

Public Document Pack

9 May 2018

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To: The Chairman and Members of North Hertfordshire District Council

You are invited to attend a

ANNUAL MEETING OF THE COUNCIL

to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES, GERNON ROAD,
LETCHWORTH GARDEN CITY**

on

THURSDAY, 17 MAY 2018

at

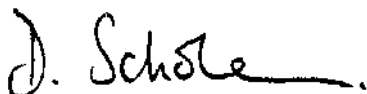
7.30 PM

At the conclusion of Agenda Item 12, the meeting of the Annual Council will adjourn for the purpose of convening the following meetings to elect their respective Chairman and Vice-Chairman:

**BALDOCK AND DISTRICT COMMITTEE
HITCHIN COMMITTEE
LETCHWORTH COMMITTEE
ROYSTON AND DISTRICT COMMITTEE
SOUTHERN RURAL COMMITTEE**

At the conclusion of the meeting of the Southern Rural Committee, the Annual Meeting of the Council will reconvene to consider the remainder of the business on the agenda.

Yours sincerely,



David Scholes
Chief Executive

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. ELECTION OF CHAIRMAN OF THE COUNCIL FOR THE CIVIC YEAR 2018/19 To elect a Chairman of the Council to hold office until the election of a successor at the next Annual Meeting of the Council.	
3. APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL FOR THE CIVIC YEAR 2018/19 To appoint a Vice-Chairman of the Council to hold office until the appointment of a successor at the next Annual Meeting of the Council.	
4. MINUTES - 10 APRIL 2018 To take as read and approve as a true record the minutes of the meeting of the Council held on 10 April 2018.	1 - 10
5. 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.	
6. DISTRICT COUNCIL ELECTIONS - 3 MAY 2018 REPORT OF THE RETURNING OFFICER To receive the report of the Returning Officer as to the results of the District Council Elections held on 3 May 2018.	11 - 16
7. SCHEDULE OF COUNCIL MEETINGS 2018/19 REPORT OF THE CHIEF EXECUTIVE To seek approval to a programme of ordinary meetings of the Council for the Civic Year 2018/19.	17 - 20
8. LEADER OF THE COUNCIL To note that the Leader of the Council for the period until May 2019 will be Councillor Mrs L.A. Needham.	
9. APPOINTMENT OF A DEPUTY LEADER OF THE COUNCIL To note the Leader's appointment of a Deputy Leader of the Council for the Civic Year 2018/19.	

- 10. APPOINTMENT OF MEMBERS OF THE CABINET FOR 2018/19** 21 – 24
 To note the Leader of the Council's appointment of Executive Members making up the Membership of the Cabinet for 2018/19, and to note the Leader's delegation of powers to Executive Members.
[Note: The appendix to this report will be tabled]
- 11. TO APPOINT MEMBERS OF COMMITTEES FOR 2018/19** 25 - 28
 To determine the Committees to be appointed for 2018/19, the number of places on each and allocation thereof to the respective Groups and to appoint Members in accordance with their nominations.
- A report will be presented to assist in the determination of the constitution and political balance.
[Note: The appendices to this report will be tabled]
- 12. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES FOR 2018/19** 29 - 30
 To appoint the Chairmen and Vice-Chairmen of the Committees (except the Chairmen and Vice-Chairmen of the Area Committees) for 2018/19.
[Note: The appendix to this report will be tabled]
- 13. ADJOURNMENT TO ENABLE THE APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF AREA COMMITTEES**
- 14. KEY DECISIONS - ANNUAL REPORT ON CASES OF SPECIAL URGENCY** 31 - 36
 REPORT OF THE LEADER OF THE COUNCIL
 To inform the Council of any occasions over the past year where the provisions relating to "Special Urgency" have been used in connection with the publication of an intention to make a Key decision, as required by legislation.
- 15. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE** 37 - 46
 REPORT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE
- The Chairman of the Overview and Scrutiny Committee for 2017/18 will present to the Council the Annual Report of the Overview and Scrutiny Committee.
- 16. ANNUAL REPORT OF STANDARDS COMMITTEE** 47 - 60
 REPORT OF THE CHAIRMAN OF THE STANDARDS COMMITTEE
- The Chairman of the Standards Committee for 2017/18 will present to the Council the Annual Report of the Standards Committee.
- 17. NOMINATION OF REPRESENTATIVES ON OUTSIDE ORGANISATIONS AND OTHER BODIES FOR 2018/19** 61 - 64
 To nominate the Council's representatives on outside organisations and other bodies for 2018/19.
[Note: The appendix to this report will be tabled]

- 18. ITEMS REFERRED FROM EMPLOYMENT COMMITTEE: 11 MAY 2018 - APPOINTMENT OF CHIEF FINANCE OFFICER AND MONITORING OFFICER** **To be tabled**

Agenda Item 4

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-Handscob 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

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.

Tuesday, 10th April, 2018

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-Handscorn 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.

Tuesday, 10th April, 2018

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

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<p style="text-align: center;">ANNUAL COUNCIL 17 MAY 2018</p>

<p>*PART 1 – PUBLIC DOCUMENT</p>	<p>AGENDA ITEM No.</p> <p style="text-align: center;">6</p>
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TITLE OF REPORT: DISTRICT COUNCIL ELECTIONS – 3 MAY 2018

REPORT OF THE RETURNING OFFICER

The report is attached.

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DISTRICT COUNCIL ELECTION RESULTS – 3 MAY 2018

WARD	CANDIDATES	PARTY	VOTES	
BALDOCK TOWN	MAGUIRE, Alec McNALLY, Jim MOLLART-GRIFFIN, Heidi Shona WINTER, Richard William	Labour Conservative Green Liberal Democrat	579 970 106 253	ELECTED
CODICOTE	BLAND, Rosemary BRINDLEY, Tom DEVENISH, Luke William DOWNEY, Richard Paul MOODY, Ian	Green Independent Liberal Democrat Labour Conservative	38 172 49 136 524	ELECTED
HITCHIN BEARTON	BRYANT, Val CLAYDEN, Jonathan Daniel LAVIN, William Barry KEELES, John William	Labour Liberal Democrat Green Conservative	1212 287 168 474	ELECTED
HITCHIN HIGHBURY	BROGAN, Conor COLLINS, Sam S GRIFFITHS, Dominic John Cream NEWSON, DIANA J	Labour Liberal Democrat Conservative Green	443 1266 801 148	ELECTED
HITCHIN OUGHTON	BILLING, Clare Helen MARSHALL, Mary Karin PEACE, Louise Jane REIDY, Rebecca Robyn	Labour & Co-op Green Liberal Democrat Conservative	591 83 100 312	ELECTED
HITCHIN PRIORY	HARWOOD, Simon Mark OSBORN, George Edmund STEPHENS, Des WINSTANLEY, Dave	Conservative Liberal Democrat Green Labour	660 512 123 308	ELECTED
HITCHIN WALSWORTH	CANO, Richard Alexander HUGHSON, Mike IRCHA, Andrew MILLARD, Alan John	Green Labour Liberal Democrat Conservative	272 1114 230 693	ELECTED
HITCHWOOD, OFFA & HOO	ASHTON, David Geoffrey FROST, Faye Susan JUNGREUTHMAYE, R Anton PARKIN, Marilyn Margaret	Green Conservative Labour Liberal Democrat	200 1279 369 181	ELECTED
KIMPTON	BISHOP, John Cyril HOGAN, Tom LOTT, Mike WIGHTMAN, Simon	Conservative Labour Liberal Democrat Green	426 97 99 52	ELECTED
KNEBWORTH	HEMINGWAY, Steve HOFMANN, Klazina NASH, Lisa NEWSON, Nick	Conservative Labour Liberal Democrat Green	742 141 957 29	ELECTED

