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To: The Chairman and Members of North Hertfordshire District Council

You are invited to attend a

MEETING OF THE COUNCIL

to be held in the

***SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH GARDEN CITY**

[* PLEASE NOTE VENUE – LOCATION MAP ENCLOSED]

on

THURSDAY, 18 MAY 2017

at

7.30 PM,

Yours sincerely,



David Miley
Democratic Services Manager

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. ELECTION OF CHAIRMAN OF THE COUNCIL FOR THE CIVIC YEAR 2017/18 To elect a Chairman of the Council to hold office until the election of a successor at the next Annual Meeting of the Council.	
3. APPOINTMENT OF A VICE-CHAIRMAN OF THE COUNCIL FOR THE CIVIC YEAR 2017/18 To appoint a Vice-Chairman of the Council to hold office until the appointment of a successor at the next Annual Meeting of the Council.	
4. MINUTES To take as read and approve as a true record the minutes of the meeting of the Council held on 11 April 2017.	1 - 16
5. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.	
6. SCHEDULE OF COUNCIL MEETINGS 2017/18 REPORT OF THE CHIEF EXECUTIVE To seek approval to a programme of ordinary meetings of the Council for the Civic Year 2017/18.	17 - 20
7. LEADER OF THE COUNCIL To note that the Leader of the Council for the period until May 2019 will be Councillor Mrs L.A. Needham.	
8. APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL To note the Leader's appointment of a Deputy Leader of the Council for the Civic Year 2017/18.	
9. APPOINTMENT OF MEMBERS OF THE CABINET FOR 2017/18 To note the Leader of the Council's appointment of Executive Members making up the Membership of the Cabinet for 2017/18, and to note the Leader's delegation of powers to Executive Members.	21 - 38
10. TO APPOINT MEMBERS OF COMMITTEES FOR 2017/18 To determine the Committees to be appointed for 2017/2018, the number of places on each and allocation thereof to the respective Groups and to appoint Members in accordance with their nominations.	39 - 50

The Democratic Services Manager will present a report to assist in the determination of the constitution and political balance.

- 11. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES FOR 2017/18** 51 - 54

To appoint the Chairmen and Vice-Chairmen of the Committees (except the Chairmen and Vice-Chairmen of the Area Committees) for 2017/18.
- 12. ADJOURNMENT TO ENABLE THE APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF AREA COMMITTEES**
- 13. KEY DECISIONS - ANNUAL REPORT ON CASES OF SPECIAL URGENCY** 55 - 58

REPORT OF THE LEADER OF THE COUNCIL

To inform the Council of any occasions over the past year where the provisions relating to "Special Urgency" have been used in connection with the publication of an intention to make a Key Decision, as required by legislation.
- 14. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE** 59 - 70

REPORT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Chairman of the Overview and Scrutiny Committee for 2016/2017 will present to the Council the Annual Report of the Overview and Scrutiny Committee.
- 15. ANNUAL REPORT OF THE STANDARDS COMMITTEE** 71 - 82

REPORT OF THE CHAIRMAN OF THE STANDARDS COMMITTEE

The Chairman of the Standards Committee for 2016/2017 will present to the Council the Annual Report of the Standards Committee.
- 16. NOMINATION OF REPRESENTATIVES ON OUTSIDE ORGANISATIONS AND OTHER BODIES FOR 2017/18** 83 - 90

To nominate the Council's representatives on outside organisations and other bodies for 2017/18.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Ballroom, Spirella Building, Icknield Way,
Letchworth on Tuesday, 11 April 2017 at 7.30pm

PRESENT: *Councillors John Booth (Chairman), Alan Millard (Vice-Chairman), Ian Albert, David Barnard, Clare Billing, Paul Clark, Julian Cunningham, Steve Deakin-Davies, Faye S. Frost, Jane Gray, Jean Green, Nicola Harris, Simon Harwood, Steve Hemingway, Cathryn Henry, Fiona Hill, T.W. Hone, Tony Hunter, S.K. Jarvis, Lorna Kercher, David Levett, Ben Lewis, Bernard Lovewell, Jim McNally, Ian Mantle, Paul Marment, Gerald Morris, M.R.M Muir, Mrs L.A. Needham, Janine Paterson, Frank Radcliffe, Mike Rice, Deepak Sangha, Valentine Shanley, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscorn, R.A.C. Thake, Terry Tyler and Michael Weeks.*

IN ATTENDANCE: *Chief Executive, Head of Finance, Performance and Asset Management, Corporate Human Resources Manager, Corporate Legal Manager and Monitoring Officer, Senior Lawyer and Deputy Monitoring Officer, Democratic Services Manager and Committee and Member Services Manager.*

ALSO PRESENT: *Hon. Alderman F.J. Smith
Suzanne Ornsby QC
Approximately 70 members of the public.*

96. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Bishop, Judi Billing, Bill Davidson, Elizabeth Dennis, Gary Grindal, Sandra Lunn and Mrs C.P.A. Strong.

97. MINUTES – 9 FEBRUARY 2017

It was moved by Councillor Mrs L.A. Needham, seconded by Councillor T.W. Hone, and

RESOLVED: That the Minutes of the meeting of the Council held on 9 February 2017 be approved as a true record and signed by the Chairman.

98. NOTIFICATION OF OTHER BUSINESS

No additional business was presented for consideration by the Council.

99. CHAIRMAN'S ANNOUNCEMENTS

(1) Councillor Peter Burt

The Chairman announced that, as Members would be aware, Councillor Peter Burt passed away recently. He would be sadly missed.

The Chairman advised that Peter had represented the Royston Heath Ward since 1998, and was the Cabinet Member for Waste Management, Recycling and Environment for the past 7 years. He served on a variety of other Committees during his time at NHDC, and represented the Council on a number of Outside Bodies. Peter was also the Chairman of the Council in 2001-2002.

The Chairman invited all present to stand and observe a minute's silence in memory of Councillor Peter Burt.

The Chairman, Councillor Mrs L.A. Needham (Leader of the Council) and Councillor Fiona Hill (Chairman of the Royston & District Committee) all paid tribute to Councillor Peter Burt.

(2) Long Service Award – Stephen Geach

Stephen's first job on leaving school aged 16 was as a grave digger, but after a time he decided to leave to start work in Local Government. He started working as a gardener for the London Borough of Brent. He had a 3 year break at college, returning to local government as a parks technical officer for the London Borough of Harrow.

In March 1992, Stephen joined the Parks client team at NHDC. His first role was to help manage the new Grounds maintenance contract, but during the mid 1990's Stephen's portfolio expanded to include public toilets and street cleansing. At the turn of the century, Stephen had another change in direction and took on his current role as Parks and Countryside Development Manager.

Throughout his time with North Herts, Stephen had been involved in delivering a vast number of improvements to green space. These had ranged from providing small skate parks across the District to helping in the delivery of large lottery funded park refurbishment programmes like Broadway Gardens and Howard Park in Letchworth.

More recently Stephen was instrumental in producing a new Green Space Management Strategy that took into account the Council's financial position and protected the most important elements of green space for current and future generations to enjoy.

It was moved by the Chairman, seconded by Councillor Mrs L.A. Needham, and

RESOLVED: That the Council places on record its sincere thanks to Stephen Geach for his long and valuable service to local government in North Hertfordshire.

The Chairman invited Stephen to come forward to receive the award.

Stephen made a short speech thanking the Council for the award and further thanking officers and Members who had been particularly supportive during his time with NHDC.

Councillor Jane Gray (Executive Member for Leisure) paid tribute to the work carried out by Stephen throughout his time with NHDC.

(3) Declarations of Interest

The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

The Corporate Legal Manager and Monitoring Officer stated that prior to the Council meeting held on 20 July 2016, he had read an explanation of the enquiries he had made of all Councillors with regard to their potential interests and approach to the Local Plan. Those enquiries related to the three issues that Members needed to consider on any report a committee received, namely:-

1. Whether they had a Disclosable Pecuniary Interest, as defined by the regulations;
2. Whether they had Declarable Interest, as defined by the Council's Members Code of Conduct; and
3. Whether they had committed themselves to a particular course of action in relation to the Local Plan decision they were being asked to take and were therefore not able to approach the decision with a sufficiently open mind.

The Corporate Legal Manager and Monitoring Officer advised that a number of Members had potential interests due to involvement with bodies such as housing associations, county council, heritage foundation or where they lived, which could be considered to be potentially affected by the decisions Council was making on the Local Plan. In total, approximately one third of all Councillors identified some form of

potential interest, which clearly had potential implications for the ability of residents to be represented in this process, and therefore he had concluded in all the circumstances, including it being in the interests of persons living in the area, that it was appropriate to grant a dispensation to those Councillors listed in the minutes of the 20 July 2016 meeting.

The Corporate Legal Manager and Monitoring Officer explained that a dispensation, if granted, was a permission for the Member concerned to take part in the debate and vote, notwithstanding the potential interest. The grounds for giving dispensations were set out in section 33 of the Localism Act and in section 8 of the Council's Code of Conduct for Members. Council delegated to the Monitoring Officer the authority to grant requests for dispensations, where it was considered appropriate.

The Corporate Legal Manager and Monitoring Officer confirmed that he had contacted all Members and asked them whether their answers had changed since the enquiries made ahead of the 20 July 2016 Council meeting. He also confirmed that the Member elected in November 2016 had answered the same list of questions sent to all Members previously. On the basis of the responses received he confirmed that the dispensations previously granted had been extended to cover tonight's Council meeting for the following Councillors:

Councillor David Barnard – Interests: Hertfordshire County Council and North Herts Homes

Councillor Clare Billing – Interest: Aldwyck Housing Group

Councillor Judi Billing (though not present) – Interest: Hertfordshire County Council

Councillor Faye Frost – Interest: D.H. Frost and Sons

Councillor Jane Gray – Interest: North Herts Homes

Councillor Jean Green – Interest: Property

Councillor Fiona Hill – Interests: Hertfordshire County Council and property

Councillor Terry Hone – Interests: Hertfordshire County Council and Letchworth Garden City Heritage Foundation

Councillor Tony Hunter – Interest: Hertfordshire County Council

Councillor Lorna Kercher – Interest: Hertfordshire County Council

Councillor Ian Mantle – Interest: Letchworth Garden City Heritage Foundation

Councillor Michael Muir – Interest: Hertfordshire County Council

Councillor Lynda Needham – Interest: Letchworth Garden City Heritage Foundation

Councillor Richard Thake – Interests: Hertfordshire County Council and property

For the avoidance of doubt, the Corporate Legal Manager and Monitoring Officer advised that a vote tonight on the district wide Local Plan would not restrict Members' role in respect of the determination of any subsequent planning applications for an allocated site which was submitted to this authority. A vote in favour tonight would not prevent a Councillor speaking against, or voting against, a planning application in due course. The reverse, of course, also applied.

100. PUBLIC PARTICIPATION

(i) Mr Jack Rigg (Chairman of Graveley Parish Council)

Mr Rigg advised that, having attended some of the sessions for the Stevenage Local Plan Examination, he wanted to strongly urge all Parish Councils and groups opposed to the North Hertfordshire Local Plan to meet together to see if sufficient common ground existed for a joint approach to fighting this Plan at Examination. If those objecting to the Plan were serious about opposing it, then they needed to be organised, supported by a good QC and having commissioned consultant reports on issues such as road congestion where appropriate. The Inspector would only be interested in legal arguments backed by solid evidence.

Mr Rigg felt that clearly there may be conflicting priorities on some issues, but that should not stop common agreement on the big issues, such as housing numbers, green belt, brown field development, infrastructure and policies in the Plan which were contrary to National Planning policies. Such a strategy would also allow individual parishes and groups to focus on other more localised issues specific to them.

Mr Rigg commented that if NHDC was successful in pushing for the Examination to take place in the final quarter of 2017, then there was not a lot of time to get organised. His objective in speaking tonight was to offer to arrange a venue for such a meeting to get the process started. Where it went from there would be up to the participants.

Mr Rigg considered that if residents and groups had been involved in opposing North Hertfordshire's Local Plan then they would know that Cabinet and Planners had been ruthless in their determination to push through the Plan, ignoring the objections of residents and pressurising District Councillors to vote the Plan through, regardless of the individual District Councillor's own or their constituents' concerns or opinions. The same would be true when individual development applications came before the Council's Planning Control Committee.

Mr Rigg stated that the Examination format was described as an informal discussion - it most certainly was not. Taking Stevenage as a precedent, NHDC's presentation at the examination would be managed and directed by a senior QC, supported by an array of consultants, as well as NHDC planners as required. It would take place over a period of 3 months, typically for 4 to 5 days a month.

Mr Rigg commented that during the Examination NHDC would produce reams of new/amended documentation which participants would need to read in order to be aware of any material change in NHDC's stance on individual issues. The Council's QC would seek to belittle opposition objections, and would speak in a measured tone, in effect dictating answers to objections made by objectors to the Inspector for his or her future reference. Where the objection related to an issue, such as road congestion, for which they did not have an adequate answer they would ignore it, seeking to change the subject or basis of the discussion (please see point 8.32 of Councillor Levett's report this evening the Herts Highways Strategy, in dealing with ever increasing traffic congestion, would appear to be to encourage everyone to get on their bikes or use public transport, which was wholly unrealistic, rather than considering that the level of proposed development may be excessive).

Mr Rigg advised that, unfortunately, identifying all the legal issues on a particular subject was only half the battle, as the presentation was equally if not more important. To effectively oppose this Plan, the objectors would need their own legal representation and perhaps a planning and/or traffic consultant. This would not be cheap and was almost certainly beyond most if not all individual parishes or opposition groups' purses.

Mr Rigg considered that the creation of one opposition group drawn from across North Hertfordshire had a number of advantages. It would permit the pooling and maximising of resources, personal skills and localised knowledge. It would allow a division of labour, focusing individual members on specific areas of responsibility, rather than each group or person trying to do and read everything. It would make clear to the Inspector that opposition to the Plan existed across the whole of North Hertfordshire. The examination would be a marathon not a sprint, NHDC had a large team of planners and professional experts, and had taken years in preparing the Plan. Objectors would only have a matter of months.

The Chairman thanked Mr Rigg for his presentation.

(ii) Ms Cheryl Norgan (Graveley resident)

Ms Norgan advised that she was speaking on behalf of Graveley residents and was also the Vice-Chairman of Graveley Parish Council. She commented that Graveley residents were not opposed to a Local Plan, but were opposed to the proposed North Hertfordshire Local Plan because they considered it was based on false housing needs figures.

Ms Norgan explained that, according to the 2014 figures supplied by the Office of National Statistics, the natural growth of the region over the Plan period was 6.4%. However, the Council planned to build at a rate of plus 29%. In respect of migration figures into North Hertfordshire, she stated that nobody reliably know what these would be post-Brexit. She accepted that there would be some migration into the

area, but considered that it would be a total disaster for the area should population growth be plus 29% over 20 years.

Ms Norgan was of the view that because the Plan was based on false figures it should be returned for a more careful appreciation of the real growth in the population of North Hertfordshire, as required by Government policy laid down in the National Planning Policy Framework (Paragraphs 158 and 159).

Ms Norgan considered that it was not at all acceptable for councillors to dodge their responsibility in rejecting the Plan should they find it unsound, in the expectation that the Planning Inspector would reject it later.

