

Public Document Pack

EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 30th January, 2013 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Dated this 17th day of January 2013

Jeff Hughes
Head of Democratic and
Legal Support Services

Note: 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

AGENDA

1. Chairman's Announcements

To receive any announcements.

2. Minutes (Pages 7 - 18)

To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 12 December 2012.

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Petitions

To receive any petitions.

5. Public Questions

To receive any public questions.

6. Members' questions

To receive any Members' questions.

7. Executive Report - 8 January 2013 (Pages 19 - 24)

To receive a report from the Leader of the Council and to consider recommendations on the matters below:

(A) Housing Strategic Tenancy Strategy 2012 - 15

Minute 520 refers

(B) Local Authority Mortgage Scheme

Minute 521 refers

(C) Council Tax Reduction Scheme

Minute 522 refers

Note – Members are asked to bring their copy of the Executive agenda to the meeting.

8. Development Control Committee: Minutes - 9 January 2013

*Chairman: Councillor S Rutland-Barsby
(to follow)*

9. Joint meeting of Scrutiny Committees: Minutes - 15 January 2013

*Chairman: Councillor D Andrews
(to follow)*

10. Human Resources Committee: Minutes - 16 January 2013

Chairman: Councillor C Woodward

(to follow)

To consider recommendations on the matter below:

(A) Pay Policy Statement

11. Audit Committee: Minutes - 23 January 2013

Chairman: Councillor J Ranger

(to follow)

To consider recommendations on the matter below:

(A) Response to Auditor's recommendations relating to an objection to 2011-2012 Accounts

12. Council Tax Base (Pages 25 - 32)

13. National Non-Domestic Rates (NNDR) Calculation (Pages 33 - 44)

14. The Standards Complaints Procedure (Pages 45 - 64)

15. Motions on Notice

To receive Motions on Notice.

DISCLOSABLE PECUNIARY INTERESTS

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

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

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

4. It is a criminal offence to:

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

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

This page is intentionally left blank

MINUTES OF A MEETING OF THE
COUNCIL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 12 DECEMBER 2012, AT
7.00 PM

PRESENT: Councillor J Taylor (Chairman)
Councillors D Abbott, M Alexander,
D Andrews, W Ashley, P Ballam, E Bedford,
R Beeching, E Buckmaster, S Bull,
Mrs R Cheswright, K Crofton, A Dearman,
J Demonti, L Haysey, T Herbert, A Jackson,
G Lawrence, G McAndrew, M McMullen,
P Moore, W Mortimer, M Newman, T Page,
P Phillips, M Pope, J Ranger, P Ruffles,
S Rutland-Barsby, N Symonds, M Tindale,
G Williamson, N Wilson, J Wing, M Wood,
C Woodward, B Wrangles and J Wyllie.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Democratic Services Team Leader
George A Robertson	- Chief Executive and Director of Customer and Community Services
Adele Taylor	- Director of Finance and Support Services

492 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting and reminded everyone that the meeting was being webcast. She also welcomed Adele Taylor, the Director of Finance and Support Services, to her first Council meeting.

The Chairman welcomed back Councillors G Lawrence and B Wrangles following their recent period of ill health. She also updated Members on Councillors M Carver and N Poulton and believed she spoke for all Members in wishing them a speedy recovery.

The Chairman outlined her events since the previous meeting and highlighted Haileybury School's 150th anniversary celebrations, the recognition of the achievements of Hertfordshire olympians and paralympians at Hatfield House and the Mercury and Observer Community Awards at Hanbury Manor.

The Chairman invited Members to support her in showing appreciation to the staff with Christmas refreshments at Charringtons House, Bishop's Stortford and Wallfields on 13 and 14 December 2012, respectively. Finally, the Chairman invited Members and Officers to join her for seasonal refreshments at the end of the meeting.

493 MINUTES

RESOLVED – that the Minutes of the meeting held on 26 September 2012, be approved and signed by the Chairman as a correct record.

494 PUBLIC QUESTION

Mr J Horrax, a Bishop's Stortford resident, had submitted a question to the Executive Member for Economic Development, as follows:

"Would Councillor Phillips like to take the opportunity to consider whether, given the lack of parking available in

the Chantry permit scheme for residents of Rye Street to park close to their homes (defined as Lindsey Road, Rye Street and Stane Close) and the results of the community consultation which reported back at the end of September showing a severe negative impact on the residents of Rye Street, they might be allowed to re-use Grange Paddocks car park for no additional pay-and-display charges, as per the arrangements pre-pay-and-display, provided they have a valid parking permit?"

As Mr Horrax had been unable to attend, the Executive Member undertook to provide a written response.

495 MEMBERS' QUESTIONS

Question 1

Councillor J Wing asked the Executive Member for Finance to which Council Committee were proposed write-offs of uncollected Council Tax reported, and if they were not, why not.

In reply, the Executive Member for Finance outlined the process for write-offs, which was governed by the Council's Financial Regulations. He detailed the levels of delegation to Officers and the circumstances when a report to the Executive would be necessary.

He advised that a total of £193k had been written off in this year, relating to 532 individual transactions against an annual bill of £87m. The Executive Member commented that a bad debt provision was included within the collection rate as 100% of council tax could never be collected.

Councillor J Wing referred to previous practice in reporting debts to committee, where Members could assist in identifying debtors and asked if this had been abandoned because it was found to be unproductive.

In reply, the Executive Member stated that he was unfamiliar

with previous practice. He commented that reporting individual debts would be undesirable as they were not strategic matters and would increase the time taken to make decisions and the burden on Officers. He wondered whether Members could be made aware of a proposed write-off in their ward.

Question 2

Councillor J Wing asked the Leader of the Council how many copies of the glossy version of the Council's Annual Report were produced, to whom it was sent and how much it cost to publish.

In reply, the Leader stated that 250 copies at a cost of £345 had been produced. This had been sent to all Members, the senior management team, Local Strategic Partnership colleagues and town and parish councils. The Leader referred to some errors in the most recent publication, which had resulted in some reprinting, the cost of which would not have been a huge amount, given the total cost of the production.

Question 3

Councillor J Wing asked the Leader of the Council if, in view of continuing efforts by Ministers in the Department of Communities and Local Government (DCLG) to see an end to alternate weeks refuse collection, the Leader of the Council would write to the Secretary of State pointing out the success of the Council's ARC scheme, its popularity with the electorate, and its very positive impact on recycling rates and consequent reduction in landfill locally.

In reply, the Leader expressed his pleasure at the Authority's recycling achievements, as recognised by the recent Peer Challenge. He was reluctant to change back, but stated that he would not be writing such a letter, as the DCLG had not told the Authority to make any changes. If a directive had been issued, then he would write such a letter. He believed the DCLG were concerned with weekly food waste collections

and that funds had been provided for those Authorities that did not have a weekly collection. He understood that only two Authorities would revert back to weekly collections.

