

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Spirella Ballroom, Icknield Way, Letchworth Garden City on
Tuesday, 10th April, 2018 at 7.30 pm

PRESENT: Councillors Councillor Alan Millard (Chairman), Ian Albert, David Barnard, Judi Billing, John Booth, Paul Clark, Julian Cunningham, Bill Davidson, Steve Deakin-Davies, Sarah Dingley, Jane Gray, Jean Green, Gary Grindal, Nicola Harris, Simon Harwood, Steve Hemingway, Cathryn Henry, Fiona Hill, Terry Hone, Tony Hunter, Steve Jarvis, Lorna Kercher, David Levett, Bernard Lovewell, Sandra Lunn, Ian Mantle, Jim McNally, Paul Marmont, Gerald Morris, Michael Muir, Lynda Needham, Janine Paterson, Frank Radcliffe, Mike Rice, Ray Shakespeare-Smith, Val Shanley, 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), Jeanette Thompson (Acting Corporate Legal Manager) and Ian Gourlay (Committee and Member Services Manager).

ALSO PRESENT: 8 members of the public.

81 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Bishop (Vice-Chairman), Elizabeth Dennis, Ben Lewis, Deepak Sangha and Terry Tyler.

82 MINUTES - 8 FEBRUARY 2018

It was moved by Councillor Lynda Needham, seconded by Councillor Julian Cunningham, and

RESOLVED: That, subject to the date at the head of the minutes being corrected to read "8 February 2018", the Minutes of the meeting of the Council held on 8 February 2018 be approved as a true record and signed by the Chairman.

83 NOTIFICATION OF OTHER BUSINESS

No additional business was presented for consideration by the Council.

84 CHAIRMAN'S ANNOUNCEMENTS

(1) Councillors not standing for re-election

The Chairman thanked all councillors not standing for re-election at the forthcoming District Council Elections, namely Councillors Jane Gray, Lorna Kercher, Sandra Lunn, Frank Radcliffe, Ray Shakespeare-Smith and Adrian Smith.

The Chairman wished all existing councillors standing for re-election good luck in those Elections.

Various Members made tributes to each of the above-named councillors, and thanked them for their help and support over the years.

(2) Councillor Lorna Kercher

At the Chairman's invitation, Councillor Frank Radcliffe (Leader of the Labour Group) paid particular tribute to Councillor Lorna Kercher, who was attending her final Council meeting after 30 years' service. He stated that Councillor Kercher had done a sterling job over that time and, as well as her Council work, had been involved with the Letchworth Garden City Heritage Foundation and numerous voluntary sector groups, including the Howard Garden Social and Day Care Centre. He thanked her for all the help and support she had given him during his time on the Council and wished her all the best for the future.

Tributes to Councillors Kercher were also made by Councillors Cunningham, Needham, Stears-Handscomb and Clark.

Councillor Kercher thanked Members for their kind words. She had thoroughly enjoyed her time with the Council, and had particularly fond memories of her year as Chairman of the Council in 1998. She had particularly enjoyed work she had carried out on behalf of her constituents and her voluntary sector work. She thanked Members of all parties, and officers of the Council for their advice and support during her time in office. She commented that it had been a pleasure to have worked with her Labour colleagues, and wished everyone the best of luck for the future.

(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.

85 PUBLIC PARTICIPATION

The Council was addressed by Mr Brian Foreman (Arts Council for North Hertfordshire).

Mr Foreman advised that, as Chairman of the Arts Council for North Hertfordshire since 2000, his Committee was concerned that without the Arts Council's annual grant from NHDC from April 2019, it would be unable to continue. He had come cap in hand to request that NHDC kindly reviewed this decision as they were a unique body which had been in existence for the last 50 years.

Mr Foreman stated that the Arts Council sought to distribute the money given to it by NHDC to help organisations throughout the District to put on arts events to benefit the community. Whilst this could be in the form of a grant, it was often better to make the award as a consideration against loss. In the course of a year the Arts Council handled about 30+ applications, mainly from the 21 organisations who applied on a regular basis. The events included district festivals, dramatic productions, and concerts of choral, orchestral, chamber and folk music. There were also requests for funding from film clubs, music clubs and for art and design exhibitions. New applications were sometimes received from people promoting special arts events to be held for the first time in the District.

Mr Foreman explained that the origins of the Arts Council went back to the 1960s and was the brainchild of George Thomas, the first Principal of the new Hitchin College of Further Education. He appointed Mr Foreman as an assistant lecturer, mainly to teach academic subjects, but his interests were, like Mr Thomas, in the Arts. Mr Foreman started producing plays in experimental theatre and created dance dramas, which featured in local competitions in Letchworth and Luton. He established an orchestra, together with a choir, which included general education students, secretarial and motor vehicle mechanics. Michael Markham was appointed to set up the art and pottery studies with full-time, as well as part-time, students. Mr

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Thomas was able to forge a partnership with the local authority and the Arts Council was created.

