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Chairman and Members of the
Council

Your contact: Martin Ibrahim
Ext: 2173
Date: 4 July 2012

cc. All other recipients of the Council
agenda

Dear Councillor

COUNCIL - 4 JULY 2012: SUPPLEMENTARY AGENDA 2

Please find attached the following reports which were marked "to follow" on the agenda for the above meeting.

6. Members' questions (Pages 161 - 162)
14. Environment Scrutiny Committee: Minutes - 26 June 2012 (Pages 163 - 172)

Chairman: Councillor D Abbott

I also enclose an additional item that the Chairman has agreed to accept onto the agenda as an urgent matter:

18. Code of Conduct (Pages 173 - 182)

To receive a report of the Monitoring Officer.

Yours faithfully

Martin Ibrahim
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MEETING : COUNCIL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 4 JULY 2012
TIME : 7.00 PM

COUNCIL – 4 JULY 2012

MEMBERS' QUESTION

Question 1

Councillor J Wing to ask the Executive Member for Finance:

The Department for Communities and Local Government recently issued a consultation document titled 'Localising Support for Council Tax Funding arrangements consultation'. This document proposes changes to the funding of Council Tax benefit that will throw a considerable extra burden from Government to local authorities. The language of the document is extremely difficult to understand and caused great anxiety when it was discussed by Ware Town Council. What are the implications of the change in Council Tax Benefit funding for East Herts Council Tax payers? Has the change of funding been accounted for within the Medium Term Financial Plan? What effect will the new arrangements have on the Council Tax raised by East Herts Parish and Town Councils?

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MINUTES OF A MEETING OF THE
ENVIRONMENT SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY
26 JUNE 2012, AT 7.00 PM

PRESENT: Councillor D Abbott (Chairman).
Councillors S Basra, R Beeching,
E Buckmaster, P Gray, M Pope, C Rowley
and J Wyllie.

ALSO PRESENT:

Councillors D Andrews and M Carver.

OFFICERS IN ATTENDANCE:

Cliff Cardoza	- Head of Environmental Services
Marian Langley	- Scrutiny Officer
Peter Mannings	- Democratic Services Officer
George A Robertson	- Chief Executive and Director of Customer and Community Services
Siobhan Smith	- Waste Services Officer

101 APPOINTMENT OF VICE-CHAIRMAN

It was moved by Councillor P Gray and seconded by Councillor C Rowley that Councillor J Wyllie be appointed Vice-Chairman of the Environment Scrutiny Committee for the 2012/13 civic year.

After being put to the meeting and a vote taken, Councillor J Wyllie was appointed Vice-Chairman of the Environment Scrutiny Committee for the 2012/13 civic

year.

RESOLVED – that Councillor J Wyllie be appointed Vice–Chairman of the Environment Scrutiny Committee for the 2012/13 civic year.

102 APOLOGIES

Apologies for absence were submitted on behalf of Councillors W Ashley and B Wrangles. It was noted that Councillor M Pope was substituting for Councillor B Wrangles.

103 MINUTES - 13 MARCH 2012

RESOLVED – that the Minutes of the meeting held on 13 March 2012 be confirmed as a correct record and signed by the Chairman.

104 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all new and returning Members to the first meeting of the Environment Scrutiny Committee for the 2012/13 Civic Year. He hoped that the Committee would have a productive year.

105 ENVIRONMENT SCRUTINY HEALTH CHECK JANUARY THROUGH TO MARCH 2012

The Chief Executive and Director of Customer and Community Services submitted a report on the performance of key indicators relating to Environment Scrutiny Committee from January to March 2012, the detail of which was set out in the report now submitted. The report also covered the appropriate 2011/12 Performance Outturns.

The Director stated that updated health check graphs and tables had been provided to Members. He apologised that the Committee had been provided with the trend charts covering the previous year's figures in the Agenda

papers.

The Director stated that, in respect of NI 191 – Residual household waste per household, the reported outturn for the year was 474kg, which exceeded the 2011/12 annual target of 459kg by 3%. Members were advised that Officers were reasonably satisfied with this outturn.