496 EXECUTIVE REPORT - 6 NOVEMBER 2012

RESOLVED – that the Minutes of the Executive meeting held on 6 November 2012, be received.

497 EXECUTIVE REPORT - 4 DECEMBER 2012

RESOLVED – that the Minutes of the Executive meeting held on 4 December 2012, be received.

(see also Minutes 498 – 507)

498 FINAL TASK AND FINISH REPORT ON REVIEW OF GROUNDS MAINTENANCE CONTRACT (PARKS OPEN SPACES AND HIGHWAYS)

The Executive Member for Community Safety and Environment referred to the original report considered by Environment Scrutiny Committee and the Executive and advised of some errors relating to the contract period dates. He advised that contrary to the report, the current contract period was January 2008 – December 2014 and not January 2007 – December 2013. Therefore, the proposed extension period would commence in January 2015. He corrected all of the erroneous dates in the report.

RESOLVED – that (A) the comments of the Environment Scrutiny Committee as detailed in the report submitted, be received; and

(B) taking into account the risks of a longer period against the greater financial benefits, and in the context of the Council's Medium Term Financial Plan objectives, the current grounds maintenance contract be extended for a period of 5 years.

499 COUNCIL TAX DISCOUNTS AND PREMIUM

RESOLVED – that the following discounts in respect of council tax be approved with effect from 1 April 2013:

(A) a discount of 50% for any period of up to six months in respect of dwellings which become empty and unfurnished;

(B) a discount of 50% where a dwelling is empty undergoing major repair for such minimum period as prescribed by regulation; and

(C) a discount of nil in respect of second homes.

500 AFFORDABLE HOUSING: PLANNING POLICY REQUIREMENTS

RESOLVED - that the Council's policy requirement for the provision of affordable housing in category 1 and 2 Villages be amended and the revised wording for policy HSG3(II) and (III) as set out in paragraph 4.1 of this report submitted, be agreed, resulting in the threshold and requirement for provision of affordable housing as follows:

a) Main Settlements:

Threshold: Sites over 15 units or 0.5ha

Provision: Up to 40%

b) Category 1 and 2 Villages

Threshold: Sites of up to 3 units or 0.12ha

Provision: none

Threshold: Sites of 4-14 units or 0.12 – 0.5ha

Provision: Up to 25%

Threshold: Sites over 15 units or 0.5ha

Provision: Up to 40%

The time period for the commencement of development

of any planning permissions that come forward as result of this policy change shall be one year.

501 SUB-DISTRICT POPULATION AND HOUSEHOLD FORECASTS - PARISH GROUPINGS AND TOWNS: PHASES 1 AND 2 (OCTOBER 2012)

RESOLVED - that the Sub-District 'Population and Household Forecasts - Parish Groupings and Towns: Phases 1 and 2' (October 2012) technical study at Essential Reference Paper 'B' to the report submitted, be supported as part of the evidence base to inform and support the East Herts District Plan.

502 STRATEGIC LAND AVAILABILITY ASSESSMENT (SLAA) - ROUND 2 FINAL REPORT AND WINDFALL ANALYSIS (OCTOBER 2012)

RESOLVED – that (A) the Officer responses to the feedback received from stakeholders as part of Round 2: Stakeholder Engagement of the Strategic Land Availability Assessment (SLAA), be supported;

(B) the Strategic Land Availability Assessment (SLAA) Technical Study: Initial Report - Rounds 1 and 2 (October 2012), be supported as technical work to inform the preparation of the East Herts District Plan and for housing supply purposes;

(C) the district-wide SLAA Round 2 capacity of 2,350 dwellings be supported for informing ongoing work in developing the District Plan: Part 1; and

(D) the 'windfall' allowance of 1,700 dwellings be supported for informing ongoing work in developing the District Plan: Part 1.

503 EMPLOYMENT FORECASTS AND STRATEGIC
ECONOMIC DEVELOPMENT ADVICE (OCTOBER 2012)

RESOLVED – that the Employment Forecasts and Strategic Economic Development Advice (October 2012) be supported and published as technical advice, forming part of the evidence base to inform and support the East Herts District Plan.

504 DISTRICT PLAN: EVIDENCE BASE - TECHNICAL STUDIES
2011/12 AND 2012/13

RESOLVED – that (A) it be noted, or as appropriate supported, that the technical studies listed in Essential Reference Paper 'B' to this report, which are due for completion, already underway or proposed to be undertaken during 2012/13, contribute to the District Plan Evidence Base; and

(B) the technical studies referred in (A) above be completed or undertaken by means of:

(i) seeking competitive quotes or tenders, as appropriate, to engage consultants, with the costs being met from the 2012/13 or 2013/14 Planning Policy related budgets for such purposes; and/or

(ii) partnership working where appropriate, with neighbouring authorities and other relevant partners; and

(C) the Head of Planning and Building Control, in consultation with the Executive Member for Strategic Planning and Transport, be given authority to approve funding, within the limits of the 2012/13 and 2013/14 Planning Policy budgets, for such other relevant planning policy studies, as may be deemed appropriate.

505 THE DUTY TO CO-OPERATE AND EAST HERTS DISTRICT PLAN

RESOLVED – that (A) an approach to the Duty to Co-Operate based on a clearly defined plan-making process, objective assessment, positive preparation, and serious consideration of cross-boundary strategic matters, be supported as the basis for continued work on the District Plan; and

(B) the Executive Member for Strategic Planning and Transport, or other nominated Executive Member, be authorised to attend meetings with Members from local planning authorities, Hertfordshire and Essex County Councils, and other relevant bodies as necessary, to demonstrate compliance with the Duty and further progress the District Plan.

506 DISTRICT PLAN PART 1 - STRATEGY SUPPORTING DOCUMENT: MEMBER COMMENTS

RESOLVED – that (A) the responses made by Members in respect of agenda items 6 to 10 of the District Planning Executive Panel on 26 July 2012 be noted; and

(B) the Officer responses to the comments made and any consequent amendments to the District Plan: Part 1 - Strategy Supporting Document be supported.

507 DISTRICT PLAN PART 1 - STRATEGY SUPPORTING DOCUMENT: UPDATE REPORT

RESOLVED – that (A) the proposed approach to the remainder of the strategy selection process for the District Plan, as illustrated in Essential Reference Paper 'C' of the report submitted, be supported; and

(B) Essential Reference Paper 'D' of the report submitted, including the first three sections of Chapter 5: Options Refinement, be supported, subject to a

period of Member comment in respect of factual content until 21 December 2012.

