

# Public Document Pack

## **EAST HERTFORDSHIRE DISTRICT COUNCIL**

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 11th May, 2022 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Date this 4th day of May 2022

*James Ellis*  
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.

2. Election of a Chairman 2022/23

To elect the Chairman of the Council for 2022/23 following which the Chairman will make the statutory declaration of acceptance of office.

3. Election of a Vice-Chairman

To elect the Vice-Chairman of the Council for 2022/23 following which the Vice-Chairman will make the statutory declaration of acceptance of office.

4. Further Chairman's Announcements

5. Apologies for Absence

To receive any Members' apologies for absence.

6. Minutes - 1 March 2022 (Pages 5 - 60)

To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 1 March 2022.

7. Declarations of Interest

To receive any Members' declarations of interest.

8. Petitions

To receive any petitions.

9. Public Questions

To receive any public questions.

10. Members' questions (Pages 61 - 64)

To receive any Members' questions.

11. Executive Report - 8 February 2022 (Pages 65 - 132)

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

- (A) East Herts Housing Strategy 2022 to 2027
- 12. Review of the Constitution (Pages 133 - 388)
- 13. Committee Membership and Political Balance of the Council 2022/23 (Pages 389 - 402)
- 14. Review of Scheme of Members' Allowances 2022 (Pages 403 - 434)
- 15. Outside Bodies Update Report (Pages 435 - 510)
- 16. Annual Scrutiny Report 2021/22 (Pages 511 - 528)
- 17. Review of the Council's Grant Priorities (Pages 529 - 538)
- 18. Motions on Notice

To receive Motions on Notice.

(A) Platinum Jubilee\_(Pages 539 - 540)

(B) No confidence in the Prime Minister\_(Pages 541 - 542)

## **Disclosable Pecuniary Interests**

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.

## **Public Attendance**

East Herts Council welcomes public attendance at its meetings and meetings will continue to be live streamed and webcasted. For further information, please email [democraticservices@eastherts.gov.uk](mailto:democraticservices@eastherts.gov.uk) or call the Council on 01279 655261 and ask to speak to Democratic Services.

The Council operates a paperless policy in respect of agendas at committee meetings and the Council will no longer be providing spare copies of Agendas for the Public at Committee Meetings. The mod.gov app is available to download for free from app stores for electronic devices. You can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device.

Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.



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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.

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MINUTES OF A MEETING OF THE  
COUNCIL HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 1 MARCH 2022, AT 6.30 PM

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PRESENT: Councillor K Crofton (Chairman).  
Councillors T Beckett, S Bell, R Bolton,  
M Brady, E Buckmaster, S Bull, A Curtis,  
B Deering, I Devonshire, J Dumont,  
M Goldspink, J Goodeve, A Hall, L Haysey,  
J Kaye, I Kemp, S Newton, T Page, M Pope,  
C Redfern, S Reed, C Rowley, P Ruffles,  
S Rutland-Barsby, D Snowdon, T Stowe,  
N Symonds, R Townsend, A Ward-Booth,  
G Williamson and C Wilson.

OFFICERS IN ATTENDANCE:

James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Jonathan Geall	- Head of Housing and Health
Steven Linnett	- Head of Strategic Finance and Property
Katie Mogan	- Democratic Services Manager
Helen Standen	- Deputy Chief Executive
Ben Wood	- Head of Communications, Strategy and

## Policy

355 DECLARATIONS OF INTEREST

There were no declarations of interest.

356 HONORARY ALDERMEN

Councillor Haysey proposed and Councillor Goldspink seconded a motion that, pursuant to the provisions of Section 249 of the Local Government Act 1972, the title of Honorary Alderman be conferred on Phyllis Ballam, former member of East Hertfordshire District Council.

After being put to the meeting, and a vote taken, the motion was CARRIED unanimously.

**RESOLVED** - that, pursuant to the provisions of Section 249 of the Local Government Act 1972, the title of Honorary Alderman be conferred on Phyllis Ballam.

Phyllis Ballam received a framed certificate and a civic badge of office from the Chairman.

Councillor Haysey thanked Phyllis Ballam for her service to East Herts District Council and her continuing involvement with Ware Town Council.

Councillor Pope echoed the sentiments from the Leader and said Phyllis Ballam was extremely knowledgeable as a Councillor and was sorely missed when she left the Council. He said that he welcomed

the honour.

Councillor Ruffles said that the title of Honorary Alderman was an expectation that the recipient would continue to explain and honour the work of local government. He said that Phyllis Ballam continued to be a big presence in Ware and the wider District and said it was clear that the awarding of the title of Honorary Alderman was popular amongst current Members.

Councillor Kemp said he had learnt in a short time how much Phyllis Ballam was valued and respected by those in Ware and the surrounding areas. He said that she served four times as Ware Town Mayor and was currently assisting him as Town Mayor as his consort. He thanked Phyllis Ballam for her work.

Councillor Goldspink said that she had the pleasure of serving as Councillor with Phyllis Ballam for many years. She said that she was always impressed by her comments and contributions to the debates and her devotion to her ward. She said it was a great pleasure to work with her and wished her well with her new status.

Phyllis Ballam said that she was overwhelmed by the comments and said it had been a privilege serving with her fellow Members. She said that she hoped she achieved some good when serving and said that East Herts Council did wonderful work. She thanked the Council for the honour and their kind words.

The meeting closed at 6.45 pm

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

MINUTES OF A MEETING OF THE  
COUNCIL HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 1 MARCH 2022, AT 7.00 PM

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PRESENT: Councillor K Crofton (Chairman).  
Councillors J Kaye, A Alder, T Beckett,  
S Bell, R Bolton, M Brady, E Buckmaster,  
S Bull, B Crystall, A Curtis, B Deering,  
I Devonshire, H Drake, J Dumont,  
J Frecknall, M Goldspink, J Goodeve, A Hall,  
L Haysey, I Kemp, S Newton, T Page,  
M Pope, C Redfern, S Reed, C Rowley,  
P Ruffles, S Rutland-Barsby, D Snowdon,  
T Stowe, N Symonds, R Townsend, A Ward-  
Booth, G Williamson and C Wilson.

OFFICERS IN ATTENDANCE:

James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Jonathan Geall	- Head of Housing and Health
Steven Linnett	- Head of Strategic Finance and Property
Katie Mogan	- Democratic Services Manager
Helen Standen	- Deputy Chief Executive
Ben Wood	- Head of Communications,

357 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and Officers to the meeting and those watching on the webcast.

The Chairman said that civic events and visits had continued and were close to pre-pandemic level. He said that the Council was successful with two bids for funding from a covid recovery reconstruction grant and he and the Vice Chairman had visited 18 new businesses that had benefitted from £85,000 of grant money. He said he attended a Holocaust Memorial Day hosted by Councillor Kaye and welcomed distinguished guests and three young speakers from Germany. He said that he also marked the event by the planting of an oak tree to mark the national event '80 Trees for 80 Years'.

The Chairman referred to the tragic events in Ukraine and said he believed that he reflected the views of all Members and the nation in condemning the actions of President Putin. He said that he had asked the Leader to fly the Ukrainian flag over the building to show the council's support.

The Chairman announced that three East Hertfordshire residents had received honours in the Queen's New Year Honours List:

- Dr June Munro Raine CBE was awarded a DBE for



- services to Healthcare and the Covid-19 response.
- Jonathan Coggan was awarded a MBE for services to Wheelchair Rugby
  - James Penry Roberts was awarded a MBE for services to Wheelchair Rugby.

James Roberts was in attendance at the meeting. He thanked the Council for inviting him to the meeting and he explained the classification procedure in Wheelchair Rugby.

358 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Andrews, R Buckmaster, Boylan, Burmicz, Cutting, Fernando, Hollebon, Huggins, Jones, McAndrew, McMullen, Stevenson and Wyllie.

359 MINUTES - 15 DECEMBER 2021

Councillor Wilson referred to page 14 and said the "East Stortford crossing" should be the "Eastern Stort crossing". He also referred to page 15 and said that he mentioned residents in Bishop's Stortford, Stansted Abbots and Sawbridgeworth not just those in Bishop's Stortford.

Councillor Haysey proposed and Councillor Rutland-Barsby seconded a motion that the Minutes of the meeting held on 15 December 2021, as amended, be confirmed as a correct record and signed by the Chairman.

**RESOLVED** - That the Minutes of the meeting

held on 15 December 2021, as amended, be confirmed as a correct record and signed by the Chairman.

360 DECLARATIONS OF INTEREST

Councillor Snowdon declared a personal and pecuniary interest in three items on the agenda as he worked for the parent company of the company named in Items 8a, 8b and 13. He confirmed he would leave the Chamber for the duration of those items.

361 PETITIONS

A petition was submitted by Sheila Beetles titled 'Woodland North of Hare Street Village – East of B1368 opposite Mill View'. Sheila Beetles was not present at the meeting but the Executive Member for Planning and Growth gave the following response:

"Thank you for raising your concerns with the Council. We understand this is something residents are clearly passionate about. Looking at our records the area described does not qualify for woodland TPO protection. We are not aware of any felling licences granted by the Forestry Commission and would advise residents to report any felling to the Forestry Commission. We will of course do the same as a Council. I'm sorry this is not what you wanted to hear."

362 PUBLIC QUESTIONS

Shaun Balding to ask Councillor Geoff Williamson, the Executive Member for Financial Sustainability

"In respect of the reasoning for such a substantial change to the parking permit costs can I ask the following.

The Total Costs RPZ 2021, which appear to have been used to calculate the 2022 values, were £214,818.18

1. In this figure what is the role of Business Support Engagement and a Customer Support Engagement - why are residents having to pay for a Business Support Role?
2. How has 15% of the contractors been measured to make sure its 15%?
3. Why have has the hard copies allowance been used for 2022 budget calculation. We no longer have paperless vouchers.
4. What is the "Income RPZ Related (Permit and Voucher Sales) value made up from?"

Response from Councillor Geoff Williamson

"I would like to begin by thanking Mr Balding for his questions.

On the first question, the Business Support Officers process enquiries through emails, telephone calls, and also online when validating Resident Permit applications and undertaking database administration. The function includes a range of activities that allow the Resident Permit Zone schemes to operate, which in summary include:

- Providing technical assistance relating to Resident Permit applications and Penalty Charge Notice challenges.

- Issuing visitor vouchers, processing, renewals, vehicle dispensations, managing expired permits, taking payments and making refunds.

The Customer Service function duties involve helping customers walking in to the Council's offices. These customers are generally those that prefer not to use the online system. The team process the permit application end to end on behalf of the customer.

An assessment of overall costs took into account the percentage of officers' time in "Business Support" and "Customer Services" when engaged specifically in delivering this service to residents, and these needed to be included as part of the calculations to achieve full cost recovery.

On the second question, in order to effectively manage Resident Permit Zones, Civil Enforcement Officers patrol daily and record this time on their hand held computers. The data was analysed using the council's parking enforcement IT system and the report verified that 15% of the total patrol time in East Herts was undertaken within the Resident Permit Zone boundaries.

On the third questions, visitor vouchers continue to be available in hardcopy form to supplement the virtual type available online. Some residents prefer to purchase hardcopy versions and the vouchers can be purchased in the council's offices. Whilst the residents' Permits themselves are of the virtual type (hardcopies are no longer issued) the visitor vouchers continue to be offered as an option to residents.

Finally, the income relates to the sale of Residents' permits, Residents' visitor vouchers and Carers' permits."

There was no supplementary question.

Robert Beahan to ask Cllr Geoffrey Williamson, the Executive Member for Financial Sustainability

"I understand the need for Residents' Parking Zones to be funded by users to ensure a balanced overall budget for the council.

However, the lack of debate and scrutiny on this matter at both the Audit and Governance Committee and the Executive Committee has been very disappointing.

Having written to all members of both committees, I'm still waiting for anyone to respond to me, so my question remains:

Why has East Herts Council created this situation, whereby residents are facing more than a 70% increase in permit cost for 2022? Should a higher increase not have been administered in previous years rather than allowing this huge hole in the finances to develop?"

Response from Councillor Geoff Williamson

"Previously the Council has subsidised the cost of RPZ permits and only uplifted the fees in line with the council's general fees and charges increases which are applied each year, which has generally been at 2.5%.

Following the approval of the Council's new Fees and Charges Policy in December 2021 which includes the need to recover the full cost of services, the RPZ costs uplift is now proposed for implementation as the previous uplifts have not achieved full cost recovery. As a result arguably holders of RPZ permits have benefitted from this situation over the years, and even at the new levels, the fees are still lower than can be seen elsewhere, for example North Herts where a 12-month permit costs £84."

There was no supplementary question.

Gary Jones to ask Cllr Geoff Williamson, the Executive Member for Financial Sustainability

"As a practising Christian I am very concerned about turning Sunday into a day like any other. For many, it is a day of rest and a family day. Today, the Council budget recommendation is to charge for all East Herts car parks on Sundays. My question is about whether that is a sensible course.

The Council papers describe a calculation based on a proportion of weekly revenue. The additional revenue in the next year is only £70,000. There is no reference to costs in that year. What would be the extra costs associated with Sunday parking charges across East Herts for:

- Additional enforcement officers on Sundays 7.30am to 8pm annually
- Changing all existing Monday to Saturday restrictions to include Sundays, so that 30 minute and 1 hour restrictions and other single yellow line restrictions can operate as on weekdays, and only those with RPZ permits can use RPZ designated spaces on Sunday?"

### Response from Councillor Geoff Williamson

“Thank you Mr Jones. I will start by saying that we think it is important that we recognise that there are a range of faiths within East Herts, and also those who have no faith. By introducing Sunday charges we don’t believe that we are treating one religious group more or less favourably than any other.

To answer your specific points:

Firstly, there are actually no extra costs are associated with Civil Enforcement Officers patrolling the car parks on Sundays, as they currently patrol on Sundays already, in line with the existing parking enforcement framework.

Regarding the potential for vehicle transfer from car parks to the public highway, it is not possible for us to calculate the costs involved in changing the on-street parking controls without knowing the number of roads that might be involved, but East Herts officers will work together with Hertfordshire County Council to keep the situation monitored.”

### Supplementary question from Gary Jones

Does the Executive Member acknowledge the implications of Sunday charging on residents, churches, workers, businesses and town centres, for example the young family with a Residents Permit, the church volunteer, the weekend worker and the small independent business in the town centre?

### Response from Councillor Geoff Williamson

There is a broader point that this allows users of the car parks across the week to be treated equally across the week and those users of car parks on a Sunday have not been singled out specifically.

363 MEMBERS' QUESTIONS

The Chairman noted that Councillor Crystall had submitted two questions but had agreed to defer them to the May meeting as Councillor McAndrew had sent his apologies.

Councillor Alastair Ward-Booth to ask Councillor Jan Goodeve, Executive Member for Planning and Growth

“Does the Executive Member for Planning and Growth agree with me that it is important that developers on the Stortford Fields estate are held accountable for their failure to adhere to the conditions of their planning application, and what steps will the Council take ensure compliance with their planning conditions?”

Response from Councillor Jan Goodeve

“Thank you Councillor Ward-Booth. You raise a very important question about situations where development is not being carried out in accordance with the conditions attached to the planning permission.

You specifically mention the development at Stortford Fields which is a key part of Bishop’s Stortford North.



The Bishop's Stortford North area benefits from planning permission for up to 2,200 homes and associated infrastructure, and is currently being built out.

I agree that compliance with the conditions attached to the planning permission is important and understand that a number of concerns have been raised by local residents.

I can confirm that the matter of planning compliance and enforcement at Stortford Fields is being progressed as a matter of priority by the Council. Officers, including the Head of Planning and Building Control, have spoken directly to the consortium of housebuilders at Stortfields Fields about the need to ensure that plans and conditions are adhered to. The seriousness of this has also been raised in writing.

Alongside this, a planning enforcement officer has been identified to investigate all alleged breaches. An action plan has been developed in order to help track and resolve specific issues, with the enforcement officer working closely with the planning officer.

This is overseen by the Service Manager for Development Management and now a regular item on the agenda when officers meet with the Consortium.

Addressing breaches or non-compliance without formal action can often be the most appropriate and proportionate approach but in some instances formal action may be considered necessary, and officers will make a judgement based on the extent of the breach

and whether it is expedient to take formal action.

Officers are in contact with local residents and will be reporting progress to the next Steering Group meeting which includes local councillors. In addition, local councillors will continue to be kept informed as progress is made, and matters are hopefully resolved.”

There was no supplementary question.

Councillor Rosemary Bolton to ask Councillor Jan Goodeve, Executive Member for Planning and Growth

“What is this Council doing to support local business owners and help them learn new skills to foster further economic growth in our District?”

Response from Councillor Jan Goodeve

“We continue to administer our highly successful new premises grant scheme for which we have had 42 applications so far. The scheme has had good coverage on local social media and also in the Mercury and Bishop’s Stortford Independent. We have been pleased to support the creation and expansion of so many businesses in the district and it bodes well for our future economic wellbeing that so many people are willing to invest in East Herts. Our approach has been so successful we have been invited by North Herts Council to administer a similar scheme for them which we are now doing, taking a small fee to cover the costs of doing so of course.

The economic development team at East Herts is also

leading a countywide programme of business support using funding from the Health Protection board to support Covid business recovery. This funding will last until June this year and on behalf of nine districts in Herts we are running different business support activities around social media, mental wellbeing and entrepreneurship through a mixture of on-line and in person events.

Some good examples include a “Growth Through Sustainability” event held on the 11<sup>th</sup> February at the University of Hertfordshire and attended by over 100 people. Some of you may also have come across the Mama Hive group in Hertford and we are collaborating with them to run a series of workshops and networking sessions throughout March, focusing on women in business linked to International Women’s Day.

We also have the Rebel Business School who will be running events on starting and growing your own business, particularly targeted at disadvantaged groups across the county. You may have also seen we also have Jay Blades (from the BBC’s Repair Shop) providing a key note speech and Q&A at an entrepreneurship online event on the 9<sup>th</sup> March. Once these are completed we will be organising events in April and May on supporting blogging and vlogging skills for business owners amongst other initiatives.

All these events can be found on LinkedIn and Eventbrite so do please have a look if you want more details.

As well as running events and networking sessions we are also helping in more direct ways. A good example is working with Street Food Heroes to get the market back to Hertford and we are using some of the Health Protection Board funding to cover costs of running these events on 31<sup>st</sup> March, 28<sup>th</sup> April, 26<sup>th</sup> May, 30<sup>th</sup> June, 28<sup>th</sup> July, 25<sup>th</sup> August, and 29<sup>th</sup> September.”

There was no supplementary question.

364 EXECUTIVE REPORT - 8 FEBRUARY 2022

The Leader of the Council welcomed Members back to the Council Chamber at Wallfields and made a statement on the current crisis in Ukraine.

“March 1<sup>st</sup> is the first day of spring, the beginning of sunshine and renewed hope after the grey and bleak winter. But this is not the case in Ukraine. East Herts Council condemns absolutely these aggressive actions of Putin and our thoughts and support are with the people of Ukraine.

“I doubt if any of us can imagine the horrors of those trying to reach safety and the worry and angst of our residents with relatives or friends in the Ukraine and what they are experiencing. I am the Chair of the East of England LGA and in regular contact with the Regional Strategic Migration Partnership, the SMP, which works with all refugees who come into the East of England region.

“East Herts has welcomed Syrians and we have made

homes available for those who fled Afghanistan and we will do the same for those from Ukraine when we are asked to. I'd also like to raise something which isn't getting a great deal of publicity at the moment and that is the medical issues that those fleeing into Poland and other countries are going to be facing.

"The vaccination rates of those in Ukraine is very low, so not only are they having to suffer major traumas both mentally and physically; I do hope that the rest of the world will make available to Poland and surrounding countries, sufficient vaccine levels such that all those who wish to be vaccinated who are fleeing can have a vaccination - at least one, two and then three. We do not want to see any further suffering over and above what they already have to face.

"But what can we do practically? I request that you make monetary donations to the Red Cross or Save The Children or other reputable charities, not clothing or the like.

"And this afternoon I was speaking with a long term resident who was born in Poland but has chosen to make his home here and raise his children here. His family in Poland live very close to the border with Ukraine and he is obviously very distressed.

"But he described what was going on over there. There were lorries queuing up outside community centres, halls and warehouses waiting to be unloaded with stuff - clothes and halls and warehouses waiting to be unloaded with clothes and everything which has

already been very generously donated. But there are no volunteers to unload them so that is why I suggest that we all donate money to the Red Cross and other charities actually working on the ground.

“He also told me about a vigil of gathering in Stevenage which is taking place on Friday at 5pm in the Town Square, and he said this is very much another way we can show support to the residents and those who are fleeing.

“I’d also like to propose, and I invite opposition leaders to join with me, in writing to the Ukrainian Ambassador in London expressing our support for his people. And if you are happy with that I will ask for a letter to be drafted and we will put all our signatories on that, so thank you very much indeed.”

Councillor Goldspink said that the Liberal Democrat group supported the Leader’s statement. She said their hearts go out to people in Ukraine and she said the group fully support and would be happy to sign the letter to the Ambassador.

Councillor Haysey then presented a report setting out recommendations to the Council made by the Executive at its meeting on 8 February 2022.

#### 364 ANNUAL TREASURY REPORT 2020/21

The Executive Member for Financial Sustainability presented the recommendation, which was referred to in the Executive report of 8 February 2022. Councillor Williamson said that the annual report reviewed the

Council's treasury management activities for the last financial year, including the prudential indicators and identified the associated impact on the current year's treasury management strategy.

Councillor Williamson proposed and Councillor Ruffles seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - That the Annual Treasury Management Review and Prudential Indicators 2020/21 be approved.

364 TREASURY MANAGEMENT 2021/22 MID-YEAR REVIEW

The Executive Member for Financial Sustainability presented the recommendation, which was referred to in the Executive report of 8 February 2022. Councillor Williamson said the review covered the first six months of the current year.

Councillor Williamson proposed and Councillor Ward-Booth seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - That the Treasury Mid-year Review and Prudential Indicators for the first 6 months of 2021/22 be approved.

364 EXTERNAL AUDIT NATIONAL PROCUREMENT OPT IN

The Executive Member for Financial Sustainability presented the recommendation, which was referred to in the Executive report of 8 February 2022. Councillor Williamson said that the current arrangements for the appointment of the council's external auditor through Public Sector Audit Appointments expired next year. Therefore the council had to consider the options available to put in place new arrangements in time to make the appointment of the external auditor for the five financial years beginning April 2023 by 31 December 2022. The alternative would be to undertake a procurement exercise but there was a risk that there would be no suitable firm bidding, or ending up with higher audit fees. The recommendation was therefore to opt-in to the PSAA scheme.

Councillor Williamson proposed and Councillor Kemp seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - That under Regulation 19 of the Local Audit (Appointing Person) Regulations 2015, East Hertfordshire District Council opts into the sector led body for audit appointments provided by Public Sector Audit Appointments Limited.

364 CORPORATE PLAN REFRESH 2022/2023

The Leader of the Council presented the recommendation, which was referred to in the



Executive report of 8 February 2022. Councillor Haysey said that the Corporate Plan was the council's guiding principles and its aspirations. The plan was produced every year and the 2022-23 version was focussed on economic recovery. She thanked the Overview and Scrutiny Committee for their consideration and comments on the report.

Councillor Haysey proposed that the recommendation in the Executive report be supported. Councillor Curtis seconded the proposal.

Councillor Goldspink said that the Liberal Democrat Group was happy to support the recommendation. She said she was happy to see the inclusion of the promotion and undertaking of tree planting.

Councillor Wilson commented that he hoped the Council could act on its commitment to be sustainable in everything it did. He said that residents still have to put their food waste in residual bins and the bridge over the River Stort had been approved which would reduce wildlife.

Councillor Crystall thanked Officers for their time in producing the Corporate Plan. He said he was delighted to see climate change mentioned. He said an assessment of climate action plans from England's councils had ranked East Herts fairly low. He hoped this would improve through the implementation of the climate change strategy.

The motion to support the recommendation having been proposed and seconded, was put to the meeting

and upon a vote being taken, it was declared CARRIED.

**RESOLVED** - That the refreshed Corporate Plan 2022/23 be approved.

364 PARKS AND OPEN SPACES STRATEGY

The Executive Member for Wellbeing presented the recommendation, which was referred to in the Executive report of 8 February 2022. Councillor Buckmaster said that the Parks and Open Spaces Strategy would operate closely with the council's wider plans in its corporate objectives and its Environmental Sustainability Strategy, Cultural Strategy and Health and Wellbeing Strategy. The Strategy identified cost effective services and inventive solutions to meet the needs of the community whilst maintaining a sustainable income.

Councillor Buckmaster proposed that the recommendation in the Executive report be supported. Councillor Symonds seconded the proposal and said that she was pleased to see that the council's parks would be inclusive for children with disabilities.

Councillor Goldspink said that the Liberal Democrat group were happy to support the recommendation.

The motion to support the recommendation having been proposed and seconded, was put to the meeting and upon a vote being taken, it was declared CARRIED.

**RESOLVED** - That the Parks and Open Spaces Strategy be approved.

## 364 UPDATED MASTERPLAN FOR THE GOODS YARD

The Executive Member for Planning and Growth presented the recommendation, which was referred to in the Executive report of 8 February 2022. Councillor Goodeve said that the site already benefited from a masterplan and a hybrid planning application however, a combination of events had required a review including the decision from Network Rail to retain the railway sidings which had reduced the developable area.

Councillor Goodeve proposed that the recommendation in the Executive report be supported. Councillor Drake seconded the proposal.

Councillor Goldspink said the Liberal Democrat group were happy to support the recommendation. She said she was pleased to see the mention of step free access at the east side of the station which was important for residents in Bishop's Stortford who could not use the stairs.

Councillor Haysey said that the developers that worked with the council on the masterplan were exemplary and listened and worked with the council's vision. She spoke to developers and said that if they did not engage in a masterplan document, they were unlikely to get planning permission. She said that this item and the next item were two great examples of better developments by working with Officers, Members and residents.

The motion to support the recommendation having been proposed and seconded, was put to the meeting and upon a vote being taken, it was declared CARRIED.

**RESOLVED** - That the Refined Masterplan Document for the Goods Yard, Bishop's Stortford be agreed as a material consideration for Development Management purposes.

364 MASTERPLAN FOR LAND TO NORTH WEST OF BUNTINGFORD

The Executive Member for Planning and Growth presented the recommendation, which was referred to in the Executive report of 8 February 2022. She said that the developers on this site had worked positively with the council and would provide a mix of dwelling types. She thanked those who gave their time to participate in the steering group to progress the masterplan document.

Councillor Goodeve proposed and Councillor Bull seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - That the Land North West of Buntingford Masterplan Document be agreed as a material consideration for Development Management purposes.

365 HERTFORD THEATRE CAPITAL PROJECT - UPDATE ON CAPITAL SCHEME BUDGET AND FINANCING

The Executive Member for Wellbeing presented the recommendations in the report. Councillor Buckmaster reminded Members that the principle of the theatre project had already been agreed by Council and the recommendation was a request for additional funding due to inflation. He said that when the Council embarked on the project, they were aware of the Brexit risk but could not foresee the pandemic. The tender responses that were received back were over the original budget.

Councillor Buckmaster said that Members had received a briefing on the revised business case which had been supported by external consultants. He said that the nearest multiplex was nine miles away and younger adults were travelling to other areas so the catchment area for the theatre would be large. He said that residents in Hertford were expecting the Council to deliver to the scheme and had a duty to do so for cultural and wellbeing reasons. He acknowledged that times were hard and the world was in crisis but the council needed to look ahead into the future and make a decision on balance of what was best for the current circumstances. He urged caution that putting the theatre back to its original configuration would have considerable costs.

The Executive Member for Financial Sustainability said that funding for the project using external borrowing had already been approved by Council and there was no wish to undertake any additional external borrowing with the further interest payments and Minimum Revenue Provision that would ensue.

Councillor Williamson said that the proposal was to use internal borrowing, taking £3 million from the New Homes Bonus Fund which had been steadily accruing from the 25% of New Homes Bonus receipts which had been retained within the Priority Spend Reserve. This reserve currently stands at £8.3 million and it was set up specifically as a fund for projects as decided by Members, so this proposal constitutes a perfectly legitimate use of these funds. Furthermore, given the higher than originally anticipated income that the theatre will produce according to the latest business plan, there is the option to pay back the money into the reserve over time so it can be used again for future priorities. As internal borrowing, there were neither interest payments nor Minimum Revenue Provision to be allowed for.

Councillor Williamson explained that the balance of a maximum £1 million would be taken from contingency sums within the overall Capital Programme. This meant that controls on using these contingencies must be tightened and details on how this would be achieved were included in the report that was considered by the Executive on 8 February 2022.

Councillor Williamson proposed that the two recommendations in the report be supported. Councillor Deering seconded the proposal.

Councillor Goldspink expressed her disappointment that the Liberal Democrat group had tried to submit an amendment but were told it was not allowed. She referred to the three options in the report and felt it

was undemocratic that the Council were only being asked to vote on one of those options which happened to be the most expensive. Councillor Goldspink requested a vote on all three of the options in the report.

The Monitoring Officer confirmed that the Council were being asked to vote on the recommendations in the report and would not be able to hold a separate vote on the three options.

Councillor Goldspink said that she was angry that the Council were being denied a democratic vote on the options. She said that the Council had already spent £20 million on the project and were now asking for an additional £4 million. She felt that the less expensive options would be more prudent and less risky for the Council and its residents. She said that the Liberal Democrat group would support the reinstatement of the previous auditorium and just one new cinema screen as they were not satisfied the business case was robust. Councillor Goldspink questioned how the Council knew enough people would come to the theatre and cinema and said it was alarming that the risks of this project were linked to the Old River Lane project and could jeopardise all of the Council's capital projects.

Councillor Redfern said that there was no shame in going back on the decision made previously before the country experienced the consequences of Brexit and the pandemic. She said that not everyone would use the theatre and it was unfair to expect taxpayers to contribute more money to the project which could

create debt to repay over years to come.

Councillor Ruffles said he would be supporting the recommendations unless he heard anything new and compelling not to in the debate. He said that he was confident in the forecast and prediction figures for users and costs. He said he had heard from the lead project officer at the Executive meeting who had answered questions and gave detailed and upbeat answers. Councillor Ruffles said that what was proposed was rare in present times and many councils who had been less prudent would be in no position to contemplate this vision in its largest towns. He said this was something exceptional and something to be proud of.

Councillor Dumont said that they were not saying that the town did not need culture but it was the extent of what was being proposed. He said he was concerned by the rising cost of the project and thought the margins were too tight. He said there was no shame in stepping back and hard decisions had to be made in the current climate. He said culture would not be lost if the smaller option was progressed.

Councillor Bell said that her first memory of Hertford Theatre was when she performed there with her primary school in 2003 and her association with the theatre has grown. She said she fully appreciated the importance of having a cultural centre and welcomed the investment proposed. However, there had been multiple revisions over the years about the funding required and the current climate was not considered when the original project was proposed. Councillor Bell



felt the Council should seriously consider the alternative, smaller option which was already a big improvement.

Councillor Buckmaster responded to the points raised. He said that theatre in its current configuration was inflexible and could only run one performance at a time. He said that external consultants had supported the business case and urged Members to vote for the proposals as recommended in the report.

Councillor Kemp said that costs had escalated due to a universal escalation in materials, not due to bad practice. He said that the option proposed by the Liberal Democrat group had not been costed or modelled. He said it was disappointing that costs had risen beyond the council's control but the alternative proposal was likely to cause serious delays and said he supported the recommendations in the report.

Councillor Curtis said that inflationary pressures had led to the request for additional funding. He said he had concerns over the cost but any further delays would only increase prices further in the current climate.

Councillor Townsend said he supported the theatre and its cultural events. He said his concerns related to the rapidly rising costs and the unknowns in the future. He said residents would need to cut non-essentials in order to eat and heat their homes and they would rely on home entertainment systems instead of going out. He said he disagreed with the current proposal and would be abstaining from the vote.

Councillor Wilson said it was a gamble to predict what would happen to the entertainment industry in thirty years. He said it was astounding to make that gamble and base the budget on these predictions.

Councillor Alder said the Council needed to grasp the opportunity to give its residents hope that the future would be better. She felt the Council should continue with the project with the additional funding and get people through the doors. She said that the Council should have faith in its own decisions.

Councillor Dumont clarified that the Liberal Democrats were not saying they do not want a theatre but they were questioning the scale of it.

Councillor Buckmaster said he understood the reservations but a majority of the theatre would be available for live performances which had been going on for thousands of years. He said Hertford Theatre had traditionally offered good value for money and would be a good local alternative to the West End.

Councillor Deering said the Council had committed to the project and the £3 million from the New Homes Bonus was a fund provided by central government and was not attributable to council tax payers. He said that the Council had employed a raft of external experts and the last thing the Council should be doing was to delay and slow the project down. He felt the Council should show leadership and deliver the project for the benefit of its residents.

Councillor Williamson said the theatre was subsidised

by a significant degree and the proposed project would turn a profit to support council services. He felt it was the right thing to do and was comfortable with the funding arrangements as the Executive Member for Financial Sustainability.

After being requested by six Members of the Liberal Democrat group, a recorded vote was taken on the recommendations in the report, the result being:

FOR

Councillors Alder, Bolton, Buckmaster, Bull, Crystall, Curtis, Deering, Devonshire, Drake, Frecknall, Goodeve, Haysey, Kaye, Kemp, Newton, Page, Pope, Reed, Rowley, Ruffles, Rutland-Barsby, Snowdon, Stowe, Symonds, Ward-Booth, Williamson

AGAINST

Councillors Dumont, Goldspink, Wilson

ABSTAIN

Councillors Beckett, Bell, Brady, Crofton, Redfern, Townsend

For: 26

Against: 3

Abstain: 6

**RESOLVED** - That (A) the increase in the Hertford Theatre capital scheme budget by £4 million for the delivery of the Hertford Theatre

Growth and Legacy Project, of which £3 million will be funded Earmarked Reserves, and up to £1million in additional borrowing from the capital programme contingency be approved.

(B) Any surplus receipts over and above those originally forecast and built in to the Medium Term Financial Plan be used to repay the funding from Earmarked Reserves and to contribute to future savings requirements within the Medium Term Financial Plan, those amounts to be determined by the prevailing need to make savings and the priorities of Council at the time be approved.

366 BUDGET 2022/23 AND MEDIUM TERM FINANCIAL PLAN 2022-25

The Executive Member for Financial Sustainability presented the recommendations in the Budget 2022/23 and Medium Term Financial Plan 2022-25 report. Councillor Williamson ran through the key highlights of the report as follows:

- Budgets have been set around an increasingly challenging background, with diminishing funding from government and many uncertainties about future funding, limited means by which the Council can now raise its own revenue, and more recently the position has been exacerbated by the higher costs and reduced income brought about by Covid.
- The Financial Sustainability Strategy that focused on income from commercial property

development was voided after the Treasury announcement in November 2020 which effectively stopped access to the borrowing that would have been required.

- Within the 2022 planned savings, areas where the council could improve its income position were looked at, including £444k for increasing car parking revenue through a general uplift in tariffs, and introducing charges for evenings and Sundays.
- For a period of several years this Council successively either frozen, reduced or introduced only limited increases. The Government have expected local authorities to raise their own funds so need to increase Council Tax by the maximum allowed (without a referendum), which was £5 per year on a Band D property.
- Despite these plans, still not enough to close the gap in the budget. The Leadership Team were able to identify a further £238k of operational savings, making a total reduction in internal operational costs of £1m across this last year and the next. However, this still leaves a gap of £481k.

Councillor Williamson ran through the main savings proposals:

- The Fees and Charges Policy seeks to reclaim the full cost of provision where a service is non-statutory. Residents Parking Zones is one service where the revenue received has dropped significantly behind the actual cost of provision and by raising the price to meet the cost removes £100k of subsidy to this service.

- Sunday parking charges would be treated like the other days of the week. This would produce a further £70k of revenue.
- The Community Grants budget would be reduced by 25%. However there was no longer a split between revenue and capital grant pots so more of the budget could be used to support revenue funding for projects. A further £8k will be removed from the budget and replaced from the East Herts Lottery Community Chest Fund.
- The Citizens Advice Service would get a reduction in funding from the current £152k by £13k next year then £10k for each of the following two years. The Council would continue make very pro-active efforts to find external funding sources for the CAB, along with other ways we already support the CAB financially outside of our own funding.

Councillor Williamson said that the proposals in the report have identified sufficient savings to bridge the gap, enabling a balanced budget. The Medium Term Financial Plan showed that the Council's total net expenditure for the next year is £11.526m.

Councillor Williamson said that whilst the proposals presented a balance budget, there would need to for further substantial savings in the future. The Council's Transformation Programme would be covering areas such as resourcing, procurement, income streams, and operational needs. It would enable the Council to ensure resources were focussed on the corporate plan priorities.

Councillor Williamson said that the Department of

Levelling Up, Housing and Communities announced a roll-forward of funding which will provide the Council with an unexpected £1.4 million of New Homes Bonus money. He said that it was proposed to put it straight into the reserves in order to improve financial resilience.

Councillor Williamson said the total amount of capital investment across the district next year would be £27.6 million, of which the main projects represent £21.7m.

Councillor Williamson proposed that the recommendations in the report be supported. Councillor Pope seconded the proposal.

Councillor Goldspink proposed an amendment to Recommendation C. She proposed the following:

- 1) "In the section on Revenue Budget Proposed Savings and Charges for Residents' Parking Zones (RPZs), We propose that the new charges should be £60 for the first permit and £110 for the second one, whilst a Full Consultation is held with all the residents who presently live in these Zones, to ask them if they would consent to a less-costly scheme –(an RPZ-lite) which could possibly be brought in in 2 years' time when the present contract ends.

We understand the wish to recover the full cost of the services which the Council runs, but this parking Zone Scheme is enormously expensive and it has been heavily subsidised for many years. We think that very few people knew the size of the

subsidy, and the dramatic increase in proposed charges has come as a huge shock. Residents are being asked to pay £72 when they previously paid only £41, and £144 instead of £82. These increases are way above the rate of inflation and we consider them to be unreasonable. So, we are proposing smaller increases, which would still reduce the Council's subsidy, but by a smaller amount. We propose that the charges should be £60 and £110. The deficit to the Council's Revenue would be funded from general reserves.

Therefore the Budget be amended as follows:

- a) Appendix A MTFP be deleted and replaced with an amended Appendix A attached as Annex 1 to this amendment;
- b) Appendix B Savings Proposals, the page on RPZ permit costs be deleted and replaced with the pages attached as Annex 2 to this amendment; and
- c) Appendix G Fees and Charges, the page on parking be deleted and replaced with the page attached as Annex 3 to this amendment."

The amendment was seconded by Councillor Wilson.

Councillor Goldspink said that she understood the wish to recover the full cost of services but the Residents Parking Zone (RPZ) scheme was enormously expensive as it had been heavily subsidised but residents were not aware of this. She said the increases were way above inflation and considered them to be unreasonable. Councillor Goldspink said



that the deficit to the revenue would be funded through the general reserves and she would like to see a consultation happen with all residents in the RPZs to gauge their opinion on a modified scheme. This would cost £21k again funded by general reserves.

Councillor Williamson said that the RPZs were enormously expensive and had benefitted from a heavy subsidy and therefore the fees had to be adjusted. He said if the Council maintained the subsidy and did not recover the full cost; it would negate the Fees and Charges Policy that was approved by Council in December 2021.

Councillor Wilson felt it was unconscionable to raise the RPZ fee by 75%. He said residents were already suffering from a rise in other household bills and the Conservative administration was proposing to deliver a further blow to finances. He said there had been a failure to introduce new cycling routes meaning residents had to use a car. Councillor Wilson believed that a smaller increase in fees and a revised scheme would be a better proposal. He queried if the Council would be open to a legal challenge as the proposed increase had not been out to consultation yet.

Councillor Goldspink closed the debate by acknowledging that the scheme had been highly subsidised but residents were not aware of the real cost and had not been given a choice in the matter. She said she had received many distressed emails and phone calls from residents about the increase and said if the Council approved this amendment, it would show the council cared.

A recorded vote was held on the amendment proposed by Councillor Goldspink. The result was as follows:

FOR

Councillors Beckett, Bell, Brady, Crystall, Dumont, Frecknall, Goldspink, Redfern, Townsend, Wilson

AGAINST

Councillors Alder, Bolton, Buckmaster, Bull, Curtis, Deering, Devonshire, Drake, Goodeve, Haysey, Kaye, Kemp, Newton, Page, Pope, Reed, Rowley, Ruffles, Rutland-Barsby, Snowdon, Stowe, Symonds, Ward-Booth, Williamson

ABSTAIN

Councillor Crofton

For: 10

Against: 24

Abstain: 1

The motion to amend the recommendation was LOST.

Councillor Dumont then proposed an amendment. He proposed the following:

“We are acutely aware that many people in East Herts are being hit very hard by the rising cost of living at the moment, and many are really struggling to pay their bills. They are worried for themselves and for their children. By using part of the unexpected New Homes Bonus the Council would reduce the tax burden a little and would demonstrate its care for its residents. We

therefore propose the following amendment:

- a. That the New homes Bonus transfer to reserves be reduced by £156,670;
- b. That £156,670 be transferred from the General Fund to the Collection Fund to create a discretionary council tax discount under section 13A (1) (c) of the Local Government Finance Act 1992 and that discount to be proportionate to a maximum of £2.50 at Band D to be applied only to a liability balance, i.e. credits will not be applied to exempt properties, properties in receipt of 100% Council Tax Support or where other discounts have reduced the liability by 100%;;
- c. That Council notes this will reduce the increase in the East Herts Council Tax **payable** by residents by 50% but will protect resources going forward as the full £5 increase will have been set for Council Tax Referendum purposes.
- d. Appendix A MTFP be deleted and replaced with an amended Appendix A attached as Annex 4 to this amendment
- e. Appendix D Reserves be deleted and replaced with an amended Appendix D attached as Annex 5 to this amendment.
- f. Consequent on this amendment passing then Item 11 Council Tax Resolution be amended as shown in yellow on the Council tax Resolution attached as Annex 6 to this amendment."

The amendment was seconded by Councillor Townsend.

Councillor Dumont thanked the Chief Financial Officer for his additional work on the amendment. He said

that he was proposing that £156,670 of the unexpected New Homes Bonus windfall be transferred to the general fund to create a discretionary council tax discount of £2.50. Councillor Dumont said that this would soften the blow of the rising cost of living and the proposal would not affect the Council's ability to raise Council Tax in the future.

Councillor Kemp said all Members wanted to help residents and sympathise with them when facing an increased cost of living. However, he said that the £2.50 discount would equate to 20 pence a week and queried how much this would help set against £156k disappearing out of reserves which could be of more use in the future.

Councillor Williamson recognised that some residents faced financial hardship and the council had measures in place to assist them. He said that the council's Council Tax support scheme was the most generous in Hertfordshire. He said that if a £2.50 discount was applied for the coming year, residents could face an increase of £7.50 the following to make up the shortfall in funding. Councillor Williamson said that the council had reduced its dependence on the New Homes Bonus and said it would be a mistake to go back.

Councillor Ward-Booth referred to the £150 Council Tax discount funded by the Chancellor's £9 billion support package. He said this was a contrast to just the £2.50 discount offered by the Liberal Democrats.

Councillor Curtis said that the discount would not have any practical effect on residents but it would be

complicated to deliver and administer.

Councillor Dumont thanked the Council for considering the amendment and said it would have been a gesture to residents.

A recorded vote was held on the amendment proposed by Councillor Dumont. The result was as follows:

FOR

Councillors Beckett, Bell, Dumont, Goldspink, Townsend, Wilson

AGAINST

Councillors Alder, Bolton, Buckmaster, Bull, Curtis, Deering, Devonshire, Drake, Goodeve, Haysey, Kaye, Kemp, Newton, Page, Pope, Reed, Rowley, Ruffles, Rutland-Barsby, Snowdon, Stowe, Symonds, Ward-Booth, Williamson

ABSTAIN

Councillors Brady, Crofton, Crystall, Frecknall, Redfern

For: 6

Against: 24

Abstain: 5

The motion to amend the recommendation was LOST.

Councillor Snowdon then proposed an amendment to the recommendations. He proposed the following:

“Insert into Budget 2022/23 and Medium Term Financial Plan as recommendation F.

That Council agrees the following:

This Council notes:

- That at the 15<sup>th</sup> December 2021 Full Council meeting, Council backed the Fees and Charges policy which gave rise to the new RPZ policy
- That as a general principle non-statutory services should be provided on a full cost recovery basis.

This council believes:

- That costs for non-statutory services should be as low as possible
- That those who don't use non-statutory services should not be asked to cross-subsidise those that do
- The charging policy provides for full cost recovery. This council will endeavour to reduce the cost base of its services, so that full cost recovery charges are as low as possible
- That full cost recovery charges can go down in future years as well as up

This council resolves:

- That the principle of the Fees and Charging policy is that any future reductions in the cost base (or increases in the revenue from the scheme) will

feed through to lower RPZ permit costs

- To ask the Audit and Governance Committee to investigate the cost base of the RPZ scheme
- To invite resident groups in RPZ scheme areas who no longer wish to have an RPZ to approach the council to look at further options."

Councillor Ward-Booth seconded the amendment.

Councillor Snowdon said that Members have received a lot of correspondence in relation to the RPZs. He said the Council approved a Fees and Charges policy in December 2021 to recover the full cost of services; this could either go up or go down. The amendment proposed that the Audit and Governance Committee investigate the cost base of the service to ensure it provided the best value for money.

Councillor Haysey thanked Councillor Snowdon for the amendment and thought it was a sensible approach to look at services moving forward.

Councillor Wilson welcomed the idea about talking to residents about the RPZs but felt it was too late to do this. He revisited his earlier question about there being no consultation undertaken and questioned whether any future consultation had been pre-empted.

The Monitoring Officer confirmed that the proposals in front of Members were within the legislation and a decision on the budget would not pre-determine future decisions.

A recorded vote was held on the amendment

proposed by Councillor Snowdon. The result was as follows:

FOR

Councillors Alder, Bolton, Buckmaster, Bull, Curtis, Deering, Devonshire, Drake, Goodeve, Haysey, Kaye, Kemp, Newton, Page, Pope, Reed, Rowley, Ruffles, Rutland-Barsby, Snowdon, Stowe, Symonds, Ward-Booth, Williamson

AGAINST

None

ABSTAIN

Councillors Beckett, Bell, Brady, Crofton, Crystall, Dumont, Frecknall, Goldspink, Redfern, Townsend, Wilson

For: 24

Against: 0

Abstain: 11

The motion to amend the recommendation was CARRIED and become part of the substantive recommendations.

A recorded vote was then held on the substantive recommendations and the result was as follows:

FOR

Councillors Alder, Bolton, Buckmaster, Bull, Curtis,



Deering, Devonshire, Drake, Goodeve, Haysey, Kaye, Kemp, Newton, Page, Pope, Reed, Rowley, Ruffles, Rutland-Barsby, Snowdon, Stowe, Symonds, Ward-Booth, Williamson

AGAINST

Councillors Beckett, Bell, Brady, Crystall, Dumont, Frecknall, Goldspink, Redfern, Townsend, Wilson

ABSTAIN

Councillor Crofton

For: 24

Against: 10

Abstain: 1

**RESOLVED** – That (A) the East Herts share of the Council Tax for a Band D property in 2022/23 be set at £184.09, an increase of £5, the maximum permitted within the Council Tax Referendum principles;

(B) The Budget 2022/23 and the Medium Term Financial Plan 2022 – 2027 as shown In Appendix A be approved;

(C) The savings plans summarised in Appendix B be approved for implementation and that Council require that compensating savings, delivered to the same timescales, have to be put in place and reported to the next Council meeting should the Executive decide that any

savings proposals should not proceed, or are reduced by 10% or more;

(D) The capital programme set out in Appendix C be approved;

(E) The schedule of charges for 2021/22 set out in Appendix G, with an average increase of 5%, be approved; and

(F) This Council notes:

- That at the 15<sup>th</sup> December 2021 Full Council meeting, Council backed the Fees and Charges policy which gave rise to the new RPZ policy
- That as a general principle non-statutory services should be provided on a full cost recovery basis.

This council believes:

- That costs for non-statutory services should be as low as possible
- That those who don't use non-statutory services should not be asked to cross-subsidise those that do
- The charging policy provides for full cost recovery. This council will endeavour to reduce the cost base of its services, so that full cost recovery charges are as low as possible
- That full cost recovery charges can go down in future years as well as up

This council resolves:

- That the principle of the Fees and Charging policy is that any future reductions in the cost base (or increases in the revenue from the scheme) will feed through to lower RPZ permit costs
- To ask the Audit and Governance Committee to investigate the cost base of the RPZ scheme
- To invite resident groups in RPZ scheme areas who no longer wish to have an RPZ to approach the council to look at further options.

Councillor Ward-Booth proposed and Councillor Curtis seconded a motion to adjourn the meeting after Item 15, Pay Policy Statement. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the meeting be adjourned after Item 15, Pay Policy Statement.

### 367 COUNCIL TAX SETTING

The Executive Member for Financial Sustainability presented the recommendations in the report. Councillor Williamson proposed a motion to support the recommendations, which required a recorded vote. This was seconded by Councillor Snowdon.

A recorded vote was taken, the result being:

FOR

Councillors Alder, Beckett, Bell, Bolton, Brady, Buckmaster, Bull, Crystall, Curtis, Deering, Devonshire, Dumont, Frecknall, Goodeve, Haysey, Kaye, Kemp, Page, Pope, Redfern, Reed, Rowley, Ruffles, Rutland-Barsby, Snowdon, Stowe, Symonds, Ward-Booth, Williamson

AGAINST

None

Abstain

Councillors Crofton, Goldspink, Townsend, Wilson

For: 29

Against: 0

Abstain: 4

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

(B) the local precepts as set out at Appendix 'A' be noted; and

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

368 CAPITAL STRATEGY AND MINIMUM REVENUE PROVISION POLICY 2022/23

The Executive Member for Financial Sustainability

presented the recommendations in the Capital Strategy and Minimum Revenue Provision Policy report. Councillor Williamson said that the need for the Council to produce an annual Capital Strategy was introduced following strengthening of government and Chartered Institute of Public Finance and Accountancy (CIPFA) guidance.

Councillor Williamson proposed and Councillor Ward-Booth seconded a motion supporting the recommendation. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – That the Capital Strategy and Minimum Revenue Provision policy 2022/23 onwards be approved.

369 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2022/23

The Executive Member for Financial Sustainability presented the recommendation in the Treasury Management and Annual Investment Strategy report. Councillor Williamson said that the strategy was an important document that helped the Council deliver on its programmes and provided a basis to manage the funds to cover general expenditure. He said that good treasury management was vital to the effective functioning of the Council and all its services. The Council was required to provide three treasury reports at stages during each year of which this was the first, being the forward-looking report for the next financial year.

Councillor Williamson proposed and Councillor Pope seconded a motion supporting the recommendation. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – That the Treasury Management and Annual Investment Strategy 2022/23 and Prudential Indicators be approved.

370 MILLSTREAM 30 YEAR BUSINESS PLAN AND COUNCIL CASHFLOWS

The Executive Member for Financial Sustainability presented the recommendations in the Millstream 30 Year Business Plan and Council Cashflows report. Councillor Williamson said that Millstream had been trading for four years and as shareholder, it would have been the council's intention to look ahead at the company's plans for further growth, increasing its stock which it would fund through extending its borrowing from the Council, and thereby increasing the revenue flow to the Council but this was no longer possible. Nonetheless, the company was still required to update its Business Plan each year and the Council as the company shareholder were still required to approve it.

Jonathan Geall, Director of Millstream Property Investments Ltd, said that the business plan was always on the same agenda as the Council's budget proposals given that income derived from Millstream's activities provided an important revenue stream for the Council. He said that over the last 12 to 18 months,

there have been a number of significant changes to how the council can fund capital expenditure and Millstream's directors have worked closely with the council's Head of Strategic Finance and Property to assess how these various changes impact on how the council could fund Millstream and thus how the company operates.

The Director of Millstream Property Investments Ltd said that the model that the council and Millstream had used to date to acquire 17 properties and managed a further property in the council's ownership, was no longer viable. This was because the council would now need to borrow money to lend to the company and it would require income from the company to cover the interest due on all monies lent plus the minimum revenue provision the council would need to make. The requirement to make a minimum revenue provision each year was only introduced by CIPFA after Millstream had been trading for a few years. Unfortunately, this unforeseen change to the accounting rules means that the established funding model for Millstream no longer works.

The directors together with the council's Head of Strategic Finance and Property have explored a series of other funding models, as discussed in section four of the report; however none of these are viable. Thus, the revised business plan proposed that Millstream would not acquire or develop any new properties but continue to rent its existing portfolio in the private rental market.

Councillor Williamson proposed and Councillor Stowe

seconded a motion supporting the recommendation. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – That the Millstream Property Investment Ltd’s 2022/23 30 Year Business Plan be approved.

371 PAY POLICY STATEMENT

The Chairman of the Human Resources Committee, Councillor Bolton, presented the recommendation in the report.

Councillor Bolton proposed and Councillor Bull seconded a motion supporting the recommendation. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - That the Pay Policy Statement 2022/23 be approved.

372 REVIEW OF THE COUNCIL'S GRANT PRIORITIES

The meeting was adjourned after Item 15.

373 PLATINUM JUBILEE

The meeting was adjourned after Item 15.

374 NO CONFIDENCE IN PRIME MINISTER

The meeting was adjourned after Item 15.



The meeting closed at 10.40 pm

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

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COUNCIL – 11 MAY 2022

## MEMBERS' QUESTIONS

<p><b>Question 1</b></p>	<p><b>Cllr Ben Crystall to ask Cllr Graham McAndrew, Executive Member for Environmental Sustainability:</b></p>
<p>It is clear East Herts Council needs to promote active travel. It is also clear, according to HCC Highways, that in providing funds for active travel, the government looks extremely favourably on those districts and boroughs which have prepared Local Cycling and Walking Infrastructure Plans (LCWIPs). Several authorities in Hertfordshire, including Stevenage and Broxbourne, have had LCWIPs for 3 or 4 years and have used these to develop ambitious active travel strategies. There is no mention of LCWIP in our EHC Sustainability Action Plan. Why hasn't East Herts developed an LCWIP, and when will we have one?</p>	
<p><b>Question 2</b></p>	<p><b>Cllr Ben Crystall to ask Cllr Graham McAndrew, Executive Member for Environmental Sustainability:</b></p>
<p>The excellent East Herts Sustainability Action Plan states that action 3.10: <i>"Incentivise the public to make more use of the council e-car pool"</i> has been completed. It states: <i>"The scheme has now been fully re-opened to the public and promotion is now in place on our website."</i> The link to the e-car page on our website is buried at the bottom of the Highways and Parking page. Can you tell us the change in the numbers of sign ups that this promotion has led to, and whether you feel action 3.10 should be repeated, given that we are now coming out of COVID?</p>	
<p><b>Question 3</b></p>	<p><b>Cllr Rishi Fernando to ask Cllr Jonathan Kaye, Executive Member for Communities</b></p>
<p>As we welcome arrivals from Ukraine to East Herts through both the Family Visa Scheme and the Homes for Ukraine Scheme, how can our constituents most appropriately support these new arrivals in</p>	

settling into Hertfordshire?	
<b>Question 4</b>	<b>Cllr Norma Symonds to ask Cllr Peter Boylan, Executive Member for Neighbourhoods:</b>
<p>We are all very aware of the significant impact Covid-19 has had upon individuals and families across the world. Can the Executive Member for Neighbourhoods please explain how the pandemic has impacted on the numbers turning to the council for help with housing and how our performance compares with other councils in Hertfordshire?</p>	
<b>Question 5</b>	<b>Cllr Chris Wilson to ask Cllr Graham McAndrew, Executive Member for Environmental Sustainability</b>
<p>In the council meeting of 1 March 2022, the papers provided contained an error with respect to whether consultation was a legal requirement before imposing increases to the price of Resident Permits. I have, since the meeting, been informed that this was not a legal requirement. The effect of this error was to make it seem to members as if consultation would be undertaken and that therefore residents' views would be taken into account at some point in time. As this is the case, would the Executive Member for Environmental Sustainability agree that it is a matter of regret that members were not in a position to consider the views of residents before imposing such an increase? Would they also agree that in all circumstances we should strive to obtain views of residents and consult them on increases to services such as the one the council imposed on the RPZ users on 1 March?</p>	
<b>Question 6</b>	<b>Cllr Chris Wilson to ask Cllr Jonathan Kaye, Executive Member for Communities</b>
<p>There have been, as many members will be aware, recent homophobic incidents in East Herts, with the most recently publicised one involving a former Mayor of Sawbridgeworth being threatened in the street. In addition, when I attended Stort Pride last year, it was impressed on me by many members of the LGBTQ+ community that they feel invisible and neglected in the District. Given</p>	

this issue, can the Executive Member for Communities inform me of how many LGBTQ+ events and meetings he and the Chair of the council have attended during their tenures and also what plans there are to reach out to this often invisible community in the District. Can I also ask if the council intends to support and promote any Pride festivals that take place in the District in 2022?

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## Council

**Date of Meeting:** 11 May 2022

**Report by:** Councillor Linda Haysey, Leader of the Council

**Report title:** Executive Report – 8 February 2022

**Ward(s) affected:** All

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## Summary

- This report details the recommendations to Council made by the Executive at its meeting on 8 February 2022.

### 1.0 Item considered and recommended to Council

1.1 At the last Council meeting, the Council were asked to consider the Executive recommendations from the meeting on the 8 February 2022. The Housing Strategy was not on the agenda at the last Council meeting as the Executive Member for Neighbourhoods was not available to present the item. Therefore, Council are now asked to consider the Housing Strategy item at this meeting.

1.2 This report sets out the recommendation for the above items. The full report, including the Appendix, may be viewed via [this link](#).

1.3 The Minutes of the meeting are attached as **Appendix A**.

1.4 This report excludes items also considered by the Executive where those reports are separate agenda items on the Council agenda.

2.0 Housing Strategy

- 2.1 The Executive was asked to consider the Housing Strategy for 2022 to 2027. The strategy had been drafted to respond to new legislation, changing market conditions and evolving trends in housing need.

## **RECOMMENDATION TO COUNCIL:**

**(a) That the East Herts Housing Strategy from 2022 to 2027 be approved.**

### **3.0 Executive Decisions**

- 3.1 Other matters determined by the Executive are detailed in the Minutes of the meeting, at Appendix A to this report.

### **4.0 Background papers, appendices and other relevant material**

- 1.1 Appendix A - Minutes of the Executive meeting 8 February 2022
- 1.2 Appendix B – The East Herts Housing Strategy 2022 to 2027

#### **Contact Member**

Councillor Linda Haysey – Leader of the Council.

[linda.haysey@eastherts.gov.uk](mailto:linda.haysey@eastherts.gov.uk)

#### **Contact Officer**

James Ellis – Head of Legal and Democratic Services and Monitoring Officer, Tel: 01279 502170. [james.ellis@eastherts.gov.uk](mailto:james.ellis@eastherts.gov.uk)

#### **Report Author**

Katie Mogan – Democratic Services Manager

Tel: 01279 502441. [Katie.mogan@eastherts.gov.uk](mailto:Katie.mogan@eastherts.gov.uk)



MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 8 FEBRUARY 2022, AT 7.00 PM

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PRESENT: Councillor L Haysey (Chairman/Leader)  
Councillors L Haysey, P Boylan,  
E Buckmaster, G Cutting, J Goodeve and  
G Williamson.

ALSO PRESENT:

Councillors B Crystall, M Pope, C Redfern  
and P Ruffles.

OFFICERS IN ATTENDANCE:

James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Jonathan Geall	- Head of Housing and Health
Helen George	- Housing Development and Strategy Manager
Tamara Jarvis	- Improvement and Insight Manager
Steven Linnett	- Head of Strategic Finance and Property
Katie Mogan	- Democratic Services Manager
Sara Saunders	- Head of Planning

	and Building Control
Helen Standen	- Deputy Chief Executive
Su Tarran	- Head of Revenues and Benefits Shared Service

### 315 APOLOGIES

Apologies for absence were received from Councillor Kaye and Councillor McAndrew.

### 316 LEADER'S ANNOUNCEMENTS

The Leader of the Council said that she had accepted an urgent item from Officers on Hertford Theatre which was a restricted report. She said that the additional funding request report had implications on Item 8 - Budget 2022/23, so would be heard first. The order of the agenda would be amended accordingly.

The Leader reminded Members that Item 14 – Introduction of Electric Vehicle Charging Tariffs had an exempt appendix so if Members wished to discuss the financial information, the meeting would again need to exclude the press and public.

The Leader said that the budgetary items were tricky at the moment and local authorities had to have a balanced Medium Term Financial Strategy. She said that the council have had to make difficult decisions but East Herts Council were in a better position than others.

317 MINUTES – 23 NOVEMBER 2021

Councillor Haysey proposed, and Councillor Williamson seconded a motion that the Minutes of the meeting held on 23 November 2021 be approved as a correct record and be signed by the Leader. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the meeting held on 23 November 2021 be approved as a correct record and signed by the Leader.

318 DECLARATIONS OF INTEREST

There were no declarations of interest.

319 UPDATE FROM OVERVIEW AND SCRUTINY COMMITTEE

The Leader of the Council thanked the Overview and Scrutiny Committee for their work and comments.

320 UPDATE FROM AUDIT AND GOVERNANCE COMMITTEE

The Chairman of the Audit and Governance Committee had no further comments.

321 EXCLUSION OF THE PRESS AND PUBLIC

Councillor Haysey proposed and Councillor Buckmaster seconded, a motion that the press and public be excluded from the meeting during the discussion of the next item, on the grounds that it

involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, in that disclosure could compromise information relating to the financial or business affairs of any particular person (including the Authority holding that information).

On being put to the meeting, and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the press and public be excluded from the meeting during the discussion of the next item, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, in that disclosure could compromise information relating to the financial or business affairs of any particular person (including the Authority holding that information).

322 ADDITIONAL FUNDING REQUEST - HERTFORD THEATRE  
CAPITAL DEVELOPMENT PROJECT

Full details in the restricted minutes.

323 BUDGET SCRUTINY - BUDGET 2022/23 AND MEDIUM TERM  
FINANCIAL PLAN 2022-25

The Executive Member for Financial Sustainability presented the proposed Budget 2022/22 and the Medium Term Financial Strategy 2022-25. He said that the plans were set around an increasing challenging background with less funding from government,

limited means to increase revenue and higher costs and less income due to the pandemic. He said that the Council had carried out a comprehensive spending review in 2020 which brought forward a significant level of savings. The Council Transformation Programme was underway but it was a medium to long term project and results would be noticed in 2023.

Councillor Williamson said that the Executive endorsed working assumptions in September 2021 including a £5 increase on Council Tax and a review of the Fees and Charges Policy which proposed an average increase of 5% and where a discretionary service was provided, the cost would be paid in full by the service users. He said that the budget gap still needed to be filled and further savings proposals were presented at Appendix B. The Medium Term Financial Plan and the Capital Programme appendices had been updated in relation to the Hertford Theatre funding. He thanked the Audit and Governance Committee for their comments which were included at Appendix H.

Councillor Haysey said difficult decisions had to be made but believed the proposed budget was the best way forward.

Councillor Williamson proposed, and Councillor Buckmaster seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - (A) That the comments from Audit

and Governance Committee, as shown at Appendix H be considered, and endorse the recommended actions shown;

(B) To **recommend to Council**:

- I. that the East Herts share of the Council Tax for a Band D property in 2022/23 be set at £184.09, an increase of £5, the maximum permitted within the Council Tax Referendum principles;
- II. The Budget 2022/23 and the Medium Term Financial Plan 2022 – 2027 is approved;
- III. The savings plans summarised in Appendix B are approved for implementation and that Council require that compensating savings, delivered to the same timescales, have to be put in place and reported to the next Council meeting should the Executive decide that any savings proposals should not proceed, or are reduced by 10% or more
- IV. The capital programme set out in Appendix C is approved; and
- V. The schedule of charges for 2021/22 set out in Appendix G, with an average increase of 5%, is approved;

(C) That the results of the consultation on how the public value services that are provided

by the council be noted;

(D) That the Equalities Impact Assessment at Appendix F be noted; and

(E) That the savings due to be delivered from the Transforming East Herts Programme be noted that a full business case and benefits realisation plan will be presented to Executive in June 2022 be noted.

324 CAPITAL STRATEGY AND MINIMUM REVENUE PROVISION POLICY 2022/23

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The Executive Member for Financial Sustainability presented a report on the Capital Strategy and Minimum Revenue Provision Policy 2022/23. He said that there was a need for the council to produce a strategy following a strengthening of government guidance.

Councillor Williamson proposed, and Councillor Buckmaster seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - To recommend to Council the approval the Capital Strategy and Minimum Revenue Provision policy 2022/23 onwards.

325 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2022/23

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The Executive Member for Financial Sustainability presented a report on the Treasury Management Strategy Statement and Annual Investment Strategy 2022/23. He said that the Treasury Management Strategy was an important document to help the council deliver on its programmes and provided a basis to manage funds. The Council is required to provide three reports; this was the first report looking forward. He highlighted that Appendix B had been updated and published in the supplementary agenda.

Councillor Williamson proposed, and Councillor Cutting seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - To recommend to Council to approve the Treasury Management and Annual Investment Strategy 2022/23 and Prudential Indicators for approval.

326 FINANCIAL MANAGEMENT 2021/22 – QUARTER 2 FORECAST TO YEAR END

The Executive Member for Financial Sustainability presented a report on the Financial Management of the Council - Quarter 2 Forecast to year end. He said that it was not unusual to have an overspend at the current point in the year and it would be managed by the Leadership Team throughout the year.

The Leader wanted to record her thanks to the Head of Strategic Finance and Property and his team for all



their hard work and their briefing to Members was well received.

Councillor Williamson proposed, and Councillor Goodeve seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - That (A) The net revenue budget forecast overspend of £132k in 2021/22 be noted; and

(B) The revised capital budget for 2021/22 of £57.060m, with a forecast underspend of £15.825m, which will be carried forward to 2022/23 be noted.

### 327 CORPORATE PLAN REFRESH 2022/2023

The Leader of the Council presented the refreshed Corporate Plan 2022/23. She said that the Council produced a Corporate Plan annually and the plan for 2022/23 reflected the issues arising from a challenging financial situation and a continuing commitment to provide first class services to residents. She thanked the Overview and Scrutiny Committee for their comments and was happy for them to be incorporated into the final document.