Mr Foreman advised that, due to ill health, he retired in 1993 as Head of Arts, but continued on the Arts Council Committee. The Arts Council's President was a well renowned local architect (especially in Letchworth) named Dr Mervyn Miller, who had a tremendous knowledge of music. As did Peter Hewitt, the Chief Executive of the Benslow Music Trust, who was on the Committee. Other members included for Drama, Edith Pratt, who managed the Queen Mother Theatre, and Ann Cook, Mr Foreman's deputy, who worked with the Thespians and had a sound knowledge of musical theatre. Nigel Markham, son of Michael, also became an architect and was in charge of Art at the College.

Mr Foreman stated that the Arts Council was lucky in having Ros Allwood as its NHDC officer and 5 councillors on its committee – Alan Millard, John Booth, Steve Deakin-Davies, Elizabeth Dennis and Frank Radcliffe, making a total of 17.

Mr Foreman commented that the Arts Council was a registered charity, with a constitution which included promoting the Arts throughout the District. The Committee, which was voluntary, met every 6-8 weeks and was blessed with people who had considerable expertise in the arts. The Committee attempted to meet the criteria as laid down by NHDC, in order to endeavour to spread the money out to all parts of the District.

Mr Foreman explained that the Arts Council's treasurer carefully counted every penny and sometimes had to play "Scrooge", due to the reduction in funding of 8% each year in recent years. The Arts Council's grant from NHDC, unless reviewed, would cease for the next (2019/20) financial year, and in 2018/19 it was expected that the small reserve would be used to help finance applications

Mr Foreman asked if NHDC could kindly grant the Arts Council say £10,000 per annum, like every other Hertfordshire County Councillor, then this could be good news to present to its Annual general Meeting to be held on 6 June 2018 in Mrs Howard Hall, Letchworth Garden City.

The Chairman thanked Mr Foreman for his presentation.

86 COUNCIL CONSTITUTION - ANNUAL REVIEW 2018

The Council considered the report of the Acting Corporate Legal Manager and Monitoring Officer in respect of the 2018 Annual Review of the Council's Constitution. The following appendix was submitted with the report:

Appendix A – Schedule of proposed amendments to the Constitution.

The Acting Corporate Legal Manager and Monitoring Officer advised the proposed amendments were summarised in the report and set out in more detail in Appendix A. She went through the proposed amendments section by section, and commented that the Constitution would require further amendment following the conclusion of the Senior Management Restructuring process.

It was moved by Councillor Lynda Needham, and seconded by Councillor Julian Cunningham, that the recommendations contained in the report be approved.

As an amendment, it was moved by Councillor Judi Billing, and seconded by Councillor Ian Albert, that Paragraph 4.8.4 of the Constitution should be amended as follows:

“4.8.4 Substitute Members to Committees and Sub-Committees

(a) Any Member may act as a Substitute in place of a Member from their political group. However, any Member substituting at the Planning Control Committee will need to have undertaken any necessary training before acting as a substitute.

(b) The Committees for which substitutes are permitted are; Employment Committee, Planning Control Committee, Overview and Scrutiny Committee, Finance, Audit and Risk Committee, Council Tax Setting Committee, Joint Staff Consultative Committee and the Standards Committee. Substitutes will also be permitted at other ad hoc Task Groups and Working Parties established by the Council or a Council Committee.

(c) Substitute Members will have all the powers and duties of any ordinary member of the Committee but will not be able to exercise any special powers or duties exercised by the person they are substituting.

(d) Substitute Members may attend meetings in that capacity only:

(i) to take the place of an ordinary member;

(ii) when the ordinary member will be absent for the whole of the meeting;

(iii) after notifying the Proper Officer by 12 noon on the day of the meeting of the intended substitution.”

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

As a further amendment, it was moved by Councillor Ian Albert, and seconded by Councillor Frank Radcliffe, that the second sentence of Paragraph 4.8.11(f) of the Constitution be amended to delete the word “three” and insert “six”, so the sentence reads:

“The maximum number of questions that may be asked at any meeting of the Full Council is six.”

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

As a further amendment, it was moved by Councillor Martin Stears-Handscorn, and seconded by Councillor Judi Billing, that a new recommendation 2.3 be added to the report to read:

“That the Council agrees to establish a cross-party group to review which key decisions are of such importance that they should be exercised by Cabinet by recommendation to Council. The group should report back to Council in the new Civic year with recommendations.”

