

# Public Document Pack

## EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that the annual meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 18th May, 2016 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 10th day of May 2016

Interim Head of Legal  
and Democratic 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 of the Chairman.*

2. Election of Chairman for the Council 2016-17

*To elect the Chairman of the Council for 2016-17, following which the Chairman will make the statutory declaration of acceptance of office.*

3. Appointment of Vice-Chairman of the Council for 2016-17

*To appoint the Vice-Chairman of the Council for 2016-17, following which the Vice-Chairman will make the statutory declaration of acceptance of office.*

4. Further Chairman's Announcements

*To receive any announcements of the newly-elected Chairman.*

5. Minutes (Pages 7 - 14)

*To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 2 March 2016.*

6. Declarations of Interest

*To receive any Members' declarations of interest.*

7. Members' questions

*To receive any Members' questions.*

8. Executive Report - 8 March 2016 (Pages 15 - 22)

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

(A) Housing and Health Strategy 2016-2021

*Minute 624 refers*

(B) Hertford Town Centre Urban Design Strategy February 2016

*Minute 625 refers*

(C) Bishop's Stortford North S106 Sports Investment Strategy, December 2015

*Minute 626 refers*

(D) Strategic Land Availability Assessment

*Minute 627 refers*

(E) Duty to Co-operate Update Report

*Minute 628 refers*

9. Executive Report - 5 April 2016 (Pages 23 - 30)

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

(A) Thundridge and Wadesmill Conservation Area Appraisal and Management Plan

*Minute 665 refers*

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

10. Community Scrutiny Committee: Minutes - 15 March 2016 (Pages 31 - 38)

*Chairman: Councillor Mrs D Hollebon*

11. Audit Committee: Minutes - 16 March 2016 (Pages 39 - 46)

*Vice-Chairman: Councillor I Devonshire*

(A) Shared Anti-Fraud Services (SAFS) Position Statement

*Minute 643 refers*

12. Licensing Committee: Minutes - 17 March 2016 (Pages 47 - 50)

*Chairman: Councillor Mrs R Cheswright*

13. Chief Officer Recruitment Committee: Minutes - 21 March 2016 (Pages 51 - 52)

*Chairman: Councillor L Haysey*

14. Corporate Business Scrutiny Committee: Minutes - 22 March 2016 (Pages 53 - 62)

*Chairman: Councillor P Phillips*

15. Development Management Committee: Minutes - 23 March 2016 (Pages 63 - 72)

*Chairman: Councillor D Andrews*

16. Human Resources Committee: Minutes - 20 April 2016 (Pages 73 - 76)

*Chairman: Councillor C Woodward*

17. Development Management Committee: Minutes - 27 April 2016 (Pages 77 - 92)

*Chairman: Councillor D Andrews*

18. Changes to Audit and Standards Committee Arrangements (Pages 93 - 122)

*To consider a report of the Chief Executive.*

19. Review of the Council's Decision-Making Structure (Pages 123 - 138)

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

20. Appointment of Chief Financial Officer (Pages 139 - 144)

*To consider a report of the Chief Executive.*

21. Annual Review of the Constitution

*To consider a report (to follow) of the Chief Executive.*

22. 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.)

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### **Audio/Visual Recording of meetings**

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

MINUTES OF A MEETING OF THE  
COUNCIL HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 2 MARCH 2016, AT 7.00 PM

PRESENT:

Councillor P Moore (Chairman).  
Councillors D Abbott, A Alder, M Allen,  
D Andrews, R Brunton, E Buckmaster,  
M Casey, Mrs R Cheswright, S Cousins,  
K Crofton, G Cutting, B Deering,  
I Devonshire, H Drake, M Freeman,  
J Goodeve, L Haysey, R Henson,  
Mrs D Hollebon, A Jackson, G Jones,  
J Kaye, G McAndrew, M McMullen,  
D Oldridge, T Page, M Pope, S Reed,  
P Ruffles, S Rutland-Barsby, C Snowdon,  
S Stainsby, R Standley, M Stevenson,  
N Symonds, J Taylor, K Warnell,  
G Williamson, C Woodward and J Wyllie.

OFFICERS IN ATTENDANCE:

Cliff Cardoza	- Head of Environmental Services and Leisure
Philip Gregory	- Head of Strategic Finance
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Democratic Services Team Leader
Nick Kirby	- Environmental Inspection Team Manager
Anthony Roche	- Deputy Monitoring Officer
Adele Taylor	- Director of Finance

Liz Watts

and Support  
Services  
- Chief Executive

### 613 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and the public to the meeting and reminded everyone that the meeting was being webcast.

She advised Members that she had agreed to accept onto the agenda as an urgent item, a report on Environmental Crime Enforcement Policy and Public Space Protection Orders, on the basis that, if agreed, the proposals could be implemented by 1 May 2016.

The Chairman updated Members on her recent engagements, including the semi-final stage of the "East Herts Got Talent" event. She reminded Members of the Civic Dinner on 19 March 2016 and also provided an update on her activities as a mental health champion.

### 614 MINUTES

RESOLVED – that the Minutes of the Council meeting held on 17 February 2016, be approved as a correct record and signed by the Chairman.

### 615 PUBLIC QUESTIONS

#### Question 1

Mione Goldspink, a resident of Bishop's Stortford, asked the Executive Member for Health and Wellbeing what plans the Council had to address the shortfall in affordable, rented housing across the District.

The Executive Member for Health and Wellbeing referred to various measures contained within the current Housing Bill progressing through Parliament and also within the ongoing



work on the District Plan. He outlined the Council's work with various partners and the recent stakeholder consultation on the new Housing Strategy that would be considered by the Executive at its next meeting on 8 March 2016.

The Executive Member also referred to initiatives such as the Empty Homes Strategy, where additional resources had been allocated to bring more empty properties back into use. Finally, he referred to ongoing partnership work to maximise stock availability and to reduce the numbers of tenants subjected to court action.

In response to a supplementary question on specific actions, the Executive Member reminded Members that the Council was not a direct housing provider. However, it would continue to use its powers, with housing partners, to maximise the availability of affordable housing.

At this point (7.18 pm), the meeting was adjourned due to a disturbance in the public gallery. The meeting reconvened at 7.32 pm.

616 HEALTH AND WELLBEING SCRUTINY COMMITTEE:  
MINUTES - 16 FEBRUARY 2016

RESOLVED – that the Minutes of the Health and Wellbeing Scrutiny Committee held on 16 February 2016, be received.

617 ENVIRONMENT SCRUTINY COMMITTEE: MINUTES - 23  
FEBRUARY 2016

RESOLVED – that the Minutes of the Environment Scrutiny Committee held on 23 February 2016, be received.

618 HUMAN RESOURCES COMMITTEE: MINUTES - 24  
FEBRUARY 2016

RESOLVED – that the Minutes of the Human Resources Committee held on 24 February 2016, be

received.

(see also Minute 619)

619 PAY POLICY STATEMENT 2016/17

RESOLVED – that the Pay Policy Statement for 2016/17 as detailed, be approved.

(see also Minute 618)

620 DEVELOPMENT MANAGEMENT COMMITTEE: MINUTES - 24 FEBRUARY 2016

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RESOLVED – that the Minutes of the Development Management Committee meeting held on 24 February 2016, be received.

621 COUNCIL TAX 2016/17

The Executive Member for Finance and Support Services submitted a report proposing Council Tax levels in 2016/17. Council noted the precepts set by Hertfordshire County Council (HCC), Hertfordshire Police Authority (HPA) and Parish and Town Councils.

In accordance with the provisions of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was taken on the Council Tax resolution, the result being:

FOR

Councillors D Abbott, A Alder, M Allen, D Andrews, R Brunton, E Buckmaster, M Casey, R Cheswright, S Cousins, K Crofton, G Cutting, B Deering, I Devonshire, H Drake, M Freeman, J Goodeve, L Haysey, R Henson, D Hollebbon, A Jackson, G Jones, J Kaye, G McAndrew, M McMullen, P Moore, D Oldridge, T Page, M Pope, S Reed, P Ruffles, S Rutland-Barsby, C Snowdon, S Stainsby, R Standley, M Stevenson, N Symonds, J Taylor, K Warnell, G Williamson, C Woodward, J Wyllie.

AGAINST

None

ABSTENTIONS:

None

For: 41

Against: 0

Abstentions: 0

Council approved the recommendations as now detailed.

RESOLVED – that (A) the Council Tax resolution, as now submitted, be approved;

(B) the local precepts as set out at Essential Reference Paper 'C' be noted; and

(C) the Hertfordshire County Council and Hertfordshire Police Authority precepts be noted.

622 REVIEW OF THE ALLOCATION OF SEATS ON COMMITTEES

Council considered a report reviewing the allocation of seats on the Council's committees following the resignation of a Member from the Conservative Group. It was noted that Councillor J Cartwright had given notice that he would be serving as an Independent Member.

As a result of the review, the Leader asked Council to note that Councillors J Jones and J Taylor had been appointed to fill the vacancies on Corporate Business Scrutiny and Audit Committees respectively.

Council approved the allocation of seats as now submitted.

RESOLVED – that the allocation of the number of seats on committees be as set out in Table Two of the report submitted.

623 REVISED ENVIRONMENTAL CRIME POLICY AND PUBLIC SPACE PROTECTION ORDERS

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Council considered a report seeking approval for a new Environmental Crime Enforcement Policy, which also sought the making of the Public Spaces Protection Order (PSPO). The Head of Environmental Services explained the consultation process that had been undertaken during which over 300 comments had been received. These had been summarised in Essential Reference Paper 'D' of the report submitted and he referred specifically to the concerns of residents present at the meeting, namely relating to dogs of a nervous disposition and the control of dogs off their leads. He advised that, if agreed, the proposed Public Space Protection Orders would be kept under review and could be amended or added to with experience, or if new circumstances came to light.

The Executive Member for Environment and the Public Space thanked the Chairman for accepting this item onto the agenda as an urgent matter and explained that it was intended to implement the proposals by 1 May 2016. He emphasised that for a period of three months after the introduction of the PSPO, Officers would use their discretion and adopt an informal and educational approach to the enforcement of the new legislation.

In response to Members' comments and questions, the Executive Member accepted an amendment to Essential Reference Paper 'C' to the effect that the other obligations listed at paragraphs 8 – 11 would only be enforced by a police officer. It was also agreed to amend paragraph 8 so that it referred to mechanically propelled devices as well as vehicles.

Council approved the proposals as now detailed.

RESOLVED – that (A) the Environmental Crime Enforcement Policy, as set out in Essential Reference Paper 'B', be approved; and

(B) having regard to the conditions within section 59 of the Antisocial Behaviour, Crime and Policing Act 2014, the Public Spaces Protection Order, as set out at Essential Reference Paper 'C' of the report submitted and as now amended, be made, to provide new and enhanced powers to tackle dog fouling and other forms of anti-social behaviour.

The meeting closed at 7.55 pm

Chairman	.....
Date	.....

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MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 8 MARCH 2016, AT 7.00 PM

PRESENT: Councillor L Haysey (Chairman/Leader)  
Councillors E Buckmaster, A Jackson,  
G Jones, G McAndrew, S Rutland-Barsby  
and G Williamson.

ALSO PRESENT:

Councillors M Allen, R Brunton, M Freeman,  
J Goodeve, M McMullen, P Moore, T Page,  
P Ruffles and N Symonds.

OFFICERS IN ATTENDANCE:

Louise Harris	- Housing Strategy and Development Manager
Martin Ibrahim	- Democratic Services Team Leader
Adele Taylor	- Director of Finance and Support Services
Liz Watts	- Chief Executive
Ben Wood	- Head of Business Development

624 **HOUSING AND HEALTH STRATEGY 2016-2021**

**The Executive Member for Health and Wellbeing submitted a report detailing the consultation feedback and amendments to the draft Housing and Health Strategy 2016 – 21, and seeking support for its adoption by Council.**

**The Housing and Health Strategy 2016 - 21 was not a**

statutory document, but it sought to set out the current position, issues and tasks for the Council in delivering a sustainable housing offer to residents.

The Executive noted the reasons for the review undertaken as the current Housing Strategy concluded in 2016. The Community Scrutiny Committee had considered and supported the revised Strategy for the purposes of public consultation. The Executive Member highlighted the responses received in Essential Reference Paper 'C' of the report submitted.

He also referred to a late response that had been submitted jointly from East and North Herts Clinical Commissioning Group and NHS England, which referred to the important contribution housing made towards the overall health and wellbeing of residents. He asked the Executive to accept this submission as an additional comment for inclusion within Essential Reference Paper 'C' of the report submitted. This was supported.

The Executive supported the recommendations as now detailed.

**RECOMMENDED** – that (A) the Housing and Health Strategy 2016-21, as now submitted, be adopted as a key document; and

(B) the joint submission received from East and North Herts Clinical Commissioning Group and NHS England, be accepted for inclusion within Essential Reference Paper 'C' of the report submitted.

625 **HERTFORD TOWN CENTRE URBAN DESIGN STRATEGY  
FEBRUARY 2016**

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The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 25 February 2016, on the Hertford Town Centre Urban Design Strategy, February 2016.



**RECOMMENDED** – that (A) the Hertford Town Centre Urban Design Strategy, February 2016, be approved as part of the evidence base to inform and support the East Herts District Plan;

(B) the Hertford Town Centre Urban Design Strategy, February 2016, be approved to inform Development Management decisions; and

(C) a Steering Group be set up, including representatives from East Herts Council, Hertfordshire County Council and Hertford Town Council, to agree an action plan to bring forward appropriate projects in the short, medium and long term for the improvement and enhancement of the County Town, with a report on an action plan and identified projects being submitted to the Executive.

(see also Minute 634)

626 **BISHOP'S STORTFORD NORTH S106 SPORTS INVESTMENT STRATEGY, DECEMBER 2015**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 25 February 2016, on the Bishop's Stortford North S106 Sports Investment Strategy, December 2015.

**RECOMMENDED** – that (A) the project prioritisation criteria be approved;

(B) the Steering Group, in conjunction with the Executive Member for Health and Wellbeing, be empowered to consider and make recommendations on future investments to Council following consultation with the Sounding Board; and

**(C) the Bishop's Stortford North S106 Sports Investment Strategy, December 2015, be agreed as part of the evidence base to inform and support preparation of the East Herts District Plan and for Development Management purposes.**

**(see also Minute 634)**

**627 STRATEGIC LAND AVAILABILITY ASSESSMENT**

**The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 25 February 2016, on the Strategic Land Availability Assessment (SLAA) Round 3 site assessments.**

**RECOMMENDED – that the SLAA Round 3 site assessments, and the ongoing process for completing the SLAA, be noted.**

**(see also Minute 634)**

**628 DUTY TO CO-OPERATE UPDATE REPORT**

**The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 25 February 2016, on the Duty to Cooperate Update Report.**

**RECOMMENDED – that (A) the notes of the Member-level meetings held with neighbouring local authorities be received; and**

**(B) the Head of Planning and Building Control, in consultation with the District Planning Executive Panel Members, be authorised to prepare, agree and sign Memoranda of Understanding with neighbouring local authorities, and other bodies, as appropriate.**

**(see also Minute 634)**

629 LEADER'S ANNOUNCEMENTS

The Leader welcomed Members and Officers to the meeting and reminded everyone that the meeting was being webcast.

630 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 2 February 2016, be approved as correct record and signed by the Leader.

631 ECONOMIC DEVELOPMENT VISION AND ACTION PLAN

The Executive Member for Economic Development submitted a report seeking approval for the Economic Development vision and action plan. This was detailed in Essential Reference Paper 'B' of his report now submitted.

The Executive Member also detailed the key stages of development that had resulted in the vision and action plan now submitted. The Executive noted that its implementation would require effective cooperation with partners such as the Local Enterprise Partnership, Hertfordshire County Council, WENTA, the London Stansted Cambridge Consortium and others.

The Executive approved the proposals now detailed.

RESOLVED - that the Economic Development vision and action plan as now submitted, be adopted.

632 2016/17 SERVICE PLANS

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

The Executive noted that the joint meeting of Scrutiny Committees had considered and supported the Service Plans now detailed.

The Executive approved the Service Plans as now submitted.

RESOLVED - that the 2016/17 – 2019/20 Service Plans, key actions and performance measures as detailed in Essential Reference Paper 'B' of the report submitted, be approved.

633 BUNTINGFORD AND SAWBRIDGEWORTH CAR PARKS - CONTINUED SUBSIDY

The Executive Member for Economic Development submitted a report seeking approval for the continuation of an internal subsidy to the Council's Buntingford and Sawbridgeworth car parks.