Councillor Haysey proposed, and Councillor Boylan seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - That (A) the One Page Plan

priorities be reviewed, as shown at Appendix A;

(B) the comments from the Overview and Scrutiny Committee, as shown at Appendix B be considered, and endorse the recommended actions shown; and

(C) the One Page plan, as amended by Recommendation (B) be endorsed, and recommended to Council for approval.

## 328 HOUSING STRATEGY

The Executive Member for Neighbourhoods presented a report on the Housing Strategy 2022 – 2027. He said that the strategy was a culmination of a considerable amount of work over the last 18 months. There was no statutory requirement to produce a strategy and the extent and range of housing pressures had made it imperative to set new priorities.

Councillor Boylan said that the development of the strategy was overseen by a cross party working member group who met three times to shape emerging themes. Once approved by Council, detailed action plans would be developed and reviewed regularly. The Overview and Scrutiny Committee gave detailed consideration of the strategy and Appendix A listed their comments.

The Leader of the Council thanked the team for their work on the detailed strategy with evidence based conclusions.

Councillor Boylan proposed, and Councillor Cutting seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – That (A) the comments put forward by the Overview and Scrutiny Committee, listed in Appendix A, be considered and endorse the resulting amendments proposed by the Executive Member for Neighbourhoods as also detailed in Appendix A;

(B) the draft East Herts Housing Strategy for 2022 to 2027, as amended by Recommendation (A) be endorsed, and recommended to Council for approval.

(C) the authority to (i) determine action plans to deliver the objectives in the Housing Strategy, pending its approval by Council, and (ii) authorise periodic progress reports be delegated to the Executive Member for Neighbourhoods, acting in consultation with the Head of Housing and Health.

### 329 DISCRETIONARY COVID-19 ADDITIONAL RELIEF FUND (CARF) SCHEME

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The Executive Member for Financial Sustainability presented a report on the Discretionary COVID-19 Additional Relief Fund (CARF) scheme. He said the scheme was announced in March 2021 but the details were only published in December 2021. £3 million had

been allocated to East Herts and the scheme must be set locally and directed to businesses that had not had grants previously.

The Leader of the Council thanked the Revenues and Benefits team for their hard work on behalf of residents.

Councillor Pope asked how the scheme would be publicised.

The Head of Revenues and Benefits said there would be extensive social media coverage and the team would be contacting all businesses eligible to apply.

Councillor Williamson proposed, and Councillor Boylan seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – That the Discretionary COVID-19 Additional Relief scheme be approved.

### 330 PARKS AND OPEN SPACES STRATEGY

The Executive Member for Wellbeing presented a report on the Parks and Open Spaces Strategy. He said that the strategy was updated to reflect the feedback through the public consultation in autumn 2021. The Council's parks were an opportunity for residents to enjoy the outdoors and were central to the council's health and wellbeing offering. He said that the Overview and Scrutiny Committee had provided some

comments and suggestions and wording in the strategy would be clarified.

Councillor Buckmaster proposed, and Councillor Goodeve seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – That (A) the comments from Overview and Scrutiny Committee, as shown at Appendix D be considered, and endorse the recommended actions shown;

(B) the draft Parks and Open Spaces Strategy, as amended by Recommendation (A) be endorsed, and recommended to Council for approval.

### 331 INTRODUCTION OF ELECTRIC VEHICLE (EV) CHARGING TARIFFS

The Leader of the Council presented a report on the introduction of electric vehicle charging tariffs on behalf of the Executive Member for Environmental Sustainability. The proposal was to introduce a tariff for electric vehicles in car parks managed by the Council in line with the Fees and Charges Policy. She said that the proposed tariff was 25ppkw and the council would be submitting a request for funding to upgrade the infrastructure.

Councillor Haysey proposed, and Councillor Williamson seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote

taken, the motion was declared CARRIED.

**RESOLVED** – That (A) the comments from the Overview and Scrutiny Committee, as shown at Appendix C be considered, and endorse the recommended actions shown;

(B) the Electric Vehicle Charging Tariff Policy, as amended by Recommendation (A) be adopted.

332 HARLOW AND GILSTON GARDEN TOWN - FUTURE LEADERSHIP AND GOVERNANCE REPORT

The Leader of the Council presented a report on the Harlow and Gilston Garden Town – Future Leadership and Governance Report. She said that the Garden Town had received revenue funding from government for £172 million for a rolling infrastructure fund and there was a need for open and more transparent decision making processes. The Leader believed it was the best model for East Herts Council and the Garden Town.

Councillor Buckmaster said he did not have an issue with the recommendations but wanted to raise his concerns about the reference to stewardship. He said that stewardship was a complex problem to resolve and a single body would be equivalent to corporate ownership. He felt there needed to be local accountability to create a sense of community with an accountable body spread over a larger area.

Councillor Buckmaster proposed, and Councillor

Goodeve seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that (A) the Executive agrees ‘in principle’ to explore the creation of a Harlow and Gilston Garden Town Joint Committee, consisting of representation by all five Garden Town Partner Councils;

(B) subject to the outcome of A above, the details of the constitution, priorities and operating model of the proposed Joint Committee are to be returned to the Executive for further consideration.

### 333 UPDATED MASTERPLAN FOR THE GOODS YARD

The Executive Member for Planning and Growth presented a report on the updated masterplan for the Goods Yard. She said that the site already benefitted from a masterplan and hybrid planning application however a combination of events has meant the plan needs to be reviewed. Of major significance was the decision by Network Rail to retain the railway sidings which had reduced the developable area.

The Leader of the Council commended the developer involved in the process for being fully engaged in the masterplan process.

Councillor Goodeve proposed, and Councillor Cutting seconded a motion supporting the recommendation in

the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – To recommend to Council that the Refined Masterplan Document for the Goods Yard, Bishop’s Stortford as detailed in Appendix A, be agreed as a material consideration for Development Management purposes.

334 MASTERPLAN FOR LAND TO NORTH WEST OF BUNTINGFORD

The Executive Member for Planning and Growth presented a report on the masterplan for the land to North West of Buntingford. The masterplan was for 55 units and the developer had worked with East Herts Council to produce a mix of development types and affordable housing. She gave her thanks to the Buntingford Steering Group for their help.

Councillor Goodeve proposed, and Councillor Buckmaster seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – To recommend to Council that the Land North West of Buntingford Masterplan Document be agreed as a material consideration for Development Management purposes.



335 ANNUAL TREASURY MANAGEMENT REPORT 2020/21

The Executive Member for Financial Sustainability presented the Annual Treasury Management report for 2020/21. He said the report followed on from Item 10 and it looked back and reviewed the activities for the last financial year.

Councillor Williamson proposed, and Councillor Cutting seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – To recommend to Council the approval of the Annual Treasury Management Review and Prudential Indicators 2020/21.

336 TREASURY MANAGEMENT 2021/22 MID-YEAR REVIEW

The Executive Member for Financial Sustainability presented a report on the Treasury Management 2021/22 Mid-Year Review.

Councillor Williamson proposed, and Councillor Cutting seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – To recommend to Council the approval of the Treasury Mid-year Review and

Prudential Indicators for the first 6 months of 2021/22.

337 EXTERNAL AUDIT NATIONAL PROCUREMENT OPT IN

The Executive Member for Financial Sustainability presented a report on the External Audit National Procurement Opt-in. He said that the arrangements for the current audit period expired next year and the report considered options available for appointments of external auditors from April 2023 and a decision needed to be made by 31 December 2022. The report recommended opt in to Public Sector Audit Appointments Limited.

Councillor Haysey said auditing of local authorities was not as easy to procure as it used to be. She said there was a national backlog and East Herts' audit had just started. She urged CIPFA to listen to concerns raised by senior bodies and officers.

Councillor Williamson proposed, and Councillor Goodeve seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - To recommend to Council that, under Regulation 19 of the Local Audit (Appointing Person) Regulations 2015, East Hertfordshire District Council opts into the sector led body for audit appointments provided by Public Sector Audit Appointments Limited.

338 URGENT BUSINESS

There was no urgent business.

The meeting closed at 8.16 pm

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

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## HOUSING STRATEGY

### East Herts Housing Strategy 2022-2027

#### **Draft version at 19 January 2022**

This version incorporates the comments of Overview and Scrutiny Committee on 18 January 2022

*Cover to be designed at the same time as the overall design of the final document once it has been approved by Council*

DRAFT

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## Foreword

Since 2016, when the last East Herts Housing Strategy was published, the world has changed radically. The Covid19 pandemic, the climate change agenda, the UK departure from the European Union, advancing home-based technology and demographic changes all have major implications for housing needs, housing aspirations and housing supply in East Herts.

Our population is growing and it's no wonder – East Herts is a very attractive place to live. The Halifax Quality of Life Survey 2020 rated us the UK's Best Place to Live!

Given the benefits of living in our district, it's not surprising that demand for housing is very buoyant. At the time of writing, the average house price stood at just over £423,000, some 47% above the England-wide average. That fact alone suggests the need for affordable housing is high.

I'm particularly pleased that growth in the number of affordable homes in East Herts continues at pace. Along with our partners, we have enabled an increase of 10.2% in the number of affordable homes in the district over the last ten years compared with an England-wide increase of 3.4%, a really significant achievement.

However, our track record of delivery is no reason for complacency, especially when we know there are pockets of deprivation in East Herts and increasing numbers of households turning to the council either because they are facing homelessness or their current home is no longer suitable for their needs.

The East Herts Housing Strategy for 2022 – 2027 is based on a systematic review of evidence gleaned from a range of sources and partners including the comprehensive study of affordable housing in the district we commissioned from the Housing Quality Network in 2020.

The facts and figures reveal the different dimensions of need in the district but put simply, I believe the Housing Strategy demonstrates the need for four key priorities to:

- **deliver more affordable homes**
- **enable a wider range of accommodation and support for our most vulnerable residents**
- **enable high quality housing options for older people, better suited to their needs**
- **improve the sustainability and quality of homes.**

We have involved as many people and organisations as possible in developing this new Housing Strategy. I would like to thank everyone whose views and recommendations have helped to shape our plans. We value the relationships we have with our partners and look forward to working together to turn our aspirations into reality.

A handwritten signature in blue ink that reads "Peter Boylan".

Peter Boylan

Cllr Peter Boylan

Executive Member for  
Neighbourhoods



## **Chapter 1: Introduction: a new housing strategy for new challenges**

East Herts faces a wide and diverse range of housing challenges, some newly arising and some more familiar. Homelessness, homes in poor condition or with low levels of energy efficiency and an insufficient supply of affordable homes continue to pose challenges. We also see new challenges emerging due to demographic trends and changes, including the impact of the Covid19 pandemic.

This strategy is evidence-based and has been subject to extensive consultation including:

- a public consultation in August and September 2021 which elicited a total of 118 responses
- a stakeholder consultation with a range of organisations including parish councils, Hertfordshire County Council, East Herts Citizens Advice Services and Hertfordshire Chamber of Commerce
- interviews with eight key registered providers who develop and manage affordable homes in the district.

### **1.1 The overall role of the Housing Strategy**

Although there is no legislative requirement for East Herts Council to produce a housing strategy, a comprehensive strategy for the district provides an opportunity for us to set out our approach to tackling the housing needs identified. In this way, we hope this document makes clear how partners can work with us and what we aim to achieve together.

East Herts Council does not own or directly manage any general needs housing, as we transferred our housing stock to two registered providers in 2002. Without a housing revenue account, that is, an ongoing budget based on council housing rent net of outgoings, we are not in the position to easily develop affordable homes directly. Unfortunately, nor do we have significant sums to invest in the improvement of existing homes across tenures. In other words, we are enablers of new and improved homes rather than providers. This, however, has not diminished our appetite to address the housing problems our residents face.

The East Herts Housing Strategy therefore aims to:

- ensure a co-ordinated approach to housing activity in East Herts, linking a suite of policies and strategies to deliver the council's ambitions
- maximise opportunities and resources to meet housing needs and aspirations, using council resources and partnership opportunities
- promote the role of housing in delivering corporate priorities and wider objectives including health and wellbeing and sustainable economic growth
- ensure that East Herts Council meets its housing obligations under the Equality Act 2010 and meets a diverse range of housing needs.

## **1.2 The Housing Strategy in context**

The East Herts Housing Strategy 2022 – 2027 is part of a suite of housing-related policy documents produced by the council. This includes the following.

- **East Herts Council Tenancy Strategy 2021 to 2026** – this provides the framework for how East Herts Council works with its registered provider partners on the rent levels and the tenancy types which are offered in affordable housing in the district.

- **East Herts Council Homelessness and Rough Sleeping Review and Strategy 2019 to 2024** – this provides evidence on the actions which are being undertaken to both prevent and tackle homelessness and rough sleeping in the district.
- **East Herts Council Private Sector Housing Assistance Policy 2021 to 2031** – this details the way in which the council provides financial and other assistance to owners and occupiers of private sector housing within East Herts.

Further policy documents adopted by East Herts Council and Hertfordshire County Council which have particular relevance to the Housing Strategy include the following:

### **The Corporate Priorities for East Herts Council**

- The council's corporate plan has four priorities:
  - Sustainability at the heart of everything we do
  - Enabling our communities
  - Ensuring economic growth
  - Digital by default.

### **Assisting vulnerable people and households**

- Hertfordshire Supporting Adults with Complex Needs Strategy 2019

### **Planning and use of land**

- [East Herts District Plan 2018](#) – the District Plan (the statutory Local Plan) sets out the planning framework for the East Herts district for the period 2018 to 2033. The plan sets out the framework for new homes, new jobs, new facilities and infrastructure across the district.

### **Transport and Infrastructure**

- [Hertfordshire County Council – Hertfordshire's Local Transport Plan](#) 2018 to 2031

### **Climate Change and Environmental Sustainability**

- [East Herts Council – Sustainability Supplementary Planning Document 2021](#)
- [East Herts Council – Environmental Sustainability Action Plan December 2021](#)
- [Hertfordshire County Council – Sustainable Hertfordshire: Strategy and Action Plan 2020](#)

- [Hertfordshire County Council – Air Quality Strategy 2019](#)

### **Economic Growth**

- [Hertfordshire County Council – Good Growth in Hertfordshire](#)

## Chapter 2: The East Herts district

The district of East Herts covers an area of 477 square kilometres (184 square miles). It constitutes around one third of the county of Hertfordshire.

The district has a dispersed settlement pattern that includes the five market towns of Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware. Each town provides a range of services to the surrounding rural areas. There are also approximately one hundred villages and hamlets of varying sizes.

### 2.1 *A relatively prosperous district with pockets of deprivation*

East Herts is widely acknowledged as an attractive, prosperous and desirable place to live. This was confirmed by the award in January 2020 of the title of the UK's Best Place to Live in the Halifax Quality of Life index survey.

According to the survey: *"Known for its many popular market towns, such as Bishop's Stortford and Hertford, East Herts in the East of England achieves its crown thanks to strong exam results, high life expectancy, excellent health and happiness scores, and high average earnings."*

The relatively prosperous nature of the district is further reflected in the Indices of Multiple Deprivation 2019 in which all 32,482 lower super output areas (neighbourhood-sized areas) in England are ranked according to ten measures of deprivation. East Herts contains a total of 83 lower super output areas of which 35 (39%) are ranked in the 10% most affluent neighbourhoods in England.

The Indices of Multiple Deprivation 2019 also show, however, that there are pockets of deprivation in the district:

- 22 neighbourhoods are ranked in the 30% most deprived nationally in terms of barriers to housing and other services;
- three neighbourhoods are ranked in the 30% most deprived in terms of income-related deprivation.

### 2.2 *A growing population*

Population statistics show significant growth in recent years. In fact, the number of residents in East Herts increased by 8.8% during eight years to 2019, with some eight of our thirty wards seeing population growth in excess of 10%.

The numbers of older people in East Herts are growing. Population projections from the Office for National Statistics (ONS) predict that the numbers of people aged 60+ will grow from 37,317 in 2021 to 48,855 in 2035. The same population projections predict that the numbers of people aged 75+ will grow from 13,400 in 2021 to 18,917 in 2035.

In September 2020 a total of 7,180 European Union nationals living in the district applied for settled status. The highest numbers of countries of origin were Italy, Poland and Romania.

In September 2020, 11.1% of East Herts' working age population claimed disability benefits. This is compared with the 6.4% of the United Kingdom workforce who, in August 2021, claimed Employment and Support Allowance which is the main benefit for a person of working age who is disabled or has a health condition (*source: Department for Work and Pensions*). Our partnership working with Hertfordshire County Council will provide further evidence of the need for housing which is accessible for disabled people.

### Chapter 3: The Housing Strategy in action

From our analysis of the local context and our extensive consultation, we have identified four overarching priorities which will drive the strategy over the coming five years.

These priorities are so fundamental to addressing local needs that they will remain relevant over the coming five years.

The East Herts Housing Strategy will, however, need to be agile and responsive to the changing national, regional and local contexts for housing-related work over its five year lifetime as it is to be expected that new legislation, population trends and economic developments among other things will all pose newly emerging issues. As a result, action plans will be produced for each of the priorities and progress will be monitored and reported on at least annually.

#### *Housing Strategy priorities*

Strategic priority 1: **deliver more affordable homes**

Strategic priority 2: **enable a wider range of accommodation and support for our most vulnerable residents**

Strategic priority 3: **enable high quality housing options for older people, better suited to their needs**

Strategic priority 4: **improve the sustainability and quality of homes.**

In the following chapters, we will explore the issues relating to each priority in turn and describe what the evidence indicates should be the objectives relating to each one. The objectives will then inform a series of detailed action plans which will flow from this strategy.

## **Chapter 4: East Herts Council's strategic priorities for housing**

### **4.1 Strategic priority 1: Deliver more affordable homes**

The identification of the strategic priority to deliver more affordable homes is based on evidence from a wide range of data sources, including:

- the UK House Price index from the Land Registry
- the national Annual Survey of Hours and Earnings (ASHE)
- Office for National Statistics (ONS) data on market rents by local authority
- East Herts Council's records on the development of affordable housing for rent and low cost home ownership
- the 'Affordable Housing Provision in East Herts' report commissioned by East Herts Council from the Housing Quality Network (HQN) in 2020.

### ***The housing market***

Chapter 2 described the relatively affluent nature of East Herts. The desirability of the district, with its good quality of life and easy commuting distance to London, is reflected in local housing prices.

Reviewing median average house price data produced by the Land Registry quickly shows just how expensive the local housing market is.

Table 1 shows that property prices in East Herts outstrip those in the rest of the East of England region and, apart from flats and maisonettes, are significantly higher than the England-wide average. This confirms that East Herts is an area characterised by particularly high house prices.

**Table 1: Median average property prices at September 2021**

	East Herts	East of England	England
All properties	£423,177	£327,982	£287,895
Detached house	£796,834	£501,722	£447,617
Semi-detached house	£474,678	£334,906	£273,470
Terraced house	£383,561	£277,590	£236,797
Flats or maisonettes	£249,451	£204,995	£241,884

Source: UK House Price Index, Land Registry

Using the Land Registry data, it is possible to estimate the minimum level of income required to purchase homes of different sizes in East Herts. This is shown in Table 2.

**Table 2: Income required to purchase a property in East Herts**

Property type	Average price September 2021 - Source: <i>The Land Registry</i>	Min income required with 10% deposit and mortgage x3.5 of income	Min income required with 20% deposit and mortgage x3.5 of income
All property types	£423,177	£108,817	£96,726
Detached home	£796,834	£204,900	£182,133
Semi-detached home	£474,678	£122,060	£108,498
Terraced home	£383,561	£98,630	£87,671
Flat	£249,451	£64,145	£57,017

Source: analysis by East Herts Council based on Land Registry data and the Annual Survey of Hours and Earnings (ASHE)

The key question here is – how do local incomes compare with the salaries required to buy a local home? To investigate this, incomes for East Herts recorded in the



national Annual Survey of Hours and Earnings have been analysed.

<b>Table 3: Local earnings</b>	
Earnings decile	Weekly median of gross earnings per individual
Lowest 10%	£399.00 £20,748 per year
Lowest 20%	£479.10 £24,913 per year
Lowest 25%	£506.30 £26,328 per year
Lowest 30%	£543.10 £28,412 per year
Lowest 40%	£611.20 £31,782 per year
Median average	£714.70 £37,164 per year

*Source: Annual Survey of Hours and Earnings (ASHE) for full-time employment in the East Herts district 2020*

The survey shows that the median income from full-time employment among East Herts residents in 2020 was £37,164 a year. This is well below the income required to buy a property in the district even with a 20% deposit.

A household containing two full-time earners on a median income could afford an average priced flat in the district but not an average priced house. Of course, there will be less expensive properties that bring home purchase within the reach of those on average earnings. Comparison of the

figures in Tables 2 and 3, however, illustrates how difficult it is to purchase a home locally, especially first time buyers without significant equity built up in an existing home.

### ***The private rented market***

Those unable or not ready to buy a home for whatever reason, including because they are saving up to buy their first home, will typically look to the private rented market.

As house prices are high in the district, it follows that private rents will be too as private landlords typically set rents to give a certain return on their investment. This is known as the rental yield.

Nationally published rental property yield data are currently in short supply, possibly because of the impact of Covid 19. That said, the longstanding Knight Frank 'UK Residential Investment – Yield Guide' reports, for March 2021 (the latest month available), provides an average yield in 'Greater London Prime' areas of 3.5% - 3.75% and in 'South East Prime' areas of 4%.

Using median average rent data, it is possible to estimate the minimum level of income required to rent homes of

different sizes in the private rented sector in East Herts. This analysis is presented in Table 4.

Property type	Median monthly rent 1 October 2019 to 30 September 2020	Minimum annual income at 30% of gross income	Minimum annual income at 40% of gross income
Room	£358	£14,320	£10,740
Studio	£650	£26,000	£19,500
1 bedroom	£800	£32,000	£24,000
2 bedroom	£1,000	£40,000	£30,000
3 bedroom	£1,350	£54,000	£40,500
4+ bedrooms	£1,680	£67,200	£50,400

*Source: Office for National Statistics Rental markets statistics in England October 2019 to September 2020*

It can be seen that incomes need to be approaching or a little in excess of average levels to afford all but the smaller private rented properties in the district.

### ***The scale of need***

There are currently just over 64,000 dwellings in East Herts. The Office for National Statistics' latest projection reports the district's population to be 150,745, with a further projected growth to 156,583 by 2030. This will itself lead to an on-going growth in the need for new housing. Alongside this, national planning policy guidance and government direction indicates the need, nationally, to significantly increase delivery to meet assessed need.

Analysis undertaken to inform the District Plan 2018 – 2033 concluded that East Herts' need for additional housing to 2033 is 12,200, with 34.4% of these extra homes needing to be affordable housing, that is 4,200 new affordable homes over the District Plan period.

The council's District Plan seeks 40% of new homes on all but the smallest developments to be affordable. Indeed, East Herts Council has an enviable track record of ensuring a good supply of affordable homes, when compared with the rest of Hertfordshire and indeed England as a whole.

**Table 5: Affordable housing numbers 2010 - 2020**

	Rented affordable housing – council and registered provider homes combined			
	2010	2020	Difference	% diff
East Herts	7,572	8,343	771	+10.2%
Hertfordshire excluding East Herts	77,641	79,889	2,248	+2.9%
England	4,029,084	4,166,276	137,192	+3.4%

Source: Department of Levelling up, Housing and Communities

The national figures in Table 5, collated by the Department of Levelling Up, Housing and Communities each year, show that in the ten years to 2020, the number of affordable homes in East Herts, that is new build net of any sales, rose by some 10.2% to over 8,300. Over the same period, the affordable homes in the rest of Hertfordshire increased by only 2.9%, and 3.4% across England.

These figures are reinforced by high levels of affordable housing development in East Herts in recent years across both rented and shared ownership tenures.

**Table 6: Affordable housing development in East Herts**

Year	Affordable rented	Shared ownership	All affordable
2017/18	96	53	149
2018/19	116	105	221
2019/20	220	72	292
2020/21	104	135	239
All	536	365	901
Tenure split	59%	41%	

Source: East Herts Council development records

The analysis in Table 6 demonstrates that high house prices and private rents put considerable strain on the overall housing system in East Herts. Where a household is priced out of home ownership and even private renting, it is to be expected that they will look to the possibility of low cost home ownership or affordable rent from one of the seventeen registered providers with properties in East Herts.

So, it is important to consider, what forms of affordable housing are being delivered and what exactly is needed to address local needs?

### ***Low cost home ownership***

With the exception of a small number of equity loan schemes, shared ownership is the dominant form of low cost home ownership in East Herts. Shared ownership aims to bring home ownership within reach of those whose incomes and savings are insufficient to buy a home otherwise.

The shared ownership tenure gives first time buyers and those who do not currently own a home the opportunity to purchase a share in a new home or resale property. The purchaser pays a mortgage on the share they acquire and then pays rent to a registered provider on the remaining share. Because the purchaser needs a mortgage for just the share they are purchasing, the amount of money required for a deposit is usually lower than when purchasing outright and the income required to make the monthly mortgage payments will obviously be lower than in the case of outright purchase. The purchaser has the option to increase the share they own during their time in the property via a process known as staircasing.

Table 7 gives data on the affordability of shared ownership in East Herts based on the average full open market values

of properties advertised for shared ownership in East Herts between August 2020 and October 2021.

**Table 7: Affordability of shared ownership properties in East Herts advertised between August 2020 and October 2021**

	Initial share of shared ownership property which is affordable*		
	1 bedroom flat	2 bedroom house	3 bedroom house
Full value of properties advertised for shared ownership	£240,000	£300,000	£415,000
Single salary at lowest 25% in East Herts	32%	21%	Cannot afford any share
One full time & one half time salary at lowest 25% in East Herts	69%	55%	29%
Single salary at East Herts median salary	65%	52%	23%
One full time & one half time at East Herts median salary	98%	79%	56%

\* Assumes:

- deposit of 5% of the value of share being purchased
- 25 year repayment mortgage rate of 4.5%
- mortgage capped at no more than four times gross salary

- rent payment of 2.75% of the unsold equity per year
- service charge for flat £100 pcm
- 40% of gross salary devoted to housing costs counted as affordable.

Table 7 presents the initial shares required to enable people on lower incomes in the district to access a shared ownership home. It demonstrates that the tenure is a useful means of assisting people in the district into home ownership, albeit only relatively low initial shares are likely to be affordable by many needing to buy a three bedroom home.

### ***Affordable rented housing***

Rented accommodation in the affordable sector is provided by a total of seventeen registered providers in East Herts. There are primarily two forms of such housing available which can be differentiated by their rent levels, either social rent or affordable rent.

**Social rent housing** is affordable rented accommodation with rents set in accordance with a government formula. The rent level will vary property-by-property as it is calculated according to the market value of the property, the size of the property and the local income levels in the

area in which the property is located. In East Herts, social rents determined by this national defined formula typically result in rent at around 50% to 60% of market rents in the locality.

**Affordable rent housing** was introduced 2011. Such properties are subject to a different mechanism for setting the rent. In this case, the registered provider may set a rent which, when combined with service charges if applicable, can be *up to a maximum of 80%* of the market rent in the locality. It is for the registered provider to determine the rent level, with the Valuation Office Agency overseeing the process.

The government's aspiration in introducing affordable rent housing was to afford registered providers a higher rental income against which to borrow as this would reduce their need for subsidy from the government (and now allocated through Homes England) thus reducing the call on the public purse. This was seen as a way of delivering more homes for the same overall amount of public subsidy.

At the same time as introducing affordable rent housing, the government enabled registered providers to switch the

rent for an existing property from a social rent to an affordable when it became vacant.

Unsurprisingly, different rent levels will have differing impacts on households with different characteristics. In 2020, the council commissioned the Housing Quality Network (HQN) to undertake a comprehensive study into affordable housing provision in the district.

HQN investigated how affordable the different rental products were for a range of different households. Key findings are presented below.

**Key to Tables 8 - 10**

- Y yes, the tenure is affordable as no more than 40% of gross income needs to be devoted to housing costs
- N no, the tenure is not affordable as more than 40% of gross income needs to be devoted to housing costs
- \* 40 percent of earnings/incomes, taking account of the impact of benefits and taxes
- \*\* Average social rent for the size of home needed and available between April and June 2020 (source: East Herts Council)
- \*\*\* Average affordable rent for the size of home needed and available between April and June 2020 (source: East Herts Council)

- ~ Two figures are used – shared room rate and one-bedroom unit rate
- ^ National living wage as calculated by Living Wage Foundation for the size of household
- ^^ Local median FT wage for year ended April 2019: £32,400 (Office for National Statistics [ONS] data)

**Table 8: Affordability outcomes for a single person**

	Maximum affordable cost *	Social rent **	Affordable rent ***	Market rent ~
Weekly cost		102.22	145.68	82.61 184.61
Under 35, benefits only	69.84	N	N	N
Over 35, benefits only	85.84	N	N	N
Government national living wage @8.72PH (per hour)	131.30	Y	N	Shared room only
Local average wage ^^	197.30	Y	Y	Y

**Table 9: Affordability outcomes for a lone parent**

	Maximum affordable cost*	Social rent**	Affordable rent ***	Market rent
Weekly cost		118.03	183.29	230.77
Benefits only	153.66	Y	N	N
Government national minimum wage @8.72PH P/T	188.82	Y	Y	N
Government national minimum wage @8.72PH F/T with childcare costs	171.33	Y	N	N
LWF national living wage@9.30 PH P/T ^	182.03	Y	N	N
Local average wage^^ P/T	205.77	Y	Y	N
Local average wage^^ F/Twith childcare costs	203.67	Y	Y	N

**Table 10: Affordability outcomes for a couple with two children**

	Maximum affordable cost *	Social rent **	Affordable rent ***	Market rent
Weekly cost		143.93	224.93	311.54
Benefitsonly	166.94	Y	N	N
1 Person F/T at governmentnational minimum wage @8.72 PH	279.60	Y	Y	N
2 People F/T at governmentnational minimum wage @8.72PH with childcarecosts ^	306.47	Y	Y	N
1 Person F/T and 1 person P/T at LWF national living wage@9.30 PH ^ (no childcarecosts)	308.80	Y	Y	N
1 person F/T at local average wage ^^	306.71	Y	Y	N
1 person F/T and 1 person P/T at local average wage, no childcare costs ^^	348.68	Y	Y	Y

The analysis by HQN indicates a very mixed picture in terms of the affordability of different rent levels. Of note, single people on benefits will struggle at all rent levels, with the national living wage required to afford even a social rent.

The affordability of an affordable rent for a lone parent is dependent on hours worked and the need to fund childcare, while couples are better placed to afford affordable rents.

### ***Seeking to match supply to need***

#### ***Rent levels***

The recent growth in affordable housing in East Herts discussed above has coincided with the introduction of affordable rent housing. The vast majority of new affordable homes have affordable rents. This is because as affordable rents are higher than social rents, a registered provider can afford to borrow more and thus pay the developer more for the new homes. It is the assumed income from registered providers that developers build into their viability models.

The relationship between rent levels and borrowing and thus how many homes a registered provider can afford to buy from a developer also works in the reverse. Thus, if a developer was compelled to only sell properties to a registered provider charging social rents, the registered provider could not borrow so much because there would be less rental income to cover the borrowing costs. Thus, the registered provider could only afford far fewer homes than if affordable rents were allowed.

Put simply without additional subsidy, the system of providing affordable housing on private, developer-led sites can deliver:

- more homes with affordable rents ***or***
- fewer homes with social rents.

In overall terms, affordable housing built before 2011, and not subject to having the rent switched to an affordable rent when vacant, will have a social rent. Analysis of lettings in East Herts shows that over the 12 months to September 2021, the council nominated people to 522 vacancies in existing and new properties put forward by registered providers. Of these properties, 280 (53.6%) had a social rent and 242 (46.4%) had an affordable rent.

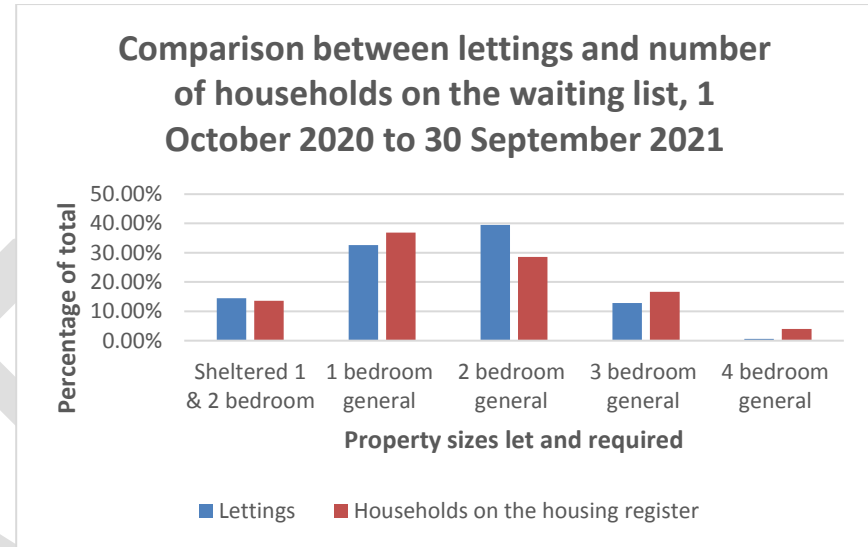


In summary, while there are both properties with social rents and affordable rents available in the district, there is clearly a need to preserve if not increase the supply of properties with a social rent, through whatever funding streams are available, so as to enable a full range of housing options for those unable to buy or rent privately and not in a position to buy a shared ownership home.

**Size**

East Herts Council’s housing register of those looking for affordable rented housing provides a key source of evidence about local need. At 30<sup>th</sup> September 2021, there were 2,152 households on the housing register, of which 1,856 require general needs housing. The remaining 296 require older persons’ accommodation which is discussed in Chapter 5 below.

The greatest need registered with the council is for smaller properties. In total, 43% of those needing general needs accommodation require a one bed property with another 33% needing a two bedroom property.



Source: East Herts Council

This evidence also shows that although one and two bedroom need dominates both the housing register and supply, the supply of three and four bedroom lettings falls below the proportion of those on the housing register requiring this size of property. Thus, to more equitably meet need, there is a requirement for an increasing supply of larger homes.

**Location**

Table 11 lists the location of general needs properties, these being non-specialist older persons’ homes, let in the

district during the 12 months to September 2021. Perhaps unsurprisingly, there are more lettings available in the five market towns as compared with the more rural parts of the district. Given the paucity of housing options in the district's villages, especially to enable younger people to remain living near family members for support, there is a need to enable more rural development.

**Table 11: Location of general needs homes advertised through Choice-Based lettings in the 12 months to September 2021**

Property size	Total lettings	East Herts Towns*	East Herts villages
Studio	10	9 90.0%	1 10.0%
1 bed	175	126 72.0%	49 28.0%
2 bed	251	197 78.5%	54 21.5%
3 bed	87	66 75.9%	21 24.1%
4 bed	4	3 75.0%	1 25.0%

\* Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware

Source: East Herts Council

### **Modern methods of construction**

Modern Methods of Construction are increasingly being promoted as a means of accelerating the delivery of housing, and notably affordable housing given the need for increased supply, as that the major components can be manufactured off-site.

East Herts Council is a member of the Hertfordshire Off-Site Manufacturing Consortium together with other local authorities and registered providers. The aim of the consortium is to amass a pipeline of affordable housing development for which an off-site manufacturer could provide homes at a lower price as a result of economies of scale.

While the council is not a developer of new affordable housing, we are keen to keep abreast of innovations in this area and promote new construction methods among our registered provider partners. Methods which are particularly promoted are fully modular pre-fabricated homes and timber frame homes. Modern methods of construction can provide the following advantages: a shorter time scale for construction and new homes which have a high level of energy efficiency.

## Objectives arising from the evidence

The evidence discussed in this section suggests that in order to address the strategic priority to **deliver more affordable homes**, the following objectives should apply for the coming five years:

- increase the supply of new homes offered with (a) social rents or (b) affordable rents at or very near to between 50% and 60% of market rents
- enable a range of low cost home ownership products in the district
- improve the focus on housing needs in our rural communities
- assist households in accessing the private housing market
- gather and publish up-to-date housing need and supply data.

#### **4.2 Strategic priority 2: Enable a wider range of accommodation and support for our most vulnerable residents**

The evidence used to inform the discussion in this section has been gathered from the following sources:

- the council's records of homelessness applications
- the council's Rough Sleeper Count Autumn 2021
- Hertfordshire Home Improvement Agency
- discussion with Hertfordshire County Council's commissioning teams.

##### ***Housing options and homelessness prevention***

The council is legally required to assess and prevent homelessness in the district as part of the Government's focus on homelessness prevention. With growing affordability issues and consequently fewer housing options as discussed earlier in this strategy, preventing homelessness is an increasingly difficult challenge and one that needs to be tackled in several different ways.

There has been much research at the national level that demonstrates that homelessness has a particularly detrimental effect on people's health and wellbeing. Of

particular note, long stays in temporary accommodation can severely impact a child's development, education and health and well-being.

To address the issue of homelessness, co-ordinate the council's work to support homeless people and guide our partners, the council has adopted the Homelessness and Rough Sleeping Strategy 2019 – 2024. This strategy sets out the council's strategic priorities for reducing homelessness and rough sleeping. Our overall approach is built on:

- strong and effective partnership working
- early targeted intervention and advice to prevent the loss of accommodation
- effective action to relieve homelessness and sustain tenancies to prevent repeat homelessness
- protecting and increasing local housing options.

Despite the council's efforts, there has been a steady increase in homelessness in East Herts in recent years as various welfare reforms have taken hold and the opportunities to access the private rented market have decreased. Landlords can be fearful of accepting tenants in receipt of universal credit while the freezing of local housing allowance rates up to March 2020 meant that the

private rented sector has become increasingly unaffordable in recent years.



Source: East Herts Council

The council provides a range of services to help meet the needs of homeless people and those facing homelessness. This includes:

- offering rent-in-advance and deposits
- using Discretionary Housing Payments (DHP)
- funding East Herts Citizens Advice Service to provide bespoke debt advice.

The council has 31 units of temporary accommodation, with two additional self-contained units currently being developed and due to be available from Spring 2022.

### ***Rough sleeping***

The rough sleeper count conducted each November in East Herts by the council utilising the Government’s methodology records the following number over the last six years.

<b>Table 12: Rough sleeping in East Herts</b>	
Year	Number of rough sleepers recorded – annual count in November
2016	9
2017	3
2018	9
2019	15
2020	6
2021	5

Source: East Herts Council

The increasing trend in previous years appears to have been reversed recently which is likely to reflect the council’s efforts under the national ‘Everyone In’ and ‘Protect Plus’ initiatives brought in to protect rough

sleepers from the pandemic and subsequently provide more settled accommodation. As part of this work, in April 2021 the council opened its first temporary accommodation scheme specifically for rough sleepers or those at risk of rough sleeping which is providing six much needed self-contained units for this client group.

**People with complex needs**

Hertfordshire County Council’s ‘Supporting Adults with Complex Needs Strategy’ gives the following definition of an individual with complex needs:

An individual with two or more needs affecting their physical, mental, social or financial wellbeing. This can include mental health issues, substance misuse, domestic abuse, homelessness, physical ill health, learning or physical disability.

The strategic priorities in this Complex Needs Strategy are:

- preventing and reducing care and support needs
- preventing homelessness and reducing rough sleeping
- helping to support people to remain in their own homes and connected to communities

- improving health and wellbeing and preventing ill-health due to homelessness.

There has been an increasing number of households approaching East Herts Council for assistance under the homelessness legislation who have two or more needs.

**Table 13: Increase in homelessness for reasons most closely related to complex needs**

Quarter	Number of persons asked to leave by extended family or friends	Number of persons leaving an institution *
April to June 2020	5	5
July to Sept 2020	8	6
Oct to Dec 2020	16	5
Jan to March 2021	12	5
April to June 2021	18	3
July to Sept 2021	14	6

\* Definition includes people leaving a hospital, HM Forces, HM prison or local authority care

Source: East Herts Council

In addition, the Covid19 pandemic has played a role in increasing homelessness among single persons living on a

casual basis with extended family or friends, otherwise known as 'sofa surfing'.

### ***Cuckooing***

At the same time as the rise in homeless people approaching the council with complex needs, there has been an increase in the number of homelessness cases due to 'cuckooing', that is, the practice whereby individuals take over a person's home and use the property to facilitate exploitation which can involve dealing, storing or taking illicit drugs. The person whose home is taken over is often vulnerable, with complex needs. The police have suggested that the number of train lines radiating out from London into the district appears to be leading to a comparatively high concentration of 'cuckooing' in East Herts.

Closure Orders, prohibiting access to a home, are typically put in place when dealing with this issue. This approach, however, can result in homelessness for the legitimate tenant of the property.

### ***Learning from providing accommodation for people with complex needs***

The number of households in temporary accommodation remains high largely as a result of an increase in homelessness approaches from single person households with complex needs. This includes those with mental health problems and/or alcohol and drug misuse issues, and those who have reverted to sleeping rough. The following statistics show an increase among households presenting as homeless or threatened with homelessness for reasons most closely related to those with complex needs.

Recent experience of managing temporary accommodation projects for single person households in East Herts has demonstrated the need for housing schemes with a high level of support for the most vulnerable. East Herts Council is working with partner organisations to examine the possibility of a supported housing scheme with a number of stages: initial support, intensive support, transitional support, step down and move on.

## Domestic abuse

Table 14 shows the increase in the number of households presenting as homeless or threatened with homelessness for reasons of domestic violence over the last 18 months.

**Table 14: Number of households presenting as homeless or threatened with homelessness for reason of domestic violence**

Quarter	Number of households
April to June 2020	4
July to Sept 2020	19
Oct to Dec 2020	18
Jan to Mar 2021	16
April to June 2021	28
July to Sept 2021	31

Source: East Herts Council

Since 2019, the council has commissioned the Survivors Against Domestic Abuse (SADA) team based within Stevenage Borough Council to provide support and advice to victims and survivors of domestic abuse, and children living with domestic abuse. This includes providing help with housing and tenancy issues.

Over the last 12 months, 57 households have been referred to SADA for assistance and support.

The Domestic Abuse Act 2021 formalises the need for Hertfordshire County Council to provide accommodation based support to victims of domestic abuse and their children in refuges and other safe housing.

The Hertfordshire Domestic Abuse Partnership has produced its Domestic Violence Strategy for 2021 to 2025. It contains the following strategic priorities:

- act before harm
- identify and stop harm
- increase safety for those at risk
- support after harm.

The strategy also seeks *'to ensure that all victims of domestic abuse have access to high quality safe accommodation pathways and support, including support to remain in their own home if it is safe to do so and if they choose to do so'*.

Detailed actions for each of the four priorities will be published in early 2022. East Herts Council will be part of the Domestic Abuse Partnership Board which will be



responsible for operational delivery through an annually updated action plan.

As well as accessing services via SADA, the council works with the Future Living charity in Hertford which provide counselling and support to those experiencing or having experienced domestic abuse.

### ***Learning disability***

The council works closely with Hertfordshire County Council to research housing needs and solutions for residents with learning disabilities. Work to date has identified:

- there has been an increase in the population identified as living with learning disabilities in Hertfordshire since 2016. This is due partly to the introduction of Learning Disability registers in GP practices, so more people are being identified as having a learning disability.
- the degree to which people are returning to Hertfordshire having previously been accommodated out-of-county is increasing. This is largely due to the Transforming Care programme introduced nationally in 2015 to reduce

hospitalisation of individuals with learning disabilities and accommodate them closer to home

- in East Herts, those with learning disability in most need of housing options are typically young adults
- there is an expectation that people with low levels of learning disabilities should be able to live in the community on a relatively independent basis and indeed people with learning disabilities are clear that they want their own independent home as shared housing is no longer so popular
- some supported housing schemes are no longer fit-for-purpose, particularly as they often don't provide self-contained accommodation
- there is interest among some clients and their families in the possibility of shared ownership.

### ***Physical disability***

Hertfordshire County Council is leading work on producing a new accommodation strategy for adults with physical disabilities. This is in recognition of the fact that some districts in Hertfordshire no longer have the right type and quality of supported accommodation, and that new housing solutions and different types of accommodation are required. The Covid pandemic has also identified gaps

in provision. East Herts Council is working with the County Council on this important matter.

The far-reaching research is covering:

- needs assessments for different types of housing and locations that meets the needs of service users who are disabled
- identification of land and other resources to promote development for people with disabilities. Of note, this element of the work includes those with mental health, learning disabilities or other complex needs who are able to live in the community
- the production of demographic and demand evidence to inform Section 106 planning obligations, housing market assessments and planning documents produced by each district council in Hertfordshire
- the undertaking of market engagement with the aim of bringing forward a pipeline of new and refurbished accommodation that is fit for current and future clients.

The council provides Disabled Facilities Grants (DFGs) via the Hertfordshire Home Improvement Agency (HHIA). The two registered providers who received the council's stock, Network Homes and Clarion Housing, also contribute to the costs of adaptations for disabled people.

Since April 2018, at which point the HHIA took over the management of DFGs, a total of 239 Disabled Facilities Grants have been awarded to East Herts residents, 150 aged 65 year or over and 89 aged under 65 years. The most common adaptations installed through Disabled Facilities Grants have been stair lifts, level access showers, extensions, and other bathroom adaptations. The tenures of homes in which Disabled Facilities Grants have enabled accessibility measures to be installed are shown in Table 15.

In addition, East Herts Council is committed to working with registered providers to encourage and enable them to make the best use of their existing stock so as to meet the needs of disabled people.

**Table 15: Tenure of homes in which Disabled Facilities Grants have enabled accessibility measures to be installed, 2018 to 2021**

Tenure	Persons aged under 65 years		Persons aged 65 years and over	
Owned	38	42.7%	106	70.7%
Social housing	47	52.8%	29	19.3%
Private rented	1	1.1%	10	6.7%
Tenure not recorded	3	3.4%	5	3.3%
Total	89	100%	150	100%

Source: Hertfordshire Home Improvement Agency and East Herts Council

### **Gypsies, travellers and travelling show people**

The East Herts District Plan 2018 to 2033 identified that an additional two pitches would be required up to 2022, with a further three required between 2022 and 2027. The District Plan identifies six sites within the district which are deemed suitable for the location of extra pitches.

In 2022, East Herts Council will be commissioning an assessment of the accommodation needs of gypsies and

travellers and travelling show people in East Herts.

Recommendations regarding planning for this client group will be made on the basis of this study.

### **Objectives arising from the evidence**

The evidence discussed in the chapter suggests that in order to address the strategic priority to **enable a wider range of accommodation and support for our most vulnerable residents**, the following objectives should apply for the coming five years, to:

- work collaboratively with partners to maximise housing and support options for rough sleepers
- explore the provision of supported accommodation for single people with complex needs
- further develop services for households affected by domestic abuse
- work with Hertfordshire County Council (HCC) on the provision of housing for adults with learning and/or physical disabilities.

**4.3 Strategic priority 3:  
Enable high quality housing options for older people, better suited to their needs**

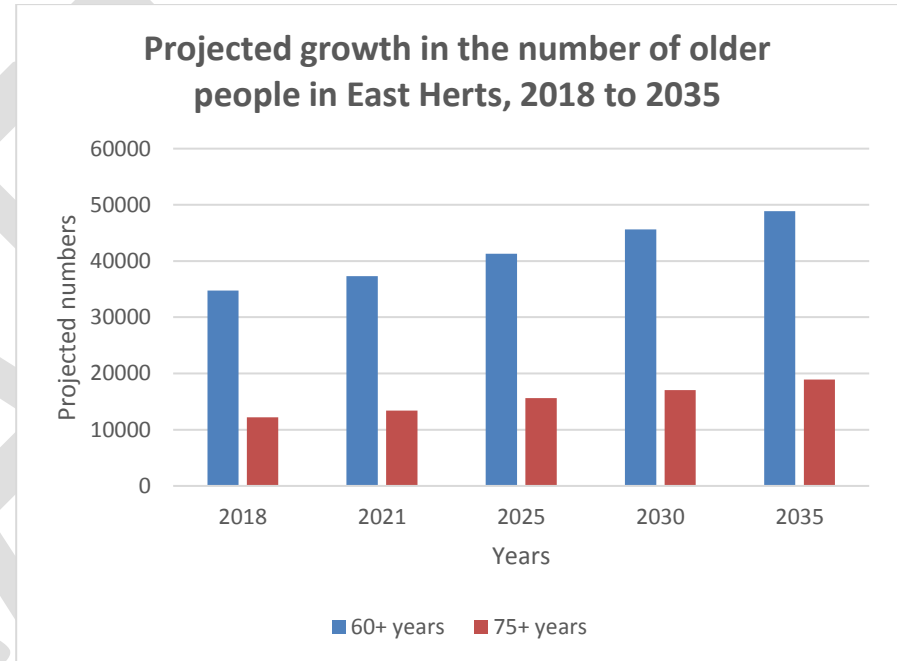
The evidence used to inform the discussion in this section has been gathered from the following sources:

- Office for National Statistics – population projections.
- Census 2011
- HousingCare.org – housing schemes for older people in East Herts
- Report on Under-occupation in East Herts – a review of the issues, challenges and possible solutions.

**Growing older population**

East Herts’ population grew by 8.8% from March 2011 to June 2019 (Source: Census 2011 and Office for National Statistics mid-year population estimates by age). Over the same period, however, the growth in the number of people aged 60 and over living in the district was estimated to have grown by some 20.6%.

In the next few years, East Herts will see a significant increase in the number of over 60s and particularly over 75s.



Source: Office for National Statistics, population projections

It is therefore essential that the council addresses the housing and health of this part of our population to assist older people live fully independent lives for as long as possible.

The council has a key role to play in working with housing providers and the commissioners of services, notably Hertfordshire County Council, to achieve this by enabling the right mix of housing and communities. Such work will include:

- extra care facilities
- high quality options for older people wishing to downsize from under-occupation notably in the social rent sector and among owner-occupiers with relatively limited equity in their property
- dementia-friendly schemes
- increasing use of a wide-range of digital and non-digital assistive technologies.

There is also clear evidence of need for more housing which can be adapted as people's needs change, including Lifetime Homes and fully wheelchair-accessible housing. Such housing allows people to remain living independently in their own home as they age and become less mobile.

Building more purpose-built older people's accommodation to 'Age Friendly' neighbourhood principles will also help to combat loneliness and prevent slips, trips

and falls, especially if homes are step-free and in accessible locations close to existing communities.

### ***Housing and dementia***

With a growing older population and predicted rise in diagnosis rates of dementia, the council needs to continue developing positive interventions to support those affected.

The council is proud to have been accredited by the Alzheimer's Association as a Dementia Friendly organisation and we devote much time and effort to furthering understanding of dementia among our partners and residents.

There is a need for extra care schemes and other forms of housing to be developed to meet the needs of those with dementia.

### ***Existing accommodation for older people in East Hertfordshire***

Accommodation specifically designed and provided for older people in East Herts consists of six care homes, 11 care homes with nursing and 46 schemes of self-contained

accommodation of which 31 are owned and managed by registered providers as affordable housing.

Data held by the council on the allocation of existing affordable housing for older people indicates that housing schemes built in the 1960s and 1970s are becoming increasingly difficult to let, as they no longer meet modern day needs and expectations, particularly in terms of size and layout.

### ***Under-occupation***

The Census 2011 showed a high rate of under-occupation in East Herts among older age groups in terms of the number of bedrooms.

**Table 16: Under-occupation in East Herts**

	<b>Under-occupation by one bedroom</b>	<b>Under-occupation by two or more bedrooms</b>
<b><i>Age of head of household</i></b>		
Household head aged 50 to 64 years	29.7%	53.6%
Household head aged 65+ years	27.0%	59.2%
<b><i>Tenure</i></b>		
Owner-occupation (owned outright, owned with a mortgage and shared ownership)	34.8%	49.8%
Social rent	25.9%	11.0%
Private rent	36.9%	15.3%

*Source: Census 2011*

Research by East Herts Council has shown that providing downsizing options for older households who wish to move to a small home requires consideration of a wide range of factors, notably:

- the need for attractive and accessible smaller homes in the right locations
- financial incentives including help with, say, moving costs and decoration vouchers
- help with the moving process.

For some under-occupying owner-occupiers, the cost of a new, more suitable home, coupled with moving costs, outweighs the equity in their current home. A possible solution to this is Older Persons Shared Ownership, which enables households in relatively low value properties and/or with mortgages to pay off to move to a new home. Under this scheme a householder purchases just 75% of the home's value, with the remaining share retained by the property's owner, typically a registered provider or a local authority. The holder of the equity share would receive this as part of the Section 106 planning agreement. The purchaser is not typically required to pay rent on the unsold equity.

In December 2021, a total of 18 households headed by a person aged 60+ and currently renting their home in the social housing sector were registered with the council as they wish to move to a smaller property.

### ***Developing new accommodation for older people***

The council has worked collaboratively with Hertfordshire County Council (HCC) on the County Council's strategy regarding housing for older people.

The key elements of this work are:

- a long-term programme to support people in communities (across Hertfordshire)
- bringing forward accommodation options which result in a decreasing reliance on nursing homes and residential care, for example, by increasing the provision of extra care housing
- enabling older people to access supported housing schemes in their own community where they can retain their support networks
- maximising the extent to which housing is future-proofed to meet the needs of people with dementia and/or mobility impairments.

The council has participated in work led by Hertfordshire County Council to produce design guidance relating to housing for older people.

East Herts is currently undertaking the following:

- devising plans, in partnership with Hertfordshire County Council, for additional extra care provision in the district
- exploring options to develop older persons' accommodation in the vicinity of existing extra care schemes to create a form of 'active older persons' villages' which provide a range of housing options for older people who wish to move to smaller accommodation.
- work with Hertfordshire County Council and other partners to explore housing options that address the needs and aspirations of people with dementia and their families.

### Objectives arising from the evidence

The evidence discussed in the chapter suggests that in order to address the strategic priority to **enable high quality housing options for older people, better suited to their needs**, the following objectives should apply for the coming five years, to:

- explore and keep under review the changing needs and aspirations of the older population in the district
- work with partners to bring forward high quality downsizing options
- work with Hertfordshire County Council and other partners on expanding the range of housing options for older residents



#### **4.4 Strategic priority 4: Improve the sustainability and quality of homes**

The evidence used to inform the discussion in this section has been gathered from the following sources:

- Department for Levelling Up, Homes and Communities: registrations of Energy Performance Certificates in East Herts
- Department for Levelling Up, Homes and Communities: Vacant Homes by local authority area.
- Office for National Statistics' population projections
- East Herts Council Sustainability Supplementary Planning Document (SPD), March 2021
- East Herts Council District Plan 2018
- East Herts Council – council tax data

#### **National policy on sustainable housing**

In October 2019, the government published its [Heat and Buildings Strategy](#). The strategy states the following:

- the target will be for zero carbon emissions to be reached by 2050
- the installation of new natural gas boilers will be

phased out from 2035, and there will be no more fossil fuel heating systems installed in homes not connected to the gas grid from 2026

- future mainstream means of heating homes are likely to include ground and air source heat pumps and the use of hydrogen.

East Herts Council will continue to monitor closely all new initiatives for introducing new sustainable heating methods.

#### **Sustainability at the heart of everything we do**

In July 2019, East Herts Council unanimously approved the adoption of a Climate Change Motion which committed the council to, among other things:

- supporting the whole of East Herts District to become carbon neutral by 2030 and
- take actions so that the council itself becomes carbon neutral by 2030.

To this end, the council has established an ambitious [Sustainability Action Plan](#) which is a living document while

also establishing and servicing an East Herts Climate Change and Environmental Forum.

The East Herts District Plan 2018 contains a section on Climate Change which includes:

- recommendations on how homes in the district should be adapted to meet the challenges of a changing climate
- details of the mitigation measures will be undertaken to reduce carbon emissions
- guidelines on how the council will assess and permit the development of sources of renewable energy generation.

### ***Domestic properties' contribution to overall levels of CO<sub>2</sub> emissions***

We know that domestic properties in East Herts contribute some 15% of the total CO<sub>2</sub> equivalent emissions of 674,000 tonnes in 2019-2020. Clearly, residential properties are a significant source of greenhouse gases and work to reduce these emissions will make a major contribution to local and national emission reduction targets.

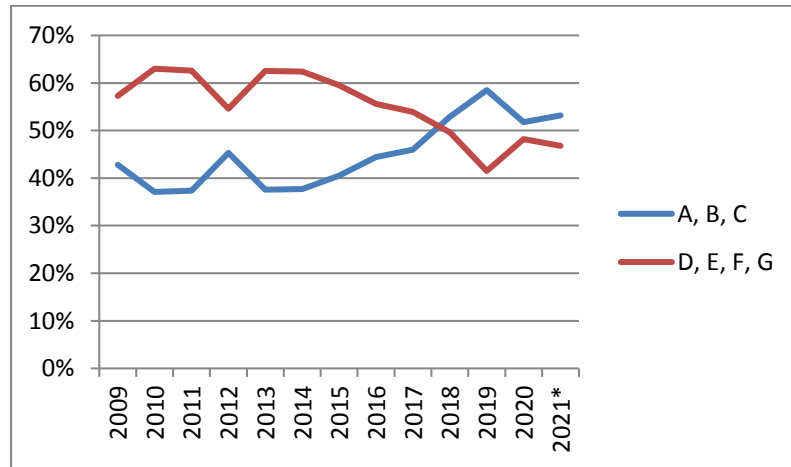
A SAP (Standard Assessment Procedure) rating is the calculation that is required to predict the level of energy efficiency in a home. A SAP calculation indicates a score from 1 to 100 for the annual energy cost of a property, based on a number of aspects of the property. An Energy Performance Certificate (EPC) shows the SAP rating for a property. There are seven bands of energy efficiency, and an Energy Performance Certificate shows the band into which a property falls. Band A is the most energy efficient and band G is the least energy efficient. Of note:

- from April 2018, the Domestic Private Rented Sector Minimum Energy Efficiency Standard regulations banned private landlords from letting properties with an F or G rating
- in December 2020, the Clean Growth Strategy set a target for social housing providers to attain a minimum rating of EPC C for their rented stock by 2035 (2030 for “fuel poor” households).

The graph shows the percentage of Energy Performance Certificates registered for homes in East Herts between 2009 and 2021, grouping together A, B and C ratings and D, E, F and G ratings. There has been a steady increase in

ratings indicating a gradual improvement in domestic energy efficiency over the last 12 years

### EPC ratings in East Herts – 2009 to 2021



\* First three quarters of 2021

Source: DLUHC, Live tables on EPC registrations.

### Reducing emissions from social housing

East Herts Council works closely with its registered provider partners to monitor their energy efficiency programmes which cover their properties in the district.

Registered housing providers can apply to the government's Social Housing Decarbonisation Fund to

support the installation of energy performance measures in social housing. In addition, a national review of the Decent Homes standard for social housing is taking place between autumn 2021 and summer 2022. This will contain further recommendations on improving the energy efficiency of social housing.

### Reducing emissions from private sector homes

In 2017 the Building Research Establishment carried out research in East Herts to produce dwelling-level housing stock modelling on stock condition.

The research findings included:

- 23% of private sector homes had uninsulated cavity walls and 13% had inadequate loft insulation
- the SAP (Standard Assessment Procedure) rating used to estimate energy efficiency in a home records an average rating of 58 (EPC Band D) for East Herts within the spectrum of 1-100 which indicates a medium average energy efficiency rating. This is comparable to the average for England (57) and the East of England region (57).

The council's newly revamped Private Sector Housing Assistance Policy makes provision for tackling poor insulation and conditions, most notably by offering:

- energy efficiency grants
- home insulation grants
- loans for Decent Homes works criteria.

East Herts Council will monitor the availability of government initiatives which could be used to increase energy efficiency in the district. The government's Local Authority Delivery (LAD) scheme aims to raise the energy efficiency of low EPC rated homes (those rated at E, F or G), deliver progress towards reducing fuel poverty, phase out high carbon fossil fuel heating, and deliver progress towards the UK's commitment to net zero carbon emissions by 2050. East Herts Council has worked in partnership with Warmworks to introduce a new scheme using LAD funding. The scheme will offer assistance in the installation of energy efficiency measures to households whose homes have a D, E, F or G rating and whose annual household income is less than £30,000.

### ***Energy efficiency of new build housing***

The council adopted a comprehensive Sustainability Supplementary Planning Document (SPD) in March 2021 which sets out in considerable detail the expectations the council has of developers when they are seeking to make planning applications which are compliant with the energy efficiency and sustainability policies in the District Plan (the council's statutory local plan).

The SPD focuses on meeting the needs of the present without compromising the ability of future generations to meet their needs. High quality sustainable developments require adopting a holistic approach to environmental, social and economic sustainability. The SPD focuses on the environmental dimensions of sustainability.

The SPD points out that one key means of reducing the carbon emissions of buildings is minimising the carbon locked in construction materials, known as embodied energy. The council's District Plan requires, where possible, the reduction of energy embodied in materials through re-use and recycling and the use of sustainable sources and local sourcing. Consideration of embodied carbon will

become increasingly important as society transitions to a low and indeed zero carbon society.

When sourcing materials for a development, developers should consider the following principles for improving the environmental performance of materials that should be used:

- environmental impact – use of materials that have low embodied energy, for example lime based products or timber, which have been manufactured through processes with low consumption of energy
- responsible sourcing – use of materials from sustainably managed sources
- re-use of materials – re-using materials from the development site and reclaimed or recycled materials for a range of uses
- transport – use of local materials to reduce transportation costs.

Consequently, the greatest opportunity for impact on embodied carbon comes at the design stage, in particular in the building structure.

The SPD goes on to describe in detail how new development can reduce the sustainable impact of building throughout their lifetime, notably regarding:

- energy use and carbon reduction
- adaptation to climate change
- water efficiency
- air and light pollution
- biodiversity
- sustainable transport
- waste management.

The SPD requires developers to explain how they are addressing each of these points.

It is recognised that the Environment Bill currently being considered by Parliament is likely, among other measures, to enshrine in law the need for developments to deliver a biodiversity net gain. The council, as necessary, will provide further guidance in light of the Bill being enacted.

### ***Energy efficient homes and Passivhaus***

East Herts Council wishes to promote housing schemes built to a high energy efficiency standard such as the Passivhaus model. There are five principles to the Passivhaus model:

- a superinsulated envelope to the home
- airtight construction
- high performance glazing
- thermal-bridge-free detailing
- heat recovery ventilation.

The airtight fabric of the building would allow a home to be heated “passively” by the sun, internal heat sources and heat recovery systems. Conventional heating systems would be rendered unnecessary, even in very cold weather.

Passivhaus has been popular in Germany and Scandinavia, however, building experts have expressed concern that the following may hinder widespread development in the United Kingdom: different construction skills, a lower level of understanding of building fabric performance, and a lack of legislative pressure, financial incentives and client demand. The council does not see these as prohibitive

barriers. We wish to see the rate of delivery of such homes accelerated.

### ***Housing Standards***

Since 2000, the Decent Homes Standard has been the target which all homes in the social housing sector must reach. Under the standard, all homes must:

- meet all the latest statutory minimum standards for housing
- be in a good state of repair
- be fitted with an acceptable range of modern facilities and services.

The government is producing a refreshed Decent Homes Standard. A review of the standard will conclude in summer 2022.

The conditions of privately owned housing are regulated by the following:

- the Housing Health and Safety Rating system which identifies a total of 29 hazards in the home
- the Fit for Habitation Act 2019 which defines the minimum standards for rented properties

- electrical and gas safety regulations
- the Minimum Energy Efficiency Standards (MEES) for the private rented sector, under which a property for rent must have a minimum level of energy efficiency
- the Housing Act 2004 (updated 2018) governing the conditions in houses in multiple occupation (HMOs), including regulations under which an HMO must be licensed by a local authority.

In 2017, the Building Research Establishment carried out research into the condition of privately owned housing in East Herts. Its principal findings were:

- 15% of owner-occupied properties contained a hazard deemed to be category one (the most serious) under Housing Health and Safety Rating System
- 14% of properties in the private rented sector contained a hazard deemed to be category one under the Housing Health and Safety Rating system
- 26% of privately owned housing had un-insulated cavity walls, making the home less energy efficient

- 834 houses were in multiple occupation in the district, of which 168 were licensable under the new definition introduced in October 2018.

### ***Private rented sector standards***

The size of the private rented sector in East Herts more than doubled between April 2001 and March 2011, from 3,578 homes (6.9% of the total housing stock) to 7,446 homes (13.2% of the total housing stock). It is expected that the Census 2021 results will show further growth in the size and percentage of this tenure.

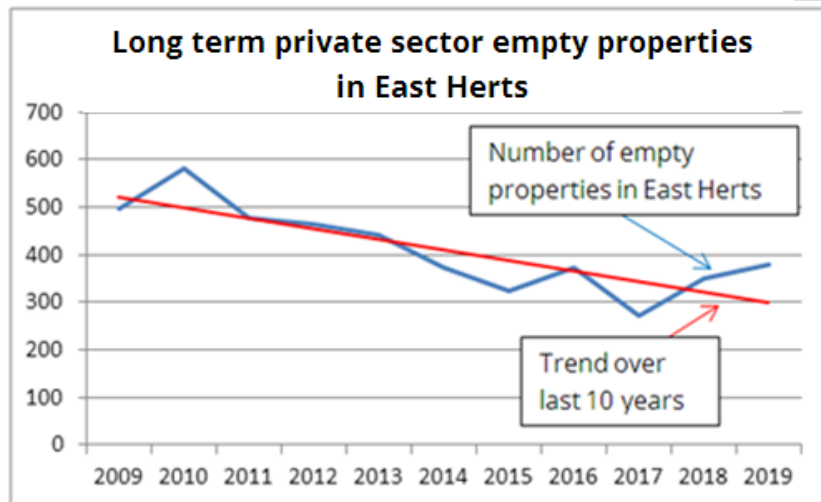
The council therefore has a keen interest in maximising the standard of these properties and the quality of their management.

Support, advice and enforcement work to maximise the quality of private rented sector homes is carried out by the East Herts Council Environmental Health Team. Between April 2018 and March 2021 a total of 64 houses in multiple occupation in East Herts were inspected and a total of 74 were licensed (although the Covid19 pandemic did limit the inspection programme in 2020-2021).

### Empty homes

East Herts Council recognises that empty homes are a wasted resource when housing need is so high while at the same time can be a cause of blight in neighbourhoods.

Government statistics record the number of homes in a local authority which are deemed to be 'long term empty', that is, they have been unoccupied and substantially unfurnished for at least six months and not subject to an exemption.



Note: Calculated from all tenure figure minus registered providers' homes which are not available for letting

Source: Department of Levelling Up, Housing & Communities

The graph indicates a steady downward trend in the number of long term empty properties in East Herts over the last ten years, although there has been an increase again more recently.

