

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



15 October 2024

Our Ref Standards Committee 23 October 2024  
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To: The Chair and Members of the Standards Committee of North Hertfordshire District Council

District Councillors Alistair Willoughby (Chair), Ian Albert (Vice-Chair),  
Ruth Brown, Val Bryant, Elizabeth Dennis,  
Dominic Griffiths, Keith Hoskins, Caroline McDonnell,  
Michael Muir, Vijaiya Poopalasingham, Sean Prendergast,  
Emma Rowe and Tom Tyson

Substitutes: Councillors David Barnard, Clare Billing, Sam Collins, Emma  
Fernandes, Ralph Muncer, Paul Ward and Donna Wright

Parish Councillors Parish Councillor Rebecca Elliott and Parish Councillor  
Martin Griffin (Co-opted non-voting Members)

Independent Persons Nicholas Moss OBE (Independent Person)  
Patrick Hodson and Steve Tant (Reserve – Independent  
Person) – advisory roles

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE STANDARDS COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY, SG6 3JF**

On

**WEDNESDAY, 23RD OCTOBER, 2024 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**

<b>Item</b>		<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	Members are required to notify any substitutions by midday on the day of the meeting.  Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
<b>2. MINUTES - 27 MARCH 2024</b>	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 27 March 2024.	(Pages 5 - 10)
<b>3. NOTIFICATION OF OTHER BUSINESS</b>	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.	
<b>4. CHAIR'S ANNOUNCEMENTS</b>	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.	
<b>5. PUBLIC PARTICIPATION</b>	To receive petitions, comments and questions from the public.	
<b>6. STANDARDS MATTERS REPORT</b>	REPORT OF THE SERVICE DIRECTOR LEGAL & COMMUNITY / THE MONITORING OFFICER.  The report updates Members of the Committee on standards issues locally and nationally. It contains a summary of the complaints concluded or received since the last report was presented, as well as any other relevant issues that have arisen between Committee meetings on relevant local (e.g. training provided/ undertaken, and consultation on changes to the Standards Committee).	(Pages 11 - 22)

7. **CODE FOR STATUTORY OFFICERS (HEAD OF PAID SERVICE,  
SECTION 151 AND MONITORING OFFICERS)**  
REPORT OF THE LEGAL MANAGER / DEPUTY MONITORING OFFICER.

(Pages  
23 - 28)

The report updates Members of the Committee on the LLG Code of Practice on Good Governance for Local Authority Statutory Officers. It contains a summary of the key objectives, roles and responsibilities.

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# Public Document Pack Agenda Item 2

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### STANDARDS COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY  
ON WEDNESDAY, 27TH MARCH, 2024 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Ruth Brown (Chair), Ian Albert (Vice-Chair), Clare Billing, Val Bryant, Juan Cowell, Dominic Griffiths, Ralph Muncer, Sean Prendergast, Richard Thake and Alistair Willoughby*

*Parish Councillor Rebecca Elliott and Parish Councillor Martin Griffin, non-voting advisory role.*

*Nicholas Moss OBE (Independent Person), non-voting advisory role.*

*Peter Chapman (Reserve Independent Person), non-voting advisory roles.*

**In Attendance:** *Isabelle Alajooz (Legal Manager and Deputy Monitoring Officer), Callum Reeve (Democratic Services Apprentice), Jeanette Thompson (Service Director - Legal and Community) and Sjanet Wickenden (Committee, Member and Scrutiny Officer)*

**Also Present:** *There were 2 members of the public, including registered speakers present.*

#### 41 APOLOGIES FOR ABSENCE

*Audio recording: 1 minute 7 seconds*

Apologies for absence were received from Councillor Raj Bhakar, Councillor Gerald Morris and Reserve Independent Person John Richardson.

Councillor Cathy Brownjohn was absent.

#### 42 MINUTES - 1 NOVEMBER 2023

*Audio Recording: 1 minute 33 seconds*

Councillor Ruth Brown as Chair proposed and Councillor Ralph Muncer seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 1 November 2023 be approved as a true record of the proceedings and be signed by the Chair.

#### 43 NOTIFICATION OF OTHER BUSINESS

*Audio recording: 2 minutes 14 seconds*

There was no other business notified.

#### 44 CHAIR'S ANNOUNCEMENTS

*Audio recording: 2 minutes 17 seconds*

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair advised that section 4.8.23(a) of the Constitution did not apply to this meeting.

#### 45 PUBLIC PARTICIPATION

*Audio recording: 2 minutes 58 seconds*

The Chair confirmed that the registered speaker was in attendance.

The Chair invited Mr David Cook to address the Committee regarding the Standards Matters Report. Mr Cook thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He had circulated documents to Members with his ideas.
- The purpose of this Committee was to inspire confidence in governance arrangements, and he had provided some ideas that could enhance and improve these arrangements and to stimulate thoughts for the future.
- The governance arrangements were at the heart of the code of conduct policy and provided Councillors a clear understanding of the expectations.
- There were references to Chairman throughout the policy document and these should have been changed to Chair.
- It would be useful for an appendix to be attached to the Council report with information regarding how apologies should be handled, especially as this was the most likely outcome of a complaint.
- The appendix should include a timeline for apologies and highlight that all apologies should be sincere.
- There should be clear consequences if an apology deadline was missed.
- The Minutes of the meeting of the Committee in March 2023 said the recipient of an apology would be consulted. However, this was not reflected in the policy and there were concerns that this was unclear.
- It was unclear in the policy what was deemed an acceptable apology, whose judgement decided if an apology was acceptable and could Officers offer assistance.
- The Policy was unclear on whether an apology was still sincere after, missed deadlines, ongoing negotiations and when it was not accepted.
- The Policy should inspire confidence regarding the expectations following a complaint, these expectations were still unclear for all parties.