The Director advised that, in respect of NI 192 – Percentage of household waste sent for reuse, recycling and composting, the reported outturn for the year was that 48.35% of household waste collected had been sent for reuse, recycling or composting, which fell slightly short of the 50% target for 2011/12.

The Director commented that, in respect of NI 157c – Processing of planning applications: Other applications, the end of year performance outturn for 2011/12 was just below target at 92% against a very demanding target of 93%. Members were advised however, that performance was still exceeding the national target.

In response to a query from Councillor P Gray, the Head of Environmental Services stated that wheeled waste bins were the most appropriate solution for blocks of flats. At most locations the provision of recycling boxes was not considered appropriate due to health and safety concerns regarding the long distances and stairs that the residents or refuse crews would have to negotiate to empty the boxes. There are often storage issues for residents if recycling boxes were issued.

In response to a query from Councillor M Pope regarding the number of missed collections per 100,000 properties, the Committee was advised that this target often fluctuated and a target figure of 50 missed collections per 100,000 households was a very low figure.

The Chairman advised of two minor changes to the wording in the recommendations as detailed in the report now submitted. The Committee received the report.

RESOLVED – that (A) the report be received;

(B) the reported performance for the period January to March 2012 be received;

(C) the Outturns for 2011/12, as detailed in Essential Reference Paper 'C' of the report submitted, be received; and

(D) the 2013/14 target of 75% for EHPI 90b – Satisfaction with waste recycling, be supported.

106 2011/12 END OF YEAR SERVICE PLAN REPORT

The Leader of the Council submitted a report which detailed the 2011/12 Service Plan actions that had been achieved and those requiring a revised completion date.

The Chief Executive and Director of Customer and Community Services expressed the gratitude of Corporate Management Team (CMT) towards Heads of Service and Officers for the progress which had been achieved against the 2011/12 service plans. Members were invited to ask questions of Officers in respect of the report now submitted.

Councillor P Gray praised the achievements of Officers in meeting service plan actions, as detailed in the report now submitted and noted that two of the three incomplete actions were due to external delays and the third item was in hand. Councillor D Abbott also praised Heads of Service and Officers for a job well done.

The Committee received the report.

RESOLVED – that (A) the summary of achievements against the 2011/12 Service Plan actions be received; and

(B) the Service Plan Actions which required

revised completion dates be noted.

107 CONTRACT PERFORMANCE ENVIRONMENTAL OPERATIONS

The Head of Environmental Services submitted an annual report detailing the 2011/12 performance of the two main contracts for Waste Services (Refuse and Recycling and Street Cleansing) and Grounds Maintenance.

The Committee was advised that there had been a slight increase in the level of missed bins per 100,000 collections from 34.56 in 2010/11 to 36.80 in 2011/12. Officers were not unduly concerned however, as this covered the peak period when the new contract had been introduced with vehicles and day round changes. The figure was still within target and the contract was progressing very smoothly.

The Head of Environmental Services advised that the percentage of household waste recycled and composted had increased again slightly from 48.28% in 2010/11 to 48.35% in 2011/12, falling slightly below the expected target of 50%. Members were advised that the economic downturn had had a negative effect on performance as the amount of material being recycled by residents had decreased as they were not buying as many newspapers, magazines.

Members were advised of a slight fall in commercial waste collection income although the Authority had maintained its customer base and continued to secure new customers. The Head of Environmental Services stated that the performance of street cleansing had decreased slightly. The East Herts performance was 1% for litter and 10% for detritus in 2010/11. In 2011/12, litter had increased to 2.3% and detritus fell to 6.9%.

Members were reminded that East Herts had a very low level of litter problems compared to many local authority areas and the low percentages reflected this. The

Committee was also advised that there had been a significant decline in fly tipping due to increased. The level of enforcement activity has contributed to this.

Councillor M Pope referred to the methodology used for measuring performance of street cleansing on major roads. He also referred to how the Authority addressed the build up of rubbish on the smaller roads across the District. The Head of Environmental Services undertook to respond to Councillor M Pope after the meeting.

Councillor D Andrews commented on whether Officers could update Members in respect of the current position regarding the treatment of weeds across East Herts. The Head of Environmental Services undertook to respond to this query after the meeting.