508 DEVELOPMENT CONTROL COMMITTEE: MINUTES - 25 SEPTEMBER 2012

RESOLVED – that the Minutes of the Development Control Committee meeting held on 25 September 2012, be received.

509 DEVELOPMENT CONTROL COMMITTEE: MINUTES - 10 OCTOBER 2012

RESOLVED – that the Minutes of the Development Control Committee meeting held on 10 October 2012, be received.

510 HUMAN RESOURCES COMMITTEE: MINUTES - 17 OCTOBER 2012

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 17 October 2012, be received.

511 LICENSING COMMITTEE: MINUTES - 1 NOVEMBER 2012

RESOLVED – that the Minutes of the Licensing Committee meeting held on 1 November 2012, be received.

(see also Minute 512)

512 GAMBLING ACT 2005: STATEMENT OF LICENSING PRINCIPLES: RESPONSE TO PUBLIC CONSULTATION

RESOLVED – that (A) the report be received; and
(B) the Statement of Licensing Principles 2013 – 2016, as now submitted, be approved.

513 DEVELOPMENT CONTROL COMMITTEE: MINUTES - 7
NOVEMBER 2012

RESOLVED – that the Minutes of the Development Control Committee meeting held on 7 November 2012, be received.

514 ENVIRONMENT SCRUTINY COMMITTEE: MINUTES - 13
NOVEMBER 2012

RESOLVED – that the Minutes of the Environment Scrutiny Committee meeting held on 13 November 2012, be received.

515 COMMUNITY SCRUTINY COMMITTEE: MINUTES - 20
NOVEMBER 2012

RESOLVED – that the Minutes of the Community Scrutiny Committee meeting held on 20 November 2012, be received.

516 AUDIT COMMITTEE: MINUTES - 21 NOVEMBER 2012

RESOLVED – that the Minutes of the Audit Committee meeting held on 21 November 2012, be received.

517 CORPORATE BUSINESS SCRUTINY COMMITTEE:
MINUTES - 27 NOVEMBER 2012

In respect of Minute 444 – Local Scheme for Council Tax Support, Councillor T Page disputed the accuracy of the sixth paragraph and was advised that this was a matter for the next Corporate Business Scrutiny Committee meeting.

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 27 November 2012, be received.

518 DEVELOPMENT CONTROL COMMITTEE: MINUTES - 5
DECEMBER 2012

RESOLVED – that the Minutes of the Development Control Committee meeting held on 5 December 2012, be received.

The meeting closed at 7.35 pm

Chairman
Date

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 8 JANUARY 2013, AT 7.00 PM

PRESENT: Councillor A Jackson (Chairman/Leader)
Councillors M Alexander, L Haysey,
P Phillips and M Tindale.

ALSO PRESENT:

Councillors E Buckmaster,
Mrs R Cheswright, G McAndrew,
M McMullen, P Moore, T Page, M Pope,
J Ranger, C Rowley, P Ruffles, J Wing and
C Woodward.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Martin Ibrahim	- Democratic Services Team Leader
George A Robertson	- Chief Executive and Director of Customer and Community Services
Adele Taylor	- Director of Finance and Support Services

519 APOLOGIES

An apology for absence was submitted on behalf of Councillor
M Carver.

520 **HOUSING STRATEGIC TENANCY STRATEGY 2012 - 15**

The Executive Member for Health, Housing and Community Support submitted a report setting out a proposed Tenancy Strategy, as now required by the Localism Act. She detailed the new duties placed on local authorities and advised that although registered housing providers would have their own tenancy strategies, they were required to “have regard” to the Council’s.

The Executive Member also detailed the stakeholder consultation that had been undertaken and reported that no adverse comments had been received. The Community Scrutiny Committee, at its meeting held on 20 November 2012, had supported the proposed Strategy.

The Executive supported the recommendations as now detailed.

RECOMMENDED – that (A) the comments of the Community Scrutiny Committee be received: and

(B) the Tenancy Strategy as now submitted, be adopted.

521 **LOCAL AUTHORITY MORTGAGE SCHEME**

The Executive Member for Finance submitted a report seeking approval to amend the Local Authority Mortgage Scheme (LAMS) by raising the maximum loan amount per property from £160k to £190k.

The Executive recalled that, the Council had been an early adopter, when the scheme had been approved in February 2012. A wider scheme across the Hertfordshire had been launched in November 2012, with a maximum loan amount set at £190k. Initial indications were that take up had been limited by the £160k cap. In order to bring the scheme into line with neighbouring authorities and to stimulate greater access to the scheme, an

increase in the maximum loan size to £190k was proposed.

The Executive Member also proposed an additional amendment relating to indemnifying the Monitoring Officer in giving an Opinion Letter as now detailed.

In response to various comments, the Executive Member undertook to discuss with Officers how best to publicise the scheme further.

The Executive supported the recommendations as now detailed.

RECOMMENDED – that (A) the Council's Local Authority Mortgage Scheme, approved at its meeting held on 22 February 2012, be amended as follows:

The maximum loan amount that can be awarded per property be increased from £160,000 to £190,000.

(B) the Monitoring Officer be further indemnified in giving an Opinion Letter in respect of the amendment in (A) above confirming that the Council is able to enter into the Deed of Amendment and is bound by it.

522 **COUNCIL TAX REDUCTION SCHEME**

The Executive Member for Finance submitted a report proposing the Council Tax Reduction Scheme for East Herts from April 2013.

The Executive recalled that, at its meeting held on 31 July 2012, it had authorised consultation on a draft scheme following the replacement of the current nationally prescribed scheme of council tax benefits by locally determined schemes of council tax support on 1 April 2013. Details of the consultation responses were set out in the report submitted. The Council was required to

determine its local scheme by 31 January 2013 following this consultation period.

The Executive Member advised that the Government had initially stated that it would provide grant funding at 90% of the projected cost of support as if the existing benefits scheme had continued. However, additional support had since been announced at 91.5%. Therefore, an 8.5% saving would need to be achieved in the cost of support or otherwise the Council would have to meet the difference. He also advised that compensation for parish and town councils to cover any shortfall would be provided for the first year. Officers had written to parish and town councils advising them of the implications of the new arrangements.

Various Members made comments and asked a number of questions relating to:

- the impact on parish and town council finances;
- the anticipated impact on staff workloads arising from an increase in public enquiries;
- the likelihood of a reduced collection rate and the need for additional provision for write-offs;
- the varying approaches being taken by neighbouring authorities following the failure to achieve a unified approach; and
- the complexities of the new scheme and the need to provide public information in plain English.

The Executive supported the new scheme as now detailed.

RECOMMENDED – that (A) the forecasted financial implications arising from the recommended scheme for the Council Tax Reduction Scheme (CTS), with effect from 1 April 2013 and the risks and assumptions attached to these, be approved; and

(B) the CTS Scheme as now detailed in the

report submitted, be approved.

