

Agenda Reports & Other Papers

Presented to the
Meeting of the
County Council on
**Tuesday
21 March 2017**



HERTFORDSHIRE COUNTY COUNCIL

THE COUNTY COUNCIL

SUMMONS AND AGENDA

for the meeting to be held on Tuesday, 21 March 2017 at 10.00 a.m. in the Council Chamber, County Hall, Hertford.

GROUP MEETINGS

Conservative Group	9.00 am Tuesday, 21 March 2017 Council Chamber
Liberal Democrat Group	8.30 am Tuesday, 21 March 2017 Group Room
Labour Group	9.00 am Tuesday, 21 March 2017 Group Room

PRAYERS at 9.50 a.m.

Prayers led by County Councillor John Barfoot.

Members are reminded that all equalities implications and equalities impact assessments undertaken in relation to any matter on this agenda must be rigorously considered prior to any decision being reached on that matter.

PART I (PUBLIC) AGENDA

1. MINUTES

To confirm the Minutes of the Meeting of the Council held at 10.00am on 21 February 2017 (circulated separately).

2. CHAIRMAN'S ANNOUNCEMENTS

3. PUBLIC QUESTIONS - STANDING ORDER 8(10)

To deal with questions from any member of the public being resident in or a registered local government elector of Hertfordshire, to the Leader of the Council and Executive Members about the policies and /or strategic priorities of the Council or about any matter over which the Council has power or which directly affects the County.

4. PUBLIC PETITIONS - STANDING ORDER 15

The opportunity for any member of the public, being resident in Hertfordshire, to present a petition relating to a matter over which the County Council has control, containing 1,000 or more signatories who are either resident in or who work in Hertfordshire.

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Notification of intent to present a petition must have been given to the Chief Legal Officer at least 20 clear days before the meeting where an item relating to the subject matter of the petition does not appear in the agenda, or at least 5 clear days where the item is the subject of a report already on the agenda.

[Members of the public who are considering raising an issue of concern via a petition are advised to contact their local County Councillor <http://www.hertfordshire.gov.uk/your-council/>

The Council's arrangements for the receipt of petitions are set out in [Annex 22 - Petitions Scheme](#) of the Constitution].

If you have any queries about the petitions procedure for this meeting please contact Elaine Shell, Democratic Services Manager, by telephone on (01992) 555565 or by email to elaine.shell@hertfordshire.gov.uk

5. OFFICER REPORTS RELEVANT TO EXECUTIVE PORTFOLIOS

None.

6. EXECUTIVE REPORT TO COUNTY COUNCIL

Report of the Executive (attached).

7. QUESTIONS TO EXECUTIVE MEMBERS

To deal with questions from Members of the Council to the Leader of the Council and Executive Members.

8. REPORT FROM THE HEALTH SCRUTINY COMMITTEE

Report of the Chairman of the Health Scrutiny Committee (attached)

**9. HEALTH SCRUTINY COMMITTEE: WHOLE COMMITTEE
SCRUTINY OF HERTS VALLEYS CLINICAL COMMISSIONING
GROUP'S (HVCCG) DECISION ON THE CONTINUED FUNDING OF
CARE SERVICES FOR THE FINANCIAL YEAR 2017/18**

Report of the Director of Resources (attached)

10. PAY POLICY 2017/18

Report of the Director of Resources (attached)

11. GOVERNANCE: LOCAL GOVERNMENT PENSION SCHEME (LGPS) INVESTMENT POOLING INTER-AUTHORITY AGREEMENT

Report of the Director of Resources (attached)

12. CHANGES TO THE COUNTY COUNCIL'S CONSTITUTION

Report of the Chief Legal Officer (attached)

Note: This report will also be considered by the Cabinet at its meeting on 13 March 2017 and has been circulated to all Members of the County Council under separate cover. ***Please bring the report with you.***

13. CODE OF CONDUCT FOR MEMBERS

Report of the Chief Legal Officer (attached)

14. COUNTY COUNCIL CALL IN PROCEDURE

Report of the Chief Legal Officer (attached)

15. PROGRAMME OF MEETINGS SEPTEMBER 2017 – JULY 2018

Report of the Chief Legal Officer

16. NOTICES OF MOTION – STANDING ORDER 9 (6)

16A. S B A F H Giles-Medhurst to move (seconder: M Cowan):-

“This Council requests the Highways Cabinet Panel to review the current Highways contracts to ensure they are fit for purpose and to identify changes to improve the performance of the said contractors.”

16B. S B A F H Giles-Medhurst to move (seconder: M Cowan):-

“This Council requests the Highways Cabinet Panel to review the outcome of the changes to the fault reporting system and responses brought in last year that has elongated the time for repairing faults and to consider what effect these changes have had on service delivery, complaints and performance.”

16C. S B A F H Giles-Medhurst to move (seconded: M Cowan):-

“Whilst noting that the Enhanced Maintenance Programme brought for the current financial year was to also undertake a one-off clearance of gullies Council notes that many are still outstanding and thus requests that the Highways Cabinet panel undertakes a review of this process that has meant an 18 month cycle of gully cleaning and also to review if this is cost effective or adequate. As part of the review the Highways Cabinet Panel should review the inability of reported faults being shown on the fault reporting system.”



**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

Full copies of all reports may be found on the internet at

<https://cmis.hertfordshire.gov.uk/hertfordshire/CabinetandCommittees.aspx>

HERTFORDSHIRE COUNTY COUNCIL

MINUTES of the Meeting of the County Council held at County Hall, Hertford, on Tuesday, 21 February 2017

MEMBERS IN ATTENDANCE

D Andrews	R J Henry	I M Reay
D A Ashley	T C Heritage	L F Reeve
J R Barfoot	D J Hewitt	R M Roberts
D J Barnard	F R G Hill	P A Ruffles
R H Beeching	N A Hollinghurst	R Sangster
N Bell	T W Hone	D T F Scudder
J Billing	T Hunter	A M R Searing
M Bright	T R Hutchings	R H Smith
F Button (Chairman)	S L C Johnston	A Stevenson
L A Chesterman	A Joynes	S J Taylor
G R Churchard	A King	R A C Thake
C Clapper	D E Lloyd	R G Tindall
M J Cook	J Lloyd	A S B Walkington
M Cowan	P V Mason	M A Watkin
H K Crofton	G McAndrew	J A West
T L F Douris	R Mills	C J White
D S Drury	M B J Mills-Bishop	A D Williams
S B A F H Giles-Medhurst	M D M Muir	J D Williams
E M Gordon	R G Parker	C B Woodward
R I N Gordon	A Plancey	C B Wyatt-Lowe
D Hart	R G Prowse	W J Wyatt-Lowe
C M Hayward	S Quilty	P M Zukowskyj

Upon consideration of the agenda for the Meeting of the County Council held on 21 February 2017, as circulated, action was taken or decisions were reached as follows:-

1. MINUTES

- 1.1 The Minutes of the meeting of the Council held on 15 November 2016 were confirmed as a correct record and were signed by the Chairman.

**CHAIRMAN'S
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2. CHAIRMAN'S ANNOUNCEMENTS

(a) DEATH OF SERVING AND FORMER MEMBERS OF THE COUNTY COUNCIL – SHERMA BATSON AND JOHN ROSE

John Rose

The Chairman advised Members that Council had received the sad news that former County Councillor John Rose passed away recently. John, who represented Hoddesdon North, had been elected to the County Council in 1981 and served until 1997. During that time he had served on several of the Council's committees including the Finance and Resources Committee, the Police Committee, the Cultural and Recreational Facilities Committee, the Personnel and Support Services Committee, the Fire and Public Protection Committee and the Education Committee on which he also served as Vice-Chairman.

John was awarded an OBE in the New Year's Honours List 1996.

T R Hutchings and C J White spoke in tribute.

Sherma Batson

The Chairman advised Council that she had received the sad news that Sherma Batson passed away suddenly over the weekend of 7 January 2017. Sherma had been first elected to the County Council in 2001 as the Labour representative for the Chells division in Stevenage before switching to represent the town's Broadwater division in 2005, which she represented until 2009. She had been re-elected to represent Broadwater again in 2013. During her time as a county councillor she sat on a number of committees and panels, most recently serving on the Public Health, Localism and Libraries Cabinet Panel and as Labour Group lead on the Health Scrutiny Committee. Sherma also served on the Hertfordshire Police Authority and served for a number of years as a Stevenage Borough councillor where she had also served as a former Mayor of the town.

Sherma was awarded an MBE in the Queen's Birthday Honours in 2008 for services to local government and the community and had been appointed a Deputy Lieutenant for Hertfordshire the following year.

S J Taylor, R Parker, D E Lloyd, R M Roberts, M J Mills-Bishop and R J Henry spoke in tribute.

Council stood in memory of John Rose and Sherma Batson.

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(b) Recognising Hertfordshire

Council was informed that, since the last County Council meeting in November 2015, the Chairman and Vice-Chairman had attended many functions which recognised and celebrated the innovation and achievement of people and the wider community in Hertfordshire.

These functions included:

- the High Sheriff's Justice Service
- the Herts Awards Ceremony for our CHICS at Watford Colosseum
- carols by Candlelight in All Saints Church, Hertford in aid of the Alzheimers Society
- Hertfordshire's Fire and Rescue Service Carol Concert in Hertford
- Isabel Hospice Carol Concert at Haileybury College
- lighting a candle for Chanukah in Rickmansworth
- a very cold parade in Radlett, in recognition of Holocaust Memorial Day; and
- a reception at Northwood Command Centre
- meeting with HRH Prince Charles at his recent visit to Yavneh College
- Onslow St Audrey's School sixth form
- The High Sheriffs' Eastern Regional Meeting

The Chairman had also hosted events in County Hall, including:-

- several visits to our Archives and ITCC (Integrated Transport Control Centre) from District/Borough Councillors and Deputy Lieutenants; and
- a reception for Herts Music Services Forum Members:

3. PUBLIC QUESTIONS – STANDING ORDER 8(10)

3.1 There were no public questions.

4. PUBLIC PETITIONS – STANDING ORDER 15

4A. 4.1 There were no public petitions.

ORDER OF BUSINESS

At the invitation of the Chairman the Council agreed to vary the order of business and take the agenda item "Council Meeting February 2017

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– Executive Report” at this point in the meeting in the interests of the effective conduct of the business following.

(The Minutes of this item of business is set out below in original agenda order).

5. OFFICER REPORTS RELEVANT TO EXECUTIVE PORTFOLIOS

Note:

All Members of the Council in receipt of an allowance from the County Council, another local authority in Hertfordshire, or a body to whom they had been appointed by the County Council, who had applied, had received a dispensation to allow them to participate in and vote on the Integrated Plan and Member Allowances items (items 5A and 5B).

Specific dispensations granted to individual Members in respect of Disclosable Pecuniary Interests together with those who declared Declarable Interests under the County Council’s Code of Conduct for Members in Item 5A are set out below:-

Disclosable Pecuniary Interests

D A Ashley - as he receives an allowance from the Lee Valley Regional Park Authority; the dispensation referred to above concerning members who have been appointed to bodies by the County Council applies.

R I N Gordon - by virtue of his wife having a beneficial freehold interest in the premises of her former veterinary practice and contiguous land lying south of Tilekiln Farm, Standon Road, Little Hadham. He has been granted a dispensation by the Standards Committee to participate, debate and vote in business in which this Disclosable Pecuniary Interest is mentioned provided that the business to be considered does not directly affect his financial position or that of his wife; which, on this occasion, he judged that it did not.

R J Henry – by virtue his wife being employed by the Council. He has been granted a dispensation by the Standards Committee to participate, debate and vote in business in which this Disclosable Pecuniary Interest is mentioned provided that the business to be considered does not directly affect his financial position or that of his wife; which he considered it did not.

T R Hutchings - by virtue of his wife being employed by the Council. He has been granted a dispensation by the Standards Committee to

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participate, debate and vote in business in which this Disclosable Pecuniary Interest is mentioned provided that the business to be considered does not directly affect his financial position or that of his wife; which he considered it did not.

D E Lloyd - by virtue of his position as Police & Crime Commissioner for Hertfordshire. He has been granted a dispensation by the Standards Committee to participate, debate and vote in business in which this Disclosable Pecuniary Interest is mentioned provided that the business to be considered does not directly affects his financial position; which he considered it did not.

M B J Mills–Bishop – by virtue of his wife being employed as a teacher in Hertfordshire. He has been granted a dispensation by the Standards Committee to participate, debate and vote in business in which this Disclosable Pecuniary Interest is mentioned provided that the business to be considered does not directly affect his financial position or that of his wife; which he considered it did not.

M A Watkin – by virtue of his wife being employed as a part-time teacher in the music service in Hertfordshire. He has been granted a dispensation by the Standards Committee to participate, debate and vote in business in which this Disclosable Pecuniary Interest is mentioned provided that the business to be considered does not directly affect his financial position or that of his wife; which he considered it did not.

Declarable Interests

The following Members declared Declarable Interests under the County Council's Code of Conduct for Members:-

D Andrews – as he is one of the County Council's representatives on the Lea Valley Regional Park Authority.

D A Ashley – as he is Chairman of Hitchin Educational Foundation, a charity which derives part of its income from leasing a property to the County Council.

M Cowan – as he is one of the County Council's representatives on the Lea Valley Regional Park Authority.

R I N Gordon – as he is one of the County Council's substitute representatives on the Lea Valley Regional Park Authority.

T W Hone – as he is one of the County Council's substitute representatives on the Lea Valley Regional Park Authority.

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M B J Mills Bishop – as he is one of the County Council’s substitute representatives on the Lea Valley Regional Park Authority.

I M Reay – as he is a County Council appointee on the Chiltern’s Conservation Board which receives a grant from the Council; as an appointee he receives an allowance from the Board

D T F Scudder - as he is a Board Member of Watford Sheltered Workshop, many clients of which receive grants from the County Council.

A M R Searing – as he is a Member of Lee Valley Regional Park Authority and a Member of Herts Young Mariners Base.

R G Tindall – as he is a Trustee of Hertfordshire Domestic Abuse Helpline which receives a grant from the County Community Safety Unit

5A. INTEGRATED PLAN 2017/18 – 2019/20 (incorporating Strategic Direction and Financial Consequences and the Treasury Management Strategy)

5.1 The following motions were proposed by **C M Hayward** and duly seconded:-

5.1.1 “1. *That Council:-*

- (a) *recognises the extreme financial pressures on its Adult Care Services (and those nationwide) and concludes that it has no alternative but to accept the maximum Social Care Precept of 3% in 2017/18, and*
- (b) *asks the Executive Members for Resources & Performance and for Adult Care & Health Services to impress the seriousness of the position on the government, seeking sustainable future funding for the service funded fairly across a wider range of national and local tax revenues.”*

5.1.2 “2. *That Council:-*

- (a) *approves the changes to the Integrated Plan [Parts A to D] as set out in sections 2.13 and 4.2 of the report, including the transfer of £2.253 million additional revenue*

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funding to contingency in 2017/18 and the use of £3.577 million one-off funding for future capital financing; noting that amendments to the budget may be required once any outstanding grants have been announced by the Government; and

- (b) Agrees the Integrated Plan for 2017/18 - 2019/20 (as amended above) be adopted, and specifically that:*

In respect of all Parts:

- (i) The Director of Resources, in consultation with the Executive Member for Resources & Performance, be authorised to make any necessary transfer to/from reserves required as a result of the Final Local Government Finance Settlement, to achieve a balanced budget for 2017/18*
- (ii) the Director of Resources, in consultation with the Executive Member for Resources & Performance, be authorised to make any necessary amendments to ensure the final plan is in line with decisions taken by the County Council before publication;*

In respect of Parts A to D:

- (iii) a Revenue Budget of £816.974 million and a Council Tax Requirement of £543.639 million be agreed as per the updated Revenue Budget Statements included at Appendix 1 to 3 of the report.*
- (iv) a Band D Council Tax of £1,187.41 plus a Band D Social Care precept of £58.42 be agreed for the County Council in 2017/18, and that the amount of tax calculated for all bands be as follows*

Band	Band 'D' Multiplier	2016/17 Council Tax & Social Care Precept	General Expenditure 1.99% Increase	Adult Social Care Precept 3.00% Increase	2017/18 Council Tax & Social Care Precept
A	6/9	791.08	15.74	23.73	830.55
B	7/9	922.93	18.36	27.69	968.98
C	8/9	1,054.77	20.99	31.64	1,107.40
D	1	1,186.62	23.61	35.60	1,245.83
E	11/9	1,450.31	28.86	43.51	1,522.68
F	13/9	1,714.01	34.10	51.42	1,799.53
G	15/9	1,977.70	39.35	59.33	2,076.38
H	18/9	2,373.24	47.22	71.20	2,491.66

- (v) *the precept amount of £543,638,850.44 be required from the district and borough councils as follows:*

District	Precept Amount £
<i>Borough of Broxbourne</i>	<i>42,935,288.46</i>
<i>Dacorum Borough Council</i>	<i>70,283,997.78</i>
<i>East Hertfordshire District Council</i>	<i>73,097,829.42</i>
<i>Hertsmere Borough Council</i>	<i>49,957,783.00</i>
<i>North Hertfordshire District Council</i>	<i>60,608,009.92</i>
<i>St Albans District Council</i>	<i>76,209,912.76</i>
<i>Stevenage Borough Council</i>	<i>33,257,556.43</i>
<i>Three Rivers District Council</i>	<i>47,107,448.54</i>
<i>Watford Borough Council</i>	<i>39,943,926.04</i>
<i>Welwyn Hatfield Council</i>	<i>50,237,098.09</i>
TOTAL	543,638,850.44

- (vi) a capital programme be agreed and financed as set out below:

*{Replaces TABLE 4a: Capital Programme Expenditure
2017/18 to 2019/20 by portfolio – IP Page 14}*

	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000
<i>Adult Care & Health</i>	17,410	20,028	30,544	67,982
<i>Children's Services</i>	20,839	19,181	18,801	58,821
<i>Community Safety & Waste Management</i>	4,358	7,648	1,698	13,704
<i>Enterprise, Education & Skills</i>	53,177	39,378	37,315	129,870
<i>Environment, Planning & Transport</i>	39,119	23,350	11,450	73,919
<i>Highways</i>	70,938	98,537	71,279	240,754
<i>Public Health, Localism & Libraries</i>	2,304	2,719	1,896	6,919
<i>Resources & Performance</i>	14,713	4,701	4,132	23,546
Total	222,858	215,542	177,115	615,515

*Replaces TABLE 4b: Financing of the Capital
Programme 2017/18 to 2019/20 - IP Page 15*

	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000
<i>Borrowing</i>	75,448	71,463	61,216	208,127
<i>Capital Receipts</i>	10,000	10,000	10,000	30,000
<i>Grant</i>	98,537	74,219	60,555	233,311
<i>Contributions</i>	36,037	58,860	43,594	138,491
<i>Reserves</i>	2,836	1,000	1,750	5,586
Total	222,858	215,542	177,115	615,515

- (vii) *the Director of Resources, in consultation with the Executive Member for Resources & Performance and the Executive Members for the relevant service, be authorised to vary the capital programme during the year to include additional schemes that are wholly funded by grants or third party contributions and to vary existing schemes to match any changes in funding from grants or third party contributions;*

- (viii) *the Director of Resources in consultation with the Executive Members for Resources & Performance and Highways and the Chief Executive and Director of Environment, be authorised to approve schemes to be met from the Highways Productivity Grant in 2017/18;*
- (ix) *that the repayment of advances of £10 million made under the Local Authority Mortgage Scheme during 2017/18 be set aside as a reserve for funding investment in the proposed Property Company or other Invest to Transform initiatives to enable future savings or revenue streams, as outlined in part F section 2.3;*
- (x) *that one off savings from the introduction of the revised policy for Minimum Revenue Provision (part D section 2.10b), estimated as £6.3 million in 2017/18, be set aside as a reserve to support capital financing and investment as outlined in part F section 2.3;*
- (xi) *the schools budget be agreed at the level of the Dedicated Schools Grant (DSG) plus use of carry forward DSG (this is currently estimated at £919 million less deductions in respect of academies and post 16 high needs places), and that the Director of Resources in consultation with the Director of Children's Services, the relevant Executive Members and the Schools Forum, be authorised to amend the schools budget to match any changes to the Dedicated Schools Grant and the planned approach to balancing the schools budget in future years of the Plan;*
- (xii) *the Director of Resources in consultation with the Executive Member for Resources & Performance, the Executive Member for Children's Services and the Director of Children's Services be authorised to determine the allocation of budget from the £0.564 million balance of Special Education Needs Implementation grant in 2017/18;*
- (xiii) *the Director of Resources, in consultation with the Executive Member for Resources & Performance, the Executive Member for Children's Services and the Director of Children's Services, be authorised to determine the allocation of budget from the £0.842 million School Improvement Monitoring and Brokering Grant in 2017/18;*

- (xiv) *the Chief Executive, in consultation with the Leader of the Council, be authorised to issue the Council Tax Information in accordance with demand notice regulations;*
- (xv) *that, in the light of the requirement for further savings in future years, Chief Officers be asked to work with Executive Members and their Cabinet Panels to develop options at the earliest possible opportunity for the delivery of substantial additional savings;*

In respect of Part D:

- (xvi) *the revised Minimum Revenue Provision policy and capital expenditure prudential indicators be approved (IP Part D, Section 2); and*
- (xvii) *the Treasury Management Strategy, including the Borrowing, Lending and Financial Derivative policies, the introduction of the new financial instruments and the treasury management prudential indicators be approved (IP Part D, Sections 4-8)."*

5.2 The following amendment was proposed by **L F Reeve** and duly seconded:-

"That Council agrees the following-

Proposed Revenue Support for Services at Risk of Cuts

<i>Funding Sources</i>	<i>Total Funding Available £'000</i>	<i>Amount Required 17/18 £000s & source</i>	<i>Service to be Supported</i>	<i>2017/18 £000s</i>	<i>2018/19 £000s</i>	<i>2019/20 £000s</i>	<i>Combined Year Totals £000s</i>
<i>*Additional Backdated Provision For Existing Debt Revenue £19m Revenue</i>			<i>Adult Care</i>				
		700	<i>HES 20</i>	700	700	700	2,100
			<i>Child Serv</i>				
		280	<i>SSS02</i>	280	280	280	840
		300	<i>SSS06</i>	300	300	300	900
		450	<i>SSS07</i>	450	450	450	1,350
	19,000						

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CHAIRMAN'S INITIALS

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<i>Additional Core Funding £1.982 Revenue</i>			<i>CS&WM</i>				
		125	<i>CP02</i>	125	125	125	375
	1,982						
<i>Council Tax Collection Fund Balance from Previous Years £3.577m Revenue</i>			<i>EE & Skills</i>				
		237	<i>EE114</i>	237	237	237	711
		374	<i>EE122</i>	374	374	374	1,122
	3,577	100	<i>Identified Rev Surplus</i>	100	100	100	300
<i>School Improve Monitoring and Brokering Grant £0.842 Revenue</i>			<i>E P & T</i>				
		390	<i>ENV05</i>	390	390	390	1,170
		100	<i>ENV119</i>	100	100	100	300
		1,500	<i>Statutory Bus Service Restoratio n</i>	1,500	1,500	1,500	4,500
	842 Not used						
			<i>Highways</i>				
<i>SEN Implementati on Grant £0.835 Revenue</i>		500	<i>Cycle ways</i>	500	500	500	1,500
			<i>PHL&L</i>				
	835 Not used	500	<i>RES 17</i>	500	500	500	1,500
			<i>R&P</i>				
		56	<i>04Res</i>	56	87	87	230
<i>Totals</i>	26,236						
<i>Without SEN and school improvement</i>	24,559	5,612		5,612	5,643	5,643	16,998

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Proposed Capital Funding for Capital Projects

Funding Source	Amount Required 17/18 £000s &Source	Project to be Funded	17/18	18/19	19/20	Combined Year Totals £000s
Invest to Transform	7,500	Flood Defence	2,500	2,500	2,500	7,500
Totals			2,500	2,500	2,500	7,500

5.3 The following amendment was proposed by **P M Zukowskyj** and duly seconded:-

“Amend the revenue budget as follows:

<i>Additional expenditure:</i>		<i>£000</i>
<i>Modification Description</i>		
<i>RS1</i>	<i>Increase Member Highway Locality Budget to £100k per member, including cost of a scheme for member discretionary reversal of Part-Night Lighting officers will be instructed to design</i>	<i>780</i>
<i>RS2</i>	<i>Provide support for non-commercially viable but socially required bus routes and increase promotion of bus use across Hertfordshire</i>	<i>2,000</i>
<i>RS3</i>	<i>Extend the saver card for young people for an additional age year, including publicity for this</i>	<i>350</i>
<i>RS4</i>	<i>Revenue costs of flood relief investment programme (CS1)</i>	<i>200</i>
<i>RS5</i>	<i>Restore Voluntary Sector</i>	<i>1,000</i>

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	<i>Support</i>	
<i>RS6</i>	<i>School Uniform Subsidy for low income/FSM recipients</i>	<i>200</i>
<i>RS7</i>	<i>Revenue costs of additional Highways Maintenance programme (CS2)</i>	<i>500</i>
<i>RS8</i>	<i>Increase gulley checks and cleansing, on an asset management basis, to include at least an annual check of every gulley</i>	<i>500</i>
<i>Total</i>		<i>£5,530</i>

<i>Funded from:</i>		<i>£000</i>
<i>Saving Description</i>		
<i>RI1</i>	<i>Partial redirection of saving from changed asset depreciation system</i>	<i>2,685</i>
<i>RI2</i>	<i>Reduction in corporate publications, publicity and staff including cutting 'Horizons', replacing with bought space in lower tier local council publications</i>	<i>500</i>
<i>RI3</i>	<i>Reduce energy cost for lighting streets through dimming on Trunk A and B roads where there are no pedestrian requirements.</i>	<i>250</i>
<i>RI4</i>	<i>Reduction in security costs for empty and unused buildings and facilities, alongside more effective use of HCC building stock</i>	<i>150</i>
<i>RI5</i>	<i>Council tax base increase</i>	<i>1,945</i>
<i>Total</i>		<i>£5,530</i>

**CHAIRMAN'S
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Amend the capital budget as follows:

<i>Additional expenditure:</i>		£000
<i>Modification Description</i>		
CS1	<i>New Flood Relief Investment Programme – addressing failed and inadequate surface water flood management infrastructure, properly addressing our obligations as Lead Flood Authority (RS4)</i>	2,000
CS2	<i>Increase Highways investment and repairs to provide appropriate infrastructure for continued economic development. Programme should include enhanced spending on footways and improved cycle way maintenance, alongside highway repairs. Programme also includes one off policy development costs of increase of HLB to £100,000 per member and Part-Night Lighting changes (RS1).</i>	5,192
<i>Total</i>		£7,192

<i>Funded From:</i>		£000
<i>Saving Description</i>		
CI1	Reorganisation of borrowing depreciation	3,615
CI2	2015/16 Council Tax Collection Surplus	3,577
<i>Total</i>		£7,192

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5.4 The motion at 5.1.1 was then voted upon and CARRIED UNANIMOUSLY as follows:-

"1. That Council:-

(a) recognises the extreme financial pressures on its Adult Care Services (and those nationwide) and concludes that it has no alternative but to accept the maximum Social Care Precept of 3% in 2017/18, and

(b) asks the Executive Members for Resources & Performance and for Adult Care & Health Services to impress the seriousness of the position on the government, seeking sustainable future funding for the service funded fairly across a wider range of national and local tax revenues."