Councillor J Wyllie expressed concern that on a number of occasions the grounds maintenance staff had cut some grass on a verge on his garden adjacent to his house in Bishop's Stortford and in so doing had damaged some plants.

The Head of Environmental Services undertook to investigate the matter and respond outside of the meeting. He commented that East Herts Council grounds maintenance contractors covered numerous areas of grass verge and communal gardens and this occasionally resulted in confusion regarding ownership of some of these areas.

The Committee received the report.

RESOLVED – that the performance of the Council's main environmental management contracts be received and noted.

108 INCREASING DRY RECYCLING CAPTURE

The Head of Environmental Services submitted a report updating Members in respect of what was being done to

improve recycling performance in East Herts.

Members were advised that recycling levels had fallen across East Herts, most likely due to the recession and an increasing trend towards the use of electronic media. This is a national trend. This reduction had had a significant impact on the Council's income from the sale of recycling materials.

The Head of Environmental Services stated that in an effort to increasing dry recycling capture, Officers would be sending information to residents in areas with a lower than average recycling weight per household, in an effort to encourage them to recycle more. Areas with large numbers of flats had not been targeted by this exercise as their recycling tends to be lower anyway.

The Committee was advised that bin hangers are being left on residents' bins to encourage increased recycling and, where necessary, ensure any extra demand for recycling boxes was met. Officers had issued 2000 bin hangers already and there had already been 91 requests for additional boxes. Officers would report back to the Committee in terms of whether the campaign had been successful.

Councillor E Buckmaster emphasised the importance of reaching the right people with this campaign to avoid inadvertently upsetting residents who already recycled as much as they could under current arrangements.

Councillor M Carver, as the local ward Member, advised that he would have preferred more notice of the start of the scheme. He stated that he had been contacted by a number of residents.

Councillor P Gray commented that it was important to target young people to encourage recycling behaviour early. He asked whether there was work taking place with local schools to educate pupils throughout East Herts.

Councillor J Wyllie supported the use of the bin hangers to promote recycling and felt that, while the environmental benefits had its place, communicating the costs of not recycling was important. Residents needed to know that landfill was expensive.

In response to a question about the content of the bin hanger and how it communicated which materials could be recycled, the Head of Environmental Services stressed that leaflets and bin hangers were not the primary method of communication as a comprehensive calendar was issued several times a year that explained the “dos and don’ts” of using the brown bin and the blue and green boxes for recycling.

Members were reminded of the wide range of activities which had been taking place in schools across Hertfordshire as part of the Waste Aware campaign.

Members were advised of the methodology residents should use when leaving out recycling for the refuse crews, and also explained what could not be recycled and why. The Committee was also advised of the costs associated with landfill and recycling.

The Head of Environmental Services advised Members of the style of wording that was used in the literature sent to the areas where recycling rates were low. He stated that individual residents were not being targeted. It was not possible to know how much individual households were recycling. The tonnage of waste collected by each collection round had been divided by the number of properties to establish the average weight per household. This showed which areas produced the lowest amount of recycling per household. It was possible that some households in an area were recycling as much as they could while others were not recycling at all.

The Committee was advised that research had indicated that the groups that recycled the least were the most

affluent residents and the poorest. The residents who were classed as middle income were the group that often achieved the best rates of recycling.

Members were advised that some villages appeared to be highly motivated to recycle but collection rounds were designed for efficiency and cut across a number of different communities.

The Head of Environmental Services agreed to meet with Councillor M Carver outside the meeting to consider the methodology and the specific implications for his ward.

The Chief Executive and Director of Customer and Community Services explained that Officers saw this campaign as a simple, non judgemental and inexpensive way to improve recycling rates across East Herts, particularly in the areas where the rate was low.

In response to comments from Councillors R Beeching and P Gray in respect of the Council's policy regarding brown bins, the Head of Environmental Services reiterated the policy of the Authority.

The Committee received the report and agreed to have a report later in the year when the recycling rates in these areas had been reviewed following the campaign.

RESOLVED – that the approach taken to improve recycling performance in areas where take up was low, be supported.