The Executive recalled that, it had agreed to subsidise 'pay and display' charges in its Buntingford and Sawbridgeworth car parks in 2015/16, funded from the Council's New Homes Bonus Priority Fund. This had been deemed appropriate on the basis that a two year trial including reduced 'pay and display' tariffs had begun in Hertford, Bishop's Stortford and Ware in September 2014.

The Executive approved the continued subsidy as now detailed.

RESOLVED - that East Herts New Homes Bonus funding is used to subsidise 'pay and display' charges in the Council's Buntingford and Sawbridgeworth car parks in 2016/17.

634 DISTRICT PLANNING EXECUTIVE PANEL: MINUTES - 25 FEBRUARY 2016

RESOLVED – that the Minutes of the District Planning Executive Panel held on 25 February 2016 be

received.

(see also Minutes 625 – 628)

The meeting closed at 7.20 pm

Chairman .....

Date .....

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MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 5 APRIL 2016, AT 7.00 PM

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PRESENT: Councillor L Haysey (Chairman/Leader)  
Councillors E Buckmaster, A Jackson,  
G McAndrew, S Rutland-Barsby and  
G Williamson.

ALSO PRESENT:

Councillors M Allen, D Andrews, P Ballam,  
S Bull, M Freeman, J Goodeve, M McMullen,  
P Moore, T Page, M Pope and P Ruffles.

OFFICERS IN ATTENDANCE:

Louise Harris	- Housing Strategy and Development Manager
Martin Ibrahim	- Democratic Services Team Leader
Liz Watts	- Chief Executive

665 **THUNDRIDGE AND WADESMILL CONSERVATION AREA  
APPRAISAL AND MANAGEMENT PLAN**

**The Executive Member for Development Management and Council Support submitted a report on the Thundridge and Wadesmill Conservation Area Appraisal following public consultation. She detailed the outcome of the public consultation in the report now submitted.**

**The Appraisal identified the special character of the Conservation Area together with the elements that should be retained or enhanced and those which detracted from the identified character. Once adopted by the Council, the Appraisal would become a ‘material consideration’ in**

the process of determining planning applications. It would also link into the development of neighbourhood planning.

The Executive Member referred to a couple of typographical errors in the report and on page 79 of Essential Reference Paper 'B'.

Members welcomed the report and noted the rich local history of the area.

The Executive supported the recommendations as now detailed.

**RECOMMENDED** – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Thundridge and Wadesmill Conservation Area Appraisal and Management Plan be supported;

(B) authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Development Management and Council Support, to make any further minor and consequential changes to the document which may be necessary; and

(C) the Thundridge and Wadesmill Conservation Area Appraisal and Management Plan be adopted.

666 APOLOGIES

An apology for absence was submitted on behalf of Councillor G Jones.

667 MINUTES

**RESOLVED** – that the Minutes of the Executive meeting held on 8 March 2016, be approved as correct record and signed by the Leader.



668 PLANNING AND ENFORCEMENT REVIEW

The Executive considered a report detailing the outcome of a review of the Planning Enforcement Policy by a Task and Finish Group set up by the Environment Scrutiny Committee.

At the invitation of the Leader, Councillor T Page, the Chairman of the Task and Finish Group, summarised its deliberations and highlighted the main conclusions detailed in the report submitted. He also corrected the paragraph numbers quoted in the recommendations proposed. Finally, Councillor T Page thanked Members and Officers for their support in the work of the Task and Finish Group.

The Executive welcomed the report and also thanked Members and Officers for their efforts.

In respect of the proposed general delegation to Officers to issue all enforcement and general notices, Councillor D Andrews suggested that the local Member should also be kept informed.

In response to a question from the Leader, the Chief Executive suggested that the business case to establish if further resources should be provided to enable the implementation of pro-active site monitoring could be submitted to the Executive within three or four months.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the revised Planning Enforcement Plan be endorsed;

(B) changes to the delegation to Officers in relation to the serving of Enforcement and related notices be made as set out in paragraphs 2.4 - 2.5 of the report submitted;

(C) new PIs and targets be established for the service for the 2016/17 year onwards as set out in paragraphs 2.8 – 2.11 of the report submitted; and

(D) a business case to establish if further resources should be provided to enable the implementation of pro-active site monitoring be submitted to a future Executive meeting.

669 ASSET MANAGEMENT PLAN 2016/17

The Executive Member for Finance and Support Services submitted a report setting out the aims and objectives for the management of the Council's assets contained within the Asset Management Plan. This included a list detailing each land and property asset and how each contributed to the corporate priorities of the Council.

The Executive approved the Asset Management Plan as now submitted.

RESOLVED - that (A) the comments of the Corporate Business Scrutiny Committee on the Asset Management Plan, be received;

(B) the Asset Management Plan, included at Essential Reference Paper B of the report submitted, be approved; and

(C) the proposed annual review period for the Asset Management Plan, be approved.

670 REQUEST FOR AREA DESIGNATION FOR NEIGHBOURHOOD PLANNING - WATTON-AT-STONE PARISH

The Executive gave consideration to a report detailing an application by Watton-at-Stone Parish Council for the designation of a Neighbourhood Area, as detailed on the plan attached to the report submitted.

The Executive considered the application and the consultation undertaken, including the comments on the proposed

neighbourhood boundary that had been submitted. The report submitted detailed the main areas of consideration in determining the application in accordance with Schedule 9 of the Localism Act 2011.

Councillor M Freeman, as the local Member, welcomed the application and expressed his thanks to Officers for their efforts in supporting the application.

The Executive supported the application as now detailed.

RESOLVED - that the application for the designation of a Neighbourhood Area, submitted by Watton-at-Stone Parish Council, be supported.

671 REQUEST FOR AREA DESIGNATION FOR  
NEIGHBOURHOOD PLANNING - SELE WARD

The Executive gave consideration to a report detailing an application by Hertford Town Council for the designation of a Neighbourhood Area in Sele Ward, as detailed on the plan attached to the report submitted.

The Executive considered the application and the consultation undertaken, including the comments on the proposed neighbourhood boundary that had been submitted. The report submitted detailed the main areas of consideration in determining the application in accordance with Schedule 9 of the Localism Act 2011.

The Executive supported the application as now detailed.

RESOLVED - that the application for the designation of Sele Ward Neighbourhood Area, submitted by Hertford Town Council, be supported.

672 RESTRICTIVE COVENANT ON GLADSTONE ROAD, WARE

The Executive Member for Health and Wellbeing submitted a report seeking approval to remove restrictive covenants placed upon the title deeds by the Council on nos. 67 – 89 &

101 – 113 Gladstone Road, and 12 – 26 Priory Street, Ware when they were transferred to Riversmead Housing Association Limited in 1999.

Gladstone Road had been decanted by Riversmead as they wished to redevelop the site and intended to submit a scheme seeking planning permission. The removal of the restrictive covenants would allow Riversmead the opportunity to produce a mixed tenure scheme which was fit for purpose for East Herts residents.

The Executive approved the proposal as now detailed.

RESOLVED - that the deletion of certain of the restrictive covenants placed upon the Transfer and Deed of Nomination Rights by the Council in the sale of Nos. 67 – 89 & 101 – 113 Gladstone Road, and 12 – 26 Priory Street, Ware to Riversmead Housing Association in 1999, be approved.

673 CORPORATE HEALTHCHECK - QUARTER 3 DECEMBER 2015

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The Executive Member for Finance and Support Services submitted a report on finance, performance and strategic risk monitoring for 2015/16 as at December 2015.

The Executive noted the report as now detailed.

RESOLVED - that (A) the revenue budget forecast underspend of £677k, as detailed at paragraph 2.1 of the report submitted, be noted;

(B) proposed slippage on the following capital schemes:

- Hertford Theatre, £13k
- The Bourne Ware, £41k
- Wallfields solar panel, £45k
- Environmental enhancements to town centres, £28k

- Market improvements, £22k
- Community Capital Grants, £41k
- Operational Building Rolling Programme, £74k
- North Drive Ware, £12k
- Print investment, £20k
- HR & payroll system, £55k
- Electoral management software, £75k
- Historic Building Grants, £13k
- Energy grants, £38k
- Land Management Programme, £26k

be noted; and

(C) the reported performance for the period October 2015 to December 2015 be noted.

The meeting closed at 7.23 pm

Chairman	.....
Date	.....

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MINUTES OF A MEETING OF THE  
COMMUNITY SCRUTINY COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON TUESDAY  
15 MARCH 2016, AT 7.00 PM

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PRESENT: Councillor Mrs D Hollebon (Chairman).  
Councillors G Cutting, J Goodeve, R Henson,  
J Jones, D Oldridge and M Pope.

ALSO PRESENT:

Councillors A Alder, M Freeman, L Haysey,  
G Jones, G McAndrew and P Ruffles.

OFFICERS IN ATTENDANCE:

Cliff Cardoza	- Head of Environmental Services and Leisure
Robin Clark	- Licensing Enforcement and Community Safety Manager
Mark Kingsland	- Leisure Services Manager
Marian Langley	- Scrutiny Officer
Joseph Liggett	- Leisure Services Development Manager
Peter Mannings	- Democratic Services Officer
Paul Pullin	- Economic Development Manager
Brian Simmonds	- Head of Community Safety and Health Services
Liz Watts	- Chief Executive

Ben Wood - Head of Business Development

ALSO IN ATTENDANCE:

Chris Hunt - Hertfordshire Constabulary  
 Mathew Nicholson - SLM Limited  
 James Tovey - SLM Limited  
 Chris Yearley - SLM Limited

635 APOLOGIES

Apologies for absence were submitted from Councillors C Snowdon, R Standley and K Warnell.

636 MINUTES – 17 NOVEMBER 2015

RESOLVED – that the Minutes of the meeting held on 17 November 2015 be confirmed as a correct record and signed by the Chairman.

637 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Mathew Nicholson, Area Manager, Chris Yearley, Hartham Leisure Centre General Manager and James Tovey, Grange Paddocks General Manager from SLM to the meeting. The Chairman also welcomed Inspector Chris Hunt from Hertfordshire Constabulary to the meeting.

The Chairman thanked Members and Officers for their help, support and guidance throughout the civic year.

638 CRIME TRENDS IN RURAL EAST HERTS

The Head of Community Safety and Health Services submitted a report on known crime trends in rural locations in East Herts, responses to rural crime and highlighted gaps in rural crime types and locations. The



Head summarised a number of relevant details from the report.

Inspector Chris Hunt from Hertfordshire Constabulary addressed the Committee in respect of new legislation regarding anti-social behaviour. He referred in particular to Public Space Protection Orders (PSPOs) and the increasing utilisation of closure notices for individual dwellings where the occupants were causing anti-social behaviour. He also referred to the annual Standon Calling music festival and the fact that there were far fewer incidents than was the case at other similar events such as Knebworth.

The Head of Environmental Services responded to a number of questions and queries from Councillor G Cutting regarding fly tipping. Councillor Cutting detailed the types and location of recent fly tips that he was currently aware of in and around Bishop's Stortford Central ward.

The Head of Environmental Services advised that a report would be submitted to the next meeting of Environment Scrutiny Committee which would include a section on whether there was a correlation between reduced opening hours of household waste recycling sites and the number and location of recorded fly tips. Members were reminded that some fly tips contained material which could not have been taken to a household waste site.

The Head of Environmental Services, the Head of Community Safety and Health Services and Inspector Chris Hunt responded to a number of other questions from Members regarding diversionary activities for young people and legal highs.

Members received the report and supported the recommendations now detailed.

RESOLVED – that Members' concerns as now detailed, be forwarded to the Executive Member

for Environment and Public Open Spaces and the Community Safety Partnership.

639 ANNUAL LEISURE CONTRACT – YEAR 7

The Head of Environmental Services submitted a report presenting the seventh annual review of the Council's ten-year leisure contract with Sport and Leisure Management Limited (SLM) trading as "Everyone Active".

The Leisure Services Manager highlighted a number of key areas of success and referred Members to Essential Reference Paper 'B' of the report submitted for the performance review information. He referred in particular to the upgrades undertaken since the receipt of customer satisfaction data based on customer exit surveys.

The Chairman commented on whether the SLM employee referred to in paragraph 2.37 of the report could run disability and limited mobility classes at Grange Paddocks Leisure Centre in addition to those being conducted at Hartham. SLM managers outlined the range of work undertaken by that staff member and indicated that working from the Grange Paddocks site could be investigated.

Councillor A Alder referred to the community and charity events SLM had been involved in throughout the year. She referred in particular to the Anthony Nolan testing days and SLM managers explained that only the two larger sites gave enough users to warrant the events being held there. They assured Members that the events were well advertised at the smaller sites.

Members made a number of other comments and observations regarding customer satisfaction, value for money and the survey feedback detailed in the report. Following a request from Members, SLM managers and the Head of Environmental Services undertook to present customer satisfaction data in finer detail in future reports. Councillor Alder referred to the gender make-up of the

60+ age group customers that were using the Council's leisure facilities. The Committee received the report and requested that Members' comments be forwarded to the Executive Member for Health and Wellbeing.

RESOLVED – that Members' comments as now detailed be forwarded to the Executive Member for Health and Wellbeing.

#### 640 TOWN CENTRE MARKETS

The Executive Member for Economic Development submitted a report providing information and context on the importance of markets in contributing to town centre vibrancy. The Head of Communications, Strategy and Policy apologised that the full audit report was not included as it had only just been completed. He outlined the suggestions, conclusions and action plan of the audit in respect of the markets. He undertook to circulate this with a management response at a later date.

Councillors D Hollebon, G Cutting and G Jones mentioned that they were Members of Bishop's Stortford Town Council which was now responsible for Bishop's Stortford market. The Economic Development Manager responded to a query from Councillor D Oldridge by explaining the history of why the District's markets were held on different days of the week. The Head of Communications, Strategy and Policy explained that the legislation which governed the operation of Charter markets was complicated and archaic.

Members debated at length the issue of markets trading on specific days of the week and the implications for the viability of each individual market and the market traders. Councillor G Cutting commented that the traders travelled round the markets and he felt that the days when they operated should be left alone. The Chairman emphasised that it was for the Council to do what it could to ensure the viability of the District's Markets.

Councillor M Pope commented on the success of the contract with Bishop's Stortford Town Council and whether this model could be applied elsewhere. The Head of Communications, Strategy and Policy advised that the contract had helped to re-energise Bishop's Stortford market. The Town Council had arranged a lot of events and had tried new things to raise the profile of the market and get more people into the town centre.

The Head explained that it was too early to tell if there had been a significant impact on income levels, but overall, the contract had been good for the market.

Members received the report and agreed that the Executive be advised that Community Scrutiny Committee would like Officers to explore the possibility of flexibility regarding the days when the markets operated in East Herts and explore what factors impact most on customer numbers in respect of timing, location, weather, retail offer etc. Members agreed that a further report should be submitted to the Committee meeting on 22 November 2016.

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

(B) the Executive be advised that Community Scrutiny Committee would like Officers to explore the possibility of flexibility regarding the days when the markets operated in East Herts.

641 COMMUNITY SCRUTINY CORPORATE HEALTHCHECK REPORT OCTOBER 2015 TO JANUARY 2016

The Director of Finance and Support Services submitted a report on the performance of key indicators for Community Scrutiny Committee for the period October 2015 to January 2016.

The Head of Communications, Strategy and Policy advised that the only indicator which was off target was EHPI 11.1 – Rental income from market traders.

Members were advised that this would be the last report in this format regarding performance indicators and the main report would now be submitted to Corporate Business Scrutiny with individual matters being reported to Community Scrutiny and Environment Scrutiny as required. The Committee received the report.

RESOLVED – that the reported performance for the period October 2015 to January 2016 be received.

642 EVALUATION OF SCRUTINY 2015/16 AND WORK PROGRAMME FOR 2016/17

The Chairman submitted a report asking Members to evaluate the progress made in relation to scrutiny during 2015/16 and detail what actions needed to be carried forward to the 2016/17 Community Scrutiny Work Programme.

The Scrutiny Officer referred Members to the evaluation sheet and asked them to forward her their individual comments on work achieved during the past civic year. She drew Members' attention to the additional requested item on the work programme for the June 2016 meeting regarding delivering "Forever Active" East Herts. A further report on markets would be reported to the November 2016 meeting as requested by Members earlier.

The Scrutiny Officer requested that, as part of the feedback, Members should suggest matters for future scrutiny topics by the end of March 2016. She commented that some future meetings of the Committee could, if Members wished, be dedicated to a single topic with evidence being submitted from several Officers and/or external witnesses.

Following a comment from Councillor D Oldridge, Members commented that they would like to see some information regarding youth and community engagement

and East Herts Council's work with young people. The Scrutiny Officer commented on whether Scrutiny could influence this area of Council business and make some recommendations.