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

As a further amendment, it was moved by Councillor David Levett, and seconded by Councillor Julian Cunningham, that

“Recommendation 2.2 of the report be amended to read:

delegates to the (Acting) Corporate Legal Manager & Monitoring Officer, in agreement with the Leader, authority to make such amendments as are necessary to the Constitution to give effect to the Senior Management Restructure post implementation and once finalised to report these to the subsequent Council meeting.

Table of Amendments – Appendix A

- (a) Page 7 - Section 2.4
Insert after revisions ' ... as defined in para. 2.6 of the Constitution.....'
- (b) Page 10 - Section 4.8.9
Delete '....by delivering it...'
- (c) Page 13 - Section 5.6.22
Delete the word 'capital'
- (d) Page 13 - Section 5.6.23
Delete the word 'capital'
- (e) Page 16 - Section 8.4.5
Change 'shall' in last line to 'may' ”
Following debate, and upon being put to the vote, the amendment was carried.

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

RESOLVED:

- (1) That the proposed amendments to the Council's Constitution, as set out in Appendix A to the report, and as amended, be approved; and
- (2) That the Acting Corporate Legal Manager and Monitoring Officer, in agreement with the Leader, be delegated authority to make such amendments as are necessary to the Constitution to give effect to the Senior Management Restructure post implementation and once finalised to report these to the subsequent Council meeting.

REASON FOR DECISION: To ensure the Council meets its statutory obligations and continues to improve its working practices.

87 EXTENSION OF BUILDING COMPLIANCE CONTRACT: USE OF URGENCY IN RELATION TO CALL-IN

The Council considered the report of the Head of Finance, Performance and Asset Management in respect of the use of urgency in relation to call-in regarding the Extension of the Building Compliance Contract. The following appendix was submitted with the report:

Appendix A – Delegated Decision Notice.

It was moved by Councillor Julian Cunningham, and seconded by Councillor Lynda Needham, that the recommendations contained in the report be approved.

Following brief debate, and upon being put to the vote, it was

RESOLVED: That it be noted that, due to urgency, the Delegated decision in respect of the extension of the Building Compliance Contract was not subject to call-in.

REASON FOR DECISION: To comply with the requirements of the Constitution and to enable the contract extension to be agreed before the 31 March 2018 deadline.

88 **QUESTIONS FROM MEMBERS**

(A) Hitchin Town Hall

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Paul Clark to Councillor Tony Hunter (Executive Member for Community Engagement and Rural Affairs):

“Has the Council approached Hitchin Town Hall Ltd in regard to an interim deal to allow access while parties keep talking to resolve the issue outstanding?”

Councillor Hunter replied that the Council did discuss the option of an interim arrangement with Hitchin Town Hall Ltd, and both parties agreed that it was in best interests at that time to halt these discussions whilst the process of purchasing 14/15 Brand Street was in progress.

As a supplementary question, Councillor Clark asked:

“If he approached Hitchin Town Hall Limited in regard to the matter, would they confirm the same answer to the question just asked?”

Councillor Hunter replied that the answer would be yes. He added that arrangements were in place for people with disabilities to access the building in order to view the Museum artefacts on display and exhibitions.

(B) Appointments to Outside Organisations

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

“At the North Herts District Council AGM in May, the Council will make a large number of appointments to external organisations. Does the Leader agree that to demonstrate complete transparency, that alongside the list of organisations, we should indicate whether the NHDC nominee will receive or could potentially receive a Fee or an Allowance from that organisation for representing the Council and the amount of that Fee? This would build upon our existing Register of Interests.”

Councillor Needham replied that, as far as she was aware, there was only one set of nominees to North Hertfordshire Homes (NHH) that, if appointed by NHH, received an allowance. She was aware of two other organisations that, if requested, would help towards the payment of expenses. She fully supported the process of transparency, and commented that it was for Members to make the appropriate declarations.

Councillor Needham explained that, for nominees to NHH, they did not represent NHDC, but in fact acted as Board Members working solely in the interests of NHH.

As a supplementary question, Councillor Albert asked:

“Would the Leader accept that, to improve the Council’s transparency, there should be clarity up front when making appointments to outside organisations, and those which attracted an allowance, like NHH?”

Councillor Needham reiterated the point that NHDC nominated representatives to NHH, and it was up to NHH as to whether or not those nominations were accepted. The allowance paid by NHH was not from the public purse, and it was up to the nominated NHDC Members to declare this as part of their Register of Interests.

(C) North Herts Transport Strategy

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Terry Tyler to Councillor David Levett (Executive Member for Planning and Enterprise). In the absence of Councillor Tyler through illness, the question was asked by Councillor Steve Jarvis:

“At the Local Plan examination in public the North Herts Transport Strategy was referred to; how was this approved by this Council?”

