

NORTH HERTFORDSHIRE DISTRICT COUNCIL



11 September 2020

Our Ref Council/24.09.20
Contact. Committee Services
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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, 24 SEPTEMBER 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. APOLOGIES FOR ABSENCE	
2. NOTIFICATION OF OTHER BUSINESS 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. The Chair will decide whether any item(s) raised will be considered.	
3. CHAIR'S ANNOUNCEMENTS <u>Climate Emergency</u> 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. <u>Declarations of Interest</u> 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.	
4. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5. ITEMS REFERRED FROM OTHER COMMITTEES Any Items referred from other committees will be circulated as soon as they are available.	5 - 14

- 6. APPOINTMENT OF RESERVE INDEPENDENT PERSON (& CONFIRMATION OF EXISTING APPOINTMENTS)** 15 - 22
REPORT OF THE SERVICE DIRECTOR LEGAL AND COMMUNITY AND MONITORING OFFICER

This report seeks approval to change to having an IP and two Reserve IPs, rather than an IP, a Deputy IP and a Deputy Reserve IP. It seeks to end the appointment of Stephen Bubb (no longer a Broxbourne IP), and to appoint John Richardson as a Reserve IP. It also seeks approval for the confirmation of continuing appointment of Nicholas Moss (as IP) and Peter Chapman (as ResIP). All appointments to be for a period of up to 4 years (two years and potential extension for a further two years).

- 7. APPOINTMENT OF PARISH/ TOWN REPRESENTATIVES TO STANDARDS COMMITTEE** 23 - 28
REPORT OF THE SERVICE DIRECTOR: LEGAL AND COMMUNITY/ MONITORING OFFICER

For Full Council to confirm the appointment of the co-optee(s) to the Standards Committee.

- 8. MEMBER AND OFFICER INDEMNITY** 29 - 38
REPORT OF THE SERVICE DIRECTOR – LEGAL AND COMMUNITY

To obtain Council's endorsement of an updated Member and Officer Indemnity Policy.

- 9. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2019/20** 39 - 50
REPORT OF THE CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE 2019/20

To consider the Annual Report of the Overview and Scrutiny Committee 2019/20

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

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

- 12. EXCLUSION OF PRESS AND PUBLIC**
To consider passing the following resolution:

That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act (as amended).

- 13. ITEM REFERRED FROM CABINET: 21 JULY 2020 - COVID-19 FINANCIAL IMPACTS** 51 - 54
This report relates to Item 5b - Items Referred from Other Committees.

14. ITEM REFERRED FROM CABINET: 21 JULY 2020 - LEISURE CONTRACT RECOVERY 55 - 64

This report relates to Item 5c – Items Referred from Other Committees.

Agenda Item 5

Referrals from Other Committees

- a. Item Referred from Cabinet: 21 July 2020 - Risk Management update
- b. Item Referred from Cabinet: 21 July 2020 – Covid-19 Financial Impacts
- c. Item Referred from Cabinet 21 July 2020 – Leisure Contracts Recovery
- d. Item Referred from Employment Committee 25 August 2020 – RO/ERO
- e. Item Referred from Cabinet: 15 September 2020 – Medium Term Financial Strategy
- f. Item Referred from Cabinet: 15 September 2020 – Council Plan and Council Objectives 2021-2026

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ITEM REFERRED FROM FINANCE, AUDIT AND RISK COMMITTEE: 20 JULY 2020 – RISK MANAGEMENT UPDATE

RECOMMENDED TO COUNCIL: That the Annual Report on Risk Management be noted.

REASONS FOR DECISIONS:

- (1) The responsibility for ensuring the management of risks is that of Cabinet;
- (2) This Committee has responsibility to monitor the effective development and operation of Risk Management.

The Service Director – Resources introduced the referral from the Finance, Audit and Risk Committee and drew attention to the recommendation:

That the Annual Report on Risk Management be noted and then referred to Full Council.

It was moved by Councillor Martin Stears-Handscorn, seconded by Councillor Paul Clark and:

RESOLVED: That the Annual Report on Risk Management be noted.

RECOMMENDED TO COUNCIL: That the Annual Report on Risk Management be noted.

REASONS FOR DECISIONS:

- (1) The responsibility for ensuring the management of risks is that of Cabinet;
- (2) This Committee has responsibility to monitor the effective development and operation of Risk Management.

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

<https://democracy.north-herts.gov.uk/ieListDocuments.aspx?CId=146&MId=2453&Ver=4>

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ITEM REFERRED FROM CABINET: 21 JULY 2020 - COVID-19 FINANCIAL IMPACTS

RECOMMENDED TO COUNCIL:

- (1) That Council notes the forecast impact of Covid-19 in comparison to available reserves and confirms that these reserves will be used to fund the impact. This means that an emergency budget is not required;
- (2) That Council approves that £350k is added to the Capital Programme for the resurfacing of the top deck of the Lairage Car Park, Hitchin;
- (3) That Council approves an addition to the Investment Strategy that would allow the Council to provide a loan to Hertfordshire Building Control of £65k, if it is required.

REASON FOR DECISION: To ensure that the financial impacts of Covid-19 are recognised and make the necessary changes to allow the Council to manage its budgets.

NB This report was considered after the Part 2 report of the same name.

The Executive Members for Finance and IT presented the report entitled Covid-19 Financial Impacts and drew attention to the following:

- Services were continuing to operate as normally as possible;
- The Government was supporting with part funding;
- Clarity was needed regarding future funding;
- Council Tax would have to increase by the maximum allowed without a referendum;
- The Council had sufficient reserves to avoid the requirement for an emergency budget.

The Executive Member for Finance and IT referred to the referral from Finance, Audit and Risk Committee including an additional recommendation that:

“a letter be sent to the relevant Government Minister and/or Prime Minister asking that the £200k forecasted spend on housing the Homeless for the entirety of the coronavirus pandemic be covered by the Government.”

The Strategic Director – Resources advised:

- The starting point was that the Council should absorb the first 5 percent of budgeted income;
- The areas of finance that would and would not be recoverable were outlined.

The following Members took part in the debate:

- Councillor Martin Stears-Handscorn;
- Councillor Paul Clark;
- Councillor Steve Jarvis;
- Councillor Judi Billing.

