May 2018. Of the amendments detailed as Paragraph 8.1, the significant proposed changes to the Code were to paragraphs:

- 3.7(e): a new obligation to attend compulsory training. This was defined as being those designated as such by a Statutory Officer with the agreement of the Group Leaders or through a decision of Council, Cabinet or Committee; or if in relation to a standards complaint, as set out in the report;
- 4.7: a requirement to register two types of Declarable Interests on the proposed Register of Interest form, namely gifts and hospitality and membership/management etc on an outside body. It was reiterated that these were existing Declarable Interests, the former had to be registered already on a form, the latter were known and it would simplify the administrative process and aid transparency; and
- 6 and 7: that had been merged, and a new Councillor Speaking Right was proposed to deal with situations where a Councillor had a Declarable Interest and wanted to speak to an item before leaving the meeting.

The Deputy Monitoring Officer, assisted by the Monitoring Officer, answered a number of Members’ questions on the various documents.

The Committee made some minor amendments to both the Code of Conduct and Register of Interests Form.

RECOMMENDED TO COUNCIL:

- (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):

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 of in apposition 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.”

RESOLVED: That, subject to the approval of Recommendation to Council (1) above,

- (1) The Monitoring Officer be authorised to update the NHDC Code of Conduct Guide to reflect any adopted changes to the Code; and
- (2) That the requirement to advertise the adoption of any amended Councillor Code of Conduct be noted.

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

The following is the report considered by the Standards Committee at its meeting held on 10 October 2017.

TITLE OF REPORT: CODE OF CONDUCT & REGISTRATION OF INTERESTS REVIEW

REPORT OF THE DEPUTY MONITORING OFFICER
EXECUTIVE MEMBER: [NON-EXECUTIVE FUNCTION]
COUNCIL OBJECTIVE: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

1.1. For the Standards Committee to review the proposed amendments to NHDC's Councillors' Code of Conduct ('the Code') and Register of Interests process and form.

2. RECOMMENDATIONS

That the Committee recommends to Full Council that:

- 2.1. the amendments to the Code (shown as tracked changes to Appendix B), or such amendments as recommended by the Committee, be approved with effect from 4 May 2018.
- 2.2. the Monitoring Officer be authorised to make any consequential amendments to the Constitution to incorporate the new Councillor Speaking Right;
- 2.3. the amended Councillor's Register of Interests form (Appendix C) be adopted and to be completed by Councillors from 4 May 2018;

That subject to Full Council's approval detailed in 2.1, the Standards Committee:

- 2.4. authorises the Monitoring Officer to update the NHDC Code of Conduct Guide to reflect any adopted changes to the Code; and
- 2.5. notes the requirement to advertise the adoption of any amended Councillor Code of Conduct.

3. REASONS FOR RECOMMENDATIONS

3.1. The current Code was adopted in July 2013 and it is good practice to periodically review such policies to ensure they are working as intended. The review is part of scheduled service planning and the Annual Governance Statement ('AGS') Action Plan for 2017/18. This will ensure that the Code / practices are kept up to date and effective governance is promoted.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 The Code and declarations/ Register of Interests process could remain the same.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Independent and Reserve Independent Person (IPs) have been involved in the review process.
- 5.2. Draft amended versions of the Code and Register of Interests form were forwarded to Group Leaders, the IPs and relevant Officers on 8 August 2017 for comment.

Relevant amendments have been made following this consultation to the appended documents.

- 5.3. Members were informed of the review in the Annual Report of the Standards Committee, which was reported to Council on 18 May 2017.

6. FORWARD PLAN

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

7. BACKGROUND

- 7.1 The Localism Act 2011 ('2011 Act') abolished the obligatory standards regime and mandatory Code of Conduct in England, when the relevant parts of the Act came into force in July 2012. Since 2012 local authorities have been required to: "*promote and maintain high standards of conduct by member and co-opted members of the authority*" and to adopt a code dealing with the conduct that is expected of Councillors and co-opted Councillors, when acting in that capacity¹. The Code has to be consistent with the seven Nolan Principles of Public Life and cover registration and disclosure of pecuniary and other interests². The 2011 Act introduced criminal offences of failing to declare or register a pecuniary interest ('DPI') with those interests being set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 ('Regulations 2012').
- 7.2 Since 2012, the Committee on Standards in Public Life ('CSPL') has kept a watching brief on the local government standards regime, including the need for a mandatory code of conduct in England and effective sanctions. In its annual report for 2015-16³ / forward plan the Committee stated that it would review ethical standards and that this would straddle the work programmes for 2016-17-18.
- 7.3 The Department of Communities and Local Government previously intimated that it would review the 2011 Act standards arrangements after they had been in operation for 5 years (due in 2017). *It would appear* that this has been limited to a consultation on strengthening the disqualification criteria for elected councillors (see Standards Matters report update). Whether any further recommendations will result from this review/ or following the CSPL's review (such as a recommendation on a mandatory code in England), is yet to be seen.
- 7.4 At this stage, however, the legislative position has not changed. The Code was last reviewed in 2013 and as outlined in the Standards Matters report of 21 February 2017 would be reviewed, together with the approach towards registration of interests. The authority is also required to review its governance arrangements annually, as part of the AGS⁴ audit practice. Where appropriate these arrangements should be updated. Councillors' conduct/ codes/ mechanisms for dealing with complaints have to be considered as part of the AGS process and the Code and declarations/ Register of interests was identified in the AGS Actions Plan for review during 2017/18.

8. RELEVANT CONSIDERATIONS

The Code proposed amendments:

- 8.1. The Code in Appendix B shows a large degree of tracked changes; *however*, some of these are cosmetic (for uniformity) and movement of one area of the Code to another. The main proposed changes are set out in the table below:

¹ Section 27(1) & (2).

² Section 28(1) & (2)

³ Published on 4 August 2016 with forward plan for 2016-17; & again on 10 July 2017 CSPL page: <https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

⁴ Corporate Governance page [CLICK HERE]

Paragraph	Proposed change summary	Reason
1 Introduction	What the Code is, who it applies to, and what underpins the Code.	To make it clearer.
2 When does the Code of Conduct Apply (c) & (e)	(c) Inclusion of working groups, parties and panels in 'meetings' definition; and (e) clarification on criminal offences (where these have been dealt with in an "out of court disposal" way).	To cover potential gaps in meeting/ offence situations. The 'out of court disposal' term comes from the Crown Prosecution Service and covers, for example, simple/ conditional cautions and other similar criminal offence discharges, which are described in the footnote. Increasingly these will be offered and the Council should be in a position to consider situations where this arises.
3 Rules of Conduct 3.1	Moved 3.1 the full Nolan principles to Appendix B, with an explanation at 1.2 as to how these will be applied.	Whilst the Nolan principles should "underpin" the Code and its interpretation, they are not a potential breach in themselves and inclusion in this part has caused confusion to complainants, who have cited these as a potential breach. Adding an explanation at 1.2 and the Appendix will aid understanding.
3.1	3.1 NEW general obligation to comply with the Code.	To clarify to both Members and the public that all sections of the Code must be complied with (not just the rules on behaviour) and that failure to do so could be a breach of the Code.
3.2 (a)	Amended to include updated Equality Act 2010 requirements relating to protected characteristics.	To ensure the Code is kept up to date with current equality provisions.
3.2 (b)	NEW obligation not to do anything that causes the authority to breach the public sector equality duty.	Based on some proposed amendments to other British (mandatory) codes.
3.6 (b)	NEW obligation to act reasonably (Wednesbury reasonableness), not to prejudice/ act in a bias manner.	To promote effective decision making.
3.7 (a)	NEW "public duty" requirement to comply with the criminal law.	Based on some proposed amendments to other British (mandatory) codes. Also includes a notification requirement to the MO.
3.7 (e)	NEW – obligation to attend compulsory training provided by the authority or directed to attend following a standards complaint. Compulsory is defined in footnotes to this provision:	This is to try to address the issue we have with take up of training, and Councillors indicating that it would benefit them to know what was compulsory and which was not. NB computer tablets have been offered to Councillors and a new

	<p>“<i>Compulsory</i>” if this is designated as such by:</p> <ul style="list-style-type: none"> - a Statutory Officer (Head of Paid Service, Chief Finance Officer/s151 or Monitoring Officer) with the agreement of Group Leaders; or - Full Council, Cabinet or Committee. <p>“<i>Directed</i>” to do so:</p> <ul style="list-style-type: none"> - following a standards complaint and the MO decides that a Councillor should attend training as part of the informal resolution; or - Standards Sub-Committee following the determination of a complaint. 	<p>e-learning system is being implemented at this stage. It will mean that training is more accessible to Councillors when this obligation is due to apply from 4 May 2018 onwards.</p> <p>It is also to address potential situations where training has been directed and is not complied with.</p>
PART 2 COUNCILLORS’ INTERESTS	NEW introduction part confirming there are specific obligations in relation to registration, declaration and participation in meetings. There are a number of changes to how this is set out as opposed to substance.	Again for clarification.
4.1 – 4.5 DPI wording	Redrafted.	To make this more specific and reflect the 2011 Act/ Regulations 2012 wording.
4.6 (c) 4.6 (d) – becomes (c) & old (e) becomes (d)	Old (c) deleted: “ <i>the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest;</i> ”	Effectively duplicated by the previous 7.3, which has merged under the new wording for paragraph 6. Also supplemented by the new 3.6 (b) provision.
4.7	NEW obligation to register certain Declarable Interests (4.6 (c) & (d) on the same Register of Interests form that is used for DPIs.	To keep as much of a Councillor’s interests information in one document. Aids transparency and simplifies administrative process. It will also be consistent with the revised approach to be or already adopted by a number of local authorities in the region.
5 Sensitive Information	Re-worded as SENSITIVE ‘INTERESTS’ and further directions on what a Councillor needs to do in terms of declaring participation and voting/ register of interests.	To clarify the requirements in those situations.

