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NORTH HERTFORDSHIRE DISTRICT COUNCIL

COUNCIL

MEETING HELD IN THE COUNCIL CHAMBERS, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF
ON TUESDAY, 18TH APRIL, 2023 AT 7.30 PM

MINUTES

Present:

Councillors: Councillor Sam North (Chair), Councillor Daniel Allen (Vice-Chair), Amy Allen, David Barnard, Clare Billing, Simon Bloxham, Ruth Brown, Adam Compton, Juan Cowell, George Davies, Elizabeth Dennis-Harburg, Morgan Derbyshire, Jean Green, Chris Hinchliff, Terry Hone, Keith Hoskins, Tony Hunter, Steve Jarvis, David Levett, Chris Lucas, Ian Mantle, Nigel Mason, Ian Moody, Gerald Morris, Ralph Muncer, Lisa Nash, Sean Nolan, Tom Plater, Sean Prendergast, Adem Ruggiero-Cakir, Carol Stanier, Claire Strong, Richard Thake, Tom Tyson, Phil Weeder, Alistair Willoughby and Terry Tyler

In Attendance:

Anthony Roche (Managing Director), Jeanette Thompson (Service Director - Legal and Community), Ian Couper (Service Director - Resources), Melanie Stimpson (Democratic Services Manager), Eleanor Hopcraft (Committee, Member & Scrutiny Officer) and Sjanet Wickenden (Committee, Member and Scrutiny Officer)

Also Present:

At the commencement of the meeting 4 members of the public were in attendance.

191 APOLOGIES FOR ABSENCE

Audio recording – 1:31

Apologies for absence were received from Councillors Val Bryant, Tamsin Thomas, Raj Bhakar, Michael Muir, Michael Weeks, Faye Frost, Mandi Tandi, Ian Albert, James Denselow and Sam Collins.

192 MINUTES - 23 FEBRUARY 2023

Audio recording – 2:29

Councillor Sam North, as Chair proposed, Councillor Elizabeth Dennis-Harburg seconded, and following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 23 February 2023 be approved as a true record of the proceedings and be signed by the Chair.

193 NOTIFICATION OF OTHER BUSINESS

Audio recording – 4:51

There was no other business notified.

194 CHAIR'S ANNOUNCEMENTS

Audio recording – 4:57

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (2) Members were reminded that this Council had declared a Climate Emergency. This was a serious decision and means that, as this is an emergency, all of us, officers and Members had that in mind as we carried out our various roles and tasks for the benefit of our District.
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (4) The Chair clarified the rules of debate for Members.
- (5) The Chair clarified that 4.8.23(a) of the Council's Constitution did not apply to the meeting and advised that a comfort break would be taken at a suitable time in the proceedings, if required.
- (6) The Chair acknowledged Councillors that were not standing in the forthcoming elections and thanked them for their service.
- (7) The Chair advised a change to the order of the agenda and Item 7 'Notice of Motions' would be taken after Item 9 'Constitutional Amendment Report'.
- (8) The Chair held a minute's silence in memory of former Councillor John Bishop and Group Leaders and Members paid tribute

N.B. Councillor Juan Cowell entered the Chamber at 19:44.

195 PUBLIC PARTICIPATION

Audio recording – 23:41

There was no public participation at the meeting.

196 QUESTIONS FROM MEMBERS

Audio recording – 23:54

In accordance with Standing Order 4.8.11 three questions had been submitted by the required deadline as set out in the Constitution.

(A) Council Financial Information

Councillor David Levett to Councillor Ian Albert (Executive Member for Finance and IT).

The Chair advised that as Councillor Albert was not in attendance and had provided a written response which had been published as a supplement to the agenda.

Councillor David Levett advised that the written response was comprehensive and that he did not have a supplementary question.

(B) Breach of the Code of Conduct Investigation and Withdrawn Sub-Committee Costs

Councillor Ralph Muncer to Councillor Ian Albert (Executive Member for Finance and IT)

The Chair advised that Councillor Albert was not in attendance and had provided a written response which had been published as a supplement to the agenda.

Having been invited by the Chair, Councillor Ralph Muncer read out his question as published and asked the following supplementary question:

“Does the Executive Member agree with the findings of the independent investigator in that the Leader of the Council breached the Code of Conduct?”

The Chair explained that a written response would be provided at a later day and made available on the relevant Council meeting page.

(C) Fly-tipping

Councillor Ralph Muncer to Councillor Amy Allen (Executive Member for Recycling and Waste Management).

