

Public Document Pack



Chairman and Members of the
Council

Your contact: Martin Ibrahim
Ext: 2173
Date: 15 February
2017

cc. All other recipients of the Council
agenda

Dear Councillor

COUNCIL - 17 FEBRUARY 2016: SUPPLEMENTARY AGENDA NO 1

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

6. Members' questions (Pages 3 - 4)

To receive any Members' questions.

7. Executive Report - 2 February 2016

(A) Budget Report and MTFP 2016/17 – 2019/20_(Pages 5 - 14)

Minute 538 refers – Additional briefing note attached.

8. Development Management Committee: Minutes - 3 February 2016 (Pages 15 - 24)

Chairman: Councillor D Andrews

9. Joint Meeting of Scrutiny Committees: Minutes - 9 February 2016 (Pages 25 - 32)

Chairman: Councillor P Phillips

To consider recommendations on the matter below:

(A) Corporate Strategic Plan 2016/17 - 2019/20

Minute 558 refers

10. Members' Allowances Scheme - Report of the Independent Remuneration Panel (Pages 33 - 56)

To consider a report of the Head of Democratic and Legal Support Services.

11. Motion of Censure (Pages 57 - 116)

To consider a report of the Monitoring Officer.

Please bring these papers with you to the meeting next Wednesday.

Yours faithfully

Martin Ibrahim
Democratic Services Team Leader
Democratic Services
martin.ibrahim@eastherts.gov.uk

MEETING : COUNCIL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 17 FEBRUARY 2016
TIME : 7.00 PM

COUNCIL – 17 FEBRUARY 2016

MEMBERS' QUESTION

Question 1

Councillor N Symonds to ask the Executive Member for Health and Wellbeing:

Would Councillor Buckmaster provide reassurance that our registered social landlords are giving priority to turning round their voids in the shortest possible times, as it is our most vulnerable residents who are suffering?

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EXECUTIVE - MINUTE 538 REFERS

Final 2016-17 Local Government Finance Settlement

BRIEFING NOTE

Changes from Provisional Settlement

The Provisional Local Government Finance Settlement was published on 17 December 2015. This was used as the basis for setting the budget for 2016/17 and the MTFP until 2019/20. Following the publication of the Provisional Settlement the DCLG began a period of consultation on their proposals. East Herts Council submitted a response to the consultation along with 277 other respondents.

The Final Settlement was published on 8 February 2016. Following the consultation a number of changes to the Provisional Settlement have been announced which have an impact on the financial position of East Herts Council. These are:

- Additional Transition Grant funding of £120k in both 2016/17 and 2017/18.
- The limit for all District Councils to increase Council Tax (at Band D equivalent) without triggering a referendum increased to a flat £5 each year from 2016/17, rather than a limit of 1.99%.
- The additional Non Domestic Rates tariff in 2018/19 has been eliminated (a.k.a. Negative RSG).

The 'efficiency savings to be identified' line in the MTFP presented with the original Budget Report (ERP B) can be split into permanent, on-going savings and one-off savings, shown in the table 1 below:

Table 1: Original Budget Report Efficiency Savings

	2016/17 £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	TOTAL £'000
Cumulative Efficiency Savings - MTFP	-	(728)	(1,689)	(1,338)	(1,338)
To be achieved by:					
Efficiency Savings – Permanent	-	(728)	(610)	-	(1,338)
Efficiency Savings – One-off achieved	-	-	(351)	-	(351)
Efficiency Savings – One-off reversed	-	-	-	351	351
Total Efficiency Savings	-	(728)	(961)	351	(1,338)

Therefore, if permanent savings of £1,338k are achieved by 2018/19 no further savings would be required in 2019/20.

The impact of the Transition Grant funding on the efficiency savings is shown in table 2 below:

Table 2: Application of Transition Grant Funding in year of receipt

	2016/17 £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	TOTAL £'000
Cumulative Efficiency Savings - MTFP		(608)	(1,689)	(1,338)	(1,338)
To be achieved by:					
Efficiency Savings – Permanent: Gross	-	(728)	(610)	-	(1,338)
Transition Grant received	-	120	-	-	120
Transition Grant reversed	-	-	(120)	-	(120)
Efficiency Savings – Permanent: Net		(608)	(730)		(1,338)
Efficiency Savings – One-off	-	-	(351)	-	(351)
Efficiency Savings – One-off reversed	-	-	-	351	351
Net Savings to be identified	-	(608)	(1,081)	351	(1,338)
Transition Grant received*	120	-	-	-	-

*In 2016/17 East Herts has a balanced budget and the positive balance shows a surplus rather than an efficiency savings target. This could be used as one-off funding against future efficiency savings.

It is proposed that rather than apply the Transition Grant in the year of receipt it is added to a new earmarked reserve to be used to reduce the amount of one-off savings required in 2018/19. This is illustrated in the table below:

Table 3: Application of Transition Grant funding in 2018/19

	2016/17 £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	TOTAL £'000
Cumulative Efficiency Savings - MTFP	-	(728)	(1,449)	(1,338)	(1,338)
To be achieved by:					
Efficiency Savings – Permanent	-	(728)	(610)	-	(1,338)
Efficiency Savings – One-off: Gross	-	-	(351)	-	(351)
Transition Grant applied	-	-	240	-	240
Efficiency Savings – One-off: Net	-	-	(111)	-	(111)
Efficiency Savings – One-off reversed	-	-	-	111	111
Net Savings to be identified	-	(728)	(721)	111	(1,338)
Transition Grant received*	120	120	-	-	-

* Transition Grant transferred to reserve in 2016/17 and 2017/18 to be applied in 2018/19.

Supplementary ERPs

As a result of the Final Settlement publication, the following ERPs have been amended to reflect the financial impact of the Transition Grant funding described above:

- ERP B: Medium Term Financial Plan
- ERP K: The Council's Reserves Policy and forecast position

Additional Recommendation

There is an additional recommendation for Council to consider at their meeting on 17 February 2016:

(J) That an additional MTFP Transition Funding Reserve is created and the Transition Grant funding received in 2016/17 and 2017/18 is held in this reserve to be used in 2018/19 to reduce the amount of one-off savings required.

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ESSENTIAL REFERENCE PAPER B

REVENUE BUDGET - MEDIUM TERM FINANCIAL PLAN

Summary Model - February 2016

2014/15 Outturn	2015/16	2015/16 Forecast Outturn	2016/17	2017/18	2018/19	2019/20
£'000	£'000	£'000	£'000	£'000	£'000	£'000

Customer and Community Services	6,162	6,401	6,562	6,436	6,628	6,882	7,150
Neighbourhood Services	3,294	3,171	3,346	3,133	3,213	3,321	3,422
Finance and Support Services	5,841	4,904	4,886	4,528	4,376	4,504	4,639
Net Cost of Services	15,297	14,476	14,794	14,097	14,217	14,707	15,211

Financial Planning							
Growth Items	-	654	-	41	55	54	54
Efficiency Savings - Existing plans	-	(107)	-	-	(145)	(145)	(145)
Efficiency savings - to be identified	-	-	-	-	(728)	(1,338)	(1,338)
Efficiency savings (one off) - to be identified	-	-	-	-	-	(111)	-
Fees & Charges	-	-	-	-	(124)	(249)	(376)
Likely Future Changes	-	-	-	-	(119)	70	(183)

Corporate Budgets							
New Homes Bonus Priority Spend	-	357	660	901	820	665	679
NHB Grants to Town & Parish Councils	551	697	699	901	820	665	679
Council Tax Support Scheme	127	-	-	-	-	-	-
Contingency Budget	-	370	41	150	150	150	150
Interest Payments	694	662	662	662	662	662	662
Interest & Investment Income	(741)	(867)	(417)	(902)	(956)	(1,089)	(1,183)
RCCO	-	25	980	25	25	25	25
Pension Fund Deficit Contribution	(88)	600	1,600	600	600	600	600
Net Expenditure	15,841	16,868	19,019	16,474	15,278	14,668	14,835

Reserves							
Contributions to Earmarked Reserves	3,290	144	691	1,227	167	47	47
Contributions from Earmarked Reserves	(625)	(1,831)	(4,274)	(2,153)	(237)	(301)	(150)
Use of General Reserve	(149)	-	(119)	-	-	-	-
Net Expenditure after reserves	18,357	15,181	15,316	15,548	15,208	14,413	14,732

Funding							
Revenue Support Grant	(2,823)	(2,057)	(2,057)	(1,145)	(351)	-	-
Council Tax Freeze Grant	(94)	-	(114)	-	-	-	-
NDR	(2,864)	(1,717)	(1,717)	(1,956)	(1,975)	(1,886)	(1,948)
Section 31 Grants	(1,317)	(1,060)	(1,060)	(712)	(522)	(533)	(548)
(Surplus)/Deficit on Collection Fund	(307)	1,244	1,244	917	149	-	-
Other general grants	(22)	-	(16)	(120)	(120)	-	-
New Homes Bonus	(2,190)	(2,790)	(2,798)	(3,602)	(3,279)	(2,662)	(2,716)
Demand on Collection Fund	8,738	8,800	8,800	8,930	9,109	9,333	9,520

Council Taxbase	55,469	56,425	56,425	57,254	57,827	58,655	59,239
Council Tax at Band D (£)	157.54	155.97	155.97	155.97	157.53	159.11	160.70

Percentage Increase in Council Tax

(1.00%)

(1.00%)

0.00%

1.00%

Page 9 1.00%

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East Herts Council Reserves Policy

1.0 The Council's Reserves Policy

- 1.1 The current Reserves Policy was approved by Council at its meeting in February 2011.
- 1.2 The Policy sets out a maximum and minimum level of General Reserves. There is no maximum or minimum level set for Earmarked Reserves but the Policy states that they generally will be expected to be used within the period of the MTFP.
- 1.3 General reserves are a working balance to manage cash flows and limit the need for temporary borrowing and to provide a contingency for unforeseeable events and emergency spending. Earmarked reserves are set aside for a defined purpose to meet known or predicted future liabilities.
- 1.4 The minimum level of General Reserves to be held under the Policy is £3m: to be specific the sum of the General Fund and General Reserve (less any amount in the Building Control Account) should not normally be less than £3m.
- 1.5 The maximum level of general reserves is based on adding a basket of figures and proportions to give a quantum figure, as follows:

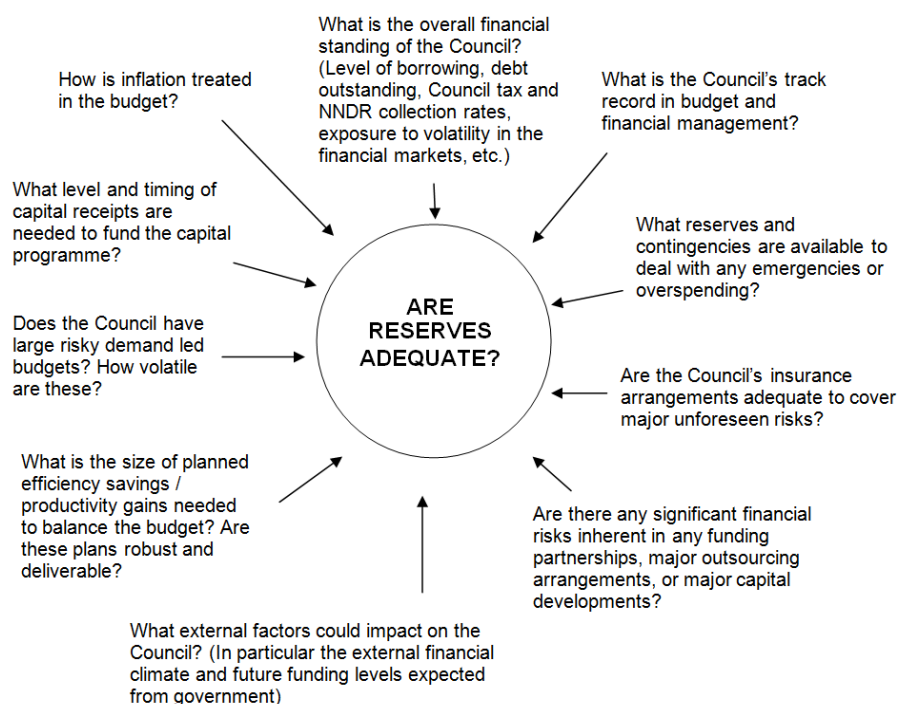
Table 1: Calculation of the maximum level of general reserves to be held

CALCULATION	POSITION AS AT 31/03/15 £m
40% of the budget requirement at start of year (2015/16: £8.800m)	3.520
2.5% of total assets in the last audited financial statements (2014/15: £130.878m)	3.272
The sum of future planned withdrawals and/or contributions to the general reserve in the last approved MTFP	0.000
Less any sum held as an insurance reserve (at 31/03/2015)	(1.010)
TOTAL:	5.782

- 1.6 General Reserves at the end of the 2014/15 financial year stood at £5.167m, £0.615m within the Policy threshold.

2.0 Why Councils need to hold Reserves

- 2.1 Reserves are an essential part of good financial management. They help Councils cope with unpredictable financial pressures, help them smooth the impact of known spending requirements over time, and help to fund any in-year overspending. The level, purpose, and planned use of reserves are important factors for elected Members and council officers to consider in developing medium-term financial plans and setting annual budgets.
- 2.2 There is no set formula for deciding what level of reserves is appropriate and councils are free to determine the level of reserves they hold. Where councils hold very low reserves there may be little resilience to financial shocks and sustained financial challenges. However where reserves are too high there may be opportunity costs involved in holding these reserves (for example a lack of investment in making service changes that could generate better outcomes for residents and/or increased savings or revenue generation for the Council).
- 2.3 The requirement for financial reserves is acknowledged in statute (Local Government Finance Act 1992). Full Council is responsible for approving the level of reserves and the Reserves Policy whilst the Section 151 Officer has a statutory duty to report publically to Council on the adequacy of reserves when calculating the annual budget requirement.
- 2.4 CIPFA issues guidance on reserves and the latest guidance (LAAP Bulletin 99) identifies the issues to consider in determining an appropriate level of reserves as follows:



3.0 Reporting of Reserves

3.1 As a minimum, the annual budget report and the final accounts report will set out opening balances, expected or actual transfers to and from reserves together with closing balances. The Director of Finance and Support Services as S151 officer will comment on the adequacy of reserves in those reports.

3.2 During the year the adequacy of reserves will be reviewed as part of the health check monitoring in the light of any significant budget variances. If the balance on general reserves appears likely to move outside of the minimum boundary the need for corrective action will be considered in the next planned health check report or earlier if the Council's S151 officer so requires.

4.0 Governance arrangements in respect of reserves (extracted from Financial Regulations (3.8))

4.1 In the event of a department underspend the Executive may establish an earmarked reserve and approve appropriations thereto where the purpose of that reserve is to defer expenditure included in a budget (or supplementary budget) approved by the Council where the expenditure in subsequent years will be in respect of the purpose for which the original budget (or supplementary budget) was approved.