6 Declaring interests and 7 Participation at meetings	6 & 7 Merged to a reworded paragraph 6 'DECLARING INTERESTS, PARTICIPATING AND VOTING AT MEETINGS' 6.2 (b) There is also a proposed NEW Councillor "Speaking Right" in substitution for speaking as a member of the public.	To make this more straightforward. A Councillor speaking as a member of the public has been problematic in terms of perception and timing. Note the new Speaking Right cannot be claimed in informal meetings and does not apply to DPis.
7 Dispensations	Previously old paragraph 8. There has been some re-wording, splitting into two sub-sections and coverage for Declarable Interests. The grounds for such a dispensation have been put into a NEW Appendix C.	Inclusion of grounds for a dispensation will assist understanding and potential applications to the Monitoring Officer.

8.2. There are also some general tracking and formatting changes, including uniform reference to 'Councillor' (as opposed to some Member or Councillor) and the authority (previous references were between the Council or authority). Some similar wording has also been used for consistency of reference (eg 3.4 & 3.6 reference to Statutory Officers).

8.3. Councillors will note that the changes proposed under the revised/ merged paragraphs 6 & 7 include a Councillor 'Speaking Right'; this is to address the perception and timing issues of a Councillor being an elected Councillor on the one hand and then becoming/ or apparently becoming a member of the public the next to speak to an item if/ when the Councillor has a Declarable Interest. This right would only apply to Declarable Interests, not to DPis and could not be exercised in informal meetings, where transparency/ bias are key considerations. If Full Council approves this amendment, the Monitoring Officer will need to review/ make minor amendments to the Constitution to ensure this Speaking Right is reflected⁵. Councillors will be notified via MIS and this reported to any subsequent Council meeting. Any change in process will also have to be made evident on meeting agendas.

8.4. The amended clean version (with tracked changes accepted) is appended at A and the Code showing tracked changes is appended at B (font format amendments have not been shown as tracked changes, eg lower case to capital etc.).

Councillor's declaration form & Registration process:

8.5. As indicated above, the authority must have a code that includes provisions for registration and declaration of DPis and other interests, and DPis must be entered on the Register of Interests. The authority has, up until now, used a notification/ declaration form for DPis only, and once the form has been received by the Monitoring Officer, the Interests information has been manually transferred onto a central excel spreadsheet – and this has acted as the 'Register'.

8.6. The revised Code includes a requirement to register certain Declarable Interests (*those under the amended 4.6 (c) – i.e. gifts & hospitality over £50 in the last six years and (d) membership or general control/ management of defined bodies*) on the same Register of Interests form. Neither of these Declarable Interests are new; however, *currently*: in respect of the former, any gifts or hospitality has to be declared on a separate form, and in terms of the latter – even though this is something that will be known to the Councillor, it only has to be declared when an

⁵ Eg Planning Control Committee Section 8 Appendices 1 & 2.

item of authority business affects those bodies. The requirement to register such information on one Councillor's Register of Interests form will simplify the process for gifts & hospitality on the one hand and promote transparency/ centralisation of a Councillor's Interests information on the other.

- 8.7. The current system of manually transferring information creates an unnecessary administrative stage, could lead to transcribing errors and given there will potentially be further Declarable Interests information that will have to be transferred, it is recommended that the notification/declaration form as was, becomes the individual Councillor's Register of Interests. Once received it will be scanned onto the system (signature redacted) and retained on the individual Councillor's website page until replaced/ or the Councillor is no longer elected (amounting to automatic removal from the website – rather than manual amendment to the Register if the Councillor does not stand again/ or is not re-elected).
- 8.8. Whilst DPIs have to be disclosed and put on a Register, the format of that Register is a matter for the authority. If it decides that this can be on one document submitted by the Councillor, then the requirements under the 2011 Act will have been met (providing this Register of Interests form is made available for inspection and on the authority's website).
- 8.9. If Full Council adopts the revised provisions relating to registration of 4.6(c), the Gifts & Hospitality Protocol will also have to be amended slightly to reflect this.
- 8.10. The new form is set out as a "clean" amended version at Appendix C, with the version showing the tracked changes at Appendix D (font format amendments have not been shown as tracked changes).

Implementation Date

- 8.11. The date for the new Code and Register of Interest form to come into operation is recommended for the new municipal year - commencing on 4 May 2018 (the election day is 3 May 2018) to allow time to revise: the Constitution, the NHDC Guide on the amended Code, the 'NHDC Members' Protocol for Gifts and Hospitality' and Councillor training to be offered/ provided in advance of this date.

9. LEGAL IMPLICATIONS

The Code:

- 9.1 There is no mandatory English Code, although as indicated under the Background, the Code must be consistent with the Nolan principles and include provisions concerning registration and disclosure of DPIs and other interests.
- 9.2 The Terms of Reference of this Committee under 7.5.4 of the Constitution are “ *to advise the Council on the adoption or revision of the Members' Code of Conduct*”. The Standards Committee does not, however have the legal ability to adopt a revised Code, as this is reserved under section 28(13) of the 2011 Act to Full Council. The Terms of Reference of Full Council provide under 4.4.1 that only Full Council will exercise the following functions: “(s) *adopting and amending the Authority's Code of Conduct for Members and other codes and protocols comprising the ethical framework*”.
- 9.3 Under the 2011 Act a revised or replacement Code has to be publicised in such a manner that is likely to bring this to the attention of those who live in the area⁶ and this will be organised by the Monitoring Officer.
- 9.4 Full Council also has the legal remit to authorise amendments to the Constitution. If the proposed change relating to the new Councillor 'Speaking Right' is adopted,

⁶ Section 28(12) of the 2011 Act.

then amendments to relevant parts of the Constitution will have to be considered/ made. The Monitoring Officer has delegated authority to deal with minor amendments or to put in to effect any that relate to a decision of the Council. Such amendment in this instance, to come into effect the same date as the Code. Any changes will be reported back to Councillors in the normal manner post change via MIS and the next meeting of Council (as per sections 2.6.2 (a) & (c), 2.6.3 & 2.6.4 of the Constitution).

- 9.5 The Corporate Legal Manager (the Monitoring Officer) has delegated authority under section 14.6.9(c) of the Constitution: *“to authorise changes to the Governance Policies/ Protocols/ Codes or Guidance (as the case may be) that fall within the remit of the Monitoring Officer and/ or Legal Services (and are not already covered by 14.6.9(d) to reflect decisions of the Council / Committees and the Cabinet, or minor ones relating to changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all Members of such changes.”* This would therefore apply to the Gifts & Hospitality Protocol and the NHDC Guide to the Code of Conduct.

Register of Interests:

- 9.6 There is no prescribed form for a Councillors’ Register of Interests, although the Monitoring Officer must establish and maintain the Register, and make it available for inspection and publish this on the authority’s website⁷.
- 9.7 The Terms of Reference of this Committee under 7.5.1 of the Constitution are *“to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”*. Whilst the Register format could be a matter for the Monitoring Officer, it is appropriate for this to be considered by this Committee and any changes in terms of the individual Register of Interests/ placing these on the Councillor’s page, to be endorsed by Full Council.
- 9.8 The content of the report and actions therefore fall within the remit of the Standards Committee to consider and make recommendations to Council.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no capital or revenue implications arising from the content of this report.

11. RISK IMPLICATIONS

- 11.1 Appropriate policy frameworks help to ensure that the authority has good governance arrangements in place.

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 Whilst the proposals include amending the Code to reflect updated protected characteristics and the Public Sector Duty, that are no other direct equality implications of this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

⁷ Section 29 of the 2011 Act.