109 WORK PROGRAMME 2012/13

The Chairman submitted a report setting out the Committee's future work programme for 2012/13, the detail of which had been set out in Essential Reference Paper 'B' to the report now submitted.

Members were advised that pages 78 – 79 of the report now submitted detailed items that Members had raised at

the topic planning workshops. The Committee was advised that the highest priority item related to the 5 year review of the grounds maintenance contract.

The Scrutiny Officer stated that the Council would need to decide whether to extend or re-tender the Grounds Maintenance contract. Members were advised that a Task and Finish Group would be required to carry out this work and any interested Members should contact group leaders with their expressions of interest. The Chairman of the Task and Finish Group would be a Member of Environment Scrutiny Committee.

The Committee approved the report, as amended.

RESOLVED – that the work programme be approved, as amended.

The meeting closed at 8.41 pm

Chairman
Date

EAST HERTS COUNCIL

COUNCIL – 4 JULY 2012

REPORT BY MONITORING OFFICER

CODE OF CONDUCT

WARD(S) AFFECTED: All

Purpose/Summary of Report

- To confirm adoption of (an updated) Code of Conduct

RECOMMENDATION:

that the Member Code of Conduct, as detailed at Essential Reference Paper ‘B’, be adopted and the decision made on 16 May 2012 concerning arrangements for dealing with complaints be reaffirmed.

1.0 Background

- 1.1 Council, at its Annual meeting held on 16 May 2012, agreed to adopt the Local Government Association’s “Template code and guidance note on conduct” under the provisions of the Localism Act 2011.
- 1.2 At the time of that meeting, regulations concerning Disclosable Pecuniary Interests had not been made.
- 1.3 The regulations were subsequently made and, as a consequence, statutory provisions relating to Disclosable Pecuniary Interests have been added to the Authority’s code on Member conduct – see **Essential Reference Paper ‘B’**.
- 1.4 Council further agreed to authorise the Monitoring Officer, in consultation with the Leader of the Council, to update the adopted code to incorporate provisions considered to be appropriate for the registration and disclosure of interests other than Disclosable Pecuniary Interests.

2.0 Report

- 2.1 The Monitoring Officer has confirmed that no other provisions for the registration and disclosure of interests other than Disclosable Pecuniary Interests have been identified for inclusion within the code.
- 2.2 Due to the lack of transitional arrangements concerning the changes to the statutory framework governing local authority member conduct, the Authority will need to resolve to adopt, again, a new code of conduct and the arrangements to deal with complaints.
- 2.3 The code at **Essential Reference Paper 'B'** is that adopted at the annual meeting in May but with the addition of statutory provisions concerning Disclosable Pecuniary Interests.
- 2.4 **Essential Reference Paper 'C'** contains the standard information narrative that will form part of the agenda lead sheets for meetings of the Authority. The narrative reflects the requirements of the new standards regime in terms of Member interests.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATION

<p>Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i></p>	<p>People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p> <ul style="list-style-type: none"> • Enhance our local community engagement by working together with our partners such as Parish and Town Councils, for the benefit of our communities. • Maintain our core services to a good standard and ensure high satisfaction with the council as measured through the biennial Residents Survey. “
<p>Consultation:</p>	<p>None</p>
<p>Legal:</p>	<p>The legal implications are set out in the report.</p>
<p>Financial:</p>	<p>None</p>
<p>Human Resource:</p>	<p>None</p>
<p>Risk Management:</p>	<p>The Council is required to implement the Localism Act in respect of the new standards regime. The Council is under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members.</p>

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ESSENTIAL REFERENCE PAPER 'B'

Code of Conduct

As a member or co-opted member of East Hertfordshire District Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in East Hertfordshire District Council this will be done as follows:

INTERESTS

1 General

A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

- (a) must not participate in any discussion of the matter at the meeting;
- (b) must not participate in any vote taken on the matter at the meeting;
- (c) must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- (d) if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- (e) must leave the room while any discussion or voting takes place.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

3 Sensitive interests

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the

interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

OTHER

As a Member of East Hertfordshire District Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it

- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

ESSENTIAL REFERENCE PAPER 'C'

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.

3. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.

4. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

5. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)