

## HERTFORDSHIRE COUNTY COUNCIL

MINUTES of the Meeting of the County Council held at County Hall, Hertford, on Tuesday, 21 July 2015.

### MEMBERS IN ATTENDANCE

D Andrews	R J Henry	R G Prowse
D A Ashley	T C Heritage	S Quilty
J R Barfoot	D J Hewitt	I M Reay
S A Batson	F R G Hill	L F Reefe
S Bedford	N A Hollinghurst	R M Roberts
R H Beeching	T W Hone	P A Ruffles
N Bell	T Hunter	R Sangster
J Billing	T R Hutchings	D T F Scudder
M Bright	S L C Johnston	A M R Searing
F Button (Chairman)	A Joynes	R H Smith
L A Chesterman	L R Kercher	A Stevenson
G R Churchar	A King	J J Taylor
M J Cook	J G L King	S J Taylor
M Cowan	P F J Knell	R G Tindall
M S Crawley	A Lee	M A Watkin
H K Crofton	D E Lloyd	C J White
T L F Douris	J Lloyd	A D Williams
D S Drury	P V Mason	J D Williams
S B A F H Giles-Medhurst	G McAndrew	C B Woodward
R I N Gordon	R Mills	C B Wyatt-Lowe
D Hart	M B J Mills-Bishop	W J Wyatt-Lowe
K M Hastrick	M D M Muir	P M Zukowskyj
C M Hayward	S O'Brien	

Upon consideration of the agenda for the Meeting of the County Council held on 21 July 2015, as circulated, action was taken or decisions were reached as follows:-

#### 1. MINUTES

- 1.1 The minutes of the Annual Meeting of the Council held on 19 May 2015 were confirmed as a correct record and were signed by the Chairman.
- 1.2 The minutes of the Extraordinary Meeting of the Council held on 19 May 2015 were confirmed as a correct record and were signed by the Chairman.

## 2. CHAIRMAN'S ANNOUNCEMENTS

### (a) HM The Queen's Birthday Honours List: Judi Billing

Council congratulated Judi Billing on being awarded an MBE in HM The Queen's Birthday Honours List for her services to Local Government.

### (b) HM The Queen's Birthday Honours List: Steve O'Brien

Council congratulated Steve O'Brien on being awarded an MBE in HM The Queen's Birthday Honours List for his voluntary political service.

### (c) Sarah Pickup, Deputy Chief Executive

The Chairman announced that Sarah Pickup, currently Deputy Chief Executive, had secured the job of Deputy Chief Executive at the Local Government Association.

During her time with the County Council Sarah had held a variety of positions - in education finance, social services resources, commissioning, adult care services and then Deputy Chief Executive and Director for Resources and Performance. A member of the senior management team for a number of years, Sarah had brought a wealth of experience and expertise to her role gained both in Hertfordshire and also through her significant national responsibilities; in 2014 she received an OBE for her services to social care.

After 27 years at the County Council with major responsibilities, she would leave a difficult gap to fill.

Council congratulated Sarah on her appointment and wished her every success for the future.

### (d) Louise Tibbert, Head of HR and Organisational Development

Council was informed that Louise Tibbert, Head of HR & Organisational Development, would be leaving the County Council on the 29 July 2015 having secured the position of Director of Workforce and Organisational Development at University Hospitals of Leicester. Louise had worked for local authorities for the last 27 years; 9 of which had been spent working for the Council.

During her time with the Authority Louise had re-focused and modernised the HR service as well as delivered major changes, including new terms and conditions for 24,000 staff. Most recently she had been the national and regional lead on a ground breaking agreement in relation to social workers; and was appointed national

President of the PPMA (Public Service People Managers' Association) 2014/15.

Council congratulated Louise on her appointment and wished her all the very best in her new role.

**(e) John Mills, Deputy Chief Fire Officer**

The Chairman advised Council that John Mills, Deputy Chief Fire Officer, would be retiring from the Fire Service on 18 September 2015.