“To ask the Executive Member for Recycling and Waste Management to detail to Council for the years 2019/2020, 2020/2021, 2021/2022, 2022/2023:

- A. The number of Fly-tipping incidents recorded in North Hertfordshire,
- B. The total cost to the Council of addressing Fly-tipping incidents,
- C. The amount spent by NHDC on the prevention of Fly-tipping,
- D. The number of Fixed Penalty Notices (FPN) issued by NHDC for Fly-tipping,
- E. The number of prosecutions brought by NHDC for Fly-tipping.”

Councillor Amy Allen gave a response as follows:

“For the benefit of everybody in the room I’m going to read out the statistics that were produced in the MIS three weeks ago.

A, the number of fly-tipping incidents recorded in North Hertfordshire 2019-2020 was 603, 2020-2021 was 1,048, 2021-2022 was 874, 2022-2023 was 839. Again, this information is available in the MIS that was circulated on the 17th of March.

Question D, the number of fixed penalty notices FPNs issues by North Hertfordshire District Council for fly-tipping 2019-2020 was 15, 2020-2021 was 27, 2021-2022 was 25, 2022-2023 was 11.

And question E the number of prosecutions brought by North Hertfordshire Council for fly-tipping 2019-2020 was 3, 2020-2021 it was 6, 2021-2022 it was 1, 2022-2023 it was 2.

Those are the answers to questions A, D and E.

The answer to question B total cost to the Council of addressing fly-tipping incidents, this is going to have to be a written response because there is far too much information to quantify and put into a verbal response, and you’ll get that in writing very soon.

Question C the amount spent by North Hertfordshire District Council on the prevention of fly-tipping again there is not a quantifiable preventative measure. The cost of total forming or parts of investigation, putting up posters, NHDC social media, having covert cameras in known fly-tipping sites and hot spots, enforcement tools that are used. There is too much to give you an exact number of how much is spent but we’re working on having some sort of ballpark figure and we’ll get that to you in due course.”

Councillor Muncer asked a supplementary question, as follows:

“I thank Councillor Allen for her swift response, and I look forward to receiving the remaining data in due course. Now, with record levels of fly-tipping in North Hertfordshire under this Labour and Liberal Democrat administration and with these figures only set to increase further as residents waste collections are cut can the Executive Member tell me what proportion of the apparent money that is being saved by cutting bin collections will go towards preventing fly-tipping in our district?”

Councillor Amy Allen responded:

“If it was likely that we were going to be seeing an uptick in fly-tipping then there would be money put into it. But it is quite unlikely that we are going to. The assumption that our residents are suddenly going to become law-breaking people and fly-tip all of their household goods into the streets is somewhat unlikely. Fly-tipped goods are usually things like sofas and fridge freezers, which one cannot fit into a purple bin, although they have probably tried. I haven't personally. Anyway, I am not expecting household waste to be appearing as fly-tipping and as far as costs go, when we have had a significant reduction in funding to run the authority, and we are doing everything we can to carry on providing the kerbside services that we do, and the changes that we are making that people actually want and need, it is going to have to go towards funding the service full-stop. We do not make money out of it or anything like that, we are literally working hard to carry on funding the services with a dwindling budget.”

198 ITEMS REFERRED FROM OTHER COMMITTEES

Audio recording – 32:25

There were no items referred.

199 CONSTITUTIONAL AMENDMENT REPORT

Audio recording – 32:29

The Service Director – Legal and Community gave a verbal update and advised:

- A Member/Officer working group would be starting around July 2024, after the all-out elections to review the Constitution and Committee arrangements, to future proof, so far as possible for the 4-year term.
- It was felt that the recommendations would improve public engagement and would be good for resources, such as staff.
- Group Leaders were consulted, and a survey sent to Members about the proposed changes had 44 responses. The Committee, and then the Policy and Community Teams were also consulted. Recommendations 2.1-2.4 were reflective of those responses.
- Recommendation 2.1 proposed that Area Committees would change to Area Forums which had the most support from Members in the survey – 31 in favour. The Area Forums would still have an elected Chair and Vice-Chair, but there would be more flexibility in the topics discussed, formal meetings were not the best way to engage with the community; would be more people focused combining Town Talks and more dynamic. Forums could meet virtually, hybrid and in a set location as agreed. These could be reactive to situations. This reduced the number of formal meetings that must be arranged and clerked by the Committee team, by at least 20.
- If recommendation 2.1 was accepted, 2.2 would propose that grant applications be dealt with at the District Wide Community Facilities Capital & Revenue Grants Panel. The Panel would be a better way to consider, for budget, consistency, and staff resource reasons. The Panel would be made up of Area Forum Chair and Vice Chairs. It would be flexible for members and those applying for grants.