The Scrutiny Officer advised that the Executive would be sent a version of the feedback sheet so that Executive Members could indicate if there were any specific topics where they needed input from Scrutiny. The Committee received the report and supported the recommendations, as now detailed.

RESOLVED – that (A) Members’ comments be collated as part of the evaluation exercise and used to frame the draft 2015/16 Overview and Scrutiny Annual report; and

(B) the work programme be approved.

The meeting closed at 8.50 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
AUDIT COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 16 MARCH  
2016, AT 7.00 PM

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**PRESENT:** Councillor I Devonshire (In the Chair)  
Councillors B Deering, P Kenealy, S Stainsby  
and J Taylor.

**ALSO PRESENT:**

Councillors A Alder, R Brunton and  
G Williamson.

**OFFICERS IN ATTENDANCE:**

Lorraine Blackburn	- Democratic Services Officer
Chris Gibson	- Head of Governance and Risk Management
Philip Gregory	- Head of Strategic Finance
Adele Taylor	- Director of Finance and Support Services

**ALSO IN ATTENDANCE:**

Debbie Hanson	- Ernst Young LLP
Francesca Palmer	- Ernst Young LLP
Nick Jennings	- SIAS
Darren Williams	- SIAS

**643 SHARED ANTI FRAUD SERVICES (SAFS) POSITION STATEMENT (1)**

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**The Shared Anti-Fraud Service (SAFS) submitted a report detailing the progress made by the service since its**

launch in April 2015 and the progress made against its business plan. The report also outlined the proposed SAFS/EHDC Anti-Fraud Action Plan for 2016/17 and detailed a proposed draft Fraud Sanction and Prosecution Policy to deal with any investigations undertaken by SAFS on behalf of the Council. The SAFS Officer provided a summary of the report.

The Head of Governance and Risk Management explained that, given the content and the implications of the proposed draft Fraud Sanction and Prosecution Policy in terms of authorising the conduct of prosecutions both criminal and civil, including referrals to the Crown Prosecution Service, the report needed to be submitted to Council for approval.

The Committee supported and recommended to Council, approval of the report as now detailed.

**RECOMMENDED** – that the draft Fraud Sanction and Prosecution Policy, as detailed, be approved to be effective immediately.

**(see also Minute 649)**

644 TRAINING ITEM - INTRODUCTION TO EY (ERNST AND YOUNG - EXTERNAL AUDITORS)

The Council's External Auditors, Ernst and Young (EY), gave a presentation on EY's background and experience of Government and Public Sector audit work. The Executive Director (EY) gave a detailed explanation of the audit process and their approach to the audit plan.

In response to a query from Councillor S Stainsby, EY explained the key issues affecting Authorities in addition to Government cuts in funding.

The Vice Chairman, on behalf of Members thanked the External Auditors for their informative presentation.



RESOLVED – that the presentation be received.

645 APOLOGIES

Apologies for absence were received from the Chairman, Councillor W Mortimer and P Phillips.

646 MINUTES

In respect of Minute 520 - Minutes, and the issue regarding pensions and the Council's deficit, the Director of Finance and Support Services explained that she had emailed all available information to the Committee. The Vice Chairman also explained that this issue would be added to the work programme of the June 2016 meeting of Audit Committee.

RESOLVED - that the Minutes of the meeting held on 20 January 2016 be confirmed as a correct record and signed by the Chairman.

647 SHARED INTERNAL AUDIT SERVICE - AUDIT PLAN 2015-16: UPDATE REPORT

The Shared Internal Audit Services (SIAS) submitted a report setting out the progress made in delivering the Council's Annual Audit Plan for 2015/16 and proposed amendments. The report also set out the implementation status of previously agreed high priority recommendations and updated Members in relation to performance management information as at 26 February 2016. The Officer from SIAS provided a summary of the report as detailed.

In response to a query from Councillor P Kenealy regarding the development and reliability of the Business Continuity Plan, the Director of Finance and Support Services gave assurances that some testing had been carried out, referring to support given to the Council by the County Council for a future full test and that the intention was for the plan to be in place by the end of March 2016. The Director also explained that a Business Continuity Group met on a quarterly basis.

The Committee noted the progress made in relation to the internal audit reviews and approved amendments to the Audit Plan as detailed. Members also noted the status of high priority recommendations.

RESOLVED – that (A) the progress made in relation to the internal audit plan be approved;

(B) amendments to the Audit Plan as at 26 February 2016 be approved; and

(C) the status of high priority recommendations be noted.

648 SHARED INTERNAL AUDIT SERVICE - AUDIT PLAN 2016/17

The Shared Internal Audit Services (SIAS) submitted a report setting out the proposed Internal Audit Plan for 2016/17. The Officer from SIAS provided a summary of the report.

In response to a query from Councillor A Alder regarding the number of volunteers, the Director of Finance and Support Services agreed to write to the Member.

The Vice Chairman, on behalf of Members, thanked the Officer for the detailed report.

The Committee approved the proposed East Herts Internal Audit Plan for 2016/17.

RESOLVED – that the Internal Audit Plan for 2016/17 be approved.

649 SHARED ANTI-FRAUD SERVICES (SAFS) POSITION STATEMENT (2)

The Shared Anti-Fraud Service (SAFS) submitted a report detailing the progress made by the service since its launch in April 2015 and the progress made against its business plan. The report also outlined the proposed SAFS/EHDC Anti-Fraud

Action Plan for 2016/17. The SAFS Officer provided a summary of the report

It was noted that The European Institute for Combatting Fraud and Corruption (TEICCAF) fraud briefing would be reported to a future Audit Committee. In response to a query from the Vice Chairman regarding the established target of £100K, the SAFS Officer explained that the target related to 2016/17.

In response to a query from Councillor B Deering regarding criminal and civic prosecutions and the recovery of costs, the SAFS Officer explained that in such situations cases were determined on merit and evidence and that as a first step, fraud had to be stopped with recovery of monies the next step in the process. He commented that if the Council prosecuted, then information would be publicised which had benefits to the Council as a deterrent against future fraud. The SAFS Officer explained that not all savings were “cashable” in terms of money being returned to the Council.

In response to a query from Councillor P Kenealy regarding the identified value of fraud for 2015/16 (£601K), the SAFS Officer provided an explanation. The Director of Finance and Support Services explained that the figure shown was based on a detailed calculation made up of different types of fraud.

The Committee agreed the report as now recommended.

RESOLVED – that (A) the progress of Shared Anti-Fraud Service and against the SAFS Business Plan for 2015/16 be noted;

(B) the SAFS/EHDC Anti Fraud Action Plan for 2016/17 be approved; and

(C) the TEICCAF Fraud Briefing be reported to a future Audit Committee.

(See also Minute 643)

650 UPDATE ON IMPLEMENTATION OF ANNUAL GOVERNANCE STATEMENT ACTION PLAN

The Director of Finance and Support Services submitted a report updating Members on the progress made within the 2015/16 action plan. The Head of Governance and Risk Management provided a summary of the report.

Members noted the progress made in implementing the action plan contained in the 2014/15 Annual Governance Statement as submitted.

RESOLVED – that the progress made against implementing the Action Plan within the 2014/15 Annual Governance Statement be approved.

651 RISK MANAGEMENT MONITORING REPORT 1 OCTOBER 2015 TO 31 DECEMBER 2015

The Executive Member for Finance and Support Services submitted a report on the action taken to mitigate and control strategic risks during the period October to December 2015. The Head of Governance and Risk Management provided a summary of the report.

In response to a query from Councillor S Stainsby regarding Bishop's Stortford and the reported pollution levels at Hockerill traffic lights and the risk of possible litigation, the Head of Governance and Risk Management explained that this would be one of a number of elements of risk around developments and infrastructure that had been taken into account in giving the risk a level 4 figure within the strategic risk register. The Director of Finance and Support Services explained that this was an emerging issue in terms of press coverage and would be kept under review.

The Committee approved the report as now detailed.

RESOLVED – that the actions taken to mitigate and control strategic risks, be approved.

652 RISK MANAGEMENT STRATEGY

The Leader of the Council submitted a report regarding proposed revisions to the Risk Management Strategy in order to reflect current best practice. The Head of Governance and Risk Management provided a summary of the changes.

The Head of Governance and Risk Management explained that the strategy would need to be amended to reflect recent significant changes within the Council's senior management structure.

The Committee supported in principle, the recommendation as now detailed, subject to changes to reflect amendments to the management structure.

RESOLVED – that Council, via the Executive, be advised that the Committee supports in principle, the Risk Management Strategy, subject to changes to reflect amendments to the senior management structure.

653 AUDIT COMMITTEE - WORK PROGRAMME

The Director of Finance and Support Services submitted a report detailing the proposed work programme for Audit Committee. The Director advised that the work programme for the meeting on 15 June 2016 would include an update on a Triennial Review for Pensions Process. This was supported.

Members approved the work programme, as now detailed.

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

654 EXTERNAL AUDIT - AUDIT PLAN

The External Auditors, Ernst and Young (EY), submitted a report setting out how they intended to carry out their responsibilities as the Council's external auditors. The report

set out their proposed audit approach and scope for the 2015/16 audit in accordance with statutory and other professional requirements and to ensure that it was aligned with service expectations. The Audit Plan set out what work the External Auditors planned to perform and the key issues which needed to be taken into account.

The Vice Chairman commented that the report did not refer to National Non-Domestic Ratepayers (NNDR). EY explained that small businesses were being exempted from paying NNDR according to the latest budget announcement today and that Authorities would, for the present time, be compensated by the Government. The Director of Finance and Support Services explained that a consultation process on business rates was due in the summer and that she would brief Members when more information was available.

The Committee approved the Audit Plan for 2015/16.

RESOLVED – that the Audit Plan for 2015/16, as now detailed, be approved.

The meeting closed at 9.00 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON THURSDAY 17 MARCH  
2016, AT 7.00 PM

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PRESENT: Councillor Mrs R Cheswright (Chairman).  
Councillors A Alder, P Ballam, R Brunton,  
G Cutting, J Jones, P Kenealy, M McMullen,  
T Page, R Standley, N Symonds, J Taylor  
and C Woodward.

OFFICERS IN ATTENDANCE:

Robin Clark	- Licensing Enforcement and Community Safety Manager
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer

655 APOLOGIES

Apologies for absence were submitted on behalf of  
Councillors B Deering and P Ruffles.

656 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that there would be a full day of  
training for the Licensing Committee on Friday 3 June  
2016.

657 MINUTES – 19 NOVEMBER 2015

RESOLVED – that the Minutes of the meeting held  
on 19 November 2015 be approved as a correct  
record and signed by the Chairman.

658 LICENSING SUB-COMMITTEE

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 30 November 2015, 21 January and 2 March 2016, be received.

659 GUIDANCE ON THE LICENSING OF LATE NIGHT REFRESHMENT

The Chief Executive submitted a report presenting Members with details of the Home Office guidance on licensing late night refreshment. The report invited Members to consider the new powers to exempt premises from the requirement to be licensed.

The Senior Specialist Licensing Officer explained that the Authority would have the power to make late night refreshment an exemption under certain circumstances. He emphasised that this would not include premises that operated as takeaways.

Members were advised that a consultation on the licensing policy would commence soon and Officers could include an exemption or Members could decide that there would be no exemptions in East Herts. The Senior Specialist Licensing Officer detailed the types of premises that could be exempt under the licensing policy.

In response to a number of queries from Members, the Officer advised that there was no real harm or benefit to an exemption when considering the impact on the four licensing objectives. He advised that the change in legislation appeared to be attempting to solve a problem that did not exist.

Councillor T Page was given clarification regarding planning and licensing legislation where a planning application and an application under the licensing act covered the opening hours of licensed premises in East Herts. The Senior Special Licensing Officer explained that neither set of legislation took precedence. He



advised that it would be for planning enforcement to enforce an earlier hour of closure than that permitted under the Licensing Act.

Members received the report and resolved that there would be no exemption to the requirement for premises to be licensed for the supply of late night refreshment.

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

(B) there would be no exemption to the requirement for premises to be licensed for the supply of late night refreshment.

660 LICENSING ACTIVITY Q4 OCTOBER – DECEMBER 2015

The Head of Community Safety and Health Services submitted a report providing an update on processing licences, enforcement activity and the implementation of the Service Plan for Quarter 4 of 2015.

The Licensing Enforcement and Community Safety Manager advised that, due to the closure of an old computer system and the introduction of a new system, data on processing and enforcement and the involvement of the Licensing Sub-Committee was very limited on this occasion.

Members were provided with an example of the type of data analysis that was possible with the new system. The Manager explained that no actual East Herts data had been used to produce the premises graph.

Members were advised that there had not been a large number of complaints and those that had been received related to noise which had been addressed by Environmental Health. The Manager advised that a number of taxi drivers had been interviewed by Officers and had been sent letters regarding their conduct.

Members were advised that a joint night time operation

involving Licensing Officers and Hertfordshire Constabulary had been arranged for Saturday 19 March 2016 aimed at addressing parking concerns Officers had been made aware of regarding taxi drivers in Ware and Herford.

Councillor G Cutting commented that a Saturday night was not perhaps the best night to address the issue of taxi drivers parking on double yellow lines and pavements as a majority of taxi drivers would be out earning. He stated that a Tuesday night would have been better as it would have been less busy.

The Committee received the report.

RESOLVED – that the report be received.

661 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Executive Member for Environment and the Public Space submitted a report detailing Members’ attendance at Licensing Sub-Committees including those attending as observers.

Councillor C Woodward commented that he had attended the licensing training at the start of the civic year and not the taxi licensing training held on 4 December 2015. The Committee received the report.

RESOLVED – that the report be received.

The meeting closed at 7.22 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
CHIEF OFFICER RECRUITMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
MONDAY 21 MARCH 2016, AT 8.45 AM

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PRESENT: Councillor L Haysey (Chairman)  
Councillors G Jones and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Emma Freeman	- Head of Human Resources and Organisational Development
Liz Watts	- Chief Executive

662 APOLOGIES

Apologies for absence were submitted on behalf of Councillors K Brush and C Woodward.

663 MINUTES

RESOLVED – that the Minutes of the meeting held on 29 June 2015, be approved as a correct record and signed by the Chairman.

664 EXCLUSION OF PRESS AND PUBLIC

The Committee passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 to exclude the press and public during consideration of the business referred to in Minute 665 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

665 APPOINTMENT OF DIRECTOR

The Committee interviewed five candidates for the post of

Director.

The Committee agreed to appoint Helen Standen to the post of Director, subject to no objection by any member of the Executive in accordance with relevant provisions within the Council’s constitution.

RESOLVED - that Helen Standen be appointed to the post of Director, subject to no objection by any member of the Executive in accordance with relevant provisions within the Council’s constitution.

Note – At 7.00 pm, the meeting was adjourned and reconvened on 22 March 2016, at 4.00 pm concluding at 4.45pm.

The meeting closed at 4.45 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
CORPORATE BUSINESS SCRUTINY  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 22 MARCH 2016, AT 7.00 PM

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PRESENT: Councillor P Phillips (Chairman)  
Councillors M Allen, S Bull, M Casey,  
R Henson, J Jones and M Pope.

ALSO PRESENT:

Councillors D Andrews, L Haysey, G Jones,  
P Ruffles and G Williamson.

OFFICERS IN ATTENDANCE:

- |                    |  |
|--------------------|--|
| Lorraine Blackburn | - Democratic Services Officer                  |
| Philip Gregory     | - Head of Strategic Finance and Property       |
| Marian Langley     | - Scrutiny Officer                             |
| Paul Pullin        | - Economic Development Manager                 |
| Su Tarran          | - Head of Revenues and Benefits Shared Service |
| Adele Taylor       | - Director of Finance and Support Services     |
| Ben Wood           | - Head of Communications, Strategy and Policy  |

666 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Brunton, M Stevenson and J Wyllie.

667 DECLARATIONS OF INTEREST

In respect of Minute 670 – Council Tax Reduction Scheme, Disclosable Pecuniary Interests were declared by Councillors S Bull, M Casey and M Pope in relation to the potential impact on landlords of any changes to Council Tax Discount Schemes. The three Councillors left the Council Chamber during the discussion regarding proposed changes to Council Tax Discount schemes and were invited back into the Council Chamber to take part in the Council Tax Reduction Scheme discussion.

668 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed new Committee Member, Councillor J Jones to the meeting.

669 MINUTES – 24 NOVEMBER 2015

RESOLVED – that the Minutes of the meeting held on 24 November 2015 be confirmed as a correct record and signed by the Chairman.

