

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Spirella Ballroom, Icknield Way, Letchworth Garden City on Thursday, 18th January, 2018 at 7.30 pm

PRESENT: Councillors Councillor Alan Millard (Chairman), Councillor John Bishop (Vice-Chairman), Ian Albert, David Barnard, Clare Billing, Judi Billing, John Booth, Paul Clark, Julian Cunningham, Bill Davidson, Elizabeth Dennis, Sarah Dingley, Faye Frost, Jane Gray, Jean Green, Gary Grindal, Nicola Harris, Simon Harwood (from 7.45pm), Steve Hemingway, Terry Hone, Tony Hunter, Steve Jarvis, David Levett, Bernard Lovewell, Ian Mantle, Paul Marment, Lynda Needham, Janine Paterson, Frank Radcliffe, Mike Rice, Deepak Sangha, Ray Shakespeare-Smith, Val Shanley, Harry Spencer-Smith, Martin Stears-Handscorn, Claire Strong, Richard Thake and Michael Weeks.

IN ATTENDANCE: David Scholes (Chief Executive), Anthony Roche (Deputy Chief Executive), Ian Couper (Head of Finance, Performance and Asset Management), Howard Crompton (Head of Revenues, Benefits and IT), Geraldine Goodwin (Revenues Manager), Jeanette Thompson (Acting Corporate Legal Manager), David Miley (Democratic Services Manager) and Ian Gourlay (Committee and Member Services Manager)

ALSO PRESENT: 1 member of the public.

54 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Steve Deakin-Davies, Cathryn Henry, Fiona Hill, Lorna Kercher, Sandra Lunn, Jim McNally, Gerald Morris, Michael Muir, Adrian Smith and Terry Tyler.

55 MINUTES - 23 NOVEMBER 2017

It was moved by Councillor Mrs L.A. Needham, seconded by Councillor Julian Cunningham, and

RESOLVED: That the Minutes of the meeting of the Council held on 23 November 2017 be approved as a true record and signed by the Chairman.

56 NOTIFICATION OF OTHER BUSINESS

No additional business was presented for consideration by the Council.

57 CHAIRMAN'S ANNOUNCEMENTS

(1) Former Councillor Philip MacCormack

The Chairman had the sad duty to announce that former Councillor Philip MacCormack, who represented Hitchin Highbury Ward from 1980 to 1992 and was Chairman of the Council in 1989/90, had passed away recently.

The Chairman asked everyone to stand to observe a Minute's silence in memory of former Councillor MacCormack.

(2) **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.

58 PUBLIC PARTICIPATION

There was no public participation.

59 MEMBERS' ALLOWANCES SCHEME 2018/19

The Council considered the report of the Chief Executive in respect of a proposed Members' Allowances Scheme for 2018/19. The following appendices were submitted with the report:

Appendix A – A draft Members' Allowances Scheme for 2018/19 based upon a general 2% increase for inflation; and

Appendix B – Comparator local authorities.

It was moved by Councillor Mrs L.A. Needham, and seconded by Councillor T.W. Hone, that the Members' Allowances Scheme set out at Appendix A to the report be agreed for the financial year 2018/19.

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

(Voting:

For: Councillors David Barnard, John Bishop, John Booth, Julian Cunningham, Bill Davidson, Faye S. Frost, Jane Gray, Jean Green, Steve Hemingway, Terry Hone, Tony Hunter, David Levett, Bernard Lovewell, Jim McNally, Alan Millard, Lynda Needham, Janine Paterson, Mike Rice, Ray Shakespeare-Smith, Valentine Shanley, Harry Spencer-Smith, Mrs C.P.A. Strong, Richard Thake and Michael Weeks - 24

Against: Councillors Ian Albert, Clare Billing, Judi Billing, Paul Clark, Elizabeth Dennis, Sarah Dingley, Gary Grindal, Nicola Harris, Steve Jarvis, Ian Mantle, Frank Radcliffe, Deepak Sangha, and Martin Stears-Handscorn - 13

Abstentions: 0

The motion was carried.)

RESOLVED: That the Members' Allowances Scheme set out at Appendix A to the report be agreed for the financial year 2018/19.

REASON FOR DECISION: To ensure that the Council meets statutory requirements.

60 ELECTORAL SERVICES - SCALE OF FEES 2018/19

The Council considered the report of the Chief Executive in respect of Electoral Services – Scale of Fees 2018/19. The following appendix was submitted with the report:

Appendix A – Recommended Scale of Fees 2018/19.

It was moved by Councillor Mrs L.A. Needham, seconded by Councillor Julian Cunningham, and

RESOLVED: That the Scale of Electoral Services Fees for 2018/19, as set out at Appendix A to the report, be approved.

REASON FOR DECISION: To enable the Council to set a Scale of Fees for 2018/19.

