

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Council Chamber, Council Offices, Gernon Road, Letchworth Garden City on Thursday, 17th January, 2019 at 7.30 pm

PRESENT: Councillors Councillor John Bishop (Chairman), Councillor Jean Green (Vice-Chairman), Ian Albert, Daniel Allen, Kate Aspinwall, David Barnard, Clare Billing, Judi Billing, Ruth Brown, Val Bryant, Paul Clark, Sam Collins, Julian Cunningham, Bill Davidson, Steve Deakin-Davies, Elizabeth Dennis-Harburg, Sarah Dingley, Faye Frost, Gary Grindal, Nicola Harris, Simon Harwood, Cathryn Henry, Terry Hone, Mike Hughson, Tony Hunter, Steve Jarvis, David Levett, Bernard Lovewell, Ian Mantle, Jim McNally, Paul Marment, Ian Moody, Gerald Morris, Lisa Nash, Lynda Needham, Sue Ngwala, Helen Oliver, Janine Paterson, Mike Rice, Deepak Sangha, Val Shanley, Harry Spencer-Smith, Martin Stears-Handscob, Claire Strong, Richard Thake and Michael Weeks

IN ATTENDANCE: Ian Couper (Service Director – Resources), Howard Crompton (Service Director – Customers), Gavin Ramtohal (Legal Commercial Team Manager) (part of the meeting) Anthony Roche (Deputy Chief Executive) Jeanette Thompson (Service Directors – Legal and Community)

ALSO PRESENT: Marie Lowe (Welwyn Hatfield Borough Council) Clerk to the meeting.

65 APOLOGIES FOR ABSENCE

Audio Recording – Start of Item – Session 1 - 14 seconds

Apologies for absence were received from Councillors Ben Lewis, Michael Muir and Terry Tyler.

66 MINUTES - 22 NOVEMBER 2018

Audio Recording – Start of Item – Session 1 - 33 seconds

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

RESOLVED: That the Minutes of the Meeting of the Committee held on 22 November 2018 be approved as a true record of the proceedings and be signed by the Chairman.

67 NOTIFICATION OF OTHER BUSINESS

Audio Recording – Start of Item – Session 1 - 58 seconds

There was no other business notified.

68 CHAIRMAN'S ANNOUNCEMENTS

Audio Recording – Start of Item – Session 1 - 3 minutes 5 seconds

(1) Declarations of Interest

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The Chairman reminded Members 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 were 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, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

(2) Paperless Meetings

The Chairman, as previously advised, that from 1 January 2019 Members would no longer receive papers from Committee Services, unless advised otherwise.

From the beginning of the next Civic Year all meetings would be paperless.

In preparation for using tablets at future meetings, Members were asked that prior to any meeting that they ensured that the agenda was downloaded onto the tablet. This would also ensure that should there be any updates required that was also completed prior to the tablet being used at a particular meeting.

Should Members have any issues to please contact the IT Helpdesk direct. There were members from the IT team available at the meeting for assistance should anyone have an issue with their tablets.

(3) Refreshments

All Councillors were invited to refreshments after the meeting in Committee Rooms 2/3.

(4) Comfort break

The Chairman advised that should the meeting continue beyond 9pm then a five minute comfort break would be called. Members were asked to please remain in the room prior to the break ensure they could participate in the vote.

(5) Order of Agenda Items

The Chairman announced that he was delighted to welcome Superintendent Julie Wheatley to the meeting in relation to Agenda Item 6b, which would be taken as the first item of business. Agenda Item 6a would then follow with the remaining business as per the agenda.

(6) Rules of Debate

Members were reminded that, in accordance with the Constitution, to ensure that no speech exceeded five minutes without the consent of the Chairman.

(7) New Years Honours List

Following the announcement of the New Year Honours List for 2019, the following people within our District had been recognised for their achievements and service:

Dr Julia Rose MAGILL For services to Education.
(Royston, Hertfordshire)

Andrew Charles De Winton MORTON For services to the community
(Kimpton, Hertfordshire)

Daphne Frances SELFE For services to Women and Fashion.
(Baldock, Hertfordshire)

Christine Victoria KELL For services to the community in Hitchin, Hertfordshire.
(Buntingford, Hertfordshire)

(8) Welwyn Hatfield

A welcome was extended to Marie Lowe from Welwyn Hatfield Borough Council who were providing additional support at a number of Council meetings.