WARD	CANDIDATES	PARTY	VOTES	
LETCHWORTH EAST	CLARE, Andrew LEE, Bernard Charles Michael McKENNA, Liam NGWALA, Sue ROSS, Paul	Conservative Green Liberal Democrat Labour & Co-op Independent	369 71 114 763 160	ELECTED
LETCHWORTH GRANGE	ALLEN, Daniel Peter Mark BERMAN, Matthew Frazer DERBYSHIRE, Morgan William FINCH, Amy Elizabeth HANCOCK, Elizabeth Susan OLIVER, Helen Caroline SPARROWHAWK, Aidan	Labour Conservative Conservative Liberal Democrat Green Labour Liberal Democrat	917 747 798 240 166 912 198	ELECTED ELECTED
LETCHWORTH SOUTH EAST	ASPINWALL, Kate BOOTH, John Leo Dobson LEE, Tim NEALE, Barry Peter START, Sidney Arthur	Labour Conservative Green Liberal Democrat UKIP	758 750 91 229 109	ELECTED
LETCHWORTH SOUTH WEST	ANDREWS, Jean HART, Maryla Josephine PRENDERGAST, Sean RICE, Mike	Labour & Co-op Green Liberal Democrat Conservative	516 182 642 1045	ELECTED
LETCHWORTH WILBURY	CLAYFIELD, Ian Huw John EVANS, Brian John GRINDAL, Gary MERRY, John Peter Hamilton	Green Liberal Democrat Labour & Co-op Conservative	141 73 841 387	ELECTED
ROYSTON HEATH	BROWN, Ruth GARLAND, Ken HILL, Fiona Ronan SHANN, Katherine Marie	Liberal Democrat Labour & Co-op Conservative Green	864 198 786 74	ELECTED
ROYSTON MERIDIAN	DAVIDSON, Bill FINN, Jess HARMEL, Karen LAMBERT, David Matthew	Conservative Labour Green Liberal Democrat	789 246 253 135	ELECTED
ROYSTON PALACE	CLARK, Angela INWOOD, Rob LEWIS, Ben RICE, Peter Martin	Green Labour & Co-op Conservative Liberal Democrat	96 454 585 214	ELECTED

PARISH/TOWN COUNCIL ELECTION RESULTS – 3 MAY 2018

PARISH	CANDIDATES	VOTES	
KIMPTON	BURNS, Neil	422	ELECTED
	CORBETT, Ian Michael	302	ELECTED
	CUTHBERT, Susan Nicole	274	ELECTED
	FIRTH, Alexander James	301	ELECTED
	HAWKE, Lewis Andrew	379	ELECTED
	MARSH, Jonathan Robert	349	ELECTED
	PALMER, Jon	210	
	PROCTER, Carley	275	ELECTED
	REAVELL, David Ian	346	ELECTED
ROYSTON MERIDIAN	HARRISON, Mike (CON)	709	ELECTED
	LAMBERT, David Matthew (LIB DEM)	502	
	PHILLIPS, Marguerite (CON)	696	ELECTED
	SMITH, Francis John (CON)	593	ELECTED
	SMITH, Phil (CON)	677	ELECTED
	SWALLOW, Vera Irene Florence (CON)	671	ELECTED
	WEST, Vaughan (LAB)	438	
ROYSTON PALACE	BOURKE-WAITE, Amy Jane (LAB)	519	ELECTED
	COLL, Ian Patrick (CON)	561	ELECTED
	HOWLETT, Sean (CON)	489	
	HUGHES, Mark James (CON)	587	ELECTED
	INWOOD, Rob (LAB)	573	ELECTED
	KING, Robin Anthony (LAB)	412	
	LEGGETT, Iain Leslie (CON)	549	ELECTED
	LOCKETT, Stephen James (LAB)	381	
	MAY, David Robert (LIB DEM)	329	
	REES, John Ivor (LAB)	410	
	RICE, Peter Martin (LIB DEM)	317	
STUART, Ian Ritchie (LIB DEM)	289		
ROYSTON SOUTH	BYLETT, Brian John (CON)	225	
	DAVIDSON, Lindsay Deborah (CON)	233	
	PERRY, Thomas Paul (LIB DEM)	281	ELECTED
	STANIER, Carol Ann (LIB DEM)	273	ELECTED
ROYSTON WEST	BROWN, Ruth (LIB DEM)	802	ELECTED
	DAVISON, John Stuart (CON)	517	ELECTED
	DI CAPITE, Amy Chesterton (LIB DEM)	489	
	GARLAND, Ken (LAB)	257	
	HUGHES, Gemma Margaret Rosina (CON)	505	
	SQUIRE-SMITH, Emma (LIB DEM)	508	ELECTED

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ANNUAL COUNCIL

17 MAY 2018

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

7

TITLE OF REPORT: SCHEDULE OF COUNCIL MEETINGS 2018/19

REPORT OF THE CHIEF EXECUTIVE

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek approval to a programme of ordinary meetings of the Council for the Civic Year 2018/19.

2. RECOMMENDATIONS

- 2.1 That the following programme of ordinary meetings of the Council be approved for the Civic Year 2018/19:

Wednesday, 18 July 2018;
Thursday, 6 September 2018;
Thursday, 22 November 2018;
Thursday, 17 January 2019;
Thursday, 7 February 2019; and
Thursday, 4 April 2019.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To enable Members to agree a programme of ordinary meetings of the Council for 2018/19.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 A number of alternative dates were considered during consultation.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation has been undertaken with the prospective incoming Chairman of the Council.

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 Standing Order 4.4.1(r) requires the Council, at its Annual meeting, to approve a programme of ordinary meetings of the Council for the ensuing Civic Year.

8. RELEVANT CONSIDERATIONS

- 8.1 Following consultation with the prospective incoming Chairman of the Council, the following dates are recommended for ordinary meetings of the Council during the Civic Year 2018/19:

Wednesday, 18 July 2018;
Thursday, 6 September 2018;
Thursday, 22 November 2018;
Thursday, 17 January 2019;
Thursday, 7 February 2019; and
Thursday, 4 April 2019.

- 8.2 Should circumstances dictate that any extraordinary meetings of the Council are required to deal with time critical issues in addition to the above programme of meetings then these will, of course, be arranged as necessary.