14. HUMAN RESOURCE IMPLICATIONS

14.1 There are no direct human resource implications relating to this matter.

15. APPENDICES

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

15.2 Appendix B – Code with tracked changes;

15.3 Appendix C – **Clean version of the Councillor’s Register of Interests Form *with tracked changes accepted***; and

15.4 Appendix D – former notification/ declarations form with tracked changes.

16. CONTACT OFFICERS

16.1. Jeanette Thompson 01462 474370. Senior Lawyer and Deputy Monitoring Officer:
jeanette.thompson@north-herts.gov.uk

16.2. Anthony Roche 01460 474588 Corporate Legal Manager and Monitoring Officer:
anthony.roche@north-herts.gov.uk

Contributor/ liaison Officers on report:

16.3. Ian Couper 01462 474243 Head of Finance, Performance & Asset Management:
ian.couper@north-herts.gov.uk

16.4. Kerry Shorrocks 01462 474224 Corporate Human Resources Manager:
kerry.shorrocks@north-herts.gov.uk

16.5. Reuben Ayavoo 01462 474212 Policy Officer:
reuben.ayavoo@north-herts.gov.uk

17. BACKGROUND PAPERS

17.1. Section 17 NHDC Constitution – Code of Conduct [\[CLICK HERE\]](#).

17.2. The NHDC Constitution [\[CLICK HERE\]](#).

17.3. [NHDC Members' Protocol for Gifts and Hospitality](#)

17.4. [Corporate Governance page \[CLICK HERE\]](#)

SECTION 17

NORTH HERTS DISTRICT COUNCIL CODE OF CONDUCT FOR COUNCILLORS (AND VOTING / NON-VOTING CO-OPTÉES)

(May 2018¹)

1. INTRODUCTION

- 1.1. Trust and confidence in public office-holders and institutions are essential for the effective functioning of local authorities. This is particularly true in the case of elected office-holders. Section 27(2) of the Localism Act 2011 requires a relevant authority to adopt a code setting out the conduct that is expected of a Councillor or co-opted Councillor (“Councillor”). The Council (“the authority”) has therefore adopted this Code of Conduct to promote and maintain high standards of conduct in public life. Its purpose is not to inhibit legitimate representational and political activity, but to provide a framework that enables such activities to be carried out appropriately.
- 1.2. This Code applies to all Councillors, voting or non-voting. As a Councillor you must meet/adhere to the seven Nolan principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. They are set out in more detail in Appendix B. These principles underpin this Code and will be used for interpretation, investigation and determination purposes.
- 1.3. This Code covers the following areas:
- **Part 1** sets out general obligations regarding Councillors’ behaviour;
 - **Part 2** sets out how Councillors must behave if they have an interest in an item of authority business (“Councillors’ Interests”);
 - **Appendix A** - Description of Disclosable Pecuniary Interests;
 - **Appendix B** - Nolan principles of public life;
 - **Appendix C** - Dispensation grounds.

If in doubt about the application or interpretation of any of the provisions of this Code, you should check the NHDC Guide that supports it and/or seek advice from the Monitoring Officer.

2. WHEN DOES THE CODE OF CONDUCT APPLY?

- 2.1 In this Code “meeting” means any meeting of:
- (a) the authority;
 - (b) the executive of the authority;
 - (c) the authority, or its executive’s, committees, sub-committees joint committees, joint sub-committees, or area committees (including working groups, working parties and panels);

¹ Approved by Full Council 23 November 2017

- (d) informal meetings with other Councillors and/or Officers relating to the discharge of the authority's business.

2.2 This Code applies—

- (a) whenever you conduct the business of, or are present at a meeting of, the authority; or
- (b) whenever you act, or claim to act, or give the impression you are acting, in the role of Councillor to which you were elected or appointed; or
- (c) whenever you act, or claim to act or give the impression you are acting, as a representative of the authority; or
- (d) at all times and in any capacity, in respect of conduct described in paragraphs 3.4(a) and 3.5; or
- (e) in respect of any criminal offence of which you have been convicted or for which you have accepted an out of court disposal² during your term of office.

2.3 Where you are elected, appointed or nominated by the authority to serve on any other authority or body you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body.

2.4 Where you are elected, appointed or nominated by the authority to serve on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this Code, unless it conflicts with any other lawful obligations to which that other body may be subject.

PART 1 RULES OF CONDUCT

3. GENERAL OBLIGATIONS

3.1 You must comply with this Code. You fail to do so if you do not comply with any of the obligations in this Code.

3.2 ***Duties and Responsibilities***

You must:

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their race, pregnancy and maternity, gender reassignment, marriage or civil partnership, disability, sex or sexual orientation, age, religion or belief;
- (b) not do anything which may cause the authority to breach equalities legislation;
- (c) show respect and consideration for others;

² To include: simple caution, a conditional caution, any appropriate regulatory proceedings, a punitive or civil penalty, or prosecution-related disposal.

- (d) not bully or harass any person;
- (e) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the authority.

3.3 **Information**

You must not:

- (a) disclose confidential information or information which could reasonably be regarded as being confidential without the express prior consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

3.4 **Conduct**

You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other Councillors or anyone who works for, or on behalf of, the authority;
- (c) comply with any request of the authority's Monitoring Officer, or section 151/ Chief Finance Officer, or Head of Paid Service in connection with an inquiry or investigation conducted in accordance with their respective statutory powers.

3.5 **Use of your Position**

You must not:

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on, or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the authority:—
 - (i) imprudently;
 - (ii) in breach of the authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority, or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

3.6 **Decision Making**

You must:

- (a) when participating in meetings or reaching decisions that are the business of the authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the authority's Statutory Officers listed below: —
 - (i) the Head of Paid Service;
 - (ii) the s.151 Officer/ Chief Finance Officer;
 - (iii) the Monitoring Officer/ Chief legal Officer;

and give sufficient reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.
- (b) act reasonably and not prejudice or demonstrate bias, or be seen to prejudice or demonstrate bias, in respect of any decision.

3.7 **Compliance with the Law and the Authority's Rules and Policies**

You must:

- (a) (i) uphold the criminal law. You fail to uphold the criminal law if you are convicted or you have accepted an out of court disposal³ during your term of office;
- (ii) notify the Monitoring Officer within 14 days of any conviction or out of court disposal.
- (b) observe the law and the authority's rules governing the claiming of expenses and allowances in connection with your duties as a Councillor;
- (c) comply with NHDC's Members' Protocol for Gifts and Hospitality;
- (d) comply with any other policy which sets out requirements for Councillor conduct. This includes the Protocol on Member/Officer Working Arrangements and Planning Code of Good Practice for Members.
- (e) attend compulsory⁴ training provided by the authority or when directed to⁵ attend following the determination of a Councillor Conduct complaint.

³ To include: simple caution, a conditional caution, any appropriate regulatory proceedings, a punitive or civil penalty, or prosecution-related disposal.

⁴ For the purposes of this Code, training will only be considered compulsory if designated as such by: a Statutory Officer 3.6 (a) i-iii) with the agreement of Group Leaders; or decision of Full Council, Cabinet or Committee.

⁵ By the Monitoring Officer as part of informal resolution or Standards Sub-Committee both following a standards complaint, and a decision in the latter case that the Code has been breached.

PART 2
COUNCILLORS' INTERESTS

There are specific obligations on Councillors regarding the disclosure, declaration and participation in meetings which are set out in Part 2 below.

4. DISCLOSABLE PECUNIARY INTERESTS ('DPI's) AND DECLARABLE INTERESTS

DPIs

- 4.1 A Breach of the requirements relating to DPIs can constitute a criminal offence under Section 34 of the Localism Act 2011. DPIs are defined in the *Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012*, summarised at Appendix A⁶.
- 4.2 You have a DPI (as defined at Appendix A), if it is:
- (a) your interest; or
 - (b) an interest of a "relevant person" i.e. your spouse or civil partner (or equivalent co-habitee), and you are aware of that the relevant person has that interest.
- 4.3 If you have a DPI, you must, within 28 days:
- (a) of election or appointment as a Councillor (whichever is later), notify the Monitoring Officer of your DPI on the Register of Interests form;
 - (b) notify the Monitoring Officer of any change to your DPIs on the Register of Interests form.
- 4.4 A copy of your Register of Interests form will (subject to paragraph 5) be available for public inspection and published on the authority's website.
- 4.5 If a function of the authority can be carried out by a Councillor acting alone and you have a DPI in any matter to be dealt with when carrying out that function, you must not take any steps, or any further steps, in relation to the matter, except to enable the matter to be dealt with by another Councillor who can carry out the function.

DECLARABLE INTERESTS

- 4.6 You have a Declarable Interest in an item of business of the authority where it relates to, or might reasonably be likely to affect:
- (a) the well-being or financial standing of you or a member of your family or your employer or a person or body with whom you have a close association to a greater extent than it would affect the majority of:
 - (i) the inhabitants of the ward affected by the decision; or
 - (ii) the inhabitants of the authority's administrative area where the decision affects the wider area.
 - (b) the interests listed in Appendix A to this Code, but in respect of a member of your family or your employer or a person or body with whom you have a close association; or

⁶ From DCLG Guide for Councillors "Openness and Transparency on Personal Interests" March 2013

- (c) the interests of any person or body from whom you have received a gift or hospitality with an estimated value of at least £50 (or such other figure set in the NHDC Members' Protocol for Gifts and Hospitality). You need not disclose this interest if it was received and / or registered more than six years before the date of the meeting; or
- (d) 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);

and that interest is not a DPI.

4.7 If you have a Declarable Interest you must within 28 days:

- (a) of election or appointment as a Councillor (whichever is later), notify the Monitoring Officer of any Declarable Interest listed under paragraph 4.6 (c) and/ or (d) on the Register of Interests form.
- (b) notify the Monitoring Officer of any change to the Declarable Interests listed under paragraph 4.6 (c) and/ or (d) on the Register of Interests form.

These will be on the same Register of Interests and arrangements as DPIs described at paragraphs 4.3 and 4.4.

5. SENSITIVE INTERESTS

- 5.1 A DPI or Declarable Interest will not be published or made available for inspection, or the details disclosed in meetings, where the nature of the interest is such that you and the Monitoring Officer have reasonable grounds for believing that disclosure could lead to you or a person connected with you being subject to violence or intimidation. If the Monitoring Officer agrees with you, it will then be considered a "sensitive interest" for the purposes of this Code. The obligations in relation to not participating or voting in a meeting under paragraph 6 shall still otherwise apply.
- 5.2 You must, within 28 days of becoming aware of any change of circumstances that means that information excluded under paragraph 5.1 is no longer a sensitive interest, notify the Monitoring Officer. You must then enter the information on your Register of Interests as per the arrangements at paragraphs 4.3, 4.4 and/ or 4.7.