61 COUNCIL TAX REDUCTION SCHEME 2018/19

The Executive Member for Finance and IT presented the report of the Head of Revenues, Benefits and IT in respect of the proposed Council Tax Reduction Scheme (CTRS) 2018/19. The following appendices were submitted with the report:

Appendix 1 – Council Tax Reduction Scheme 2018/19; and
Appendix 2 – Glossary of Terms.

The Executive Member for Finance and IT referred to a small update to Paragraph 5.8 of the report, which was to confirm that the Council had not received any comment on the proposed Scheme from either Hertfordshire County Council or the Hertfordshire Police and Crime Commissioner.

The Executive Member for Finance and IT advised that the Council had a legal obligation to operate a CTRS and had done so since 2013/14. To simplify the issue, in practical terms the Council had chosen to reflect the terms of the old Council Tax benefit scheme and then to amend these in the fashion set out in Paragraph 7.4 of the report. Essentially, pensioners' (and their dependents) benefits were protected on the same basis as the old scheme. Further, to comply with the Government directive that any new scheme should incentivise work the earnings disregard within the scheme were increased by 50%.

The Executive Member for Finance and IT stated that, given that the Government support for all such schemes was reduced at inception by 10%, Councils had to decide how this reduction in support should be applied to those in receipt of non-protected benefits. NHDC had opted initially to reduce all benefits paid to non-protected recipients by 33.33%, but this had been reduced to 25% from 2015/16.

The Executive Member for Finance and IT explained that because of the way in which the scheme operated, it was subject to two major variables, namely the actual Council Tax income that was foregone by the Council and the number of claimants under the scheme. The level of Council Tax charged to residents had been increasing throughout the duration of the scheme, whilst the number of claimants had been reducing. The interaction of these two factors was set out in Paragraph 8.38 of the report. It should be noted that whilst there had been an overall reduction in the number of claims of nearly 20% the total value of claims had only fallen by some 8.3%.

The Executive Member for Finance and IT advised that the Cabinet had reviewed the operation of the scheme on two occasions in the last six months and were recommending two small technical changes to the detail of the operation of the scheme, the details of which were set out in Paragraphs 8.3 and 8.4 of the report, which basically reflected similar changes which were being applied to the test for Housing Benefit.

The Executive Member for Finance and IT stated that the other factor which had been considered was whether or not the current 25% reduction factor should be amended. One of the major variables in the scheme was the level of Council Tax that the Council would need to forego through its operations, and whilst final decisions were still to be made, it was unfortunate that that it was expected that precepts would increase across all the major precepting bodies. With this in mind, and even allowing for the extremely high collection rates achieved by the Council, it was not believed that it was appropriate to make any changes this year and hence it was recommended that the discount level remained at 25%.

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The Executive Member for Finance and IT drew attention to the proposal set out at Paragraph 8.26 of the report. This related to the “funding” of the payments that the Council received from Central Government and which the Council passed on to Parish, Town and Community Councils. This was originally set at £91,000. It had, however, reduced over the years in line with the percentage reduction in general financial settlement that the Council received from the Department of Communities and Local Government. Paragraph 8.26 referred to a sum of around £39,000 which it was proposed to pass onto these organisations in 2018/19. However, he reminded Members that the Council now found itself in the situation where it was in a negative Rate Support Grant (RSG) position, whereby it was required to pay Council Tax Payers money to Central Government. Whilst it was the case that RSG was only a proportion of the funds that the Council received from Central Government it was a substantial proportion, and he therefore intended to instruct officers to open discussions with parishes as to the impact of ending this payment from the 2019/20 financial year.

It was moved by Councillor Julian Cunningham, seconded by Councillor Mrs L.A. Needham and, following debate and upon being put to the vote, it was

RESOLVED:

- (1) That the Scheme attached at Appendix 1 to the report, be approved as the Council Tax Reduction Scheme (CTRS) for North Hertfordshire for 2018/2019;
- (2) That in accordance with Section 59A.1 of the Council Tax Reduction Scheme referred to in (1) above, the percentage by which each award to each recipient in the Non-Protected Groups be reduced at 25% for 2018/2019 (the same as for 2017/2018); and
- (3) That the amount to be distributed to the Local Precepting Authorities for Council Tax Reduction Scheme Grant is £38,885 and that this is distributed in proportion to the total awards of CTRS in each Local Precepting area.

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

62 REVIEW OF THE COUNCIL'S BYELAWS - CONSULTATION OUTCOMES AND PROPOSED REVOCATIONS

The Acting Corporate Legal Manager presented a report regarding the proposed revocation of the Council's byelaws. The following appendices were submitted with the report:

Appendix A – Revocation Byelaw – DCLG;
Appendix B – Revocation Byelaw - Department of Health;
Appendix C - Revocation Byelaw – Department of Transport;
Appendix D – Revocation Byelaw – Department of Environment, Food & Rural Affairs; and
Appendix E – Public Consultations Comments and responses.