9. LEGAL IMPLICATIONS

- 9.1 The terms of reference for the Annual Council include “approving a programme of ordinary meetings of the Council for the year”.

10. FINANCIAL IMPLICATIONS

- 10.1 No financial implications arise directly from this report. A schedule of meetings forms part of the Council’s usual business arrangements.

11. RISK IMPLICATIONS

- 11.1 There are no direct risk implications arising from this report.

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 in 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 resource implications.

15. APPENDICES

15.1 None.

16. CONTACT OFFICERS

16.1 Ian Gourlay, Committee & Member Services Manager
ian.gourlay@north-herts.gov.uk

16.2 David Scholes, Chief Executive
david.scholes@north-herts.gov.uk

17. BACKGROUND PAPERS

17.1 None.

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ANNUAL COUNCIL

17 MAY 2018

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

10

TITLE OF REPORT: APPOINTMENT OF MEMBERS OF THE CABINET FOR 2018/2019

REPORT OF THE CHIEF EXECUTIVE

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to inform the Council of the Leader's appointment of members of the Cabinet for 2018/2019.

2. RECOMMENDATIONS

- 2.1 That it be noted that the Members to be appointed as Executive Members of the Cabinet for 2018/2019 and the areas for which they will be responsible, together with the delegations for inclusion in the Council's Constitution, will be as detailed in Appendix A, which will be tabled at the meeting.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To comply with the provisions of the Local Government Act 2000 and Sections 5.2 and 5.3.4 of the Council's Constitution.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Leader of the Council will inform the Council of the appointment of Cabinet Members for 2018/2019.

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 As required as one of the choices of political model set out in the Local Government Act 2000, North Hertfordshire District Council has adopted a Leader and Cabinet form of executive governance.

8. RELEVANT CONSIDERATIONS

8.1 Under Section 5.2 of the Council's Constitution, it is set out that the Cabinet will consist of:

“5.2.1 the Leader of the Council (the “Leader”); and

5.2.2 at least two but not more than nine (or other parameters set by legislation) Councillors appointed to the Cabinet as Executive Members by the Leader.”

8.2 Appendix A to the report (to be tabled at the meeting) will set out the Leader's appointments to the Cabinet Executive Member positions for 2018/2019.

8.3 In accordance with Section 5.3.4 of the Council's Constitution, it is also required that “within two weeks of being elected as Leader, the Leader will submit to the Proper Officer a Cabinet Scheme of Delegations setting out the responsibilities and delegated authority of each member of the Cabinet and any other delegation of any Executive Function the Leader chooses to make.”

8.4 Accordingly, Appendix A will also include Delegations setting out the responsibilities and delegated authority of each Member of the Cabinet.

9. LEGAL IMPLICATIONS

9.1 The legal and constitutional requirements are set out in the main body of this report.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising directly from this report

11. RISK IMPLICATIONS

11.1 There are no direct risk implications arising from this report.

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 direct 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 resource implications.

15. APPENDICES

- 15.1 **Appendix A – Cabinet Members 2018/2019 and their Portfolio Responsibilities - this will be tabled at the Annual Council meeting on 17 May 2018.**

16. CONTACT OFFICERS

- 16.1 Ian Gourlay, Committee & Member Services Manager
ian.gourlay@north-herts.gov.uk

17. BACKGROUND PAPERS

- 17.1 None.

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ANNUAL COUNCIL

17 MAY 2018

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 11
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TITLE OF REPORT: APPOINTMENT OF MEMBERS OF COMMITTEES FOR 2017/2018
REPORT OF THE CHIEF EXECUTIVE

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to inform the Council of the appointment of Members of Committees for 2018/2019.

2. RECOMMENDATIONS

2.1 That, for 2018/19, the seats allocated to each political party on the Committees to which Section 15 of the Local Government and Housing Act 1989 applies and the seats allocated to each political party on the bodies to which Section 15 of the Local Government and Housing Act 1989 does not apply be as set out in Appendix A to this report, which will be tabled at the meeting.

2.2 That, for 2018/19, Members be appointed to the various Committees and other bodies in accordance with the wishes of the individual groups, as detailed in Appendix B to this report, which will be tabled at the meeting.

3. REASONS FOR RECOMMENDATIONS

3.1 To comply with the provisions of Section 15 of the Local Government and Housing Act 1989.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Leaders of the Political Groups have been consulted and have informed the Democratic Services Manager of their Committee Members nominations for 2018/2019.

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 provisions of Section 15 of the Local Government and Housing Act 1989 (“the Act”) imposed a duty for the Council to review the representation of the different Political Groups on the Council’s Committees. The representation needs to be broadly proportional to the number of seats held by each Political Group of the Council. The Committees to which Section 15 of the Act applies are:

- Overview and Scrutiny Committee;
- Finance, Audit and Risk Committee;
- Planning Control Committee;
- Licensing & Appeals Committee;
- Standards Committee;
- Council Tax Setting Committee;
- Employment Committee;
- Employment Appeals Committee; and
- Joint Staff Consultative Committee.

7.2 The Council is also required to appoint to various other bodies, to which Section 15 of the Act does not apply, in accordance with the nominations received from the Political Groups.

8. RELEVANT CONSIDERATIONS

8.1 Appendix A to the report (which will be tabled at the meeting) will set out political balance of Committees, as required under the provisions of Section 15 of the Local Government and Housing Act 1989, and the proposed allocation of seats for those bodies to which Section 15 does not apply, for 2018/19.

8.2 Appendix B to the report (which will also be tabled at the meeting) will set out the proposed appointment of Members to Committees for 2018/2019, in accordance with the wishes of the Political Groups.

9. LEGAL IMPLICATIONS

9.1 The legal and constitutional requirements are set out in the main body of this report.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising directly from this report

11. RISK IMPLICATIONS

11.1 There are no direct risk implications arising from this report.

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 direct 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 resource implications.

15. APPENDICES

15.1 **Appendix A – Appointment of Committees, including those to which Section 15 of the Local Government and Housing Act 1989 applies - this will be tabled at the Annual Council meeting on 17 May 2018.**

15.2 **Appendix B – Appointment of Members of Committees for 2018/2019 - this will be tabled at the Annual Council meeting on 17 May 2018.**

16. CONTACT OFFICERS

16.1 Ian Gourlay, Committee & Member Services Manager
ian.gourlay@north-herts.gov.uk

17. BACKGROUND PAPERS

17.1 None.

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<h1 style="margin: 0;">ANNUAL COUNCIL</h1> <h2 style="margin: 0;">17 MAY 2018</h2>
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 12
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TITLE OF REPORT: APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES FOR 2018/2019

REPORT OF THE CHIEF EXECUTIVE

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to inform the Council of the appointment of Chairmen and Vice-Chairmen of Committees (except Area Committees) for 2018/2019.

2. RECOMMENDATIONS

2.1 That the Chairmen and Vice-Chairmen of Committees (except Area Committees) for 2018/2019 be appointed in accordance with the details set out in Appendix A to the report, which will be tabled at the meeting.