523 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 4 December 2012, be approved as a correct record and signed by the Chairman.

524 MONTHLY CORPORATE HEALTHCHECK - NOVEMBER 2012

The Leader of the Council submitted an exception report on the finance and performance monitoring for November 2012. He also provided verbal updates in respect of waste and recycling performance data that was unavailable at the time the report had been issued.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the budgetary variances set out in paragraph 2.1 of the report submitted, be noted; and

(B) £50,900 of the Community Grants capital budget be re-profiled from 2012/13 into 2013/14 as outlined in paragraph 2.16 of the report submitted.

The meeting closed at 7.50 pm

Chairman
Date

This page is intentionally left blank

EAST HERTS COUNCIL

COUNCIL – 30 JANUARY 2013

REPORT BY THE EXECUTIVE MEMBER FOR FINANCE

COUNCIL TAX - CALCULATION OF COUNCIL TAX BASE
2013/14

WARDS AFFECTED: All

Purpose/Summary of Report

- To recommend to the Council the calculation of the council tax base for the whole district, and for each parish and town council, for 2013/14

<u>RECOMMENDATIONS FOR COUNCIL:</u> that:	
(A)	the calculation of the Council's tax base for the whole District, and for the parish areas, for 2013/14, as now detailed, be approved;
(B)	pursuant to the report and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amount calculated by East Hertfordshire District Council as its council tax base for the whole area for 2013/14 shall be 55084 and for the parish areas listed below for 2013/14 shall be as follows:

Table 1

ALBURY	269.35	HIGH WYCH	307.33
ANSTEY	157.47	HORMEAD	314.46
ARDELEY	199.62	HUNSDON	468.65
ASPENDEN	120.93	LITTLE BERKHAMPSTEAD	260.81
ASTON	420.86	LITTLE HADHAM	512.08
BAYFORD	218.44	LITTLE MUNDEN	395.09

BENGEO	278.17	MUCH HADHAM	875.10
BENNINGTON	363.90	SACOMBE	87.66
BISHOP'S STORTFORD	14392.28	STANSTEAD ST.	
BRAMFIELD	104.14	MARGARETS	687.86
BRAUGHING	560.03	SAWBRIDGEWORTH	3541.75
BRENT PELHAM / MEESDEN	140.01	STANDON	1677.58
BRICKENDON	294.31	STANSTEAD ABBOTTS	675.09
BUCKLAND	113.63	STAPLEFORD	244.19
BUNTINGFORD	1998.47	STOCKING PELHAM	77.91
COTTERED	292.47	TEWIN	797.26
DATCHWORTH	705.59	THORLEY	297.39
EASTWICK / GILSTON	191.85	THUNDRIDGE	581.36
FURNEUX PELHAM	249.80	WALKERN	574.99
		WARESIDE	290.38
GREAT AMWELL	927.65	WARE TOWN	6866.32
GREAT MUNDEN	139.41	WATTON - AT - STONE	969.15
HERTFORD	10800.31	WESTMILL	151.18
HERTFORD HEATH	899.64	WIDFORD	221.87
HERTINGFORDBURY	300.40	WYDDIAL	69.81

1.0 Background

- 1.1 Calculation of the council tax base is governed by statutory regulation and the Council has limited discretion.
- 1.2 As a billing authority the council must notify the County Council and the Police Authority of the tax base and must do this between 1 December and 31 January preceding the tax year. The Council must also tell a parish what their tax base is within 10 working days of any written request.
- 1.3 The tax base will be used by the Council when setting the rates of council tax at the March Council meeting.
- 1.4 The tax base calculations must be made by the Authority as a whole.
- 1.5 The regulations set out the following formula to be used to calculate the tax base:-

Tax base = A x B

(A is the total of the “relevant amounts”)

(B is the estimated collection rate)

Item A, the total of “relevant amounts” is found by a second formula:-

Item A = $(H - Q + E + J) - Z \times (F / G)$

where:

- H is the estimated number of dwellings, which are shown in the valuation list at 1 October 2012, adjusted for exemptions.
- Q is a factor to take account of the discounts to which the amount of Council Tax payable was subject on the relevant day.
- E is a factor to take account of the premiums, if any, to which the amount of Council Tax payable was subject on the relevant day.
- J is the amount of any adjustment in respect of changes in the number of chargeable dwellings, discounts or premiums calculated by the authority.
- Z is the total amount that the authority estimates will be applied pursuant to the authority’s council tax reduction scheme in relation to the band, expressed as an equivalent number of chargeable dwellings in that band.
- F converts the number of dwellings in each valuation band to a
- G “Band D” equivalent.

Item A can be summarised as the effective number of equivalent Band D properties after taking the actual number in each valuation band and allowing for valuation changes,

for errors and appeals, new properties, periods of exemption, reductions for disabled persons and discounts for single occupiers and unoccupied properties, and the Council Tax reduction scheme.

2.0 Report

2.1 The assumptions made are as follows:

Number of taxable properties

2.2 For 2013/14 it is assumed that there will be limited new completions with a net addition of 418.19 new properties by 31 March 2014. This is reduced by 19 properties in Walkern as a result of changes in the boundary with Stevenage Borough Council. These have been allocated to parish areas on the basis of development in hand and planning approvals. It is assumed that all new dwellings will be exempt for the first six months and that a proportion of discounts will apply thereafter. No valuation increases have been assumed for improvements and extensions as these do not take effect until properties are sold on.

2.3 It has been assumed that 247 properties will qualify for disabled persons reductions, based on experience in the current year.

2.4 A figure of 601 exemptions/voids is included in line with the current position, after adjusting for changes in the new classification of exempt class A & C properties. Further increases will have a negative impact on the tax base.

Collection Rate

2.5 Item B in the tax base formula is the estimate of the collection rate for 2013/14. For 2012/13 a collection rate of 98.75% was agreed and notwithstanding the increase in reminders, summonses and liability orders this is expected to be achieved. However, to reflect the potential non collection of liabilities arising as a result of the introduction of the Council Tax Reduction scheme, this has been reduced to 98.65% for 2013/14.

- 2.6 This gives an overall tax base of 55084.
- 2.7 Should any Member have detailed questions or comments on the assumptions it would be of great benefit to advise the Director of Finance and Support Services or the Executive Member for Finance well in advance of the meeting.
- 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

Local Authorities (Calculation of the Tax Base) Regulations 1992 (as amended)

Contact Member: Councillor Michael Tindale - Executive Member for Finance
michael.tindale@eastherts.gov.uk

Contact Officer: Adele Taylor – Director of Finance and Support Services, ext 1401
adele.taylor@eastherts.gov.uk

Report Author: Su Tarran - Head of Revenues and Benefits Shared Service, ext 2075
su.tarran@eastherts.gov.uk

This page is intentionally left blank

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Prosperity This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic and social opportunities.
Consultation:	N/A
Legal:	The Tax base must be calculated in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012.
Financial:	Only as referenced in the report.
Human Resource:	N/A
Risk Management:	Only as referenced in the report.