The recorded votes being:-

Those in favour of the motion (66) :-

D Andrews	R J Henry	I M Reay
D A Ashley	T C Heritage	L F Reeve
J R Barfoot	D J Hewitt	R M Roberts
D J Barnard	F R G Hill	P A Ruffles
R H Beeching	N A Hollinghurst	R Sangster
N Bell	T W Hone	D T F Scudder
J Billing	T Hunter	A M R Searing
M Bright	T R Hutchings	R H Smith
F Button (Chairman)	S L C Johnston	A Stevenson
L A Chesterman	A Joynes	S J Taylor
G R Churchard	A King	R A C Thake
C Clapper	D E Lloyd	R G Tindall
M J Cook	J Lloyd	A S B Walkington
M Cowan	P V Mason	M A Watkin
H K Crofton	G McAndrew	J A West
T L F Douris	R Mills	C J White
D S Drury	M B J Mills-Bishop	A D Williams
S B A F H Giles-Medhurst	M D M Muir	J D Williams
E M Gordon	R G Parker	C B Woodward
R I N Gordon	A Plancey	C B Wyatt-Lowe
D Hart	R G Prowse	W J Wyatt-Lowe
C M Hayward	S Quilty	P M Zukowskyj

5.5 The amendment at 5.2 was then voted upon and LOST, the recorded vote being:-

Those in favour of the amendment (25):-

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	A King	R G Tindall
M J Cook	J Lloyd	A S B Walkington
M Cowan	R Mills	M A Watkin
D S Drury	R G Parker	C J White
S B A F H Giles-Medhurst	R G Prowse	P M Zukowskyj
E M Gordon		

Those against the amendment (40):-

D Andrews	F R G Hill	R M Roberts
D A Ashley	T W Hone	P A Ruffles
J R Barfoot	T Hunter	R Sangster
D J Barnard	T R Hutchings	A M R Searing
R H Beeching	S L C Johnston	R H Smith
M Bright	D E Lloyd	A Stevenson
C Clapper	P V Mason	R A C Thake
H K Crofton	G McAndrew	J A West
T L F Douris	M B J Mills-Bishop	A D Williams
R I N Gordon	M D M Muir	J D Williams
D Hart	A Plancey	C B Woodward
C M Hayward	S Quilty	C B Wyatt-Lowe
T C Heritage	I M Reay	W J Wyatt-Lowe
D J Hewitt		

Those abstaining (1):-

F Button

5.6 The amendment at 5.3 was then voted upon and LOST, the recorded vote being:-

Those in favour of the amendment

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	A King	R G Tindall

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M J Cook
M Cowan
D S Drury
S B A F H Giles-Medhurst
E M Gordon

J Lloyd
R Mills
R G Parker
R G Prowse

A S B Walkington
M A Watkin
C J White
P M Zukowskyj

Those against the amendment (40):-

D Andrews
D A Ashley
J R Barfoot
D J Barnard
R H Beeching
M Bright
C Clapper
H K Crofton
T L F Douris
R I N Gordon
D Hart
C M Hayward
T C Heritage
D J Hewitt

F R G Hill
T W Hone
T Hunter
T R Hutchings
S L C Johnston
D E Lloyd
P V Mason
G McAndrew
M B J Mills-Bishop
M D M Muir
A Plancey
S Quilty
I M Reay

R M Roberts
P A Ruffles
R Sangster
A M R Searing
R H Smith
A Stevenson
R A C Thake
J A West
A D Williams
J D Williams
C B Woodward
C B Wyatt-Lowe
W J Wyatt-Lowe

Those abstaining (1):-

F Button

- 5.7** The substantive motion at 5.1.2 was then voted upon and CARRIED as follows:-

"2. That Council:-

- (a) *approves the changes to the Integrated Plan [Parts A to D] as set out in sections 2.13 and 4.2 of the report, including the transfer of £2.253 million additional revenue funding to contingency in 2017/18 and the use of £3.577 million one-off funding for future capital financing; noting that amendments to the budget may be required once any outstanding grants have been announced by the Government; and*
- (b) *Agrees the Integrated Plan for 2017/18 - 2019/20 (as amended above) be adopted, and specifically that:*

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In respect of all Parts:

- (i) *The Director of Resources, in consultation with the Executive Member for Resources & Performance, be authorised to make any necessary transfer to/from reserves required as a result of the Final Local Government Finance Settlement, to achieve a balanced budget for 2017/18*
- (ii) *the Director of Resources, in consultation with the Executive Member for Resources & Performance, be authorised to make any necessary amendments to ensure the final plan is in line with decisions taken by the County Council before publication;*

In respect of Parts A to D:

- (iii) *a Revenue Budget of £816.974 million and a Council Tax Requirement of £543.639 million be agreed as per the updated Revenue Budget Statements included at Appendix 1 to 3 of the report.*
- (iv) *a Band D Council Tax of £1,187.41 plus a Band D Social Care precept of £58.42 be agreed for the County Council in 2017/18, and that the amount of tax calculated for all bands be as follows*

Band	Band 'D' Multiplier	2016/17 Council Tax & Social Care Precept	General Expenditure 1.99% Increase	Adult Social Care Precept 3.00% Increase	2017/18 Council Tax & Social Care Precept
A	6/9	791.08	15.74	23.73	830.55
B	7/9	922.93	18.36	27.69	968.98
C	8/9	1,054.77	20.99	31.64	1,107.40
D	1	1,186.62	23.61	35.60	1,245.83
E	11/9	1,450.31	28.86	43.51	1,522.68
F	13/9	1,714.01	34.10	51.42	1,799.53
G	15/9	1,977.70	39.35	59.33	2,076.38
H	18/9	2,373.24	47.22	71.20	2,491.66

- (v) *the precept amount of £543,638,850.44 be required from the district and borough councils as follows:*

District	Precept Amount £
<i>Borough of Broxbourne</i>	42,935,288.46
<i>Dacorum Borough Council</i>	70,283,997.78
<i>East Hertfordshire District Council</i>	73,097,829.42
<i>Hertsmere Borough Council</i>	49,957,783.00
<i>North Hertfordshire District Council</i>	60,608,009.92
<i>St Albans District Council</i>	76,209,912.76
<i>Stevenage Borough Council</i>	33,257,556.43
<i>Three Rivers District Council</i>	47,107,448.54
<i>Watford Borough Council</i>	39,943,926.04
<i>Welwyn Hatfield Council</i>	50,237,098.09
TOTAL	543,638,850.44

- (vi) a capital programme be agreed and financed as set out below:

*{Replaces TABLE 4a: Capital Programme Expenditure
2017/18 to 2019/20 by portfolio – IP Page 14}*

	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000
<i>Adult Care & Health</i>	17,410	20,028	30,544	67,982
<i>Children's Services</i>	20,839	19,181	18,801	58,821
<i>Community Safety & Waste Management</i>	4,358	7,648	1,698	13,704
<i>Enterprise, Education & Skills</i>	53,177	39,378	37,315	129,870
<i>Environment, Planning & Transport</i>	39,119	23,350	11,450	73,919
<i>Highways</i>	70,938	98,537	71,279	240,754
<i>Public Health, Localism & Libraries</i>	2,304	2,719	1,896	6,919
<i>Resources & Performance</i>	14,713	4,701	4,132	23,546
<i>Total</i>	222,858	215,542	177,115	615,515

Replaces TABLE 4b: Financing of the Capital Programme 2017/18 to 2019/20 - IP Page 15

	2017/18	2018/19	2019/20	Total
	£'000	£'000	£'000	£'000
Borrowing	75,448	71,463	61,216	208,127
Capital Receipts	10,000	10,000	10,000	30,000
Grant	98,537	74,219	60,555	233,311
Contributions	36,037	58,860	43,594	138,491
Reserves	2,836	1,000	1,750	5,586
Total	222,858	215,542	177,115	615,515

- (vii) *the Director of Resources, in consultation with the Executive Member for Resources & Performance and the Executive Members for the relevant service, be authorised to vary the capital programme during the year to include additional schemes that are wholly funded by grants or third party contributions and to vary existing schemes to match any changes in funding from grants or third party contributions;*
- (viii) *the Director of Resources in consultation with the Executive Members for Resources & Performance and Highways and the Chief Executive and Director of Environment, be authorised to approve schemes to be met from the Highways Productivity Grant in 2017/18;*
- (ix) *that the repayment of advances of £10 million made under the Local Authority Mortgage Scheme during 2017/18 be set aside as a reserve for funding investment in the proposed Property Company or other Invest to Transform initiatives to enable future savings or revenue streams, as outlined in part F section 2.3;*
- (x) *that one off savings from the introduction of the revised policy for Minimum Revenue Provision (part D section 2.10b), estimated as £6.3 million in 2017/18, be set aside as a reserve to support capital financing and investment as outlined in part F section 2.3;*
- (xi) *the schools budget be agreed at the level of the Dedicated Schools Grant (DSG) plus use of carry forward DSG (this is currently estimated at £919 million less deductions in respect of academies and post 16 high*

- needs places), and that the Director of Resources in consultation with the Director of Children's Services, the relevant Executive Members and the Schools Forum, be authorised to amend the schools budget to match any changes to the Dedicated Schools Grant and the planned approach to balancing the schools budget in future years of the Plan;*
- (xii) the Director of Resources in consultation with the Executive Member for Resources & Performance, the Executive Member for Children's Services and the Director of Children's Services be authorised to determine the allocation of budget from the £0.564 million balance of Special Education Needs Implementation grant in 2017/18;*
 - (xiii) the Director of Resources, in consultation with the Executive Member for Resources & Performance, the Executive Member for Children's Services and the Director of Children's Services, be authorised to determine the allocation of budget from the £0.842 million School Improvement Monitoring and Brokering Grant in 2017/18;*
 - (xiv) the Chief Executive, in consultation with the Leader of the Council, be authorised to issue the Council Tax Information in accordance with demand notice regulations;*
 - (xv) that, in the light of the requirement for further savings in future years, Chief Officers be asked to work with Executive Members and their Cabinet Panels to develop options at the earliest possible opportunity for the delivery of substantial additional savings;*

In respect of Part D:

- (xvi) the revised Minimum Revenue Provision policy and capital expenditure prudential indicators be approved (IP Part D, Section 2); and*
- (xvii) the Treasury Management Strategy, including the Borrowing, Lending and Financial Derivative policies, the introduction of the new financial instruments and the treasury management prudential indicators be approved (IP Part D, Sections 4-8)."*

The recorded votes being as follows:

Those in favour of the motion (40) :-

D Andrews	F R G Hill	R M Roberts
D A Ashley	T W Hone	P A Ruffles
J R Barfoot	T Hunter	R Sangster
D J Barnard	T R Hutchings	A M R Searing
R H Beeching	S L C Johnston	R H Smith
M Bright	D E Lloyd	A Stevenson
C Clapper	P V Mason	R A C Thake
H K Crofton	G McAndrew	J A West
T L F Douris	M B J Mills-Bishop	A D Williams
R I N Gordon	M D M Muir	J D Williams
D Hart	A Plancey	C B Woodward
C M Hayward	S Quilty	C B Wyatt-Lowe
T C Heritage	I M Reay	W J Wyatt-Lowe
D J Hewitt		

Those against the motion (25) :-

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	A King	R G Tindall
M J Cook	J Lloyd	A S B Walkington
M Cowan	R Mills	M A Watkin
D S Drury	R G Parker	C J White
S B A F H Giles-Medhurst	R G Prowse	P M Zukowskyj
E M Gordon		

Those abstaining (1):-

F Button

5B. MEMBERS' ALLOWANCES 2017/18 – Report of the Independent Panel on Members' Allowances

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

“(1.) That the Council approves a Scheme for Members’ Allowances for 2017/18 which adopts all the recommendations of the Independent Allowances Panel.

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- (2.) *That the Chief Legal Officer be authorised to make a Scheme in accordance with (1.) above to commence on 1 April 2017."*

5C. COUNTY COUNCIL CORPORATE PLAN 2017 - 2021

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

"That Council:-

- 1. approves the draft Corporate Plan 2017 – 2021;*
- 2. authorises the Chief Executive and Director of Environment, in consultation with the Leader and Deputy Leader of the Council, to make any minor changes as necessary; and*
- 3. agrees that the County Council's new Administration, following the local government elections in May 2017, be invited to endorse the new Corporate Plan at a future County Council meeting, should it wish to do so."*

5D. SCHOOL ADMISSION ARRANGEMENTS FOR 2018/19

- 5.10** The following motion proposed by **J D Williams** and duly seconded was CARRIED:-

"That

- (i) admission arrangements for primary and secondary schools, attached at Appendix A to the report, be agreed;*
- (ii) the published admission number at St. Paul's Walden Primary School is decreased to 15; and that*
- (iii) the published admission number at Ponsbourne St Mary's Primary School is increased to 13."*

6. THE EXECUTIVE REPORT

- 6.1** There was no Executive Report.

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].

Executive Member	Questioner	Subject
Leader of the Council	C J White	Action taken by the Leader of the Council to secure improved funding (from central government) for adult care services and other services in Hertfordshire ¹
	L F Reeve	Council's position on unaccompanied refugee children in Hertfordshire ¹
	J Billing	Ensuring that Local Members noted on Cabinet Panel reports have been appropriately consulted with on the subject matter of the report
Public Health, Localism & Libraries	R G Tindall	Update on funding cuts on local community pharmacists ¹
	R Mills	Public Health funding cuts and availability of information regarding future service re-design to deliver against reducing budgets
Resources & Performance*	P M Zukowskyj	Action taken to ensure planning developers provide appropriate funding for infrastructure arrangements required as a result of their developments, particularly with regard to schools and school place provision. ¹
	L F Reeve	Progress and future focus of the County Council's property development company, specifically any role it might have in assisting in providing social rented housing ¹

Adult Care & Health	A S B Walkington	Sustainability Transformation Plan for Hertfordshire; whether there are any planned cuts to A&E services and the consequential impact on adult care service provision
	E M Gordon	Effective performance and timing of the implementation of the joint County Council and District Councils Shared Home Improvement Agency Scheme ¹
Children's Services	M A Watkin	Circulation of a detailed briefing paper on unaccompanied refugee children coming into Hertfordshire to members of the Children's Services Cabinet Panel
	N Bell	Consultation and engagement on future Children Centres providers [current contract expires in April 2018] ¹
	T L F Douris	Visit from the Chief Social Worker for young people in England (Isabelle Trowler) and her comments on the children's services the Council provides
Community Safety & Waste Management	N A Hollinghurst	Number and operating hours of Household Waste Recycling Centres in the County; and plans for the modernisation and improvement of these facilities ¹
	R J Henry	Renegotiation of Household Waste Recycling Centre contracts and issues regarding the Household Waste Recycling Centre in his division ¹
	M J Mills-Bishop	Fly-tipping in the County and the responsibility of the public in this regard
	M Cowan	Recent decision of Welwyn Hatfield Borough Council to charge for the collection of brown bins but not collect food waste; and the timing of the review for the Alternative Financial Model ¹
Enterprise, Education & Skills	M A Watkin	Time taken for the finalisation of Education and Health Care

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		Plans ²
	J Billing	Plans to address the issue of teacher shortages in Hertfordshire schools ¹
Environment, Planning & Transport	C J White	Whether a visit from the Secretary of State to hear from the public their concerns about the train services operated by Govia is appropriate ¹
	L F Reeve	What plans are in place to provide satisfactory transport routes (rail and road) east to west across the County ¹
	I M Reay	Clause 21 of the Bus Services Bill which prohibits local authorities from establishing a company for the purposes of providing bus services for its local residents
	L F Reeve	Update on the development of Luton and Stansted Airports and the consequences for Hertfordshire residents
Highways	S B A F H Giles-Medhurst	County Council's budget cuts over the past six years for highways services ¹²
	L F Reeve	Current and developing technology relating to LED street lighting and potential that provides for reviewing Council's street lighting policy ¹
	J West	Positive speed of response from Ringway in relation to a highways problem in her division

* 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.

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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"

9. REPORT OF THE HEALTH SCRUTINY COMMITTEE

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

"That the report of the Health Scrutiny Committee be received."

10. HEALTH SCRUTINY COMMITTEE: WHOLE COMMITTEE SCRUTINY OF HERTS VALLEYS CLINICAL COMMISSIONING GROUP'S WITHDRAWAL OF FUNDING FOR CARE AND THE IMPACT ON HEALTH PROVISION IN WEST HERTFORDSHIRE

- 10.1** **S Quilty**, Chairman of the Health Scrutiny Committee, advised Council that a letter had been received from Herts Valley's Clinical Commissioning Group (HVCCG's) late on 20 February 2017 that the CCG had rescinded its decision to withdraw £8.5m of funding to the County Council for care with the intention of its Investment Committee re-considering that decision at a meeting on 2 March 2017. As such, the motion set out on the Council's Order of Business sheet was not moved. [The letter received by the County Council from HVCCG was tabled and can be viewed here

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/512/Committee/4/Default.aspx>].

- 10.2** In accordance with Standing Order 9 (5) the Chairman advised that, with the agreement of the Leaders of all of the political groups on the Council, she determined that the substance of a new motion (set out at 10.3 below) was of such significance and topicality that the motion should be debated without notice having been given in accordance with Standing Orders 9 (3) and (4).

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

“That Council:

- (1) Having noted the recommendation of the Special Meeting of Health Scrutiny Committee held on 8 February 2017;*
- (2) Having further noted the position as set out in the letter from Mr C Ward dated 20 February 2017 that the decision of the Herts Valleys Clinical Commissioning Group (“HVCCG”) Investment Committee (“the Investment Committee”) of 1 December 2016 has been rescinded, and that the Investment Committee is to meet on 2 March 2017 to consider continued funding for care services for the financial year 2017/18 (“the Decision”);*
- (3) Requests Health Scrutiny Committee to convene a Special Meeting as soon as reasonably practicable after 2 March 2017 to consider the Decision and requires the Accountable Officer of HVCCG and relevant officers from the HVCCG attend the Special Meeting;*
- (4) Considers a recommendation from the Health Scrutiny Committee at the Council’s meeting on 21 March 2017 on whether Council should report to the Secretary of State in accordance with its powers under the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (“the Regulations”);*
- (5) Authorises the Chief Legal Officer to notify HVCCG, in accordance with the Regulations, that the Council proposes to decide whether to exercise its power to report to the Secretary of State at its meeting on 21 March 2017.”*

11. APPOINTMENT OF AUDITORS 2018/19 AND BEYOND

11.1 The following motion proposed by **A Williams** and duly seconded was CARRIED:-

“That Council:

- (a) accepts Public Sector Audit Appointments Limited’s invitation to ‘opt in’ to the sector led option for the appointment of external auditors for five financial years commencing on 1 April 2018; and*
- (b) authorises the Director of Resources to sign the notice of acceptance of the invitation referred to in (a) above.”*

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12. COUNCIL MEETING FEBRUARY 2017 – EXECUTIVE REPORT

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

“That Council agrees to vary the standing orders for the Council meeting on 21 February 2017 so as to defer the presentation of the Executive Report that would otherwise have been presented to that meeting to the meeting of the Council on 21 March 2017.”

13. RETURNING OFFICER AND DEPUTY RETURNING OFFICERS – INDEMNITY

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

“That the Council:

- (a) Notes that Council agreed to grant an indemnity to the Chief Legal Officer for any personal liability arising from her appointment by the Council as Returning Officer for the County Council elections in 2013 and thereafter and that that indemnity is on going;*
- (b) Agrees to fully, promptly and effectively indemnify and keep indemnified Deputy Returning Officers appointed to act on each County Council election from and against all liabilities, losses, actions, proceedings, damages, costs, claims, demands and expenses brought or made against or suffered or incurred by the Deputy Returning Officers directly or indirectly arising out of or in connection with undertaking the role of Deputy Returning Officer in consequence of conducting the County Council election in May 2017 and any subsequent election to the County Council;*
- (c) The indemnity referred to in (b) above will not extend to loss caused by or arising from:-*
 - i) any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the Deputy Returning Officer;*
 - ii) any act or omission of the Deputy Returning Officer otherwise than in the capacity as Deputy Returning Officer; and*
 - iii) insofar as any of the matters mentioned in (b) above are covered by insurance;*

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- (d) *Agrees that this indemnity will cover where the act or failure to act was outside the powers of the authority, or outside the powers of the Deputy Returning Officer, where the Deputy Returning Officer reasonably believed that the act or failure to act was within the powers of the authority and within the powers of the Deputy Returning Officer at the time that they acted or failed to act, as the case may be;*
- (e) *Agrees that this indemnity will not seek to recover from the Deputy Returning Officer any loss which it has suffered as a consequence of any act or omission by them in their capacity as Deputy Returning Officers, subject to the exceptions in (c) above and (f) below; and*
- (f) *Agrees that this indemnity may not apply if the Deputy Returning Officer, without the express permission of Hertfordshire County Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this indemnity.”*

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**

CHAIRMAN_____

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EXECUTIVE REPORT TO COUNTY COUNCIL

LEADER OF THE COUNCIL

This report is made by the Leader of the Council and, together with separate reports from each member of Cabinet, comprises the report under Standing Order 7.

1. Cabinet decisions since the last meeting of County Council

- 1.1 There will have been four Cabinet meetings (12 December 2016, 23 January 2017, 20 February 2017 and 13 March 2017) since the last Executive Report to County Council on 15 November 2016. The only items of business specifically attributed to me were:-

- County Council Corporate Plan 2017-2021
- Changes to the County Council's Constitution

2. Executive key decisions made under special urgency provisions

- 2.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require the Leader of the Council to report to Council any executive key decisions taken in circumstances of special urgency, under the provisions of Regulation 11, with the agreement of the Chairman of the Overview and Scrutiny Committee.

- 2.2 One such decision was taken as follows:-

- Additional salting routes to those identified subsequent to the agreement of the Highways Winter Service Operational Plan 2016/17

- 2.3 The Key Decision Record is on the Council's website and can be viewed here:-
<https://cmis.hertfordshire.gov.uk/hertfordshire/ForwardPlanofKeyDecisions/tabid/68/FolderID/15/Key-Officer-Decision-Records-2016.aspx>

3. Committee of the Regions

- 3.1 I have participated in Plenary and Commission meetings of the Committee of the Regions. No matters particularly relevant to Hertfordshire have arisen but an e-newsletter on recent activities is available at:
<http://cor.europa.eu/en/news/Pages/enewsletter.aspx>

4. Devolution : Local Collaboration

- 4.1 I continue to be involved in a number of conversations which seek to identify the best way forward for Hertfordshire particularly with the lack of clarity at national level regarding formal devolution on two-tier, shire areas. Nonetheless, there seems to be sustained local interest in working better together.
- 4.2 As part of this work, I chaired a meeting of the Public Sector Leaders' Steering Group which took place on Tuesday 17 January. Membership of this group includes representatives from the Hertfordshire Leaders' Group, Hertfordshire Local Enterprise Partnership (LEP), the Police and Crime Commissioner, Hertfordshire Partnership Foundation Trust, Herts Valleys Clinical Commissioning Group and myself. Discussion took place regarding the Hertfordshire Narrative and Action Plan and, in conjunction with this, presentations were given regarding the Sustainability and Transformation Plan (STP), the economy (including an update on the Apprenticeship Levy) and Integration of Offender Management. Further discussion took place regarding the forthcoming Hertfordshire Public Sector Leaders' Partnership event scheduled to take place on Thursday 23 March 2017.

5. Special Meeting of the Employment Committee

- 5.1 On Monday 6 February I chaired a special meeting of the Employment Committee to appoint an Acting Director of Community Protection. Following an assessment process, Darryl Keen was appointed to this post, effective from 1 April 2017. This role will also include taking on the responsibility of Acting Chief Fire Officer.

6. Local / Internal events

- 6.1 On Thursday 17 November 2016, I addressed the Leadership Forum, comprising of senior managers from across the organisation giving an overview of the key issues facing the Council and local government generally with particular emphasis on demand management initiatives.
- 6.2 On Thursday 1 December I gave a talk and took part in a Q&A session at a senior staff political management training session to help them better understand the interrelation of their roles and those of elected members.
- 6.3 On Thursday 12 January the Chief Executive and I attended a meeting with the Leaders of Essex County Council and East Herts District Council, along with others regarding Gilston Garden Town proposal and associated issues.
- 6.4 On Thursday 16 February the Chief Executive and I met with Simon Edwards, Director of the County Councils Network (CCN) for an update on issues relating specifically to the County Council sector.
- 6.5 On Wednesday 22 February I attended the Public Health Conference which took place at the Hertfordshire Development Centre in Stevenage.

7. Hertfordshire Forward

- 7.1 I chaired a meeting of the Hertfordshire Forward Strategy Group on Tuesday 17 January. The key items for discussion involved hearing from the Local Enterprise Partnership (LEP) regarding Growth Deal 3 and talking about the Public Health Prevention agenda, along with the usual strategic updates.
- 7.2 The Hertfordshire Forward Assembly took place on Tuesday 28 February and was chaired by the Deputy Leader in my absence. The key items for discussion were the Drug and Alcohol Strategy for Hertfordshire and the Sustainability and Transformation Plan (STP).

8. Hertfordshire Leaders' Group (HLG)

- 8.1 A meeting of the HLG took place on Thursday 26 January. The key item was a presentation by Hertfordshire Infrastructure Planning Partnership (HIPP) on members emerging thoughts concerning longer-term strategic and infrastructure planning in Hertfordshire. Their direction of travel was blessed and HIPP was asked to bring forward more considered proposals later in the year. Otherwise Key discussion included feedback from the Hertfordshire Public Sector Leaders' Steering Group meeting on 17 January; Business Rates retention; One Public Estate; the Homelessness Reduction Bill, along with the usual strategic updates.
- 8.2 The next meeting is scheduled to take place on either Thursday 13 or Thursday 20 April 2017.

9. Forward Plan – March 2017

- 9.1 I invite the County Council to receive the updated Forward Plan dated 7 March 2017.

10. Cabinet

- 10.1 The matters discussed at the Cabinet meetings held since the last Executive Report to Council can be found at the following locations:

[12 December 2016](#)

[23 January 2017](#)

[20 February 2017](#)

[13 March 2017](#)

Robert Gordon, CBE
Leader of the Council
March 2017

EXECUTIVE PORTFOLIO: ADULT CARE AND HEALTH

1. Cabinet decisions since the last Executive Report to the County Council

- 1.1 There will have been 4 Cabinet meetings (12 December 2016, 23 January 2017, 20 February 2017 and 13 March 2017) since the last Executive Report to County Council in November 2016.
- 1.2 A report on the Home Improvement Agency Project will be considered by Cabinet on 13 March 2017 (see paragraph 3 below).

2. Consequences of Cabinet decisions before the last meeting of the County Council on 15 November 2016

2.1 Cabinet held on 9 November 2016

Mental Health Strategy – Cabinet approved the proposed Mental Health Strategy 2016-2021.

3. Anticipated / future decisions to be made by Cabinet

3.1 Cabinet to be held on 13 March 2017

Hertfordshire Home Improvement Agency Project: Delegation of functions to the Council – Cabinet will be asked to give approval to receive delegated authority from partner district authorities to deliver the Disabled Facilities Grants (DFG) Programme; and for approval for a recommendation for the Director of Health and Community Services, in consultation with the Executive Member, to sign the Partnership Agreement on behalf of the County Council.

4. Key Partnerships

4.1 Health & Wellbeing Board – recent meetings have considered:

4.1.1 Health & Wellbeing Board held on 15 December 2016

- NHS Sustainability & Transformation Plan – a report updating members on the publication of the Hertfordshire and West Essex Sustainability & Transformation Plan.
- Better Care Fund performance update – a report providing an overview to the Board of 2016-17 Better Care Fund performance in Hertfordshire to date.
- Mental Health Strategy – a report requesting sign-off of the updated Mental Health Strategy and associated Action Plan for Hertfordshire 2016-2021.
- Mental Health Crisis Concordat update – a report providing the Board with an update on the work of the Crisis Care Concordat Partnership.
- Systems integration & local digital roadmap – a report providing the Board

with an overview of digital integration in Hertfordshire (and West Essex); and to update members on the Local Digital Roadmap.

- Cold Weather Planning – a report providing the Board with reassurance that the County Council has undertaken the necessary cold weather planning in the run up to winter 2016/17 and has robust resilience arrangements in place.
- Herts Valleys Financial Turnaround and Decision Making – an item updating members on the financial status of Herts Valleys Clinical Commissioning Group, allowing discussion to understand the potential impact upon the health and social care system and residents.

4.2.2 Health & Wellbeing Board to be held on 2 March 2017

- Local Health Resilience Partnership – a report briefing members on the function of the Local Health Resilience Partnership and to provide a statement of assurance on the work being undertaken.
- Adults with Complex Needs project update – a report updating the Board on progress and outcomes to date of the You Can (Adults with Complex Needs) pilot project and to outline next steps.
- Self-Management Strategy - a report bringing the Self-Management Strategy to the attention of the Health and Wellbeing Board.
- Street Triage Scheme – a report bringing data and analysis from the Street Triage Scheme trial thus far, looking at what difference it has made to demand on police, efficiency of service to the public, and opportunities for development.
- Better Care Fund 2018-19 sign-off – a report providing an update on the 2017-19 Better Care Fund Plan due for submission to NHS England later this year.
- Health and Wellbeing Board Strategy Update – updating members on the process in place to report performance on the delivery of Hertfordshire Health and Wellbeing Strategy 2016-2020.
- Motion regarding the funding of local pharmacies – a motion asking the Chairman to write to NHS England commissioners to highlight the importance of access to pharmacies and pharmacy services throughout the County, especially in rural areas, and the vital role local pharmacies have in supporting vulnerable people.

5. Other comments

5.1 None.

6. Cabinet Panels

- 6.1 Since the last Executive Report to Council, the Adult Care & Health Cabinet Panel has met on 3 February 2017 and 8 March 2017. The matters discussed can be found at the following locations:

[3 February 2017](#)

[8 March 2017](#)

Colette Wyatt-Lowe
Executive Member for Adult Care and Health
March 2017

EXECUTIVE PORTFOLIO: CHILDREN'S SERVICES**1. Cabinet decisions since the last Executive Report to the County Council**

- 1.1 There will have been 4 Cabinet meetings (12 December 2016, 23 January 2017, 20 February 2017 and 13 March 2017) since the last Executive Report to County Council in November 2016. There were no items of business specifically attributed to this portfolio.

2. Consequences of Cabinet decisions before the last meeting of the County Council on 15 November 2016

- 2.1 No decisions have been made.

3. Anticipated/ future decisions to be made by Cabinet

- 3.1 There are no anticipated future decisions.

4. Key Partnerships

- 4.1 I sit on the Hertfordshire Health & Wellbeing Board and Hertfordshire Safeguarding Children's Board.

5. Other comments**5.1 Progress on the Outcomes from Family Safeguarding**

A Partnership event was held in December 2016 to share outcomes and new ways of working with the multi-disciplinary safeguarding teams supporting families and protecting children.

The event was attended by Isabelle Trowler the national Chief Social Worker for Children and Families. Isabelle stated *"The Impact of this overarching care framework in child protection might have on the national system could be quite profound."*

The evaluation of the Family Safeguarding approach has shown that school attendance of children supported by Family Safeguarding teams has increased by 36%. Incidents of repeat domestic abuse call-outs by the police have reduced by 67%. Furthermore the number of children coming into care has reduced by 10%.