It was moved by Councillor Ian Albert, seconded by Councillor Martin Stears-Handscorn and:

RESOLVED:

- (1) That the forecast financial impact of Covid-19, but that this could be subject to significant change be noted. The budgets will be formally adjusted as part of the Quarter 1 revenue budget monitor;
- (2) That the delay of the capital spend of £2,809k to 2021/22 onwards, as detailed in table 6 be approved;
- (3) That a letter be sent to the relevant Government Minister and/or Prime Minister asking that the £200k forecasted spend on housing the Homeless for the entirety of the coronavirus pandemic be covered by the Government.

RECOMMENDED TO COUNCIL:

- (1) That Council notes the forecast impact of Covid-19 in comparison to available reserves and confirms that these reserves will be used to fund the impact. This means that an emergency budget is not required;
- (2) That Council approves that £350k is added to the Capital Programme for the resurfacing of the top deck of the Lairage Car Park, Hitchin;
- (3) That Council approves an addition to the Investment Strategy that would allow the Council to provide a loan to Hertfordshire Building Control of £65k, if it is required.

REASON FOR DECISION: To ensure that the financial impacts of Covid-19 are recognised and make the necessary changes to allow the Council to manage its budgets.

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

<https://democracy.north-herts.gov.uk/ieListDocuments.aspx?CId=133&MId=2402&Ver=4>

ITEM REFERRED FROM CABINET: 21 JULY 2020 - COVID-19 LEISURE CONTRACTS RECOVERY

RECOMMENDED TO COUNCIL: That recommendation 2.4 to Council contained in the Part 2 report entitled Covid-19 Leisure Contracts Recovery be agreed.

Minute regarding Part 1 Item

NB This report was introduced prior to consideration of the Part 2 report of the same name. The decision was taken following consideration of the Part 2 report of the same name.

The Executive Member for Environment and Leisure presented the report entitled Covid-19 Leisure Contracts Recovery and drew attention to the following:

- The Leisure Centre had been closed since the middle of March 2020;
- Stevenage Leisure Ltd had furloughed many of their staff;
- They had made significant reductions in the services available;
- It was clear that the outdoor pools would be unable to open this year;
- The indoor pool was opening on 25 July 2020 with safety measure in place;
- It was expected that some customers would not return for some time;
- Stevenage Leisure had produced a plan detailing the level of services that could be provided.

The meeting moved into Part 2 at this point.

When the meeting returned to Part 1 the Committee, Member and Scrutiny Manager undertook a roll call to ensure that Members could hear and be heard.

It was moved by Councillor Steve Jarvis, seconded by Councillor Ian Albert and:

RESOLVED:

- (1) That Cabinet note and agree the approach set out in SLL's recovery plan and support SLL using the Open Book approach as recommended in the PPN 02/20, and further support included within LGA Options for councils in supporting leisure providers through Covid-19 Guidance from service closure;
- (2) That Cabinet note and agree that Officers will continue to work with SLL to agree ways in which income can be maximised and costs minimised whilst ensuring that operations continue to meet COVID-19 and other safety requirements.

REASON FOR DECISION: To seek approval for the SLL recovery plan and a phased approach toward recovery allowing flexibility through delegation, to ensure business continuity for the leisure contracts and for them to survive beyond the COVID-19 pandemic.

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

<https://democracy.north-herts.gov.uk/ieListDocuments.aspx?CId=133&MId=2402&Ver=4>

Minute Regarding Part 2 Item

NB This report was considered prior to the decision being taken on the Part 1 report of the same name.

The Executive Member for Environment and Leisure presented the Part 2 report entitled Covid-19 Leisure Contracts Recovery.

The Managing Director gave Members further details.

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

- Councillor David Levett (Chair of Overview and Scrutiny Committee).

The Service Director-Place responded to the questions asked.

It was moved by Councillor Steve Jarvis, seconded by Councillor Martin Stears-Handscorn and:

RESOLVED: That the recommendations contained in the Part 2 report entitled Covid-19 Leisure Contracts Recovery be agreed.

REASON FOR DECISION: To seek approval for the SLL recovery plan and a phased approach toward recovery allowing flexibility through delegation, to ensure business continuity for the leisure contracts and for them to survive beyond the COVID-19 pandemic.

**ITEM REFERRED FROM EMPLOYMENT COMMITTEE: 25 AUGUST 2020 -
RECRUITMENT TO ROLES OF RETURNING OFFICER/ELECTORAL REGISTRATION
OFFICER**

RECOMMENDED TO COUNCIL:

- (1) That full Council be recommended to appoint Melanie Stimpson to the roles of Returning Officer and Electoral Registration Officer.

REASON FOR DECISIONS: To appoint to the roles of Returning Officer/Electoral Registration Officer.

The Managing Director presented the Part 1 and Part 2 reports entitled Recruitment to Roles of Returning Officer/Electoral Registration Officer and Service Director - Transformation together with the appendices.

Following discussion regarding the reports, interview of the candidate and further discussion:

Councillor Martin Stears-Handscorn moved, Councillor David Levett seconded and it was:

RECOMMENDED TO COUNCIL: That full Council be recommended to appoint Melanie Stimpson to the roles of Returning Officer and Electoral Registration Officer.

REASON FOR DECISIONS: To appoint to the role of Returning Officer/Electoral Registration Officer.

NB: The referral above has been amended to only include information regarding the role of Returning Officer/Electoral Registration Officer

The report and full minutes can be viewed here:

<https://democracy.north-herts.gov.uk/ieListDocuments.aspx?CId=145&MId=2514&Ver=4>

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**COUNCIL
24 SEPTEMBER 2020**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: APPOINTMENT OF RESERVE INDEPENDENT PERSON (& CONFIRMATION OF EXISTING APPOINTMENTS)

REPORT OF THE SERVICE DIRECTOR LEGAL AND COMMUNITY AND MONITORING OFFICER

EXECUTIVE MEMBER: LEADER OF THE COUNCIL/ VICE CHAIR OF STANDARDS COMMITTEE (CLLR RUTH BROWN)

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

1. EXECUTIVE SUMMARY

On 12 July 2012 the Council appointed an Independent Person (IP) Nicholas Moss and Reserve Independent Person (ResIP) Peter Chapman. A Deputy Reserve IP Stephen Bubb, was then appointed from Broxbourne Borough Council (Broxbourne) on 18 July 2013.