The following Members asked points of clarification:

- Councillor Ralph Muncer
- Councillor Richard Thake
- Councillor Val Bryant

In response to points of clarification, Mr Cook advised that:

- Previously he was a Chief Executive of a Local Authority and was recruited to work at the Improvement and Development Agency as well as being a concerned citizen.
- The policy was unclear on how many times it was acceptable to miss an apology deadline. A recipient should be given a clear timescale and if these deadlines were missed the matter should be escalated.
- There were differences when a complaint was handled by the Committee to those handled as informal resolutions.
- The biggest deterrent to complaints was public knowledge. Currently the Committee received an abridge report for any complaints that were handled informally.
- The policy lacked clarity as to whether the level of experience of a Councillor or the duration over which the complaint related to should be considered, and this needed to be more transparent.
- Should a vexatious complaint be upheld then the likelihood was that the complaints were not vexatious. No one should be discouraged from submitting any complaint.

The Chair clarified that all complaints were reviewed by the Independent Person, and a judgement was made regarding formal or informal action. Informal complaints were held in confidence as stated in 8.2 of the policy, however there were some exceptions.

The Chair thanked Mr Cook for his presentation.

#### 46 STANDARD MATTERS REPORT

*Audio recording: 20 minutes 17 seconds*

The Chair invited the Deputy Monitoring Officer to present the report entitled 'Standard Matters Report' including that:

- The recommendations contained in this report were in place to ensure good governance within the Local Authority.
- The complaints received since the last meeting were summarised at 8.1 and 8.2 of the report.
- The Complaint Handling Procedure was detailed at 8.3 of the report and related to recommendation 2.2.
- The Complaint Handling Procedure was largely consistent with the Code published at the end of February 2024 however, work was ongoing to incorporate any appropriate amendments.
- The details concerning recommendations 2.3 and 2.4 were highlighted at 8.7 to 8.9 of the report and related to the compulsory training for District Councillors after the May 2024 election, and where appropriate, training for Town and Parish Councillors.
- Councillor, Officer working arrangements were detailed in paragraphs 8.11 and 8.12 of the report.
- Paragraph 8.12 summarised, the recommendations from the report of the Association for Public Service Excellence.

The following Members took part in debate:

- Councillor Ralph Muncer
- Councillor Ruth Brown
- Councillor Ian Albert
- Councillor Richard Thake
- Councillor Dominic Griffiths

Points raised in debate included:

- The Member-Officer Protocol should be continually reviewed.
- Members and Officers were two distinct roles but with the aim to deliver vital services to residents in North Herts and it was important that the distinction between the two was recognised.
- The Member-Officer Protocol was very important and training would be provided after the election which would be beneficial to Members in understanding the relationship to maximise benefits to residents.
- Mr Cook gave a valuable and informative presentation, consideration should be given to his suggestions.
- There was always room for improvements.
- The details of the formal and informal channels stated in paragraph 8.12 was unclear.
- Online training did not allow Members to ask points of clarification.
- Interactions during face-to-face training increased learning.
- Questions could be sent to Officers and new Members could buddy up with existing Members.
- GrowZone logged when training had been completed and required questions to be completed before moving to the next training section.

In response to points raised in debate, the Deputy Monitoring Officer advised that:

- There was a full link in the report that expanded on the summary at paragraph 8.12 of the report.
- The Code of Conduct training would be interactive and would explain the salient parts of the constitution.

In response to points raised in debate, the Monitoring Officer advised that recommendation 2.3 required Members to confirm and approve that, 2 months was viable for the completion of the 1-hour training course for Councillors.

Councillor Ruth Brown proposed and Councillor Ian Albert seconded and, following a vote, it was:

**RESOLVED:** That the Committee

- (1) Noted the content of the report and made suggestions on future actions.
- (2) Delegated to the Monitoring Officer, in consultation with the Chair, Vice Chair any appropriate amendments to the Complaints Handling Procedure – following the publication of the Local Government & Social Care Ombudsman Code (as detailed in 8.3-8.5).
- (3) Recommended that any Parish, Town and Community Councillors who have been newly elected/ or not undertaken training on the Code of Conduct during the last 12 months, undertakes Code of Conduct training, as supplied by the Council / or LGA within 2 months of their election or co-options, whichever is the later date.

**RECOMMENDED TO COUNCIL:** That all District Councillors should undertake post, all-out election training on the Code of Conduct within 2 months of their election (or availability of the training) whichever is the later date.

**REASON FOR RECOMMENDATION:** To ensure good governance within the Council.



## 47 MEMBERS PLANNING CODE OF GOOD CONDUCT

*Audio recording: 40 minutes*

The Monitoring Officer presented the report entitled 'Members Planning Code of Good Conduct' and highlighted the following that:

- This was due to have been reviewed in 2023 but at that time the Lawyers for Local Government (LLG) had instigated a review. Their review had now been completed. The previous Code had been endorsed by the supreme court.
- LLG had made some minor amendments relating to social media that would strengthen the code.
- The Planning Code of Conduct at North Herts Council was last amended in 2020.
- The recommended code was based on the LLG model with some minor localised amendments and adopted some Local Government Association (LLG) model items.
- There had previously been a summary at the back of the code, this had now been moved to the beginning of the code.
- Amendments to the Code of Conduct had been included as tracked changes.
- There was a typographical error on page 20 with an additional 'e' in the tracked word registerable.
- There was a typographical error on page 22, it should read 'your wish to speak' at the second bullet point instead of you wish to speak.
- There was a typographical error on page 26 with a missing 'it' in section 11 Planning Enforcement.
- The code was robust and would assist Members.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Ralph Muncer
- Councillor Val Bryant
- Councillor Richard Thake
- Councillor Alistair Willoughby
- Independent Person Nicholas Moss
- Reserve Independent Person Peter Chapman

In response to questions, the Monitoring Officer stated that:

- The last bullet point of the summary should read as 'attend other specialist training if offered' rather than if made. Otherwise, there were no actual changes to the summary, other than its position in the Code.
- Members on the Planning Control Committee were made aware of the code through planning training and Code of Conduct training, and it was essential that Members understood interests and any conflicts.
- New Members can contact the Monitoring Officer, Deputy Monitoring Officer and Committee Services for advice on procedures.