Ms Norgan suggested that NHDC took a long look at what had been done by Guildford Borough Council. That Council had had dropped the Plan period length and had removed some key sites from its Plan (including a large Green Belt site). This had been in response to on-going public concerns regarding development in the green Belt. Guildford Borough Council had also increased the number of homes to be built on brownfield sites in the town centre, and was proud of its brownfield fist policy of proposing previously developed sites. NHDC did not even have a brownfield sites register, and is a member of the public wished to find out about brownfield sites they were forced to go through a Freedom of Information request.

The Chairman thanked Ms Norgan for her presentation.

(iii) Mr Anthony Burrows (Save the World's First Garden City Group)

Mr Burrows began by advising that his Group had taken a much broader interest in the Plan that its title would imply.

Mr Burrows was of the view that the draft Local Plan had an enormous hole in it, because it nowhere mentioned the nation's decision to leave the European Union. The results of that were, as reported by The Times five days ago, huge chunks of new housing developments in London and its satellite towns were being bought by foreign residents or overseas companies, so making it even harder for young people to find a first home.

Mr Burrows considered that there was a clear answer to that serious problem, but it was not even mentioned, let alone specifically adopted as a policy, and that answer was to reserve in the Plan a percentage of new dwellings for local people. Other authorities seemed to have adopted such a policy. For example, South Oxfordshire District Council had reserved 20% of its new social housing for local people. In South Cambridgeshire, its MP Heidi Allen had been pressing for new homes to be reserved for local people and had actually been opening such reserved developments in her constituency. In Cumbria, Local Plans had also adopted such policies.

Mr Burrows had previously mentioned this omission from the North Hertfordshire Local Plan, but nothing seemed to have been done about it. He felt that there was no point in councillors saying that their Plan was intended to provide housing for their sons and daughters, great grandfathers and grandmothers etc. without adopting such a policy.

Mr Burrows stated that the District's three MPs had spoken against building in the Green Belt and had indicated instead that the focus should be on proposing a third Garden City in North Hertfordshire. There did not appear to be any mention of such an idea in the Local Plan. He visualised a new Garden City as making the destructive expansions of, for example, Baldock and Letchworth Garden City gradually unnecessary.

Mr Burrows was of the view that the Local Plan was inaccessible in various ways to voters unfamiliar with planning documentation. One simple example was that the housing densities of existing dwellings around a proposed site and those proposed for the actual site were nowhere given in the Plan. For example, the important triangular area of Letchworth Garden City bounded by Cashio Lane, Croft Lane and Norton Road consisted of housing at a density of probably six houses to the acre, with those roads having fifty houses backing onto the County Council owned Green Space. The

proposal was to build 37 new homes, but nowhere did the Plan state exactly what that density would be. His guess was that it would involve a much higher density than the adjacent density, but how could non-specialists know? There was no point in adding the densities to the Plan now because it would be too late for voters to be properly consulted.

Mr Burrows referred to the New Homes Bonus, an initiative instigated by the Cameron/Clegg Coalition Government in 2010. He felt that this damaged only England and thus not the rest of the United Kingdom, thereby making England's problem even worse. His Group only learnt of it through it being mentioned at a UKIP conference attended by a member of the Group. The Group was extremely unhappy about the fact that it had never been mentioned in Council meetings which he had attended, nor in the Local Plan. He considered that it explained why most councillors were willing to destroy Garden City principles in Letchworth and to destroy the character of Baldock. The Group was aware that Parliament had been reducing its grants to NHDC, and so was bribing and blackmailing the Council to claim the Bonus and forcing it to build on the Green Belt. He asked councillors to have the moral courage to campaign strongly against the Bonus system.

The Chairman thanked Mr Burrows for his presentation.

(iv) Carolyn Cottier (east Luton resident)

Ms Cottier informed members that she was part of a group of 400 residents against the proposed East of Luton development.

Ms Cottier advised that in the Conservative Party Manifesto it had stated that "we will protect/safeguard the Green Belt" no less than seven times. She considered that Local Government should be bound to follow the National Government's policies. This was reiterated in the Government's Housing White Paper which stated that "Councils must demonstrate that they have examined all other reasonable options so that the existing protection of the green Belt remained unchanged".

Ms Cottier commented that Luton's claimed unmet housing need was the basis for this proposed assault on the east of Luton Green Belt. Luton had stated that it had a housing crisis. For her, the main crisis was what Luton was actually doing with the land it had. Six months ago Luton lost 110 apartments in a five-storey building. The sold Unity House to a private developer and Milton Keynes snapped it up to house their homeless.

Ms Cottier explained that another poor decision made by Luton Borough Council in 2016 was the selling off of a large plot in Flowers Way/George Street West. Oyster bought it for £356,000 and then advertised the off-plan apartments in Malaysia, Russia and China. The brochure listed 130 one and two bedroom flats priced between £450,000 and £650,000 each. The developer was an unregulated company not bound by any UK laws, and the brochure was incorrect in stating that Luton was a borough in London.

Ms Cottier explained that the Ambient Air Quality Directive set out legally binding limits for air pollution, both indoors and outdoors. However, when she asked for their studies into air pollution over the last five years in the proposed development areas, both NHDC and Luton Borough Council had replied that they had not carried out any monitoring. The east of Luton site was near to the fourth largest airport in the UK, so how would it be possible to know if the air quality was acceptable now, let alone before any further development took place. She advised that, on 19 April 2017, there was to be held a London Luton Airport Public Surgery Event, and that she would be raising these concerns at that meeting.

Ms Cottier commented that the proposed East of Luton development must have a Sustainable Urban Drainage Scheme (SUDS). The Civil Aviation Authority had stated that such schemes should not be located within 13 kilometres of an aerodrome because they attracted large flocks of migratory birds, dangerously close to flight paths. She asked who would be liable legally should the safety advice on SUDS be ignored.

Ms Cottier referred to traffic and school places. Using Office of National Statistics figures, 2,105 homes would generate a minimum of 5,052 new residents, 1,800 or so being children. The Plan mentioned one small new primary school east of Luton – so where would the other 1,400 children go to school? Where would the 5,052 people shop? If a retail park was included in the development then people from outside the area would start using it, with thousands of cars clogging up one narrow country lane.

Ms Cottier concluded by stating that it was NHDC's business to know what Luton was planning with its housing. Once the Green Belt was gone it was gone forever. So much precious land was in NHDC's hands, were councillors now going to throw it away?

The Chairman thanked Ms Cottier for her presentation.

(v) Councillor Peter Chapman (Luton Borough Council – Wigmore Ward)

Councillor Chapman advised that one of his main concerns about the current Local Plan process was that joined up thinking appeared to be absent from it. It seemed to him that each Local Authority went its own way and ended up with Plans that satisfied nobody and failed to solve any existing problems.

In terms of education, Councillor Chapman stated that there were three secondary schools in his area, all of which were bursting at the seams. Children attended these schools from all parts of Luton, which contributed to the traffic congestion in the town. There were two primary schools, one of which was in the process of erecting further demountable classrooms to cope with the existing population growth. He could see no education commitment from Hertfordshire to sustain the proposed east of Luton site.

In respect of pollution, Councillor Chapman considered that Luton was turning into a traffic-gridlocked town. On two key roads (Hitchin Road and Stockingstone Road), it often took hours to travel a mile. The issue was that pollution studies had not been undertaken and developments were therefore not sustainable. Century Park, a development funded by the Government, would attract 4,000-5,000 extra cars per day on the existing road network. The airport was in the process of expanding to 20 million passengers per annum, all to be sustained on basically the same highway network. There were 4,000 units currently being built in Luton Town Centre, again with no more roads planned to deal with the increased traffic.

Councillor Chapman commented that on top of the above developments, the east of Luton site was proposed. This failed to solve NHDC's problems. It may keep the Government at bay, but did not solve North Hertfordshire's or Luton's housing needs. It just worsened the existing situation.

Councillor Chapman advised that, three weeks ago, Central Bedfordshire Council was granted £27Million to complete the relief road from the M1 to the A6. That would release thousands of acres to the north of Luton for development. Similarly, the completion in 2017 of the road linking the M1 to the A5 around Houghton Regis would also create a huge area of land to be developed first, with access roads. He felt that this was where Luton's unmet housing need should be satisfied, to the west of Luton, and not stuck on the east of Luton.

Councillor Chapman considered that if the North Hertfordshire Local Plan had stated that it was going to complete the ring road from the A6 to the A505, and then take the A505 round the back of the airport, then it might have had some credibility. However, the proposed development was just stuck on the eastern edge of Luton.

Councillor Chapman concluded by commenting that he and his supporters would keep fighting to oppose the North Hertfordshire Local Plan, which did not help NHDC and certainly did not help the residents that he represented.

The Chairman thanked Councillor Chapman for his presentation.

101. NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031

The Executive Member for Planning and Enterprise (Councillor David Levett) presented the report of the Head of Development and Building Control in respect of the North Hertfordshire Local Plan. The following appendices were submitted with the report:

Appendix 1 – Regulation 22 Consultation Statement;
Appendix 2 – North Hertfordshire Local Plan 2011-2031 Proposed Submission Draft, October 2016;
Appendix 3 – Schedule of Proposed Additional Modifications; and
Appendix 4 – Local Development Scheme, April 2017.

The Executive Member for Planning and Enterprise began by summarising the recommendations in the report. In respect of Recommendation 2.4, he referred to the errata page which had been tabled at the meeting which corrected his title from Executive Member for Strategic Planning and Enterprise to Executive Member for Planning and Enterprise, and also corrected the title of the Head of Planning and Enterprise to Head of Development and Building Control.

The Executive Member of Planning and Enterprise reminded Members that the consultation period on the Local Plan had taken place from 19 October 2016 to 30 November 2016, and had been publicised via briefings for councillors, Parish and Town Councils; at local libraries; through the local press; radio and TV interviews; on the Council's website and at the Council's Offices. In addition 12,300 e-mails/letters had been sent out to consultees registered on the NHDC database.

The Executive Member of Planning and Enterprise advised that 2,549 responses had been received, containing 5,675 representations (an average of 2.3 representations per response). A full statistical analysis of the consultation responses was set out in Appendix 1 to the report.

The Executive Member of Planning and Enterprise commented that 68% (3,841) of the representations had related to specific sites, with the remaining 32% (1,834) concerned with Policy and other matters. Of the 3,841 site-specific representations, 1,419 (37%) related to Strategic Sites SP14-SP19, 1,799 (47%) related to other sites, and 623 (16%) related to general issues. In respect of the 1,834 Policy and other matters representations, 74% (1,357) were in relation to Sites SP1-SP13, 15% (277) related to Normal Policies and 11% (200) related to general/other issues.

The Executive Member of Planning and Enterprise stated that the Submission Local Plan document had been approved by the Council on 20 July 2016 to go out for consultation as a sound and evidenced Local Plan. The question was whether anything had changed since then either as a result of the consultation responses or other relevant changes in legislation to make that document fundamentally unsound or non-compliant. Following detailed consideration of all the consultation responses, he reported that nothing had been identified which altered his view that the Plan was compliant and that there were no matters that could not be resolved through the Inspection process.

The Executive Member of Planning and Enterprise explained that the main issues were set out in Paragraphs 8.20 to 8.33 of the report, and other matters were discussed in Paragraphs 8.34 to 8.39. 57 proposed amendments to the Plan were referred to in Paragraph 8.40 of the report and set out in detail in Appendix 3 to the report. These amendments were classed as "Additional Modifications", as they did not significantly alter policies or strategy. It would be up to the Inspector to determine if these or any others should be "Main Modifications" that would require additional consultation.

The Executive Member of Planning and Enterprise advised that Recommendation 2.3 of the report was seeking the approval and adoption of an updated Local Development Scheme, as set out in Appendix 4. This Scheme provided a timetable of key milestones for the production of the Local Plan and had last been updated in December 2015.

The Executive Member of Planning and Enterprise stated that, should the Local Plan Submission draft be approved, the document would be finalised for submission (with all the consultation representations) to the Planning Inspectorate by the end of May 2017. An Inspector would then be appointed and he or she would determine the scope and timing of the Examination in Public. An Independent Program Officer would also be appointed to cover all the administrative aspects of the Examination and to act as liaison between the Council, Inspectors and other interested parties. In respect of any preliminary questions from the Inspectors, NHDC would be expected to produce additional documentation and evidence as requested. The date of the Examination would be set by the Inspector, although it was anticipated that it would take place sometime in the Autumn of 2017.

The Executive Member of Planning and Enterprise explained that anyone could attend the Examination in Public, but only those invited by the Inspector to participate in each session would be allowed to speak. Typically, the Examination would be in three stages:

Stage 1 – Fundamentals: Duty to Co-operate and other legal requirements;
Stage 2 – Issues of Principle: Housing Strategy and Green Belt; and
Stage 3 – Detail: Individual Sites and Settlements; and Detailed Policy requirements.

The Executive Member of Planning and Enterprise advised that the Inspector would make recommendations at each stage. It was almost inevitable that changes would arise between now and the conclusion of the Examination as a result of evidence presented or other changes that occurred during the process. The Inspector's powers were wide ranging and could be used to instruct changes to the Plan with the proposal of "main Modifications", which would be subject to further public consultation. Following the Inspector's final report, the Council would be asked to adopt the Local Plan with modifications. Only then would the Local Plan finally become the planning policy for North Hertfordshire. If the Council chose not to adopt the Plan, then the only alternatives at that stage would be to start again or for the Department of Communities and Local Government (DCLG) to intervene.

The Executive Member of Planning and Enterprise summarised by stating that the purpose of this evening's meeting was to vote on the submission of the Plan for examination and not on adoption of the Plan. This was essential in order to allow the representations to be considered and decided by the Inspector. The consequences of not submitting the Plan would be that the Council would need to consider a way forward, with it being unlikely that any alternative would be different; it would admit that the Council felt that it would be unable to resolve areas of disagreement; there would be no 5 year land supply; the District would be open to hostile planning applications, with no control over development, location, affordable homes, parking or infrastructure requirements; and the Council would be unlikely to meet the DCLG deadline of March 2018, and hence be open to intervention, with the Plan being determined by someone with little or no knowledge of North Hertfordshire.

It was therefore moved by Councillor David Levett, and seconded by Councillor Mrs L.A. Needham, that the recommendations 2.1 to 2.5 in the report be approved, subject to the corrected nomenclature referred to earlier in respect of Recommendation 2.3.

The Council debated the report. Councillors' observations included the following points:

- There were 43 policies in the Plan which did not relate to Land Allocations. These were very important in improving the quality of development and amenity in the District. The Plan should go forward so that these important policies could be implemented (relating to issues such as design, access and landscaping);
- The Council effectively had only two options – to either go forward and resolve any outstanding issues with the Inspector or to abandon the Plan entirely, which would result in a development free for all;
- There was a housing need for the District's children and grandchildren, but this would not be achieved through speculative development, with no control;

- The Green Belt was important, but it had been so designated to ensure that local authorities concentrated on the development of brownfield sites. However, the supply of remaining brownfield site in North Hertfordshire was limited, which was why potential development in the Green Belt was now necessary;
- A number of Members who had previously voted against the Plan still maintained that it was flawed. However, they were now content to vote that it should be submitted to the Planning Inspectorate, in the hope that the Inspector would make up his/her own mind based on the level of public representations and objections to the Plan;
- Attention was drawn to a representation on the Plan made by the Hertfordshire County Council (HCC) in respect of the Duty to Co-operate and on education and highways matters. It appeared that NHDC was querying the formula used by HCC in respect of its pupils to new homes ratio. That formula had been tested at other emerging Local Plan Examinations, and had been found to be acceptable by the relevant Inspectors;
- The affordable housing policies in the Plan were much more robust than in previous versions and should be supported;
- Some Members were unable to support the Plan due to the overwhelming level of public objections. No consideration had been given in the Plan to the potential for a new Garden City to ease the pressure on urban sprawl in many of the District's towns and villages;
- A number of Members felt that the Council should not rely on a Planning Inspector to solve its problems. The Inspector was likely to use the submitted Local Plan as a base document and then modify it as appropriate. It was unlikely that the document would be fundamentally re-drafted to suit the views and opinions of the thousands of representees, of which more than 98% had objected to the Plan and had considered it to be unsound; and
- Some Members who had previously voted in favour of the Plan now wished to abstain, on the basis that Central Government had placed local authorities in an invidious position, due to a Local Planning process that was virtually incoherent, with little cohesion, and promoting scatter gun development.