Councillor Levett replied that, at the Council meeting held on 11 April 2017, the North Hertfordshire Local Plan had been discussed. In Paragraph 8.33 of the report to that meeting, it stated “Work on a detailed Transport Strategy, which will sit alongside the plan and be updated over its lifetime, has begun and will be available in time to inform the examination hearings”, and then included a list of what this Strategy would include.

Councillor Levett advised that, also at the 11 April 2017 meeting, the Council had resolved that delegated powers be granted to the Head of Development and Building Control in consultation with the Executive Member for Strategic Planning and Enterprise to produce such additional documentation as was required before and during the examination of the Local Plan. That documentation, including the Transport Strategy, was prepared (involving the Executive Member for Policy, Transport and Green Issues), presented at the Local Plan Examination, and entered into the Examination Documents library in October 2017, under reference ED14. The document, comprising a comprehensive 100+ pages, was referred to many times during the Examination.

As a supplementary question, Councillor Jarvis asked:

“Does the Executive Member agree with him that it would have been helpful had the approved document had been made known to all Members of the Council, and they had been provided with information as to where they could view a copy?”

Councillor Levett replied that he did not agree with Councillor Jarvis. All of the NHDC Examination documents were published on the Council’s website, and was listed during one of his regular update reports to Cabinet. All Members should know (through numerous MIS items) that if they wished to read Examination documents then these were available on the website.

89 NOTICE OF MOTIONS

(A) Modern Slavery

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

“That, in view of evidence that modern slavery is hidden even in affluent areas like North Hertfordshire, this Council agrees to adopt as far as possible the Modern Slavery Charter (below).

It will:

1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply’s (CIPS) online course on Ethical Procurement and Supply.
2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.

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4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
7. Review its contractual spending regularly to identify any potential issues with modern slavery.
8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Report publicly on the implementation of this policy annually."

An amended motion was tabled at the meeting. It was moved by Councillor Martin Stears-Handscomb and seconded by Councillor Tony Hunter:

"That, in view of evidence that modern slavery is hidden even in affluent areas like North Hertfordshire, this Council notes the legal duties imposed upon it in the Modern Slavery Act 2015, notes the training delivered by Hertfordshire Constabulary to the Council's safeguarding group and agrees that the Council must seek to raise awareness of the signs of modern slavery and human trafficking in all its work and within the District. To achieve this the Council agrees to support the principles of the Modern Slavery Charter."

Following debate and upon being put to the vote, the amended motion was carried unanimously.

(B) Members' Allowances Scheme

The following motion was submitted without the due notice specified in Standing Order 4.8.12. However, the Chairman had exercised his discretion by allowing the motion to be considered at this Council meeting.

In accordance with Standing Order 4.8.15(a), as the motion was a motion to rescind a previous decision made at a meeting of the Council within the past six months, the notice of motion had been required to be signed by at least 12 Members. The following Members had signed the notice of motion:

Councillor Lynda Needham
Councillor Julian Cunningham
Councillor John Booth
Councillor Mike Rice
Councillor Ray Shakespeare-Smith
Councillor David Levett
Councillor Tony Hunter
Councillor Paul Marment
Councillor Jim McNally
Councillor Faye Frost
Councillor Steve Hemingway
Councillor David Barnard
Councillor Fiona Hill

Therefore, it was moved by Councillor Lynda Needham and seconded by Councillor Julian Cunningham:

"That this Council recognises that the Allowance Scheme for 2018/19, approved by the Council on 18th January 2018, was improperly made.

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The adopted scheme for 2017/18 shall therefore remain in place without amendment for the 2018/19 year.

The Council further requests that the Chief Executive does not convene the IRP until any scheduled review of the allowances for 2019/20.

Council requests that the sum of approx. £6,800 saved by retaining the 2017/18 allowance scheme be allocated to the 5 Area Committees pro-rata to their existing allocation.”

Following brief debate, the mover and seconder of the motion accepted a wording change to the third and fourth paragraphs of the motion to replace the word “requests” with “instructs”.

Upon the amended motion being put to the vote, it was therefore

RESOLVED: That this Council recognises that the Allowance Scheme for 2018/19, approved by the Council on 18th January 2018, was improperly made.

The adopted scheme for 2017/18 shall therefore remain in place without amendment for the 2018/19 year.

The Council further instructs that the Chief Executive does not convene the IRP until any scheduled review of the allowances for 2019/20.

Council instructs that the sum of approx. £6,800 saved by retaining the 2017/18 allowance scheme be allocated to the 5 Area Committees pro-rata to their existing allocation.

The meeting closed at 9.30 pm

Chairman