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- Recommendation 2.3 proposed an earlier meeting start time of 19.00. North Herts Council had a greater number of meetings and later start times than other councils in Hertfordshire. The LGA Peer review recommended earlier start times for decision making and other staff and Member related health and wellbeing reasons.
- Recommendation 2.4 was to note that the Cabinet Panel for the Environment would be the remaining Cabinet Panel for 2023.
- Recommendation 2.5 focused on the proposed constitutional changes in Appendix A. Council Tax Setting Committee option A was being put forward, unless proposed otherwise.

N.B. Councillor Tom Plater left the Chamber at 20:05 and re-entered at 20:08.

The following Members asked questions:

- Councillor Ralph Muncer
- Councillor Richard Thake
- Councillor Claire Strong
- Councillor Adam Compton

In response to the questions, the Service Director – Legal and Community advised:

- The advice from King's Counsel was that Officers did not need to attend Committee meetings in person.
- The proposals were for Area Forums, not additional panels.
- A Member/Officer working group would be set up after elections in 2024 to review Committee structure.
- Percentage based grant funding for each area could be looked at.

Councillor Elizabeth Dennis-Harburg proposed the recommendations and commented that there had been significant issues recently with community engagement, staff recruitment and retention. The proposed recommendations would put people first and ensure that work is collaborative and inclusive.

Councillor Ruth Brown seconded the recommendations.

The following Members took part in debate:

- Councillor David Levett
- Councillor George Davies
- Councillor Daniel Allen
- Councillor Ralph Muncer

Points raised during the debate included:

- The change to Area Forums could allow for meetings to be themed and would allow more interaction with the public.
- There was concern that the proposed District Wide Community Facilities Capital & Revenue Grants Panel would not benefit applicants and Members.
- The proposed earlier start time would not suit full-time workers, and those with young families.

Councillor Ralph Muncer proposed an amendment to recommendation 2.2. That two separate grant panels, North and South, be set up instead of the Area Forums. This was seconded by Richard Thake.

The following Members took part in debate on the proposed amendment:

- Councillor Tom Plater
- Councillor Ruth Brown
- Councillor Ian Mantle
- Councillor David Levett
- Councillor Elizabeth Dennis-Harburg
- Councillor Claire Strong
- Councillor George Davies

Points raised during the debate included:

- Work needed to be done to ensure grant funds would be split evenly between areas, as the proposed change could mean certain areas such as villages would miss out on funding.
- The proposed North and South Panels would mean areas that have a different demographic would be seen in one panel.
- The move to a District Wide Community Facilities Capital & Revenue Grants Panel would mean Officer's workload would be reduced.
- A notional split of funds could be retained between areas if allocations were tracked throughout the year.

Having been proposed by Councillor Muncer and seconded by Councillor Thake, the amendment was put to a vote and it was lost. Therefore, debate resumed on the substantive motion.

The following Members took part in debate on the substantive motion:

- Councillor Tom Plater
- Councillor Alistair Willoughby
- Councillor Simon Bloxham
- Councillor Nigel Mason
- Councillor Ralph Muncer
- Councillor Adam Compton
- Councillor Steve Jarvis
- Councillor Claire Strong
- Councillor Amy Allen
- Councillor David Barnard
- Councillor Lisa Nash
- Councillor Ruth Brown
- Councillor Elizabeth Dennis-Harburg

N.B. During the debate Councillor Clare Billing left the Chamber at 21:09 and re-entered at 21:12 and Councillor Ralph Muncer left the Chamber at 21:17 and re-entered at 21:20.

Points raised in the debate included:

- The District Wide Community Facilities Capital & Revenue Grants Panel could work if there were measures in place to ensure that all areas received a fair amount of funding.
- The proposed earlier time of meetings would not be inclusive of Councillors with families and those in full-time employment.
- If Member advocates could represent grant applicants at the District Wide Community Facilities Capital & Revenue Grants Panel.
- The proposed move to Area Forums would mean meetings would be more specific to the area and would be more engaging to the public.

Councillor Ruth Brown commented that the reason for the report was that the Council had a resource and staffing capacity issue. The Council valued public engagement and put people first. These amendments to the Constitution would put Members, Officers, and the public first and would try to strike a balance for everyone.

Councillor Elizabeth Dennis-Harburg commented that there had been a good narrative and debate on terms of reference on grant forums, such as ring-fencing money for certain areas of the district and member advocates for grant applications. These points would be considered and reviewed.