Since April 2013, local authorities have been permitted to add a council tax premium to properties which have been empty for *two years or more*. It should be noted that properties empty for six months to two years, while counted as 'long term empties' in the official statistics, cannot attract a council tax premium.

East Herts Council first introduced a premium, of 50% on top of the full council tax due, in April 2017. The graph would suggest, however, that this did not have an impact in bringing empty homes back into use.

Subsequently, in April 2020 the council raised the empty property premium to 100% thus doubling the council tax payable on long term empties. Then, from April 2021, the rates were further amended. Table 17 gives the latest rates and numbers of homes empty for two or more years.



**Table 17: Number of homes empty 2+ years and resultant council tax premiums**

Period empty	Number of empty homes	Council tax premium at April 2021 (on top of standard council tax)
2 – 5 years	100	100%
6 – 10 years	45	200%
10 – 20 years	12	300%
20+ years	10	300%

Source: East Herts Council

As yet, it is too early to fully gauge the impact of these amendments, but it is hoped that these significant uplifts in the amount of council tax payable will prove an incentive for owners to finally bring their properties back into use, especially when combined with advice by the council and signposting to grants and loans.

On occasion, the council can access funds to enable direct action including, for example, the compulsory purchase of an empty property for onward sale. Direct intervention, however, is an action of last resort given the time and resources on the council to achieve this. The council tax premium is the main part of East Herts Council's policy toward long-term empty homes.

Of note, in December 2021 there were 117 properties in East Herts classified as second homes or holiday homes, that is, furnished properties which are not the owner's main or sole residence. Unlike in some parts of the country, the scale of second homes is not considered, at less than 0.2% of all properties, to be unduly skewing the local market and thus meriting specific interventions.

### Objectives arising from the evidence

The evidence discussed in the chapter suggests that in order to address the strategic priority to **improve the sustainability and quality of homes**, the following objectives should apply for the coming five years, to:

- promote maintenance, insulation and energy efficiency of homes in all tenures
- promote sustainable construction of new homes
- promote good quality accommodation and standards of management in the private rented sector
- encourage owners to bring their empty homes back into use.

## **Chapter 5: Monitoring delivery of the Housing Strategy**

This strategy has set out a series of wide-ranging priorities based on an analysis of the evidence available and views of our partners which in turn have suggested more detailed objectives that need to be addressed.

To ensure this strategy informs the work of the council and our partners, we will draw up detailed action plans for each of the objectives and these will be reviewed regularly to ensure they remain relevant to the objectives outlined.

Delivery of the detailed action plans will be closely monitored and progress published.

## **Council**

**Date of Meeting: 11 May 2022**

**Report by: James Ellis, Head of Legal and Democratic Services**

**Report title: Review of Constitution**

**Ward(s) affected: All**

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## **Summary**

In accordance with Council Procedure Rules 2.1.2 (k), which require Council to review and update the Constitution if necessary, a comprehensive review of the Constitution has taken place and any amendments arising from this exercise are recommended.

## **RECOMMENDATIONS FOR COUNCIL:**

**(a) that the updates and consequential amendments to the Constitution identified in the attached appendices are approved;**

### **1.0 Proposal(s)**

1.1 As above.

### **2.0 Background**

2.1 The Council's procedure rules require that, if necessary, a review of the Constitution be approved at the annual meeting of Council. The Council may also approve updates and changes to the Constitution at ordinary meetings throughout the year.

2.2 An Officer Constitution Review Group and a Member Constitution Review Group were set up to complete a comprehensive review of the council's constitution and identify and collate changes.

2.3 The Officer Constitution Review Group was made up of the

Chief Executive, Head of Legal and Democratic Services, Head of Housing and Health and the Democratic Services Manager.

- 2.4 The Member Constitution Review Group membership was Councillor Williamson (Chair), Councillor Deering, Councillor Ward-Booth, Councillor Wilson, Councillor Crystall and Councillor Redfern.
- 2.5 The Officer Review Group identified suggested amendments to the Constitution and presented these changes to the Member Group for discussion and approval. The main updates are set out in the following paragraphs and shown as tracked changes in Appendix A and all the recommended changes are described in Appendix B.
- 2.6 All tracked changes to the Constitution are available as a background paper which can be provided on request.
- 2.7 The main changes are as follows:
- 2.8 Change to neutral terminology – the Member Group have proposed a change from “Chairman” to “Chair” throughout the Constitution to bring into line with other organisations. A comparison of terminology throughout the councils in Hertfordshire found that the majority were now using the term “Chair”.
- 2.9 Increase the Key Decision limit (Appendix A) – the current limit in the Constitution is £100,000 and the Member Group has proposed to increase the key decision limit to £200,000. Legislation sets out the definition of a Key Decision as “an executive decision which, is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget” and it was felt that the new limit was more in keeping with the legislation and was “significant” in relation

to the council's budget.

- 2.10 Creation of a Standards Committee (Appendix B) - The Review Group has proposed the formation of a new Standards Committee. This would remove the Standards function from the Audit and Governance Committee. It is proposed that the Committee will have seven East Herts Members and up to three Town or Parishes Councillors co-opted to the Committee. The Committee will meet twice a year and a Sub-Committee called when required.
- 2.11 Creation of the Joint Information Communication Technology Committee (Appendix C) - Members and Officers have agreed a new Joint Information Communication Technology Committee with Stevenage Borough Council to oversee the shared service and the provision of ICT. The Committee membership will be three Members from each authority.
- 2.12 Leader's Announcements on the Council agenda (Appendix D) - currently the Leader has to wait to the Executive report to speak to Council. Therefore the Constitution Review Group has recommended the addition of a new standard item will allow for the Leader to make any announcements as necessary at the start of the meeting.
- 2.13 Refresh of the rules on petitions (Appendix D) – The Member Group have proposed a definition of a petition to be added to the Constitution and have proposed a threshold on the number of signatures needed for a petition to be presented to Council. The group were provided with a comparison of the petition rules from all the councils in Hertfordshire to come up with a number. The suggested threshold for petitions to be presented to Council is 150 signatures or more. Petitions with 50-149 signatures will be provided with a written response from the relevant Executive Member. Petitions with fewer than 50 signatures will not be valid.

- 2.14 Public and Member Questions to Council (Appendix D) - The Member Group have suggested moving the deadline for submitting a question to Council from 12 noon, two working days before the meeting to 12 noon, three working days before the meeting to allow for more time to collate a response. The Group have also proposed that a 15 minute time limit be introduced to Public Questions to bring into line with Members' Questions.
- 2.15 Refresh of the Overview and Scrutiny Committee (Appendix E) – a refresh of the Overview and Scrutiny Committee has been undertaken to implement the recent changes made to the committee into the Constitution. This includes an updated Terms of Reference, updated guidance on Rapid Reviews, clarification on the establishment of Task and Finish Groups and the addition of public participation rules. Currently, the public are able to propose items for scrutiny but there is no mechanism by which they can attend to present their case or ask questions. The Member Group have proposed that speaking rules be invoked when an item is on the agenda proposed by a member of the public.
- 2.16 Refresh of the Audit and Governance Committee's Terms of Reference (Appendix F) - The Terms of Reference have been updated for both Overview and Scrutiny (para 2.15) and the Audit and Governance Committee to give clarity as to what each committee can scrutinise.
- 2.17 Refresh of the arrangements for the disciplinary action of the Statutory Officers (Appendix G)– Officer Employment Procedure Rules as required under the Local Authorities (Standing Orders)(England) Regulations 2011 (as amended by the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.

- 2.18 Increase the level of debt recoverable by the Chief Financial Officer from £10,000 to £50,000 (Appendix H) - Following advice from the Head of Strategic Finance and Property, the Member Constitution Review Group has proposed to increase the debt write off limit from £10,000 to £50,000. The level of debt accumulated by individuals or entities when bankruptcy occurs will more than likely exceed £10,000 and this amendment aligns with the aims of the Transformation Programme by making the debt write off process more efficient. Other limits have been increased amongst Officers in the Scheme of Financial Delegations to make processes more efficient.
- 2.19 Refresh of Officer Delegations (Appendix I) – a refresh of the Officers’ Responsibility for Functions has been undertaken with each of the Heads of Service to ensure all the relevant powers had been delegated to carry out their role.
- 2.20 Refresh of Contract Procedure Rules (Appendix J) – a refresh of the existing provisions has been undertaken, as the rules had not been updated since Brexit. The Officer and Member Constitution Review Groups received recommendations from the council’s Contracts and Procurement Lawyer, which are recommended for approval.
- 2.21 The Members’ Planning Code of Good Practice (Appendix K) – the Group has proposed to replace the current version with that produced by Lawyers in Local Government (LLG).
- 2.22 The Constitution has been reordered to make it more user friendly and so that each section contains the relevant information specific to that topic. The order proposed is as follows:

Section 1	Introduction
Section 2	Purpose, Interpretation and Suspension of the Constitution

Section 3	Full Council
Section 4	The Executive
Section 5	The Overview and Scrutiny Committee
Section 6	Regulatory Committees
Section 7	The Standards Committee
Section 8	Other Committees
Section 9	Finance, Contract and Legal Matters
Section 10	Officers' Responsibility for Functions
Section 11	Officer Functions
Section 12	Access to Information Procedure Rules
Section 13	Budget and Policy Framework Procedure Rules
Section 14	Members' Code of Conduct
Section 15	Officers' Code of Conduct
Section 16	Member/Officer Protocol
Section 17	Members' Planning Code of Good Practice
Section 18	Members' Gift and Hospitality Code of Conduct
Section 19	Media Protocol
Section 20	Members' Allowances Scheme

2.23 It should be noted that the Constitution includes, at Part 6, the Members' Allowances Scheme. This area of the Constitution was considered by the Independent Remuneration Panel when it conducted its review of Members' allowances. The



report can be found later in the agenda relating to the recommendations of the Panel.

### **3.0 Reason(s)**

3.1 To ensure the Constitution is up to date to enable clarity of decision-making and procedures throughout the year.

### **4.0 Options**

4.1 None.

### **5.0 Risks**

5.1 That decisions are not taken in accordance with correct authority, and risk challenge.

### **6.0 Implications/Consultations**

6.1 The Leader and the Executive have been consulted.

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No

### **Environmental Sustainability**

No

### **Financial**

None

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

Yes, as indicated above.

## **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

- 7.1 The main changes to the Constitution listed in the report are shown as tracked changed at Appendices A to K.
- 7.2 Other routine changes such as terminology, capital letters and rewording are shown at Appendix L.
- 7.3 Tracked changes to all areas of the Constitution where amendments are being made are available on request, as a background paper.

### *Contact Officer*

James Ellis, Head of Legal and Democratic  
Services

[james.ellis@eastherts.gov.uk](mailto:james.ellis@eastherts.gov.uk)

*Report Author*

Katie Mogan, Democratic Services Manager

[katie.mogan@eastherts.gov.uk](mailto:katie.mogan@eastherts.gov.uk)

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# Chapter 11 – Decision Making

## 11.1 Responsibility for decision making

The council will issue and keep up to date a record of what part of the council or individual has responsibility for particular types of decisions or specific decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

## 11.2 Principles of decision making

All decisions of the council will be made:

- (a) after due consideration of the interests of residents and other stakeholders;
- (b) proportionately, that is, the action must be proportionate to the desired outcome;
- (c) after due consultation and the taking of professional advice;
- (d) with respect for human rights and having regard to the council's public sector equality duty;
- (e) with a presumption in favour of openness;
- (f) with clarity of aims and desired outcomes;
- (g) such that they would be considered reasonable and rational based on sound judgment, that is, all relevant considerations must be fully taken into account in reaching the decision and irrelevant considerations disregarded;
- (h) in the case of 'Quasi-Judicial' decisions, for example a decision as to whether or not to grant a licence, with a fair hearing conducted in accordance with the rules of natural justice afforded to the person who is the subject of the decision;
- (i) in accordance with the Policy Framework;
- (j) in compliance with council's schemes of delegation, financial rules and instructions relating to contracts; and
- (k) with an accompanying explanation of what options were considered and the reasons for the decision in accordance with the Local Authorities (Executive

### 11.3 Types of decision

11.3.1 **Decisions reserved to Council:** Decisions relating to the Budget and Policy Framework functions listed in Part 2, Chapter 4.2 and those to be made by the Council listed in Part 2, Chapter 4.3 will be made by Council and not delegated.

11.3.2 **Executive decisions:** Executive decisions relate to executive functions determined by law and the provisions of this Constitution. Any decision taken within the council is an executive decision unless it relates to:

- (a) any matter listed in Part 2, Chapters 4.2 and 4.3 of this Constitution as these are matters reserved for Council to decide; or
- (b) a local choice function which has not been designated to the Executive in the table in Part 3A of this Constitution; or
- (c) a non-executive function which the Council has delegated to a committee of the Council to determine, as covered in sections 2 to 7 in Part 3B of this Constitution, or by an officer. These decisions are further defined in paragraph 11.3.5 below.

11.3.3 Executive decisions may be taken by:

- (a) the Executive meeting together; or
- (b) individual Executive Members in line with their portfolios and delegations listed in Part 3E of this Constitution;
- (c) a Committee of the Executive in line with any authority delegated to the Committee as listed Part 3B, sections 8, 9 and 10; or
- (d) by an Executive Member or officer if authority to make that decision has been specifically delegated by the Executive or the Leader of the Council.

11.3.4 A decision taker may only make an executive decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

11.3.5 **Other decisions.** Decisions which are not executive decisions nor reserved to Council shall be taken by:

- (a) Council;
- (b) a Committee to which Council has delegated power to act on its behalf; or
- (c) specific Officers to whom powers have been delegated. In reaching such decisions, Officers to whom powers have been delegated may consult the Chairman of the relevant Committee where to do so is expedient, and shall do so where an earlier decision so requires.

11.3.6 **Key Decisions.** A Key Decision is an executive decision which is likely to:

- (a) result in new expenditure, income or savings of more than ~~£100,000~~ £200,000 in relation to the council's revenue or capital budget, this being deemed significant having regard to the council's overall budget; or
- (b) be significant in terms of its effects on communities living or working in an area consisting of two or more Wards.

11.3.7 Provisions for taking key decisions in cases of urgency where they have not been included in the decisions plan are set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

11.3.8 **Non-Key Decisions.** A Non-Key Decision is an executive decision that does not meet either criterion of a Key Decision as laid out above.

#### 11.4 Referral of decision making to higher authority

An individual or body to whom power to make a decision has been delegated may decline to make that decision and

refer it for decision by the relevant Committee, Executive Member, the Leader or by Council as appropriate

## 11.5 Decision making

Subject to paragraph 11.6 below, making and recording decisions will be subject to the following provisions in this Constitution:

- (a) the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter;
- (b) the Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter;
- (c) the ~~scrutiny committee~~Overview and Scrutiny Committee will follow the Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter and recording decisions;
- (d) other Council and Executive Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them; and
- (e) Officers making key or non-key executive decisions under delegated authority will follow those parts of the Executive Procedures Rules set out in Part 4 of this Constitution as are applicable
- (f) Officers making other decisions shall consult as required under the delegated authority and shall record the decision on an Openness in Local Government form.

## 11.6 Quasi-Judicial decision making by Council bodies

The Council, a Member or an officer acting in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Chapter 6 of the European Convention on Human Rights.



## 11.7 Party Whip

11.7.1 The Party Whip is understood to mean any instructions given by or on behalf of a Political Group to any Member who is a member of that group as to how that Member shall speak or vote, or the application or threat to apply any sanctions by the group in respect of that Member should they speak or vote in any particular manner.

11.7.2 There shall be no Party Whip at meetings of:

- (a) the Development Management Committee;
- (b) the District Planning Executive Panel;
- (c) the Overview and Scrutiny Committee;
- (d) the Audit and Governance Committee and any sub-committee;
- (e) the Licensing Committee, and any Sub-Committee, when it is determining licences and conducting hearings; and
- (f) any other Committees where the Committee meets to determine applications, hearings, appointments or acts in any Quasi-Judicial matter.



## **Standards Committee**

For the purpose of this section, 'Members' includes Town and Parish Councillors.

### **Membership and meeting arrangements**

The Committee, consisting of no more than ten members (and up to three substitutes), will be appointed annually by the Council and its membership will include:

- Seven Members appointed proportionately.
- A maximum of three Town or Parish Councillors co-opted as non-voting members.

The Independent Persons shall be invited to attend the meetings of the Standards Committee.

Meetings of the Committee shall be programmed in each year. There shall be two Ordinary Meetings of the Committee each year. Meetings may be cancelled due to lack of business, or additional meetings may be arranged as necessary, in consultation with the Chairman of the Committee.

### **Quorum**

The quorum for the Committee shall be four voting members.

### **Appointment of Chairman**

The Committee Chairman will be appointed by the Council at its annual meeting. The Vice-Chairman will be appointed by the committee at its first meeting of the civic year.

### **Terms of Reference**

- to promote and maintain high standards of conduct of Members and Co-opted Members of the Council;
- to advise and assist Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendations to Town and Parish Councils on improving standards or actions following a finding of failure by a Town and Parish Councillor to comply with its Code of Conduct.

- to manage complaints on behalf of Town and Parish Councils;
- to advise the Council on the adoption or revision of the Members' Code of Conduct;
- to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the council's assessment criteria;
- to receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct;
- to train Members and Co-opted Members to observe the Members' Code of Conduct;
- to assist Members and co-opted Members to observe the Members' Code of Conduct;
- to hear and determine complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- to advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards or conduct throughout the council;
- to maintain an oversight of the council's arrangements for dealing with complaints;
- to inform the Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- to appoint the Standards Sub-Committee drawn from three members of the Committee which will exercise, on a delegated basis, the functions as set out in the Sub-Committee terms of reference. The committee should reflect Member representation where practicable;
- to exercise the power to consider and grant dispensations to Members where:
  - the number of Members precluded from transacting the business is so great that it would impede the business of the Council, committee or Executive; or
  - the political balance is affected to the extent that it could affect the outcome of a vote relating to the business.

## **Standards Matters**

The Monitoring Officer will present a general report on standards matters at each Committee meeting, updating the Committee on the workload of the Monitoring Officer and current standards issues

## **Standards Sub-Committee**

### **Terms of Reference**

- (i) To consider assessment and investigation reports in respect of Code of Conduct complaints that are referred to it by the Monitoring Officer.
- (ii) To conduct a hearing into an allegation that a Member or co-opted Member of the Council or Town/Parish Council has breached the relevant code of conduct. At such a hearing, the Member against whom a complaint has been made may respond to the investigation report. Following the hearing the sub-committee can make one of the following findings:
  - that the Member has *not* failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the hearing;
  - that the Member *has* failed to comply with the Code of Conduct but no further action needs to be taken in respect of the matters considered at the hearing; or
  - that the Member *has* failed to comply with the Code of Conduct and a sanction and/or an informal resolution should be imposed.
- (iii) The Sub-Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it either by law or policy.
- (iv) After making a finding the Sub-Committee shall, as soon as reasonably practicable, provide written notice of its findings and the reason for its decision to the Member and the complainant.
- (v) To apply the council's Standards Complaints Procedure and Complaints Standards Sub-Committee Procedure to hearings before the Sub-Committee.

- (vi) All Members who sit on a Standards Sub-Committee must receive mandatory training.

### **Membership and meeting arrangements**

Three voting Members of the Standards Committee shall be appointed to a Standards Sub-Committee (which should aim to achieve cross political party representation wherever possible).

The Chairman shall be elected by the Sub-Committee at each meeting.

The Independent Person to attend the meetings of the Standards Sub-Committee dealing with hearings into allegations of misconduct.

A sub-committee will be convened as and when required as determined by the Monitoring Officer.

## East Herts Council and Stevenage Council Joint Information Communication Technology Committee

### Purpose

This is a joint committee of the Executives of Stevenage Borough and East Hertfordshire District Councils, under the provisions of section 10 of the Local Government Act 1972 and all regulations made thereunder.

The terms of reference of the committee are as follows:

- a) To recommend the ICT Strategy to the constituent Councils;
- b) To approve the annual service plan for the Shared ICT Service;
- c) To receive explanations of variances in service performance against the agreed service plan;
- d) To approve the expenditure within the budget of the shared service and where so delegated determine requested virements within that budget;
- e) To give initial consideration to future development of the shared service and any changes in legislation that may affect service delivery and make recommendations thereon to the Executive or officers; and
- f) Where it is considered appropriate, provide reports to the Executives of the constituent councils.

### Constitution of the Committee

The Joint Information Communication Technology Committee is constituted as a joint committee of the partner councils. Each partner council shall nominate consist of three named elected Members to the Committee from each council with full voting rights. It shall be for each partner council to determine the mechanism for

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making these appointments. The Members appointed shall serve on the committee until successors in office are appointed.

~~The Joint Committee shall at its first meeting each year, elect one of its Members to be Chair and one of its Members to be Vice-Chair, with the chair from one Council and the Vice Chair from the other. These positions shall be rotated annually. The Chair and Vice-Chair shall unless they resign or cease to be Members of the Joint Committee, continue in office until their successors have been appointed.~~

### **Quorum**

The quorum of a meeting of the Joint Committee will be three elected members, with at least one from each council. If at any part during a meeting, a quorum is not present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair.

### **Chairman**

~~The Joint Committee shall at its first meeting each year, elect one of its Members to be Chair and one of its Members to be Vice-Chair, with the chair from one Council and the Vice Chair from the other. These positions shall be rotated annually. The Chair and Vice-Chair shall, unless they resign or cease to be Members of the Joint Committee, continue in office until their successors have been appointed.~~

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### **Voting**

Matters will be decided by the Joint Committee by a simple majority of those Members voting and present in the room at the time the question was put. The Chair shall take the votes by a show of hands. If there are equal votes for and against, the Chair may exercise a



second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote, save that if no second or casting vote is made, the proposal will automatically fail.

### **Administration**

The Access to Information Rules (as set out in the Constitutions of the constituent councils) to apply to all meetings.

Each constituent council will act as host for the meeting in alternate years and the hosting council will ensure the ~~Each constituent council acts as host to the meetings in alternate years, with the relevant host council~~ convening those meetings, distributing the agenda, clerking the meetings and producing the minutes.

Meetings to be held, as a minimum, in January (service planning for coming year) and October for budgets and mid-year service plan review. Should the Committee deem it appropriate, additional meetings may be held. Constituent councils are to liaise to confirm mutually suitable times/dates.

### **Review**

The constituent councils will review the Joint Committee's terms of reference annually.

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### **Quorum**

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### **Voting**

~~A matter can only be passed by~~ Matters will be decided by the Joint Committee ~~if by no fewer than half of the Members present from each authority vote in favour. a simple majority of those Members voting and present in the room at the time the question was put.~~

~~The Chair shall take the votes by a show of hands. If there are equal votes for and against, the Chair may exercise a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote, save that if no second or casting vote is made, the proposal will automatically fail.~~

### **Administration**

The Access to Information Rules (as set out in the Constitutions of the constituent councils) to apply to all meetings.

Each constituent council will act as host for the meeting in alternate years and the hosting council will ensure the ~~Each constituent council acts as host to the meetings in alternate years, with the relevant host council~~ convening those meetings, distributing the agenda, clerking the meetings and producing the minutes.

Meetings to be held, as a minimum, in January (service planning for coming year) and October for budgets and mid-year service plan review. Should the Committee deem it appropriate, additional meetings may be held. Constituent councils are to liaise to confirm mutually suitable times/dates.

### **Review**

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## Part 4A – Rules of Procedure

### Council Procedure Rules

- 1.— Introduction
- 2.— Annual meeting of the Council
- 3.— Ordinary meetings
- 4.— Extraordinary meetings
- 5.— Appointment of Substitute Members of Committees and Sub-Committees
- 6.— Notice of and summons to meetings
- 7.— Chairman of meeting
- 8.— Quorum
- 9.—       —Duration of meeting
- 10.— Questions by the public
- 11.— Petitions
- 12.— Questions by members
- 13.— Portfolio Reports
- 14.— Motions on notice
- 15.— Motions without notice
- 16.— Rules of debate
- 17.— Previous decisions and motions
- 18.— Voting
- 19.— Minutes
- 20.— Record of attendance
- 21.— Exclusion of public
- 22.— Members' conduct
- 23.— Disturbance by public
- 24.— Suspension and amendment of Council Procedure Rules
- 25.— Application to committees and sub-committees
- 26.— Disclosable Pecuniary Interests

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## 1.0 Introduction

1.1 Ordinary Mmeetings of the Council will usually take place at least four times a year, commencing at 7:00pm, or at another time agreed by the Chairman.

1.2 Meetings will usually take place at the council's main offices but may take place at other venues with the agreement of the Chairman ~~or remotely using information technology, in accordance with contingency provisions allowed for under legislation.~~

~~1.3~~ 1.3 — There are three types of Council meetings,

- the annual meeting,
- ~~e~~Ordinary Mmeetings,
- and Extraordinary Mmeetings.

These are dealt with in more detail below.

1.4 Council meetings will be chaired by the Chairman, or in his or her absence, by the Vice-Chairman.

1.5 Notice of all meetings of the Council will be given to the public by the Proper Officer in accordance with the Access to Information Rules, five clear working days before the date of the meeting. Notice by summons will also be given by the Proper Officer to each Member of the Council in the manner prescribed in the Access to Information Procedure rules. The summons shall contain the date, time and place of each meeting, specify the business to be transacted and be accompanied by such reports that may be available.

1.6 The Proper Officer is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient. Before exercising this authority, the Proper Officer will consult with the Chairman and the Leader of the Council. Any outstanding business will be held over to the next Ordinary Mmeeting or an Extraordinary Mmeeting on a date to be arranged.

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1.7 The council may make audio and/or visual recordings of meetings and broadcast or otherwise make them available to the public on its website or by other means.

## 2.0 Annual meeting of the Council

2.1 Timing and business

2.1.1 The annual meeting of the Council will be held:

- (a) in a year when there is an ordinary election of councillors to the Council, on such a day within the 21 days immediately following the day of retirement of the outgoing councillors as the Council may fix;
- (b) in any other year, on such a day in the month of March, April or May as the Council may fix; and
- (c) at such hour as the Council may fix.

2.1.2 At the annual meeting, the Council will:

- (a) elect a person to preside if the retiring Chairman and Vice Chairman are not present;
- (b) elect the Chairman for the ensuing year;
- (c) appoint the Vice Chairman of council for the ensuing year;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chairman; and/or ~~H~~head of ~~the p~~Paid ~~s~~Service;
- (f) receive any announcements from the o~~fficer~~ advising the Chairman including apologies for absence;
- (g) elect the Leader at the post-election annual meeting;
- (h) if ~~practicable~~necessary, be told by the Leader about the composition and constitution of the Executive for

the ensuing year, and the names of Members chosen to be Executive Members;

- (i) determine the Council's Committee structure and Chairmen/membership;
- (j) determine arrangements for Outside Bbodies and receive annual updates on outside body activities;
- ~~(k) — review and update the Constitution if necessary;~~
- (k) appoint at least one scrutiny Committee, a Committee to carry out the functions of a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- ~~(l)~~ agree the scheme of delegation;
- ~~(m)~~ approve a programme of Ordinary Mmeetings of the Council for the year; and
- ~~(n)~~ consider any business set out in the notice convening the meeting.

## 2.2 Selection of Members on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (a) decide which Committees to establish for the eCivic Year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (d) receive, or arrange the delegation of, nominations of Members to serve on each Committee and any

outside body for which a new appointment or re-appointment is required.

### 3.0 Ordinary Mmeetings

3.1 Ordinary Mmeetings of the Council will usually take place at 7.00 pm, or at any other time agreed by the Chairman, in accordance with the programme previously approved by the Council.

3.2 The order of business at every Ordinary Mmeeting of the Council will include:

- (a) electing a person to preside if the Chairman and Vice Chairman are not present;
- (b) dealing with any business required by law to be dealt with first;
- (c) confirming as a correct record and signing the minutes of the last meeting of the Council, except that minutes of the annual or Extraordinary Mmeeting will be submitted for confirmation to the next Ordinary Mmeeting of Council;
- (d) the Chairman's announcements;
- (e) the Leader's announcements;
- (ef) any announcements from the Officer advising the Chairman (including apologies for absence);
- (fg) receiving any declarations of interests from Members;
- (h) receiving any petitions in accordance with the Petition Scheme at Rule 10 to these rules;
- (ig) receiving and answering questions from members of the public in accordance with Rule 11 below;
- (j) receiving and answering questions on notice from Members in accordance with Rule 12 below;

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- ~~(h) receiving any petitions in accordance with the Petition Scheme at Rule 11 to these rules;~~
- ~~(i) receiving and answering questions on notice from Members in accordance with Rule 12 below;~~
- (kj) dealing with any business remaining from the last Council meeting in accordance with Rule 9;
- (lk) receiving reports from the Executive and from the Council's scrutiny and other ~~C~~ committees and receiving questions and answers on any of those reports;
- (ml) receiving reports, questions and answers on the business of joint arrangements and external organisations as appropriate ;
- (nm) considering any motions under Rule 14 in the order in which they are received ;
- (on) considering any other business specified in the summons to the meeting.

3.3 The order of business (except for items (a), (b) and (c) of paragraph 3.2 of these Rules) may be changed:

- (a) before or at a meeting, as the Chairman sees fit; or
- (b) by a resolution of the meeting passed on a motion under Rule 15.

#### 4.0 Extraordinary ~~M~~meetings

##### 4.1 Calling ~~E~~extraordinary ~~M~~meetings

An ~~E~~extraordinary ~~M~~meeting is one that is additional to the scheduled ~~O~~rdinary ~~M~~meetings and is called to deal with matters that cannot conveniently be dealt with at one of those meetings. An ~~E~~extraordinary ~~M~~meeting will be called for specific purposes. Those listed below may request the

Chief Executive to call extraordinary Council meetings in addition to ~~e~~Ordinary ~~M~~meetings:

- (a) the Council, by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer;
- (d) the Section 151 Officer; and
- (e) in accordance with paragraph 3 of Schedule 12 of the Local Government Act 1972 (as amended), any five ~~M~~members of the Council if they have signed a requisition presented to the Chairman of the Council and ~~he or she has~~they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### 4.2 Business

Extraordinary ~~M~~meetings will:

- (a) elect a person to preside if the Chairman and Vice Chairman are not present;
- (b) receive any declarations of interest; and
- (c) deal with the business for which the ~~E~~extraordinary ~~M~~meeting was called.

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#### 5.0 Appointment of substitute ~~M~~members of ~~C~~committees and ~~s~~Sub-~~C~~committees

##### 5.1 Allocation

As well as allocating seats on ~~C~~committees and ~~s~~Sub-~~C~~committees, the Council will allocate seats in the same manner for substitute Members. Up to six named substitute Members per political group will be permitted for any ~~C~~committees, joint and ~~S~~sub-~~C~~committees having 10 or more ~~M~~members, and up to three named substitutes per political group will be permitted for ~~e~~Committees, joint and ~~S~~sub-~~C~~committees having fewer than 10 ~~M~~members. For ~~C~~committees or ~~S~~sub-~~C~~committees exercising the functions

of development management, licensing or appeals, only Members who have received satisfactory training to enable proper and lawful discharge of the functions may be appointed as substitutes.

5.2 In the case of ~~S~~sub-~~C~~committees, the appointing committee will determine the number of substitutes and appoint them. Substitute ~~M~~members must be from the same political group as the absent ~~M~~member.

### 5.3 Powers and duties

Substitute Members will have all the powers and duties of any ordinary Member of the ~~C~~committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

### 5.4 Substitution

Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the ordinary Member for whom they are the designated substitute;
- (b) where the ordinary Member will be absent for the whole of the meeting; and
- (c) ~~after notification has been given by the absent Member to the Head of Legal and Democratic Services at least 24 hours before the meeting of the intended substitution after notifying the Proper Officer by 12 midday on the day of the meeting of the intended substitution.~~ This does not apply to the Development Management Committee where the required notification must be either to the Committee Chairman or to the Executive Member whose portfolio includes Development Management who, in turn, will notify the Head of Legal and Democratic Services at least 7 hours before commencement of the Development Management Committee meeting. The duration of the substitution shall form part of the notification.

5.5 The Head of Legal and Democratic Services shall change the standing membership of Committees and joint Committees in accordance with the wishes of the political groups to whom seats on these Committees have been allocated.

## **6.0 Notice of and summons to meetings**

6.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five Clear Days before a meeting, the Proper Officer will send a summons which will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **7.0 Chairman of meeting**

7.1 The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

## **8.0 Quorum**

8.1 For Council, the Quorum of a meeting will be one quarter of the whole number of Members. For Committees, joint and Sub-Committees, the Quorum shall be one third of the membership of that body. During any meeting, if the Chairman counts the number of Members present and declares there is not a Quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If ~~he~~ or she ~~they~~ does not fix a date, the remaining business will be considered at the next Ordinary Mmeeting.

## **9.0 Duration of meeting**

9.1 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted until 10.00 p.m. will adjourn on completion of the item being

considered. Remaining business will be considered at a time and date fixed by the Chairman. If ~~he or she~~they does not fix a date, the remaining business will be considered at the next ~~o~~Ordinary ~~m~~Meeting.

## **10.0 Petitions**

10.1 The Council operates a petitions scheme details of which can be found at: <https://www.eastherts.gov.uk/petitions>

10.2 A document submitted by a Member or members of the public shall be identified as a petition where it is a formal written request signed by many people appealing to the authority in respect of a particular cause in the authority's remit. Petitions may be submitted in paper form or online.

10.3 Petitions with 150 signatures or more will be presented to the next Ordinary Meeting of the Council. Petitions must be submitted by midday, three working days before the Council meeting.

10.4 Lead petitioners shall be invited to address the Council for up to three minutes after which a response shall be given by the relevant Executive Member outlining how the council intends to deal with the petition. Local Ward Members may also speak on the subject of the petition.

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10.5 Petitions with 50 – 149 signatures will be referred to the relevant Executive Member to provide a written response.

10.6 Petitions with fewer than 50 signatures will not be accepted as valid petitions.

10.7 If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.

10.8 Petitions submitted to the council should be accompanied by contact details, including an address, for the petition organiser and must include:



(a) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take; and

(b) the name and address and signature of any person supporting the petition.

10.9 E-petitions which are created and submitted through the council's website must follow the same guidelines as paper petitions. The petition organiser will need to provide their name, postal address and email address. The petition organiser will also need to decide how long a petition should be open for signatures.

10.10 E-petitions organised on external websites and referred to the council will also be accepted if in accordance with the above guidelines.

## **101.0 Questions by the public**

### **110.1 General**

Members of the public may ask questions of the Leader and Members of the Executive at eOrdinary Mmeetings of the Council.

### **110.2 Order of questions**

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

### **110.3 Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to [democratic.services@eastherts.gov.uk](mailto:democratic.services@eastherts.gov.uk) no later than ~~midday~~, ~~noon~~, ~~three~~~~two~~ working days before the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

| 110.4 Number of questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

| 110.5 Scope of questions

The Head of Legal and Democratic Services may reject a question if it:

- (a) is not about a matter for which the council has a responsibility or which affects the district;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of eConfidential or Exempt information.
- (e) contravenes the rules around the Pre-Election Period of Sensitivity, where such rules are in place from time to time.

| 110.6 Record of questions

All questions and answers given will be summarised in the minutes of the meeting.

| 110.7 Asking the question at the meeting

The Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, or if they so elect, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

## 11.8 Time Allowed for Questions

The time allowed for consideration of any questions submitted under 11.1 shall not exceed 15 minutes unless the Chairman consents to a longer period.

### 110.98 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the ~~M~~member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 110.5 above.

### 110.109 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer. Any answers which cannot be given during the meeting due to lack of time will also be summarised in a supplementary document to be published as soon as practical after the meeting.

### 110.110 ———Reference of question to the Executive or a ~~C~~committee

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate ~~C~~committee or ~~S~~sub-~~C~~committee. Once seconded, such a motion will be voted on without discussion.

## 12.0 Questions by ~~M~~Members

### 12.1 On reports of the Executive or Committees

Comment [KM1]: Reordered to reflect agenda order

A Member of the Council may ask the Leader or Chairman of a Committee any question without notice upon an item of the report of the Executive or a Committee or statement by the Leader when that item is being received or under consideration by the Council.

#### 12.2 Questions on notice at Council

A Member of the Council may ask:

(a) the Chairman;

(b) the Leader;

(c) a Member of the Executive; or

(d) the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the council has powers or duties or which affects the district.

#### 12.3 Questions on notice at Committees and Sub-Committees

A Member of a Committee or Sub-Committee may ask the Chairman of it a question on any matter in relation to which the council has powers or duties or which affect the district and which falls within the terms of reference of that Committee or Sub-Committee.

#### 12.4 Notice of questions

A Member may only ask a question under Rule 12.2 or 12.3 if either:

(a) they have given notice in writing of the question to the Head of Legal and Democratic Services, which has been received not later than midday, three working days before the meeting; or

(b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the

Head of Legal and Democratic Services by midday on the day of the meeting.

#### 12.5 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

#### 12.6 Two Questions per Member

A Member may ask only two questions under 12.2 or 12.3 except with the consent of the Chairman of the Council, Committee or Sub-Committee.

#### 12.7 Length of Speeches

A Member asking a question under 12.2 and 12.3 and a Member answering such a question shall ensure that the question and the reply is succinct.

#### 12.8 Time Allowed for Questions at Council Meetings

The time allowed for consideration of any questions submitted under 12.2 shall not exceed 15 minutes unless the Chairman consents to a longer period.

12.9 Any remaining questions shall be responded to in writing before the next Ordinary Meeting of the Council. Any answers which cannot be given during the meeting due to lack of time will also be summarised in a supplementary document to be published as soon as practical after the meeting.

#### 12.10 Response

Every question on notice will be answered without discussion. The Member who is asked the question on notice may ask another Member to answer. An answer may take the form of:

(a) a direct oral answer;

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(b) where the desired information is in a publication of the council or other published work, a reference to that publication;

(c) a written answer circulated later to the questioner; or

(d) a combination of any of the above

12.11 If the Member who gave notice of a question is not present at the meeting, the question shall be noted and the Member to whom the question was asked shall reply.

#### 12.12 Supplementary question

A Member asking a question under Rule 12.2 or 12.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply. The Chairman has the right to prevent any Members from asking a protracted supplementary question or giving a protracted answer.

12.13 If the Member who gave notice of a question is not present at the meeting, there will be no supplementary question after the Member to whom the question was asked has given their response.

#### **11.0—Petitions**

~~11.1—The Council operates a petitions scheme details of which can be found at: <https://www.eastherts.gov.uk/petitions>~~

~~11.2—A document submitted by a Member or members of the public shall be identified as a petition where it is indicated to be so by the person or persons submitting it. Petitions may be submitted in paper form or online.~~

~~11.3—Lead petitioners shall be invited to address an ordinary meeting of the Council for up to three minutes after which a response shall be given by the relevant Executive Member outlining how the council intends to deal with the petition.~~

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~~Local Ward Members may also speak on the subject of the petition.~~

~~11.4 If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.~~

~~11.5 Petitions submitted to the council should be accompanied by contact details, including an address, for the petition organiser and must include:~~

~~(a) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take; and~~

~~(b) the name and address and signature of any person supporting the petition.~~

~~11.6 E-petitions which are created and submitted through the council's website must follow the same guidelines as paper petitions. The petition organiser will need to provide their name, postal address and email address. The petition organiser will also need to decide how long a petition should be open for signatures.~~

~~11.7 E-petitions organised on external websites and referred to the council will also be accepted if in accordance with the above guidelines.~~

## ~~12.0 Questions by Members~~

### ~~12.1 On reports of the Executive or committees~~

~~A Member of the Council may ask the Leader or Chairman of a committee any question without notice upon an item of the report of the Executive or a committee or statement by the Leader when that item is being received or under consideration by the Council.~~

### ~~12.2 Questions on notice at Council~~

~~A Member of the Council may ask:~~

~~(a) the Chairman;~~

~~(b) the Leader;~~

~~(c) a Member of the Executive; or~~

~~(d) the Chairman of any committee or sub-committee~~

~~a question on any matter in relation to which the council has powers or duties or which affects the district.~~

#### ~~12.3 Questions on notice at committees and sub-committees~~

~~A Member of a committee or sub-committee may ask the Chairman of it a question on any matter in relation to which the council has powers or duties or which affect the district and which falls within the terms of reference of that committee or sub-committee.~~

#### ~~12.4 Notice of questions~~

~~A Member may only ask a question under Rule 12.2 or 12.3 if either:~~

~~(a) they have given notice in writing of the question to the Head of Legal and Democratic Services, which has been received not later than noon, two working days before the meeting; or~~

~~(b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Head of Legal and Democratic Services by noon on the day of the meeting.~~

#### ~~12.5 Two Questions per Member~~

~~A Member may ask only two questions under 12.2 or 12.3 except with the consent of the Chairman of the Council, committee or sub-committee.~~



#### ~~12.6—Length of Speeches~~

~~A Member asking a question under 12.2 and 12.3 and a Member answering such a question shall ensure that the question and the reply is succinct.~~

#### ~~12.7—Time Allowed for Questions at Council Meetings~~

~~The time allowed for consideration of any questions submitted under 12.2 shall not exceed 15 minutes unless the Chairman consents to a longer period.~~

~~12.8—Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council. Any answers which cannot be given during the meeting due to lack of time will also be summarised in a supplementary document to be published as soon as practical after the meeting.~~

#### ~~12.9—Response~~

~~Every question on notice will be answered without discussion. The Member who is asked the question on notice may ask another Member to answer. An answer may take the form of:~~

- ~~(a)—a direct oral answer;~~
- ~~(b)—where the desired information is in a publication of the council or other published work, a reference to that publication; or~~
- ~~(c)—where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.~~

#### ~~12.10—Supplementary question~~

~~A Member asking a question under Rule 12.2 or 12.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply. The Chairman has the right to prevent any Members from asking a protracted~~

~~supplementary question or giving a protracted answer. If the Member who gave notice of the question is not present at the meeting, the question shall be noted and the Member to whom the question was asked shall reply.~~

### ~~13.0 Portfolio reports~~

~~13.1 Executive Members may submit portfolio reports to Council giving information for Members on developments in each portfolio area since the last report. Members may ask Executive Members questions without notice on any item in the portfolio report. A maximum of 10 minutes will be permitted for questions by Members.~~

## 14.0 Motions on notice

### 14.1 Notice

Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by at least two Members, or if sent by email, confirmed as submitted by at least two Members, must be delivered to the Head of Legal and Democratic Services in normal office hours not later than 10.00 a.m. six clear working days (excluding the day of the meeting and day of delivery) on the Tuesday of the week preceding before the next meeting of the Council. Motions on notice will be entered in a register open to public inspection. The Proper Officer may, with the consent of the Chairman, refuse to accept a motion if the matter to which it relates is referred to in the Forward Plan for consideration at a later meeting or there is otherwise an intention to consider that matter at a meeting of the Council within the next three months.

### 14.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### 14.3 Scope

Motions must be about matters for which the council has a responsibility or which affect the area.

#### 14.4 One motion per Member

No Member may give notice of more than one motion at any Council meeting, except with the consent of the Chairman.

#### 14.5 Debate at Council

Motions that have been proposed and seconded shall then be the subject of immediate debate unless the Chairman of the Council considers it to be appropriate for the motion to be referred to the Executive or a Committee for consideration. In such cases the Chairman shall provide reasons for such a decision.

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#### 15.0 **Motions without notice**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;

- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 10.00 p.m. in duration;
- (n) to suspend a particular council procedure rule;
- (o) to exclude or readmit the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

## **16.0 Rules of debate**

### **16.1 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### **16.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him or her before it is discussed.

### **16.3 Secunder's speech**

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

#### 16.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.

#### 16.5 When a Member may speak again

A Member who has spoken on a motion may not speak again without the consent of the Chairman whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since ~~he or she~~they last spoke;
- (c) if ~~their~~his or her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which ~~he or she~~they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### 16.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion or otherwise substantially rewrite the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been ~~disposed of~~decided.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put the substantive motion as amended for debate ~~put it~~ to the vote.

#### 16.7 Alteration of motion

- (a) A Member may alter a motion of which ~~he or she~~they haves given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which ~~he or she~~has~~they~~ have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### 16.8 Withdrawal of motion

A Member may withdraw a motion which ~~he or she~~has~~they~~ have moved with the consent of both the meeting and the

seconded. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### 16.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (d) A reply under this paragraph will be confined to matters raised in the debate on the motion or amendment.
- (e) After every reply to which this rule refers, a vote will be taken without further discussion.

#### 16.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) that the subject of debate:
  - (i) be referred to the appropriate forum for consideration; or
  - (ii) be referred back to the appropriate forum for further consideration.

~~(d)~~ ~~(d)~~ that the meeting continue beyond 10.00 p.m. in duration;

~~(e)~~ to adjourn the debate

~~(f)~~ to adjourn a meeting

~~(ge)~~ to exclude the public and press in accordance with the Access to Information Rules; and

~~and~~

~~(hf)~~ to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

Any of the motions under paragraph 16.10 of these Rules will not take away from the mover of the original motion the right to reply.

#### 16.11 Closure motions

(a) A Member may move, without comment, the following motions at the end of a speech of another Member:

(i) to proceed to the next business;

(ii) that the question be now put;

(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

(b) If a motion “to proceed to next business” or “that the question be now put” is seconded and the Chairman thinks the item has been sufficiently discussed, ~~he or she~~ they will put the closure motion to the vote. If it is passed, the Chairman will give the mover of the original motion a right of reply and then put the original motion to the vote.

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- (c) If a motion “to adjourn the debate” or “to adjourn the meeting” is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, ~~he or~~ shethey will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 16.12 Point of order

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/shethey -considers it has been broken. The ruling of the Chairman on the matter will be final.

#### 16.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

### 17.0 Previous decisions and motions

#### 17.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 25 Members. The restrictions contained in 17.1 do not apply to:

- (a) A recommendation contained in a referral from the Executive or any Ceommittee to the Council;
- (b) A recommendation contained in a report presented individually or collectively by Chief Officers.

## 17.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 25 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## 18.0 Voting

### 18.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

### 18.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

### 18.3 Show of hands

The Chairman will take the vote by show of hands asking Members to indicate whether they are for, against or abstain, unless a ballot or recorded vote is taken in line with Rules 18.4 and 18.5.

### 18.4 Ballots

The vote will take place by ballot if five Members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.

### 18.5 Recorded vote

18.5.1 If five Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and

entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

18.5.2 There will also be a recorded vote when required by law. This includes that a recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the ~~B~~udget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, it cannot be suspended under Council Procedure Rule 24.

18.6 Right to require individual vote to be recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

18.7 Voting on appointments

18.7.1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18.7.2 In the event that the removal of persons jointly having fewest of votes would result in only one candidate remaining (and that candidate does not have a majority), the above provision will not apply and the Chief Executive (or ~~his or her~~their representative) will draw lots to determine which of the candidates with fewest votes will proceed to the next round.

18.7.3 In the event of there being an equality of votes for the final two candidates, lots will be drawn by the Chief Executive (or ~~his or her~~their representative) to decide which person is elected.

## **19.0 Minutes**

### **19.1 Signing the minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record and will seek a seconder. The only part of the minutes that can be discussed is their accuracy.

### **19.2 No requirement to sign minutes of previous meeting at an Extraordinary Meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **19.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

## **20.0 Record of attendance**

All Members present during the whole or part of a meeting ~~must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance will be recorded as having been present by Democratic Services.~~

## **21.0 Exclusion of public**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

## 22.0 Members' conduct

### 22.1 Speaking at Meetings

When a Member wishes to speak at Council they must notify their request by hand and address the meeting through the Chairman. If more than one Member signifies their intention to speak, the Chairman will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### 22.~~21~~ Respect for the Chairman

When the Chairman calls for order during a debate, any Member speaking at the time must stop. The meeting must be silent.

### 22.~~32~~ Member not to be heard further

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

### 22.~~43~~ Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### 22.~~45~~ General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she-they reasonably think is necessary.

## 23.0 Disturbance by public

### 23.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

### 23.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The Chairman may without debate or resolution adjourn the meeting to allow removal to take place.

## 24.0 Suspension and amendment of council procedure rules

### 24.1 Suspension

All of these Council Rules of Procedure except Rules 18.5, 18.6, 19.2 and 21 may be suspended by motion on notice or without notice if at least one half of the whole number of ~~M~~members of the Council are present. Suspension can only be for the duration of the meeting.

### 24.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned, without discussion, to the next ~~O~~rdinary ~~M~~meeting of the Council.

## 25.0 Application to ~~C~~ommittees and ~~s~~ub-~~C~~ommittees

All of the Council Rules of Procedure apply to meetings of Council. None of the rules apply to meetings of the Executive. Only Rules 5 – 9, 12.3 – 12.6, 15, 18 – 23 and 25 - 26 apply to meetings of ~~e~~Committees and ~~S~~ub-~~C~~ommittees.

## 26.0 Disclosable ~~P~~ecuniary ~~i~~nterests

A Member must withdraw from the meeting room including from the public gallery during the whole of consideration of any item of business in which ~~he/she has~~they have a Disclosable Pecuniary Interest, except where ~~he/she is~~they are permitted to remain as a result of a grant of a dispensation.

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## **Part 4E - Scrutiny Procedure Rules**

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### **1.0 Introduction**

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1.1 The Council is required by law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. A Scrutiny Committee can contribute to the development of Council policies and also hold the Executive to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

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1.2 Scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants and service users. A Scrutiny Committee should not shy away from the need to challenge and question decisions and make constructive criticism.

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1.30 The Council ~~will have~~has one ~~S~~scrutiny ~~C~~ommittee, ~~the~~ Overview and Scrutiny Committee and it is required by statute to abide by any statutory limitations placed upon it, as set out in Part 2, Chapter 7 of this Constitution, which includes the Committee's terms of Reference.

### **24.40 Composition and arrangements**

1.1.1 The Committee will consist of a maximum of 14 ~~M~~members of the Council.

~~1.1.2 The Committee may appoint sub-committees.~~

~~1.1.3 Further Scrutiny sub-committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.~~

~~1.1.4 Scrutiny Committees may appoint task and finish groups which shall be given a brief to consider a specified subject area and report back to Committee on a regular basis as determined by the Committee.~~

### **1.2 Who may sit on the Overview and Scrutiny Committee**

1.2.1 All Councillors except Members of the Executive may be members of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which ~~he/she has~~they have been directly involved.

### 1.3 Appointment of ~~M~~members and substitutes

Members and Substitutes shall be appointed by Annual Council in accordance with the wishes of the political group to whom the seats have been allocated.

### 1.4 Co-optees

~~Each The s~~Scrutiny ~~C~~committee ~~or sub-committee~~ shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

### 1.5 Meetings of the Overview and Scrutiny Committee

1.5.1 Meetings of the Overview and Scrutiny Committee shall be programmed in each year. There will normally be between four and six meetings of the Committee annually.

1.5.2 In addition, ~~E~~extraordinary ~~M~~meetings may be called from time to time as and when appropriate. ~~An~~ Extraordinary ~~m~~Meeting may be called by the Chairman of the Committee, by any four ~~M~~members of the Committee or by the Scrutiny Officer if ~~they~~he/she considers it necessary or appropriate.

### 1.6 Quorum

The quorum for the Overview and Scrutiny Committee shall be five voting members of the Committee.

### 1.6 Procedure at Overview and Scrutiny Committee meetings

1.6.1 Meetings of the Overview and Scrutiny Committee and Sub-Committees shall consider the following business:

(i) minutes of the last meeting;

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- (ii) declarations of interest;
- (iii) public participation
- (iv) consideration of any matter referred to the Committee for a decision in relation to call- in of a decision;
- (v) responses of the Executive to reports of the Committee;
- (vi) consideration of the forward plan; and
- (vii) the business otherwise set out on the agenda for the meeting, including the Committee's workplan.

1.6.2 Executive Members will be invited by the Committee in relation to items of business specific to their portfolio.

1.6.3 Where the Committee conducts inquiries (for example, with a view to policy options), it may also ask people to attend committee meetings to assist Members which are to be conducted in accordance with the following principles:

- (i) that the inquiry be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (iii) that the inquiry be conducted so as to maximise the efficiency of the investigation or analysis.

1.6.4 Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

#### ~~1.6~~ **Quorum**

~~The quorum for the Overview and Scrutiny Committee shall be one third of the committee membership as set out in Part 4A of the Constitution.~~

## 1.8 Public Participation

1.8.1 In the event that a member of the public has proposed a topic for the Overview and Scrutiny Committee to scrutinise which has been accepted by the Chairman, the member of the public will have the opportunity to address the Committee at the meeting that the item appears on the agenda.

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1.8.2 Each member of the public addressing the Overview and Scrutiny Committee is allowed a maximum of three minutes in which to address the Committee, up to a maximum of 15 minutes in total from members of the public.

1.8.3 Every person wishing to address the Committee should contact Democratic Services (democratic.services@eastherts.gov.uk) by 12 noon, three working days before the meeting. This must be submitted in writing.

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1.8.4 The Monitoring Officer reserves the right to omit or refuse a request which includes any matter which appears to be defamatory, frivolous, offensive or for any other legitimate reason.

## 1.7.9 Overview and Scrutiny Committee Chairman

Comment [KM1]: Needs renumbering

1.97.1 The Chairman of the Overview and Scrutiny Committee will be appointed by Council at its annual meeting in May. The Vice-Chairman will be appointed by the Committee at its first meeting of the Ceivic Year.

1.97.2 In the event that there is more than one political group within the Council, it will be desirable for:

- (a) the Overview and Scrutiny Committee to be chaired by a Member who is not a Member of the majority group; and
- (b) the Vice-Chairman of the Overview and Scrutiny Committee to be a Member of the majority group.

1.97.3 The Chairman and Vice-Chairman will hold office until:

- (i) he/shethey resigns from the office of Chairman or Vice-Chairman; or

(ii) ~~he/she is~~they are no longer a Councillor.

1.97.4 Upon the occurrence of a vacancy in the office of Chairman or Vice-Chairman, the Committee shall fill the vacancy at its next ordinary meeting

## 1.108 Work programme

1.108.1 The Overview and Scrutiny Committee/~~sub-committees~~ will be responsible for setting their own ~~W~~work ~~P~~programme and in doing so they shall take into account wishes of Members ~~on of~~ that ~~C~~committee ~~or sub-committee~~ who are not Members of the largest political group on the Council. The Work Programme should retain flexibility to deal with urgent issues.

1.10.2 In setting its work programme, the Overview and Scrutiny Committee shall~~should~~ take into account:

- (i) the council's corporate and strategic priorities;
- (ii) significant policies in the forward plan;
- (iii) submissions from members of the public;
- (iv) submissions from Members/Executive; and
- (v) ~~And~~should have a clear rationale for including items for consideration and with regard to the forward plan, ensuring that the largest, strategic items are given precedence.

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## ~~Overview and Scrutiny Committee remit~~

1.810.23 The Committee will be 'forward-looking', shaping new policies at an early stage of their development, and undertaking ~~major~~ reviews of existing policies or service delivery models in order to look to make future improvements, ~~having recourse to Task and Finish groups where appropriate (which could include non-members of the Committee where they have a particular interest in the topic or have a particular skill set to bring to the group).~~.\_

## 1.11 Terms of Reference

The Overview and Scrutiny Committee has the following functions:

(a) Discharge the statutory functions granted to the Committee by Section 21 of the Local Government Act 2000, as amended, plus consideration of any matter referred to it under Section 21A, plus any powers and functions conferred under Sections 21A, 21B and 21D of the Local Government Act 2000;

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(b) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive.

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(c) To make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive;

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(d) Pursuant to the requirements of the Police and Justice Act 2006 (as amended) review or scrutinise decisions made, or other action taken, in connection with the discharge by the Council and other bodies and persons responsible for crime and disorder strategies for the area or in relation to a local crime and disorder matter and to make reports or recommendations to the Council for the discharge of those functions and arrange for copies of any report to be sent to those bodies and persons responsible for crime and disorder strategies for the area (and such other co-operating persons and bodies as it thinks appropriate);

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(e) To consider a local crime and disorder matter, (including in particular forms of crime and disorder that involve anti-social behaviour or adversely affecting the local environment, or the misuse of drugs, alcohol and other substances), referred to it by any member of the Council or by Executive pursuant to the requirements of the Police and Justice Act 2006 (as amended);

(f) Question members of the Executive and/or Committees and/or officers about their views on issues and proposals affecting the area and to make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area;

- (g) Liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative partnership working;
- (h) Conduct research, community and other consultation in the analysis of policy issues and possible options;
- (i) Consider mechanisms to encourage and enhance community participation in the development of policy options;
- (j) Consider the impact of policies to assess if they have made a difference;
- (k) To consider the Forward Plan and comment as appropriate prior to any decision being made;
- (l) Consider reports relating to the authority's use of the Regulation of Investigatory Powers Act (2000) (RIPA);
- (m) To review performance against the Council's agreed objectives / priorities and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or service areas. To consider risk to the achievement of those objectives/ priorities. To make recommendations to the Executive;
- (n) Receive a referral from any member of the Committee, relevant to the functions of the Committee;
- (o) To appoint time limited Rapid Reviews and/or Task and Finish Groups to undertake detailed scrutiny work report back to the Overview and Scrutiny Committee to make recommendations to the Executive;
- (p) To scrutinise decisions prior to implementation in accordance with the Council's adopted call-in procedure (as detailed below)
- (q) Consider reports relating to the authority's safeguarding responsibilities

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## 1.119 Agenda items

1.119.1 Any Member of the Overview and Scrutiny Committee or of its Ssub-Cecommittees shall be entitled to give notice to the Scrutiny Officer that theyhe/she wish fores an item relevant to the functions of the Committee or sSub-Cecommittee to be included on the agenda for the next available meeting of the Committee or Ssub-Cecommittee, following such procedures as are established at the time. Ten working days' notice of the item should be given to the Scrutiny Officer together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

1.11.2 On receipt of such a request, so long as it is within the relevant terms of reference, the Scrutiny Officer will ensure that it is included on the next available agenda, subject to having scoped out the work required to deliver the item and considered the feasibility of this work in terms of officer/other resources.

1.911.32 The Committee or Ssub-eCcommittees shall also respond, as soon as their work programme permits, to requests from the Council and the Executive to review particular areas of council activity. Where they do so, the Committee or Ssub-Cecommittees shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report -at its next meeting.

## 1.XX Limitations of Scrutiny

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1.XX The Overview and Scrutiny Committee shall have the power to receive a Call-In made in accordance with the rules at XXX below, relevant to any of the functions of the Committee, other than:

- (i) A planning or licensing decision;
- (ii) Any matter relating to an individual or entity where there is already a statutory right to review or appeal (but not including the right to complain to the ombudsman);
- (iii) Any matter which is vexatious is substantially the same as a call in previously reviewed by a meeting of the



Committee in the last six months, discriminatory or otherwise unreasonable;

The decision as to whether the call-in is valid or falls within (i)-(iii) above rests with the Scrutiny Officer in consultation with the Monitoring Officer.

## **1.120 Reports from Overview and Scrutiny Committee**

1.102.1 Once it has formed recommendations on proposals the Committee (with support from officers) will prepare a formal report and submit it via the Scrutiny Officer for consideration by the Executive (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

1.102.2 The Chairman, or in their his/her absence, the Vice-Chairman of the Overview and Scrutiny Committee and will normally be responsible for presenting the report to the Executive or the Council as appropriate. However, in the case of the report of a Rapid Review and/or Task and Finish group, the report to the Executive and/or Council can also be made by the Chairman or Vice-Chairman of that Rapid Review and/or the Task and Finish group.

1.120.3 If a the Committee cannot agree on one single final report to the Council or Executive as appropriate, then a minority report may be prepared and submitted for consideration by the Council or Executive with the majority report with the agreement of the Committee.

1.120.4 The Council or Executive shall consider the report of the Overview and Scrutiny Committee at its next meeting.

## **1.134 Making sure that scrutiny reports are considered by the Executive**

1.134.1 Once the Committee has completed its deliberations on any matter it will forward a copy of its final report to the Scrutiny Officer who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of

the report would have implications for the Council's Budget and Policy Framework. If the Scrutiny Officer refers the matter to Council, they he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Executive must be given the opportunity to respond to the Scrutiny report before the Council meets to consider it. When the Council does meet to consider any referral from the Scrutiny Committee on a matter which would impact on the Budget and Policy Framework, it shall also consider any response of the Executive to the scrutiny proposals.

1.134.2 The agenda for Executive meetings shall include an item entitled 'Issues arising from Overview and Scrutiny' and the Chairman will have a standing invitation to present this item should they wish to. Any reports referred to the Executive shall normally be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda).

#### 1.124 Members and officers giving account

1.124.1 Any Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Executive, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit such as:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement council policy; and/or
- (iii) their performance;

and it is the duty of those persons to attend if so required.

1.124.2 Where any Member or officer is required to attend a Scrutiny Committee or Sub-Committee under this provision, the Chairman of that Committee or Sub-Committee will inform the Scrutiny Officer. The Scrutiny Officer shall inform the Member or officer in writing giving at least 10 working days' notice of the

meeting at which he/she is required to attend. The notice will state the nature of the item on which ~~they are~~~~he/she is~~ required to attend to give account and whether any papers are required to be produced for the ~~C~~committee. Where the account to be given to the ~~C~~committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

1.1~~24~~.3 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Committee or ~~S~~sub-~~C~~committee shall in consultation with the Member or ~~O~~officer arrange an alternative date for attendance.

### 1.1~~35~~ Attendance by others

The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph ~~4.12XX~~ above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and ~~M~~members and officers from other parts of the public sector and shall invite such people to address it.

## 1.16 Forms of Scrutiny

1.16.1 Scrutiny should not be limited to meetings of the Overview and Scrutiny Committee. Members will contact Executive Members and Officers to gather information to facilitate informed and focused discussion at Committee. These informal enquiries may assure Members at an early stage and allow the Committee's limited time to be used more appropriately.

1.16.2 The Overview and Scrutiny Committee have the following tools to utilise when scrutinising a topic and should be considered in the following order:

- a. A report via the Overview and Scrutiny Committee
- b. Rapid Review
- c. Task and Finish Group
- d. Call-in

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## 1.17 Rapid Reviews

1.17.1 Rapid reviews can be set up by the Overview and Scrutiny Committee to work on a short, highly focussed piece of work which cannot be completed in Committee.

1.17.2 Only one Rapid Review should be set up at one time and they should generally be limited to one meeting, which may be supported by Officers.

1.17.3 Rapid Reviews are informal bodies and shall have no decision making powers.

1.17.4 The Rapid Review will produce a report for consideration by the Overview and Scrutiny Committee at the end of the review. Other types of similar, short, single project scrutiny exercises are available to Overview and Scrutiny Committee such as enquiry days, community action scrutiny and single agenda item scrutiny meetings.

## 1.18 Task and finish groups

1.18.1 Task and Finish Groups will be set up by the Overview and Scrutiny Committee to carry out detailed work in relation to specific topics or issues. The Overview and Scrutiny Committee will decide what Task and Finish Groups are set up and what their terms of reference will be. These will include the membership of the group and the proposed dates of reporting to the Overview and Scrutiny Committee.

1.18.2 Only one Task and Finish Group should be set up at one time and they should be time limited and have duration of no more than eight weeks.

1.18.3 Task and Finish Groups are informal bodies and shall have no decision making powers.

1.18.4 Task and Finish Groups will keep the Overview and Scrutiny Committee informed of their progress. They will produce a report for consideration by the Overview and Scrutiny Committee at the end of the review.

Other types of single project scrutiny are available to the Overview and Scrutiny Committee such as rapid reviews, enquiry days, community action scrutiny and single agenda item scrutiny meeting.

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## 1.194 Call-in

1.194.1 A key element of the scrutiny role concerns the arrangements for the “Call-in” of a decision taken by or on behalf of the Executive. Key or non-key decisions by the Executive, a Committee of the Executive or an individual Executive Member and key decisions made by an officer with delegated authority from the Executive, may be “called in” by four Members of the Council submitting a request in writing on the call in request form to the Chief Executive within five working days of the publication of that decision. No action can be taken on an item called in for scrutiny.

1.194.2 Call-in should only be used in exceptional circumstances. These are where Members have evidence which suggests that the Executive decision was not taken in accordance with the principles set out in Part 2, Chapter 11 (Decision Making). In order to ensure that Call-in is not abused; nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

- (i) a decision must be called in by at least four Members of the Council; and
- (ii) a decision on the same item may only be called in for scrutiny by the Committee on one occasion within a six month period. The six month period is to commence from the date the Call-in request is received by the Chief Executive;
- (iii) Members who have called in a decision may withdraw their Call-in at any time prior to the meeting taking place to hear the Call-in, by giving notice in writing to the Scrutiny Officer.

1.194.3 The following arrangements for a Call-in will apply:

- (i) when a key or non-key decision is made by the Executive (or by any Committee or Members of the Executive with a delegated authority contained in Part 3 of this Constitution) or a key decision is made by an officer with delegated authority from the Executive, the decision shall

be published electronically. Notification of all such decisions will also be issued to all members by the person responsible for publishing the decision;

- (ii) the relevant notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless it is called in;
- (iii) during that period, the Chief Executive shall call in a decision for scrutiny by the Committee if so requested by Mmembers (in accordance with paragraph 1.14.2 above), and shall notify the decision-taker of the Call-in. An item called in for scrutiny will normally be considered by the Overview and Scrutiny Committee at its next scheduled meeting. However, in consultation with the Chairman of the Committee, theyhe/she may call an Eextraordinary Mmeeting of the Committee on such date as theyhe/she may determine (in accordance with the Access to Information Procedure Rules in Part 4B of this Constitution);
- (iv) any Mmember considering calling in a decision must first make every effort to discuss the issue with the relevant Executive Member or the Leader of the Council;
- (v) mMembers using the Call-in arrangements have the right to address the Committee when it deals with the issue;
- (vi) normally, the Committee will complete its scrutiny of the issue at that meeting and report the outcome to the next meeting of the Executive. However, the Committee may consider that further time is required to consider the issue and would therefore need to recommend to the Executive that further work be carried out and that the Overview and Scrutiny Committee makes recommendations at a later date. In these circumstances, the Executive will decide whether or not the decision should be implemented, having regard to the urgency, if any, of the matter and the provisions of the Budget and Policy Framework Rules (see (ix) below);

- (vii) if the Overview and Scrutiny Committee agrees with a called-in decision, the decision may be implemented immediately following the Overview and Scrutiny Committee meeting;
- (viii) if, through the scrutiny process and/or in pursuance of the ~~B~~udget and Policy Framework Procedure Rules set out in Part 4C of this Constitution, a called in decision is deemed to be contrary to the Policy Framework, and/or contrary to or not wholly consistent with the ~~B~~udget, it may have to be referred to the Council for a final decision and the action cannot be acted upon until this decision is made;
- (ix) if the called in decision does not contradict the Policy Framework and/or ~~B~~udget but the Committee decides to make an alternative recommendation, this will be considered by the Executive at its next meeting and no action should be taken until a final decision has been made by the Executive.

