

NORTH HERTFORDSHIRE DISTRICT COUNCIL



30 October 2020

Our Ref Council 12.11.20
Contact. Committee Services
Direct Dial. (01462) 474655
Email. committee.services@north-herts.gov.uk

To: The Chair and Members of North Hertfordshire District Council

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE COUNCIL**

to be held as a

VIRTUAL MEETING

on

THURSDAY, 12 NOVEMBER 2020

at

7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item	Page
1. WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY	5 - 6
<p>Members are requested to ensure that they are familiar with the attached summary of the Remote/Partly Remote Meetings Protocol. The full Remote/Partly Remote Meetings Protocol has been published and is available here: https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings.</p>	
2. APOLOGIES FOR ABSENCE	
3. NOTIFICATION OF OTHER BUSINESS	
<p>Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
4. CHAIR'S ANNOUNCEMENTS	
<p><u>Climate Emergency</u></p> <p>Members are reminded that this Council has declared a Climate Emergency. This is a serious decision and means that, as this is an emergency, all of us, officers and Members have that in mind as we carry out our various roles and tasks for the benefit of our District.</p> <p><u>Declarations of Interest</u></p> <p>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 Chair 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.</p>	
5. PUBLIC PARTICIPATION	
<p>To receive petitions, comments and questions from the public.</p>	
6. ITEMS REFERRED FROM OTHER COMMITTEES	7 - 12
<p>Any Items referred from other committees will be circulated as soon as they are available.</p>	

7. **RESOLUTION TO EXTEND THE 6 MONTH RULE - SECTION 85 LOCAL GOVERNMENT ACT 1972** 13 - 16
REPORT OF THE DEMOCRATIC SERVICES MANAGER

To consider an extension of the six-month rule for Councillor Kay Tart, having regard to the circumstances for absence from meetings.

8. **USE OF URGENCY IN RELATION TO CALL-IN FOR DECISION ON BUSINESS RATE POOLING** 17 - 18
REPORT OF THE SERVICE DIRECTOR – RESOURCES

To notify Council that the urgency provisions in relation to call-in were applied to a decision in relation to Business Rate Pooling at the Extraordinary Cabinet meeting on 22 October 2020.

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

10. **NOTICE OF MOTIONS**
To consider any motions, due notice of which have been given in accordance with Standing Order 4.8.12.

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REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

A protocol regarding remote meetings has been devised as a result of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations') to provide guidance for the conduct of any remote meeting of the Council, and its various Committees and Sub-Committees, held under the provisions of the Regulations and subsequent changes to the Constitution.

The full Remote / Partly Remote Meetings Protocol has been published and is available to view on the Council's website via the following link: <https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings>

The Council's adopted Constitution will continue to apply to meetings of the Council and its various Committees and Sub-Committees. Where there is a conflict between the protocol and Constitution the Constitution takes precedence.

The protocol applies to this meeting. It outlines processes for conducting remote meetings. Some key points are highlighted here for guidance:

- Prior to the start of a meeting the Committee, Member and Scrutiny Officer/Manager ('The Officer') will confirm the meeting is being streamed live. They will confirm that they can see and hear all participating Members, Officers and/or members of the public at the start or upon reconvening a meeting.
- Any person attending the meeting remotely should join no later than 15 minutes prior to allow for technical checks. They should ensure that their name on screen appears in the agreed format, as indicated in the Protocol. They should mute their microphone when not speaking. Their background should be nondescript or virtual/blurred if possible. Headsets are recommended to reduce audio feedback.
- Remember to stay in view of the camera. While on camera everything you do is visible; please observe as far as possible the etiquette you would as if attending a meeting in person.
- Be careful to prevent exempt or confidential papers being seen within the video-feed. When a meeting is in private session there should be only those entitled to be present in the room. The live stream will continue with a holding card displayed.
- If a Member wishes to speak, they should use the raise hand function. Please wait to be invited by the Chair to address the meeting. The normal procedure rules with respect to debate and speaking times will apply as per the Constitution.
- If a Member has declared a Disclosable Pecuniary Interest and is required to leave the meeting during the consideration of an item, they will be placed in the waiting room. It is the responsibility of the Member in question to remind the Chair at the start of such item. The Officer will remind the Chair to return the Member as appropriate.
- Members will need to use the tools in the "Participants" function to vote: using a green tick to indicate 'for', a red cross to indicate 'against', or the "raise hand" tool to indicate an abstention. Where a Member has had to dial into the meeting by telephone, the Chair will ask for verbal confirmation as to how they wish to vote. Leave the vote in situ until told otherwise by either the Chair or Officer.
- The Officer will clearly state the result of the vote and the Chair will then move on.
- Details of how Members voted will not be kept or minuted unless a Recorded Vote is requested or an individual requests that their vote be recorded, although voting may be seen and/or heard on the video recording.
- If there are Part 2 (confidential) items Members will be invited to join a breakout room for these items. You must accept this invitation.
- Once Part 2 (confidential) discussions have concluded Members will need to leave the breakout room. Please do not leave the meeting.