4.2 Proposals to appropriate more than £100,000 to a single reserve or more than £500,000 in aggregate in any year beyond sums set out in the Medium Term Financial Plan shall be subject to the prior approval of the Council.

5.0 Current Reserve balances

5.1 Table 2 below summarises the balances currently held in Earmarked Reserves:

Table 2: Forecast Earmarked Reserve Balances

	Balance 31 March 2015 £'000	Forecast 31 March 2016 £'000	Balance 31 March 2017 £'000	Balance 31 March 2018 £'000	Balance 31 March 2019 £'000	Balance 31 March 2020 £'000
GENERAL RESERVES:						
General Fund	3,854	3,854	3,854	3,854	3,854	3,854
General Reserve	1,313	1,194	1,194	1,194	1,194	1,194
EARMARKED RESERVES:						
Interest Equalisation Reserve	1,503	1,203	903	903	903	903
Insurance Fund	1,010	1,136	1,136	1,136	1,136	1,136
Emergency Planning Reserve	37	37	37	37	37	37
LDF/Green Belt Reserve	519	273	83	22	0	0
Housing Condition Survey Reserve	93	64	68	82	96	60
Council Elections Reserve	77	5	32	60	87	15
Sinking fund - Leisure Utilities / Pension Reserve	231	231	231	231	231	231
Performance Reward Grant Reserve	22	9	9	9	9	9
Waste Recycling Income Volatility Reserve	300	300	300	300	300	300
Footbridge Reserve	150	150	150	150	150	150
Transformation Reserve	2,782	2,302	2,339	2,295	2,267	2,267
DCLG Preventing Repossessions	30	25	15	15	15	15
Environmental Pollution	14	14	14	14	14	14
New Homes Bonus Priority Spend	3,816	3,498	4,134	4,951	5,561	6,136
Collection Fund Reserve	1,551	747	130	0	0	0
DEFRA Flood Support	93	0	0	0	0	0
Commercial Property Fund	500	401	401	401	401	401
Pension Fund Additional Contribution Reserve	1,000	0	0	0	0	0
Single Person Homelessness	12	0	0	0	0	0
Neighbourhood Planning	45	45	18	18	18	18
IER	34	34	34	34	34	34
Traffic Regulation Order Consolidation	0	5	0	5	0	5
MTFP Transition Funding Reserve	0	0	120	240	0	0
Total	18,986	15,527	15,202	15,951	16,307	16,779

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 3 FEBRUARY 2016, AT 7.00
PM

PRESENT: Councillor D Andrews (Chairman).
Councillors M Allen, R Brunton, S Bull,
M Freeman, J Goodeve, J Jones, D Oldridge,
T Page, P Ruffles and R Standley.

ALSO PRESENT:

Councillors Mrs R Cheswright, I Devonshire,
P Moore and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Paul Dean	- Principal Planning Enforcement Officer
Nurainatta Katevu	- Property and Planning Lawyer
Peter Mannings	- Democratic Services Officer
Caroline Robins Ella Wright	- Solicitor - Planning Enforcement Officer
Alison Young	- Development Manager

550 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors K Brush, M Casey, J Kaye and K Warnell. It
was noted that Councillors R Brunton, J Goodeve and R
Standley were in attendance as substitutes for Councillors

J Kaye, M Casey and K Warnell respectively.

551 MINUTES – 6 JANUARY 2016

RESOLVED – that the Minutes of the meeting held on 6 January 2016 be confirmed as a correct record and signed by the Chairman.

552 3/15/2197/FUL – DEMOLITION AND REMOVAL OF EXISTING ALLIOTT HOUSE, MEDICAL CENTRE, AND OTHER HARD LANDSCAPING ON THE SITE, AND THE CONSTRUCTION OF 2NO. BOARDING HOUSES AND 1NO. DAY HOUSE; A MIX OF RED BRICK AND TIMBER CLAD BUILDINGS, WITH PITCHED ROOF FORMS, NEW OPEN GREEN SPACE AND ASSOCIATED LANDSCAPE, AND REPLANTING TO THE NORTH BOUNDARY OF THE SITE AT BISHOPS STORTFORD COLLEGE, MAZE GREEN ROAD, BISHOPS STORTFORD FOR BISHOP'S STORTFORD COLLEGE

Mr Cox addressed the Committee in objection to the application. Mrs Hutchinson spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2197/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. Members were advised of the amendments to mitigate the concerns raised on the previous application. Officers considered that the relationships between the proposed development and the surrounding area were acceptable and there had been no objections from statutory consultees. Officers felt that the scheme complimented the character and appearance of the area.

The Head assured Councillor T Page that the standard hours of working condition had been applied on the advice of Environmental Health and no further noise mitigation was considered necessary in this case.

Members were also advised that any noise or disturbance would be best addressed by Environmental Health legislation.

Councillor M Allen proposed and Councillor T Page seconded, a motion that a condition be added stipulating that the development shall only be occupied by the pupils and staff of Bishop's Stortford College. After being put to the meeting and a vote taken, this motion was declared CARRIED.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now amended.

RESOLVED – that in respect of application 3/15/2197/FUL, planning permission be granted subject to the conditions detailed in the report now submitted and the following additional condition:

1. The development hereby permitted shall be occupied only by the pupils and staff of Bishop's Stortford College.

Reason: To protect the amenities of adjacent residents in accordance with policy ENV1 of the East Herts Local Plan second review April 2007.

553 3/15/1691/OUT – OUTLINE PLANNING APPLICATION FOR A DEVELOPMENT OF UP TO 8 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT POINTS OF ACCESS ONTO GREEN END (B1368) AT LAND EAST OF GREEN END FARM, GREEN END, BRAUGHING FOR THE FAIRFIELD PARTNERSHIP

Parish Councillor Boylan addressed the Committee in objection to the application. Mr Atton spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/1691/OUT, outline

planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history, including the changes made since the previous refusal.

The Committee was advised that the application constituted sustainable development and Members were reminded that the National Planning Policy Framework (NPPF) stipulated that applications should be granted unless there would be significant and demonstrable harm that would outweigh the housing need. There were no highways safety concerns and Officers considered the application to be acceptable subject to the conditions detailed in the report.

In reply to comments from Councillors S Bull and J Jones, the Head confirmed that condition 6 covered archaeological matters. Members were advised that the site was located in flood zone 1 which was the lowest of the flood risk zones and there would not normally be such a significant level of detail on sustainable drainage measures considering that this was not a major application.

The Head advised that some Sustainable Urban Drainage System (SuDS) measures had been proposed as with the previous scheme and this would be the responsibility of the developer and then normally a management company. The Authority had not previously objected on the grounds of flood risk and more information would be available when the reserved matters application was submitted.

Members were advised that the Landscape Officer no longer objected to the application and Officers had attached a condition that the ridge heights on the western portion of the site should not exceed 8 metres above the existing ground level. The Head confirmed that the infrastructure impact would be small and Officers had not sought a Section 106 legal agreement due to the size of

the scheme.

The Head confirmed to Councillor P Ruffles that Officers would have a dialogue with the Landscape Officer, the Conservation Officer and the applicant at the reserved matters stage in light of Members' concerns and the condition regarding the maximum ridge height of 8 metres.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/1691/OUT, outline planning permission be granted subject to the conditions detailed in the report now submitted.

554 3/15/1952/FUL – ERECTION OF THREE DETACHED DWELLINGS, GARAGES AND ACCESS ROAD AT LAND AT THE OLD STATION YARD, WINDMILL WAY, MUCH HADHAM, SG10 6BN FOR SWING LTD

Mr Turton addressed the Committee in objection to the application. Mrs Styles spoke for the application. Councillor I Devonshire, as the local ward Member, addressed the Committee in respect of a number of issues and concerns regarding the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/1952/FUL, planning permission be granted subject to the conditions detailed in the report now submitted. Members were referred to the additional representations summary for an amended condition regarding land contamination issues.

The Head summarised the application and advised that the site was just outside a category 1 village but was adjacent to the village meaning that the application was a sustainable form of development. Members were again reminded that the National Planning Policy Framework (NPPF) stipulated that applications should be granted

unless there would be significant and demonstrable harm that would outweigh the housing need.

The Head stated that there would be no significant harm to the character and appearance of the area and there would be no adverse impacts in terms of highways, ecology and neighbour amenity, subject to the conditions detailed in the report.

Officers had received legal advice regarding an outstanding Section 52 legal agreement on the basis that this related to an earlier outline application where planning permission had not been implemented and had therefore expired. This agreement was not enforceable and was therefore not a material planning consideration.

In response to Members' comments, the Head stated that either Station Road or Windmill Way could be used for access, although the traffic from 3 additional houses would not be significant. Members were reminded that this application could not be expected to mitigate the pre-existing poor condition of the highway.

The Head of Planning stressed that most of the mature category A trees would be retained as would an area of mature planting on the boundaries of the site. This was good in terms of mitigating the visual impact of the development as well as providing a corridor for the protected species.

The Property and Planning Lawyer confirmed that the Section 52 agreement had been signed but had not been implemented. This agreement had been superseded by a subsequently implemented planning permission and it would therefore be unreasonable for the Authority to attempt to enforce the Section 52 agreement. The 1971 Town and Country Planning Act had been superseded by the 1990 Act which had in turn been superseded by more recent legislation and the NPPF.

The Head confirmed that bats tended to forage across the site and follow hedgerow boundaries and condition 13 in

the report would ensure that the protected species were looked after.

Councillor J Jones proposed and Councillor S Bull seconded, a motion that application 3/15/1952/FUL be deferred to facilitate further consultation with the applicant regarding the ecology issues in respect of bats and roman snails and also with the Council's Arboricultural Officer regarding the trees.

After being put to the meeting and a vote taken, this motion was declared LOST. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/1952/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

555 E/13/0099/B – UNAUTHORISED ADVERTISEMENTS
ATTACHED TO A GRADE II BUILDING AT CAFÉ ROUGE, 1-
3 PARLIAMENT SQUARE, HERTFORD, HERTS, SG14 1EX

The Head of Planning and Building Control recommended that in respect of the site relating to E/13/0099/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Head of Planning and Building Control's recommendation for enforcement action to be authorised in respect of the site relating to E/13/0099/B on the basis now detailed.

RESOLVED – that in respect of E/13/0099/B, the Head of Planning and Building Control, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

556 BISHOP'S STORTFORD NORTH, ASR5 UPDATE

The Head of Planning and Building Control submitted a report updating Members in relation to the development proposals at the Bishop's Stortford North ASR5 site and the outstanding planning application determination.

The Solicitor reminded Members that ASR5, Bishop's Stortford North, had been the subject of two applications one of which was the subject of an appeal to the planning inspectorate. The other application had been approved and the Section 106 agreement had to be concluded significantly in advance of the appeal inquiry date.

Members were advised that in order to submit evidence by the deadline of 15 March 2016 for the appeal inquiry due to start on 12 April 2016, preparatory work would commence on 15 February 2016. If the Section 106 agreement was not concluded and resulted in this work being aborted then the Council could be vulnerable to a successful claim for costs.

Councillor T Page commented that two Bishop's Stortford Members had not been consulted regarding the Section 106 legal agreement, as agreed by the Committee on 18 August 2015. He believed that such consultation should be carried out before a decision was reached by Members.

The Head responded to a number of other queries from Members. The Committee agreed that recommendation (A) of the report now submitted, would be subject to consultation with the Chairman of the Development Management Committee, the Executive Member for Development Management and Council Support, as well as any two Members who represented Bishop's Stortford wards and who were members of this Committee.

The Committee accepted the recommendations of the Head of Planning and Building Control as now amended.

RESOLVED – that (A) subject to consultation with

the Chairman of the Development Management Committee, the Executive Member for Development Management and Council Support, as well as any two Members who represented Bishop's Stortford wards and who were members of this Committee, the Head of Planning and Building Control be authorised to undertake all necessary and appropriate actions on behalf of the Council in relation to any case to be submitted to the outstanding appeal inquiry, in order to ensure that any risk of exposure to a claim for costs against it was minimised; and

(B) subject to all planning mitigation obligations being secured in line with the resolution of this Committee at its meeting of 18 August 2015, the actions detailed in (A) above can, if required, allow a unilateral obligation to be accepted in relation to matters currently being dealt with in an agreement to which the County Council was party.

557 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged; and
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 8.55 pm

Chairman

Date

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MINUTES OF A MEETING OF THE
JOINT MEETING OF SCRUTINY
COMMITTEES HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 9 FEBRUARY 2016, AT 7.00 PM

PRESENT: Councillor P Phillips (Chairman).
Councillors D Abbott, A Alder, M Allen,
P Ballam, R Brunton, S Bull, M Casey,
K Crofton, G Cutting, H Drake, M Freeman,
J Goodeve, R Henson, Mrs D Hollebon,
J Jones, P Moore, T Page, M Pope, S Reed,
Snowdon, M Stevenson, N Symonds,
K Warnell and J Wyllie.

ALSO PRESENT:

Councillors D Andrews, E Buckmaster,
L Haysey, G Jones, G McAndrew, P Ruffles,
S Rutland-Barsby and G Williamson.

OFFICERS IN ATTENDANCE:

Claire Bennett	- Manager of Housing Services
Ryan Brock	- NGDP Graduate Trainee
Cliff Cardoza	- Head of Environmental Services
Philip Gregory	- Head of Strategic Finance
Marian Langley	- Scrutiny Officer
Peter Mannings	- Democratic Services Officer
Will O'Neill	- Head of Communications, Engagement and Cultural Services
Ceri Pettit	- Corporate Planning and Performance

Paul Pullin	Manager - Economic Development Manager
Kevin Steptoe	- Head of Planning and Building Control Services
Su Tarran	- Head of Revenues and Benefits Shared Service
Adele Taylor	- Director of Finance and Support Services
Liz Watts	- Chief Executive
Ben Wood	- Head of Business Development

558 CORPORATE STRATEGIC PLAN 2016/17 – 2019/20

The Executive Member for Finance and Support Services submitted a report that presented a draft of the Council's Corporate Strategic Plan which outlined its priorities for the next four years (2016/17 – 2019/20) and the key outcomes it was looking to achieve.

In response to a query from Councillor M Pope, the Head of Planning and Building Control defined the meaning of an Urban Design Study. The Executive Member for Development Management and Council Support stated that she was not aware of any plans for an Urban Design Study for Ware in support of vibrant town centres.

The Executive Member confirmed to Councillor M Pope that Hertford Town Council had identified a number of aspirations for the town which had resulted in the Hertford Urban Design Study.

The Chairman commented on why the savings that were detailed in the Medium Term Financial Plan were

not included in the Corporate Strategic Plan. The Executive Member for Finance and Support Services confirmed that there was a significant amount of ongoing work that went into ensuring a balanced budget in support of the Corporate Strategic Plan for the period from 2017/18 onwards.

Members received the report and supported the recommendation now detailed.

RECOMMENDED – that (A) the report be received; and

(B) the draft 2016/17 – 2019/20 Corporate Strategic Plan, as now submitted, be approved.