670 COUNCIL TAX REDUCTION SCHEME 2017/18

The Director of Finance and Support Services submitted a report inviting Members to consider the latest available information around the current local Council Tax Support (CTS) scheme at East Herts and whether any changes to the scheme should be considered for 2017/18. The Head of the Revenues and Benefits Shared Service provided a summary of the report, as detailed.

Members debated the report at length, seeking information and clarification from Officers on a number of aspects, including the impact of any proposed change.

Members received the report and supported a recommendation that the Executive be advised that, the Council should look towards removing the empty and

uninhabited properties discounts and lowering the number of empty and unfurnished properties discounts on a reducing basis. Additionally, the Head of the Revenues and Benefits Shared Service was asked to carry out a modelling exercise on a number of financial options for further consideration by the Executive based on discouraging and reducing empty homes. Finally, Members also supported a recommendation that the Council Tax Reduction Scheme should remain unchanged, for the time being.

RESOLVED – that the Executive be advised that Corporate Business Scrutiny supports :

(A) a move towards removing discounts for empty and uninhabited properties and discounts for those properties which are empty and unfurnished, on a reducing basis;

(B) the Head of the Revenues and Benefits Shared Service being asked to model a number of financial options based on discouraging and reducing empty homes, for consideration by the Executive; and

(C) the Council Tax Reduction Scheme remain unchanged for the time being.

671 PROGRESS ON THE ECONOMIC DEVELOPMENT VISION  
2016/17 – 2019/20

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The Executive Member for Economic Development submitted a report updating Members on actions within the newly approved Economic Development Vision for East Herts Council. The Executive Member for Economic Development and the Head of Communications, Policy and Strategy provided a summary of the report as detailed and referred to the successes and outcomes of some of the priority themes.

In response to a query from Councillor M Pope regarding

Wenta and the two-year Service Level Agreement to deliver business start-up advice and support, the Executive Member explained how the impact of Wenta would be evaluated and reviewed. Members supported a suggestion that this be reported back to them for further consideration.

Councillor M Pope referred to the need to ensure the vibrancy of the Council's town centres and that towns and parishes were fully engaged in this approach. The Executive Member for Economic Development advised that a report would be presented to Members at a future date. The Head of Communications, Policy and Strategy explained the Council's role as facilitators in giving support including providing advice and information where it could. The Leader advised that she and the Chief Executive would be meeting with the five Town Councils shortly to discuss a number of issues, including ongoing vibrancy and supporting the rural economy. She cited by example, the need to secure broadband in rural areas as a necessary piece of infrastructure.

Councillor M Allen referred to the need to support the rural economy in relation to the Eastern Plateau Rural Development Programme and referred to the funding availability of (Euros) 1.8m. Officers explained that 26 applications / projects had been received and referred to the difficulty for small businesses, in terms of the complicated administrative process in trying to secure EU funding which acted as a deterrent to many.

In response to a query from Councillor J Jones regarding a light rail connecting rural towns, Councillor G Jones confirmed the reasons for this not being discussed as a priority theme.

Members received the report and supported a recommendation that the Executive be advised that Members be kept informed when there was a review of the Wenta contract and when there was movement on any of the EU bids.



RESOLVED – that (A) the Executive be advised that Corporate Business Scrutiny be kept informed when there was a review of the Wenta contract; and

(B) any movement on EU bids be reported to Corporate Business Scrutiny.

672 ANNUAL REVIEW OF PARTNERSHIP REGISTER

The Director of Finance and Support Services submitted a report inviting Members to consider the implementation of the recommendations from Corporate Business Scrutiny Committee's meeting on 24 November 2015 regarding the Partnership Protocol. The Head of Communications, Strategy and Policy provided a summary of the report as now detailed. The Head referred to the need to amend the report in paragraph 2.2 (point 15) by the inclusion of wording to reflect when the end date review would take place. This was supported.

Members received the report and supported the amended recommendation, now detailed.

RESOLVED – that the partnership protocol as submitted and as amended, be replaced by the '*Informal partnership working – a quick guide*' document.

673 ASSET MANAGEMENT PLAN 2016/17

The Executive Member for Finance and Support Services submitted a report setting out the aims and objectives for the management of the Council's assets contained within the Asset Management Plan. The Head of Strategic Finance provided a summary of the report as detailed.

In response to a query from Councillor M Casey regarding investment properties, the Head of Strategic Finance explained that the Old River Lane purchase would be

included in the Asset Management Plan for 2017/18. Members were advised that a specification for the refurbishment of the building had been drawn up and agents had been appointed.

In response to a query from Councillor M Allen, the Director of Finance and Support Services explained that in terms of the Council's accounts, "unqualified" was a positive term.

In response to a query from Councillor M Pope, the Head of Strategic Finance explained the progress made in carrying out a gap analysis.

Councillor M Allen referred to the Community Lettings Policy and was keen to ensure that the community was kept informed of what this policy would entail. The Head of Strategic Finance explained that the Asset Management Working Group was currently considering the policy and that this would be presented to Scrutiny and then to the Executive for approval. The Director assured Members that this would also be the subject of an equality impact assessment.

The Chairman suggested that Members have the opportunity of reviewing the Asset Management Plan on an annual basis. This was supported.

Members received the report and supported the recommendations now detailed.

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

(B) the Executive be advised that Corporate Business Scrutiny Committee supported the Asset Management Plan as now detailed, and that it be reviewed annually.

674 QUARTERLY CORPORATE HEALTHCHECK - QUARTER 3  
DECEMBER 2015

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The Director of Finance of Support Services submitted a report updating Members on finance, performance and strategic risk monitoring for East Herts Council for 2015/16 as at December 2015. The Head of Strategic Finance provided a summary of the report in relation to revenue budget forecasts and capital schemes.

Councillor M Pope sought clarification regarding the Decent Homes Grant budget which was £130k underspent. The Director of Finance and Support Services explained that the Council was not receiving sufficient throughput of referrals for grant awards to be made.

In response to a query from Councillor M Allen regarding the Council's debtors, the Director explained that 90% of the debt related to one particular debtor and that matters were in hand to recover this outstanding amount.

Councillor M Pope referred to the fact that £200k of the ICT programme remained uncommitted. The Director provided an update on what was being done to deliver the programme.

Councillor S Bull asked for further information regarding funding four Policy Community Support Officers. The Head of Strategic Finance agreed to write to Members.

Councillor M Pope referred to the overspend on the salary budget. The Director explained that this was a one off situation and related to the turnover factor of staff, as well as some posts that were being funded through specific earmarked reserves.

The Head of Communications Strategy and Policy provided a summary in relation to performance monitoring. The Chairman explained that a number of changes were being planned to present performance

monitoring information in a different format. He stressed the need to ensure that the performance figures be presented to Members in a timely manner.

Members received the report and supported the recommendations now detailed.

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

(B) the Executive be advised that Corporate Business Scrutiny Committee has no comments to make in respect of the following:

(1) the revenue budget forecast underspend of £677k as set out at paragraph 2.1 of the report submitted;

(2) the proposed slippage on the following capital schemes:

- Hertford Theatre, £13k
- The Bourne Ware, £41k
- Wallfields solar panel, £45k
- Environmental enhancements to town centres, £28k
- Market improvements, £22k
- Community Capital Grants, £41k
- Operational Building Rolling Programme, £74k
- North Drive Ware, £12k
- Print investment, £20k
- HR and payroll system, £55k
- Electoral management software, £75k
- Historic Building Grants, £13k
- Energy grants, £38k

- Land Management Programme, £26k ;
- (3) the reported performance for the period October 2015 to December 2015.

675 EVALUATION OF SCRUTINY 2015/16 AND WORK PROGRAMME FOR 2016/17

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The Chairman submitted a report evaluating the progress made in relation to the work programme over 2015/16 and detailing what actions needed to be carried forward to the 2016/17 Corporate Business Scrutiny Work Programme.

The Scrutiny Officer referred Members to the evaluation sheet as now detailed and asked Members to forward their individual comments on work achieved during the past civic year by the deadline of 31 March 2016. She also agreed to circulate the sheet electronically. The Scrutiny Officer asked Members to focus on topics for inclusion in the work programme for next year which would help in the 'forward planning' section of the draft 2015/16 Overview and Scrutiny Annual report.

The Director of Finance and Support Services referred to the Annual Governance Statement Action Plan and the role of Audit in monitoring this and the role of Corporate Business Scrutiny in terms of the business role of governance and reporting matters.

The Chairman referred to the problems of looking at data which was a number of months old and asked Officers to find a solution to the problem specifically in relation to the Quarter 3 Performance Report. The Scrutiny Officer explained that it was anticipated that the healthcheck performance information could be presented to Members at the joint meeting of Scrutiny Committees on 14 February 2017.

The Committee received the report and supported the recommendations now detailed.

RESOLVED – that (A) Members' comments be

collated as part of the evaluation exercise and used to frame the draft 2015/16 Overview and Scrutiny Annual report;

(B) Healthcheck performance information be presented in a timely manner, particularly in relation to quarter three data; and

(C) the work programme be approved.

The meeting closed at 9.10 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 23 MARCH 2016, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman).  
Councillors M Allen, K Brush, M Casey,  
M Freeman, J Goodeve, J Jones, J Kaye,  
D Oldridge, T Page, P Ruffles and K Warnell.

ALSO PRESENT:

Councillors S Bull, R Brunton and S Rutland-  
Barsby.

OFFICERS IN ATTENDANCE:

Paul Dean	- Principal Planning Enforcement Officer
Nurainatta Katevu	- Property and Planning Lawyer
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

658 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of the organised site visit that had been arranged for the afternoon of Wednesday 6 July 2016. He also thanked the webcast operator for her support as it was her last meeting supporting the Authority in this capacity.

659 MINUTES – 24 FEBRUARY 2016

RESOLVED – that the Minutes of the meeting held on 24 February 2016 be confirmed as a correct record and signed by the Chairman.

660 3/15/2556/VAR – VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION 3/15/0413/FUL: ERECTION OF 120 RESIDENTIAL UNITS, 100 SQM OF COMMERCIAL FLOORSPACE, PROVISION OF A LINK ROAD BETWEEN MILL ROAD AND MEAD LANE AND PASSENGER INTERCHANGE, ASSOCIATED CAR PARKING, LANDSCAPING AND GROUNDWORKS – AMENDMENTS TO THE LAYOUT OF THE CENTRAL CAR PARKING AREA AND PARKING AREA TO THE WEST OF THE FITZROY HOUSES. CREATION OF NEW ACCESS ONTO MEAD LANE. AMENDMENTS TO THE FITZROY HOUSES AND THE DEPTH OF THE AMENITY DECK AT LAND BETWEEN MILL ROAD AND MEAD LANE, HERTFORD, SG14 1SA FOR REDROW HOMES LTD

Catherine Dove addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2556/VAR, subject to a deed of variation of the legal obligation agreed under ref: 3/15/0413/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head of Planning and Building Control advised that Members might recall that this application had been approved in November 2015 and work was currently well underway on site. The Head summarised the various amendments that were detailed in the report.

Members were advised that the principal amendment was the introduction of an access onto Mead Lane rather than the Link Road as originally proposed. The Head summarised the reasons for this amendment and stated that Hertfordshire Highways were satisfied that this would



not have an unacceptable impact on the highway.

Members were advised that discussions were ongoing with the Highway Authority as a result of previous planning conditions to ensure the use of the Link Road by commercial traffic was encouraged. Officers were satisfied with the amended scheme subject to a variation of the original legal agreement plus a minor amendment to condition 6 as detailed in the late representations summary.

Councillor P A Ruffles expressed his disappointment with the principal amendment regarding the perceived need to bring traffic back onto Mead Lane. He accepted that the change would not make a massive difference and he sought clarification regarding the likely traffic impact of vehicles exiting the site onto the Link Road or Claud Hamilton Way as it was known.

Councillor M Casey stated that he did not feel that a sufficient argument had been put forward for traffic exiting the site onto Mead Lane rather than the Link Road. He queried why the views of Hertford Town Council appeared to have been merely noted then dismissed by the Officer's report.

The Head explained that Officers had no detail regarding delays that might be caused by traffic exiting the site onto Mead Lane. Members were reminded that they should consider the application before them and it would be difficult to sustain a refusal on highways grounds as Hertfordshire Highways had not objected to the application.

Councillor T Page queried the need for the Green Travel Plan referred to in the report. He referred in particular to the scale of development that was required to necessitate a Green Travel Plan. The Head explained the substantial benefit of diverting HGV commercial traffic onto the Link Road and this benefit would nevertheless still be achieved even though this application would result in an additional

element of residential traffic accessing onto Mead Lane.

Members were reminded that an application of this scale required the applicant to consider travel options for future residents that avoided the use of the private car and this was the reason for the Green Travel Plan requirement. The Head reminded the Committee that this was a very minor amendment to the previously approved application. 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 3/15/2556/VAR, subject to a deed of variation of the legal obligation agreed under ref: 3/15/0413/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

661 3/15/1584/FUL – ERECTION OF SIX B1/B8 UNITS TO REPLACE EXTANT PLANNING PERMISSION REFERENCE 3/06/1994/FP AT HADHAM INDUSTRIAL ESTATE, CHURCH END, LITTLE HADHAM, SG11 2DY FOR HADHAM INDUSTRIAL ESTATES LTD

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Mr Collins addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/1584/FUL, planning permission be refused for the reasons detailed in the report now submitted. The Head summarised the proposed development as an application for 6 industrial units on a site which was located in a rural area of the District. Members were also referred to the additional representations summary.

Members were advised that, due to the location of the site, the application constituted inappropriate development that was contrary to policy GBC3 of the East Herts Local Plan Second Review April 2007. The site

was also considered to be in an unsustainable location as it relied on motor vehicle access and was therefore contrary to the main aims of the National Planning Policy Framework (NPPF).

The Head advised that Officers had been unable to judge the noise impact of the application on the living conditions of nearby residents due to insufficient information submitted as part of the application. The Head also referred to the economic benefits of the scheme in terms of rural employment which weighed in favour of the proposal. Officers considered, however, that this did not sufficiently outweigh the policy objection to the proposed development.

The Head stated that the existence of a previous planning permission on the site was unlikely to result in the same level of Class B1/B2 provision on the site as proposed by this application. This matter did not, therefore, outweigh the policy objections to this application.

The Head concluded that although the impact of the application on the character and appearance of the area in respect of highways and parking was acceptable, Officers felt that on balance, the recommendation for refusal was justified in this case.

Councillor J Kaye queried whether the noise issue related to traffic or noise that might emanate from the proposed units. Councillor K Warnell stated that Officers considered this scheme to be unsustainable whereas the extant planning permission allowed for a similar form of development.

Councillor M Casey commented on the uneven nature of the access road which was essentially an unpaved track. He questioned the sustainability of the site purely from the point of view of access.

Councillor T Page commented on the unsustainability of this site and he referred in particular to the policy

considerations detailed in paragraph 4.1 on page 61 of the report. He concluded that the impact on neighbouring residential properties was neutral and the only possible reason for refusing the application was car parking in relation to a B8 use.

The Head of Planning and Building Control advised that the noise issue related to noise emanating from the proposed units as well as noise generated by traffic to and from the site. The Head advised that the previous planning permission had been similarly unsustainable although this had been approved prior to adoption of the NPPF and for a specific use.

Members were advised that this previous application had also been contrary to rural area policy and had been recommended for refusal on those grounds. Members had, however, approved the application in support of the water bottling business operating from the site at that time.

The Head advised that although the access was not straight, Hertfordshire Highways had not sought to restrict the grant of planning permission on that basis. Members were advised that similar levels of traffic would very likely result from the extant planning permission on the site.

The Head concluded that some weight should be given to the economic benefits of the application. However, Members were reminded that the site was in an unsustainable location and the development would be better located in a town where alternative means of transport were available.

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 3/15/1584/FUL, planning permission be refused for the reasons detailed in the report now submitted.

662 E/15/0366/ENF – A) UNAUTHORISED CHANGE OF USE OF THE BUILDING FROM HOTEL (C1 USE) TO A WEDDING VENUE (SUI-GENERIS USE); B) UNAUTHORISED OPERATIONAL DEVELOPMENT TO CHANGE THE LEVELS OF THE LAND; ERECT LIGHT COLUMNS, SECURITY LIGHTING POLES AND LIGHTS; AND THE ERECTION OF GATE PILLARS AND ENTRANCE GATES; C) UNAUTHORISED WORKS TO A LISTED BUILDING BY WAY OF THE ATTACHMENT OF SECURITY LIGHTS AND CCTV CAMERAS AT BRIGGENS HOUSE HOTEL, BRIGGENS PARK ROAD, STANSTEAD ABBOTTS, WARE, SG12 8LD

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The Head of Planning and Building Control recommended that in respect of the site relating to E/15/0366/ENF, enforcement action be authorised on the basis now detailed. The Head summarised the unauthorised works that had taken place.