This report seeks approval to change to having an IP and two Reserve IPs, rather than an IP, a Deputy IP and a Deputy Reserve IP. It seeks to end the appointment of Stephen Bubb (no longer a Broxbourne IP), and to appoint John Richardson as a Reserve IP. It also seeks approval for the confirmation of continuing appointment of Nicholas Moss (as IP) and Peter Chapman (as ResIP). All appointments to be for a period of up to 4 years (two years and potential extension for a further two years).

2. RECOMMENDATIONS

That Full Council:

2.1. Appoints John Richardson as Reserve Independent Person;

2.2. Confirms the continuing appointment of Nicholas Moss as Independent Person and Peter Chapman Reserve Independent Person;

such appointment/ confirmation of continuing appointments under 2.1 and 2.2 be on the basis of a fixed term of up to 4 years (two-years, with delegation to the Monitoring Officer in consultation with the Chair/ Vice Chair of Standards Committee to extend for a further two years¹);

2.3. Confirms that the appointment of Stephen Bubb as Deputy Reserve Independent Person ceases;

¹ Subject to the legal ability to do so/ legislative prohibition to on extension and continuing to qualify as per the legal requirements under the Localism Act 2011.

- 2.4. Delegates to the Monitoring Officer in consultation with the Chair/Vice Chair of Standards Committee the decision (in the event that the current Independent Person decides within term not to continue/ no longer qualifies), to appoint one of the existing Reserve Independent Persons as the Independent Person and/ or to undertake any further recruitment as may be required.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that the Council's Standards processes can operate in accordance with legislative requirements in the event that one or both of the IP and ResIP are unable to advise on a matter. The recommendation on term is one that reflects the Committee on Standards in Public Life's (CSPL) recommendation. This should also allow for a degree of succession planning/ training whilst experienced persons are in place.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To proceed with only the existing IP and ResIP, however this would not address the conflict risk, CSPL recommendation and succession planning identified.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. No external organisations have been consulted as such, although the recruitment was advertised in the Royston Crow and the Comet (and on the Council's website/ circulated via Facebook and Twitter).
- 5.2. Group Leaders and Chair / Vice Chair of Standards Committee were notified of the recommendations prior to the report being finalised. No objections were received.
- 5.3. The IP and ResIP were consulted/ notified of the proposals to changes to term prior to advertising of the post.
- 5.4. The Broxbourne Monitoring Officer has been notified of the proposed recommendation regarding Stephen Bubb.

6. FORWARD PLAN

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

7. BACKGROUND

- 7.1 Section 28(7) of the Localism Act 2011 requires Councils to appoint at least one Independent Person for the purposes of processing complaints against Members (albeit that subsequently two are required whether internally/ externally for the constitution of the Employment Panel and for conflict situations in any event under relevant legislation²).

² The Local Authorities (Standing Orders (England) Regulations 2001 as amended 2015.

- 7.2 On 12 July 2012 the Council appointed the former Chairman and Vice-Chairman of the Standards Committee, Nicholas Moss and Peter Chapman respectively, to the roles of Independent Person (IP) and Reserve Independent Person (ResIP). Both reside fairly near to each other in the District and this could represent a potential conflict situation, if a complaint relates to a particular Parish area. As a result, Stephen Bubb was appointed from Broxbourne on 18 July 2013, to act as Deputy ResIP. He has not, however, been required to act since the Full Council appointment. Broxbourne's Monitoring Officer has indicated that Stephen Bubb is no longer an IP with them, and therefore unable to act going forwards.
- 7.4 By way of national context, in January 2019, the CSPL made a number of recommendations on local government ethical standards. One of these (no:8), was that: *The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once*³. The responsible body for that is Government and initially, no NHDC action was taken – as legislation was anticipated. However, the government has not responded to that or recent prompting correspondence from the CSPL. Nevertheless, it remains something to bear in mind as potential good practice and underpins the recommendation on the term of appointment.
- 7.5 The CSPL recommendations were discussed with the IP and ResIP during quarterly meetings, as was succession planning for the roles. The Standards Committee report presented to 9 July 2020 Council meeting outlined that approach and indicated that the recruitment for a further ResIP would be undertaken this year.
- 7.6 A recruitment exercise was therefore commenced following this and one qualifying candidate proceeding to interview on 3 September by panel – which included Cllr Ruth Brown as Vice Chair of Standards Committee and Isabelle Alajooz as Deputy Monitoring Officer. The Selection Criteria for the role is attached at Appendix A for information.
- 7.7 There are legal exclusions to such appointments, namely that Applicants cannot legally be appointed as an IP or ResIP if they are:
- i) a Councillor, co-opted Councillor or officer of NHDC or a Parish, Town or Community Councillor within the North Hertfordshire District Council area;
 - ii) related to, or be a close friend of (i) above;
 - iii) have been a Councillor or co-opted Councillor or officer of NHDC or a Parish, Town or Community Councillor within the North Hertfordshire District Council area at any time during the last 5 years;
- 7.8 Special NHDC conditions shall also apply to the appointments under 2.1-2.2, namely:
- iv) [whilst not a Councillor] sign an undertaking to comply with and continue to comply with the requirements of the NHDC Code of Conduct for Councillors;
 - v) [whilst not a Councillor] annually disclose interests akin to those that should be disclosed by District Councillors to the Monitoring Officer;
 - vi) disclose whether they are a party to any outstanding complaint or grievance against the Council.

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF pg. 4

8. RELEVANT CONSIDERATIONS

- 8.1 The Interview Panel, concluded that Mr Richardson fully met (and exceeded in many instances) the requirements and criteria for the role. He has previous relevant experience in ethics work and has chaired health related ethics committees since 2005. He is therefore recommended for appointment.
- 8.2 For information, Mr Richardson has sat as Independent Chair on the Panel that undertook the review of Hitchin Town Hall in 2019. However, this does not preclude his appointment under the legal criteria at 7.7
- 8.3 Generally, the IP will be consulted on complaints, prior to an initial assessment, after any investigation and before the Standards Sub-Committee makes a decision on the complaint and any sanctions. The IP and ResIP can be consulted on other matters, and the ResIP can be contacted by an elected Councillor that is subject to a complaint for procedural advice. The Council receives around 10-20 formal complaints per year. This new appointment therefore provides some additional resource and support.
- 8.5 It is anticipated Mr Richardson will support either the IP or existing ResIP during the year as part of his training. Joint Negotiation Committee/ Conditions training would also be required (for attendance at the Employment Panel if the need arises).
- 8.6 In respect of term of appointment – it would not be feasible to have one ResIP on one fixed term, without marrying up all the provisions and for the reasons outlined under 7.4 this is recommended to apply to all the IP and ResIPs.