559 **APPOINTMENT OF CHAIRMAN**

It was proposed by Councillor Mrs D Hollebon and seconded by Councillor J Wyllie that Councillor P Phillips be appointed Chairman for the joint meeting.

RESOLVED – that Councillor P Phillips be appointed Chairman for the joint meeting.

560 **APOLOGIES**

Apologies for absence were submitted on behalf of Councillors K Brush, J Cartwright, J Kaye, D Oldridge and R Standley.

561 **MINUTES – 19 JANUARY 2016**

RESOLVED – that the Minutes of the joint meeting held on 19 January 2016 be confirmed as a correct record and signed by the Chairman.

562 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed the press and public to the meeting. He also welcomed the Executive and Heads of Service.

563 2016/17 – 2019/20 SERVICE PLANS

The Executive Member for Finance and Support Services submitted a report that outlined the key service plan activity the Council intended to undertake between 2016/17 – 2019/20. The Service Plans sat underneath the Corporate Strategic Plan and were the result of a new integrated finance and business planning process, which had begun in the summer of 2015.

The Head of Business Development advised that the Service Plans contained more detail than the public facing Corporate Strategic Plan. He confirmed that the Service Plans supported the aspirations and content of the Corporate Strategic Plan.

The Head of Business Development emphasised that the Corporate Strategic Plan had only contained information of interest and relevance to the public. He concluded that new priorities would inevitably emerge and the Service Plans would consequently be revisited each year.

The Head of Revenues and Benefits Shared Service confirmed to Councillor N Symonds that the transition into universal credit had commenced on 1 February 2016 with a completion of the first phase by the end of March 2017.

Councillor K Warnell was given clarification regarding the delivery of a modern car park management system. He was assured that this issue had been reported to the Executive and there would still be a system similar to RingGo.

Councillor P Moore commented on whether the Scrutiny Chairs could be included on Executive away days. The Leader summarised what occurred on Executive away days in that ideas were considered in line with the corporate priorities and straplines of the Authority.

The Leader stated that East Herts needed to be more focused as a Council and she indicated that consideration

could be given to inviting the Scrutiny Chairs to join the Executive on future away days. The Head of Business Development summarised what had occurred at the budget workshops that had taken place in October 2015.

The Chief Executive responded to Members' comments by summarising the definition of a Business Improvement District. She referred to a meeting with Town Clerks and a pilot project before this concept would be rolled out more widely in East Herts. She assured Councillor J Jones that this concept would be the subject of substantial consultation.

The Chief Executive advised that many companies were building houses and research was needed to ascertain the best way to secure new housing for East Herts. She confirmed that once the research stage was complete, reports would be brought before Members for their consideration.

Councillor C Snowdon expressed concern that mental health had not been included in the Service Plans as part of the Health and Wellbeing agenda. The Executive Member for Health and Wellbeing stated that Councillor P Moore was the Council's mental health champion and mental health would very likely be included in the Health and Wellbeing Strategy.

The Leader assured Councillor M Pope that football pitch provision was being looked at as part of the Bishop's Stortford sports review. She referred to the Bishop's Stortford North Strategy that was being funded via Section 106 money.

The Manager of Housing Services confirmed to Councillor M Pope that the Authority wanted to review the current and future use of temporary accommodation to ensure the Council made the best use of the temporary accommodation available to it, avoids bottlenecks in the process and had sufficient provision to meet future demands.

Members received the report and supported the recommendation now detailed.

RESOLVED – that (A) the report be received; and

(B) the Executive be advised that the joint meeting of Scrutiny Committees supports the approval of the 2016/17 – 2019/20 Service Plans, key actions and performance indicators as detailed in Essential Reference Paper ‘B’ of the report submitted.

564 ECONOMIC DEVELOPMENT VISION AND ACTION PLAN
2016/17 – 2019/20

The Executive Member for Economic Development submitted a report inviting Members to support the Economic Development Vision for East Herts. The Executive Member stated that this document would be considered by the Executive on 8 March 2016 as the Authority did not currently have an up to date strategy.

Members were reminded that Economic Development was not a large department and the pragmatic reality was that only a small number of issues could be addressed by Officers. One particular focus was the Council becoming responsible for business rates from 2020.

Following a comment from Councillor M Freeman regarding slowing growth in East Herts in recent years, the Executive Member emphasised that East Herts was well placed in terms of employment in that there were not many residents who wanted to work who were unable to do so.

The Head of Business Development confirmed to Councillor J Wyllie that the Council did everything possible to avoid the aspirations of residents being hampered by red tape. He also advised that the Authority had to be more conscious of all the surrounding areas in terms of the populations coming into East Herts.

The Executive Member for Economic Development and the Economic Development Manager responded to a comment from Councillor N Symonds regarding the importance of incubation space for business start-ups in East Herts.

The Executive Member for Finance and Support Services responded to an observation from Councillor M Pope. Members received the report and supported the recommendation now detailed.

RESOLVED – that (A) the report be received; and

(B) the Executive be advised that the joint meeting of Scrutiny Committees supports the approval of the Economic Development Vision and Action Plan 2016/17 – 2019/20.

The meeting closed at 7.50 pm

Chairman

Date

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EAST HERTS COUNCIL

COUNCIL – 17 FEBRUARY 2016

REPORT BY HEAD OF DEMOCRATIC AND LEGAL SUPPORT SERVICES

MEMBERS' ALLOWANCES 2016/17

WARD(S) AFFECTED: All

Purpose/Summary of Report

- To report the recommendations of the Council's Independent Remuneration Panel (IRP) following its review of Members' Allowances.

<u>RECOMMENDATIONS:</u> that (A) Members' Allowances for 2016/17 be, and

(B) officers be authorised to recruit and appoint three people to fill the vacancies on the Authority's Independent Remuneration Panel before the commencement of its work to review and make recommendations on members' allowances for 2017/18.
--

1.0 Background

1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 requires each principal local authority to establish an Independent Remuneration Panel (IRP) to submit recommendations on its Members' Allowances.

1.2 Council established its current IRP at its meeting held on 8 December 2010. It determined that the size of the Panel should be 9 members and appointed the following individuals:

Mrs N Burdett, Mr P Boylan, Mr B C Engel, Mr D Filer, Mr C Harris, Miss C Lofthouse, Mr D McNeill, Mrs S Newton and Mr J Pool.

1.3 Mr D McNeil resigned from the Panel on 5 October 2011. Council agreed to reduce the size of the Panel from 9 to 8 Members at its

February 2012 meeting. Subsequently, another Panel Member (Mr C Harris) died before the Panel commenced its deliberations during the 2012/13 civic year. Council at its February 2013 meeting agreed to reduce the size of the Panel again from 8 to 7 Members. Prior to the commencement of the review of allowances for 2014/15, Panel Member Miss C Lofthouse resigned. Council at its February 2014 meeting agreed to reduce the size of the Panel again from 7 to 6 Members.

- 1.4 Prior to the commencement of the review of allowances for 2015/16, Panel Member Mr D Filer resigned. On completion of the review and finalisation of recommendations for allowances for 2016/17, Panel Member Bernard Engel confirmed his resignation.
- 1.5 Regulations prescribe that an IRP shall consist of at least three members.
- 1.6 Council, at its meeting on 18 February 2015 agreed that the size of the Independent Remuneration Panel be increased from 6 to 7 members, with existing appointees being retained and Officers being authorised to fill the two vacancies. Following confirmation that all of the then remaining Panel members would continue in their roles it was determined not to progress work to fill the vacancies at that time.
- 1.7 There are now three vacancies on the Panel. It is recommended that officers now progress filling all three vacancies in time for the commencement of the next review in Autumn 2016.

2.0 Report

- 2.1 Before a local Authority makes, or amends, a Members' Allowances Scheme it shall have regard to the recommendations made by its IRP.
- 2.2 The Council's IRP's report and recommendations on Members' Allowances for 2016/17 can be found at **Essential Reference Paper 'B'**.
- 2.3 Council is invited to consider the IRP's recommendations before determining a Members' Allowances scheme for 2016/17.

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

Contact Officer/ Report Author:

Jeff Hughes – Head of Democratic and Legal
Support Services – ext 2170
jeff.hughes@eastherts.gov.uk

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ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives for 2015/16:	<p>People <i>Deliver strong and relevant services.</i></p> <p>Prosperity <i>Deliver cost effective services.</i></p>
Consultation:	None.
Legal:	The Authority is required, before the beginning of each year, to make a scheme for the payment of specified allowances. Before making a scheme, the Authority shall have regard to the recommendations made to it by its IRP.
Financial:	<p>The Panel recommendation, if accepted, would have no significant financial implications.</p> <p>The additional cost of increasing the SRA for the Chair of the Health and Wellbeing Committee is £1.2k per annum.</p> <p>A 1.0% increase on 2015/16 allowance levels, for illustrative purposes, equates to a cost of approximately £3.9k.</p>
Human Resource:	None
Risk Management:	See legal implications above.
Health and Wellbeing:	None

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**INDEPENDENT RENUMERATION PANEL REPORT TO
EAST HERTFORDSHIRE DISTRICT COUNCIL – FEBRUARY 2016**

RECOMMENDATIONS FOR MEMBERS' ALLOWANCES FOR 2016/17

- 1.0 Preliminary
- 1.1 The Independent Remuneration Panel (IRP), established by East Herts District Council (the Council) under the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003, has undertaken a review of the Members' Allowances Scheme.
- 1.2 The regulations require that: *"Before an authority...makes or amends a scheme, the authority shall have regard to the recommendations made in relation to it by an independent remuneration panel"*.
- 1.3 This report has been prepared in accordance with the extant regulations to enable the Council to meet its statutory responsibilities when reviewing or amending its Scheme of Allowances for 2016/17.
- 1.4 The scope of the review was to determine what changes, if any, needed to be recommended to the current Members' Allowances scheme which includes:
- (a) the councillors' basic allowance;
 - (b) the special responsibility allowance (SRA) (paid to councillors who have extra responsibilities, e.g. executive members or committee chairmen);
 - (c) child care and dependant care allowances;
 - (d) travel and subsistence payments and the circumstances under which they are paid, and
 - (e) whether councillors should be able to opt into the Local Government Pension Scheme.

- 1.5 Presently, the entire Council is formed by 50 councillors all from the Conservative political group.
- 1.6 The decision making structure and the roles of councillors are largely unchanged since the last review (save that the Health and Wellbeing Panel is now a full scrutiny committee).
- 1.7 The IRP met on 1 October and 2 November 2015.
- 1.8 The following evidence was considered:
- (a) interview (02.11.15) with the Leader of the Council in which she reminded the Panel that Members still faced the challenges of a changing and increasing work load of ward councillors as community leaders and the challenges posed by housing growth and the health agenda; the Leader highlighted the relatively strong financial position of the Authority but it still faced financial pressures; the Leader suggested that any increase be modest and in-line with any staff annual pay award
 - (b) financial picture for the Council from 2015/16 to 2019/20: Briefing Note (26.10.15) prepared by the Director of Finance and Support Services confirming that the Council has a healthy reserves position; information was awaited on the Authority's funding position following the Government's Comprehensive Spending Review; it was noted that the Chancellor had indicated that non-protected departments should expect cuts of 25 to 40% within the current Parliament.
 - (c) the policy requiring members to access ICT systems using their own equipment and improved ICT support arrangements for members.
 - (d) a summary of allowances paid to Council members for the seven years from 2008/09 to 2014/15 (see Appendix II), and
 - (e) benchmark data on a basic and special responsibility allowances (see Appendix III) for the ten Hertfordshire borough/district councils.

2.0 Allowances

- 2.1 There is a statutory requirement for all councillors to be paid a Basic Allowance. This allowance is intended to recognise the time commitment of all councillors including inevitable calls on their time such as council/committee meetings, constituent business, working with constituent groups and attendance at political group meetings. It is also intended to cover incidental costs such as the use of a member's home. SRAs are payable to those councillors who have significant additional responsibilities.
- 2.2 The Panel recalled that the Department for Communities and Local Government (December 2012) declared that "Councillors should be volunteers, not the bankrolled staff of the municipal state". Many people who care for the communities in which they live (Scout or Guides leaders, school governors, parish councillors, sports team organisers and many others) have been voluntarily giving of their time and skills for years.
- 2.3 It further recalled that Clive Betts MP, Chair of the Communities and Local Government Committee (February 2013) said that "If councillors are to be unpaid volunteers, the pool (of potential councillors) is going to be even smaller. It is clear that remuneration, along with time commitment and the attitude of employers, is one of the key barriers preventing people standing for election. People are put off becoming councillors because the money does not adequately compensate them for the work involved, and, in the case of councillors in employment, they may lose more from taking time off work than they receive in allowances. As localism, with increased local responsibilities, makes the job more complex and demanding, the workload on a councillor will become greater and the case for appropriate allowances stronger."
- 2.4 The Panel considered the balance between increasing the allowance in order to make the role more accessible to a wider (and younger) pool of talent against the fact that local government was facing further budget cuts thus increasing the amount of money due to elected councillors could not be justified. It also took account that the current intake of councillors were elected in May 2015.

2.5 In 2014/15 the total cost of the scheme for all allowances at the Council was £392,874.75. This figure includes all basic and special responsibility allowances paid, as well as travel and subsistence and the consolidation within the Basic Allowance of the IT expense payment (£424/year per member); it does not include employer's NI contributions.

3.0 Background

3.1 The Panel recognised that national research demonstrated that the demands made of councillors continue to increase, as does the time commitment expected from them. There was more partnership working and elected members needed to find different ways of engaging with communities they represented. The new localism agenda had an impact on councillors' workloads and ward councillors faced new challenges from housing growth and the health agenda. 'E'-mails had greatly increased not only the accessibility of councillors, but also the pressures upon them. A more demanding electorate expected immediate responses from its councillors. It was difficult to combine senior responsibility on a council with a 'normal' job. The Panel further recognised that political parties found it increasingly difficult to recruit able people who were available and willing to serve as councillors. There is a general shortage of young people among councillors. It noted however, that at the May 2015 local council elections, there were more candidates seeking election than at the previous elections in 2011. It also noted the age profile of the current elected members (with the overwhelming majority being aged between 51 and 70).

3.2 The Government-appointed Councillors' Commission observed in 2007, following the report of Sir Michael Lyons, 'there is a strong view that councillors generally are poorly rewarded for the work that they do'. The Commission took the view (which the Panel shares) that 'allowances should be set at a level that enables people to undertake the role of councillor while not acting as an incentive to do so. Allowances are not shown by polls to be something which influences councillors to take on the role, though they are instrumental in making it possible for some people to do so. If it is important that there are no financial incentives to being a councillor, it is equally important that there should not be a financial disincentive. 'Members' allowances are important in enabling a wider body of people to serve as councillors.'

- 3.3 Members' allowances are by no means commensurate with their responsibilities and the hours of service required: they are considerably discounted for the public service element of the job.

4.0 Basic allowance

- 4.1 Extracts from guidance produced by the Department for Communities and Local Government on this issue include:

"10. The basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes.