In response to some of the points raised during the debate, the Executive Member for Planning and Enterprise stated:

- A petition or representation made on behalf of a number of people was counted as one representation. However, the Inspector would be made aware of the number or people who had signed up to each of these petitions/representations;
- He was confident that the fundamental objections raised by HCC regarding education and highways were already being addressed through regular meetings with HCC officers, and would form part of the evidence to be supplied to the Inspector;
- Councillors would be provided with regular updates on the process, and he encouraged councillors to provide him with any comments and observations on the Plan;
- The primary purpose of the Green Belt was to prevent coalescence between towns and villages. At the moment, there was a small gap between Letchworth garden City and Baldock. That land was currently not in the Green Belt, but would be after the review. The land to the west of the B656 road, which joined Hitchin to Codicote, would also be in the Green Belt after the review, as would the Area of Outstanding Natural Beauty to the east of Luton and the area of land between Stopsley and Hitchin. At the conclusion of the review, all the settlements in North Hertfordshire would have clearly defined boundaries with the Green Belt;

- The effect of the century Park in Luton had not been taken into account in the North Hertfordshire Local Plan because the plans for that development were published after the Local Plan process had commenced;
- In respect of a new Garden City, some work had already been carried out on this initiative, but the whole process would take in the region of 20 years. Work was on-going, but the size of such a new settlement would need to be between 5,000 to 10,000 dwellings;
- With regard to brownfield sites, in 2011/12, the percentage of development on previously developed sites in North Hertfordshire was (8.5% of all completions; in 2012/13 it was 86.3%; in 2013/14 it was 79.5%; in 2014/15 it was 84.4%; and in 2015/16 it was 64.4%. The Council had been building on brownfield land as much as possible, but most of the larger available sites had already been developed. The Council was currently in the process of completing a brownfield register to comply with the Government deadline of December 2017.

At the conclusion of the debate, and in accordance with Standing Order 4.8.16(h), Councillor David Levett requested that a Recorded Vote be undertaken on the motion.

(Voting:

For: Councillors David Barnard, John Booth, Julian Cunningham, Steve Deakin-Davies, Faye S. Frost, Jean Green, Nicola Harris, Simon Harwood, Steve Hemingway, T.W. Hone, David Levett, Ben Lewis, Bernard Lovewell, Jim McNally, Paul Marmont, Alan Millard, Gerald Morris, Mrs L.A. Needham, Janine Paterson, Frank Radcliffe, Mike Rice, Deepak Sangha, Valentine Shanley, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscomb, R.A.C. Thake, Michael Weeks - 29

Against: Councillors Ian Albert, Clare Billing, Paul Clark, Jane Gray, S.K. Jarvis, Lorna Kercher, M.R.M. Muir, Terry Tyler - 8

Abstentions: Councillors Cathryn Henry, Fiona Hill, Tony Hunter - 3

The motion was carried.)

It was therefore,

RESOLVED:

- (1) That the results of the Proposed Submission consultation, as set out in the Regulation 22 Consultation Statement attached as Appendix 1 to the report, be noted and recorded;
- (2) That the new Local Plan for North Hertfordshire, attached as Appendix 2 to the report, together with the Schedule of Proposed Additional Modifications attached as Appendix 3, and other associated documentation, be approved and submitted for examination by the Secretary of State;
- (3) That the revised Local Development Scheme for North Hertfordshire, attached as Appendix 4 to the report, be approved with effect from 12 April 2017;
- (4) That delegated powers be granted to the Head of Development and Building Control, in consultation with the Executive Member for Planning and Enterprise, to produce such additional documentation as is required (including documentation requested by the appointed Inspector and the proposing of main modifications) before and during the examination of the Local Plan; and
- (5) That Officers continue to regularly update Members on the progress of the Examination through the Strategic Planning Matters reports which are submitted to Cabinet.

REASON FOR DECISION: To ensure that North Hertfordshire continues to progress a new Local Plan for the management of development in the District.

102. COUNCIL CONSTITUTION – ANNUAL REVIEW 2017

The Corporate Legal Manager and Monitoring Officer presented a report in respect of the Council Constitution – Annual Review 2017. The following appendix was submitted with the report:

Appendix A – Schedule of proposed amendments to the Constitution.

The Corporate Legal Manager and Monitoring Officer reminded Members that, whilst he was responsible for maintaining and updating the Constitution, it was the Council's document. He explained that the 2017 review had been a light touch exercise, with largely minor amendments proposed.

The Corporate Legal Manager and Monitoring Officer highlighted some of the more substantive changes. In respect of Section 4.4.1, relating to Nominations to Outside Bodies, he advised that this had been amended to refer specifically to councillors, which would cease the current practice of non-councillors being nominated to Outside Bodies. The reason for this change was that non-councillors were not covered by the Council's insurance or indemnity policies or the Member Code of Conduct; and were not bound by the Member duty of confidentiality nor were they accountable to the Electorate.

The Corporate Legal Manager and Monitoring Officer stated that feedback had been received from some councillors in respect of the rules relating to Motions on Notice (Paragraph 4.8.12 of the Constitution). Appendix A to the report included some options aimed at tightening these rules, but the recommendation in the report was to retain the status quo.

The Corporate Legal Manager and Monitoring Officer advised that Members would be aware that the Council was seeking to undertake more commercial activity and that, in order to do so, the appropriate governance structures needed to be in place. Therefore, it was proposed to create a new Cabinet Sub-Committee, which would take decisions on behalf of the Council as a shareholder in any companies it owned or part-owned. The Terms of Reference of the Sub-Committee included in Appendix A to the report were deliberately broad, as the details of the types of decisions to be taken would be set out in the individual Shareholder Agreements for each company.

The Corporate Legal Manager and Monitoring Officer stated that the proposed changes to the Member/Officer Working Protocol were aimed at streamlining the document by incorporating its appendix into the main body of the document.

The Corporate Legal Manager and Monitoring Officer informed the Council that a review of Section 14 of the Constitution ((Responsibility for Functions) would await the outcome of the forthcoming organisational restructure. In association with this review, Sections 12 (Officers) and 19 (Financial Regulations) would be updated accordingly. There may also need to be a review of the Council's scrutiny function, depending on whether any proposals were formulated from the recent national review of scrutiny.

It was moved by Councillor Mrs L.A. Needham, and seconded by Councillor T.W. Hone, that the recommendations contained in the report be approved.

As an amendment, to Paragraph 4.8.12 of the Constitution (Notice of Motions to Council) and therefore to Recommendation 2.1 of the report, it was moved by Councillor David Levett and seconded by Councillor Julian Cunningham that:

“(a) no change to current wording; and

A revised (c) to read “(c) Motions to Council must be about matters which the Council has a responsibility for and which are relevant to and specifically affect the District. The final decision to include any Motion on the agenda shall lie with the Chairman of the Meeting, in consultation with the Proper Officer.”

Following debate and upon being put to the vote, the amendment was carried.

Upon the substantive motion being put to the vote, it was

RESOLVED:

- (1) That, subject to the following further amendment, the proposed amendments to the Constitution set out in Appendix A to the report be approved:

Paragraph 4.8.12 – Notice of Motions to Council

- (a) no change to current wording.

A revised (c) to read “(c) Motions to Council must be about matters which the Council has a responsibility for and which are relevant to and specifically affect the District. The final decision to include any Motion on the agenda shall lie with the Chairman of the Meeting, in consultation with the Proper Officer.”; and

- (2) That it be noted that Sections 12 and 14 of the Constitution will be reviewed post-reorganisation.

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

103. REVIEW OF THE COUNCIL’S BYELAWS

The Corporate Legal Manager and Monitoring Officer presented a report in respect of a Review of the Council’s Byelaws. The following appendices were submitted with the report:

- Appendix A – List of NHDC byelaws;
- Appendix B – Example of old byelaws; and
- Appendix C – Steps required for the Revocation of a byelaw.

The Corporate Legal Manager and Monitoring Officer advised that the Council currently had a large number of byelaws, most of which were either very old, unenforceable or which had been overtaken by other legislation. Having identified this issue, a comprehensive review of all the byelaws had been undertaken, and the conclusion reached that all but one of those byelaws should be revoked.

The Corporate Legal Manager and Monitoring Officer stated that the decision before Council was to approve that public consultation took place on the proposed revocations, prior to a future report to Council for a final decision. The process that would be followed was summarised in paragraph 8.14 of the report and set out more fully in Appendix C to the report.

The Corporate Legal Manager and Monitoring Officer commented that two issues had been identified during the internal consultation on the proposed revocations, relating to grass verge parking and anti-social behaviour in open spaces. The report explained that both these issues could be tackled through other means, and that byelaws were not an effective enforcement tool for either issue.

The Corporate Legal Manager and Monitoring Officer advised that it was not currently proposed to introduce any new byelaws, but for completeness the process for so doing was set out in Paragraph 8.12 of the report. If members identified a local issue, then he suggested that they discussed first with officers as to whether a byelaw would be appropriate and would meet statutory requirements. Constitutionally, the promotion of byelaws sat with Area Committees, but decisions on whether or not to adopt new byelaws rested with Full Council.

The Corporate Legal Manager and Monitoring Officer stated that, given the lengthy list of byelaws set out in Appendix A to the report, if Members had specific queries about the content of any individual byelaws then he suggested that they raise these queries with legal Services during the consultation period.

It was moved by Councillor Mrs L.A. Needham, and seconded by Councillor T.W. Hone, that the recommendations contained in the report be approved.

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

RESOLVED:

- (1) That the Council's byelaws that are currently in force and identified for proposed revocation, as set out in Appendix A to the report, be noted;
- (2) That consultation with the public on the approach of revoking all of the existing byelaws, except for the 2007 Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis byelaw, be agreed; and
- (3) That it be noted that any new byelaws must be current, relevant and specific to local issues.

REASON FOR DECISION: To ensure that byelaws for North Hertfordshire District Council are usable and enforceable.

104. PAY POLICY STATEMENT 2017/18

The Leader of the Council (Councillor Mrs L.A. Needham) presented the report of the Strategic Director of Customer Services in respect of the Pay Policy Statement 2017/18. The following annex was submitted with the report:

Annex 1 – North Herts District Council Draft Pay Policy Statement 2017/18.

The Leader of the Council advised that a number of paragraph cross-references throughout the report should be deleted, as that information had been transferred to the Annex to the report. Unfortunately, even though the information had been transferred during the drafting process, the cross-referencing to non-existent paragraphs had remained in the report in error.

The Leader of the Council stated that the Localism Act 2011 required the Council to produce and approve an annual Pay Policy Statement. The suggested content of such a Statement was set out in the guidance in section 40 of that Act. Whilst the guidance primarily required the Council to set out a policy in respect of senior pay, it was important to note that NHDC's pay policy adopted in 2004 did not seek to differentiate between senior staff and others.

The Leader of the Council explained that, since the adoption of the first Localism Act driven Pay Policy in 2012, supplementary guidance had been issued by the Secretary of State, and this was described in Paragraph 8.2 of the report. The changes arising from the Enterprise Act 2016 had not yet come into force due to timetable slippage.

In respect of Annex1 to the report, the Leader of the Council drew Member's attention to the pay multiples. She commented that NHDC was well within the guidelines for pay multiples identified in the Hutton Report.

It was moved by Councillor Mrs L.A. Needham, and seconded by Councillor T.W. Hone, that the recommendations contained in the report be approved.

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

RESOLVED:

- (1) That the Pay Policy Statement 2017/18, as attached at Annex 1 to the report, be endorsed; and
- (2) That the Corporate Human resources Manager, in consultation with the Leader of the Council, be delegated authority to agree subsequent revisions to the Policy Statement, such as subsequent pay awards agreed nationally and new legislative requirements, as outlined in Paragraph 3.7 of the Policy at Annex 1.

REASON FOR DECISION: To comply with the requirements of Section 38 of the Localism Act 2011, statutory guidance issued under Section 40 and the Local Government Transparency Codes 2014 and 2015.

**105. ITEM REFERRED FROM FINANCE, AUDIT & RISK COMMITTEE: 22 MARCH 2017
– ANTI-BRIBERY TRAINING**

The Council considered the Minute of the meeting of the Finance, Audit & Risk Committee held on 22 March 2017, in respect of the Anti-Bribery Training (Minute 79 refers). A copy of the report considered by the Finance, Audit & Risk Committee was included with the agenda.

It was moved by Councillor Michael Weeks, seconded by Councillor Mrs L.A. Needham and upon being put to the vote, it was

RESOLVED: That all Members and employees undertake the Anti-Bribery e-learning module, as per the Shared Internal Auditor's (SIAS) report recommendation of November 2016.

REASON FOR DECISION: To ensure that all NHDC councillors and staff are fully aware of anti-bribery matters.

106. QUESTIONS FROM MEMBERS

There were no questions from Members.

107. NOTICE OF MOTIONS

There were no notices of motions.

The meeting closed at 10.58pm.

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Chairman

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ANNUAL COUNCIL

18 MAY 2017

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

6

TITLE OF REPORT: SCHEDULE OF COUNCIL MEETINGS 2017/2018

REPORT OF THE CHIEF EXECUTIVE

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek approval to a programme of ordinary meetings of the Council for the Civic Year 2017/2018.

2. RECOMMENDATIONS

- 2.1 That the following programme of ordinary meetings of the Council be approved for the Civic Year 2017/2018:

Wednesday, 19 July 2017;
Thursday, 31 August 2017;
Thursday, 23 November 2017;
Thursday, 18 January 2018;
Thursday, 8 February 2018; and
Tuesday, 10 April 2018.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To enable Members to agree a programme of ordinary meetings of the Council for 2017/2018.

4. ALTERNATIVE OPTIONS CONSIDERED

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

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

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

6. FORWARD PLAN

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

7. BACKGROUND

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

8. RELEVANT CONSIDERATIONS

- 8.1 Following consultation with the prospective incoming Chairman of the Council, the following dates are recommended for ordinary meetings of the Council during the Civic Year 2017/2018:

Wednesday, 19 July 2017;
Thursday, 31 August 2017;
Thursday, 23 November 2017;
Thursday, 18 January 2018;
Thursday, 8 February 2018; and
Tuesday, 10 April 2018.

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

9. LEGAL IMPLICATIONS

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

10. FINANCIAL IMPLICATIONS

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

11. RISK IMPLICATIONS

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

12. EQUALITIES IMPLICATIONS

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

- 12.2 There are no equalities implications in this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no human resource implications.

15. APPENDICES

15.1 None.

16. CONTACT OFFICERS

16.1 David Miley, Democratic Services Manager
david.miley@north-herts

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

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

17. BACKGROUND PAPERS

17.1 None.

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***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

9

TITLE OF REPORT: APPOINTMENT OF MEMBERS OF THE CABINET FOR 2017/2018

REPORT OF THE DEMOCRATIC SERVICES MANAGER

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to inform the Council of the Leader's appointment of members of the Cabinet for 2017/2018.