69 PUBLIC PARTICIPATION

Audio Recording – Start of Item – Session 1 - 4 minutes 44 seconds

Miss Jacqueline May McDonald, representing the Future of Hitchin Town Hall and Museum Social Media Group, spoke for five minutes regarding the delay in the completion of Hitchin Town Hall and Museum and called for a full public enquiry into the matter.

There were no responses or points of clarification received from Members.

70 ITEMS REFERRED FROM OTHER COMMITTEES

The following items were considered:-

71 CHIEF INSPECTOR JULIE WHEATLEY

Audio Recording – Start of Item – Session 1 - 9 minutes 19 seconds

The Council considered a request of the Cabinet on 18 December 2018 to recognise the exceptional contribution to the Community made by Chief Inspector Wheatley, and to place on record the Council's sincere thanks and appreciation for her services to North Hertfordshire.

It was moved by Councillor Needham and seconded by Councillor Stears-Handscombe that the recommendations contained in the report be approved.

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

RESOLVED:

That in accordance with paragraph 4.4.1(b) of the Council's Constitution, Full Council recognises the exceptional contribution to the community made by Chief Inspector Julie Wheatley and places on record the Council's sincere thanks and appreciation for her service in North Hertfordshire.

REASON FOR DECISION: To recognise the exceptional contribution to the Community made by Chief Inspector Julie Wheatley. After 8 years serving the North Hertfordshire community in various positions, the Leader explained that Chief Inspector Julie Wheatley had been promoted to Superintendent and would therefore be leaving her role in the New Year. During the four years that Chief Inspector Wheatley had been the North Hertfordshire Chief Inspector she had worked hard to build strong partnerships with the Authority and other local partners to improve community safety and reduce antisocial behaviour and crime and disorder. It was noted that North Hertfordshire is one of the highest performing Community Safety Partnerships in the county, is one of the safest places to live in Hertfordshire and the country and has the highest rates of victim satisfaction in the county.

72 UPDATED CONTRACT PROCUREMENT RULES FOR 2018/19

Audio Recording – Start of Item – Session 1 - 15 minutes 48 seconds

The Council considered the adoption of the proposed changes to the Contract Procurement Rules as recommended by the Finance, Audit and Risk Committee on 17 December 2018.

The Leader of the Council (Councillor Lynda Needham) presented the report.

It was moved by Councillor Terry Hone and seconded by Councillor Simon Harwood that the recommendations contained in the report be approved. It was noted that the Legal Commercial Team Manager would consider the issues raised by the Finance, Audit and Risk Committee (as per the referral).

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

RESOLVED:

That, subject to the amendment of 2.4 to read 'Failure to comply with the Rules will result in Officers conduct being examined and may be a breach under the Council's Managing Misconduct Policy....' The Contract Procedure Rules be adopted.

REASON FOR DECISION: That the Contract Procurement Rules are part of the Constitution (under Section 20) and are revised and updated periodically as part of the Council's governance and procurement review processes, contributing to effective organisational internal control. In addition, the review and adoption of the Council's Contract Procurement Rules is a key action in the Council's Procurement Strategy.

73 TREASURY MANAGEMENT SECOND QUARTER 2081/19

Audio Recording – Start of Item – Session 1 - 23 minutes 40 seconds

The Council considered the Cabinet report and referral which set out the position of the Treasury Management activity as at the end of September 2018.

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

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

RESOLVED: That the position of Treasury Management activity at the end of September 2018 be noted.

REASONS FOR DECISION: To ensure the Council's continued compliance with CIPFA's code of practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

74 COUNCIL TAX REDUCTION SCHEME 2019/20

Audio Recording – Start of Item – Session 1 - 27 minutes 40 seconds

75 ITEM REFERRED FROM CABINET - COUNCIL TAX REDUCTION SCHEME

Item referred from the Cabinet meeting on 18 December 2019 was considered as part of Agenda Item 7.b (Minute No. 75a refers).

a) **REPORT TO COUNCIL - COUNCIL TAX REDUCTION SCHEME 2019/2020**

Audio Recording – Start of Item – Session 1 - 3 minutes 7 seconds

The Council considered the Cabinet report which provided an update of how the Scheme was operating in its sixth year and recommended that no changes be made to the Scheme for 2019/2020.