Councillor Elizabeth Dennis-Harburg having already proposed, and Councillor Ruth Brown having already seconded, following a vote, it was:

RESOLVED:

- (1) That Council approved the change of the Area Committees to informal Area Forums (set out in paragraphs 8.2-8.5) to commence with the new municipal year from May 2023.
- (2) The principle that grant applications be considered by the District Wide Community Facilities Capital & Revenue Grants Panel (as set out in paragraphs 8.6-8.11) was not approved [default decision was that Area Forums would consider and recommend].
- (3) That a start time of 19:00 for meetings (other than those which already meet in the daytime) was not approved.
- (4) That Council noted the Cabinet Panel on the Environment was the remaining Panel from May 2023.
- (5) That Council approved the amendments detailed in Appendix A (summarised at paragraph 8.14-8.18).

REASON FOR DECISIONS: To review and look at ways to improve engagement with the community; consider resource issues, reflect good decision-making practice, and keep the Constitution up to date.

N.B. A break in proceedings was taken between 21:42 and 21:50.

N.B. Councillors Lisa Nash and Juan Cowell left the Chamber at 21:42 and did not return.

197 NOTICE OF MOTIONS

Audio recording – 2:19:43

One motion was submitted in accordance with Standing Order 4.1.12.

Councillor Claire Strong moved the motion which had been supported by the Conservative Group to remove the Leader of the Council from Office. She advised that the motion followed on from the Standards Matters Report discussed at the Standards Committee in March. An external investigator found that there was a case to answer, and the Leader had breached the Code of Conduct. Whilst an apology had been received, the Office of the Leader had been brought into disrepute.

Councillor Claire Strong called for a recorded vote on the motion.

Councillor Morgan Derbyshire seconded the motion and advised that he had made the complaint against the Leader. The independent investigator found that the Leader had breached the Code of Conduct, which was on public record. Whilst an apology was accepted

by the Monitoring Officer, this did not excuse that the Office of the Leader had been bought into disrepute.

The following Members took part in debate:

- Councillor Ralph Muncer
- Councillor Nigel Mason
- Councillor Gerald Morris
- Councillor Ruth Brown
- Councillor Tom Plater
- Councillor Adam Compton
- Councillor Keith Hoskins
- Councillor Elizabeth Dennis-Harburg
- Councillor George Davies
- Councillor Claire Strong

Points raised during the debate included:

- Standards of public life applied to all Councillors and the investigation found that the Code of Conduct had been breached by the Leader.
- The apology received from the Leader was deemed appropriate and was accepted by the Monitoring Officer and Independent Person.
- The Independent Person of the Standards Committee concluded that the complaint was investigated fully and robustly.
- It was stated that the complainant was not given sufficient time to accept the apology, although it was clarified by the Monitoring Officer that he had been provided with 3 days, the maximum time available, and had not responded by the deadline or since.

Having been proposed by Councillor Claire Strong and seconded by Councillor Morgan Derbyshire, the motion was put to a vote:

The results of the recorded vote were as follows:

YES	:	14
ABSTAIN	:	1
NO	:	19
TOTAL	:	34

The individual votes were as follows:

Cllr Sam North	ABSTAIN
Cllr Adam Compton	YES
Cllr Adem Ruggiero-Cakir	NO
Cllr Alistair Willoughby	NO
Cllr Amy Allen	NO
Cllr Carol Stanier	NO
Cllr Chris Hinchliff	NO
Cllr Chris Lucas	NO
Cllr Claire Strong	YES
Cllr Clare Billing	NO
Cllr Daniel Allen	
Cllr David Barnard	YES
Cllr David Levett	YES
Cllr Elizabeth Dennis-Harburg	NO
Cllr George Davies	YES
Cllr Gerald Morris	YES
Cllr Ian Mantle	NO
Cllr Ian Moody	YES

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Cllr Jean Green	YES
Cllr Keith Hoskins	NO
Cllr Morgan Derbyshire	YES
Cllr Nigel Mason	NO
Cllr Philip Weeder	NO
Cllr Ralph Muncer	YES
Cllr Richard Thake	YES
Cllr Ruth Brown	NO
Cllr Sean Nolan	NO
Cllr Sean Prendergast	NO
Cllr Simon Bloxham	YES
Cllr Steve Jarvis	NO
Cllr Terry Hone	YES
Cllr Terry Tyler	NO
Cllr Tom Plater	NO
Cllr Tom Tyson	NO
Cllr Tony Hunter	YES

RESOLVED: That the Leader of the Council was not removed from Office.

The meeting closed at 10.24 pm

Chair

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