6. DECLARING INTERESTS, PARTICIPATING AND VOTING AT MEETINGS

DPIs

- 6.1. If you attend a meeting and have, and are aware that you have, a DPI in any matter to be considered, or being considered, at the meeting, then:

- (a) you must orally disclose the existence and nature of your DPI before the consideration of the item of business or as soon as it becomes apparent unless paragraph 5.1 applies; and
 - (b) you must not participate in any discussion of the matter at the meeting or vote; or
 - (c) if you become aware of your DPI during the meeting, you must not participate further in any discussion in the matter or vote;
- and in all cases
- (d) you must leave the room where the meeting is being held unless you have received a dispensation from the Monitoring Officer (see paragraph 7 & Appendix C).

DECLARABLE INTERESTS

- 6.2. If you attend a meeting and have, and are aware that you have, a Declarable Interest in any matter to be considered or being considered at the meeting, then:
- (a) you must orally disclose the existence and nature of your Declarable Interest before the consideration of the item of business or as soon as it becomes apparent unless paragraph 5.1 applies;
- and
- (b) If the Declarable Interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest, then you must not participate in the discussion, or vote on the item, and you must leave the room, *unless*:
 - (i) you have received a dispensation from the Monitoring Officer (see paragraph 7 & Appendix C); or
 - (ii) you wish to exercise a 'Councillor Speaking Right'. To do so you must comply with 6.2 (c).
 - (c) If you wish to exercise a Councillor Speaking Right:
 - (i) you must declare that you intend to do so at the same time as 6.2 (a) and such right will be subject to the time limits for public speaking; and
 - (ii) you must move to the public area of the meeting room before exercising the Speaking Right; and
 - (iii) once exercised, you must then leave the room before the debate and vote.
- NOTE: a Councillor Speaking Right cannot be exercised at informal meetings.⁷ This cannot be exercised in relation to a DPI.**

⁷ Informal meeting is defined under paragraph 2.1(d).

7. DISPENSATIONS

- 7.1 Section 33 of the Localism Act 2011 allows the authority in certain circumstances to grant a dispensation to permit a Councillor to participate in the business of the authority, even if the Councillor has a DPI relating to that business. The authority has also decided that dispensations may be applied to Declarable Interests.
- 7.2 If you would like the authority to consider granting you a dispensation where you have a DPI or a Declarable Interest, you must make a prior written request to the Monitoring Officer. The grounds under which such an application will be considered are detailed in Appendix C.

APPENDIX A

Description of Disclosable Pecuniary Interests (from *DCLG Guide for Councillors "Openness and Transparency on Personal Interests" March 2013*⁸).

Further assistance may be obtained from the '**Guide to NHDC Code of Conduct**' available on the authority's website: <https://www.north-herts.gov.uk/home/council-and-democracy/councillors-mps-and-meps/councillors-code-conduct-and-declaration>

If you have any of the following pecuniary interests, they are your **Disclosable Pecuniary Interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Other payments received

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your Disclosable Pecuniary Interests following your election or re-election, or when you became aware you had a Disclosable Pecuniary Interest relating to a matter on which you were acting alone.

Contracts

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Land

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

⁸ Updated in September 2013.

Licences

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Corporate tenancies

Any tenancy where (to your knowledge) –

- the landlord is your council or authority; and
- the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Securities

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either –

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

APPENDIX B**Nolan principles of public life**

Selflessness Holders of public office should act solely in terms of the public interest.

Integrity Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty Holders of public office should be truthful.

Leadership Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

APPENDIX C**Dispensation grounds⁹**

A dispensation may be granted only if, after having had regard to all relevant circumstances, the Monitoring Officer considers that—

- (a) without the dispensation the number of Councillors prohibited from participating in any particular business, would be so great a proportion of the body transacting the business, as to impede the transaction of the business;
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) granting the dispensation is in the interests of persons living in the authority's area;
- (d) without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

⁹ The full wording for the statutory grounds for a DPI dispensation can be found under section 33 Localism Act 2011

SECTION 17

NORTH HERTS DISTRICT COUNCIL CODE OF CONDUCT FOR COUNCILLORS (AND VOTING / NON-VOTING CO-OPTÉES)

(May 2018¹)

1. INTRODUCTION

- 1.1. Trust and confidence in public office-holders and institutions are essential for the effective functioning of local authorities. This is particularly true in the case of elected office-holders. Section 27(2) of the Localism Act 2011 requires a relevant authority to adopt a code setting out the conduct that is expected of a Councillor or co-opted Councillor (“Councillor”). The Council (“the authority”) has therefore adopted this Code of Conduct to promote and maintain high standards of conduct in public life. Its purpose is not to inhibit legitimate representational and political activity, but to provide a framework that enables such activities to be carried out appropriately.
- 1.2. ~~The~~This Code applies to all Councillors, voting or non-voting. As a Councillor you must meet/adhere to the seven Nolan principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. They are set out in more detail in Appendix B. These principles underpin this Code and will be used for interpretation, investigation and determination purposes.
- 1.3. This Code covers the following areas:
- **Part 1** sets out general obligations regarding Councillors’ behaviour;
 - **Part 2** sets out how Councillors must behave if they have an interest in an item of authority business (“Councillors’ Interests”);
 - **Appendix A** - Description of Disclosable Pecuniary Interests;
 - **Appendix B** - Nolan principles of public life;
 - **Appendix C** - Dispensation grounds.

If in doubt about the application or interpretation of any of the provisions of this Code, you should check the NHDC Guide that supports it and/or seek advice from the Monitoring Officer.

2. WHEN DOES THE CODE OF CONDUCT APPLY?

- 2.1 In this Code “meeting” means any meeting of:
- (a) the authority;
 - (b) the executive of the authority;
 - (c) the authority, or its executive’s, committees, sub-committees joint committees, joint sub-committees, or area committees (including working groups, working parties and panels);

¹ Approved by Full Council 23 November 2017

- (d) informal meetings with other Councillors and/or Officers relating to the discharge of the authority's business.

2.2 This Code applies—

- (a) whenever you conduct the business of, or are present at a meeting of, the authority; or
- (b) whenever you act, or claim to act, or give the impression you are acting, in the role of Councillor to which you were elected or appointed; or
- (c) whenever you act, or claim to act or give the impression you are acting, as a representative of the authority; or
- (d) at all times and in any capacity, in respect of conduct described in paragraphs 3.4(a) and 3.5; or
- (e) in respect of any criminal offence of which you have been convicted or for which you have accepted an out of court disposal² during your term of office.

2.3 Where you are elected, appointed or nominated by the authority to serve on any other authority or body you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body.

2.4 Where you are elected, appointed or nominated by the authority to serve on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this Code, unless it conflicts with any other lawful obligations to which that other body may be subject.

PART 1
RULES OF CONDUCT

3. GENERAL OBLIGATIONS

3.1 You must comply with this Code. You fail to do so if you do not comply with any of the obligations in this Code.

3.2 *Duties and Responsibilities*

² To include: simple caution, a conditional caution, any appropriate regulatory proceedings, a punitive or civil penalty, or prosecution-related disposal.

You must:

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their race, pregnancy and maternity, gender reassignment, marriage or civil partnership, disability, sex or sexual orientation, age, religion or belief;
- (b) not do anything which may cause the authority to breach equalities legislation;
- (c) show respect and consideration for others;
- (d) not bully or harass any person;
- (e) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the authority.

3.3 **Information**

You must not:

- (a) disclose confidential information or information which could reasonably be regarded as being confidential without the express prior consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

3.4 **Conduct**

You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other Councillors or anyone who works for, or on behalf of, the authority;
- (c) comply with any request of the authority's Monitoring Officer, or section 151/ Chief Finance Officer, or Head of Paid Service in connection with an inquiry or investigation conducted in accordance with their respective statutory powers.

3.5 **Use of your Position**

You must not:

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on, or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the authority:—
 - (i) imprudently;

- (ii) in breach of the authority's requirements;
- (iii) unlawfully;
- (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority, or of the office to which you have been elected or appointed;
- (v) improperly for political purposes; or
- (vi) improperly for private purposes.

3.6 **Decision Making**

You must:

- (a) when participating in meetings or reaching decisions that are the business of the authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the authority's Statutory Officers listed below: —
 - (i) the Head of Paid Service;
 - (ii) the s.151 Officer/ Chief Finance Officer;
 - (iii) the Monitoring Officer/ Chief legal Officer;

and give sufficient reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.
- (b) act reasonably and not prejudice or demonstrate bias, or be seen to prejudice or demonstrate bias, in respect of any decision.

3.7 **Compliance with the Law and the Authority's Rules and Policies**

You must:

- (a) (i) uphold the criminal law. You fail to uphold the criminal law if you are convicted or you have accepted an out of court disposal³ during your term of office;
- (ii) notify the Monitoring Officer within 14 days of any conviction or out of court disposal.
- (b) observe the law and the authority's rules governing the claiming of expenses and allowances in connection with your duties as a Councillor;
- (c) comply with NHDC's Members' Protocol for Gifts and Hospitality;
- (d) comply with any other policy which sets out requirements for Councillor conduct. This includes the Protocol on Member/Officer Working Arrangements and Planning Code of Good Practice for Members.