John had joined Hertfordshire Fire Brigade on 9 September 1987 and, in his 28 year service, had served in most disciplines across the Fire Service. John had spent all his time serving the public within Hertfordshire Fire and Rescue Service (HFRS) but was also well known across the County, working closely with a number of both Members and officers.

His early career was spent mainly in operations in the southern part of Hertfordshire attending many operation incidents, including the Hatfield train derailment where he was Incident Commander. John had rapid promotion to District Commander by 1999. John was promoted to Assistant Chief Fire Officer in April 2004 and to Deputy Chief Fire Officer in April 2010. In both roles John had helped steer Herts Fire and Rescue Service through some challenging times, including the 2005 Buncefield Oil Depot fire.

Council wished him a long and happy retirement.

**(f) CLeAR awards (the national local government tobacco control awards)**

The Chairman announced that the County Council had been awarded the Overall Winner category in the national local government tobacco control standards, or CLeAR. This national award was sponsored by the Department of Health and others and recognised excellence in the commitment to reduce the harm from tobacco to communities. The award recognised the work led by Public Health across the whole Council and partner agencies, and the leadership of the Executive Member. For particular mention was the work undertaken by Joel Bonnet and Elizabeth Fisher in Public Health.

To obtain this award within two years of taking over the public health responsibilities, and to beat many more established tobacco control alliances to it, was an outstanding achievement for the Council.

**3. PUBLIC QUESTIONS – STANDING ORDER 8(10)**

**3.1** There were no public questions.

## ORDER OF BUSINESS

At the invitation of the Chairman the Council agreed to vary the order of business and take agenda item **4A 'Public Petitions'** immediately before **Item 6B 'Motions arising from the Executive Report in the Order in which they were received'** in the interests of the effective conduct of business.

(The Minutes of this and all other items of business are set out below in original agenda order).

### 4. PUBLIC PETITIONS – STANDING ORDER 15

- 4A. 4.1 **Emma Power**, Scheme Manager for Home-Start Watford and Three Rivers, presented a petition with over 1,000 signatures in the following terms:-

#### **Open Tender Process For The Home-Visiting Service 2015**

*“Ensure that the service currently provided by Home-Start to meet the needs of families facing social isolation, mental health problems, disabilities and other issues that prevent them accessing other statutory services is tendered openly in 2015. County are currently recommending that no funding is made available for a 'Home-Visiting service' meaning many families in Hertfordshire will go unsupported. The recommendation is that the families currently supported by Home-Start and Home-Start volunteers will be absorbed by current statutory services such as Children Centres and Health Visitors who are already working to full capacity. To stop Hertfordshire from losing this vital Home-Visiting service please show your support by signing below.”*

- 4.1.1 **R M Roberts**, Executive Member for Children's Services, received the petition and gave an initial response.

- 4.1.2 The motions at item 6B(i) – (iii) were then debated (set out below).

### 5. OFFICER REPORTS RELEVANT TO EXECUTIVE PORTFOLIOS

#### 5A. APPROVAL TO UNDERTAKE AN INITIAL PUBLIC CONSULTATION FOR THE MINERALS LOCAL PLAN REVIEW DOCUMENT TOGETHER WITH THE PROPOSED SITE SELECTION METHODOLOGY

- 5.1 The following motion proposed by **D A Ashley** and duly seconded was CARRIED:-

*“That Council approves the draft Initial Consultation document and a*

*ten week period of public consultation commencing in August 2015, in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012.”*

## **5B COUNTY COUNCIL ANNUAL REPORT 2014/15**

**5.2** The following motion proposed by **C M Hayward** was duly seconded:-

*“That Council receives the draft County Council Annual Report 2014/15 which is presented to County Council for information.”*

**5.3** **P M Zukowskj** proposed a late amendment which was duly seconded; the amendment was not received in accordance with Standing Order 10(3)(2) and was disallowed.