This page is intentionally left blank

EAST HERTS COUNCIL

COUNCIL – 30 JANUARY 2013

REPORT BY THE EXECUTIVE MEMBER FOR FINANCE

NATIONAL NON DOMESTIC RATES CALCULATION 2013/14

WARDS AFFECTED: All

Purpose/Summary of Report

- To recommend to the Council the calculation of the National Non Domestic rates Budget 2013/14.

RECOMMENDATION FOR COUNCIL: that:
--

(A)	in accordance with the Non-Domestic Rating (Rates Retention) Regulations 2013 (due to gain parliamentary approval by mid February 2013), the amount calculated by East Herts Council for the year 2013/14 shall be £42,975,193 (net yield after transitional arrangements and rate retention).
------------	---

1.0 Background

1.1 Under the provisions of the Non-Domestic Rating (Rates Retention) Regulations 2013, by a direction under paragraph 43 of schedule 7B of the Local Government Finance Act 1988, local authorities are required on or before 31st January to estimate and then notify the Secretary of State and any relevant precepting authorities of the amounts of each relevant precepting authority's share of its non-domestic rating income for the relevant year.

Distribution of NNDR.	
Amount to be paid to central Government	£21 543 804
Amount to be retained by East Herts Council (Gross of Tariff)	£17 235 043
Amount to be passed to Hertfordshire County Council	£ 4 308 761

2.0 Report

- 2.1 2013-14 is the first year of the rates retention scheme. In brief, under the rates retention scheme, authorities will, from 1 April 2013, retain a percentage of the rates income that they collect. Further percentages will be paid to central government and to an authority's major precepting authorities. (In our case Hertfordshire County Council)
- 2.2 The amount to be retained, and the amounts to be paid to central government and major precepting authorities are to be fixed at the start of the financial year on the basis of the billing authority's estimate of its non-domestic rating income for the year.
- 2.3 Using a revised government form (NNDR, see **Essential Reference Paper B**) which contains details of the rateable values shown in the authority's local rating list at 30 September, the Council is able to estimate the gross yield from business rates to reflect local intelligence about likely increases, or decreases, in the business rates that can be collected for the year.
- 2.4 After certain deductions, including mandatory and discretionary relief and adjustments to reflect losses on collection, this will give the authority's estimated net rating income for the year which will be used to determine the payments that are due to central government. There will be a 50% central share, and to the relevant precepting authorities (Hertfordshire County Council) 10% in the case of EHC. The remainder forms the part of the funding for East Herts.
- 2.5 Billing authorities are also required by the Non-domestic

Rating (Transitional Protection Payments) Regulations 2013 to estimate the amount of the transitional protection payment for the year. This relates to changes in valuations which are phased in after a major revaluation exercise. These occur approximately every five years. (2005, 2010 etc) To help pay for the limits on increases in bills, there also has to be limits on those properties where revaluation leads to reduced bills. This would be used for example if a business would otherwise have a significant increase or reduction in their liability, in excess of government guidelines. The change is instead applied in installments.

2.6 Finally, the draft retention regulations require billing authorities to further deduct from the net income figure, an amount in respect of the cost of collection and for the rates collected in Enterprise Zone areas, New Development Deal areas and from renewable energy hereditaments, as set out in the draft Non-Domestic Rating (Designated Area) Regulations and Non-Domestic Rating (Renewable Energy Projects) Regulations. For East Herts we are currently only impacted by the cost of collection, none of the others apply. The table below demonstrates the stages of calculation.

	Gross Rates Yield
Less	Mandatory Reliefs
Less	Discretionary Reliefs
Less	Losses in collection (Write offs, bad debt provision)
Less	An allowance for costs of collection
Adjusted by changes in	Enterprise zones, New development deals, and Renewable energy schemes (None for East Herts)
Plus	Growth
Less	Successful appeals
Equals	Net Yield (excluding transitional arrangements)
	This is then distributed
50%	Paid to Central Government
40%	Retained by East Herts
10%	Paid to Hertfordshire County Council

2.7 Under the new retention scheme, there are both potential risks and rewards in calculating our share of the yield. The major risks and concerns for the Council are; the level of successful rating appeals that may be made in the year, the

unknown level of bankruptcies and businesses going into administration, the number of empty properties, the number of new properties and the Collection rate achievable. We have to make an estimate of the impact of all these, based on limited trend information.

- 2.8 The rateable value of businesses in East Herts is **£115.5 million** ^(NNDR1 Line 2). There are currently rating appeals lodged with the government's Valuation Office in respect of rateable values totaling **£41.5 million** with some claims outstanding back to the 2005 rating list (and upon which interest could also be payable). Not all of these will be successful either in full or part. On the 2010 rating list the value of appeals represents **31.5%** of the total rateable value of the district. The cost of any successful appeals would be met from the monies received, and hence there will be a considerable degree of uncertainty and volatility in the actual level of income received by the Council in any one year. The reduction in the NNDR Tax Base from appeals is estimated at **£2,134, 626** ^(NNDR1 Line 35) in 2013/14. This is consistent with previous years expectations.
- 2.9 An assumption has to be made on the expected level of growth within NNDR yield per year. Based on past trends and expected completions during 2013/14, officers are forecasting no net growth over the government's net assumptions.
- 2.10 In summary, after reliefs, adjustments cost of collection and appeals the Council anticipates the net yield to be **£43,087, 607** ^(NNDR1 Line 36) in 2013/14 (before transition costs). This assumes a collection rate of 99% - which is in line with previous performance. The table below shows the respective shares of the **£43,087,607** ^(NNDR1 Line 36) :-

	% Share	Government Assumption (£)	NNDR Calculated Respective Share (£)	Variance (£)
Government	50%	21,555,747	21,543, 804	-11,943
East Herts Council (*)	40%	17, 244,597	17,235, 043	-9,554
Hertfordshire County Council	10%	4,311,149	4,308, 761	-2,388
Total	100%	43,111,493	43, 087, 607	-23,885