³ To include: simple caution, a conditional caution, any appropriate regulatory proceedings, a punitive or civil penalty, or prosecution-related disposal.

- (e) attend compulsory⁴ training provided by the authority or when directed to⁵ attend following the determination of a Councillor Conduct complaint.

PART 2 **COUNCILLORS' INTERESTS**

There are specific obligations on Councillors regarding the disclosure, declaration and participation in meetings which are set out in Part 2 below.

4. DISCLOSABLE PECUNIARY INTERESTS ('DPI's) AND DECLARABLE INTERESTS

DPIs

- 4.1 A Breach of the requirements relating to DPIs can constitute a criminal offence under Section 34 of the Localism Act 2011. DPIs are defined in the *Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012*, summarised at Appendix A⁶.
- 4.2 You have a DPI (as defined at Appendix A), if it is:
- (a) your interest; or
 - (b) an interest of a "relevant person" i.e. your spouse or civil partner (or equivalent co-habitee), and you are aware of that the relevant person has that interest.
- 4.3 If you have a DPI, you must within 28 days:
- (a) of election or appointment as a Councillor (whichever is later), notify the Monitoring Officer of your DPI on the Register of Interests form;
 - (b) notify the Monitoring Officer of any change to your DPIs on the register of interests form.
- 4.4 A copy of your Register of Interests form will (subject to paragraph 5) be available for public inspection and published on the authority's website.
- 4.5 If a function of the authority can be carried out by a Councillor acting alone and you have a DPI in any matter to be dealt with when carrying out that function, you must not take any steps, or any further steps, in relation to the matter, except to enable the matter to be dealt with by another Councillor who can carry out the function.

DECLARABLE INTERESTS

⁴ For the purposes of this Code, training will only be considered compulsory if designated as such by: a Statutory Officer 3.6 (a) i)-iii) with the agreement of Group Leaders; or decision of Full Council, Cabinet or Committee.

⁵ By the Monitoring Officer as part of informal resolution or Standards Sub-Committee both following a standards complaint, and a decision in the latter case that the Code has been breached.

⁶ From DCLG *Guide for Councillors "Openness and Transparency on Personal Interests" March 2013*

- 4.6 You have a Declarable Interest in an item of business of the authority where it relates to, or might reasonably be likely to affect:
- (a) the well-being or financial standing of you or a member of your family or your employer or a person or body with whom you have a close association to a greater extent than it would affect the majority of:
 - (i) the inhabitants of the ward affected by the decision; or
 - (ii) the inhabitants of the authority's administrative area where the decision affects the wider area.
 - (b) the interests listed in Appendix A to this Code, but in respect of a member of your family or your employer or a person or body with whom you have a close association; or
 - (c) the interests of any person or body from whom you have received a gift or hospitality with an estimated value of at least £50 (or such other figure set in the NHDC Members' Protocol for Gifts and Hospitality). You need not disclose this interest if it was received and / or registered more than six years before the date of the meeting; or
 - (d) 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);
 and that interest is not a DPI.

- 4.7 If you have a Declarable Interest you must within 28 days:

- (a) of election or appointment as a Councillor (whichever is later), notify the Monitoring Officer of any Declarable Interest listed under paragraph 4.6 (c) and/ or (d) on the register of interests form.
- (b) notify the Monitoring Officer of any change to the Declarable Interests listed under paragraph 4.6 (c) and/ or (d) on the register of interests form.

These will be on the same register of interests and arrangements as DPIs described at paragraphs 4.3 and 4.4.

5. SENSITIVE INTERESTS

- 5.1 A DPI or Declarable Interest will not be published or made available for inspection, or the details disclosed in meetings, where the nature of the interest is such that you and the Monitoring Officer have reasonable grounds for believing that disclosure could lead to you or a person connected with you being subject to violence or intimidation. If the Monitoring Officer agrees with you, it will then be considered a

“sensitive interest” for the purposes of this Code. The obligations in relation to not participating or voting in a meeting under paragraph 6 shall still otherwise apply.

- 5.2 You must, within 28 days of becoming aware of any change of circumstances that means that information excluded under paragraph 5.1 is no longer a sensitive interest, notify the Monitoring Officer. You must then enter the information on your register of interests as per the arrangements at paragraphs 4.3, 4.4 and/ or 4.7.

6. DECLARING INTERESTS, PARTICIPATING AND VOTING AT MEETINGS

DPIs

- 6.1. If you attend a meeting and have, and are aware that you have, a DPI in any matter to be considered, or being considered, at the meeting, then:
- (a) you must orally disclose the existence and nature of your DPI before the consideration of the item of business or as soon as it becomes apparent unless paragraph 5.1 applies; and
 - (b) you must not participate in any discussion of the matter at the meeting or vote; or
 - (c) if you become aware of your DPI during the meeting, you must not participate further in any discussion in the matter or vote;
- and in all cases
- (d) you must leave the room where the meeting is being held unless you have received a dispensation from the Monitoring Officer (see paragraph 7 & Appendix C).

DECLARABLE INTERESTS

- 6.2. If you attend a meeting and have, and are aware that you have, a Declarable Interest in any matter to be considered or being considered at the meeting, then:
- (a) you must orally disclose the existence and nature of your Declarable Interest before the consideration of the item of business or as soon as it becomes apparent unless paragraph 5.1 applies;
- and
- (b) If the Declarable Interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest, then you must not participate in the discussion, or vote on the item, and you must leave the room, *unless*:
 - (i) you have received a dispensation from the Monitoring Officer (see paragraph 7 & Appendix C); or
 - (ii) you wish to exercise a 'Councillor Speaking Right'. To do so you must comply with 6.2 (c).
 - (c) If you wish to exercise a Councillor Speaking Right:

(i) you must declare that you intend to do so at the same time as 6.2 (a) and such right will be subject to the time limits for public speaking; and

(ii) you must move to the public area of the meeting room before exercising the Speaking Right; and

(iii) once exercised, you must then leave the room before the debate and vote.

NOTE: a Councillor Speaking Right cannot be exercised at informal meetings. This cannot be exercised in relation to a DPI.

[NB OLD WORDING 6 & 7] **7. DISPENSATIONS**

- 7.1 Section 33 of the Localism Act 2011 allows the authority in certain circumstances to grant a dispensation to permit a Councillor to participate in the business of the authority, even if the Councillor has a DPI relating to that business. The authority has also decided that dispensations may be applied to Declarable Interests.
- 7.2 If you would like the authority to consider granting you a dispensation where you have a DPI or a Declarable Interest, you must make a prior written request to the Monitoring Officer. The grounds under which such an application will be considered are detailed in Appendix C.

APPENDIX A

Description of Disclosable Pecuniary Interests (from *DCLG Guide for Councillors "Openness and Transparency on Personal Interests" March 2013*⁷).

Further assistance may be obtained from the '**Guide to NHDC Code of Conduct**' available on the authority's website: <https://www.north-herts.gov.uk/home/council-and-democracy/councillors-mps-and-meps/councillors-code-conduct-and-declaration>

If you have any of the following pecuniary interests, they are your **Disclosable Pecuniary Interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Other payments received

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your Disclosable Pecuniary Interests following your election or re-election, or when you became aware you had a Disclosable Pecuniary Interest relating to a matter on which you were acting alone.

Contracts

⁷ Updated in September 2013.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Land

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Licences

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Corporate tenancies

Any tenancy where (to your knowledge) –

- the landlord is your council or authority; and
- the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Securities

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either –

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

APPENDIX B

Nolan principles of public life

<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

APPENDIX C

Dispensation grounds⁸

A dispensation may be granted only if, after having had regard to all relevant circumstances, the Monitoring Officer considers that—

- (a) without the dispensation the number of Councillors prohibited from participating in any particular business, would be so great a proportion of the body transacting the business, as to impede the transaction of the business;
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) granting the dispensation is in the interests of persons living in the authority's area;
- (d) without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

⁸ The full wording for the statutory grounds for a DPI dispensation can be found under section 33 Localism Act 2011

Received by the Monitoring Officer/ Deputy Monitoring Officer.....
Date.....



NORTH HERTFORDSHIRE DISTRICT COUNCIL

REGISTER OF COUNCILLOR'S INTERESTS

DISCLOSABLE PECUNIARY INTERESTS & DECLARABLE INTERESTS

The Register of interests is maintained by the Monitoring Officer at North Hertfordshire District Council in accordance with section 29 of the Localism Act 2011. It is a Councillor's responsibility to notify the Monitoring Officer of their interests and keep the Register up to date within 28 days of election or appointment or of any changes.¹

This form is the Register of Interests for the Councillor named below:

I, (full name)

a Councillor of North Hertfordshire District Council (the 'Council'), set out below under the appropriate headings my interests, which I am required to declare under the Localism Act 2011 and NHDC Code of Conduct.