We are currently awaiting feedback on a Department for Education Innovations Fund bid to increase the range of professionals in Hertfordshire Family Safeguarding to include child and adolescent mental health (CAMHS) therapeutic support to children in need of protection, and for Hertfordshire to work with four other local authorities to implement Family Safeguarding in their areas. There is also significant interest by other Authorities wanting to learn from Hertfordshire Family Safeguarding.

5.2 Annual Report from the Virtual School for Children Looked After

The progress and attainment of children looked after in school is a high priority for the Council.

In the academic year 2015-2016, the structure and operational practice of the Hertfordshire Virtual School was transformed to work more effectively with partners in schools, social care and in fostering to improve the educational attainment, progress and life chances of children looked after and care leavers.

This development takes account of the most recent research and changes to the assessment system in schools. The Virtual School continues to closely track the progress of young people in care and care leavers, offering additional support and intervention to target resources effectively. Academic progress has improved overall this year throughout the key stages and outcomes for students in Further Education and University continue to move forward with 14 university graduates in 2016, of which 4 achieved First Class honours.

The full annual report on the Virtual School is [available here](#).

5.3 Celebrating Foster Carers in Hertfordshire

The Fostering Service team hosted new year celebration events to say thank you to foster carers who have inspired and helped to change the lives of Hertfordshire's children and young people looked after.

It is also important for carers to be part of a valued community and these events enable the County Council to thank all our carers whilst strengthening both formal and informal networks. I, together with Marion Ingram, Operations Director, joined with the service to praise the work of our foster carers.

The Fostering Service is currently projecting a gain of around 20 new approved foster carers by the end of March 2017, offering approximately 40 extra placements for children looked after. Details of how to become a foster carer can be found at: <https://beta.hertfordshire.gov.uk/services/childrens-social-care/fostering-and-adoption/fostering/fostering.aspx>

5.4 Performance Highlights

- The number of children looked after continues to reduce; in December there were 874 young people looked after compared with 960 in March 2016. (These figures do not include unaccompanied asylum seeking children).
- Independent placement costs are now monitored on a weekly basis. The current reduction since this was introduced (in October) is £23K per week, which equates to an annualised saving of some £1.2m
- There are 87 unaccompanied Asylum Seeking Children looked after

- The percentage of children looked after who have had three or more placements in the last 12 months has reduced from 12.7% in April 2016 to 11.4% in December 2016
- The percentage of children leaving care through adoptions or Special Guardianship Orders (SGO) has increased considerably to 21.8% from 13.9% June 2016.

6. Cabinet Panels

- 6.1 Since the last Executive Report to Council, the Children's Services Cabinet Panel has met on 29 November 2016, 31 January 2017 and 6 March 2017. The matters discussed can be found at the following locations:

[29 November 2016](#)

[31 January 2017](#)

[6 March 2017](#)

Richard Roberts
Executive Member for Children's Services
March 2017

EXECUTIVE PORTFOLIO: COMMUNITY SAFETY AND WASTE MANAGEMENT**1. Cabinet decisions since the last Executive Report to the County Council**

- 1.1 There will have been 4 Cabinet meetings (16 December 2016, 23 January 2017, 20 February 2017 and 13 March 2017) since the last Executive Report to County Council in November 2016. There were no items of business specifically attributed to this portfolio.

2. Consequences of Cabinet decisions before the last meeting of the County Council on 15 November 2016

- 2.1 There are no consequences of cabinet decisions taken before 15 November 2016.

3. Anticipated/ future decisions to be made by Cabinet

- 3.1 There are no decisions planned for presentation to Cabinet related to Community Safety and Waste Management.

4. Key Partnerships

- 4.1 In my role as Chairman of the Hertfordshire Waste Partnership (HWP) it is worth updating colleagues on some important progress related to joint working and fly tipping.
- 4.2 The East Herts / North Herts joint waste project is continuing with finishing touches being made to the specification. Whilst there has been some delay it is anticipated that the formal procurement process will launch shortly with a notice placed in the Official Journal of the European Union. I am also pleased to report that a number of other boroughs and districts have also started early work to assess the potential for combining waste, recycling and street cleansing services.
- 4.3 I previously reported that the HWP had taken over responsibility for the Hertfordshire Fly Tipping Group. Since then over £82,000 of funding has been secured from the Office of the Police & Crime Commissioner which has supported the development of 8 new projects to tackle fly tipping. These range from the purchase of new covert cameras to the running of a specially designed enforcement academy to equalise upwards the standard of investigations into fly tipping with a view to achieve better responses from the courts when such matters are considered. I am also pleased to confirm that provisional numbers for October– December 2016 show an overall reduction in the number of reported incidents compared to 2015. This is first reported reduction in a number of years.

5. Other comments

- 5.1 Hertfordshire Fire and Rescue Service underwent a Local Government Authority Peer Review in October 2016. The final report has now been received and is very positive in many respects. Areas highlighted as worthy of attention were Estates, IT systems and succession planning. A significant number of areas of notable practice were highlighted; these included the integration of Trading Standards and Fire Protection to form the Joint Protective Services Team and the operational performance of the Service. The full report has been published online here: [Fire and Rescue Peer Challenge Report 2016](#)
- 5.2 The planning application for the proposed Recycling and Energy Recovery Facility (RERF) was submitted to the Waste Planning Authority (WPA) by Veolia (ES) Hertfordshire Ltd in late December 2016. The WPA is now managing the process of consultation that is currently scheduled to run until the end of March 2017. The company has also submitted its application for an Environmental Permit for their facility to the Environment Agency. Once 'duly made' the Agency will set out its own plans for consultation that will be considered independently from, but in parallel to, the WPA's planning application.

6. Cabinet Panels

- 6.1 Since the last Executive Report to Council, the Community Safety and Waste Management Cabinet Panel has met on 7 February 2017. The matters discussed can be found at the following location:

[7 February 2017](#)

Richard Thake
Executive Member for Community Safety and Waste Management
March 2017

EXECUTIVE PORTFOLIO: EDUCATION AND SKILLS**1. Cabinet decisions since the last Executive Report to the County Council**

1.1 There will have been 4 Cabinet meetings (12 December 2016, 23 January 2017, 20 February 2017 and 13 March) since the last Executive Report to County Council. The items of business specifically attributed to this portfolio were:-

- Additional school places: in February, Cabinet approved a variety of proposals including: the proposed programme of primary school expansions for 2018, funding for additional accommodation at two primary schools; funding for some secondary expansion proposals; and in relation to Bishop's Stortford, a revised pattern of schooling to serve the Bishop's Stortford North development and the use of capital receipts from the disposal of the Phase 2 Hadham Road site towards school provision to serve the new community.
- The Visual Impairment Base at Barnwell School: the same Cabinet approved the publication of a statutory proposal to close the base following public consultation.
- Admission arrangements: Cabinet recommended to Council approval of the arrangements for 2018/19 and minor alterations to the PANs of two primary schools.
- The Hertfordshire Agreed Syllabus for Religious Education in Hertfordshire 2017-2022: In February Cabinet approved the Agreed Syllabus for Religious Education in Hertfordshire 2017-2022. This syllabus comes into force on the 1st of September 2017 and must be followed in maintained schools without a designated denomination.

2. Consequences of Cabinet decisions before the last meeting of the County Council on 15 November 2016

2.1 None specific other than implementation of previous decisions is proceeding.

3. Anticipated/ future decisions to be made by Cabinet

- It is anticipated that Cabinet on 13 March 2017 will consider a proposal to support the sponsorship of Cheshunt School by the Goffs Generations Multi-Academy Trust.
- The outcome of public consultation on the primary expansion proposals for 2018 will be reported back to Cabinet on 10 April 2017 for it to decide whether or not to authorise the publication of statutory proposals, and to allocate funding for those projects. If that is approved and subsequently objections are received to any of the statutory proposals, Cabinet will be asked in July to take a final decision.
- Cabinet in April will be asked also whether or not to authorise the publication of a statutory proposal to lower the age range of Tenterfield Nursery School following public consultation.

4. Key Partnerships

4.1 Hertfordshire Local Enterprise Partnership

- There have been two meetings of the Hertfordshire Local Enterprise Partnership since my last report. In December the Board met at Warner Bros Studios in Leavesden and received a presentation by Visit Herts on the progress made in their first 18 months of operation. In March the LEP Board met at Ashridge Business School and considered the outcome of the LEPs GD3 bid to Government, consultation responses to the refresh of the Hertfordshire Strategic Economic Plan, and the Government's Green Paper on UK's Future Industrial Strategy.
- On 8 March the LEP held its Annual Conference
- The key achievement has been the award of a further £43.95m of Government Growth Funding to the LEP announced on 2 February, bringing the total to date of £265.45m for the County.
http://www.hertfordshirelep.com/news/Growth_Deal_3.aspx
I am sure you will join with me to congratulate the LEP on this splendid result which will support a number of key projects across the County.
- The latest LEP newsletter and Annual Reports have been circulated to all Members (<http://www.hertfordshirelep.com/news/Annual-Report-2015-16-Summary.aspx>)
- Other economic successes in January / February included:
 - The opening of the Airbus STEM Centre in Stevenage by Tim Peake
 - The opening of the Ambition Broxbourne Business Centre
 - The launch of the county wide specialist support service for business start-ups – a joint venture by Dacorum, Wenta and funded by the LEP and EU ERDF
 - The significant increase in take up by both business and homes of super-fast broadband across the County – now 41% compared to 20% 18 months ago – following the roll out of the Connected Counties initiative.

4.2 London Stansted Cambridge Consortium (LSCC)

- In December 2016 the LSCC published its review of 2016 <http://lsc.co/> at a reception at House of Commons.
- I was unable to attend the LSCC Board held on 21 February in Cambourne, at which the Board considered the Government's proposed Industrial Strategy and Housing White Paper, and their impact on the work of the LSCC. In addition the Board considered strengthening engagement with business, and new branding for the corridor.

4.3 Visit Hertfordshire

- Visit Herts published the results of the significance of tourism to the Hertfordshire Economy in January; this showed £2.13bn value, over 37,000 tourism related jobs, and over 25m visitor trips per year.
- At the Partnership Group on 16 February, Visit Herts provided details of the Big Weekend due to take place on 1 - 2 April this year – over 50 attractions are participating with 2800 tickets offered so far.

- Three new investor partners have been secured, and Dacorum Borough Council has entered into a 3 year contract with Visit Herts to provide their local tourism and visitor information services.
- Both the County Council and the Hertfordshire LEP have confirmed their continued financial support for the Destination Management Service and the retendering process is underway.

5. Other comments

- The proposed Herts for Learning Multi-Academy Trust was formally approved by the Department for Education
- Despite an increase of 3.5% in the number of Secondary Transfer applications from Hertfordshire residents satisfaction rates have remained almost the same with over 94% of children offered a ranked school, 79% of which allocated their first preference.
- Herts for Learning, the UK's largest not-for-profit Schools' Company in which the County Council holds a 20% interest, has appointed Andrew de Csilléry as Managing Director, with effect from April 2017. Andrew will be replacing Jan Paine who has successfully led the business since its launch in September 2013 and will be retiring at Easter.
- I visited Goffs School to mark the opening by Charles Walker MP of its new buildings delivered by the Government's Priority Schools Building Programme.
- I visited Elstree Studios to mark the launch of its Schools Film Festival for Hertsmere schools.
- I visited Cheshunt School to mark the opening of its new teaching block and Westfield Academy in Watford on the opening of its new buildings delivered by the Government's Priority Schools Building Programme.
- Robert Gordon, Leader of the Council, and I met with the representatives of Secondary School Heads to discuss school funding and the consultation on the National Funding Formula.

6. Cabinet Panels

- 6.1 Since the last Executive Report to Council, the Enterprise, Education and Skills Cabinet Panel has met on 25 January 2017 and 10 March 2017. The matters discussed can be found at the following locations:

[25 January 2017](#)

[10 March 2017](#)

David Williams
Executive Member for Enterprise, Education and Skills
March 2017

EXECUTIVE PORTFOLIO: ENVIRONMENT, PLANNING AND TRANSPORT

1. Cabinet decisions since the last Executive Report to the County Council

- 1.1 There will have been 4 Cabinet meetings (12 December 2016, 23 January 2017, 20 February 2017 and 13 March 2017) since the last Executive Report to County Council in November 2016. There have been no items of business specifically attributed to this portfolio.

2. Consequences of Cabinet decisions before the last meeting of the County Council on 15 November 2016

- 2.1 At the September Cabinet Meeting, it was agreed to carry out consultation on the Transport Vision document. This took place in the period up to the middle of December, and included presentations to a variety of different bodies, including sessions that I attended with St Albans City and District Council Members; Welwyn Hatfield Borough Council Members; and East Herts District Council Members. Officers are now considering the responses received and working up the draft Local Transport Plan for consultation later this year.

3. Anticipated/ future decisions to be made by Cabinet

- 3.1 I anticipate that the draft Local Transport Plan will be presented to Cabinet in September 2017, to be agreed for public consultation.
- 3.2 I also anticipate that an Options consultation document on the Minerals Plan Review will also be presented to the September Cabinet.

4. Key Partnerships

- 4.1 I have attended four meetings of the Hertfordshire Infrastructure and Planning Partnership (HIPP) since the last Executive Report to County Council, in November, December, January and March.
- 4.2 There was a special HIPP meeting in January to agree a proposition to be put to the County Leaders Group, to carry out work to investigate the scope for closer joint working on strategic planning and infrastructure issues. The Leaders Group subsequently agreed to the proposal, and will receive a further report in September setting out a set of recommendations.
- 4.3 I have also attended meetings of the Harlow Co-op Board in December 2016, January 2017 and February 2017.

5. Other comments

- 5.1 I attended the UK Bus Conference in February to hear an update on the emerging Buses Bill which offers the scope to make bus travel more attractive. The Bill is out to consultation on its likely impacts and opportunities. It was also interesting to listen to a presentation from Devon County Council on total transport. In particular it was useful to hear about their experiences with the

extent and limitations of community transport replacing bus services as well as the importance of engaging all local stakeholders.

- 5.2 I also attended UK Bus Summit where the main areas of discussion were on the Buses Bill, how local authority powers can be used to tackle congestion, and reducing emissions to improve air quality.
- 5.3 I was pleased to attend the launch of the St Albans Bus Shuttle pilot on 3 February at St Albans Abbey Station. In attendance was the Mayor of St Albans, Sandy Walkington, London Midland and local businesses. The launch consisted of a trip on the bus through St Albans, St Peters Street and St Albans Station. A marketing campaign for the St Albans Shuttle is now under way and usage is being monitored.
- 5.4 The Government has just published its Housing White Paper 'Fixing our broken housing market'. As part of the White Paper there are a number of proposals to further reform the planning system, which are to be subject of a consultation exercise until May 2017. Most of these reforms will impact upon District Councils in terms of seeking to speed up the delivery of new housing. The Government has also indicated that it intends to bring forward proposals for amending the current Community Infrastructure Levy and Section 106 system in the autumn.

6. Cabinet Panels

- 6.1 Since the last Executive Report to Council, the Environment, Planning and Transport Cabinet Panel has met on 7 December 2016 and 1 February 2017. . The matters discussed can be found at the following locations:

[7 December 2016](#)

[1 February 2017](#)

Derrick Ashley
Executive Member for Environment, Planning and Transport
March 2017

EXECUTIVE PORTFOLIO: HIGHWAYS

1. Cabinet decisions since the last Executive Report to the County Council

- 1.1 There will have been 4 Cabinet meetings (12 December 2016, 23 January 2017, 20 February 2017 and 13 March 2017) since the last Executive Report to County Council in November 2016. The Highways Integrated Works Programme for 2017/18 will be considered by Cabinet on 13 March 2017 (see paragraph 3 below).

2. Consequences of Cabinet decisions before the last meeting of the County Council on 15 November 2016

- 2.1 The Enhanced Highways Maintenance programme is nearing completion, see below.

3. Anticipated/ future decisions to be made by Cabinet

- 3.1 The Cabinet meeting on 13 March 2017 will consider whether to approve the proposed Highways Integrated Works Programme for 2017/18.

4. Key Partnerships

- 4.1 Nothing to report.

5. Other comments

5.1 Highways Restoration Project

This time last year my Highways Cabinet Panel and Full Council identified that it was not just the structural integrity of the highways assets that need to be preserved, but their functionality was becoming a priority.

We also recognised that there was the need to invest in some 'one-off' restoration activity to bring some of the assets back into a more serviceable condition in the first instance and this is what we have done.

We are coming towards the end of the Restoration Project, which has tackled those works which may not have required annual maintenance to the extent that we should be able to keep our roads in a reasonable condition within our core budgets going forwards.

I hope members have taken the opportunity to highlight any remaining signs that they thought required cleaning before the end of the project, as the Restoration crews are standing down on 31 March 2017.

5.2 Department for Transport Highways Maintenance Incentive Fund

I am pleased to confirm that the Highways Service has achieved the highest status within the Department for Transport's Local Highways Maintenance

Incentive Fund in recognition of our approach to asset management. The reward for this status is that we do not lose funding.

5.3 Highways Integrated Works Programme (IWP) 2017/18

The IWP for the coming year will be submitted for Cabinet approval in March 2017. The proposed budget is £36.4m including £4.8m of Members promoted Highway Locality Budget funded schemes being delivered via the IWP contracting routes.

There are over 1000 schemes which range from about £2k for a small cul-de-sac resurfacing to £1.5m for the A10 Kingsmead Viaduct project.

The ambition is to deliver 75% of the total spend by the end of October 2017.

This is designed to make the best use of the better weather months. A lot of effort has also been made to ensure the IWP does not adversely affect a number of major schemes due in the year, such as the A602 realignment works.

5.4 Street Lighting LED phase 4 conversion

£18.5 million is being invested in Phase 4 of the LED street lighting project. By the end of this three year project all our street lights (bar a few heritage lights) will be LED and be controllable from County Hall.

Our approach to managing our street lighting service, including how we have been delivering the LED project, has raised interest at both national and international levels. A few weeks ago I met a delegation from Singapore that is interested in adopting our model.

5.5 Road Safety update

- The Hertfordshire Road Safety Partnership led the 'Put it Away' mobile phone campaign continues with more police enforcement, publicity and media. The campaign has now been adopted by Bedfordshire and Cambridgeshire Constabularies. Radio interviews have been supported by posters on petrol pumps, service stations and bus backs, and coverage across a wide range of print and broadcast outlets. Social reach from the County Council and Fire and Rescue accounts alone has been measured at 284,194. Further reach has been achieved through Police and the Police and Crime Commissioner's Office social media.
- Following confirmation by the Department for Transport of a further 3 years of funding, the number of children attending the Council's 'Bikeability' cycle training continues to increase. Despite January to March traditionally seen as 'quiet' months, courses booked for the 3 months are up from 40 courses in 2016 to over 60 courses in 2017 with more children attending each course. Total numbers for 2017 are likely to exceed 2016 by some margin.

- In a recent exercise the Council's Highways Safety Engineering programme was reviewed to understand the cost benefits achieved in terms of casualty reduction. This review identified that, for each pound spent, ten pounds were saved to the community (calculated using national figures for the "value" of an injury).

5.6 A602 major Project Implementation

In May, we shall also be starting construction of the A602 Stevenage to Ware Improvement Scheme, which is another Local Enterprise Partnership (LEP) funded project.

5.7 Single Local Growth Fund

We have been successful in attracting new funding support from the LEP via Local Growth Deal 3 for two new projects:

- Improvements to the A10 Roundabout at Buntingford; and
- Improving access to an important industrial area in Broxbourne including building a new river bridge at Essex Road.

6. Cabinet Panels

- 6.1 Since the last Executive Report to Council, the Highways Cabinet Panel has met on 8 December 2016 and 9 February 2017. The matters discussed can be found at the following locations:

[8 December 2016](#)

[9 February 2017](#)

Terry Douris
Executive Member for Highways
March 2017

EXECUTIVE PORTFOLIO: PUBLIC HEALTH, LOCALISM AND LIBRARIES

1. Cabinet decisions since the last Executive Report to the County Council

- 1.1 There will have been 4 Cabinet meetings (12 December 2016, 23 January 2017, 20 February 2017 and 13 March 2017 since the last Executive Report to County Council in November 2016. The items of business specifically attributed to this portfolio were:-

Hertfordshire Drugs and Alcohol Strategy 2016-2019

[Forward Plan Ref: A051/16]

Cabinet agreed:-

- (i) the combined Hertfordshire Drugs and Alcohol Strategy 2016-19 and its delivery plan, attached at Appendices 1a and 1b to the report, and its proposed governance structure, attached at Appendix 2 to the report;
- (ii) the Director of Public Health's proposal to produce a combined Drugs and Alcohol Commissioning Plan to inform Commissioning of required services; and
- (iii) the Director of Public Health's proposal to explore the possible risks, benefits and legal framework for procuring a single drugs and alcohol treatment provider for all ages from April 2019.

Tobacco Harm Reduction: A Policy Statement on Electronic Cigarettes

[Forward Plan ref: A050/16]

Cabinet approved the draft e-cigarette policy statement, attached at Appendix 1 to the report.

2. Consequences of Cabinet decisions before the last meeting of the County Council on 15 November 2016

- 2.1 There were no consequences of Cabinet decisions from this portfolio.

3. Anticipated/ future decisions to be made by Cabinet

- 3.1 There are no items from this portfolio scheduled for consideration by Cabinet.

4. Key Partnerships

4.1 Hertfordshire Lifestyle and Legacy Partnership (HLLP)

The Partnership met on 8 February 2017 and discussed how to respond to Government's new sport strategy in order to maximise the benefits for Hertfordshire. A small sub group has been formed to coordinate potential bids for Sports England grant funding. Partners are in the process of putting together an outline for a potential bid to Sport England's Local Delivery Pilot (£130 million

pot) with a focus on self-management for people with long term health conditions.

4.2 Hertfordshire Armed Forces Community Covenant Board

The Covenant Board met on 6 December 2016 and will meet again on 23 March 2017. It continues to support the Ministry of Defence's national priorities around health, education, housing and communicating the Covenant through community engagement initiatives and training public facing staff.

This year we were delighted to be working with the Royal Navy and those serving on HMS St Albans in the annual primary schools Christmas poster competition. It received the most number of entries and schools participating to date. In January I was pleased to attend a prize giving assembly at the winning school, Garden Fields School, St Albans along with representatives of HMS St Albans and the competition's sponsor, Ringway.

The Board continues to support centenary activities relating to World War One including commemorative stone-laying ceremonies in the home towns of Victoria Cross recipients on the one hundredth anniversary of their award. The next of these will be next month in Kings Langley where Christopher Cox VC will be honoured.

4.3 Hertfordshire Compact

Since the public launch of this agreement between the Voluntary and Community Sector and Statutory organisations in July 2016, the number of signatories has risen from 22 to 27. The Compact Partnership Group continue to work well together to promote the agreement as a good foundation for partnership working. A final designed version of the document is now available as is a new training resource to ensure officers, volunteers and staff are all aware of the agreement and the obligations they should adhere to.

The work programme of the Group includes selecting new case studies of Compact ways of working to aid promotion and the annual survey in July to help measure the success of the relationship. No issues of conflict resolution have been brought to the Partnership for mediation to date.

5. **Other Comments**

5.1 Public Health

Around 200 people attended the 4th Hertfordshire Public Health Conference at the Hertfordshire Development Centre on 22 February. The event included the launch of the consultation on the new Public Health Strategy and also marked the presentation of the second Excellence in Hertfordshire Public Health Awards. The recipients were the Floating Support Team (Aldwyck Housing Group), Stuart King (BeeZee Bodies), the Nutrition & Wellbeing Team (HILS), Juanita Prescott (Stevenage Leisure Ltd), Sarah Wren (HILS), and Christine Wyard (ASCEND). Conference delegates voted for the overall winner and the Dr Joan Crawley Award was presented to Stuart King of BeeZee Bodies.

5.2 Volunteering

The Year of Volunteering continues to have a strong presence in the County, with social media posts and our monthly newsletter focussing on community safety and protection throughout the beginning of 2017. The County Council has seen a significant increase in the number of electronic submissions to be a volunteer since the outset of the campaign; in April 2016, we had 6 submissions across services; in January 2017 we had 106 submissions.

5.3 Libraries and Heritage Services

On Saturday 5 November, I attended the Watford Library Festival, organised to promote the newly refurbished Watford Central Library and Hertfordshire's first CreatorSpace. Creatorspace offers library users and local groups the opportunity to experiment and develop their skills and confidence in using a range of creative technologies in a safe and supportive environment.

On 9 November, I attended an event to mark the first birthday of Chorleywood Community Library, one of the two 'early adopter' libraries which is now run as a partnership between the Library Service and a group of local volunteers.

On 28 November, I visited Croxley Green Library to see a pilot project, using Bibliotheca's Open+ technology to extend self-service access for library members outside core library hours.

Deputy Executive Member Fiona Hill attended an event on the 29 November 2016, to mark the re-opening of the newly refurbished Abbots Langley Library.

5.4 Customer Services

Performance at the Customer Service Centre has been positive over the last year. Average wait times were 20 seconds for October, 14 seconds for November, 16 seconds for December and 18 seconds for January.

Our Next Generation Website is now fully live and gives residents a simpler, quicker and faster customer experience. Key areas include admissions, highways and libraries.

6. **Cabinet Panels**

- 6.1 Since the last Executive Report to Council, the Public Health, Localism and Libraries Cabinet Panel has met on 24 November 2016 and 1 February 2017. The matters discussed can be found at the following locations:
[24 November 2016](#)
[1 February 2017](#)

Teresa Heritage
Executive Member for Public Health, Localism and Libraries
March 2017

EXECUTIVE PORTFOLIO: RESOURCES AND PERFORMANCE

1. Cabinet decisions since the last Executive Report to the County Council

- 1.1 There will have been 34 Cabinet meetings (12 December 2016, 23 January 2017, 20 February 2017 and 13 March 2017) since the last Executive Report to County Council in November 2016. The items of business specifically attributed to this portfolio were:-

12 December 2016

Equality Strategy 2016 – 2020 [Forward Plan ref: A049/16]

Cabinet agreed the Equality Strategy 2016 – 2020, which sets out the County Council's commitment and vision for equality and diversity and the Authority's pathway to achieving this.

County Council Finance Report – Quarter 2, 2016/17 [Forward Plan ref: A056/16]

Cabinet agreed that capital budgets of £16.296m be reprogrammed to 2017/18 or future years and that the Director of Resources be authorised to re-programme £1.6m of planned top-up to the Spend to Achieve Capital Receipts Reserve.

Land At Harpenden Road, St Albans [Forward Plan ref: A068/160]

Cabinet authorised exclusion of the former playing field from the land at Harpenden Road, St Albans, which Cabinet had previously agreed be sold. This decision is to enable detailed consideration in the context of the Local Planning Authority's emerging District Plan of the possible need to use of the former playing field to meet the pressing demand for additional primary school places but without excluding its possible use as a public open space.

To Consider Whether To Obtain Land In Stevenage For Strategic Purposes [Forward Plan ref: A067/16]

Cabinet agreed to acquire the freehold title of land at Q3 Building, Caxton Way, Stevenage, given the County Council's ownership of surrounding land this parcel of land is considered to be in the Council's strategic interest.

17 January 2017

Public Engagement On The Integrated Plan 2017/18 - 2019/20 [Forward Plan A058/16]

Cabinet noted the results of the public engagement activity undertaken and agreed to take this into account when considering the proposed Integrated Plan for 2017/18 – 2019/20.

Integrated Plan 2017/18 - 2019/20 (incorporating the Strategic Direction and Financial Consequences and the Treasury Management Strategy) [Forward Plan A057/16]

The report considered by Cabinet introduced the Integrated Plan 2017/18 - 2019/20 and pulled together the impact of pressures and savings over the next

three years. Cabinet agreed that the proposed Integrated Plan, including the revenue budget and capital programmes for 2017/18 – 2019/20, and proposed changes in the Treasury Management Strategy to the Council's policy for Minimum Revenue Provision, be presented for review by Service Cabinet Panels, Overview & Scrutiny Committee, and Resources and Performance Cabinet Panel, prior to the Cabinet meeting on 20 February 2017. Cabinet also agreed the release of schools budget data/information to the Department for Education (DfE).

20 February 2017

Integrated Plan 2017/18 – 2019/20: The report considered by Cabinet recommended a proposed budget to the Council for 2017/18 – 2019/20 taking account of feedback on the draft plan from Cabinet Panels and the Overview and Scrutiny Committee.

Appointment Of Auditors 2018/19 And Beyond: This report provided details of the options available to the Council for appointing external auditors for the Council for the audit of the 2018/19 accounts and beyond. Cabinet agreed to recommend to Council the proposal to opt in to sector led arrangements for the appointment on the basis that this would provide better value for money and support quality improvements across the public sector.

Proposed Disposal Of Sites No Longer In Service Use: Cabinet agreed the future disposal of a number of sites no longer in service use and surplus to requirements. Their release for disposal will enable future capital receipts to be generated for the sites and will reduce revenue holding costs.

13 March 2017

See paragraph 3 below.

2. Consequences of Cabinet decisions before the last meeting of the County Council on 15 November 2016

2.1 None.

3. Anticipated / future decisions to be made by Cabinet

3.1 Anticipated / future decisions to be made by Cabinet are as follows:-

13 March 2017

Hertfordshire County Council Property Development Programme – Special Purpose Vehicle [Forward Plan A071/16]. Cabinet will be asked to approve the plan for the next steps in developing the Council's Property Development Programme, including the launch of an OJEU (Official Journal of the European Union) procurement competition to identify a third party joint venture partner.