In response to questions, the Chair stated that:

- References under point 7, bullet point 6 should be to "Ward Member", not "Division", and the Code could be updated to reflect this.
- Newly elected Members would have support from their own party as well as Officers, the Monitoring Officers and Committee Services.
- This year there would be in person training from the Planning Advisory Service (PAS) that would be mandatory for all Planning Control Committee Members.

- There would be more in-depth and detailed training provided throughout the next 4 years including on Masterplanning.
- There would be basic training yearly to highlight any planning changes that had occurred throughout the year.
- The Planning training would take place on 6 June 2024.
- All Members considered planning matters and the training would assist in their knowledge of planning considerations.
- Parish Councils were statutory consultees for planning applications, work would be ongoing regarding their understanding of the planning system and the consideration for Section 106 (s106) payments.
- Parish Councils were able to make requests and proposals for s106 payments in their parishes.
- Newly elected Members would be informed to contact Planning Officers directly for advice and to build their own planning knowledge.

Councillor Ruth Brown proposed and Councillor Ian Albert seconded and, following a vote, it was:

**RESOLVED:** That the Committee reviewed the new model Members Planning Code of Good Practice.

**RECOMMENDED TO COUNCIL:** The adoption of new Code (Appendix A to this report) as the Appendix 1 to Section 8 of the Constitution replacement, with proposed appropriate amendments.

**REASON FOR RECOMMENDATION:** To ensure good governance within the Council.

The meeting closed at 8.34 pm

Chair

TITLE OF REPORT: STANDARDS MATTERS REPORT

REPORT OF: SERVICE DIRECTOR: LEGAL & COMMUNITY / MONITORING OFFICER

COUNCIL PRIORITY: A brighter future together

## 1. EXECUTIVE SUMMARY

1.1 The report updates Members of the Committee on standards issues locally and nationally. It contains a summary of the complaints concluded or received since the last report was presented, as well as any other relevant issues that have arisen between Committee meetings on relevant local (e.g. training provided/ undertaken, and consultation on changes to the Standards Committee).

## 2. RECOMMENDATIONS

### That the Committee

- 2.1. notes the content of the report and makes any suggestions on future actions.
- 2.2. notes the potential changes to the Standards Committee and survey responses detailed in paragraph 8.11-8.19.

*The Committee may separately wish to make any recommendations to the Working Group detailed, regarding the proposal/ alternative as per paragraph 8.19.*

## 3. REASONS FOR RECOMMENDATIONS

3.1 To ensure good governance within the Council.

## 4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

## 5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 Group Leaders and the Standards Committee Chair is kept informed of Monitoring Officer and standards matters issues monthly, during briefing sessions. The Monitoring Officer also holds quarterly meetings with the Independent Person, Reserve Independent Persons ('IPs') and the Chair and Vice Chair of Committee. Any relevant standards matters comments from the IPs meetings are part of the regular briefings with Group Leaders.

## 6. FORWARD PLAN

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

## 7. BACKGROUND

- 7.1 Within its terms of reference the Standards Committee has a function “to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”. The Committee will therefore receive update reports from the Monitoring Officer on matters that relate to, or assist with, areas of Member conduct.

## 8. RELEVANT CONSIDERATIONS

### Local

### North Hertfordshire complaints/ issues update

#### Complaints:

- 8.1 The Committee was last updated in November 2023 regarding the numbers of complaints/ summary and outcomes. During the calendar year of January 2023 – December 2023, 11 complaints/ issues been received and concluded, 11/2023 was reported through to the March 2024 meeting; however, for completeness is included as the training was completed post that meeting. Since January 2024, 16 have been received/ considered; of those, 3 are ongoing, in so far as the Council’s decision making is concerned. Those reported below, are complaints those received this year.
- 8.2 As per normal practice a summary of the complaints and decisions are provided since the last meeting. This reporting below is compliant with the Committee on Standards in Public Life (‘CSPL’) good practice recommendations. Note, where the decision at assessment stage is informal action – the Councillors have not been named. Complaints are considered to be confidential, unless they have reached what will generally be a public stage of the Procedure (i.e. Sub-Committee hearing). Decision outcomes are, however, reported through to the Parish (Clerk and Chair or alternative as appropriate) and relevant Group Leader. The complaints are as follows:

<b>Complaint about: Parish/ Town or District Councillor</b>	<b>Basic summary of complaint</b>	<b>Action</b> <i>NB Independent Person/ R Independent Person involved in all stages of these complaints.</i>
11/2023 Complaint issue regarding District Councillor	Decision made and potential conflict.	MO: decision informal action. Training to be provided to Councillor within 2 months; rectification of Register of Interests. Latter complete and training arranged for April. <b>Completed by Councillor with MO and IP in April.</b>
1/2024 Complaint against a District Councillor	Alleged treatment of Members and the way the business of two Committee was conducted in January 2024.	DMO: no further action as no apparent breach of the Code of Conduct.
2/2024 Complaint against a District Councillor	Similar to 1/2024 separate complainant.	DMO: no further action as no apparent breach of the Code of Conduct.