DISCLOSABLE PECUNIARY INTERESTS ('DPIs')
<p>Councillors are required by law² to register not only their own interests, but also any known interests under these headings of a "relevant person" i.e. your husband or wife, civil partner, or the interests of any person with whom you are living as husband and wife or as civil partners, as these interests are all considered to be a Councillor's (i.e. your) DPIs³.</p>
<p>1. Employment, office, trade, profession or vocation Any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain (includes any payments or benefits in kind).</p>
<p>2. Sponsorship/ other payments received in respect of your role as a Councillor Any payment or provision of any other financial benefit made or provided within the last 12 months in respect of any expenses incurred by you in carrying out duties as a Councillor or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. You are not required to declare allowances or expenses received from NHDC on this form.</p>

¹ NB if you require any assistance as to how to complete this document, please contact the Monitoring Officer or Deputy Monitoring Officer. Please return the **original form** marked for the attention of the Monitoring Officer of North Hertfordshire District Council.

² Localism Act 2011/ Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

³ The exception is if this is a "Sensitive Interest" – see Code of Conduct. This must be agreed with the Monitoring Officer.

3. Contracts

Any contract for goods, services or works made between you, a relevant person (or a body in which you or the relevant person has a beneficial interest) and the Council, which has not been fully discharged.

4. Land

Any beneficial interest in land that you or a relevant person has within the Council area. Note this includes the full address for residential or commercial premises and for other land, a road/ map identification or TR/OS Grid reference.

5. Licences

Any licence (alone or jointly with others) which you, or a relevant person has to occupy land in the Council area for a month or longer.

6. Corporate tenancies

Any tenancy between the Council as landlord and you, or a relevant person (or a body you or a relevant person has a beneficial interest in).

7. Securities

Any beneficial interest you or a relevant person has in securities of a body, where (to your knowledge):

a) that body has a place of business or land in the Council area; and

b) either

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issue share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have or a person referred to above has a beneficial interest exceeds one hundredth of the total issue share capital of that class.

DECLARABLE INTERESTS

In addition to the above, a Councillor is required to register Declarable Interests (those applying under paragraph 4.6 (c) and (d) of the NHDC Code).

8. Gifts & Hospitality

That you have received in the last 6 years *related to your role as Councillor* with an estimated value of at least £50. *You are not required to detail facilities or hospitality provided by the Council.* Otherwise, please detail:

- the gift or hospitality received,
- date it was received, and
- Person/ company/ body who provided this and their full address.

9. 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 & position (i.e. Director, Trustee, member/ representative/ observer).

<p>10. AMENDMENTS TO 1-9 ABOVE, WHERE THERE IS A MINOR CHANGE/ AMENDMENT TO ONE SECTION.</p> <p>This can be detailed below with reference to the relevant section, initialled and dated [eg <i>Details under section 7 above are now as follows</i>].</p>

I have noted that it can be a criminal offence under the Localism Act 2011, and a potential breach of the NHDC Code to:-

- (1) omit information that must be given in this Register;
- (2) knowingly or recklessly provide information that is materially false or misleading;
- (3) fail to provide up to provide up to date information on my interests within 28 days.

I believe that the information provided by me in this Register is true.

If I have put "none", this is where I have no interest or am unaware of such interest in that heading. I acknowledge that section 29(5) Localism Act 2011 requires the Monitoring Officer to make this Register of Interests available for inspection and publish it on the Council's website.

Councillor signature :-----

[NB your signature will be redacted before being put on the Council's website]

Date:-----

Received by the Monitoring Officer/ Deputy Monitoring Officer (initialled).....

Date.....



NORTH HERTFORDSHIRE DISTRICT COUNCIL

REGISTER OF COUNCILLOR'S INTERESTS

DISCLOSABLE PECUNIARY INTERESTS & DECLARABLE INTERESTS

The Register of interests is maintained by the Monitoring Officer at North Hertfordshire District Council in accordance with section 29 of the Localism Act 2011. It is a Councillor's responsibility to notify the Monitoring Officer of their interests and keep the Register up to date within 28 days of election or appointment or of any changes.¹

This form is the Register of Interests for the Councillor named below:

I, (full name)

a Councillor of North Hertfordshire District Council (the 'Council'), set out below under the appropriate headings my interests, which I am required to declare under the Localism Act 2011 and NHDC Code of Conduct.

<u>DISCLOSABLE PECUNIARY INTERESTS ('DPIs')</u>
<p>Councillors are required by law² to register not only their own interests, but also any known interests under these headings of a "relevant person" i.e. your husband or wife, civil partner, or the interests of any person with whom you are living as husband and wife or as civil partners, as these interests are all considered to be a Councillor's (i.e. your) DPIs³.</p>
<p>1. Employment, office, trade, profession or vocation Any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain (includes any payments or benefits in kind.</p>
<p>2. Sponsorship/ other payments received in respect of your role as a Councillor Any payment or provision of any other financial benefit made or provided within the last 12 months in respect of any expenses incurred by you in carrying out duties as a Councillor or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. You are not required to declare allowances or expenses received from NHDC on this form.</p>

¹ NB if you require any assistance as to how to complete this document, please contact the Monitoring Officer or Deputy Monitoring Officer. Please return the **original form** marked for the attention of the Monitoring Officer of North Hertfordshire District Council.

² Localism Act 2011/ Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

³ The exception is if this is a "Sensitive Interest" – see Code of Conduct. This must be agreed with the Monitoring Officer.

3. Contracts

Any contract for goods, services or works made between you, a relevant person (or a body in which you or the relevant person has a beneficial interest) and the Council, which has not been fully discharged.

4. Land

Any beneficial interest in land that you or a relevant person has within the Council area. Note this includes the full address for residential or commercial premises and for other land, a road/map identification or TR/OS Grid reference.

5. Licences

Any licence (alone or jointly with others) which you, or a relevant person has to occupy land in the Council area for a month or longer.

6. Corporate tenancies

Any tenancy between the Council as landlord and you, or a relevant person (or a body you or a relevant person has a beneficial interest in).

7. Securities

Any beneficial interest you or a relevant person has in securities of a body, where (to your knowledge):

a) that body has a place of business or land in the Council area; and

b) either

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issue share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have or a person referred to above has a beneficial interest exceeds one hundredth of the total issue share capital of that class.

DECLARABLE INTERESTS

In addition to the above, a Councillor is required to register Declarable Interests (those applying under paragraph 4.6 (c) and (d) of the NHDC Code).

8. Gifts & Hospitality

That you have received in the last 6 years *related to your role as Councillor* with an estimated value of at least £50. *You are not required to detail facilities or hospitality provided by the Council.* Otherwise, please detail:

- the gift or hospitality received,
- date it was received, and
- Person/ company/ body who provided this and their full address.

9. 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 & position (i.e. Director, Trustee, member/ representative/ observer).

<p>10. AMENDMENTS TO 1-9 ABOVE, WHERE THERE IS A MINOR CHANGE/ AMENDMENT TO ONE SECTION.</p> <p>This can be detailed below with reference to the relevant section, initialled and dated [eg <i>Details under section 7 above are now as follows</i>].</p>

I have noted that it can be a criminal offence under the Localism Act 2011, and a potential breach of the NHDC Code to:-

- (1) omit information that must be given in this Register;
- (2) knowingly or recklessly provide information that is materially false or misleading;
- (3) fail to provide up to provide up to date information on my interests within 28 days.

I believe that the information provided by me in this Register is true.

If I have put "none", this is where I have no interest or am unaware of such interest in that heading. I acknowledge that section 29(5) Localism Act 2011 requires the Monitoring Officer to make this Register of Interests available for inspection and publish it on the Council's website.

Councillor signature :-----

[NB your signature will be redacted before being put on the Council's website]

Date:-----

RECEIVED
Signed:
Proper Officer of North Hertfordshire Council
Date:

COUNCIL 23 NOVEMBER 2017

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
----------------------------------	------------------------

	8
--	----------

TITLE OF REPORT: CAPITAL PROPOSAL TO PURCHASE FOOD WASTE CADDIES

JOINT REPORT OF THE HEAD OF LEISURE AND ENVIRONMENTAL SERVICES AND HEAD OF FINANCE, PERFORMANCE AND ASSET MANAGEMENT
EXECUTIVE MEMBERS: COUNCILLOR MICHAEL WEEKS AND COUNCILLOR JULIAN CUNNINGHAM
COUNCIL PRIORITY: ATTRACTIVE AND THRIVING/ RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1. This report seeks agreement from Council to add £132k to the Capital Programme for the purchase of food waste caddies. The purchase of 23 Litre plastic caddies is the most cost effective way of providing a weekly food waste collection.

2. RECOMMENDATIONS

- 2.1 That Council agrees that **£132k** is added to the Council's Capital Programme for the purchase of food waste caddies.

3. REASONS FOR RECOMMENDATIONS

- 3.1 At their meeting on 16th October 2017, Cabinet resolved to introduce a weekly food waste collection service. Providing each household with a plastic caddy is the most cost effective way of providing this service.
- 3.2 23 litre plastic caddies are used across the Country and are a tried and tested solution for the collection of food waste.
- 3.3 Food waste is currently collected in 23 litre plastic caddies from a number of properties in North Hertfordshire where they do not have space to store the larger 240 litre mixed food and garden waste bin (mainly flats).