(*) *Gross of tariff*

- 2.11 From 2013-14 our performance on collection of NNDR will directly impact on the resources that the Council has to spend on services for its residents and businesses.
- 2.12 The funding that the Council has is based upon an assessed level of need by the DCLG (Department for Communities and Local Government), that will determine the level of NNDR that the Council either pays over (as a tariff) or receives (as a top-up) to fund services. This is in addition to a Revenues Support Grant.
- 2.13 East Herts is a tariff authority. This means it does not keep its entire share of NNDR but is subject to the payment of a tariff. This figure was determined by the government in the Local Government Finance settlement released at the end of December 2012. The Business Rate Baseline is calculated on the basis of a share of the national total of business rates collected over the last two years. This has been calculated at **£17,244,597** less the DCLG calculation of Baseline funding level of **£2,376,695** (**Tariff = £14,867,902**). The Tariff is payable to the government by the Council in installments throughout the year.
- 2.14 The new business rates retention scheme provides the opportunity for local authorities to share in the benefits of

growth in the rates tax base i.e. provides an incentive for economic development and regeneration. Any income retained from growth is subject to a levy of 50%. Conversely if any Council suffers a significant drop in NNDR due to the loss of one or more major businesses, or a large number of smaller businesses, or a greater than expected loss from revaluations, then a safety net applies. This means that no local authority will suffer more than a 7.5% loss on its net tariff. In our case this is equivalent to a loss of £178k.

- 2.15 The calculation at a local level, based on recent trends, indicates that no levy will be payable in 2013-14. If there is growth in the tax base and the Council collects more than anticipated in the year these figures are all recalculated at year end, in a similar way to that of Council Tax collection, and the adjustments are included in the following year's figures.
- 2.16 Taking all of the above into account, the anticipated level of income to be retained locally from Business Rates in 2013/14 by East Herts Council is calculated to be **£2,367,141 (£17,235,043 - £14,867,902)**.
- 2.17 In relation to this volatility, current estimates have shown that due to the high "gearing" nature of retained Business Rates to the total level of Business Rates generated within the district (**£2,367,141** compared to around **£43,087,607** NNDR1 Line³⁶), this only represents 5.5% of the net yield. The level at which the Government safety net will come into force in relation to reductions in the Business Rates is 7.5% or £2,198,443 (being 92.5% of the Government calculated EHC Baseline Funding Level of £2,376,695,) before any support from Central Government were to be forthcoming.
- 2.18 At the year end the Council is required to complete a NNDR3 outturn return. Any differences between this return and the amount calculated in the NNDR1 return will be adjusted in the following year.
- 2.19 Once the NNDR1 form has been certified, it must be returned to the Department for Communities and Local Government by no later than **Thursday 31 January 2013**.

2.20 Should any Member have detailed questions or comments on the assumptions it would be of great benefit to advise the Director of Finance and Support Services or the Executive Member for Finance well in advance of the meeting.

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

The Local Government Finance Bill 2012

<http://services.parliament.uk/bills/2012-13/localgovernmentfinance/documents.html>

The Local Government Finance Act 2012

<http://www.legislation.gov.uk/ukpga/2012/17/contents/enacted>

Contact Member: Councillor Michael Tindale - Executive Member for Finance
michael.tindale@eastherts.gov.uk

Contact Officer: Adele Taylor – Director of Finance and Support Services, ext 1401
adele.taylor@eastherts.gov.uk

Report Author: Su Tarran - Head of Revenues and Benefits, Shared Service, ext 2075
su.tarran@eastherts.gov.uk

This page is intentionally left blank

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	<i>Prosperity</i> This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic and social opportunities.
Consultation:	N/A
Legal:	Under the provisions of the Non-Domestic Rating (Rates Retention) Regulations 2013, by a direction under paragraph 43 of schedule 7B of the local Government Finance act 1988, local authorities are required on or before 31st January to estimate and then notify the Secretary of State and any relevant precepting authorities of the amounts of each relevant precepting authority's share of its non-domestic rating income for the relevant year.
Financial:	As referenced in the report.
Human Resource:	N/A
Risk Management:	As referenced in the report.

This page is intentionally left blank



Department for
Communities and
Local Government

**NATIONAL NON-DOMESTIC RATES RETURN 1
NDR1 2013-14**

Please e-mail to : ndr.statistics@communities.gsi.gov.uk

Please enter your details after checking that you have selected the correct authority name.

Please check the figures shown in the cells with a blue border and enter your own figures if you disagree with those suggested.

**A provisional version of the form should be returned to the Department for Communities and Local Government by
Monday 7 January 2013**

The final version of this form, including a signed copy, must also be sent to the Department for Communities and Local Government by
Thursday 31 January 2013

Select your local authority's name from this list:

East Cambridgeshire
East Devon
East Dorset
East Hampshire
East Hertfordshire
East Lindsey

Check that this is your authority :
Check that this is your E Code :
Local authority contact name :
Telephone number of local authority contact :
Fax number for local authority contact :
E-mail address of local authority contact :

East Hertfordshire
E1933
Graeme Reid
01279 502127
01992 531442
graeme.reid@hertspartnership-ala.gov.uk