#### ~~1.2015~~ **Call-in and urgency**

The ~~C~~all-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the ~~e~~~~C~~all-in process would seriously prejudice the council's or the public's interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to ~~C~~all-in. The Chairman of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable and that there are reasonable grounds for treating the decision as a matter of urgency. In the absence of the Chairman, the Vice Chairman of the Overview and Scrutiny Committee's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

#### ~~1.16~~ **Procedure at Overview and Scrutiny Committee meetings**

~~1.16.1 Meetings of the Overview and Scrutiny Committee and sub-committees shall consider the following business:~~

- ~~(i) minutes of the last meeting;~~
- ~~(ii) declarations of interest;~~
- ~~(iii) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;~~
- ~~(iv) responses of the Executive to reports of the Committee;~~
- ~~(v) consideration of the forward plan; and~~
- ~~(vi) the business otherwise set out on the agenda for the meeting, including the Committee's workplan.~~

~~1.16.2 Each Executive Member will be individually invited to give an account of his or her portfolio to the Overview and Scrutiny Committee at least once annually and will answer any questions posed by committee members. This attendance shall be in addition to any attendance required or invited by the Committee in relation to specific items of business. The time set aside for presentation of each portfolio report and questions thereon shall be at the discretion of the Chairman.~~

~~1.16.3 Where the Committee conducts investigations (for example, with a view to policy options), it may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:~~

- ~~(i) that the investigation be conducted fairly and all Members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;~~
- ~~(ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and~~
- ~~(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.~~



~~1.16.4 Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.~~

## ~~1.2148~~      **The party whip**

~~1.18.1 For the purpose of this section, reference to “the party whip” shall mean:~~

~~“Any instruction given by or on behalf of a political Group to any Councillor who is a Member of that Group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the Group in respect of that Councillor should he/she speak or vote in any particular manner.”~~

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~~1.21.148.2~~ As part of the scrutiny function, the imposition of the party whip is regarded by the Council as incompatible with the Overview and Scrutiny Committee’s terms of reference. The party whip should not therefore be imposed on any member of the Overview and Scrutiny Committee while engaged in that ~~C~~committee’s work.

## ~~4.19~~      **1.22 Councillor Call for Action (CCfA)**

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Any Councillor may request that the Overview and Scrutiny Committee consider the inclusion of a Councillor Call for Action (CCfA) on its work programme, under the terms of the CCfA Protocol set out below. The operation of CCfA will be in full compliance with the Protocol and, as for ~~e~~Call-in, will be used only in exceptional circumstances where all other possible avenues for resolution of the issue have been followed by the referring Councillor, and yet a problem still exists.

## **Councillor Call for Action (CCfA) Protocol**

Under section 119 of the Local Government and Public Involvement in Health Act 2007, a Member may call for debate and discussion at a committee meeting, on a topic of neighbourhood concern. These powers are limited to an issue which affects a single council ward. CCfA will be considered by the Overview and Scrutiny Committee, whose terms of reference include within its remit, the subject of the CCfA. In order to initiate the CCfA process, the Chairman of the Committee, in conjunction with the Monitoring Officer, will need to be satisfied that the following criteria have been met:

### **Criteria**

Statutory Regulations specify matters that are excluded from CCfA:

1. any matter which is vexatious, discriminatory or not reasonable;
2. any matter which is the subject of an individual complaint;
3. any matter relating to a planning appeal, licensing appeal or other issue where there is an alternative avenue available; and
4. the matter must be one where all other attempts at resolution have been exhausted.

The following process will need to be followed:

### **Process**

1. A Member should direct a CCfA request in writing to the Chairman of the Overview and Scrutiny Committee and the Monitoring Officer who will, if the above criteria are met, allow the issue to be placed on the agenda for a subsequent meeting. The request should specify:
  - the ward concerned and how the issue relates only to that ward;
  - the views and concerns of local residents;
  - how existing mechanisms for resolution have been tried and exhausted; and
  - the desired outcomes for resolving the issue.
2. The Committee Chairman, in conjunction with the Monitoring Officer, may determine whether the next scheduled meeting of

the Committee is appropriate or if an additional meeting needs to be convened.

3. The Committee, subject to the necessary notice being given, will be able to request attendance from the relevant Executive Member and/or representatives of partner organisations, and/or to request information.
4. The Committee should discuss how to achieve the desired outcomes that the ~~M~~member bringing the CCfA has specified and should conclude its consideration with a recommendation that certain action(s) should take place. The Committee may decide to challenge whether the desired outcome is reasonable.
5. Whilst there will be no specified procedure for the discussions, the Chairman, in consultation with Officers, may determine an informal structure that will enable all parties to contribute.
6. All CCfA requests, whether pursued or not, should be reported to the next relevant meeting of the Committee for information. This will enable the Committees to take account of all requests in determining work programmes.

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## 5.0 Audit and Governance Committee

5.1 The Audit and Governance Committee will have the specific role of monitoring the ~~B~~udget, approving the council's Statement of Accounts and acting as the council's audit committee. The ~~C~~ommittee also carries out the treasury management functions set out in detail in the Procedure Rules in Part 4 of this Constitution.

5.2 The number and arrangements for this ~~committee~~ Committee are as follows:

- (a) the ~~C~~ommittee will consist of a maximum of ~~7~~ seven ~~M~~embers of the ~~C~~ouncil;
- (b) the ~~C~~ommittee may appoint ~~S~~ub-~~C~~ommittees;
- (c) no Member of the Executive may be a Member of the ~~C~~ommittee;
- (d) Substitute Members to the committee shall be appointed by the Council in accordance with the wishes of the political group to whom the seats have been allocated.

— Meetings of the ~~C~~ommittee shall be programmed in each year. There will normally be between four and six meetings annually. In addition, ~~E~~xtraordinary ~~M~~meetings may be called from time to ~~t~~e

5.3 ~~t~~ime as and when appropriate. A ~~C~~ommittee meeting may be called by the Chairman, by any four ~~M~~members of the ~~C~~ommittee or by the Monitoring Officer if ~~they~~ he/she considers it necessary or appropriate.

### 5.25.4 Quorum

5.4.1 The ~~Q~~uorum for ~~the~~ ~~C~~ommittee shall be ~~three~~ Members. ~~one-third of the committee membership as set out in Part 4A of the Constitution.~~

### 5.35.5 Appointment of Chairman and Vice Chairman

5.5.1 The Chairman of the Audit and Governance

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Committee will be appointed by the Council at its annual meeting ~~in May~~. The Vice-Chairman will be appointed by the ~~C~~committee at its first meeting of the ~~C~~eivic ~~Y~~ear.

5.5.2 Subject to 5.5.1 above, the Chairman and Vice-Chairman will hold office during that Civic Year until, in each case:

- (i) ~~they~~he/she resigns from the office of Chairman or Vice-Chairman; ~~or~~
- ~~(ii) they are~~he/she is no longer a Councillor; ~~or~~
- ~~(iii)~~ they are removed by a resolution of the Council.

5.5.3 Upon the occurrence of a vacancy in the office of Chairman, the Council shall appoint a Chairman at its next meeting. In the case of a vacancy in the office of Vice Chairman, the Committee shall fill the vacancy at its next meeting.

#### 5.45.6 Remit~~Terms of Reference~~

5.6.1 The ~~terms of reference of the~~Audit and Governance Committee ~~are that it~~ will~~has~~ the following functions:

- (a) assist the Council and the Executive in the development of the annual ~~B~~budget;
- (b) Approving the Council's statement of accounts;
- (c) Consider the effectiveness of the council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements;
- (d) Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors;
- (e) Be satisfied that the council's assurance statements, including reviewing the Annual Governance Statement against the good governance framework, properly reflect the risk environment and any actions required to improve it;
- (f) Approve internal audit's strategy, its plan and monitor its performance;

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(g) Approve the shared anti-fraud service strategy, its plan and monitor its performance

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(h) Review summary internal audit reports and the main issues arising and seek assurance that action has been taken where necessary;

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(i) Consider the annual report of the head of internal audit;

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(j) Consider the reports of external audit (including the annual audit letter) and inspection agencies, and monitor management action in response to the issues raised;

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(k) Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promote;

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(l) Review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit;

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(m) Have oversight of the council's commercial projects

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~~(i) act as the council's Audit Committee. The nature of this role is specified below;~~

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~~(ii) consider means of improving and promoting the audit functions of the council;~~

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~~(iii) promote and maintain the Ethical Standards Framework;~~

~~(iv) make recommendations taking into account the advice of the Monitoring Officer of periodic amendments and updating of the Council's Constitution;~~

## 5.6.2 Audit function

As an integral part of its role as the council's audit committee, undertake the following areas:

~~(a) integration of the audit role: ensure that the principles of effective audit are integrated into the~~

~~work of the Audit and Governance Committee and the council generally;~~

~~**(b) risk management:** provide assurance of the effectiveness of the corporate risk assessment process and monitor the effective development and operation of risk management policies in the council, specifically including monitoring of the Risk Management Strategy and the Corporate Risk Register;~~

~~**(c) internal audit and governance:** provide an effective mechanism to monitor the control environment within the council, ensuring the highest standards of probity and public accountability by:~~

- ~~— reviewing and approving the Annual Audit Plan;~~
- ~~— challenging and following up internal audit recommendations;~~
- ~~— reviewing internal audit performance;~~
- ~~— reviewing the Annual Governance Statement and Statement of Internal Control; and~~
- ~~— reviewing anti-fraud and corruption controls and arrangements (including the whistleblowing process)~~

~~**(d) financial statements and annual accounts:** provide scrutiny of the council's financial performance by scrutinising the:~~

- ~~— finance monitoring reports;~~
- ~~— Medium Term Financial Planning;~~
- ~~— financial outturn reports; and~~
- ~~— Statement of Accounts~~

~~**(e) treasury management:** provide scrutiny of:~~

- ~~— the council's responses to changes in statutory and regulatory requirements and guidance;~~
- ~~— the annual Treasury Management and Investment Strategy;~~
- ~~— ongoing revisions to treasury management strategies and policies; and~~
- ~~— the mid-year treasury management review~~

~~**(f) external audit:** maintain and develop an objective and professional relationship with the council's external auditors and ensure any issues arising from inspection are dealt with including:~~



- annual audit and Inspection plan and any resulting reports; and
  - consideration of how the external audit is conducted and any issues arising.
- (g) Annual Audit Letter**
- (h) Statement of Auditing Standard (SAS) 610**
- (i) Communications**
- (j) procurement:** ensure formal reporting of procurement issues including:
- contract waivers;
  - update and revision of Contract Procedure Rules; and
  - \_\_\_ issues arising from contracts that may impact on the council's finances

(a) Consider budget monitoring reports and risk management reports;

(b) Lead the cross Member scrutiny and consideration of the council's draft annual budget and medium term finance strategy;

(c) Scrutinise the council's Annual Investment Strategy, Annual Capital Strategy, Mid-Year Treasury Management Report and Annual Treasury Management Report and through review gain assurance that systems of governance and control for Treasury Management are effective;

(d) Where appropriate, assisting the Council and the Executive in the development of its budget and policy framework by in-depth analysis of financial, procurement and governance related policy issues;

(e) Review anti-fraud and corruption controls and arrangements, including the whistleblowing process

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### **5.6.3 Ethical Standards Framework**

- (i) — promote and maintain high standards of conduct of Members and Co-opted Members of the Council;
- (ii) — promote and provide guidance on high standards of conduct to be followed by members of Town and Parish Councils;

- ~~(iii) — manage complaints on behalf of Town and Parish Councils;~~
- ~~(iv) — advise the Council on the adoption or revision of the Members' Code of Conduct;~~
- ~~(v) — receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the council's assessment criteria;~~
- ~~(vi) — receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct;~~
- ~~(vii) — train Members and Co-opted Members to observe the Members' Code of Conduct;~~
- ~~(viii) — assist Members and co-opted Members to observe the Members' Code of Conduct;~~
- ~~(ix) — hear and determine complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;~~
- ~~(x) — advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards or conduct throughout the council;~~
- ~~(xi) — maintain an oversight of the council's arrangements for dealing with complaints;~~
- ~~(xii) — inform the Council and the Chief Executive of relevant~~

~~issues arising from the determination of Code of Conduct complaints;~~

- ~~(xiii) appoint the Standards Sub-Committee drawn from three members of the Committee which will exercise, on a delegated basis, the functions as set out in the sub-committee terms of reference. The committee should reflect Member representation where practicable;~~
- ~~(xiv) exercise the power to consider and grant dispensations to Members where:  
the number of Members precluded from transacting the business is so great that it would impede the business of the Council, committee or Executive; or
  - ~~the political balance is affected to the extent that it could affect the outcome of a vote relating to the business.~~~~

#### ~~Standards Sub-Committee Terms of Reference~~

- ~~(i) To consider assessment and investigation reports in respect of Code of Conduct complaints that are referred to it by the Monitoring Officer.~~
- ~~(ii) To conduct a hearing into an allegation that a Member or co-opted Member of the Council or Town/Parish Council has breached the relevant code of conduct. At such a hearing, the Member against whom a complaint has been made may respond to the investigation report. Following the hearing the sub-committee can make one of the following findings:
  - ~~that the Member has *not* failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the hearing;~~
  - ~~that the Member *has* failed to comply with the Code of Conduct but no further action needs to be taken in respect of the matters considered at the hearing; or~~
  - ~~that the Member *has* failed to comply with the Code of Conduct and a sanction and/or an informal resolution should be imposed.~~~~
- ~~(iii) The sub-committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it either by law or policy.~~

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- ~~(iv) — After making a finding the sub-committee shall, as soon as reasonably practicable, provide written notice of its findings and the reason for its decision to the Member and the complainant.~~
- ~~(v) — To apply the council's Standards Complaints Procedure and Complaints Standards Sub-Committee Procedure to hearings before the sub-committee.~~
- ~~(vi) — All Members who sit on a Standards sub-committee must receive mandatory training.~~

## **Part 4F - Officer Employment Procedure Rules**

### **1. Recruitment and appointment**

#### 1.1 Declarations

1.1.1 The council will require any candidate for appointment as an employee to state in writing whether they have any connections to an existing Member or employee of the council or of the spouse or partner of such persons.

1.1.2 A candidate who does not disclose such a relationship may be disqualified from consideration, and if appointed, may be liable to dismissal.

| 1.1.3 Every Member and **Q**officer of the council will inform the Head of Service concerned when they become aware of an application by a relative.

| 1.1.4 No candidate connected to a Member or an **Q**officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her.

#### 1.2 Seeking support for appointment.

The council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the council. The content of this paragraph will be included in any recruitment information.

### **2. Recruitment of Head of Paid service and Chief Officers**

2.1 For the purposes of these rules, the term “Chief Officers” shall mean the Chief Executive and the Deputy Chief Executive.

2.2 Where the council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among existing officers, the council will:

- (a) draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed; and

- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

### **3.0 Appointment of Chief Executive**

Before an offer of appointment is made, Council will be required to approve the appointment of the ~~Head of Paid Service~~Chief Executive following the recommendation of the Chief Officer Recruitment Committee.

### **4.0 Appointment of Chief Officers**

4.1 The Chief Officer Recruitment Committee will appoint Chief Officers.

4.2 An offer of employment as a Chief Officer shall only be made where no well-founded objection from any Member of the Executive has been received.

### **5.0 Other Appointments**

5.1 Officers below Chief Officer. Appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Members.

5.2 Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

### **6.0 Disciplinary Action – Statutory Officers**

6.1 Disciplinary action for the dismissal of the Head of Paid Service, Chief Financial Officer or Monitoring Officer shall take place in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2015. ~~The Chief Officer Recruitment Committee shall be the “Panel” referred to in Schedule 3 paragraph 1(e).~~

6.2 Suspension. The Head of Paid Service, Deputy Chief Executive, Monitoring Officer or Chief Financial Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months unless the ~~Investigator~~Chief Officer Recruitment Committee recommends the suspension should continue beyond that point.

- 6.3 Members will not be involved in disciplinary action against any officer below Chief Officer level, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. Such disciplinary action will be undertaken by the Head of Paid Service or an officer nominated by him/her.
- 6.3 A Statutory Officer may not be dismissed by the authority unless the procedure set out in paragraphs 6.4 – 6.14 is complied with.
- 6.4 The Chief Officer Recruitment Committee will investigate any allegations against a Statutory Officer.
- 6.5 The Chief Officer Recruitment Committee must appoint an Independent Investigator taken from a list held by the National Joint Secretaries.
- 6.6 The Independent Investigator will investigate and prepare a report to be considered by the Chief Officer Recruitment Committee.
- 6.7 The Chief Officer Recruitment Committee will meet to consider the report and give the Statutory Officer an opportunity to state their case and to question witnesses where relevant.
- 6.8 The Chief Officer Recruitment Committee will have the following options available to them:
- (a) Take no further action;
  - (b) Recommend informal resolution or other appropriate procedures
  - (c) Refer back to the Independent Investigator for further investigation and report;
  - (d) Take disciplinary action against the Statutory Officer short of dismissal; or
  - (e) Propose dismissal of Statutory Officer to Full Council.
- 6.9 If the Chief Officer Recruitment Committee propose dismissal of the Statutory Officer to Full Council, this must be considered by the Independent Panel.
- 6.10 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 6.11 Subject to paragraph 6.12, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued

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in accordance with paragraph 6.10 in accordance with the following priority order:

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;

(b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

6.12 The authority is not required to appoint more than two relevant independent persons in accordance with paragraph 6.11 but may do so.

6.13 The authority must appoint any Panel at least 20 working days before the meeting of the Council at which the recommendation for dismissal is to be considered. The Panel will review the decision and prepare a report for Council.

6.14 The Council must consider the proposal that the Statutory Officer be dismissed. Before the taking of a vote at the relevant Council meeting on whether or not to approve such a dismissal, the authority must take into account:

(a) any advice, views or recommendations of the Panel;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the Statutory Officer.

6.15 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011.

~~6.4 The Chief Officer Recruitment Committee will make recommendations to Council for the dismissal of the Head of Paid Service, Chief Financial Officer or Monitoring Officer and Council must approve that dismissal before notice is given to that person.~~

~~6.5 The Chief Officer Recruitment Committee shall approve any disciplinary action, short of dismissal, against the Head of Paid Service, Chief Financial Officer or Monitoring Officer.~~

6.166 Subject to the provisions of The Local Authorities (Standing Orders) (England) Regulations 2015 all actions will be in accordance with both



the JNC Conditions of Service for Chief Executives/Chief Officers and the council's employment policies.

6.17 Notice of the dismissal of the Chief Executive or any Chief Officers or assistant to a political group must be given to the Executive in accordance with paragraph 6 of Part II to Schedule I of the Local Authorities (Standing Orders) (England) Regulations 2015.

6.18 Chief Officers and the Head of Paid Service have a right of appeal against dismissal to a Joint Chief Officer Appeals Committee specifically appointed for that purpose.

6.19 Members will not be involved in disciplinary action against any Officer below Chief Officer level, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. Such disciplinary action will be undertaken by the Head of Paid Service or an Officer nominated by them.

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## **Part 4G - Financial Procedure Rules**

### **1.0 Introduction**

- 1.1 These Financial Procedure Rules (FPR) have been issued in accordance with Section 151 of the Local Government Act 1972, the Accounts and Audit (England) Regulations Act 2011, the provisions of Section 114 of the Local Government Finance Act 1988 and Sections 4 and 5 of the Local Government and Housing Act 1989.
- 1.2 The FPR have been adopted by East Herts District Council to provide a framework of control, responsibility and accountability for the administration of the council's financial affairs. The FPR are, in many of the areas detailed below, supported by more detailed guidance and procedures which set out how they will be implemented.
- 1.3 The FPR are intended to clarify the powers and duties to be exercised with regard to the principles of good financial management. All Officers must comply with the FPR. Officers must ensure that any Agents, consultants and contractual partners acting on the council's behalf also comply. Any queries regarding the interpretation of the FPR should be directed to the Chief Financial Officer.
- 1.4 For the purposes of these FPR there is a requirement for all communication to be in writing except where otherwise specified. This requirement shall be deemed to include electronic communication.
- 1.5 Where inconsistencies arise the order of precedence shall be:
- (i) legislation;
  - (ii) other rules of procedure in Part 4 of this Constitution;
  - (iii) Scheme for the Responsibility for Functions (Part 3C of this Constitution); then
  - (iv) Financial Procedure Rules.

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### **2.0 Financial delegations**

All Officers must operate within the council's Scheme of Financial Delegations as listed in Appendix 1. As a general principle, financial decisions will be taken at the lowest level allowable within the officer and Member hierarchy in the scheme.<sup>1</sup>

### **3.0 Officer responsibilities for financial management**

#### **3.1 The role of the Chief Financial Officer**

3.1.1 The Chief Financial Officer is responsible for administering the financial affairs of the council and for establishing proper systems of internal control.

3.1.2 The Chief Financial Officer shall:

- (a) ensure that the policies of the council and statutory requirements are adhered to;
- (b) ensure that the business of the council is carried out in an orderly, efficient and effective manner;
- (c) ensure that the council's records are complete and accurate;
- (d) ensure financial information and reporting is timely and accurate;
- (e) ensure the assets of the council are safeguarded;
- (f) make and control arrangements for the payment of the council's creditors and for the collection, custody and accounting of all monies received by the council;
- (g) establish an adequate and effective internal audit of the council's accounting records and system(s) of internal control;
- (h) have access to all records, cash or other council property as required for audit purposes. If required the Chief Financial Officer may also request access to such

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<sup>1</sup> It should also be noted that the council has an authorised signatory list which lists specific values for delegated Council staff.

information and explanations from any officer or ~~M~~member as may be necessary for audit purposes;

- (i) prepare and publish the annual accounts of the council in accordance with statutory requirements and the policies of the council; and
- (j) have responsibility for making all statutory returns and the like to H M Revenues and Customs ~~and Excise~~ in relation to Value Added Tax, and for the obtaining and giving of advice and guidance to the council and Heads of Service on all tax matters.

3.1.3 The Chief Financial Officer is the Officer designated by the Council as being responsible under section 151 of The Local Government Act 1972 for the proper administration of the council's financial affairs.

## 3.2 The role of budget holders

3.2.1 Budget holders are Officers who are responsible for monitoring a budget, including determining expenditure from and/or income posted to that budget. Budget holders may be at any level within the council.

### 3.2.2 Budget holders shall:

- (a) maintain financial records and accounts that can be accessed by the Chief Financial Officer when required. The financial records shall be retained by budget holders for such periods as required for council or statutory purposes. Records should, wherever possible, be stored on the financial management system;
- (b) in consultation with the Chief Financial Officer ensure that all financial affairs of the council are managed in a properly controlled environment and compliant with the council's Information Security Policy;
- (c) manage budgets, including forecasting annual spend, using the council's financial management system. This will enable the Chief Financial Officer to maintain effective control and audit of the financial affairs of the council;

- (d) designate Officers to be responsible for authorising financial transactions on their behalf if and when required. Budget holders must inform the Chief Financial Officer of all Officers with delegated financial responsibilities; and
- (e) be responsible for ensuring the correct treatment of Value Added Tax on all accounts payable and all invoices raised.

### 3.3 Officer roles regarding financial reporting and investigation

3.3.1 Any officer who suspects any financial irregularity should raise his or her concerns with his or her line manager or a member of the council's Leadership Team in accordance ~~to~~ with the Whistleblowing Policy. The Chief Executive, the Monitoring Officer and the Chief Financial Officer will take such steps as they consider necessary by way of investigation and report.

3.3.2 The Chief Financial Officer shall control the issue and use of controlled stationery. Controls on the use of such stationery must be adequate to enable usage to be traced and to prevent incorrect or fraudulent usage.

3.3.3 Budget holders shall be responsible for the security and use of controlled stationery and are not permitted to obtain controlled stationery other than in accordance with the internal arrangements set out by the Chief Financial Officer.

## 4.0 Banking arrangements

4.1 The Chief Financial Officer shall make and control arrangements as necessary for the operation of banking services for the council.

4.2 All monies received on behalf of the council should be brought to the attention of the Chief Financial Officer and banked in accordance with his or her instructions.

4.3 The Chief Financial Officer shall arrange payments or transfers to and from the council's bank accounts by the use of electronic methods.

4.4 The Chief Financial Officer shall ensure that all bank accounts and credit cards operated by the council are reconciled at intervals of no longer than one calendar month.

## **5.0 Forward financial planning**

5.1 The Chief Financial Officer will prepare for the Executive, a timetable each year for the preparation, submission and approval of the forward financial plan covering revenue budgets and capital expenditure.

5.2 The Chief Financial Officer will ensure that the forward financial plan is prepared in accordance with the timetable and any guidelines issued by the Executive.

5.3 The Executive shall consider the proposed forward financial plan and each year shall submit appropriate recommendations to the Council. The report shall include a recommendation as to the council tax to be levied in the following financial year.

5.4 The Chief Financial Officer shall provide financial information in an appropriate form for the continuous monitoring and control of financial activities of the council by the Executive and each Committee with finances allocated to it.

5.5 The Chief Financial Officer shall inform the Executive of any significant variation to the financial plan during the financial year. If for any reason any budget of approved expenditure may be exceeded or the estimated income not reached, the Chief Financial Officer shall inform the Executive or relevant Committee together with a proposal to address the situation.

5.6 Any proposal to incur expenditure, either capital or revenue, above those limits set out in the council's budget and policy rules, that is not included in the existing financial plan or budget shall be ~~recommended by the Executive to the Council. The recommendation must include the full financial implications of the proposal~~ delegated to the relevant Committee or Officer as stated in Appendix 1.

## **6.0 Expenditure**

6.1 Official orders

6.1.1 Official orders shall be issued using the council's financial system, for all works, goods or services to be supplied to the council except for supplies of public utility services, for periodical payments such as rent or rates, for petty cash purchases or other exemptions approved by the Chief Financial Officer.

6.1.2 Procurement of works, goods or services to be supplied to the council shall be completed in accordance with the council's Contract Procedure Rules.

6.1.3 Official orders shall specify the nature and quantity of goods, services, or works required, any relevant contract, and the agreed prices.

6.1.4 Official orders shall not be issued for works, goods or services unless the cost is within an approved estimate or other financial provision.

## 6.2 Certificates for payment

6.2.1 All certificates for payment shall be authorised for payment by the signature, or electronic signature, ~~or via the (approval) via facility~~ on the council's financial management system, of the appropriate budget holder or other authorised signatory, as agreed by the Chief Financial Officer. Such authorisation shall imply that:

- (a) the expenditure is within an approved estimate or other financial provision;
- (b) the expenditure has been coded to the correct financial heading;
- (c) the goods, services or works have been supplied and are satisfactory;
- (d) appropriate prices have been charged for the goods, services or works;
- (e) all conditions imposed by the order or contract agreement have been substantially complied with;



- (f) where applicable Value Added Tax, Construction Industry Tax or any other relevant taxation requirements are complied with;
- (g) the certificate for payment has not previously been passed to the Chief Financial Officer for payment; and
- (h) appropriate entries have been made in all relevant inventories, stock records or asset registers.

6.2.2 To reduce multiple certificates for payment, budget holders should aim to agree payment within 30 days of receipt of invoice. Invoices will be paid by BACS ~~where possible~~ or other electronic funds transfer.

6.2.3 The Chief Financial Officer shall examine accounts passed for payment and shall make such enquiries and receive such information as necessary to establish that the payments are in order.

6.2.4 The Chief Financial Officer may provide advance accounts to designated Officers for petty cash or for change float purposes.

6.2.5 The maximum limit of advance accounts shall be agreed with the Chief Financial Officer and not exceeded without permission of the Chief Financial Officer. Appropriate safes and other receptacles shall be provided as required.

6.2.6 The Officers responsible for advance accounts shall maintain a record of their transactions in the form and manner required by the Chief Financial Officer.

6.2.7 Payments from advance accounts shall be limited to minor items of expenditure not exceeding £20. The claim must be supported by a receipted voucher and properly authorised claim form.

6.2.8 Officers with responsibility for an advance account shall be required to provide information about the state of the account to the Chief Financial Officer as necessary.

6.2.9 If the advance account is no longer required or an officer ceases to be responsible for holding an account, the relevant budget

holder shall ensure that the balance of the advance account is returned to the Chief Financial Officer.

## **7.0 Income**

- 7.1 Budget holders shall notify the Chief Financial Officer of all money due to, or expected by, the council. This includes sponsorship or grant income, contracts, leases and other agreements entered into which involve the receipt of monies.
- 7.2 Where cheques are paid in, the amount of each cheque and a reference to enable the cheque to be traced shall be recorded on the banking paying-in-slip or a format agreed with the Chief Financial Officer.
- 7.3 An official receipt is a written or printed acknowledgement given on behalf of the council for monies received. Such acknowledgement shall be given from a cash receipting system which has been approved for use by the Chief Financial Officer.
- 7.4 All monies shall be held and transported securely in accordance with any requirements from the Chief Financial Officer.
- 7.5 Each budget holder is responsible for ensuring that accounts are promptly and accurately raised in respect of charges for work done or goods or services supplied. This includes cases where sponsorship money or grant income is due.
- 7.6 The Chief Financial Officer may write off irrecoverable debts up to a limit of ~~£5010~~,000 in any one case. Irrecoverable debts in excess of this amount shall be referred to the Executive.

## **8.0 Contracts**

- 8.1 All contracts made for and on behalf of the council shall be subject to the Contract Procedure Rules, these [FPRs-Financial Procedure Rules](#) and any other statutory provision, except in circumstances where the council is acting as an ~~A~~agent for another organisation which specifically directs otherwise.
- 8.2 The Chief Financial Officer shall maintain a register of payments due and made under formal contracts over £50,000 to show the

state of account on each contract between the council and the contractor, together with any other payments.

- 8.3 Payment on account of the contract sum shall be made only on a certificate signed by the appropriate budget holder. The certificate shall show, as a minimum, the total amount of the contract, the value of work executed to date, retention money, amount paid to date and the amount now certified.
- 8.4 Before a certificate for final payment under a contract is paid, the appropriate budget holder shall produce to the Chief Financial Officer a detailed written statement of account, together with such other documents as may be required.
- 8.5 Subject always to the council's Contract Procedure Rules in Part 4H of this Constitution, the appropriate budget holder shall be empowered to authorise a variation or addition to a contract. Where the variation or addition is estimated to result in a material increase, that is the higher of 5% of the contract value or £10,000, it must be approved in advance by the Chief Financial Officer.
- 8.6 Where completion of a contract is delayed, except for reasons qualifying for an extension of the contract, it shall be the duty of the budget holder to supply the Chief Financial Officer with all necessary information to allow the correct amount of Liquidated and Ascertained Damages to be claimed.

## **9.0 Treasury Management**

- 9.1 The council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA) Code for Treasury Management in Local Authorities. If deemed necessary, the Chief Financial Officer shall advise the Executive of any significant amendment to the CIPFA Code.
- 9.2 The Chief Financial Officer shall be authorised to make investment, borrowing and financing decisions on behalf and in the name of the council. All decisions shall be taken in accordance with the council's Treasury Management Investment Strategy.

- 9.3 All monies held by the council shall be aggregated for the purposes of treasury management and shall be under the control of the Chief Financial Officer.
- 9.4 All investments and borrowing, including for any trust administered by the council, shall be made in the name of the council and any deeds relating to such funds shall be deposited with the Monitoring Officer or otherwise as deemed appropriate by the Chief Financial Officer.
- 9.5 The Chief Financial Officer is given the authority to deal with any emergency situation that may arise in relation to any matters not already delegated within the Treasury Management Policy. Use of emergency authority will be reported at the next meeting of the Executive.

## **10.0 Staffing**

- 10.1 The Head of Human Resources and Organisational Development shall make and control arrangements for the payment of salaries, wages, expenses and benefits to Officers in accordance with the approved salary scales and wage rates.
- 10.2 The Head of Human Resources and Organisational Development shall be provided with the appropriate documentation required to ensure the payment of salaries, wages, pensions and other expenses due to Officers.
- 10.3 All claims for payment must be made as soon as possible and in no circumstances should a claim be delayed for more than three months after the date on which the work was done or the expenses incurred.
- 10.4 Matters which affect officer payments shall be referred directly to the Head of Human Resources and Organisational Development. Notification shall include:
- (a) details of all appointments, resignations, dismissals, suspensions, secondments and transfers;
  - (b) details of any training;

- (c) changes in remuneration except for national pay increases;
- (d) absence from duty for sickness or other reason, apart from approved leave; and
- (e) information necessary to maintain records for pension, income tax, national insurance and the like.

10.5 The Head of Human Resources and Organisational Development shall maintain appropriate records and make arrangements for the payment of sums due to Members in accordance with the Allowance Scheme approved by the Council.

#### **11.0 Insurance**

11.1 The Chief Financial Officer shall make and control arrangements for the provision of necessary insurance cover and for the negotiation of any insurance claims.

11.2 The Chief Financial Officer shall obtain competitive quotations from insurers for the provision of insurance at least every five years unless otherwise determined by the current contract term or the Executive.

11.3 All budget holders shall notify the Chief Financial Officer of all insurable risks arising from the activities carried out in their area of operation. Such notification shall include:

- (a) the acquisition of any property which is capable of insurance against fire or other risks;
- (b) any amendment to the value of any council-owned asset likely to affect the insurable risk; and
- (c) any insurable risk which may arise through the activities of Members or Officers of the council.

11.4 All Heads of Service shall notify the Chief Financial Officer of the occurrence of any event which may give rise to a claim under any policy of insurance held by the council or to an ex gratia payment.

- 11.5 The Chief Financial Officer shall be authorised to make the appropriate reimbursement of any insurance claim up to the excess limit of the insurance policy concerned.
- 11.6 The Chief Financial Officer shall in consultation with the Head of Human Resources and Organisational Development be authorised to make appropriate ex gratia payments and write off the loss of any stores, equipment and other assets up to £1,000.
- 11.7 All appropriate Officers of the council shall be included in a suitable fidelity guarantee insurance.
- 11.8 Officers shall consult the Chief Financial Officer in respect of the terms of any indemnity which the council is requested to give.

**12.0 AssetsProperty**

- 12.1 The ~~Head of Strategic Finance and Property~~Chief Financial Officer is the council's Asset Registrar and shall maintain an asset register and associated records of all land, ~~and buildings,~~ vehicles and equipment owned, leased or managed by the council.
- 12.2 An annual report of vacant and underused properties owned by the council shall be made to the Executive.
- 12.3 Where land or buildings are no longer required for their intended use the Asset Registrar shall report to the Executive on the suggested future use, or disposal, of the asset.
- 12.~~4~~3 The Monitoring Officer shall have custody of and keep all title deeds in a secure manner.
- ~~12.4 Where land or buildings are no longer required for their intended use the Asset Registrar shall report to the Executive on the suggested future use, or disposal, of the asset.~~
- 12.5 All Officers shall be responsible for maintaining proper security of the ~~officers and~~ assets under their control.
- 12.6 The Chief Financial Officer shall be responsible for ensuring that adequate controls and security procedures are maintained in

connection with the council's information technology systems and installations.

## Appendix 1: Scheme of Financial Delegations

Financial action	Council	Executive	Chief Executive / Deputy	Chief Financial Officer / Deputy	Heads of Service	Service Managers	Budget holders
<b>Budget setting</b>							
Annual approval of <a href="#">the budget</a> , the Medium Term Financial Plan and <a href="#">setting the Council Tax</a>	No financial limit and no delegation of authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority
Approval of annual out-turn and subsequent required actions	No financial limit and no delegation of authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority
In year capital funding approval	No financial limit	Up to £500,000	Up to £250,000	Up to £100,000	No delegated authority	No delegated authority	No delegated authority
<b>Management of approved budgets</b>							
Expenditure within approved capital and revenue budgets	Delegated to officers	Delegated to officers	Delegated to budget holders	Delegated to budget holders	Delegated to budget holders	Delegated to budget holders	Up to approved budget
Authority to use earmarked reserves	Delegated to officers	Delegated to officers	Delegated to Chief Financial Officer	No financial limit	No delegated authority	No delegated authority	No delegated authority
Purchase order approval and/or contract award	Delegated to officers	Delegated to officers	No financial limit	No financial limit	Up to <del>£1,000,000</del> 500,000 & delegated to Service Managers, Budget Holders & Service Officers as per Authorised Signatory list	No authority unless delegated by Head of Service – Up to <del>£250,000</del> 000	No authority unless delegated by Head of Service – Up to £100,000



Payment of grants	Delegated to officers	Delegated to officers	No financial limit	No financial limit	Up to £500,000 & delegated to Service Managers, Budget Holders & Service Officers as per Authorised Signatory list	No authority unless delegated by Head of Service – Up to £100,000	No authority unless delegated by Head of Service – Up to £100,000
Virements within a service's approved budgets	Delegated to officers	Delegated to officers	<del>No financial limit</del> <u>Delegated to Chief Financial Officer</u>	<del>Up to £500,000</del> <u>No financial limit</u>	Up to £100,000	No authority unless delegated by Head of Service – Up to £100,000	No authority unless delegated by Head of Service – Up to £100,000
Virements across services, within overall approved budget levels	Delegated to officers	Delegated to officers	<u>Delegated to Chief Financial Officer</u> <del>No financial limit</del>	<del>Up to £500,000</del> <u>No financial limit</u>	No delegated authority	No delegated authority	No delegated authority
Write offs / waivers of income due	No financial limit	Up to £100,000	Delegated to Chief Financial Officer / Heads of Service	Up to <del>£50,000</del> <u>£40,000</u>	Up to £5,000 & delegated to Service Managers, Budget Holders & Service Officers as per Authorised Signatory list	No authority unless delegated by Head of Service – Up to £1,000	No authority unless delegated by Head of Service – Up to £1,000
Insurance and other settlements	No financial limit	No financial limit	Up to £100,000	Up to <del>£250,000</del> <u>£10,500</u> & up to £10,500 delegated to Insurance team for small claims	No Delegated authority	No delegated authority	No delegated authority

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## **Part 3C – Officers’ Responsibility for Functions**

### **OFFICER DELEGATION**

#### **1. Introduction**

The Council has adopted a Corporate Plan to put environmental sustainability at the heart of everything it does; enable its communities and invest in its places; encourage economic growth; and maximise the benefits to the community and **c**Council services of digital connectivity and technology. To enable that vision, managerial and operational decisions are taken, within a framework of democratic accountability at the most appropriate level. The scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the council’s services within the **B**udget and **P**olicy **F**ramework set by the Council, and subject to the guidelines set by the Executive and the council’s Leadership **t**eam.

#### **2. Overall Limitations**

- 2.1. The exercise of **D**elegated **P**owers is subject to the following overriding limitations.
- 2.2. Where broad functional descriptions are used, the delegations in this scheme should be taken to include powers and duties within all present and future legislation, and all powers incidental to that legislation, including the incidental powers and duties under Section 111 of the Local Government Act 1972.

#### **3. Sub-Delegation**

Any Officer with **D**elegated **p**owers in this scheme is also authorised to further delegate in writing all or any of the delegated functions to other **O**fficers (described by name or post) either fully or under the general supervision and control of the delegating **O**fficers. Administrative functions

ancillary to the exercise of ~~D~~delegated ~~P~~powers are deemed to be carried out in the name of the officer exercising the function.

### **Further Provisions**

- 3.1. It shall always be open to an officer not to exercise ~~his or her~~ ~~their~~ ~~D~~delegated ~~P~~powers but to refer the matter to the Council, Executive, or relevant Committee (as appropriate) for decision.
- 3.2. In exercising ~~D~~delegated ~~P~~powers, ~~O~~officers shall consult other ~~O~~officers as appropriate and have regard to any advice given. In particular, ~~O~~officers must have regard to any report by the Head of Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989.
- 3.3. In exercising ~~D~~delegated ~~P~~powers, ~~O~~officers shall consider whether the matter is controversial or major and if so shall as appropriate consult or inform the relevant Executive Member(~~s~~) and/or Ward Member(s).

### **4. Member Consultation**

- 4.1. Officers exercising ~~D~~delegated ~~P~~powers in accordance with this scheme are expected in appropriate cases to:
  - (a) maintain a close liaison with the appropriate ~~portfolio holder~~ ~~Executive Member~~ or in their absence the Leader or another Executive Member;
  - (b) in the case of temporary or project specific delegations, ~~O~~officers will consult relevant Executive Members;
  - (c) ensure the Ward Members are consulted or advised of the exercise of ~~D~~delegated ~~P~~powers;
  - (d) ensure that the Chief Executive, the Head of Strategic Finance and Property Services and the

Head of Legal and Democratic Services are consulted and advised of any decisions as necessary; and

- (e) before exercising any delegated power, Officers must consider whether to exercise the delegated power or refer the matter to the relevant Member or member body to decide.

## 5. Reservations

5.1. This scheme does not delegate to Officers:

- (a) any matter reserved by law to the Council, the Executive, the Leader of the Council, a Committee or Sub-Committee of the Council; and
- (b) any matter which is specifically excluded from delegation by the scheme or by resolution of the Council or Executive.

(f).

## 6. Restrictions

6.1 Officers may only exercise Delegated Powers in accordance with:

- 6.21.1 statutory requirements, guidance and codes of practice;
- 6.31.2 the Budget and Policy Framework, including all plans, schemes and strategies approved by or on behalf of the Council or Executive;
- 6.41.3 the Council's Procedure Rules including Financial Limits; and
- 6.51.4 the Council's equalities and other policies, procedures, standards and the Local and National Conditions of Service.

## 7. Delegation in the case of absence or inability to act

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- 7.1 If the officer/s having delegated authority under the **Scheme Constitution** are absent or otherwise unable to exercise their delegation, and there is no other officer to whom the authority has been sub-delegated, these provisions shall apply.
- 7.2 The duties of the Monitoring Officer and the Chief Financial Officer can be carried out by a deputy, nominated by them, in cases of absence or illness.
- 7.3 The Head of Paid Service may nominate a deputy in the event of absence or illness.

## 8. Permissions

### 8.1 Chief Executive, Deputy Chief Executive, all Heads of Service and their duly authorised officers

The delegations that follow apply to the Chief Executive, Deputy Chief Executive and Heads of Service or their duly authorised **Officers** when acting in accordance with the Rules of Procedure as described elsewhere in this Constitution. This scheme delegates to post holders named or described in the Areas of Responsibility section all the powers and duties relevant to those areas of responsibility that rest with the Council or Executive or which have been delegated or granted to the Council, subject to the limitations, restrictions and reservations set out above, within the delegations below and the detailed scheme of delegation. This includes all powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation including but not limited to:

#### 8.1.12 Powers in relation to staff

Take any action in accordance with the council's agreed policies and procedures with respect to the:

- (i) recruitment, appointment, promotion, training, grading, discipline of staff;
- (ii) determination of wages and salary scales, determination of allowances of staff; and

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(iii) determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirements and determination of establishment except as specifically delegated to the Head of Human Resource and Organisational Development and except as detailed in the Officer Employment Procedure Rules.

### 8.3 Powers in relation to contracts and property

Powers in relation to:

(i) -contracts and property agreements to negotiate,  
(ii) put out to tender, bid, submit tenders, vary, terminate, dispute, extend and renew; and  
(iii) in relation to contracts to buy and sell and in relation to the property to acquire, dispose of, let and licence except as detailed in the council's Financial Regulations and Contract Procedure Rules in Part 4 of this Constitution.

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### 8.4 Powers in relation to finance

Powers to:

(i) -incur capital and revenue expenditure,  
(ii) to seek recovery of amounts owed,  
(iii) to exercise discretion in recovery,  
(iv) alter or waive repayment periods or approve exemptions in relation to repayments,  
(v) agree refunds, reduce or remit payments and waive fines, as detailed in the Financial Regulations and Contract Procedure Rules in Part 4 of this Constitution.

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### 8.5 Powers in relation to legal action

Powers to:

(i) authorise, appoint or nominate officers, and  
(ii) to investigate, prosecute, enforce, lay summons, require individuals to disclose information,  
(iii) serve requisitions for information, publish information, apply to a court, sign notices, issue, serve, vary, revoke and publish notices and orders, including fixed penalty notices and serve documents,

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- (iv) make prohibition orders, suspend or vary a prohibition order,
- (v) take emergency remedial action, carry out works in default, issue certificates, issue consents, issue licences ~~and licence applications~~, issue permits, refuse vary or revoke licensing applications or licences or consents,
- (vi) issue temporary exemption notices, obtain, introduce, operate, amend extend, vary and revoke orders.
- (vii) ~~impose~~ impose conditions, introduce and maintain registers, exercise powers of entry without force, apply for a warrant and in relation to land relevant to the service functions to note applications for licences, planning, consent and approvals, declarations and grants except as specifically detailed in the delegations below.

These powers shall be taken with reference to the Head of Legal and Democratic Services where relevant.

### 8.26 Areas of responsibility

For the purposes of the Permissions above the areas of responsibility are as follows:

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Chief Executive and Deputy Chief Executive	Overall responsibility for the delivery of the Council's vision through the delivery of the Corporate Strategic Plan, including cross cutting individual initiatives and projects and the leadership and management of the organisation as a whole.
Head of Operations	Leisure Services Waste, <u>Recycling and Street Cleansing</u> Management Parks and Open Spaces <u>Grounds Maintenance</u> Hertford Theatre Parking <u>enforcement</u> <u>Economic Development</u> <u>Market operations</u> Environmental enforcement and Inspections*



	<a href="#">Stray Dogs</a> <a href="#">Abandoned Vehicles</a>
Head of Human Resources and Organisational Development	Organisational Development Payroll Training and Development Health and Safety HR Policy HR Services Employee Relations
Head of Communications Strategy and Policy	Communications and Digital Media Customer Services Economic Development Improvement and Insight <a href="#">Information</a> <a href="#">Web</a> <a href="#">New Media</a> Business Development <a href="#">Performance</a> <a href="#">Strategy</a> <a href="#">Policy</a> <a href="#">Corporate Policy</a> <a href="#">Equalities Agenda</a> Corporate Consultation <a href="#">Graduate Support</a>
Head of Strategic Finance and Property	Accountancy Audit Transactional Finance Treasury Management Property and Estates Facilities Management Procurement Risk Insurance
Head of Legal and Democratic	Democratic Services Legal Electoral Services Member and Civic Support Freedom of Information Data Protection Land Charges Scrutiny

Head of Housing and Health	Housing <a href="#">Environmental Health</a> <a href="#">Environmental Sustainability</a> <a href="#">Licensing</a> <a href="#">Market operations</a> Community Safety <a href="#">Safeguarding</a> Engagement and Partnerships <a href="#">Community Transport</a> Public Health and Wellbeing <a href="#">Licensing</a> <a href="#">Environmental Health</a> <a href="#">Safeguarding</a> Emergency Planning <a href="#">Engineering and Drainage</a> <a href="#">Market operations</a>
Head of Planning and Building Control	Development Management Planning Policy Heritage and Conservation Urban Design Section 106 Agreements / Community Infrastructure Levy Building Control Planning Enforcement
Head of Shared Business and Technology Services (Strategic ICT Partnership Manager)	Business and Technology Shared Service
Head of Revenues and Benefits Shared Service	Revenues and Benefits Shared Service

\*parts of this area may move to Housing and Health following a review (this will also impact the listings in Appendix B)

## 8.7 OFFICER SPECIFIC DELEGATIONS

Any delegation to an officer includes authority for any further delegation within the relevant Area of Responsibility,

in the case of the Chief Executive or those acting as Chief Executive, this includes all Heads of Service and below. Officers shall devolve responsibility for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.

## 9. The Chief Executive

9.1 The Chief Executive has been appointed the ~~c~~Council's Head of Paid Service.

9.2 The following powers and duties are delegated to the Chief Executive. With the exception of 9.2(q) below, for which there are separate arrangements, if ~~he or she is~~they are absent or otherwise unable to exercise the delegation, they may be exercised by the Deputy Chief Executive. In the case of 9.2(e) below, should the Chief Executive and Deputy Chief Executive be absent or unable to act, the power may be exercised by a Head of Service:

- (a) to carry out the powers and duties of any of the ~~O~~officers in their absence or in consultation with them (excluding the statutory functions of the Monitoring Officer and the Section 151 officer);
- (b) to authorise a Head of Service to act in ~~his/her~~their absence on any matter within ~~his/her~~their authority;
- (c) all matters relating to staffing, employment, terms and conditions and industrial relations for the council's workforce, save those matters which have been delegated to Heads of Service above and those relating to the Head of Paid Service and Chief Officers;
- (d) to determine changes within the management structure where these involve substantial changes to responsibilities of first and second tier posts;
- (e) where emergency action is required, to take any action, including the incurring of expenditure;

- (f) to exercise the functions of the Head of Paid Service under the provisions of the Local Government and Housing Act 1989;
- (g) in cases of urgency take any decision which could be taken by the Council, the Executive or a Committee in consultation with the Leader, provided that any such decision shall be reported to the next meeting of the Executive, appropriate Committee or Council unless there is a need for confidentiality, in which case the reporting of the decision may be deferred until the need for confidentiality expires;
- (h) to alter the areas of responsibility of the Heads of Service set out in the Areas of Responsibility section of this scheme;
- (i) to issue redundancy notices immediately it becomes apparent that redundancies are likely to arise, subject to any policy constraints which may be applied;
- (j) to rearrange dates and times of meetings, previously approved, following consultation with the Leader of the Council; such action being necessary in the interests of the efficient running of the Council;
- (k) to respond, in consultation with the Leader, to consultation documents in accordance with the council's approved policies;
- (l) to negotiate and settle claims by or against the council where this is considered to be in the best interests of the council in consultation with the relevant Head of Service and Head of Legal and Democratic Services;
- (m) to carry out all duties and responsibilities and exercise all power under the Localism Act 2011 in relation to a Community Right to Challenge and where appropriate to nominate Qofficers to carry out those duties or appoint external Qofficers to carry out part or all of those duties or exercise powers;

- (n) having consulted where appropriate with the relevant Member, to issue news releases and to call press conferences;
- (o) to issue and renew authorisations for Officers, and appoint inspectors to enter premises for the purpose of their official duties, in pursuance of statutory provisions in that behalf;
- (p) after consultation with the Head of Legal and Democratic Services/~~and the~~ Monitoring Officer to make revisions and amendments to the list of Politically Restricted Posts maintained under Section 2 of the Local Government and Housing Act, 1989 and to give Certificates of Opinion in connection with applications for exemption;
- (q) to act as Returning Officer, and any variation thereof as appropriate to different elections, and to appoint from time to time such Deputy Returning Officers as appear necessary for the proper conduct of elections; and to act as the Electoral Registration Officer, and appoint deputy Electoral Registration Officers. In the event that the Chief Executive is absent or incapacitated, the Proper Officer for the purposes of exercising the functions of the Electoral Registration Officer shall be the Elections Manager;
- (r) within approved budgets, to determine all fees for functions carried out in respect of electoral registration and elections;
- (s) in consultation with the Leader to designate an officer of the council as its Monitoring Officer.
- (t) to designate a polling place for each polling district under Sections 18 and 18B of the Representation of the People Act 1983; and
- (u) to undertake a review of polling districts and places under section 18C of the Representation of the People Act 1983.

## **10 Deputy Chief Executive**

- 10.1 To carry out the role of the Chief Executive and Head of Paid Service in his/her/their absence.
- 10.2 To lead on cross cutting projects spanning the council.
- 10.3 To take any steps necessary for the day to day management and routine administration of matters within their remit without reference to the Executive or a Committee but subject to any necessary reference to the Head of Paid Service.
- 10.4 To take emergency action necessary for the safety of the public or the preservation of property of the council.

## **Heads of Service**

### **11 Head of Human Resources and Organisational Development**

- 11.1 Human Resource matters should be subject to the overall direction of the Head of Paid Service.
- 11.2 To interpret, administer and implement the council's organisational, employee development and human resources plans and policies in consultation with Leadership team.
- 11.3 To interpret and apply pay scales and conditions of service for all employees.
- 11.4 To administer the granting of awards and application of benefits in consultation with Leadership team.
- ~~11.5 To interpret and apply human resources policies.~~
- ~~11.6~~11.5 To be responsible for an effective policy for the health, safety and welfare of council employees to be implemented at all levels.

### **12 Head of Legal and Democratic Services**

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- 12.1 To carry out all legal action as specified under Permissions above in consultation with the relevant Head of Service or their appointed deputy in their absence.
- 12.2 To hold and revise the list of politically restricted posts, in consultation with the Chief Executive, and advise on all applications from cCouncil employees (or prospective employees) for exemption from political restriction in respect of their posts including, where appropriate, signing the Certificate of Opinion required by the independent adjudicator under the Local Government and Housing Act 1989 to issue a Certificate of Opinion in connection with the Local Government and Housing Act 1989—Politically Restricted Posts.
- 12.3 To carry out a review and submit a report to Council as to the allocation of seats in accordance with the Local Government and Housing Act 1989 political balance provisions.
- 12.4 To act as Chief Legal Officer to the Council and take all necessary steps in legal proceedings ~~against any person or body~~ authorised by the cCouncil.
- 12.5 To authorise changes to the Constitution to reflect resolutions of Council or of the Executive, and changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all Members of such changes.
- ~~12.65~~ To authorise the institution, defence, withdrawal or settlement of any legal proceedings, civil or criminal, including Employment Tribunals (other than for Health and Safety proceedings, Council tax, non-domestic rates and sundry debts) at their his or her discretion~~To take all necessary steps to defend the council in legal proceedings against the council brought by any person or body, including in Employment Tribunals.~~
- ~~12.67~~ To negotiate and settle any claim or disputes without recourse to Court proceedings including the use of alternative dispute resolution.

~~12.87~~ To authorise ~~O~~officers of the ~~c~~Council to appear before the Magistrates' Court or County Court District Judges, including under sections 222 and 223 of the Local Government Act 1972.

~~12.98~~ To certify resolutions and documents as being correct.

~~12.7~~~~109~~ To obtain Counsel's Opinion, ~~or~~ instruct Counsel to appear on behalf of the Council and/or retain the services of other experts or external solicitors whenever they he or she considers such action advisable.

~~12.8~~~~110~~ To insert and cancel entries in the Local Land Charges Register and otherwise to take all steps in respect of searches.

~~12.9~~~~124~~ In consultation with appropriate ~~O~~officers, to grant wayleaves to statutory undertakers.

~~12.10~~ ~~To withdraw legal proceedings in his or her discretion.~~

~~12.123~~ To undertake the role of Senior Responsible Officer under the Council's Regulation of Investigatory Powers Act 2000 (RIPA) Policy.

~~12.11~~~~43~~ To fix charges for legal work carried out by the council, including for external bodies.

~~12.12~~~~54~~ To institute legal proceedings in respect of any contravention of any licences, permits or consents and/or any breach of any condition attached thereto.

~~12.13~~ ~~To authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.~~

~~12.14~~ ~~To exercise the required discretion whether or not to prosecute or defend legal proceedings on behalf of the council in accordance with Section 222 of the Local Government Act 1972.~~



12.165 To sign, and where appropriate, affix the Common Seal of the Council to, on behalf of the council any deed or other document, which, in his or her professional judgment, is necessary or desirable to sign and seal.

12.167 To act as Deputy Electoral Registration Officer.

12.187 To make changes to the Local Land Charge fees, including making changes to existing charges and the introduction of new charges and fee arrangements for new land charge services.

12.189 To administer the naming and numbering, including the renaming and renumbering, of streets and buildings in the District in consultation with parish and town councils.

12.2019 To appoint the members of the Independent Remuneration Panel, having first consulted the Chief Finance Officer and Group Leaders as to any reason why someone may not be considered independent.

### 13 Head of Strategic Finance and Property

13.1 To deliver, direct and manage the medium term financial planning of the organisation ensuring it is monitored and reported in a timely accurate fashion.

13.2 To deliver unqualified Statement of Accounts in accordance with legislative requirements.

13.3 To review listing decisions and compensation decisions for assets of community value.

13.4 To represent the council on the Management Board for the Hertfordshire Shared Audit Service (SIAS) and the Shared Anti-Fraud Service (SAFS).

13.5 Appoint Debt Recovery Agents for the whole or part of the district as the need arises.

13.6 Authorise and sign bank transfers and other payment types, including cheques and amendments to cheques.

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- 13.7 Wherever necessary, to amend and agree affected charges for services to take account of changes in VAT or other forms of taxation, provided (in respect of Enforcement Agents), that any action taken shall be reported to the next convenient meeting of the Executive.
- 13.8 To be responsible for the rate of interest for any of the council's borrowing activities and issue notices to the council's mortgages of any changes in the council's rate of interest.
- 13.9 To administer and manage the council's Collection Fund.
- 13.10 To set precept dates in agreement with precepting partners.
- 13.11 To administer the council's insurances fund.
- 13.12 To make determinations within approved budget as are required under Part IV of the Local Government and Housing Act 1989 in respect of the funding of expenditure capital (but not in respect of borrowing limits) and report the action taken to the Executive for information.
- 13.13 To take day-to-day decisions in respect of the investment of council funds in accordance with the Annual Treasury Management strategy last approved by the Council.
- [13.14](#) To be responsible for the custody of any document required to be published and kept available for public inspection under the Audit Commission Act 1998.
- ~~13.14~~[13.15](#) [To manage the council's property portfolio.](#)
- ~~13.15~~[13.16](#) Lettings of all properties **including council offices**; consents to assignments and sub-lettings; the granting of easements and licences; entering into leases, sub-leases, licences and easements on behalf of the council as lessee, sub-lessee, licensee or grantee as appropriate; consent to modification or release of restrictive covenants; rent reviews under existing and future leases, including the approval of terms, subject to reporting transactions half-yearly to the Executive.

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~~13.16~~13.17 To pursue appeals against rating assessments on council- owned and council-occupied property which, in his or her judgement, are incorrect or excessive, and agree either new or revised rating assessments on council-owned and/or occupied property on behalf of the council.

13.17 In consultation with the appropriate Executive Member and Head of Legal and Democratic Services to prosecute or authorise the prosecution of persons committing malicious damage to council property.

~~13.18 The letting of council offices.~~

~~13.19 To make future updates of the room hire pricing structure.~~

~~13.20~~13.18 To convey the freehold of electricity sub-station sites and to grant the necessary easements to electricity suppliers/distributors in respect of developments.

13.19 The appointment of Debt Recovery Agents (Enforcement Agents) and the issue of warrants to those appointed and taking such steps as may be necessary, including the levying of distress upon the goods and chattels of the tenant concerned, for the recovery of arrears of rent owing to the council in respect of the occupation of any Council dwelling.

13.20 To authorise Officers to discharge land drainage functions under the Public Health Act 1936 and the Land Drainage Act 1991.

13.21 To approve and submit the annual National Non-Domestic Rates (NNDR1) return to the Government.

~~13.21~~

## 14 Head of Revenue and Benefits Shared Services

14.1 Authorise Officers in consultation with the Head of Legal and Democratic Services to institute and appear in any legal proceedings relating to council tax and national non-domestic rates.

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- 14.2 To receive and process housing benefit and council tax support applications including initial reviews of decisions relating thereto and to approve the backdating of housing benefit payments and council tax benefit payments to attend, as necessary, valuation and council tax tribunal hearings.
- 14.3 To exercise discretion under the 1988 Housing Benefits Scheme (and any amendments thereto) to disregard, in determining a person's income, the whole of any war disablement pension or war widow's pension payable to that person.
- 14.4 To carry out all the charging and collection functions arising out of Parts I to III of the Local Government Finance Act 1988 (and any amendments thereto) except for:
- (a) the determination of discretionary non-domestic rate relief under Section 47, which should be undertaken in accordance with the most recent discretionary rates relief policy approved by Executive;
  - (b) other than for debts referred to in 14.5 below (bankruptcy, ~~or~~ liquidation, and any other legally irrecoverable debt) the writing-off debts (including council tax, housing benefit and national non-domestic rates) in excess of £5,000; and
  - (c) the reduction or remission of liability under section 49.
- 14.5 To write-off all council tax, housing benefits, and national non-domestic rates outstanding debts which are the subject of formal bankruptcy, ~~or~~ liquidation claims, ~~or~~ debt relief orders and any other legally irrecoverable debt at any level.
- 14.6 To determine charges for the service of a Summons and Liability Order for non-payment of council tax and national non-domestic rates and the issue of a Distress Warrant subject to the approval of the Court.

- 14.7 To enter into agreements for deferred payment of national non-domestic rates, subject to registration of a charge on the Land Register, and in accordance with council policy.
- 14.8 To consider, in respect of any reapplication for reduction in Non-Domestic Rate bills (within six months of refusal), whether there is a significant change in circumstances in which case the application shall be submitted to the relevant Executive Member for consideration.
- 14.9 To determine and pay Discretionary Housing payment in accordance with Housing Benefit regulations and section 13 (A)(1)(c) Local Government Finance Act 1992, relating to Exceptional Hardship in respect of council tax.

14.10 To apply powers relevant to Housing Benefit, Council Tax reduction, Council Tax and Business Rates included in the above stated regulations, and any relevant regulations (and any amendments thereto) other than where Executive or Council approval is required.

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## 15 Head of Planning and Building Control

- 15.1 To determine planning, Listed Building, reserved matters and advertisement applications **except where** the application:
- (a) is an outline or full permission for a major development as defined in the Town and Country Planning (Development Management Procedure) Order (England) 2015 as amended, except:
- (i) applications which are for major development by virtue of the extent of the site area only (which remain delegated);

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- (ii) where the application is a reserved matters application pursuant to a previous major application which, itself has been approved (which remain delegated); and
  - (iii) where the application is a major application which, having considered the requirements of the development plan and all other relevant material planning considerations, the Head of Planning and Building Control recommends to be refused ~~and, in that case, following in consultation with confirmation in writing from the Chairman of the Development Management (DM) Committee, and a minimum of one local ward Member of their agreement with that recommendation, this remains as a delegated decision.~~
- (b) is a non-material or minor material amendment application (variation) pursuant to a previous major application except where the ~~Head of Planning and Building Control planning case officer has sought, and had confirmed in writing from the~~ Head of Planning and Building Control ~~has consulted the~~ Chairman of the Development Management ~~DM~~ Committee ~~and a minimum of one local ward Member,~~ that the matter can be dealt with as a delegated decision;
  - (c) is by a Member of the council;
  - (d) is by an officer of the council employed in the planning service area;
  - (e) is by an officer of the council, other than one employed in the planning service area and proposes development other than householder development;
  - (f) is one where a Member considers that ~~D~~ P powers should not be exercised by the Head of Planning and Building Control. In which case the Member must contact the Chairman of the Development Management Committee to seek referral, submitting a completed application referral

request form stating the reasons why the decision should not be delegated. The decision remains delegated until the DM Chairman confirms the referral request;

- (g) requires reference to the Secretary of State;
  - (h) is for approval and requires linking to an agreement under Section 106 of the Town and Country Planning Act (s106 Agreement) (except applications which propose a variation to an existing s106 Agreement, or a s106 Agreement which is related to a development other than a major development and, in those cases, subject to ~~confirmation in writing from consultation with~~ the Chairman of the Development ManagementDM Committee ~~and a minimum of one local ward Member~~; and
  - (i) is for development by or on behalf of the council, or which relates to a site in which it has a landowning interest, to which an objection has been made which is material to the development proposed.
- 15.2 To take all actions as necessary with regard to the receipt, validation, consultation and administration of all application types.
- 15.3 To take all actions as necessary with regard to the administration and submission of the council's case, including any review, alteration, amendment or withdrawal of that case, following the appeal of a planning decision that has been made under Ddelegated Ppowers.
- 15.4 To take all actions as necessary with regard to the administration and submission of the council's case, including any review, alteration, amendment or withdrawal of that case, in consultation with the Chairman of the Development Management Committee and a minimum of one local Wward Member (where substantive change is proposed), following the appeal of a planning decision that has been made by the Development Management Committee.

- 15.5 To take all actions to negotiate, vary and finalise the detail of legal agreements under s106 of the Town and Country Planning Act 1990 as amended, following authorisation of the heads of terms of such agreements by the Development Management Committee (where relevant), ~~and in consultation with the Head of Legal and Democratic Services.~~
- 15.6 To take enforcement action in relation to legislation within the remit of the Area of Responsibility and in particular as detailed below:
- (a) to serve Planning Contravention Notices where it appears that a contravention of planning control has taken place;
  - (b) to issue Stop Notices, Temporary Stop Notices, Enforcement Notices, Enforcement Orders and Advert Removal Notices ~~to~~ issue Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act 1990 as amended ~~in consultation with the Head of Legal and Democratic Services~~; and
  - (c) in cases of urgency and subject to consultation with the Chairman or Vice Chairman of the Development Management Committee, to arrange for the serving of ~~temporary stop notices~~, urgent works notices, repairs notices and Directions under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and directions relating to unlisted buildings in conservation areas.
- 15.7 In consultation with the Head of Legal and Democratic Services, to apply for injunctions in appropriate cases where there are any breaches of planning and/or building control, Tree Preservation Orders, or Listed Building and Conservation legislation where it is felt that contravention of planning and/or building control has taken place, and to give any undertakings in damages in such cases.



- 15.8 To determine whether or not it is expedient to take enforcement action where a breach of planning control has occurred, save where a Member requests the matter be referred to the DM Committee and, in those cases with the agreement of the Chairman of the DM Committee.
- 15.9 To make Tree Preservation Orders, and to determine applications for consent for the cutting down, topping or lopping of trees applications under the Hedgerow regulations 1997 and exercise the powers and duties relating to high hedges under the Anti-social Behaviour Act 2003.
- 15.10 To exercise the council's powers under Section 70(a) of the Town and Country Planning Act 1990, by declining to determine an application for planning permission for the development of any land where, within a period of two years, ending with the date on which the application is received, the Secretary of State has refused a similar application referred to him or her under Section 77, or has dismissed an appeal against the refusal of a similar application, and where, in the opinion of the Head of Planning and Building Control, there has been no significant change since the refusal or dismissal in the Development Plan or in any other material considerations.
- 15.11 The consideration, approval and payment of grants in respect of works to Listed Buildings, Heritage Assets at Risk, Undesignated Heritage Assets and with regard to Conservation Areas.
- 15.12 To exercise the council's planning powers for control of demolition.
- 15.13 To approve or reject plans submitted as non-material amendments to planning applications other than major planning applications.
- 15.14 To determine applications for certificates of appropriate alternative development.
- 15.15 To determine applications for certificates of lawful use and development in relation to proposed used and existing use.