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

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

RESOLVED:

- (1) That the Scheme attached at Appendix 1 as the Council Tax Reduction Scheme for North Hertfordshire for 2019/2020 be approved.
- (2) That, in accordance with Section 59A.1 of the Council Tax Reduction Scheme referred to in (1) above, the percentage by which each award to each recipient in the Non-Protected Groups is reduced at 25.0% for 2019/2020 - this remains the same as 2018/2019.
- (3) That the amount to be distributed to the Local Precepting Authorities for Council Tax Reduction Scheme Grant is £38,885 and that this be distributed in proportion to the total awards of CTRS in each Local Precepting area.

REASONS FOR RECOMMENDATIONS: To comply with the requirement to approve the local Council Tax Reduction Scheme for the coming financial year.

76

CONSTITUTION REVIEW 2019

Audio Recording – Start of Item – Session 1 - 37 minutes 45 seconds

The Council considered the report of Officers which set out the review undertaken and recommended amendments to update the Council's Constitution.

The report was presented by the Service Director: Legal and Community/ Monitoring Officer.

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

Following debate there were a number of proposed amendments:

Section 4.8.11(d) That the number of questions to apply for each political group is three, proposed by Councillor Martin Stears-Handscombe and seconded by Councillor Judi Billing.

Following debate this was put to the vote and the amendment was lost.

Appendix 1 to Section 8, 1.3 for a separate speaking right for Parish Councils at Planning Control Committee, proposed by Councillor Ruth Brown and seconded by Cllr Steve Jarvis, this was put to the vote and the amendment lost.

Following further debate the recommendations were , and upon being put to the vote, it was

RESOLVED:

That the amendments to the Council's Constitution as set out in Appendix A be agreed subject to the following amendments:

- (a) **Section 4 Full Council and Council Procedure Rules**
Proposed 'guillotine' provision for meeting length (section 4.8 – new 4.8.5(e)):

That the proposed amendment to a 'guillotine' provision not be inserted into the Council's Constitution.

(b) Motions on notice - notice (Section 4.8.12(a))

That the word 'open' be amended to 'available'. '*...Motions received will be retained in a record of motions which is **available** to public inspection.*'

(c) Section 6 Scrutiny – introduction (Section 6.1.2)

That the wording '*local inhabitants and customer...*' be changed to '*Local inhabitants and service users*'.

(d) Section 8 Regulatory Committees: Licensing and Appeals Committee; Licensing Sub-Committee (section 8.3.1):

That the status quo be maintained and the proposed amendment not be inserted into the Council's Constitution.

(e) Section 8.4.5(c) (ii)/ (iii) & 'support' of ward Member /call in to PCC – Planning Control Committees

Insertion of the words '*disclosable pecuniary*'.

That the wording be ' 1 A Ward Member with a declarable and **disclosable pecuniary** Interest must not be involved in the referral to Committee.*

This to apply to (iii):

Footnote: 3 as above.'

(f) Section 9 Area Committee terms of reference (Section 9.8.) (additional term of reference 9.8.2 (h)):

The proposed amendment not be inserted into the Council's Constitution.

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

77 QUESTIONS FROM MEMBERS

Audio Recording – Start of Item – Session 1 – 1 hour 35 minutes 50 seconds

In accordance with Standing Order 4.8.11(b), the following questions were submitted:

(a) Consultation on Permitted Development for Shale Gas Exploration

By Councillor Ian Albert to Councillor David Levett (Executive Member for Planning):

'The North Herts District Council Cabinet at its December meeting noted and endorsed a response to the MHCLG consultation on Permitted Development for Shale Gas exploration (Fracking). The response to MHCLG would appear to indicate that Shale Gas Exploration (fracking) could be agreed in North Hertfordshire in given circumstances.

Will the Executive Member for Planning, Enterprise and Transport explain the reasons for the response to MHCLG and what consultation was undertaken with Councillors and the public before the response was sent?'

In response Councillor Levett explained that the consultation was a public consultation exercise and therefore it had been open for anyone to submit a response. It would usually be the responsibility of the County Council to respond to such consultation. However, given the topic matter, the District Council considered it necessary to also submit a response having consulted the County Council, which was prepared with the relevant Members as per delegations in the Constitution. It was further noted that Shale Gas Exploration was unlikely to occur in the District.