**5.4** The motion at 5.2 was then voted upon and CARRIED.

## **6. THE EXECUTIVE REPORT**

### **6A. LEADER OF THE COUNCIL – EXECUTIVE REPORT**

**6.1** **R I N Gordon** provided a factual update to the Executive Report regarding the Community Safety and Waste Management Portfolio as follows:-

#### New Barnfield

The Secretary of State has issued his decision following his redetermination of the planning application for a recycling and energy recovery facility (RERF) at New Barnfield, Hatfield. The decision was provided on 17 July; it was a refusal. Veolia have 6 weeks to decide whether to challenge this decision.

#### Revised Project Plan for Waste Disposal

Veolia provided a revised project plan on 7 July 2015 as per the Council's contract with them. It is compliant in that it meets the terms of the contract. This draft proposal is with officers who will now begin the process of evaluation, clarification and discussions with Veolia. Due to the commercial sensitivity of some aspects of the proposal, at this stage the Council is not in a position to release further details. The Council's interim waste disposal contracts are in place until 2018, with a possible further 3 year extension thereafter; there is plenty of time for Hertfordshire to consider its options and to ensure that a best value solution is achieved for the County.

**6.2** The following motion proposed by **R I N Gordon** was CARRIED:-

*“That the report of the Executive (being the report under Standing Order 7) be received and that the position of Key Decisions in the decision-making*

*process shown in the current edition of the Forward Plan referred to in the report be noted.”*

## **6B. MOTIONS ARISING FROM THE EXECUTIVE REPORT**

**6.3** **F R G Hill** declared an interest as a member of Home-Start, which could give the appearance of bias and a possible disclosable pecuniary interest, in this item of business. She withdrew from the meeting following presentation of the public petition and did not participate in the debate or vote.

**6.4** Prior to consideration of motions under this item of business, the **Chief Legal Officer** made the following statement:-

*“Members have before them today three motions relating to the Home Visiting Service.*

*A special meeting has been called of the Overview and Scrutiny Committee to “discuss and scrutinise the effect on the provision of ‘Home-Start’ services caused by the change in policy made by the Administration.”*

*Any Members in the Chamber today may vote on them notwithstanding that they may be Members of the Overview and Scrutiny Committee.*

*When the matter is considered by Overview and Scrutiny Committee, however, Members at that meeting must consider the issue as referred to scrutiny and the evidence before them with an open mind taking into account all issues presented to them at that meeting.”*

**6B(i) 6.5** The following motion proposed by **M A Watkin** was duly seconded:-

*“This Council recognises the outstanding work carried out countywide by Home-Start and its volunteers in providing a home visiting service to families with problems covering child behaviour management, children under 5 with disabilities, substance abuse, alcoholism and domestic abuse.*

*Council recognises that these socially-isolated families do not engage with Children's Centres.*

*Council believes that the plan to replace Home-Start's services with services provided by the reorganised Children's Centres will fail because they have neither the resource nor the time to provide the same quality of service. Far from saving the £390,000 stated, the direct cost to Children's Centres will be substantial and will result in further significant costs to the County as these families and their offspring reappear with serious issues requiring direct engagement by professionals.*

*Therefore Council requests Cabinet to recommission a home visiting service in the expectation that current costs will be reduced and invite Home-Start to tender for it.”*

**6B(ii) 6.6** The following motion was proposed by **N Bell** and duly seconded:-

*“This Council calls on the Cabinet to reverse their short sighted decision to end Public Funding for the ‘Home visiting service’ currently undertaken by ‘Home Start’ throughout the County, as part of the strategy of Early Help.*

*The County’s definition of Early Help is:-*

*‘Early help means taking action to support a child, young person or their family early in the life of a problem, ideally as soon as it emerges. It can be required at any stage in a child’s life from pre-birth to adulthood, and applies to any problem or need that the family cannot deal with or meet on their own’*

*One of the key objectives of the County Council is to protect the vulnerable and this decision to cut funding to the 9-Homestart organisations in the County will hit the most vulnerable families and children at a time when they will need it more than ever.*