2. RECOMMENDATIONS

- 2.1 That it be noted that the Members to be appointed as Executive Members of the Cabinet for 2017/2018 and the areas for which they will be responsible, together with the delegations for inclusion in the Council's Constitution, will be as detailed in Appendix A, which will be tabled at the meeting.

3. REASONS FOR RECOMMENDATIONS

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

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Leader of the Council will inform the Council of the appointment of Cabinet Members for 2017/2018.

6. FORWARD PLAN

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

7. BACKGROUND

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

8. RELEVANT CONSIDERATIONS

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

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

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

8.2 Appendix A to the report (to be tabled at the meeting) will set out the Leader's appointments to the Cabinet Executive Member positions for 2017/2018.

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

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

9. LEGAL IMPLICATIONS

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

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising directly from this report

11. RISK IMPLICATIONS

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

12. EQUALITIES IMPLICATIONS

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

12.2 There are no direct equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

14.1 There are no human resource implications.

15. APPENDICES

15.1 **Appendix A – Cabinet Members 2017/2018 and their Portfolio Responsibilities - this will be tabled at the Annual Council meeting on 18 May 2017.**

16. CONTACT OFFICERS

16.1 David Miley, Democratic Services Manager
david.miley@north-herts

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

17. BACKGROUND PAPERS

17.1 None.

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APPOINTMENT OF MEMBERS OF THE CABINET

Report by the Leader of the Council

The Cabinet will consist of the Leader of the Council and the Deputy Leader together with at least one, but no more than eight, councillors appointed to the Cabinet by the Council on the recommendation of the Leader. Each of the Cabinet Members shall be responsible for a portfolio (service area). The Cabinet is single-party and not politically balanced.

DELEGATIONS FOR INCLUSION IN THE SCHEME OF DELEGATION (Part 3 of the Constitution)

In accordance with the Cabinet Procedure Rules and Terms of Reference executive functions will be delegated to the following Cabinet Executive Members:

PORTFOLIO	CABINET EXECUTIVE MEMBER	ADDRESS	WARD
Deputy Leader and Finance & IT	Councillor Julian Cunningham	14 Blackmore, Letchworth Garden City, Herts. SG6 2SY	Letchworth South East
Community Engagement & Rural Affairs	Councillor Tony Hunter	1 Cowslip Close, Royston, Herts. SG8 9TJ	Royston Meridian
Leisure	Councillor Jane Gray	Abbotshay Farm, Tanyard Lane, Ayot St. Lawrence, Herts. AL6 9BS	Codicote
Housing & Environmental Health	Councillor Bernard Lovewell	23 Milton View, Hitchin, Herts, SG4 0QD	Hitchin Walsworth
Policy, Transport & Green Issues	Councillor Ray Shakespeare-Smith	102 Bedford Road, Hitchin, Herts. SG5 2UE	Hitchin Priory
Planning & Enterprise (Economic Development)	Councillor David Levett	172 Rushby Mead, Letchworth Garden City, Herts SG6 1SQ	Letchworth South East
Waste, Recycling & Environment	Councillor Michael Weeks	3 Hadrian Way, Baldock, Herts. SG7 6AW	Baldock Town

The extent of the authority delegated to these Members will be as set out in Section 14.8.10 of the Council's Constitution.

**Councillor Mrs L.A. Needham
Leader of the Council
18 May 2017**

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Delegations of Executive Functions for inclusion in the Scheme of Delegation

14.8.1 Matters of General Delegation

Each Cabinet Executive Member is responsible for:-

- (a) the proper administration of the Council's services;
- (b) the efficient use and day-to-day maintenance of Council premises;
- (c) ensuring budget control;
- (d) approving use of specific grants and/or funding from non-governmental sources, and any annual delivery plans and agreements in relation to such funding;
- (e) approving funding exceeding £5,000 per annum to voluntary and other organisations within their Portfolio, and approving jointly with other Cabinet Executive Members where the application affects more than one Portfolio;
- (f) the continuous improvement of the Council's services through a programme of work;
- (g) liaising with the relevant Council Overview and Scrutiny Committee;
- (h) decisions proposed and made. Delegated decisions must be taken, recorded and published in accordance with the Council's Guidance¹ (or any policy) on the statutory requirements and procedures;
- (i) the promotion of the Council's policies and communication with the public as appropriate through local and other media, ensuring always that publications are compliant with the Council's Communications Strategy;
- (j) proposing and responding to Government and its agents, and to those sharing common cause and others on matters defined by their responsibilities;
- (k) responding directly to governmental and other consultation papers on behalf of the Council, where the view of the Council has been requested;
- (l) making minor amendments to adopted strategies, policies and procedures;
- (m) the promotion of the Council's existing policies;
- (n) speaking up on matters of local concern and acting as the main Council spokesman on issues within their Portfolio;

¹ NHDC Guidance to Members and Officers – Taking a delegated decision 2015

- (o) the disposal of non-property assets between £5,001 and £100,000 and between £100,001 and £250,000 in conjunction with the Cabinet Executive Member for Finance;
- (p) providing input for procurement exercises within their Portfolio, in accordance with the Contract Procurement Rules;
- (q) approving variations to contracts in accordance with the Contract Procurement Rules;
- (r) approving proposals for the disposal of property valued under £250,000 in respect of the functions for which they are responsible, in conjunction with the Cabinet Executive Member for Finance;
- (s) applying for planning permission for the Council's own development schemes;
- (t) applying for conservation area consent, listed building consent or any other permissions or consents necessary to progress the Council's own development schemes; and
- (u) responding to consultation with officers on setting new external fees and charges and revising current ones.

14.8.2 Leader of the Council

- 14.8.2.1 The scope of the Leader's responsibilities spans all Portfolios, ensuring co-ordination and a coherent approach to the Council's decision making. The Leader can make any decision which is delegated to any Executive Member.
- 14.8.2.2 The Leader will appoint the Deputy Leader and members of Cabinet and allocate responsibility for the discharge of executive functions.
- 14.8.2.3 The Leader is appointed for a four year term.
- 14.8.2.4 The Deputy Leader will have the powers and responsibilities of the Leader when the Leader is absent or unable to act (including portfolio and statutory responsibilities).
- 14.8.2.5 In discharging this role, the Leader is specifically responsible for leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:-
 - (a) the development of overall strategic and financial plans for the Council and the promotion of both existing and new strategies and plans;
 - (b) overall control of the revenue and capital finances of the Council, in conjunction with the Executive Member with responsibility for those matters;
 - (c) the production and publication of the Council's Forward Plan;

- (d) the Council's contribution to the life of the District and the sub-region;
- (e) the Council's overall contribution to the health and wellbeing of the district in conjunction with other Executive Members with responsibility for services contributing to "public health";
- (f) the functioning of Council's Cabinet and the executive powers it holds, including the allocation of responsibilities to the full Cabinet, individual Cabinet Portfolios and Area Committees; the appointment and dismissal of those Cabinet Executive Members; the appointment of Cabinet committees and sub-committees and the delegation of executive authority to officers;
- (g) partnership working across the Council's services, including sharing arrangements with other Councils;
- (h) Liaison with other statutory agencies in and outside the District and leading on the Council's Local Strategic Partnership;
- (i) the Council's communications strategies and activities and press and publicity activity;
- (j) information provision and management;
- (k) consultation with local people to help plan and improve Council services and influence the services provided by others;
- (l) community safety and work with the Community Safety Partnership, the police and other law enforcement agencies to reduce crime and disorder, anti-social and nuisance behaviour, and the fear of either;
- (m) speaking up on matters of local concern and representing the views of the Council to Government and its agents and to others;
- (n) appointments to outside organisations between meetings of the Council;
- (o) Legal Services;
- (p) Democratic Services, excluding Electoral Services and Electoral Registration;
- (q) the Land Charges Service;
- (r) Customer Services;
- (s) the health and safety of staff;

- (t) the implementation of public safety measures and the Council's Emergency Plan, in accordance with prevailing national guidance;
- (u) Human Resources including:
 - (i) personnel, employment and training policies and strategies;
 - (ii) the provision of core training services to the rest of the Council;
 - (iii) measures to manage productivity and reduce sickness absence;
 - (iv) matters to do with officers leaving the Council's service, in conjunction with the Executive Member for Finance;
 - (v) payroll and other financial benefits for staff in conjunction with the Executive Member for Finance;
 - (vi) Organisational Development.

14.8.3 Finance and I.T

The scope of this Portfolio is concerned with the Council's:-

- (a) Budget planning and all action necessary to maintain overall budget control within the cash limits agreed by full Council (in conjunction with the Leader of the Council);
- (b) development and implementation of the Corporate Business Planning process, in consultation with the Policy Executive Member;
- (c) the determination of applications for national non-domestic rate discretionary relief, and remission or reduction of rate liability and other miscellaneous minor rating matters arising;
- (d) use of the special reserves and reserved contingency budgets, within the total budget agreed by full Council;
- (e) in-year changes to the Council's Capital Programme up to a limit of £100,000 per project;
- (f) financial planning;
- (g) investments and treasury management;
- (h) the collection of taxes, the determination and payment of Housing and Council Tax Benefit;
- (i) overall strategy for fees and charges;
- (j) maximisation of the Council's commercial income;
- (k) audit, fraud, financial probity, insurance and risk management;

- (l) payroll and other financial benefits for staff in consultation with the Leader;
- (m) the Council's procurement policies and procedures;
- (n) maintenance of the Council's buildings (other than day-to-day maintenance);
- (o) overall management of the Council's property assets and the disposal of the Council's property interests (by sale or lease in accordance with the Council's agreed Assets Disposal Strategy) where the sale price, premium or initial annual rent (after the expiry of any rent free period) does not exceed £250,000;
- (p) provision and management of the civic buildings, including the letting of accommodation at public buildings owned or occupied by the Council and not specifically under the control of another Cabinet Executive Member;
- (q) writing off debts between £5,001 and £10,000 in conjunction with the relevant Cabinet Executive Member and Strategic Director of Finance, Policy & Governance;
- (r) development and implementation of policy and strategy for the delivery of e-Government;
- (s) the development and application of policies, initiatives and services involving the use of information and communications technology to support the work of the Council and the Council's work with others;
- (t) Press and publicity activity so far as it relates to the scope of this Portfolio.

14.8.4 Community Engagement and Rural Affairs

The scope of this Portfolio is concerned with the Council's:-

- (a) tourism and visitor management;
- (b) leading on the Council's responsibilities arising from equalities and diversity law and best practice to ensure its services are responsive and relevant to a diverse population and free from improper discrimination;
- (c) to co-ordinate and therefore try to improve the overall delivery of services provided by public bodies and voluntary organisations;
- (d) consultation with local people to help plan and improve Council services and influence the services provided by others;
- (e) community relations and the promotion of social cohesion and fair opportunities;
- (f) diversity and equalities matters, including approving the monitoring of the Council's Equality and Diversity Schemes;

- (g) the Council's relationship with, and funding of, independent advice agencies, community centres, voluntary sector support agencies and other organisations not within the remit of other Cabinet Executive Members;
- (h) community safety and work with the Community Safety Partnership, the police and other law enforcement agencies to reduce crime and disorder, and the fear of either; including as the Council's representative on the Police and Crime Panel;
- (i) to lead on partnerships and liaison with external agencies, including in relation to the promotion of health and wellbeing;
- (j) Press and publicity activity so far as it relates to the scope of this Portfolio;
- (k) corporate grants including the rural funding scheme and grants made under Memoranda of Understanding or similar agreements;
- (l) development and implementation of strategies and policies for the enhancement and sustainability of the District, in particular rural areas and communities;
- (m) to act as the Council's spokesperson and principal point of contact on matters affecting Town, Parish and Community Councils;
- (n) the provision and monitoring of the Council's CCTV arrangements;
- (o) the operation and services offered by the Council's public halls;
- (p) play and play ranger schemes;
- (q) the arts and cultural services, including archaeological matters, museums, galleries;
- (r) promoting the Council's position in regard to children's services across the district and in particular the protection of children and young people undertaken within its safe-guarding responsibilities;
- (s) responsibilities in respect of Counter Terrorism and Security.

14.8.5 Housing and Environmental Health

The scope of this Portfolio is concerned with the Council's:-

- (a) Community alarms and Careline;
- (b) Homelessness and its prevention;
- (c) Housing allocations and the Common Housing Register;
- (d) Housing advice;
- (e) Housing strategy;

- (f) Gypsies and Travellers;
- (g) Private sewers, drainage and drains;
- (h) Housing grants and loans;
- (i) Caravan sites;
- (j) Housing safety and the fitness of premises;
- (k) Housing energy conservation;
- (l) Health and safety at work;
- (m) Food safety and hygiene;
- (n) Communicable diseases;
- (o) Public Health Act funerals;
- (p) Enforcement relating to Pests;
- (q) Control of pollution / environmental protection (including noise);
- (r) Contaminated land;
- (s) Local air quality;
- (t) Permitting of controlled processes;
- (u) Statutory nuisances;
- (v) Miscellaneous public health duties (such as the Health Acts);
- (w) Miscellaneous public health functions (including the prohibition of smoking in public places);
- (x) wider public health initiatives arising from the Health and Social Care Act 2012 which relate to functions within the Housing and Environmental Health portfolio;
- (y) Licensing;
- (z) Local licensing (including, but not limited to, hackney carriage drivers and vehicles, private hire vehicles, drivers and operators, permits for small lotteries and street collections and house to house collection licences, gambling, small lotteries, sex shops, pet shops and dangerous wild animals);
- (aa) hackney carriages and private hire vehicles – to be consulted on setting of charges, fees, etc.
- (bb) Dealers of scrap metal;

- (cc) Street trading consents and licences;
- (dd) Sunday trading;
- (ee) Animals (welfare, associated licensing and enforcement);
- (ff) Abandoned vehicles;
- (gg) Fly tipping and illegal waste disposal;
- (hh) Enforcement of byelaws (NHDC and HCC where delegation exists);
- (ii) Highways enforcement matters delegated by Hertfordshire County Council;
- (jj) Miscellaneous street scene enforcement functions (including fly posting and litter) and fixed penalty notices;
- (kk) Share interest in North Hertfordshire Homes Limited unless the decision relates to significant matters that might have a long term implication for the Council, in which case such matters must be referred to the Council;
- (ll) Safeguarding of vulnerable adults;
- (mm) Press and publicity activity so far as it relates to the scope of this Portfolio.

14.8.6 Leisure

The scope of this Portfolio is concerned with the Council's role in:

- (a) leisure services, including sports centres and sports development for adults;
- (b) recreation grounds and facilities;
- (c) markets;
- (d) parks, open spaces (including public art in these places) and outdoor swimming pools;
- (e) health and wellbeing promotion and activity through leisure and use of open spaces, so far as it relates to the scope of this portfolio;
- (f) allotments;
- (g) Press and publicity activity so far as it relates to the scope of this Portfolio.