68. It is important that some element of the work of members continues to be voluntary – that some hours are not remunerated. This must be balanced against the need to ensure that financial loss is not suffered by elected members, and further to ensure that, despite the input required, people are encouraged to come forward as elected members and that their service to the community is retained."

- 4.1.1 The Basic Allowance in East Herts was cut for 2010/11 by 10% (£528) from £5,274 (the average of the basic allowance for the three years 2007/08, 2008/09 and 2009/10) and was maintained at this lower level for each of the 3 years to 2013/14 (subject to the consolidation into the basic allowance of the IT contribution (£35/month)). The IRP recommended, and members accepted the recommendation, to increase the basic allowance by 1% to £5,218 for 2014/15.

- 4.1.2 The Panel reviewed this figure and how it was calculated.

4.2 Hourly rate basis:

- 4.2.1 It is difficult to assess the number of hours members spend on council business as the workload of members varies considerably. The average hours per week spent on Council and political business by a ward member disclosed by the responses to a previous (pre-election) questionnaire was 17½ hours.

4.2.2 In the LGA census 2013, which surveyed councillors in England, councillors (around 40% responded) reported spending an average of 25.1 hours per week** on council and group/ party business (compared to between 22.0 hours and 22.7 hours in 2004–2010). When broken down, it can be seen that councillors spent the majority of this time on council business (20.8 hours on average) and a much smaller proportion of time on group/party business (4.3 hours on average); councillors in 'shire districts' such as East Herts spend an average of 20.6 hours a week on Council and political business. (** Over half of those who responded to the census held leading responsibilities (e.g. leader, deputy leader, executive member, chairman of major committees) which may attract an SRA in addition to a basic allowance; the average of 25.1 hours per week becomes an average of 28.0 hours per week for those with one or more leading positions and 21.5 hours per week for those without.)

4.3 Benchmarking basis:

4.3.1 As identified by the external auditors (2008/09), benchmarking should be one of the pieces of information used in reviewing the level of members' allowances. Benchmark data (Appendix III) relating to members' allowances in the 10 borough/district councils in Hertfordshire shows basic allowances for 2015/16 ranging from £4,500 (North Herts) to £7,353 (Stevenage), with an average of £5,487. The basic allowance payable to East Herts (the largest district geographically, with the third largest population) councillors (£5,218) is below this average.

4.4 Review of Basic Allowance

4.4.1 In reviewing what level of Basic Allowance should be recommended to the members for 2015/16, the IRP considered whether there should be:

- 'no change';
- an increase of 1.5% (£78), being the assumption in the Council's Medium Term Financial Plan for staff pay award;
- an increase in line with the staff pay award identified by the Chancellor in his budget statement of 1%

5.0 Special Responsibility Allowances

- 5.1 There are a number of approaches to calculating SRAs and, according to the paper by the Councillors' Commission on Members' Remuneration (2007), the 'multiplier approach' is the most popular. This formulaic approach is at times criticised as introducing an element of undue and artificial rigidity into the system, but this method has the advantage of being understandable, simple and transparent. The IRP continues to support the 'multiplier approach'. In assessing the multiplier that should be applied to calculate the SRAs, the IRP has had regard to the leadership skills required and the time commitment necessary effectively to provide such leadership, as well as appropriate benchmarking against other authorities.
- 5.2 The IRP noted that, following the May 2015 elections, the Council largely reconstituted its previous decision making structure save that the Health and Wellbeing Panel was made a full scrutiny committee. The Chairman of the Panel received a Basic Responsibility Allowance based on a multiplier of 0.5 (of the Basic Allowance less £424). As the terms of reference for the Health and Wellbeing Scrutiny Panel and the role of its Chairman were in line with the roles of the chairmen of the Community and Environment Scrutiny Committees, the Panel considered that the SRA multiplier for this role should be the same i.e. 0.75. It further agreed to recommend that this multiplier (and therefore SRA for this role) should apply from the day after the May 2015 Annual Council meeting.
- 5.3 Subject to the recommended change identified in the preceding paragraph, all other existing multipliers (and therefore Special Responsibility Allowance levels) should be retained for 2016/17.

6.0 Childcare and Dependant Care Allowances

- 6.1 A care allowance is payable to any member who incurs expenditure on the care of young children and/or dependant relatives in order to perform their duties as a councillor.
- 6.2 The following amounts may be claimed for councillors attending approved duties:
- (a) childcare - maximum of £9.00 per hour, and

(b) dependant care - maximum of £10.15 per hour.

6.3 Specialist care for a dependant is known to be more expensive than childcare. Council supported the IRP proposal last year that the dependant care allowance be increased to £10.15 per hour, or the sum paid, whichever is the lesser. No change is recommended in respect of both child care and dependant care allowances.

7.0 Travel and Subsistence Payments

7.1 The following allowances are available:

(a) mileage allowance to cover the cost of the use of councillor's own vehicle (motor car, bicycle) for council business;

(b) public transport expenses (including the use of taxis for short journeys where public transport is inconvenient); and

(c) subsistence allowances (breakfast, lunch, tea and/or evening meal and overnight accommodation) in the case of an absence from the usual place of residence.

7.2 The existing subsistence allowances, effective from 1st January 2008, are the same as those for Council employees; it is understood that these rates will rise for staff in 2016/17. Accordingly, it is recommended by the IRP that the rates of subsistence allowances payable to councillors be the same as those paid to staff as detailed below with effect from 1 April 2016:

		2016/17 (£)	2015/16 (£)
Breakfast	Before 7 am	7.21	6.45
Lunch	Between noon and 2.30 pm	9.95	8.91
Tea	Between 2.30 pm and 7 pm	3.94	3.52
Evening meal*	After 7 pm	12.33	11.03

*Note: Evening meal allowance cannot be claimed with tea allowance.

8.0 Local Government Pension Scheme

8.1 No Members are admitted to the Local Government Pension Scheme.

9.0 Considerations

9.1 In conducting its review, the IRP also took account of the following factors:

- (a) the prevailing economic climate and the Chancellor's Autumn Statement;
- (b) the issues and deliberations of the IRP during its last review and the acceptance by the Council of the IRP's recommendations for the 2015/16 Members' Allowances Scheme;
- (c) the provisions of the Localism Act 2011, and new challenges impacting on members' workloads;
- (d) issues concerning attracting demographically representative candidates to stand for election as councillors and also political leadership succession planning;
- (e) setting allowances at levels that reflected the time and work needed to undertake the duties and responsibilities of a member of the Council, including those roles that attract SRAs, but also recognising the interests of Council Tax payers;
- (f) previous levels of members' allowances for the Council, and
- (g) current inflation levels.

10.0 Conclusions

10.1 Albeit heavily discounted for the 'voluntary service principle', the IRP accepted the guidance that the basic allowance was intended to recognise the time commitment of councillors and the need to take a view on the rate at which, and the number of hours for which, councillors ought to be remunerated. The IRP has concluded that the public sector savings revealed in the

Chancellor's Autumn statement precludes an increase to the basic and (therefore) Special Responsibility Allowances for East Herts Councillors in 2016/17.

- 10.2 No changes are recommended to the multipliers applied to the basic allowance, to determine the SRAs, save for that in respect of the Chairman of the Health and Wellbeing Scrutiny Committee.
- 10.3 No changes are proposed to the Travel and Subsistence Allowances not the childcare and dependant carer allowances.
- 10.5 The schedule of proposed members' allowances recommended as payable by the IRP from 1 April 2016 is attached as Appendix I.

11.0 The Independent Remuneration Panel

- 11.1 The following individuals formed the IRP undertaking the review of Members' Allowances:

Peter Boylan (Chairman), Nicola Burdett, Bernard Engel, Sally Newton, Jonathan Pool.

- 11.2 The IRP received administrative support from the Head of Democratic and Legal Support Services.

12.0 Recommendation that:

the allowance levels within the 2015/16 scheme be retained for 2016/17 (1 April 2016 to 31 March 2017) save that:

- (A) the multiplier to obtain the Special Responsibility Allowance for the Chairman of the Health and Wellbeing Scrutiny Committee be increased from 0.5 to 0.75 and that the revised multiplier be applied from the day after the Annual Council meeting in 2015 (i.e. 21 May), and**
- (B) the subsistence rates be as follows:**

ESSENTIAL REFERENCE PAPER 'B'

2016/17 (£)		
Breakfast	Before 7 am	7.21
Lunch	Between noon and 2.30 pm	9.95
Tea	Between 2.30 pm and 7 pm	3.94
Evening meal*	After 7 pm	12.33

***Note: Evening meal allowance cannot be claimed with tea allowance.**

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For the year	1 April 2016 to 31 March 2017 (proposed)		APPENDIX I 1 April 2015 to 31 March 2016 (actual)	
	Multiplier	£	Multiplier	£
Basic Allowance		5,218.00 **		5,218.00 **
** includes consolidation of Communications Allowance		£424		£424
Special Responsibility Allowances				
Leader of the Council	4.00	19,176.00	4.00	19,176.00
Deputy Leader	2.50	11,985.00	2.50	11,985.00
Executive member	2.00	9,588.00	2.00	9,588.00
Committee Chairman				
Development Management	1.50	7,191.00	1.50	7,191.00
Committee Chairmen				
Corporate Business Scrutiny	1.25	5,992.50	1.25	5,992.50
Licensing	1.25	5,992.50	1.25	5,992.50
Committee Chairmen				
Audit	1.00	4,794.00	1.00	4,794.00
Human resources	1.00	4,794.00	1.00	4,794.00
Committee Chairmen				
Community Scrutiny	0.75	3,595.50	0.75	3,595.50
Environment Scrutiny	0.75	3,595.50	0.75	3,595.50
Leader of a minority political group	0.10 x basic allowance (less £424**) x number of members		0.10 x basic allowance (less £424**) x number of members	
Chairman of Health and Well Being Scrutiny	0.75	3,595.50	0.50	2,397.00
Development control committee Member		270.00		270.00
Mileage allowance				
Motor Vehicles	45p per mile for the first 50 miles of a (return) journey and thereafter 25p per mile		45p per mile for the first 50 miles of a (return) journey and thereafter 25p per mile	
Bicycles	20p per mile		20p per mile	
Public transport (including use of taxis for short journeys where public transport is not convenient)	Reimbursement of actual cost or ordinary standard fare, whichever is the lesser upon production of a receipt		Reimbursement of actual cost or ordinary standard fare, whichever is the lesser upon production of a receipt	
Childcare allowance	£9.00 per hour or the actual sum paid, whichever is the lesser		£9.00 per hour or the actual sum paid, whichever is the lesser	
Dependant Care allowance	£10.15 per hour or the actual sum paid, whichever is the lesser		£10.15 per hour or the actual sum paid, whichever is the lesser	
Travel and Subsistence Allowance in the case of an absence not involving an absence overnight from the usual place of residence:				
before 7.00am	Breakfast*	7.21		6.45
between 12 noon and 2.30 pm	Lunch*	9.95		8.91
between 2.30pm and 7 pm	Tea*	3.94		3.52
after 7 pm	Evening Meal*	12.33		11.03
* Not claimable where refreshments have been provided at the meeting/event attended				
in the case of an absence involving an absence overnight from the usual place of residence	The actual cost of overnight accommodation and, where meals are not included, subsistence allowance as detailed above		The actual cost of overnight accommodation and, where meals are not included, subsistence allowance as detailed above	

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Year	2014/15	2013/14	2012/13	2011/12	2010/11	2009/10	2008/09
	£	£	£	£	£	£	£
Basic Allowances	260,017.29 **	256,121.70 **	253,627.02 **	236,513.38	234,899.72	250,134.39	270,228.00
SRAs	121,686.48	119,147.81	112,098.63	112,117.79	156,956.45	166,163.39	178,848.22
Travel & subsistence	7,390.88	8,479.82	10,155.53	9,001.01	10,622.81	14,591.92	13,956.97
TOTALS	<u>389,094.65 #</u>	<u>383,749.33 #</u>	<u>375,881.18 #</u>	<u>357,632.18 *</u>	<u>402,478.98 *</u>	<u>430,889.70 *</u>	<u>463,033.19 *</u>

* excluding Communications Allowances, Employer's National Insurance Contributions'

** including consolidation of Communications Allowances - 2014/15 & 2013/14 £424 (2012/13 £420) per Councillor

excluding Employer's National Insurance Contributions

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Council	East Herts	Broxbourne	Dacorum	Hertsmere	Watford	St Albans	Stevenage	Three Rivers	Welwyn/ Hatfield	North Herts
<i>Councillors</i>	50	30 *	51	39	36	58	39	39 **	48	49
<i>Population**</i>	137,700	93,600	144,800	100,000	90,300	140,600	84,000	87,300	110,500	127,100
<i>Electorate</i>	104,944	70,302	110,926	76,285	69,227	106,169	64,657	68,509	80,961	98,507
<i>** Office for National Statistics, 2011 Census</i>			<i>* from May 2012 - previously 38</i>			<i>** from May 2015 - previously 48</i>				
2015/16	n/c	+ 1%	n/c	+ 2.2% *	n/c	n/c	+ 2.2%	n/c	+ 2.2%	n/c
Basic Allowance	£5,218	£4,590	£4,951	£5,555	£7,209 ^	£5,535	£7,353	£5,051	£4,912	£4,500
including IT Contribution	£424							£470		
<i>* indexed from 2013/14</i>					<i>^ Quadrennial review covering 2014-2018</i>					
2014/15										
Basic Allowance	£5,218	£4,545	£4,951	£5,465	£7,209	£5,535	£7,195	£5,051	£4,790	£4,500
including IT Contribution	£424			inc. parking/data protection £50		£325		£470		
Totals: Basic Allowances	£260,017	£146,093 ^	£251,785	£213,718	£253,805	£314,610	£278,541	£205,949	£230,442	£219,088
SRAs	£121,686	£87,144	£123,746	£117,131	£103,633 *	£94,774	£140,872	£61,517	£98,961	£108,855
TOTAL ALLOWANCES	£381,704	£233,238	£375,530	£330,849	£357,439	£409,384	£419,413	£267,466	£329,402	£327,943
Total allowances per Councillor	£7,634	£7,775	£7,363	£8,483	£9,929	£7,058	£10,754	£5,572	£6,863	£6,693
Spend per Resident	£2.77	£2.49 13 months ^	£2.59	£3.31	£3.96 ##	£2.91	£4.99	£3.06	£2.98	£2.58
excluding IT Contribution				£5,119	£144 per councillor					
* excluding Mayor					£65,738					
^ excluding pensions paid		£6,196								
2013/14										
Basic Allowance	£5,167	£4,100	£4,951	£5,435	£7,209	£5,535	£7,195	£5,051	£4,790	£4,500
including IT Contribution	£420			inc. parking/data protection £50		£325		£470		
Totals: Basic Allowances	£256,122	£123,001	£251,505	£211,487	£254,035	£321,030	£277,952	£224,205	£229,453	£214,539
SRAs	£119,148	£64,968	£120,498	£116,897	£88,511 *	£96,913	£142,945	£61,517	£105,829	£109,311
TOTAL ALLOWANCES	£375,270	£187,970	£372,003	£328,384	£342,546	£417,943	£420,897	£285,723	£335,282	£323,850
Total allowances per Councillor	£7,505	£6,266	£7,294	£8,420	£9,515	£7,206	£10,792	£7,326	£6,985	£6,609
Spend per Resident	£2.73	£2.01	£2.57	£3.28	£3.79	£2.97	£5.01	£3.27	£3.03	£2.55
excluding IT Contribution		£400 per councillor		£5,119	£144 per councillor					
* excluding Mayor					£65,738					
^ excluding pensions paid		£6,419 ^								