The Acting Corporate Legal Manager advised that the byelaws issue last came before the Council in April 2017, when the reasons for the proposed revocations were set out in the report to that meeting, the major reason being that the byelaws had been largely superseded by subsequent legislation and were therefore no longer necessary.

The Acting Corporate Legal Manager stated that public consultation had taken place regarding the proposed revocations. The first public consultation took place from 11 July 2017 to 22 September 2017. 34 responses were received (27 residents, 6 Parish Councils and 1 Community Organisation), with 79% being in favour of the revocations. Public consultation had then taken place on the draft Revocation Byelaws themselves (from 20 November 2017 to 22 December 2017) and 2 responses were received (1 in favour and the other against). As the response from the first consultation had been significantly greater, with a majority in favour, it was decided to continue with the revocations process.

The Acting Corporate Legal Manager explained that, if the Council agreed to the draft DCLG Revocation Byelaw set out at Appendix A to the report, this would come into force on 17 February 2018. The consequential steps regarding the making of this Revocation Byelaw were set out in Paragraph 8.11 of the report.

In respect of the Revocation Byelaws set out at Appendices B, C and D to the report, the Acting Corporate Legal Manager commented that, as they fell within the responsibility of other Secretaries of State, they would need to be confirmed by the Secretary of State before coming into force. The consequential steps for the making of these Revocation Byelaws were set out in Paragraph 8.12 of the report.

In conclusion, the Acting Corporate Legal Manager referred to an amendment to recommendation 2.4 of the report, where the word “consequently” should be replaced by the word “consequential”.

It was moved by Councillor Mrs L.A. Needham, and seconded by Councillor Julian Cunningham, that the recommendations contained in the report, including the amended recommendation 2.4, be approved.

In response to a Member’s request, the Acting Corporate Legal Manager undertook to investigate the cost of the officer time spent in preparation of the byelaws report.

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

RESOLVED:

- (1) That the outcome from the public consultations and the representations received be noted and given due consideration;
- (2) That the Revocation Byelaw set out at Appendix A to the report be made;
- (3) That the Revocation Byelaws set out at Appendices B, C and D to the report (which are subject to statutory confirmation from the appropriate Secretary of State before coming into force) be made; and
- (4) That Acting Corporate Legal Manager be authorised to undertake any necessary/consequential steps in relation to following the resolutions under (2) and (3) above.

REASON FOR DECISION: To ensure that byelaws for North Hertfordshire District Council are current, reflect modern society and are enforceable.

63 ITEM REFERRED FROM FINANCE, AUDIT & RISK COMMITTEE: 20 NOVEMBER 2017 - UPDATED FINANCIAL REGULATIONS

The Council considered the Minute of the meeting of the Finance, Audit and Risk Committee held on 20 November 2017, in respect of proposed updated Financial Regulations (Minute 48 refers). A copy of the report considered by the Finance, Audit and Risk Committee was included with the agenda, as was the following appendix:

Appendix A – Proposed Financial Regulations.

It was moved by Councillor Terry Hone, and seconded by Councillor Simon Harwood, that the proposed updated Financial Regulations, as attached at Appendix A to the report, be adopted.

As an amendment, it was moved by Councillor Julian Cunningham, and seconded by Councillor Terry Hone, that the following words be added at the end of the recommendation:

“subject to Section 3.8 of the Regulations at Page 212 being amended to delete in the 4th line the words ‘are both greater than 5% of the budget for that area and’ “

Upon being put to the vote, the amendment was carried.

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

RESOLVED: That the proposed updated Financial Regulations, as attached at Appendix A to the report, be adopted, subject to Section 3.8 of the Regulations at Page 212 being amended to delete in the 4th line the words “are both greater than 5% of the budget for that area and”.

REASON FOR DECISION: To reflect changes to the staffing structure, to make the regulations more concise with easier to find information, and to incorporate other minor updates.

64 **APPOINTMENT OF PARISH COUNCIL REPRESENTATIVE TO THE STANDARDS COMMITTEE**

The Acting Monitoring Officer presented a report seeking confirmation of the appointment of co-opted Parish Council representative to the Council’s Standards Committee. The following appendix was submitted with the report:

Appendix A – Selection criteria.

It was moved by Councillor Mike Rice, seconded by Councillor Mrs L.A. Needham, and

RESOLVED: That the appointment of Councillor Gary Hills (Great Ashby Community Council) as non-voting co-optee of the Standards Committee be confirmed.

REASON FOR DECISION: To ensure Parish Council input into the considerations of the Standards Committee and Sub-Committee, in accordance with the approach previously approved by Council.