4. Key Partnerships

4.1 None.

5. Other comments

5.1 None.

6. Cabinet Panels

6.1 Since the last Executive Report to Council, the Resources and Performance Cabinet Panel has met on 9 December 2016, 10 February 2017 and 8 March 2017. The matters discussed can be found at the following locations:

[9 December 2016](#)

[10 February 2017](#)

[8 March 2017](#)

Chris Hayward
Executive Member for Resources and Performance
March 2017

REPORT FROM THE HEALTH SCRUTINY COMMITTEE

The Committee held a Special Meeting on 9 March 2017

1. Scrutiny of Herts Valleys Clinical Commissioning Group's (HVCCG) decision on the continued funding of care services for the financial year 2017/18

1.1 At the County Council meeting on 21 February 2017 Council learned that Herts Valley's Clinical Commissioning Group had rescinded its decision of 1 December 2016 to withdraw £8.5m funding to the County Council for social care and that the decision would be re-taken by HVCCG's Investment Committee on 2 March 2017. Council requested that the Health Scrutiny Committee convene a Special Meeting to consider HVCCG's Investment Committee's decision. Subsequent to arrangements for a Special Meeting of the Health Scrutiny Committee being made for the morning of 9 March 2017, HVCCG advised that the decision regarding the continuation of funding to the County Council would be taken by its Board on the afternoon of 9 March 2017. The Special Meeting of the Committee, therefore, focussed on why HVCCG had decided to rescind its decision of 1 December 2016 and what additional evidence HVCCG would consider when reaching its decision at its Board meeting on 9 March 2017.

1.2 The report due to be considered by the HVCCG Board in relation to this matter was published on 8 March 2017 and considered by the Committee as part of its deliberations; the report can be viewed here [Herts Valleys CCG Board- Agenda and Papers- 9 March 2017.](#)

1.3 The Committee UNANIMOUSLY agreed the following:-

'That the Committee, after considering all the reports submitted, the evidence presented by all witnesses and representations made by HVCCG, and noting that a final decision on the provision of funding of £8.5m for care services will be made at the HVCCG Board, which is to take place during the afternoon of 9 March 2017:

- (i) welcomes the decision of HVCCG to rescind its decision of the 1 December 2016;*
- (ii) is concerned that the report to the HVCCG board is limited, does not include a detailed analysis of impacts, does not refer to papers that have been presented in evidence to this Committee, and does not acknowledge that all requested information from HCC (the County Council) has been provided;*

- (iii) *requires the Accountable Officer of HVCCG, or her nominee, to attend the next meeting of the Committee on 16 March 2017 to confirm the HVCCG Board's decision with regard to the £8.5m funding for social care 2017/18 and to answer any further questions from the Committee;*
- (iv) *will, following the meeting on 16 March 2017, make recommendations to Council on whether it should report to the Secretary of State in accordance with its powers under the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ("the Regulations"), which Council will consider at its meeting on 21 March 2017.*

A further, more detailed report on this matter can be found at item 9 of this agenda ([County Council agenda 21 March 2017](#)).

Health Scrutiny Committee will meet on 16 & 30 March 2017

A report on the Committee's scrutiny of NHS budgets, patient experience and quality of care will be reported to the County Council at its July 2017 meeting.

**Seamus Quilty,
Chairman
March 2017**

**REPORT OF THE WHOLE COMMITTEE SCRUTINY OF HERTS VALLEYS
CLINICAL COMMISSIONING GROUP'S DECISION ON THE CONTINUED
FUNDING OF CARE SERVICES FOR THE FINANCIAL YEAR 2017/18**

Report of the Director of Resources

Author: Charles Lambert, Scrutiny Officer [01438 843630]

1.0 Purpose of Report

1.1 This is the report of the Whole Committee Scrutiny of Herts Valleys Clinical Commissioning Group (HVCCG)'s decision on the continued funding of care services for the financial year 2017/18. The Committee met on 9 March 2017 and addressed the following questions:

1.1.1 Why did HVCCG rescind its decision of the 1 December 2016?

1.1.2 What additional evidence will HVCCG consider when reaching its 9 March 2017 Decision?

1.2 [Special scrutiny of Health Scrutiny Committee 9 March 2017](#)

2. Summary

2.1 As a result of its considerations, the Committee unanimously agreed:-

"That the Committee, after considering all the reports submitted, the evidence presented by all witnesses and representations made by HVCCG, and noting that a final decision on the provision of funding of £8.5m for care services will be made at the HVCCG Board, which is to take place during the afternoon of 9 March 2017:

- (i) welcomes the decision of HVCCG to rescind its decision of the 1 December 2016;*
- (ii) is concerned that the report to the HVCCG board is limited, does not include a detailed analysis of impacts, does not refer to papers that have been presented in evidence to this Committee, and does not acknowledge that all requested information from HCC has been provided;*
- (iii) requires the Accountable Officer of HVCCG, or her nominee, to attend the next meeting of the Committee on 16 March 2017 to*

confirm the HVCCG Board's decision with regard to the £8.5m funding for social care 2017/18 and to answer any further questions from the Committee;

- (iv) *will, following the meeting on 16 March 2017, make recommendations to Council on whether it should report to the Secretary of State in accordance with its powers under the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ("the Regulations"), which Council will consider at its meeting on 21 March 2017."*

3. Recommendations

- 3.1 The Committee's recommendations to Council will be circulated to Members following the Committee's meeting on 16 March 2017 at which meeting the decision reached by HVCCG with regard to the £8.5m funding for social care will be considered.

4. Background

- 4.1 The Committee held a special scrutiny on the 8 February. The questions asked of HVCCG at this meeting can be found in the link above. At the Committee's conclusion a motion was passed to request that full Council make a referral to the Secretary of State on the grounds

(a) that the Council is not satisfied that there was any consultation in relation to the decision;

(b) that the Council considers that the decision would not be in the interests of the health service in Hertfordshire;

- 4.2 Full Council met on the 21 February. Immediately prior to the debate of this item members received a copy of a letter from HVCCG's accountable officer. The letter stated that "the CCG has decided to rescind that decision so that it can address the issues in the Council's letter. The CCG Investment Committee will meet again on 2 March 2017 at which point it will consider whether the CCG should continue to make an additional contribution to support social care in the financial year 2017/18."

- 4.3 Members then put forward and unanimously agreed the following motion:

"That Council:

- (1) Having noted the recommendation of the Special Meeting of Health Scrutiny Committee held on 8 February 2017;*

- (2) *Having further noted the position as set out in the letter from Mr C Ward dated 20 February 2017 that the decision of the Herts Valleys Clinical Commissioning Group (“HVCCG”) Investment Committee (“the Investment Committee”) of 1 December 2016 has been rescinded, and that the Investment Committee is to meet on 2 March 2017 to consider continued funding for care services for the financial year 2017/18 (“the Decision”);*
- (3) *Requests Health Scrutiny Committee to convene a Special Meeting as soon as reasonably practicable after 2 March 2017 to consider the Decision and requires the Accountable Officer of HVCCG and relevant officers from the HVCCG attend the Special Meeting;*
- (4) *Considers a recommendation from the Health Scrutiny Committee at the Council’s meeting on 21 March 2017 on whether Council should report to the Secretary of State in accordance with its powers under the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (“the Regulations”);*
- (5) *Authorises the Chief Legal Officer to notify HVCCG, in accordance with the Regulations, that the Council proposes to decide whether to exercise its power to report to the Secretary of State at its meeting on 21 March 2017.”*
- 4.4. HVCCG was informed that the special meeting of the Health Scrutiny Committee would be taking place on the morning of the 9 March and that the Accountable Officer’s attendance was required. HVCCG made contact at the same time notifying the County Council that the decision would no longer be reviewed at the Investment Committee on the 2 March but instead at HVCCG’s Board meeting on the afternoon of the 9 March.
- 4.5. The HVCCG Board paper for contributions for adult social care was shared with the Committee. This outlined the recommendation that the Board should decide whether to make a further payment of £8.5m in 2017/18 on a non-recurrent basis and that, if the Board decided not to do so, whether to phase the withdrawal of funding by making a contribution of £4.5m in 2017/18 with the full withdrawal taking effect in 2018/19.
- 4.6. HVCCG confirmed to the Committee that the Board believed this decision was of such importance that it was right and proper it be made in public by the whole board. The Accountable Officer stated that it was unfortunate that the next available meeting of the Board was in the afternoon of the 9 March, after the Health Scrutiny Committee meeting.
- 4.7. The Committee was notified that the Accountable Officer had had lengthy discussions with the County Council’s Chief Executive and the Director of Health and Community Services (HCS) about a proposed

recommendation that the CCG Board provide £4.5m to the County for 2017/18.

- 4.8. The Accountable Officer also stated that this discussion with the Council's Chief Executive, Director of Health and Community Services opened the possibility of further exploration of other funding such as the Better Care Fund (BCF). The CCG maintains that there were a number of BCF indicators not being delivered. A review of funding going forward would be helpful in clarifying agreed outcomes to all partners. Such a review and discussion would provide an opportunity to address the underlying issues that had emerged following the HVCCG initial decision to withdraw funding. This should strengthen relationships going forward as all parties would be clear regarding outcomes and ways of working.
- 4.9. When responding to the question of why the decision had been rescinded, the Accountable Officer stated that the HVCCG Board believed it was better to rescind the decision rather than amend it, so that full and proper discussion could be undertaken by the Board. Members were advised that the CCG Board will be basing its decision on the report and equality impact assessment papers (Appendix A).
- 4.10. The HVCCG Accountable Officer stated to the Committee that in an ideal world it would continue the funding, and potentially increase it relevant to the needs of the population.
- 4.11. The Director for Health and Community Services confirmed that he, the Executive Member for Adult Care and Health and a principal solicitor would be attending the HVCCG Board on the afternoon of the 9 March.
- 4.12. The Committee was also advised that the Director for Health and Community Services and the Chief Executive of the Council had recently met the Regional Director for NHS England, who sits above the CCGs in Hertfordshire, to discuss the funding decisions being made by HVCCG and to establish whether there was any scope to achieve a different outcome. Following that discussion the HVCCG Accountable Officer contacted the Council which resulted in an offer of £4.5m for the coming year 2017/18.
- 4.13. The paper being presented to the HVCCG Board stated that the Board should decide whether to make a further payment of £8.5m in 2017/18 on a non-recurrent basis and that, if the Board decided not to do so, whether to phase the withdrawal of funding by making a contribution of £4.5m in 2017/18 with the full withdrawal taking effect in 2018/19. Also identified in this paper is that the Board will discuss future grants with the Council.
- 4.14. It was highlighted that the Board paper does accept that payments were made in previous years in recognition of HCS's worsening financial position. The Accountable Officer also agreed that no

conditions or outcomes had been attached to this funding. HCS has since written to HVCCG to confirm what investments and spending is made with this funding and this was acknowledged by the Accountable Officer.

Members were informed the possibility of a reduced amount of £4.5m had been discussed with senior commissioning managers in the Council. While this does have an impact on the quality and provision of care, they are working on how service adjustments would be managed to cause minimal impact on users.

- 4.15. Officers stated that for future arrangements it will pursue and mutually agree tighter governance going forward to protect funding agreements. This was supported by Members who maintain that more needed to be done to establish improved notice periods and better engagement should similar circumstances be encountered in the future.
- 4.16. The Committee heard from Hertfordshire Community Trust (HCT) on how HVCCG savings proposals for future years have impacted on the Trust.
- 4.17. HCT is commissioned by HVCCG to provide services in west Hertfordshire. On the 22 February the Health Scrutiny Committee was informed of HCT's plans for service changes in west Hertfordshire. These service changes had been brought about by HVCCG cutting the Trust's funding for 2017/18 and, as a consequence, HCT has planned service changes in the west of the county. HCT put forward a proposal on the closure of its transition bed service in St Albans City Hospital (SACH) with a view to increase the number of beds at Langley House in Watford; use of a ward at Hemel Hempstead Hospital (the Trust is in discussion with West Herts Hospital Trust (WHHT) in relation to the latter) and an increase of services delivered in the home. However, there is concern around its ability to deliver these services. The sustainability of these changes relies on the recruitment and upskilling of an increased number of care staff and on the ability of WHHT to support this initiative. This is an issue as the recent Care Quality Commission (CQC) re-inspection, moved the trust from "inadequate" to "requires improvement".
- 4.18. St Albans City & District Council passed a motion at its full Council meeting (22 February 2017) noting its dismay regarding "the decision of the Herts Valleys Clinical Commissioning Group to cut funding from the Hertfordshire Community NHS Trust." Subsequently the Chairman of the Health Scrutiny Committee and St Albans members discussed this matter and the Chairman has determined that this is relevant to the main item of the Committee's business and HCT was invited to this meeting of the Committee meeting in a witness capacity.
- 4.19. HCT highlighted that it feels closer partnership working is the only way services could continue to deliver what was required. HCT confirmed

that it is looking to optimise working with the voluntary and third sector and with social care. The HCT representative wanted to reassure the Committee that there is effective working with all partners, while recognising difficult situations that are likely become more challenging.

5. Conclusions

- 5.1. The Committee expressed its concern about the quality of the report to the HVCCG board, in that, in the Committee's view, it was limited, does not include a detailed analysis of impacts, does not refer to papers that have been presented in evidence to this Committee, and does not acknowledge that all requested information from the Council has been provided.
- 5.2. With regard to the Equality Impact Assessment, the lack of numerical data and specific response to the protected characteristics did not give members confidence that the HVCCG Board had the level of information to take the decisions before it. Additionally, it is difficult for members to understand how the Board could be confident that the Impact Assessment provides enough information as to the impact of reduced or no funding on patients and the health service.
- 5.3. The Committee was disappointed that HVCCG had not been able to agree the full £8.5m funding for 2017/18. Members believe that the amount being recommended (£4.5m) to HVCCG Board for year 2017/18 should be committed for a longer time than a single year. . Members encouraged officers from HCS and HVCCG to discuss this further to clarify whether funding at this level past 2017/18 could be agreed. The Committee agreed that a final recommendation to Council would be deferred to the Health Scrutiny Committee meeting of the 16 March pending the final decision by the HVCCG Board.
- 5.4. The Accountable Officer confirmed that, at the Board meeting on the afternoon of the 9 March, he would inform the Board that although the paper suggests insufficient information has been shared with HVCCG from the Council, this is not the case and all information has been delivered. The Accountable Officer also confirmed that the information presented at the special scrutiny undertaken by the Committee on 8 February 2017 would be shared with the Board prior to them making a decision.

Background Information

Report to Health Scrutiny Committee, 9 March 2017 [HSC 9/3/17](#)
Report & Minutes, County Council, 21 February 2017 [Council Meeting 21/2/17](#)
Report & Minutes, Health Scrutiny Committee, 8 February 2017 [HSC 8/2/17](#)
Report & Minutes, Health Scrutiny Committee, 19 January 2017 [HSC 19/1/17](#)
Minutes, Health Scrutiny Committee, 15 December 2016 [HSC 15/12/16](#)

Appendix A

NHS Herts Valleys Clinical Commissioning Group

Board Meeting

9 March 2017

Title	CCG contributions to adult social care	Agenda Item: 7
Purpose* (tick)	Decision <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Information <input type="checkbox"/>	
Responsible Director(s) and Job Title	Cameron Ward Interim Accountable Officer	
Author and Job Title	Cameron Ward Interim Accountable Officer	
Short Summary of Paper	<p>A decision was made by the Investment Committee on 1 December 2016 to give notice on ending the additional and discretionary payment to Hertfordshire County Council (HCC) for £8.5m from 1 April 2017. The payment was intended to make a contribution to social care as previously agreed by the CCG in 2015 and 2016. The decision on 1 December was made as there is a need for us to consider our financial commitments on our legal duty of healthcare:</p> <ul style="list-style-type: none"> • there was little evidence of the benefits of the additional payments; • the payment was discretionary; and • the CCG needs to ensure it uses all its funds as wisely as possible and for there to be a return on the investment routinely and especially during times of financial challenge. <p>There was a legal challenge by HCC to the decision and a potential judicial review. Following legal advice and taking into account the issues raised, the Investment Committee decided on 19 February to rescind its decision of 1 December and re-run the assessment and decision making process. Due to the high profile nature of the decision and in line with the Investment Committee's terms of reference the decision will be made by the Board.</p> <p>Bearing in mind the overall impact of the potential decision and the associated timescale for implementation there is merit in considering a phasing of any withdrawal of social care payments. This is subject to Board discretion and a payment of £4.5m for 2017/18 is suggested for a contribution to social care for next financial year only.</p> <p>In either event there is a mutual need to review the arrangements of joint payments going forward, for example the Better Care Fund, so that both parties maximise the impact of joint investments, meet their financial commitments and provide for better outcomes for local residents. Additionally there is learning taken from the recent past so that joint arrangements are based on a more formal and transparent footing.</p>	
Recommendation(s)	<p>The Board is being asked to:</p> <p>Decide whether the CCG should make a further non-recurrent payment of £8.5m in 2017/18 as a contribution to Hertfordshire County Council to support social care.</p> <p>If the Board decides not to make a further contribution to social care there is a need to consider the phasing over time of its withdrawal of this contribution, and it is proposed that rather than withdrawing the full contribution with immediate effect, a contribution of £4.5m should be made in 2017/18, with the full withdrawal being effective from April 2018.</p>	

	<p>If a decision is made to proceed with the payment, what healthcare reductions will be required? In addition, what are the information requirements to ensure there is heightened scrutiny of the destination of the monies and their resulting impact?</p> <p>Re-emphasise the need for both organisations to work more closely to deliver joint strategic plans and to maximising the impact of joint investments.</p>
Engagement with Stakeholders/Patient/Public	There has been discussion with Hertfordshire County Council, local NHS providers, Hertfordshire Healthwatch and NHS England associated with this decision.
Links to Strategic Objectives (tick all that apply)	
Objective 1: We will continually improve engagement with patients, carers, the public and member practices so that they contribute to and influence our work and activities.	<input type="checkbox"/>
Objective 2: We will commission safe, high quality services that meet the needs of the population, reducing health inequalities and supporting local people to stay well and avoid ill health.	<input type="checkbox"/>
Objective 3: We will work with health and social care partners to transform the delivery of care through the implementation of <i>Your Care, Your Future</i> , the strategic review in west Hertfordshire.	<input type="checkbox"/>
Objective 4: We will ensure that there is a financially sustainable and affordable healthcare system in West Hertfordshire.	<input checked="" type="checkbox"/>
Board Assurance Framework (BAF) and Corporate Risk Register (CRR) What current risks does this report align to?	BAF 2.3 Risk that we do not close the health inequalities gap between the most and least deprived communities. 4.1 Risk that we do not deliver a financially sustainable health and social care system. 4.2 Risk that we do not deliver best value from the total CCG budget. 4.3 Risk that we do not achieve financial balance for 2016/17. CRR SO4/22 Higher levels of hospital activity than planned/anticipated, resulting in increased expenditure over budget and a threat to the CCG of not achieving financial year end balance. SO4/23 Additional expenditure for operational reasons will occur which is not budgeted for e.g. escalation beds resulting in a threat to the CCG of not achieving year-end financial balance. The possible risk of disengagement by HCC is mitigated through the phasing of the withdrawal.
Risks (e.g. patient safety, financial, legal) What risks have been identified as a result of this report? How are they being mitigated?	There are several risks associated with the decision required by the Board although no risks for escalating and mitigating for the Investment Committee. The Board risks include: <ol style="list-style-type: none"> 1. Potential for patient impact depending on the response by HCC. Any health impact will be mitigated through a NHS response. 2. The continued disengagement by HCC in joint working with the NHS. This will impact on day to day operations and strategic planning. 3. Reputation to the CCG – this is being mitigated through regular communications and engagement with partners. 4. If the decision is made to continue to make additional contributions to HCC then there will need to be a further £8.5m of savings identified with the CCG's QIPP plans. This is likely to impact significantly on the provision of healthcare.
Resource Implications	If the decision is made not to fund additional social care payments then there will be a full-year effect saving of £8.5m to the CCG. If the decision is made not to fund it is proposed there is a phased withdrawal with a one-off payment of £4.5m for the next financial year only. This will increase the CCG's QIPP for the next financial year.
Equality Impact Analysis (indicate the key points the analysis has identified relevant to decision required)	This is detailed in the accompanying statement Agenda Pack 11 of 176

Equality Delivery System (identify which goal your proposal / paper supports)	Better Health Outcomes	<input checked="" type="checkbox"/>
	Improved Patient Access and Experience	<input type="checkbox"/>
	A Representative and Supported Workforce	<input type="checkbox"/>
	Inclusive Leadership	<input type="checkbox"/>
Report History Which Groups or Committees have seen this report and when?	The item has been discussed at previous Investment Committee meetings and a Board Development session.	
Appendices	Note the accompanying impact assessment	

***Purpose – definitions**

For decision

This is where the board, committee or group is presented with a range of options and is asked to decide which one to accept following discussion.

For approval

A specific recommendation, plan or document is presented, which the board, committee or group is requested to approve. Discussion is not essential.

For information

Information is provided and it is important that the board, committee or group is aware of, and understands the information and no decision is required. These items do not require discussion, except for questions of clarification.

For discussion

The board, committee or group is asked to debate an issue, provide views, challenge and discuss as appropriate. A decision may be made following the discussion although this is not always required. An example is a progress report on a particular pathway. In this case the Board or Committee will be asked to discuss and note the paper.

Social care – a position statement

Introduction

A decision was made by the Investment Committee on 1 December 2016 to give notice on ending the additional and discretionary payment to Hertfordshire County Council (HCC) for £8.5m from 1 April 2017. The payment was intended to make a contribution to social care as previously agreed by the CCG in 2015 and 2016. The decision on 1 December was made as there is a need for us to consider our financial commitments on our legal duty of healthcare: there was little evidence of the benefits of the additional payments; the payment was discretionary; and the CCG's need to ensure it uses all its funds as wisely as possible and for there to be a return on the investment routinely and especially during times of financial challenge.

Important to bear in mind the specific legal duty the CCG is required to have regard to in exercising its functions, including the need to balance its books and a focus on achieving optimal delivery of health services and outcomes rather than social care.

Current position

The CCG has made several requests, particularly since October, for information of the destination of the funds in the current and previous financial years. Subsequently HCC has advised three destinations of where the money has been spent, namely:

- the money goes into generic HCC funds – “spent flexibly by the local authority to augment the smooth running of the health and care system” (John Wood letter 5 December 2016).
- the money goes into adult care (letter from Helen Maneuf, 1 February 2017).
- the money goes exclusively into homecare which we have been advised by Iain Macbeath, Director of Adult Services.

Further information has been provided for 2017/18 and advice received from HCC indicates the funds are directed across adult older peoples' services. A variety of examples have been provided which suggest services would be reduced in homecare and nursing homes if the CCG did not continue to invest in social care.

The issue for the CCG is one of priorities. It needs to be borne in mind the CCG already has an extensive savings programme for 2017/18. This totals a minimum of £38m which needs to be saved in order for the CCG to address its financial imbalance. Within the proposals, and similar ones in providers, efficiencies and economies of scale are being exploited as are the need to minimise the procedures of limited clinical value. Taking that into account then the CCG is left with reducing direct healthcare spend of £8.5m on a number of operations not proceeding.

In addition, there has been a legal challenge by HCC to the decision and a potential judicial review. Following legal advice and taking into account the issues raised the Investment Committee decided on 19 February to rescind its decision of 1 December and re-run the assessment and decision making process.

A number of reasons were quoted, including the need for an impact assessment and an integration assessment. These have now been completed.

An equalities impact assessment has been prepared and this is included in the paper. For decision making purposes reductions in prescribing and elective care have been used to illustrate the impact assessment.

In terms of integration, the following points are made for consideration by Board:

1. The monies contributed to HCC for the years 2015-16 and 2016-17 were not paid for the purpose of integration, rather to support a shortfall in council adult social care budgets. Written requests for such support from HCC to HCCG do not discuss any benefits in terms of integration but is based upon HCC's “worsening financial position”.

2. How can integration be defined? According to NHS England “For health, care and support to be ‘integrated’, it must be person-centred, coordinated, and tailored to the needs and preferences of the individual, their carer and family. It means moving away from episodic care to a more holistic approach to health, care and support needs, that puts the needs and experience of people at the centre of how services are organised and delivered”.

<https://www.england.nhs.uk/ourwork/part-rel/transformation-fund/>

It is unclear how the provision of the £8.5m funding delivers this. It is also unclear how ceasing the funding impacts integration.

A series of questions are posed to assist the Board in making its decision.

1. Is there sufficient information to allow an evidence based decision to be made?
2. Consideration needs to be given to the relative priorities and resulting impact of investing in social care at the expense of health care.
3. Consideration of the learning from the situation so that improvements can be made in the formality associated with our joint work.
4. The need to consider how we maximise the integrated work across health and social care to be better able to meet current and future demand.
5. How we better maximise the funds available to both organisations to improve health and wellbeing.
6. How a phasing of any withdrawal could be supported.

In either event there is a mutual need to review the arrangements of joint payments going forward, for example the Better Care Fund, so that both parties maximise the impact of joint investments, meet their financial commitments and provide for better outcomes for local residents. Additionally there is learning taken from the recent past so that joint arrangements are based on a more formal and transparent footing.

Bearing in mind the overall impact of the potential decision and the associated timescale for implementation there is merit in considering a phasing of any withdrawal of social care payments. This is subject to Board discretion and a payment of £4.5m for 2017/18 is suggested for a contribution to social care for the next financial year only.

HCC has also questioned the need for HVCCG to consider several grant payments to HCC. These include the Care Act, inflation and reablement monies. The CCG is currently considering the grant requests and will agree with HCC the applicability to the CCG

The Board is being asked to:

Decide whether the CCG should make a further non-recurrent payment of £8.5m in 2017/18 as a contribution to Hertfordshire County Council to support social care.

If the Board decides not to make a further contribution to social care there is a need to consider the phasing over time of its withdrawal of this contribution, and it is proposed that rather than withdrawing the full contribution with immediate effect, a contribution of £4.5m should be made in 2017/18, with the full withdrawal being effective from April 2018.

If a decision is made to proceed with the payment, what healthcare reductions will be required? In addition, what are the information requirements to ensure there is heightened scrutiny of the destination of the monies and their resulting impact?

Re-emphasise the need for both organisations to work more closely to deliver joint strategic plans and to maximising the impact of joint investments.

Equality and Health Inequality Impact Assessment – Scoping Document

Background

There are initial discussions taking place around making an £8.5 million payment to Hertfordshire County Council. Should this payment be made there will need to be corresponding savings from the Herts Valleys CCG budget.

A series of initial proposals have been drawn up to meet those savings. This equality and health inequality impact assessment scoping document looks, at a very high level, at the possible areas of impact of those savings proposals.

Should any proposal be considered for implementation a full equality and health inequality impact assessment, using the Herts Valleys CCG guidance and template, should be undertaken.

The non-inclusion of a group in this scoping document should not be taken to mean that there is no impact. If, on further investigation, evidence suggests that a group should be included the scoping document should be changed to reflect that.

The advantages of a high level scoping document include:

- An overview of potential impact
- Supporting the targeting of evidence gathering and consultation and engagement on the proposals.
- Supporting the production of a cumulative impact assessment bringing together the possible impact of all the adopted proposals.

This scoping document should be treated as a live document and proposals added and removed as further discussion and impact assessment is undertaken. Having an up to date scoping document will support the delivery of the advantages covered above.

Overview

The broad proposal to make the necessary savings to match the £8.5m is that there is a 48% reduction in hip and knee replacements and cataract surgery.

The initial scoping used data from other CCGs (South Worcs. and Wirral) and NICE who have looked at these issues and produced their own equality impact assessments to identify the equality and health inequality groups that may be impacted.

The main groups identified are Age, predominately Older People, and Disability. For all three proposed areas there are likely to be impacts, both positive and negative, around carers and health inequalities.

Proposals

✓ Tick the groups that initial scoping suggests may be impacted (positively or negatively) by the proposal

Proposal	Reduce cataract surgery by 48% - a reduction of 1710 pa
Groups who may face impact.	Age ✓ Disability ✓ Race ✓ Gender ✓ Sexuality <input type="checkbox"/>
	Religion or Belief (or lack of) <input type="checkbox"/> Gender reassignment <input type="checkbox"/>
	Pregnancy and Maternity <input type="checkbox"/> Marriage or Civil Partnership <input type="checkbox"/>
	Carers ✓ Health Inequalities ✓

Proposal	Reduce Hip replacement surgery by 48% - a reduction of 2060 pa
Groups who may face impact.	Age ✓ Disability ✓ Race <input type="checkbox"/> Gender <input type="checkbox"/> Sexuality <input type="checkbox"/>
	Religion or Belief (or lack of) <input type="checkbox"/> Gender reassignment <input type="checkbox"/>
	Pregnancy and Maternity <input type="checkbox"/> Marriage or Civil Partnership <input type="checkbox"/>
	Carers ✓ Health Inequalities ✓

Proposal	Reduce knee replacement surgery by 48% - a reduction of 415 pa
Saving	
Groups who may face impact.	Age ✓ Disability ✓ Race <input type="checkbox"/> Gender <input type="checkbox"/> Sexuality <input type="checkbox"/>
	Religion or Belief (or lack of) <input type="checkbox"/> Gender reassignment <input type="checkbox"/>
	Pregnancy and Maternity <input type="checkbox"/> Marriage or Civil Partnership <input type="checkbox"/>
	Carers ✓ Health Inequalities ✓

Paul Curry

Equality and Diversity Lead
Bedfordshire, East and North Herts and Herts Valleys Clinical Commissioning Groups

7th March 2017

Equality Analysis – Full Equality Impact Assessment

Title of policy, service, proposal etc being assessed :
Proposal to not make a discretionary general payment of £8.5m to Hertfordshire County Council to assist with shortfalls in their Health and Social Care budget.