9. LEGAL IMPLICATIONS

- 9.1 Section 28(6) of the Localism Act 2011 requires the Council to have in place arrangements under which decisions on allegations against Councillors can be made and section 28(7) that a Council appoint one or more Independent Persons. There is no specific reference/ or distinction of levels of IP/ ResIP.

10. FINANCIAL IMPLICATIONS

- 10.1 The previous Deputy ResIP position was unpaid. This new ResIP role would be at an honorarium/allowance of £550 per annum, together with reimbursement of travel and subsistence expenses (if they apply). The Council will also fund reasonable pre-agreed costs for training (course costs and travel) if this is relevant to the role. It is expected that these costs can be met from within the existing Councillors Allowances budget.

11. RISK IMPLICATIONS

- 11.1 This new appointment would reduce the risk of conflict, potentially provide for succession planning and greater resilience of approved arrangements.

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, however, no direct implications arising from this report.

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 Other than the potential role that the IP and ResIP play in the Employment Panel, Mr Richardson’s details will have to be added to the payroll system.

16. APPENDICES

16.1 Appendix A - Selection Criteria.

17. CONTACT OFFICERS

Report author:

17.1 Jeanette Thompson, Service Director: Legal and Community :
jeanette.thompson@northherts.gov.uk – ext. 4370

Consultees:

17.2 Isabelle Alajooz, Legal Commercial Team Manager & Deputy Monitoring Officer –
Isabelle.alajooz@northherts.gov.uk – ext.

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

17.4 Reuben Ayavoo Policy and Community Engagement Manager
Reuben.ayavoo@north-herts.gov.uk ext. 4212

17.5 Rebecca Webb HR Services Manager, Rebecca.webb@north-herts.gov.uk ext. 4481

18. BACKGROUND PAPERS

18.1 None.

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APPENDIX A
INDEPENDENT PERSON
SELECTION CRITERIA

SKILLS AND COMPETENCIES

The Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills.
- leadership qualities, particularly in respect of exercising sound judgement.

The Independent Person will:

Essential criteria

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- have a credible and authoritative personal style.
- have strong oral and written communication skills.
- be a local resident of North Hertfordshire.

Desirable additional criteria are:

- working knowledge and/or experience of local government or other public service and/or of large complex organisations
- experience or knowledge of public sector governance.
- awareness of and sensitivity to the political process.
- having an understanding of the pressures and constraints of elected or co-opted Councillors operating in a democratically accountable public body.
- knowledge and understanding of judicial/quasi-judicial or complaints processes.
- experience of a managing or advising on misconduct matters (possibly in the context of employment, a professional body or the voluntary sector).

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and interview.

NOTE: It is expected that the appointed Independent Person and "Reserve" will be contactable at all times during normal working hours by telephone or by email and to be available to attend hearings which may have to be convened at relatively short notice.

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**COUNCIL
24 SEPTEMBER 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: APPOINTMENT OF PARISH/ TOWN REPRESENTATIVES TO STANDARDS COMMITTEE

REPORT OF THE SERVICE DIRECTOR: LEGAL AND COMMUNITY/ MONITORING OFFICER

EXECUTIVE MEMBER: LEADER/ COMMUNITY ENGAGEMENT (CLLR JUDI BILLING AS CHAIRMAN OF STANDARDS COMMITTEE)

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

1. EXECUTIVE SUMMARY

1.1. For Full Council to confirm the appointment of the co-optee(s) to the Standards Committee.

2. RECOMMENDATIONS

That Full Council:

2.1. confirms the co-optee appointment(s) to the Standards Committee (set out in the appendix A¹).

3. REASONS FOR RECOMMENDATIONS

3.1. The terms of reference for Standards Committee provide for up to four (minimum two) non-voting co-optees from Parish/ Town or Community Councils. There are currently three vacancies.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. None – as the Council currently needs up to three further co-optees. The Council has one in place.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. The Independent Person (IPs) and Chairman of the Standards Committee were on the Interview Panel with the Deputy Monitoring Officer (Mrs Katevu) and have made the recommendation.

5.2. The Leader, Deputy Leader and Opposition Leader were notified of the recommendation(s) following the interview(s) on 14 September.

¹ To be uploaded 15 September post interview on 14 September. If no candidates to recommend then the report will be withdrawn.

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. The current Standards Committee membership includes up to four non-voting co-optees to ensure that a Parish Council perspective is available to the Standards Committee and Sub-Committee (for any potential Standards Sub-Committee hearings that involve a Parish/Town or Community Councillor).
- 7.2. The Council has a vacancy due to the resignation of previous post-holders from Royston Town Council and Codicote Parish Council. It is desirable to have more than one co-optee, to prevent any potential conflict that may arise, in the event that there is a Parish complaint and that having to be dealt with by a co-optee from the same Council. It is also desirable to have the largest number to include as many of the Parish/Town or Community Councils as possible to promote engagement in ethical standards.
- 7.3. All Parish Councils within the District were therefore contacted on 5 August in order to promote the opportunity to be co-opted to the Standards Committee. Two applications were received with interviews carried out on 14 September 2020 by a Panel, consisting of the IP, Chairman of Standards Committee and the Deputy Monitoring Officer.

8. RELEVANT CONSIDERATIONS

- 8.1. The applicants were considered against the criteria for the post (Appendix B) and deemed suitable for the role on the Standards Committee. Offer letters are conditional on suitable character references and Full Council approval of changes to the co-optee numbers and appointments.
- 8.2. The co-optees proposed are set out in Appendix A. If appointed, these shall continue so long as they remain a Councillor, or the co-optees resign from the Standards Committee – whichever is the earlier date.