Councillor M Casey referred to his recent site visit and stated that it was clear that the appellant had made no effort to co-operate with the Authority. He emphasised that it was clear that the appellant was progressing further unauthorised work in the form of further changes in land levels to the rear of the site.

Councillor J Jones stated that some form of control was necessary to protect a listed building. He expressed his views regarding the description of the unauthorised works and emphasised that enforcement action was the only way forward.

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/15/0366/ENF on the basis now detailed.

RESOLVED – that in respect of E/15/0366/ENF, the Head of Planning and Building Control, in conjunction with the Head of Democratic and Legal

Support Services, be authorised to take enforcement action on the basis now detailed.

663 E/08/0021/A – THE ERECTION OF AN UNAUTHORISED INDUSTRIAL STYLE LINK BUILDING BETWEEN A GRADE II LISTED BARN AND A FURTHER AGRICULTURAL BUILDING, AND THE UNAUTHORISED MATERIAL CHANGE OF USE FROM AGRICULTURE TO A CRICKET SCHOOL AT THARBIES BARNS, ROOK END, HIGH WYCH, HERTS, CM21 0LL

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The Head of Planning and Building Control recommended that in respect of the site relating to E/08/0021/A, enforcement action and legal proceedings be authorised on the basis now detailed.

The Head detailed the relevant planning and enforcement history. 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 and legal proceedings to be authorised in respect of the site relating to E/08/0021/A on the basis now detailed.

RESOLVED – that in respect of E/08/0021/A, the Head of Planning and Building Control, in conjunction with the Head of Democratic and Legal Support Services, be authorised to take enforcement action and commence legal proceedings on the basis now detailed.

664 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;
- (C) Planning Appeals: Inquiry and Informal

Hearing dates; and

(D) Planning Statistics.

The meeting closed at 7.45 pm

Chairman .....

Date .....

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MINUTES OF A MEETING OF THE  
HUMAN RESOURCES COMMITTEE HELD  
IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 20 APRIL 2016, AT 3.00 PM

PRESENT: Councillor C Woodward (Chairman).  
Councillors S Bull, S Cousins, I Devonshire,  
J Goodeve, P Ruffles and M Stevenson.

OFFICERS IN ATTENDANCE:

Vicki David	- Human Resources Officer
Peter Mannings	- Democratic Services Officer

674 APOLOGY

An apology for absence was submitted on behalf of Councillor R Standley.

675 MINUTES – 24 FEBRUARY 2016

RESOLVED – that the Minutes of the meeting held on 24 February 2016 be confirmed as a correct record and signed by the Chairman.

676 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Members for their support. He invited Members to contact him with any suggestions for changes in terms of how the Committee carried out its work.

677 HUMAN RESOURCES MANAGEMENT STATISTICS – QUARTERLY REPORT

The Head of Human Resources and Organisational Development submitted a report setting out Human

Resources Management Statistics for the period 1 January to 14 March 2016.

The HR Officer provided a summary of the key points. She stated that staff turnover was 11.66% and that projected turnover for 2015/16 was 10.84% against a target of 10%. A more detailed analysis of turnover would be reported to Human Resources Committee in July or October 2016.

The HR Officer explained that short term sickness for the period 2015/16 (January – February) per full time equivalent (FTE) was 0.47 days currently projected to be 3.83 days for the year and below the target of 4.5 days. Members were advised that the leadership team restructure had affected the completion rate for full year reviews and objectives in some service areas.

The HR Officer responded to a number of queries from Members. The Committee approved the report, as now detailed.

RESOLVED – that the Human Resources Management Statistics for January to March 2016 be approved.

678 INVESTORS IN PEOPLE – UPDATE

The Head of Human Resources and Organisational Development submitted a report outlining an action plan that supported the Council in achieving the Silver Standard in 2016/17. The HR Officer provided a summary of the work needed to achieve this. She reported on the progress against the 6 themes of the Organisational Development Strategy.

The HR Officer also referred to the staff forum and the promotion of East Herts Council as a good place to work. She stated that social media might soon be involved for the first time in recruitment.

The HR Officer responded to a number of comments and queries from Members. The Committee noted the Investors in People action plan for 2016/17.

RESOLVED – that the Investors in People action plan to support the Council in achieving the Silver Standard in 2016/17, be noted.

679 LOCAL JOINT PANEL – MINUTES OF THE MEETING: 24 FEBRUARY 2016

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The Chairman reminded Members that the Minutes of the Local Joint Panel held on 24 February 2016 were submitted for information only as the recommendations had been approved by Human Resources Committee following the conclusion of Local Joint Panel on 24 February 2016.

RESOLVED – that the Minutes of the Local Joint Panel meeting held on 24 February 2016, be received.

680 LOCAL JOINT PANEL – MINUTES OF THE MEETING: 16 MARCH 2016

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RESOLVED – that the Minutes of the Local Joint Panel meeting held on 16 March 2016 be received.

(See also Minutes 681 and 682).

681 ALCOHOL DRUG AND SUBSTANCE MISUSE POLICY

The Committee considered and approved the recommendation of the Local Joint Panel meeting held on 16 March 2016, on a revised Alcohol, Drug and Substance Misuse Policy.

RESOLVED – that the revised Alcohol, Drug and Substance Misuse Policy, as now submitted, be approved.

(See also Minute 680).

682 SECONDMENT POLICY

The Committee considered and approved the recommendation of the Local Joint Panel meeting held on 16 March 2016 on a revised Secondment Policy.

RESOLVED – that the revised Secondment Policy, as now submitted, be approved.

(See also Minute 680).

The meeting closed at 3.40 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 27 APRIL 2016, AT 7.00 PM

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

ALSO PRESENT:

Councillors P Ballam, L Haysey, G Jones,  
P Moore, M Pope, S Reed, S Rutland-  
Barsby, R Standley and N Symonds.

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
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

683 APOLOGY

An apology for absence was submitted on behalf of  
Councillor K Brush. It was noted that Councillor R  
Brunton was substituting for Councillor K Brush.

684 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that as there were a very significant group of public present for application 3/15/1957/FUL, the rest of the public were in another room and he would briefly adjourn the meeting after this application was determined to allow the first group to leave and the remainder to enter the Council Chamber.

Councillor P Ruffles thanked Councillor D Andrews for his chairmanship of the Development Management Committee during the 2015/16 civic year. The Chairman thanked Members and Officers for their support.

685 MINUTES – 23 MARCH 2016

RESOLVED – that the Minutes of the meeting held on 23 March 2016 be confirmed as a correct record and signed by the Chairman.

686 3/15/1957/FUL – CREATION OF TWO NEW HOCKEY PITCHES, ASSOCIATED FENCING AND FLOODLIGHTING. ENLARGEMENT TO CAR PARK AT BISHOP'S STORTFORD SPORTS TRUST, CRICKETFIELD LANE, BISHOP'S STORTFORD, CM23 2SZ FOR BISHOP'S STORTFORD SPORTS TRUST

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Mrs Mills addressed the Committee in objection to the application. Mr Murdock spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/1957/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head of Planning and Building Control referred to a balance of considerations for a site that was located in the Green Belt. He stated that development for sports and leisure provision would be inappropriate and should normally not be permitted unless there were benefits of the proposals to which such weight could be assigned

such that very special circumstances were demonstrated.

The Head explained that few modern outdoor sports facilities with floodlighting and pre-construction levelling would be judged as appropriate. He commented that a loss of openness had been given less weight by Officers due to the backdrop of existing trees and other planting around the site. Members were reminded that some mature trees would be lost if this development were permitted.

Members were reminded that the key policies stipulated that a balanced decision had to be reached. The Head referred to the benefits of the provision of new sport and leisure facilities in a convenient location with further benefits in terms of a cohesive use of the facilities that helped to meet the demand in Bishop's Stortford.

The Head referred Members to the matters detailed in the additional representations summary. Councillor T Page stated that Members had a simple task of judging whether the open space known as Ash Grove should be enclosed. He stated that he was unaware of any special circumstances whereby the benefits of the scheme clearly outweighed the harm.

Councillor T Page commented that the need did not clearly outweigh the benefits and he was concerned regarding the impact of the proposed fencing and floodlighting. He felt that keeping Ash Grove open and accessible would benefit the significant numbers of new residents who would live close to this site in future.

The Head stated that there had been a good articulation of the issues by the speakers and in the submissions Members had received and there had to be a balance between the appreciation of openness and the needs of those who wished to play formalised competitive sport.

Members were advised that there was an identified need for hockey pitches and the facilities might very well be

used into the evenings and at weekends. The Head stressed that although the facilities would be seen, they were located in amongst a range of other facilities and structures on the site.

Councillor K Warnell referred to a number of substantive points. He felt that the identified need could not outweigh the fact that the application was contrary to a total of 19 policies from the National Planning Policy Framework (NPPF), the East Herts Local Plan Second Review April 2007 and the Silverleys and Meads Neighbourhood Plan.

Councillor J Kaye commented on his concern over the harmful impacts to openness and whether the multi-use games area (MUGA) would be available to the wider community. Councillor P Ruffles expressed concerns regarding the loss of Green Belt and although he supported the provision of sports facilities, he was inclined to vote against this application.

Councillor D Oldridge stated that he felt that the application would further enhance facilities to the wider benefit of the whole community of Bishop's Stortford. He felt there would be more benefit than loss and facilities were needed for the health, enjoyment and community spirit for the future new residents of the town at Bishop's Stortford North.

The Head responded to a number of minor further queries and comments from Members. He responded to an earlier query from Councillor T Page by stating that the grant of planning permission would secure the Sport England funding of £500,000 and this issue should not be dismissed entirely in the consideration of the matter. The Head confirmed that this funding came with conditions which sought to encourage youth and disability participation in sport.

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.



Councillors T Page and K Warnell requested that their votes against this decision be recorded.

RESOLVED – that in respect of application 3/15/1957/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

687 3/15/2531/FUL – DEMOLITION OF THE EXISTING HOMES INCLUDING CADMORE COURT, CARRIDEN COURT, CHILTON COURT, CRANFORD COURT AND ELMSWELL COURT (EXCLUDING NOS 15, 16 AND 17) AND REDEVELOPMENT TO DELIVER 120 HOUSES AND APARTMENTS WITH ASSOCIATED CAR PARKING, LANDSCAPING AND AMENITY SPACE AT THE RIDGEWAY, SELE FARM, HERTFORD FOR RIVERSMEAD HOUSING ASSOCIATION

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Mrs Teggart and Mrs Landers addressed the Committee in objection to the application. Mr Tombs spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2531/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head of Planning and Building Control detailed the nature of the application and stated that the outcome would be a greater mix of new houses and apartments as well as a significantly improved quality and amount of affordable housing. The Head explained that, overall, the positive impacts in terms of linkage between the two halves of the development and the improvements to environmental quality outweighed any harm that could be caused by the proposed development.

Councillor P Ruffles commented that he was broadly in favour of this application. He acknowledged that there had been an improvement since the previous application in terms of overlooking onto Thieves Lane. He sought

clarification regarding the pedestrian access to Bramfield Road and the loss of car parking for the Aldwick Housing tenants.

The Head explained that the two halves of the site would now be joined by a footpath running through the whole site with a surface level access in the form of a raised table across The Ridgeway and this would replace the poor quality and underused subway.

Councillor P Ruffles emphasised the importance of a pedestrian link onto Bramfield Road so that pedestrians did not end up in an enclosed pedestrian cul-de-sac. Councillor M Casey commented that existing flats were in a poor state of repair. He emphasised that 5 stories were due to be replaced with 7 stories which would increase the overbearing impact of the proposed development on the nearby 2 storey dwellings.

Councillor J Kaye referred to the issue of the blocking out of light as the proposed development was closer to existing residents than the buildings that were due to be demolished. He sought and was given some clarification in respect of landscaping. He referred in particular to the lack of mature trees to protect against overlooking of neighbour plots.

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 3/15/2532/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

- 688 3/15/1733/FUL – DEMOLITION OF EXISTING BUILDINGS, ALTERATIONS TO VEHICULAR ACCESSES AND ERECTION OF 70 NO. DWELLINGS (61 NO. FLATS AND 9 NO. HOUSES) WITH ASSOCIATED CAR PARKING, LANDSCAPING, CYCLE STORAGE, REFUSE AND

AMENITY SPACE AT B J ASHPOLE LTD, SOUTHMILL ROAD, BISHOPS STORTFORD FOR WESTON HOMES PLC

Mr Walker addressed the Committee in objection to the application. Mr Poole spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/1733/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor N Symonds, as a local ward Member, referred to a submission from Councillor G Jones regarding his strong objection to this application. She read out a statement from Councillor G Cutting which supported the concerns of Councillor G Jones in respect of insufficient visitor parking. She referred to the unacceptable impact on the surrounding streets and also to the problems that had been encountered by the nearby bowls club due to insufficient spare parking capacity.

Councillor N Symonds highlighted Councillor G Cutting's concerns regarding the serious and unmanageable impact on the amenity of residents unless the visitor parking element of this scheme was revisited. He had urged the Committee to refuse planning permission on those grounds.

Councillor N Symonds stated that Bishop's Stortford Town Council had objected to the application. She pointed out that her ward contained pockets of deprivation with areas of low and high car ownership. She also referred to the ongoing objection of the Council's engineers regarding the poor quality of the proposed Sustainable Urban Drainage Systems (SuDS).

The Head of Planning and Building Control commented on a number of relevant issues with particular reference to housing land supply, the demand for modern business units and the fact that the proposed hard engineered SuDS drainage solutions were not the most optimal

solution to deal with this matter in the view of the Council's engineers.

Councillor M Freeman stated that Members should heed the views of the local ward Members and of the objection of East Herts Council's parking services. He commented that the application should be deferred at the very least so that a more sustainable parking solution could be secured.

Councillor J Jones stated that whilst it was good that a brownfield site was being developed with 39% affordable housing, he felt it was unacceptable to approve an application where the SuDS solution had been described as poor quality and not as good as it could have been. Councillor K Warnell expressed a number of reservations regarding flooding, drainage, parking and the loss of an employment site.

Councillor M Freeman proposed and Councillor P Ruffles seconded, a motion that application 3/15/1733/FUL be deferred to enable Officers to undertake further negotiations with the applicant to secure improved provision of parking and drainage infrastructure.

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

RESOLVED – that in respect of application 3/15/1733/FUL, planning permission be deferred to enable Officers to undertake further negotiations with the applicant to secure improved provision of parking and drainage infrastructure.

689     3/16/0315/FUL – DEMOLITION OF EXISTING BUILDINGS AND PROPOSED RESIDENTIAL DEVELOPMENT OF 10 NEW HOUSES WITH ASSOCIATED LANDSCAPING AND PARKING AT THE JOHN GILPIN, LONDON ROAD, WARE, SG12 9LX FOR REGENTA DEVELOPMENT

Catherine Mann addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/0315/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Pope, as the local ward Member, referred to inadequate parking provision in an area that already had a chronic parking problem. He challenged the view of Hertfordshire Highways that the proposed access was acceptable and expressed concerns regarding access for emergency services. He stated that he was pleased to see the proposed formal pedestrian link to Grange Gardens and London Road.

Councillor M Pope stated that no one was against the development of the site and concluded that a reduced scale of development would facilitate an increase in parking provision. The Head of Planning and Building Control stated that there was no in principle objection to the proposed development as the site was located within the town boundary.

The Head reminded Members that the application would result in the loss of the John Gilpin pub and the associated employment. The pub had been the subject of a marketing exercise resulting in no interest and the application therefore complied with policy EDE2. The size, layout and design of the proposed development were considered to be acceptable and Members were advised that the proposed parking complied with the adopted supplementary planning document (SPD) and the emerging District Plan.

The Head concluded that a financial contribution had been proposed as part of the legal agreement for the provision of a footpath link to Grange Gardens or the improvement of pedestrian routes to the town centre.

Councillor D Oldridge stated that this was a good location for housing that needed developing as the pub had been closed for a while. He queried whether there would be allocated parking and whether the entrance gates would be set back from the highway.

Councillor J Kaye expressed concerns that there was nowhere locally for residents or visitors to park other than on this site. The Head confirmed that this would be a gated development and Officers anticipated that the parking spaces would be allocated and that the entrance gates would be set back from the highway. Officers acknowledged that the local area had difficulties with parking and there were double yellow lines.

The Head reminded Members that planning applications had to meet their own parking requirements and could not be expected to resolve existing problems. Members were reminded that the application complied with the adopted SPD and the more rigorous standards within the emerging District Plan regarding car parking.