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative is to provide each household with a weekly paper sack to put their food waste in to. Whilst there is no up-front capital cost for this option, the long-term costs would be higher. Year one costs estimated at circa £206k with subsequent years £120k per annum. The service would be restrictive with some residents not wishing to use the paper sacks and participation would therefore be lower. Communication campaigns would require residents only to place paper sacks out for collection in a dry location to

prevent them splitting when lifted. Paper sacks could get saturated if stored with food waste for a prolonged period or ripped and opened by wildlife which could lead to food waste falling out of the sack and on to the street with the potential for additional street cleansing costs. Paper is also considered a contaminant in the composting stream and this therefore may impact on the payment received from the Alternative Financial Model (AFM). The current specification in the contract for food waste collection is based on the use of caddies and additional costs may accrue with paper sacks. This option is therefore not recommended.

- 4.2 The Environmental Protection Act 1990 allows for Councils to charge residents for the provision of containers. This is not common practice and officers are not aware of this legislation having been used at the start of a new food waste collection service, this is therefore not recommended.
- 4.3 The Environmental Protection Act 1990 allows for Councils to require residents to provide their own receptacle in order to receive a collection service. This is not common practice in other Councils, other than for materials which are suitably contained within sacks (e.g. NHDC's textile collection service requires residents to place bags out in a see through sack which the resident provides). In addition the nature of food waste means that suitable containers would need to be specified by the Council to ensure collection crews are not adversely impacted by the container chosen. Suitable containers although available are not common in DIY stores or supermarkets and where they are available they are at considerably higher costs than the Council can procure them for. Therefore this option is not recommended.
- 4.4 The contract that has now been awarded is for weekly food collection. Aside from the options above, there is no other way for the food waste to be collected as a recycling material.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Hertfordshire County Council have been consulted on the decision to collect food waste.
- 5.2 Environmental Health has been consulted on the proposal to collect food waste and have recommended the use of the 23L caddy over sacks on environmental and public health grounds as they are significantly more resistant to penetration from vermin such as rats and mice, help reduce the release of nuisance odours, and access by flies.

6. FORWARD PLAN

- 6.1 This report is linked to the award of the joint waste contract, which was first notified to the public in the Forward Plan on the 5th May 2017.

7. BACKGROUND

- 7.1 At their meeting on 16th October 2017, Cabinet resolved to introduce a weekly food waste collection service. Providing each household with a plastic caddy is the most cost effective way of providing this service. Cabinet further resolved "that, unless alternative sources of funding for this purpose can be identified, £125,000 be added to the capital programme for the purchase of food waste caddies that will allow the weekly collection of food waste". The Cabinet recommendation was based on a purchase price for each caddy of £2.50. Following a more detailed review of the procurement options available, it has been determined that the best price is likely to be £2.59 per caddy

based on current framework options available to the Council. This is the reason for the small increase in the capital allocation requested.

- 7.2 The current kitchen caddies provided to households are 7 litres in size. These larger caddies (23 litres) are designed to be kept outside.

8. RELEVANT CONSIDERATIONS

- 8.1 Providing each household with a food waste caddy is the most cost effective way of providing a weekly food waste service. It is also the most efficient way of providing the service and minimises the risk of any spillages.
- 8.2 The caddies can be purchased under a framework contract at a rate of £2.59 each, which equates to a total cost of around £132k for the 51,000 households that would need to be provided with one. There would also be an up-front (revenue) cost for delivering the caddies to the households of around £1 per caddy. Both of these costs were considered by Cabinet in determining whether to introduce this service. The expected life of the food caddies is 7 years and whilst there would be a requirement for some replacements due to loss or damage, past experience has shown that this is likely to be very low. A 1% replacement rate would equate to a revenue cost of around £2k per year (including the caddy and delivery), or around £14k over a 7 year period.
- 8.3 The alternative would be to provide each household with a paper sack on a weekly basis.
- 8.4 The cost to purchase an initial starter pack of 10 paper sacks per household is estimated at £114k based on prices available on a current procurement framework contract. Replacements for these are then required following week 10 of the service. If replacements are made on a per use basis, when participation rates are considered, the additional annual cost in year one would be approximately £92k. Subsequent year replacements costs, also based on similar participation, would be circa £118k or a cost of £914k over 7 years.
- 8.6 As well as being more expensive, the paper sacks will not be as resilient. Whilst they will be made to 'wet strength' specification, a combination of wet food waste and rainy conditions could lead to them splitting particularly where they have remained wet for a few days prior to collection. They may also be susceptible to vermin trying to get to the food inside. Residents are likely to be reluctant to store sacks of food waste inside their house prior to collection and if residents feel that this likely to cause a mess near their house then they may not use the sacks, which could have a detrimental impact on the participation rates and Council's recycling rates, for this reason a lower participation rate, than for plastic caddies has been used to calculate anticipated on going revenue costs.
- 8.7 Charging residents for plastic caddies would also discourage participation impacting on the recycling rate and consequently AFM payments. In addition, there would be significant administrative and customer service revenue costs associated with introducing a charge for these small containers which is likely to be higher than the cost of the container itself. Delivery costs of containers on an ad-hoc basis is also higher with a greater impact on revenue budgets than a one off delivery of plastic caddies.

8.8 Any food waste which ends up in the residual (purple) bins as a consequence of not providing plastic caddies will have a negative impact on the 'whole system costs' of providing waste collection and the costs to Hertfordshire County Council. This in turn will likely negatively impact on the payments made by them to NHDC through the AFM.

9. LEGAL IMPLICATIONS

9.1 The decision to implement weekly food waste collections was a Cabinet decision. Full Council is responsible for the overall capital budget and changes made to it. Under the Financial Regulations "authority from the Council is required for expenditure to be incurred on any items not included in the approved capital programme".

10. FINANCIAL IMPLICATIONS

10.1 These are covered in section 8. The revenue implications of purchasing food caddies would just relate to delivery and any replacements as a result of loss or damage. These replacements would be revenue expenditure, as the cost would be below the threshold for treating as capital expenditure.

10.2 The estimated capital cost of purchasing the food caddies is £132k. These would be purchased and delivered in advance of the service starting in May 2018.

11. RISK IMPLICATIONS

11.1 There are no significant risk implications arising from this report. The option to purchase plastic food waste caddies is considered to be lower risk than the alternatives.

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 Equalities impacts were considered by Cabinet in relation to the decision to implement weekly food waste collection and the equalities impact assessment will be reviewed as the details of the service provision are finalised. There are no equalities impacts arising from this decision.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and "go local" policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

14.1 None have been identified.

15. APPENDICES

15.1 None.

16. CONTACT OFFICERS

- 16.1 Vaughan Watson, Head of Leisure and Environmental Services
vaughan.watson@north-herts.gov.uk; ext 4641
- 16.2 Ian Couper, Head of Finance, Performance and Asset Management
ian.couper@north-herts.gov.uk; ext 4642
- 16.3 Chloe Hipwood, Service Manager, Waste and Recycling
chloe.hipwood@north-herts.gov.uk, ext 4304

17. BACKGROUND PAPERS

- 17.1 Cabinet reports from meeting held on 16th October 2017.

This page is intentionally left blank

COUNCIL
23 NOVEMBER 2017

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 9
----------------------------------	--

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

REPORT OF THE HEAD OF FINANCE, PERFORMANCE AND ASSET MANAGEMENT
EXECUTIVE MEMBER: COUNCILLOR JULIAN CUNNINGHAM
COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

1.1 As required by the Constitution, this report informs Full Council of the use of urgency provisions in respect of the decision:

“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.”

1.2 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 call-in period and still meet the application deadline set by the Department for Communities and Local Government.

2. RECOMMENDATIONS

2.1 That Council note that, due to urgency, the Delegated Decision in respect of the Business Rates Pilot and Pooling Application was not subject to call-in.

3. REASONS FOR RECOMMENDATIONS

3.1 Where urgency provisions are applied under section 6.3.11 (b) (i) of the Constitution there is a requirement that this is reported to the next available Full Council meeting.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 It was not possible for the decision to be made so that there was time for a call-in period and still meet the Department for Communities and Local Government deadline.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Chairman of the Council agreed to the application of section 6.3.11 (b) (i) of the Constitution in respect of this decision.

- 5.2 As required by the Cabinet decision, the Executive Member for Finance and IT was consulted on this decision.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.
- 6.2 The decision that was decision to be taken under delegated authority was a key decision that was first notified to the public in the Forward Plan on the 14th September 2017.

7. BACKGROUND

- 7.1 On the 1st September 2017, the Department for Communities and Local Government (DCLG) issued an invitation to Local Authorities to become Business Rates pilots. This document also referenced the opportunity to apply to become a Business Rates pool.
- 7.2 At its meeting on 26 September considered a report highlighting the potential rewards and risks of a Business Rates Pilot and Pool. Given the timing of the announcement it was appreciated that there was further work to be undertaken to fully understand these potential rewards and risks. It was therefore resolved that “Cabinet delegates to the Head of Finance, Performance and Asset Management, in consultation with the Executive Member for Finance and IT, authority to decide whether NHDC should be part of the application for a Business Rates pilot and / or a Business Rates pool.”
- 7.3 The deadline set by the Department of Communities and Local Government (DCLG) for Pool and/ or Pilot applications was 27th October 2017.

8. RELEVANT CONSIDERATIONS

- 8.1 Following a lot of further work a final business case was made available on Tuesday 24th October 2017. To coordinate all eleven Authorities in time for the DCLG deadline it was necessary for a final decision to be made by Wednesday 25th October 2017. This therefore did not allow for a five day call-in period.
- 8.2 It is forecast that a Business Rate pool could provide additional funding to the Council of around £1.1 million (one-off). Any delay in making the decision would have meant that the application would not have met the deadline. It was therefore determined that a delay would have “seriously prejudice[d] the Council’s ... interests”.
- 8.3 The decision was therefore taken that North Hertfordshire District Council (NHDC) 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 .