65 **QUESTIONS FROM MEMBERS**

(A) **Joint Waste Contract – Emptying of Brown Bins**

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Steve Jarvis to Councillor Michael Weeks (Executive Member for Waste, Recycling and Environment):

“When does the Council expect to advise residents the details of the system of how the correct brown bins will be emptied once charging is introduced?”

Councillor Weeks replied that the Council proposed to launch a communications campaign in early February 2018, which would include flyers through letter boxes, online and in the Council’s “Outlook” Magazine. To identify those residents whose garden waste scheduled to be collected on a particular day the new vehicle fleet would contain in-cab technology which would inform the Collection Team of those properties to be collected from.

Councillor Weeks commented that it was likely that there would be some teething problems in the early stages, but he was confident that these would be overcome in due course.

As a supplementary question, Councillor Jarvis asked if Councillor Weeks considered that, with the operatives having to regularly consult the vehicle cab to ascertain which brown bins to collect, this would be an impediment to the speed and efficiency of future collections?

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Councillor Weeks replied that the existing method of operatives walking ahead of the vehicles to group together brown bins for subsequent collection appeared to be the most ergonomic was of collecting under the current scheme. However, once the charging regime commenced it would be the case that not everyone would have a brown bin in the street, and that the “genuine” ones would need to be identified. There were other ways in which bins could be identified, possibly via stickers on the bins, but he re-iterated his earlier comment that he was confident that any teething problems would be overcome.

(B) 14/15 Brand Street, Hitchin

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Paul Clark to Councillor Mrs L.A. Needham (Leader of the Council):

“In light of the recent issue with Hitchin Town Hall how does the Leader of the Council propose to resolve the issue of 14/15 Brand Street?”

Councillor Needham replied that she would very much like to see the matter of 14/15 Brand Street resolved so that the Museum could open with an impressive entrance. This was clearly her view, otherwise she would not have allowed the urgent item on the matter to have been considered at the March 2017 Cabinet meeting, when he had thought that the agreement was just waiting for all parties to sign. However, other issues had been put on the table since then.

Councillor Needham reminded members that Hitchin Town Hall was open, and many excellent events had been held, with the Council enjoying a level of income from that facility. The Museum was also open for guided tours, and had hosted a number of touring exhibitions which had proven to be very popular with the residents of North Hertfordshire.

Councillor Needham further reminded Members that the Council was not in control of resolving the matter, and that officers had been trying to negotiate a solution for the past 18 months with Hitchin Town Hall Limited and Hitchin Town Hall Finance Limited for the Council to acquire the land. Those negotiations were continuing, but she emphasised that any deal must be in the interests of the Council Tax payers of North Hertfordshire.

Councillor Needham stated that the Council had offered a date in early February 2018 for a meeting with an advisor, prior to negotiations re-commencing. Reports on 14/15 Brand Street were due to be presented to the Cabinet meeting on 23 January 2018 on alternative options to try to resolve the matter should the re-commenced negotiations fail to yield satisfactory results.

As a supplementary question, Councillor Clark asked, as Hitchin Town Hall Limited and Hitchin Town Hall Finance Limited were properly constituted organisations, what right did the Council have to choose which Directors of those organisations it dealt with?

Councillor Needham replied that this had been an agreement that was put on the table by Hitchin Town Hall Limited right at the very beginning of the process. It was Hitchin Town Hall Limited’s idea to draw a line under past events, and those that might have affected past events. Hitchin Town Hall Limited had therefore chosen with whom the Council would be negotiating, and the Council had agreed to that choice.

(C) 14/15 Brand Street, Hitchin

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Ian Albert to Councillor Mrs L.A. Needham (Leader of the Council):

“In the light of the continuing delays to fully open the North Herts Museum, at the cost of local residents and Museum staff, can the Leader provide an update to this Council meeting on progress of negotiations with HTH Ltd and HTHF Ltd?”

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Councillor Needham referred Councillor Albert to the response she had given to Councillor Clark in respect of Question (B) above.

As a supplementary question, Councillor Albert drew attention to Paragraphs 8.1 and 8.2 of the report being presented to the Cabinet meeting on 23 January 2018, which referred to the latest version of the draft agreement, and therefore for the avoidance of doubt, could Councillor Needham ensure that the Chief executive did everything in his powers, including liaising directly with Hitchin Town Hall Limited and Hitchin Town Hall Finance Limited to ensure that the draft agreement to be discussed by Cabinet was mutually agreed, if at all possible, as the latest position to which discussions had reached?

Councillor Needham replied that, in accordance with her earlier answer to Councillor Clark's question, she was hoping that negotiations would re-commence in early February 2018. As the Cabinet would be meeting on 23 January 2018 she would not be able to look at the results of those negotiations until after the early February 2018 meeting. If she had to call an emergency Cabinet meeting after the early February 2018 meeting then she would not hesitate to do so.

66 NOTICE OF MOTIONS

There were no notices of motion.

The meeting closed at 8.20 pm

Chairman