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 3/15/0315/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

- 690 A) 3/16/0061/FUL AND B) 3/16/0062/LBC – DEMOLITION OF A TWO STOREY ARMOURY BUILDING AND A SINGLE STOREY ELEMENT OF A 6TH FORM BUILDING. REFURBISHMENT OF THE EXISTING SINGLE STOREY, PITCHED ROOF FORMER GRUB SHOP BUILDING. PROVISION OF HARD AND SOFT LANDSCAPING AND A NEW PEDESTRIAN WAY. PROVISION OF EXTERNAL LIGHTING. ERECTION OF A NEW HUMANITIES CENTRE AT HAILEYBURY AND IMPERIAL SERVICE COLLEGE, COLLEGE ROAD, HERTFORD HEATH. SG13 7NU FOR MR

PAUL WATKINSON

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The Head of Planning and Building control recommended that in respect of application 3/16/0061/FUL and 3/16/0062/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

The Head of Planning and Building Control summarised the applications and advised that the application constituted inappropriate development in the Metropolitan Green Belt as the proposed development was larger than the two listed buildings that would be demolished.

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

RESOLVED – that in respect of applications 3/16/0061/FUL and 3/16/0062/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

- 691 3/15/2579/VAR – VARIATION OF APPROVED PLANS  
CONDITION 2 (OF LPA REFERENCE 3/14/0978/FP AS  
AMENDED BY LPA REFERENCE 3/15/2282/NMA)  
DEMOLITION OF BUILDINGS AND GARAGE AND THE  
ERECTION OF 19NO 1 BEDROOMED DWELLINGS AND  
29NO 2 BEDROOMED DWELLINGS TOGETHER WITH  
ASSOCIATED PARKING, ACCESS AND LANDSCAPING AT  
110-114 SOUTH STREET, BISHOP'S STORTFORD, CM23  
3BQ FOR REDROW HOMES LTD
- 

Lorna Byrne addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2579/VAR, subject to a deed of variation of the legal obligation agreed under reference 3/14/0978/FP, planning permission be granted

subject to the conditions detailed in the report now submitted.

The Head of Planning and Building Control summarised the application and detailed the relevant planning history. The Head summarised the reasons for the changes that had been made since the previous approval of planning permission.

Members were advised that there had been no objections from statutory consultees and the Head referred to the deed of variation to tie this planning application in with the Section 106 legal agreement for application 3/14/0978/FP. After being put 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 3/15/2579/VAR, subject to a deed of variation of the legal obligation agreed under reference 3/14/0978/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

692 3/15/2575/HH – SINGLE STOREY REAR PORCH EXTENSION TO HOUSE. DETACHED OUTBUILDING TO REAR GARDEN AT 4 CHURCHFIELD ROAD, TEWIN, WELWYN, AL6 0JW FOR MR AND MRS R AND L BIELBY

The Head of Planning and Building Control recommended that in respect of application 3/15/2575/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor L Haysey, as the local ward Member, commented that the application was contrary to policy GBC1 and constituted inappropriate development in the Green Belt. She stated that the 33.9 square metre floor space was at least a 100% increase in the original floor space. She urged Members to refuse the application and



emphasised that permitted development rights should be rigorously applied.

The Head summarised the application on a site that was located within the metropolitan Green Belt. Members were advised that the property had previously benefited from extensions that would take the property to over 100% of its original size when the current proposals were taking into account. The application therefore constituted inappropriate development as there would an impact on the openness of the Green Belt.

The Head advised that the applicant could introduce development across 50% of the plot under permitted development regulations. Members were advised to consider whether the impact of the proposed development was so severe to justify a refusal of planning permission for the development that was in excess of what could be built as permitted development. Officers had recommended approval as the harm was outweighed by special circumstances for development in the metropolitan Green Belt.

At this point (9.49 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda. Following a number of comments from Members, the Head clarified the circumstances whereby a property could be extended under the permitted development regulations.

The Head confirmed to Councillor J Jones that any introduction of class E outbuildings had to take into account whether they were incidental to the enjoyment of the main dwelling house. 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 3/15/2575, planning permission be granted subject

to the conditions detailed in the report, now submitted.

693 E/15/0366/ENF – UNAUTHORISED ERECTION OF MARQUEE AT BRIGGENS HOUSE HOTEL, BRIGGENS PARK ROAD, STANSTEAD ABBOTTS, WARE, SG12 8LD

The Head of Planning and Building Control recommended that in respect of the site relating to E/15/0366/ENF, Members note and confirm their agreement with the enforcement action already taken and authorise the service of any further notices as now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Head of Planning and Building Control's recommendations for enforcement action to be authorised in respect of the site relating to E/15/0366/ENF on the basis now detailed.

RESOLVED – that (A) in respect of E/15/0366/ENF, the enforcement action already taken in respect of the unauthorised marquee be noted and endorsed; and

(B) the Head of Planning and Building Control, in conjunction with the Interim Head of Democratic and Legal Support Services, be authorised to take further enforcement action if required on the basis now detailed.

694 E/15/0282/ENF – UNAUTHORISED INSERTION OF 2 NO. WINDOWS IN REAR ELEVATION OF LAUNDRETTE AND UNAUTHORISED INSTALLATION OF FLUE AT 2-2A RHODES AVENUE BISHOPS STORTFORD CM23 3JL

The Head of Planning and Building Control recommended that in respect of the site relating to E/15/0282/ENF, 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/15/0282/ENF on the basis now detailed.

RESOLVED – that in respect of E/15/0282/ENF, the Head of Planning and Building Control, in conjunction with the Interim Head of Democratic and Legal Support Services, be authorised to take enforcement action on the basis now detailed.

695 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;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 9.53 pm

Chairman .....
Date .....

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EAST HERTS COUNCIL

ANNUAL COUNCIL – 18 MAY 2016

REPORT BY CHIEF EXECUTIVE

CHANGES TO AUDIT AND STANDARDS COMMITTEE  
ARRANGEMENTS

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WARD(S) AFFECTED:      NONE

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**Purpose/Summary of Report**

- This report seeks to review the current Council committees relating to Audit and Standards.
- To review the current procedure for initial assessment by the Standards Committee
- To confirm the appointment of the Monitoring Officer and the Deputy Monitoring Officer under the new management arrangements within the authority.

<b><u>RECOMMENDATIONS FOR ANNUAL COUNCIL:</u> That:</b>	
<b>(A)</b>	<b>the Council establishes a new Committee called the Audit and Governance Committee;</b>
<b>(B)</b>	<b>the terms of reference of the new Committee will combine the existing remit of the Audit Committee and the Standards Committee as set out at Essential Reference Paper ‘D’;</b>
<b>(C)</b>	<b>the Committee will consist of 10 Members drawn from the current Membership of the Standards Committee and the Audit Committee;</b>
<b>(D)</b>	<b>the revised procedure for dealing with complaints against Members as set out at Essential Reference Paper ‘E’ be approved;</b>
<b>(E)</b>	<b>the Head of Legal and Democratic Services be confirmed as the Monitoring Officer and the Legal Services Manager as the Deputy Monitoring Officer; and</b>

<b>(F)</b>	<b>the Council's Constitution is amended immediately to give effect to the changes.</b>
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## 1.0 Background

- 1.1 Under the Localism Act, councils are placed under a duty 'to promote and maintain high standards of conduct'. There is no longer a legal requirement as there was in the past to have a stand-alone standards committee. However, in practice all councils have given responsibility for standards issues either to a dedicated committee as previously, or else as part of the remit of another committee, such as combined with its audit committee
- 1.2 There is no legal requirement to have an audit committee although it is strongly encouraged by external auditors and is long recognised as a matter of good practice as a forum for overseeing the internal audit and considering the annual statement of accounts. The Council's Audit Committee also currently has a general oversight role in relation to the wider governance of the authority.

## 2.0 Audit and Governance Committee

- 2.1 The Council's Audit Committee currently has seven members and has the remit set out in **Essential Reference Paper B**. The Council's Standards Committee has 5 Member and has the remit set out in **Essential Reference Paper C**. The Standards Committee has not met since 2012, shortly after the legislative changes in the Localism Act took away the requirement to have a Committee. However as the responsibility still exists to deal with complaints against District Council Members and Parish Members this is carried out through the sub-committee of the Standards Committee. Whilst the Sub-Committee has met regularly the Committee itself has not.
- 2.2 Given that the governance responsibility of the Council which arguably includes responsibility for high standards of conduct, sits with the Audit Committee, this is not surprising. Following the legislative changes some authorities took the view that combining the Standards Committee with the Audit Committee to provide a single Audit and Governance Committee would avoid any confusion and give added strength to the Committee and its work. The requirement to appoint parish and independent members to the Standards Committee was removed by the Localism Act which

allowed for the merge without complication.

- 2.3 A Standards Sub-Committee could continue to meet as a Sub-Committee of an Audit and Governance Committee.
- 2.4 It is proposed that the merging of the two committees should take place with the merged terms of reference set out at **Essential Reference Paper 'D'**. It is also proposed that the membership of the committee should be increased to 10 to allow for some of the Members experienced in dealing with Member complaint hearings to join the committee and carry out any sub-committee pending the training of the wider Audit Members.

### **3.0 Procedure for Dealing With Complaints Against Members**

- 3.1. The Localism Act 2011 also brought about changes to the way in which complaints against Members could be conducted. Previously complaints were required to be referred to a panel of Members and were required to be dealt with in private to protect the reputation of the Member until it could be decided whether or not there was a case to answer and the matter should be investigated. Under the changes this initial decision could be taken by the Monitoring Officer and in the great majority of Councils this has been the practice since that time. There are a small number including East Herts who place the initial complaint before a panel of Members.
- 3.2. Evidence has shown that where this initial decision is delegated to the MO it allows for swift decision making and is particularly appropriate for ensuring that more 'minor' matters are dealt with proportionately and effectively. Most councils, as East Herts does, will seek the Independent Person's views at this stage of the process. Only a few councils still have a process in which all complaints are referred to a panel of members, but experience of independent analysts of standards investigations has shown that this, if done as routine, slows down the process unnecessarily and seldom in any case leads to different decisions being taken than occur elsewhere for similar matters.
- 3.3. Where, as in East Herts, these decisions are taken in a public forum it publishes the existence of a complaint before there has been any consideration of whether there is any merit in the complaint. This can be prejudicial to a Member eg standing for election where the investigation may take several months to complete.

3.4. It is proposed that East Herts adopt a new process, in line with all the other districts in Herts and the majority of Councils nationally, of allowing the Monitoring Officer to consider a complaint in consultation with the Independent Person. Where there is merit in the complaint and it requires to be referred for investigation this will be done in private without publication of the complaint, until the investigation report is complete. At that stage, if it is the investigating officer's view that there is a case to answer the report will be referred to a panel of Members and the investigation report will be made public. The Sub-Committee hearing will be conducted in accordance with the current procedure and Members will be in a position to reach the conclusions in relation to the complaints as they do currently.

3.5. A revised procedure which adopts this approach is attached to this report at **Essential Reference Paper 'E'**.

#### 4.0 Appointment of the Monitoring Officer

4.1 A report was presented to Council in November 2015 which appointed Head of Legal and Democratic Services (then Jeff Hughes) as the Monitoring Officer. Members are requested to confirm that appointment continues to be to the Head of Legal and Democratic Services whoever the post holder is. The post has more recently been held on an interim basis by Catherine Whitehead with effect from 11<sup>th</sup> April 2016 and will be held on a permanent basis by Michael Rowan with effect from 31<sup>st</sup> May 2016.

#### 5.0 Implications/Consultations

5.1 The Members of the Standards Committee have been consulted.

#### Background Papers

None

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	The proposals set out in this report will support all of the Council's corporate objectives.
Consultation:	The appropriate consultation with the Leader, Executive and Members of the respective committees has taken place.
Legal:	The proposals set out in this report accord with the statutory provisions for dealing with complaints against Members.
Financial:	None
Human Resource:	None
Risk Management:	The Council needs to ensure that the procedure for dealing with Complaints against Members is legally compliant and deals fairly with individuals affected.
Health and wellbeing-issues and impacts	None

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## ESSENTIAL REFERENCE PAPER 'B'

### AUDIT COMMITTEE

7 Members of the Authority

Terms of Reference:

#### **Audit Activity**

1. To consider the Internal Audit and Business Improvement Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
2. To consider summaries of specific Internal Audit reports as requested.
3. To consider reports dealing with the management and performance of the providers of Internal Audit services.
4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
5. To consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.
6. To consider specific reports as agreed with the External Auditor.
7. To comment on the scope and depth of external audit work and to ensure it gives value for money.
8. To liaise with the Audit Commission over the appointment of the Council's External Auditor.
9. To commission work from internal and external audit.

#### **Regulatory Framework**

10. To maintain an overview of the Council's Constitution in respect of rules of procedure relating to contracts, financial regulations and financial procedures and codes of conduct and behaviour.
11. To review any issue referred to it by the Chief Executive or a Director or any Council body.
12. To monitor the effective development and operation of risk management and corporate governance in the Council.
13. To monitor Council policies on "Confidential Reporting" and the anti-fraud and anti-corruption strategy and the Council's complaints process.
14. To oversee the production of the Authority's Annual Statement of Accounts.
15. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
16. To consider the Council's compliance with its own and other published standards and controls.
17. To review arrangements for delivering value for money.
18. To review the Council's finances including borrowing, loans, debts investments and banking arrangements.

### **Accounts**

To approve the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

To consider the External Auditors' report to those charged with governance on issues arising from the audit of the accounts.

## **ESSENTIAL REFERENCE PAPER 'C'**

### **STANDARDS COMMITTEE**

5 District Councillors appointed proportionately (of whom 1 Member may be a Member of the Executive nominated by the Leader of the Council)

#### Terms of Reference

The Standards Committee will have the following roles and functions:

- (1) promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority;
- (2) advising and assisting Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendation to Town and Parish Councils on improving standards or actions following a finding of a failure by a Town or Parish Councillor to comply with the Code of Conduct;
- (3) to progress complaints on behalf of Town and Parish Councils;
- (4) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (5) to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria;
- (6) receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct;
- (7) arranging to train Members and Co-opted Members to observe the Members' Code of Conduct;
- (8) assisting Councillors and co-opted Members to observe the Members' Code of Conduct;

- (9) hearing and determining complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- (10) advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards or conduct throughout the Council;
- (11) maintaining oversight of the Council's arrangements for dealing with complaints;
- (12) informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- (13) appointment of Sub-Committee.

#### **A.7 STANDARDS SUB-COMMITTEE**

3 District Councillors appointed proportionately (drawn from the membership of the Standards Committee)

Terms of Reference:

To conduct (code of conduct) hearings.

## ESSENTIAL REFERENCE PAPER 'D'

### Audit and Governance Committee

The Council will establish a Committee called the Audit and Governance Committee to carry out the functions specified below.

#### Composition

The Council has established the Audit and Governance Committee composed of 10 members to carry out the functions of Audit, Governance and Standards of Conduct.

#### Role and Function

The Audit and Governance Committee will have the following roles and functions:

#### Audit Activity

1. To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
2. To consider summaries of specific Internal Audit reports as requested.
3. To consider reports dealing with the management and performance of the providers of Internal Audit services.
4. To consider reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
5. To consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.

6. To consider specific reports as agreed with the External Auditor.
7. To comment on the scope and depth of external audit work and to ensure it gives value for money.
8. To liaise with the Audit Commission over the appointment of the Council's External Auditor.
9. To commission work from internal and external audit.

### Regulatory Framework

10. To maintain an overview of the Council's Constitution in respect of rules of procedure relating to contracts, financial regulations and financial procedures and codes of conduct and behaviour.
11. To review any issue referred to it by the Chief Executive or a Director or any Council body.
12. To monitor the effective development and operation of risk management and corporate governance in the Council.
13. To monitor Council policies on "Confidential Reporting" and the anti-fraud and anti-corruption strategy and the Council's complaints process.
14. To oversee the production of the Authority's Annual Governance Statement and to recommend its adoption.
15. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
16. To consider the Council's compliance with its own and other published standards and controls.
17. To review arrangements for delivering value for money.



18. To review the Council's finances including borrowing, loans, debts investments and banking arrangements.

## Accounts

19. To approve the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
20. To consider the External Auditors' report to those charged with governance on issues arising from the audit of the accounts.

## Standards

21. promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority;
22. advising and assisting Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendation to Town and Parish Councils on improving standards or actions following a finding of a failure by a Town or Parish Councillor to comply with the Code of Conduct;
23. to progress complaints on behalf of Town and Parish Councils;
24. advising the Council on the adoption or revision of the Members' Code of Conduct;
25. to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria;
26. receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct;

27. arranging to train Members and Co-opted Members to observe the Members' Code of Conduct;
28. assisting Councillors and co-opted Members to observe the Members' Code of Conduct;
29. hearing and determining complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
30. advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards or conduct throughout the Council;
31. maintaining oversight of the Council's arrangements for dealing with complaints;
32. informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
33. appointment of Sub-Committee.