Council	East Herts	Broxbourne	Dacorum	Hertsmere	Watford	St Albans	Stevenage	Three Rivers	Welwyn/ Hatfield	North Herts
2012/13										
Basic Allowance <i>including IT Contribution</i>	£5,167 £420	£4,100	£4,951	£5,435 <i>inc. parking/data protection £50</i>	£7,209	£5,535 £325	£7,124	£5,051 £470	£4,758	£4,500
Totals: Basic Allowances	£253,627	£126,507	£250,791	£211,227	£254,342	£320,569	£276,306	£240,772	£228,467	£213,409
SRAs	£112,099	£64,795	£132,371	£126,930	£93,311 *	£91,767	£157,624	£65,457	£104,639	£107,859
TOTAL ALLOWANCES	£365,726	£191,302	£383,161	£338,157	£347,653	£412,336	£433,930	£306,229	£333,106	£321,268
Total allowances per Councillor	£7,315	£6,377	£7,513	£8,671	£9,657	£7,109	£11,126	£7,852	£6,940	£6,556
Spend per Resident	£2.66	£2.04	£2.65	£3.38	£3.85	£2.93	£5.17	£3.51	£3.01	£2.53
<i>excluding IT Contribution</i>		£400 per councillor		£4,845						
<i>* excluding Mayor</i>					£65,738					
2011/12										
Basic Allowance	£4,747	£4,100	£4,951	£5,435 <i>inc. parking/data protection £50</i>	£7,209	£5,210	£6,767	£4,581	£4,758	£4,500
Totals: Basic Allowances	£236,513	£154,559	£255,492	£212,831	£257,052	£301,027	£264,561	£219,793	£227,693	£211,609
SRAs	£112,118	£63,881	£131,034	£110,623	£71,335 *	£97,459	£176,391	£70,706	£109,627	£105,399
TOTAL ALLOWANCES	£348,631	£218,440	£386,526	£323,454	£328,387	£398,485	£440,952	£290,500	£337,320	£317,009
Total allowances per Councillor	£6,973	£5,904	£7,579	£8,294	£9,122	£6,870	£11,306	£7,449	£7,028	£6,470
Spend per Resident	£2.53	£2.33	£2.67	£3.23	£3.64	£2.83	£5.25	£3.33	£3.05	£2.49
<i>excluding IT Contribution</i>	£21,000			£4,773		£18,850		£20,227		
<i>* excluding Mayor</i>					£65,738					
2010/11										
Basic Allowance	£4,747	£4,100	£4,951	£5,435 <i>inc. parking/data protection £50</i>	£7,209	£5,210	£7,124	£5,090	£4,758	£3,798
Totals: Basic Allowances	£234,900	£155,802	£249,184	£208,824	£256,754	£301,027	£275,309	£244,313	£227,362	£178,874
SRAs	£154,583	£73,760	£130,288	£114,522	£94,103 *	£117,407	£195,165	£76,060	£108,842	£105,399
TOTAL ALLOWANCES	£389,483	£229,561	£379,472	£323,346	£350,858	£418,434	£470,474	£320,373	£336,203	£284,273
Total allowances per Councillor	£7,790	£6,204	£7,441	£8,291	£9,746	£7,214	£12,063	£8,215	£7,004	£5,801
Spend per Resident	£2.83	£2.45	£2.62	£3.23	£3.89	£2.98	£5.60	£3.67	£3.04	£2.24
<i>excluding IT Contribution</i>	£21,000			£6,633		£18,850		£20,247		
<i>* excluding Mayor</i>					£65,738					

EAST HERTS COUNCIL

COUNCIL – 17 FEBRUARY 2016

REPORT BY THE MONITORING OFFICER

MOTION OF CENSURE

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- Standards Sub-Committee, at its meeting held on 28 January 2016, considered a report by the Investigating Officer which concluded that Councillor J Cartwright had breached the Authority's Code of Conduct in relation to the matters identified. The Standards Sub-Committee decided that the Member had failed to comply with the Code and decided that formal censure by motion was appropriate.*

<u>RECOMMENDATION FOR COUNCIL:</u>	
(A)	that Councillor James Cartwright be censured for his conduct in respect of the matter detailed by the Investigating Officer in his report to the Standards Sub-Committee meeting of 28 January 2016.

1.0 Background

- 1.1 The report to the Standards Sub-Committee including the Investigating Officer's report is contained in **Essential Reference Paper 'B'**.

2.0 Report

- 2.1 The Council has agreed a procedure for considering complaints (**Essential Reference Paper 'B'**)

3.0 Investigating Officer's Report

3.1 An investigating officer was appointed to carry out an investigation. Following the investigation, the Investigating Officer concluded that, in all the circumstances of this case, there has been a failure to comply with the Members' Code of Conduct.

3.2 The Investigating Officer concluded that Councillor Cartwright's conduct failed to comply with the Code in that the comment he made on twitter on 29 October 2015 failed to treat those involved with respect.

3.3 The Sub-Committee considered the following actions:

- A formal letter to the Councillor found to have breached the code;
- Formal censure by motion;
- Removal by the authority of the Member from Committee(s) subject to statutory and constitutional requirements;
- Press release or other appropriate publicity;
- Request an apology by the Member

3.4 The Sub-Committee resolved as follows:

- Council be invited to pass a formal motion of censure against Councillor J Cartwright, and
- Councillor Cartwright be required to attend social media training provided by the Authority within one month of the date of the Standards Sub-Committee meeting (i.e. by 28 February 2016) and that should you fail to do so the Council's Conservative Political Group, of which you are a member, be requested to remove you from any seats you have been appointed to on committees in accordance with the wishes of that political group until such time as the required training had been satisfactorily concluded.

4.0 Implications/Consultations

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

Background Papers

None

Contact Officer: Jeff Hughes – Monitoring Officer, Ext 2170
jeff.hughes@eastherts.gov.uk

Report Author: Jeff Hughes

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	<i>People</i> This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	None
Legal:	The procedures are in accordance with the regulations.
Financial:	None
Human Resource:	None
Risk Management:	The case should be determined in accordance with the regulations having regard to the relevant guidance.
Health and Wellbeing:	None

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EAST HERTS COUNCIL

STANDARDS SUB-COMMITTEE – 28 JANUARY 2016

REPORT BY MONITORING OFFICER

COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR
J CARTWRIGHT

WARD(S) AFFECTED: PUCKERIDGE

Purpose/Summary of Report

- To consider a code of conduct complaint in respect of District Councillor J Cartwright.

1.0 Background

- 1.1 The Monitoring Officer received a complaint alleging that District Councillor J Cartwright breached the Council's Code of Conduct.

2.0 Report

- 2.1 Council has agreed a procedure for considering complaints.

- 2.2 In accordance with that procedure, the Sub-Committee, at its meeting held on 24 November 2015, considered the complaint and determined to refer it for investigation.

- 2.3 The Monitoring Officer appointed an Investigating Officer.

- 2.4 The Investigating Officer's report can be found at **Essential Reference Paper 'C'**. A copy of this report has been sent to both the subject member and the complainant.

3.0 Investigating Officer's Report

- 3.1 The Investigating Officer has concluded that, in all the circumstances of this case, there has been a failure to comply with the Members' Code of Conduct.

- 3.2 The Investigating Officer highlights that the facts of the case were not disputed. They centred on twitter comments by Councillor Cartwright directed at two individuals.

- 3.3 The Investigating Officer took account of Councillor Cartwright's mitigating comments – as detailed in paragraph 5.3 of his report.
- 3.4 The allegation falls within the Code of Conduct, the relevant terms of which are noted at paragraph 3 as follows:

Always treating people with respect, including the organisations and public I engage with and those I work alongside.

- 3.5 The Investigation officer concludes that Cllr Cartwright's conduct failed to comply with the Members' Code of Conduct in that the comment he made on twitter on 29 October 2015 failed to treat those involved in the twitter exchange with respect.

4.0 Recommended action

- 4.1 In relation to the finding of a breach the Sub-committee must hold a hearing (see **Essential Reference Paper 'B'** in preceding agenda item for hearing procedure). The Investigating Officer will be in attendance at this meeting to present his report and the subject member will have the opportunity to present his case.

- 4.1 In so far the report makes a finding of breach, if, after a hearing, that finding is upheld by the Standards Sub-Committee, it will consider the following actions:

- A formal letter to the Councillor found to have breached the code;
- Formal censure by motion;
- Removal by the authority of the Member from Committee(s) subject to statutory and constitutional requirements;
- Press release or other appropriate publicity;
- Request an apology by the Member

5.0 Implications/Consultations

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

Contact Officer/
Report Author:

Jeff Hughes – Monitoring Officer – 01279 655261
jeff.hughes@eastherts.gov.uk

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	<i>People</i> This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	The Independent Person has been consulted.
Legal:	The procedures are in accordance with relevant legislation.
Financial:	None
Human Resource:	None
Risk Management:	The case should be determined in accordance with the legislation having regard to the relevant guidance.

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Complaints Procedure

1.0 Context

- 1.1 These “Arrangements” set out how you may make a complaint that an elected or co-opted Member of this authority (or of a Town or Parish council within its area) has failed to comply with the Councillors’ Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the Councillors’ Code of Conduct.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the authority (or of a Town or Parish council within the authority’s area), or of a Committee or Sub-Committee of the authority, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the authority to appoint at least 1 Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a Member (or a Member or co-opted Member of a Town or Parish council) against whom an allegation has been made.

2.0 The Code of Conduct

- 2.1 The Council has adopted a Code of Conduct for Councillors, which is available for inspection on the authority’s website and on request from Reception at the Council Offices.
- 2.2 Each Town and Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Town or Parish Council’s Code of Conduct, you should inspect any website operated by the Town or Parish Council and request the Town or Parish Clerk to allow you to inspect the Town or Parish Council’s Code of Conduct.

3.0 Making a complaint

- 3.1 If you wish to make a complaint, please write or email to:

The Deputy Monitoring Officer - Jeff Hughes
East Herts Council
Council Offices
Wallfields

Pegs Lane
Hertford
SG13 8EQ

Tel: 01279 655261

- 3.2 The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the system in respect of complaints of Member misconduct.
- 3.3 In order to ensure that the Council has all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from the Reception at the Council Offices.
- 3.4 Please provide the Council with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent.
- 3.5 The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.
- 3.7 The Complaints Procedure Flowchart is annexed at Appendix 1 for your assistance. The Council will endeavour to deal with a complaint within 3 months.

4.0 Will your complaint be investigated?

- 4.1 The Monitoring Officer will review every complaint received and, may consult with the Independent Person before referring it to the Standards Sub-Committee
- 4.2 This decision will normally be taken within 28 working days of receipt of your complaint. Your complaint will be considered in accordance with the

Assessment Criteria annexed at Appendix 2. The Standards Sub-Committee will make a recommendation as to whether the complaint should be investigated. Where the Sub-Committee requires additional information in order to come to a decision, the Monitoring Officer may come back to you for such information, and may request information from the Member against whom your complaint is directed. Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Town or Parish Council before submitting it to the Sub-Committee.

- 4.3 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the Member or the authority make a reasonable offer of informal resolution, but you are not willing to accept the offer, the Sub-Committee will take account of this in deciding whether the complaint merits further investigation.
- 4.4 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

5.0 How is the investigation conducted?

- 5.1 The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix 3 to these arrangements.
- 5.2 If the Council decides that a complaint merits further investigation, the Council may appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer or Monitoring Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen, and who needs to be interviewed.
- 5.3 The Investigating Officer or Monitoring Officer will normally write to the Member against whom you have complained and provide him/her with a copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the

complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

5.4 At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a draft report ("the Investigation Report") and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

5.5 Having received and taken account of any comments which you may make on the draft Investigation Report. Where an Investigating Officer has been appointed the Investigating Officer will send his/her final report to the Monitoring Officer.

6.0 What happens if the Investigating Officer or Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

6.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned and to the Town or Parish Council, where your complaint relates to a Parish Councillor, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigation Final Report. The Monitoring Officer will then report to the Standards Sub-Committee which will make a decision based on the report.

6.2 If an Investigating Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7.0 What happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

7.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing before the Standards Sub-Committee and in consultation with the Independent Person seek an informal resolution.

7.1.1 Informal Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you may consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee and the Town or Parish Council for information, but will take no further action.

7.1.2 Hearing

If the Monitoring Officer considers that informal resolution is not appropriate, or the Councillor concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigation Report to the Sub-Committee which may conduct a hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for hearing complaints, which is attached as Appendix 4 to these arrangements.

At the hearing, the Investigating Officer or the Monitoring Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the Member did fail to comply with

the Code of Conduct, the Chairman will inform the Member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should recommend as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the Member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8.0 What action can the Standards Sub-Committee take where a Member has failed to comply with the Code of Conduct?

8.1 The Sub-Committee may decide to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub-Committee may consider:-

- 8.2 i. A formal letter to the Councillor found to have breached the code;
- ii. Formal censure by motion;
- iii. Removal by the authority of the Member from Committee(s) subject to statutory and constitutional requirements;
- iv. Press release or other appropriate publicity;

8.3 The Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

9.0 What happens at the end of the hearing?

9.1 At the end of the hearing, the Chairman will state the decision of the Standards Sub-Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to take.

9.2 The Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Sub Committee, and send a copy to you, to the Member and to the Town or Parish Council, making that decision notice available for public inspection.

10.0 Who are the Standards Sub-Committee?

10.1 It is a Sub-Committee comprising Independent Members.

10.2 If the Councillor complained about is a member of a Town or Parish Council a Town or Parish Councillor who is a member of the Standards Committee will also be invited to attend the Sub-Committee.

- 10.3 The Independent Person is invited to attend all meetings of the Sub-Committee and their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11.0 Who is the Independent Person?

- 11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the Members of Council.

- 11.2 A person cannot be "independent" if he/she:

11.2.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;

11.2.2 *(Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area), or*

11.2.3 Is a relative or close friend, of a person within paragraph 11.2.1 or 11.2.2 above. For this purpose, a "relative" means:

11.2.3.1 Spouse or civil partner;

11.2.3.2 Living with the other person as husband and wife or as if they were civil partners;

11.2.3.3 Grandparent of the other person;

11.2.3.4 A lineal descendent of a grandparent of the other person;

11.2.3.5 A parent, sibling or child of a person within paragraphs 11.2.3.1 or 11.2.3.2; or

11.2.3.6 A spouse or civil partner of a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5; or

11.2.3.7 Living with a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5 as husband and wife or as if they were civil partners.