Councillor Albert asked a supplementary question. Councillor Levett again emphasised that it had been a public consultation and explained that the consultation related to a particular type of fracking where the Government had asked whether the proposed conditions were sufficient, the Council's response being that additional conditions were required.

(b) Community Infrastructure Levy (CIL) for North Hertfordshire

By Councillor Ian Albert to Councillor David Levett (Executive Member for Planning):

'The NHDC Cabinet at its December meeting reaffirmed its decision of 30th July 2013 that "a Community Infrastructure Levy (CIL) for North Hertfordshire be not pursued for the time being". However, a number of other Councils in Hertfordshire have introduced CIL effectively and productively.

Will the Executive Member for Planning, Enterprise and Transport explain:

- ***What factual evidence was used in reaching the decision not to implement a CIL charging schedule in North Herts at this time;***
- ***What wider consultation on CIL took place with Councillors and the public in advance of the December Cabinet meeting; and***
- ***What will the process be to enable the Full Council to make an informed decision on this issue?"***

In response Councillor Levett explained that the approach was detailed in the report to Cabinet, factors included the efficiency of using S106 agreements, the experience of others using CIL and time and cost of administering CIL.

The evidence gathered had not demonstrated the CIL was effective or productive and where CIL was in operation no funds had been distributed by the collecting authorities to the County Council for contributions to education, highways etc.

There were no plans for Council to make a decision on the matter and if Members were not satisfied with a decision of the Cabinet, call-in provisions were available.

(c) Brexit

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

'What contingency plans has this Council put in place to deal with the implications to the Council and the District in the event Brexit goes ahead on 29 March this year?'

In response Councillor Needham explained that the Council had compiled an impact log of potential Brexit implications which was regularly discussed at Senior Management Team.

The Council's Human Resources Team had confirmed that of the Council's employees, 26 were of 'white other background', although it was unknown if the staff were of European

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descent. It was clarified that when requested to state ethnicity 26 people had declined meaning the Council had no knowledge if those staff were European nationals.

There were ongoing discussions at the Policy and Partnership meetings which included a County Council representative. The County were collating what each authority was doing in preparation of Brexit and shared those findings

The Resilience Officer and Policy Officer received the minutes from the Herts Strategic Coordinating Group regarding the multi agency management of emergency affects post Brexit within Hertfordshire.

The Leader also explained the Council's involvement outside of Hertfordshire in preparation for Brexit.

Cllr Marment asked a supplementary question and in response the Leader stated that should a request from the Government be received for funding, the Council would carefully consider the request to ensure that it provided protection to the residents in North Hertfordshire.

(d) The area's subsidised door-to-door bus service to the Lister and New QEII.

The following question was unsuccessful in the ballot conducted on 14 January 2019, and was dealt with by way of a written response from the Leader to all Members of the Council as per section 4.8.11(f) of the Constitution:

Councillor Helen Oliver to Councillor Lynda Needham (Leader of the Council):

'Our area's subsidised door-to-door bus service to the Lister and New QEII was cut in December. This has left vulnerable, people who may be sick or have disabilities.

What formal communications will the Leader of the Council be making to our colleagues at Hertfordshire County Council, to indicate the impact of this loss on local people and to secure a solution to the shortfall in access to healthcare?'

Following the meeting a response was provided and circulated in MIS on 1 February 2019.

78 NOTICE OF MOTIONS

Audio Recording – Start of Item – Session 1 – 1 hour 57 minutes 55 seconds

The following motion was submitted, due notice of which had been given in accordance with Standing Order 4.8.12.

The motion was moved by Councillor Judi Billing and seconded by Councillor Daniel Allen:

At a time of increasing debt, homelessness, poverty, hardship and uncertainty caused by the rollout of Universal Credit in North Hertfordshire, this Council resolves:

'To implement an ethical debt collection policy and align itself to best practice in both the private sector and other local authorities, which have abandoned the use of bailiffs for debt collection.

To ensure that value for money for council tax payers is maximised by pursuing debt repayment plans that will enable money to be paid back to the local authority through managed debt collection.

To avoid additional costs being incurred such as those arising from needing to re-house people made homeless as a result of a non-ethical debt collection policy.

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To enshrine the above in contracts held with agencies operating on behalf of North Herts District Council and to work with them to implement an ethical debt collection policy.

This Council additionally notes that an ethical debt collection policy is not a 'no debt' collection policy and that everyone who owes money to the local authority is obliged to repay it.'

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

Chairman