3. REASONS FOR RECOMMENDATIONS

3.1 To comply with the provisions of Standing Order 4.8.1(a)(ix) of the Council's Constitution.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Leaders of the Political Groups have been consulted and have informed the Democratic Services Manager of their nominations for Chairmen and Vice-Chairmen of Committees (except Area Committees) for 2018/2019.

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 Standing Order 4.8.1(a)(ix) of the Council's Constitution states that the Council will "appoint the Chairmen and Vice-Chairmen of Committees, with the exception of the

Area Committees, subject to any requirements of this Constitution concerning who may be appointed to such positions”.

8. RELEVANT CONSIDERATIONS

- 8.1 Appendix A to the report (which will be tabled at the meeting) will comprise nominations for the appointment of Chairmen and Vice-Chairmen of Committees (except Area Committees) for 2018/2019.

9. LEGAL IMPLICATIONS

- 9.1 The legal and constitutional requirements are set out in the main body of this report.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications arising directly from this report

11. RISK IMPLICATIONS

- 11.1 There are no direct risk implications arising from this report.

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 direct 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 resource implications.

15. APPENDICES

- 15.1 **Appendix A – Appointment of Chairman and Vice-Chairmen of Committees (except Area Committees) for 2018/2019 - this will be tabled at the Annual Council meeting on 17 May 2018.**

16. CONTACT OFFICERS

- 16.1 Ian Gourlay, Committee & Member Services Manager
ian.gourlay@north-herts.gov.uk

17. BACKGROUND PAPERS

- 17.1 None.

ANNUAL COUNCIL

17 MAY 2018

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

14

TITLE OF REPORT: KEY DECISIONS – ANNUAL REPORT ON CASES OF SPECIAL URGENCY

REPORT OF THE LEADER OF THE COUNCIL

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to inform the Council of any occasions over the past year where the provisions relating to “Special Urgency” have been used in connection with the publication of an intention to make a Key Decision, as required by legislation.

2. RECOMMENDATIONS

2.1 That the report be noted.

3. REASONS FOR RECOMMENDATIONS

3.1 To comply with Regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Regulations”).

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 None.

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 Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came into force on 10 September 2012. The Regulations, inter alia, revised the procedures for publicity in connection with Key Decisions.

- 7.2 A Key Decision means an executive decision which is likely –
- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
- 7.3 Regulation 9(2) requires that at least 28 clear days notice is given by the Council before a Key Decision is made. This requirement is ordinarily met at NHDC by the regular publication of the Forward Plan of Key Decisions.
- 7.4 Regulation 10 requires that, where the publication of the intention to make a Key decision under regulation 9(2) is impracticable, that decision may only be made –
- (a) where the proper officer has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;
 - (b) where the proper officer has made available at the offices of the relevant local authority for inspection by the public and published on the relevant local authority's website, if it has one, a copy of the notice given pursuant to sub-paragraph (a); and
 - (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).
- 7.5 In cases of Special Urgency, Regulation 11 requires that where the date by which a key decision must be made, makes compliance with regulation 10 impracticable, the decision may only be made where the decision maker has obtained agreement from -
- (a) the chairman of the relevant overview and scrutiny committee; or
 - (b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority; or
 - (c) where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority, the vice-chairman of the relevant local authority,
- that the making of the decision is urgent and cannot reasonably be deferred.
- 7.6 Regulation 19(1) requires that the Executive Leader must submit to the relevant local authority at such intervals as may be determined by the relevant local authority a report containing details of each executive decision taken during the period since the last report was submitted to the authority where the making of the decision was agreed as urgent in accordance with Regulation 11.
- 7.7 It is the Executive Leader's recommendation that a report is submitted annually to Council at its annual meeting.

- 7.8 Regulation 19(2) requires that a report submitted for the purposes of Regulation 19(1) must include –
- (a) particulars of each decision made; and
 - (b) a summary of the matters in respect of which each decision was made.
- 7.9 Regulation 19(3) requires that the Executive Leader must submit at least one report under Regulation 19(1) annually to the relevant local authority.

8. RELEVANT CONSIDERATIONS

- 8.1 In 2017/18, the following Key Decisions made by NHDC required the Special Urgency procedure outlined in Regulation 11 to be invoked:

- (i) Subject Matter: North Hertfordshire Museum and Community Facility at Hitchin Town Hall – Acquisition of 14/15 Brand Street.

Decision:

- (1) That the protracted period over which the negotiations have been taking place be noted;
- (2) That officers be instructed to prepare a full report for the next Cabinet meeting with any revised proposal and to determine whether the proposal is acceptable;
- (3) That the alternative options to a negotiated acquisition from Hitchin Town Hall Limited (HTHL) be further explored and be included in the report to Cabinet; and
- (4) That it be noted that approval of some elements of the agreement may be required from the Cabinet Sub-Committee (Council Charities).

Decision Taker: Cabinet

Date of Decision: 19 December 2017

Reason for urgency: The decision could not be delayed until a later meeting because of the need to secure ownership of the properties and safeguard the Council's substantial interest.

- (ii) Subject Matter: North Hertfordshire Museum and Community Facility at Hitchin Town Hall – Acquisition of 14/15 Brand Street.

Decision:

- (1) That the current position in relation to the negotiations regarding the acquisition of 14/15 Brand Street be noted;
- (2) That officers be required to progress the alternative options, as identified in Paragraph 4.1 of the report, to enable the North Hertfordshire Museum to open fully (whilst keeping open the possibility of a negotiated settlement); and

- (3) That it be noted that some elements of any settlement agreement may be required from the Cabinet Sub-Committee (Council Charities).

Decision Taker: Cabinet

Date of Decision: 23 January 2018

Reason for urgency: The decision could not be delayed until a later meeting because of the need to secure ownership of the properties and safeguard the Council's substantial interest and due to 28 and 5 day notices of Part 2 information not being published (and following agreement of the Chairman of the Overview & Scrutiny Committee).

- (iii) Subject Matter: Options for Housing Investment Company

Decision:

That the principle of setting up a wholly owned holding company and trading companies for the purposes of development; and letting existing and future assets be approved, and the Chief Finance Officer and Executive Member for Finance and IT be given delegated authority to determine the detail of the structure.

Decision Taker: Cabinet

Date of Decision: 27 March 2018

Reason for urgency: To progress this matter due to an administrative oversight as the item had not been included on the most recent version of the Council's Forward Plan, and neither had a notice been published stating that part of the meeting (to consider Item 19, the Part 2 item on the same matter) would be held in private (and following agreement of the Chairman of the Overview & Scrutiny Committee).

9. LEGAL IMPLICATIONS

- 9.1 The requirements of the Regulations are set out in the main body of this report.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications arising directly from this report. In the event of the use of Special Urgency procedures, financial (and other) implications would be considered in the decision making process and reported to Full Council.

11. RISK IMPLICATIONS

- 11.1 There are no direct risk implications arising from this report.

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 direct 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 resource implications.