3/2024 Complaint against a Parish Councillor.	Alleged failure to provide information with an agenda and at the meeting.	MO: Referred for external assessment by Hoey Ainscough Associates. Decision: no further action, as no obvious breach of the Code, or relates to Council service, policy or decision.
4/2024 Complaint against a District Councillor – ongoing.	Alleged unsatisfactory behaviour of Councillor (and officer) at a meeting.	DMO: no further action as out of time in relation to the Councillor complaint. Officer complaint referred internally.
5/2024 Anonymous complaint regarding District Councillor.	Nature of the allegation referred to Police.	DMO: referral to Police. Their decision - no evidence or intelligence regarding the allegation. It did not meet the threshold of recording a crime.
6/2024 Complaint against District Councillor.	Use of business cards during campaigning, potential breach of the Pre-Election Restriction Period ['PERP'] guidance/ code implications.	MO: contacted the Councillor and reminded of the guidance issued.
7/2024 Complaint against a Parish Councillor	Concerning the comments made on a Facebook page.	DMO: Parish Councillor not acting in capacity as a Councillor when the comments were made. No further action recommended by DMO ( <b><i>albeit that an apology had been offered</i></b> ).
8/ 2024 Complaint regarding 3 District Councillors.	Lack of response/engagement from Cllrs. Alleged comments at Councillor surgery from a Councillor to the complainant. Also complaints against other people unrelated to NHDC.	MO: complaints regarding failure to respond to correspondence - did not meet the complaints criteria. Some also outside of the 3 months' time limit*. No jurisdiction on non-North Herts District Councillors. Complainant sought effective reassessment (section 5.3.1 of Procedure) with evidence. No further action, as no obvious breach of the Code. Note: <b><i>*North Herts Council's Councillor Complaints page was, however, updated to highlight the general 3 months complaint limit from the Procedure.</i></b>

9/2024 Complaint regarding District Councillor	Allegation that Councillor had not disclosed a Disclosable Pecuniary Interest (DPI) in an external company and alleged misuse of position for improper advantage or disadvantage.	MO: Initial assessment Complaint not upheld as DPI registered within 28 days, and no evidence at this stage of misuse of position. <b>However, alternate recommendations made regarding involvement with the company and role. Councillor refused to accept recommendations. Reassessment section 5.3.1, external legal advice obtained; amended recommendation made to stand down from the external position within 7 days. Recommendation not acted upon, although potential stand down in 6-8 weeks.</b>
10/2024 Complaint issue regarding District Councillor.	Allegation that Councillor had not disclosed a Disclosable Pecuniary Interest (DPI) in an external company.	MO: Initial assessment Complaint not upheld as DPI registered within 28 days. <b>However, alternate recommendations made regarding involvement with the company and role. Councillor acted upon one recommendations.</b>
11/2024 Complaint issue regarding District Councillor	Allegations relating to Council Tax.	MO: External agency referral and investigation. Mistake identified. No case to answer, therefore, matter closed.
12/2024 Complaint regarding Town Councillor	Register of Interests Form /not declaring an interest in meetings.	DMO: No further action as no apparent breach of the code.
13/2024 Complaint regarding District Councillor	Potential breach of the PERP guidance/code implications through publicity.	MO: <b>internal officer mistake. Publicity removed.</b>
14/2024 Complaint regarding Parish Councillor	Ongoing.	DMO.

15/2024 Complaint regarding District Councillor	Ongoing. At point of finalising report clarification sought – formal acknowledgement and notification will be provided.	MO.
16/2024 Complaint regarding District Councillor	Being clarified.	MO.

### Complaints Handling Procedure - updated:

- 8.3 At the Committee’s meeting on 27 March 2024, the Complaints Handling Procedure was reviewed and a recommendation approved that this would be updated by the Monitoring Officer in consultation with the Chair, Vice Chair – following the publication of the Local Government & Social Care Ombudsman Code.
- 8.4 The Independent Person and Reserves were also invited to comment on the revised draft. The amended Procedure was approved on 25 June 2024 taking account of the LGO Code, other matters raised during the previous year and representations received. The Delegated Decision covering the approval and matters addressed can be found [HERE](#). It was circulated to all Councillors via the Member Information Service on 28 June 2024. The Procedure is available on the Councillor complaints page: [CLICK HERE](#) .

### Councillor training – recommendation 2.2 North Herts District Councillors

- 8.5 As indicated at the last Committee meeting, new on line training was in the process of being prepared; it would be accessible remotely, at any time that a Councillor wished to undertake it. Following the debate, the Committee made a recommendation to Full Council:

***“That all District Councillors should undertake post, all-out election training on the Code of Conduct within 2 months of their election (or availability of the training) whichever is the later date.”***

This recommendation was accepted by Full Council at its meeting on 18 April 2024.

- 8.6 As part of that debate at Council on 18 April, questions related to why the deadline was not to be sooner and what would happen if the District Councillors did not abide by Council’s resolution. In response to these questions, the Monitoring Officer indicated that Councillors were advised to undertake such training as soon as possible; however, that 2 months was considered a reasonable time to undertake such training. *Additionally, if a Member did not complete the training, following reminders, they would be referred to the Standards Committee, which could result in a Standards Sub Committee hearing and subsequent sanctions.*
- 8.7 Councillors are reminded that under paragraph 8.1 of the Councillor Code of Conduct, a Councillor must:

***“ ...undertake Code of Conduct training provided by my local authority.”***

There are two elements to the training – one the video to watch (approximately 45 minutes) followed by a recap short quiz. Both can be undertaken within an hour. This is accessed through Council’s learning and development system, Growzone, and the system records who has undertaken both elements. *Failing to undertake both elements during the 2 month period following reminders to Councillors would amount to a potential breach of this requirement.*

The training was available on 17<sup>th</sup> May, however, there were initially issues with the quiz form and this was resolved in early June. The deadline would therefore have been by the end of July 2024/ early August.

- 8.8 It can be confirmed that a large number of email chaser and phone calls had to be sent and made by the Monitoring Officers/ Personal Assistant, as well as confirmation of issues to their relevant Group Leaders during the last 4 months to ensure compliance. All District Councillors have now completed the training.