9. LEGAL IMPLICATIONS

- 9.1 The Cabinet meeting on 26 September resolved that “Cabinet delegates to the Head of Finance, Performance and Asset Management, in consultation with the Executive Member for Finance and IT, authority to decide whether NHDC should be part of the application for a Business Rates pilot and / or a Business Rates pool.”

- 9.2 Urgency provisions have been applied to this decision. The Chairman of the Council was consulted and agreed to this (Constitution 6.3.11 (b) (i)). As required by the Constitution this is now being reported to Full Council.

10. FINANCIAL IMPLICATIONS

- 10.1 Based on current forecasts, the Council could achieve additional funding of around **£1.1 million** under a Business Rates Pilot and be able to bid for part of the central pot. Under a Business Rates pool, NHDC could achieve additional funding of around **£0.4 million**. This additional funding would be one-off in nature and there may be delays as to when it can be spent as the Business Rates position is generally not resolved until the end of the year, and most of the funding flows through the Collection Fund. Whilst this additional funding can be used for sustainability (i.e. towards General Fund expenditure), there is an expectation that some of it should be used for new projects that drive economic growth.
- 10.2 There are no specific capital implications arising from this decision. As with any revenue funding, it can be used towards capital projects and it is likely that schemes that provide economic growth could be capital in nature.

11. RISK IMPLICATIONS

- 11.1 The amounts quoted are based on Business Rate forecasts and are therefore subject to uncertainty as a result of the premises that Businesses use and also appeals over their rateable value.
- 10.2 The DCLG introduced a “no detriment” clause for Business Rate pilots, which has substantially eliminated any remaining risks.

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 arising from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no Human Resources implications arising from this decision.

15. APPENDICES

None.

16. CONTACT OFFICERS

- 16.1 Ian Couper, Head of Finance. Performance and Asset Management
ian.couper@north-herts.gov.uk; ext 4243

- 16.2 Jeanette Thompson, Acting Corporate Legal Manager
jeanette.thompson@north-herts.gov.uk; ext 4370
- 16.3 Reuben Ayavoo, Senior Policy Officer
reuben.ayavoo@north-herts.gov.uk; ext 4212

17. BACKGROUND PAPERS

The decision notice was published on the Council's website:

<https://www.north-herts.gov.uk/sites/northherts-cms/files/Business%20Rates%20Pilot-Pool%202018-19%20-%20Urgency%20Decision.pdf>

COUNCIL 23 NOVEMBER 2017

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 10
----------------------------------	---

TITLE OF REPORT: APPOINTMENT OF ACTING MONITORING OFFICER

REPORT OF THE CHIEF EXECUTIVE
EXECUTIVE MEMBER: N/A
COUNCIL PRIORITY: PROSPER AND PROTECT

1. EXECUTIVE SUMMARY

- 1.1 To consider the appointment of an Acting Monitoring Officer following the appointment of the existing Monitoring Officer to the role of Deputy Chief Executive. This is a temporary appointment until the conclusion of the next phase of the senior management restructure.

2. RECOMMENDATIONS

- 2.1 That Council exercises its right to appoint an Acting Monitoring Officer without requiring a recommendation of the Employment Committee.
- 2.2 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.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The recommendation is the best way of ensuring that the Authority complies with its statutory requirements.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The requirement to appoint to the post of Monitoring Officer is a duty, however, it is not necessary for that person to be a lawyer. Another officer within the Council could be appointed to the role, but no other officer currently has the experience necessary to fulfil this post following the promotion of the existing Monitoring Officer.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Standards Committee was advised of this report at its meeting on 10 October 2017.

6. FORWARD PLAN

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

7. BACKGROUND

- 7.1 The duties of the Monitoring Officer are carried out by the Corporate Legal Manager in the appointed role as Monitoring Officer. The Senior Lawyer is appointed by the Monitoring Officer as Deputy Monitoring Officer.
- 7.2 Members will be aware that the previous Corporate Legal Manager and Monitoring Officer has been appointed as Deputy Chief Executive with effect from 1 November 2017. He has temporarily retained the title of Monitoring Officer pending this report to Full Council. The Senior Lawyer has been appointed as Acting Corporate Legal Manager from 1 November 2017 until such time as the completion of the senior management restructure and the appointment of a permanent Monitoring Officer by Full Council.

8. RELEVANT CONSIDERATIONS

- 8.1 Section 5 of the Local Government and Housing Act 1989 states that Local Authorities must designate one of their officers as the "Monitoring Officer." It is important to note that appointing an officer to this post is a duty rather than a power.
- 8.2 A Council's Monitoring Officer has a broad role in ensuring the lawfulness and fairness of Council decision-making, ensuring compliance with Codes and Protocols, promoting good governance and high ethical standards within the authority.
- 8.3 It is considered that the responsibilities and demands on the Deputy Chief Executive role are incompatible with the responsibilities and demands on the Monitoring Officer function.
- 8.4 It is therefore recommended that the Acting Corporate Legal Manager is appointed as Acting Monitoring Officer with immediate effect, until the completion of the senior management restructure. The Acting Corporate Legal Manager has been Senior Lawyer and Deputy Monitoring Officer at this Council since January 2015 and was previously Monitoring Officer at East Cambridgeshire District Council from 2007 to 2014. She is therefore able to bring significant experience to the role.
- 8.5 Additionally there is an ongoing arrangement with Broxbourne Borough Council. The Monitoring Officer at Broxbourne can act as a Deputy Monitoring Officer for North Herts District Council, and will continue in support of the Acting Monitoring Officer.
- 8.6 The Monitoring Officer will also appoint internal officers as Deputy Monitoring Officer(s).

9. LEGAL IMPLICATIONS

- 9.1 The appointment of the Monitoring Officer is a function for the Full Council. The Constitution ordinarily requires that appointment to the role of Monitoring Officer shall be by recommendation from the Employment Committee. However, because this is a temporary appointment without any need for a selection process, it is appropriate for

the Council to make this decision without prior recommendation of the Employment Committee (Council has the power to override any delegation if it chooses to do so).

9.2 Failure to appoint an Acting Monitoring Officer could put the Council at risk of challenge for failure to comply with a statutory duty, however, the risk of such challenge is minimal.

9.3 The duty under the 1989 Act is to 'designate one of their officers' as Monitoring Officer, however the Monitoring Officer role cannot be designated to either the Head of Paid Service (Chief Executive) following a restriction within the Local Government Act 2000, or the section 151 Officer (Strategic Director of Finance and Regulatory Services) as stated in section 151 Local Government Finance Act 1988.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications as this interim appointment is covered within existing budgets.

11. RISK IMPLICATIONS

11.1 There are no risks other than that already identified in paragraph 9.2.

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.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and "go local" policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

11.1 There are no contractual implications as the officer appointed to the Acting Corporate Legal Manager role is willing to undertake the duties of Acting Monitoring Officer.

11.2 The Acting Monitoring Officer will be subject to those employment rights set out in the Officers' Employment Procedure Rules.

15. APPENDICES

15.1 None.

16. CONTACT OFFICERS

16.1 David Scholes, Chief Executive
david.scholes@north-herts.gov.uk; ext 4300

17. BACKGROUND PAPERS

17.1 Section 12.3 of the Council's Constitution – Functions of the Monitoring Officer.

This page is intentionally left blank

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 11
----------------------------------	-------------------------------------

TITLE OF REPORT: QUESTIONS FROM MEMBERS

To consider any questions submitted by Members of the Council, in accordance with Standing Order 4.8.11(b).

THIS PAGE IS BLANK

COUNCIL 23 NOVEMBER 2017

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 11A
----------------------------------	--

TITLE OF REPORT: QUESTIONS FROM MEMBERS

In accordance with Standing Order 4.8.11(b), the following question has been submitted by a Member to a Cabinet Executive Member:

(A) District Wide Survey

Councillor Paul Clark to Councillor Lynda Needham (Leader of the Council):

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

THIS PAGE IS BLANK

COUNCIL 23 NOVEMBER 2017

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 11B
----------------------------------	--

TITLE OF REPORT: QUESTIONS FROM MEMBERS

In accordance with Standing Order 4.8.11(b), the following question has been submitted by a Member to a Cabinet Executive Member:

(B) Staffing at North Hertfordshire Museum and Community Facility

Councillor Martin Stears-Handscomb to Councillor Lynda 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?”

THIS PAGE IS BLANK

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 12
----------------------------------	-------------------------------------

TITLE OF REPORT: NOTICE OF MOTIONS

To consider any Motions submitted by Members of the Council, due notice of which has been given in accordance with Standing Order 4.8.12. The following motion has been submitted.

(A) Public Sector Pay

To be moved by Councillor Frank Radcliff 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.”

THIS PAGE IS BLANK

TITLE OF REPORT: NOTICE OF MOTIONS

To consider any Motions submitted by Members of the Council, due notice of which has been given in accordance with Standing Order 4.8.12. The following motion has been submitted.

(B) Homelessness

To be moved by Councillor Clare Billing and seconded by Councillor Martin Stears-Handscomb:

“That this Council:

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.”

THIS PAGE IS BLANK