12.0 Revision of these arrangements

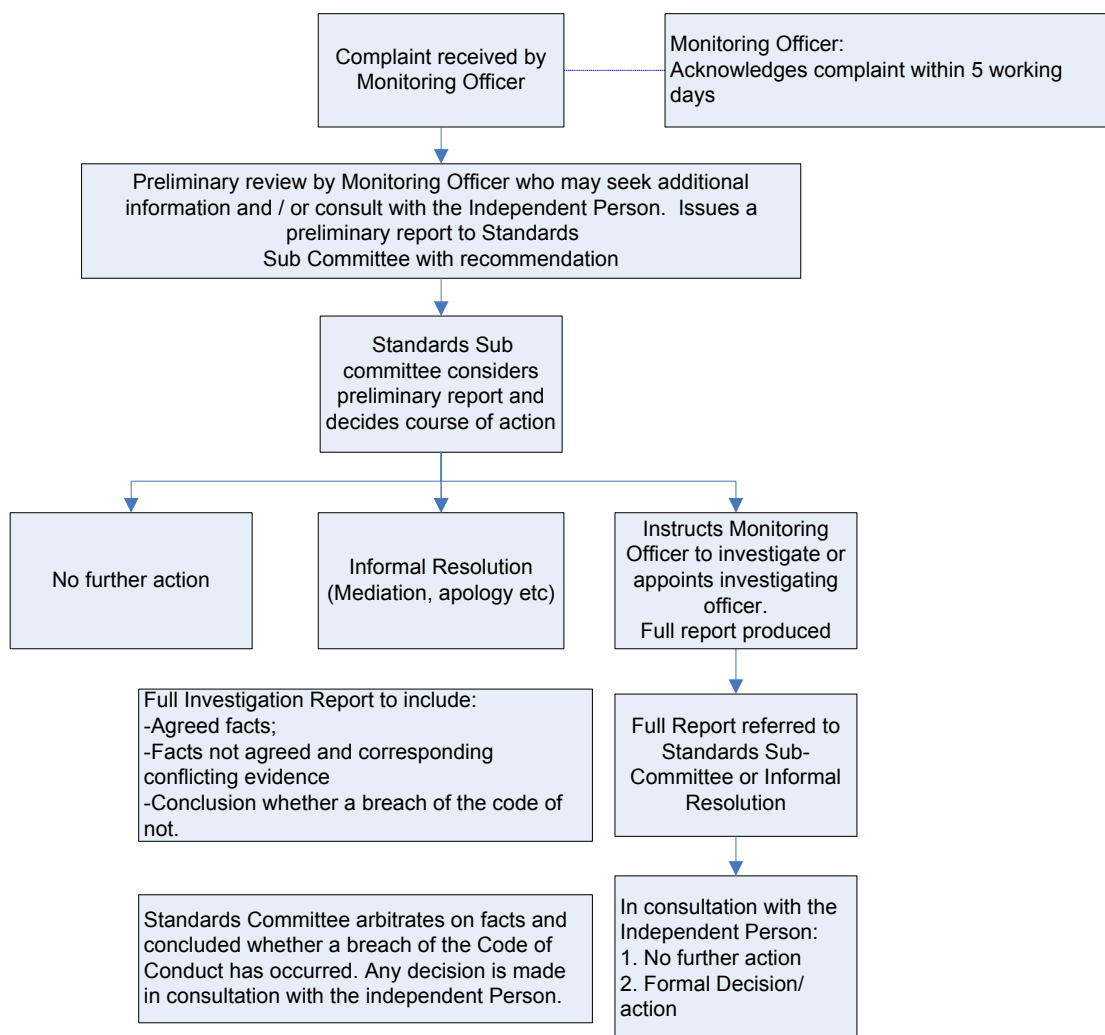
The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13.0 Appeals

- 13.1 There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or of the Sub-Committee.
- 13.2 If you feel that the authority has failed to deal with your complaint properly, you can make a complaint to the Local Government Ombudsman.

APPENDIX 1

Complaints Procedure Flowchart



Preliminary tests:

Potential breach of the code?

What to do with it?

Assessment of public interest?

Decision within 28 working days of receipt

Or seek additional information as required prior to making a decision.

Independent Persons is consulted

Complaints which would not normally be referred for investigation:

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is "tit-for-tat" or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor's private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for referral; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Council; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
11. Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction.

APPENDIX 2

STANDARDS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

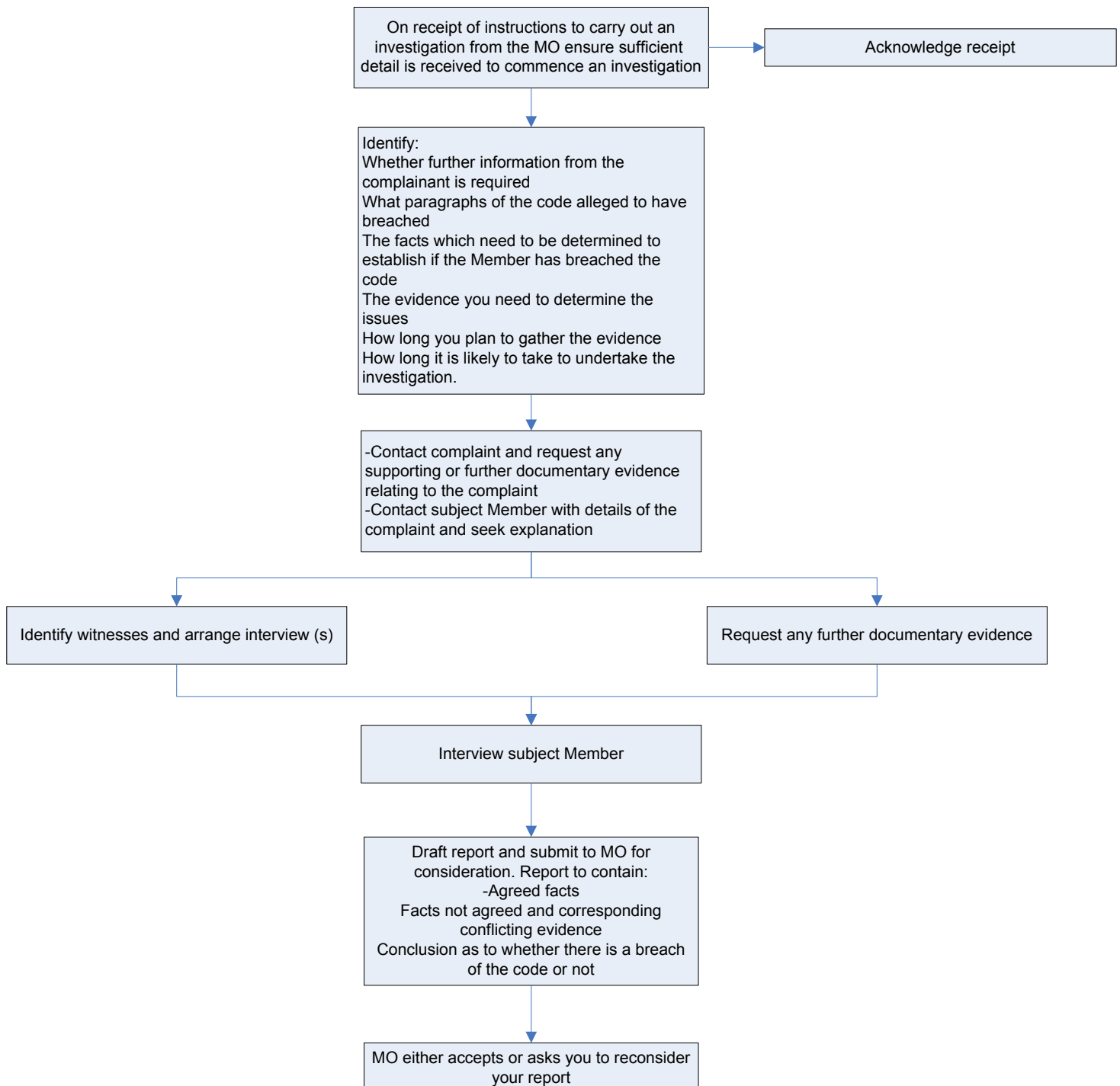
1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. it is about someone who is no longer a Councillor
5. There is insufficient information available for a referral; or
6. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
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8. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Council; or
9. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
10. Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

APPENDIX 3

STANDARDS COMPLAINTS INVESTIGATION PROCEDURE

You should maintain a written record to demonstrate what was considered at the start of each investigation and plan how you intend to carry out the investigation, the paragraphs of the code that may have been breached, the facts you need to determine to establish, the evidence you will need, how you plan to gather the evidence and how long it will take to conclude your investigation. Remember there is no provision in the Localism Act 2011 for co-operation with your investigation.

A written Investigation Report will need to be prepared for consideration by the Council's Monitoring Officer.



Appendix 4

Complaints Standards Sub-Committee Procedure

<u>Item No.</u>	<u>Procedure</u>
1	<p><u>Quorum</u></p> <p>1.1. Three Members must be present throughout the hearing to form a quorum.</p> <p>1.2. The Sub-Committee shall elect a Chairman for the meeting</p>
2	<p><u>Opening</u></p> <p>2.1 The Chairman explains the procedure for the hearing and reminds all parties to turn off mobile phones.</p> <p>2.2 The Chairman asks all present to introduce themselves</p> <p>2.3 The Councillor will be asked whether they wish to briefly outline their position</p>
3	<p><u>The Complaint</u></p> <p>3.1 The Investigating Officer shall be invited to present their report including any documentary evidence or other material (and to call witnesses as required by the Investigating Officer). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed.</p> <p>3.2 The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer. (This is the Councillor's opportunity to ask questions arising from the Investigator's report and not to make a statement)</p> <p>3.3 Members of the Sub-Committee may question the Investigating Officer upon the content of their report and/or any witnesses called by the Investigating Officer</p>
4	<p><u>The Councillor's case</u></p> <p>4.1 The Councillor against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Councillor or their representative)</p>

	<p>4.2 The Investigating Officer may question the Councillor and/or any witnesses</p> <p>4.3 Members of the Sub-Committee may question the Member and/or any witnesses</p>
5	<p><u>Summing Up</u></p> <p>5.1 The Investigating Officer may sum up the Complaint</p> <p>5.2 The Member (or their representative) may sum up their case.</p>
6	<p><u>Decision</u></p> <p>6.1 Members of the Sub-Committee will deliberate in private to consider the complaint in consultation with the Independent Person prior to reaching a decision</p> <p>6.2 Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:-</p> <p>6.2.1 The Sub-Committee decides that the Member has failed to follow the Code of Conduct or</p> <p>6.2.2 The Sub-Committee decides that the Member has not failed to follow the Code of Conduct</p> <p>6.2.3 The Sub-Committee will give reasons for their decision</p> <p>6.3 If the Sub-Committee decides that the Member has failed to follow the Code of Conduct the Panel will consider any representations from the Investigator and/or the Member as to:</p> <p>6.3.1 Whether any action should be taken and</p> <p>6.3.2 What form any action should take</p> <p>6.4 The Sub-Committee will then deliberate in private to consider what action if any should be taken in consultation with the Independent Person</p> <p>6.5 On the Sub-Committee's return the Chairman will announce the Sub-Committee's decision (in relation to a Parish Councillor a recommendation to the Parish Council)</p> <p>6.6 The Sub-Committee will consider whether it should make any recommendations to the Council or in relation to a Parish Councillor to the Parish Council with a view to promoting high standards of conduct among Members.</p>

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PRIVATE AND CONFIDENTIAL

Final Report

East Hertfordshire District Council

**REPORT OF AN INVESTIGATION INTO Alleged Breach of the Members
Code of Conduct by George Robertson appointed by Monitoring Officer
for East Hertfordshire District Council INTO ALLEGATIONS
CONCERNING COUNCILLOR J CARTWRIGHT**

DATE: 12 January 2016

CONTENTS

- 1. Executive Summary**
- 2. Councillor Cartwrights official details**
- 3. The relevant legislation and protocols**
- 4. The evidence gathered**
- 5. Summary of material facts**
- 6. Reasoning as to whether there have been failures to comply with the Code of Conduct**
- 7. Finding**

Appendix A Schedule of evidence taken into account

1 Executive summary

1.1 Allegations

The complaint is that that Councillor J Cartwright breached the Members Code when making comments on his twitter account on the 29th October 2015 referring to a number of individuals as ‘thick’ and ‘illiterate’. It is alleged that the Councillors behaviour breached the requirement to ‘always treat people with respect’.

I have investigated the complaint made and in doing so have reviewed the evidence produced by the complainant and the responses provided by Councillor Cartwright.

1.2 Finding

My finding is that there has been a breach of the Members Code of Conduct.

2 Councillor J Cartwright’s official details

2.1 Elected to District Council in May 2015. Chairman of Standon Parish Council

2.2 Serves on Corporate Business Scrutiny and Audit Committees.

3. The relevant legislation and protocols

The relevant clause in the Members Code is contained in Clause 3 Other – ‘Always treating people with respect, including the organisations and public I engage with and those I work alongside.’

4. The evidence gathered

4.1 I have taken account of the written evidence of the complainant Adrian McNeece and the responses from Councillor Cartwright

5. Summary of the material facts

5.1 The facts forming the background to the complaint are to a large extent not in dispute. The complainant refers to comments made by Councillor James Cartwright on his twitter account made at 15.19 hrs on 29 October 2015 namely ‘[@davebromage@ScotRamsay@StortSkeptic@galdam](#) 27% no religion, [#thick](#) and [# illiterate](#) “.

5.2 The comment was made during exchanges on twitter following consideration of a motion proposed by the complainant and former Councillor Adrian McNeece to discontinue Christian prayers prior to meetings of the District Council. The comment appears to be aimed at a number of individuals including journalist Mr Dave Bromage, and Mr Scot Ramsey.

5.3 Councillor Cartwright does not dispute the content of the tweet nor that it was aimed at Mr Bromage and Mr Ramsey nor indeed that he intended to accuse them of being 'thick' and 'illiterate'. In his defence Councillor Cartwright points to a stream of abusive comment directed at local members following the defeat of the motion to end prayers. He claims;

' My comments were directed at three members of the public (only) who were providing deeply offensive remarks aimed at myself and ALL EH councillors involved in the vote regarding prayers .

In defending the words used he claims;

' I have apologised to any other person / member of the public who were misled by these three trouble makers in making it appear as if the hash-tags I used (#Pathetic #Illiterate and #Thick) were directed at atheists in general. They were clearly not, but at these three individuals only.

In the context of these exchanges, these three descriptions were factually accurate and appropriate descriptions of these individuals.