14.8.7 Planning, and Enterprise

The scope of this Portfolio is concerned with the Council's role as:-

- (a) Local Planning Authority and its interest in the preservation, enhancement and conservation of the environment including monitoring the Council's

annual report on the Local Plan and making submissions on the same to regional bodies and other external agencies;

- (b) proposals for the Council's planning policies relating to land use (including the Local Plan), for recommendation to full Council, and supplementary guidance;
- (c) planning briefs for individual development sites;
- (d) responses to planning guidance and planning policy statements from Government and other local agencies and authorities impacting on the District;
- (e) co-ordination of the Council's response to major developments on private land or developments affecting the streetscape, where these have not been explicitly reserved to another Cabinet Executive Member;
- (f) street lighting and furniture and the naming and numbering of streets;
- (g) the Council's policies for enforcement of planning conditions and against improper development;
- (h) the Council's policies for identifying, and preserving conservation areas;
- (i) the Council's provision of development and building control and strategic planning and enterprise services;
- (j) land drainage;
- (k) Tree Preservation Orders and High Hedges Regulations;
- (l) development and implementation of the Council's Transport Strategy and Initiatives and representing the Council's views on regional transport issues;
- (m) leading on the Council's arrangements for highways matters including partnership and agency arrangements;
- (n) Regeneration, neighbourhood renewal and economic development, including bidding for, planning and expenditure of regeneration funding;
- (o) NHDC Localism Champion;
- (p) Press and publicity activity so far as it relates to the scope of this Portfolio.

14.8.8 Policy Transport and Green Issues

The scope of this Portfolio is concerned with the Council's:-

- (a) responsibility for strategic planning and organisational development;

- (b) development and implementation of the Council's Corporate Business Planning process, in consultation with the Executive Member for Finance and the Leader;
- (c) population and other census information;
- (d) the Council's Annual Report, Service reviews, performance statistics and all aspects of the Council's efforts to secure improvements in quality in its services, cost improvements and external accreditation and recognition,
- (e) the Council's complaints system and its response to investigations by the Local Government Ombudsman;
- (f) proposals to vary the boundaries of the Borough and Electoral Wards and Polling Districts;
- (g) the Nottingham Declaration on Climate Change and other green issues affecting the District;
- (h) NHDC Children and Young People's Champion;
- (i) Press and publicity activity so far as it relates to the scope of this Portfolio;
- (j) car parks and parking operations including decriminalised parking enforcement;
- (k) the Council's communications strategies and activities and press and publicity activity in consultation with the Leader.

14.8.9 Waste Management, Recycling and Environment

The scope of this Portfolio is concerned with the Council's role in:-

- (a) waste management (including waste-related enforcement: littering, graffiti, fly-posting, unauthorised distribution of free literature on designated land, waste receptacle offences under any enabling legislation), waste minimisation and recycling;
- (b) cleansing, public conveniences and cesspools;
- (c) grounds maintenance, amenity areas and associated functions;
- (d) provision and maintenance of trees;
- (e) cemeteries, crematoria burials and related services;
- (f) war memorials;
- (g) the management and maintenance of footpaths and bridleways;
- (h) the Council's provision of arboricultural services;
- (i) Public health activities and contribution to wellbeing of the local population so far as it relates to the functions of this portfolio;

- (j) NHDC Heritage Champion;
- (k) Press and publicity activity so far as it relates to the scope of this Portfolio.

14.8.10 Extent of Delegated Authority

The extent of the authority delegated to these Executive Members will be limited to:

- (a) Decisions which have a cost or saving less than the European Union Procurement threshold for Supplies and Services such as the limit may be from time to time.
- (b) Any decision which is not otherwise delegated to Committees or officers as detailed in the Scheme of Delegation.
- (c) In discharging any functions that have been delegated, the Cabinet Executive Member must act lawfully. This means that that the Cabinet Executive Member must act within the scope of the authority that is delegated to him/her in accordance with any limits within the delegation, the Constitution, Council policies, procedure rules and the Members' Code of Conduct. Where an issue affects more than one Portfolio, the respective holders of those Portfolios shall consult with each other, officers and the Leader to agree where the decision will be taken.

14.8.11 Procedural Rules

Where an Executive Member is to take a decision which is outside the Key Decision definitions under their delegated powers, they will give at least 5 days notice of the matter to be decided, in the Members Information Service (MIS). The date and time for taking the decision will be included. Members may then request details of the decision to be made and make written representations on the matter, for consideration by the Executive Member.

WHEN MAKING THE DECISION THE EXECUTIVE MEMBER WILL CONSIDER A WRITTEN REPORT FROM OFFICERS AND WILL MAKE THEIR DECISION IN PUBLIC, RECORDING THE DECISION(S) AND REASON(S) FOR IT. ONCE THE DECISION HAS BEEN MADE, NOTICE OF THE DECISION(S) AND THE REASON(S) WILL BE GIVEN IN MIS.

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***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

10

TITLE OF REPORT: APPOINTMENT OF MEMBERS OF COMMITTEES FOR 2017/2018

REPORT OF THE DEMOCRATIC SERVICES MANAGER

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to inform the Council of the appointment of Members of Committees for 2017/2018.

2. RECOMMENDATIONS

2.1 That, for 2017/18, the seats allocated to each political party on the Committees to which Section 15 of the Local Government and Housing Act 1989 applies and the seats allocated to each political party on the bodies to which Section 15 of the Local Government and Housing Act 1989 does not apply be as set out in Appendix A to this report, which will be tabled at the meeting.

2.2 That, for 2017/18, Members be appointed to the various Committees and other bodies in accordance with the wishes of the individual groups, as detailed in Appendix B to this report, which will be tabled at the meeting.

3. REASONS FOR RECOMMENDATIONS

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

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Leaders of the Political Groups have been consulted and have informed the Democratic Services Manager of their Committee Members nominations for 2017/2018.

6. FORWARD PLAN

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

7. BACKGROUND

7.1 The provisions of Section 15 of the Local Government and Housing Act 1989 (“the Act”) imposed a duty for the Council to review the representation of the different

Political Groups on the Council's Committees. The representation needs to be broadly proportional to the number of seats held by each Political Group of the Council. The Committees to which Section 15 of the Act applies are:

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

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

8. RELEVANT CONSIDERATIONS

8.1 Appendix A to the report (which will be tabled at the meeting) will set out political balance of Committees, as required under the provisions of Section 15 of the Local Government and Housing Act 1989, and the proposed allocation of seats for those bodies to which Section 15 does not apply, for 2017/18.

8.2 Appendix B to the report (which will also be tabled at the meeting) will set out the proposed appointment of Members to Committees for 2017/2018, in accordance with the wishes of the Political Groups.

9. LEGAL IMPLICATIONS

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

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising directly from this report

11. RISK IMPLICATIONS

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

12. EQUALITIES IMPLICATIONS

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

12.2 There are no direct equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

14.1 There are no human resource implications.

15. APPENDICES

15.1 **Appendix A – Appointment of Committees, including those to which Section 15 of the Local Government and Housing Act 1989 applies - this will be tabled at the Annual Council meeting on 18 May 2017.**

15.2 **Appendix B – Appointment of Members of Committees for 2017/2018 - this will be tabled at the Annual Council meeting on 18 May 2017.**

16. CONTACT OFFICERS

16.1 David Miley, Democratic Services Manager
david.miley@north-herts

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

17. BACKGROUND PAPERS

17.1 None.

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AGENDA ITEM 10 – APPENDIX A

**APPOINTMENT OF COMMITTEES INCLUDING THOSE TO WHICH SECTION 15
OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989 APPLIES**

	Conservative	%	Labour	%	Lib Dem	%	Constitution
Total Seats	34	69.39%	12	24.49%	3	6.12%	49
Overview & Scrutiny Committee	11	68.75%	4	25.00%	1	6.25%	16
Finance, Audit & Risk Committee	4	57.14%	2	28.57%	1	14.29%	7
Planning Control Committee	11	73.33%	3	20.00%	1	6.67%	15
Licensing & Appeals Committee	10	71.43%	4	28.57%	0	0.00%	10 to 15
Standards Committee	8	66.67%	3	25.00%	1	8.33%	12
Council Tax Setting Committee	4	80.00%	1	20.00%	0	0.00%	5
Employment Committee	3	60.00%	2	40.00%	0	0.00%	5
Joint Staff Consultative Committee (JSCC)	4	80.00%	1	20.00%	0	0.00%	5
Totals	55	69.62%	20	25.32%	4	5.06%	75 to 80
Variation		+0.23%		+0.83%		-1.06%	

AREA COMMITTEE	Conservative	Labour	Lib Dem	Total
Baldock & District Committee	5	-	1	6
Hitchin Committee	6	6	1	13
Letchworth Committee	7	6	-	13
Royston & District Committee	7	-	-	7
Southern Rural Committee	9	-	1	10
Total	34	12	3	49

APPOINTMENT OF BODIES NOT INCLUDED IN THE POLITICAL BALANCE CALCULATIONS (based on Annual Council May 2017)

Name of Body	Conservative	Labour	Lib Dem	Total
Hitchin Town Centre Working Party	4	2	1	7
Community Facilities Capital Grants Panel	6	3	1	10
Joint Member Panel of NHDC and Letchworth Garden City Heritage Foundation (All Members of the Letchworth Committee)	7	6	-	13
CCTV Joint Committee (three Cabinet Members)	3	-	-	3
Cabinet Sub-Committee (Council Charities) [3 Cabinet Members nominated by the Leader of the Council]	3	-	-	3
Cabinet Sub-Committee (Local Authority Trading Companies' Shareholder) [3 Cabinet Members nominated by the Leader of the Council]	3	-	-	3
Total	26	11	2	39

APPOINTMENT OF MEMBERS OF COMMITTEES FOR 2017/2018

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CONSTITUTION OF COMMITTEES, SUB-COMMITTEES AND WORKING GROUPS 2017/2018

Set out below are the proposed Members of the Committees, Sub-Committees and Working Groups for the Civic Year **2017/2018**:

OVERVIEW AND SCRUTINY COMMITTEE

(16 Members)

Councillor Ian Albert
Councillor Clare Billing
Councillor John Booth
Councillor Bill Davidson
Councillor Steve Deakin-Davies
Councillor Elizabeth Dennis
Councillor Jean Green
Councillor Steve Hemingway
Councillor Cathryn Henry
Councillor S.K. Jarvis
Councillor Ben Lewis
Councillor Gerald Morris
Councillor M.R.M. Muir
Councillor Janine Paterson
Councillor Frank Radcliffe
Councillor Valentine Shanley

(Substitutes:

Councillor John Bishop
Councillor Paul Clark
Councillor Simon Harwood
Councillor T.W. Hone
Councillor Paul Marment
Councillor Mike Rice
Councillor Adrian Smith
Councillor Martin Stears-Handscomb)

FINANCE, AUDIT & RISK COMMITTEE

(7 Members)

Councillor Ian Albert
Councillor John Bishop
Councillor Simon Harwood
Councillor T.W. Hone
Councillor Jim McNally
Councillor Deepak Sangha
Councillor Terry Tyler

(Substitutes:

Councillor Clare Billing
Councillor John Booth
Councillor Nicola Harris
Councillor S.K. Jarvis)

COUNCIL TAX SETTING COMMITTEE

(5 Members)

Councillor Ian Albert
Councillor Julian Cunningham
Councillor A.F. Hunter
Councillor Mrs L.A. Needham
Councillor R.A.C. Thake

(Substitutes:

Councillor Sarah Dingley
Councillor T.W. Hone
Councillor Frank Radcliffe)

EMPLOYMENT COMMITTEE

(5 Members)

Chairman appointed for each meeting

Councillor Judi Billing
Councillor Jane Gray
Councillor Bernard Lovewell
Councillor Mrs L.A. Needham
Councillor Frank Radcliffe

(Substitutes:

Councillor Julian Cunningham
Councillor David Levett
Councillor Deepak Sangha)

JOINT STAFF CONSULTATIVE COMMITTEE

(5 Members)

Councillor Sarah Dingley
Councillor Fiona Hill
Councillor Bernard Lovewell
Councillor Mrs L.A. Needham
Councillor Martin Stears-Handscob

(Substitutes:

Councillor Ian Albert
Councillor John Bishop
Councillor Michael Weeks)

CABINET SUB-COMMITTEE (COUNCIL CHARITIES)

(3 Cabinet Members)

Councillor Julian Cunningham
Councillor Bernard Lovewell
Councillor Michael Weeks

CABINET SUB-COMMITTEE (LOCAL AUTHORITY TRADING COMPANIES' SHAREHOLDER)

(3 Cabinet Members)

Councillor Julian Cunningham
Councillor David Levett
Councillor Ray Shakespeare-Smith

PLANNING CONTROL COMMITTEE

(15 Members)

Councillor D.J. Barnard
Councillor John Bishop
Councillor John Booth
Councillor Paul Clark
Councillor Bill Davidson
Councillor Jean Green
Councillor Cathryn Henry
Councillor Fiona Hill
Councillor Tony Hunter
Councillor Ian Mantle
Councillor M.R.M. Muir
Councillor Mike Rice
Councillor Adrian Smith
Councillor Harry Spencer-Smith
Councillor Martin Stears-Handscorb

(Substitutes:

Councillor Elizabeth Dennis
Councillor Sarah Dingley
Councillor Faye S. Frost
Councillor Gary Grindal
Councillor Simon Harwood
Councillor Ben Lewis
Councillor Valentine Shanley
Councillor Terry Tyler)

LICENSING AND APPEALS COMMITTEE

(Pool consisting of 10 to 15 Members)
(Usually 14 Members appointed) - **NO Substitutes**

Councillor Ian Albert
Councillor D.J. Barnard
Councillor Elizabeth Dennis
Councillor Faye S. Frost

Councillor Jean Green
Councillor Gary Grindal
Councillor Simon Harwood
Councillor Ben Lewis
Councillor Sandra Lunn
Councillor Jim McNally
Councillor Paul Marment
Councillor Gerald Morris
Councillor M.R.M. Muir
Councillor Mike Rice

BALDOCK & DISTRICT COMMITTEE

(Baldock, Arbury & Weston & Sandon Wards - Parishes of Ashwell, Bygrave, Caldecote, Clothall, Hinxworth, Newnham, Radwell, Rushden, Sandon, Wallington & Weston)

(6 Members)

Councillor S.K. Jarvis
Councillor Jim McNally
Councillor M.R.M. Muir
Councillor Janine Paterson
Councillor Valentine Shanley
Councillor Michael Weeks

HITCHIN COMMITTEE

(Hitchin and St. Ippolyts (North) Parish ward)

(13 Members)

Councillor Ian Albert
Councillor Judi Billing
Councillor Paul Clark
Councillor Elizabeth Dennis
Councillor Nicola Harris
Councillor Simon Harwood
Councillor Bernard Lovewell
Councillor Alan Millard
Councillor Frank Radcliffe
Councillor Ray Shakespeare-Smith
Councillor Adrian Smith
Councillor Martin Stears-Handscomb
Councillor R.A.C. Thake

LETCHWORTH COMMITTEE

(Letchworth only)

(13 Members)

Councillor Clare Billing
Councillor John Booth
Councillor Julian Cunningham
Councillor Gary Grindal
Councillor T.W. Hone

Councillor Lorna Kercher
Councillor David Levett
Councillor Sandra Lunn
Councillor Ian Mantle
Councillor Paul Marment
Councillor Mike Rice
Councillor Mrs L.A. Needham
Councillor Deepak Sangha

ROYSTON & DISTRICT COMMITTEE

(Royston & Ermine Ward - Parishes of Barkway, Barley, Kelshall, Nuthampstead, Reed & Therfield)

(7 Members)

Councillor Bill Davidson
Councillor Sarah Dingley
Councillor Jean Green
Councillor Fiona Hill
Councillor A.F. Hunter
Councillor Ben Lewis
Councillor Gerald Morris

SOUTHERN RURAL COMMITTEE

(Parishes of Codicote, Gosmore, Graveley, Great Ashby, Hexton, Holwell, Ickleford, Kimpton, Kings Walden, Knebworth, Langley, Lilley, Offley, Pirton, Preston, St. Ippolyts (South), St. Paul's Walden & Wymondley)