9. LEGAL IMPLICATIONS

- 9.1. Section 28(6) of the Localism Act 2011 requires the Council to have in place arrangements under which decisions on allegations against Councillors can be made. Section 102(4)(a) of the Local Government Act 1972 provides that Council may appoint such persons to a Committee or Sub-Committee for such term as may be determined by the appointing authority.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no basic or special allowances paid to Standards Committee co-optees and other than the potential for travel to and from a Standards Committee meeting if physical meetings (two scheduled per year), there are no significant capital or revenue implications for increasing the co-optee numbers.

11. RISK IMPLICATIONS

- 11.1. Appropriate policy frameworks help to ensure that the authority has good governance arrangements in place. The adopted arrangements currently include two Parish Council co-optees on the Standards Committee. Increasing the numbers reduces the risk of conflict of interest and therefore ensures more effective safeguards to those arrangements.

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 implications from the appointment of co-optees to the Standards Committee, other than providing a local community perspective.

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

16. APPENDICES

- 16.1 Appendix A – Recommended appointees.
- 16.2 Appendix B - Selection criteria.

17. CONTACT OFFICERS

- 17.1 Jeanette Thompson Service Director: Legal and Community (& Monitoring Officer): Jeanette.thompson@north-herts.gov.uk
- 16.1. Ian Couper, Service Director: Resources; ian.couper@north-herts.gov.uk
- 16.2. Reuben Ayavoo, Policy & Community Engagement Manager: Reuben.Ayavoo@north-herts.gov.uk
- 16.3. Kerry Shorrocks, Corporate Human Resources Manager: Kerry.Shorrocks@north-herts.gov.uk

17. BACKGROUND PAPERS

- 17.1 None.

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CO-OPTED PARISH, TOWN OR COMMUNITY COUNCIL MEMBER TO THE NHDC STANDARDS COMMITTEE

SELECTION CRITERIA

SKILLS AND COMPETENCIES

The Co-opted Councillor should have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- leadership qualities, particularly in respect of exercising sound judgement.

The Co-opted Councillor should be able demonstrate that they meet the essential criteria:

Essential criteria

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.

Desirable additional criteria are:

- working knowledge and/or experience of local government or other public service and/or of large complex organisations.
- experience or knowledge of public sector governance.
- having an understanding of the pressures and constraints of elected or co-opted Members operating in a democratically accountable public body.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and interview, and character reference. Appointment is subject to Full Council approval.

Eligibility for Appointment:

Must be a serving Parish, Town or Community Councillor within the North Hertfordshire District.

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**COUNCIL
24 SEPTEMBER 2020**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: MEMBER AND OFFICER INDEMNITY

REPORT OF THE SERVICE DIRECTOR – LEGAL AND COMMUNITY

EXECUTIVE MEMBER: FINANCE AND IT

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL / BUILD THRIVING AND RESILIENT COMMUNITIES

1. EXECUTIVE SUMMARY

1.1 To obtain Council's endorsement of an updated Member and Officer Indemnity Policy.

2. RECOMMENDATIONS

2.1. That Council be recommended to authorise amendments to the adopted Officer/ Member Indemnity & Insurance Policy.

2.2. That the Returning Officer (RO) / Electoral Registration Officer (ERO) be granted an indemnity, under the provisions of the Local Authority (Indemnity for Members and Officers) Order 2004, to cover as far as the law allows, for any uninsured personal liability arising from the appointments

2.3. That in the case of fines which exceed £100k in relation to the RO/ERO post, which are not insurable, are not subject to referral to Full Council for consideration (except for 7(1) of the Policy).

3. REASONS FOR RECOMMENDATIONS

3.1. Under Delegated Decision on 12 October 2017, the Policy approved by Full Council on the 18th day of July 2013 was amended and approved. The Policy needed to be reviewed and amended slightly to reflect current insurance arrangements and the Council's requirements in compliance with the Data Protection Act 2018.

3.2. The Council should have an up to date Policy, in the event of legal action that arises when Officers and Members carry out official Council duties.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. None considered appropriate

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member for Finance and IT has been briefed on the matters set out above.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that will be notified to the public on 14 September 2020 following consultation with the Leader of the Council. The Chairman of the Overview and Scrutiny Committee and the Executive Member for Finance and IT have been informed and notice of the recommendation has been available at the Council Offices in Gernon Road, Letchworth for three clear working days prior to the date of this meeting.

7. BACKGROUND

- 7.1. As indicated, the Policy was reviewed and amendments approved in 2013 by Cabinet and then Council:
Cabinet page: <http://web.north-herts.gov.uk/aksnherts/users/public/admin/kab12.pl?cmte=CAB&meet=29&arc=71>
Council page: <http://web.north-herts.gov.uk/aksnherts/users/public/admin/kab12.pl?cmte=COU&meet=32&arc=71>
- 7.2. The Policy was reviewed and updated under Delegated Decision on 12 October 2017.
- 7.3. The EU General Data Protection Regulation (GDPR) took effect on 25 May 2018. Together with the Data Protection Act 2018, which adopts the GDPR standards for all general data in the UK, it replaced the Data Protection Act 1998 (DPA 1998), and applies to the processing of **all** personal data. Electoral Registration Officers (EROs) and Returning Officers (ROs) are **personally responsible** for ensuring that they comply with the requirements of data protection legislation
- 7.4. Under the Data Protection Act 1998, the maximum fine the Information Commission Office is entitled to levy is £500,000. Under the GDPR, fines of up to €20m or 4% of turnover (whichever is greater) may be impose for certain breaches or a maximum of €10 million (or 2% annual turnover) applies for other breaches.

8. RELEVANT CONSIDERATIONS

- 8.1. Currently the NHDC policy provides a limit of £100,000.
- 8.2. When acting as the RO or ERO the officer concerned is clearly carrying out functions at the request of (or with the approval of) the authority and, as such, the council can indemnify the officer. There are certain situations where the law prescribes that an indemnity cannot be issued (eg) where any costs arise from a deliberate or intentional criminal act or omission by the officer.
- 8.3. As the officer is appointed to the roles of RO and ERO by virtue of their position at the council and, at all times, is acting at the request of (or with the approval of) the council, it is proposed that the officer be granted an indemnity, as far as the law allows, for any uninsured personal liability arising from their appointment.