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Agenda Item 6

Referrals from Other Committees

- a. Item Referred from Cabinet: 22 October 2020 – Hertfordshire Growth Board - Proposed Joint Committees
- b. Item Referred from Licensing and Appeals Committee: 26 October 2020 – Adoption of a Statement of Licensing Policy Required by Virtue of Section 5 of the Licensing Act 2003

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a ITEM REFERRED FROM CABINET: 22 OCTOBER 2020 – HERTFORDSHIRE GROWTH BOARD - PROPOSED JOINT COMMITTEES

RECOMMENDED TO COUNCIL

- (1) To confirm the establishment of the Growth Board and Growth Board Scrutiny Joint Committees (to hold their inaugural meetings in January/February 2021 and then HGB Scrutiny aligned to confirmation of securing Government funding in 2021);
- (2) To adopt the Growth Board Integrated Governance Framework into the Councils own constitutional framework;
- (3) To agree the Council's nominated representatives on the Growth Board as Councillor Martin Stears-Handscomb (as Leader of the Council), Deputy Councillor Paul Clark (as Deputy Leader of the Council) and Scrutiny Committee as Councillor David Levett (as Chair of the Overview and Scrutiny Committee), Deputy Councillor Kate Aspinwall (as Vice-Chair of the Overview and Scrutiny Committee).

REASON FOR DECISIONS: To provide longer term joint place leadership.

The Leader of the Council presented the report entitled Hertfordshire Growth Board – Proposed Joint Committees together with the following appendix:

- Appendix HGB - Hertfordshire Growth Board Integrated Governance Framework cover report.

The Service Director – Legal and Community advised that:

- If it were agreed to establish the committee and the delegations, then Council would be recommended to adopt the Growth Board Governance Framework into the Council's Constitutional Framework.

The following Members asked questions and took part in the debate:

- Councillor Steve Jarvis;
- Councillor Paul Clark;
- Councillor Judi Billing;
- Councillor Ian Albert.

In response to questions the Managing Director advised that the method of reporting the work of the Growth Board would be through the regular Strategic Planning Matters report.

Councillor Martin Stears-Handscomb Proposed, Councillor Paul Clark seconded and it was:

RESOLVED:

- (1) That the content of the report entitled Hertfordshire Growth Board – Proposed Joint Committees and attached joint cover report Appendix HGB “Hertfordshire Growth Board Integrated Governance Framework” be noted;

- (2) That Cabinet agrees, as per Appendix HGB summary of functions, to the extent that these are Executive Functions, to delegate the exercise of such functions to enable HGB to pursue and achieve the purposes in paragraphs 4.1 and 4.2 of the Terms of Reference, and to undertake any actions necessary, incidental or ancillary to achieving those objectives.

RECOMMENDED TO COUNCIL

- (1) To confirm the establishment of the Growth Board and Growth Board Scrutiny Joint Committees (to hold their inaugural meetings in January/February 2021 and then HGB Scrutiny aligned to confirmation of securing Government funding in 2021);
- (2) To adopt the Growth Board Integrated Governance Framework into the Council's own constitutional framework;
- (3) To agree the Council's nominated representatives on the Growth Board as Councillor Martin Stears-Handscomb (as Leader of the Council), Deputy Councillor Paul Clark (as Deputy Leader of the Council) and Scrutiny Committee as Councillor David Levett (as Chair of the Overview and Scrutiny Committee), Deputy Councillor Kate Aspinwall (as Vice-Chair of the Overview and Scrutiny Committee).

REASON FOR DECISIONS: To provide longer term joint place leadership.

NB: The report and full Minutes can be viewed here:

<https://democracy.north-herts.gov.uk/ieListDocuments.aspx?CId=133&MId=2536&Ver=4>

b ITEM REFERRED FROM LICENSING AND APPEALS COMMITTEE: 26 OCTOBER 2020 – ADOPTION OF A STATEMENT OF LICENSING POLICY REQUIRED BY VIRTUE OF SECTION 5 OF THE LICENSING ACT 2003

RECOMMENDED TO COUNCIL: That the Statement of Licensing Policy be adopted.