(10 Members)

Councillor D.J. Barnard
Councillor John Bishop
Councillor Steve Deakin-Davies
Councillor Faye S. Frost
Councillor Jane Gray
Councillor Steve Hemingway
Councillor Cathryn Henry
Councillor Harry Spencer-Smith
Councillor Mrs C.P.A. Strong
Councillor Terry Tyler

STANDARDS COMMITTEE

(12 District Council Members
Independent Person and Reserve Independent Person (advisory roles);
2 Parish Council Members – non-voting co-optees)

(12 District Councillors)

Councillor Judi Billing
Councillor Julian Cunningham
Councillor Jane Gray
Councillor Steve Hemingway
Councillor David Levett
Councillor Bernard Lovewell
Councillor Ian Mantle
Councillor Paul Marment

Councillor M.R.M. Muir
Councillor Frank Radcliffe
Councillor Mike Rice
Councillor Terry Tyler

(Substitutes:

Councillor Clare Billing
Councillor Paul Clark
Councillor Nicola Harris
Councillor Ben Lewis
Councillor Sandra Lunn
Councillor Harry Spencer-Smith
Councillor Michael Weeks

Independent Person: Mr Nicholas Moss (advisory)
Reserve Independent Person: Mr Peter Chapman (advisory)
Parish Councillors Helena Gregory and Robert Logan – non-voting co-optees)

HITCHIN TOWN CENTRE WORKING PARTY

(7 Members)

Councillor Mrs L.A. Needham (Chairman)
3 other Conservative Group nominations to be advised
Councillor Ian Albert
Councillor Judi Billing
Councillor Paul Clark

COMMUNITY FACILITIES CAPITAL GRANTS PANEL

(10 Members)

Councillor Ian Albert
Councillor Clare Billing
Councillor Judi Billing
Councillor Simon Harwood
Councillor Steve Hemingway
Councillor Cathryn Henry
Councillor Fiona Hill
Councillor Jim McNally
Councillor Mike Rice
Councillor Terry Tyler

CCTV PARTNERSHIP JOINT COMMITTEE

Councillor Julian Cunningham
Councillor A.F. Hunter
Councillor Mrs L.A. Needham

JOINT MEMBER PANEL – LETCHWORTH GARDEN CITY HERITAGE FOUNDATION

(All Members of the Letchworth Committee)

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

11

TITLE OF REPORT: APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES FOR 2017/2018

REPORT OF THE DEMOCRATIC SERVICES MANAGER

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to inform the Council of the appointment of Chairmen and Vice-Chairmen of Committees (except Area Committees) for 2017/2018.

2. RECOMMENDATIONS

2.1 That the Chairmen and Vice-Chairmen of Committees (except Area Committees) for 2017/2018 be appointed in accordance with the details set out in Appendix A to the report, which will be tabled at the meeting.

3. REASONS FOR RECOMMENDATIONS

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

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Leaders of the Political Groups have been consulted and have informed the Democratic Services Manager of their nominations for Chairmen and Vice-Chairmen of Committees (except Area Committees) for 2017/2018.

6. FORWARD PLAN

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

7. BACKGROUND

7.1 Standing Order 4.8.1(a)(ix) of the Council's Constitution states that the Council will "appoint the Chairmen and Vice-Chairmen of Committees, with the exception of the Area Committees, subject to any requirements of this Constitution concerning who may be appointed to such positions".

8. RELEVANT CONSIDERATIONS

- 8.1 Appendix A to the report (which will be tabled at the meeting) will comprise nominations for the appointment of Chairmen and Vice-Chairmen of Committees (except Area Committees) for 2017/2018.

9. LEGAL IMPLICATIONS

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

10. FINANCIAL IMPLICATIONS

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

11. RISK IMPLICATIONS

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

12. EQUALITIES IMPLICATIONS

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

- 12.2 There are no direct equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no human resource implications.

15. APPENDICES

- 15.1 **Appendix A – Appointment of Chairman and Vice-Chairmen of Committees (except Area Committees) for 2017/2018 - this will be tabled at the Annual Council meeting on 18 May 2017.**

16. CONTACT OFFICERS

- 16.1 David Miley, Democratic Services Manager
david.miley@north-herts.gov.uk

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

17. BACKGROUND PAPERS

- 17.1 None.

AGENDA ITEM 11 – APPENDIX A**APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES
2017/18**

COMMITTEE	PROPOSED CHAIRMAN	PROPOSED VICE-CHAIRMAN
Overview & Scrutiny Committee	Councillor Cathryn Henry	Councillor Steve Hemingway
Finance, Audit & Risk Committee	Councillor T.W. Hone	Councillor Simon Harwood
Licensing & Appeals Committee	Councillor M.R.M. Muir	N/A
Joint Staff Consultative Committee	Councillor Fiona Hill	N/A
Planning Control Committee	Councillor David Barnard	Councillor Fiona Hill
Council Tax Setting Committee	Councillor Julian Cunningham	N/A
Standards Committee	Councillor Mike Rice	Councillor Steve Hemingway

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***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

13

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

REPORT OF THE LEADER OF THE COUNCIL

1. EXECUTIVE SUMMARY

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

2. RECOMMENDATIONS

- 2.1 That the report be noted.

3. REASONS FOR RECOMMENDATIONS

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

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 None.

6. FORWARD PLAN

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

7. BACKGROUND

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

- 7.2 A Key Decision means an executive decision which is likely –

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or

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

- 7.9 Regulation 19(3) requires that the Executive Leader must submit at least one report under Regulation 19(1) annually to the relevant local authority.

8. RELEVANT CONSIDERATIONS

- 8.1 In 2016/17, the following Key Decision made by NHDC required the Special Urgency procedure outlined in Regulation 11 to be invoked:

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

Decision: Approval of the sum set out in a Part 2 report for the acquisition of 14/15 Brand Street; and delegation to the Chief Executive, in consultation with the Leader of the Council, Executive Member for Finance and IT and the Executive Member for Community Engagement and Rural Affairs, to formalise the arrangement with Hitchin Town Hall Limited and HTH Finance Ltd.

Decision Taker: Cabinet.

Date of Decision: 28 March 2017.

9. LEGAL IMPLICATIONS

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

10. FINANCIAL IMPLICATIONS

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

11. RISK IMPLICATIONS

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

12. EQUALITIES IMPLICATIONS

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

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no human resource implications.

15. APPENDICES

- 15.1 None.

16. CONTACT OFFICERS

16.1 David Miley, Democratic Services Manager
david.miley@north-herts

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

17. BACKGROUND PAPERS

17.1 None.

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 14
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TITLE OF REPORT: ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2016/17

REPORT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE

Please refer to the attached annual report of the Overview and Scrutiny Committee for 2016/17.

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OVERVIEW AND SCRUTINY
COMMITTEE
ANNUAL REPORT
2016 - 2017

Foreword from the Chair

As I come to the end of my second year as the Chair of the Overview and Scrutiny Committee it is a good time to reflect on the tasks we have completed and the progress we have achieved.

We have successfully balanced our overview function with our scrutiny function and brought a solid culture of support and challenge to the Executive of the Council. We have moulded a committee of inexperienced Members to become an established group of thoughtful and insightful commentators on the Council's approach to its duties and future.

We hold ourselves and our own approach to account and continually test and review our impact to develop new ways of working to ensure the Committee's work adds value to the decision making process of the Executive Members and the senior officers, and not an extra burden.

We pride ourselves on a non-partisan approach which brings with it a diverse and deeper understanding, of the impact of the decisions being made, on the residents of North Hertfordshire.

We have been successful in making recommendations to Cabinet that by and large have been accepted and implemented. However, if we are to ensure that North Hertfordshire District Council continues to be relevant, effective, and efficient then we must admit that we haven't gone far enough.

The now established Committee members must move into next year with the intention to be much more challenging to the Executive and much bolder in the recommendations we make for the future of the organisation.

Likewise the Executive and senior leaders must welcome the thoughts and challenges of the Overview and Scrutiny Committee throughout their work, so that emerging ideas and emerging policy can be interrogated vigorously to ensure the strategic vision of the Council remains at the heart of the decisions being made.

This will be the Committee's focus in the next Civic Year.

Finally I would like to give my thanks to each Executive Member and officer who attended our committee over the last year to share their experiences and answer our questions. We look forward to working with them again this coming year.

I would like to thank every member of the public who participated in helping us to better understand the impact of our work and we encourage them to continue to do so.

I would like to thank each member of the committee for their enthusiasm, their efforts and their impact.

I would like to give special thanks to my Vice-Chair Cllr Steve Hemingway, my lead officer Brendan Sullivan and my clerk Hilary Dineen, who between them have kept me focused and organised throughout the year.

Cllr Cathryn Henry
Chairman

1. Overview and Scrutiny in North Hertfordshire District Council

1.1 The depth and breadth of the Council's work means that the Overview and Scrutiny Committee has to use its resources efficiently in order to scrutinise as many topics as possible in the time available. It does so by:

- considering a number of issues during its Committee meetings and making recommendations to Cabinet;
- appointing dedicated task and finish groups which can examine issues in depth and make recommendations to improve services;

1.2 This year, the Committee has put more emphasis on its overview function while still continuing its scrutiny role. Its Committee meetings sought to take a more strategic view of the Council's work while still examining the Executive's major decisions.

2. Meetings of the Overview and Scrutiny Committee

2.1 There were six scheduled meetings this year at which the Committee considered a range of topics including scrutinising key decisions going to Cabinet, checking whether the Council has met its performance indicators as well as reviewing other issues which the Committee has decided would benefit from closer scrutiny.

2.2 The Committee can scrutinise issues in a number of ways:

- by considering reports from, and questioning officers about different aspects of the Council's business;
- by submitting written questions which require a written answer, and which members can follow up by asking supplementary questions in Committee;
- by interviewing and questioning Cabinet members about their portfolios;
- by calling in decisions which are of great concern to members or to the public;
- by inviting representatives from outside bodies to talk about topics of interest to the public in North Hertfordshire.

2.3 The call in process allows the Chair of the Committee, or five members of the Council, to call in a decision of the Executive which has been made but not implemented. The Committee can ask the Executive to reconsider it or can refer it to Council. This year the Committee called in Cabinet's decision to change its Green Space Management Strategy. The Committee discussed the decision at a meeting on 15 February 2017 and decided not to refer the issue back to Cabinet.

2.4 As part of the Committee's overview function, the Committee continued its rolling programme of inviting Executive Members to speak to their portfolios. The Committee is grateful to this year's attendees who were:

- Cllr Bernard Lovewell - Housing and Environmental Health
- Cllr Terry Hone – Deputy Leader, Finance and IT
- Cllr Tony Hunter – Community Engagement and Rural Affairs;
- Cllr Julian Cunningham – Policy, Transport and Green Issues;
- Cllr Jane Gray – Leisure;
- Cllr Lynda Needham – Leader of the Council.

2.5 The Committee is also the Crime and Disorder Scrutiny Committee for North Hertfordshire which is required to meet at least once a year. The Committee was grateful to the Police and Crime Commissioner for Hertfordshire David Lloyd and Chief Inspector Julie Wheatley of Hertfordshire Constabulary who attended the Committee in

December to talk about Hertfordshire's Policing Plan and the work of the police in the district.

2.6 The Committee continued to take a close interest in safeguarding matters and received its annual update on the Council's safeguarding performance in July 2016.

2.7 In total, the Committee has considered 58 items in its meetings this year. It has made 27 recommendations on 14 topics to Cabinet. 21 of these were supported and 6 were rejected.

2.8 No written questions were asked by members during the year.

3. Task and Finish Groups in 2016/17

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

3.2 Two task and finish groups took place in 2016/17 which is fewer than was hoped. This was due in part to one TFG having a relatively large scope and which required five meetings to conclude its business. There were difficulties too in arranging meetings due to member and officer unavailability. In future, task and finish groups will start on a fixed date to minimise problems with diary clashes.

3.3 Performance Indicators TFG

3.3.1 This TFG was conducted urgently at the request of the Executive Member for Policy, Transport and Green Issues. It took place immediately before the Committee's meeting on July 19 2016 with the whole Committee invited so that proportionality was maintained. Its final membership was Cllrs Ian Albert (Chair), Steve Hemingway, Cathryn Henry and Steve Jarvis.

3.3.2 The TFG noted that most PIs are concerned either with the day to day work of the Council which is already closely monitored by officers; or with matters which are outside the Council's control. It would be better for the Committee to concentrate on areas it can influence and areas of concern.

3.3.3 The TFG decided to receive exception reports only on performance indicators, that is when an indicator's status is at red. It can then ask the responsible officer to attend the Committee and provide an explanation.

3.3.4 On projects, TFG considered the Committee should also receive exception reports and updates on projects a month before each Committee meeting. It would be helpful if the reports were more quantitative, focussing on whether the project is on time or on budget.

3.3.5 The TFG decided there was no need to hold a Member Workshop to set targets. Executive Members are the right people to do this in discussion with Senior Officers.

3.3.6 When Executive Members attend the Committee, this should include a list of performance indicators in their area and a report on whether they have been met. This will be the time for the Committee to review and challenge the indicators which have been set.

- 3.3.7 The TFG's recommendations to the Committee on its own handling of PIs were:
- The Committee should receive only Exception Reports on PIs; and these should be available a month before Committee meetings.
 - Project updates should be received in the same timescale.
 - The Chair of OSC and Group Leaders should review reports and ask officers to attend on particular issues.
- 3.3.8 Its recommendations to Cabinet, which were accepted, were:
- The Member workshop to set PIs should be discontinued.
 - Executive members should set targets with senior officers.
 - The Committee should review PIs for each Executive Member Annually.

3.4 The Council's Management of Larger Projects

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

3.4.2 It considered a range of projects between September 2016 and February 2017 and will report to the Committee and Cabinet in June 2017.

4. Task and Finish Groups from 2015/16

4.1 Cabinet's final response to two task and finish groups was not reported to Council in the last Annual Report.

4.2 Commercialisation of Council Services

4.2.1 The remit of this review was to examine the feasibility and desirability of commercialising some of the Council's services or undertaking new commercial services. Its recommendations are below.

Recommendation 1: The Council should appoint a senior commercial manager to lead and coordinate its commercial activities; and to identify and develop new commercial opportunities.

Recommendation 2: The Council should appoint a high level commercial board comprised of councillors, officers and others with commercial experience. The board can advise the Cabinet about the feasibility of commercial opportunities and review the performance of existing ones.

Recommendation 3: The Council should pursue income generation opportunities where it has the skills, experience and resources to do so. These should be compatible with the Council's strategic objectives, and at a level of risk which would not threaten the Council's core services in the event of an enterprise's failure.

Recommendation 4: The Council should explore the possibilities of property investment as a means of generating revenue.

Recommendation 5: The Council should use the expertise of its strategic partners to help manage its property portfolio.

Recommendation 6: The Council should review its assets register to understand whether any of them could be used for property development or other commercial purposes.

Recommendation 7: Commercial activities should bear the true cost - but no more than that – of any support they receive from the Council.

Recommendation 8: The Council should review its training programmes for senior and other key staff to include more commercial training, networking and mentoring activities.

Recommendation 9: The Council should have a scheme that recognises officers who make useful commercialisation proposals or make significant contributions to their success.

4.2.2 Cabinet considered its recommendations in November 2015 and decided to:

- accept recommendations 3 and 6; and
- establish a Project Board to advise Cabinet on these and the other recommendations and report back to Cabinet in June 2016.