~~(in consultation with the Head of Legal and Democratic Services).~~

- 15.16 To make observations on development proposals by or on which comments are sought by Government Departments, statutory undertakers, and Hertfordshire and Essex County Councils and any other Local Planning Authority, which, where relevant, are substantially in accordance with the council's policies and are not likely to be controversial.
- 15.17 To advertise in the local press applications required to be advertised by statute or orders or regulations made thereunder, planning applications and applications for listed building consent.
- 15.18 To advertise in the local press and/or by a notice on site applications for planning permission as required by any Development Order made by the Secretary of State.
- 15.19 After consultation with the ~~Chairman of the Development Management Committee and the~~ Head of Legal and Democratic Services, to institute legal proceedings in respect of the contravention of Tree Preservation Orders and unauthorised works to trees in Conservation Area.
- 15.20 To enter into Planning Performance and Extension of Time Agreements.
- 15.21 To determine the submission of nominations for the registration of Assets of Community Value.
- 15.22 To authorise an officer to enter land at any time for enforcement purposes in cases where admission has been refused or a refusal is expected or in cases of urgency.
- 15.23 To determine submissions as to whether prior approval is required in relation to any of the forms of permitted development for which a prior approval process is required as set out in government regulations (as may be subsequently amended) and in relation to all of the matters which, as specified in the appropriate regulations, those approvals are to be made. ~~Where the submission is one where a Member considers the delegated powers should~~

~~not be exercised by the Head of Planning and Building Control, in that case, the Member shall submit a request in writing to the Chairman of the Development Management Committee setting out why delegated powers should not be exercised. The Chairman shall determine whether delegated powers should be exercised in consultation with the Chairman and local ward Members.~~

- 15.24 To give screening opinions and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 2017 as amended.
- 15.25 To determine fees for planning applications and planning performance agreements.
- 15.26 To determine the building regulation fees charged by the council and to take all actions as necessary acting at the council's representative on the Commissioning Panel with regard to the commissioning of the Building Control service.
- 15.27 To determine applications submitted for approval under the Building Regulations and made under the Building Act 1984 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976.
- 15.28 To be the Appointing Officer for the purposes of the Party Wall Act 1996.
- 15.29 To determine any footpath and bridleways matters including their protection, creation, diversion, modification and extinguishment.
- 15.30 To finalise the wording and requirements of planning conditions following the approval to grant planning permission by Development Management Committee.
- 15.31 To make minor amendments and/or corrections of a clerical, grammatical or editorial nature only to the wording of conditions, obligations, reasons and informatives.
- 15.32 Where a planning obligation (including a deed modifying or discharging an existing obligation) acceptable to the Head of Planning and Building Control has not been entered into

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within 3 months of the Committee's resolution the Head of Planning and Building Control can refuse the application.

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~~15.29~~15.33 To discharge obligations under s.106 TCPA 1990 (or s.52 of the TCPA 1971) where the Head of Planning and Building Control deems that the obligation(s) has been complied with or is no longer relevant due to subsequent planning decisions or the passage of time.

## 16 Head of Housing and Health

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### Housing and Community Safety

16.1 To exercise the council's functions with regard to homeless persons.

16.2 To procure and/or manage temporary accommodation in pursuance of the council's homelessness duties and powers.

16.3 To write off arrears and debts arising from the discharge of homelessness powers and duties up to a maximum sum specified by the Head of Strategic Finance and Property.

16.4 To ~~determine a scheme of allocation of social and affordable housing~~, maintain registers and records of those in housing need requiring social or affordable housing and nominate applicants to properties owned by ~~private~~ Registered Providers (RPs).

16.5 To determine levels of housing need, stock condition and market conditions.

~~16.5~~16.6 To make representations on or objections to housing development applications which are not in the public interest in relation to meeting local housing need.

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~~16.6~~16.7 To draw up development and/or regeneration schemes with RPs and other partners and pay grants to RPs and others on approved development schemes.

~~16.7~~16.8 To make arrangements for and oversee the making of grants and loans and taking of other actions to enable the

improvement or return to use of residential properties, including Disabled Facilities Grants. To make arrangements for and oversee the discharge of the council's duties and powers relating to the granting of Disabled Facilities Grants and other means of supporting adaptations to the homes of disabled people.

~~16.8 To take action in consultation with the Head of Legal and Democratic Services to Prevent Nuisance and Annoyance in accordance with Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014.~~

~~16.9 To apply, in consultation with the Head of Legal and Democratic Services, for Closure Orders and to issue Closure Notices under Part 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.~~

~~16.10 To serve, in consultation with the Head of Legal and Democratic Services, Community Protection Notices, and Fixed Penalty Notices in the event of a breach, under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.~~

~~16.11 To make public spaces protection orders, in consultation with the Head of Legal and Democratic Services, under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.~~

16.9 To take action under the Crime and Disorder Act 1998, Police and Justice Act 2006 and Anti-Social Behaviour, Crime and Policing Act 2014 or associated guidance and/or replacement legislation to tackle anti-social behaviour, acting in consultation with the Head of Legal and Democratic Services as appropriate.

16.10 In all cases involving arrears of mortgage payments to the council and in consultation with the Head of Strategic Finance and Property and Head of Legal and Democratic Services or duly authorised Officers, to institute proceedings in the appropriate court to obtain an order for possession of the property and/or recovery of all monies remaining outstanding under the mortgage, legal charge or further charge as the case may be.

~~16.12~~

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~~16.13~~ 16.11 In relation to the recovery of contributions to the cost of sewerage services in respect of council houses which are sold:

- (a) to determine actual annual costs and payments on account; and
- (b) ~~in consultation with the Executive or Executive Member,~~ to make special arrangements in the case of hardship or, where necessary, to comply with an existing agreement.

~~16.142~~ To determine requirements and make arrangements for the CCTV camera network services funded by the council.

~~16.15~~ To determine the case for activities under the Regulation of Investigatory Powers Act 2000 or associated guidance and/or replacement legislation, including, acting in consultation with the Head of Legal and Democratic Services, applications to Court to conduct covert surveillance. To approve activities under the Regulation of Investigatory Powers Act 2000.

~~16.16~~ To be responsible for emergency planning matters.

~~16.17~~ To exercise the council's functions to promote community safety and deter anti-social behavior and fly-tipping, functions under the Crime and Disorder Act 1998, Police and Justice Act 2006 and Anti-Social Behaviour, Crime and Policing Act 2014.

## Licensing and Environmental Health

~~16.18~~ 16.15 To exercise the council's functions relating to hackney carriage/private hire licensing unless relating to a matter reserved for Licensing Committee or Licensing Sub-Committee. To undertake, in consultation with the Head of Legal and Democratic Services, prosecutions of hackney carriage drivers and private hire vehicle drivers for road traffic offences and other drivers for criminal offences relating to taxi ranks.

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~~16.19~~16.16 To exercise ~~all~~ functions, unless reserved for the Licensing Committee or Licensing Sub-Committee, under the Licensing Act 2003 and Gambling Act 2005 including all administrative functions and determinations of unopposed applications for premises licences, personal licences, club premises certificates, temporary events notices, regulated entertainment and late night refreshments, permits and the setting of fees and charges where the legislation allows local determination.

~~16.20~~16.17 To apply the powers and duties of enforcement afforded to a District Council in all legislation relating to Licensing and Environmental Health matters, ~~enforce the enactments arising from the legislation set out in Appendix A.~~

~~16.21~~16.18 To authenticate on the council's behalf any notice, certificate or other document required to apply any power or duty afforded to a District Council in legislation relating to Licensing and Environmental Health unless reserved for determination by another body of the Council, ~~to be issued in relation to the legislation in Appendix A, subject to the matter being referred to the Licensing Committee where policy or financial considerations are involved that have not previously been determined by the Committee or other appropriate body of the council.~~

~~16.22~~16.19 To exercise the powers of the council as registration authority including the issue, renewal, ~~and transfer~~ or variation of all licences, consents and registrations set out in legislation pertaining to Licensing or Environmental Health matters unless in the case of contested matters reserved for determination by another body of the Council, ~~of all licences and registrations listed in Schedule I below upon appropriate conditions.~~

~~16.23~~ The issue of occasional permissions in respect of those licences listed in Schedule I upon appropriate conditions.

~~16.24~~ To authorise officers to sign licences listed in Schedules I and II.

~~16.25~~ The variation of licence conditions in respect of:

~~(a) licences listed in Schedule I; and~~

~~(b) individual licences listed in Schedule II where there are no objections.~~

**~~Schedule I:~~**

- ~~\* Charitable Collection Permit including Street Collections and House to House Collections~~
- ~~\* Game Licences~~
- ~~\* Riding Establishments Licences~~
- ~~\* Zoo Licences~~
- ~~\* Dangerous Wild Animals Licences~~
- ~~\* Animal Boarding Establishments Licences~~
- ~~\* Dog Breeding Licences~~
- ~~\* Pet Shop Licences~~
- ~~\* Skin Piercing Registrations~~
- ~~\* Street Trading Consents~~
- ~~\* Cooling Towers Registrations~~
- ~~\* HMO Licences~~
- ~~\* Caravan Site Licences~~

**~~Schedule II:~~**

- ~~\* Licences under the Licensing Act 2003~~
- ~~\* Sex Shop Licences~~
- ~~\* Sexual Entertainment Venues~~

~~16.26 To discharge all functions of the council under the Scrap Metal Dealers Act 2013.~~

~~16.27 Pursuant to Section 223 of the Local Government Act 1972 to authorise and institute proceedings in any Magistrates' Court in respect of offences or other matters falling within the legislation listed in Appendix A subject to consultation with, and the agreement of, the Head of Legal and Democratic Services.~~

~~16.28 To exercise powers and duties and enforce enactments arising from the legislation referred to in Appendix A, and authorise officers to do so, including applications for warrants to enter property, subject, where appropriate, to~~



~~officers possessing such qualifications as may be required by law or in accordance with the council's policies and having the necessary competency and experience.~~

~~16.20~~ To authorise suitably qualified and experienced ~~o~~Officers to act as inspectors and serve and sign in their own name all notices and enforcement instruments as related to the powers and duties afforded to District Councils in Licensing and Environmental Health legislation.

~~16.29~~ ~~To authorise suitably qualified and experienced officers to serve and sign in their own name all improvement notices, prohibition notices, decisions, other notices with respect to food safety, health and safety, private sector housing, public health and other legislation in Appendix A.~~

~~16.30~~ ~~To authorise suitably qualified and experienced officers to serve and sign in their own name all authorisation, variation, revocation, enforcement and prohibition notices under local authority pollution control enforcement.~~

~~16.31~~ ~~To authorise such staff who are competent, suitably qualified and experienced to discharge the functions of the local authority relating to the appointment and duties of Officers in Appendix A.~~

~~16.32~~ ~~To appoint as inspectors such persons having suitable qualifications necessary for carrying into effect the provisions of the Environmental Protection Act 1990 and to terminate any appointment made, pursuant to Section 16 of the 1990 Act.~~

~~16.33~~16.21 ~~To instruct, on behalf of the council, such veterinary surgeon(s) as may be appropriate from time to time, based on the specific knowledge required. That any Consultant Veterinary Surgeon so instructed on behalf of the council be authorised to enter any premises to advise as necessary on action to be taken under the animal welfare legislation listed in Appendix A.~~To appoint and instruct veterinary surgeons to act on behalf of the council.

~~16.34~~16.22 ~~To nominate ~~O~~officers for the council and take appropriate actions as required under the in respect of~~

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~~Notifiable Disease and food poisoning and for action under Section 47 of the National Assistance Act 1948.~~

~~16.35 Pursuant to Section 19 of the Health and Safety at Work etc Act 1974, to appoint as Inspectors such persons having suitable qualifications, and arrange for other people to accompany the Inspectors, necessary for carrying into effect the provisions of the Act and to terminate any appointment made; and pursuant to Section 39 of the Health and Safety at Work etc 1974, to authorise any such Inspectors to prosecute before a Magistrates' Court for any offence under the said Act or Regulations made thereunder in consultation with the Head of Legal and Democratic Services as appropriate.~~

16.36 To endorse any agreed transfers of enforcement responsibility for any particular premises, or parts of premises, or any particular activities carried on in them, from the Health and Safety Executive to the council, or vice versa.

~~16.37 To make representation on or objections to any applications for activity in the District on the grounds that permission would be prejudicial to the public interest on environmental, health, nuisance or similar grounds. To submit objections in connection with applications relating to Operators' Licences where it appears that the grant or variation of such a licence would be prejudicial to the public interest on environmental, traffic or highway grounds.~~

16.38 To give directions and make applications to ~~the Magistrates'~~ Court in respect of unauthorised encampments in the District in consultation with the Head of Legal and Democratic Services as appropriate.

~~16.39 To authorise officers to discharge the functions contained in the European Communities Act 1972 (subsequent amendment implied), and in particular the following matters:~~

~~(a) — agricultural produce (quality standards and labelling);~~

~~(b) — animal health and welfare;~~

- ~~(c) — consumer protection;~~
- ~~(d) — environmental protection;~~
- ~~(e) — food hygiene and standards; and~~
- ~~(f) — public health and standards.~~

16.40 ~~To authorise officers to discharge land drainage functions under the Public Health Act 1936 and the Land Drainage Act 1991.~~

### **Public Health, Wellbeing and Community Safety**

16.12 To determine requirements and make any necessary arrangements for CCTV cameras in public areas funded by the council.

16.?? To determine the case for activities under the Regulation of Investigatory Powers Act 2000 or associated guidance and/or replacement legislation, including, acting in consultation with the Head of Legal and Democratic Services, applications to court to conduct covert surveillance.

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16.23 To be responsible for emergency planning matters.

16.24 To exercise the council's functions to promote community safety and deter anti-social behavior and fly-tipping.

### **Community Transport Environmental Sustainability**

16.41 To act as the council's designated Lead Officer for Safeguarding, promote safeguarding and respond to safeguarding issues raised.

16.42 To devise and administer arrangements for distributing grants to improve the health and wellbeing of local people, ~~and/or provide community transport services.~~

16.43 To make arrangements to promote environmental sustainability and reduce carbon emissions within the council and throughout the District.

~~16.43 To award Arts and Sports Grants in accordance with established criteria and council policy and in consultation with the Head of Operations as appropriate.~~

### **Other**

16.44 To submit monitoring returns to government departments, regulatory bodies and others.

16.45 To determine road closure applications under the Town Police Clauses Act 1847.

### **17 Head of Operations**

17.1 To authorise appropriate action to be taken in respect of any contravention of any Order made under Section 35 of the Road Traffic Regulation Act 1984 (as amended) by persons at any car park(s) detailed within such an Order, subject to the outcome of any legal proceedings taken being reported to a subsequent meeting.

17.2 To charge users a fixed charge equivalent to the charge for the first variable charging period on those occasions when a short stay car park's variable charge equipment is temporarily out of commission.

17.3 To authorise the use of the council's off-street car parks by commercial and non-commercial organisations on Sundays only, and to determine the charge to be levied in such circumstances.

17.4 Restriction of the use or closure of bowling greens during periods of drought.

17.5 Control of all grounds owned by the council.

17.6 The letting of council gardens and car parks.

17.7 The removal, storage and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978.

17.8 To administer the Scheme for the collection of trade refuse.

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- 17.9 Approval of types and siting of litter bins provided by parish and town councils.
- 17.10 To determine, in the first instance, whether street cleansing is necessary in the interests of public health or the amenity of the area pursuant to the Environmental Protection Act 1990 Code of Practice on litter and refuse.
- 17.11 To deal with requests for the provision of signs to prohibit litter or other nuisances within the highway or car parks, in consultation with the Leader.
- 17.12 To be identified as contact officer for the public under the Code of Practice of the Environmental Protection Act 1990.
- 17.13 To serve notices under the Environmental Protection Act 1990 and the Town and Country Act 1990 acting in consultation ~~In consultation~~ with the Head of Legal and Democratic Services, ~~to serve Street Litter Control Notices, as appropriate in accordance with the provisions contained in Part IV of the Environmental Protection Act 1990 and serve notices under Section 215 of the Town and Country Planning Act 1990.~~
- 17.14 Pursuant to Section 223 of the Local Government Act 1972 to authorise and institute proceeding in any ~~Magistrates'~~ Court in respect of ~~Q~~officers or other matters falling within relevant the legislation ~~in Appendix B~~ (subject to the Head of Legal and Democratic Services being satisfied as to the sufficiency of the evidence.)~~.~~
- 17.15 To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation. ~~To authorise officers to exercise powers and duties falling within the legislation referred to in Appendix B where appropriate to officers possessing such qualifications as may be required by law or in accordance with the council's policy and having the necessary competence and experience.~~
- 17.16 To take action under the Anti-Social Behaviour, Crime and Policing Act 2014 or associated guidance and/or

replacement legislation acting in consultation with the Head of Legal and Democratic Services.

~~17.16 To serve (in consultation with the Head of Legal and Democratic Services) Community Protection Notices, and Fixed Penalty Notices in the event of a breach, under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.~~

~~17.17 To make a public spaces protection order, (in consultation with the Head of Legal and Democratic Services) under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.~~

17.18 To authorise Qofficers to serve and sign in their own name all authorisation, variation, revocation and enforcement and other notices and orders falling within the legislation referred to in Appendix B, as related to in the powers and duties afforded to the District Council in legislation.

17.19 To consider objections received in relation to proposed Traffic Regulation Orders in in consultation with the Executive Member for Environmental Sustainability.

**18 Head of ICT and Business SystemsICT Strategic Partnership Manager (or equivalent post-holder as provided by Stevenage Borough Council under the shared services arrangements)**

18.1 To develop the council's information systems, information technology and e-government strategies.

18.2 To develop the council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to Qofficers and Members.

18.3 To supply connections and services to public sector partners and other organisations as required, provided that the integrity of the council's information systems is maintained.

18.4 To advise on and provide resilient ICT hardware and software solutions to maximise the efficiency of the council's operations.

**19 Head of Communications, Strategy and Policy**

19.1 To lead interpretation of and promote council compliance with the Public Sector Equality Duty as part of the Equality Act 2010.

19.2 To ensure compliance with Section 88 of the Localism Act regarding the registering of Assets of Community Value.

19.3 To ensure compliance with the Government's Code of Recommended Practice on Local Authority Publicity pursuant to the Local Government Act 1986.

19.4 To advise on best practice in public consultation in line with the Cabinet Office's Consultation Principles 2016 and any successor guidance or requirements.

19.5 To administer the council's Complaints Policy and liaise with the Ombudsman when complaints have been escalated.

19.6 To take action against persistent and unreasonable complainants.

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## **APPENDIX A**

### **Part 1—legislation of particular relevance to the council's Licensing function (subsequent amendment implied)**

Betting, Gaming and Lotteries Act 1963  
Environmental Protection Act 1990  
Gambling Act 2005  
Gaming Act 1968  
Hypnotism Act 1952  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Lotteries & Amusements Act 1976  
Scrap Metal Dealers Act 2013  
Theatres Act 1968

### **Part 2—legislation of particular relevance to the council's Environmental Health function (subsequent amendment implied)**

Animal Welfare Act 2006  
Building Act 1984  
Caravan Sites Act 1968  
Caravan Sites and Control of Development Act 1960  
Christmas Day Trading Act 2004  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Control of Pollution Act 1974 Justice and Public Order Act 1994  
Dangerous Wild Animals Act 1976  
Energy Act 2013  
Enterprise and Regulatory Reform Act 2013  
Environment Act 1995 Protection Act 1990  
European Communities Act 1972  
Factories Act 1964  
Food Safety Act 1990  
Game Act 1831  
Game Licences Act 1860  
Guard Dogs Act 1975  
Health Act 2006  
Health & Safety at Work Etc Act 1974  
Home Energy Conservation Act 1995  
Housing Act 1985  
Housing Act 1996  
Housing Act 2004  
Housing and Planning Act 2016  
Housing, Grants, Construction and Regeneration Act 1996  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Local Government Act 1972  
Local Government Act 2000



~~Local Government and Housing Act 1989~~  
~~Noise Act 1996~~  
~~Noise & Statutory Nuisances Act 1993~~  
~~Offices, Shops and Railways Premises Act 1963~~  
~~Party Walls etc Act 1996~~  
~~Pollution Prevention and Control Act 1999~~  
~~Prevention of Damage by Pests Act 1949~~  
~~Protection from Eviction Act 1977~~  
~~Public Health (Control of Diseases) Act 1984~~  
~~Public Health Act 1936~~  
~~Public Health Act 1964~~  
~~Sunbeds (Regulation) Act 2010~~  
~~Sunday Trading Act 1994~~  
~~Tenant Fees Act 2019~~  
~~Transport Act 1985~~  
~~Vehicles (Crime) Act 2001~~  
~~Water Industry Act 1991~~  
~~Zoo Licensing Act 1981~~

## **APPENDIX B**

~~Anti-Social Behaviour, Crime and Policing Act 2014~~  
~~Clean Neighbourhoods and Environment Act 2005~~  
~~Environmental Protection Act 1990~~  
~~Controlled Waste Regulations (2012)~~  
~~Criminal Justice and Police Act 2001~~  
~~Dangerous Dogs Act 1991~~  
~~Dogs (Fouling of Land) Act 1996~~  
~~Guard Dogs Act 1975~~  
~~Environmental Protection Act (1990)~~  
~~Policing and Crime Act 2009~~  
~~Prevention of Damage by Pests Act 1949~~  
~~Refuse Disposal (Amenity) Act 1978~~  
~~Dangerous Dogs Act 1989~~  
~~Road Traffic Regulation Act 1984~~

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## **Part 4H - Contract Procedure Rules**

### **1. Introduction**

- 1.1 These ~~C~~ontract ~~P~~rocedure ~~R~~ules (CPRs) have been issued in accordance with Section 135 of the 1972 Local Government Act and adopted by East Herts Council to give consistency to procurement across the council.
- 1.2 Procurement is the process by which the council manages the acquisition of all goods, services and works. It includes the identification of need, consideration of options and the actual procurement process. For the purposes of these CPRs any procurement that is not identified as out of scope in paragraph 3 below is a “Relevant Contract” and these CPRs apply to it.
- 1.3 Officers responsible for purchasing on behalf of the council (herein terms ‘~~O~~fficers’ within this Part 4H of the Constitution) must comply with these CPRs. They provide the minimum requirements although a more thorough procedure may be appropriate for specific contracts.
- 1.4 These CPRs provide a framework for the procurement of all goods, services and works for the council. They are designed to ensure that all procurement activity is conducted with openness, probity and accountability. These CPRs are designed to ensure that the council obtains Value for Money and the required level of quality and performance in all contracts.
- 1.5 These CPRs must be read in conjunction with the relevant provisions of the council’s Constitution including the Financial Procedure Rules and the Procurement Strategy.
- 1.6 The disposal of assets and the acquisition, use and disposal of land and buildings are not covered by these CPRs ~~and are to be considered alongside the Financial Procedure Rules.~~
- 1.7 For the purposes of these CPRs there is a requirement for all communication to be in writing except where otherwise specified. This shall be deemed to include electronic

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communication, use of e-procurement and hard copy.

- 1.8 In the event of doubt as to the interpretation of the CPRs, take advice from the Monitoring Officer.

## 2. Basic principles

- 2.1 ~~It is essential that t~~The following EU Treaty Principles MUST be upheld in any procurement notwithstanding the withdrawal of the UK from the EU:

- (a) transparency – contract procedures must be transparent and contract opportunities must generally be publicised;
- (b) equal treatment and non-discrimination – potential suppliers must be treated equally;
- (c) proportionality – procurement procedures and decisions must be proportionate; and
- (d) mutual recognition – giving equal validity to qualifications and standards from other Member States, where appropriate.

- 2.2 It is essential to observe the EU framework and principles underlying the public procurement regime (the procurement procedures, financial thresholds, etc.), as they have continued to apply following Brexit. The EU financial thresholds (“relevant thresholds”) for the purposes of the application of the Public Contracts Regulations 2015 (as amended) remain relevant and must be adhered to. Upon the implementation of any new procurement rules and laws, these CPRs will be updated accordingly to reflect any relevant changes in UK law.

- 2.3 As of 1<sup>st</sup> January 2021 the council must publish all new public procurement notices (including a **C**ontract **A**award notice) above the relevant (EU) financial threshold in the new UK e-notification service, Find a Tender, in place of the Official Journal of the European Union’s Tenders Electronic Daily (OJEU/TED). The council must also continue to follow the requirements for publication on Contract Finder as applicable. In relation to procurement procedures that were launched prior to 1<sup>st</sup> January 2021 and new contracts awarded under frameworks or dynamic purchase systems that were

established prior to 1<sup>st</sup> January 2021, the previous arrangements for the publication of notices still apply.

2.22.4 In addition to the above public procurement regime requirements, all procurement must:

- (a) comply with the council's Procurement Strategy, support the council's corporate and departmental aims, strategies, policies and procedure;
- (b) achieve value for public money spent;
- (c) be consistent with the highest standards of integrity
- (d) comply with relevant legal requirements;
- (e) be undertaken in a timely fashion;
- (f) ensure that **N**on-**C**ommercial **C**onsiderations do not influence any **C**ontracting **D**ecision; and
- (g) be conducted in a sustainable manner, taking environmental impact into account.

### **3. Exclusions**

3.1 All Relevant Contracts must comply with these CPRs but some contracts which the council enters into are not defined as Relevant Contracts and so these CPRS do not automatically apply. These exclusions include:

- (a) the making of grant payments which are covered by the Financial Procedure Rules;
- (b) contracts of employment which make an individual a direct employee of the council;
- (c) the engagement of counsel/advocates or other experts by the Legal Services Manager where such engagement falls outside an existing framework for the provision of legal services;
- (d) agreements regarding the acquisition, disposal, or transfer of land. Further guidance must be sought from the Head of Strategic Finance and Property;
- (e) the lending and borrowing of money, or
- (f) the purchase or sale by auction or at public fairs and markets;
- (g) the purchase of works of art or museum specimens, or
- (h) agreements in relation to performers and artists at festivals and arts programming; and

- (i) agreements under section 106 of the Town and Country Planning Act 1990 (as amended).

#### 4. Exemptions

4.1 Where a contract is not excluded ~~from~~ under these CPRs, that is, where the CPRs are applicable, the council may still decide that all or part of these CPRs do not apply to a particular contract. If the council makes such a decision, this is termed an exemption from the CPRs. By granting an exemption the council can only waive the rules established by it as set out in the Constitution. The council cannot waive UK law.

4.14.2 It must be noted that if ~~a~~ the value of a proposed contract's ~~value~~ is likely to exceed the relevant EU/relevant financial ~~t~~Threshold then the council cannot apply any exemptions to these CPRs.

4.24.3 Exemptions are permissible if ~~a~~ the value of a proposed contract's ~~value~~ is likely to be below the EU/relevant financial ~~Threshold~~ threshold, but such exemptions must only be sought in exceptional circumstances. Any such exemption must be recorded as it counts as a ~~e~~Contracting ~~D~~ecision.

4.34.4 Exemptions relating to proposed contracts with a likely value of between £10,001 and the EU/relevant ~~Threshold~~ threshold must be approved by ~~either~~ the Procurement Manager, the Head of Strategic Finance and Property or the Monitoring Officer. A record of all exemptions requested and approved will be kept by the Procurement Manager.

4.5 The officer requesting an exemption must produce evidence to support the request for any exemption. If the exemption is agreed the resulting contract must be recorded on the Central Contracts Register by completing an Award Notification Form.

4.44.6 Exemptions to any of the council's rules must be sought in advance of any contractual agreement, placement of an order, use of works, services or purchase of supplies.

4.54.7 Exemptions are likely only to be granted in the following circumstances:

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- (a) an unforeseeable emergency involving immediate risk to persons or property, or serious disruption to council services;
- (b) the goods or services are supplied at a fixed price or the prices are wholly controlled by trade organisations and the relevant Head of Service is satisfied that no satisfactory alternative is available;
- (c) Where exceptional circumstances clearly show it is the best interests of the Council to negotiate a new contract with an existing supplier. ;
- (d) the items to be supplied consist of goods or services which are currently in use and are required for the purposes of standardisation;
- (e) the specialised nature of the goods, services to be supplied or the works to be executed means that only one suitable supplier has been identified or is available;
- (f) emergency action is required and/or immediate repairs are required to buildings, structures and other assets damaged by fire, flood or vandalism; or
- (g) unforeseen works or circumstances where delay will adversely impact on the service delivery for the council or access to external funds.

4.64.8 If an exemption is sought which is not for any of the above reasons, advice must first be obtained from the Monitoring Officer in order to determine whether such an exemption can be applied. Exemptions for reasons not listed above will be acceptable only in exceptional circumstances.

## 5. Procurement thresholds and key requirements

5.1 Where the **T**total **V**alue for procurement, for the whole contract length including any options of extensions (if there is no specific length, assume 4 years) is within the values in the first column below, the **A**award **P**rocedure in the second column and the key requirements in the third column must be followed:

Total Value (excluding VAT)	Award Procedure	Key Requirements
Up to £10,000	Go ahead (see section 9.1)	<ul style="list-style-type: none"> <li>If assured of value for money; buy it from a supplier that can provide the requirement.</li> </ul>
OR if a saving of more than the cost of the procurement might be achieved	Quick Quotation Procedure (see section 9.2)	<ul style="list-style-type: none"> <li>Using In-Tend e-procurement recommended</li> <li>Invite email or written quotations from a minimum of three suppliers</li> <li>No requirement to use <b>F</b>ormal <b>Q</b>uotation template.</li> </ul>
£10,001 - £75,000	Formal Quotation Procedure (see section 9.3)	<ul style="list-style-type: none"> <li>Use of In-Tend e-procurement mandatory</li> <li>Invite a minimum of three <b>Q</b>uotations from three suppliers</li> <li>Use <b>F</b>ormal <b>Q</b>uotation template.</li> </ul>
£75,001 – EU <b>/Relevant</b> Threshold	Formal Tender Procedure (see section 9.4)	<ul style="list-style-type: none"> <li>Use of In-Tend e-procurement mandatory</li> <li>Use <b>F</b>ormal <b>T</b>ender template (alternative templates for works may be used with approval from the procurement manager)</li> </ul>



above EU/ <u>Relevant</u> Threshold	EU Tender Procedure <u>subject to</u> <u>the new</u> <u>requirements on</u> <u>publication of notices</u> <u>for new procurement</u> <u>activities</u> (see section 9.5)	<ul style="list-style-type: none"> <li>• Must always consult the Procurement Manager and the Legal Services Manager</li> <li>• Use of In-Tend e-procurement mandatory.</li> </ul>
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## 6. **Officer responsibilities**

6.1 Officers responsible for procurement must comply with these CPRs, Financial Procedure Rules, the Officers' Code of Conduct, and with all UK and European Union binding legal requirements. Currently the EU framework and principles underlying the public procurement regime continue to apply notwithstanding the withdrawal of the UK from the EU. Officers must ensure that any Agent, Consultants and contractual partners acting on the council's behalf also comply.

6.2 Before requesting **Q**uotations or inviting **T**enders the officer must:

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- (a) explore whether there is an alternative to buying the goods, services or works;
- (b) check with the Procurement Manager whether a relevant East Herts contract exists before seeking to enter into a further contract; if such a relevant contract exists, this must be used unless there is an auditable reason not to;
- (c) check with the Procurement Manager whether a suitable Framework Agreement is available from any Contracting Authority or a Professional Buying Organisation before starting a new procurement; where a suitable Framework Agreement exists, consideration must be given to procure from it unless there is an auditable reason not to;
- (d) confirm that there is approval for the expenditure;
- (e) seek timely procurement, legal, financial, and other professional advice; and
- (f) keep records of all **C**ontracting **D**ecisions taken.
- (g) include consideration of the carbon footprint within (a) the determination of whether to procure, (b) the specification for good and/or services to be procured and (c) the quality assessment of competing **T**enders.

6.4 The officer must ensure that timely advice is sought from the Head of Legal and Democratic Services when any officer either of the council or of a service provider may be affected by the Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE) issues before proceeding with inviting Tenders or Quotations.

## 7. **Contract formalities**

7.1 All contracts shall be in writing and based on the council's Standard Terms and Conditions unless the council's standard contracts are deemed unsuitable due to the specialist nature of the services or works required. In some circumstances it may be appropriate for the council to contract on a contractor's or supplier's Standard Terms and Conditions. Should this need arise, legal advice must be sought first on the suitability of these terms and any amendments that might be necessary. OR If a contractor or a supplier requires that the contract is entered into based on its standard terms of business, legal advice must be sought first on the suitability of these terms and any amendments that might be necessary.

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7.17.2 A contract signed by both parties (or sealed by the council) must be put in place upon the completion of all procurement exercise. Every contract novation, contract extension or contract variation must be effected in writing using an appropriate agreement. Please refer to the Procurement Team or Legal Service for such templates and guidance.

7.27.3 Advice from the Procurement Manager and Legal Service must be sought for the following contract types:

- (a) where the Total Value exceeds the EU Threshold;
- (b) those involving leasing arrangements; or
- (c) where it is proposed to use a supplier's own terms and conditions.

7.37.4 As a minimum all contracts shall clearly specify:

- (a) what is to be supplied, that is, the works, supplies, materials, services, matters or things to be furnished, acquired or done;
- (b) the provisions for payment, that is, the price to be paid and when;
- (c) whether the price stated is inclusive or exclusive of Value Added Tax;
- (d) the time, or times, within which the contract is to be performed;
- (e) a start and end date and details of any extension options permissible; and

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- (ef) the applicable terms and conditions, including, though not limited to, the provisions for the council to terminate the contract.

## 8. Procedure

### 8.1 Specification and Award Criteria

8.1.1 The officer must prepare a specification document that describes the council's requirements in sufficient detail to enable the submission of competitive offers before starting a procurement process. The specification document must include performance targets and/or the criteria for acceptance and must be outcome or output based.

8.1.2 Consideration must also be given by the officer to economic, environmental and social benefits of any proposed procurement to include consulting stakeholders where appropriate. Further information and advice can be obtained from the Procurement Manager.

8.1.3 The officer must define ~~A~~award ~~C~~riteria and any sub criteria that are appropriate to the procurement and designed to secure an outcome giving ~~V~~value for ~~M~~money for the council. The basic criterion should be:

- (a) 'lowest price'; or
- (b) 'most economically advantageous', where considerations such as quality other than price also apply.

8.1.4 Award Criteria must not include:

- (a) considerations that are in conflict with the principles of effective procurement as laid out in section 2 above;
- (b) matters which discriminate against suppliers ~~from the European Economic Area or~~ signatories to the Government Procurement Agreement; nor
- (c) other ~~N~~non-~~e~~Commercial~~C~~ considerations.

8.1.5 Good practice requires that quoted prices or tendered prices must not be altered without justification. However where there is a risk that a priced document may be subject to computational errors then the officer must decide, at the time that the

specification is agreed, how such errors will be treated and this should be detailed within the specification. Further advice can be obtained from the Procurement Manager.

## 8.2 Advertisement of Quotation or Tender opportunities

8.2.1 Officers shall ensure that a sufficiently accessible advertisement is published to generate the appropriate level of interest in the contract. In addition to advertisement through Contracts Finder, advertising may utilise:

- (a) portal websites specifically created for contract advertisements;
- (b) Construction Line or similar specialist portal websites created for contract advertisements;
- (c) the council's website;
- (d) the council's Twitter account;
- (e) national official journals; and
- (f) [the new UK e-notification service, Find a Tender \(FTS\)](#)

~~the Official Journal of the European Union (OJEU), Tenders Electronic Daily (TED) (even if there is no requirement within the EU Procedure).~~

8.2.2 The officer must ensure ~~B~~idders have an adequate time period in which to prepare and submit a quotation or ~~I~~tender consistent with the complexity of the contract requirement. Advice must be sought from the Procurement Manager but the following are recommended:

Quick Quotation	10 Calendar Days
Formal Quotation	28 Calendar Days
Formal Tender	28 Calendar Days
EU Tender	The timescales are prescribed and vary according to procedure utilised

8.2.3 No ~~Q~~quotation or ~~I~~tender received after the date and time indicated in the request for ~~Q~~quotation or ~~I~~invitation to ~~I~~tender shall be accepted or considered, other than in exceptional circumstances and the officer must consult with the Monitoring Officer and Procurement Manager.

## 9. Award ~~P~~rocedure and detailed requirements

9.1 Go ahead may be used (Up to £10,000)

9.1.1 Where the estimated value of goods, works or services to be supplied is less than £10,000 the officer must be satisfied that the arrangements made secure the best available terms for the council, and that due consideration has been made to section 6.

9.2 **Quick Quotation procedure (Up to £10,000)**

9.2.1 Where it is believed that a saving can be achieved by putting a requirement out to **Q**uote then the quick quote process should be used

9.2.2 Officers should aim to contract under the council's terms and conditions if market conditions allow.

9.2.3 Officers are encouraged to use the In-Tend e-procurement portal.

9.2.4 If e-procurement has not been used then the officer must ensure that:

- (a) the date and time of receipt of each **Q**uotation is suitably recorded;
- (b) the details of the **Q**uotation are not disclosed to any interested party;
- (c) there are no changes or amendments to the **Q**uotation after submission; and
- (d) all **Q**uotations are evaluated at the same time and that each **B**idder is simultaneously advised in writing of the outcome.

9.3 **Formal Quotation procedure (£10,001- £75,000)**

9.3.1 The request for a **F**ormal **Q**uotation shall be issued through the In-Tend e-procurement portal using the council's standard template as appropriate for supplies, services or works, making clear the appropriate terms and conditions of contract as agreed with the council's Legal service. This approach will make clear that no **F**ormal **Q**uotation will be considered unless it is received by the date, time and method stipulated.

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- 9.3.2 All organisations invited to provide a **Q**uotation must be issued with the same information at the same time and subject to the same conditions.
- 9.3.3 A minimum of three **f**ormal **Q**uotations shall be invited where the officer is satisfied that competitive **Q**uotations will be received from those three. Where the officer is unsure of the market, consideration may be given to using an open process provided the officer is satisfied that this will not generate an excessive volume of responses. It is vital that at least two compliant bids are received to evidence appropriate invitations to **Q**uote where made.
- 9.3.4 Providing **C**larification of a request for a **Q**uotation to a **b**idder is permitted and is provided for within In-Tend e-procurement.
- 9.3.5 The officer must consult with the Procurement Manager concerning the allocation of roles within the In-Tend e-procurement.
- 9.3.6 For the receipt and opening of a **F**ormal **Q**uotation there must be strict compliance with the requirements of In-Tend e-procurement.
- 9.3.7 If you believe the market will not support or respond to a **F**ormal **Q**uotation you may request authority from the Procurement Manager to use the quick quote process as an alternative.
- 9.3.8 A contract under the EU/Relevant threshold for the purposes of the PCR will not need advertising in Find a Tender, but will generally need to be advertised in Contracts Finder if the contract is above £25,000 unless exceptions apply.
- 9.4 **Formal Tender procedure (£75,001- EU /Relevant Threshold)**
- 9.4.1 All procurement above £75,001-000 shall be conducted in accordance with advice from the Procurement Manager and shall involve seeking offers through a tender process in line with an open procurement approach and in line with publication

requirements for contracts above £25, 000.

9.4.2 The In-Tend e-procurement system must be used.

## 9.5 **Tender procedure**

9.5.1 The exact procedure will vary depending on the procurement method employed, however, all stages of the process will be conducted through the In-Tend e-procurement portal and shall specify the supplies, services or works that are required together with the appropriate terms and conditions of contract. It should be made clear that no submission will be considered unless it is submitted via the In-Tend e-procurement portal.

9.5.2 All organisations invited to participate in the procurement process must be issued with the same information at the same time and subject to the same conditions. All dialogue with **B**idders during the process must be dealt with and/or recorded using the In-Tend e-procurement portal.

9.5.3 Providing **e**Clarification of any matter within the procurement process is permitted and is provided for within the In-Tend e-procurement.

9.5.4 For the receipt, opening and/or handling of any submission made within the procurement process, there must be compliance with In-Tend e-procurement.

9.5.5 The officer must ensure that any contract is awarded in line with the delegated authority levels set out in the Financial Procedure Rules.

## 9.6 **EU (European Union) Tender Procedure (above EU Threshold)**

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9.6.1 All procurement above the EU/Relevant Thresholds shall be conducted in accordance with Public Contracts Regulations 2015 (as amended) (the PCR) and the advice given in section 9.4 above, save that additional options are available under the PCR, these being:

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- open tender;



- restricted tender;
- competitive dialogue; or
- competitive dialogue with negotiation.

9.6.2 Furthermore, no procurement above the EU/Relevant Thresholds shall proceed until the Procurement Manager has approved the proposed procedure process. Provisions, such as those relating to the receipt and opening of Ttenders, must be followed exactly in accordance with the legislation.

9.6.3 All transactions exceeding the EU/Relevant Thresholds must be conducted in accordance with EU Procedures the PCR and must be advertised in the new UK e-notification service, Find a Tender (FTS) Official Journal of the European Union (OJEU) which is available for contractors in all member states to see and respond to. Strict rules govern the process in relation to timescales, descriptions and selection procedures and these are in addition to these contract procedure rules. Breaches of EU Procurement Rules the PCR are subject to harsh penalties for the council. Advice must be sought from the Procurement Manager and Legal Service in all circumstances where there is a likelihood of the value of a proposed contract exceeding the EU/Relevant Thresholds being exceeded.

## 10. Collaborative arrangements

10.1 In order to secure Vvalue for Mmoney, the council may enter into collaborative procurement arrangements. The officer must consult with the Procurement Manager in these circumstances.

10.2 All procurement made via a local authority procurement consortium or a Professional Buying Organisation (PBO) is deemed to comply with these CPRs and no exemption is required. However, procurements above the EU/Relevant Threshold must be let under the EU Procedure in accordance with the PCR, unless the consortium has satisfied this requirement already by letting its contract in accordance with the EU Procedures PCR on behalf of the council and other consortium members.

10.3 Any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the CPRs of the leading

organisation, will be deemed to comply with these CPRs and no exemption is required. However, advice must be sought from the Procurement Manager.

## 10.4 Framework Agreements

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10.4.1 A Framework Agreement may be entered into with one provider, or, where an agreement is concluded with several organisations, there must be at least three providers. Advice must be sought from the Procurement Manager when a Framework Agreement is being considered. Contracts based on Framework Agreements may be awarded by either:

- (a) direct call off – applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition; or
- (b) mini competition – where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini competition.

10.4.2 Framework Agreements that have been established by other public sector bodies that are lawfully accessible to the council should be used strictly in accordance with the terms and conditions of the relevant Framework Agreement. When using frameworks set up by other public sector bodies, Officers must undertake some due diligence with assistance from the Procurement Manager before using a framework. as the council may be exposed to risks of challenge if the use of the framework is not a compliant call-off.

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## 11. Records and safekeeping

11.1 It is essential that for every procurement exercise a record is kept by the officer. Where the In-Tend e-procurement has been used then the system retains the records from after the request to Quote or In invitation to Tender has been issued up to the Contract Award.

11.2 Where the Total Value does not exceed £750,000, the following records must be kept:

- (a) request to ~~Q~~quote and ~~e~~Quotations (including name of ~~b~~Bidder and price);
- (b) any exemption and the reason for them;
- (c) any ~~C~~larification question and the answer;
- (d) ~~A~~award ~~C~~riteria if the award is most economically advantageous;
- (e) written records or communications with the successful ~~B~~idder or an electronic record if written record of the transaction would normally not be produced; and
- (f) award notification form to be completed and sent to the procurement team to enable the central contracts Register to be updated. Also a copy of the final contract to be provided to procurement for safekeeping.

11.3 Where the ~~T~~total ~~V~~alue exceeds £75,000 the officer must record:

- (a) the method for obtaining bids;
- (b) pre-Tender market research;
- (c) any ~~C~~ontracting ~~D~~ecision and the reasons for it;
- (d) any exemption together with the reasons for it;
- (e) the ~~A~~award ~~C~~riteria in descending order of importance and any sub criteria;
- (f) the ~~I~~nvitation to ~~T~~ender sent to and received from the ~~B~~idder;
- (g) Clarification and post-tender negotiation (to include minutes of meetings);
- (h) the contract documents;
- (i) post-contract evaluation and monitoring;
- (j) communications with the ~~b~~Bidder and with the successful contractor throughout the period of the contract; and
- (k) award notification form to be completed and sent to the procurement team to enable the Central Contracts Register to be updated. Also a copy of the final contract to be provided to procurement for safekeeping.

11.4 Records which relate to an unsuccessful Tender must be kept for a minimum period of one year from the start of the Contract.

11.5 Contracting Decisions and Post Tender Negotiation with the successful Bidder must be retained for one year after the term

of the contract has expired whilst all other records must be retained for six years after the term of the contract has expired unless the contract is under seal when they must be retained for 12 years after the term of the contract has expired.

11.6 Details of all contracts with a value over £5,000 shall be held on a contracts register by the Procurement Manager to include:

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- (a) the title of the contract and reference number;
- (b) the parties to the contract;
- (c) the name of the service and contract manager primarily responsible for the contract;
- (d) the estimated Total Value of the contract;
- (e) a description of the good, services and/or works provided;
- (f) the start date, end date, review dates and any date to which the contract may be extended; and
- (g) the procurement method to include details of any Framework Agreement.

11.7 The original executed and completed copy of all contracts over the value of £75,001 and all contracts over the EU/Relevant Threshold shall be passed to the council's Legal Service for safe-keeping.

11.8 Heads of Service shall be responsible for the safekeeping of all other contracts falling within their designated functions.

11.9 Officers shall provide the Procurement Manager with a scanned copy of any completed contract as soon as practicable.

## 12. Evaluation, award of contract, and debriefing **B**bidders

12.1 Apart from the debriefing required or permitted by these CPRs, the confidentiality of **Q**uotations, **I**tenders and the identity of **B**bidders must be preserved at all times and information about one Bidder's response must not be given to another Bidder.

12.2 Contracts must be evaluated and awarded in accordance with the **A**award **C**riteria. During this process, **O**fficers shall ensure that submitted prices are compared with any pre-process estimates and that any discrepancies are examined and resolved satisfactorily.

- 12.3 The arithmetic in compliant Quotations or Tenders must be checked. If arithmetical errors are found in the lowest or most economically advantageous bid, then advice must be sought from the Procurement Manager before they must be notified to the bBidder. Further the request to Quote or Invitation to Tender must be reviewed to ascertain the procedure in these circumstances.
- 12.4 Officers may accept the receipt of Quotations and Tenders in respect of proposed contracts, provided that they have been sought and evaluated fully in accordance with these CPRs and they do not exceed the Budget provision. Unless all Tenders are required to be vetted as part of the selection process, only the successful Bidder will be subject to the appropriate financial checking.
- 12.5 Where the Total Value is above the EU/Relevant Threshold, the officer must notify all Bidders simultaneously and as soon as possible of the intention to award the contract to the successful Bidder. The officer must provide unsuccessful Bidders with a period of time in line with the requirements of the Public Contracts Regulations 2015, typically at least ten days, in which to challenge the decision before the officer awards the contract. If the decision is challenged by an unsuccessful Bidder, then the officer shall not award the contract and shall immediately seek the advice of the Legal Services Manager.
- 12.6 The officer shall debrief in writing all those Bidders who submitted a Tender about the characteristics and relative advantages of the leading Tenderer. No information, other than the following, must be given without taking the advice of the Procurement Manager:
- (a) how the Aaward Criteria was applied; and
  - (b) the prices or range of prices submitted, in either case not correlated to Bidders' names.
- 12.7 If a Bidder requests in writing the reasons for any Contracting Decision (to include those deselected in any pre-Tender shortlisting process) the officer must give the reasons in writing within 15 days of receipt of the request. Guidance must be

sought from the Procurement Manager.

**13. Post-Tender negotiation may only be used on Quotes and Tenders below the EU/Relevant Threshold where appropriate**

13.1 Post-Tender negotiation refers to discussions with a Bidder, or a number of bBidders, and can be a useful tool in making improvements to Quotations or Tenders. It can ensure that the council obtains Value for Money by purchasing an acceptable finished product at a competitive but fair market price, within the time stipulated. It can also ensure that potential suppliers have no misunderstandings as to their exact obligations under the terms of any contract. However, the council must at all times act transparently, in accordance with its published procurement documents and without discrimination.

13.2 Advice must be obtained from the Procurement Manager prior to entering into any post-tender negotiations. Where post-tender negotiation results in a material change to the specification (or contract terms) the contract must not be awarded and must be re-tendered.

13.3 Negotiations must not take place unless the Formal Quotation or Tender specifically reserves the right to do so. Any negotiations will occur following the closing date for receipt of Quotations or Tenders but before award of the contract.

**14. Variations and Extensions of Contracts**

14.1 In certain circumstances it is possible to modify or extend an existing contract that is subject to the PCR (that is above the EU/Relevant Threshold) without triggering a new procurement exercise. Any such modification of a contract must be in accordance with Regulation 72 of the PCR, which permits an amendment, extension or renewal of an existing contract where:

14.1.1 the original procurement documents contain provisions for a variation or extension of the contract in a “clear, precise and unequivocal review clause”

(providing the overall nature of the contract is not be altered as a result of the change);

14.1.2 there is a need to purchase new services, supplies and works from the provider and a change of provider cannot be realistically made for economic or technical reasons and would cause significant inconvenience or substantial duplication of the council's costs. (This is subject to the condition that each change does not increase the original value of the contract by more than 50 per cent);

14.1.3 circumstances have arisen which the council could not reasonably have foreseen and that require an amendment to the existing contract. (In this case the proposed change cannot alter the overall nature of the contract and any increase to the original value of the contract as a result of the change must not exceed 50 per cent);

14.1.4 a new provider is required to replace the original provider under the contract as a result of corporate restructuring, including takeover, merger, acquisition or insolvency leading to a universal or partial succession of the original provider, or because this change was envisaged in a review clause in the contract;

14.1.5 the value of the variation is both below the EU/Relevant Thresholds and less than 10 per cent of the original value of the contract in the case of a supplies or services contract or less than 15 per cent of the original value of the contract for a works contract. (One or more changes may be made under this provision provided the total value of the variations does not exceed the ~~relevant—EU~~ EU/Relevant Threshold);- and

14.1.6 the proposed variations are insubstantial.

14.2 A contract variation is not permissible if the contract has been extended beyond the approved extension period; and if:

- a) the contract would become materially different;
- b) the scope of the contract would extend considerably;
- c) the outcome of the original procurement exercise (e.g. the identity of the successful Bidder) would have been different had the variation been implemented at that time of the procurement;
- d) the economic balance would shift in favour of the provider; or
- e) a new provider would replace the original provider for any reason other than those already identified in paragraph 14.1.5 above.

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14.3 Advice must be sought from Procurement and Legal Services prior to varying or extending a contract to confirm that the lawful circumstances set out above can be relied upon. Officers must also ensure that authority to vary the contract is obtained in line with the delegated authority levels set out in the Financial Procedure Rules.

14.4 A Contract Variation Notice must be published on Find a Tender.



# Part 5H – Members’ Planning Code of Good Practice

## 1.0 Introduction

1.1 The aim of this code of good practice ~~and~~ to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

1.2 One of the key purposes of the planning system is to regulate the development and use of land in the public interest. ~~The role of~~ ~~Your role as~~ a Member of the Planning Authority is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. ~~Members~~ ~~You~~ are also a democratically accountable decision-taker who ~~have~~ been elected to provide and pursue policies. ~~Members~~ ~~You~~ are entitled to be predisposed to make planning decisions in accordance with ~~their~~ ~~your~~ political views and policies provided that ~~you have considered~~ all material considerations ~~have been considered~~ and ~~have given~~ fair consideration ~~has been given~~ to relevant points raised.

1.3 ~~When the Code of Good Practice applies: this~~ ~~This~~ code applies to Members at all times when involving themselves in the planning process. ~~(This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with~~ ~~Officers~~ or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

1.4 If ~~you have~~ ~~there are~~ any doubts about the application of this Code to ~~Members~~ ~~your~~ own circumstances, ~~they~~ ~~you~~ should seek advice early, from the Monitoring Officer or one of ~~his or her~~ ~~their~~ staff, and preferably well before any meeting takes place.

## 2.0 Relationship to the Members’ Code of Conduct

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2.1 Do apply the rules in the Members' Code of Conduct first, which must be always be complied with. This is both the rules on disclosable pecuniary interests (and other interests ~~if included in your authority's code~~) and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

2.2 Do then apply the rules in this Members' Planning Code, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If ~~you do not abide by~~ this Members' Planning Code ~~is not abided by, you may it could~~ put:

- the Council at risk of proceedings on the legality or maladministration of the related decision; and
- ~~Members yourself~~ at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

### 3.2.0 Development Proposals and Interests under the Members' Code

3.1 Do disclose the existence and nature of ~~theyour~~ interest as required by ~~the~~ your Members Code of Conduct.

3.2 Do take into account when approaching a decision that the Principle of integrity is defined in terms that *"Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships"*. It is therefore advisable that ~~Membersyou~~:

3.3 Don't seek or accept any preferential treatment, or place ~~themselves yourself~~ in a position that could lead the public to think ~~theyyou~~ are receiving preferential treatment, because of ~~theiryou~~ position as a councillor. This would include, where ~~theyyou~~ have a disclosable or other personal conflict of interest in a proposal, using ~~theiryou~~ position to discuss that proposal with ~~Officers~~ or Members when other members of the public would not have the same opportunity to do so.

3.4 Do note that ~~theyyou~~ are not prevented from seeking to explain and justify a proposal in which ~~theyyou~~ may have a conflict of interest to an

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appropriate Officer, in person or in writing, but that the Members' Code of Conduct may place additional limitations on theyyou in representing that proposal

- 3.5 Do notify the Monitoring Officer in writing where it is clear to theyyou that theyyou have a disclosable pecuniary interest or other personal conflict of interest and note that:

- 3.5.1 ~~you should send~~ the notification should be sent, no later than submission of that application where possiblyyou can;
- 3.5.2 the proposal will always be reported to the Committee as a main item and not dealt with by Officers under delegated powers;
- 3.5.3 Membersyou must not get involved in the processing of the application; and
- 3.5.4 it is advisable that theyyou employ an agent to act on theyyour behalf in respect of the proposal when dealing with Officers and in public speaking at Committee.

### 43.0 Fettering Discretion in the Planning Process

(natural justice, predisposition and predetermination)

• 4.1 Members should not ~~Don't~~ fetter theyyour discretion and therefore theyyour ability to participate in planning decision making at theis Council by approaching the decision with a closed mind. Fettering your discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, predetermination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

• 4.2 Members should ~~Do~~ be aware that in theyyour role as an elected Member theyyou are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

• 4.3 Members should keep in mind the following when they come to make a decision: ~~Do keep at the front of your mind that, when you come to make the decision, you~~

- 4.3.1 ~~must~~ keep an open mind and hear all of the evidence presentedbefore you, both the officers' presentation of the facts and their advice and the arguments from all sides;

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~~4.3.2~~ Members are not required to cast aside views on planning policy you held when seeking election or when otherwise acting as a Member, in giving fair consideration to points raised;

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~~4.3.3~~ Members are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and

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- ~~4.3.4~~ Members are to come to a decision after giving what theyyou feel is the right weight to those material considerations.

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• ~~4.4~~ Members should be ~~Do be~~ aware that theyyou can be biased where the Council is the landowner, developer or applicant and theyyou have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal theyyou will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

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• ~~4.5~~ Members are ~~Do consider yourself~~ able to take part in the debate on a proposal when acting as part of a consultee body (where theyyou are also a member of the parish council, for example, or both a district/borough and county councillor), provided:

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- ~~4.5.1~~ the proposal does not substantially effect the well being or financial standing of the consultee body;

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- ~~4.5.2~~ you make ~~it is made~~ clear to the consultee body that:

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• anyyour views are expressed on the limited information ~~before you~~ only;

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• ~~you must reserve personal~~ judgement ~~is reserved~~, and the independence to make up your own mind on each separate proposal, based on theyyou overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and

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- ~~4.5.3~~ you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.

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• ~~4.6~~ Do ~~Members should~~ explain that theyyou do not intend to speak and vote as a member of the Committee because theyyou will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. ~~(Use the disclosure form provided for~~

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*disclosing interests.)*

• **4.7 Members should ~~Do~~** take the opportunity to exercise ~~their~~**you** separate speaking rights as a Ward ~~Local~~ Member ~~(where this is granted by the authority's standing orders or by the consent from the Chair and Committee)~~ where ~~they~~**you** have represented ~~their~~**your** views or those of local electors and fettered ~~their~~**your** discretion, but do not have a disclosable or other personal conflict of interest. Where ~~a conflict of interest arises, Members should~~**you do**:

- advise the proper officer or Chair that ~~they~~**you** wish to speak in this capacity before commencement of the item;
- remove ~~themselves~~**yourself** from the seating area for members of the Committee for the duration of that item; and
- ensure that ~~their~~**your** actions are recorded.

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## **54.0 Contact with Applicants, Developers and Objectors**

• **5.1 Members should ~~Do~~** refer those who approach ~~them~~**you** for planning, procedural or technical advice to ~~O~~**officers**.

• **5.2 Members should not ~~Don't~~** agree to any formal meeting with applicants, developers or groups of objectors where ~~they~~**you** can avoid it. ~~If a Member feels that a formal meeting~~**Where you feel that a formal meeting** would be useful in clarifying the issues, ~~they~~**you** should seek to arrange that meeting ~~yourself~~ through a request to the ~~Head of Service for Planning and Building Control [Development Control Manager]~~ to organise it. The ~~O~~**officer(s)** will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

• **5.3 Members should ~~Do~~** otherwise:

- follow the rules on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the ~~Head of Service for Planning and Building Control [Development Control Manager]~~ any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file ~~[a profoma has been supplied to you for this purpose]~~.

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• ~~6.5 Members should~~ **Do** promptly refer to the ~~Head of Service for Planning and Building Control Development Control Manager~~ any offers made to ~~theyyou~~ of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

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• ~~6.6 Members should~~ **Do** inform the Monitoring Officer where ~~theyyou~~ feel ~~theyyou~~ have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate ~~Officers~~ to follow the matter up.

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• ~~6.7 Members should~~ **Do** note that, unless ~~theyyou~~ have a disclosable or overriding other personal conflict of interest, ~~theyyou~~ will not have fettered ~~theyyour~~ discretion or breached this Planning Code through:

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- ~~6.7.1~~ listening or receiving viewpoints from residents or other interested parties;

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- ~~6.7.2~~ making comments to residents, interested parties, other Members or appropriate officers (making clear that ~~theyyou~~ must keep an open mind);

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- ~~6.7.3~~ seeking information through appropriate channels; or

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- ~~6.7.4~~ being a vehicle for the expression of opinion of others in ~~theyyour~~ role as a ~~Ward~~~~Division~~ Member.

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## **760. Lobbying by Councillors**

• ~~7.1 Members should not~~ **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If ~~theyyou~~ do, ~~theyyou~~ will be seen to have fettered ~~theyyour~~ discretion on the grounds of bias.

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• ~~7.2 Members can~~ **Do** join general interest groups which reflect ~~theyyour~~ areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but ~~theyyou~~ should normally disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that ~~theyyou~~ have reserved judgement and the independence to make up ~~theyyour~~ own mind on each separate proposal

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• ~~7.3 Members should not~~ **Don't** excessively lobby fellow councillors regarding ~~theyyour~~ concerns or views nor attempt to persuade them that they should

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attending the official site visit,

- ~~8.8.2 theyyou~~ have first spoken to the ~~Head of Service for Planning and Building Control Development Control Manager~~ about ~~theyyour~~ intention to do so and why (which will be recorded on the file) and

- ~~8.8.3 theyyou~~ can ensure you will comply with these good practice rules on site visits.

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## 98.0 Public Speaking at Meetings

- ~~9.1 Members should not Don't~~ allow members of the public to communicate with ~~theyyou~~ during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- ~~9.2 DoMembers should~~ ensure that ~~theyyou~~ comply with the Council's procedures in respect of public speaking.

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## 109.0 Officers

- ~~10.1 Members should not Don't~~ put pressure on ~~eOfficers~~ to put forward a particular recommendation. (This does not prevent ~~Membersyou~~ from asking questions or submitting views to the ~~Head of Service for Planning and Building Control Development Control Manager~~, which may be incorporated into any committee report).
- ~~10.2 Members should Do~~ recognise that ~~Oe~~officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those ~~Oe~~officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- ~~10.3 Members should Do~~ recognise and respect that ~~Oe~~officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

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## 11.0 Decision Making

- 11.1 Members should Do ensure that, if theyyou request a proposal to go before the Committee rather than be determined through officer delegation, that theyyour planning reasons are recorded and repeated in the report to the Committee.
- 11.2 Members should Do come to meetings with an open mind and demonstrate that theyyou are open-minded.
- 11.3 Members should Do comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.4 Members should Do come to theyyour decision only after due consideration of all of the information reasonably required upon which to base a decision. If Membersyou feel there is insufficient time to digest new information or that there is simply insufficient information before theyyou, request that further information. If necessary, defer or refuse.
- 11.5 Members should not Don't vote or take part in the meeting's discussion on a proposal unless theyyou have been present to hear the entire debate, including the Oofficers' introduction to the matter.
- 11.6 Do have recorded the reasons for Committee's decision to defer any proposal should be recorded [and that this is in accordance with the Council's protocol on deferrals].
- 11.7 Members should Do make sure that if theyyou are proposing, seconding or supporting a decision contrary to Officer recommendations or the development plan that theyyou clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that Membersyou may have to justify the resulting decision by giving evidence in the event of any challenge.

## 12.0 Training

- 12.1 Members should not Don't participate in decision making at meetings dealing with planning matters if theyyou have not attended the mandatory planning training prescribed by the Council.
- 12.2 Members should Do endeavour to attend any other specialised training

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sessions provided, since these will be designed to extend ~~Members' your~~ knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist ~~them you~~ in carrying out your role properly and effectively.

- 12.3 Members should ~~Do~~ participate in the annual review of a sample of planning decisions to ensure that Members` judgements have been based on proper planning considerations.

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## Amendments/changes to Part 2 of the Constitution

<b>Chapter 2</b>	<b>Members of the Council</b>
Para 2.1.1	Capitalise "Ward" as defined term.
Para 2.1.2	Remove sub paragraphs a – d as not necessary.
Para 2.1.3	Add 'from standing' for clarification
Para 2.1.3(a)	Reworded for clarification
Para 2.3.1	Remove sub paragraph (a)
	Capitalise "Council" and "Ward" as defined terms.
Para 2.3.3	Remove "without the consent of the council or divulge information given in confidence to anyone other than a Member of officer entitled to know it"
Para 2.3.4	Capitalise "Exempt" as it is a defined term.
	Addition of 'B' to Part 4 of the Constitution to direct readers to the correct section.
<b>Chapter 3</b>	<b>Citizens and the council</b>
Para 3.1.1	Addition of 'B' to Part 4 of the Constitution to direct readers to the correct section.
Para 3.1.4	Add "Except where confidential information is likely to be disclosed" to cover the sub paragraphs
Para 3.1.4(a)	Delete "Except where confidential or Exempt information is likely to be disclosed"
Para 3.1.4(b)	Delete "When key decisions are being considered".
Para 3.1.4(c)	Capitalise "Executive" and "Key Decisions" as defined terms.
Para 3.1.4(d)	Capitalise "Background papers" as a defined term.
Para 3.1.5	Replace "Council's question time" with "'Questions by the Public' at ordinary meetings of the Council' for clarity.
Para 3.2.1	Correction, replace 'abusing' with 'abusive'
	Capitalise "Officers" and "Chairman" as defined terms.
<b>Chapter 4</b>	<b>Full Council</b>
	Add 'Full' into chapter title to differentiate between a meeting of the council and East Herts council as an organisation

Para 4.1	Replace “other matters are allocated to the Council by the Constitution” with “such as setting the council’s budget and the council’s share of the Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions which are not the responsibility of the Executive. It will carry out some functions itself, but others will be delegated to Committees or named Officers” for clarification.
Para 4.2.1	Replace “includes” with “is composed of”. Add “with the following titles or reasonably taken to be the following even if they have different titles”
Para 4.2.1	The Policy Framework has been amended.
Para 4.3.1(a)	Add “in line with Part 2M below”
Para 4.3.1(c)	Capitalise “Budget” as defined term.
Para 4.3.1(d)	Additional paragraph “considering a referendum on Council Tax increases and associated matters”
Para 4.3.1(e)	Add “plans and strategies which together comprise the” for clarity.
Para 4.3.1(j)	Capitalise “Committee”, “Civic Year and “Terms of Reference” as defined terms.
Para 4.3.1(k)	Capitalise “Committees” and “Political Group” as defined terms.
Para 4.3.1(l)	Capitalise “Committee” as defined term.
Para 4.3.1(m)	Add “considering recommendations from the Independent Remuneration Panel and”
Para 4.3.1(n)	Capitalise “Outside Bodies” as defined term.
Para 4.3.1(o)	Addition of new sub-paragraph “the ratification of the appointment or notice of dismissal to the Head of Paid Service, Chief Finance Officer or Monitoring Officer, prior to such action being taken (and in respect of dismissal, having taken into account any advice, views or recommendations, conclusions or any investigation from the Panel and representations of the Officer concerned)”
Para 4.3.1(p)	Add “including the appointment of an Electoral

	Registration Officer and a Returning or Acting Returning Officer (to act in connection with Parliamentary, District, County, Police Commissioner and referenda)
Para 4.3.1(s)	Capitalise “Local Choice Functions” as defined term.
Para 4.3.1(t)	Addition of new sub-paragraph “review and agree proposals on polling districts, polling places and polling stations, district boundaries, electoral Wards and the number of District Councillors”
Para 4.3.1(u)	Addition of new sub-paragraph “to consider, make, amend or withdraw compulsory purchase orders”
Para 4.3.1(v)	Add “and Vice-Chairman”
Para 4.3.1(w)	Addition of new sub-paragraph “agreeing an Annual Schedule of meetings”
Para 4.4.1	Capitalise “Ordinary Meetings” and “Extraordinary Meetings” as defined terms.
	Addition of new paragraph “For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place and may be wholly or partly through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming provided such remote means are legally permissible under relevant legislation”
<b>Chapter 5</b>	<b>Chairing the Council</b>
Para 5.2.2	Replace “he or she” with “they”
	Capitalise “Full Council”
<b>Chapter 6</b>	<b>The Executive</b>
Para 6.1.1	Remove “Leader and the”
Para 6.2.1	Replace “up to” with “no more than”
Para 6.2.2	Capitalise “Scrutiny Committee” as defined term.
Para 6.3.1	Replace “he or she is” with “they are”
Para 6.3.1(d)	Replace ‘/’ with ‘or’
Para 6.3.2	Replace “the” with “that” and remove “the rules on earlier termination in”

	Capitalise "Ordinary Meeting" and "Extraordinary Meeting" as defined terms.
Para 6.3.3	Replace "he or she" with "they"
Para 6.3.4	Replace "he or she" with "they"
Para 6.4.2	Capitalise "Civic Year" as defined term.
Para 6.5.1(a)	Add "and Non-Key" Capitalise "Key Decision" as defined term.
Para 6.5.1(d)	Capitalise "Committees" and "Sub-Committees" as defined terms.
Para 6.5.2(c)	Capitalise "Scheme of Delegation" and "Officers" as defined terms.
Para 6.5.3	Add full stop after "Constitution" Capitalise "Officers" and "Civic Year" as defined terms.
Para 6.6.1	Add "or through any other means as allowed by law and determined by the Leader". To allow for virtual meetings if legislation changes in future.
Para 6.6.2	Add "about"
<b>Chapter 7</b>	<b>Scrutiny Committee</b>
Para 7.1.1	Remove "scrutiny" Capitalise "Committee" and "Sub-Committee" as defined terms.
Para 7.2.1	Capitalise "Members" as defined term.
Para 7.2.2	Capitalise "Committee" and "Terms of Reference" as defined terms.
Para 7.2.2(i)	Replace "Council's" with "council's"
Para 7.2.2(ii)	Add "/or"
Para 7.2.2(iv)	Capitalise "Officers" as defined term.
Para 7.2.2(vii)	Capitalise "Committee" as defined term.
Para 7.2.2(ix)	Replace "an the" with "a" as a correction. Delete "for example, decision to be made on significant place making projects" Capitalise "Key Decisions" and "Committee" as defined terms.
Para 7.2.2(x)	Add "and"



Para 7.2.2(xii)	Addition of sub-paragraph. "Consider reports relating to the authority's use of the Regulation of Investigatory Powers Act (2000) (RIPA)"
Para 7.2.2(xiii)	Capitalise "Members" and add "of the committee"
Para 7.2.3	Capitalise "Task and Finish Groups" and "Committee" as defined terms.
Para 7.2.4(ii)	Capitalise "Call-in" as defined term.
Para 7.3	Replace "them" with "it"
Para 7.5	Capitalise "Officers" as defined term.
Para 7.8(b)	Add "Rapid Reviews and" Remove "should be encouraged as the preferred method of scrutiny reviews" Capitalise "Task and Finish Groups" as defined terms.
Para 7.8(c)	Capitalise "Committee" as defined term.
Para 7.8(f)	Replace "Council's" with "Overview and"
Para 7.8(g)	Capitalise "Chairman", "Vice Chairman" and "Committees" as defined terms.
Para 7.8(h)	Capitalise "Committee" as defined term.
Para 7.9(i)	Capitalise "Officers" as defined term.
Para 7.9(iii)	Remove capital C on "council's"
Para 7.9(iv)	Capitalise "Officers" as defined term.
Para 7.9(vi)	Capitalise "Key Decisions", "Committees" and "Officers" as defined terms.
<b>Chapter 8</b>	<b>Regulatory and other Committees</b>
	Capitalise "Committee" throughout chapter as defined term.
<b>Chapter 9</b>	<b>Joint Arrangements and Working Groups</b>
Para 9.2.4(a)	Capitalise "Ward" as defined term.
Para 9.2.5	Remove capital C on "council's"
Para 9.3.1	Capitalise "Committee" as defined term.
Para 9.4.3	Capitalise "Members"
<b>Chapter 10</b>	<b>Officers</b>
Para 10.1(a)	Capitalise "Officers" as defined term.
Para 10.1(b)	Capitalise "Chief Officers" as defined term.