#Pathetic - dictionary definition - miserably inadequate (or feeble, woeful, sorry, poor, pitiful, lamentable, deplorable, miserable, wretched, contemptible, despicable, inadequate, meagre, paltry, insufficient, negligible, insubstantial, unsatisfactory, worthless)

I maintain many of these attributes were accurate when considering the attitude of these three people towards myself and fellow councillors, especially the ones highlighted by myself above

#Illiterate - you will notice in one of the tweets they used the word "there" meaning "they are" and they failed to acknowledge many of the arguments I put forward, dictionary definition is "unable to read or write"

#Thick (in this context) meaning "of low intelligence, stupid" - when presented some factual statistics they repeatedly added up the numbers incorrectly to augment their case."

5.4 I have attempted to discover in the interest of fairness the abusive tweets referred to by Councillor Cartwright and confirmed with him that he has no record of any such abusive material originating from those

individuals which he has characterised as 'thick', 'illiterate' and 'pathetic'.

6 Reasoning as to whether there have been failures or not to comply with the Code of Conduct

6.1 I must now consider whether by his actions Councillor Cartwright failed to comply with the Members Code of Conduct.

6.2 The term Cllr used by Councillor Cartwright on his twitter account when describing himself and the nature of the twitter discussion make it clear that Councillor Cartwright was acting as a representative of the Council when using twitter in these exchanges. The Member Code of Conduct and in particular the requirement to 'treat people with respect' applies to the exchanges that took place following the vote on the motion to cease prayers. For disrespect to be shown the comments made have to be such that, when viewed objectively they are considered to be a personal attack or slight on an individual, or individuals.

6.3 Provocation which might explain the use of language such as 'thick' or 'illiterate' in exchanges between members of the public cannot excuse such use by Councillors. The Members Code requires a higher standard of behavior on the part of Councillors.

6.4 The attempt to justify the use of such language by reference to dictionary definitions is not helpful. Even if the language used were accurate it can nevertheless be disrespectful.

6.5 I understand that Councillor Cartwright did not attend the Members training session on social media. This is regrettable. A brief review of examples of Guidance to Members on line on the subject of the dangers of social media discloses warnings such as 'Don't enter in to unhelpful online arguments; remember all of your followers and friends will be witnessing this on line .Ignore people or block them if they persist in vexatious comment'.

One mans vexatious comment is another's reasonable comment and Members need to avoid being drawn in to heated exchanges on social media during which the quality of comment deteriorates.

7 Finding

7.1 My finding in all the circumstances of this case is that there has been a failure to comply with the Members Code in that the comment made on twitter on the 29 October 2015 failed to treat those involved in the twitter exchange with respect.

Appendix A

Schedule of evidence taken into account

Case No:

Core documents

Doc No	Description
1	Allegation
2	Relevant E mails
3	Members Code



COMPLAINT FORM : CODE OF CONDUCT FOR MEMBERS

A. Your details

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

Title:	Mr
First name:	Adrian
Last name:	McNeece
Address:	<div style="background-color: black; width: 100%; height: 100%;"></div>
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	2 November 2015

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people may see this form:

- Monitoring Officer of the Council
- Standards Committee members
- Council's Independent Person(s)
- The subject member(s)
- the Parish Clerk (if applicable)

If you have serious concerns about your name and a summary, or details of your complaint being released, please complete **Section C** of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

EAST HERTFORDSHIRE DISTRICT COUNCIL

Please tell us which complainant type best describes you:

- ☒ A member of the public
- ☐ An elected or co-opted Member of the Council
- ☐ An independent member of a Standards Committee
- ☐ A Member of Parliament
- ☐ A Monitoring Officer
- ☐ Other council employee, contractor or agent of the Council
- ☐ Other ()

2. Equality Monitoring Form - please fill in the attached form.

B. Making your complaint

3. Please provide us with the name of the Member(s) you believe have breached the Council's Code of Conduct:

Title	First name	Last name
Cllr	James	Cartwright

4. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

It is also important that you provide all the evidence you wish to have taken into account. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.

EAST HERTFORDSHIRE DISTRICT COUNCIL

- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

I am complaining about Cllr James Cartwright's comments on his Twitter account page made at 15.19hrs on 29 October 2015. Specifically, he published a tweet stating;

"@davebromage @ScotRamsay @StortSkeptic @galdam 27% no religion. #thick and #illiterate"

His comments were inappropriate to members of the public, and he has treated non-religious members of the public with a cavalier lack of respect. His comments suggesting that people of no religion are **thick** and **illiterate** could not be designed to be more offensive or discriminating. He has shocked and offended myself and others who hold secular or atheist views.

His comments came less than 24 hours after the council defeated a motion to end the saying of prayers (Christian) by the council on council premises. Given that the council defeated the motion by 42 votes to 5, prompting my resignation as a councillor. I view Cllr Cartwright's comments to be provocative, offensive and disrespectful. His comments were made at a very sensitive time, following a debate on the exclusion of religious observance at East Herts District council.

I was offended, and other residents of East Herts were offended. I would be happy to provide names, and contact details if necessary. However I trust my complaint is sufficient to warrant an investigation and review of Cllr Cartwright's errant conduct

I refer to The Code of Conduct ESSENTIAL REFERENCE PAPER 'B';

Page 1 – Introductory declaration subscribed to by all members

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 achieving best value for our residents and maintain public confidence in this authority.

EAST HERTFORDSHIRE DISTRICT COUNCIL

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.

Page 3 - Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

Page 4 – 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 authorities resources.

Page 4 - Always treating people with respect, including the organisations and public I engage with and those I work alongside.

EAST HERTFORDSHIRE DISTRICT COUNCIL

C. Confidentiality of complainant and the complaint details

Only complete this next section if you are requesting that your identity is kept confidential

5. In the interests of fairness and in compliance with the rules of natural justice, we believe Members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:
- to believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
 - may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

(Continue on separate sheet(s), as necessary)

EAST HERTFORDSHIRE DISTRICT COUNCIL

D. Remedy sought

7. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.

1. A personal letter of apology from Cllr Cartwright to myself for the offence he has caused.
 2. A public apology by Cllr Cartwright at the next full meeting of the council.
 3. A press release apology by the council to local media organisations.
 4. A suitable sanction by the council against Cllr Cartwright for his behaviour, as a demonstration that his disrespectful conduct has consequences, and that he must be seen to be accountable for his conduct.

(Continue on separate sheet(s), as necessary)

E. Additional information

8. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
9. In line with the requirements of the Disability Discrimination Act 1995, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
10. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

Monitoring Officer Contact details:

The Monitoring Officer – Simon Drinkwater
East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

EAST HERTFORDSHIRE DISTRICT COUNCIL

Monitoring Form – Local Assessments of Complaints Standards Committee - Assessment Sub Committee

Working towards equal opportunities

East Hertfordshire District Council is committed to a policy of equality of opportunity in both employment and service provision. We seek to ensure that no person receives less favorable treatment on the grounds of gender, race, or ethnic origins, marital status, disability, age, sexual orientation, family responsibilities, religion, trade union involvement or political belief or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

White

White British
White Irish
Any other White
background

☒

Mixed

White and Black
Caribbean
White and Black
African
Any other mixed
background

☐

Asian

Indian
Pakistani
Bangladeshi
Any other Asian
background

☐

Black

Caribbean
African
Any other Black
background

☐

Chinese or other ethnic group

Chinese
Other

☐

*Categories used are those utilised by
the Office of Population Censuses and
Surveys

Do you have a physical or mental impairment which has a substantial and long term adverse effect
on your ability that you wish to declare under the Disability Discrimination Act?

Yes

☐

No

☐

Adrian McNeece

@AdrianMcNeece

Workplace Strategist, Interiors Photographer,
Artist & Still an Atheist

📍 Hertford, UK

867 FOLLOWING

1,008 FOLLOWERS

Tweets

Media

Favourites

↩ in reply to @james_cllr



Adrian McNeece @AdrianMcNeece 41s

@james_cllr Dismayed James's
assertion that non Christians or
atheists are thick/illiterate
@davebromage @ScotRamsay
@StortSkeptic @galdam



↻ You Retweeted



Cllr J Cartwright @james_cllr 7h

@davebromage @ScotRamsay
@StortSkeptic @galdam 27% no
religion. #thick and #illiterate



Home



Notifications



Messages



Me



Edit profile

Adrian McNeece

@AdrianMcNeece

Workplace Strategist, Interiors Photographer,
Artist & Still an Atheist

📍 Hertford, UK

867 FOLLOWING

1,008 FOLLOWERS

Tweets

Media

Favourites

↻ You Retweeted



Scot Ramsay @ScotRamsay

41m

The view of one of my local
Councillors who claims he is a
Christian.

Cllr J Cartwright @james_cllr

@davebromage @ScotRamsay
@StortSkeptic @galdam 27% no
religion. #thick and #illiterate



Home



Notifications



Messages



Me



East Herts councillor James Cartwright labels Twitter opponents 'thick', 'illiterate' and 'pathetic'



(/photos/article/28106759)





Cllr James Cartwright was embroiled in a spat on Twitter over a failed motion to remove prayers from before the start of EHDC meetings

🕒 Yesterday at 9:17 PM

💬 2 comments

By Herts & Essex Observer

A complaint has been made alleging that a member of East Herts District Council breached the authority's  code of conduct for councillors by calling non-religious opponents on Twitter "thick", "illiterate" and "pathetic".

Cllr James Cartwright, the Conservative member for Puckeridge and chairman  of Standon Parish Council, is the subject of an official protest by a former fellow Tory who put forward a motion to have prayers removed from before the start of EHDC's seven full meetings a year.



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Following a 2-5 defeat of the motion by councillors in a secret ballot last Wednesday evening, atheist Adrian Mc Ee, the member for Hertford Heath who proposed the motion, resigned from the council and then from the Conservative Party.

A heated debate about the decision erupted on Twitter, during which Cllr Cartwright, who had previously tweeted how he respected the views of others, appeared to lose respect for one or two electors.

In his complaint to EHDC about Cllr Cartwright, Mr Mc Ee references the following series of tweets:



Dave Bromage
davebromage

29 Oct

james cllr Scot amsay StortSkeptic galdam 6
Christian, 7 non-tian. basic maths. You're not in charge of
council budgets, right



Cllr J Cartwright
james cllr

Follow

davebromage Scot amsay StortSkeptic galdam 27
no religion. thick and illiterate
:19 PM - 29 Oct 2015

2 1



Cllr J Cartwright
james cllr

29 Oct

davebromage Scot amsay StortSkeptic galdam 27 no
religion. thick and illiterate



Cllr J Cartwright
james cllr

Follow



Cllr J Cartwright

james cllr

1 ov

davebromage Scot amsay StortSkeptic galdam
apologies if my tweet re thick and illiterate offended any
atheists - it was directed 1/2



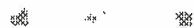
Cllr J Cartwright

james cllr

Follow

davebromage Scot amsay StortSkeptic galdam at
only one and taken (conveniently) out of conte t - many of my
friends are atheists 2/2

0 PM - 1 ov 2015



Dave Bromage

davebromage

1 ov

james cllr Scot amsay StortSkeptic galdam Just me
then Even though you are claiming Christian prayers are
inconclusive of all faiths



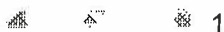
Scot Ramsay

Scot amsay

Follow

Entirely untrue james cllr You called me thick, reiterated
that you meant me, and subse uently called davebromage
thuck and illiterate

:02 PM - 1 ov 2015



Scot Ramsay

Scot amsay

1 ov

Entirely untrue james cllr You called me thick, reiterated that
you meant me, and subse uently called davebromage thuck
and illiterate



Cllr J Cartwright

james cllr

Follow

Scot amsay no - meant just for you - apologies to anyone
else to whom it was not intended and mis uoted out of conte t.

:06 PM - 1 ov 2015



Mr Mc Eeche said: "His (Cllr Cartwright's) comments were inappropriate to members of the public, and he has treated non-religious members of the public with a cavalier lack of respect.

"His comments suggesting that people of no religion are thick and illiterate could not be designed to be more offensive or discriminating. He has shocked and offended myself and others who hold secular or atheist views.

" view Cllr Cartwright's comments to be provocative, offensive and disrespectful. His comments were made at a very sensitive time, following a debate on the exclusion of religious observance at East Herts District Council."

He cited accountability of members, including a clause which members must abide by, which is to be "always treating people with respect, including the organisations and public engage with and those work alongside".

Mr Mc Eeche asks for a personal apology from him, a public apology at the next full council meeting, a press release apology by the council to local media and a "suitable sanction" against Cllr Cartwright so he is "seen to be accountable for his conduct".

Like Mr Mc Eeche, Cllr Cartwright, 51, was first elected to the district council in May. A Church of England Christian, he works as director of operations at a Sainte nion Catholic School in London.

An East Herts District Council spokeswoman said Mr Mc Eeche's complaint about Cllr Cartwright would be considered in the next few weeks by a standards sub-committee, made up of three East Herts councillors from the standards committee and an independent person. The sub-committee will decide whether an investigation by the full standards committee is appropriate.

 **Have your say**

 **Report**

Related Articles

East Herts council prayers: Member who quit after failed motion now resigns from Conservative Party (<http://m.hertsandessexobserver.co.uk/East-Herts-Prayers-Member-left-council-failed/story-28079521-detail/story.html>)

East Herts councillor resigns as vote to remove prayers before meetings lost in landslide (<http://m.hertsandessexobserver.co.uk/East-Herts-councillor-resigns-vote-remove-prayers/story-28077804-detail/story.html>)

East Herts District Council to vote on scrapping Christian prayers from meetings (<http://m.hertsandessexobserver.co.uk/East-Herts-District-Council-set-vote-motion/story-28070901-detail/story.html>)

ium=bytaboola&taboola_utm_content=grid-2x2-mobile:grid-2x2-mobile:)
ium=bytaboola&taboola_utm_content=grid-2x2-mobile:grid-2x2-mobile:)
From the Web

(<http://lotto.co.uk/national-lottery-changes> utm source taboola utm medium referral)

ew otto Changes That Affect Your Chances nfographic
otto

(<http://lotto.co.uk/national-lottery-changes> utm source taboola utm medium referral)

(<http://www.moneysupermarket.com/c/videos/whats-the-best-type-of-car-fuel/008578> /
utm source taboola utm medium referral)

hats The est Type f Car uel
MoneySuperMarket

(<http://www.moneysupermarket.com/c/videos/whats-the-best-type-of-car-fuel/008578> /
utm source taboola utm medium referral)

(<http://www.theguardian.com/heineken-rugby/2015/aug/26/meet-the-heineken-legends-jonah-lomu>
utm source taboola utm medium referral)

ill Carling n Jonah omu: "He Destroyed Me"
The uardian for Heineken

(<http://www.theguardian.com/heineken-rugby/2015/aug/26/meet-the-heineken-legends-jonah-lomu>
utm source taboola utm medium referral)

(<http://www.msn.com/en-gb/health/medical/tattoo-with-a-hidden-message-highlights-the-invisible-battle-faced-by-people-with-depression/ar-AAAdmHliAA51YE> srcref rss CD TA 1 7)

This oman's Tattoo Has A Hidden Message And t s oing iral

 MS

PatrickNewman

4/11/15 10:4 AM

Bigotry and intolerance is clearly not the preserve of non-Christian religions. It is the natural order of things in a world of science that there is no god but religion is a convenient crutch for many people and they should be allowed their illusion if they find it satisfying.



konnichiwa

4/11/15 10:1 AM

To be frank Cllr Cartwright more fool you for engaging those idiots on twitter but if you must watch for Atheist Humanist stock phrases like "tyranny of the majority" as that means -- WE won't be calling it tyranny if WE ever become the majority we'll call it DEMOCRACY until then...booo we're the minority shouting "tyranny of the majority" until WE get what WE want...