#### **Parish, Town & Community Councillors**

- 8.9 In addition to the above the Committee recommended that any Parish/ Town/ Community Councillors should complete training within 2 months of either their election or the availability of the training, whichever was the latter. This was endorsed by the Committee and the Clerks informed of this recommendation.
- 8.10 The notification / training link was provided to the Councils on 17 June. Access to the training is via YouTube with a code and is a slightly different version of the on-line training. This is not monitored through the Council's Growzone system (because a Council log in is required for this internal system), therefore the compliance cannot be monitored – although the Monitoring Officer would hope that the Clerks will monitor this.

#### **Constitutional and Governance review**

- 8.11 The Monitoring Officer is currently in the process of reviewing the Council's decision making arrangements and Constitution. This also involves reviewing Committees, formatting, and remit. This is being undertaken by a Member (Group Leaders) and Officer (Monitoring Officer, Chief Finance Officer, Head of Paid Service, Democratic Services Manager and Committee, Member & Scrutiny Manager) working group, with a view that initial recommendations will be made to Full Council in November, to agree in principle and thereafter changes to be made, to come into effect in the new municipal year (at the Annual Council meeting).
- 8.12 One issue raised, is around the Standards Committee and whether it would be better suited to merge with the Audit Committee (currently called the Finance Audit and Risk Committee). There is no legal requirement to have such a Standards Committee, however, this Council chose to continue with one following changes to the regime in or around 2011. Furthermore a principal Council must have 'arrangements' in place to consider complaints against Councillors (in North Herts case, District and Local Parish, Town and Community Councillors) area, as per the requirements under the Localism Act 2011.
- 8.13 The current Committee has remit to consider ethical standards matters, promote those, review the Councillor Complaints Handling Procedure and complaints, consider appeals against the Monitoring Officer's refusal to grant a dispensation, consider any political restriction (as relevant) and, most significantly if it arises, Councillor complaints via a Sub-Committee. The membership is 12 District Councillors, up to 4 Co-opted Parish Councillors and the Independent and Reserve Independent Persons are invited to attend the meetings (they are not members of the Committee).
- 8.14 The Committee generally meets twice a year. However, the agendas can be limited, often to the Standards Matters report and one other report covering e.g., a Code or Complaints Handling Procedure Review. *Locally most within Hertfordshire have retained a Standards Committee, although not all appear to have scheduled meetings.* This is reflective of the national picture, albeit that some councils have incorporated the statutory remit of the Standards Committee within an Audit Committee that deals with audit / financial monitoring / assurances.



- 8.15 If it is combined with the audit committee, then it is possible that there would be themed meetings to include Standards/ Governance related matters. The Independent Person and Reserve Independent Persons would still be invited to attend those meetings, and there is the possibility of co-optees (albeit that a recruitment exercise is likely to be required for any revised Committee, given the differing nature of the role).
- 8.16 An email with survey was sent to the 34 Standards and Finance, Audit & Risk Committee Members (and any reserves), co-optees and Independent and Reserve Independent Persons on 19 September, for completion by 7 October.
- 8.17 8 responses were received: 4 District Councillors (full Members of the Standards Committee), one of the Parish Co-optee and the Independent Person and, the then, Reserve Independent Persons responded as follows:

District Councillor (full Member of Standards Committee)	<i>"I think that it is important to keep Standards as a distinct committee to ensure that there is a high quality of work done by a membership that cares about what they are doing. Mixing standards in with the work of FAR (as an example) would risk fewer members wanting to be involved in Standards because there are different levels of interest for getting involved with financial audit and risk vs Standards issues."</i>
District Councillor (full Member of Standards Committee)	<i>"I believe that this move would be welcome, as standards could easily be folded into FAR and save some time on another meeting."</i>
District Councillor (full Member of Standards Committee)	<i>"I think it makes sense to discontinue the Standards committee in its current form and am happy with your proposal."</i>
District Councillor (full Member of Standards Committee)	<i>"On balance I would broadly be in favour of this change.  Currently standards meetings are very short and involve a lot of Cllrs. This change would save time and money and most importantly improve efficiency.  If this were to happen, it is my understanding that there would be no need to increase the number of Cllrs who currently sit on FAR?"</i>
Parish Councillor Standards Committee co-optee	<i>"As a Parish Council representative my input is that I believe the PC reps offer a 2 way window into upholding Standards in our councils. Having representation from Parishes both helps Parish Councillors appreciate that there is a Standards process fully recognised by the Council and Parish Councillors are in turn providing transparency to a wider audience .  Given national issues currently being discussed and also noting issues recently in the news closed to home in Dacorum Council I believe it important to have as much transparency as possible and the presence of Parish Councillors is a beneficial part of the process."</i>