REASONS FOR DECISIONS:

- (1) Licensing authorities are required to publish a policy every five years by virtue of section 5 of the Licensing Act 2003 (“the Act”).
- (2) A new policy must be published by 7 January 2021 to comply with this statutory requirement.
- (3) The proposed policy builds on the success of the previous and existing versions of the policy, whilst reflecting legislative changes and the Council’s priorities.
- (4) Responses to the public consultation were limited and raised no significant opposition to any of the proposals.

The Licensing Manager presented the report entitled Adoption of a Statement of Licensing Policy Required by Virtue of Section 5 of the Licensing Act 2003 together with the following appendices:

- Appendix A - Draft Policy Published for Public Consultation;
- Appendix B - Summary of Consultation Responses with Officer Comments;
- Appendix C - Full Consultation Responses;
- Appendix D - Proposed Policy.

The following Member asked questions:

- Councillor Sam North.

In response to questions the Licensing Manager advised that:

- Fees under the Licensing Act were set by the Government, however these did not go any way to meetings costs;
- Licensing fees were set by the Executive Member for Housing and Environmental Health or the Service Director – Legal and Community.

Councillor Mike Rice proposed, Councillor Richard Thake seconded and it was:

RESOLVED:

- (1) That the responses to the public consultation be noted;
- (2) That the proposed Statement of Licensing Policy attached as Appendix D be supported;

RECOMMENDED TO COUNCIL: That the Statement of Licensing Policy be adopted.

REASONS FOR DECISIONS:

- (1) Licensing authorities are required to publish a policy every five years by virtue of section 5 of the Licensing Act 2003 (“the Act”).
- (2) A new policy must be published by 7 January 2021 to comply with this statutory requirement.
- (3) The proposed policy builds on the success of the previous and existing versions of the policy, whilst reflecting legislative changes and the Council’s priorities.
- (4) Responses to the public consultation were limited and raised no significant opposition to any of the proposals.

NB: The report and full Minutes can be viewed here:

<https://democracy.north-herts.gov.uk/ieListDocuments.aspx?CId=149&MId=2506&Ver=4>

**COUNCIL
12 NOVEMBER 2020**

PART 1 – PUBLIC DOCUMENT

**TITLE OF REPORT: RESOLUTION TO EXTEND THE 6 MONTH RULE – SECTION 85
LOCAL GOVERNMENT ACT 1972**

REPORT OF THE DEMOCRATIC SERVICES MANAGER

EXECUTIVE MEMBER: THE LEADER OF COUNCIL

COUNCIL PRIORITY: RESPOND TO CHALLENGES TO THE ENVIRONMENT

1. EXECUTIVE SUMMARY

- 1.1 To consider an extension of the six-month rule for Councillor Kay Tart, having regard to the circumstances for absence from meetings.

2. RECOMMENDATIONS

- 2.1. That Council approves an extension of the six-month rule for Councillor Kay Tart, on ill-health grounds, for an additional six-month period, until 9 July 2021.
- 2.2. That the power to grant an extension, on health grounds, be delegated to the Democratic Services Manager, in consultation with Group Leaders during the coronavirus pandemic, such delegation to last for the term of the pandemic, or to cease if not renewed by Council / or under emergency powers in July 2021.

3. REASONS FOR RECOMMENDATIONS

- 3.1. Section 85 of the Local Government Act 1972 states that *'if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority'*. Whilst the Local Government Association has been lobbying for this to be dealt with (potentially under the Coronavirus Bill 2020), this has so far not been included.
- 3.2. The recommendation at 2.1 is therefore required to enable Cllr Tart to continue to serve as a District Councillor. The recommendation at 2.2 is to cover the continuing pandemic emergency.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The alternative option would be to not agree to the extension which would create a vacancy within the Hitchin Walsworth ward. However, is not considered an option as Cllr Tart wishes to continue to serve as a District Councillor.
- 4.2. It should be noted that by virtue of the Coronavirus Act 2020 and The Local Government and Police and Crime Commissioner (Coronavirus)(Postponement of Elections and Referendums)(England and Wales) Regulations 2020 in the event of a casual vacancy the by-election would not take place, and the vacancy held open until the by-election did indeed take place. The 2020 regulations provide for any by-elections to take place on the date for the Ordinary Election of Councillors – currently due to be held on Thursday 6 May 2021. (However, although indications remain unlikely, this date may be brought forward or deferred by the Government depending upon the circumstances).

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. There is no duty to consult on this matter and therefore no consultation with Members or external organisations has taken place.