	Replace the table for clarification
Para 10.1(c)	Replace “Data Protection Officer” with “Information Governance and Data Protection Manager” to reflect a change in job title.
Para 10.1(d)	Correction, replace “chapter” with “paragraphs”
Para 10.1(e)	Remove capital on “council”
Para 10.2.1	Capitalise “Officers” as defined term.
Para 10.3.1	Capitalise “Officers” as defined term.
Para 10.3.2	Replace “he or she” with “they”
Para 10.3.4	Addition of new paragraph “Receiving Complaints about Members: The Monitoring Officer will receive complaints of failures to comply with the Members’ Code of Conduct and determine, in consultation with the Independent Person, whether a complaint requires formal investigation. The Monitoring Officer may seek to resolve a complaint informally prior to a decision on whether the complaint merits formal investigation”
Para 10.3.5	Replace paragraph “The Monitoring Officer together with the Independent Person if appropriate will conduct investigations into complaints” with “The Monitoring Officer will arrange formal investigations as appropriate into matters referred to them and make reports or recommendations in respect of them to the Audit and Governance Committee. Subject to providing a report for information to the Audit and Governance Committee, the Monitoring Officer may take no further action where a formal investigation find no evidence of a failure to comply with the Members’ Code of Conduct, or seek an informal resolution (subject to consultation with the Independent Person) where the complainant is satisfied with the outcome.
Para 10.3.6	Replace “Executive” with “all” Capitalise “Budget” as defined term.
Para 10.3.7	Remove “Executive”

Para 10.3.8	Add "and Officers" Capitalise "Budget" and "Policy Framework" as defined terms.
Para 10.4	Replace "he or she" with "they"
Para 10.4.4	Capitalise "Budget", "Policy Framework" and "Officers" as defined terms.
Para 10.5.1	Add UK for clarification
Para 10.5.1(a)	Add UK for clarification
Para 10.6.1	Capitalise "Officers" as defined term.
Para 10.8.1	Capitalise "Officers" as defined term.
<b>Chapter 11</b>	<b>Decision making</b>
Para 11.1	Add "specific"
Para 11.2(h)	Capitalise "Quasi-Judicial" as defined term.
Para 11.3.1	Capitalise "Budget" as defined term.
Para 11.3.2(c)	Delete "is"
Para 11.3.3(c)	Capitalise "Committee" as defined term.
Para 11.3.3(d)	Correction "of" to "or"
Para 11.3.5(b)	Capitalise "Committee" as defined term.
Para 11.3.5(c)	Capitalise "Officers", "Committee" and "Chairman" as defined terms.
Para 11.3.6	Capitalise "Key Decision" as defined term.
Para 11.3.6(a)	Increase key decision limit from "£100,000" to "£200,000"
Para 11.3.7	Capitalise "Key Decision" as defined term.
Para 11.3.8	Capitalise "Key Decision" and "Non-Key Decision" as defined term.
Para 11.5	Capitalise "Committee", "Sub-Committee" and "Officers" as defined terms.
Para 11.5(c)	Replace "Scrutiny Committee" with "Overview and Scrutiny Committee"

Para 11.6	Capitalise "Quasi-Judicial" as defined term.
Para 11.7.1	Capitalise "Political Group" as defined term.
Para 11.7.2	Capitalise "Sub-Committee", "Committee" and "Quasi-Judicial" as defined terms.
<b>Chapter 12</b>	<b>Finance, Contracts and Legal Matters</b>
Para 12.3	Replace "he or she" with "they"
Para 12.5	Format change
Para 12.5.4	Replace "initialled" with "signed"
<b>Chapter 13</b>	<b>Review and Revision of the Constitution</b>
Para 13.1	Capitalise "Constitution" as defined term.
Para 13.2.1	Addition of new sub-paragraph "approval".
Para 13.2.2	Addition of new sub-paragraph "Legislative Changes" "Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer decides or the legislation (where relevant) so provides. Such changes will be reported to the next Full Council meeting"
Para 13.2.3	Addition of new sub-paragraph "Minor Changes" "If, in the reasonable opinion of the Monitoring Officer or the Chief Finance Officer, a change is; (a) Required to be made to remove any inconsistency, ambiguity, typographical or other such error, changes to staffing structures, job descriptions or changes in terminology; or (b) Required to be made so as to put into effect any decision of the Council or its committees or the Executive; or (c) To amend the Constitution to implement decisions of the Leader in relation to the delegation of executive functions to the Executive Members; or (d) Requested only for the practical purpose, in order to ensure the proper administration of the Council,

	the Monitoring Officer of the Chief Finance Officer may make such a change
Para 13.2.4	Addition of new sub-paragraph. "Any change made under paragraph 13.2.3(e) shall come into force with immediate effect but shall be referred to Full Council as soon as it reasonably practicable and shall only continue to have effect thereafter if agreed by Full Council"
Para 13.2.5	Addition of new sub-paragraph. "Changes made up 13.2.3 must be notified to all Members at the next meeting of the Full Council"
Para 13.2.6	Reword paragraph to now read "If it is proposed to change from the existing Leader and Cabinet form of executive to another form of executive, the council must take reasonable steps to consult with local electors and other interested persons in the District when drawing up proposals. If the proposed new form of executive involves an elected mayor, the council must also hold a referendum".
<b>Chapter 14</b>	<b>Suspension, Interpretation, Maintenance and Publication of the Constitution</b>
Para 14.2	Replace "his/her" with "their"
	Capitalise "Constitution"
	Add "In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution"



## Amendments/changes to Part 3 of the Constitution

<b>Part 3A</b>	<b>Functions and Responsibility</b>
Amendments to table under Part 3A.	
	Replace "Unless there is a specific delegation to a committee" with "Committee of the Council or an Officer as detailed elsewhere in this Constitution"
	Addition of new row "The investigation of any complaint as to the existence of a statutory nuisance"
	Correction of job title from "Head of Democratic and Legal Services" to "Head of Legal and Democratic Services"
	Replace "Head of Paid Service" with "As delegated elsewhere in this Constitution or by the decision of Council on a case-by-case basis"
	Addition of "and the revocation of any such appointment"
<b>Part 3B</b>	<b>Committee Functions and Responsibilities</b>
Para 1.1	Capitalise "Committees" and "Sub-Committees" as defined terms.
Para 1.2	Capitalise "Committees" and "Sub-Committees" as defined terms.
Para 1.4	Capitalise "Committees" and "Sub-Committees" as defined terms.
Para 2.2	Remove paragraph for clarity.
Para 2.5	Addition of new "Quorum" paragraph "The quorum for the Committee shall be four member or one third whichever is fewer of the committee membership as set out in Part 4A of the Constitution"
Para 2.6	Capitalise "Officers" as defined term.
Para 2.8	Addition of public speaking rules. Replace "The Committee shall agree a scheme of public speaking arrangements" with "At a meeting of the Development Management Committee, a person or their representative may, if notice in writing, by

	<p>telephone or in person has been given by 5pm two working days before the meeting, speak on a particular planning application, provided that it is on the agenda to be considered at the meeting”</p>
Para 2.9	<p>Addition of new paragraph.  “For each planning application, which is subject to consideration at the meeting, there will be a three minute time slot for people speaking in support of an application and one three minute slot for those speaking in objection to an application. If the planning application relates to a district plan strategic site, the time permitted for each slot is six minutes”</p>
Para 2.10	<p>Addition of new paragraph.  “In addition to one speaker in support and one speaker in objection to an application, there is also provision for the local Town and Parish Council to speak on the application for three minutes (six minutes if it is a strategic site)”</p>
Para 3.1	<p>Replace “may undertake or sub-delegate the council’s regulatory functions relating to licensing and registration including” with “is delegated by Council to form the statutory Licensing Committee as required under the Licensing Act 2003. Acting on this delegation, the Licensing Committee is authorised to address the registration and regulatory remit of the council as required under”</p> <p>Addition of “Members of the Licensing Committee also have delegated authority as a Committee constituted under the Local Government Act 1972 to address issues relating to the registration and regulatory of the following, unless the authority to deterring the matter has been delegated to another committee to an individual officer:”</p> <p>Delete “unless the authority to determine the matter has been delegated to another committee or an individual officer”</p>



Para 3.5	Capitalise "Sub-Committee" as defined term.
Para 3.5(b)	Addition of "the council acting in its capacity as the"
Para 3.6(b)	Remove "respective"
	Add "whose portfolio incorporates licensing-related policy"
Para 3.6(c)	Capitalise "Task and Finish Group" as defined term.
Para 3.8	Add Quorum rules. "The quorum for the Committee shall be four members or one third whichever is fewer of the committee membership as set out in Part 4A of the Constitution.
Para 3.9	Capitalise "Sub-Committee" as defined term.
Para 3.10	Capitalise "Sub-Committee" as defined term.
Para 3.11	Capitalise "Sub-Committee" as defined term.
Para 3.12	Capitalise "Sub-Committee" as defined term.
Para 3.13	Replace "attached" with "below"
Para 3.14	Add "The Committee or Sub-Committee shall determine"
	Remove "or a sub-committee of that Committee, in the council's Licensing Points Record Scheme will be brought before the Committee or a sub-committee.
Table B	Replace "Approval to recommend to Council" with "Consideration of and the making of proposals to the Executive prior to the Executive's recommendation to Council for approval of"
	Capitalise "Licensing Authority" as defined term.
Appendix A	
Para 1.1	Capitalise "Sub-Committee" and "Quasi-Judicial" as defined terms.
Para 2.1	Remove "carry out the following functions"
Para 3	Capitalise "Licensing Hearing Panels"
Para 3.1	Break up paragraph into sub-paragraphs for clarity
Para 5.1	Remove "(including the applicant)"
Para 5.2	Remove "parties to a hearing are advised to arrive not less than 15 minutes before the hearing commences"
Para 11.3	Replace "prepare at least ten copies" with "make it

	available”.
Para 12.1	Capitalise “Declarations of Interest” as defined term.
Para 12.3	Remove “in the following order: Applicant/licensee and any person representing or assisting them (confirmation also should be given that copies of the relevant representations to be considered at the Hearing have been received); The Officer of the Licensing Authority, the Democratic Services Officer and the Legal Advisor to the Hearing Panel; Responsible authorities that have made a relevant representation and Interested parties who have made a relevant representation. Interested parties should confirm whether a spokesperson has been nominated and if so, identify them”
Para 12.4	Replace “wish to withdraw their” with “are happy to proceed with their”
Para 12.5	Replace “will” with “may”.
Para 12.6	Replace “will” with “may”.
Para 13.4	Capitalise “Officer”
<b>Part 3B</b>	<b>Committee Functions and Responsibilities</b>
Para 4 and 4.1	Delete paragraph
Para 5.1	Capitalise “Budget” and “Committee” as defined terms.
Para 5.2	Capitalise “Committee” and “Sub-Committee” as defined terms. Replace “7” with “seven”
Para 5.3	Capitalise “Committee”, “Extraordinary Meetings” and “Members” as defined terms. Replace “he/she” with “they”
Para 5.4.1	Capitalise “Quorum” and “Committee” as defined terms. Rewrite paragraph to say “The Quorum for the Committee shall be three Members.”

Para 5.5.1	Delete "in May" Capitalise "Committee" and "Civic Year" as defined terms.
Para 5.5.2	Replace "he/she" with "they" Add "during that Civic Year" Add "(iii) they are removed by a resolution of Council."
Para 5.6	Change title from "Remit" to "Terms of Reference"
Para 5.6.1	Add new Terms of Reference "(a) assist the Council and the Executive in the development of the annual Budget;  (b) Approving the Council's statement of accounts;  (c) Consider the effectiveness of the council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements;  (d) Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors;  (e) Be satisfied that the council's assurance statements, including reviewing the Annual Governance Statement against the good governance framework, properly reflect the risk environment and any actions required to improve it;  (f) Approve internal audit's strategy, its plan and monitor its performance;  (g) Approve the shared anti-fraud service strategy, its plan and monitor its performance

	<ul style="list-style-type: none"> <li>(h) Review summary internal audit reports and the main issues arising and seek assurance that action has been taken where necessary;</li> <li>(i) Consider the annual report of the head of internal audit;</li> <li>(j) Consider the reports of external audit (including the annual audit letter) and inspection agencies, and monitor management action in response to the issues raised;</li> <li>(k) Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promote;</li> <li>(l) Review the financial statements, external auditor’s opinion and reports to Members, and monitor management action in response to the issues raised by external audit;</li> <li>(m) Have oversight of the council’s commercial projects”</li> </ul>
Para 5.6.2	<p>Delete paragraphs (a) – (j) and replace with:</p> <ul style="list-style-type: none"> <li>(a) Consider budget monitoring reports and risk management reports;</li> <li>(b) Lead the cross Member scrutiny and consideration of the council’s draft annual budget and medium term finance strategy;</li> <li>(c) Scrutinise the council’s Annual Investment Strategy, Annual Capital Strategy, Mid-Year Treasury Management Report and Annual</li> </ul>

	<p>Treasury Management Report and through review gain assurance that systems of governance and control for Treasury Management are effective;</p> <p>(d) Where appropriate, assisting the Council and the Executive in the development of its budget and policy framework by in-depth analysis of financial, procurement and governance related policy issues;</p> <p>(e) Review anti-fraud and corruption controls and arrangements, including the whistleblowing process"</p>
Para 5.6.3	Delete paragraph
Para 5.7	Delete paragraph
Para 6.3	Capitalise "Ordinary Meetings" as defined term.
Para 6.4	Add in Quorum rules "The Quorum for the Committee shall be three members or one third whichever is fewer of the committee membership as set out in Part 4A of the Constitution."
Para 6.5	Capitalise "Officers" and "Terms of Reference" as defined terms.
Para 6.5(k)	Capitalise "Member" as defined term.
Para 7.2	Capitalise "Member" as defined term.
Para 8.3	Capitalise "Member" as defined term.
Para 8.5	Replace "he or she" with "they" Capitalise "Officer" as defined term.
Para 8.8	Capitalise "Member" as defined term.
Para 8.9	Capitalise "Clear Days" as defined term.
Para 8.15	Capitalise "Committee" as defined term.
Para 8.17	Capitalise "Quorum" as defined term.
Para 10	Change of committee name from "East Herts/North Herts/Stevenage/Hertsmere CCTV Joint Committee

	Executive Board" to "East Herts/North Herts/Stevenage/Hertsmere CCTV Joint Executive Committee"
Para 10.1 – 10.19	Terms of Reference were changed so new terms have been inserted.
Para 11.2	Capitalise "Terms of Reference", "Committee" and "Budget" as defined terms.
Para 11.3	Capitalise "Council" and "Committee" as defined terms.
Para 11.5	Add "Any"
	Capitalise "Quorum" and "Members" as defined terms.
Para 11.9	Capitalise "Budget" as defined term.
Para 11.10	Capitalise "Terms of Reference" as a defined term.
Para 12	Delete Financial Sustainability Committee. No longer a committee of the Council, operating as an advisory board.
<b>Part 3C</b>	<b>Officers' Responsibility for Functions</b>
Para 1	Lower case 'c' on council and capitalise 'T' on Leadership Team
	Capitalise "Budget" and "Policy Framework" as defined terms.
Para 2.1	Capitalise "Delegated Powers" as defined terms.
Para 3	Capitalise "Delegated Powers" and "Officers" as defined terms.
Para 3.1	Replace "his or her" with "their"
	Capitalise "Delegated Powers" as defined term.
Para 3.2	Capitalise "Delegated Powers" and "Officers" as defined terms.
Para 3.3	Capitalise "Delegated Powers" and "Officers" as defined terms.
	Make "Member" plural
Para 4.1	Replace 'portfolio holder' with 'Executive Member'
	Capitalise "Delegated Powers" and "Officers" as defined terms.
	Addition of a comma

Para 5.1	Capitalise "Officers" as a defined term.
Para 6.1	Re-numbered as 6.1.1, 6.1.2 etc
	Capitalise "Delegated Powers" as a defined term.
	Make "council" lower case
Para 7.1	Replace 'Scheme' with 'Constitution'
Para 7.3	Replace 'a deputy' with 'the Deputy Chief Executive'
Para 8.1	Capitalise "Officers" as a defined term
	Add "when acting in accordance with the Rules of Procedure as described elsewhere in this Constitution."
Para 8.2	Reformatted paragraph so easier to read
Para 8.3	Reformatted paragraph so easier to read
	Capitalise "Tender" as a defined term.
Para 8.4	Reformatted paragraph so easier to read
Para 8.5	Reformatted paragraph so easier to read
	Capitalise "Officers" as defined term.
	Add "and orders"
	Delete "and licence applications"
	Add "or licences or consents"
Para 8.6	Add other areas of responsibility
	<u>Head of Operations</u>
	ADD: Recycling and Street Cleansing, Grounds Maintenance, Parking Enforcement, Stray Dogs, Abandoned Vehicles
	DELETE: Economic Development, Market operations
	<u>Head of Communication, Strategy and Policy</u>
	DELETE: Web, New Media, Information, Equalities Agenda, Graduate Support
	<u>Head of Housing and Health</u>
	REORDER: Environmental Health, Licensing, Safeguarding
	ADD: Market operations
	DELETE: Engineering and Drainage
Para 9.1	Lower case 'c' on council
Para 9.2	Replace "he or she is" with "they are"
	Capitalise "Officers" as defined term

Para 9.2(b)	Replace "his/her" with "their"
	Capitalise "Officers" as a defined term.
Para 9.2(m)	Capitalise "Officers" as a defined term.
Para 9.2(o)	Lower case 'l' on inspectors
	Capitalise "Officers" as a defined term.
Para 9.2(q)	Capitalise "Proper Officer" as defined term.
Para 10.1	Replace "his/her" with "their"
Para 11.2	Add 'interpret' and 'and policies'
Para 11.5	Delete paragraph and added to para 11.2
Para 12.2	Replace "to issue a Certificate of Opinion in connection with the Local Government and Housing Act 1989 – Politically Restricted Posts" with "advise on all applications from council employees (or prospective employees) for exemption from political restriction in respect of their posts including, where appropriate, signing the Certificate of Opinion required by the independent adjudicator under the Local Government and Housing Act 1989"
Para 12.4	Add "act as Chief Legal Officer to the Council and" and delete "against any person or body"
Para 12.5	Add new paragraph. "To authorise changes to the Constitution to reflect resolutions of Council or of the Executive, and changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all Members of such changes."
Para 12.6	Replace "To take all necessary steps to defend the council in legal proceedings against the council brought by any person or body, including in Employment Tribunals" with "to authorise the institution, defence, withdrawal or settlement of any legal proceedings, civil or criminal, including Employment Tribunals (other than for Health and Safety proceedings, Council tax, non-domestic rates and sundry debts) at their discretion".
Para 12.7	Add new paragraph. "To negotiate and settle any



	claim or disputes without recourse to Court proceedings including the use of alternative dispute resolution”.
Para 12.8	Add new paragraph. “To authorise officers of the council to appear before the Magistrates’ Court or County Court District Judges”
Para 12.9	Add “and/or retain the services of other experts or external solicitors”
	Replace “he or she” with “they”
Para 12.10	Delete paragraph and now contained in paragraph 12.5.
Para 12.11	Capitalise “Officers” as a defined term.
Para 12.12	Add new paragraph. “To undertake the role of Senior Responsible Officer under the Council’s RIPA Policy”.
Para 12.13	Add “including for external bodies”
Para 12.13	Delete paragraph “to authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.” Now incorporated into paragraph 12.7
Para 12.14	Delete paragraph “to exercise the required discretion whether or not to prosecute or defend legal proceedings on behalf of the council in accordance with Section 222 of the Local Government Act 1972”. Now incorporated into paragraph 12.7.
Para 12.15	Replace “on behalf of the council” with “and where appropriate, affix the Common Seal of the Council to”
	Add “and seal” to the end of the paragraph.
Para 12.19	Add new paragraph. “To appoint the members of the Independent Remuneration Panel, having first consulted the Chief Finance Officer and Group Leaders as to any reason why someone may not be considered independent”
Para 13.15	Add “including council offices”
Para 13.15	Add new paragraph “To manage the council’s

	property portfolio.”
Para 13.18	Delete paragraph. “The letting of council offices”. Combined in paragraph 13.15
Para 13.19	Delete paragraph. “To make suture updates of the room hire pricing structure.”
Para 13.21	Add new paragraph “To authorise officers to discharge land drainage functions under the Public Health Act 1936 and the Land Drainage Act 1991”
Para 13.22	Add new paragraph “To approve and submit the annual National Non-Domestic Rates (NNDR1) return to the Government”
Para 14	Amend job title to “Head of Revenue and Benefits Shared Service”
Para 14.4(b)	Delete “or” Add “and any other legally binding irrecoverable debt)” Add “(including council tax, housing benefit and national non-domestic rates)”
Para 14.5	Add “housing benefits, and” Delete “or” Add “and any other legally irrecoverable debt at any level.”
Para 14.10	Add new paragraph “To apply powers relevant to Housing Benefit, Council Tax reduction, Council Tax and Business Rates included in the above stated regulations, and any other relevant regulations (and any amendments thereto) other than where Executive or Council approval is required.”
Para 15.1	Capitalise “Ward” and “Delegated Powers” as a defined terms.
Para 15.3	Capitalise “Delegated Powers” as a defined term.
Para 15.23	Capitalised “Delegated Powers” and “Ward” as defined terms.
Para 16.4	Delete “to determine a scheme of allocation of social and affordable housing” and “private”

Para 16.6	Add new paragraph "To make representation on or objections to housing development applications which are not in the public interest in relation to meeting local housing need."
Para 16.8	Replace paragraph with "To make arrangements for and oversee the making of grants and loans and taking of other actions to enable the improvement or return to use of residential properties, including Disabled Facilities Grants."
Para 16.8 – 6.11	Delete paragraphs
Para 16.9	Add new paragraph "To take action under the Crime and Disorder Act 1998, Police and Justice Act 2006 and Anti-Social Behaviour, Crime and Policing Act 2014 or associated guidance and/or replacement legislation to tackle anti-social behaviour, acting in consultation with the Head of Legal and Democratic Services as appropriate."
Para 16.10	Add "to the council" Capitalise "Officers" as a defined term.
Para 16.11(b)	Delete "in consultation with the Executive or Executive Member"
Para 16.14	Replace "CCTV Services" with "CCTV camera network"
Para 16.15	Add new paragraph "To determine the case for activities under the Regulation of Investigatory Powers Act 2000 or associated guidance and/or replacement legislation, including acting in consultation with the Head of Legal and Democratic Services, applications to conduct covert surveillance."
Para 16.16	Delete "functions under the Crime and Disorder Act 1998, Police and Justice Act 2006 and Anti-Social Behaviour, Crime and Policing Act 2014" Add "functions to promote" and "and deter anti-social behaviour and fly-tipping."

Para 16.17	Capitalise "Committee" as defined term.
Para 16.18	Delete "all". Add "unless reserved for the Licensing Committee or Licensing Sub-Committee"
Para 16.19	Replace "enforce the enactments arising from the legislation set out in Appendix A" with "apply the powers and duties of enforcement afforded to a District Council in all legislation relating to Licensing and Environmental Health matters."
Para 16.20	Replace "to be issued in relation to the legislation in Appendix A, subject to the matter being referred to the Licensing Committee where policy or financial considerations are involved that have not previously been determined by the Committee or other appropriate body of the council" with "to apply any power or duty afforded to a District Council in legislation relating to Licensing and Environmental Health unless reversed for determination by another body of the Council."
Para 16.21	Replace "of all licences and registrations listed in Schedule I below upon appropriate conditions" with "or variation of all licences, consents and registrations set out in legislation pertaining to Licensing and Environmental Health matters unless in the case of contests matters reserved for determination by another body of the Council."
Para 16.23	Delete paragraph
Para 16.24	Delete paragraph
Para 16.25	Delete paragraph
Para 16.26	Delete paragraph
Para 16.27	Delete paragraph
Para 16.28	Delete paragraph
Para 16.22	Add new paragraph "To authorise suitably qualified and experienced Officers to act as inspectors and serve and sign in their own name all notices and enforcement instruments as related to the powers

	and duties afforded to District Councils in Licensing and Environmental Health legislation.”
Para 16.40	Delete paragraph “To authorise officers to discharge land drainage functions under the Public Health Act 1936 and the Land Drainage Act 1991”. This has been moved to paragraph 13.21.
Para 16.41	Add “promote safeguarding and respond to safeguarding issues raised.”
Para 16.43	Delete paragraph “To award Arts and Sports Grants in accordance with established criteria and council policy and in consultation with the Head of Operations as appropriate”. This is already covered under 16.42
Para 16.43	Add new paragraph. “To make arrangements to promote environmental sustainability and reduce carbon emissions within the council and throughout the District.”
Para 17.14	Capitalise “Officers” as a defined term.
Para 17.15	Capitalise “Officers” as a defined term.
Para 17.18	Add “and orders”
	Capitalise “Officers” as a defined term.
Para 18	Replace “ICT and Business Systems” with “ICT Strategic Partnership Manager” due to change in job title.
Para 18.2	Capitalise “Officers” as a defined term.
Para 18.4	Add new paragraph. “To advise on and provide resilient ICT hardware and software solutions to maximise the efficiency of the council’s operations.”
Para 19.5	Add new paragraph. “To administer the council’s Complaints Policy and liaise with the Ombudsman when complaints have been escalated.”
Para 19.6	Add new paragraph. “To take action against persistent and unreasonable complainants.”
Appendix A/B	Delete appendices.
<b>Part 3E</b>	<b>Executive Portfolio Structure</b>
Para 1.1	Replace “Executive functions will be performed by the

	Executive” with “Executive functions will be determined by Executive Members whether acting collectively or individually in line with the delegations in paragraph 1.3 of this section below” for clarity.
	Add “in line with the delegations in paragraph 1.3 of this section below”
Para 1.2	Neighbourhoods. Delete “affordable” and “Home Improvement Agency”
	Add “policy”
Para 1.3(f).	Replace “White and Green” with “Green and White” to reflect the order they are submitted.

## Amendments/changes to Part 4 of the Constitution

<b>Part 4A</b>	<b>Council Procedure Rules</b>
	Reorder Council procedure rules contents list
Para 1.1	Add “:00pm” to 7pm, standardised
Para 1.2	Delete “or remotely using information technology, in accordance with contingency provisions allowed for under legislation”
Para 1.3	Reformatted to add bullet points.
Para 2.1.2(e)	Capitalise Head of the Paid Service.
Para 2.1.2(h)	Replace “practicable” with “necessary”
Para 2.1.2(k)	Delete paragraph “review and update the Constitution if necessary”. Constitution can be reviewed at any Council meeting, not just Annual Council.
Para 3.2(e)	Add paragraph “the Leader’s announcements”
Para 3.2(h,g,j)	Reordered to reflect order of agenda.
Para 4.1(e)	Replace “he or she has” with “they have”
Para 5.4(c)	Replace “after notification has been given by the absent Member to the Head of Legal and Democratic Services at least 24 hours before the meeting of the intended substitution” with “after notifying the Proper Office by 12 midday on the day of the meeting of the intended substitution”
Para 8.1	Replace “he or she” with “they”
Para 9.1	Replace “he or she” with “they”
Para 10.2	Addition of a definition of a petition, “where it is a formal written request signed by many people appealing to the authority in respect of a particular cause in the authority’s remit”
Para 10.3	Addition of new paragraph setting a threshold for petitions to be submitted to Council. “Petitions with 150 signatures or more will be presented to the next ordinary meeting of the Council. Petitions must be submitted by midday, three workings days before the Council meeting”.

Para 10.5	Addition of paragraph "Petitions with 50-149 signatures will be referred to the relevant Executive Member to provide a written response"
Para 10.6	Addition of paragraph "Petitions with fewer than 50 signatures will not be accepted as valid petitions"
Para 11.1	Addition of "the Leader and"
Para 11.3	Change the question deadline submission. Replace "no later than noon, two working days before the meeting" with "no later than midday, three working days before the meeting"
Para 11.5(e)	Add paragraph "contravenes the rules around the Pre-Election Period of Sensitivity, where such rules are in place from time to time".
Para 11.8	Addition of paragraph "Time allowed for questions. The time allowed for consideration of any questions submitted under 11.1 shall not exceed 15 minutes unless the Chairman consents to a longer period". Brings into line with Members' questions.
Para 12.5	Addition of new paragraph "Order of questions. Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions"
Para 12.10(d)	Addition of paragraph "a combination of any of the above"
Para 12.11	Supplementary question paragraph (12.12) split into two paragraphs. New paragraph to read "If the Member who gave notice of a question is not present at the meeting, the question shall be noted and the Member to whom the question was asked shall reply."
Para 12.13	Add new paragraph "If the Member who gave notice of a question is not present at the meeting, there will be no supplementary question after the Member to whom the question was asked has given their response"
Para 14.1	Replace "on the Tuesday of the week preceding" with "six clear working days (excluding the day of the



	meeting and day of delivery) before”
	Add “The Proper Office may, with the consent of the Chairman, refuse to accept a motion if the matter to which is relates is referred to in the Forward Plan for consideration at a later meeting or there is otherwise an intention to consider that matter at a meeting of the Council within the next three months”
Para 14.5	Add new paragraph. “Debate at Council. Motions that have been proposed and seconded shall then be the subject of immediate debate unless the Chairman of the Council considers it to be appropriate for the motion to be referred to the Executive or a Committee for consideration. In such cases the Chairman shall provide reasons for such a decision”
Para 16.5	Replace “he or she” with “they”
Para 16.6(b)	Replace “disposed of” with “decided”
Para 16.6(e)	Replace “put it” with “put the substantive motion as amended for debate”
Para 16.7 (a&b)	Replace “he or she” with “they have”
Para 16.8	Replace “he or she” with “they have”
Para 16.10 (e-f)	Add “to adjourn the debate” and “to adjourn a meeting”
Para 16.11(b)	Replace “he or she” with “they have”
Para 16.11(c)	Replace “he or she” with “they have”
Para 16.12	Replace “he or she” with “they have”
Para 18.7.2	Replace “his or her” with “their”
Para 18.7.3	Replace “his or her” with “their”
Para 20	Replace “must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance” with “will be recorded as having been present by Democratic Services”
Para 22.1	Add new paragraph “Speaking at meetings. When a Member wishes to speak at Council they must notify

	their request by hand and address the meeting through the Chairman. If more than one Member signifies their intention to speak, the Chairman will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation”
Para 22.5	Replace “he/she” with “they” and add “reasonably”
Para 26	Replace “he/she” with “they”
<b>Part 4B</b>	<b>Access to Information Procedure Rules</b>
Para 1.1	Capitalise “Scrutiny”, “Committee”, “Regulatory Committees”, “Joint Committees” and “Sub-Committees””
	Addition of “within this part of the Constitution”
Para 3.2	Capitalise “committee” and “sub-committee”
Para 3.3	Reformat list into bullet points
	Add “of the Committee”
Para 4.1	Capitalise “clear days” as defined term.
	Addition of “and on the council’s website”
Para 5.1	Replace “Wallfields, Pegs Lane, Hertford, SG13 8EQ” with “the council offices”
	Capitalise “clear days” as defined term.
	Replace “this will be included on a” with “the”
	Replace “(where reports are prepared after the summons has been sent out” with “will be open to inspection from time to time the item was added to the agenda and the”
	Replace “councillors” with “Members”
	Delete “which will be open to inspection from the time the item was added to the agenda”
Para 6.1	Capitalise “background paper” as defined term.
	Add “may” and “hard”
Para 7.1	Add “as soon as reasonably practicable” and “hard”
Para 7.1(a)	Capitalise “confidential information” as defined term
	Delete “The council aims to publish drat minutes of meetings as soon as reasonably practicable following the meeting;”

Para 7.1(b)	Delete "They will be published and made available as soon as reasonably practicable after they have been taken;"
Para 8.1	Capitalise "background paper" as defined term.
	Capitalise "confidential information" as defined term.
	Add "of this part of the Constitution"
Para 8.2	Remove "Public inspection of background papers"
	Capitalise "background papers" as defined term.
Para 8.3	Remove "Public reports must include not only a list of background papers but at least one copy of each of the documents in the list for public inspection"
	Capitalise "background papers" as defined term.
	Replace "below" with "in this part of the Constitution"
Para 9.1	Capitalise "confidential information" as defined term.
Para 9.2	Capitalise "confidential information" as defined term.
Para 10.1	Delete "which in his or her opinion relate to items during which, in accordance with Paragraph 10, the meeting is likely not to be open to the public"
Para 11.1	Add "of this part of the Constitution"
	Capitalise "committees"
Para 12.1	Capitalise "clear days" as defined term.
Para 12.4	Replace "he or she" with "they"
	Add ":"
Para 13.1	Add "and"
Para 13.2	Add "in this part of the Constitution"
Para 14	Capitalise "members" as defined term.
Para 14.2	Capitalise "clear days" as defined term.
Para 14.3	Replace "Executive" with "Leader of the Council"
	Replace "it" with "they"
Para 15.1(a)	Capitalise "clear days" as defined term.
Para 15.2(a)	Capitalise "clear days" as defined term.
Para 16.3(b,i)	Capitalise "confidential information" as defined term.
Para 16.4	Delete "reasonable number of"
	Add "on its website"
Para 16.5	Replace "a newspaper" with "the media"

Para 17	Capitalise “key decision” as defined term.
	Capitalise “officer” as defined term.
Para 17.2	Capitalise “clear days” as defined term.
	Capitalise “key decision” as defined term.
Para 18	Capitalise “key decision” as defined term.
Para 20	Capitalise “key decision” as defined term.
	Capitalise “officer” as defined term.
Para 21	Capitalise “officer” as defined term.
	Capitalise “key decision” as defined term.
Para 22.1	Capitalise “officer” as defined term.
Para 22.2	Delete “where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection, those documents will be supplied for the benefit of the newspaper by the council on payment by the newspaper of postage, copying or other necessary charge for transmission”
Para 23.2	Capitalise “clear days” as defined term.
Para 23.3	Capitalise “officer” as defined term.
Para 23.4	Replace “is” with “are”
<b>Part 4C</b>	<b>Budget and Policy Framework Procedure Rules</b>
Para 1.1	Capitalise “Budget” as defined term
	Add “of this Constitution”
Para 1.2	New paragraph added for clarification “The Executive shall propose the contents of the Policy Framework to Council for approval”
Para 2	Add “policies within” for clarification
Para 2.1	Delete paragraph “Normally, in the development of the Policy Framework, the Executive will liaise with the Overview and Scrutiny Committee and the Audit and Governance Committee to ensure that matters can be given proper consideration as part of the work programmes of these committees” Add new paragraph “The Executive will publicise, by including in the Forward Plan, a timetable for making proposals to the

	Council for the adoption of any new plan, strategy or budget that forms part of the Budget and Policy Framework and its arrangement for consultation.”
Para 2.2	Delete paragraph “However, the formal process by which the Policy Framework shall be developed is as follows” Add new paragraph “The Chair of the Overview and Scrutiny Committee and Audit and Governance Committee will be notified at the same time. As the Scrutiny Committees have responsibility for fixing their own work programme, it is open to them to investigate, research or report in detail with recommendations before the end of the consultation period”
Para 2.3	Delete “prior to Executive consideration” Add new paragraph “The Executive will ensure that the consultation process is adequate and allows for meaningful dialogue with those involved”
Para 2.7	Replace “drawn attention to the” with “a copy will be given to the”
Para 2.8	Reformat paragraph to split into options (a) and (b) Replace “alternatively...the decision must inform the Leader of any objections which the Council has and require the Executive to reconsider, in the light of those objections, the proposals submitted to it” with “that the Council’s decision will become effective on the expiry of five working days after the publication of the notice of the decision unless the Leader of the Council objects to it in that period”.
Para 2.4.6	Delete paragraph “The Council’s decision will become effective on the expiry of five clear day after publication of the notice of decision, unless the Leader objects to it in that period”
Para 2.9	Replace “he or she shall” with “they will”

	Add "stating reasons for the objection"
Para 2.10	Capitalise "ordinary meeting" and "extraordinary meeting" as defined terms.
Para 2.12	Delete "in accordance with Part 2, Chapter 4 of this Constitution"
Para 2.13	Capitalise "budget" as defined term.
Para 3	Capitalise "budget" as defined term.
Para 3.1	Add "In addition to paragraphs 2.1 to 2.13"
Para 3.2	Delete paragraph to save repetition. "Prior to Executive consideration, the Executive will publicise, by including in the Forward Plan and/or by other methods, a timetable for making proposals to the Council for adoption of any plan, strategy or budget that forms part of the budget and Policy Framework, and its arrangements for consultation. The Chairman of the Overview and Scrutiny Committee and the Audit and Governance Committee will be notified. The consultation period shall in each instance be not less than six weeks"
Para 3.3	Delete paragraph to save repetition. "If either committee wishes to respond to the Executive in that consultation process then it may do so. As both committees have responsibility for fixing their own work programme, it is open to either committee to investigate, research or report in detail with policy recommendations before the end of the consultation process"
Para 3.5	Delete paragraph "Preparation for the formal budget meeting shall be as follows"
Para 3.4 becomes para 3.2	"If both committees wish to respond to the Executive, a joint meeting of the scrutiny committees may be called."
Para 4	Capitalise "budget" as defined term.
Para 4.1	Capitalise "committees" and "officers" as defined terms.

Para 4.4	Capitalise "officers" and "budget" as defined terms.
Para 5	Capitalise "budget" as defined term.
Para 5.1	Capitalise "officers" as defined term.
Para 5.1(a)	Add "and;"
Para 5.1(b)	Delete "this must be recorded in writing"
	Add "and"
Para 7	Capitalise "budget" as defined term.
Para 7.1	Capitalise "budget" and "officers" as defined term.
Para 8	Capitalise "budget" as defined term.
Para 8.1	Replace "seek advice from" with "request that"
	Add "prepare a report detailing their advice"
Para 8.2	Delete "Monitoring Officer's"
Para 8.2(a)	Replace "and" with "or"
Para 8.3	Replace "it" with "Council"
Para 8.3(b)	Replace "council's Financial Procedure Rules" with "budget"
<b>Part 4D</b>	<b>Executive Procedure Rules</b>
Para 1	Delete "how does the....operate?" and replace with "functions" to make sure the titles are not questions.
Para 1.3	Replace "him or her" with "them"
Para 1.3(b,c)	Delete "addresses"
Para 1.3(g)	Add "in addition to delegation already listed within this Constitution" for clarity.
Para 1.5.2	Capitalise "Constitution" and delete "annually"
Para 1.5.3	Capitalise "Chairman"
Para 1.7	Delete "When and where?" to make sure the titles are not questions.
Para 1.9	Replace "How are decisions to be taken by the Executive?" with "Decisions taken by the Executive"
Para 2	Replace "How are Executive meetings conducted?" with "Executive meetings"
Para 2.1	Delete "Who presides?", Replace "he/she is" with "they are"
Para 2.2	Delete "Who may attend?"
Para 2.2.2(b)	Replace "him or her" with "them"

Para 2.2.2(c)	Replace "his or her" with "their"
Para 2.2.2(e)	Replace "his or her" with "their" and "he or she" with "they are"
Para 2.3.1(e)	Delete "or by"
	Add "or any other Member as provided at 2.5(d) below)"
Para 2.3.1(f)	Replace "reports" with "recommendations"
	Add "if any"
Para 2.3.2	Delete "may be deferred" and add "they may defer" at start of clause
Para 2.4	Capitalise "Budget"
Para 2.5(a)	Delete "standing"
	Add "when required"
Para 2.5(b, c)	Delete paragraphs b and c and combine to make new paragraph b as follows: "The Chief Executive, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require that such a meeting be convened in pursuance of their statutory duties"
Para 2.5(e)	Add new sub-paragraph. "By giving the appropriate notice on an item on the Forward Plan"
Para 3.1.1	Delete "An executive decision is a key decision if it meets the criteria listed in Part 2, Chapter 11.3.6 of this Constitution" and replace with "A key decision is an executive decision which is likely to: (a) result in new expenditure, income or savings of more than £200,000 in relation to the council's revenue or capital budget, this being deemed significant having regard to the council's overall budget; or (b) be significant in terms of its effects on communities living or working in an area consisting of two or more wards"
Para 3.2.1	Add "The"
Para 3.2.2	Add "and on the council's website"



Para 3.3.3	Add “in” and “apply”
Para 3.4	Replace “Non-key decisions are defined in Part 2, Chapter 11.3.8 of this Constitution” with “A non-key decision is an executive decision that does not meet either criterion of a key decision as defined above”
Para 3.5.2	Add “apply”
Para 3.6.1(a)	Replace “he or she” with “they”
Para 3.6.1(b)	Replace “his/her” with “their”
Para 3.6.1(c)	Replace “his/her” with “their”
Para 3.6.1(e)	Replace “Portfolio Holder” with “Executive Member”
Para 3.6.2(a)	Capitalise “Budget”
Para 3.6.2(d)	Capitalise “Disclosable Pecuniary Interest”
Para 3.7.3	Delete “by whichever means whether in private or public”
Para 3.8.3	Delete “under the provision for this in Part 4E, section 1.16 of this Constitution. Under these provisions, the decision shall not be liable to be called in under the procedure governing this in” and replace with “in line with urgency procedure at”
	Replace the Executive Decision Making Process flowchart at end of chapter.
<b>Part 4E</b>	<b>Scrutiny Procedure Rules</b>
Para 1.1	Add new paragraph “The Council is required by law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. A Scrutiny Committee can contribute to the development of Council policies and also hold the Executive to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.”
Para 1.2	Add new paragraph “Scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants and service users. A Scrutiny Committee should not

	shy away from the need to challenge and question decisions and make constructive criticism.”
Para 1.3	Add new paragraph “The Council has one Scrutiny Committee, the Overview and Scrutiny Committee and it is required by statute to abide by any statutory limitations placed upon it.”
Para 1.1.2	Delete paragraph
Para 1.1.3	Delete paragraph
Para 1.1.4	Delete paragraph
Para 1.4	Replace “Each” with “the”
Para 1.5.2	Add “An Extraordinary Meeting”
Para 1.6	Add Quorum paragraph “The quorum for the Overview and Scrutiny Committee shall be five voting members of the Committee”
Para 1.6	Procedure at Overview and Scrutiny Committee meetings moved to top of the chapter.
Para 1.6.2	Replace “Each Executive Member will be individually invited to give an account of his or her portfolio to the Overview and Scrutiny Committee at least once annually and will answer any questions posed by committee members. This attendance shall be in addition to any attendance required or invited by the Committee in relation to specific items of business. The time set aside for presentation of each portfolio report and questions thereon shall be at the discretion of the Chairman” with “Executive Members will be invited by the Committee in relation to items of business specific to their portfolio”
Para 1.6.3	Replaced “investigation” with “inquiry” to soften the language.
Para 1.7	Addition of “four voting members of the Committee, or...of the membership, whichever is fewer”
Para 1.8	Addition of new paragraphs ‘Public Participation’ in Overview and Scrutiny Committee.

	<p>1.8.1 In the event that a member of the public has proposed a topic for the Overview and Scrutiny Committee to scrutinise which has been accepted by the Chairman, the member of the public will have the opportunity to address the committee at the meeting that the item appears on the agenda</p>
	<p>1.8.2 Each member of the public addressing the Overview and Scrutiny Committee is allowed a maximum of three minutes in which to address the committee at the meeting that the item appears on the agenda</p>
	<p>1.8.3 Every person wishing to address the Committee should contact Democratic Services (<a href="mailto:democratic.services@eastherts.gov.uk">democratic.services@eastherts.gov.uk</a>) by 12 noon, three working days before the meeting. This must be submitted in writing.</p>
	<p>1.8.4 The Monitoring Officer reserves the right to omit or refuse a request which includes any matter which appears to be defamatory, frivolous, offensive or for any other legitimate reason."</p>
Para 1.9.1	Delete 'in May'
Para 1.9.3(i and ii)	Replace 'he/she' with 'they'
Para 1.10.1	Add "The Work Programme should retain flexibility to deal with urgent issues."
Para 1.10.2	<p>Addition of a new paragraph.</p> <p>"In setting its work programme, the Overview and Scrutiny Committee should take into account;</p> <ul style="list-style-type: none"> <li>(i) The Council's corporate and strategic priorities;</li> <li>(ii) Significant policies in the forward plan;</li> <li>(iii) Submissions from members of the public;</li> <li>(iv) Submission from members/Executive; and</li> <li>(v) Should have a clear rationale for including items for consideration and with regard to the forward plan, ensuring that the largest,</li> </ul>

	strategic items are given precedence”
Para 1.10.3	Add “or rapid reviews”
Para 1.11.1	Replace “he/she” with “they”
	Add “for”
Para 1.11	<p>Add new section - Terms of reference</p> <p>“The Overview and Scrutiny Committee has the following functions:</p> <p>(a) Discharge the statutory functions granted to the Committee by Section 21 of the Local Government Act 2000, as amended, plus consideration of any matter referred to it under Section 21A, plus any powers and functions conferred under Sections 21A, 21B and 21D of the Local Government Act 2000;</p> <p>(b) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive.</p> <p>(c) To make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive;</p> <p>(d) Pursuant to the requirements of the Police and Justice Act 2006 (as amended) review or scrutinise decisions made, or other action taken, in connection with the discharge by the Council and other bodies and persons responsible for crime and disorder strategies for the area or in relation to a local crime and disorder matter and to make reports or recommendations to the Council for the discharge of those functions and arrange for copies of any report to be sent to those bodies and persons responsible for crime</p>

	<p>and disorder strategies for the area (and such other co-operating persons and bodies as it thinks appropriate);</p> <p>(e) To consider a local crime and disorder matter, (including in particular forms of crime and disorder that involve anti-social behaviour or adversely affecting the local environment, or the misuse of drugs, alcohol and other substances), referred to it by any member of the Council or by Executive pursuant to the requirements of the Police and Justice Act 2006 (as amended);</p> <p>(f) Question members of the Executive and/or Committees and/or officers about their views on issues and proposals affecting the area and to make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area;</p> <p>(g) Liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative partnership working;</p> <p>(h) Conduct research, community and other consultation in the analysis of policy issues and possible options;</p> <p>(i) Consider mechanisms to encourage and enhance community participation in the development of policy options;</p> <p>(j) Consider the impact of policies to assess if they have made a difference;</p>
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	<p>(k) To consider the Forward Plan and comment as appropriate prior to any decision being made;</p> <p>(l) Consider reports relating to the authority's use of the Regulation of Investigatory Powers Act (2000) (RIPA);</p> <p>(m) To review performance against the Council's agreed objectives / priorities and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or service areas. To consider risk to the achievement of those objectives/ priorities. To make recommendations to the Executive;</p> <p>(n) Receive a referral from any member of the Committee, relevant to the functions of the Committee;</p> <p>(o) To appoint time limited Rapid Reviews and/or Task and Finish Groups to undertake detailed scrutiny work report back to the Overview and Scrutiny Committee to make recommendations to the Executive;</p> <p>(p) To scrutinise decisions prior to implementation in accordance with the Council's adopted call-in procedure (as detailed below)</p> <p>(q) Consider reports relating to the authority's safeguarding responsibilities"</p>
Para 1.11.1	Add "Ten working days' notice of the item should be given to the Scrutiny Officer together with sufficient information to enable the Officer advise about the nature and purpose of the item."

Para 1.11.2	Add "so long as it is within the relevant terms of reference"
Para 1.XX	<p>New section "Limitations of Scrutiny"</p> <p>"The Overview and Scrutiny Committee shall have the power to receive a Call-In made in accordance with the rules at XXX below, relevant to any of the functions of the Committee, other than:</p> <ul style="list-style-type: none"> <li>(i) A planning or licensing decision;</li> <li>(ii) Any matter relating to an individual or entity where there is already a statutory right to review or appeal (but not including the right to complain to the ombudsman);</li> <li>(iii) Any matter which is vexatious is substantially the same as a call in previously reviewed by a meeting of the Committee in the last six months, discriminatory or otherwise unreasonable;</li> </ul> <p>The decision as to whether the call-in is valid or falls within (i)-(iii) above rests with the Scrutiny Officer in consultation with the Monitoring Officer."</p>
Para 1.12.2	Replace "his/her" with "their"
	Capitalise "Chairman, Vice-Chairman and Task and Finish Group"
Para 1.12.3	Delete "a"
Para 1.13.1	Replace "he/she" with "they"
Para 1.14.1	Capitalise "Scrutiny Committee" and "Sub-Committee"
Para 1.14.2	Capitalise "Scrutiny Committee" and "Sub-Committee"
	Replace "he/she is" with "they are"
Para 1.14.3	Capitalise "Sub-Committee" and "Officer"
Para 1.16	Addition of new paragraphs 'Forms of Scrutiny'.

	<p>Para 1.16.1. "Scrutiny should not be limited to meetings of the Overview and Scrutiny Committee. Members will contact Executive Members and Officers to gather information to facilitate informed and focused discussion at Committee. These informal enquiries may assure Members at an early stage and allow the Committee's limited time to be used more appropriately"</p>
	<p>Para 1.16.2. "The Overview and Scrutiny Committee have the following tools to utilise when scrutinising a topic and should be considered in the following order:  a. A report via the Overview and Scrutiny Committee  b. Rapid Review  c. Task and Finish Group  d. Call-in"</p>
<p>Para 1.17</p>	<p>Addition of new sub-paragraphs on 'Rapid Reviews'</p> <p>1.17.1 Rapid reviews can be set up by the Overview and Scrutiny Committee to work on a short, highly focussed piece of work which cannot be completed in Committee.</p> <p>1.17.2 Only one Rapid Review should be set up at one time and they should generally be limited to one meeting, which may be supported by Officers</p> <p>1.17.3 Rapid Reviews are informal bodies and shall have no decision making powers</p> <p>1.17.4 The Rapid Review will produce a report for consideration by the Overview and Scrutiny Committee at the end of the review</p>
<p>Para 1.18</p>	<p>Para 1.18. Addition of new paragraphs on "Task and Finish Groups"</p> <p>1.18.1 Task and Finish Groups will be set up by the Overview and Scrutiny Committee to carry out detailed work in relation to specific topics or issues. The Overview and Scrutiny Committee will decide what Task and Finish Groups are set up and what their terms of reference will be. These will include the</p>



	membership of the group and the proposed dates of reporting to the Overview and Scrutiny Committee.
	1.18.2 Only one Task and Finish Group should be set up at one time and they should be time limited and have duration of no more than 8 weeks.
	1.18.3 Task and Finish Groups are informal bodies and shall have no decision making powers
	1.18.4 Task and Finish Groups will keep the Overview and Scrutiny Committee informed of their progress. They will produce a report for consider by the Overview and Scrutiny Committee at the end of the review
Para 1.19.3(iii)	Replace 'he/she' with 'they'
Para 1.19.3(iv)	Capitalise 'Member'
Para 1.19.23(v)	Capitalise 'Member'
Para 1.21.1	Delete paragraph
<b>Part 4F</b>	<b>Officer Employment Procedure Rules</b>
Para 1.1.3	Capitalise "officer" as a defined term.
Para 1.1.4	Capitalise "officer" as a defined term.
Para 3.0	Replace "Head of Paid Service" with "Chief Executive"
Para 6.0	The following section details a new procedure with dealing with the dismissal of Statutory Officers
	Add "Statutory Officers"
Para 6.1	Delete "The Chief Officer Recruitment Committee shall be the "Panel" referred to in Schedule 3 paragraph 1(e)"
Para 6.2	Replace "Investigator" with "Chief Officer Recruitment Committee"
Para 6.3	Replace paragraph "Members will not be involved in disciplinary action against any officer below Chief

	Officer level, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. Such disciplinary action will be undertaken by the Head of Paid Service or an officer nominated by him/her" with "A Statutory Officer may not be dismissed by the authority unless the procedure set out in paragraphs 6.4-6.14 is complied with."
Para 6.4	New paragraph "The Chief Officer Recruitment Committee will investigate any allegations against a Statutory Officer."
Para 6.5	New paragraph "The Chief Officer Recruitment Committee must appoint an Independent Investigator taken from a list held by the National Joint Secretaries."
Para 6.6	New paragraph "The Independent Investigation will investigate and prepare a report to be considered by the Chief Officer Recruitment Committee."
Para 6.7	New paragraph "The Chief Officer Recruitment Committee will meet to consider the report and give the Statutory Officer an opportunity to state their case and to question witnesses where relevant."
Para 6.8	New paragraph "The Chief Officer Recruitment Committee will have the following options available to them: (a) Take no further action; (b) Recommend informal resolution or other appropriate procedures (c) Refer back to the Independent Investigator for further investigation and report; (d) Take disciplinary action against the Statutory Officer short of dismissal; or (e) Propose dismissal of Statutory Officer to Full Council"
Para 6.9	New paragraph "If the Chief Officer Recruitment Committee propose dismissal of the Statutory Officer

	to Full Council, this must be considered by the Independent Panel.”
Para 6.10	New paragraph “The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.”
Para 6.11	New paragraph “Subject to paragraph 6.12, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 6.10 in accordance with the following priority order: (a) A relevant independent person who has been appointed by the authority and who is a local government elector; (b) Any other relevant independent person who has been appointed by the authority; (c) A relevant independent person who has been appointed by another authority or authorities”
Para 6.12	New paragraph “The authority is not required to appoint more than two relevant independent persons in accordance with paragraph 6.11 but may do so.”
Para 6.13	New paragraph “The authority must appoint any Panel at least 20 working days before the meeting of the Council at which the recommendation for dismissal is to be considered. The Panel will review the decision and prepare a report for Council.”
Para 6.14	New paragraph “The Council must consider the proposal that the Statutory Officer be dismissed. Before the taking of a vote at the relevant Council meeting on whether or not to approve such a dismissal, the authority must take into account: (a) any advice, views or recommendations of the Panel; (b) the conclusions of any investigation into the proposed dismissal; and (c) any representation from the Statutory Officer”

Para 6.15	New paragraph "Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011."
Para 6.4 (previous)	Delete paragraph "The Chief Officer Recruitment Committee will make recommendations to Council for the dismissal of the Head of Paid Service, Chief Financial Officer or Monitoring Officer and Council must approve that dismissal before notice is given to that person."
Para 6.5 (previous)	Delete paragraph "The Chief Officer Recruitment Committee shall approve any disciplinary action, short of dismissal, against the Head of Paid Service, Chief Financial Officer or Monitoring Officer."
Para 6.19	New paragraph "Members will not be involved in disciplinary action against any Officer below Chief Officer level, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. Such disciplinary action will be undertaken by the Head of Paid Service or an Officer nominated by them."
<b>Part 4G</b>	<b>Financial Procedure Rules</b>
Para 1.3	Capitalise "officers" as defined term. Capitalise "agents" as defined term.
Para 1.5	Format paragraph into bullet points
Para 2.0	Capitalise "officers" as defined term. Capitalise "member" as defined term.
Para 3.1.2(b)	Add "ensure that"
Para 3.1.2(c)	Add "ensure that"
Para 3.1.2(h)	Capitalise "member" as defined term.
Para 3.1.2(j)	Replace "HM Customs and Excise" with "HM Revenues and Customs"
Para 3.1.3	Add new paragraph "The Chief Financial Officer is the Officer designated by the Council as being responsible

	under section 151 of the Local Government Act 1972 for the proper administration of the council's financial affairs"
Para 3.2.1	Capitalise "officers" as defined term.
Para 3.2.2(a)	Add "Records should, wherever possible, be stored on the financial management system"
Para 3.2.2(c)	Add "including forecasting annual spend"
Para 3.2.2(d)	Capitalise "officers" as defined term.
Para 3.3.1	Replace "to" with "with"
	Add "the Monitoring Officer"
Para 5.4	Capitalise "committee" as defined term.
Para 5.5	Capitalise "committee" as defined term.
Para 5.6	Replace "recommended by the Executive to the Council. The recommendation must include the full financial implications of the proposal" with "delegated to the relevant Committee or Officer as stated in Appendix 1"
Para 6.2.1	Add "or via the...facility on"
Para 6.2.2	Replace "where possible" with "or other electronic funds transfer"
Para 6.2.4	Capitalise "officers" as defined term.
Para 6.2.6	Capitalise "officers" as defined term.
Para 7.6	Replace "£10,000" with "£50,000".
Para 8.1	Replace "FPRs" with "Financial Procedure Rules"
	Capitalise "agent" as defined term.
Para 10.1	Capitalise "officers" as defined term.
Para 10.2	Capitalise "officers" as defined term.
Para 10.4	Add "ly" to direct.
Para 11.3(c)	Capitalise "officers" as defined term.
Para 11.7	Capitalise "officers" as defined term.
Para 12	Change title from "Property" to "Assets"
Para 12.1	Replace "Head of Strategic Finance and Property" with "Chief Financial Officer"
	Delete "and"
	Add "vehicles and equipment"

Para 12.4 now 12.3	Move paragraph “Where land or buildings are no longer required for their intended use the Asset Registrar shall report to the Executive on the suggested future use, or disposal, of the asset.”
Para 12.5	Capitalise “officers” as defined term.
	Delete “officers and”
	<b>Appendix 1</b>
2 <sup>nd</sup> row	Delete row “Approval of annual outturn and subsequent required actions” as delegated to Audit and Governance Committee.
6 <sup>th</sup> row	Increase purchase order approval and/or contract award to £1,000,000 for Heads of Service and £250,000 for Service Managers.
8 <sup>th</sup> row	Virement within a service’s approved budget. Chief Executive to delegate to Chief Financial Officer and no financial limit for Chief Financial Officer.
9 <sup>th</sup> row	Virements across services, within overall approved budget levels. Chief Executive to delegate to Chief Financial Officer and no financial limit for Chief Financial Officer.
10 <sup>th</sup> row	Write offs/waivers of income due. Increase to £50,000 for the Chief Financial Officer.
11 <sup>th</sup> row	Increase limit for Chief Financial Officer from £25,000 to £50,000 and increase for Insurance Team from £5,000 to £10,000.
<b>Part 4H</b>	<b>Contract Procedure Rules</b>
Para 1.1	Capitalise ‘Contract Procedure Rules’
Para 1.2	Addition of “For the purposes of these CPRs any procurement that is not identified as out of scope in paragraph 3 below is a “Relevant Contract” and these CPRs apply to it.”
Para 1.3	Capitalise ‘Officers’
Para 1.5	Addition of ‘provisions of the’ and ‘including the Financial Procedure Rules’
Para 1.6	Delete ‘and are to be considered alongside the Financial Procedure Rules’

Para 2.1	Delete 'It is essential that'
	Capitalise 'The'
	Add "notwithstanding the withdrawal of the UK from the EU:"
Para 2.2	Add new paragraph "It is essential to observe the EU Framework and principles underlying the public procurement regime (the procurement procedures, financial thresholds etc.), as they have continued to apply from Brexit. The EU financial thresholds ("Relevant thresholds") for the purposes of the applications of the Public Contracts Regulations 2015 (as amended) remain relevant and must be adhered to. Upon the implementation of any new procurement rules and laws, these CPRs will be updated accordingly to reflect any relevant changes in UK law."
Para 2.3	Add new paragraph. "As of 1 <sup>st</sup> January 2021 the council must publish all new public procurement notices (including a Contract Award notice) above the relevant (EU) financial threshold in the new UK e-notification service, Find a Tender, in place of the Official Journal of the European Union's Tenders Electronic Daily (OJEU/TED). The council must also continue to follow the requirements for publication on Contract Finder as applicable. In relation to procurement procedures that were launched prior to 1 <sup>st</sup> January 2021 and new contracts awarded under frameworks or dynamic purchase systems that were established prior to 1 <sup>st</sup> January 2021, the previous arrangements for the publication of notices still apply."
Para 2.4	Add "public procurement regime requirements"
Para 2.4(f)	Capitalise "Non-Commercial Considerations" and "Contracting Decision" as these are defined terms.
Para 4.1	Replace "from" with "under"
	Add "where"
	Add "By granting an exemption the council can only

	waive the rules established by it as set out in the Constitution. The council cannot waive UK law."
Para 4.2	Replace "a" with "the value of a"
	Delete "value"
	Add "relevant financial"
Para 4.3	Replace "a" with "the value of a"
	Delete "value"
	Add "relevant financial threshold"
	Capitalise "Contracting Decision" as a defined term.
Para 4.4	Replace "Threshold" with "relevant threshold"
Para 4.6	Add new paragraph "Exemptions to any of the council's rules must be sought in advance of any contractual agreement, placement of an order, use of works, services of purchase of supplies."
Para 5.1	Add "including any options of extensions"
	Add "there is"
	Capitalise "Total Value" and "Award Procedure" as defined terms.
Table at 5.1	Add "subject to the new requirements on publication of notices for new procurement activities" on last row
	Capitalise "Formal Quotation", "Quotations" and "Formal Tender" as defined terms.
Para 6.1	Add "Currently the EU framework and principles underlying the public procurement regime continue to apply notwithstanding the withdrawal of the UK from the EU".
Para 7.1	Add "and based on the council's Standard Terms and Conditions unless the council's standard contracts are deemed unsuitable. If a contractor or a supplier requires that the contract is entered into based on its standard terms of business, legal advice must be sought first on the suitability of these terms and any amendments that might be necessary"
Para 7.2	Add new paragraph. "A contract signed by both parties (or sealed by the council) must be put in place upon the completion of



	all procurement exercise. Every contract novation, contract extension or contract variation must be effected in writing using an appropriate legal agreement. Please refer to the Procurement Team or Legal Service for such templates and guidance."
Para 7.3	Add "and Legal Service" (a) Capitalise "Total Value" as defined term
Para 7.4	Add "as a minimum"
Para 7.4(e)	Add new sub-paragraph "a start and end date and details of any extension options permissible; and"
Para 8.1.3	Capitalise "Award Criteria" and "Value for Money"
Para 8.1.4(b)	Delete "from the European Economic Area or"
Para 8.1.4(c)	Capitalise "Non-Commercial Considerations" as defined term
Para 8.2.1(f)	Replace "the Official Journal of the European Union (OJEU), Tenders Electronic Daily (TED) (even if there is no requirement within the EU Procedure" with "the new UK e-notification service, Find a Tender (FTS)"
Para 8.2.2	Capitalise "Bidders" and "Tender" as defined terms.
Para 8.2.3	Capitalise "Quotation", "Tender" and "Invitation to Tender" as defined terms.
Para 9	Capitalise "Procedure"
Para 9.2.1	Capitalise "Quote" as defined term.
Para 9.2.4	Capitalise "Quotation" and "Bidder" as defined terms.
Para 9.3.1	Capitalise "Formal Quotation" as defined term.
Para 9.3.2	Capitalise "Quotation"
Para 9.3.3	Capitalise "Formal Quotation" and "Quote" as defined terms.
Para 9.3.4	Capitalise "Clarification", "Quotation" and "Bidder" as defined terms.
Para 9.3.6	Capitalise "Formal Quotation" as defined term.
Para 9.3.7	Capitalise "Formal Quotation" as defined term.
Para 9.3.8	Add new paragraph "A contract under the EU/Relevant threshold for the purposes of the PCR will not need advertising in Find a Tender, but will generally need to be advertised in