Independent Person	<ol style="list-style-type: none"> <li>1. <i>I have reminded myself of the present Standards Committee's terms of reference and note the first: ...to <b>promote and maintain high standards of conduct by Members and Co-Opted Members of the authority</b>. The words are a direct lift from s27 of the Localism Act. They are an unambiguous obligation.</i></li> <li>2. <i>As I see it, North Herts Council has delegated that major responsibility to the Standards Committee whose role then is to ensure, on behalf of the Council, that its members do, indeed, behave properly; that they observe the Nolan principles, as reflected in the adopted code of conduct.</i></li> <li>3. <i>I suggest, therefore, that the working group's review should not focus solely on rationalising the numbers of committees and their meeting frequency, relevant though such matters are in the interests of administrative efficiency. It ought to take into account, also, the significance and importance to the Council of each committee.</i></li> <li>4. <i>In that context and uniquely, in my view, the Standards Committee has a purpose that sits above the others. It is the body that sets the tone for all members' activities as elected representatives; and it oversees how a tone, thus set, is applied.</i></li> <li>5. <i>I suggest that this major responsibility would fit uneasily as an adjunct to another committee - Finance, Audit and Risk - in which location it could give the impression of being subordinate to that body. In my view its status is the opposite: its role as tone-setter eclipses other Council functions.</i></li> <li>6. <i>In my view, also, to merge it with Finance, Audit and Risk could give the electorate the understandable impression that oversight of members' adherence to their conduct obligations had become less important. Such a position would do little to promote the electorate's confidence in their local government. More than that: it would be undesirable, I suggest.</i></li> <li>7. <i>Therefore, rather than giving the impression of diluting the importance of standards by implementing the contemplated merger, the working group would do well to consider inviting the Standards Committee to review its present terms of reference to ensure that they enable it fully to fulfil its role. In particular, '<b>7.5.8 to assist Councillors and Co-Opted Members to observe the Members' Code of Conduct;</b>' would bear detailed consideration of how it might be given practical expression.</i></li> <li>8. <i>A final thought: an understandable driver for the review might be to save officers' time and Council resources. From the explanation in the invitation to comment of how a revised standards arrangements might work, I'm not convinced that it would make a substantial difference to justify the notion on that ground alone.</i></li> </ol>
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	<p>9. <i>In short, for the reasons set out above, I suggest that an amalgamation is inappropriate and that the existing Standards Committee should be retained with an enhanced brief.</i></p> <p>10. <i>I would be happy to discuss this topic with the working party if its members felt that that would be helpful.</i>"</p>
(then) Reserve Independent Person	<p><i>"The promotion and maintenance of high standards ought to be central features of good governance. Having a "standalone" Standards Committee helps to keep standards matters in the minds of elected members and of the wider body public. Councillors are busy people with full agendas so it is perhaps understandable if from time to time ethical considerations, particularly in nuanced circumstances, become somewhat blurred. Having a specific committee on which councillors themselves sit provides a regular reminder of the importance of standards. Similarly having executive members involved adds to the importance attached to standards matters. It would be a pity if any new organisational configuration meant that our standards regime lost its particular identity with the risk of becoming an afterthought.</i></p> <p><i>I have found our "inner sanctum" made up of Councillors, Mo, dep Mos, IP and RIPs particularly useful. From our annual IP meetings with Paul Hoey it is apparent that such an arrangement is not widespread. It has proved an efficient and effective way of keeping our standards regime in good health. I would hope that this would not be lost in any re-organisation."</i></p>
(then) Reserve Independent Person	<p><i>"I do want standards to be given as central a place in the structures as possible, so I have a slight hesitation about merging the committee that keeps an eye on these with another that has a different agenda. If however those of you who know a lot more than me are content that standards will retain a central place in the new structures, then that's fine by me."</i></p>

8.18 From the comments above, 3 of the 4 District Council Members who responded were predisposed towards such a merge, 1 expressing concerns against this. Noticeably there were reservations from the then Reserve Independent Persons, and the Independent Person setting out that he believed it was inappropriate. Note that these results are to be reported back to the Working Group with any recommendations going to Council (with these consultation responses), for consideration by Full Council on possible changes to arrangements (***if such a recommendation is made to change***).

8.19 The Committee, may, however, also send a recommendation to the Working Group (as invited by recommendation 2.2). This can include either the Committee's recommendation on a merge with another Committee, or an alternative to retain and potentially strengthen area of remit.

## **National standards matters**

### **Statutory Officer Code:**

8.20 This is covered in a separate report.

### **9. LEGAL IMPLICATIONS**

9.1 The terms of reference of the Standards Committee include, at paragraph 7.5.1 of their terms of reference “to promote and maintain high standards of conduct by Members and Co- Opted Members of the authority”.

### **10. FINANCIAL IMPLICATIONS**

10.1 There are no capital or revenue implications arising from this report, albeit that complaint 3/2024 cost the Council £1500 plus VAT for the external referral.

10.2 There will also be costs consequences for external legal advice obtained on complaint 9/2024 – of £2400 plus VAT.

### **11. RISK IMPLICATIONS**

11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.

11.2 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

### **12. EQUALITIES IMPLICATIONS**

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 Good governance and high ethical standards of conduct ensure that local government decisions are taken in the public interest. The review of the best practice recommendations and appropriate changes will ensure that NHDC will continue demonstrate due regard to the objectives of the Public Sector Equality duty.

12.3 There are no direct equalities implications from this report, although there may be others reported through on individual issues detailed (such are Constitutional changes) and they shall be detailed in those relevant reports.

### **13. SOCIAL VALUE IMPLICATIONS**

13.1 The Social Value Act and “go local” policy do not apply to this report as this is not a procurement or contract.

### **14. ENVIRONMENTAL IMPLICATIONS**

14.1 There are no financial implications to this report.

**15. HUMAN RESOURCE IMPLICATIONS**

15.1 None other than again highlighting the ongoing resource implications for the complaints received.

**16. APPENDICES**

16.1 None.

**17. CONTACT OFFICERS**

17.1 Jeanette Thompson Service Director: Legal and Community (& Monitoring Officer):  
[Jeanette.thompson@north-herts.gov.uk](mailto:Jeanette.thompson@north-herts.gov.uk)

**18. BACKGROUND PAPERS**

18.1 None other than those referred to/ linked above.

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PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

**TITLE OF REPORT: CODE FOR STATUTORY OFFICERS (HEAD OF PAID SERVICE, SECTION 151 AND MONITORING OFFICERS)**

**REPORT OF: LEGAL MANAGER / DEPUTY MONITORING OFFICER**

COUNCIL PRIORITY: A brighter future together

## 1. EXECUTIVE SUMMARY

1.1 The report updates Members of the Committee on the LLG Code of Practice on Good Governance for Local Authority Statutory Officers<sup>1</sup>. It contains a summary of the key objectives, roles and responsibilities.

## 2. RECOMMENDATIONS

### That the Committee

2.1. notes the content of the report and Appendix A, and make any suggestions on future actions, particularly with reference to 7.6 and 7.7 of this report.