<p>What are the intended outcomes of this work? Include outline of objectives and function aims</p> <p>There is a statutory requirement on the CCG to meet our financial targets and at the same time we face increasing demand for health services, alongside all other CCGs across the country. The pressures are in areas such as urgent care, general practice and hospital services. We must make sure that these services are properly provided for. At the same time, the Herts Valleys review of expenditure covers all areas including acute hospitals, mental health services, primary care and community.</p> <p>The required outcome is to ensure that our available budget is spent as efficiently as possible on healthcare.</p> <p>The proposal will also support us to meet our legal obligation to meet financial targets.</p>
<p>How will these outcomes be achieved? What is it that will actually be done?</p> <p>We will not make a discretionary payment to Hertfordshire County Council of £8.5m</p>
<p>Who will be affected by this work? e.g. staff, patients, service users, partner organisations etc. If you believe that there is no likely impact on people explain how you've reached that decision and send the form to the equality and diversity manager for agreement and sign off</p> <p>Hertfordshire County Council report that in previous years the discretionary payments we have made have been used as follows:</p> <ul style="list-style-type: none"> the money goes into generic HCC funds – “spent flexibly by the local authority to augment the smooth running of the health and care system” (John Wood letter 5 December 2016) the money goes into adult care (Helen Maneuf letter 1 February 2017) the money goes exclusively into homecare which we have been advised by Iain Macbeath recently. <p>We have asked (23.12.16, January 2017 and 24.2.17) for further information from Hertfordshire</p>

County Council on how the money was used in previous years and what this discretionary payment, if made, would be used for, and for sufficient data to enable us to assess possible impact, including equality and health inequality impact, of not making the discretionary payment this year. We are still waiting for suitable data to be provided.

We acknowledge that Hertfordshire County Council have reported that the discretionary payments made in previous years have been spent on health and social care, even if they are not able to specify what elements, and that their planning this year included the expectation of a further discretionary payment from the CCG. It is likely that a reduction in their planned budget by the amount of the discretionary payment they expected to be made will have an impact on users of health and social care services. The CCG is willing to work with the County Council to consider impact, including equality and health inequality impact, as they make decisions on changes to their services that may impact on healthcare.

Evidence

What evidence have you considered? Against each of the protected characteristics categories below list the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic).

This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations or other Equality Analyses. If there are gaps in evidence, state what you will do to mitigate them in the Evidence based decision making section on page 9 of this template.

If you are submitting no evidence against a protected characteristic, please explain why.

Age Consider and detail age related evidence. This can include safeguarding, consent and welfare issues.

Hertfordshire County Council provided detailed high level data on Older People's Social Care Activity and Finance Information in February 2017. It does not specify what previous discretionary payments have funded and does not include an equalities and health inequalities breakdown of service recipients. This means that we are not able to currently assess likely or possible impact on this group. As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to services.

In response to our requests to provide information on how the additional money for social care has been spent, HCC have produced a report that outlines how the whole of their adult social care budget for west Hertfordshire is spent. The report identifies spend according three main areas: homecare; residential/nursing homes; and direct payments. There is an analysis of the spend by

district and some assessment of the performance of the homecare contracts. The report also looks at actions planned for 2017/18.

Hertfordshire County Council have provided their own assessment of the risk attached to the proposed non-payment of £8.5m. Their assessment is:

Over view of funding reductions

Removal of contributions will fast forward the system to a world where we are buying far less homecare. Reductions of any scale will have a serious cliff-edge effect and risk the dangerous destabilisation of care systems locally, with adverse consequences for the NHS. This is the experience of systems throughout the country where deeper social care funding reductions have already taken effect. Nationally (per Kings Fund report) the impact on the NHS is in:

- Increase in delayed transfer of care
- Increase in emergency hospital admissions of older people, greater acuity of need of attendees
- Increase in pressure on primary care as patient contact with GPs from 85+age group grows faster than other population groups
- Intermediate care stretched

This clearly indicates that their view is that the impact will fall greatest on older people. Their decision would then need to be whether to meet the shortfall from elsewhere in their budget along with an associated equality impact assessment of the impact on older person's services.

Disability Detail and consider disability related evidence. This can include attitudinal, physical and social barriers as well as mental health/ learning disabilities.

Hertfordshire County Council provided detailed high level data on Older People's Social Care Activity and Finance Information in February 2017. It does not specify what previous discretionary payments have funded and does not include an equalities and health inequalities breakdown of service recipients. This means that we are not able to currently assess likely or possible impact on this group. As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to services.

Given the lack of detail the CCG can assume that there will be no disproportionate impact on the protected characteristic other than age.

Gender reassignment (including transgender) Detail and consider evidence on transgender people.

<p>This can include issues such as privacy of data and harassment.</p> <p>Hertfordshire County Council provided detailed high level data on Older People's Social Care Activity and Finance Information in February 2017. It does not specify what previous discretionary payments have funded and does not include an equalities and health inequalities breakdown of service recipients. This means that we are not able to currently assess likely or possible impact on this group. As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to services.</p>
<p>Marriage and civil partnership Detail and consider evidence on marriage and civil partnership. This can include working arrangements, part-time working, caring responsibilities.</p> <p>Hertfordshire County Council provided detailed high level data on Older People's Social Care Activity and Finance Information in February 2017. It does not specify what previous discretionary payments have funded and does not include an equalities and health inequalities breakdown of service recipients. This means that we are not able to currently assess likely or possible impact on this group. As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to services.</p>
<p>Pregnancy and maternity Detail and consider evidence on pregnancy and maternity. This can include working arrangements, part-time working, caring responsibilities.</p> <p>Hertfordshire County Council provided detailed high level data on Older People's Social Care Activity and Finance Information in February 2017. It does not specify what previous discretionary payments have funded and does not include an equalities and health inequalities breakdown of service recipients. This means that we are not able to currently assess likely or possible impact on this group. As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to services.</p>
<p>Race Detail and consider race related evidence. This can include information on difference ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and language barriers.</p> <p>Hertfordshire County Council provided detailed high level data on Older People's Social Care Activity and Finance Information in February 2017. It does not specify what previous discretionary payments have funded and does not include an equalities and health inequalities breakdown of service recipients. This means that we are not able to currently assess likely or possible impact on this group. As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to</p>

services.
<p>Religion or belief Detail and consider evidence on people with different religions, beliefs or no belief. This can include consent and end of life issues.</p> <p>Hertfordshire County Council provided detailed high level data on Older People's Social Care Activity and Finance Information in February 2017. It does not specify what previous discretionary payments have funded and does not include an equalities and health inequalities breakdown of service recipients. This means that we are not able to currently assess likely or possible impact on this group. As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to services.</p>
<p>Sex Detail and consider evidence on men and women. This could include access to services and employment.</p> <p>Hertfordshire County Council provided detailed high level data on Older People's Social Care Activity and Finance Information in February 2017. It does not specify what previous discretionary payments have funded and does not include an equalities and health inequalities breakdown of service recipients. This means that we are not able to currently assess likely or possible impact on this group. As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to services.</p>
<p>Sexual orientation Detail and consider evidence on heterosexual people as well as lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers.</p> <p>Hertfordshire County Council provided detailed high level data on Older People's Social Care Activity and Finance Information in February 2017. It does not specify what previous discretionary payments have funded and does not include an equalities and health inequalities breakdown of service recipients. This means that we are not able to currently assess likely or possible impact on this group. As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to services.</p>
<p>Carers Detail and consider evidence on part-time working, shift-patterns, general caring responsibilities.</p> <p>Hertfordshire County Council provided detailed high level data on Older People's Social Care Activity and Finance Information in February 2017. It does not specify what previous discretionary payments have funded and does not include an equalities and health inequalities breakdown of</p>

<p>service recipients. This means that we are not able to currently assess likely or possible impact on this group. As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to services.</p>
<p>Other identified groups Detail and consider evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include different socio-economic groups, geographical area inequality, income, resident status (migrants, asylum seekers).</p> <p>Hertfordshire County Council provided detailed high level data on Older People's Social Care Activity and Finance Information in February 2017. It does not specify what previous discretionary payments have funded and does not include an equalities and health inequalities breakdown of service recipients. This means that we are not able to currently assess likely or possible impact on this group. As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to services.</p>

<h2>Engagement and involvement</h2>
<p>How have you engaged stakeholders with an interest in protected characteristics in gathering evidence or testing the evidence available?</p> <p>As we are not able to identify who the relevant stakeholder are or the services that the discretionary funding may pay for we have not been able to engage with stakeholders, other than Hertfordshire County Council</p> <p>As previously stated, the CCG is willing to work with the County Council to identify health impact, including equality impact, of the implications of decisions they make on changes to services and to work with relevant stakeholders as part of that.</p>
<p>How have you engaged stakeholders in testing the policy or programme proposals?</p> <p>See above</p>
<p>For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:</p> <p>See above</p>

Summary of Analysis

Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impacts, if so state whether adverse or positive and for which groups and/or individuals. How you will mitigate any negative impacts? How you will include certain protected groups in services or expand their participation in public life?

Hertfordshire County Council has provided a view that there will be an impact on older people.

The CCG has tried to get information from Hertfordshire County Council, to look at both how discretionary payments previously made have been used and how a discretionary payment, if made, would be used, to assess impact, including equality and health inequality impact. This has not been provided to date.

We acknowledge that not having information is not a reason to assume that there is no equality impact when paying Due Regard to the Equality Duty and we acknowledge that should a discretionary payment not be agreed Hertfordshire County Council will have difficult decisions to make around the provision of health and social care services. Those are their decisions and we will work with them to assess any healthcare impact, including equality and health inequality impact. Our decision is on the making of a discretionary payment the results and impact of which we are not currently able to assess, despite asking for relevant information.

Now consider and detail below how the proposals could support the elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups (the General Duty of the Public Sector Equality Duty).

Eliminate discrimination, harassment and victimisation

Without data on impact it is not possible to assess this requirement of the PSED

Advance equality of opportunity

Without data on impact it is not possible to assess this requirement of the PSED

Promote good relations between groups

Without data on impact it is not possible to assess this requirement of the PSED

Next Steps

Please give an outline of what you are going to do, based on the gaps, challenges and opportunities you have identified in the summary of analysis section. This might include action(s) to eliminate discrimination issues, partnership working with stakeholders and data gaps that need to be addressed through further consultation or research. This is your action plan and should be SMART.

We will work with Hertfordshire County Council to assess any healthcare impact, including equality and health inequality impact, of decisions they make if the decision is made not to make a discretionary payment.

How will you share the findings of the Equality analysis? This can include sharing through corporate governance or sharing with, for example, other directorates, partner organisations or the public. The completed EqlA will be published on the Herts Valleys CCG website either as part of the report on the proposals or separately on the equality and diversity pages.

The EqlA will be submitted to the Herts Valleys CCG board meeting on 9 March 2017. It will be published on the CCG website as part of the meeting papers pack.

Health Inequalities Analysis

Evidence

1. What evidence have you considered to determine what health inequalities exist in relation to your work? List the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic). This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations or other Equality Analyses. If there are gaps in evidence, state what you will do to mitigate them in the Evidence based decision making section on the last page of this template.

Please see the explanation under the equality impact assessment section as we have included the difficulty in the consideration of health inequalities as part of that.

Impact

2. What is the potential impact of your work on health inequalities? Can you demonstrate through evidenced based consideration how the health outcomes, experience and access to health care services differ across the population group and in different geographical locations that your work applies to?

Please see the explanation under the equality impact assessment section as we have included the difficulty in the consideration of health inequalities as part of that.

3. How can you make sure that your work has the best chance of reducing health inequalities?

Please see the explanation under the equality impact assessment section as we have included the difficulty in the consideration of health inequalities as part of that.

Monitor and Evaluation

4. How will you monitor and evaluate the effect of your work on health inequalities?

Please see the explanation under the equality impact assessment section as we have included the difficulty in the consideration of health inequalities as part of that.

Quality Impact Initial Assessment.

Quality can be defined as embracing three key components:

- Patient Safety – there will be no avoidable harm to patients from the healthcare they receive. This means ensuring that the environment is clean and safe at all times and that harmful events never happen.
- Effectiveness of care – the most appropriate treatments, interventions, support and services will be provided at the right time to those patients who will benefit.
- Patient Experience – the patient's experience will be at the centre of the organisation's approach to quality.

What is the impact on:

Patient Safety?	Please see the explanation under the equality impact assessment section. Without relevant data we are also unable to assess the quality impact.
Patient Experience?	
Clinical Effectiveness?	

If any there is any negative impact please complete seek advice from the Nursing and Quality Team and a full Quality impact assessment will need to be completed.

Name of person(s) who carried out these analyses: Paul Curry
Date analyses were completed: 27 February 2017

PAY POLICY 2017/18

Report of the Director of Resources

Author: Emily Austin, HR Manager, Strategy, Policy & Reward (Tel: 01707 292751)

Executive Member: - Chris Hayward, Resources and Performance

1. Purpose of report

- 1.1 To invite Council to adopt the proposed Pay Policy for 2017/18 and to note the data to be released in April 2017 as part of the Council's annual publication of senior manager data.

2. Summary

- 2.1 The Localism Act 2011 (the '2011 Act') requires local authorities to publish a pay policy annually. The purpose of a pay policy is to assist with the drive for greater transparency and accountability in relation to pay. The policy must at a minimum cover the level and elements of remuneration of Chief Officers (as defined by the 2011 Act), but local authorities have the discretion to broaden the policy to cover other terms and conditions and employee groups.
- 2.2 This report sets out the proposed pay policy for the Council for 2017/18 and the pay ratio to be published; it also references the data to be released in April 2017 as part of the Council's annual publication of senior manager data, signposted from the Pay Policy.
- 2.3 The Council's Employment Committee considered the proposed Pay Policy 2017/18 at its meeting on 6 February 2017 and recommended that Council adopts it. The Committee also noted the data to be released in April 2017.

3. Recommendation

- 3.1 That the County Council adopts the Pay Policy for 2017/18 set out in Appendix 1 to the report and notes the data to be released in April 2017 as part of the Council's annual publication of senior manager data.

4. Background

- 4.1 The Localism Act 2011 requires all local authorities to prepare and publish an annual pay policy statement to articulate the Council's policies on the remuneration of both its highest and lowest paid employees for the following financial year.
- 4.2 Publication of the pay policy is to assist with the drive for greater transparency and accountability of senior managers' pay, providing information to the public about how the Council sets and manages pay for senior managers and also for its lowest paid employees. This is also in line with the Department for Communities and Local Government (DCLG's) 'Local Government Transparency Code 2015'.

5. Scope of the Pay Policy

- 5.1 The 2011 Act requires the pay policy to include information relating to the Head of Paid Service, the Monitoring Officer, Chief Officers (statutory and non-statutory) and Deputy Chief Officers, as defined in the Local Government and Housing Act 1989 and including Public Health. Schools employees are excluded from the scope of the pay policy as each school is already required to publish its own pay policy.

6. Content of the Pay Policy for 2017/18

- 6.1 County Council is asked to approve the content of the Pay Policy as set out in Appendix 1 to the report. The Pay Policy for 2017/18 remains the same in format as the previous 4 policies. The content is also as per the 2015/16 & 2016/17 policies except for the updates in dates and salaries.
- 6.2 Within the parameters of the guidance around the 2011 Act the following definitions will be used within the Council's Pay Policy for 2017/18:-
- The definition of the Council's lowest paid worker is the lowest national spinal column point (SCP) 6. This is the lowest pay point the Council can appoint to and, therefore, is the Council's lowest pay point. As at April 2017 this is a full time value of £14,659pa. [Note: This is with the exception of Health and Social care Trainees (previously known as 'Care Cadets') who are paid £110 per week (this is above the National Minimum wage for Apprenticeships)].
- 6.3 The definition of the ratio from 1 April 2017 is in line with the DCLG's Local Government Transparency Code 2015 as follows:-
- The ratio between the total remuneration of the Council's highest paid employee (Chief Executive and Director of Environment) on 1 April 2017 and the median earnings figure for the whole of the Council's workforce (exc. schools). The earnings are calculated on remuneration, including additional payments such as bonuses. This

ratio will be calculated based on data in April 2017 and the final figure published thereafter.

- The current published ratio (from April 2016) between the 2015/2016 total remuneration of the Council's highest paid employee (Chief Executive) and the median earnings figure for the whole of the Council's workforce (exc. schools) was 1:6:8. It is anticipated this will not vary significantly in April 2017.

7. Open Data Release for 2017/18

7.1 The following information will also be published on the Council's website in compliance with The Accounts and Audit Regulations 2015 and The Local Government Transparency Code 2015:

- The number of employees whose remuneration is at least £50,000 in brackets of £5,000 (as set out in the Statement of Accounts)
- Details of the remuneration and job titles of certain senior employees whose salary is £50,000 or more; employees whose salaries are £150,000 or more are also identified by name (as set out in the Statement of Accounts)
- A list of responsibilities and bonus payments of certain senior employees whose salary is £50,000 or more, identifying by name the Chief Executive and Director of Environment, his direct reports, Chief Officers (Directors), Deputy Chief Officers (Deputy / Assistant Directors) and the Monitoring Officer (as set out in the Statement of Accounts)
- Organisation charts; These charts include all staff (irrespective of employment terms) whose annual salary is £50,000 or more and include information on;
 - Grade, job title and local authority department
 - Whether permanent or temporary
 - Contact details (a generic email address)
 - Salary in £5,000 brackets,
 - Salary ceiling (the maximum salary for the grade).

These also identify by name the Chief Executive, his direct reports, Chief Officers (Directors), Deputy Chief Officers (Deputy / Assistant Directors) and the Monitoring Officer (as set out in the Statement of Accounts).

8. Approval of the Pay Policy

8.1 The Pay Policy must be approved by Full Council by 31 March each year. After approval or revision the Pay Policy must be published on Hertfordshire.gov.uk in an easily accessible manner and linked to the Open Data release.

- 8.2 Once published the Council must comply with the Pay Policy for the relevant financial year, and will be constrained by it when making any decisions relating to roles within scope of the policy.

9. Financial Implications

- 9.1 There are no financial implications arising from the publication of Pay Policy 2017/18 or the data release.

10. Equalities Implications

- 10.1 There are no equality implications arising from the publication of Pay Policy 2017/8 or the data release

Background Information

Report and Minutes, Employment Committee, 6 February 2017

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/522/Committee/9/Default.aspx>

Hertfordshire County Council Pay Policy 2017/18

1. Introduction

- 1.1 This Pay Policy 2017/18 sets out the Council's position in relation to pay for its senior managers and lowest paid employees in compliance with the Localism Act 2011.
- 1.2 The Policy outlines the Council's approach to how it manages pay for its senior managers and also sets out the Council's definition of its lowest paid employees.

2. Scope of Pay Policy

- 2.1 The Pay Policy covers the following roles at Hertfordshire County Council:
- Chief Executive and Director of Environment (Head of Paid Service);
 - Directors (Chief Officer statutory and non statutory);
 - Deputy and Assistant Director roles (this includes the roles of Deputy Chief Officer and Monitoring Officer and NHS Consultants);
 - Heads of Service (where they report to a Director);
 - Chief Fire Officer;
 - Deputy Chief Fire Officer;
 - Assistant Chief Fire Officer.
- 2.2 The following roles form the Council's Strategic Management Board:
- Chief Executive & Director of Environment (Head of Paid Service);
 - Director of Resources (Chief Finance Officer)
 - Director Health and Community Services (Statutory Director of Adult Social Services);
 - Director of Children's Services (Statutory Director Children's Services);
 - Director Community Protection (Chief Fire Officer);
 - Director of Public Health; (Statutory Director Public Health)
 - Deputy Director, Environment (Statutory Traffic Manager)
- 2.3 The terms of the employees referred to in paragraph 2.1 are all set by the Council via individual agreements. They are not covered by any nationally determined collective agreements. The exception to this is NHS Consultants who report to the Director of Public Health. The terms and conditions and pay for Consultants in Public Health are set nationally by the NHS Employers. Pay is reviewed annually by the Doctors and Dentists Review Body.
- 2.4 This Pay Policy does not cover those employed in schools. Each school is already required to publish a separate pay policy.

3. Job Evaluation

- 3.1 All roles are evaluated using the Hay job evaluation methodology to ensure roles are graded fairly, accurately and consistently. This allocates each role a locally agreed grade. These grades are Chief Officer, PMA, PMB or PMC. PMC is split into 3 zones. Each grade is matched to a salary range. These salary ranges are set by the Council.

4. Salary Ranges

- 4.1 All senior managers are paid on spot salaries within a salary range. The salary ranges exist to set a minimum and maximum for each grade. There are no increments in the salary ranges. Salary ranges are reviewed annually in January. The Employment Committee agrees any changes to the Chief Officer salary range and the fixed salary point of the Chief Executive and Director of Environment and makes a recommendation to the Chief Executive and Director of Environment for any changes to the salary ranges for Deputy and Assistant Directors and Heads of Service. These are undertaken against an assessment of the local and national market including an assessment of inflation rates. Any changes to salary ranges are implemented in April. See section 8.1 for further details.
- 4.2 The Chief Executive and Director of Environment is the highest paid role in the Council. The role has a fixed salary point. The current basic salary for the role of Chief Executive and Director of Environment at Hertfordshire County Council is £185,000 (1 April 2016 - *to be confirmed for 1 April 2017.*)
- 4.3 All salary ranges and the fixed salary point for the Chief Executive and Director of Environment are published on the Council's website, Hertfordshire.gov.uk.

5. Recruitment and retention of Senior Managers

- 5.1 All senior manager vacancies will require an assessment of the market prior to advertisement to make a decision in regard to the 'circa' salary within the salary range, (or zone for PMC) that the role should be advertised at. The entire salary range should not be advertised.
- 5.2 All appointments to senior manager posts are made on a spot salary within the salary range that the role has been allocated to. Spot salaries should be at the lower end of the market indicators. Consideration will be given to:
- The wider recruitment market
 - Relativity of salaries of comparable roles
 - Equality
 - Size and responsibilities of the post and duties to be undertaken.

- 5.3 The decision on the salary of the post prior to an offer being made will be approved by the Assistant Director, Human Resources (HR). See section 5.4 with regard to posts with salary packages over £100,000 per annum.
- 5.4 Recruitment to vacancies with salary packages above £100,000 per annum will be in accordance with Annex 14 of the Constitution and this Pay Policy.
- 5.5 The decision on the actual salary over £100,000 per annum within the ranges set by Employment Committee to which an employee is appointed will be made by the Chief Executive and Director of Environment in consultation with Group Leaders following guidance from the Assistant Director, Human Resources (HR). If any Group Leader or Group Leaders who individually or collectively represent 5 or more members of the Council dissent from the proposed salary for an appointment then the salary package for that appointment shall be referred to full Council for decision.
- 5.6 In exceptional circumstances the Council retains the discretion to apply an additional payment to retain a senior manager where appropriate, based on the market. These payments are approved by the Chief Executive and Director of Environment with guidance from the Assistant Director, HR. Where:
- (i) the proposed additional payment is to an employee whose salary is already £100,000 p.a. or more, or
 - (ii) the proposed additional payment if approved would result in the employee's salary rising to £100,000 p.a. or more

The Chief Executive will consult Group Leaders on the proposed increase. If any Group Leader or Group Leaders who individually or collectively represent 5 or more members of the Council dissent from the proposed additional payment then the salary package for that employee shall be referred to full Council for decision.

- 5.7 The Council has made the decision that the approval of salary packages with a salary of £100,000 p.a. or more and increases in salary as mentioned in paragraph 5.6 above shall be decided as set out in the preceding paragraphs taking into account that the limited number of times that full Council meets each year that it would not be an efficient use of resources to call full Council to consider an individual appointment or salary increase.
- 5.8 The process as set out in the preceding paragraphs enables some flexibility if any negotiation is required with a candidate on appointment. It also ensures that all Groups on the Council via their Group Leaders are made aware of proposed salary packages with a salary over £100,000 p.a. and increases as mentioned in paragraph 5.6 above and

can express their views to the Chief Executive and if necessary the matter can be considered at a meeting of full Council.

6. Contract for Services

- 6.1 Exceptionally where a senior manager is engaged under a contract for services (as a consultant) the rate of pay will be determined by the nature of the service to be delivered and the market rate for that role. The rate of pay will be agreed by the Assistant Director of HR in consultation with the relevant Director or the Chief Executive and Director of Environment.

7. Remuneration Package

As well as basic salary all senior managers are employed on the following terms of employment:

7.1. Annual Leave

The annual leave year runs from 1 April to 31 March. Annual leave entitlement is dependent on grade and continuous service. In addition to annual leave, employees are entitled to statutory holidays each year. The annual leave entitlement for a full year (pro-rata for part-time staff) is as follows:

Role / Grade	Less than 5 years of continuous service	On the anniversary of 5 years continuous service	On the anniversary of 10 years continuous service
Chief Executive Chief Officer (CO's) Deputy and Assistant Directors (Grade PMA/PMB)	33 days	33 days	33 days
Heads of Service (Grade PMC)	28 days	30 days	31 days

7.2. Cars and Mileage

7.2.1 Lease Cars

- 7.2.1.1 Eligibility for a lease car is based on completing over 2250 average annual business miles per annum. Eligible employees receive a monthly contribution (£50 per calendar month for those completing over 2250 average annual business miles per annum and £100 per calendar month for those completing over 5000 average annual business miles per annum) from the Council towards the cost of the car. All lease cars are limited to those with emissions below 100 g/km of CO₂.

7.2.2 An Extended Lease scheme also offers certain employees who do over 1500 miles and meet the role eligibility criteria (roles that meet a shortage skill requirement i.e. Social Worker) access to a lease car. There is no employer contribution toward the car but the Council does pay for its insurance and maintenance.

7.2.3 All lease car business mileage can be claimed at a rate based on the HMRC's company car advisory fuel rates.

7.2.3 Private Cars

Where an employee uses their own private car for business use all business miles undertaken can be claimed at a rate based on the HMRC's Approved mileage rate.

7.3 Sick Pay

7.3.1 The entitlement to sick pay for all employees is as follows:

First 2 days absence in each period of absence	No pay
During the first 6 months of service	Statutory Sick Pay Only
During the second 6 months service (month 7 – 12)	1 months full pay and 1 months half pay
During the second year of service	2 months full pay and 2 months half pay
During the third year of service onwards	3 months full pay and 3 months half pay
During the fourth year of service onwards	4 months full pay and 4 months half pay

7.4 Additional Payments

7.4.1 Senior managers are not entitled to claim any additional payments, such as overtime, standby or payments for working at the weekend.

7.5 Market Payments

7.5.1 The Council retains the discretion to apply a market payment to attract or retain a senior manager where appropriate. These payments are approved by the Chief Executive and Director of Environment with guidance from the Assistant Director, HR.

7.6 Subsistence Rates

7.6.1 Senior managers are only entitled to claim subsistence for meals if they are required to stay out of the county on business.

7.7 Honoraria payments

- 7.7.1 Honoraria payments are made in exceptional circumstances where an employee is temporarily taking on additional duties of another post. The value of the payment will be proportionate and based on the amount of work and length of time the additional duties are undertaken. All payments are approved by the Chief Executive and Director of Environment with guidance from the Assistant Director of HR.

7.8 Election Fees

- 7.8.1 The Chief Legal Officer is the Returning Officer for County Council elections and does not receive any election fees.

8. Managing Pay

8.1 Cost of Living Increases for Senior Managers

- 8.1.1 The decision on the setting of a cost of living increase is undertaken annually by the Employment Committee. The Committee decides on the value of any the cost of living award to be paid to the Chief Executive and Director of Environment and the Chief Officers and makes a recommendation to the Chief Executive and Director of Environment, who has the final decision on the value of any cost of living award to be paid to Deputy and Assistant Directors and Heads of Service.
- 8.1.2 Any cost of living increase that is agreed will be paid in April each year and consolidated into pay. In the exceptional circumstance where an individual's pay exceeds the maximum pay for the grade any payments (i.e. cost of living increase) will be made as a non-consolidated payment. Only those senior managers that achieve a performance rating of 'Fully Achieved' or 'Exceed' (see section 8.2 for further details of the performance management scheme) will be eligible for a cost of living award. Any employee who has a 'Not Met' or 'Partly Met' rating will not get cost of living increase consolidated into their pay and therefore their salary may fall below the minimum of the range if the range is increased.
- 8.1.3 Senior managers starting on or after 1 October will receive a consolidated cost of living increase as long as they are assessed as performing within their probation period and have been assessed as such at the milestones within their probationary review.
- 8.1.4 The decision on the value of any cost of living increase will take account of the current market (including inflation rates and affordability).