6. FORWARD PLAN

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

7. BACKGROUND

- 7.1. Councillor Kay Tart has been unable to attend meetings recently on ill-health grounds. The last meeting attended was the Full Council meeting on 9 July 2020. Therefore, the six-month period will expire on 9 January 2021, unless an extension is approved (the Full Council meeting on 21 January 2021 would be too late to consider this extension). Since that meeting Councillor Tart has experienced ill-health and is under ongoing medical care. Under the circumstances, it is requested that Council approve an extension of the six-month rule for Councillor Tart on ill-health grounds.

8. RELEVANT CONSIDERATIONS

- 8.1. The information relevant to the decision has been detailed throughout the report. Should Council be minded to grant an extension for an additional six months it would not prevent Councillor Tart returning to meetings at any time, should health allow.

9. LEGAL IMPLICATIONS

- 9.1. Council is required to determine this matter as per Paragraph 1.2.1 of the Council's Constitution:

'The Council is comprised of forty nine Councillors each elected for a four year period. Elections are held in three out of four years with a third of the seats contested in each year. Each Councillor is democratically accountable to the residents of their electoral ward as well as all of those who live in the District of North Hertfordshire. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them. Councillors who do not attend at least one Council or Committee meeting in a six-month period cease to be a Councillor, unless their absence is approved by Full Council within that period'.

- 9.2. Section 85 (1) of the Local Government Act 1972 states that *'if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority'.*
- 9.3. Section 85 (2) of the Local Government Act 1972 provides guidance as to attendance at a meeting. *'Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority'.*

10. FINANCIAL IMPLICATIONS

- 10.1. There are no financial implications arising from the report. However, should the extension not be granted could result in a by-election next year and therefore the costs would be incurred by the Authority.

11. RISK IMPLICATIONS

- 11.1. None contained within 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. The six-month extension to a term of office provides an opportunity for Cllr Tart to continue in the role as District Councillor when health improves.

13. SOCIAL VALUE IMPLICATIONS

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

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 The Committee, Member and Scrutiny Services Manager monitors attendance and notifies Group Leaders when a Member has not attended a meeting for 4 consecutive months.

16. APPENDICES

16.1 None.

17. CONTACT OFFICERS

17.1 Melanie Stimpson, Democratic Services Officer,
Melanie.stimpson@north-herts.gov.uk ext. 4208

17.2 Jeanette Thompson, Service Director; Legal and Community and Monitoring Officer
Jeanette.thompson@north-herts.gov.uk, ext. 4370

17.3 Ian Couper, Service Director; Resources
ian.couper@north-herts.gov.uk, ext 4243

17.4 Tim Everitt, Performance Improvement Officer
Tim.everitt@north-herts.gov.uk ext 4646

18. BACKGROUND PAPERS

18.1 None.

**COUNCIL
12 NOVEMBER 2020**

PART 1 – PUBLIC DOCUMENT

**TITLE OF REPORT: USE OF URGENCY IN RELATION TO CALL-IN FOR DECISION ON
BUSINESS RATE POOLING**

REPORT OF THE SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER: N/A

COUNCIL PRIORITY: ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY

1. EXECUTIVE SUMMARY

- 1.1 To notify Council that the urgency provisions in relation to call-in were applied to a decision in relation to Business Rate Pooling at the Extraordinary Cabinet meeting on 22 October 2020. This was due to the timing and availability of the information required to make the decision and the deadline for submitting the pooling application. Allowing for potential call-in would have made it impossible to meet the deadline set by the Ministry for Housing, Communities and Local Government of 23 October 2020. As per the Constitution, the Chair of the Council agreed to the decision being treated as a matter of urgency. The Constitution requires that use of this provision is reported to the next meeting of Council, together with the reasons for urgency.
- 1.2 Provisions for the use of call-in and urgency are set out in paragraph 6.3.11 (b) (i) of the Constitution.

2. RECOMMENDATIONS

- 2.1. That Council notes the use of urgency provisions in relation to the Business Rate Pooling decision made by Cabinet on 22 October 2020.

All information in relation to this decision is available to view via the links below:

Cabinet Report 22 October 2020 <https://democracy.north-herts.gov.uk/documents/s14175/Business%20Rate%20Pool%20202122.pdf>

Cabinet Addendum Report 22 October 2020 <https://democracy.north-herts.gov.uk/documents/b8046/Business%20Rate%20Pool%20202122%20-%20ADDENDUM%2022nd-Oct-2020%2019.30%20Cabinet.pdf?T=9>

CONTACT OFFICERS

Ian Couper, Service Director - Resources, ian.couper@north-herts.gov.uk, ext 4243

Jeanette Thompson, Service Director - Legal and Community, Jeanette.thompson@north-herts.gov.uk, ext 4370