- 8.4. The Council does have power to enter into an indemnity in respect of this potential liability under the Local Authorities (Indemnities for Members and Officers) Order 2004 and also under 111 of the Local Government Act 1972 as facilitating, or being conducive or incidental to, the discharge of the Council's functions and also under the general power of competence in s1 Localism Act 2011
- 8.5. The Council does not have a history of challenge to its elections and so the risk of a call on the indemnity is low but the impact of a claim would be significant on the individual. The giving of an indemnity to the RO and ERO is one which many authorities do give and it is recommended by the Association of Electoral Administrators. It is also consistent with the practice of central Government in relation to National elections.

9. LEGAL IMPLICATIONS

- 9.1. There are specific powers under various pieces of legislation to provide insurance and indemnity to Officers and Members (subject to certain limitations)
- i. Section 265 of the Public Health Act 1875 provides for an indemnity in relation to potential liabilities and also costs to Officers and Members when they are acting in the course of their duties and in good faith.
 - ii. Section 39 Local Government (Miscellaneous Provisions) Act 1976 allows Members and Officers to be indemnified from the general fund in relation to the performance of any of their functions, where they act bona fide for proper purposes without being negligent.
 - iii. Section 111 linked to section 112 Local Government Act 1972 also offers contractual indemnities to staff; and section 111 for Members in relation to exercising functions as appropriate for insurance/indemnity.
 - iv. The Local Authorities (Indemnities for Members and Officers) Order 2004 is an additional power to insure and indemnify in addition to the above.
 - v. The General Power of Competence under section 1 Localism Act 2011 can potentially provide additional powers, in relation to the above.
- 9.2. Under the Terms of Reference for Council, paragraph 4.4.1 (dd) of the Constitution states that it is the function of the Council amongst other things to determine those financial matters reserved to Council by the Financial Regulations.

10. FINANCIAL IMPLICATIONS

- 10.1. The Policy currently provides a financial limit on the Indemnity of £100,000, with any beyond that being referred to Full Council for approval.

11. RISK IMPLICATIONS

- 11.1. There has been no claim on the Indemnity Policy, since it was adopted in 2001 and it is also subject to restrictions detailed in Appendix A. The Council's or the outside body's insurance should provide cover in the first instance. Whilst the Policy potentially exposes the Council to further risk, it is perceived to be low for the reasons set out.

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. However, the Policy applies equally to Officers and Members; this or the amendments have no identifiable equalities implications.

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 the Policy/this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. Whilst Officers will potentially be in a position to claim under the indemnity and insurance Policy, there are no other direct human resource implications. Further consideration will, however, be given to whether a separate Deed of Indemnity can or needs to be provided to Officers. Should this be offered, however, then any such Deed will only reflect the adopted Policy.

16. APPENDICES

- 16.1. Appendix A – Policy showing amendments made, as tracked changes

17. CONTACT OFFICERS

- 17.1. Nurainatta Katevu, Legal Regulatory Team Manager & Deputy MO
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- 17.2. Ian Couper, Service Director of Resources
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- 17.3. Kerry Shorrocks, Corporate Human Resources Manager
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- 17.4. Reuben Ayavoo, Policy and Community Engagement Manager
01462 474212 reuben.ayavoo@north-herts.gov.uk

18. BACKGROUND PAPERS

- 18.1. Paragraph 7.1 contains the links to the previous Cabinet, Council reports, appendices and decisions/ minutes
- 18.2. Delegated Decision dated 12 October 2017 (copy obtainable from Committee Services)

- 18.3 The Electoral Commission - EU General Data Protection Regulation (GDPR) and Data Protection Act 2018 (FACTSHEET) - <https://www.electoralcommission.org.uk/search?search=EU+General+Data+Protection+Regulation+%28GDPR%29+and+Data+Protection+Act+2018>

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INDEMNITIES FOR MEMBERS AND OFFICERS

~~Under Delegated Decision on Full Council on 24 September 2020 amended and approved 16 October 2017, the Policy approved by Full Council on the 18 day of July 2013 was amended and approved as per~~ below.

1. This decision ~~applies retrospectively and~~ supersedes the previous indemnity provided for Members and ~~e~~Officers.

2. Interpretation

“Secure”, in relation to any indemnity provided by means of insurance, includes arranging for, and paying for, that insurance.

3. Insurance

The Council, in addition to itself providing an indemnity, shall also endeavour to provide an indemnity by securing the insurance of its members and officers, if considered to be practicable, in the cases mentioned in paragraph 4.

Whilst the Council has insurance to cover the Council for its legal liability whilst any Member is ~~appointed working onto an~~ outside body~~ies~~, any claim ~~would only be covered if it was capable of being~~ ~~has to be~~ made against the Council ~~(or be capable of)~~. Members are not covered for carrying out the business of the ~~O~~outside body as distinct from that of the Council. The outside body should have its own insurance cover. It is the responsibility of the Member appointed to the outside body to satisfy themselves that this is the case.

4. Cases in which an indemnity shall be provided

Subject to paragraph 5, an indemnity shall be provided in relation to any action of, or failure to act by, the Member or officer in question, which –

(a) is authorised by the Council; or

(b) forms part of, or arises from, any powers conferred, or duties placed upon that Member or officer, as a consequence of any function being exercised by that Member or officer (whether or not when exercising that function he or she does so in his or her capacity as a member or officer of the Council) –

(i) at the request of, or with the approval of the Council, or

(ii) for the purposes of the Council.

5. Restrictions on indemnities

(1) No indemnity shall be provided in relation to any action by, or failure to act by, any Member or officer which –

(a) constitutes a criminal offence; or

(b) is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that Member or officer; or

- (c) constitutes a breach of the Member Code of Conduct or officer terms and conditions of employment.
- (2) Notwithstanding the restriction in paragraph (1)(a), an indemnity shall be provided in relation to –
 - (a) subject to paragraph 7, the defence of any criminal proceedings brought against the Member or officer; and
 - (b) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.
- (3) No indemnity shall be provided in relation to the making by the Member or officer indemnified of any claim in relation to an alleged defamation of that Member or officer but shall be provided in relation to the defence by that Member or officer of any allegation of defamation made against him or her. ~~It is a condition of the Council's insurance arrangements for defending defamation proceedings that Members have to pay 10 % of any libel and slander claim. If a defence is successful there is no requirement to pay the 10% excess.~~

6. Indemnity in relation to matters that exceed the powers of the Council

- (1) Notwithstanding any limitation on the powers of the Council an indemnity shall be provided to the extent that the Member or officer in question –
 - (a) believed that the action, or failure to act, in question was within the powers of the Council, or
 - (b) where that action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the Council, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true,

and it was reasonable for that Member or officer to hold that belief at the time when he or she acted or failed to act.
- (2) An indemnity shall be provided in relation to an act or omission which is subsequently found to be beyond the powers of the Member or officer in question but only to the extent that the Member or officer reasonably believed that the act or omission in question was within his or her powers at the time at which he or she acted.