Ver 1.3

1. Number of hereditaments on the rating list on 30 September 2012

4,143

£

2. Aggregate rateable value on the rating list on 30 September 2012

115,510,102

GROSS CALCULATED RATE YIELD

£

3. Enter line 2 x small business non-domestic rating multiplier (0.462)

53,365,667.12

MANDATORY RELIEFS

Small business rate relief

£

4. Additional yield generated to finance the small business rate relief scheme

883,702.30

5. Cost of small business rate relief for properties within billing authority area

2,170,238.57

6. Net cost of the small business rate relief (Line 5 minus Line 4)

1,286,536.27

7. Cost of relief to charities

3,633,910.01

8. Cost of relief to Community Amateur Sports Clubs

93,916.94

9. Cost of relief for rural general stores, post offices, public houses, petrol filling stations and food shops

52,109.05

10. Cost of relief for partly occupied premises

10,873.31

11. Cost of relief for empty premises

2,204,840.66

12. Total mandatory reliefs (Sum of lines 6 to 11)

7,282,186.24

DISCRETIONARY RELIEFS

13. Cost of relief to charities

155,356.16

14. Cost of relief to non-profit making bodies

28,919.52

15. Cost of relief to Community Amateur Sports Clubs

250.92

16. Cost of relief for rural general stores, post offices, public houses, petrol filling stations and food shops

21,925.01

17. Cost of relief to other rural businesses

0.00

18. Other Section 47 reliefs (Localism Act discounts)

0.00

19. Total discretionary reliefs (Sum of lines 13 to 18)

206,451.61

20. Gross Rate Yield after reliefs (Line 3 minus lines 12 & 19)

45,877,029.27

21. Estimate of 'losses in collection'

458,770.29

22. Allowance for Cost of Collection

196,025.65

23. Special Authority Deductions - City of London Offset

0.00

NATIONAL NON-DOMESTIC RATES RETURN 1 2013-14		East Hertfordshire
Ver 1.3		
Section 2		
Enterprise Zones		
		£
24. Estimated level of discount to be awarded in 2013-14		0.00
25. Estimated value of non-domestic rates in the Enterprise Zone area in 2013-14	0.00	
26. Enterprise Zone baseline	0.00	
27. Total estimated value of business rates to be retained in 2013-14 (Line 25 minus line 26)		0.00
New Development Deals		
28. Estimated value of non-domestic rates in the New Development Deals area in 2013-14	0.00	
29. New Development Deals baseline	0.00	
30. Total estimated value of business rates to be retained in 2013-14 (Line 28 minus line 29)		0.00
Renewable Energy Schemes		
31. Total estimated value of business rates to be retained in 2013-14		0.00
32. Net Rate Yield excluding transitional arrangements and rate retention (Line 20 minus the sum of lines 21 to 23, 27, 30 & 31)		45,222,233.33
Rate retention adjustments		
33. Estimate of the change in rateable value between 1 October 2012 and 30 September 2013		0.00
34. Estimate of the change in receipts as a result in the change in rateable value (line 33 times the multiplier)	%	0.00
This equates to a percentage change of		0.00
35. Local authority's estimate of adjustment due to appeals		2,134,626.00
36. Net Rate Yield excluding transitional arrangements but after rate retention adjustments (Line 32 plus lines 34 and minus line 35)		43,087,607.00
Section 3		
Transitional arrangements		
37. Addition revenue received because reduction in rates have been deferred	67,187.65	
38. Revenue foregone because increase in rates have been deferred	179,601.28	
39. Net cost of transitional arrangements (Line 38 minus line 37)		112,413.63
40. Net Rate Yield after transitional arrangements and rate retention (Line 36 minus line 39)		42,975,193.00

NNDR Summary for : East Hertfordshire	
These figures show the percentage shares of the NNDR you estimate your authority will collect in 2013-14. They are based on line 36. See the <i>Tier Split</i> tab for full information	
	£
Amount of NNDR to be paid to central government	21,543,804.00
Amount to be retained by East Hertfordshire under the rates retention scheme	17,235,043.00
Amount to be passed to Hertfordshire	4,308,761.00

Certificate of Chief Financial Officer	
I certify that the entries in lines 3, 12, 19, 20, 36, 39 and 40 of this form are the best I can make on the information available to me and that the figures given in lines 1 and 2 used in the calculating the amount shown in lines 36 and 40 are, to the best of my knowledge and belief those shown in the rating list for my authority as at 30 September 2012, subject to any order made before 15 January 2013 under the Local Government Act 1972 implementing boundary changes. I also certify that the authority has made proper arrangements for securing efficiency and effectiveness in relation to the collection of non-domestic rates. I also certify to the best of my knowledge and belief that any amount included as legal costs in line 22 and discretionary relief in line 24 meet the conditions set out in the Non-Domestic Rating (Rates Retention) Regulations 2013.	
Chief Financial Officer :	
Date :	

EAST HERTS COUNCIL

COUNCIL - 30 JANUARY 2013

REPORT BY THE MONITORING OFFICER

THE STANDARDS COMPLAINTS PROCEDURE

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- This report proposes changes to the complaints procedure and explains progress on implementing the new standards regime.

<u>RECOMMENDATIONS FOR COUNCIL:</u> That:	
(A)	the amended Complaints Procedure as now detailed, be approved.

1.0 Background

1.1 The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. Council has appointed a Standards Committee and approved a code of conduct together with a complaints procedure. The complaints procedure is set out in **Essential Reference Paper B**.

2.0 Report

2.1 **Duty to promote and maintain high standards of conduct**

2.2 The authority remains under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members.

3.0 **Dealing with Misconduct Complaints**

3.1 "Arrangements"

3.2 The Act requires that the Council adopt “arrangements” for dealing with complaints of breach of Code of Conduct both by District Council Members and by Parish Council Members, and such complaints can only be dealt with in accordance with such “arrangements”. So the “arrangements” must set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a Member who is found to have failed to comply with the relevant Code of Conduct. Council has adopted a complaints procedure.

3.3 The Council has adopted a procedure for the investigation of misconduct complaints. 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.

3.4 The current procedure provides that::

The Monitoring Officer will review every complaint received and, may consult with the Independent Person before referring it to the Standards Sub-Committee

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 addition 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.

3.5 In the light of experience of operating the new procedure, it is proposed that instead of the Monitoring Officer simply referring the complaint to the Standards Committee, the Monitoring Officer will make a recommendation based on the criteria in Appendix 2 having consulted the Independent Person.

4.0 Progress on Implementation

4.1 Following the decisions of Council to approve the complaints procedure and adopt a code of conduct, progress has been made to implement the requirements of the Localism Act.

4.2 Two training sessions have been provided for District Councillors. Town and Parish Councillors and clerks also attended. Additional training has been provided for the Standards Committee and the Independent Persons. The publication of the register of Members' interests was postponed until after the Member training to support Members when completing the register. Officers are working with Town and Parish Councils to ensure publication of the Town and Parish Council registers of interests.

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'**.

Background Papers Code of Conduct

Contact Officer: Simon Drinkwater- Director of Neighbourhood Services
01992 531405
simon.drinkwater@eastherts.gov.uk

Report Author: Simon Drinkwater

This page is intentionally left blank

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	People 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 Persons have been consulted.
Legal:	The legal implications are set out in the report.
Financial:	Any costs will be met within existing budgets.
Human Resource:	None
Risk Management:	The Council is required to implement the Localism Act in respect of the new standards regime. The Council is under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members.

This page is intentionally left blank

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

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 with a preliminary report containing recommendation.
- 4.2 This decision whether or not to investigate 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 following review 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 needs to 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 The Investigating Officer will take 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 take 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 Members.

10.2 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.