*Home Start is a unique organisation that uses the skills, trust and training of its volunteers to reach out and help those ‘hard to reach’ families that often do not access Children’s centres or other agencies*

*The idea that children’s centres will be able to take on this unique volunteering work without the extra resources needed is misplaced and will have more long term consequences for children’s services spending in the County.*

*We call on the Cabinet to Urgently work with the 9- Home Start organisations throughout the County to look at ALL methods to continue Home Start’s vital ‘home visiting service’ and outreach work in delivering their effective and value for money service.”*

**6B(iii) 6.7** The following motion was proposed by **R M Roberts** and duly seconded:-

*“Council endorses the decision of cabinet not to retender the home visiting service but to provide discretionary funding of £200,000 to Home Start to ensure that those families currently within the programme can receive the balance of their nine-months’ support and also to help that organisation and its volunteers through the transition.*

*Council recognises that the landscape of support for families has developed during the term of the current contract particularly with Children Centres now at the heart of our communities with more than*

*90% registration of the 76,000 under-fives and with the increase in health visitors, nursery places and child care support. In view of these developments, it accepts that funding for a separate, non-needs based home visiting service for a small number of families can no longer be justified.”*

**6.8 S B A F H Giles-Medhurst** requested a recorded vote under Standing Order 13(3) with the support of 8 Members of the Council.

**6.9** The motion at 6.5 was then voted upon and LOST, the recorded vote being:-

Those in favour of the motion (27):-

S A Batson	S B A F H Giles-Medhurst	R Mills
S Bedford	K M Hastrick	R G Prowse
N Bell	R J Henry	L F Reeve
J Billing	N A Hollinghurst	D T F Scudder
L A Chesterman	A Joynes	S J Taylor
G R Churchard	L R Kercher	R G Tindall
M J Cook	A King	M A Watkin
M Cowan	J G L King	C J White
D S Drury	A Lee	P M Zukowskyj

Those against the motion (39):-

D Andrews	D J Hewitt	I M Reay
D A Ashley	T W Hone	R M Roberts
J R Barfoot	T Hunter	P A Ruffles
R H Beeching	T R Hutchings	R Sangster
M Bright	S L C Johnston	A M R Searing
F Button	P F J Knell	R H Smith
M S Crawley	D E Lloyd	A Stevenson
H K Crofton	P V Mason	J J Taylor
T L F Douris	G McAndrew	A D Williams
R I N Gordon	M B J Mills-Bishop	J D Williams
D Hart	M D M Muir	C B Woodward
C M Hayward	S O'Brien	C B Wyatt-Lowe
T C Heritage	S Quilty	W J Wyatt-Lowe

**6.10 L F Reeve** requested a recorded vote under Standing Order 13(3) with the support of 8 Members of the Council.

**6.11** The motion at 6.6 was then voted upon and LOST, the recorded vote being:-



Those in favour of the motion (27):-

S A Batson	S B A F H Giles-Medhurst	R Mills
S Bedford	K M Hastrick	R G Prowse
N Bell	R J Henry	L F Reeve
J Billing	N A Hollinghurst	D T F Scudder
L A Chesterman	A Joynes	S J Taylor
G R Churchard	L R Kercher	R G Tindall
M J Cook	A King	M A Watkin
M Cowan	J G L King	C J White
D S Drury	A Lee	P M Zukowskyj

Those against the motion (39):-

D Andrews	D J Hewitt	I M Reay
D A Ashley	T W Hone	R M Roberts
J R Barfoot	T Hunter	P A Ruffles
R H Beeching	T R Hutchings	R Sangster
M Bright	S L C Johnston	A M R Searing
F Button	P F J Knell	R H Smith
M S Crawley	D E Lloyd	A Stevenson
H K Crofton	P V Mason	J J Taylor
T L F Douris	G McAndrew	A D Williams
R I N Gordon	M B J Mills-Bishop	J D Williams
D Hart	M D M Muir	C B Woodward
C M Hayward	S O'Brien	C B Wyatt-Lowe
T C Heritage	S Quilty	W J Wyatt-Lowe