15. APPENDICES

15.1 None.

16. CONTACT OFFICERS

16.1 Ian Gourlay, Committee & Member Services Manager
ian.gourlay@north-herts.gov.uk

17. BACKGROUND PAPERS

17.1 None.

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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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15

TITLE OF REPORT: ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2017/18

REPORT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE

Please refer to the attached annual report of the Overview and Scrutiny Committee for 2017/18.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL



OVERVIEW AND SCRUTINY COMMITTEE
ANNUAL REPORT
2017 - 2018

Foreword from the Chair

At the end of the last civic year I reflected on an Overview & Scrutiny committee containing thoughtful and insightful commentators, who effectively balanced a supportive and challenging interrogation of the executive decisions of the Council. However, I still encouraged the members to bring boldness, and a deeper understanding of the impact of decisions, to 2017/18.

The success of this approach was never more apparent than through the scrutiny of the new waste contract where a single item meeting was arranged, only to be followed by a call-in of the subsequent executive decision. The depth and integrity of the scrutiny, from across the political demographic, yet again showed the committee to be focused and clear in its desire to provide only the best services for the residents of North Hertfordshire.

Not all proposals were supported by the committee as a whole - and therefore were not recorded as formal recommendations - but there is no doubt that the quality of the discussions will have been absorbed by the Executive and our work will continue to impact on the decision-making process of the Council.

We are very proud that twenty-six members of the public attended the committee's meetings this year with some making valuable contributions to our process. This is an area where we can always do better and so this should be a priority for the committee in 2018/19.

I would once again like to extend my thanks to each member of the committee for their support and to each officer and executive members who attended and added value to our work.

Special thanks to my vice-chairman Steve Hemingway, scrutiny officer, Brendan Sullivan, and clerk Hilary Dineen, who provided the appropriate support and challenge to me in my role as the Chairman.

We are looking forward to a 2018/19 civic year containing even more supportive scrutiny of the Council's decisions, a reflected Task & Finish group structure, and a deep interrogation of some key decisions and projects undertaken by the authority and its leadership.

Cllr Cathryn Henry
Chairman

1. Overview and Scrutiny in North Hertfordshire District Council

- 1.1 The depth and breadth of the Council's work means that the Overview and Scrutiny Committee has to use its resources efficiently in order to scrutinise as many topics as possible in the time available. It does so by:
- considering a number of issues during its Committee meetings and making recommendations to Cabinet;
 - appointing dedicated task and finish groups which can examine issues in depth and make recommendations to improve services;
- 1.2 This year, the Committee has continued to put more emphasis on its overview function while still continuing its scrutiny role. Its Committee meetings sought to take a more strategic view of the Council's work while still examining the Executive's major decisions.

2. Meetings of the Overview and Scrutiny Committee

- 2.1 There were six scheduled meetings this year at which the Committee considered a range of topics including scrutinising key decisions going to Cabinet, checking whether the Council has met its performance indicators as well as reviewing other issues which the Committee has decided would benefit from closer scrutiny. The Committee held an additional meeting in advance of Cabinet meeting which was expressly convened to consider the Council's proposed waste contract. At that meeting detailed consideration was given to all of the reports which Cabinet subsequently received (see 2.3.5 below)
- 2.2 The Committee can scrutinise issues in a number of ways:
- by considering reports from, and questioning officers about different aspects of the Council's business;
 - by submitting written questions which require a written answer, and which members can follow up by asking supplementary questions in Committee;
 - by interviewing and questioning Cabinet Members about their portfolios;
 - by calling in decisions which are of great concern to members or to the public;
 - by inviting representatives from outside bodies to talk about topics of interest to the public in North Hertfordshire.
- 2.3 Call-In
- 2.3.1 The call in process allows the Chairman of the Committee, or five members of the Council, to call in a decision which is the responsibility of the Executive, which has been made but not implemented.

2.3.2 The Committee can ask the Executive to reconsider it or can refer it to Council.

2.3.3 This year the Committee called in Cabinet's decision to change its Waste Management Contract and commence a Shared Service for Waste and Street Cleansing and at the same time commence charging for the collection of Green Waste.

2.3.4 On 9 October 2017 an additional meeting was called with a single focus for its agenda – that being the new waste contract. This meeting made a recommendation to Cabinet that, in respect of the proposal to charge for the collection of Green Waste, Cabinet give due weight to the feedback from the public consultation.

2.3.5 Following a decision by Cabinet to introduce a chargeable waste service, the decision was called-in and a meeting was held on 9 November 2017 at which it was resolved, following a recorded vote, that no further action be taken.

2.4 Presentations by Executive Members.

2.4.1 The Committee decided not to continue its previous practice of inviting Executive Members to speak regarding their portfolios on a rolling basis. They decided that the Committee would rather invite Executive Members only to address specific issues or to present reports that were of interest to the Committee. The Committee are grateful to the following Executive Members for making presentations this year:

- Councillor Jane Gray
- Councillor Bernard Lovewell
- Councillor Michael Weeks

2.5 Crime & Disorder Scrutiny

2.5.1 The Committee is also the Crime and Disorder Scrutiny Committee for North Hertfordshire which is required to meet at least once a year. The Committee was grateful to Chief Inspector Julie Wheatley of Hertfordshire Constabulary who attended the Committee in December to talk about the work of the police in the district. CI Julie Wheatley is responsible for Neighbourhood Policing across North Hertfordshire and has Chaired the Community Safety Partnership since mid 2016.

2.6 Safeguarding

2.6.1 The Committee continued to take a close interest in safeguarding matters and received its annual update on the Council's safeguarding performance in September 2017.

2.7 Statistics

2.7.1 In total, the Committee has considered 29 items in its meetings this year. It has made 4 recommendations on 3 topics to Cabinet. Where the Committee supported the recommendations no onward recommendations were made to Cabinet

2.7.2 One written question was asked by Members during the year. This question related to the identification of access problems to new developments.

3. Task and Finish Groups in 2017/18

3.1 Task and finish groups are an opportunity for members to scrutinise a topic in much more depth than is possible in a single Committee meeting. They recommend improvements to the Council's performance which are then considered by Cabinet.

3.2 The Committee held a debate regarding the value of Task and Finish Groups and whether the recommendations resulting from them added value to the work of Cabinet and the Council

3.3 The Committee decided not to undertake any further Task and Finish Groups until such time as it could be ascertained how best to act as a critical friend and support Cabinet in their decision making. To this end a workshop is being developed for all members of Overview and Scrutiny and Cabinet to discuss the best way forward to ensure that the outcomes add value.

3.4 The Council's Management of Larger Projects

3.4.1 This TFG's remit was to review the effectiveness of the Council's management of its larger projects.

3.4.2 It considered a range of projects between September 2016 and February 2017 and considered the report of the T&F Group in June 2017. The Committee raised queries in relation to a number of matters in that report and these were responded to by the T&F Group.