## **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 Monitoring Officer, Head of Legal and Democratic Services, committee.services@eastherts.gov.uk](mailto:committee.services@eastherts.gov.uk) or [East Herts District Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ](#)

- 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

## ESSENTIAL REFERENCE PAPER 'E'

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~~  
The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

~~This decision will normally be taken within 28 working days of receipt of your complaint. Your complaint will be considered in accordance with the~~

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## ESSENTIAL REFERENCE PAPER 'E'

~~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 Monitoring Officer requires additional information in order to come to a decision, ~~the Monitoring Officer~~ he/she 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.

4.24.1 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 Monitoring Officer~~ will take account of this in deciding whether the complaint merits further investigation.

4.34.2 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?**

~~The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix 3 to these arrangements.~~

5.1 If the Council Monitoring Officer decides that a complaint merits further investigation, ~~the Council~~ he 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 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 the Investigating Officer needs to see, and who he needs to ~~be~~ interviewed.

5.2 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

## ESSENTIAL REFERENCE PAPER 'E'

sufficiently.

5.3 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.

5.4 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. ~~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. The Monitoring Officer will then report to the Standards Sub-Committee which will make a decision based on the report.~~

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~~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~~ ~~The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing before the Standards Hearing Sub-Committee or, after consulting the Independent Person, seek local resolution. 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.~~

## ESSENTIAL REFERENCE PAPER 'E'

### 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—Audit and Governance Committee and the Town or Parish Council for information, but will take no further action.

### 7.1.2 Hearing

In cases where the Monitoring Officer refers a complaint for a hearing. This will be dealt with by the Standards Hearing Sub-Committee. This is a public hearing before a panel of three Council Members

~~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.~~

The Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and give pre hearing directions to help the hearing stage move forward smoothly.

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

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## ESSENTIAL REFERENCE PAPER 'E'

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

The Council has agreed a procedure for the hearings, which is attached as Appendix one to these arrangements. If the Sub-Committee concludes that the Member did fail to comply with



## ESSENTIAL REFERENCE PAPER 'E'

~~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. ~~Publish its findings that a member has broken the code of conduct in respect of the member's conduct;~~
  - iv. ~~Report its findings to the Authority [or to the Parish Council] for information;~~
    - ~~Advise the member's Group Leader of the finding;~~
    - ~~Instruct the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member; Removal by the authority of the Member from Committee(s) subject to statutory and constitutional requirements;~~
    - iii. ~~Withdraw [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access~~
  - iv-v. ~~Issue a 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 Hearing 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 Hearing Sub-Committee?

10.1 ~~It is a Sub-Committee comprising three Members of the Council's Audit and Governance Committee. Independent Members.~~

10.2 ~~10.4 The Independent Person is invited to attend all meetings of the Committee and his/her views are sought and taken into consideration before the Committee takes any decision on whether the member's conduct constitutes a failure to comply~~

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## ESSENTIAL REFERENCE PAPER 'E'

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.

40.210.3

~~10.3 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 Audit and Governance Committee will also be invited to attend the Sub-Committee.~~

Comment [LW1]: Not possible?

~~10.4~~

~~10.5~~10.4 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

## ESSENTIAL REFERENCE PAPER 'E'

- 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**

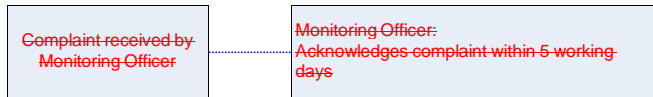
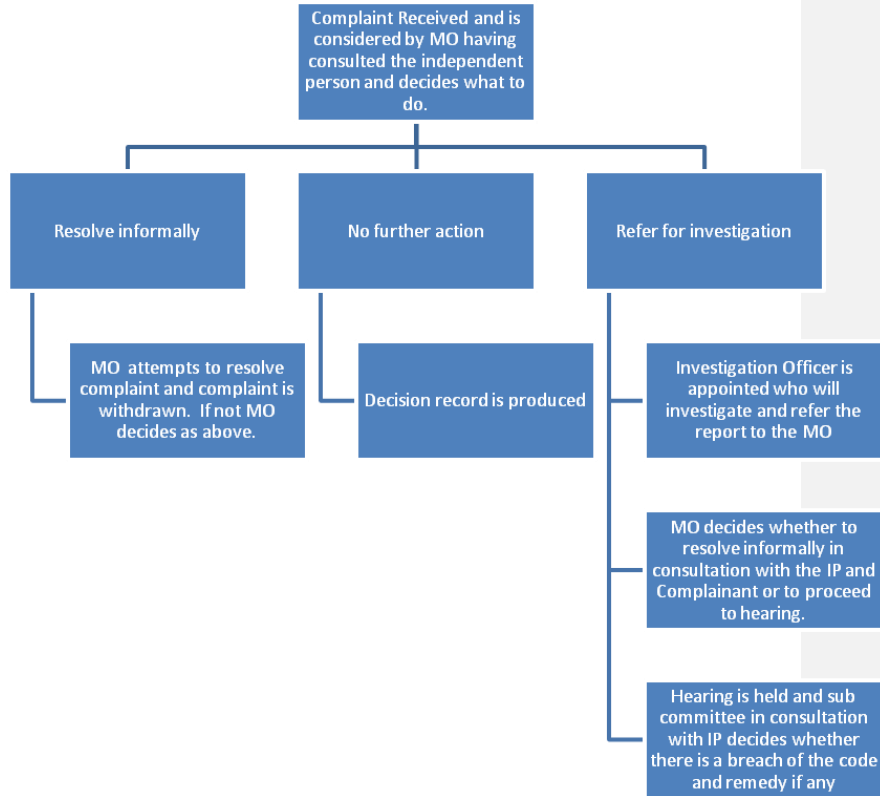
The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

### **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



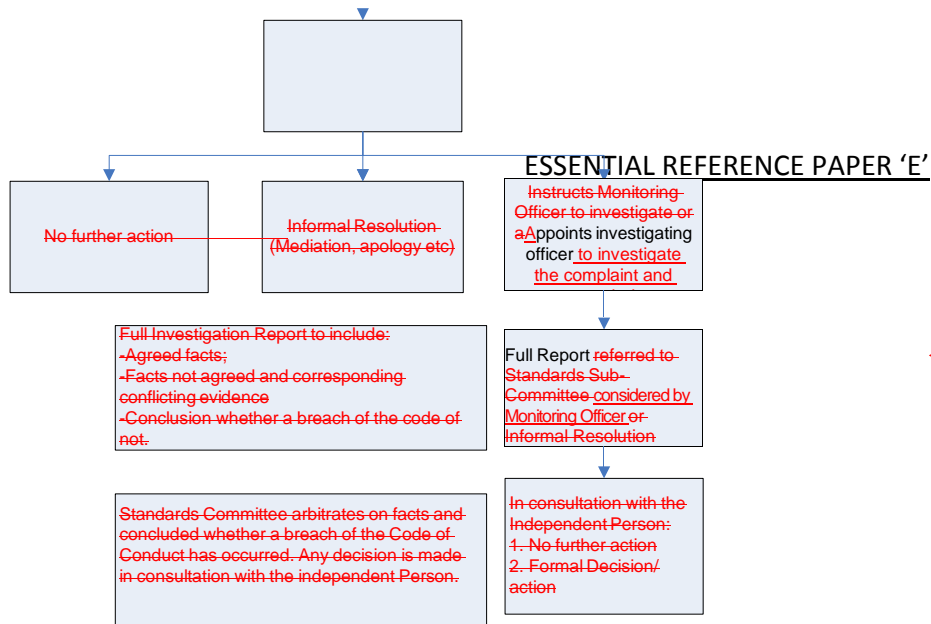
Preliminary review by Monitoring Officer who may seek additional information and / or consult with the Independent Person. Issues a preliminary report to Standards Sub-Committee with recommendation

Standards Sub-committee considers preliminary report and decides course of action

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~~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**

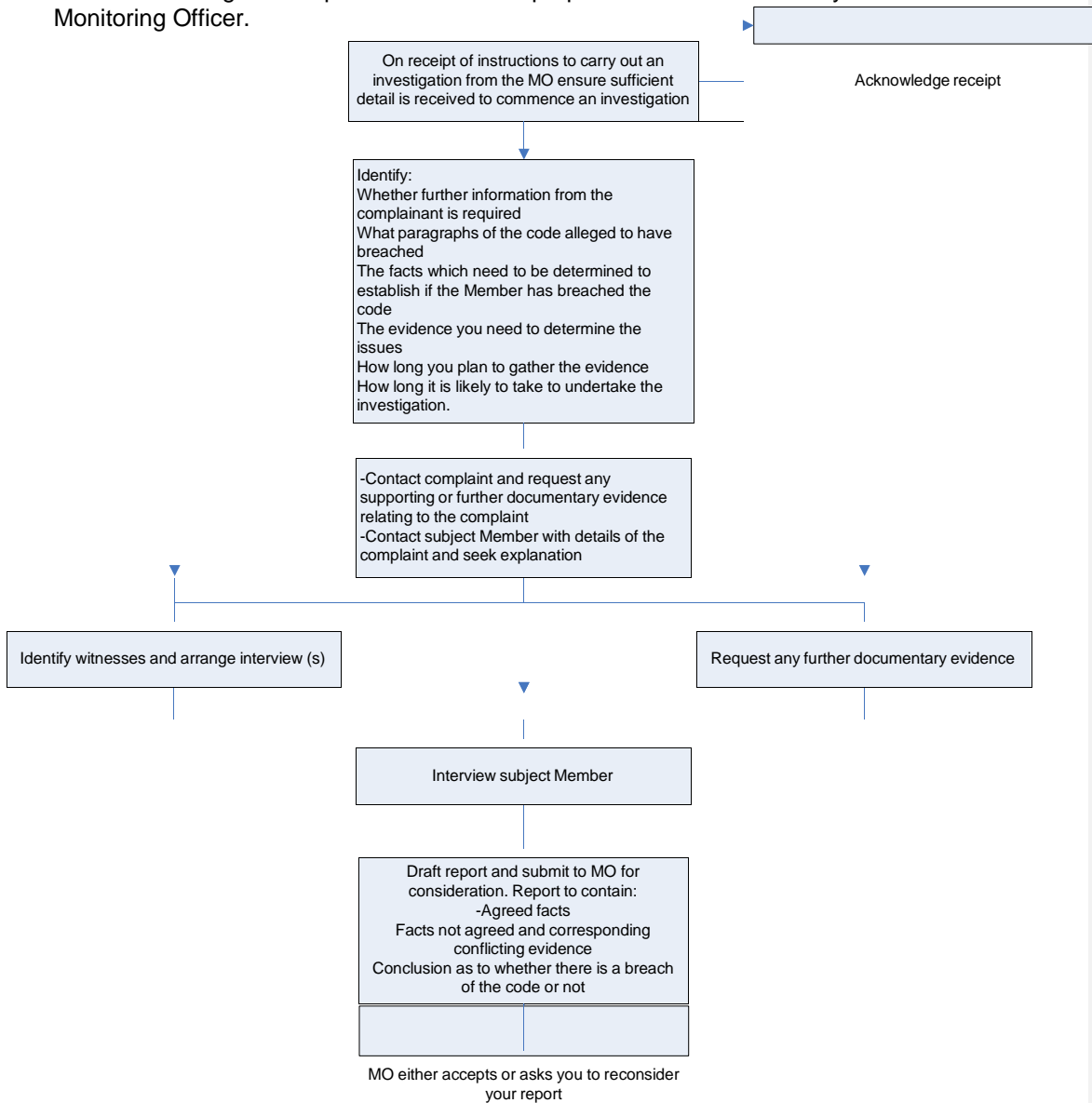
1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, 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

Comment [LW2]: Formatting dodgy in this app

**Complaints Standards Sub-Committee Procedure**

**Item  
No**  
1

**Procedure**

**Quorum**

1.1. Three Members must be present throughout the hearing to form a quorum.

The Sub-Committee shall elect a Chairman for the meeting

2

**Opening**

2.1 The Chairman explains the procedure for the hearing and reminds all parties to turn off mobile phones.

2.2 The Chairman asks all present to introduce themselves

2.3 The Councillor will be asked whether they wish to briefly outline their position

3

**The Complaint**

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.

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)

3.3 Members of the Sub-Committee may question the

4

**The Councillor's case**

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)



ESSENTIAL REFERENCE PAPER 'E'

	4.2	The Investigating Officer may question the Councillor and/or any witnesses
	4.3	Members of the Sub-Committee may question the Member and/or any witnesses
5	<b><u>Summing Up</u></b>	
	5.1	The Investigating Officer may sum up the Complaint
	5.2	The Member (or their representative) may sum up their case.

6 **Decision**

- 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. The sub-committee can request that the Monitoring Officer joins them to advise them on procedure and law. If they do so the sub-committee chairman will explain the nature of the advice sought in public when the sub-committee returns.
- 6.2 Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:-
- 6.2.1 The Sub-Committee decides that the Member has failed to follow the Code of Conduct or
- 6.2.2 The Sub-Committee decides that the Member has not failed to follow the Code of Conduct
- 6.2.3 The Sub-Committee will give reasons for their decision
- 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:
- 6.3.1 Whether any action should be taken and
- 6.3.2 What form any action should take

The Sub-Committee will then deliberate in private to consider what action if any should be taken in consultation with the Independent Person. The sub-committee can request that the Monitoring Officer joins them to advise them on procedure and law. If they do so the sub-committee chairman will explain the nature of the advice sought in public when the sub-committee returns.

6-46.5

6-56.6 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)

6-66.7 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.

EAST HERTS COUNCIL

ANNUAL COUNCIL – 18 MAY 2016

REPORT BY INTERIM HEAD OF DEMOCRATIC AND LEGAL  
SUPPORT SERVICES

REVIEW OF THE COUNCIL’S DECISION-MAKING STRUCTURE

WARD(S) AFFECTED: All

- 
- Council, at its annual meeting, is required to approve the decision-making arrangements for the discharge of functions.

<b><u>RECOMMENDATIONS FOR DECISION:</u> That:</b>		
<b>(A)</b>	<b>the following Scrutiny Committees, Regulatory Committees and Joint Committee be appointed, with the number of voting Members stated:</b>	
	<b><u>Committee</u></b>	<b><u>No. of Members</u></b>
	<b>Community Scrutiny</b>	<b>10</b>
	<b>Corporate Business Scrutiny</b>	<b>10</b>
	<b>Environment Scrutiny</b>	<b>10</b>
	<b>Health and Wellbeing Scrutiny</b>	<b>10</b>
	<b>Audit and Governance</b>	<b>10</b>
	<b>Development Management</b>	<b>12</b>
	<b>Human Resources</b>	<b>7</b>
	<b>Licensing</b>	<b>12</b>
	<b>Chief Officer Recruitment</b>	<b>5</b>
	<b>East Herts Council and Stevenage Borough Council Joint Revenues and Benefits Committee (3 from East Herts</b>	<b>6</b>

	<b>and 3 from Stevenage)</b>	
<b>(B)</b>	<b>the membership of Scrutiny Committees, Regulatory Committees, the East Herts Council and Stevenage Borough Council Joint Revenues and Benefits Committee be as set out in Essential Reference Paper ‘D’, with Members being appointed in accordance with the wishes of the political group to whom the seats on these bodies have been allocated,</b>	
<b>(C)</b>	<b>the intention of the Leader of the Council to appoint 6 Members to the Executive (in addition to the Leader) with the portfolio responsibilities as detailed at Essential Reference Paper ‘B’, be noted;</b>	
<b>(D)</b>	<b>the programme of Council meetings, as detailed at paragraph 5.1 of the report submitted, be approved,</b>	
<b>(E)</b>	<b>the Head of Legal and Democratic Services be authorised to make changes in the standing membership of committees, joint committee and panel in (A) above, in accordance with the wishes of the political group to whom seats on these bodies have been allocated;</b>	
<b>(F)</b>	<b>the action to be taken by the Head of Legal and Democratic Services, in consultation with the Leader, under delegated authority, concerning the appointment of representatives to outside bodies, be noted; and</b>	
<b>(G)</b>	<b>the Monitoring Officer be authorised to make such amendments to the Council’s constitution as may be necessary to account for the decisions in (A) to (F) above.</b>	

## 1.0 The Executive/Leader of the Council

1.1 Under its constitution, in May 2015, Council appointed the Leader of the Council for the “life” of the Council (i.e. until the next District Council elections in 2019). The constitution sets out the circumstances when this post becomes vacant.