8.2 Performance Increases for Senior Managers

- 8.2.1 Individual performance of senior managers is assessed via the Council's Performance Management Development Scheme (PMDS). At the end of each performance year their performance is assessed against their objectives and the Council's Values and Behaviours. Each manager is awarded an overall performance rating of 'Not Met', 'Partly Met', 'Fully Achieved' or 'Exceed', reflecting their achievement against their objectives and the Council's Values and Behaviours.
- 8.2.2 Employment Committee will each year agree on the value of a non-consolidated performance payment to be paid to the Chief Executive and Director of Environment and the Chief Officers, subject to individuals achieving an Exceed rating, and makes a recommendation to the Chief Executive and Director of Environment, who has the final decision on the value of a non consolidated performance payment to be paid to Deputy and Assistant Directors and Heads of Service that are awarded an 'Exceed' rating.
- 8.2.3 The decisions on the value of any performance payment will take account of the current market including inflation rates and affordability.
- 8.2.4 Any senior manager appointed between the 1 April and the 30 September of the performance year will qualify for the non-consolidated performance payment subject to their rating. Senior managers starting on or after 1 October will not qualify for the non consolidated performance payment until the end of the following performance year subject to their performance rating.

8.3 Change to pay mid performance year

- 8.3.1 Where a role significantly varies within the performance year an assessment will be undertaken of any additional duties to decide if an alteration to pay or grade is necessary.
- 8.3.2 All decisions relating to the movement of pay for Deputy and Assistant Directors and Heads of Service are assessed and approved by the Assistant Director of HR in consultation with the relevant Director or the Chief Executive and Director of Environment. Any changes to pay for Chief Officers are approved by the Chief Executive with guidance from the Assistant Director of HR.

8.4 Tax and Bonus Payments

- 8.4.1 Senior Managers may be eligible for a non-consolidated performance payment linked to performance each year. The eligibility and value of this payment is set by the Employment Committee as set out in section 8.2.

- 8.4.2 The Council's remuneration arrangements are designed to ensure payments are in line with taxation rules.

9. Payments on Termination of Employment for Senior Managers

9.1 Redundancy and Other Payments

- 9.1.1 An employee whose contract of employment is terminated due to redundancy will be eligible for a redundancy payment. Payments are made based on the statutory calculator for age and years of service but use that employee's actual week's pay.
- 9.1.2 An employee whose contract of employment is terminated may be entitled to other payments (e.g. payment in lieu of notice). Any such payments must be approved by the Assistant Director of HR and the relevant Chief Officer or the Chief Executive and Director of Environment.
- 9.1.3 In exceptional circumstances, and specifically so as to settle a claim or a potential dispute, the Assistant Director of HR in consultation with the Chief Legal Officer, can agree payment of a termination sum.
- 9.1.4 Any exceptional payment(s) as part of a severance package that results in the severance package being of a value of £100,000 or more will be approved by the Chief Executive and Director of Environment in consultation with Group Leaders following guidance from the Assistant Director of HR. If any Group Leader or Group Leaders who individually or collectively represent 5 or more members of the council dissent from the proposed payment(s) then that severance package shall be referred to full Council for decision.
- 9.1.5 The Council has made the decision that the approval of severance packages which include exceptional payment(s) bringing the value of the package to £100,000 or more shall be decided as set out in the preceding paragraph, taking into account that the limited number of times that full Council meets each year that it would not be an efficient use of resources to call full Council to consider an individual severance package. The process as set out in the preceding paragraph enables some flexibility to take into account the circumstances at the time of the ending of the individual's employment. It also ensures that all Groups on the Council via their Group Leaders are made aware of proposed severance packages with exceptional payment(s) that take the package to £100,000 or more and can express their views to the Chief Executive and Director of Environment and, if necessary, the matter can be considered at a meeting of full Council.
- 9.1.6 The Council would not expect to re-employ an individual who has left the organisation as a result of a severance payment. The Council would not expect to re-employ an individual who has left as a result of

Redundancy or retirement immediately after they left unless it is to a vacancy that was not available at the time they left the organisation.

- 9.1.7 An employee who is made redundant or retires must have a break of at least one month and one day to break their continuous service with the Council before they can be re-employed by the Council in a different position. If they are re-employed before this time they lose entitlement to any redundancy payment or may be liable for taxation on their retirement allowance.

10. Pensions (Local Government Pension Scheme & Firefighters Pension Schemes)

10.1 Membership

- 10.1.1 Membership of a pension scheme is determined by the employee's conditions of service and is subject to the provisions of the Scheme. All local government employees (including senior managers) are eligible to join the Local Government Pension Scheme (LGPS). The Chief Fire Officer and Deputy and Assistant Chief Fire Officers are entitled to join the Firefighters Pension Scheme.

10.2 Pension Contributions

- 10.2.1 Employee contributions are set nationally. The following table sets out the employee and employer contribution rates.

	Employee Contributions for those paid above £50k (1 April 2017)	Employer Contributions* (1 April 2017)
Local Government Pension Scheme	8.5% / 9.9% / 10.5 / 11.4 or 12.5% depending on individual salary	20.6%
Firefighters Pension Scheme 1992	15.5/ 16% / 16.5% or 17% depending on individual salary	21.7%
New Firefighters Pension Scheme 2006	11.3% / 11.7% / 12.1% or 12.5 % depending on individual salary	11.9%

Firefighters Pension Scheme	13.5 % or 14.5% depending on individual salary	14.3%
2015		

*Note these may vary based on re-evaluations in 2017 – yet to be confirmed.

10.3 Pension Scheme Discretions

10.3.1 County Council and Fire employees are eligible to be members of their statutory pension schemes. The core pension benefits of these schemes are determined by statutory regulations.

10.3.2 The Local Government Pension Scheme incorporates employer discretions and discretionary benefits. The Council has published the Local Government Pension Scheme discretions and the Firefighters Pension discretions on Hertfordshire.gov.uk. This sets out the parameters on managing pension decisions with regard to: business efficiency; ill-health retirement; early retirement requests; waiving any actuarial reductions; flexible retirement and request for payment of deferred benefits

10.4 Pension Abatement

10.4.1 Abatement of pension is designed to restrict the income of pensioners who return to employment. This is a [discretion of the administering authority of the Local Government Pension Scheme](#), not the employer. The guiding principle adhered to by the County Council as Administering Authority for the Hertfordshire LGPS is that an employee should not have a bigger income as a result of receiving both a salary and a pension than they would have been paid had they remained in their original job. Abatement of pension applies to pension benefits built up before 1 April 2014. There are no abatement provisions in the Local Government Pension Scheme 2014.

10.4.2 The Firefighters' Pension Schemes 1992 / 2006 & 2015 schemes allow the Council to abate pensions of individuals who return to work as a Firefighter. The Firefighters' Pension Scheme 2006 allows the Council to abate pensions of individuals who return to work with a fire authority in any capacity, including one that is subject to the Local Government Pension Scheme.

10.4.3 The Firefighters 1992 scheme allows members subject to at least 25 years' service, to retire before their protected pension age. For any firefighter who retires before their protected pension age and subsequently re-joins the Fire Authority or a connected employer (which would include another FRA and/or work as a retained firefighter) pension abatement rules do not apply.

- 10.4.4 Consultants who are contracted by the Council are either self-employed or employed by bodies who are not scheme employers and, therefore, pension abatement rules do not apply.

11. Lowest paid employees

- 11.1 The Council's definition of its lowest paid employee for the purposes of this policy is employees paid on the nationally agreed spinal column point 6. As at 1 April 2017 this equates to £14,659 per annum for a full time employee (i.e. working 37 hours a week). This definition has been adopted as Hertfordshire County Council participates in national pay bargaining for all local government employees (excluding senior managers) and utilises the nationally determined spinal column points.
- 11.2 The Council has a policy on the pay for apprentices, individuals undertaking a work trial, industrial placements and Internships. All jobs are evaluated in line with the Council's Job Evaluation policy and paid on the Council's salary scales. All posts are paid at or above the Council's definition of the lowest paid employee (see section 11.1) with the exception of Health and Social Care Trainees who are currently paid £110 per week as part of a pre-apprentice ship scheme.

12. Pay Ratios

- 12.1 The Council has revised the ratio it publishes in April 2017 in line with the DCLG Local Government Transparency Code 2015. This ratio is published on the Council's website, Hertfordshire.gov.uk.
- 12.2 The revised definition is the ratio between the total remuneration of the Council's highest paid employee (Chief Executive) and the median total remuneration of all employees in Council Departments (excludes school employees). The Council's ratio is [here](#).
- 12.3 The earnings are calculated on remuneration including additional payments such as bonuses. This ratio is based on full time equivalent salaries.

13. Pay Transparency

- 13.1 In order to be transparent, the Council publishes the details of senior manager salaries and senior manager structures for all employees paid £50,000 per annum or more. This is published in line with the DCLG Local Government Transparency Code 2015.
- 13.2 This data is reviewed and refreshed annually and can be found on Hertfordshire County Council website, Hertfordshire.gov.uk under 'Your Council' then 'Working for You' and then 'Open Data'.
- 13.3 Information on senior manager salaries is also published in the [Council's Annual Statement of Accounts](#).

**GOVERNANCE: LOCAL GOVERNMENT PENSION SCHEME (LGPS)
INVESTMENT POOLING INTER-AUTHORITY AGREEMENT**

Report of the Director of Resources

Report author: Patrick Towey, Head of Specialist Accounting
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1. Purpose of the Report

- 1.1 To update Members on the current position concerning the ACCESS Pension Pool and to invite Council to consider whether to approve proposed arrangements for setting up a joint committee with the ACCESS Authorities and for an Inter-Authority Agreement with the ACCESS Authorities.

2. Summary

- 2.1 The County Council at its meeting on 22 March 2016 agreed, as recommended by the Pension Committee, to join the ACCESS pool. Accordingly the Council signed a Memorandum of Understanding (MoU) in May 2016 with the 10 other authorities in the pool to underpin the initial work of establishing the pool. ACCESS contains the following funds:

Cambridgeshire	Kent
East Sussex	Norfolk
Essex	Northamptonshire
Hampshire	Suffolk
Hertfordshire	West Sussex
Isle of Wight	

- 2.2 The ACCESS pool proposal for the pooling of assets was submitted to Government on 15 July 2016 and an initial acceptance letter was received on 27 January 2017.
- 2.3 This report seeks County Council's approval to create the Joint Governance Committee which will make investment pooling decisions on behalf of the 11 ACCESS Funds collectively. Investment strategy and asset allocation decisions will be determined locally by each individual Fund and the

implementation of these decisions will be undertaken by ACCESS through collective pooling of investments on behalf of the 11 ACCESS Funds.

- 2.4 The Council's Pensions Committee considered a report on this item of business at its meeting on 7 March 2017. The Committee's recommendation to Council is reflected in paragraph 3 below.

3. Recommendation

- 3.1 That County Council agrees:-

- (i) that the Director of Resources, in consultation with the Chairman or, in the Chairman's absence, the Vice-Chairman of the Pensions Committee, be delegated the authority to finalise and agree the terms of the Inter-Authority Agreement with the authorities in the ACCESS Pool as set out in the Report and its appendices;
- (ii) to set up a Joint Governance Committee as set out in the Report with the authorities in the ACCESS Pool with effect from the date of completion of the Inter-Authority Agreement and to appoint one Member of the Council to the Joint Governance Committee;
- (iii) to delegate the functions set out in Appendix 2 to the Report to the Joint Committee with effect from the date of completion of the Inter-Authority Agreement; and
- (iv) that the Chief Legal Officer be authorised to make such amendments as are necessary to the Council's Constitution to reflect the decisions set out in (i) to (iii) above.

4. Background

- 4.1 In the summer 2015 budget the Chancellor announced the Government's intention to invite Administering Authorities to make proposals for pooling Local Government Pension Scheme (LGPS) investments. Following the Autumn Statement on 25 November 2015 the Department for Communities and Local Government (DCLG) published its criteria for pooling investments focusing on 4 elements:

- 1. Scale – it is the Government's desire that pools of assets are created with at least £25bn of assets per pool.
- 2. Strong Governance – authorities are charged with defining the mechanisms by which they can hold the pool to account.
- 3. Reduced costs – including estimated savings over the next 15 years.
- 4. Improved capacity to invest in infrastructure through pooling.

- 4.2 In July 2016 ACCESS made a submission to Government based on pooling investments via a Collective Investment Vehicle (CIV) that would be administered and maintained by a third party Operator. The third party operator would be collectively managed by the pension funds through a joint

committee established by the Authorities and made up of one member from each authority.

5. Inter-Authority Agreement

- 5.1 The ACCESS funds have jointly commissioned the external legal firm Eversheds to provide assistance in drafting a legally binding Inter-Authority Agreement (“IAA”) for the pooling of investments.
- 5.2 The IAA will be based on the governing principles that were agreed by the ACCESS pension funds at the outset of their collaboration in February 2016, including:
- Working collaboratively,
 - All Councils having an equitable voice in governance,
 - Avoiding unnecessary complexity, and
 - Running economically and applying value-for-money considerations.
- 5.3 All monitoring officers of the 11 Funds including the County Council’s Monitoring Officer have been fully involved in the development and agreement of the IAA.
- 5.4 The most significant principles that will be reflected in the IAA are as follows:

Governance

- 5.5 The ACCESS Pool will be governed by a Joint Committee constituted under s101 of the Local Government Act 1972 and made up of one elected councillor chosen by each authority from their pension committee. The Joint Committee (or Joint Governance Committee as it will be known) will be “hosted” by one of the ACCESS local authorities. The host authority will undertake the secretariat function for the Joint Governance Committee. It is proposed that Kent County Council will be the initial host authority.
- 5.6 A Chairman and Vice-Chairman of the Joint Governance Committee will be appointed by the members of the Joint Governance Committee. Each elected member will have one vote in any decision requiring a vote, and decisions will be carried by a simple majority with the Chairman having a casting vote if necessary. The full draft constitution of the Joint Governance Committee is attached at Appendix 1 to the report.
- 5.7 The specific functions that would be delegated to the Joint Governance Committee are specified in Appendix 2 to the report.

Procurement

- 5.8 The Joint Governance Committee will oversee the procurement of an operator. The procurement itself would be undertaken by a “Lead Authority” (one of the ACCESS authorities) on behalf of the group. Whilst the Joint Governance Committee will oversee the procurement process and make a

recommendation on the preferred supplier, each of the 11 access local authorities will make their own decision to enter into a contract with the operator.

Cost Sharing

- 5.9 It is the aim of the ACCESS Pool that costs are shared equitably between the member funds. Some costs will be shared equally between the member funds, or costs will be shared according to the value of investments by each fund as follows:
- 5.10 Costs to be shared equally between the member funds:
- The pool establishment costs including strategic and technical advice, legal advice, project management costs and the costs associated with running either the procurement process to appoint a CIV;
 - Any set-up costs charged by the operator for the overall creation of the sub-fund structure; and
 - The ongoing costs of managing and governing the pool including the host authorities' costs of hosting the Joint Governance Committee and providing the secretariat function, the cost of any external advice commissioned by the Joint Governance Committee, and any re-procurement processes for the CIV Operator.
- 5.11 Costs in relation to funds' investments will be shared according to the value of each fund's investments, as charged by the CIV Operator for the sub-funds that each fund is invested in.
- 5.12 Other costs will not be shared and will be borne by the fund that they are incurred by, which includes:
- Each Fund's costs of participating in the pool, such as attendance at meetings.
 - Any transition costs of moving assets to or within the pool.

Withdrawal and termination

- 5.13 Any fund can withdraw from the IAA and therefore the ACCESS Pool by giving 12 months' notice to expire on 31 March. Following the signing of the IAA, any fund that wishes to withdraw from the pool will be liable for its share of the costs (not relating directly to investments) for the remainder of the contract period of the CIV Operator.

Other Provisions

- 5.14 The IAA will cover a number of other standard areas including dispute resolution, information and confidentiality, data protection, freedom of information, equal opportunities, and change in identity of Administering Authorities.

6. Timescales

- 6.1 Government requires LGPS funds to begin transferring their investments into pools by no later than April 2018. In order for the ACCESS Pool to meet this deadline, the procurement processes for a CIV Operator will need to commence in or around April 2017.
- 6.2 It is therefore necessary to seek decisions now to enable establishment of the Joint Governance Committee and commence the procurement processes. To achieve this, it is necessary for all of the ACCESS Authorities to make decisions at Council meetings in February/March 2017.

7. Financial implications

- 7.1 The implementation costs of establishing a CIV are estimated to be £160k for the Hertfordshire Fund. Ongoing annual operational costs are estimated between £273k and £455k. These estimates have been derived following significant market research with market participants including potential suppliers and other pools.
- 7.2 Eventual savings for the ACCESS Pool are projected to be £30m annually. Allowing for investment growth of 3-5% per annum, by year 10 this will be equivalent to £40-50m.¹

Background Information

Report to Pensions Committee, 7 March 2017

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/528/Committee/11/Default.aspx>

¹ ACCESS pool submission to Government dated 15th July 2016

Draft Constitution of the Joint Committee

Part 1 Membership

1. The Joint Committee shall consist of one elected councillor appointed by each Council. The member so appointed must, at the time of the appointment, be an elected councillor serving as a member of the Committee of a Council which discharges the functions of that Council as pension administering authority.
2. Each Council may appoint a substitute. Any substitute must meet the eligibility requirements in paragraph 1. The substitute may attend any meeting of the Joint Committee or any of its sub-Committees in place of that authority's principal member if notice that the substitute will attend is given to the Secretary of the Joint Committee by the Council concerned.
3. Where a substitution notice is in effect with respect to a particular member at a particular meeting, the substitute shall be a full member of the Joint Committee for the duration of the meeting in place of the principal member.
4. Each Council may remove its appointed member and appoint a different member by giving written notice to the Secretary to the Joint Committee.
5. Each appointed member shall be entitled to remain on the Joint Committee for so long as the Council appointing them so wishes, but shall cease to be a member if he or she ceases to meet the eligibility criteria in paragraph 11 or if that Council removes the appointed member.
6. Any casual vacancies will be filled as soon as reasonably practicable by the Council from which such vacancy arises by giving written notice to the Secretary to the Joint Committee or his or her nominee.
7. The Joint Committee may co-opt any other person whom it thinks fit to be a non-voting member of the committee. The Joint Committee may from time to time make rules as to:
 - 7.1 Registration and declaration of interests by co-opted members.
 - 7.2 Standards of behaviour required to be observed by co-opted members when acting as such.
8. The Chairman of the Joint Committee will be appointed from time to time by the members of the Joint Committee. Subject to paragraph 5, the Chairman of the Joint Committee shall hold that office until their replacement is appointed which shall be at the first meeting to take place after the second anniversary of their appointment.
9. The Vice-Chairman of the Joint Committee will be appointed from time to time by the members of the Joint Committee. Subject to paragraph 5, the

Vice-Chairman of the Joint Committee shall hold that office until their replacement is appointed which shall be at the first meeting to take place after the second anniversary of their appointment.

10. The Joint Committee may appoint sub-committees from among its membership as it thinks will help it to enable it to fulfil its remit. The Joint Committee may delegate its responsibilities to such sub-committees. Sub-Committees may co-opt non-voting members.
11. The Joint Committee may set up working groups to advise it on matters within its remit. Such working groups may be formed of members or officers of the constituent authorities or any other third party as the Joint Committee sees fit. Such working groups are advisory only and the Joint Committee may not delegate its responsibilities to such working groups.
12. Each member of the Joint Committee and any Sub-committee shall comply with any relevant code of conduct of their Council when acting as a member of the Joint Committee.
13. The Chairman may direct the Secretary to call a meeting and may require any item of business to be included in the summons.
14. Any 5 members of the Joint Committee may by notice in writing require the Chairman to call a meeting to consider a particular item of business and if the Chairman fails to do so within 20 working days of receipt of the notice then those 5 members may direct the Secretary to call a meeting to consider that business.
15. The Committee may, if the law permits, arrange for attendance at meetings via video conferencing. Any such attendance shall be in accordance with the law and any other requirements imposed by the Joint Committee from time to time.

Part 2 Proceedings

16. Time and Place of Meetings

The Joint Committee will meet at least four times each year. All meetings of the Joint Committee will take place at a suitable venue and at a time to be agreed by the Councils.

17. Notice of and Summons to Meetings

The Secretary to the Joint Committee will give notice to the public of the time and place of any meeting in accordance with Part VA of the Local Government Act 1972. At least five clear days before a meeting, the Secretary to the Joint Committee will send a summons by email and if a member so requests by post to every Member at their last known address. The summons 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.

18. Chairing of Joint Committee

The Vice Chairman shall preside in the absence of the Chairman. If there is a quorum of members present but neither the Chairman nor the Vice-Chairman is present at a meeting of the Joint Committee, the other members of the Joint Committee shall choose one of the members of the Joint Committee to preside at the meeting.

19. Quorum

19.1 The quorum of a meeting will be at least 8 members who are entitled to attend and vote.

19.2 If there is no quorum present at the start of the meeting the meeting may not commence. If after 1 hour from the time specified for the start of the meeting no quorum is present then the meeting shall stand adjourned to another time and date determined by the Secretary.

20. Voting

20.1 Majority

Each elected member shall have one vote. Co-opted members will not have a vote. Any matter will be decided by a simple majority of those members of the Councils represented in the room at the time the question is put. In the event of equality of votes the person presiding at the meeting will be entitled to a casting vote under paragraphs 39(1) and 44 of Schedule 12 of the Local Government Act 1972.

20.2 By Substitutes

The member appointed as a substitute shall have the same voting rights as the member for whom he or she is substituting. Where notice of substitution has been given for a particular meeting the principal member may not vote unless the notice of substitution is withdrawn before the start of the meeting.

20.3 Show of hands

The Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

20.4 Recording of individual votes

The minutes of the meeting shall record how a member of the Committee voted on a particular question if, at the time that the vote is taken or immediately thereafter, that member asks the Secretary or his or her representative at the meeting to record his vote.

21. Minutes

21.1 The Secretary to the Joint Committee shall arrange for written minutes to be taken at each meeting of the Joint Committee and shall present them to the Joint Committee at its next meeting for approval as a correct record. At the next meeting of the Joint Committee, the Chairman shall move that the

minutes of the previous meeting be signed as a correct record. If this is agreed, the Chairman of the Joint Committee shall sign the minutes. The only part of the minutes that can be discussed is their accuracy.

- 21.2 Draft minutes or a summary of the decisions taken at the meeting and a note of the actions arising shall be circulated to the Committee and to each Council by email no later than 7 days after the date of the meeting.
- 22. Any elected member of the Councils who is not a member of the Joint Committee may speak at a meeting of the Joint Committee if the Chairman of the Joint Committee invites him or her to do so but an elected member of the Councils who is not a member of the Joint Committee shall not be entitled to vote at a meeting of the Joint Committee.
- 23. Meetings of the Joint Committee shall be open for members of the public to attend unless the Joint Committee determines that it is necessary to exclude members of the public in accordance with Part VA of the Local Government Act 1972 or the Joint Committee determines that it is necessary to close the meeting to the public because of a disturbance.
- 23.1 Copies of the agenda for meetings of the Joint Committee and any reports for its meetings shall be open to inspection by members of the public at the offices of the Councils with the exception of any report which the Secretary to the Joint Committee determines relates to items which in his or her opinion are likely to be considered at a time when the meeting is not to be open to the public.
- 24. Minutes of the meeting shall be published by the Host Authority to the extent required by Part VA of the Local Government Act 1972.
- 25. If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will arrange for their removal from the meeting room and will suspend the meeting until the member of the public has left or been removed.
- 26. 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.
- 27. **Overview and Scrutiny**
- 27.1 Each Council has overview and scrutiny committees which have the right to scrutinise the operation of the Joint Committee and the Joint Committee and the Host Authority will co-operate with reasonable requests for information from any of the Councils' overview and scrutiny committees.
- 27.2 The decisions of the Joint Committee are not subject to call-in.
- 28. **Regulation of Business**
- 28.1 Any ruling given by the Chairman as to the interpretation of this constitution with respect to the regulation of proceedings at meeting shall be final.

- 28.2 Subject to the law, the provisions of this Constitution and the terms of any contract, the Joint Committee may decide how it discharges its business.

Appendix 2

Draft Terms of Reference of the Joint Committee for a CIV Operator

Part 1 Functions in relation to the Operator

1. **Specifying Operator services:** Deciding, in consultation with the Councils, the specification of services and functions that the Operator will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.
2. **Procuring the Operator:** agreeing the method and process for the procurement and selection of the Operator.
3. **Appointing the Operator:** Making a recommendation to the Councils as to the identity of the Operator and the terms upon which the Operator is to be appointed.
4. **Reviewing the Performance of the Operator:** Keeping the performance of the Operator under constant review and making arrangements to ensure that the Joint Committee is provided with regular and sufficient reports from the Officer Working Group to enable it to do so including but not limited to:
 - 4.1 the performance of the Operator against its contractual requirements and any other performance measures such as any Service Level Agreement (SLA) and key performance indicators (KPIs) and Officer Working Group recommendations on any remedial action;
 - 4.2 sub-fund investment performance;
 - 4.3 investment and operational costs including the annual review of investment manager costs;
 - 4.4 performance against the strategic business plan agreed by the Councils.
5. **Managing the Operator:** The Joint Committee shall:
 - 5.1 Make recommendations to the Councils on the termination or extension of the Operator Contract and
 - 5.2 Make decisions about any other action to be taken to manage the Operator Contract including the giving of any instruction or the making of any recommendation to the Operator including but not restricted to recommendations on investment managers (within any regulatory constraints that may apply).
6. **Appointment of Advisers**
 - 6.1 The Joint Committee may appoint such professional advisers on such terms as it thinks fit. Any procurement of advisers must comply with the constitution of the Authority designated to undertake the procurement and

that Authority will enter into a contract with the appointed adviser on behalf of the Authorities.

- 6.2 The Joint Committee may appoint such professional advisers on such terms as it thinks fit. Any procurement of advisers must comply with the constitution of the Authority designated to undertake the procurement and that Authority will enter into a contract with the appointed adviser on behalf of the Authorities.
- 6.3 The Joint Committee shall decide which tasks shall be performed by the Client Unit and which Council shall manage the Client Unit including the employment arrangements for employees in the Client Unit.

Part 2 Functions in relation to management of Pool Assets

7. The Joint Committee shall make recommendations to the Councils on the strategic plan for transition of assets that are to become Pool Assets.

Part 3 Functions Concerning Pool Aligned Assets

8. Making recommendations to the Councils about Pool Aligned Assets (including proposals concerning the migration of investments-such as passive investments via life fund policies-to become Pool Aligned Assets) in accordance with the Inter Authority Agreement or any other delegation to the Joint Committee by the Councils.

Part 4 Functions concerning Business Planning and Budget

9. Make recommendations to the Councils about the annual strategic business plan for the Pool
10. Determine the budget necessary to implement that plan and meet the expenses of undertaking the Specified Functions (insofar as they will not be met by individual transaction costs paid by Councils to the Operator) in accordance with Schedule 5 hereof.
11. Keep the structures created by this Agreement under review from time to time and make recommendations to the Councils about:
- 11.1 the future of the Pool;
- 11.2 any changes to the Inter Authority Agreement; and
- 11.3 as to the respective merits of continuing to procure operator services by means of a third party or by creation of an operator owned by the Councils.
12. The Joint Committee is required to commence the first review of the Inter Authority Agreement by the second anniversary of its first meeting.
13. The Joint Committee is required to undertake a review of the Pool and the Inter Authority Agreement:

- 13.1 to be completed 18 months before the expiry of each and every Operator Contract including as a result of the exercise of any option to terminate the Operator Contract;
- 13.2 whenever a Council gives notice of withdrawal under clause 12 of the Inter Authority Agreement

ANNEX 6 – COUNCIL STANDING ORDERS

MEETINGS OF THE COUNCIL

Note : * = Those Standing Orders which are required or substantially required by law and cannot be suspended or revoked.

In these Standing Orders, except Standing Order 2, “Chairman” means the person presiding at the meeting. “Cabinet” means the Leader of the Council and other members appointed as Executive Members by the Leader.

STANDING ORDER 1 - Annual Meeting and Ordinary Meetings

- (1)* The Annual Meeting of the Council shall be held -
- (a) in a year of ordinary elections of County Councillors on the last Tuesday in the period of 25 days after the ordinary day of election.
 - (b) in every other year on the third Tuesday in May.
- (2) The other fixed meetings of the Council (**“ordinary meetings”**) shall be held each year:-
- on a weekday in February each year, not during half-term, to be determined by the Council
 - on a weekday in March or April each year, not during the Easter school holidays, to be determined by the Council
 - on the third Tuesday in July
 - on the third Tuesday in November or the last Tuesday in November as the Council may determine.
- (3) **The Annual Meeting and** all ordinary meetings of the Council shall be held at County Hall, Hertford at 10.00 a.m. or such other time of the day as is determined by the Chairman after consultation with the Leaders of the largest three Political Groups.
- (4) The Chairman may, after consultation with Group Leaders, cancel an ordinary meeting of the Council on grounds of lack of business **or vary the date of an ordinary meeting of the Council** by requiring the Chief Legal Officer to inform all members of the Council of the cancellation **or variation of the date** at any time before the summons is sent under Standing Order 3 (b).