4. Future Task and Finish Groups

- 4.1 The Committee has prioritised the following topics for 2018/19:
- Consultation;
 - Impact of the Grants Policy Review;
 - Section 106 Funding.
- 4.2 The Committee decided that the following topics be kept in reserve:
- The Urban/Rural Divide;
 - The value for money of NHDC's Document Centre;
 - Balancing cost savings against possible environmental impacts.
- 4.3 The Committee has undertaken to look at the Hitchin Town Hall and Museum project once it has finished.

5. Public Participation

- 5.1 The scrutiny process is open to involvement by local people and the Committee encourages public participation.
- 5.2 Approximately 26 members of the public attended the Committee's meetings this year.
- 5.3 Some of the ways for the public to get involved include suggesting a topic for investigation as a task and finish group; providing evidence to or at a meeting; and being co-opted on to a topic group. The Committee is keen to see more public participation both in its task and finish groups and in its committee meetings.

6. Further Information and Membership

6.1 Further information

- 6.1.1 Further details about the work of scrutiny and contact details can be found at:

<https://www.north-herts.gov.uk/home/council-and-democracy/overview-and-scrutiny-committee>

6.2 Membership

6.2.1 Membership of the Overview and Scrutiny Committee 2017 – 2018

Members of the Committee

Cllr Cathryn Henry (Chairman)
Cllr Steve Hemingway (Vice-Chairman)
Cllr Ian Albert
Cllr Clare Billing
Cllr John Booth
Cllr Bill Davidson
Cllr Steve Deakin-Davies
Cllr Elizabeth Dennis
Cllr Jean Green
Cllr Steve Jarvis
Cllr Ben Lewis
Cllr Gerald Morris
Cllr Michael Muir
Cllr Janine Paterson
Cllr Frank Radcliffe
Cllr Valentine Shanley

Substitutes

Cllr John Bishop
Cllr Paul Clark
Cllr Simon Harwood
Cllr Terry Hone
Cllr Paul Marment
Cllr Mike Rice
Cllr Adrian Smith
Cllr Martin Stears-Handscomb

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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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TITLE OF REPORT: ANNUAL REPORT OF THE STANDARDS COMMITTEE

REPORT OF THE CHAIRMAN OF THE STANDARDS COMMITTEE AND THE ACTING MONITORING OFFICER
COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

1.1 To consider the Annual report of the Standards Committee in relation to its ethical standards in the preceding civic year.

2. RECOMMENDATIONS

2.1 That Council receives and notes the Annual Report of the Standards Committee attached at Appendix A.

3. REASONS FOR RECOMMENDATIONS

3.1 In line with recommended good governance practice to report the work of Standards Committee to the full Membership, to promote and maintain high standards of conduct and to demonstrate a strong commitment to ethical values.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 To return to the oral reports provided to Annual Council. However, this was not considered an appropriate option given a written report would demonstrate and communicate the work of the Committee more effectively.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 None – other than the Standards Committee as part of their deliberations on the matters detailed within the Annual Report.

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 current standards regime was introduced in July 2012 following the introduction of the Localism Act 2011 ('the Act'). There is a legal duty under section 27 of the Act to promote and maintain high standards of conduct. The Standards Committee has the responsibility under the Council's Constitution to promote and maintain high standards of conduct. As part of that process, between May 2013 and April 2016 an oral Annual

Report was delivered by the elected Chairman of the Standards Committee. This was changed last year to the report in the form of Appendix A.

8. RELEVANT CONSIDERATIONS

- 8.1 The report at Appendix A sets out the work of the Standards Committee and Monitoring Officer during the civic year 2017/18. Of particular note is the amended Councillor Code of Conduct and new Register of Interest process that applies from 4 May 2018.
- 8.2 Councillors are also reminded of and encouraged to attend, the training session which has been arranged for Tuesday 22 May 2018 at 7pm in the Council Chamber. The session will include both finance and governance topics, including Councillor conduct, the amended Code and principles of good decision making.
- 8.3 Looking ahead to 2018/19 the Member Planning Code of Good Practice is due for review (towards the end of 2018 and early 2019) and this may be considered by the Standards Committee if further changes are proposed before recommendation to Full Council.

9. LEGAL IMPLICATIONS

- 9.1 Although it is not specifically referred to in the Constitution, Full Council has routinely received an Annual Report on standards issues. There is no legal requirement to have an Annual Report, however it is considered good practice and is an approach adopted by a large number of authorities.

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 good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

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 The Councillor Code of Conduct includes at 3.2(a) the duty to *“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”*. There is also the duty at 3.2 (b) *“not do anything which may cause the authority to breach equalities legislation.”*

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. The work outlined within the report is within the Acting Monitoring Officer and Deputy Monitoring Officers' caseload.

15. APPENDICES

15.1 Appendix A – Annual Report of the Standards Committee 2016/17.

16. CONTACT OFFICERS

16.1 Jeanette Thompson Acting Corporate Legal Manager and Monitoring Officer
Jeanette.thompson@north-herts.gov.uk ext 4370

17. BACKGROUND PAPERS

17.1 Reports to Standards Committee 2017/18.

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STANDARDS COMMITTEE

ANNUAL REPORT 2017/18

To be considered at the Council Meeting on 17 May 2018



FOREWORD

The report provides a summary of the Standards Committee's activities in 2017/18.

I would like to thank our Independent Persons Nicholas Moss and Peter Chapman for their work in assisting the Monitoring Officer and Deputy Monitoring Officers, in their review of complaints, Code, Procedures, Guidance and recruitment of the co-opted Community Councillor during the year.

Going forward, the Committee will continue to promote and maintain high standards of conduct, whilst acknowledging that it is a Councillor's duty to uphold the standards set by their authority (District, Parish, Town and Community).

I recommend that Council receives this report on Standards Committee activities.

**Councillor Mike Rice
Chairman of the Standards Committee
May 2018**



1. Introduction

- 1.1 This Annual Report of the Standards Committee covers the civic year 2017/18. During that year the Committee met twice, on 10 October 2017 and 20 February 2018.
- 1.2 Members will be aware that changes were implemented to the Standards regime nearly 8 years ago in July 2012 following the enactment of the Localism Act 2011. The Council adopted its own Code of Conduct (NHDC Code) then and retained a Standards Committee to oversee Councillor conduct. Each Parish, Town and Community Council also adopted their own Codes, with the overall responsibility for dealing with Councillor complaints resting with the District Council and its Monitoring Officer.
- 1.3 The NHDC Code was reviewed in 2013 and in 2017 and amendments approved to the Code and the Register of Interests process in November 2017. This followed detailed consideration of these matters by Officers, the Independent Persons, Standards Committee and Full Council. The amended NHDC Code and Registration process applies from 4 May 2018.
- 1.4 The Council has had an Independent Person, Nicholas Moss and a Reserve Independent Person, Peter Chapman since July 2012 ('Independent Persons'). Their role is to provide independent input into the standards process, relevant policies, guidance, recruitment of Parish Councillor Co-optees and views on complaints as required by the Localism Act 2011. They also have a wider role to potentially advise on disciplinary recommendations relating to Statutory Officers under the provisions of The Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015.