4.2.3 Cabinet has not yet responded to all of the recommendations of the Task and Finish Group. Cabinet received a progress report on the work of the Project Board on 28 March 2017. At that meeting Cabinet:

- endorsed the establishment of a housing company and the progression of proposals to create a new North Hertfordshire Crematorium;
- endorsed the establishment of a Cabinet sub-committee to deal with share holder functions relating to both of these as well as commercial activities related to its Building Control, CCTV and North Hertfordshire Homes. This change was subsequently agreed by Council in April; and
- supported the development of commercial activities where they contribute to the financial sustainability of the Authority and provided services to the residents of North Hertfordshire.

4.3 The Quality of Council Reports

4.3.1 The aim of this review was to improve the quality of the Council's reports by making them shorter, clearer, jargon-free and more focussed on key areas. Its recommendations were:

Recommendation 1: The Council should review its report template and consider adopting the features of the alternative report template in Annex 1.

Recommendation 2: Reports should clearly state their purpose.

Recommendation 3: Reports should include timelines showing financial and timetable changes for projects.

Recommendation 4: The Council should be mindful of the burden of producing reports and consider doing so only when decisions are required. Reports should not be used to brief members unless there is a compelling reason for it.

Recommendation 5: The Council should introduce a document management system to enable proper tracking, management and storage of documents.

Recommendation 6: There is a need for training to encourage both plainer English and for officers to better understand the purpose of reports.

Recommendation 7: The Council should trial the introduction of paperless reports with a view to introducing paperless reports for all 49 councillors.

4.3.2 Cabinet considered the report at its meeting in June 2016 and:

- accepted recommendations 2, 3, 5 and 6;
- accepted recommendation 1 to review the Council's report template but did not undertake to adopt the features of the template annexed to the TFG report;
- accepted recommendation 4 with the caveat that there are circumstances, such as when it is a legal requirement, when it is appropriate to use Council reports to brief members;
- accepted recommendation 7 with the caveat that Members still retain an option to receive paper copies of reports.

4.3.3 The Council's report template and accompanying guide have since been reviewed and amended. The revised report template will be introduced from the start of the new civic year 2017/18.

4.4 Future Task and Finish Groups

4.4.1 The Committee has prioritised the following topics for 2017/18:

- Consultation;
- Impact of the Grants Policy Review;
- Section 106 Funding.

4.4.2 The Committee decided that the following topics be kept in reserve:

The Urban/Rural Divide;
The value for money of NHDC's Document Centre;
Balancing cost savings against possible environmental impacts.

4.4.3 The Committee has undertaken to look at the Hitchin Town Hall and Museum project once it has finished.

4.5 Protocol for Task and Finish Groups

4.5.1 Last year the Committee decided to take a more flexible and member led approach to running task and finish groups and updated its protocol to reflect this. The new Protocol begins with eight principles for task and finish groups, followed by the revised Protocol itself. The changes included:

- a more flexible approach to chairing task and finish groups;
- the Chair of the task and finish group finalising the scope;
- the process being led by members rather than by a lead officer;
- always hearing outside evidence where possible;
- more comprehensive pre-briefing of task and finish group members beforehand so they are better informed and meetings are more productive; and
- new arrangements for task and finish group reports' progression to Overview and Scrutiny Committee and Cabinet.

4.5.2 The Committee will review the Protocol's effectiveness during the next civic year.

5. Scrutiny in 2017/18

5.1 Next year the Committees would like to have an earlier and more effective input into policy and other changes. It is difficult for the Committee to influence matters when it considers reports only a week before Cabinet. Furthermore relying mostly on the Forward Plan to set its agenda does not necessarily allow the Committee to scrutinize the full range of the Council's work.

5.2 The Committee held a workshop on 19 April 2017 to discuss how best to proceed. The workshop heard the Council's intention is to produce a Corporate Plan which better reflects the range of the Council's work, with more emphasis on the Council's routine business. This will help the Committee by giving members a clearer idea of the main things the Council plans to do in 2017/18 and give the Committee another tool to monitor the Council's performance.

5.3 Alongside the Corporate Plan, the Committee will look at the Council's individual service plans for 2017/18. This will allow the Committee to make sure these align with the Corporate Plan and to enable members to examine the main items of work coming up in 2017/18.

5.4 This will be an evolving process. At its meeting in June, the Committee will give further consideration as to how it can use other sources of information to identify issues. It will also hold a second workshop in early summer to plan its next steps.

6. Public Participation

6.1 The scrutiny process is open to involvement by local people and the Committee encourages public participation.

6.2 29 members of the public attended the Committee's meetings this year. Members of the public have made presentations to the Committee on community centres, the handling of major projects and on Hitchin Town Hall.

6.3 Four members of the public have attended and contributed to the Task and Finish Group on the Council's Handling of Larger Projects.

6.4 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.

6.5 For further details about the work of scrutiny, please contact the Scrutiny Officer using any of the methods below:

- Write to: Scrutiny Officer, NHDC, Town Lodge, Gernon Road, Letchworth Garden City, SG6 3HN
- Tel: 01462 474612
- Email: brendan.sullivan@north-herts.gov.uk

MEMBERSHIP OF THE SCRUTINY COMMITTEE 2016 – 2017

Members of the Committee

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

Substitutes

Cllr John Bishop
Cllr Paul Clark
Cllr Simon Harwood
Cllr Lorna Kercher
Cllr Alan Millard
Cllr Mike Rice
Cllr Adrian Smith
Cllr Michael Weeks

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***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

15

TITLE OF REPORT: ANNUAL REPORT OF THE STANDARDS COMMITTEE

REPORT OF THE CHAIRMAN OF THE STANDARDS COMMITTEE AND THE MONITORING OFFICER

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

1.1 Previously the Annual Meeting of the Council has received an oral report from the Chairman of the Standards Committee outlining the work of the Committee in the preceding civic year. In order to promote the work of the Standards Committee and underline the importance of standards the annual report will now be presented as a written report.

2. RECOMMENDATIONS

2.1 That Council receive and note the Annual Report of the Standards Committee attached at Appendix A.

2.2 That Council notes the issues being reviewed by the Standards Committee in 2017/18.

3. REASONS FOR RECOMMENDATIONS

3.1 Trust and confidence in public office holders and institutions are important for the functioning of local authorities. This is particularly true in the case of elected officer holders. Our Councillors are expected to live up to high standards of behaviour and demonstrating that they do so underpins that confidence in local democracy. The Standards Committee has an important part to play in promoting and maintaining high standards of conduct.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 The previous approach of an annual oral report could have continued, but it was felt by the Monitoring Officer, Deputy Monitoring Officer and Chairman of the Standards Committee that a more formal written report was preferable.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Standards Committee met on 12 October 2016 and 21 February 2017 and considered various matters as set out in the attached report.

6. FORWARD PLAN

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

7. BACKGROUND

- 7.1 The current standards regime was introduced in July 2012 as a result of changes made by the Localism Act 2011. Under the old standards regime the then Independent Chairman of the Standards Committee provided an annual oral report to the Annual Council meeting. The last of these reports was in May 2012. Since May 2013 the annual report has been delivered by the elected Chairman of the Standards Committee by way of an oral update.
- 7.2 The Standards Committee has the responsibility under the Council's Constitution to promote and maintain high standards of conduct by Members of the authority.

8. RELEVANT CONSIDERATIONS

- 8.1 The report at Appendix A sets out the work of the Standards Committee and Monitoring Officer during the civic year 2016/17.
- 8.2 Of particular note is the new Guide to the NHDC Code of Conduct, which provides a guide for Members as they carry out their roles and provides a source of reference when considering any alleged breaches. The Guide will be taken into account during any related assessment, investigation and determination of Code of Conduct Complaints (including those relating to Parish Councillors). The Guide can be found on the Council's website at <https://www.north-herts.gov.uk/home/council-and-democracy/councillors-mps-and-meps/councillors-code-conduct-and-declaration>
- 8.3 Additionally the complaints handling procedures have been reviewed, taking into account lessons learned from dealing with a number of complaints since the introduction of the current standards regime in July 2012.
- 8.4 Looking ahead to 2017/18 it is intended to review the Member Code of Conduct and register of interests forms, to be reported to Standards Committee and then Council if any changes are proposed.
- 8.5 Members are also reminded of, and encouraged to attend, the training session which has been arranged for Wednesday 24 May 2017 at 7pm. The session will include both finance and governance topics, including member behaviour and principles of good decision making.

9. LEGAL IMPLICATIONS

- 9.1 Although it is not specifically referred to in the Constitution, Full Council has routinely received an annual report on standards issues. There is no legal requirement to have an annual report, however it can be considered good practice and is an approach adopted by a large number of authorities.
- 9.2 The Localism Act 2011 requires Councils to adopt a Code dealing with the conduct that is expected of Members; that the Code be consistent with the seven principles of conduct in public life; that Disclosable Pecuniary Interests be registered; that arrangements must be in place to investigate complaints and make decisions on allegations; and that at least one independent person be appointed in relation to standards matters.

10. FINANCIAL IMPLICATIONS

10.1 There are no capital or revenue implications arising from the content of this report.

11. RISK IMPLICATIONS

11.1 Appropriate policy frameworks help to ensure food 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. The Member Code of Conduct includes at 3.2(a) that Members must “carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion”.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

14.1 None. The work outlined within the report is within the Monitoring Officer’s caseload.

15. APPENDICES

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

16. CONTACT OFFICERS

16.1 Anthony Roche, Corporate Legal Manager and Monitoring Officer
anthony.roche@north-herts.gov.uk; ext 4588

16.2 Jeanette Thompson, Senior Lawyer and Deputy Monitoring Officer
jeanette.thompson@north-herts.gov.uk; ext 4370.

17. BACKGROUND PAPERS

17.1 None.

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STANDARDS COMMITTEE

ANNUAL REPORT 2016/17

To be considered at the Council Meeting on 18 May 2017

FOREWORD

I am pleased to present this Annual Report which is the first written report of this type, following annual oral reports since changes to the Standards regime were introduced in 2012. The report provides a summary of activities in 2016/17.

I would like to thank our Independent Persons Nicholas Moss and Peter Chapman for their work in assisting the Monitoring Officer and Deputy Monitoring Officer.

Going forward, the Committee will continue to promote and maintain high standards of conduct by Members whilst noting the individual responsibility that all Councillors (including Parish Councillors) have for ensuring they act appropriately at all times.

I recommend that Council receives this report on Standards Committee activities in 2016/17.

**Councillor Mike Rice
Chairman of the Standards Committee
May 2017**

1. **Introduction**

- 1.1 This is the first written Annual Report of the Standards Committee and covers the civic year 2016/17. During that year the Committee met twice, on 12 October 2016 and 21 February 2017.
- 1.2 Changes to the Standards regime were introduced in July 2012 following the Localism Act 2011. Although it was no longer a statutory requirement to have a Standards Committee, Full Council approved the retention of a Committee to deal with complaints and adopted a new Members' Code of Conduct and a procedure for dealing with standards complaints. Each Parish Council also adopted a Code of Conduct and the District Council has the responsibility for dealing with any Code of Conduct complaints about Parish Councillors.
- 1.3 The current NHDC Member Code of Conduct was adopted in July 2013 and the complaints handling procedures were updated by the Standards Committee at its October 2016 meeting.
- 1.4 The Council appointed an Independent Person, Nicholas Moss and a Reserve Independent Person, Peter Chapman, in July 2012. Their role is to provide independent input into the standards process, as required by the Localism Act 2011.

2. **Role of the Standards Committee**

- 2.1 The responsibilities of the Committee, as set out in section 7.5 of the Council's Constitution, are:
 - 1 to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority;
 - 2 to advise and assist Parish Councils and Councillors to maintain high standards of conduct and to make recommendation to Parish Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with its Code of Conduct;
 - 3 to conduct hearings on behalf of the Parish Council;
 - 4 to advise the Council on the adoption or revision of the Members' Code of Conduct;
 - 5 to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria;
 - 6 to receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct;
 - 7 to advise, train or arrange to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct;
 - 8 to assist Councillors and Co-Opted Members to observe the Members' Code of Conduct;

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

3. **Members of the Committee**

3.1 The Committee has 14 members comprising twelve District Councillors and 2 non-voting co-opted Parish Council members. In 2016/17, the membership was:

- Councillor Mike Rice (Chairman)
- Councillor Alan Millard (Vice Chairman)
- Councillor Judi Billing
- Councillor Julian Cunningham
- Councillor Jane Gray
- Councillor Steve Hemingway
- Councillor David Levett
- Councillor Bernard Lovewell
- Councillor Ian Mantle
- Councillor Michael Muir
- Councillor Frank Radcliffe
- Councillor Terry Tyler

(In addition there is a pool of seven substitutes that could be used if a District Councillor was unable to attend and these were Councillors Clare Billing, Steve Jarvis, Ben Lewis, Sandra Lunn, Paul Marment, Harry Spencer-Smith and Michael Weeks).

Co-opted, non-voting, Members:-

- Parish Councillor Helena Gregory (Codicote)
- Parish Councillor Robert Logan (Great Ashby)

3.2 The Committee meetings are also attended by the Independent Person and Reserve Independent Person, who attend in an advisory (non-voting) role.

4. Monitoring Officer/Support to the Committee

- 4.1 Anthony Roche is the Council's Monitoring Officer and Corporate Legal Manager. The Monitoring Officer is a statutory role that:-
- Supports the Standards Committee and the Independent Persons
 - Contributes to the promotion and maintenance of high standards of conduct within the Council
 - Maintains systems and processes for dealing with allegations of breaches of the Code of Conduct for Members
 - Investigates and reports to the Standards Committee on allegations of breaches of the Code of Conduct for Members
 - Has rights of access to any information from Members and/or officers in connection with a standards complaint
 - Establishes and maintains registers of members' interests, gifts and hospitality
 - Acts a point of contact for advice and/or queries by elected members
 - Maintains and updates the Constitution
 - Advises on various issues, including administrative and governance issues
- 4.2 Further support to the Committee is provided by Jeanette Thompson (Deputy Monitoring Officer) and the Committee Services team.
- 4.3 The Council is required by the Local Government and Housing Act 1989 Act to provide the Monitoring Officer with "such staff, accommodation and other resources as are, in their opinion, sufficient to allow those duties to be performed". The Monitoring Officer has confirmed that he has the necessary resources to meet the requirements of the role, with the support of the members of the legal team.

5. Complaints

- 5.1 The Procedure for handling Standards Complaints adopted by Full Council in July 2012 and amended by the Standards Committee in October 2016 sets out how the Council will deal with complaints alleging a breach of the Members' Code of Conduct. The Procedure sought to be more flexible than the previous statutory scheme and able to deal with complaints quicker and be less resource intensive. This involved the Monitoring Officer, in consultation with the Independent Person, taking steps to assess whether there was a prima facie case to answer and/or whether an informal resolution was appropriate, with only the more serious matters referred to the Standards Committee.
- 5.2 During 2016/17 six complaints were received, three relating to District Councillors and three relating to Parish Councillors. Two of these remain outstanding, one as we await confirmation of whether the complainant is pursuing the matter and one which is currently being considered.
- 5.3 Of the four completed complaints, the subject matters and outcomes were:-
- A complaint about a District Councillor regarding comments made in a Committee meeting, which the Monitoring Officer in consultation with the

Independent Person concluded that there was not a prima facie case to answer;

- A potential complaint about District Councillors failing to respond to correspondence was not pursued.
- A potential complaint about a Parish Councillor's behaviour was not pursued after the complainant decided not to pursue the matter.
- A complaint about a Parish Councillor's behaviour was not pursued as the Deputy Monitoring Officer in consultation with the Independent Person concluded that there was not a prima facie case to answer.