News



Sport



What's On



≡ **Directory (businesses)**



Tory councillor stands down in 'prayers before meetings' row

Apology demanded over comments on Twitter

By Tom Durham

tom.durham@hertssexobserver.co.uk

A TORY member of East Herts District Council has quit after his motion for prayers to be dropped from before the start of meetings of the full council was defeated by a landslide.

The day after last Wednesday's 42-5 vote of refusal in a secret ballot of councillors at the authority's chamber in Hertford, atheist Adrian McNeece also resigned from the Conservative Party.

He has since lodged a formal complaint against a former Conservative colleague, who supported the status quo, over comments on Twitter.

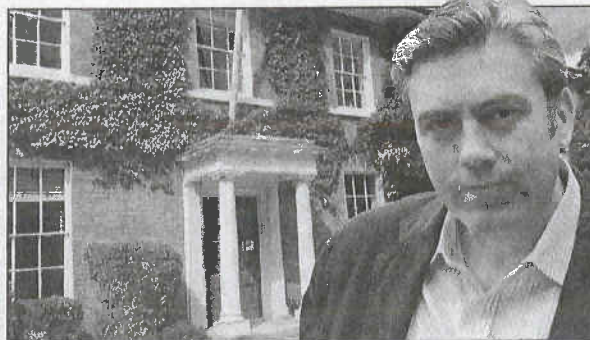
Mr McNeece, who was elected as member for Hertford Heath in May, had hoped to abolish the decades-long practice of inviting a Christian priest to conduct prayers before meetings. He said that he had felt "excluded" during prayers held at his first meeting of the full council.

No part

His motion read: "The meetings of East Herts District Council should be conducted in a manner equally welcoming to all attendees, regardless of their individual religious beliefs or lack of belief. Religious worship should therefore play no part in the formal or informal business of council meetings, on council premises."

The vote focused on three lines of text which appear on every full council meeting agenda, which read: "Prayers will be said before the meeting commences. Those members who do not wish to participate will be invited to enter the chamber at their conclusion."

Mr McNeece described his shock at the strength of opposition among fellow councillors, citing a Herts & Essex Observer Twitter poll which showed 92 per cent of 347 voters supported his stance. Three of EHDC's



QUIT: Adrian McNeece has resigned from East Herts District Council

50 members, all of whom are Conservative, were not at last Wednesday's vote.

Since then, a heated social media exchange between supporters of the motion and EHDC's Puckeridge member, Cllr James Cartwright, on the side of the status quo, has flared up. Mr McNeece has lodged a council members' code of conduct complaint with EHDC against Cllr Cartwright for suggesting people of no religion were "thick" and "illiterate".

Mr McNeece has asked for a personal letter of apology for "the offence he has caused", a public apology at the next full meeting of EHDC, a press release to local media and a "suitable sanction" for Church of England Christian Cllr Cartwright, who works in a Catholic school in London.

Speaking to the Observer after the result, Mr McNeece said: "The separation of government and religion is essential. I'm extremely saddened that such a huge number of councillors voted against the motion.

It suggests to me that they are making the decision based upon political expediency rather than political honesty."

Prayers take place at full meetings of Herts and Essex county councils and at Sawbridgeworth Town Council. They do not occur at meetings of Bishop's Stortford, Uttlesford and Harlow councils.

An EHDC spokesperson said: "It is important to make it clear that prayers are held before full council meetings, of which there are approximately seven in a year. They are not held as part of the actual meeting, they are entirely optional and they are not held before any other of the very many council committee meetings."

Council leader Linda Haysey said: "The manner and timing of the option is to be reviewed to ensure that councillors who do not wish to take part do not feel uncomfortable or excluded."

Mr McNeece's departure means a by-election will be held in Hertford Heath.

Dave Brotnage Trash talking...

DEAR God, my black bin split in August. I ordered a replacement online but as yet it hasn't arrived.

Rats are sniffing around, so could you please remind East Herts District Council about it at its next meeting, as it listens to you more than local residents? Amen.

Welcome to the new way of doing things in Britain's Bible Belt.

At least, that's the conclusion I've drawn from EHDC's 42-5 thrashing of atheist upstart Adrian McNeece and his request that prayers are not held before official meetings.

And it's certainly something we can infer from the post-vote Twitter gloatfest of the self-appointed mouthpiece of the council's overwhelming Christian majority, Cllr James Cartwright.

It is all deeply troubling.

Magnanimity

"42-51 42-51" parroted Puckeridge representative Cartwright, like a rugby fan untroubled by the concept of magnanimity in victory.

He repeated the 'score' as though it were a justification of itself, when it merely highlighted how out of touch this 100 per cent Conservative council is.

He labelled the secularist viewpoint "pathetic" and the vote a "total waste of council time". Yet muttering platitudes into the ether is well worth both the time and council resources, of course.

Most perturbing was Cartwright's unshakable belief that the rights of the majority trump all. Channelling Eric Pickles, the gelatinous former Minister of

Faith, Cartwright goaded critics with: "You live in a Christian country - get over it!"

This sinister phrase betrays an elected member's smugness and excitement at the freedom to ride roughshod over the views of the under-represented.

Even if most Brits - including 62.75 per cent of East Herts residents, according to the 2011 Census - identify as Christian, so what? Politicians are elected by majorities but they must strive to serve the whole. Pickles' mantra holds no more water than "This is a white country - get over it!" as an excuse to tell racist jokes.

Cartwright insists the prayer session is inclusive because those it makes uncomfortable can CHOOSE (his capitals) either to join in the worship of a deity they don't believe in or stand outside. Much like Christians living in the Islamic State's caliphate are free to CHOOSE whether to convert or die.

Some American police officers have taken recently to plastering 'In God We Trust' stickers over their panda cars - a concerning move which implies these cops will "protect and serve" fellow believers over non-believers. Last week's East Herts landslide has the same effect.

It tacitly - and, in the case of Cartwright's ravings, explicitly - reinforces the notion that the opinions and concerns of East Herts' non-Christian minority aren't worth a damn.

An elected body asking, in an official capacity, for divine guidance is left wide open to accusations of prejudice. Is a Christian more likely to get a leg up on the housing register? Would a secular disco have less chance than a church

beetle drive of getting an alcohol licence approved?

I'd have previously dismissed such claims as scaremongering. But that was before the Christian majority showed so little empathy with McNeece that, when he proposed a motion asking them to desist in making him feel marginalised, they stomped on it with such vigour that he had no choice but to resign.

Let's be clear: this isn't about clamping down on religion. That Cllr Cartwright believes God will help him make wiser decisions regarding the district's recycling needs is, of course, his business.

But he hasn't been elected to a synod. Why can't he pray in the privacy of his own home?

Flake

Perhaps it's understandable. God is, after all, a notorious flake. If He can't be arsed to answer the prayers of the parents of a dying child, then there's no chance He is going to rule on bin collections unless presented with all the minutiae immediately before the vote.

It shows the danger of writing 'Christian' on the Census form just because you celebrate Christmas rather than Hannukah or Eid.

A Church of England survey last week revealed that many of these 'cultural' Christians don't even believe Jesus was a real person.

But the fact so many tick the box emboldens fundamentalist zealots in positions of power, giving them reason to believe they have a mandate to push for a theocracy. And if that happens, I'd never get my new bin.

■ "It's time the council took a good look outside of its bubble of privilege": See Letters, p10&11



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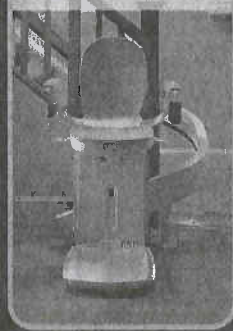
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Indeed, and that is why I apologised to those people, stating who and why the words I used were directed to, but please include the incessant harassment by those others who failed to accept my basic arguments using factual information from the UK Census which is why I made the hashtag comments I did.

I hope this helps

James

Cllr James Cartwright
Member for Puckeridge
East Herts District Council.

From: Robertson George
Sent: 08 December 2015 13:14
To: Councillor Cartwright (James)
Subject: RE: Standards investigation

[Councillor cartwright](#)

[Thank you for this –It does not appear that those posting the bad language were those to whom your comments were directed or am I misreading.](#)

From: Councillor Cartwright (James)
Sent: 07 December 2015 12:38
To: Robertson George
Cc: Hughes Jeff
Subject: RE: Standards investigation

Dear Mr Robertson

Please find screenshots of two of the tweets referred to.

Despite much searching over the weekend, I cannot find a third, and the most serious (use of the "C" word). After contacting Twitter, it appears someone reported that particular tweet as "offensive" and as per Twitter's terms of service they then deleted that specific tweet. Unfortunately I had not taken a screenshot but I am aware from feedback from other councillors that I was not the only one to see it and be offended by it. I can, if required, see if anyone will back me up on this.

What happens when I report a Tweet or Direct Message?

- Reported Tweets will disappear from your timeline.
- Reporting a Tweet does not automatically result in the user being suspended.
- Reported Messages will disappear from your inbox and cannot be recovered.

If I can be of any further assistance, please do not hesitate to contact me.

kind regards

James

From: Robertson George
Sent: 03 December 2015 10:18
To: Councillor Cartwright (James)
Cc: Hughes Jeff
Subject: RE: Standards investigation

Councillor Cartwright

Our communications team have been unable to find any record of the abusive language you refer to and I wondered if you have any record of these tweets from the individuals concerned.

From: Councillor Cartwright (James)
Sent: 01 December 2015 15:51
To: Robertson George
Subject: Re: Standards investigation

Thank you - that is fair.

Sent from my iPhone

On 1 Dec 2015, at 15:24, Robertson George <George.Robertson@eastherts.gov.uk> wrote:

Thank you for the prompt response. I am seeking the full twitter trail in light of your comments and the omission from the papers submitted to the Sub committee.

From: Councillor Cartwright (James)
Sent: 01 December 2015 12:29

To: Robertson George
Cc: Hughes Jeff; Councillor Jones (Gary); Councillor Haysey (Linda)
Subject: RE: Standards investigation

Dear Mr Robertson,

Thank you for the opportunity at being able to provide some context around this matter.

My comments were directed at three members of the public (only) who were providing deeply offensive remarks aimed at myself and ALL EH councillors involved in the vote regarding prayers.

Specifically, all the EH Councillors were called "Ars*hol*s" and "C*nts" by these three tweeters and other remarks such as "I can't believe they f*cking clapped" referring to the reaction of the Councillors to a speech made by the Deputy Leader of the Council, Cllr Gary Jones. - Please note, I have replaced some letters of these words with asterisks, but these were not replaced in the original tweets which can be seen if you follow the Tweet trail - but interestingly not included in the selection of tweets included within the complaint submitted by former Councillor Adrian McNeese.

I have apologised to any other person / member of the public who were misled by these three trouble makers in making it appear as if the hash-tags I used (#Pathetic #Illiterate and #Thick) were directed at atheists in general. They were clearly not, but at these three individuals only.

In the context of these exchanges, these three descriptions were factually accurate and appropriate descriptions of these individuals.

#Pathetic - dictionary definition - miserably inadequate (or [feeble](#), [woeful](#), [sorry](#), [poor](#), [pitiful](#), [lamentable](#), [deplorable](#), [miserable](#), [wretched](#), [contemptible](#), [despicable](#), [inadequate](#), [meagre](#), [paltry](#), [insufficient](#), [negligible](#), [insubstantial](#), [unsatisfactory](#), [worthless](#))

I maintain many of these attributes were accurate when considering the attitude of these three people towards myself and fellow councillors, especially the ones highlighted by myself above

#Illiterate - you will notice in one of the tweets they used the word "there" meaning "they are" and they failed to acknowledge many of the arguments I put forward, dictionary definition is "unable to read or write"

#Thick (in this context) meaning "of low intelligence, stupid" - when presented some factual statistics they repeatedly added up the numbers incorrectly to augment their case.

On that basis, I feel entirely justified in using these words **towards these three individuals (only)** as they are accurate and well deserved. Any inference that I meant atheists in general was not intended and I have already apologised for this misinterpretation.

I hope this helps.

kind regards

James

Cllr James Cartwright
Member for Puckeridge
East Herts District Council.

From: Robertson George
Sent: 01 December 2015 09:47
To: Councillor Cartwright (James)
Cc: Hughes Jeff
Subject: Standards investigation

Councillor Cartwright

The Standards sub committee has required me to investigate on behalf of the Monitoring Officer the complaint made by Mr Adrian McNeece relating to comments made on your twitter account on the 29 October 2015.

Specifically the complaint refers to a tweet stating '
[@davebromage@ScotRamsay@StortSkeptic@galdam](#) 27% no religion, [#thick](#) and [# illiterate](#).

The complaint alleges that such comment was inappropriate and disrespectful in suggesting that non religious members of the public were both thick and illiterate.

I note that in your follow up tweets you seek to limit the comment to Mr Scot Ramsey with whom you were communicating though I note from the summary presented to the sub committee that the initial comment appears to be made to a Mr Dave Bromage.

I would appreciate your comment on the complaint as soon as you are able as the subcommittee requested that a report be submitted as soon as possible.

Legal manager

Tel no 01279502193

My working days are Tuesday, Wednesday and Thursday

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Tweet



principle and your inability to see that speaks volumes



1



David James @StortSk... 28/10/2015

@james_cllr @galdam
@davebromage @ScotRamsay
@NatSecSoc The chamber
fucking clapped against the
motion. Utterly disrespectful.



2



Cllr J Cartwright @ja... 28/10/2015

@StortSkeptic @galdam
@davebromage @ScotRamsay
@NatSecSoc not disrespectful to
clap the voice of reason and
common sense.



Cllr J Cartwright @ja... 28/10/2015

@naulnhillins FH

Reply to David James, Scot Ramsay, Gary Alc



Home



Notifications



Messages



Me

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Tweet



Tom Huntley @tomthe... 29/10/2015

@davebromage @james_cllr
@StortSkeptic @ScotRamsay
@galdam @NatSecSoc Head-
slappingly absurd



2



Carl @EtTuCarl 29/10/2015

@james_cllr @galdam
@davebromage @StortSkeptic
@ScotRamsay @NatSecSoc
Politicians who abuse their
position to promote religion are
assholes.



1



Alexis Beeching @Ale... 29/10/2015

@AdrianMcNeece what a shame
to resign after one lost vote. This
is democracy. The only way to
win is to be in.
#centetendthebest

Reply to David James, Scot Ramsay, Gary Alc



Home



Notifications



Messages



Me

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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.