2. Role of the Standards Committee

- 2.1 The Standards Committee has oversight of the conduct and probity of Councillors. Its responsibilities are set out in Section 7.5 of the Council's Constitution and are:
- 1 to promote and maintain high standards of conduct by Members and Co-opted Members of the authority;
 - 2 to advise and assist Parish Councils and Councillors to maintain high standards of conduct and to make recommendation to Parish Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with its Code of Conduct;
 - 3 to conduct hearings on behalf of the Parish Council;
 - 4 to advise the Council on the adoption or revision of the Members' Code of Conduct;
 - 5 to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria;



- 6 to receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct;
- 7 to advise, train or arrange to train Members and Co-opted Members on matters relating to the Members' Code of Conduct;
- 8 to assist Councillors and Co-opted Members to observe the Members' Code of Conduct;
- 9 to hear and determine complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- 10 to advise the Council upon the contents of and requirements for codes/ protocols/ other procedures relating to standards of conduct throughout the Council;
- 11 to review and approve the Council's arrangements for dealing with complaints about Member conduct (subject to: minor amendments delegated to the Monitoring Officer in consultation with the Independent Person);
- 12 to inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- 13 to hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to s33 of the Localism Act 2011;
- 14 to deal with applications for exemption from political restriction or to consider whether to include a post within the list of politically restricted posts.

3. **Members of the Committee**

3.1 The Committee has 14 members comprising twelve District Councillors and 2 non-voting co-opted Parish/ Community Councillors. The Independent Persons also attend the meetings in an advisory and non-voting capacity. In 2017/18, the membership was:

- Councillor Mike Rice (Chairman)
- Councillor Steve Hemingway (Vice-Chair)
- Councillor Judi Billing
- Councillor Julian Cunningham
- Councillor Jane Gray
- Councillor David Levett
- Councillor Bernard Lovewell
- Councillor Ian Mantle
- Councillor Paul Marment
- Councillor Michael Muir



- Councillor Frank Radcliffe
- Councillor Terry Tyler

(In addition there was a pool of six substitutes that could be used if a District Councillor was unable to attend and these were Councillors: Paul Clark; Nicola Harris; Ben Lewis; Sandra Lunn; Harry Spencer-Smith; and Michael Weeks).

Co-opted, non-voting, Members:-

- Parish Councillor Helena Gregory (Codicote)
- Parish Councillor Robert Logan (Great Ashby), who resigned on 10 October 2017. Councillor Gary Hills (Great Ashby) was appointed by Full Council as his co-opted replacement on 18 January 2018.

4. Monitoring Officer/Support to the Committee

4.1 The Council's Monitoring Officer was Anthony Roche until 23 November 2017 and following his promotion to Deputy Chief Executive, Jeanette Thompson was appointed as Acting Monitoring Officer and Corporate Legal Manager. The Monitoring Officer is a statutory position under the Local Government & Housing Act 1989 and the role is to:-

- Support the Standards Committee and the Independent Persons;
- Contribute to the promotion and maintenance of high standards of conduct within the Council;
- Maintain systems and processes for dealing with allegations of breaches of the Councillor Code of Conduct;
- Investigate, or appoint someone to investigate, allegations of breaches of the Councillor Code of Conduct and report these, where relevant to the Standards Sub-Committee;
- Maintain the Councillors' Registers of interests;
- Act as a point of contact for advice and/or queries raised by Councillors;
- Organise training for Councillors on conduct-related and decision making matters;
- Maintain, reviewing and updates the Constitution for approval by Full Council;
- Advise on various issues, including legality, administrative and governance matters;
- Keep under review various governance-related policies, such as Anti-Bribery, Whistleblowing and Conflicts of Interest;
- Consider and may investigate whistleblowing concerns.

4.2 Further support to the Committee is provided by James Ellis and Gavin Ramtohal – Deputy Monitoring Officers, the Monitoring Officer Technical Support and PA and the Committee Services team.



- 4.3 The Council is required by the Local Government and Housing Act 1989 Act to provide the Monitoring Officer with “*such staff, accommodation and other resources as are, in their opinion, sufficient to allow those duties to be performed*”. Additional resources or referrals may be required, and the Acting Monitoring Officer has confirmed that she has the necessary resources to meet the requirements of the role and/ or confidence that resources will be provided to deal with situations, should complex or conflicting circumstances arise.

5. Complaints

- 5.1. The Procedure for handling Standards Complaints was amended by the Standards Committee in October 2016 – and in the main involves the Monitoring Officer, or a Deputy Monitoring Officer considering complaints in consultation with an Independent Person. This includes taking steps to assess whether there is a prima facie case to answer and/or whether an informal resolution is appropriate, with relevant complaints being investigated and then possibly referred to the Standards Committee (Sub-Committee) for determination.

- 5.2. During 2017/18 the following 7 complaints/ issues were raised concerning:

- a District Councillor and the movement of a bin and alleged disrespectful behaviour. The decision was informal action, with the proposal that a meeting be facilitated between the then Deputy Monitoring Officer, Independent Person, Councillor and complainants to mediate a resolution of the matter. This was discontinued after the complainants ceased to co-operate with the process.
- three Parish Councillors regarding comments made at a meeting and it was concluded in accordance with the adopted Assessment Criteria that the matters complained of were minor or trivial in nature.
- a Parish Council. The complainant was advised that the Monitoring Officer only has the remit to deal with complaints about conduct of Councillors.
- a District Councillor who had failed to provide a response to correspondence. The issue was dealt with informally.
- allegations about a District Councillor and a planning matter. This was re-directed through the planning service. The complainant was contacted and provided with complaint form and contact details. No complaint was subsequently received.
- a District Councillor’s Declarable Pecuniary Interest (DPI), following a FOI request. This was considered by the Acting Monitoring Officer in consultation with the Independent Person and the decision reached that there was no DPI or case to answer. When this issue continued to be raised publicly, the Councillor self-referred to the Police. The Police concurred with the conclusions reached by the Acting Monitoring Officer, confirmed there was no DPI to declare and no further action would be taken.
- the behaviour of a Parish Councillor regarding a bin, close to the complainant’s property. This was considered by a Deputy Monitoring



Officer in consultation with the Independent Person who found no case to answer under the Assessment Criteria.

Matters considered by the Committee

Review of the NHDC Code of Conduct and Councillor Interest Register of Interests process

- 5.3 This was undertaken by the Standards Committee following an Officer and Independent Persons review of the Code of Conduct, the arrangements relating to the Register of Interests and amendments recommended and approved by Full Council in November 2017 (operative from 4 May 2018).
- 5.4 The Committee was also updated on a review of the Protocol with Hertfordshire Constabulary for the reporting of potential DPI offences. This was signed by NHDC, reported back to the Committee in February 2018 and will be used to guide any appropriate referrals.