**6.12** The motion at 6.7 was then voted upon and CARRIED.

[At the request of the Liberal Democrat Group and the Labour Group it is recorded that their Members voted against the motion at 6.7]

## 7. QUESTIONS TO EXECUTIVE MEMBERS

**7.1** During the period for questions to Executive Members under SO(8)(7)(c) the following Members asked questions (and, where indicated, supplementary questions) of the Executive Member or their Deputy as stated [the audio recording of this item of business can be found here [Questions to Executive Members](#)]:-

[Questions are listed by portfolio rather than chronologically]

Executive Member	Questioner	Subject
Leader of the Council	L F Reeve	The Council's Constitution <sup>1</sup>
	M Cowan	Process for asking questions at

		Cabinet
Adult Care & Health	R G Tindall	Delay in the implementation of part of the Care Act 2014 <sup>1</sup>
	A King	Delay in the implementation of part of the Care Act 2014
Children's Services	M A Watkin	Children's Centres and Home Visiting Service <sup>1</sup>
	N Bell	Children's Centres and Home Visiting Service
Community Safety & Waste Management*	N A Hollinghurst	Household Waste Recycling Centres <sup>1</sup>
	M J Cook	The revised project plan under the contract for the recycling and energy from waste facility at New Barnfield, Hertfordshire <sup>12</sup>
	M Bright	Household Waste Recycling Centres
	P M Zukowskyj	The revised project plan under the contract for the recycling and energy from waste facility at New Barnfield, Hertfordshire <sup>1</sup>
	N Bell	Magistrates Court and Police Station in Watford <sup>12</sup>
Enterprise, Education & Skills	M A Watkin	Funding for schools <sup>1</sup>
	J Billing	Secondary school transfer and admissions <sup>1</sup>
	D A Ashley	Secondary school transfer and admissions
	A Joynes	Disused school buildings <sup>12</sup>
Environment, Planning & Transport	Chris White	Flooding <sup>2</sup>
	S J Taylor	A1 corridor (managed motorway project and Highways England Strategic Study) <sup>1</sup>
Highways	S B A F H Giles-Medhurst	Ringway (tree and hedge maintenance) <sup>12</sup>
	L F Reeve	Repairs to street lighting <sup>1</sup>
Public Health, Localism & Libraries	S Bedford	Consultation with Local Members in respect of S106 contributions <sup>12</sup>
	R Mills	Funding for Public Health <sup>1</sup>
Resources & Performance	P M Zukowskyj	Finances relating to proposals for a recycling and energy from waste facility in the County <sup>1</sup>
	J G L King	Use of the former Little Furze School site (future primary school provision) <sup>1</sup>

\* Questions answered by the Deputy Executive Member

Notes: 1 - denotes that a supplementary question was also asked

2 – denotes that a written reply will be given

## **7.2 Written questions to Executive Members – Standing Order 8(9)**

There were no written questions.

## **8. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE**

**8.1** The following motion proposed by **T W Hone** and duly seconded was CARRIED:-

*“That the report of the Overview and Scrutiny Committee be received”*

**8.2** The following motion proposed by **M Cowan** and duly seconded was LOST:-

*“This Council notes with regret the fact that the fabric of County Council schools is in the worst 8% nationally, as reported to the recent scrutiny topic group.*

*This Council finds that unacceptable and requests Cabinet to ensure a timed plan is drawn up before the end of the year, showing how this will be rectified in the near future and in particular, that the urgent unfunded works required that were also reported, become funded.”*

## **9. REPORT OF THE HEALTH SCRUTINY COMMITTEE**

**9.1** **S Quilty** provided a clarification in respect of paragraph 5.3 of the report of the Health Scrutiny Committee. He informed Council that context for the use of the term ‘population prevention’ was of “informing, encouraging and supporting the population to adopt healthier behaviours with a view of preventing rising levels of obesity and alcohol abuse”.