7. Terms of indemnity or insurance

Any indemnity given, and any policy of insurance secured, shall be provided on the terms that -

- (1) Such indemnity, or insurance secured, shall not extend to any action, or failure to act, by any Member or officer outside the ~~ordinary~~ course of the Member's duties as a North Hertfordshire District Councillor (including where acting on a Council trading company or other such commercial ventures on behalf of the Council) or the officer's employment duties with the Council (including where seconded to act on a Council trading company or other such

commercial ventures on behalf of the Council) or when acting in their duty as a Returning Officer or Electoral Registration Officer.

- (2) No Member or officer shall, without the authority of the Council, make any admission as to liability or negotiate, or attempt to negotiate, a settlement of any claim.
- (3) Where a claim is being handled by the Council's insurers, the insurer will have sole conduct and control of that claim.
- (4) Any indemnity given shall be without prejudice to any action which the Council may choose to bring, or be a party to, in relation to the indemnified Member or officer, or without prejudice to the separate right of any political group to take action against its own members.
- (5) The indemnity shall apply after the Member or officer in question has ceased to be a member or an employee of the Council, in respect of any act or omission during the Member's term or officer's employment with the Council.
- (6) In the case of criminal proceedings, if the Member or officer in question is convicted of a criminal offence and that conviction is not overturned following any appeal, and that Member or officer shall reimburse the Council or the insurer for any sums expended by the Council or insurer in relation to those proceedings pursuant to the indemnity or insurance.
- (7) Where a Member or officer is obliged to reimburse the Council or insurer pursuant to the terms mentioned in paragraph (6), those sums shall be recoverable by the Council or insurer as a civil debt.
- (8) Any indemnity given or insurance provided in relation to the costs of legal representation shall be limited to the amount of such costs which the Council or the insurer consider to have been reasonably incurred.

8. Exceptions

Any requests for exceptions to this policy, including potential cases above £100,000, will be referred to Full Council for consideration.

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**COUNCIL
24 SEPTEMBER 2020**

***PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: ANNUAL REPORT OF THE OVERVIEW AND SCUTINY COMMITTEE
2019/20**

REPORT OF THE CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE 2019 - 2020

EXECUTIVE MEMBER: NOT APPLICABLE

CURRENT COUNCIL PRIORITY: PROSPER AND PROTECT / RESPONSIVE AND EFFICIENT

NEW COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL / BUILD THRIVING AND RESILIENT COMMUNITIES / RESPOND TO CHALLENGES TO THE ENVIRONMENT / ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY

1. EXECUTIVE SUMMARY

- 1.1 To consider the Annual report of the Overview and Scrutiny Committee regarding the 2019/20 Civic Year.

2. RECOMMENDATIONS

- 2.1 That the Annual Report of the Overview and Scrutiny Committee 2019 - 2020 as attached at Appendix A be noted.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To enable Annual Council to consider the report of the Chair of the Overview and Scrutiny Committee regarding the work of that Committee in the 2019/20 Civic Year.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Annual Report was considered by the Overview and Scrutiny Committee prior to be presented to Annual Council

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 The Chair of the Overview and Scrutiny Committee reports each year to Annual Council giving a brief overview of the work undertaken by that Committee in the previous Civic Year.
- 7.2 Unfortunately, due to the Covid-19 pandemic consideration of this report by Council has been delayed.

8. RELEVANT CONSIDERATIONS

- 8.1 The report at Appendix A sets out the work of the Overview and Scrutiny Committee during the Civic Year 2019/20.

9. LEGAL IMPLICATIONS

- 9.1 Although it is not specifically referred to in the Constitution and is not a legal requirement, Full Council has routinely received an Annual Report from the Chair of the Overview and Scrutiny Committee.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no capital or revenue implications arising from the content of 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” 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 There are no direct Human Resource Implications arising from this report.
- 15.2 The Committee, Member and Scrutiny Team supports the work of the Overview and Scrutiny Committee.
- 15.3 In 2019/20 the Committee, Member and Scrutiny Manager assumed the role of Scrutiny Officer.

16. APPENDICES

- 16.1 Appendix A – Annual Report of the Overview and Scrutiny Committee for 2019/20.

17. CONTACT OFFICERS

- 17.1 Hilary Dineen
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ext 4208
- 17.2 Jeanette Thompson
Service Director – Legal and Communities
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18. BACKGROUND PAPERS

- 18.1 Reports to and Minutes of the Overview and Scrutiny Committee during the Civic Year 2019/20.
<https://democracy.north-herts.gov.uk/ieListMeetings.aspx?CId=134&Year=0>
- 18.2 Reports and Minutes of the Overview and Scrutiny Review of Hitchin Town Hall and District Museum.
<https://democracy.north-herts.gov.uk/ieListMeetings.aspx?CId=277&Year=0>

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NORTH HERTFORDSHIRE DISTRICT COUNCIL



OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2019 - 2020



Introduction by the Chair of the Overview and Scrutiny Committee

This is my first year as Chair of the Overview and Scrutiny Committee and my first introduction to the Annual Report of the Committee.

The Overview and Scrutiny Committee Members have taken a full, active and enthusiastic role in all of the meetings.

The role of the Overview and Scrutiny Committee as a critical friend is important to ensure good decision and policy making.

The reintroduction of Task and Finish Groups, with the Review of Hitchin Town Hall and District Museum demonstrated how the Committee can add value to the organisation and the decisions made, even if in retrospect.

In these times of financial constraint, commercialism is and will continue to be a major activity for the Council, The Committee has taken its first steps in reviewing the Council's plans in this area and must continue to do so throughout the coming years.