## 3. REASONS FOR RECOMMENDATIONS

3.1 To ensure good governance within the Council.

## 4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

## 5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The confirmation regarding the drafting of the Code and liaison meetings was provided to all Group Leaders in January 2024, in the Monitoring Officer's monthly briefings document. This was also discussed subsequently in the Statutory Officer Group meetings and the approach to adopt to communicating the Code to Members and Officers. It was also discussed at the Herts Heads of Legal meeting in September for similar reasons (namely of consistency). The Deputy Monitoring Officer also provided a briefing to Leadership on the Code and its implications on 14 October.

## 6. FORWARD PLAN

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

## 7. BACKGROUND

7.1 This report provides a comprehensive overview of the Code of Practice on Good Governance for Local Authority Statutory Officers, summarising its key objectives, roles, and

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<sup>1</sup> [code-of-practice-on-good-governance-for-local-authority-statutory-officers.pdf \(llg.org.uk\)](#)

responsibilities. The Code, developed by CIPFA, SOLACE, and LLG, highlights the importance of collaboration among the Golden Triangle of statutory roles: the Head of Paid Service, Chief Finance Officer, and Monitoring Officer. These roles are central to the governance, decision-making, and legal compliance of a local authority. This report is intended not only for Statutory Officers but also for senior management and elected members, who play an integral role in supporting governance within the authority.

7.2 The Code references the ‘Golden Triangle’ which refers to the three Statutory Officers who ensure the authority’s governance structure is sound and compliant. Their collaboration is essential for effective governance, particularly during times of organisational or financial stress.

7.3 The Golden Triangle is made up of the following Statutory Officers:

**i. Head of Paid Service<sup>2</sup> (HoPS)**

The Head of Paid Service (HoPS), typically the Chief Executive or in North Herts Council’s case, the Managing Director, is responsible for overseeing the authority’s overall administrative and staffing functions. Under the Local Government and Housing Act 1989, the HoPS has the authority to advise on how the authority’s various functions are to be coordinated, staffed, and managed. The HoPS ensures the integration of functions across departments, making sure the organisation operates efficiently. This role also bridges the gap between the authority’s Officers and elected Members.

**ii. Chief Finance Officer<sup>3</sup> (CFO)**

The CFO, also known as the Section 151 Officer, ensures the proper administration of the authority’s financial affairs. This Officer must ensure that budgets are adhered to and must report if unlawful expenditure or financial mismanagement is likely. In times of financial distress, the CFO may need to issue a Section 114 report, informing the authority that financial risks have reached critical levels. The CFO’s role is especially critical in maintaining financial stability, particularly in times of austerity or economic uncertainty.

**iii. Monitoring Officer<sup>4</sup> (MO)**

The Monitoring Officer is tasked with ensuring the lawfulness of the authority’s actions. This includes compliance with the authority’s Constitution, maintaining high standards of conduct, and intervening when there are breaches of the law. The MO plays a key role in ethical governance and ensuring that elected Members and Officers operate within the law. If unlawful action is likely, the MO must issue a Section 5 report to prevent the breach.

7.4 The Golden Triangle Officers must collaborate closely, not just with each other, but also with senior management and elected Members, to maintain good governance. Upholding the Seven Principles of Public Life is crucial in maintaining public trust and ensuring lawful governance.

7.5 All the Council’s Statutory Officers reviewed the original draft Code. The Monitoring Officer (and Deputy) attended the consultation meeting in December, and the Monitoring Officer submitted consultation responses on behalf of all Council Officers involved in January 2024.

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<sup>2</sup> S.4 LGHA 1989

<sup>3</sup> S.151 LGA 1972

<sup>4</sup> S.5 LGHA 1989



- 7.6 The Council may wish to formally adopt the Code which has been endorsed by LLG, Solace, and CIPFA. This Code promotes good governance, supports sound decision-making, and ensures legal compliance. By formally adopting this Code, the Council will not only align itself with nationally recognised standards but also endorse the key principles outlined within it. Adoption would further enhance the transparency and accountability of the Council's operations, demonstrating a firm commitment to the principles of integrity and leadership in our governance framework.
- 7.7 Additionally, Leadership felt that this should be made available to employees and Members and integrate its application into the Annual Governance Statement (AGS)<sup>5</sup>. The AGS outlines how the Council complies with the Local Code of Corporate Governance and highlights the measures taken to maintain high standards of governance. Including the Code as part of any actions would showcase the Council's commitment to keeping governance arrangements under constant review, thus strengthening our compliance and operational effectiveness.

## 8. RELEVANT CONSIDERATIONS

- 8.1 The Code establishes *seven key standards that* provide a framework for Statutory Officers to perform their duties effectively:

### 1. Understand Governance

Statutory Officers must have a comprehensive understanding of their roles, those of their colleagues, and the broader governance framework. Their advice should be professional, impartial, and well-informed by the authority's governance needs.

### 2. Act Wisely

Statutory Officers are expected to exercise their statutory functions with diligence, foresight, and collaboration. Informed decision-making is crucial, and officers must act when governance or financial risks emerge. Officers should work together to ensure decisions are legally sound and financially prudent.

### 3. Lead Ethically

The Statutory Officers, especially the Monitoring Officer, are responsible for upholding and promoting the Seven Principles of Public Life (Nolan Principles). These principles—selflessness, integrity, objectivity, accountability, openness, honesty, and leadership—should guide the officers' conduct and decision-making. Statutory Officers are also expected to challenge unethical behaviour and foster an ethical culture within the authority.

### 4. Act Effectively

Effective governance requires robust working arrangements. Statutory Officers must have access to critical information and participate in key meetings.

### 5. Resource the Roles

Authorities must provide Statutory Officers with adequate resources, including staff, accommodation, and professional development opportunities, to fulfil their duties. Statutory Officers must also ensure they stay up to date with evolving professional standards and legislative changes.