	Contracts Finder if the contract is above £25,000 unless exceptions apply."
Para 9.4	Add "Relevant"
Para 9.4.1	Replace "£75,001" with "£75,000" Add "and in line with publication requirements for contracts above £25,000"
Para 9.5.2	Capitalise "Bidders" as defined term.
Para 9.5.3	Capitalise "Clarification" as defined term.
Para 9.6.1	Add "Relevant" Add "Public Contracts Regulations 2015 (as amended) (the PCR) and" Add "under the PCR"
Para 9.6.2	Add "Relevant" Capitalise "Tender" as defined term.
Para 9.6.3	Add "Relevant" Replace "EU Procedures" with "the PCR" Replace "Official Journal of the European Union (OJEU) which is available for contractors in all member states to see and respond to" with "new UK e-notification service, Find a Tender (FTS)" Replace "EU Procurement Rules" with "the PCR" Add "and Legal Service" Add "value of a proposed contract exceeding the...Relevant" Delete "being exceeded"
Para 10.1	Capitalise "Value for Money" as defined term.
Para 10.2	Add "Relevant" Replace "under the EU Procedure" with "in accordance with the PCR" Replace "EU Procedures" with "PCR"
Para 10.4	CHECK WITH MEMBER GROUP
Para 10.4.2	Add new paragraph "Framework Agreements that have been established by other public sector bodies that are lawfully accessible to the council should be used strictly in

	accordance with the terms and conditions of the relevant Framework Agreement. When using frameworks set up by other public sector bodies, Officers must undertake due diligence with assistance from the Procurement Manager before using a framework."
Para 11.1	Capitalise "Quote", "Invitation to Tender" and "Contract Award" as defined terms.
Para 11.2	Capitalise "Total Value", "Quote", "Quotations", "Clarification", "Award Criteria" and "Bidder" as defined term.
	Add at (f) "also a copy of the final contract to be provided to procurement for safekeeping"
Para 11.3	Capitalise "Total Value", "Contracting Decision", "Award Criteria", "Invitation to Tender" and "Bidder" as defined terms.
Para 11.7	Add "Relevant"
Para 12	Capitalise "Bidder"
Para 12.1	Capitalise "Quotations", "Tender" and "Bidders" as defined terms.
Para 12.2	Capitalise "Award Criteria" and "Officers" as defined terms.
Para 12.3	Capitalise "Quotations", "Tenders", "Bidder", "Quote" and "Invitation to Tender" as defined terms.
Para 12.4	Capitalise "Quotations", "Tenders", "Budget" and "Bidder" as defined terms.
Para 12.5	Capitalise "Total Value" and "Bidder" as defined terms.
	Add "Relevant"
Para 12.6	Capitalise "Award Criteria" and "Bidder" as defined terms.
Para 12.7	Capitalise "Bidder" and "Contracting Decision" as defined terms.
Para 13	Capitalise "Quotes" and "Tenders" as defined terms.
	Add "Relevant Threshold where appropriate"
Para 13.1	Add "However, the council must at all times act transparently, in accordance with its published

	procurement documents and without discrimination”
	Capitalise “Bidders”, “Tenders” and “Value for Money”
Para 13.3	Capitalise “Formal Quotation”, “Quotation” and “Tenders” as defined terms.
Para 14	New paragraphs on “Variations and Extensions of Contracts”
	<p>14.1 “In certain circumstances it is possible to modify or extend an existing contract that is subject to the PCR (that is above the EU/Relevant Threshold) without triggering a new procurement exercise. Any such modification of a contract must be in accordance with Regulation 72 of the PCR, which permits an amendment, extension or renewal of an existing contract where:</p> <p>14.1.1 the original procurement documents contain provisions for a variation or extension of the contract in a “clear, precise and unequivocal review clause” (providing the overall nature of the contract is not altered as a result of the change);</p> <p>14.1.2 there is a need to purchase new services, supplies and works from the provider and a change of provider cannot be realistically made for economic or technical reasons and would cause significant inconvenience or substantial duplication of the council’s costs. (This is subject to the condition that each change does not increase the original value of the contract by more than 50 per cent);</p> <p>14.1.3 Circumstances have arisen which the council could not reasonably have foreseen and that require an amendment to the existing contract. (In this case the proposed change cannot alter the overall nature of the contract and any increase to the original value of the contract as a result of the change must not exceed 50 per cent)</p> <p>14.1.4 a new provider is required to replace the original provider under the contract as a result of</p>

	<p>corporate restructuring, including takeover, merger, acquisition or insolvency leading to a universal or partial succession of the original provider, or because this change was envisaged in a review clause in the contract;</p> <p>14.1.5 the value of the variation is both below the EU/Relevant Thresholds and less than 10 per cent of the original value of the contract in the case of a supplied or services contract or less than 15 per cent of the original value of the contract for a works contract. (One or more changes may be made under this provision provided the total value of the variations does not exceed the EU/Relevant Threshold); and</p> <p>14.1.6 the proposed variations are insubstantial”</p>
<p>Para 14.2</p>	<p>Add new paragraph</p> <p>“A contract variation is not permissible if the contract has been extended beyond the approved extension period; and if:</p> <ul style="list-style-type: none"> <li>a) The contract would become materially different;</li> <li>b) The scope of the contract would extend considerably;</li> <li>c) The outcome of the original procurement exercise (e.g. the identity of the successful Bidder) would have been different had the variation been implemented at that time of the procurement;</li> <li>d) The economic balance would shift in favour of the provider; or</li> <li>e) A new provider would replace the original provider for any reason other than those already identified in paragraph 14.1.5 above.</li> </ul>
<p>Para 14.3</p>	<p>Add new paragraph</p> <p>“Advice must be sought from Procurement and Legal Services prior to varying or extending a contract to confirm that the lawful circumstances set out above</p>

	can be relied upon. Officers must also ensure that authority to vary the contract is obtained in line with the delegated authority levels set out in the Financial Procedure Rules.”
Para 14.4	Add new paragraph “A Contract Variation Notice must be published on Find a Tender”

## Amendments/changes to Part 5 of the Constitution

<b>Part 5C</b>	<b>Member/Officer Protocol</b>
Para 1.3	<p>Replace “and it may not cover all situations. However, it” with “or comprehensive but”</p> <p>Capitalise “members” and “officers” as defined terms.</p>
Para 1.4	Delete “(real and perceived)”
Para 1.5	<p>Replace “Members and Officers depend on each other in carrying out the work of the Authority. Members are responsible to the electorate of East Herts and serve as long as their term of office lasts. All Members have responsibilities, as set out in the descriptions of their role; some Members have additional responsibilities, such as Chairman, Leader, Executive Members and Committee Chairman. However, all members have the same responsibilities and obligations in their relationships with officers and must be treated equally. Officers are responsible for giving full and impartial advice to the Council, as well as to individual Members, and to carry out the Council’s with under the direction and control of the Council and its various bodies”.</p> <p>With “Members and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council.”</p>
Para 2.1	<p>Replace “(a) Members express political values and support the policies of the party or group to which they belong (of any).</p> <p>(b) Members represent their wards and are advocates for the constituents who live in the area.</p> <p>(c) Members are involved in active partnerships with other organisation as community leaders.</p> <p>(d) Members contribute to the decisions taken in full Council and in its various bodies on which they serve,</p>

	<p>as well as joint committees, outside bodies and partnership organisations.</p> <p>(e) Members help develop and review policy and strategy.</p> <p>(f) Members monitor and review policy implementation and service quality.</p> <p>(g) Members are involved in quasi-judicial work through their membership of regulatory committees.</p> <p>With “(a) To determine council policy and provide community leadership.</p> <p>(b) To monitor and review council performance in delivering services</p> <p>(c) To represent the council externally; and</p> <p>(d) To act as advocates for their constituents.”</p>
Para 3.1(a)	Remove “Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.”
Para 3.1	Renumber bullet points (a-d)
Para 3.1(a)	Add “professional”
	Delete “in respect of the services provided.”
Para 3.1(c)	Add “managing and providing services and being accountable for the efficiency and effectiveness of the services provided.”
Para 4.1	Delete “this plays an important part in the Council’s reputation and how it is seen in public.”
Para 4.2	Delete “avoid making personal attacks on Officers and, in particular, avoid undermining respect for Officers in Council and Committee meetings or public forums”
	Add “not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press as an Officer has no means of responding to such criticisms in public.”
	Capitalise “Member” as defined term.
	Add “individual”



	Add "if dissatisfied with the conduct of an Officer, they should refer the matter to the relevant"
	Split into bullet points.
Para 5.1	Delete "it is important in any dealings between Members and Officers that neither should seek to take unfair advantage of their position."
Para 5.2	Delete "in their dealings with Officers (especially junior Officers) Members need to be aware that it is easy for them to feel at a disadvantage."
Para 5.1	Replace "he is" with "they are"
Para 5.2	Add new paragraph. "Members must respect the impartiality of Officers and do nothing to compromise it, e.g. by insisting that an Officer change their professional advice."
Para 5.3	Replace "his/her" with "their"
	Delete "(The Council has formal procedures for consultation, grievance and discipline, and Officers have the right to report possible wrongdoing under the Council's Whistleblowing Policy)."
Para 6.1	Capitalise "Confidential Information" as defined term.
	Delete "or information which should not properly be passed between them, such as personal details."
	Add "Such familiarity could also cause embarrassment to other Members and/or Officers and could give rise to suspicions of favouritism."
Para 6.2	Delete "Such familiarity could also cause embarrassment to other Members and/or Officers and could give rise to suspicions of favouritism."
Para 6.2	Capitalise "Officers" as defined term.
Para 6.3	Capitalise "Member" and "Officer" as defined terms.
Para 7.2	Replace "s/he" with "they"
	Replace "his/her" with "their"
	Add "but" and "an"
Para 8.2	Delete "appreciable"
	Replace "5" with "five"
Para 8.6	Replace "FOI" with "Freedom of Information"

	Replace "Monitoring Officer" with "Information Governance and Data Protection Manager"
Para 8.7	Un-capitalise "Service"
Para 8.8	Un-capitalise "Service"
	Capitalise "Ward" as defined term.
Para 8.10	Delete "even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective"
	Add "are encouraged to accompany negative advice... with"
	Delete "is that if they do have to give negative advice, this will be accompanied by"
	Delete "Such Officers are invaluable to any Council"
Para 8.11	Delete "Reports" section
Para 9	Delete "Operation of the Overview and Scrutiny Committee" and move to Chapter/Part ***
Para 10.2	Replace "him/her" with "them"
	Replace "he/she" with "they"
Para 10.3	Capitalise "confidential information" as defined term
	Delete "because to disclose is would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained"
	Add "If it falls into one of the seven definitions of information that is exempt from disclosure to the public and press which is at paragraph 9.4 in Part 4B – Access to Information Procedure Rules"
Para 10.4	Delete "Information and correspondence about an individual's private or business affairs will normally be confidential"
Para 10.4	Capitalise "confidential information" as a defined term.
	Replace "he or she" with "they"
	Replace "but" with "and"
Para 10.6	Capitalise "confidential information" as a defined

	term.
	Capitalise "Officer" as defined term.
Para 11.1	Capitalise "officers" as defined term.
Para 12.1	Capitalise "ward" as defined term.
Para 15	Remove "Media" section as it is covered in Part 5G – Media Protocol
Para 16	Remove "Ceremonial events" section
Para 18.2	Delete paragraph as covered under Part 5B – Officers' Code of Conduct
Para 18	Add "Political Party Group Meetings"
Para 18.1	Add new paragraph "Party groups are an integral part of the way the council works and it is a proper function of Officers to support and contribute to party group consideration if required"
Para 18.3	Add new paragraph "Any attendance of an Officer at a meeting of a party group shall be with the prior agreement of the Chief Executive. Usually the only Officers involved in attending group meetings will be the Chief Executive, Deputy Chief Executive and Heads of Services"
Para 18.4	Add new paragraph "Officers will provide factual information and advice only on areas within their professional remit and in relation to issues currently or shortly to be considered by the Council, provided that the request does not relate to an individual matter such as a planning application, or does not disclose information given at a confidential briefing with the Executive. Such advice should be available to all party groups."
Para 18.5	Add new paragraph "Any such meeting will be held at the council offices"
Para 18.6	Add new paragraph "The only other persons present at such a meeting should be Members of the Council"
Para 18.7	Add new paragraph

	<p>“Officers must leave group meetings before groups enter into political discussion. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by Officers”</p>
	<p>Delete paragraph</p> <p>“Support may include a range of activities including briefings for Members relating to their roles e.g. Chairman. Officers should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be aialble to all party groups and not solely to the majority group. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by Officers.”</p>
	<p>Delete paragraph</p> <p>“Usually the only Officers involved in attending group meetings will be the Chief Executive, Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions.”</p>
	<p>Delete paragraph</p> <p>“Officers are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Heads of Service, and not to individual Members of the Council whatever office they might hold.”</p>
<b>Part 5D/E/F</b>	<b>Head of Paid Service, Chief Financial Officer and Monitoring Officer Protocol</b>
The three chapters have been merged to create one part covering all three statutory officers.	
<b>Part 5G</b>	<b>Media Protocol</b>
Para 1.2	Delete “we have produced”
	Add “has been produced”
Para 2.2	Delete “(C) Link magazine”
	Replace “conferences” with “photocalls”

	Capitalise "Facebook", "Twitter", Youtube
	Add "LinkedIn"
Para 2.3	Capitalise "officers" as defined term
Para 3.1	Replace "spokesman" with "spokespeople"
	Uncapitalise "Authority"
Para 3.3	Replace "spokesman" with "spokespeople"
	Delete "many"
Para 4.0	New section on "Managing media enquiries"
Para 4.1	Add "Media enquiries will be responded to as soon as possible (within 24 hours), unless agreed otherwise"
Para 4.2	Add "Deadlines for enquiries can vary. The journalist making the enquiry will be asked for a deadline and the Communications Team will endeavour to respond within this timeframe."
Para 4.3	Add "In certain circumstances, the deadline will not be achievable such as when several questions have been asked in one single enquiry or the relevant Officer is not available. In such cases, the journalist making the enquiry will be notified and an agreement reached as to a new response deadline."
Para 4.4	Add "The media enquiry process is as follows: a) The media contact the council for a comment, clarification is sought on the topic and the deadline is checked and confirmed. b) The Communications Team contact the relevant Officer(s) to request information. c) The Communications Team draft a response/statement d) The Officer who provided the information and the relevant Head of Service asked to approve or amend the prepared statement. e) The statement sent to the Executive Member for amendments and approval. f) Statement is re-circulated with amendments if necessary g) The Communication Team sends statement to the

	media.
Para 5.1	Delete "in the first instance"
Para 5.2	Add "All queries are subject to media deadlines. By missing a deadline, a story may appear without a council comment and the council's reputation could suffer. Contact from the Communications Team with a media query should be treated as a matter of priority and dealt with as soon as possible."
Para 5.3	Add "The Communications Officer should be provided with as much information as possible. The Communications Officer will agree with the Officer what goes in the public domain."
Para 5.4	Add "There no circumstances where it would be acceptable to refuse to give a response. if the response is circumscribed for example because of data or child protection issues, then the Communications Team will explain why in an official response."
Para 7.1	Delete "not for criticism of the Council or of Council policies"
Para 7.4	Add "and priorities"
Para 8.5	Replace "Parliamentary, District, European and County" with "including non-District elections"
Para 9.1	Add "High performing councils proactively manage media relations, rather than letting the media set the agenda".
Para 9.2	Add "To maximise positive publicity across all media, the Communications Team use a Public Relations (PR) forward plan with activity agreed a quarter ahead.
Para 9.3(d)	Replace "officers of East Herts" with "Executive Members"
Para 10	Add new section on "Photography/video"
Para 10.1	Add "Photographs and videos are an excellent way to generate publicity especially through the press and on social media. However there are some important issues to consider, especially if children or young

	people are involved.”
Para 10.2	Add “Where children are involved in media events at which film cameras and/or photographers are likely to be present, the lead Officer must obtain formal permission from the parent or guardian responsible for the child/young person. With older children (16-18 years old), it is good practice to seek their permission directly as well as asking their parent or guardian. Consent forms are available from the Communications Team.”
Para 10.3	Add “If it is not possible to gain consent due to the nature of the even being photographed, signs should be displayed for all attending the event informing them that photographs will be taken.”
Para 11.1	Replace “have been issued to the media in advance” with “be published on the council’s website ahead of the meeting.”
Para 11.3	Capitalise “Members” as a defined term
Para 11.5	Capitalise “Officers” as a defined term
	Add “webcast of the meeting in the first instance, or the” Add “ly” to “direct”
Para 12.1	Capitalise “Officer” as a defined term
<b>Part 5H</b>	<b>Members’ Planning Code of Good Practice</b>
This section has been replaced with that produced by Lawyers in Local Government (LLG).	
<b>Part 5I</b>	<b>Gifts and Hospitality Code of Conduct for Members</b>
Para 1.1	Delete “is not merely an administrative issues. It”
Para 1.2	Delete “The Members’ Code of Conduct (Part 5B in this Constitution) sets out the principles relating to gifts and hospitality. These requirements are then supplemented by the code and procedures set out below, to provide a clear set of rules for the protection of both Members and the Council.”
	Add “The law on the acceptance of gifts and

	<p>hospitality is set out in the Bribery Act 2010. These legal requirements are supplemented by the procedures which have been adopted by Council, to provide clear set out rules for the protection of both Members and the Council. This policy is to be read in conjunction with the Council's Code of Conduct for Members."</p>
Para 2.2(b)	<p>Delete "provides that you should not accept any financial advantage where the result would be that the advantage which would itself constitute the improper performance of a relevant function or activity.you commit a criminal offence carrying a maximum term of imprisonment of ten years"</p> <p>Add "makes it an offence for an individual to bribe another person or to accept a bribe. The maximum penalty for a conviction for one of these offences is up to ten years imprisonment. There is an additional offence which applies to organisation of failing to prevent bribery. One a conviction for this offence, the organisation could face an unlimited fine."</p>
Para 2.3(c)	<p>Delete "that it is a breach of the Code to improperly to confer any advantage or disadvantage on any person, including yourself."</p> <p>Add "that you must not place yourself under any financial or other obligation to outside individuals or organisation that might seek to influence you in the performance of your official duties."</p>
Para 2.4(a)	<p>Replace "just as damaging to the Council and to you as a Member as actual impropriety. with "damaging to the Council and to you as a Councillor."</p> <p>Replace "either" with "consider whether to"</p> <p>Replace "ensure that such a misunderstanding cannot arise." With "take to reduce the likelihood of such a misunderstanding."</p>



Para 2.5(b)	New paragraph "Cash or monetary gifts should always be refused and the Monitoring Officer should be notified."
Para 3.1(a)(v)	Delete "such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the Council if you meet accidentally in a public house, café or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable."
Para 3.1(a)(vi)	Delete "Member should not make such arrangement themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must be modest."
Para 3.1(a)(viii)	Delete "Members should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Members and officers is to be no more than commensurate with the nature of the visit."
Para 3.1(a)(ix)	Delete "eg chocolates"
Para 3.2(d)	Add "Any approval will also be placed on the Council's website"
Para 4.1	Increase the declaration total from £25 to £50
Para 4.2	Increase the declaration total from £25 to £50
Para 4.3	New paragraph "While it may be appropriate to accept a token gift or gift of low value on one occasion, it is recommended that you should refuse repeated gifts from the same source, even if these are individually not of significant value."
Para 4.4	New paragraph "If in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may have to estimate how much a gift or hospitality is

	worth, by considering how much you reasonably think it would cost a member of the public to buy the gift or provide the hospitality in question.”
Para 5.1	Delete “for example in relation to sponsorship of public musical and theatrical performances and developers’ contributions under Section 106 Agreements.”
Para 6.1	Capitalise “Member” as defined term

## East Herts Council Report

### Council

**Date of meeting:** 11 May 2022

**Report by:** Head of Legal and Democratic Services

**Report title:** Committee Membership and Political Balance of the Council 2022/23

**Ward(s) affected:** All Wards

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

### **RECOMMENDATIONS that:**

- (A) the following Scrutiny Committees, Regulatory Committees and Joint Committee be appointed, with the number of voting Members stated:**

<b><u>Committee</u></b>	<b><u>No. of Members</u></b>
<b>Overview and Scrutiny</b>	<b>14</b>
<b>Audit and Governance</b>	<b>7</b>
<b>Development Management</b>	<b>12</b>
<b>Human Resources</b>	<b>7</b>
<b>Licensing</b>	<b>12</b>
<b>Standards</b>	<b>7</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>Joint CCTV Executive (3 from East Herts)</b>	<b>12</b>
<b>East Herts Council and Stevenage Borough Council Joint Information Technology Committee (3 from East Herts)</b>	<b>6</b>

- (B) the membership and Chairmen of Scrutiny Committees, Regulatory Committees, joint Committees be as set out in Appendix A, with Members being appointed in accordance with the wishes of the political group to whom the seats on these bodies have been allocated,**
- (C) the Members to the Executive (in addition to the Leader) with the portfolio responsibilities as detailed in Appendix B, be noted;**
- (D) the programme of Council meetings, as detailed at paragraph 5.1 of the report submitted, be approved; and**
- (E) the Head of Legal and Democratic Services be authorised to make changes in the standing membership of committees, joint committees and panel in (A) above, in accordance with the wishes of the political group to whom seats on these bodies have been allocated**

## **1.0 The Executive/Leader of the Council**

- 1.1 Under its constitution, in May 2019, Council appointed the Leader of the Council for the “life” of the Council (i.e. until the next District Council elections in 2023). 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 2022/23 will remain unchanged at seven 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 Appendix B.

## **2.0 Scrutiny Committees and Regulatory Committees**

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

Overview and Scrutiny (14 members)

Audit and Governance (7 members)

Development Management Committee (12 Members)

Human Resources Committee (7 Members)

Licensing Committee (12 Members)

Chief Officer Recruitment Committee (5 Members)

- 2.2 If the formation of the Standards Committee and the Joint Information Communication Technology is approved, the Committees will be established with the terms of reference agreed. The Standards Committee will have seven Members and the Information Communication Technology Joint Committee will have six Members, three of these from East Herts.

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

### **3.0 Joint Committees**

3.1 It is proposed that the joint committees relating to Revenues and Benefits (with Stevenage) and CCTV (with Hertsmere, Stevenage, North Herts) be retained on their existing basis.

3.2 It is proposed that a joint committee relating to Information Communication Technology (with Stevenage) be formed with the committee meeting at least twice a year.

### **4.0 Political Groups**

4.1 Where Members of a Council are divided into political groups, the Local Government and Housing Act 1989 places 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 the political composition of those committees reflects the political representation of the Council. The rules of proportionality do not apply to the Executive.

4.2 The political groups within East Herts Council will be entitled to an allocation of committee places in proportion to their representation on the Council. The political balance percentage of representation of each relevant group remains unchanged for 2022/23.

4.3 The Council must appoint Members to places on committees in accordance with each group's entitlement. Appendix A sets out the proposed membership.

4.4 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 2022/23 has already been published on the [council's website](#) and Council is invited to confirm the dates of its meetings as follows:

27 July 2022  
19 October 2022  
14 December 2022  
1 March 2023  
17 May 2023 (Annual)

## **6.0 Outside Bodies**

6.1 Council appoints a significant number of Members 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 A separate report on this agenda reviews the work undertaken by outside bodies in 2021/22.

## **7.0 Implications/Consultations**

### **Community Safety**

No

### **Data Protection**

No

**Equalities**

No

**Environmental Sustainability**

No

**Financial**

No

**Health and Safety**

No

**Human Resources**

No

**Human Rights**

No

**Legal**

No

**Specific Wards**

No

Background Papers

None

Contact Officer: James Ellis, Head of Legal and Democratic Services  
[james.ellis@eastherts.gov.uk](mailto:james.ellis@eastherts.gov.uk)



Report Author:

Katie Mogan, Democratic Services Manager  
[katie.mogan@eastherts.gov.uk](mailto:katie.mogan@eastherts.gov.uk)

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## Committee membership 2022/23

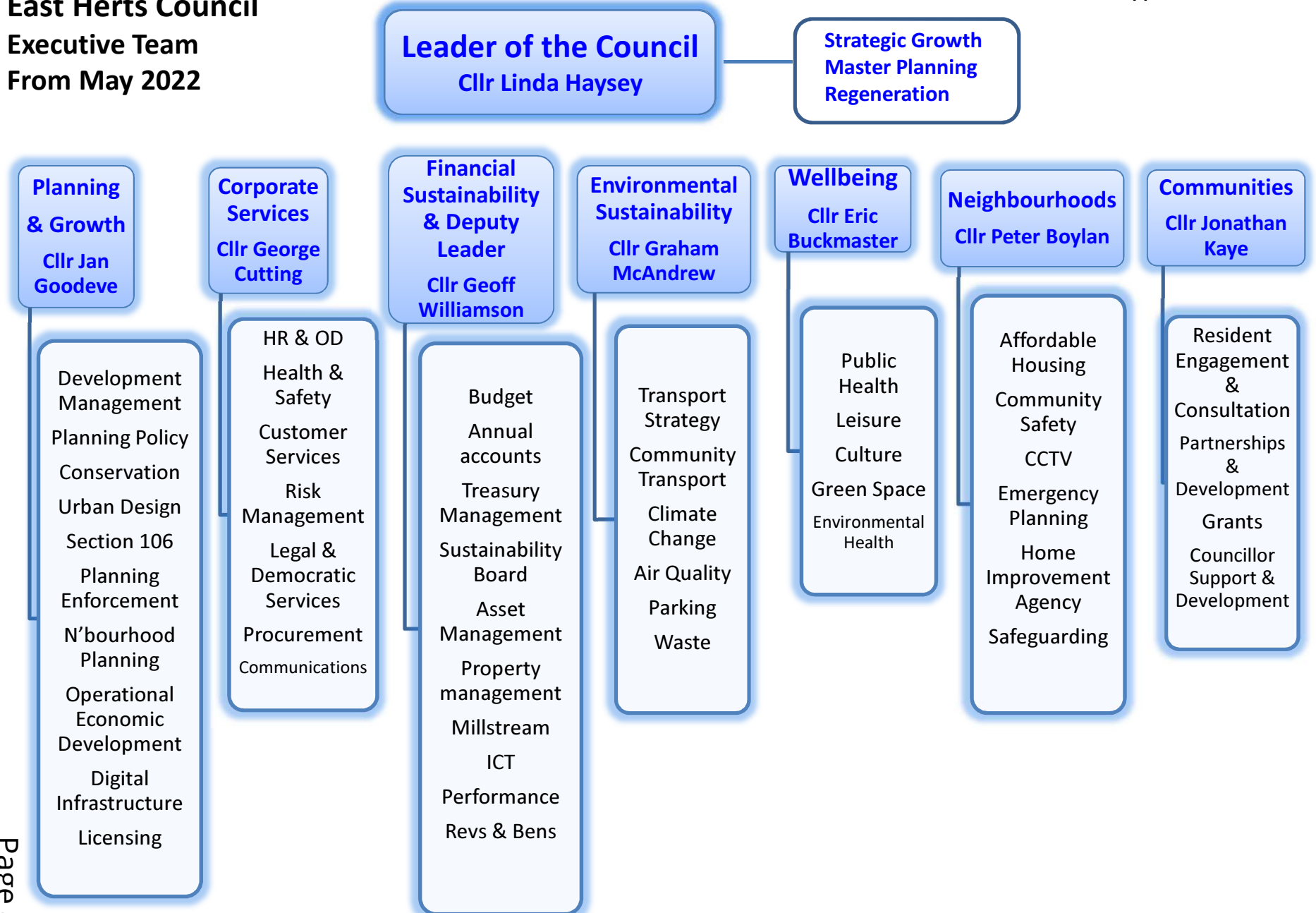
<b>Overview and Scrutiny Committee - 14 seats</b>			
<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Green</b>
John Wyllie (Chair)	Mione Goldspink	Mary Brady	James Frecknall
Alexander Curtis	Chris Wilson		
Ian Devonshire			
Holly Drake			
Diane Hollebon			
Ian Kemp			
Suzanne Rutland-Barsby			
David Snowdon			
Norma Symonds			
Vacant			
<b>Substitutes</b>			
David Andrews	Sophie Bell	Carolyn Redfern	Ben Crystall
Alastair Ward-Booth			
<b>Audit and Governance Committee - 7 seats</b>			
<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Green</b>
Mark Pope (Chair)	Sophie Bell		
Angela Alder			
Ken Crofton			
Rishi Fernando			
Andrew Huggins			
Alastair Ward-Booth			
<b>Substitutes</b>			
John Burmicz	Mione Goldspink		
Alexander Curtis			
<b>Development Management Committee - 12 seats</b>			
<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Green</b>
Bob Deering (Chair)	Terence Beckett	Carolyn Redfern	Ben Crystall
David Andrews			
Ruth Buckmaster			
Rishi Fernando			
Ian Kemp			
Sally Newton			
Tim Page			
Peter Ruffles			
Tony Stowe			
<b>Substitutes</b>			
Stan Bull	Joseph Dumont	Mary Brady	James Frecknall
Andrew Huggins			
Suzanne Rutland-Barsby			

<b>Licensing Committee - 12 seats</b>			
<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Green</b>
David Andrews (Chair)	Richard Townsend	Carolyn Redfern	
Rosemary Bolton	Chris Wilson		
Ken Crofton			
Antony Hall			
Jeff Jones			
Tim Page			
Stephen Reed			
David Snowdon			
Norma Symonds			
<b>Substitutes</b>			
	Mione Goldspink		
<b>Human Resources Committee - 7 seats</b>			
<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Green</b>
Rosemary Bolton (Chair)	Joseph Dumont		
Angela Alder			
Stan Bull			
Michael McMullen			
Sally Newton			
Peter Ruffles			
<b>Substitutes</b>			
Alexander Curtis	Mione Goldspink		
Ruth Buckmaster			
Alastair Ward-Booth			
<b>Standards Committee - 7 seats</b>			
<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Green</b>
Tony Stowe (Chair)	Richard Townsend		
Rosemary Bolton			
Ruth Buckmaster			
Bob Deering			
Andrew Huggins			
Mark Pope			
<b>Substitutes</b>			
Peter Ruffles			
<b>Chief Officer Recruitment Committee - 5 seats</b>			
<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Green</b>
Linda Haysey (Chair)	Mione Goldspink		
Peter Boylan			
Geoffrey Williamson			
Eric Buckmaster			
<b>Local Joint Panel - 3 seats</b>			
<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Green</b>

Eric Buckmaster	Joseph Dumont		
Linda Haysey			
Alastair Ward-Booth			
<b>Substitutes</b>			
George Cutting			
Ian Kemp			
<b>Revenues and Benefits Joint Committee - 3 seats</b>			
<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Green</b>
Peter Boylan			
Jan Goodeve			
Geoff Williamson			
<b>CCTV Joint Executive - 3 seats</b>			
<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Green</b>
Geoffrey Williamson			
Peter Boylan			
Alexander Curtis			
<b>ICT Joint Executive - 3 seats</b>			
<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Green</b>
Linda Haysey			
Ian Kemp			
Geoff Williamson			

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**East Herts Council  
Executive Team  
From May 2022**



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## **East Herts Council Report**

### **Council**

**Date of Meeting: 11 May 2022**

**Report by: James Ellis, Head of Legal and Democratic Services**

**Report title: Review of Scheme of Members' Allowances 2022**

**Ward(s) affected: All**

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### **Summary**

The Council's Independent Remuneration Panel has made recommendations for adoption of a scheme of allowances to be paid to Members. The report below has been compiled by the Panel, and is presented by the Head of Legal and Democratic Services on the Panel's behalf.

### **RECOMMENDATIONS that Council approve:**

- (a)** an increase of 1% from £5,375.04 to £5,428.79 in the Basic Allowance, as shown at Appendix A;
- (b)** an increase of 1% from £7,336.96 to £7,410.32 in the Special Responsibility Allowance for the Chairman of the Development Management Committee, as shown at Appendix A;
- (c)** an increase of 1% from £2,199.96 to £2,221.95 in the Special Responsibility Allowance for the Vice Chairman of the Development Management Committee, as shown at Appendix A;
- (d)** the implementation of a Special Responsibility Allowance of £50 payable to each member of the Development Management Committee for each meeting attended, as shown at Appendix A;
- (e)** a decrease from £6,464.04 to £5,250 in the Special Responsibility Allowance for the Chairman of the Audit

and Governance Committee on the formation of the proposed Standards Committee, as shown at Appendix A;

- (f) a Special Responsibility Allowance of £4,842 for the Chairman of the proposed Standards Committee, as shown at Appendix A;
- (g) an increase from £10.15 per hour to £25.00 per hour in Dependent Carer's Allowance;
- (h) an increase from £9.00 per hour to £12.50 per hour in Childcare Allowance; and
- (i) no other changes to the current Member's Allowance Scheme other than those listed in the recommendations above.

## **1.0 Proposals**

- 1.1 The Panel has concluded that it is appropriate to recommend any changes to allowances for the reasons set out below.

## **2.0 Background**

- 2.1 The Independent Remuneration Panel for East Herts Council's review of Member Allowances in 2022 comprised Nicholas Moss (Chairman for 2022 review), Christopher Leage, Peter Raynsford and Glenn Sexton and were supported by the Democratic Services Manager and Democratic Services Officer.
- 2.2 The Panel has conducted a review of Members' allowances pursuant to the Local Authorities (Members' Allowances) Regulations 2003. The Panel has met three times: on 17 February 2022, 3 March 2022 and 17 March 2022. It has considered the current allowances and whether or not it should recommend to the Council a reduction, recommend the status quo or recommend an increase for the forthcoming civic year.
- 2.3 During its deliberations the Panel took evidence from:
  - the Leader of the Council, Councillor Linda Haysey;
  - the Leader of the majority opposition Group, Councillor

Mione Goldspink;

- the Group Leader of the Green Party, Councillor Ben Crystall;
- the Group Leader of the Labour Party, Councillor Carolyn Redfern.

2.4 The Panel would like to express its appreciation to each of them for the time they gave to answer its questions so thoroughly.

2.5 Members' contributions were also helpful in enabling the Panel to establish afresh the nature of the work of all Members of the authority – backbench councillors as well as those holding positions of special responsibility. In addition, the Panel reviewed material provided by Officers setting out payments made to Members of other authorities in Hertfordshire. The Panel conducted an online survey which was open to all Members. The survey was completed by 25 Members in total, representing 50% of the Council. The Panel felt this enabled a suitably broad assessment of the allowances for Members of East Herts Council. The results of the survey are attached at Appendix C.

2.6 Based on the Regulations the Panel has set out below its recommendations and its rationale for them. In doing so, it would like to express its appreciation to the Democratic Services Manager, Katie Mogan, and Democratic Services Officer, Michele Aves, for their advice and help.

### **Recommendations**

2.7 Pursuant to Regulation 21 (1) (b) - the Basic Allowance - the Panel had taken into account a number of factors. It had in mind the date of the last increase, of 2%, in July 2018 and that there had been no change since then. The Panel noted that the Council had decided, due to the impact of the pandemic on the District's residents, not to implement its recommendations in 2020 to increase the Basic Allowance and the Special Responsibility Allowances by 2.5%. The Panel noted also that the 2021 staff pay award had been agreed at 1.75%.

2.8 Conversely, the Panel had taken into account the long-established principle that a significant part of Councillors' work should be voluntary. They drew on evidence from two of the four Group Leaders that the amount of the Basic Allowance had no bearing on their decision to stand for election. Further, the Panel had regard to the results of the survey it commissioned and which indicated that 52% of the Members who participated felt that the Basic Allowance was enough, and that 8% thought that the Basic Allowance was too much.

Seeking to balance these diverse considerations, the Panel reached the view that to propose a rise to the Basic Allowance in line with inflation - around 7.5% at the time the Panel met - would be unfeasible. Instead, the Panel felt that a notional increase of 1% in the Basic Allowance would be appropriate as a small recognition that Members, like their constituents, were facing a very significant increase in their living costs. The Panel had noted also that such an increase would not affect the Council's average position compared with the Basic Allowance paid to Members of other councils in Hertfordshire.

2.9 Pursuant to Regulation 21(1) (a) (i) - eligibility for the Special Responsibility Allowance (SRA) - the Panel recommended that the roles currently attracting such payments should continue to do so. The Panel noted that there was a range of roles within this category: Leader, Deputy Leader, Executive Member and Committee Chairman, Committee Vice Chairman and Leader of a minority political group. Consistent with the regulations, in making its recommendations the Panel had taken account of the additional responsibility or duties carried out by Members occupying these roles.

2.10 Pursuant to Regulation 21(1) (b), the amounts of SRAs - the Panel felt that there was no reason to warrant any change to the amount for the Leader of the Council. This decision had taken into account that the current Boundary Commission Review had proposed that there should be no variation in the

number of elected Councillors which would make up the Council. This factor persuaded the Panel that it seemed unlikely that the duties of the Leader would increase such that an uplift would be necessary.

- 2.11 The Panel noted also that the current allowance payable to the Leader and Deputy Leader were at the higher end of allowances payable to these roles in other councils in Hertfordshire, taking into account populations.
- 2.12 Pursuant to Regulation 21(1) (b) the Panel further recommended that that amounts of the SRAs for the Deputy Leader and for the Executive Members should remain the same. In respect of the former, the Panel understood that under the current administration the Deputy Leader position requires the post holder to deputise for the Leader; and that there was an implicit seniority in the role and, therefore, concomitant duties. However, the Panel was not wholly convinced that this role automatically merits the extra allowance beyond that awarded to an Executive Member. The Panel suggested that a future administration may wish to review the responsibilities and duties of this position. It would be for a future Panel to consider its views on the role's eligibility for a separate SRA and, if so, the appropriate level of such allowance.
- 2.13 In respect of the latter - Executive Members - the Panel recognises the level of the post-holders' responsibilities but notes that the SRA these posts attract was already in the higher median when compared to similar roles within other Hertfordshire authorities.
- 2.14 Regarding the SRA for the Chairman and the Vice Chairman of the Development Management Committee (DMC) the Panel considered the increased frequency and duration of the DMC meetings, and their longer agendas. The Panel recognised the significant additional preparation (including

pre-meetings) required by these two post-holders. To acknowledge these extra demands the Panel recommended that they both warrant a nominal increase of 1% in their SRAs, to £7,410.32 and £2,221.95 respectively.

- 2.15 Regarding the members of the Development Management Committee, the Panel noted that the Committee's work puts greater demands on them, also. They included extra training requirements, longer and more complex meeting agendas, and the necessity for Members to carry out site visits. The Panel therefore felt that it would be appropriate to acknowledge their additional contributions by recommending a payment of £50 per member per meeting attended. The Panel was not recommending this payment for the Chairman and the Vice Chairman of the DMC in view of their current SRAs and the proposed uplift in these.
- 2.16 In respect of the SRA for the Chairman of the Licensing Committee, the Panel found no evidence to support a variation to the current payment.
- 2.17 The Panel has been advised of the Council's plans, following a review of the Constitution, to remove the standards function from the Audit and Governance Committee and to place it in a new Standards Committee.
- 2.18 In respect of the SRA for the Chairman of the new Audit and Governance Committee, subject to Council approval for that plan, the Panel recommended that to reflect its reduced responsibilities the SRA should be £5,250, instead of the current £6,464.04.
- 2.19 In respect of the proposed Standards Committee, the Panel had taken advice from Officers about its intended purpose, including the probable frequency of its meetings. It felt that

an SRA of £4,842 would reflect fairly its likely responsibilities. In the event that the Council does not establish a Standards Committee and that the standards function reverts to the Audit and Governance Committee, the Panel recommended that the SRA payable to the Chairman of the Audit and Governance Committee should revert to the current figure of £6,464.04.

2.20 In respect of the SRA awarded to a Leader of Minority Political Party, the Panel felt that there were no grounds for varying the current formula on which this SRA is based or, therefore, the sums payable to these post-holders.

2.21 Pursuant to Regulation 21(1) (a) (ii) - Travel and Subsistence Allowance - the Panel recommended that the current schedule is corrected for electric vehicles to set it at 4p per mile, in line with Council staff rates and consistent with HMRC rates. The Panel recommended that all other arrangements related to travel allowances should remain unchanged. In respect of subsistence, the Panel recommended that this continued to be available to claimants at the same level as that paid to staff.

2.22 Pursuant to Regulation 21(1) (c) - Dependants' Carers' Allowance - the Panel recommended that payments to dependent carers should continue to be available and that they should be increased to take into account increased costs. In coming to its view, the Panel had taken into account observations made by its witnesses; the responses from the Members' Survey; and information provided by Officers about general hourly wage rates. In the light of this material, the Panel recommended an increase in the adult carer allowance to £25.00 per hour and to £12.50 per hour for the child care allowance. It feels that if the Council agrees to its recommendation the option under the current scheme - to give the Leader discretion to increase the

current rate of £10.15 an hour for adult carers - would become unnecessary and should be removed.

2.23 Pursuant to Regulation 21(1) (e) - indexing allowances - the Panel decided that it would not be appropriate to recommend that the Member's Allowance Scheme is indexed linked for the following four years. It came to that view on the grounds of the volatility of current economic conditions and that any index recommended by the Panel would bear no relation to the duties and responsibilities under the regulations.

2.24 Regarding the SRA for the Civic Chairman and Civic Vice Chairman, the Panel recognised that these payments were outside the scheme under the Regulations but it agreed to give its views on their levels. The Panel felt that there were no grounds for varying the current payments and, therefore, that they should remain unchanged for the forthcoming civic year.

### **3.0 Reasons**

3.1 In addition to the grounds for its recommendations as set out above, the Panel offers these further reasons.

3.2 On the basic allowance to which an increase of 1% is proposed, the Panel considered that this small variation would take into account the four years in which there has been no increase; that it would maintain the basic allowance within an equitable band; and that it would continue to be broadly on a par with the average in Hertfordshire.

3.3 On the proposed SRA increase for the Committee Chairman and Vice Chairman of the Development Management Committee, please see paragraph 2.14 of the report.

3.4 On the proposed increase to Dependent Carers' Allowance, the Panel felt it was important to take into account



prevailing market costs. The Panel felt that to maintain allowances in this category at their current levels risks causing claimants to be out of pocket; and risks, also, discouraging residents with caring responsibilities from standing for election.

#### **4.0 Options**

4.1 To recommend no change to the allowances. This option was REJECTED. For the reasons set out, the Panel considered it would be inequitable to make no change and that Members' allowances should begin to take account, in a limited way, of the increases to the cost of living as indicated in the Consumer Price Index current at the time of the Panel's deliberations.

#### **5.0 Risks**

5.1 It is in the public interest that elected representatives to a district council are not debarred from carrying out their duties through financial detriment (taking into account a public service discount applied when allowances are calculated). It is also in the public interest that members of the public should not be deterred from standing as councillors due to potential financial detriment. If an inadequate scheme of allowances were to be adopted, there would be a risk that Members or the public would not be willing or able to serve as elected representatives or to be potential candidates for local elections.

#### **6.0 Background Papers**

6.1 Appendix A - Table of current and proposed Member's Allowances.

6.2 Appendix B - Illustration of Part 6 of the constitution should the Panel's recommendations be implemented.

#### **7.0 Implications/ Consultations**

7.1 Please see the following:

## **Community Safety**

No

## **Data Protection**

No

## **Equalities**

Yes, the recommendations include provision for ensuring reimbursement of reasonable expenses for dependants' carers, to avoid deterring individuals from standing for office, where they have caring commitments might otherwise prevent them from carrying out their duties as Members.

## **Environmental Sustainability**

No

## **Financial**

Yes - in 2020/21, a total of £399,146.36 (Basic Allowance £268,506.37, Special Responsibilities Allowances (SRA) £129,410.64 and Civic Allowance £5,962.50) was paid out for Members' allowances and £1,229.35 for Members' expenses.

The cost of implementation of the recommendations regarding the increase to the Basic Allowance would amount to £2,687.50. The cost of implementation of the recommendations relating to the Development Management Committee (DMC) would amount to £6095.35 (DMC Chairman £73.36, DMC Vice Chairman £21.99, and based on 10 DMC committee members, attending 12 meetings £6,000.)

There would be the further cost implication for the implementation of the recommended SRA for the Chairman of the proposed Standards Committee £4,842. This cost would be offset by a saving of £1214.04 upon the inception of the aforementioned Standards Committee should the recommendation to also reduce the SRA of the Chairman of the Audit and Governance Committee (from £6,464.04 to £5250) be followed.

Cost implementations would also exist should the recommendations relating to the increase in the hourly rates of Dependent Carer's Allowance (DCA) and Childcare Allowance (CA) be approved. These costs cannot be quantified as both DCA and CA are only claimed by those Members with such caring responsibilities when required.

### **Health and Safety**

No

### **Human Resources**

No

### **Human Rights**

No

### **Legal**

Yes, the scheme of allowances must comply with the Local Government and Housing Act 1989 and The Local Authorities (Members' Allowances) (England) Regulations 2003. The regulations require the Council to have a scheme of allowances, and to have regard to the recommendations of an independent remuneration panel.

### **Specific Wards**

No

### **Contact Officer**

James Ellis, Head of Legal and Democratic Services

[james.ellis@eastherts.gov.uk](mailto:james.ellis@eastherts.gov.uk)

### **Report Author**

Katie Mogan, Democratic Services Manager

[katie.mogan@eastherts.gov.uk](mailto:katie.mogan@eastherts.gov.uk)

Michele Aves, Democratic Services Officer

[michele.aves@eastherts.gov.uk](mailto:michele.aves@eastherts.gov.uk)

Review of Scheme of Members' Allowances 2022

Appendix A

ALLOWANCE	CURRENT RATE	PROPOSED RATE
<u>Basic Allowance</u>	£5,375.04	£5,428.79
<u>Special Responsibilities Allowances (SRA)</u>		
Leader of the Council	£19,767	£19,767
Deputy Leader of the Council	£12,225.96	£12,225.96
Executive Member	£9,780.96	£9,780.96
Chairman – Development Management Committee	£7,336.96	£7,410.32
Vice Chairman - Development Management Committee (DMC)	£2,199.96	£2,221.95
Members of Development Management Committee (DMC)	No SRA currently.	£50 per meeting attended. (Not payable to the Chairman or Vice Chairman of DMC).
Chairman – Licensing Committee	£6,051	£6,051
Chairman – Human Resources Committee	£4,842	£4,842
Chairman – Overview and Scrutiny Committee	£6,464.04	£6,464.04
Chairman – Audit and Governance Committee	£6,464.04	£5,250
Chairman – Standards Committee	No SRA currently.	£4,842 (New Committee)
Leader of a Minority Political Group	A factor of 0.1 of the Basic Allowance multiplied by the number of members.	A factor of 0.1 of the Basic Allowance multiplied by the number of members.
<u>Mileage</u>		
Motor Vehicles	£0.45 per mile for the first 10,000 miles of a (return) journey.	£0.45 per mile for the first 10,000 miles of a (return) journey.
Electric Vehicles	£0.20 per mile	£0.04 per mile
Bicycles	£0.20 per mile	£0.20 per mile

<u>Public Transport</u>	Reimbursement of actual cost or ordinary standard fare, whichever is the lesser, upon production of a receipt.	Reimbursement of actual cost or ordinary standard fare, whichever is the lesser, upon production of a receipt.
<u>Carer's Allowances</u>		
Dependent Carer's Allowance	Max £10.15 per hour (at Leaders discretion to agree a higher hourly amount if requested).	£25 per hour
Childcare Allowance	Max £9.00 per hour	£12.50 per hour
<u>Subsistence Allowance</u>  In the case of an absence from the member's normal base, not involving an absence overnight from the usual place of residence:		
of more than 4 hours before 11 am Breakfast*	£7.21	£7.21
of more than 4 hours, including the period between noon and 2.30 pm Lunch*	£9.95	£9.95
of more than 4 hours ending after 7 pm Evening Meal*  * Not claimable where refreshments have been provided at the meeting/event attended.  Subsistence Allowance in the case of an absence involving an absence overnight from the usual place of residence: The actual cost of the most cost effective overnight accommodation and where meals are not included,	£15.20	£15.20

subsistence allowance as detailed above.		
<u>Civic Allowances</u>		
Chairman	£6,500	£6,500
Vice Chairman	£1,450	£1,450

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## **Part 6 – Members’ Allowances Scheme**

**LOCAL GOVERNMENT AND HOUSING ACT 1989**

**AND**

**LOCAL AUTHORITIES (MEMBERS’ ALLOWANCES)  
REGULATIONS 2003 (AS AMENDED)**

**MEMBERS’ ALLOWANCES SCHEME  
(including Special Responsibility Allowances)**

(Revised May 2022)

## **1.0 Introduction**

- 1.1 This scheme is made by East Hertfordshire Council (“the Council”) pursuant to the Local Authorities (Members’ Allowances) (England) Regulations 2003. It was approved by the Council on 11 May 2022 after consideration of the recommendations from the Independent Remuneration Panel.
- 1.2 The Scheme will apply for the civic year from the next day after the meeting of the Council to the date of the next annual meeting of the Council, unless the Council decides otherwise.

## **2.0 Basic Allowance**

- 2.1 Subject to paragraphs 9 and 10 below, for each year a basic allowance shall be paid to each Member as set out in Schedule 1 to the scheme.
- 2.2 The basic allowance includes incidental costs such as stationery, printing telephone and broadband.
- 2.3 The basic allowance is to be paid in equal instalments on the 15<sup>th</sup> day of each month.

## **3.0 Special Responsibility Allowance (SRA)**

- 3.1 Subject to paragraphs 9 and 10 below, for each year a SRA shall be paid to those Members who hold the special responsibilities that are set out in Schedule 1 to the scheme.
- 3.2 Members will be restricted to receiving only one SRA (that of the higher value) if they occupy two or more posts which attract SRAs.
- 3.3 The SRA is to be paid in equal instalments on the 15<sup>th</sup> day of each month.

## **4.0 Indexation**

- 4.1 Neither the basic allowance nor the SRAs are index linked.

## **5.0 Travel and Subsistence Allowance**

- 5.1 Members may claim travel allowance in respect of their travel to and from the following approved duties:
- (a) meetings covered by the list of duties referred to in Schedule 2;
  - (b) meetings of outside bodies and organisations to which they have been appointed by the Council as set out in Schedule 3, provided that no other arrangements for payment exist in respect of such bodies to which the Authority makes appointments or nominations; and
  - (c) meetings with the Chief Executive, Deputy Chief Executive and/or Heads of Service/Service Managers, subject to such meetings having been pre-arranged and not relating specifically to a Member's ward work or activities.
- 5.2 Travel allowances in connection with attendance at approved duties may be claimed, subject to the following:
- (a) the claim must be for actual mileage incurred/actual public transport used; and
  - (b) the base for starting and finishing all journeys will normally be regarded as the member's home address, provided that the home address is within the District or an adjacent District/Borough.
- 5.3 Subsistence allowances in connection with attendance at approved duties may be claimed, subject to the following. Members are able to claim subsistence allowances where they are prevented by official duties from taking a meal at home or other place where normally taken. Claims will not be permitted where refreshment has been provided by the meeting organiser.
- 5.4 VAT receipts for the purchase of fuel must be provided with all claims for travel expenses. Receipts must be provided for all subsistence/hotel accommodation/public transport

claims and for any expenditure incurred on parking fees when using a vehicle on an approved duty.

5.5 Details of the rates of travel and subsistence allowances are set out in Schedule 1. The rates are index linked to the rates payable to officers.

## **6.0 Child Care and Dependant Carers' Allowance**

6.1 Contribution towards costs incurred for the provision of care may be claimed, at the rates set out in Schedule 1, in respect of care costs incurred due to attendance at approved duties. Claims are subject to the following.

6.2 The principle of providing the allowance is to allow members who are carers to undertake their duties and to allow others who might otherwise be deterred from Council membership by virtue of caring responsibilities to consider standing for election. Contributions in 6.1 above will be paid towards care in respect of:

- (a) children aged 14 or under;
- (b) a dependant, that is, someone who relies on the member for care (the member's spouse, partner, child, parent, dependant relative or someone who lives in the same household as the member but who is not his or her employee, tenant, lodger or boarder);

In each case, the dependant must normally live with the Member as part of the family and be unable to be left unsupervised. The carer can be any responsible mature person who does not normally live with the claimant as part of the family. The allowance should not be payable in respect of members of the member's immediate and close family.

6.3 Receipts must be provided for all carer claims.

## **7.0 Broadband Allowance**

7.1 Contribution toward the cost incurred in providing broadband connection is included within the basic allowance.

## **8.0 Pensions**

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

## **9.0 Renunciation**

9.1 A Member may by notice in writing given to the Head of Legal and Democratic Services elect to forego any part of their entitlement to an allowance under this scheme.

## **10.0 Part Year Entitlements**

10.1 Where a Member's term of office begins or ends, or the holding of a special responsibility begins or ends, part way in the year, then the entitlement to any allowances due to a Member will be in the same proportion as the number of days served in the year.

10.2 When an amendment to this scheme changes the amount to which a Member is entitled, then the existing rates are payable ending with the day before the amendment takes effect.

10.3 The s151 Officer be authorised to determine allowance entitlements in circumstances where:

- (a) the scheme of allowances is amended at any time throughout the year;
- (b) an individual ceases to be a Member, or an individual is elected to the office of Councillor of East Hertfordshire Council;
- (c) in the event that a new chairmanship of a Committee or Panel is created the s151 Officer be authorised to determine the allowance entitlement by reference to the lowest relevant comparable allowance until review by the Panel.

## **11.0 Claims**

- 11.1 Claims should be made using method prescribed by the Council, on a monthly basis. Claims submitted by the fifth day of the month will be processed for payment on the 15<sup>th</sup> day of that month. Claims received after the 5<sup>th</sup> day will be processed for payment in the following month.
- 11.2 Receipts as described in paragraphs 5.4 and 6.3 above, must accompany each claim.
- 11.3 In accordance with the Council's Financial Regulations, claims for duties performed more than three months ago are not permitted.

## **12.0 Record of Allowances**

- 12.1 The Head of Human Resources and Organisational Development shall keep a record of all payments made to all Members in accordance with the scheme and the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003. Such records shall be available for public inspection free of charge at all reasonable times during usual office hours.
- 12.2 The Head of Legal and Democratic Services will issue the required notice under the Regulations providing summary information on the payments made under the scheme each year.

SCHEDULE 1

	£
<u>Basic Allowance :</u>	5,428.79
<u>Civic Allowances:</u>	
Chairman	6,500
Vice Chairman	1,450
<u>Special Responsibility Allowances:</u>	
Leader of the Council	19,767
Deputy Leader	12,225.96
Executive Member	9,780.96
Committee Chairman (Development Management)	7,410.32
Committee Chairman (Licensing)	6,051
Committee Chairman (Human Resources)	4,842
Committee Chairman (Overview and Scrutiny)	6,464.04
Committee Chairman (Audit and Governance)	5,250
Committee Vice Chairman (Development Management)	2,221.95

Committee Chairman (Standards Committee)	4,842
Members of Development Management Committee	£50 per meeting attended
Leader of a minority political group	A factor of 0.1 of the Basic Allowance multiplied by the number of members
<u>Mileage allowance:</u>	
Motor vehicles ( <i>incl. motor cycles</i> )	£0.45 per mile for the first 10,000 miles of a (return) journey
Electric vehicle	£0.04 per mile
Bicycles	£0.20 per mile
<u>Public Transport:</u> (including the use of taxis for short journeys where public transport is not convenient)	Reimbursement of actual cost or ordinary standard fare, whichever is the lesser, upon production of a receipt
<u>Carer's Allowance – Dependent care:</u>	Maximum of £25 per hour
<u>Childcare Allowance</u>	Maximum of £12.50 per hour
<u>Subsistence Allowance</u> in the case of an absence from the member's normal base, not	



involving an absence overnight from the usual place of residence:	
of more than 4 hours before 11 am Breakfast*	£7.21
of more than 4 hours, including the period between noon and 2.30 pm Lunch*	£9.95
of more than 4 hours ending after 7 pm Evening Meal*	£15.20
* Not claimable where refreshments have been provided at the meeting/event attended.	
<u>Subsistence Allowance</u> in the case of an absence involving an absence overnight from the usual place of residence:	
The actual cost of the most cost effective overnight accommodation and where meals are not included, subsistence allowance as detailed above.	

## SCHEDULE 2

### APPROVED DUTIES

1. The following shall be recognised as approved duties:
  - attendance at meetings of the Council, the Executive, a Committee, Sub-Committee, Panel, Working Party or Task and Finish Group of the Authority;
  - attendance at any other meeting which has both been authorised by the Authority (Executive, Scrutiny or Regulatory Committee) and to which representatives of more than one political group have been invited;
  - the attendance at a meeting of a Local Authority Association of which the Council is a Member;
  - carrying out any other duty connected with the Authority's functions approved by the Council (Executive);
  - the following conferences, approved for the purposes of Section 175 of the Local Government Act 1972:
    - i. Local Government Association
    - ii. Chartered Institute of Housing - Housing Conference
    - iii. Royal Town Planning Institute - Summer School
  - any other conference not mentioned above, or a training course or seminar shall be considered as an approved duty provided that such attendance has been authorised in advance by either the Executive or the Chief Executive.
  - attendance relating to site visits in respect of Development Management Committee business for members and substitutes of the Development Management Committee.

2. A member attending any conference, training course or seminar shall be entitled to receive the relevant allowance for travelling and subsistence.
3. The Chief Executive may, upon application to him/her by any Member of the Council, subject to consultation with the Leader of the Council for the time being, designate the attendance of that Member at any other meeting, training session, seminar or conference or other attendance not hereinbefore specifically referred to as an approved duty for the purpose of this scheme.

### SCHEDULE 3 – OUTSIDE BODIES




1. Attendance at any meeting of an outside body on which the Member is appointed to represent the Council.
2. Attendance at any conferences, seminars or training events, the attendance at which is approved by the Council, or the Executive or a Committee of either, or the Chief Executive.
3. Attendance at any meetings of a Local Government Association or any Joint or Liaison Committee for Members of Local Authorities.

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## Appendix C

# Members' Allowance Scheme Survey Results 2022/23

**1. Basic Allowance -Thinking about the average number of hours each week that you spend on your duties as a Councillor, do you regard the current basic allowance of £5,375 payable to all councillors, as; (In answering this question, please do not take into account any additional duties you may have and for which you are entitled to a Special Responsibility Allowance (SRA). There is a separate question about this.)**

Answer Choices			Response Percent	Response Total
1	Too Little		40.00%	10
2	Enough		52.00%	13
3	Too Much		8.00%	2
			answered	25
			skipped	0



**2. Special Responsibility Allowances (SRAs) - Members who hold any of the posts shown below are entitled to a Special Responsibility Allowance (SRA) in addition to the Basic Allowance. Please use the boxes next to each post to say whether you think the allowance is Too Little; Enough or Too Much. (Please answer these questions if you receive an SRA and, to the best of your knowledge of what the posts involve, if you do not.)**

Answer Choices	Too Little	Enough	Too Much	Response Total
Leader of the Council - £19,767	22.73% 5	50.00% 11	27.27% 6	22
Deputy Leader - £12,226	9.09% 2	45.45% 10	45.45% 10	22
Leader of Minority Political Group - 0.1% of basic allowance x number of group members	13.64% 3	77.27% 17	9.09% 2	22
Executive Member - £9,781	13.04% 3	39.13% 9	47.83% 11	23
Committee Chairman - Development Management - £7,336	9.52% 2	71.43% 15	19.05% 4	21
Vice Chairman - Development Management - £2,200	9.09% 2	59.09% 13	31.82% 7	22
Committee Chairman - Licencing - £6,051	9.09% 2	54.55% 12	36.36% 8	22
Committee Chairman - Human Resources - £4,842	4.55% 1	63.64% 14	31.82% 7	22
Committee Chairman - Overview & Scrutiny - £6,464	13.64% 3	59.09% 13	27.27% 6	22



**2. Special Responsibility Allowances (SRAs) - Members who hold any of the posts shown below are entitled to a Special Responsibility Allowance (SRA) in addition to the Basic Allowance. Please use the boxes next to each post to say whether you think the allowance is Too Little; Enough or Too Much. (Please answer these questions if you receive an SRA and, to the best of your knowledge of what the posts involve, if you do not.)**

Committee Chairman - Audit & Governance - £6,464	4.55% 1	54.55% 12	40.91% 9	22
Civic Chairman - £6,500	22.73% 5	40.91% 9	36.36% 8	22
Deputy Civic Chairman - £1,450	18.18% 4	59.09% 13	22.73% 5	22
			answered	23
			skipped	2

**3. Dependants' Carers' Allowance - Do you consider that the current allowance for Dependent Carers Allowance (maximum of £10.15 per hour, at the Leader's discretion to agree a higher hourly payment if requested) is;**

Answer Choices		Response Percent	Response Total
1	Too Little 	36.00%	9
2	Enough 	64.00%	16
3	Too Much	0.00%	0
		answered	25
		skipped	0

**4. Childcare Allowance - Do you consider that the current allowance for Childcare Allowance (maximum of £9.00 per hour) is;**

Answer Choices		Response Percent	Response Total
1	Too Little 	44.00%	11
2	Enough 	56.00%	14
3	Too Much	0.00%	0
		answered	25
		skipped	0

**5. In carrying out your duties as a Councillor, do you incur any significant costs which you believe are not covered by your present allowance or claimable expenses? If so, please specify what they are.**

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	25

**5. In carrying out your duties as a Councillor, do you incur any significant costs which you believe are not covered by your present allowance or claimable expenses? If so, please specify what they are.**

1	No
2	None
3	<p>No. Most people now have telephone / broadband as part of modern day life. The Council also provides IT equipment to those members who request it.</p> <p>Councillors may also claim a tax free allowance of £135 from HMRC for household costs associated with the role.</p> <p>The allowance exists to defray the costs of carrying out the role - not becoming a salary. The current basic allowance more than accomplishes this. In view of the current cost of living crisis when residents are facing tough times and the Council's budget position I would support a freeze in our allowances.</p>
4	All fine
5	Our time commitment as an effective member is inadequately reimbursed by the present allowance.
6	No
7	No
8	None
9	can only be paid for meetings nothing for the work we do as cllrs. in the community.
10	No.
11	I believe an increase in the basic allowance in line with staff pay award would be reasonable.
12	Use of my own Office, IT and phone
13	I would not expect to be reimbursed but there is an expectation to donate raffle prizes and attend events for which tickets need to be purchased.
14	I have not claimed any additional expenses
15	Mainly time and petrol . Ages spent trying to help clear up the mess associated with over development in E. Herts. This has cost me days of visits to residents, writing articles and trying to make some sense of the mess of SAWB 2 and 3 developments. This is a boomerang that has yet to return.
16	<p>The current basic allowance covers the cost of performing the role of a district councillor.</p> <p>I think that many of the SRAs are quite generous - in particular the Human Resources chair's allowance.</p>
17	N/A
18	no
19	No
20	none
21	No.
22	No the allowances should be adequate but in three instances are not enough.
23	The allowance appears to be sufficient for me to complete my council duties, this may be partly due to my using my bicycle and walking in and around my Ward.
24	No
25	The current basic allowance is probably below minimum wage for the amount of hours spent on casework and meetings for many councillors, but I do not object to this; indeed, Town/Parish Councillors are unpaid. I do question the level of differentials between ordinary councillors and some portfolio holders.

answered

25

5. In carrying out your duties as a Councillor, do you incur any significant costs which you believe are not covered by your present allowance or claimable expenses? If so, please specify what they are.

skipped 0



## East Herts Council Report

### Council

**Date of Meeting:** 11 May 2022

**Report by:** Councillor Linda Haysey, Leader of the Council

**Report title:** Reports by Members appointed to Outside Bodies for the civic year 2021-22

**Wards affected:** All

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### Summary

#### RECOMMENDATIONS FOR Annual Council

- (a) **That the reports of Members appointed to Outside Bodies for the 2021 – 2022 civic year be received and noted.**

#### 1.0 Proposal

- 1.1 That the reports by Members appointed to Outside Bodies for the 2021 – 2022 civic year be received and noted.

#### 2.0 Background

- 2.1 At the Annual Council meeting each year Council appoints Members to serve on various outside bodies and the reports review these Members' involvement on these bodies.

#### 3.0 Reasons

- 3.1 In order to increase transparency and improve the process for reviewing activities of Outside Bodies, Members appointed to Outside Bodies compile an annual report on their involvement and activities on these Outside Bodies. This provides an opportunity for Members to report back and to highlight any issues that might need to be addressed.

3.2 To improve consistency in reporting, Members were requested to use a standard report template when compiling their reports.

#### **4.0 Options**

4.1 No other options considered as this is a requirement in accordance with the Council Constitution.

#### **5.0 Risks**

5.1 Reputational. Members appointed to an Outside Body could act contrary to East Herts Council policies/guidelines. As this is unlikely, the Risk is classified as minor.

5.2 Financial. Members could claim substantial expenses if an Outside Body had a large number of meetings. As most Outside Bodies have a set number of meetings, this was unlikely and the Risk is classified as minor.

## **6.0 Implications/Consultations**

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No

### **Environmental Sustainability**

No

### **Financial**

No

### **Health and Safety**

No

### **Human Resources**

No

### **Human Rights**

No

### **Legal**

No

### **Specific Wards**

No

## **7.0 Appendices**

7.1 Appendix A – Ancient Charities of Hertford

7.2 Appendix B – Bishop’s Stortford Chamber of Commerce

7.3 Appendix C – CCTV Partnership Board

7.4 Appendix D – Co-operation for Sustainable Development

## Board

- 7.5 Appendix E – East of England LGA
- 7.6 Appendix F – Four Authorities Airport Group
- 7.7 Appendix G – Groundwork East
- 7.8 Appendix H – Harlow Gilston Garden Town Board
- 7.9 Appendix I – HCC Health Scrutiny
- 7.10 Appendix J – Hertford Museum Trust
- 7.11 Appendix K – Hertfordshire Armed Forces Covenant Board
- 7.12 Appendix L – Hertfordshire Building Preservation Trust
- 7.13 Appendix M – Hertfordshire Climate Change and Sustainability Partnership
- 7.14 Appendix N – Hertfordshire Lifestyle Network
- 7.15 Appendix O – Hertfordshire Police and Crime Panel
- 7.16 Appendix P – Herts Infrastructure and Planning Partnership
- 7.17 Appendix Q – Herts Waste Partnership
- 7.18 Appendix R – Historic England
- 7.19 Appendix S – Lee Valley Regional Park Authority
- 7.20 Appendix T – LGA General Assembly
- 7.21 Appendix U – LGA Insurance Mutual
- 7.22 Appendix V – Local Enterprise Partnership
- 7.23 Appendix W – LGA District Councils Network
- 7.24 Appendix X – London Stansted Cambridge Corridor Consortium
- 7.25 Appendix Y – Network Housing Area Panel
- 7.26 Appendix Z – PATROL
- 7.27 Appendix Aa – SASIG
- 7.28 Appendix Bb – Stansted Airport Community Trust
- 7.29 Appendix Cc – Stansted Airport Consultative Committee

7.30 Appendix Dd – Transport East

7.31 Appendix Ee – Ware Charities

7.32 Appendix Ff – Wodson Park Sport Recreation Association  
Executive Committee

**Contact Officer** James Ellis, Head of Legal and Democratic  
Services  
[james.ellis@eastherts.gov.uk](mailto:james.ellis@eastherts.gov.uk)

**Report Author** Katie Mogan, Democratic Services Manager  
[katie.mogan@eastherts.gov.uk](mailto:katie.mogan@eastherts.gov.uk)

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **Ancient Charities of Hertford**

Purpose:

Ancient Charities of Hertford helps needy people in Hertford and the surrounding villages. Recently the majority of claims have involved requests to make homes safer for young children, provide household furniture or equipment, school uniform and requirements for education. Also, in some desperate circumstances, 'tide over' sums for food or other emergency needs.