STANDING ORDER 2 - Extraordinary Meetings

- (1)* The Chairman may call an extraordinary meeting at any time and in any place in Hertfordshire.
- (2)* On a requisition signed by any five members of the Council the Chairman shall call an extraordinary meeting **of the Council**. If the Chairman refuses, or fails to do so within 7 days after the requisition has been presented, the five members may call a meeting at any time and in any place in Hertfordshire.
- (3) These Standing Orders shall apply to **an** extraordinary meeting **as they apply to an ordinary meeting of the Council** subject to the following modifications:
 - (a) the summons sent to every member under Standing Order 3 shall state:
 - (i) ***In the case of an extraordinary meeting called by the Chairman under Standing Order 2(1), the business specified by the Chairman as the business to be transacted at the meeting; or***
 - (ii) ***In the case of an extraordinary meeting called following a requisition signed by 5 members of the Council the business specified in the requisition as the business to be transacted***
 - And in either case no other business may be discussed at the meeting other than any business declared by the Chairman to be urgent***
 - (b) Standing Orders 7 (the Executive Report) and 8 (Questions) shall not apply
 - (c) Only public petitions which relate to the business to be transacted at the meeting shall be presented
 - (d) Standing Orders 9(6) to 9(**10**) (Notice of Motions) shall not apply.
 - (e) The summons **sent** to every member **under Standing Order 3** shall notify every member of the time and date by which written notice of motions in relation to the business to be transacted at the extraordinary meeting shall be lodged with the Chief Legal Officer **provided that** that time and date shall be no later than 5 p.m. on the second **working** day before the extraordinary meeting.

STANDING ORDER 3 - Notice

- * At least 5 clear days before a Council meeting -
 - (a) notice shall be published at County Hall of the time and place **of the meeting**
 - (b) a summons shall be sent to every member of the Council stating the time and place **of the meeting** and the business to be transacted.
 - (c) the minutes of the last meeting **of the Council** shall be sent to every member.

STANDING ORDER 4 - Chairman and Leader

- (1)* At the Annual Meeting the Council shall elect a Chairman and Vice-Chairman for the ensuing year
- (2)* The Chairman if present shall chair the meeting.

If the Chairman is absent, the Vice-Chairman will take the chair.

If both are absent another member chosen by the members present will chair the meeting.
- (3) The Chairman is entitled to a briefing by Officers on the business of the meeting.
- (4) At the Annual Meeting **in the year of** the ordinary election of County Councillors the Council shall appoint an **Executive** Leader of the Council (**referred to in these Standing Orders as “the Leader of the Council”**) who shall hold office in accordance with the Constitution (Section 7).

STANDING ORDER 5 - Minutes

- (1)* Minutes of meetings shall be kept in a book which shall be signed at the next ordinary meeting by the Chairman. The book shall be open for inspection by any member of the Council.
- (2) Minutes of the previous meeting shall be taken as read and no motion shall be put or discussion take place except on their accuracy.

STANDING ORDER 6 - Order of Business

- (1) At the Annual Meeting the order of business will be:
- a) to elect the Chairman of the Council for the ensuing year
 - b) to elect the Vice-Chairman of the Council for the ensuing year
 - c) to confirm the minutes of the last meeting as being correct
 - d) ***in a year when there is an ordinary election of County Councillors, to elect the Leader of the Council***
 - e) to deal with business required by law or by the Constitution to be done
 - f) to receive a report from the Chief Legal Officer on political proportionality ***and to review the political balance of committees in accordance with Section 15 of the Local Government and Housing Act 1989***
 - g) to make appointments to the Council's Scrutiny and other committees of the Council
 - h) to appoint Chairmen and Vice-Chairmen to the Council's committees
 - i) to appoint members to outside bodies except where appointment to those bodies has been delegated by Council or is exercisable only by the Executive
- (2) Except where the order of business ***is varied under Standing Order 6(3) below***, the order of business at each ordinary meeting of the Council will be:
- a) to choose a person to preside if the Chairman and Vice-Chairman are absent
 - b) to confirm the minutes of the last meeting as being correct
 - c) to receive such announcements as the Chairman wishes to make
 - d) to deal with business required by law or by the Constitution to be done,
 - e) to appoint members to committees and/or chairman or vice chairmen of committees (if necessary)
 - f) to deal with any business remaining from the last meeting
 - g) to deal with questions from the public
 - h) to hear public petitions under the Council's Petition Scheme
 - i) to deal with officer reports relating to Executive Portfolios.
 - j) to receive a report from the Leader of the Council under Standing Order 7.
 - k) to deal with oral questions to the Leader and Executive Members under Standing Order 8
 - l) to deal with reports from the Overview and Scrutiny Committee and the Health Scrutiny Committee which shall be deemed to include all items referred to in the minutes of the relevant Committee, or work completed by any of their Topic Groups since the previous ordinary meeting of the Council.

- m) ***to deal with reports or recommendations from any other committee of the Council***
- n) to deal with reports from Officers not relevant to Executive Portfolios
- o) to consider and deal with Notices of Motion under Standing Order 9(6) in the order in which they have been received.
- p) ***to deal with any other business specified in the summons***

(3) Business falling under Standing Order 6(2)a) and b) shall not be displaced but, subject to statutory provision, the order of business specified in Standing Order 6(2)c) to p) may be varied by:

- (i) The Chairman in his/her discretion; or***
- (ii) By a resolution to vary the order of business passed on a motion moved and seconded without discussion***

(4)* No business shall be transacted at a meeting of the Council except that:-

- (a) specified in the summons
- (b) required by law
- (c) declared by the Chairman to be urgent.

(5) The Chairman may adjourn the meeting from time to time, or to another day if it appears ***him/her*** that the meeting cannot be conveniently concluded.

STANDING ORDER 7 - The Executive Report

(1) At every ordinary meeting of the Council ***other than a budget decision meeting (as defined in Standing Order 13 (6))*** the Leader of the Council will present a report on the activities of the Executive since the previous ordinary meeting of the Council (“the Executive Report”), the Executive Report will:

- (i) include the position of key decisions in the Forward Plan and any executive key decisions taken under the provisions relating to special urgency;
- (ii) include a section in relation to each Executive portfolio; and
- (iii) be deemed to include all items referred to in the minutes of the relevant Cabinet Panels and any responses by the relevant Executive member(s) to any recommendations made by Overview and Scrutiny Committee or any Topic Group.

- (2) The Leader of the Council will move the reception of the Executive Report and may make a short statement introducing the Executive Report. Subject to Standing Order 7(3) below, no other member may speak in relation to the motion to receive the Executive Report
- (3) The Executive Report will be received without comment or question subject to the right of a member of the Executive to make a factual correction or update.
- (4) No amendment may be moved to the motion to receive the Executive Report.
- (5) Motions arising from the Executive Report may be moved provided that the motion has been submitted in accordance with Standing Order 9(3) or Standing Order 9(4), or if the debate is allowed under Standing Order 9(5).

STANDING ORDER 8 - Questions

Questions from Members to Leader and Executive Members

- (1) At each meeting of the Council there shall be an opportunity (referred to in this Standing Order as “Question Time”) for members of the Council to put oral questions to the Leader of the Council and Executive Members about the policies and priorities relevant to their portfolios.
- (2) Question Time shall take place at the end of consideration of the Executive Report under Standing Order 7.
- (3) Question Time shall be divided into two parts:
 - (a) Oral questions under Standing Order 8(1) from members who are members of political groups represented on the Council (“Group Question Time”); and
 - (b) Oral questions under Standing Order 8(1) from members who are not members of political groups represented on the Council (“Independent Members Question Time”).
- (4) Group Question Time shall precede Independent Members Question Time and shall involve oral questions being asked in rotation among the political groups, starting with the largest opposition group followed by other opposition groups in descending size order and concluding with the administration group, such questions being asked to the Leader of the Council and the Executive Members in rotation, with the rotations being repeated until the end of Group Question Time. Questioners shall be nominated by Group Leaders.

- (5) Independent Members Question Time shall follow Group Question Time and shall be an opportunity for members who do not belong to a political group to ask one oral question each, the order of these questions to be decided by the Chairman.
- (6) Each oral question will receive an oral reply unless the person to whom the question is put undertakes to provide a written reply within 7 days. One supplementary question may be asked in relation to each oral question.
- (7) Time Limits
- (a) Each member asking a question shall have a maximum of 1 minute to ask the question and 1 minute to ask any supplementary question.
- (b) A member responding to a question shall have a maximum of 2 minutes to respond to the question and 2 minutes to respond to any supplementary question.
- (c) Group Question Time shall end when there are no further oral questions from members who are members of political groups or at the expiration of 1 hour from the start of Group Question Time whichever is the earlier; provided that if at the end of 1 hour a question is being asked or a response to a question is being given then the question can be asked and responded to or the response given (if the question has been asked before the expiration of 1 hour) but no supplementary question shall be asked or responded to after the expiration of 1 hour
- (8) The minutes of the meeting will record the name of each member asking an oral question and any supplementary question and the name of the member who responded.
- (9) A member of the Council may put a written question to the Leader **of the Council** or to a member of the Executive on any matter relating to their portfolio by giving written notice to the Chief Legal Officer at least 10 days before a Council meeting. The question and the answer to it shall be appended to the Anticipated Order of Business for the meeting and shall be appended to the Minutes of that meeting. There shall be no discussion or debate about a written question at the meeting except as properly arising elsewhere within the business of the meeting.

Public Questions

- (10) At each meeting of the Council there shall be the opportunity for any member of the public being resident in or a registered local government

elector of Hertfordshire to put questions to the Leader of the Council and Executive Members about the policies and/or strategic priorities of the Council or about any matter which directly affects the county.

- (11) A member of the public who wishes to ask a question shall give written notice of it to the Chief Legal Officer at least 10 clear days before the meeting, stating to whom the question is to be put.
- (12) Questions shall be answered orally at the meeting in the order in which notice has been received. At the end of each reply, the questioner may put one supplementary question to the person to whom the original question was put; who may reply orally or may undertake to reply in writing within 7 days. There shall be no other debate or discussion of the question at the meeting.
- (13) The period of time allocated to questions under Standing Order 8(10) shall not exceed 30 minutes. Any questions remaining after that period has elapsed shall be answered in writing within 7 days.
- (14) Answers given orally at the meeting shall be included in the Minutes. Answers given in writing after the meeting shall be copied to all members.

Questions on Reports

- (15) A member may ask questions arising from a report presented to the Council (other than the Executive Report) at the time it is presented.

STANDING ORDER 9 - Motions

All Motions

- (1) Every motion shall be relevant to some matter over which the Council has power or which directly affects the County.

Motions without Notice

- (2) The following motions may be ***moved*** without notice:-
 - (a) to appoint a person to preside at the meeting
 - (b) to question the accuracy of the minutes
 - (c) to vary the order of business ***under*** Standing Order 6(3)
 - (d) to appoint a committee or members thereof, arising from business referred to in the summons to the meeting

- (e) to adopt a report or recommendation from the Executive, **a committee of the Council** or from officers
- (f) subject to Standing Orders 7(4) and 10, to amend a motion
- (g) to exclude the press and public under section 100A of the Local Government Act 1972
- (h) **To move one of the following motions in accordance with Standing Order 11(8)**
 - (i) ***“That the question be now put”***
 - (ii) ***“That the Council proceed to the next business”***
 - (iii) ***“That the debate be now adjourned”***
 - (iv) ***“That the Council now adjourn”***
- (i) to move that a named member be not further heard or leave the meeting under Standing Order 14 (9)
- (j) ***subject to Standing Order 17(1) to suspend (but not vary or revoke) a specified Standing Order or Standing Orders in relation to a matter then under debate or to be debated***

Motions arising from reports on the agenda

- (3) Subject to Standing Order 9(4) below notice of motions arising out of reports or recommendations from the Executive (including the Executive Report under Standing Order 7), Scrutiny Committees **or any other Committee** or officers, require notice in writing to be lodged with the Chief Legal Officer by noon on the third working day before the day of the meeting.
- (4) Where the motion relates to an item that has been considered by the Executive at a meeting held later than the time and day specified in Standing Order 9(3) above, notice in writing must be lodged with the Chief Legal Officer by 4 p.m. on the working day immediately before the meeting.
- (5) With the agreement of the Leaders of all of the political groups on the Council, or in the absence of such agreement if the Chairman in **his/her** absolute discretion shall determine that the substance of the motion is of such significance to Hertfordshire and such topicality that the motion should be debated, a motion of which notice has not been given in accordance with Standing Orders 9(3) **or** (4) above may be debated

Motions not arising from reports on the agenda

- (6) All motions which do not relate to a report on the agenda require notice, which shall be in writing, signed by the member (or members) of the Council giving the notice, and delivered at least 14 clear days before the meeting of the Council, to the Chief Legal Officer by whom it shall be entered in a book which shall be open to any member of the Council to inspect.
- (7) The Chief Legal Officer (subject to the deletion of any defamatory words) shall insert in the summons for every meeting of the Council all notices of motion, in the order in which they are received.
- (8) Unless the Chairman, in his/**her** absolute discretion shall determine that the substance of the motion is of such significance to Hertfordshire and such topicality that the motion be debated on the day the mover of a motion of which notice has been given under Standing Order 9(6) shall move the motion formally and shall not otherwise speak; the seconder shall second the motion formally and shall not otherwise speak. The motion shall then stand referred either to the Overview and Scrutiny Committee or to an appropriate Cabinet Panel as the Chairman may determine for consideration.
- (9) If the Chairman determines **under Standing Order 9(8)** that the motion will be dealt with on the day, the normal rules of debate will apply, except that the Chairman may, in his/her absolute discretion **and notwithstanding the provisions of Standing Order 14(11)** determine the number of speakers and a time limit for each speech.
- (10) If a motion, notice of which is given in the summons, is not moved by the member who has given the notice, or by another member, it shall be treated as abandoned.

STANDING ORDER 10 – Amendments to Motions or Recommendations

- (1) An amendment to a motion or recommendation shall relate directly to the subject matter of the motion or recommendation, and shall be either to leave out words, **to** put in words, or **to** leave out words and put in other **words** instead.

An amendment shall not negative a motion or recommendation.

- (2) If an amendment is lost, other amendments may be moved, except that the Chairman may disallow repetitious ones. If an amendment is carried, it **shall be** incorporated into the original motion upon which subject Standing Order 10(3) **further** amendments may then be moved.

- (3) An amendment shall not be moved unless:
- (a) written notice of the proposed amendment has been lodged with the Chief Legal Officer by noon on the working day immediately before the day of the meeting; or
 - (b) in a case where the proposed amendment relates to a motion to which Standing Order 9(4) applies, written notice of the proposed amendment has been lodged with the Chief Legal Officer by 6 p.m. on the working day immediately before the day of the meeting; **or**
 - (c) the Chairman agrees in the interests of convenience to allow the amendment to be moved without such notice having been given; or
 - (d) the Leaders of all of the political groups represented on the Council agree that the amendment may be moved without such notice having been given.

STANDING ORDER 11 - Procedure on Debates

- (1) The Chairman may require the mover of a motion or amendment to provide a written version so that it may be read out.
- (2) All motions and amendments must be seconded with the exception of:
 - (i) a motion (***other than a motion under Standing Order 11(8)***) or amendment moved by the Chairman; or
 - (ii) a motion that the Council receive the Executive Report under Standing Order 7.
- (3) A member seconding a motion or amendment may reserve a speech until later in the debate.
- (4) The mover of a motion or amendment, with the consent of the seconder (where a seconder is required), may withdraw the motion or amendment, following which no further debate may then take place.
- (5) The mover of a motion, with the consent of the seconder (where a seconder is required), may alter the motion, but only if the alteration could have been moved as an amendment (see Standing Order 10(1)).
- (6) The Chairman, having notice that more than one motion or amendment on a matter is to be moved, may determine the order in which such motions or amendments are to be taken, and may determine that more than one motion or amendment be debated together.

- (7) A member shall not speak more than once on a motion or amendment except:-
- (a) on a point of order stating that **a specified Standing Order** has been broken and how
 - (b) by way of personal explanation confined solely to correcting a misunderstanding of an earlier speech on that motion or to rebut a personal allegation
 - (c) to exercise a right of reply under Standing Order 12
 - (d) to move a further amendment
- (8) The Chairman, or any member who has not previously spoken in that particular debate may, at the end of a speech of another member, move, without comment, **one of the** following motions (which must then be seconded **including when moved by the Chairman**):-
- (a) "That the question be now put"
 - (b) "That the Council proceeds to next business"
 - (c) "That the debate be now adjourned"
 - (d) "That the Council now adjourn".
- (9) ***If any of the motions referred to in Standing Order 11(8) is moved and seconded the Chairman shall proceed as follows.***
- (a) In the case of a motion to proceed to next business, unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, the Chairman shall first give the mover of the original motion the right of reply under Standing Order 12 and then put the motion to proceed to next business to the vote without further discussion;***
 - (b) If the motion to proceed to the next business is carried then the meeting will move to the next substantive item of business on the Agenda; if the motion is lost then the original vote and any amendments on it (if they have been debated together) will be put to the vote without any further debate.***
 - (c) In the case of a motion that the question be now put the Chairman shall, unless in his/her opinion the matter before the meeting has been insufficiently discussed, first put to the vote the motion that the question be now put and, if it is carried, give the mover of the***

original motion the right of reply under Standing Order 12 before putting the question (either the motion or an amendment to the motion or where the motion and any amendments have been taken in one debate both the motion and amendments on it) (as the case may be) to the vote without further discussion;

(d) In the case of either a motion that the debate be now adjourned or that the Council now adjourn, the Chairman shall, if in his/her opinion, the matter before the meeting has not been sufficiently discussed, and cannot reasonably be discussed on that occasion, put the adjournment motion to the vote without further discussion and without giving the mover of the original motion the right of reply under Standing Order 12. If the motion is carried the Chairman may fix a time and date for the debate to be resumed or for an adjourned meeting of the Council to be held, but if no time and date is fixed by the Chairman the business or the remaining business shall stand adjourned to the next ordinary meeting of the Council.

- (10) Where the Council is considering a petition under the Council's Petition Scheme ("a petition") which does not relate to an item of business that would otherwise have been on the Agenda for Council these Standing Orders shall be subject to Standing Orders 11(11) to 11(15) below which shall apply.
- (11) If more than one notice of motion has been submitted under Standing Order 9(3) in relation to a petition the motion of which notice was first given shall be the only motion debated.
- (12) In the case of a motion or amendment moved relating to a petition, only the following members shall be entitled to speak on the motion or amendment and in the following order:
- (a) the proposer of the motion or amendment;
 - (b) one member from each group provided that the member is not a member of the same group as either the proposer or the seconder of the motion or amendment;
 - (c) the seconder of the motion or amendment.
- (13) Where no motion is moved in relation to a petition, one member and only one member from each political group may speak in relation to the petition and the petition will then be referred (at the discretion of the Chairman) to the Overview and Scrutiny Committee, the appropriate Cabinet Panel or to officers for consideration and report to the local member and Group Spokesmen.

- (14) No member may speak in relation to a petition or in any debate relating to a petition except as provided under Standing Orders 11(11) to 11(13) above.
- (15) The proposer of a motion relating to a petition shall not have a right of reply under Standing Order 12.

STANDING ORDER 12 - Right of Reply

- (1) Subject to any provision to the contrary in these Standing Orders, at the close of a debate the proposer of a motion shall have a right to reply immediately before it is put to the vote . That right of reply shall not introduce new matter.
- (2) If an amendment is proposed, the proposer of the original motion shall also have a right of reply at the close of the debate upon the amendment, immediately before it is put to the vote, but shall not otherwise speak on the amendment.
- (3) The proposer of an amendment shall not have a right of reply ***in relation to the amendment.***
- (4) After every right of reply is exercised under this Standing Order ***the question shall be put to the vote*** without further discussion.

STANDING ORDER 13 - Voting

- (1)* Except where otherwise required by law, all questions shall be decided by a majority of members present and voting.
- (2)* In the case of an equality of votes, the Chairman shall have a second or casting vote.
- (3)* Subject to Standing Orders 13(4) ***and 13(5)*** voting shall normally be by show of hands
- (4)* ***Immediately before a vote is taken at least 8 members of the Council may require the vote to be recorded to show how each member present voted and the name(s) of any member(s) who abstained from voting ("a recorded vote")***
- (5)* A recorded vote will be taken in relation to a vote at a budget decision meeting on any decision relating to the budget or the issuing of the Council tax precept.

- (6) For the purposes of Standing Order 13(5) **and Standing Order 7:**
- ‘budget decision meeting’ means a meeting of the Council which is convened to consider the Council’s budget and/or the issuing of the Council tax precept or at which the Council’s budget or the issuing of the Council tax precept is considered’;
- ‘Council tax precept’ means a precept under Chapter 4 of Part 1 of the Local Government Finance Act 1992
- (7)* ***Immediately after a vote has been taken any member may require that the Minutes record the way in which that member voted***
- (8) Where three or more persons are nominated for one position to be filled, and of the votes cast there is no overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken until a majority of votes is cast in favour of one person.
- (9) Where more than one position is to be filled by the Council and there are more candidates than positions, votes shall be cast by written ballot.

STANDING ORDER 14 – Conduct of Meetings

All Meetings

- (1)* All meetings of the Council shall be open to the public to the extent of the safe capacity of the Chamber.
- (2) Smoking is prohibited.

Members of the Council

- (3) A member when speaking shall address the Chairman.
- (4) The Chairman shall determine which member shall speak and in which order.
- (5) Only one member shall speak at once.
- (6) When the Chairman rises, all members will sit and be silent.
- (7) All speeches shall be relevant to the matter in hand.
- (8) The ruling of the Chairman on any point of order shall be final.

- (9) If a member persistently disregards the ruling of the Chairman, behaves in a disorderly manner or wilfully obstructs the business of the meeting:-
- (a) the Chairman may adjourn or suspend the meeting for so long as seems fit
 - (b) a member may move “that the member named be not further heard” or “that the member named leave the meeting” and upon being seconded such motion shall be put without discussion and shall, if passed, be complied with forthwith. If the member named does not comply or otherwise persists in misconduct, the Chairman may order that the member be removed.
- (10) Members shall ensure that their mobile phones are switched off or otherwise silenced during the meeting. A member whose mobile phone sounds during the meeting may be warned by the Chairman; if the member’s phone sounds again during the meeting after such a warning has been given the Chairman may ask the member to leave the meeting.
- (11) ***In accordance with the provisions of Section 100A(7A) to (9) of the Local Government Act 1972, any person present at a meeting of the Council shall, while that meeting is open to the public, be entitled to report on the meeting (including filming, photographing, making an audio recording of the proceedings, providing commentary on the proceedings and using any other means for enabling persons not present to see or hear the proceedings as they take place or later) and shall be afforded reasonable facilities for that purpose, provided that no person present shall be entitled to report orally or make an oral commentary on the meeting as it takes place.***

Time Limits - Speeches

- (11) (a) The time limits for speeches shall be as follows:
- (i) for the mover of a motion when moving the motion: 5 minutes;
 - (ii) subject to Standing Order 14(11)(b), for the first speaker to a motion (after the mover of the motion) from each political group other than the political group to which the mover of the motion belongs: 5 minutes;
 - (iii) in all other cases, including the exercise of a right of reply under Standing Order 12: 3 minutes.

- (b) The leader of a political group may nominate in writing to the Chairman prior to the meeting another member of his/her political group to have the ability to speak for 5 minutes in relation to a motion in the place of the first speaker from that political group.
- (c) The Chairman may vary the time limits under Standing Order 14(11)(a)(i) to (iii) above at his/her discretion.
- (d) Debate on a motion relating to the Executive Report under Standing Order 7, or any amendment relating to such a motion, shall not continue after the end of the period of 2 hours from the start of the Council's consideration of the Executive Report ("the 2 hour period") and immediately after the end of the 2 hour period the Chairman shall take the following steps:
 - (i) put any motion or amendment then under debate to the vote without further discussion and without giving the mover of the motion the right of reply under Standing Order 12;
 - (ii) if an amendment was under debate at the end of the 2 hour period, having put the amendment to the vote, put the original (or amended) motion to the vote without further discussion and without giving the mover of the motion the right of reply under Standing Order 12;
 - (iii) require any motion(s) listed in the order paper which have not been moved to be formally moved and seconded without further discussion;
 - (iv) in relation to each such motion as is referred to in (iii) above, require any amendment(s) listed in the order paper to be formally moved and seconded without further discussion;
 - (v) in relation to each such motion as is referred to in (iii) above, first to put any amendment to the vote and then, having put the amendment to the vote, put the original (or amended) motion to the vote, in all cases without further discussion.
- (e) No motion relating to the Executive Report shall be moved within 20 minutes before the end of the 2 hour period.

Press and Public

- (12) If a member of the public interrupts the meeting or behaves in a disorderly manner the Chairman shall give a warning. If such a warning is disregarded, the Chairman may order that the member of the public be removed and may adjourn or suspend the meeting for so long as seems fit.
- (13) In the case of general disturbance by members of the public the Chairman may order that all or part of the Chamber be cleared and may order that members of the public be removed from all or any part of County Hall ***and may adjourn or suspend the meeting for so long as seems fit.***
- (14) Standing Order 14 (9) (use of mobile phones) shall apply to members of the public and press as it applies to members of the Council.

STANDING ORDER 15 - Public Petitions

- (1) Petitions can be presented to Council in accordance with the Council's Petition Scheme
- (2) The Petition Organiser may address the Council for no more than three minutes on the subject of the petition, but thereafter shall not have the right to speak further.

STANDING ORDER 16 - Quorum

- * No business shall be transacted unless twenty members are present in the Chamber.

STANDING ORDER 17 - Variation and Suspension

- (1) Those Standing Orders marked * are required or substantially required by law and cannot be suspended or revoked.
- (2) Other Standing Orders may ***be suspended on the passing of a motion specifying the Standing Order(s) to be suspended but may*** only be varied or revoked after consideration of a report from the ***Executive.***

CODE OF CONDUCT FOR MEMBERS

Report of the Chief Legal Officer

Author: Kathryn Pettitt, Chief Legal Officer (Tel. 01992 555527)

1. Purpose of Report

- 1.1 To invite Council to adopt a revised Code of Conduct for Members.

2. Summary

- 2.1 The Localism Act 2011 (the 'Act') introduced a number of changes to the standards regime applying to local authorities. This included the provision that each local authority determine locally the form of its Code of Conduct for Members.
- 2.2 In May 2012 Council approved the current form of the Code of Conduct. Having reviewed the Code of Conduct in light of comments from Members and the Independent Person it is proposed that some changes are made to the Council's Code of Conduct for Members with effect from the Council election in May 2017.
- 2.3 Standards Committee considered a report on this item of business at its meeting on 27 February 2017 and recommended certain amendments to the Code of Conduct for Members which have been incorporated into the document attached to this report.

3 Recommendations

- 3.1
1. That Council adopts the Code of Conduct for Members attached as Annex 1 to the Report with effect from the date that Members assume office following the election on 4 May 2017 and that the revised Code of Conduct for Members be adopted as Annex 18 to the Constitution.
 2. That the Chief Legal Officer be authorised to make any amendments necessary to ensure that the change mentioned in 1 above is reflected consistently throughout the Constitution.

4 Background - The Code of Conduct

- 4.1 The 2011 Act provides that each Council has a discretion as to what to include in the Code in their Code of Conduct for Members although when viewed as a whole the Code must be consistent with the following seven principles of public life - namely selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 4.2 The current Code of Conduct for Members was adopted by Council on 15 May 2012 and came into effect on 1 July 2012. The Council chose to the template Code of Conduct which had been produced by Department of Communities and Local Government. This template was not followed by most authorities and is generally viewed as relatively broad brush.
- 4.3 The number of complaints against members that have been received by the Chief Legal Officer since the 2011 Act came into force is quite small and none of them have involved a potential breach of the Code. It is difficult to judge, therefore, how effective the Code is in practice. A review of the Code, however, following discussions with members, the Independent Person, the nature of the complaints that have been raised and consideration of Codes of Conduct adopted by other authorities the Chief Legal Officer considers that the Code of Conduct should be amended as set out in this Report.
- 4.4 It is proposed that the Code of Conduct for Members be amended:
 - 4.4.1 to include specific obligations on the part of Members relating to equalities, respect for others, compliance with the policies of the Council where they set out required conduct for members and confidentiality. These obligations are set out in paragraphs 3.1 - 3.4 of the suggested revised Code of Conduct attached as Annex 1 to the report.
 - 4.4.2 to require members to include on the register of interests not only their Disclosable Pecuniary Interests (these are required by law) but also personal interests (e.g. membership of other public bodies). The proposed amendments to the Code in this regards are set out in paragraph 5.1 of the revised Code of Conduct attached as Annex 1 to the report.
- 4.5 Many of the district councils in Hertfordshire require their members to disclose on the register of interests personal interests such as those mentioned in paragraph 4.4.2 above. By revising the Code in this regard would achieve some consistency of approach for many twinned members. It would also assist all members as many include interests on the Disclosable Pecuniary Interests form which do not fall within the definition of Disclosable Pecuniary Interests – presumably for purposes of transparency.

- 4.6 Attached as Annex 1 to this report is the proposed revised Code of Conduct for Members. The suggested revisions to the current Code of Conduct are shown by way of bold italics. Annex 2 comprises a draft of what the members' interests disclosure form would look like if the suggested changes in paragraph 5 of the revised code are agreed.

5 Financial Implications

- 5.1 None arising specifically from this Report.

Background Information

The Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents>
County Council Constitution – Annex 18
<https://beta.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/who-we-are-and-what-we-do.aspx>

HERTFORDSHIRE COUNTY COUNCIL**CODE OF CONDUCT FOR MEMBERS**

This Code of Conduct applies to all members and co-opted members of Hertfordshire County Council.