**9.2** The following motion proposed by **S Quilty** and duly seconded was CARRIED:-

*“That the report of the Health Scrutiny Committee be received.”*

## **10. CHANGES TO THE OFFICER EMPLOYMENT PROCEDURE RULES**

**10.1** The following motion proposed by **R I N Gordon** and duly seconded was CARRIED:-

*“That Council agrees:-*

- (a) *The provisions set out in the Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment)*

*Regulations 2015 (“the amended Regulations”) be incorporated into Annex 14 of the County Council’s Constitution (Officer Employment Procedure Rules);*

- (b) *In accordance with the amended Regulations, a committee be established under Section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of the Council’s Head of Paid Service, Chief Finance Officer and Monitoring Officer, such Committee to be known as the Disciplinary (Statutory Officers) Panel (“the Panel”);*
- (c) *The membership of the Panel to comprise the smallest number of County Councillors which, together with 2 independent persons (as defined in the amended Regulations) who have accepted an invitation to be considered for appointment to the Panel issued in accordance with the amended Regulations will achieve a politically proportionate panel; such County Councillors to include the Members, at the relevant time, of the Employment Committee and additional Members appointed in accordance with the Constitution;*
- (d) *The Chief Legal Officer be authorised to issue invitations to relevant independent persons for consideration for appointment to the Panel and to appoint relevant independent persons to the Panel, provided that, where disciplinary action against the Chief Legal Officer will be the subject of consideration by the Panel, the invitation will be issued and any appointments made by one of the Assistant Chief Legal Officers;*
- (e) *The Chief Legal Officer be authorised to make any consequential amendments as may be necessary to the Constitution to give effect to the decisions at (a) to (d) above; and*
- (f) *The Chief Legal Officer be authorised to make any further amendments to the Constitution to ensure that it is compliant with the amended Regulations and any other Regulations relating to the appointment and dismissal of officers.”*

## **11. DESIGNATION OF CHIEF FINANCE OFFICER (S151 OFFICER)**

**11.1** The following motion proposed by **C M Hayward** and duly seconded was CARRIED:-

- “1. That Council designates Claire Cook, Assistant Director Finance (Resources and Performance) as Chief Finance Officer (s151 Officer) for the Council as from 1 September 2015.*
- 2. That, as from 1 September 2015, all delegations to the Deputy Chief Executive, as Chief Finance Officer (s151 Officer) be amended by the substitution of delegations in like form to the Assistant Director Finance (Resources and Performance).”*

**12. FIREFIGHTERS PENSION SCHEME – CREATION OF LOCAL PENSION BOARDS**

**12.1** The following motion proposed by **C M Hayward** and duly seconded was CARRIED:-

*“That Council agrees the following:-*

- a) the creation of a Local Pension Board for the Firefighters Pension Scheme, to be known as the Hertfordshire Fire Pension Board (“the Board”) with the Constitution set out in Appendix A to the report;*
- b) delegate to the Chief Finance Officer (Section 151 Officer), in consultation with the Executive Member for Resources and Performance and the Executive Member for Community Safety and Waste Management, authority to approve final job descriptions and to approve the appointment process for members of the Board; and*
- c) that the employer representatives on the Board, be nominated and appointed by the Chief Finance Officer (Section 151 Officer).”*

**13. APPOINTMENT TO THE INDEPENDENT PANEL ON MEMBERS’ ALLOWANCES**

**13.1** The following motion proposed by **R I N Gordon** and duly seconded was CARRIED:-

*“That Council endorses the actions of the Chief Legal Officer in appointing Sheena Garbutt JP to the Hertfordshire Independent Panel on Members Allowances.”*

**14. NOTICES OF MOTION – STANDING ORDER 9(6)**

**14.1** There were no notices of motions under Standing Order 9(6).

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**