East Herts Council Representative(s):

Cllr Sally Newton

### **Update:**

ACOH which stands for "Ancient Charities of Hertford" continues to serve the people of Hertford especially through the pandemic when need increased.

Applications for assistance by folk indeed are received via our clerk Suzie Vitmaa, and the board of Trustees Chaired by Mr. Tom Laidler determine outcomes based on the criteria laid down over many years.

Originally Hertford Town Council was responsible for a number of charities that held monies bequeathed to the Town for the poor. The charities were amalgamated some years ago and ACOH was formed.

Further information on how to access the help of the ACOH can be found on Hertford Town Council website.

Update provided by: Cllr Sally Newton

Date: 01/03/2022

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## OUTSIDE BODY – ANNUAL UPDATE

<p>Outside Body: <b>Bishop's Stortford Chamber of Commerce Committee</b></p>
<p>Purpose:</p> <p>The Bishop's Stortford Chamber of Commerce has been established for more than eighty years and currently has a membership of more than 150 local businesses and organisations. Both the private and public sectors are represented, from retailers to manufacturers and from service industries to institutional bodies.</p> <p>The Chamber Committee actively champions local projects and interests at local, regional and government level. The Chamber's sub-committee for Planning is active in putting forward to the District Council the Chamber's views, concerns and suggestions on various developments in and around the town.</p> <p>The Committee consists of elected officers, the secretary and committee members plus co-opted representatives from the County, District and Town Councils and the Bishop's Stortford Police.</p>
<p>East Herts Council Representative(s): Cllr G McAndrew</p>
<p><u>Update:</u> Not required to attend meetings</p> <p>Monthly breakfasts have recommenced</p> <p>The Chamber Committee meets every 2nd Monday of the month, except August, to discuss a full agenda including issues raised by members.</p>
<p><u>Update provided by:</u> Cllr Graham McAndrew <u>Date:</u> Tuesday, 05 April 2022</p>



## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **CCTV Partnership Board**

Purpose:

The partnership is actively pursuing a joint (East Herts, Hertsmere, North Herts, Stevenage) initiative aimed at reducing the fear of crime across the principal public, residential, retail, business and schools within the partnership. The central feature of this initiative is the 24-hour, manned CCTV control and monitoring room facility in Stevenage.

East Herts Council Representative(s):

Cllrs Boylan, Curtis, and Williamson

Update:

Meetings held:

18<sup>th</sup> November 2021 – Wallfields

21<sup>st</sup> March 2022 – Stevenage

Two meetings of the Partnership have been held. Topics discussed include:

- Performance of the CCTV Partnership, including how performance is monitored and reported to the committee.
- Potential expansion of the partnership, extending membership to other Hertfordshire and other neighbouring authorities.
- Performance of the Partnership's CCTV company

Summary:

The CCTV Control Room has been at the heart of each respective council's community safety measures and maintains a critical operational link with Hertfordshire Police who remain the biggest

user of the service. CCTV has been used across the partnership to safeguard vulnerable residents and visitors to the County. Safeguarding which includes our Night Time Economy will continue to be highlighted as an area that CCTV is used to support our communities, residents and visitors. The Control Room will continue to work in partnership with the police and other partners to ensure we have a joined up approach to tackling crime and ASB and helping the community to feel safe.

An operational action plan has been identified to ensure partner requirements are progressed in a timely way and managed accordingly. The action plan will provide details about how the priorities will be addressed by the CCTV partnership. It records actions that are conducted through partnership working, which are documented through the quarterly CCTV Partnership Officers Board meeting. The action plan is a 'live' document and is to be assessed regularly by the CCTV Partnership Officers Board. The key focus is that actions are SMART and can realistically be achieved within the time and resourcing boundaries available. The plan is currently in its draft stage and is scheduled for completion by April.

Officers have been liaising with police colleagues regarding the Digital Asset Management System project which is a cloud-based link between the Police Downloading suite and the Force Control Room. The police have nominated a lead for the project. The biggest advantage will be that the system will cut out some of the demand of transporting optical drives from the base to Police Stations.

There have been a number of requests for mobile CCTV cameras across the partnership areas.

The partnership has appointed 4 further Data Controllers; previously the partnership only had 1 Data Controller. Having more Data Controllers will ensure greater resilience regarding urgent viewing requests.

A customer feedback process has been established and a satisfaction survey has been formatted and will be completed with partners and members of the public who speak to the operatives in the Control Room. The feedback will be used to identify areas for future improvement. The form will also include a question inviting the opportunity to be considered as a CCTV Inspector. The CCTV Inspector programme has been a core component of the Hertfordshire CCTV Partnership since its establishment and invites resident volunteers to undergo appropriate vetting and training to undertake spot checks on CCTV operations and compliance in line with the Code of Practice. The programme ceased during the pandemic and the service will now undertake a recruitment drive to attract new Inspectors.

A revised performance dashboard has been prepared to enable district partners to better assess incident and crime trends. This report presents the incident data in a clearer more comprehensive manner.

Officers have made approaches to the other six authorities in Hertfordshire to gauge interest in joining the partnership. Response has been varied, but with some showing very positive interest. Officers will continue to pursue these opportunities.

The CCTV Company (wholly owned by the Partnership) now employs a Business Development Officer whose remit is to obtain further CCTV contracts from external clients. This is now having a positive impact on the company's financial performance thus its contributions to the Partnership's operational costs.

Update provided by: Cllr Geoff Williamson

Date: 1<sup>st</sup> April 2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **Co-operation for Sustainable Development Board**

Purpose:

The Co-operation for Sustainable Development Board supports Local Plan making and delivery for sustainable communities across geographical and administrative boundaries in West Essex and East of Hertfordshire. It does this by identifying and managing spatial planning issues that impact on more than one local planning area within these communities.

The Board is an advisory body and any decisions resulting from its advice remain the responsibility of its constituent Councils. Core membership of the Board comprises representative Councillors and Council officers from Epping Forest, Harlow and Uttlesford districts, Essex County Council, East Herts and Broxbourne districts and Hertfordshire County Council,

East Herts Council Representative(s):

Cllr Goodeve, Cllr Haysey

Update:

The board has only met twice this year. District plans are largely in place across the area

Update provided by: Cllr Linda Haysey

Date: 22/02/2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**East of England LGA**

Purpose:

The East of England LGA is a politically-led, cross party organisation which works on behalf of the 52 local councils in the East of England to harness their collective strength to shape and serve their communities and localities.

East Herts Council Representative(s):

Cllr Haysey

Update:

I am the current chair of EELGA and also sit on their various panels. The last year has seen EELGA undertaken considerable lobbying of government for the region. This has included appg appearances, letters to ministers, launch of an economic vision at the Houses of Parliament and webinars.

Update provided by: Cllr Linda Haysey

Date: 22/02/22

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Four Authorities Airport Group**

Purpose:

The Group consists of Members and Officers from East Herts, Essex, Hertfordshire and Uttlesford Councils and meets as and when appropriate as aviation issues arise.

East Herts Council Representative(s):

Cllr Stowe, Cllr McAndrew

Update:

No meetings or events attended in the last 12 month period.

Update provided by: Cllr Tony Stowe

Date: 15<sup>th</sup> February 2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Groundwork East**

Purpose:

Groundwork East works in Hertfordshire, Luton and Bedfordshire, Cambridgeshire and Peterborough, Suffolk, Essex and Norfolk to create better places, improve people's prospects and encourage greener living and working.

East Herts Council Representative(s):

Cllr Peter Ruffles

**Update:**

No meetings arranged for local authority and other 'Advisory Members' since Covid hit hard. Little other communication either.

Update provided by: Cllr Peter Ruffles

Date: 11/02/22

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Harlow and Gilston Garden Town Board**

Purpose:

To achieve effective co-operation across the administrative boundaries of East Herts, Epping Forest, Harlow Councils and Essex and Hertfordshire County Councils in matters relating to the Harlow and Gilston Garden Town.

Officers work collaboratively across agreed Garden Town workstreams and progress is reported to the Member Board.

The constitution of the Board is currently being reviewed to ensure transparent and speedy decision making.

East Herts Council Representative(s):

Cllr Haysey

Update:

As well as a regular board meeting, the Leaders have been considering changes to the constitution to provide a greater public transparency.

Update provided by: Councillor Linda Haysey

Date: 22/02/2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **HCC Health Scrutiny**

Purpose:

HCC Health Scrutiny reviews decisions that the Council makes and holds the Executive to account in order to improve the services offered to the people of our county. The Committee specifically has the power to scrutinise health services.

East Herts Council Representative(s):

Cllr Symonds

Update:

Two of our meetings were cancelled due to Covid and the pressure that the NHS was under , however we did receive regular updates from the various NHS Trusts etc.

We looked at patient experience and the different way that the information was gathered by the trusts and it was noted that most users of the service were satisfied with the way matters had been handled.

We were kept up to date with the Covid vaccination programme by Dr Jane Halpin and Jim Mcmanus our director of Health, there was a bit of confusion noted around the NHS and our GP's and vaccination hubs and people being sent futher away than necessary it was noted that our GP service was outstanding in organising the hubs.

Mount Vernon Cancer specialist hospital which does see patients from Hertfordshie will be moving as the building is creaking at the seams and now needs to be near an A&E dept in case of an emergency. Talks are still proceeding on this matter.

Princess Alexandria Hospital in Harlow will be relocating at some point, the building are old but the care and the staff are excellent and recently came out of special measures.

The EEAST ambulance service continues to be challenging with patients having to wait too long they are on their third CEO in less than two years and have seen no progress for some time now.

Watford General is also an older hospital with listed building still being used and they also have a massive building programme.

The committee do ask searching questions and I myself have been thanked by other committee members for asking searching questions and do my best to represent East Herts on that committee.

Our minutes are sent to all district councils if we need more of an in depth report

Update provided by: Cllr Norma Symonds

Date: 19 April 2022

## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Hertford Museum Trust**

Purpose:

Hertford Museum aims to collect, preserve and interpret evidence of the history of the county town and surrounding parishes in the district of East Hertfordshire for the interest, enjoyment and understanding of the local community and other visitors.

East Herts Council Representative(s):

Cllr Sophie Bell

Update:

One of the big issues for the Museum has resolved around finding different ways of fundraising, an issue which has existed since the start of the pandemic, which has prevented the museum from carrying out many of its usual fundraisers. The Museum has been working to increase the number of Business Supporters and Business Patrons that it has, and I helped them to secure one of these – Croudace New Homes.

They have also been dealing with the impact of the Birchley Green redevelopment, which temporarily resulted in loss of rear access to the Museum and therefore a drop in the numbers the Museum could safely hold in line with fire regulations, but thankfully this has been reinstated and capacity numbers restored to their previous levels.

The Museum has also be trialling Sunday opening hours, which has been very successful, which is staffed by both museum staff member and a volunteer trustee.

There are four main trustee meetings each year, and I have attended all of them. I also sit on the Fundraising Committee, and have attended all four meetings of this Committee. Finally, I have volunteered for 7 Sunday shifts and the Museum.

Update provided by: Cllr Sophie Bell

Date: 19 April 2022

## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Hertfordshire Armed Forces Covenant Board**

Purpose: To champion the welfare of the Armed Forces community in-line with the Hertfordshire Covenant.

East Herts Council Representative(s): Cllr Andrew Huggins

Update:

The Covenant Board met twice this year, via virtual meeting. The Board has representatives from all District and Borough Councils within Hertfordshire, members from the emergency services, reps from two military charities and other interested stakeholders.

The welfare of the Armed Forces, both serving personnel and veterans, remains high in the Government's priorities. Within Hertfordshire, the Board seeks to promote the Armed Forces and ensure that Veterans have full access to public services and are celebrated for the work they do. The Government passed the Armed Forces Act 2021, which has ramifications throughout local government. In order to better address this legislation, the Covenant Board is in the process of creating two further sub-committees, namely housing and education, that will add to the work already being done by the health sub group.

Last year, Hertfordshire celebrated the ten-year anniversary of the signing of the Hertfordshire Armed Forces Covenant. Unfortunately, the reaffirmation service was postponed and should be rearranged for latter this year.

Lastly, members should by now be aware of the veteran's portal, which aims to signpost individuals to help and advice on all issues relating to the Armed Forces.

[www.veteransgateway.org.uk](http://www.veteransgateway.org.uk)

Update provided by: Cllr Andrew Huggins

Date: 28<sup>th</sup> March 2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Hertfordshire Building Preservation Trust Ltd**

Purpose:

- Preserving buildings of architectural and historic importance
- Helping to rescue buildings at risk
- Organising conservation seminars, exhibitions and visits
- Providing learning and outreach programmes for young people
- Managing two heritage museums and a medieval hall

East Herts Council Representative(s):

Cllr Peter Ruffles

**Update:**

Covid impacts have been far reaching for the Trust, but I have been asked repeatedly to thank East Herts Council for the financial business support it enabled. It was a lifeline.

The work of building rescue, exhibition and visits continues, as does the museum, mill and hall maintenance and sharing with the community. The Trust is ably led.

I've attended all meetings, seminars and zoomed business matters and look forward to resuming guide duties at Cromer Windmill again this summer.

Update provided by: Cllr Peter Ruffles

Date: 11/02/2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Hertfordshire Climate Change and Sustainability Partnership (HCCSP)**

Purpose:

The Hertfordshire Climate Change and Sustainability Partnership (HCCSP) consists of all 10 districts and the county council, plus the Local Enterprise Partnership (LEP). HCCSP is a strategic group which acts as the lead partnership organisation for partners to collaborate and identify joint work programmes on environmental, climate change and wider sustainability issues.

East Herts Council Representative(s):

Cllr Graham McAndrew

Update:

Meetings are held 6 weekly which I have attended as chair of HCCSP

12 other meetings with each individual district / borough were held with myself and the Lead Officer CEO of Stevenage

Officer group meet on a 6 weekly plus cycle

Progressing a working relationship with University of Hertford to establish how we can work together on the following:

- Postgraduate dissertations in specific granular subjects relating to behaviour change, education and skills and transport planning could all contribute to our need to understand more of baselining and progression of key actions. Resourcing – University provides it through already existing arrangements.
- Research and 'critical friend' interrogation of the Action Plans

by UofH academics and staff (from both a business and academic view) on particular subject areas, helping to unlock detail behind longerterm actions. This could be particularly pertinent for adaptation and 'future-ready' elements of actions. Resourcing – University to apply for UKRI grants and others, including international grants such as EU funds, for cross regional research between Europe and the UK.

- Enterprise through Knowledge Transfer Partnerships: This is a particular type of funding that requires a private business partner to collaborate on 'real world' case studies and projects to put theory into action. This could help to create case studies and capacity building (through funded trainees for example) roll out. Resourcing – KTP and KEEP grant funding to be applied for by university, between 33% to 50% match funded by charity or private sector. (quick turnaround and high success rate for University applications)

Currently we have 6 themes:

Water

Biodiversity

Decarbonisation

Transport

Behaviour change

Adaptation

HCCSP has internal and external presentations as an agenda item.

Update provided by: Cllr Graham McAndrew

Date: Tuesday, 05 April 2022

## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Hertfordshire Lifestyle Network, formally known as Hertfordshire Lifestyle and Legacy Partnership**

Purpose:

Established in March 2014 to replace the Hertfordshire Olympic and Paralympic Legacy Partnership Board, the Hertfordshire Lifestyle and Legacy Partnership (HLLP) brings partners together from across the county to developing a shared vision for sport, physical activity, recreation and culture in the county. The work of the Partnership is taken forward through four themes:

1. Physical Activity (*led by the Hertfordshire Sports Partnership*)
2. Arts and Culture (*led by the Hertfordshire Music Education Hub*)
3. Lifestyle Theme (*led by Hertfordshire County Council Public Health*)
4. Volunteering and Third Sector (*led by Third Sector Partners*)

The partnership is chaired by Hertfordshire County Council's Executive Member for Public Health, Localism and Libraries. Partners involved include Herts Sports Partnership, districts and boroughs, HAPTC, health, schools, colleges, the police and crime commissioner and community and voluntary organisations.

East Herts Council Representative(s):

Cllr Eric Buckmaster

Update:

The Hertfordshire Lifestyle and Legacy Partnership changed its name to the Hertfordshire Lifestyle Network. One of the objectives was to have a Countywide Cultural Strategy. I am not aware of any meetings being held in this civic year, at least I have not been invited to any. I have asked the County officer to let me know what is happening. In

any case we have been progressing our own cultural strategy for East Herts.

Update provided by: Cllr Eric Buckmaster

Date: 5 April 2022

## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

Hertfordshire Police and Crime Panel

Purpose:

The Hertfordshire Police and Crime Panel has been established to scrutinise and support the work of the Police and Crime Commissioner. The Commissioner is required to consult with the Panel on plans for policing, as well as the precept (the money collected from council tax for policing) and certain key appointments.

East Herts Council Representative(s):

Cllr Alexander Curtis

Update:

4 meetings of the Hertfordshire Police and Crime Panel ('the Panel') were held during the last civic year. I attended all of these meetings, along with the associated pre-meetings held remotely by MS Teams.

In June 2021, the Panel held a confirmation hearing for the proposed appointment of a new Deputy Police and Crime Commissioner, Lewis Cocking. Following detailed review and questioning of the proposed appointee, the Panel voted unanimously to endorse the appointment.

3 working groups have been set up by the Panel during the last civic year to examine topics of interest, namely disproportionality, finance, and the use of the 'Prevention First' approach. I serve as the Panel's lead member for finance, in which capacity I have worked with the Police and Crime Commissioner's office ('the OPCC') to ensure that all financial papers presented by the OPCC (for use by the Panel) are as clear and consistent in format between years as possible. This has enabled improved scrutiny of the finance function of the OPCC.

As usual, the Panel reviewed the latest annual report of the Police and Crime Commissioner ('the PCC'), along with those of the Independent Stop and Search Scrutiny Panel, the Independent Custody Volunteers Scheme, and police dog welfare.

In November 2021, the Panel reviewed the OPCC's financial performance against budget, along with progress towards the realisation of actions listed in the latest Community Safety and Criminal Justice Annual Delivery Plan.

In February 2022, the Panel reviewed the PCC's proposed precept, and agreed to support the proposed policing annual element of Council Tax (Band D equivalent) of £223.00 for 2022/23. This represented a £10.00 increase on the previous year. The possibility of a report on police welfare was also discussed. Proposals related to this important subject have since been included in the PCC's new Police and Crime Plan, which was presented to and reviewed by the Panel in March 2022. Through this key blueprint, the PCC aims to keep crime low, focus on victims, recruit more officers, protect local policing, increase efficiency, and keep tax low. Taking a prevention-based approach to policing, maximising the use of evidence-based methods, and tackling violence against women and girls are key priorities for the PCC over the lifetime of his new plan. The delivery of actions to address disproportionality, tackle cybercrime, and increase the diversity of backgrounds amongst Hertfordshire Constabulary officers, also continue to be important areas of focus for the PCC and the Panel.

The next meeting of the Panel is scheduled to be hosted by East Herts District Council at Wallfields at 6 PM on Thursday 23<sup>rd</sup> June 2022. Members are encouraged to attend if interested in the work of the Panel.

Update provided by: Cllr. Alexander Curtis

Date: 5<sup>th</sup> April 2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **Hertfordshire Infrastructure and Planning Partnership**

Purpose:

The Hertfordshire Infrastructure and Planning Partnership (HIPP) provides a forum to discuss and, where appropriate, develop a shared view and agree joint work programmes on infrastructure and planning issues of common concern. A key objective is to work co-operatively within Hertfordshire and across the county borders according to the principles of localism and the duty to co-operate.

The Partnership works together with the Herts Growth Board and the Local Enterprise Partnership, and other appropriate organisations in areas of shared interest to develop and where possible and necessary agree joint approaches to common issues.

The Partnership is not a formal decision making-body and does not fetter the decision making processes of individual authorities. If individual authorities come to a different view from any collective Hertfordshire position they will ensure that all the other authorities are duly notified.

East Herts Council Representative(s):

Cllr Linda Haysey

Update:

HPP has met every two months over the last year. I am its current chair. Work includes reviewing the planning services across the Boroughs and Districts, to consider clearer working relationships for increased resilience. It is also preparing a “quality charter” covering all the County to improve quality builds and place developments

Update provided by: Cllr Linda Haysey

Date: 22/02/2022

## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **Hertfordshire Waste Partnership**

Purpose:

WasteAware is the partnership of Hertfordshire's county, district and borough councils, working together to reduce, reuse and recycle Hertfordshire's waste. It promotes waste and recycling education and campaigns, providing useful tips to help be WasteAware.

East Herts Council Representative(s):

Cllr Graham McAndrew

Update:

Meetings are held Quarterly

Attended 3 of 4

2020/21 concluded with the much anticipated release of a number of final consultations linked to the Government's Resources & Waste Strategy which will have profound implications for the long term development of waste services across the UK.

Responses were sent in and awaiting direction / feedback from the government on the way forward.

Update provided by: Cllr Graham McAndrew

Date: Tuesday, 05 April 2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **Historic England – Heritage Champion**

Purpose:

A Heritage Champion's role can be very wide and varied but at its core is being a voice for heritage locally. The champion represents local views on heritage within the authority, can help influence planning decisions and support the local historic environment services (both archaeological and historic building conservation officers). Champions can make sure that local plans and strategies capture the contribution that the local historic environment can make to the success of an area. It is up to each Heritage Champion to interpret the role in a way that fits with the Champion's own interests and position, along with local conditions.

East Herts Council Representative(s):

Cllr Peter Ruffles

### **Update:**

The role I previously held (as Champion of the Historic Built Environment) has changed, or is about to change to add greater weight to the heritage protection of heritage at risk in rural locations. The risk to heritage in rural locations where development is proposed in consequence of national requirement for new housing in East Herts, is enhanced. It is the setting of heritage sites which I see as of great importance and where sometimes enhancement will be possible.

The role gives easy access to our Conservation team and puts me in touch officially with Historic England. Strengthening and informing the work of the role are my memberships of Hertfordshire Building Preservation Trust; Beds and Herts Historic Churches Trust for for which I am a grants assessor; the National Railway Heritage

movement with its great social media posts; and talks, tours and slide shows which I give frequently in East Herts.

Update provided by: Cllr Peter Ruffles

Date: 14/02/2022

## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Lee Valley Regional Park Authority**

Purpose:

Lee Valley Regional Park Authority runs award winning open spaces and sports venues along the 26 mile long, 10,000 acre park. The park was created by a unique Act of Parliament as a “green lung” for London, Essex and Hertfordshire. Its approach is to be community focused and commercially driven, to work with partners to produce a unique combination of activities, sights and experiences.

East Herts Council Representative(s):

Cllr Rutland-Barsby, Cllr Wyllie

Update:

Being a new representative for EHC it has been an interesting learning experience. Unfortunately I was unable to attend the first meeting in July 2021 but have attended the other full Authority meetings and those of the Audit Committee.

As a member of the Audit Committee I have also attended a Workshop on Risk Management

I have also been present on two tours arranged for members, one covering the north end of the Park, some of which lies within East Herts, the other covering the south, right down to Bow Creek and the East India Dock with the ‘green fingers’ provided by the Park in this very built up urban and industrial area, this tour also covered the Olympic Park and the LVRPA assets within it, such as the Velodrome, the Hockey Centre etc.

A major development this year has been the demolition of the Ice Rink and the commencement of the replacement build of two Olympic sized rinks. It is interesting to note that it has been possible to recycle 95% of the concrete and former building components.

Another extremely important LVRPA activity this year has been the preparation for and the transfer of the management of the six sports venues within the park from 1<sup>st</sup> April 2022 under contract to Greenwich Leisure Ltd. At the time of writing this report the CEO has messaged members informing us that the transfer is going forward smoothly

The Authority met 4 times in the year with various committees including Audit, Overview and Scrutiny and Regeneration and Planning

The Authority enters the coming financial year with a cautious financial approach. Through prudent and efficient financial management the Authority was in a strong position ahead of the lockdown that impacted the current financial year.

The Authority agreed a flat Levy for 2022 / 2023 ensuring a 0% increase on last year

Update provided by: Cllr Suzanne Rutland- Barsby/ Cllr J Wyllie

Date: 6<sup>th</sup> April 2022



## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **LGA General Assembly**

Purpose:

A politically-led, cross-party organisation that works on behalf of councils to ensure local government has a strong, credible voice with national government. It aims to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

East Herts Council Representative(s):

Cllr Linda Haysey

Update:

As Chairman of ELLGA I am also invited to the Executive meetings.

Update provided by: Cllr Linda Haysey

Date: 22/02/2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **LGA Insurance Mutual**

Purpose:

To form a Mutual Insurance Company to provide value insurance products for Councils.

East Herts Council Representative(s):

Cllr Cutting, Cllr Deering

Update:

The LGA Mutual Panel have not met in over 12 months & is deemed to be no longer in existence.

Update provided by: Cllr George Cutting

Date: 14/2/2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **Local Enterprise Partnership**

Purpose:

Hertfordshire Local Enterprise Partnership (LEP) is focused on helping to drive forward sustainable economic growth – with local business, education providers, the third sector and the public sector working together to achieve this. It helps to foster the relationships for partnership working to flourish.

East Herts Council Representative(s):

Cllr Haysey

Update:

The LEP meets quarterly and reviews the infrastructure projects which have been allocated funding from central government, eg the Little Hadham bypass; the regeneration at OLD River Lane. The future of LEPs has been under review by government, but the Hertfordshire LEP plays an important role in the economy of Hertfordshire

Update provided by: Cllr Linda Haysey

Date: 22/02/2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Local Government Association District Councils Network**

Purpose:

The Local Government Association District Councils' Network is a cross-party member-led network of all 201 district councils in England. As a Special Interest Group of the Local Government Association (LGA), it provides a national voice for district councils within the LGA. It lobbies central government, the political parties and other stakeholders directly on behalf of its members, as well as commissioning research, providing support, and sharing best practice.

East Herts Council Representative(s):

Cllr Haysey

Update:

The last 12 months, the DCN has been very active in promoting the role of District Councils and highlighting the work they have done in supporting residents during the pandemic.

Update provided by: Cllr Linda Haysey

Date: 22/02/2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Innovation corridor (previously known as LSCC)**

Purpose:

The Innovation corridor is a partnership of public and private organisations covering the area north of Tech City, the City Fringe, Kings Cross, and the Olympic Park, up through the Lee Valley and M11/A10, and West Anglia Rail corridors to Harlow and Stansted, and through to Cambridge. The partnership was formed to organise and promote a clear economic area, with strong inter-connections; commuting to work and learn patterns, clusters of industries and supply chains.

East Herts Council Representative(s):

Cllr Haysey

Update:

The Board of the Innovation Corridor meets every two months. Work this year has been focused on reviewing the strategic focus along this corridor.

Update provided by: Cllr Linda Haysey

Date: 22/02/2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **Network Housing Area Panel**

Purpose:

Network Homes Panel, which meets quarterly, is the central resident body that brings together views from all Local Panels. It is the link between our residents and Network Homes Customer Services Committee, which holds Network Homes accountable for its performance. The Network Homes Panel is part of our governance structure. The role of the Network Homes Panel is to:

- Monitor the performance of Network Homes services, strategies and policies against the consumer standards, and oversee delivery of service improvement plans
- Review proposed customer strategies, reports and audits
- Make recommendations to the Customer Services Committee
- Commission organisation wide scrutiny and co-ordinate local scrutiny

East Herts Council Representative(s):

Cllrs Carolyn Redfern, Cllr Stephen Reed

Update:

We have both attended at least three of the four meetings held this year. I additionally attended a reception at Network Homes H.O to meet local panel members in person and panel members from the London region. Stephen has also attended some training events at weekends.

Network Homes is striving very hard to fulfil its own targets in 5 areas, which are Residential Services, Financial Resilience, Increasing the number of homes for people in Housing Need, Residents Trust and Becoming an efficient organisation.

Over the last year they have endeavoured to overcome the challenges presented by changes in Building Safety Rules after the Grenfell Tower tragedy, rapidly changing government announcements and the actual organisation of replacement and repair works. These have and will continue to drain resources. As we all know, there have also been supply chain problems, increasing costs in building materials and labour shortages caused by Brexit and then by Covid. New financial challenges are represented by the restriction in income streams as tenant's rent increase and extra costs arise from new demands created by new building regulation to incorporate the much-needed sustainability measures.

Network Homes are trying to become more efficient by transforming their communications with residents to a digital platform. At the moment most residents prefer to communicate by telephone or letter although at least half of them do have access to digital means. The housing organisation is planning to help residents move to the new arrangements but are, at the same time, aware that a sizeable proportion of their residents may be unable use this system.

Following on from the upheaval over the last two years, Network has suffered a slight reduction in Customer Trust measures. These seem to be largely the result of poor performance in repairs by outside contractors. This is in turn because of the problems listed above, ie labour shortages, supply chain problems, and rising costs in materials.

This is being taken extremely seriously by the Network Homes and every effort is being made to provide a better service.

One of the main causes of complaints is around damp and mould issues, particularly in smaller homes, and older blocks of flats. Stephen has provided some very clear advice on combatting mould, from his experience as a site manager for 9 years for Barratt Homes. A new strategy has been put in place to deal these problems which

involves giving very clear and tailored advice to tenants. The strategy is being careful not to blame the tenant's lifestyle as the cause of these problems. Network Homes are aware that fuel poverty causes residents to keep the heating at a minimum and refrain from 'letting the warmth out' by keeping windows closed.

Many of the very difficult cases are in older buildings which are more subject to leaks and breakdown in the fabric of the building. Network Homes is now committed to working proactively with residents on managing ventilation and heating and is concentrating on detecting leaks and faults with the buildings.

Update provided by: Cllr Carolyn Redfern

Date: 2<sup>nd</sup> April 2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **PATROL**

Purpose:

The joint committee of England and Wales (outside of London) for the civil enforcement of parking and traffic regulations outside London. It deals with the enforcement of parking tickets as well as parking and bus lane regulations for councils that are in the Civil Enforcement Scheme.

East Herts Council Representative(s):

Cllr McAndrew

Update:

3 meetings scheduled –, attended 2 and sub attended in one.

Areas covered:

Parking: England (outside London) and Wales

Bus Lanes: England (outside London) and Wales

Clean Air Zones: England (outside London) only

Moving Traffic: Wales only

Littering from Vehicles: England (outside London) only

Road User Charging: Dartford-Thurrock River Crossing ('Dart Charge'), Mersey Gateway Bridge Crossings ('Merseyflow') and the Durham Road User Charge Zone.

In addition, PATROL undertakes initiatives to support its local authority members and raise awareness of the objectives of civil enforcement, including:

The promotion of local authority parking and traffic management annual reports through the PACER (Promoting Awareness of Civil Enforcement through Reporting) Awards scheme  
Provision of information on civil enforcement through the PATROL website  
Taking forward traffic management issues of mutual interest for member authorities, while also taking into account the motorist's perspective, evidenced through appeals to the Traffic Penalty Tribunal.

Update provided by: Cllr Graham McAndrew

Date: Friday, 08 April 2022



## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **Strategic Aviation Special Interest Group (SASIG)**

Purpose:

SASIG is a group of Local Authorities from across the country, all with an interest in strategic aviation issues. SASIG works to ensure that UK aviation policy is implemented in a manner that reconciles economic, social and environmental issues.

SASIG's objectives are:

- to promote the need for long-term, sustainable aviation policies that lead to a reduction in the environmental impact of aviation whilst securing appropriate social and economic benefits;
- to increase understanding of the local and global impacts of aviation on the environment and communities;
- to identify and promote the changes needed to move towards sustainable aviation practices within the industry and Government; and
- to work with other organisations and the Government on the formulation of policy advice.

East Herts Council Representative(s):

Cllr Fernando

Update:

SASIG meetings are still being held virtually due to the Coronavirus pandemic. The most recent meeting was postponed till next month and will again be virtual. At previous meetings the main points of discussion related to the changes in testing requirements for passengers and the challenges this brought.

Also of note is the consultation to changes to S261 compensation rights.

In the news there was talk about potential 5G interference with radio altimeters on certain aircraft, there is no evidence that this poses an issue to any aircraft flying into Stansted Airport.

The Union Connectivity Review final report was also issued which highlighted the role domestic aviation plays in connectivity.

Also of promise is that airlines & airports appear to be recruiting for new staff as demand for air travel recovers.

The next meeting in May will again be virtual and the subsequent meeting hopes to return to in person.

Update provided by: Cllr Rishi Fernando

Date: 20 April 2022

## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Stanstead Airport Community Trust**

Purpose:

A registered charity that holds the trust fund and its income and makes grants to organisations in Hertfordshire and Essex for community benefits, including schools, education, sport, employment, skills training and other projects that have a real impact on people's lives.

East Herts Council Representative(s):

Cllr Hollebon

Update:

There have been no official meetings held during the past year. MAG have not reinvested any money as far as I am aware. Without the financial support of MAG, no grants/financial support can be given. Cllr S. Barker (ECC) is the Chairman of the Trust.

I am happy to continue to represent EHDC on this Trust.

Update provided by: Cllr Diane Hollebon

Date: 14/02/2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **Stansted Airport Consultative Committee**

Purpose:

Provides community consultation in regard to the workings of Stansted Airport. Its specific terms of reference are:

1. To consider, scrutinise and advise on matters primarily concerning the management and administration of the Airport.
2. To consider the impact of the Airport on the local community, the economy and the environment.
3. To consider matters affecting the experience of Airport users including in particular passengers.
4. To consider the corporate affairs of the Airport.
5. To promote an informed understanding of airport operations and of their impact on communities of interest.
6. To consider matters specifically referred by interests represented on the Committee, by the management of the Airport or by the Government.
7. To share ideas and consider best practice from other airports and organisations.
8. To liaise with other Airport Consultative Committees on matters of common concern.
9. To make representations to the Government and other organisations as appropriate
10. To take any action incidental to any of the above terms of reference, including co-options, the establishment of Working Groups and nominations to Outside Bodies.

East Herts Council Representative: Cllr Huggins

Update:

The work of this committee has again been impacted by the continued Covid19 situation. Despite restrictions, I have attended several meetings, both virtual and physical, of the full committee (STACC) and the Future Airspace Consultation Steering Group. Owing to the pandemic Stansted airport continues to experience a huge reduction in passenger activity, but cargo flights have been steady.

The Future Airspace Programme continues to move along on schedule. This is a national directive passed down from the Civil Aviation Authority and the DoT. The scheme is to consult and then design possible changes to arrivals and departures from the airport. (Luton are doing the same). The airport is leading on the consultation for flight paths below 7000ft and NATS will be conducting a similar review of airspace above that level. My role is to voice an opinion on the approach to consultation. I shall be working with officers to ensure that the consultation is communicated to our members and residents effectively. The initial stages have been completed, which have led to a set of design principles to be used on the proposals of new arrival and departure routings.

The other major issue that the airport and each of its partners are working through, is the recruitment and training of new or returning staff, to get back to pre-pandemic levels in advance of what is hoped will be normal summer operations. This will be a challenging task because of not only the numbers required, but also the lead in times for airside passes, however the job creation is good news.

Update provided by: Cllr Andrew Huggins

Date: 28<sup>th</sup> March 2022

## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

**Transport East (EELGA)**

Purpose:

This forum lead by Essex County Council looks at the regions infrastructure requirements.

East Herts Council Representative(s):

Cllr Haysey

Update:

It meets four times a year (all virtual in 2020/21) with an annual forum. It has made a great progress in the last 2 years and is now recognised as a transport body by government and is being funded as such.

Update provided by: Cllr Linda Haysey

Date: 22/02/2022

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## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **Ware Charities**

Purpose:

Relief in need, poverty, sickness, education. Applicants must reside in the town of Ware and parishes of Wareside and Thunderidge. Promotes education/training, health and the prevention or relief of poverty, by making grants to individuals and organisations.

East Herts Council Representative(s):

Cllr Pope

Update:

The Trustees meet four times a year. In the twelve months under review I attended three of the four meetings.

The number of financial hardship related applications being referred to Ware Charities by Housing Associations continues to rise. A useful meeting with Network Homes was held in December 2021. Ware Charities also makes a grant to the CAB.

Ware Charities used to derive the majority of its income from its freehold interest in 75, High Street Ware (HSBC were the tenant). Following the closure by HSBC of its Ware branch, the Trustees are looking at developing the site and a planning application is being developed.

Ware Charities sold the two small alms houses that it owned in Park Road, Ware in 2021. The proceeds of the sales have been added to the Ware Charities' reserves.

Ware Charities is currently undertaking a strategic review (including,

as part of a wider investment review, what to do with both the proceeds from the sale of the two small alms houses in Park Road and also with 75 High Street). I am a member of the sub committee that is carrying out this work. The strategic work aims to provide some objective background to prepare for an organisational change. It is apparent that Ware Charities has a number of strengths that it could better deploy, and that the nature of 'need' in the society it serves has changed. There are also a number of weaknesses that need to be addressed going forward.

Update provided by: Cllr Mark Pope

Date: 6 April 2022

## OUTSIDE BODY – ANNUAL UPDATE

Outside Body:

### **Wodson Park Sport & Recreation Association Executive Committee**

Purpose:

Wodson Park Sports and Leisure Centre is owned and operated by Wodson Park Trust, a community based charity providing sports and recreation facilities for the people of East Hertfordshire. Its mission is to inspire and support sustainable, healthy lifestyles, by providing opportunities for everybody within East Hertfordshire to participate in a wide range of safe and affordable sports and leisure activities.

East Herts Council Representative(s):

Cllr Andrews, Cllr Goodeve, Cllr Kemp, Cllr Reed

Update:

Trustees attend 4 meetings a year including one half day on strategy.

The main focus for Trustees has been recovery post Covid and significant work has gone into developing a strategy for 2022-205. Maximising income and reducing, where possible, outgoings to help repair the finances which have of course been negatively impacted by both being closed and by restrictions. There continues to be reluctance amongst some groups to socialise in large groups.

Consideration is being given to the proposed residential developments around Ware, their impact and how Wodson Park may provide facilities to a growing population. It is hoped that some s106 monies will be made available to improve, expand and update its offering. Contact has been made with the s106 officer in this regard.

Update provided by: Cllr Jan Goodeve

Date: 29 March, 2022

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## East Herts Council Report

### Council

**Date of meeting:** 11 May 2022

**Report by:** Scrutiny Officer

**Report title:** Annual Scrutiny Report 2021/22

**Ward(s) affected:** All Wards

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### Summary

- This report introduces the Annual Scrutiny report for 2021/22 on behalf of the Chairman of Overview and Scrutiny Committee with introductory commentary by the Leader. It provides an overview of what the Overview and Scrutiny Committee scrutinised during the respective civic year.
- Covid-19 continues to affect lives, but the council continues to work with its partners to provide services and support during these continuing challenging times in developing progressive, forward thinking and innovative policies aimed at enhancing the lives and well-being of residents in the context of the council's Corporate Plan. The Council strives to do this with the support of the Overview and Scrutiny Committee which, through its work, which is set out in detail in Appendix A, acts as an independent source of challenge in reviewing the Council's ambitious and forward thinking policies.

### RECOMMENDATION FOR COUNCIL:

- a) **That the Annual Scrutiny Reports covering the 2021/22 Civic Year be agreed and published on the council's website.**

## **1.0 Proposal(s)**

- 1.1 The Annual Report for 2021/22 is attached at Appendix A and summarises the work of the Overview and Scrutiny Committee during the respective period.

## **2.0 Background**

- 2.1 An Annual Scrutiny Report is prepared each year and presented to Council as required by the Constitution. Once agreed by Council, the report will be published on the Council's website.

## **3.0 Reason(s)**

- 3.1 The Council's Constitution at Part 2g Chapter 7, paragraph 7.4 states that Scrutiny Committee *"must report annually to the council on their workings and make recommendations for future work programmes and amended working methods if appropriate"* action.

## **4.0 Options**

- 4.1 No alternatives have been considered

## **5.0 Risks**

- 5.1 Publication of an Annual Scrutiny Report provides a summary of what issues have been reviewed in the preceding year, which can be assessed against the council's priorities in terms of the Corporate Plan.

## **6.0 Implications/Consultations**

- 6.1 The Chairman of the Overview and Scrutiny Committee and the Leader have both been consulted on this document. The

Annual Scrutiny Report is a summary of what individual report authors have to respective meetings of committee(s).

**Community Safety**

No

**Data Protection**

No

**Equalities**

No

**Environmental Sustainability**

Yes - Integral to the council's Corporate Plan is the issue of environmental sustainability in terms of the SEED Principles.

**Financial**

None

**Health and Safety**

No

**Human Resources**

No

**Human Rights**

No

**Legal**

Yes - Overview and Scrutiny committees are enshrined in law by virtue of the Local Government Act 2000 and the Localism Act 2011.

**Specific Wards**

No

## **Background papers, appendices and other relevant material**

Appendix A – Annual Scrutiny Report 2021/22

Reports to the Overview and Scrutiny Committee for the civic year 2021/22

Reports to the Executive for the Civic Year 2021/2022

Reports to Council for the Civic year 2021/22

**Contact Member:** Councillor John Wyllie, Chairman of Overview and Scrutiny Committee.  
[john.wyllie@eastherts.gov.uk](mailto:john.wyllie@eastherts.gov.uk)

**Contact Officer:** James Ellis, Head of Legal and Democratic Services, Tel: 01279 502170  
[james.ellis@eastherts.gov.uk](mailto:james.ellis@eastherts.gov.uk)

**Report Author:** Lorraine Blackburn, Scrutiny Officer, Tel: 01279 502172. [lorraine.blackburn@eastherts.gov.uk](mailto:lorraine.blackburn@eastherts.gov.uk)





# Annual Scrutiny Report 2021/22



## Introduction from the Leader of the Council **Councillor Linda Haysey**



The Covid-19 pandemic continued to impact the council, local business and our communities throughout 2021-22. In these challenging times, we've worked together with our local partners, including Hertfordshire County Council, to provide vital services and support to residents and businesses. We've also developed progressive, forward-thinking and innovative policies through our corporate plan, which includes several ambitious capital projects that will enhance the lives of East Herts residents for many generations to come.

What follows is a summary of the Overview and Scrutiny Committee's activities during 2021-22, starting with its first meeting on 8 June 2021. All reports and minutes are available on the council's website, including those of the Executive and Council.

## Comments from the Chairman of the Overview and Scrutiny Committee **Councillor John Wyllie**



As Chairman of the Overview and Scrutiny Committee, I would echo the Leader's comments. As a council, we always endeavour to support residents, to provide services which go above and beyond, and to strive for better as our towns and villages grow. Our plans for the district and the provision of services are driven forward by the corporate plan which is based on our "SEED" principles: Sustainability, Enabling our Communities, Encouraging Economic Growth and Digital by Default. By regularly reviewing our corporate plan, we feel that the council is best placed to achieve its goals by responding not only to the external environment, but also internally to officers who continue to support the council's agile approach and vision with commitment and positivity.



8 June 2021

## Environmental Stability: Action Update



Members were provided with a presentation on Environmental Stability, which explained the enhanced measures the council had taken over the last six to twelve months to step up engagement with stakeholders and highlighting the key priorities for 2021/22.

## Council Tax Reduction Scheme 2022/23

As part of the annual review, Members were asked to scrutinise the current local Council Tax Support Scheme and debated whether any changes should be made for the civic year 2022/23 given that the current scheme had not changed since 2013. Many residents had been affected by increased living costs but the Committee was assured that the government's approach to topping up Council Tax support, payment breaks and other measures had helped to address this.

Following scrutiny of the proposed options, a decision was made not to change the East Herts Local Council Tax Scheme for April 2022 and this was supported by the Executive and approved by Council on 1 March 2022.



# Annual Scrutiny Report 2021/22

## Council Tax Long Term Empty Premium

Members of the Committee were asked to consider a number of options regarding the Council Tax Long Term Empty Premium. Members were concerned about the number of properties which had been vacant for long periods of time and legislation allowed local authorities to impose premiums on Council Tax for homes which had been left empty. As a result Members favoured the option which would increase the maximum premium to 200% for properties empty for between 5 and 10 years and 300% for properties empty for over 10 years. Members also asked that the Executive give consideration to introducing a discretionary arrangement to remove the premium for up to one year, should the owner be willing to occupy the property once renovations had been completed. The Executive agreed to remove the premium for up to 12 months when new owners occupied within 12 months of purchase.

## Regulation of Investigatory Powers Act (RIPA) Policy Annual Review

The Overview and Scrutiny Committee considered an update report on the annual policy review following recommendations from the Investigatory Powers Commissioner's Office (IPCO) in their report from 24 November 2019. Members noted that issues highlighted in that report had now been implemented and the new policy was in place. Members supported a recommendation to review the policy annually and this was scheduled to be considered in June 2022.

## Data Retention Policy Schedule

A revised Data Retention Policy was presented to Members to ensure that the Council remained compliant with the UK General Data Protection Regulations (GDPR) which related to keeping data for only as long as was required and ensuring compliance regarding data subjects rights of erasure. The Overview and Scrutiny Committee recommended the report to the Executive, which was subsequently adopted.

## Data Breach Policy and Procedures

The Overview and Scrutiny Committee considered a report on a revised Data Breach Policy and related procedural documents to ensure that the council had robust reporting procedures in place in terms of reporting any breaches to the Information Commissioner's Office. Members suggested the need for additional e-learning and training courses for Officers. The Executive agreed the revised Data Breach Policy and related procedural documents without amendment.

## Draft Equalities, Diversity and Inclusion Strategy for East Herts







# Annual Scrutiny Report 2021/22

A draft strategy was presented to the Overview and Scrutiny Committee prior to the document being sent out for consultation. The purpose of the strategy was to ensure that the council could evidence that it was meeting the requirements of the Equality Act 2010 in terms of making reasonable adjustments in service delivery. One “SEED” priority was to gather and analyse data on some hard to reach groups and of the need for proactive engagement with differing demographics. Members debated the report at length suggesting the need to engage with the National Autistic Society to future proof service provision by East Herts and the need to consider the possibility of mandatory training for Officers in terms of unconscious bias and in providing safe spaces. Concerns were expressed regarding the wider population within East Herts that might identify as disabled (but not necessarily in receipt of benefits) and of those who might have long term chronic health conditions and not identified as disabled. Following consideration by the Executive, the strategy was adopted by Council on 28 July 2021.

## **Annual Plan and Refreshed Corporate Plan**

The Overview and Scrutiny Committee reviewed a progress report on the corporate plan and refreshed priorities for the civic year 2021/22. Members queried the revised priorities in relation to the Queen’s Canopy Project, Wildlife areas (and sustainability on a ward by ward basis) and discretionary grants. Members supported the refreshed Corporate Plan adopted by Council on 28 July 2021.

7 September 2021

## East Herts Tenancy Strategy for 2021 - 2026



In keeping with the requirements of the Localism Act 2011, the council's five year strategy was submitted to the Overview and Scrutiny Committee for consideration. This strategy was part of a suite of housing strategies that were in the process of being drafted. The strategy provided guidance to Registered Social Providers (RSPs) on the types of tenancies the council would like to see on offer in the district including a focus on rent levels. Members expressed concern on a number of issues including the difficulties single and young people experienced in accessing property, whether the strategy had sufficient strength given that RSPs were only to have regard to the Tenancy Strategy, affordable housing targets and penalties for failing to meet targets. Of particular concern was the issue of rent levels, affordability, the ratio of houses to flats being built and housing allowance rates in calculating housing benefits. Questions were asked regarding East Herts' performance in relation to homelessness and temporary accommodation versus other local authorities. Members recommended the adoption of the Policy to the Executive, which was approved by Council on 20 October 2021.



## Hertford Theatre and Hartham Leisure Centre



An update was provided on two of the council's capital projects, Hertford Theatre and Hartham Leisure Centre. It was highlighted to the Committee that the project had achieved an excellent rating in terms of sustainability and both projects would play a big role in delivering the Health and Wellbeing Strategy and corporate goals for residents. Members raised a number of issues about the costs and timing of the capital projects and the background to closing Hertford Theatre earlier than anticipated. The Theatre's budget and accessibility for people with disabilities were discussed at length including the possible use of the Theatre's grounds as open air theatres in the Summer 2022. These concerns were fed back to the Executive.

An all Member Briefing on Hertford Theatre was provided on 17 February 2022. Following considerable debate, Council on 1 March 2022 agreed that the increase be funded from the Capital programme contingency.

## Update on Economic Development in East Herts



The Overview and Scrutiny Committee considered issues which contributed to economic development in the district and queried what could be done to attract large sites for commercial development and the preservation of residential units in town centres. Members supported the suggestion that Officers should report annually on this issue.

## East Herts Complaints 2020/21

The council's complaints system is monitored closely and an update was provided on the significant increase in the number of complaints which had been upheld in 2020/21. Assurances were provided that there was no correlation between the increase and that many officers were working from home under Government guidance at the time. There were however some issues in relation to call centre performance which was attributable to staff turnover and increased calls. The Committee asked Officers to keep the matter under review and report back annually.



**2 November 2021**

## **East Herts Private Sector Housing Assistance Policy**

Members considered a report on a proposed East Herts Private Sector Housing Assistance Policy which detailed the way in which the Council provided financial and other assistance to owners and occupiers of private sector housing. The scheme had been drawn up working closely with partners and authorities across Hertfordshire. The main focus was moving away from a grant based system to a loans based system so that the council could help a larger number of vulnerable families. Members sought and were provided with clarification from the Executive Member for Neighbourhoods on:

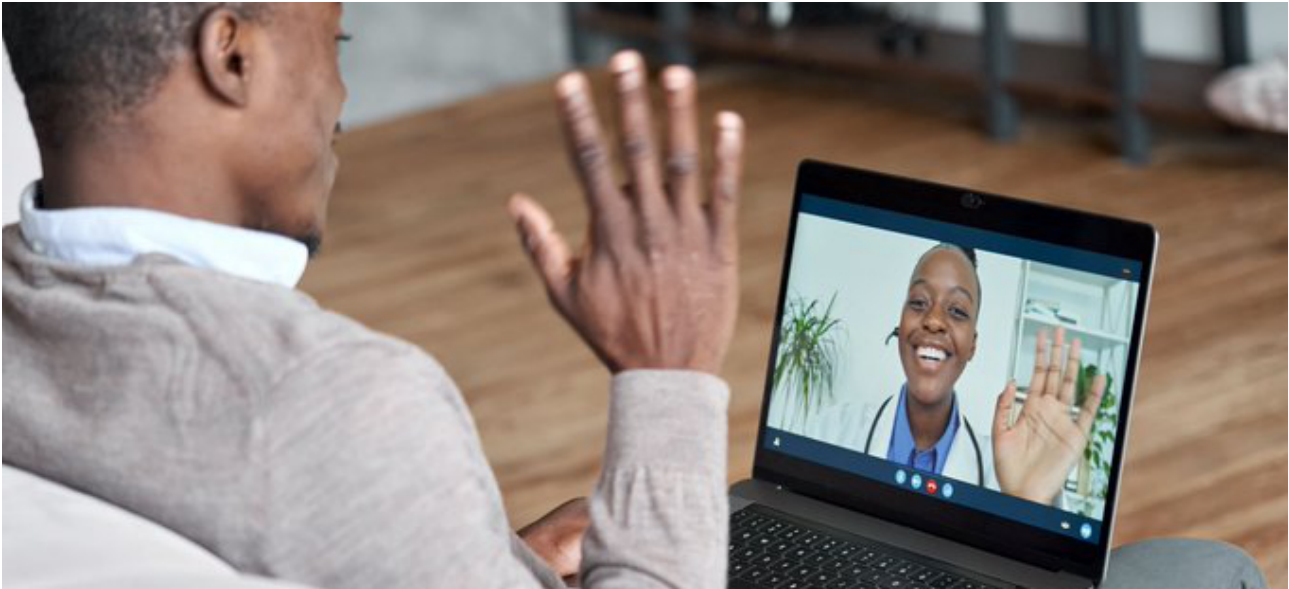
- Whether housing associations could claim for the loans and questioned the process for those who did not qualify for a loan such as those in old properties and those with issues regarding cavity wall installation.
- Whether the scheme covered properties which were listed
- The position in relation to relatives being used to carry out work on any property
- Whether residents would be penalised if properties were difficult to insulate
- The set interest rate for Decent Home Loans and whether it would be prudent to have the interest rates set to track national interest rates.
- The importance of energy efficiency and how the Council could help those which were less efficient.

The Overview and Scrutiny Committee gave, in principle, its support to the proposed new policy for Private Sector Housing Assistance subject to the change in wording regarding the inclusion of the word “proposed” in front of the reference to the “Housing Strategy”. Following comments from the Overview and Scrutiny Committee, the Executive amended the recommendation to Council that the policy be amended to make it clear that any costs to the council associated with (A) placing a charge on the property to secure repayment to council funding and (B) recouping that funding are added to the sum repayable by the recipient. The Council adopted the Policy on 15 December 2021.



22 March 2022

## Transformation Programme - Digital Exclusion



The Council's Transformation Programme and the "Digital by Default" principle within the Council's Corporate Plan ensured that the council continued to use and develop technology and connectivity to provide the best possible services for residents and businesses in East Herts. The council worked with partners to ensure that there were strong foundations to digitally enable communities. Those who were socially isolated and vulnerable were of particular concern to Members and at their request, presentations were provided by two external speakers from partner councils. These explained what actions were being progressed to maximise digital self-service through their respective websites, their successes and where areas for improvement lay and as partner / enablers building skills and confidence through others.

Of particular concern to Members was how people within East Herts who were less confident or less able to use digital services could be supported within its own overall approach to digital self-maximisation. Members acknowledged the issue of reduced staffing levels in customer services and how residents with complex queries impacted on telephone wait times and sought assurances that those who were vulnerable would continue to be supported and could receive advice via

telephone. The Committee felt that from the viewpoint of East Herts that it would be useful to be provided with figures and metrics. Of particular interest was the fact that there was a low online take up of business rates (6%) but that when a covid grant was offered to businesses the take up online was 100%. Members asked that the telephone system should be monitored to ensure that calls were answered quickly and that action should be taken to ensure that different software applications for resolving customer queries be effectively integrated systems where possible. Their comments were forwarded to the Executive for consideration.

## Shared Waste Service: Governance Report



A report was considered which reflected on the future governance arrangements in relation to the Shared Waste Service arrangement from the viewpoint of contract performance and the alignment of services. Members were concerned about the differences between the aims and standards of both Councils and felt that there was a need to address the administrative function and how joint decisions should be made. They agreed that the service contract should be explored via the establishment of a joint cross party working group, with representatives from both East Herts and North Herts Councils and advised the Executive of their recommendation.

## Street Cleansing Contract Performance



The Overview and Scrutiny Committee received an overview of performance on street cleansing activities delivered by contractors on behalf of the council. Questions from Members centred on the cleaning of parks and open spaces, litter and dog waste bins, unblocking drains/gulleys, assisting community groups with local clearances, service tracking of missed bins, assisting Parish Councils and working with partners on the impact of street cleaning on the drainage system and what could be done to improve services. The Overview and Scrutiny Committee thanked the Officers for the report.

## Work programme – Civic Year

The issue of affordability of housing in East Herts had been a matter of concern for Members. While a Rapid Review of affordability of housing was proposed, the Housing Strategy had not yet been approved by Council and the Action Plans accompanying that Strategy were not yet operational. Members supported the suggestion that an in-depth report on the progress of those Action Plans be presented to the Committee at the September meeting.

## **East Herts Council Report Council**

**Date of meeting:** 11 May 2022

**Report by:** Councillor Jonathan Kaye – Executive Member for Communities

**Report title:** Community Grants Priorities 2022/23

**Ward(s) affected:** All

**Summary** – The council’s Community Grants Policy includes the provision for members to review the priorities for grant giving on an annual basis. This report sets out the proposed updated priorities for 2022/23.

### **RECOMMENDATIONS FOR COUNCIL** that:

- a) the updated Community Grants priorities for community grant giving be approved**
- b) authority be delegated to the Head of Housing and Health, acting in consultation with the Executive Member for Communities, to determine operational matters relating to community grant giving in 2022-23.**

#### **1.0 Proposal(s)**

- 1.1 It is proposed that the priorities for awarding community grants in 2022/23 be updated. The new priorities include provision for marking the Queen’s Platinum Jubilee. The proposed priorities for 2022/23 can be found in Appendix A.
- 1.2 It is proposed to Council that the Head of Housing and Health, acting in consultation with the Executive Member for



Communities, be given the delegated authority to amend the operational elements of the community grant giving procedures in light of the recommended priorities.

## **2.0 Background**

- 2.1 Community grant giving helps strengthen communities, enabling residents to work toward a common goal, develop and maximise their community assets and bring about positive change, leading to improved health and wellbeing for residents in East Herts.
- 2.2 Community grant giving also takes forward the new East and Equal Strategy (2021-2025) and helps to build relationships with people with protected characteristics.
- 2.3 The council's community grants policy is kept under review with the last amendments approved by Council on the 2<sup>nd</sup> March 2021. The existing policy and programme can be found [HERE](#). No amendments to the overall policy are now proposed. It is recommended, however, that the Head of Housing and Health, acting in consultation with the Executive Member for Communities, be delegated the authority to make any changes and updates to operational procedures.

## **3.0 Reason(s)**

- 3.1 The annual priorities for community grants form part of the council's Community Grants Policy which is reserved for determination by full Council, thus the revised priorities are now being recommended to Council.

### **Updated priorities**



- 3.1 The proposed priorities ensure that community grant giving reflects the refreshed corporate plan. The new priorities are intentionally broader, encouraging applicants to think creatively about how they can deliver on our priorities in their neighbourhood.
- 3.2 Over the coming year, it is to be expected that community grant giving will also be informed by the results of the Hertfordshire Covid-19 Community Impact Assessment 2021/22.

### **Equalities Impact Assessment**

- 3.3 Officers have considered the impact of the updated priorities on people with protected characteristics. It is considered that the proposals will not have an adverse impact on anyone with a protected characteristics, whether individually or as a group, as no organisation who would have been eligible for a community grant under the previous priorities will be excluded or have reduced eligibility under the proposed revised priorities. Furthermore, it is considered that the new 'Diversity and Inclusiveness' priority will help support bids for grants that will tackle some of the equalities challenges that some of our communities face.

### **Community Covid-19 Recovery Fund**

- 3.4 Officers applied and obtained an extra £200,000 from the Hertfordshire Health Protection Board to support voluntary and community groups and their clients most impacted by Covid-19. This provides an additional means of supporting community groups in the district.

## **4.0 Options**

- 4.1 Do not update the priorities or provide delegated authority for operational changes – NOT RECOMMENDED as it is important that the priorities are reviewed annually to ensure community grant giving continues to address the most pressing community issues at this time and that the grants programme is inclusive, creative and experimental.
- 4.2 Update the priorities and policy – RECOMMENDED to ensure the community grants programme is more inclusive and attractive to harder-to-reach groups and enables residents to put their own solutions in place that creatively takes forward the council's strategic priorities at the neighbourhood level.

## **5.0 Risks**

### **If the priorities were not updated**

- 5.1 This would reduce the council's opportunity to maintain a mechanism whereby it can kick start innovative ideas and thus community grant giving would arguably be less effective. Adopting the proposed 2022/23 priorities mitigates this risk as does continued signposting to the East Herts Lottery in order to support local good causes.
- 5.2 There would also be a possible reputational risk as the council's responsive, creative and forward stance could be compromised.

### **If the priorities were updated**

- 5.3 Should the priorities be updated there is a small risk that there would be less take up due to the priorities being broader than before, thus reducing organisations' ability to understand what the council wishes to fund. To reduce this risk, officers would

post information on social media and use existing networks to provide examples of the types of projects that could be supported. Grants workshops and drop-in advice sessions would be provided.

- 5.4 The impact of these risks, in paragraphs 5.1 to 5.3, has been assessed. Overall, it is considered that the risks would be minor in the wider scheme of things and carry little financial risk.

## **6.0 Implications/Consultations**

- 6.1 This latest review of the Community Grants priorities was conducted by officers of the Housing and Health service in consultation with the Executive Member for Communities, having regard to the delivery of and feedback on the 2021/22 programme.

- 6.2 Information on any corporate issues and consultation associated with this report can be found below.

### **Community Safety**

Perception and fear of crime and maintaining good community safety is closely connected to the resilience and strength of a community. Support for events and projects that bring people of different backgrounds together helps build civic pride, creates a sense of belonging and more resilient neighbourhoods

### **Data Protection**

A GDPR statement is included on grant applications to minimise any risk of data breaches.

### **Equalities**

An EQIA was completed and approved last year and is posted on our website [HERE](#) As noted in the body of the report, it is considered that the proposals will not have an adverse impact on anyone with a

protected characteristics, whether individually or as a group, as no organisation who would have been eligible for a community grant under the previous priorities will be excluded or have reduced eligibility under the proposed revised priorities. Furthermore, it is considered that the new 'Diversity and Inclusiveness' priority will help support bids for grants that will tackle some of the equalities challenges that some of our communities face.

### **Environmental Sustainability**

East Herts Council's corporate priorities form the direction of travel for community grant giving and one of the headline grant priorities is: environmental sustainability. Grant giving enables the voluntary and community sector, including community centres and villages halls, to reduce their carbon footprint and explore more environmentally sustainable actions.

### **Financial**

Internal budgets are under increasing pressure so it is vitally important that the council continues to raise awareness about the [East Herts Community Benefit Lottery](#), which is an innovative way to generate income for the grants budget, replacing the need to use council monies.

### **Health and Safety**

Eligibility criteria state that the applicant has policies in place to ensure the safety of those taking part. Applicants must confirm this is the case and if officers have any concerns they will ask to view documents. Safeguarding policies must be submitted as part of the application.

### **Human Resources**

No direct implications

### **Human Rights**

No direct implications

## **Legal**

No direct implications

## **Specific Wards**

Projects that take place in the top 10 wards for deprivation (according to the Indices of Multiple Deprivation) are considered a priority and are considered first.

Background papers, appendices and other relevant material

### 7.1 Existing Community Grants Policy.

#### **Contact Member**

Cllr Jonathan Kaye, Executive Member for Communities

[Jonathan.Kaye@eastherts.gov.uk](mailto:Jonathan.Kaye@eastherts.gov.uk)

#### **Contact Officer**

Jonathan Geall, Head of Housing and Health

Contact Tel. No. 01992 531594

[Jonathan.Geall@eastherts.gov.uk](mailto:Jonathan.Geall@eastherts.gov.uk)

#### **Report Author**

Claire Pullen, Housing and Health Projects Officer

Contact Tel. No. 01992 531459

[claire.pullen@eastherts.gov.uk](mailto:claire.pullen@eastherts.gov.uk)

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## Appendix A

*Subject to approval by Council, this page will replace the current priorities listed in the [Discretionary Community Grants Policy](#). All other aspects of the council's Discretionary Community Grant Policy approved in March 2021 remain unchanged.*

# Community Grants Priorities 2022 -2023 – Discretionary Community Grants Policy

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The priorities for discretionary grant funding in 2022/23 help take forward the council's corporate priority of enabling our communities in the East Herts Corporate Plan 2020-2024.

Grant giving will help improve the wellbeing and quality of life of East Herts residents as well as help address the equalities challenges and barriers to participation that some of our communities face. The results of the Hertfordshire-Covid 19 Community Impact Assessment will further inform our grant giving over the course of 2022/23.

Successful applicants will demonstrate how the changes they want to achieve will address at least one of the following priorities for community grants:

- **Recovery from Covid**
- **Diversity and inclusiveness**
- **Mental and physical wellbeing**
- **Environmental sustainability**
- **Queen's Platinum Jubilee.**

Applications that address the following will score more highly:

- deliver in a geographic area of deprivation. A list of wards identified as disadvantaged can be found in Appendix 4 of the Grants Policy. These applications will be considered first
- support and involve vulnerable or isolated people
- are from organisations that have not applied before or who applied more than five years ago.

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This Council recognises that this year marks the 70th anniversary of Her Majesty the Queen's accession to the throne.

This Council notes that Her Majesty the Queen is the first British Monarch to celebrate a Platinum Jubilee, marking 70 years of service to the people of the United Kingdom, the Realms and the Commonwealth.

The Council resolves that:

1. The Chairman of the Council will write to Her Majesty the Queen to congratulate her on this significant achievement; and
2. The Council will do what it can to support local community events and activities to celebrate the Platinum Jubilee.

Proposed by Cllr Angela Alder

Seconded by Cllr Alastair Ward-Booth

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Council notes its severe disappointment in the Prime Minister Boris Johnson.

Council further notes that the Prime Minister acted unlawfully, misled Parliament and lied to the residents of our country.

Council adds that while the Prime Minister attended Downing Street parties, millions of people, including countless East Herts residents, obeyed the lockdown rules, often at huge personal cost. They missed funerals, cancelled weddings and said goodbye to loved ones on video calls – some on the very day that Number Ten illegally hosted a garden party.

Council condemns the Prime Minister whose disregard for his own rules itself represents a threat to the health of our nation, including residents of East Herts as he failed to set an example for the country to follow. This is also a threat to the rule of law and the standing of democracies at all levels. For these reasons he must resign.

Council calls upon the Leader of the Council to write to Boris Johnson stating that the council has no confidence in his leadership and calls for him to resign.

Council resolves that we no longer have confidence in the Prime Minister.

Proposed by Councillor Chris Wilson

Seconded by Councillor Joseph Dumont

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