1.2 In terms of the appointment of Members to the Executive, the constitution provides that this is the responsibility of the Leader of the Council once appointed. The Leader determines the size of the Executive and she has advised that the size of the Executive proposed for 2016/17 is six members (plus the Leader).

1.3 The Leader is also responsible for advising Council on the allocation of executive portfolio responsibilities. These are set out at **Essential Reference Paper ‘B’**.

## 2.0 Scrutiny Committees and Regulatory Committees

2.1 It is proposed that four scrutiny committees will be constituted as detailed below. The terms of reference of each will be the same as last year save that amendments will be made to the constitution to reflect that the former Health and Wellbeing Panel is now a full scrutiny committee with the general powers associated with full committee status in addition to its specific remit.

Community Scrutiny	10
Corporate Business Scrutiny	10
Environment Scrutiny	10
Health and Wellbeing Scrutiny	10

2.2 It is proposed that the following Committees will be established with the same of terms of reference as last year.

Audit and Governance Committee (10 Members) (see separate report on agenda)

Development Management Committee (12 Members)

Human Resources Committee (7 Members)

Licensing Committee (12 Members)

Chief Officer Recruitment Committee (5 Members)

2.3 Sub-Committees and panels with specific responsibilities relating to licensing and standards matters will be reconstituted by the Licensing and Audit and Governance respectively (as the ‘parent’ committees) at their first meetings in the Civic Year immediately after Annual Council.

## 3.0 Joint Committee

3.1 It is proposed that the joint committee relating to Revenues and Benefits (with Stevenage) be retained on its existing basis.

## 4.0 Political Groups

4.1 Where Members of the Council are divided into political groups, the provisions of the Local Government and Housing Act 1989 place a duty on the Council to review the allocation between those groups of

seats on its Scrutiny Committees, Regulatory Committees and Joint Committees according to certain principles. The aim is to ensure that the political composition of the Committees, etc, reflects the composition of the Council. The rules of proportionality do not apply to the Executive.

- 4.2 At time of writing, one political group has been constituted within East Herts Council as follows:

Conservatives	48
---------------	----

This group is entitled to a proportion of seats in relation to their relative percentage size, i.e. 96%. It is for Council to appoint Members to the seats in accordance with the wishes of the political group to whom they have been allocated.

- 4.3 **Essential Reference Paper ‘C’** details the allocation of committee seats to the political group and independent Members.

- 4.4 Council must appoint the nominees of the political group to the seats on committees etc. **Essential Reference Paper ‘D’** sets out the proposed membership.

- 4.5 Members of the Executive may not be appointed to serve on Scrutiny Committees.

#### 5.0 Calendar of Meetings

- 5.1 A Calendar of meetings for 2016/17 has already been published and Council is invited to confirm the dates of its meetings as follows:

27 July 2016  
19 October 2016  
14 December 2016  
1 March 2017  
10 May 2017 (Annual)

#### 6.0 Outside Bodies

- 6.1 Council appoints a significant number of people as its representatives on outside bodies. The appointment of such representatives is delegated to the Head of Legal and Democratic Services, in consultation with the Leader of the Council.

- 6.2 The Director and Leader will be reviewing the Council’s appointments

for the ensuing civic year and will advise members shortly of appointments.

## 7.0 Implications/Consultations

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

## Background Papers

None

Contact Officer: Catherine Whitehead, Interim Head of Democratic and Legal Support Services, Ext 1514  
[catherine.whitehead@eastherts.gov.uk](mailto:catherine.whitehead@eastherts.gov.uk)

Report Author: Martin Ibrahim, Democratic Services Team Leader

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## ESSENTIAL REFERENCE PAPER 'A'

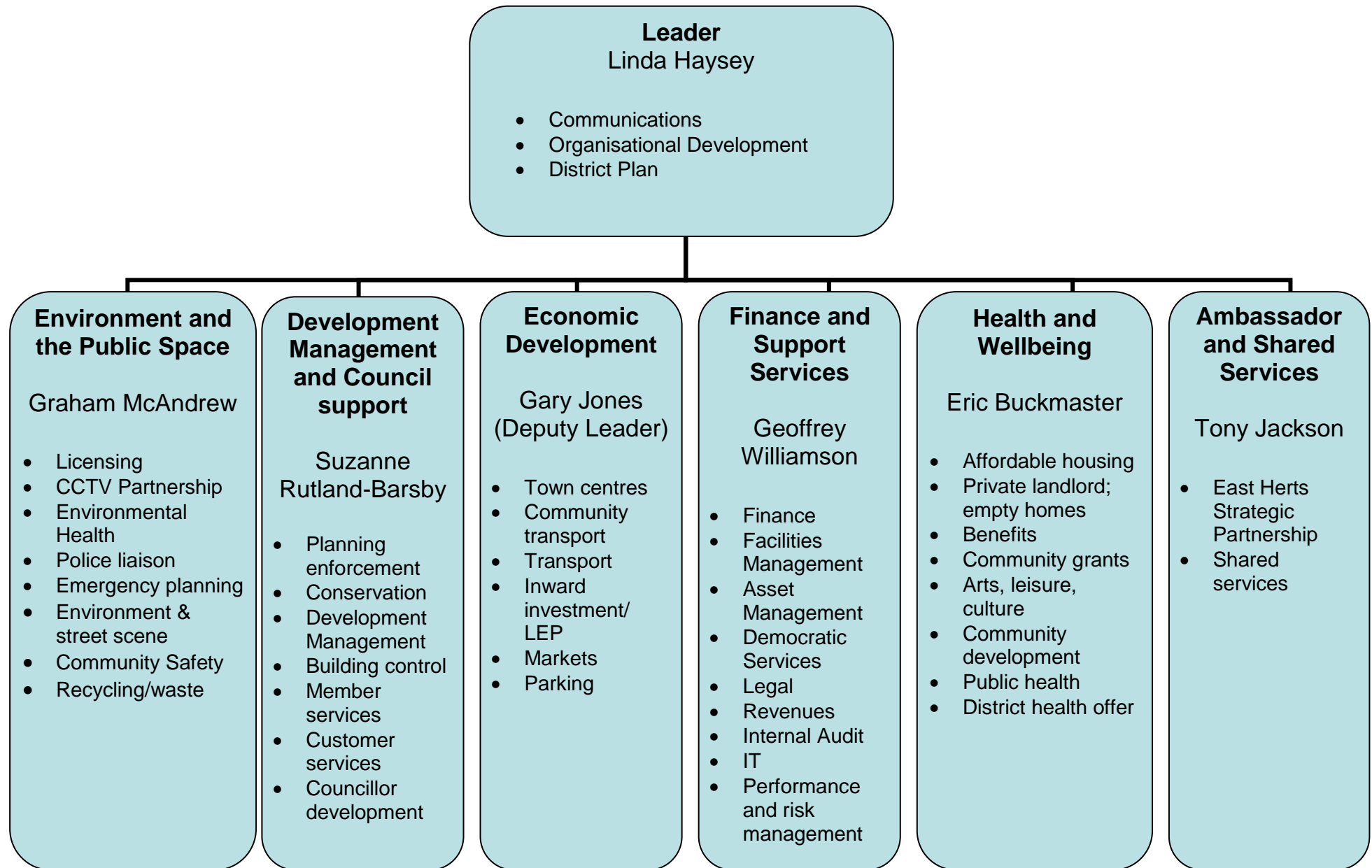
### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	The proposals set out in this report will support all of the Council's corporate objectives.
Consultation:	The appropriate consultation with the sole Group Leader has taken place. In advance of this meeting, the Head of Democratic and Legal Services has liaised with the sole political group leader in order to obtain their nominations to seats on various bodies, where relevant. Details of these nominations will be circulated to all Members. Council is invited to note that one of the recommendations before them will enable these nominations to be appointed to the seats allocated to the sole group.
Legal:	The proposals set out in this report accord with the statutory provisions for reviewing the Council's decision-making structure.
Financial:	None
Human Resource:	None
Risk Management:	The Council needs to establish a robust and clear decision-making structure to enable it to function effectively and make decisions in an expeditious manner which is accountable to the electorate.
Health and wellbeing-issues and impacts	None

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**ESSENTIAL REFERENCE PAPER 'B'**

**EXECUTIVE PORTFOLIO STRUCTURE – MAY 2016**



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## ESSENTIAL REFERENCE PAPER 'C'

### ALLOCATION OF SEATS ON MAIN COMMITTEES

<u>Committees</u>	<u>Seats</u>	<u>Cons</u>	<u>Ind – JC</u>	<u>Ind - PP</u>
Environment	10	9	0 or 1	0 or 1
Community	10	9	0 or 1	0 or 1
Corporate Business	10	9	0 or 1	0 or 1
Health and Wellbeing	10	9	0 or 1	0 or 1
Audit and Governance	10	10	0	0
Development Management	12	12	0	0
Licensing	12	12	0	0
Human Resources	7	7	0	0
Chief Officer Recruitment	5	5	0	0
Revenues and Benefits	3	3	0	0
<b><u>Total</u></b>	<b>89</b>	<b>85</b>	<b>2</b>	<b>2</b>

### POLITICAL GROUPS

	Number	% Size	Total seats
Conservative	48	96	85 (85.44)
Ind – J Cartwright	1	2	2 (1.78)
Ind – P Phillips	1	2	2 (1.78)
	50	100	89

Although seats to Members outside political groups are not caught by the political balance rules in the same way, the allocation has been done in the interests of proportionality.

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**Essential Reference Paper 'D'**

<b>Community Scrutiny Committee</b>			
<b>10 seats</b>			

<b>9 Conservative and 1 Independent</b>			
---	--	--	--

1	Devonshire	6	Pope
2	Goodeve	7	Ruffles
3	Drake	8	Snowdon
4	Moore	9	Symonds
5	Oldridge	10	Independent

<b>Corporate Business Scrutiny Committee</b>			
<b>10 seats</b>			

<b>9 Conservative and 1 Independent</b>			
---	--	--	--

1	Allen	6	Kaye
2	Brunton	7	Pope
3	Brush	8	Stevenson
4	Casey	9	Wyllie
5	Deering	10	Independent

<b>Environment Scrutiny Committee</b>			
<b>10 seats</b>			

<b>9 Conservative and 1 Independent</b>			
---	--	--	--

1	Cheswright	6	Henson
2	Crofton	7	McMullen
3	Cutting	8	Reed
4	Drake	9	Wyllie
5	Freeman	10	Independent

<b>Health and Wellbeing Scrutiny Committee</b>			
<b>10 seats</b>			

<b>9 Conservative and 1 Independent</b>			
---	--	--	--

1	Abbott	6	Jones
2	Alder	7	Hollebon
3	Ballam	8	Stainsby
4	Bull	9	Stevenson
5	Cousins	10	Independent

Subs for all Scrutiny:  
 Devonshire  
 Henson  
 Oldridge  
 Woodward  
 Andrew  
 Standley

**Audit and Governance Committee  
 10 seats**

10 Conservative			
1	Abbott	6	Mortimer
2	Alder	7	Pope
3	Deering	8	Snowdon
4	Devonshire	9	Stainsby
5	Kenealy	10	Woodward

**Development Management Committee  
 12 seats**

12 Conservative			
1	Allen	7	Jones
2	Brunton	8	Kaye
3	Casey	9	Page
4	Deering	10	Standley
5	Freeman	11	Warnell
6	Goodeve	12	Vacancy

Subs:   Andrews  
           Bull  
           Oldridge  
           Henson  
           Reed  
           Ruffles

**Human Resources Committee  
 7 seats**

7 Conservative			
1	Bull	5	Ruffles
2	Cousins	6	Stevenson
3	Ballam	7	Woodward
4	Goodeve		



**Licensing Committee  
12 seats**

**12 Conservative**

1	Andrews	7	J Jones
2	Ballam	8	McMullen
3	Brunton	9	Page
4	Cheswright	10	Standley
5	Cutting	11	Symonds
6	Deering	12	Taylor

**Chief Officer Recruitment Committee  
5 seats**

**5 Conservative**

1	Brush	4	Rutland-Barsby
2	Haysey	5	Woodward
3	G Jones		

**Revenues and Benefits Joint Committee  
3 seats**

**3 Conservative**

1	Buckmaster	3	Williamson
2	Haysey		

Subs: McAndrew

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## EAST HERTS COUNCIL

### ANNUAL COUNCIL – 18 MAY 2016

#### REPORT BY CHIEF EXECUTIVE

#### APPOINTMENT OF CHIEF FINANCIAL OFFICER

WARD(S) AFFECTED:      NONE

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#### **Purpose/Summary of Report**

- This report seeks to review the appointment of the Chief Financial Officer and s151 responsibilities within the authority, in the light of the recent senior management restructure and the new leadership team arrangements.

<b><u>RECOMMENDATIONS FOR ANNUAL COUNCIL: That:</u></b>	
<b>(A)</b>	<b>the Head of Strategic Finance and Property Services be appointed as the Council's s151 Officer; and</b>
<b>(B)</b>	<b>the Council's Constitution be amended immediately to give effect to the change.</b>

#### 1.0 Background

1.1 Councils are required under Section s151 Local Government Act 1972 to make arrangements for the proper administration of their financial affairs and give one of their officers responsibility for the administration of those affairs. This officer is generally known as the s151 officer.

#### 2.0 Report

2.1 There is a requirement for the Council to appoint one of its officers as the s151 officer. The Chartered Institute of Public Finance and Accountancy (CIPFA) has set out five key roles that are critical to the achievement of a Chief Financial Officer's statutory responsibilities:

- maintaining strong financial management underpinned by effective financial controls
- contributing to corporate management and leadership
- supporting and advising democratically elected representatives
- supporting and advising officers in their operational roles
- leading and managing an effective and responsive financial service.

The key activities for each of these roles are set out in a protocol within the constitution.

- 2.1 Until now the Director of Finance and Support Services has held responsibility for the exercise of the s151 officer duties within her remit. Under the new structure this post will no longer exist.
- 2.2 The new structure outlines two director roles without specific service responsibilities. Removing direct service responsibilities and placing these with the Heads of Service will enable the Directors to lead a range of projects and delivery responsibilities as the council's programme of work demands. The Directors' roles will be key to driving forward corporate initiatives designed to ensure that the Council achieves its overall objectives and vision.
- 2.3 The new broad and untied remit does not sit well with existing statutory responsibilities in a single service area.
- 2.4 There is also the potential for a conflict between the delivery demands of the new Director role and the duties of the s151 officer role, in particular the responsibility to provide impartial support and advice to members and officers within their operational roles.
- 2.5 It is therefore proposed that under the new structure the Head of Strategic Finance and Property will take over the responsibilities of the s151 officer duties. Under Section 113 Local Government Finance Act 1988 the postholder must be a member of one of the specified accounting professions. The Head of Finance and Property Services is a Member of the Chartered Institute of Public Finance (CIPFA).

2.6 The duties of the Chief Financial Officer are set out within the current Constitution and are as follows:

Description	Source
Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account.	Section 114, 114a, 115, 116 Local Government and Finance Act 1988
Appointment of Deputy.	Section 114 Local Government and Finance Act 1988.
Report on resources.	Section 114 Local Government and Finance Act 1988.
Responsibility for the administration of financial affairs.	Section 151 Local Government Act 1972
Borrowing, investment accounts and financial administration.	Local Government Act 2003 Sections 1-92
Responsibility to determine the form of the Council's accounts and records, provide internal audit and statement of accounts.	The Accounts and Audit Regulations 2003 Local Authorities (Capital Finance and Accounting) (England) Regulations 2003

2.7 Council is being requested, in this report, to approve the change of responsibilities. If Council supports this change the Council's constitution will be amended to reflect the proposed change.

### 3.0 Implications/Consultations

3.1 The Director and the Head of Service have been consulted and agree to the proposed change.

#### Background Papers:

None

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	<p><b><i>Prosperity – Improving the economic and social opportunities available to our communities</i></b></p> <p>This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
Consultation:	Consultation has taken place with the officers directly affected by the proposals.
Legal:	The Council is required to have a s151 Officer under the Local Government Act 1972. Details of qualifications and duties and responsibilities of the Officer are set out in the Local Government Finance Act 1988.
Financial:	There are no financial implications in making the change that are not already dealt with as part of the structural change of the authority.
Human Resource:	There are no implications for the staff affected by the change other than those which have already been identified as part of the structural change.
Risk Management:	The risks in making the change are limited by the statutory requirements in relation to the qualifications required for the post and the status of the individual to whom the new responsibilities are being given.
Health and wellbeing – issues and impacts:	There are no health and wellbeing implications in the proposals.

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