Consultations:

Disqualification criteria for councillors and mayors

- 5.5 During the civic year the Committee participated in two consultations.
- 5.6 The first was from the DCLG on proposals to update the criteria that bar individuals from becoming or being a Councillor or directly-elected Mayor. The Government consultation proposed amendments to the disqualification criteria so that anyone convicted of a serious crime, regardless of whether it comes with a custodial sentence, will not be able to serve in such a capacity. The proposals were that individuals would be banned from standing for office if they are subject to:
- the notification requirements set out in the Sexual Offences Act 2003 (being on the sex offenders register);
 - a civil injunction granted under s.1 of the Anti-social Behaviour, Crime and Policing Act 2014 (the 2014 Act); or
 - a Criminal Behaviour Order made under s.22 of the 2014 Act.
- 5.7 The Committee provided its response, which was relayed to the DCLG as part of the consultation (closed on 8 December 2017). As at the date of this report the Government are said to be analysing the feedback received.

Committee on Standards in Public Life- Review of Local Government Ethical Standards: Stakeholder Consultation

- 5.8 The consultation commenced on 29 January 2018 and runs until 18 May 2018. The terms of reference for the consultation are to review the structures, processes and practices in local government in England for:
- Maintaining codes of conduct for local Councillors;
 - Investigating alleged breaches fairly and with due process;
 - Enforcing codes and imposing sanctions for misconduct;
 - Declaring interests and managing conflicts of interest;
 - Whistleblowing;
 - Assessing whether existing structures, processes and practices are conducive to high standards of conduct in local government;



- How the above can be improved;
- Noting any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

5.9 The Standards Committee considered the proposals at their meeting in February 2018 and their feedback was relayed to the Committee on Standards in Public Life. Following the submission of this, the Acting Monitoring Officer was invited to the roundtable discussion with the Committee on 18 April. At the stage of finalising the report the consultation is ongoing and conclusions / recommendations (and any action) are unlikely until the end of 2018.

6. Independent Persons

6.1 The two Independent Persons, Nicholas Moss and Peter Chapman, play an important role and provide assistance to the Monitoring Officer and Deputy Monitoring Officers in dealing with Standards complaints. An Independent Person is involved in each complaint and consulted during the process.

6.2 The Independent Persons attend regular meetings with the Monitoring Officer and Deputies, and have also been involved in reviewing the NHDC Code, the Guidance on the Code of Conduct, training for Councillors and were part of the Panel that selected and interviewed the Community Councillor appointed by Full Council on 18 January 2018.

7. Training and Development

7.1. Training was offered to Members on 24 May 2017 and will be provided on Tuesday 22 May 2018 to cover Member behaviour and the amended Code of Conduct; Finance – understanding how the Council is funded and role of the Councillor in that; and Principles of good decision making – helping to make effective decisions.

8. Other Areas of Work

8.1. The Monitoring Officer, with the assistance of the Monitoring Officer Technical Support Officer, has reminded all new Councillors to submit their Register of Interests forms relating to Disclosable Pecuniary Interests and existing Councillors have been reminded to review and updated their interests' forms. As the process has changed with effect from 4 May 2018, new Register of Interests forms will need to be completed by all District Councillors and scanned versions (without signature) will be loaded on to the individual Councillors pages on NHDC's website. The use of the Modern.gov system will then be considered to deliver this process, once the arrangements are fully operational. Scanned versions of Parish, Town and Community Councillors forms will be placed (again without signature) on individual Council pages.



9. Lessons Learned

- 9.1. During this year one of the issues that has become apparent when dealing with complaints, is expectation – that of the complainant and the Councillors involved, bearing in mind the remit of the District Council, Monitoring Officer and any meaningful sanction that would be available if a complaint was upheld. Some complaints relating to Parish Councillors linked to disputes that would fall, more appropriately, as complaints relating to the functions or actions of the Parish Council (planning applications and other decisions – for example where bins have been placed). As there is no meaningful external avenues for such complaints (such as to the Local Government Ombudsman), the next route has been to complain to the Monitoring Officer. This could only be resolved if central government review alternative Parish Council complaint avenues.
- 9.2. The aim, in the meantime, is to continue to ensure that the Council provides a forum for genuine complaints against Councillors, without encouraging unrelated, minor or vexatious complaints.

10. The Year Ahead

- 10.1. The Committee is scheduled to meet twice during 2018/19 and will receive updates on Standards Matters. Any Sub-Committee determination meetings will be arranged on an ad hoc basis.
- 10.2. In terms of future work for the Committee, the Member Planning Code of Good Practice (last adopted 3.9.15, and reviewed by the Committee in 2016) Appendix 3 to Section 8 Constitution is due for a review during 2018/19. If this is proposed for any significant change, then this can be reported through to the Standards Committee for consideration prior to Full Council.
- 10.3. In terms of standards matters generally, it remains to be seen whether any proposals come forward for changing Councillor disqualification criteria, and / or ethical standards. Any recommendations would, in any event, have to be supplemented with legislative changes.

11. Recommendation

- 12.1 That Council receives this report on the work of the Standards Committee, and general standards matters in 2017/18.

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ANNUAL COUNCIL

17 MAY 2018

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

17

TITLE OF REPORT: NOMINATION OF REPRESENTATIVES ON OUTSIDE ORGANISATIONS AND OTHER BODIES FOR 2018/2019

REPORT OF THE CHIEF EXECUTIVE

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to present a list setting out the nomination of representatives on Outside Organisations and Other Bodies for 2018/2019.

2. RECOMMENDATIONS

2.1 That the list of nominations of representatives on Outside Organisations and Other Bodies for 2018/2019, as set out in Appendix A to the report, which will be tabled at the meeting, be approved.

2.2 That Political Group Leaders notify the Democratic Services Manager of nominations to the remaining vacancies or any changes to the existing representatives on outside organisations.

3. REASONS FOR RECOMMENDATIONS

3.1 To comply with the provisions of Standing Order 4.8.1(b)(iv) and (v) of the Council's Constitution.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Leaders of the Political Groups have been consulted regarding the nomination of representatives on Outside Organisations and Other Bodies for 2018/2019.

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 Standing Order 4.8.1(b)(iv) of the Council’s Constitution states that at the Annual Meeting, the Council will “receive nominations of Councillors to serve on each Committee and outside body”. Standing Order 4.8.1(b)(iv) states that at the Annual Meeting, the Council will also “make appointments to those Committees and nominations to outside bodies, except where nomination to those bodies has been delegated by the Council or is exercisable by the Cabinet”.

8. RELEVANT CONSIDERATIONS

8.1 Appendix A to the report (which will be tabled at the meeting) will set out the nomination of representatives to Outside Organisations and Other Bodies for 2018/2019.

9. LEGAL IMPLICATIONS

9.1 The legal and constitutional requirements are set out in the main body of this report.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising directly from this report

11. RISK IMPLICATIONS

11.1 There are no direct risk implications arising from this report.

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 direct 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 resource implications.

15. APPENDICES

15.1 **Appendix A – Nomination of Representatives on Outside Organisations and Other Bodies for 2018/1018 - this list will be tabled at the Annual Council meeting on 17 May 2018.**

16. CONTACT OFFICERS

16.1 Ian Gourlay, Committee & Member Services Manager
ian.gourlay@north-herts.gov.uk

17. BACKGROUND PAPERS

17.1 None.

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