5.4 Members will be aware that Full Council on 24 November 2016 passed a Motion of Censure concerning a former Councillor following the findings of the Standards Sub-Committee in the previous civic year 2015/16.

5.5 During the year a review was undertaken by the Monitoring Officer, Deputy Monitoring Officer, Chairman of Standards and the Independent Persons of the procedure for handling standards complaints. A revised Procedure was considered and adopted by the Standards Committee at its meeting on 12 October 2016. The revised Procedure incorporates lessons learned from dealing with complaints over the first four years of the post-Localism Act standards regime and provides greater clarity of the process for the complainant and Member who is the subject of the complaint. The revised Procedure will be kept under review to ensure that it is working as intended.

5.6 Additionally at its October meeting the Standards Committee approved the adoption of a new Guide to the NHDC Code of Conduct. This provides a guide for Members as they carry out their role and provides a source of reference when considering any alleged breaches. The Guide provides an explanation of what is meant by the various sections of the Code of Conduct and provides examples of what behaviour could be considered unacceptable. The Guide will be taken into account during any assessment, investigation and determination of Code of Conduct complaints, including those relating to Parish Councillors. The Guide is on the NHDC website on the same page as the Code of Conduct.

6. Independent Persons

6.1 The two Independent Persons, Nicholas Moss and Peter Chapman, provide invaluable assistance to the Monitoring Officer and Deputy Monitoring Officer in dealing with Standards complaints. An Independent Person is involved in each complaint and consulted at each stage of the process.

6.2 In the event that either Nicholas Moss or Peter Chapman is unavailable the Council approved a reciprocal arrangement with Broxbourne Borough Council to use their Independent Person.

6.3 Nicholas Moss has also been appointed as Independent Person by East Hertfordshire District Council and his experiences with that authority will also help to inform his work with this Council.

7. Parish, Town and Community Councils

- 7.1 The Monitoring Officer provides advice and support to the many Parish, Town and Community Councils in the district and this included the Standards complaints dealt with in 2016/17 referred to above. At the time of writing one Parish Council complaint is still being considered, the complaint having been recently lodged on 19 April 2017.

8. Training and Development

- 8.1 As part of February 2017 meeting, the Committee received detailed training on the Members' Code of Conduct and the Standards regime. Each element of the Code of Conduct was illustrated with real life examples of conduct reported elsewhere. At its March 2016 meeting, in the previous civic year, the Committee had looked at and discussed various scenarios, again based on real life examples seen at other authorities.
- 8.2 It is intended that there will be regular training for the Standards Committee on Standards related issues as part of their meeting agendas. There is also a training session for all Members on Wednesday 24 May 2017, which includes standards issues.

9. Other Areas of Work

- 9.1 The Monitoring Officer, with the assistance of the Monitoring Officer Technical Support Officer, has ensured that all new Councillors had submitted their Register of Interests form relating to Disclosable Pecuniary Interests and that existing Councillors had reviewed and updated their interests. All Members are reminded of the need to update their Register of Interests within 28 days of election or any changes. Failure to do so could be an offence under the Localism Act 2011.
- 9.2 The Monitoring Officer maintains a regular dialogue with the Council's other Statutory officers to consider and review governance arrangements. The Monitoring Officer also maintains regular dialogue around Governance with his equivalents across Hertfordshire and the wider region through the Public Law Partnership and Eastern region of Lawyers in Legal Government.
- 9.3 The Monitoring Officer has published a number of briefing/advice notes in the Members Information Service in 2016/17 including on the issues of Pre-Election Restricted Period, Declarations of Interest, Social Media guidelines and Part 2 reports and confidentiality.

10. Lessons Learned

- 10.1 The learning from dealing with the complaints made since July 2012 has been incorporated into the revised procedures for handling Standards Complaints that was adopted by the Standards Committee in October 2016. The learning will also be applied to the forthcoming review of the Member Code of Conduct.

11. The Year Ahead

- 11.1 The Committee is scheduled to meet twice during 2017/18 and will receive updates on Standards Matters and include reports on a Review of the Code of Conduct and Register of Interests. Additionally the Committee will be updated on a review of the Protocol with Hertfordshire Constabulary for the reporting of DPI offences. Meetings of the Standards Sub-Committees would be arranged as and when required to deal with complaints.

12. Recommendation

- 12.1 That Council receives this report on the work of the Standards Committee in 2016/17 and notes the issues being reviewed by the Committee in 2017/18.

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

16

TITLE OF REPORT: NOMINATION OF REPRESENTATIVES ON OUTSIDE ORGANISATIONS AND OTHER BODIES FOR 2017/2018

REPORT OF THE DEMOCRATIC SERVICES MANAGER

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to present a list setting out the nomination of representatives on Outside Organisations and Other Bodies for 2017/2018.

2. RECOMMENDATIONS

2.1 That the list of nominations of representatives on Outside Organisations and Other Bodies for 2017/2018, as set out in Appendix A to the report, which will be tabled at the meeting, be approved.

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

3. REASONS FOR RECOMMENDATIONS

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

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Leaders of the Political Groups have been consulted regarding the nomination of representatives on Outside Organisations and Other Bodies for 2017/2018.

6. FORWARD PLAN

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

7. BACKGROUND

7.1 Standing Order 4.8.1(b)(iv) of the Council's Constitution states that at the Annual Meeting, the Council will "receive nominations of Councillors to serve on each Committee and outside body". Standing Order 4.8.1(b)(iv) states that at the Annual Meeting, the Council will also "make appointments to those Committees and

nominations to outside bodies, except where nomination to those bodies has been delegated by the Council or is exercisable by the Cabinet”.

8. RELEVANT CONSIDERATIONS

8.1 Appendix A to the report (which will be tabled at the meeting) will set out the nomination of representatives to Outside Organisations and Other Bodies for 2017/2018. A comprehensive review of all the nominations to Outside Organisations and Outside Bodies was carried out during 2016/17, which included consultation with all the bodies and councillors on the 2016/17 list and Group Leaders. As a result of this review a number of nominations are no longer required and Full Council at its 11 April 2017 meeting, when approving the Constitution review, agreed to cease the practice of nominating non-District Councillors following a Shared Internal Audit Service review. The list of nominations at Appendix A reflects the results of this review.

9. LEGAL IMPLICATIONS

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

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising directly from this report

11. RISK IMPLICATIONS

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

12. EQUALITIES IMPLICATIONS

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

12.2 There are no direct equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

14.1 There are no human resource implications.

15. APPENDICES

15.1 **Appendix A – Nomination of Representatives on Outside Organisations and Other Bodies for 2017/1018 - this list will be tabled at the Annual Council meeting on 18 May 2017.**

16. CONTACT OFFICERS

16.1 David Miley, Democratic Services Manager
david.miley@north-herts

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

17. BACKGROUND PAPERS

17.1 None.

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NOMINATION OF REPRESENTATIVES OF THE COUNCIL ON OUTSIDE BODIES AND ORGANISATIONS
2017/2018

Organisation	Representative	Date of Retirement	Term of Office (Years)	Party	Comments
Arts Council for North Herts	Cllr E. Dennis	2018	1	LAB	
	Cllr S. Deakin-Davies	2018	1	CON	
	Cllr Frank Radcliffe	2018	1	LAB	
	Cllr John Booth	2018	1	CON	
	Cllr Alan Millard	2018	1	CON	
Baldock Town Centre Partnership	Cllr M.E. Weeks	2018	1	CON	
Baldock Town Twinning Association	Cllr M.E. Weeks	2018	1	CON	
	Cllr Jim McNally	2018	1	CON	
Baldock United Almshouses Charities	Cllr Val Shanley	2018	1	CON	
	Cllr M. Muir	2018	1	CON	
	Cllr M. Weeks	2018	1	CON	
Baldock Youth and Community Association	Cllr Jim McNally	2018	1	CON	
	Cllr M.E. Weeks	2018	1	CON	
	Cllr Val Shanley	2018	1	CON	
Bedfordshire and River Ivel Internal Drainage Board	Cllr M.E. Weeks	2018	1	CON	
Charles Collison Trust	Cllr Ian Albert	2018	1	CO-OP	
Chilterns Conservation Board	Cllr D. Barnard	2018	1	CON	
Citizens Advice North Herts	Cllr Ian Mantle	2018	1	LAB	
	Cllr Cathryn Henry	2018	1	CON	
	Cllr Mike Rice	2018	1	CON	
Coombes Community Centre, Royston – Management Committee	Cllr Bill Davidson	2018	1	CON	
	Cllr Jean Green	2018	1	CON	
	Cllr Ben Lewis	2018	1	CON	
E.A. Lucas Technical School Foundation	TO BE CONFIRMED	2018	1	CON	
East of England Leaders Group	Cllr Mrs L.A. Needham	2018	1	CON	
East and North Herts NHS Trust – Involvement Committee	Cllr Steve Deakin-Davies	2018	1	CON	
Grange Fellowship Community Association	Cllr Clare Billing	2018	1	LAB	
	Cllr Sandra Lunn	2018	1	LAB	
	Cllr Paul Marment	2018	1	CON	
Groundwork Hertfordshire	Cllr Michael Weeks (Executive Member for Waste & Recycling)	2018	1	CON	
Hertfordshire Building Preservation Trust	Cllr Alan Millard	2018	1	CON	
Hertfordshire Community Covenant Board	Cllr T. Hunter (Executive Member for Community Engagement and Rural Affairs)	2018	1	CON	
Hertfordshire Health Scrutiny Committee	Cllr Jean Green	2018	1	CON	
	Cllr S. Deakin-Davies (Sub)	2018	1	CON	
Herts Leaders' Group	Cllr Mrs L.A. Needham	2018	1	CON	
Hertfordshire Waste Partnership	Cllr Michael Weeks (Executive Member for Waste & Recycling)	2018	1	CON	
	Sub: Cllr Bill Davidson	2018	1	CON	
Hitchin Charity School Endowment	Cllr Bernard Lovewell	2018	1	CON	
Hitchin Cow Common Trust	Cllr R.A.C. Thake	2018	1	CON	
Hitchin Educational Foundation	Cllr Simon Harwood	2021	4	CON	
	Cllr B. Lovewell	2021	4	CON	
	Cllr Alan Millard	2019	4	CON	
	VACANCY	2019	4	LAB	
	Cllr Paul Clark	2019	4	LD	

Organisation	Representative	Date of Retirement	Term of Office (Years)	Party	Comments
Hitchin Link (Town Twinning)	Cllr Ian Albert	2018	1	LAB	
	Cllr Mrs C.P.A. Strong	2018	1	CON	
Hitchin Senior Citizens' Welfare Committee	Cllr Deepak Sangha	2018	1	LAB	
	Cllr Alan Millard	2018	1	CON	
	Cllr Richard Thake	2018	1	CON	
Hitchin Town Band Committee	Cllr Alan Millard VACANCY	2018 2018	1 1	CON LAB	
Hitchin Initiative	Cllr Nicola Harris	2018	1	CON	
Hitchin United Charities	Cllr Terry Tyler	2020	3	LD	
	Cllr Alan Millard	2018	1	CON	
	Cllr Ian Albert	2018	1	LAB	
	Cllr Bernard Lovewell	2018	1	CON	
	Cllr R. Shakespeare-Smith	2020	3	CON	
Howard Garden Social and Day Care Centre	Cllr Mrs. L.R. Kercher	2018	1	CO-OP	
	Cllr John Booth	2018	1	CON	
	Cllr Sandra Lunn	2018	1	LAB	
Jackmans Community Association	Cllr D. Levett	2018	1	CON	
	Cllr J. Booth	2018	1	CON	
	Cllr J. Cunningham	2018	1	CON	
King George V Playing Fields User Group (<i>formerly Hitchin Rugby Club Management and Advisory Committee</i>)	Cllr Simon Harwood	2018	1	CON	
	Cllr R.A.C. Thake	2018	1	CON	
	Cllr D.J. Barnard	2018	1	CON	
Knebworth House Education and Preservation Trust	Chairman of the Council	2018	1	CON	
Knebworth Twinning Association	Cllr Steve Hemingway	2018	1	CON	
Knebworth Village Trust	Cllr Steve Deakin-Davies	2018	1	CON	
	Cllr Steve Hemingway	2018	1	CON	
Letchworth Civic Trust	Cllr Mrs L. Needham	2018	1	CON	
	Cllr Mike Rice	2018	1	CON	
Letchworth Garden City BID	Cllr David Levett	2018	1	CON	
Letchworth Garden City Heritage Foundation	Cllr Mrs. L.A. Needham	2018	The term of office of the person appointed	CON	
Letchworth Garden City Town Twinning Association	Cllr J. Booth	2018	1	CON	
Letchworth Sustainability Forum	Cllr R. Shakespeare-Smith	2018	1	CON	
London Luton Airport Consultative Committee	Cllr M. Muir	2018	1	CON	
North Hertfordshire Council for Voluntary Service	Cllr Deepak Sangha	2018	1	LAB	
	Cllr Tony Hunter	2018	1	CON	
North Hertfordshire Homes	Cllr D.J. Barnard	2018	1	CON	
	VACANCY	2018	1	CON	
	Cllr Jane Gray	2018	1	CON	
North Herts Local Strategic Partnership	Cllr Mrs L.A. Needham	2018	1	CON	
	Cllr Tony Hunter	2018	1	CON	
	Cllr Judi Billing	2018	1	LAB	
North Herts Minority Ethnic Forum	Cllr P. Marment	2018	1	CON	
Police and Crime Panel	Cllr Tony Hunter Sub: Cllr J. McNally	2018	1	CON	
Rands Educational Foundation	Cllr Mrs. C.P.A. Strong	May 2021	4	CON	
Royston & District Community Transport Scheme	Cllr Tony Hunter	2018	1	CON	
Royston & District Sports Council	Cllr Tony Hunter	2018	1	CON	
Royston and District Volunteer Centre	Cllr Jean Green	2018	1	CON	

Organisation	Representative	Date of Retirement	Term of Office (Years)	Party	Comments
Royston Community Assn.	Cllr Bill Davidson	2018	1	CON	
	Cllr Jean Green	2018	1	CON	
Royston Old People's Day Centre Committee	Cllr Bill Davidson	2018	1	CON	
Royston First Advisory Council (BID)	Cllr Tony Hunter	2018	1	CON	
Royston Town Twinning Association	Cllr Jean Green	2018	1	CON	
	Cllr Ben Lewis	2018	1	CON	
Sport North Herts	Cllr J Bishop	2018	1	CON	
	Cllr Jim McNally	2018	1	CON	
	Cllr G. Grindal	2018	1	LAB	
	Cllr E. Dennis	2018	1	LAB	
	Cllr B. Lewis	2018	1	CON	
St. Michaels Mount Community Centre, Hitchin – Management Committee	Cllr B. Lovewell	2018	1	CON	
	Cllr A. Millard	2018	1	CON	
	Cllr E. Dennis	2018	1	LAB	
Stevenage and N. Herts Women's Resource Centre	Cllr Clare Billing	2018	1	LAB	
Walsworth Community Association	Cllr B. Lovewell	2018	1	CON	
	Cllr Alan Millard	2018	1	CON	
	Cllr E. Dennis	2018	1	LAB	
Westmill Community Centre, Hitchin – Management Committee	Cllr Frank Radcliffe	2018	1	LAB	

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