Cabinet have been receptive to the recommendations from this Committee and our aim should be to continue to be a critical friend to Cabinet by providing recommendations that are helpful, challenging and investigatory in the future.

The Peer Review carried out in January 2020 has provided some useful guidance for the future of the Committee including looking at not only what we consider, but how we do that

I would like to offer my thanks to the Committee for their support and engagement with the process and to the officers and Executive Members who attended to offer help with our deliberations.

I am extremely grateful for the support of Vice-Chair Kate Aspinwall and the Committee, Member and Scrutiny Manager, Hilary Dineen.

The Committee has many challenges ahead, which I am sure they will face with enthusiasm and good humour.

Councillor David Levett
Chair of the Overview and Scrutiny Committee

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 and effectively in order to scrutinise topics 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;

2. Methods of Scrutiny

2.1 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 Executive 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.

3. Meetings of the Overview and Scrutiny Committee

3.1 There were five 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 and reviewing other issues which the Committee has decided would benefit from closer scrutiny.

3.2 The meeting scheduled to take place in December 2019 was cancelled due to the snap General Election.

3.3 One special meeting was held on 23 October 2019 to consider the report of the Independent Chairman of the Review of Hitchin Town Hall and District Museum (see Section 9).

4. Call-In

4.1 The call in process allows the Chair 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. The Committee can ask the Executive to reconsider the decision or can refer it to Council.

4.2 There have been no called in items this year.

5. Presentations by Executive Members

- 5.1 The Committee has continued with its decision not to invite Executive Members to speak on their portfolios on a rolling basis and to instead invite them only to address specific issues or to present reports that were of interest to the Committee.
- 5.2 Executive Members are also welcomed when attending meetings and encouraged to take part in the meeting when appropriate.
- 5.3 The Committee are grateful to the following Executive Members for making presentations and attending meetings this year:
- Councillor Ian Albert;
 - Councillor Judi Billing;
 - Councillor Paul Clark;
 - Councillor Keith Hoskins;
 - Councillor Elizabeth Dennis-Harburg;
 - Councillor Martin Stears-Hanscomb

6. Crime & Disorder Scrutiny

- 6.1 The Committee is also the Crime and Disorder Scrutiny Committee for North Hertfordshire which is required to meet at least once a year.
- 6.2 The Committee chose this year to consider the effects of knife crime and county lines on North Hertfordshire and was grateful to Chief Inspector Sally Phillips of Hertfordshire Constabulary who attended the Committee in January to talk about this aspect.

7. Safeguarding

- 7.1 The Committee continued to take a close interest in safeguarding matters and received its annual update on the Council's safeguarding performance in September 2019.
- 7.2 The Committee took an active role in encouraging Members to undertake relevant Safeguarding training.

8. Statistics

- 8.1 In total, the Committee has considered, 23 items in its scheduled meetings this year. It has made 5 recommendations on 4 topics to Cabinet. At every meeting the Committee also considered the resolutions previously made and the work programme.
- 8.2 The Committee also made 8 recommendations to Cabinet at the special meeting held on 23 October 2019. This was in addition to the 16 recommendations made by the Panel regarding the Review of Hitchin Town Hall and District Museum.
- 8.3 No written questions were submitted this year.

9. Task and Finish Groups in 2019/20

- 9.1 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.
- 9.2 One Task and Finish Group, the Review of Hitchin Town Hall and District Museum Project took place in 2019/20.
- 9.3 It was agreed that an Independent Chairman would be appointed to this review, and following a selection procedure, Mr John Richardson was appointed to this position.
- 9.4 This was a detailed review that took place over several months and considered 14 written statements from witnesses and heard verbal evidence from 15 people over three days of public examination.
- 9.5 The Panel submitted a detailed report with 16 recommendations to a special meeting of the Overview and Scrutiny Committee held on 23 October 2019 which was subsequently referred on to Cabinet together with an additional 8 recommendations from the Committee. All of these recommendations were accepted by Cabinet,
- 9.6 The Committee would like to thank the Independent Chairman and the Panel Members for their hard work and diligence during this difficult review.

Mr John Richardson (Independent Chairman);
Councillor Sam Collins;
Councillor Ian Moody;
Councillor Helen Oliver;
Councillor Valentine Shanley.

10. Future Task and Finish Groups

10.1 The Committee has prioritised the following topics for 2020/21:

- The Waste contract – Tender and Contract;
- The Waste Contract – Community Engagement.

10.2 Preparations for these Task and Finish Groups are underway.

11. Public Participation

- 11.1 The scrutiny process is open to involvement by local people and the Committee encourages public participation.
- 11.2 Approximately 28 members of the public attended the Committee's scheduled meetings this year.
- 11.3 There were an average of 18 members of the public at each of the three meetings of the Review of Hitchin Town Hall and District Museum.

11.4 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.

12. Peer Review 2020

12.1 A peer review took place in January 2020.

12.2 They were asked to consider:

“How to conduct effective scrutiny with clear outcomes to benefit the political process.”

12.3 Their initial findings included:

- Executive Members should lead and be accountable for decisions;
- Meetings should be focused with fewer agenda items;
- Membership of the O&S committee is perceived to be too large;
- All scrutiny members to complete formal scrutiny training;
- Use the task and finish programme to support early involvement with policy making;
- Review finish time and location of the meeting;
- Clarify the governance arrangements between O&S and Cabinet Panels;
- Ensure forward work plan includes scrutiny of external partners and contractors.

13. Further Information and Membership

13.1 Further information 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>

13.2 Membership of the Overview and Scrutiny Committee in 2019/20:

Members of the Committee

Councillor David Levett (Chair)	Councillor Gerald Morris
Councillor Kate Aspinwall (Vice-Chair)	Councillor Lisa Nash
Councillor Val Bryant	Councillor Sue Ngwala
Councillor Sam Collins	Councillor Helen Oliver
Councillor George Davies	Councillor Adem Ruggiero-Cakir
Councillor Terry Hone	Councillor Carol Stanier
Councillor Tony Hunter	Councillor Claire Strong
Councillor Jim McNally	Councillor Tom Tyson

Substitutes

Councillor Ruth Brown

Councillor Bill Davidson

Councillor Morgan Derbyshire

Councillor Simon Harwood

Councillor Ian Mantle

Councillor Sam North

Councillor Kay Tart

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