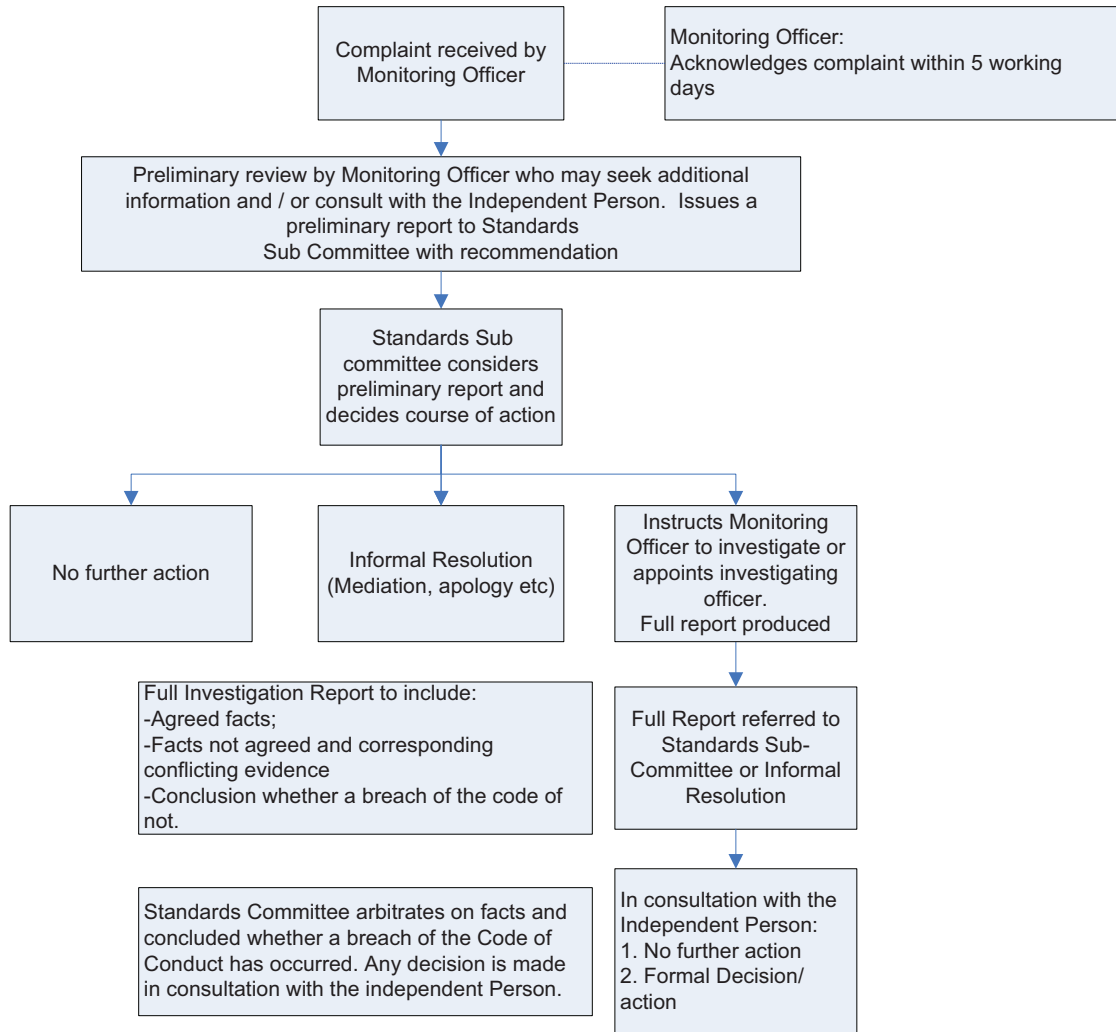
13.0 Appeals

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

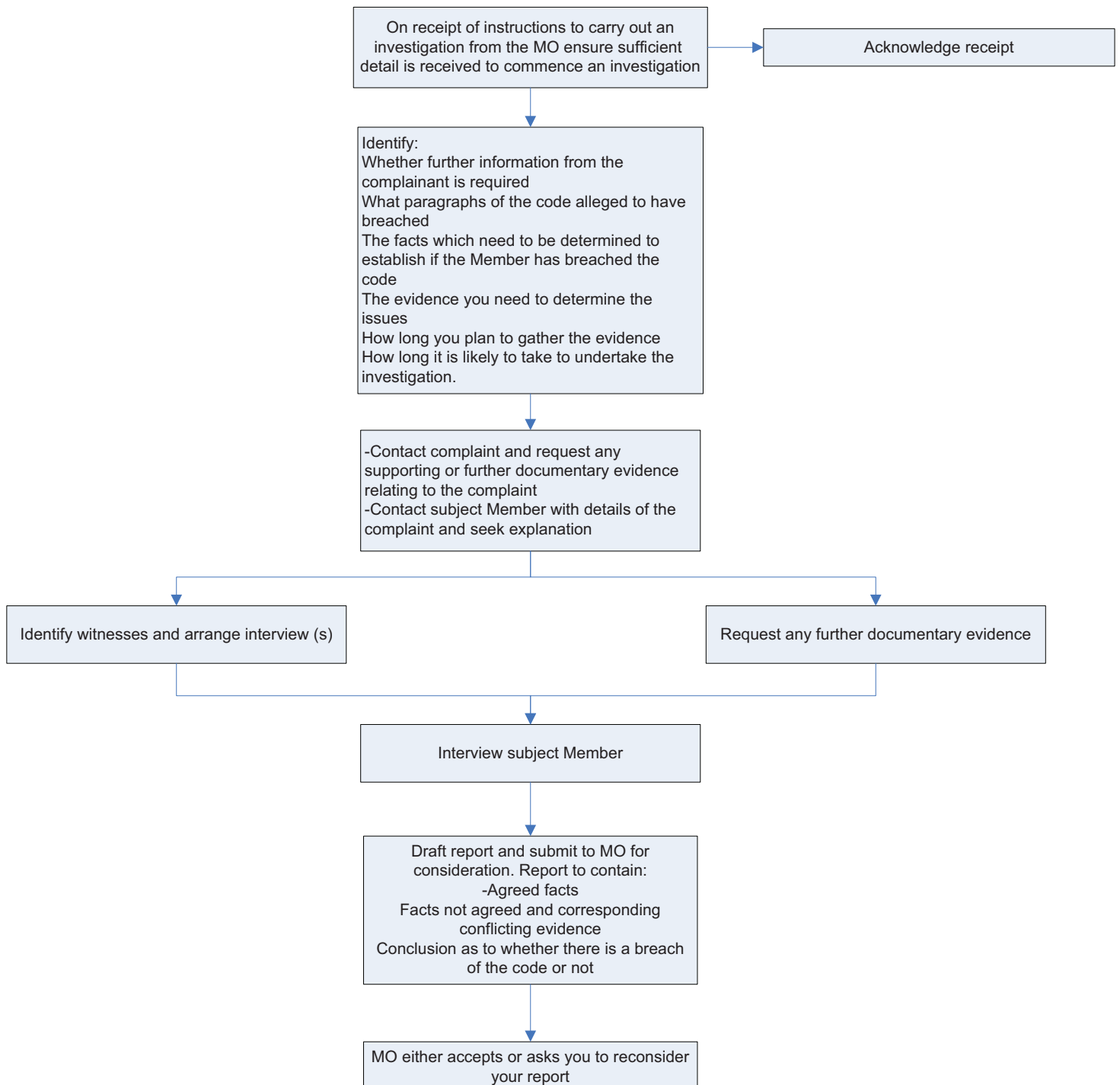
1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, 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.
7. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
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>

This page is intentionally left blank