### 6. Build Resilience

To ensure continuity, Statutory Officers must appoint and train deputies who can step in during times of absence. The deputies must be well-versed in the governance framework and able to maintain the authority's operational integrity.

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<sup>5</sup> [AGS 202223.pdf \(north-herts.gov.uk\)](#)

## 7. Deliver Sound Decision-Making

The Code highlights the importance of sound decision-making, underpinned by clear, lawful, and implementable advice. Statutory Officers should ensure that elected members are provided with all the necessary information to make informed decisions, and they must be prepared to intervene if governance issues arise.

### **8.2 Additional Considerations: Times of Difficulty**

8.2.1 Statutory Officers have enhanced responsibilities during periods of financial distress, governance failures, or organisational challenges. The CFO may be required to issue a Section 114 report to prevent unlawful financial activity, and the Monitoring Officer might need to intervene with a Section 5 report to stop unlawful decisions/ or enactment of those.

8.2.2 The Code stresses the importance of early detection and intervention, where Statutory Officers should work with professional bodies like CIPFA, SOLACE, and LLG, as well as external auditors and the LGA, to resolve governance issues before they escalate.

### **8.3 Role of Deputies**

8.3.1 The Code strongly encourages Statutory Officers to appoint deputies to ensure that their roles are always covered, especially during periods of absence or organisational transition. Deputies must be well-trained and have the authority to act in the Statutory Officer's absence. This ensures continuity and prevents any lapses in governance oversight.

8.3.2 A key component of staffing structure within the Council is the role of the deputies that are available to assist and cover the roles of the current Statutory Officers, as and when required.

### **8.4 Risk Management and Monitoring Governance Health**

8.4.1 The Code emphasises that Statutory Officers must actively monitor governance health and manage risks across the authority. This includes using performance management systems, peer reviews, and feedback from regulators to continuously assess governance and identify any potential weaknesses.

8.4.2 The Council Constitution, which is regularly reviewed and updated (most recently in July 2024), serves as a vital governance tool by providing clear guidelines for member-officer relationships and setting out the terms of reference for each committee. The Council operates a Leader-Cabinet model, which is further supported by the Overview and Scrutiny Committee and the Finance, Audit, and Risk (FAR) Committee, ensuring robust checks and balances. North Herts Council ensures all reports to committees are accompanied by legal, financial, social value, environment, human resources, and equality implications as per constitutional requirements.

8.4.3 A further component of North Herts Council's governance culture is its Annual Governance Statement (AGS). This statement reviews the effectiveness of the Council's governance, ensuring that processes meet the standards outlined in the CIPFA/SOLACE Delivering Good Governance Framework. The AGS identifies areas for improvement and oversees the implementation of corrective actions, reported quarterly to the FAR Committee.

8.4.4 In addition to the AGS, North Herts Council monitors the governance of its wholly owned and partnership entities through regular reporting and performance monitoring. Governance oversight extends to partnerships such as the Hertfordshire Growth Board, where collective leadership plays a critical role in shaping strategic development across the region.

8.4.5 Risk management is another integral part of the Council's governance arrangements. Through its Risk Management Framework, the Council identifies and addresses both corporate and operational risks, with regular reporting to the FAR Committee. Furthermore, the Council's Code of Corporate Governance (last reviewed in March 2024) ensures that North Herts Council adheres to the principles of integrity, ethical values, and the rule of law, aligning with the Seven Principles of Public Life (Nolan Principles).

## **8.5 Responsibilities of Senior Management and Elected Members**

8.5.1 While Statutory Officers have specific responsibilities, the Code emphasises the importance of senior management and elected members in supporting the governance framework:

- Senior Management: Should work closely with Statutory Officers, ensuring transparency and accountability in decision-making. They must support Statutory Officers in addressing governance issues and ensure that governance frameworks are integrated into everyday operations.
- Elected Members: Councillors must respect the professional advice provided by Statutory Officers to ensure that decisions are made with legal and financial integrity in mind.

8.5.2 Regarding staff and member development, the Council maintains a structured Member Development Programme, focusing on training members to effectively carry out their responsibilities, with compulsory training elements for key roles. The staff development framework encourages continuous learning and personal development, ensuring the Council retains a capable and motivated workforce.

## **9. LEGAL IMPLICATIONS**

9.1 The terms of reference of the Standards Committee include, at paragraph 7.5.1 of their terms of reference "to promote and maintain high standards of conduct by Members and Co- Opted Members of the authority".

## **10. FINANCIAL IMPLICATIONS**

10.1 None.

## **11. RISK IMPLICATIONS**

11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.

11.2 Following appropriate frameworks and incorporating good practice within our processes help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

## **12. EQUALITIES IMPLICATIONS**

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. There are no direct equalities implications from this report.

12.2 Good governance and high ethical standards of conduct ensure that local government decisions are taken in the public interest.

### **13. SOCIAL VALUE IMPLICATIONS**

13.1 The Social Value Act and “go local” policy do not apply to this report as this is not a procurement or contract.

### **14. ENVIRONMENTAL IMPLICATIONS**

14.1 There are no financial implications to this report.

### **15. HUMAN RESOURCE IMPLICATIONS**

15.1 There are none directly from the Code as such. However, there are specific legal requirement in respect of Statutory Officer appointments, disciplinary and dismissal processes.

### **16. APPENDICES**

16.1 Appendix A – Code of Practice on Good Governance for Local Authority Statutory Officers.

### **17. CONTACT OFFICERS**

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17.2 Jeanette Thompson Service Director: Legal and Community (& Monitoring Officer):  
[Jeanette.thompson@north-herts.gov.uk](mailto:Jeanette.thompson@north-herts.gov.uk)

17.3 Rebecca Webb, HR Services Manager.

### **18. BACKGROUND PAPERS**

18.1 None other than those referred to/ linked within the report.