This Code of Conduct applies:

- (a) Whenever you conduct the business, or are present at a Meeting, of the authority; or***
- (b) Whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed; or***
- (c) Whenever you act, claim to act or give the impression you are acting as a representative of the authority***

Application and General Principles

1. You are a member or co-opted member of Hertfordshire County Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

General Conduct

2. Accordingly, when acting in your capacity as a member or co-opted member –
 - 2.1 You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family or close associate.
 - 2.2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
 - 2.3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
 - 2.4 You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
 - 2.5 You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

- 2.6 You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
- 2.7 You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for **personal** or political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 2.8 You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Specific Obligations

3.1 You must:

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion;***
- (b) show respect for others;***
- (c) not use bullying behaviour or harass any person; and***
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the authority***

3.2 You must comply with all other policies of or guidance issued by the authority (or part of any such policy or guidance) which sets out required conduct or standards from members

3.3 You must not:

- (a) disclose confidential information or information which should reasonably be regarded as being confidential in nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;***
- (b) prevent any person from gaining access to information to which that person is entitled by law***

3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute

Disclosable Pecuniary Interests

4.1 You must:

(a) within 28 days of taking office as a member or co-opted member, notify the Chief Legal Officer of any Disclosable Pecuniary Interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners

[The disclosable pecuniary interests specified in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in the Appendix].

(b) ensure that your register of interests is kept up to date and notify the Chief Legal Officer in writing within 28 days of becoming aware of any change in respect of your Disclosable Pecuniary Interests

4.2. If you are present at a Meeting at which an item of business in which you have a Disclosable Pecuniary Interest is to be considered or is being considered then:

(a) you must make a verbal declaration of the existence and nature of the Disclosable Pecuniary Interest at the meeting or at or before the consideration of the item of business or as soon as the interest becomes apparent

(b) you must not participate, or participate further, in any discussion of the matter at the Meeting unless a dispensation has been granted by the Standards Committee

(c) you may not participate in any vote, or further vote, taken on the matter at the Meeting unless a dispensation has been granted by the Standards Committee

(d) if the interest is not registered and is not the subject of a pending notification you must notify the Chief Legal Officer of the interest within 28 days of the Meeting

Other Interests

5.1 ***In addition to the requirements of paragraph 4, you must notify the Chief Legal Officer in writing of your other personal interests where they fall within the following descriptions for inclusion in the register of interests:***

(a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the authority

(b) any body:

- (i) exercising functions of a public nature**
 - (ii) directed to charitable purposes; or**
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)**
- of which you are a member or in a position of general control or management**

5.2 If you attend a meeting at which any item of business is to be considered and you are aware that you have a 'Declarable Interest' in that item, you must make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

5.3 You have a 'Declarable Interest' in an item of business of the Council where:

(a) it is a personal interest as mentioned in paragraph 5.1 above (whether or not you have disclosed that interest in writing to the Chief Legal Officer)

(b) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or your employer or a person or body with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the division for which you have been elected or otherwise of the Council's administrative area

(c) it relates to or is likely to affect any of the interests listed in the table in the Appendix to this Code but in respect of a member of your family (other than a 'relevant person') or your employer or a person or body with whom you have a close association

and that interest is not a Disclosable Pecuniary Interest.

Gifts and Hospitality

6.1 You must within 28 days of receipt, notify the Chief Legal Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have been offered as a member from any person or body other than the Authority and also whether you have accepted such gift, benefit or hospitality.

6.2 The Chief Legal Officer will place your notification on a public register of gifts and hospitality.

6.3. This duty to notify the Chief Legal Officer does not apply where the gift, benefit or hospitality comes within any description approved by the County Council for this purpose.

Sensitive information

- 7.1 Where you have a Disclosable Pecuniary Interest and the nature of the interest is such that you and the Chief Legal Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Council's Register then copies of the register available for inspection and any published version of the Register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- 7.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 7.1 is no longer sensitive information, notify the Chief Legal Officer.

Definitions

8. In this Code:

“Meeting” means any meeting of:

- (a) the Council;
- (b) the Executive;
- (c) any of the County Council's or the Executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
- (d) any Panel or Topic Group
- (e) one or more members with an officer of the Council
- (f) a political group

“Member” includes a co-opted member

“sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable Pecuniary Interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

A 'Disclosable Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

Disclosable Pecuniary Interests

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</i>

<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<p><i>Any tenancy where (to M's knowledge)—</i></p> <p><i>(a) the landlord is the relevant authority; and</i></p> <p><i>(b) the tenant is a body in which the relevant person has a beneficial interest.</i></p>
<i>Securities</i>	<p><i>Any beneficial interest in securities of a body where—</i></p> <p><i>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</i></p> <p><i>(b) either—</i></p> <p><i>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</i></p> <p><i>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i></p>

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

REGISTER OF MEMBERS' INTERESTS

NOTICE OF DISCLOSABLE PECUNIARY INTERESTS

I,*[Insert name]*
a member of Hertfordshire Council (the 'County Council'), set out below under the appropriate headings my interests, which I am required to declare under the Localism Act 2011 and I have put "none " where I have no such interests under any heading.

<p align="center"><u>Disclosable Pecuniary Interests</u></p> <p>Members are required to register not only their own interests under this heading but also those of their husband or wife, civil partner or of any person with whom they are living as if husband and wife or as civil partners when such interests are known by them</p>	
<p>1. Any employment, office, trade, profession or vocation carried on by you or those persons referred to above for profit or gain.</p>	
<p>2. Any payment or provision of any other financial benefit (other than from the County Council) made or provided within the last 12 months in respect of expenses incurred by you in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992</p>	

<p>3. A description of any contract for goods, services or works made between the County Council and you or the persons referred to above (or a body in which you or they have a beneficial interest) and which has not been fully discharged</p>	
<p>4. Any land in the County Council's area in which you have or a person referred to above has a beneficial interest</p>	
<p>5. Any land in the County Council's area for which you or the persons referred to above have a licence (alone or jointly with others) to occupy for a month or longer</p>	
<p>6. Any tenancy where to your knowledge the landlord is the County Council and the tenant is a body in which you have or a person referred to above has a beneficial interest</p>	
<p>7. The name of any person or body in which you have or a person referred to above has a beneficial interest in securities of that body where:</p> <p>(a) that body to your knowledge has a place of business or land in the area of the County Council; and</p> <p>(b) either-</p> <p>(i) the total nominal value of the securities exceeds £25,000 or</p>	

<p>one hundredth of the total issue share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have or a person referred to above has a beneficial interest exceeds one hundredth of the total issue share capital of that class</p>	
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<p><u>Personal Interests</u></p> <p>Members are required to register only their own interests under this heading</p>	
<p>1. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council</p>	
<p>2. Any body exercising functions of a public nature of which you are a member or in a position of general control or management</p>	
<p>3. Any body directed to charitable purposes of which you are a member or in a position of general control or management.</p>	
<p>4. Any body of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</p>	

of which you are a member or in a position of general control or management	
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I recognise that it may be an offence under the Localism Act 2011 in respect of my Disclosable Pecuniary Interests to:-

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to bring up to date information given in this notice after my re-election or reappointment or to fail to declare a disclosable pecuniary interest that I acquire after the date of this notice and have to declare under the provisions of s. 31 (2) Localism Act 2011.

Signed :

Date:

RECEIVED

Signed:

Proper Officer of Hertfordshire County Council

Date:

HERTFORDSHIRE COUNTY COUNCIL
COUNTY COUNCIL
TUESDAY, 21 MARCH 2017 at 10.00AM

Agenda Item no.

14

COUNTY COUNCIL CALL IN PROCEDURE

Report of the Chief Legal Officer

Author: Kathryn Pettitt, Chief Legal Officer (Tel: 01992 555527)

Executive Member: R Gordon, Leader of the Council

1. Purpose of report

- 1.1 To seek Council's approval to changes to the Council's Constitution to clarify the Council's procedure for calling in Executive decisions.

2. Summary

- 2.1 Following a review of the Council's procedure for calling in Executive decisions it has been identified that the Council's Constitution could be amended to make the process clearer.
- 2.2 Group Leaders and the Chairman and Vice-Chairmen of Overview and Scrutiny Committee have been consulted on the revisions to the Council's Constitution as set out in this report.
- 2.3 The Constitution provides that changes to the Constitution need approval by the full Council after consideration of a report from the Chief Legal Officer.

3. Recommendations

- 3.1 If Council are minded to change to the Constitution as set out in this Report then the following are suggested recommendations:-
- (a) That the revision to Annexe 4 (Access to Information Rules) to the Constitution set out in Appendix 1 to the Report and the revised Annexes 7 (Standing Orders for the Executive), 9 (Standing Orders for Scrutiny Committees) and 9A (Guidelines for Scrutiny) attached at the Appendices 2,3 and 4 respectively to the report, be approved and incorporated into the County Council's Constitution as Annexes 4, 7, 9 and 9A to the Constitution; and
- (b) That the Chief Legal Officer be authorised to make any consequential amendments as may be necessary to the Constitution to give effect to the decision at (a) above

4. Background

- 4.1 The Local Government Act 2000 (s9F(4)) (the '2000 Act') provides that overview and scrutiny committees have the power when reviewing executive decisions made but not yet implemented to:
- (a) recommend that the decision is reconsidered by the person who made it; or
 - (b) recommend that the full council consider whether that person should reconsider the decision
- 4.2 The 2000 Act is silent, however, on the procedural arrangements for calling in executive decisions. Statutory Guidance was issued by the Secretary of State in 2001 but to a large extent the detail of what should be included in call in arrangements is for each individual authority to determine.
- 4.3 Having reviewed the Council's Constitution the Chief Legal Officer's view is that:
- (a) the Constitution must be revised to include the ability as specified in the 2000 Act for the Overview and Scrutiny Committee to refer called-in decisions for consideration by full Council;
 - (b) consideration needs to be given to amending the Constitution to clarify the process by which decisions can be called in and the procedure to be followed if a decision is called in.
- 4.4 Discussions have taken place with Group Leaders about the proposed revisions set out in this Report. The Chairman and Vice-Chairmen of Overview and Scrutiny have also been consulted.

5 Proposed Amendments to the Constitution

- 5.1 The proposed amendments to the Constitution are attached as an Appendices to this Report and would amend the following Annexes to the Constitution:
- 4 (Access to Information Rules) – to provide for a record of officer key decisions to be sent to all members on a weekly basis (see paragraph 5.2(b) below)
 - 7 (Standing Orders for the Executive) – amendments relating to publication of an Executive Decision sheet immediately following the meeting of the Executive (see paragraph 5.2(a) below)
 - 9 (Standing Orders for Scrutiny Committees) – inclusion of provisions relating to call in (see paragraphs 5.3 to 5.8 below) and other minor amendments
 - 9A (Guidelines for Scrutiny) – supplemental practical steps consequent on receiving a notice calling in a decision

In the following paragraphs of this section the principal amendments are summarised.

Publication of decisions

- 5.2 There are no provisions currently in the Council's Constitution relating to the time period within which a decision to call in should be made. It is the usual practice in authorities to specify a time period linked to publication of the decisions/minutes of the Executive. In order to balance the need to have an effective call-in mechanism with the requirement not to impede the efficient running of the authority it is suggested that:
- (a) a record of Executive decisions should be published as soon as practicable after the decision has been taken. In the case of Cabinet a record of the decisions made at the Cabinet meeting will be circulated to all Members as soon as practicable after the relevant meeting. [This will simply be a record of the decisions made. Formal Minutes of the Cabinet meeting including reasons for decisions/alternative options considered will still be produced in the normal way and published on the Council's website.]
 - (b) with regards to key executive decisions made by officers members will be notified on a weekly basis of all officer key decisions made in the preceding week. Officers are required already to produce a record of key decisions as soon as reasonably practicable after the decision has been taken and this should be sent through to Democratic Services for publication. It is proposed that Democratic Services will produce on a weekly basis a record of all key decisions that have been made in the preceding week and circulate this to members. Officers will not be able to implement any key decision prior to the circulation to members of the weekly record of decisions by Democratic Services – the only exceptions will be if the Chief Executive has consented to the decision being implemented. Once the decision record of officer key decisions has been circulated then the call in provisions will apply and the decision will not be able to be implemented during the call in period unless it falls into one of the exceptions listed in paragraph 5.7 below.

Timing of decision to call –in

- 5.3 Members will have the ability to call in a decision (with exceptions – see paragraph 5.7 below) within the period commencing on publication of the Executive decision sheet or the weekly record of Officer Key Decisions and expiring at 5pm on the fifth working day after such publication. The call in provisions will apply both to Cabinet decisions and to key decisions taken by officers.
- 5.4 If a decision is called in then implementation of the decision (whether Cabinet or a key officer decision) is suspended until the later of (i) consideration of the call in by OSC or (ii) re-consideration of the decision by

the decision maker or (iii) consideration by full Council (if OSC refer the matter to full Council).

Call in Notice

- 5.5 It is proposed that a notice requiring a decision to be called in should:
- (a) be submitted to the Chief Legal Officer by at least 3 members of the Council from at least 2 political groups or 5 members
 - (b) specify the decision which is to be called in – i.e. date and title of the decision
 - (c) set out the reason(s) why the members wish to call the decision in – these reasons can be revised/supplemented prior to the OSC meeting
 - (d) be submitted by 5pm on the 5th working day after the date of notification of the relevant Executive decision sheet or officer key decision record

Consideration by Overview and Scrutiny Committee

- 5.6.1 A meeting of OSC will be held within the period of 10 working days after receipt of the call-in notice.
- 5.6.2 It will be for OSC to decide how to consider the call in notice and one of the members who submitted the call-in notice would be expected to address the committee on behalf of all those who submitted the call-in notice and the relevant Executive Member would respond on behalf of the Executive.
- 5.6.3 Possible decisions following consideration at the OSC meeting are:
- (a) the called-in decision can proceed to be implemented;
 - (b) the called in decision is referred back to the decision maker for reconsideration – in this case the decision then remains suspended until reconsideration by the decision maker;
 - (c) if OSC consider that the called in decision is contrary to the policy framework or to the budget then the called in decision can be referred to full Council for consideration – again the decision will then remain suspended until reconsideration by full Council.

Exceptions from call in

- 5.7 So as to ensure in particular that urgent decisions can proceed to be implemented it is proposed that there be exceptions from call-in. As it may be difficult to anticipate all 'urgent' decisions it is suggested that the wording for exceptions is general and comprises the following:
- (a) where the decision is a decision taken under the Special Urgency provisions in Annex 4

- (b) where the Chief Executive certifies that implementation of the decision is critical for service delivery
- (c) where the Chief Legal Officer certifies that the Council would be likely to suffer legal prejudice from a delay in implementation of the decision resulting from the decision being called in;
- (d) where the Director of Resources certifies that the Council would be likely to suffer financial prejudice from a delay in implementation of the decision resulting from the decision being called;
- (e) where the Chief Legal Officer certifies that a delay in implementation of the decision resulting from the decision being called in would result in the decision being incapable of implementation or meaningful implementation;
- (f) where the decision results from consideration of a recommendation or report from the OSC or any sub-committee or Topic Group of the OSC;
- (g) where the decision results from a reference back decision under 5.6.3(b) above; or
- (h) where the decision is a recommendation to Full Council;
- (i) where the call in period has expired

6. Next Steps

- 6.1 If members agree the changes to the Constitution referred to in this Report awareness raising and training will be given to officers so that the new arrangements for notifying members of decisions will be in place for May 2017.

7. Financial Implications

- 7.1 There are no financial implications arising from this report.

Background Information

New Council Constitutions: Guidance to English Authorities

Proposed amendments to Annex 4 of the Constitution

Insert a new paragraph 15.5 as follows:

- 15.5 The Chief Legal Officer will on a weekly basis send to every member of the Council a record of all key executive decisions made by officers in the preceding week (the 'Record of Officer Key Decisions'). No such officer key decision can be implemented prior to publication of the record of officer key decisions without the consent of the Chief Executive. Following the publication of the record of officer key decisions the provisions of Standing Order 8 of Annex 9 (Standing Orders for Scrutiny Committees – Call-In) shall apply.

Please note that the proposed amendments to Annex 7 are shown in bold italics below

ANNEX 7 - STANDING ORDERS FOR THE EXECUTIVE

1. Meetings

1.1 The Executive shall meet when determined by the Leader.

1.2 The Executive's meetings are subject to the Access to Information Rules set out in Annex 4 in relation to attendance by the public and access to documents.

2. Quorum

The quorum for a meeting of the Executive is 3.

3. Person Presiding

The Leader, if present, presides at a meeting of the Executive. In the Leader's absence another member of the Executive chosen by the Executive shall preside.

4. Decision Sheet and Minutes

4.1 As soon as practicable after every meeting of the Executive a Decision Sheet setting out the decisions taken at the meeting ("the Executive Decision Sheet") shall be sent to every member of the Council.

4.2 The Executive Decision Sheet shall be marked with the date on which it is issued.

4.3 The Executive Decision Sheet shall not replace the formal minutes of the meeting and, in the case of any discrepancy between the content of the Decision Sheet and the minutes, the minutes shall prevail.

4.4 Minutes of each meeting shall be sent to every member of the Council as soon as practicable after the meeting and in any event no less than 3 clear days before the next meeting.

4.5 Minutes shall be kept in a book which shall be signed at the next meeting by the Leader/person presiding.

4.6 Minutes of the previous meeting shall be taken as read and no discussion shall take place except as to their accuracy.

5. Agendas

The Chief Legal Officer shall at least 5 clear days before the meeting send an agenda with full reports to executive members and any other members who have requested them. At the same time the agenda and reports will be put on the Council's website for access by other members.

The Agenda for each meeting of the Executive is as determined by the Leader, but the following may require an item to come before the Executive:

- a) the full Council
- b) the Overview and Scrutiny Committee
- c) the Standards Committee
- d) the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

In the circumstances mentioned in the Council's Petitions Scheme a petition could also be presented to a meeting of the Executive.

6. Procedure

- 6.1 The conduct of the meeting shall be under the control of the Leader/person presiding whose ruling on a point of order shall be final.
- 6.2 Any question before the meeting on which a decision is required shall be determined by a show of hands. In the event of the votes cast being equal, the Leader/person presiding shall have a casting vote.
- 6.3 Where the Executive is considering a report which includes recommendations arising from a scrutiny of a policy the Chairman of the Overview and Scrutiny Committee (or the Chairman of a Topic Group) shall be entitled to attend the meeting and to address the Executive in order to present the report and any recommendations, and to answer any questions.
- 6.4 There shall be an opportunity at each Cabinet meeting for members of the Council to ask questions of any Executive members. A member wishing to ask a question shall give written notice of it to the Chief Legal Officer at least 5 clear days before the meeting, stating to whom the question is to be put. Questions will be answered at the meeting in the order in which notice was received. The members asking the question may ask one supplementary question. The person responding may choose to answer such a supplementary question, or promise a written reply within 7 days. The period allotted for questions shall not exceed 15 minutes. Any questions remaining after that period has elapsed shall be answered in writing within 7 days.
- 6.5 Where a petition is presented, in accordance with the Petitions Scheme, the Petition Organiser may address the Executive for no more than three

minutes on the subject of the petition but thereafter shall not have the right to speak further.

7. Interests

Members of the Executive must observe the provisions of the Code of Conduct for Members set out in Annex 18 while attending meetings, and shall, when required by the Code, declare an interest and if it is a Disclosable Pecuniary Interest not participate in any discussion or vote on the matter at the meeting unless a dispensation has been granted by the Standards Committee.

Please note that the proposed amendments to Annex 9 are shown in italics

ANNEX 9 - STANDING ORDERS FOR THE OVERVIEW AND SCRUTINY AND THE HEALTH SCRUTINY COMMITTEES

In these Standing Orders:-

“Chairman” means the person presiding at the meeting.

“the Committees” means the OSC and the Health Scrutiny Committee.

“Group Spokesmen” means the opposition spokesman and the spokesman for any other Group represented on the Committee

“the OSC” means the Overview and Scrutiny Committee

STANDING ORDER SC.1 - Constitution and Membership

- (1) The composition and remits of the Committees are as set out in Annex 8.
- (2)
 - (a) The Council appoints the Committees at its annual meeting every year (but in years not being the year of the full Council election, members remain in office for the ensuing year unless there is a resolution to the contrary).
 - (b) The Chief Legal Officer fills casual vacancies
- (3) The Committees shall establish time-limited Topic Groups for particular purposes.

STANDING ORDER SC.2 – Chairman and Vice-Chairmen

- (1) The Chairman and Vice-Chairmen of the OSC and the Chairman and Vice-Chairman of ***the*** Health Scrutiny ***Committee*** shall be appointed by the Council at the Annual Meeting of the Council each year. Casual vacancies shall be filled by the Council at their first meeting after the occurrence of the vacancy.
- (2) The Chairman if present shall preside. In the case of the OSC, if the Chairman is absent, one of the Vice-Chairmen shall preside (as determined by the OSC). If the Chairman and both Vice-Chairmen are absent then another member chosen by the members present shall preside. In the case of the Health Scrutiny Committee, if the Chairman is absent, the Vice-Chairman shall preside. If both are absent, then another member, chosen by the members present, shall preside.
- (3) The Chairman and Vice-Chairmen may require a briefing by Officers on the business of the meeting.

STANDING ORDER SC.3 - Meetings

- (1) The date, time and place of meetings of the **Committees** shall be published in the County Diary.

The date and place of Topic Group meetings shall be set either by the Group or by the Chairman of the Group as far ahead as possible and notified to members.

- (2) The Chairman may, after consultation with the Vice-Chairmen, cancel a meeting because of lack of sufficient business. The Chairman may (after consultation) rearrange the time or date of a meeting if there is a genuinely pressing need.
- (3) Meetings are all held at County Hall unless otherwise notified and the exact venue is identified on the agenda.
- (4) Any three County Council members of **either of** the Committees may summon a special meeting **the Committee of which they are members** at any time, by notice in writing to the Chief Legal Officer.
- (5) The summons for a special meeting shall state the business to be considered and no other business shall be considered.
- (6) Members of the Executive have the right to attend relevant meetings and to speak thereat.
- (7) All members of the Council may attend the Committees even if they are not members and may speak, subject to the Chairmen's responsibility to control the business of the Committees.
- (8) The Committees may require members of the Executive, and officers to attend meetings to answer questions; any such member or officer shall attend if required.

STANDING ORDER SC.4 – Quorum

No business shall be transacted at **either of the** Committees unless at least one quarter of the members, or three members whichever is greater, are present in the meeting.

STANDING ORDER SC.5 - Agendas

- (1) (a) The **OSC** and the Health Scrutiny Committee shall determine their own programmes of scrutiny work.
(b) Agendas shall consist of items allocated in accordance with the programme of scrutiny work.
- (2) Any member of the Council may refer a "local government matter" to the **OSC**, i.e. a matter relating to the Council's functions which affects their

electoral division. If the OSC decide not to scrutinise the matter they must inform the member of the reason.

- (3) A member of the **OSC** may require an item to appear in the **OSC's** agenda. The **OSC** shall consider what action to take and advise the member accordingly.
- (4) Officers shall prepare reports on all items.
- (5) Members shall not have the right to veto items off an agenda nor to alter the reports of officers.
- (6) The Chief Legal Officer will, at least 10 days before the meeting send an agenda with full reports to all members of the **OSC or, as the case may be, the Health Scrutiny** Committee and any other members who have requested them.

These documents will only be sent out less than 10 days in advance with the agreement of the Chief Executive.

- (7) Officers shall notify local members of agenda items particularly affecting their division.

STANDING ORDER SC.6 - Voting

- (1) **The** Committees will conduct their business in a flexible manner and will attempt, as far as possible, to reach their conclusions by consensus. If it is necessary for there to be a formal vote, the question shall be determined by a show of hands by a majority of members present and voting.
- (2) If the result of any vote is equal, the Chairman shall have a second (casting) vote.

STANDING ORDER SC.7 – Reports

- (1) **OSC**, and any Topic Group on **OSC's** behalf, may report with recommendations, on any matter it has considered, to
 - a) the Executive and/or an Executive Member
 - b) a Chief Officerand such reports and recommendations shall be published on the Council's website. Upon receipt of a report with recommendations the person or body concerned shall respond within two months and the response shall be published on the Council's website.
- (2) The OSC shall report regularly to the Council on the Scrutiny Programme; and shall include in that report any recommendations made to Council by Topic Groups. The Health Scrutiny Committee shall report direct to the Council.

- (3) ***Both of the Committees may refer any issue before them as a recommendation to the Full Council.***

STANDING ORDER SC.8 – Call-In

- (1) ***After the publication date of the Executive Decision Sheet under Standing Order 4.1 of the Standing Orders for the Executive in Annex 7 or the publication of the Record of Officer Key Decisions made by an officer under paragraph 15.5 of Annex 4 (each a “publication date”) any 3 members of the Council from at least 2 different political groups or any 5 members of the Council may, subject to Standing Order SC.8(11) below, within a period ending at 5 p.m on the fifth working day after the publication date (“the call-in period”) by written notice to the Chief Legal Officer (a “call-in notice”), require that any decision contained in the Decision Sheet or in the Record of Officer Key Decisions be referred to the OSC for consideration before the decision is implemented.***
- (2) ***A call-in notice shall state the reason(s) for the calling in of the decision and the reason(s) may be supplemented subsequently.***
- (3) ***Where a call-in notice is received by the Chief Legal Officer under (1) above and the Chief Legal Officer is satisfied that the call-in notice has been validly given in accordance with these Standing Orders, the Chief Legal Officer shall give written notification that the call-in notice has been received and of the decision to which the call-in notice relates (“the called-in decision”) to the following:***
- The Executive Leader;***
The Chairman of the OSC;
The Chief Executive;
The Director of the Department with responsibility for implementation of the called-in decision ;
The decision taker (if not the Executive or the Director of the Department)
- (4) ***Where written notification that a call-in notice has been received has been given under (3) above, the called-in decision may not be implemented except in accordance with Standing Orders SC.8 (5) to (10) below.***
- (5) ***The called-in decision shall be referred to a meeting of the OSC held within 10 working days of the date on which the call-in notice was received (“the specified period”) and, if the OSC is not scheduled to meet within the specified period, a special meeting shall be convened for the purpose.***

- (6) The OSC shall, at a meeting held within the specified period, consider the called-in decision and take one of the following decisions:**
- (a) that the OSC have no objection to the called-in decision being implemented (“a no objection decision”); or**
 - (b) that the called-in decision be referred back to the Executive or the officer (as the case may be) for re-consideration, giving the OSC’s reasons for requiring the Executive or the officer (as the case may be) to re-consider the decision (“a reference back decision”); or**
 - (c) if, and only if, the OSC consider that the called-in decision is one which has been taken in breach of the Council’s Policy Framework or Budget framework, that the called-in decision be referred to a meeting of Full Council, with the OSC’s reasons for referring the called-in decision to Full Council, for consideration before the called-in decision is implemented (“a Full Council reference”).**
- (7) Where the OSC take a no objection decision the called-in decision may be implemented immediately.**
- (8) Where the OSC take a reference back decision:**
- (a) the called-in decision may not be implemented until the called-in decision has been re-considered by the Executive or by the officer (as the case may be);**
 - (b) the Executive or by the officer (as the case may be); are not bound to change their decision or to accept any recommendation of the OSC;**
- (9) Where the OSC make a Full Council reference:**
- (a) the called-in decision shall be referred to the next available meeting of the Full Council or, if the Chairman of the Council agrees, to a special meeting of the Full Council convened for the purpose;**
 - (b) Standing Orders SC.8 (6)(with the exception of Standing Order SC.8(6)(c)), SC.8 (7) and SC.8(8) shall apply to the consideration of a called in decision by the Full Council as they apply to a consideration of a called-in decision by the OSC.**
- (10) Notwithstanding anything contained in Standing Orders SC.8 (1) to (9), nothing shall prevent a called-in decision being implemented with the approval of the Executive Leader after the end of the specified period.**

(11) *The provisions of Standing Order s SC.8 (1) to(9) shall not apply to a decision of the Executive or an executive decision taken by an officer in any of the following cases:*

- (a) *where the decision is a decision taken under the Special Urgency provisions in Annex 4***
- (b) *where the Chief Executive certifies that implementation of the decision is critical for service delivery***
- (c) *where the Chief Legal Officer certifies that the Council would be likely to suffer legal prejudice from a delay in implementation of the decision resulting from the decision being called;***
- (d) *where the Director of Resources certifies that the Council would be likely to suffer financial prejudice from a delay in implementation of the decision resulting from the decision being called;***
- (e) *where the Chief Legal Officer certifies that the delay in implementation of the decision resulting from the decision being called in would result in the decision being incapable of implementation or meaningful implementation;***
- (f) *where the decision results from consideration of a recommendation or report from the OSC or any sub-committee or Topic Group of the OSC;***
- (g) *where the decision results from a reference back decision under Standing Order SC.8 (6)(b);***
- (h) *where the decision is a recommendation to Full Council; or***
- (i) *where the call-in period has expired.***

STANDING ORDER SC.9 – Minutes

- (1) Minutes of each meeting shall be sent to every member of the Council as soon as practicable after the meeting and in any event at least 3 clear days before the next ordinary meeting.**
- (2) Minutes of meetings shall be kept in a book which shall be signed at the next meeting by the Chairman. The book shall be open for inspection by any member of the Council.**
- (3) Minutes of the previous meeting shall be taken as read and no motion shall be put or discussion take place except upon their accuracy.**

STANDING ORDER SC.10 - Procedure and Conduct

- (1) The Order of Business shall be as indicated in the agenda or otherwise as the Chairman shall prescribe.
- (2) The Chairman shall control the conduct of the meeting and the ruling of the Chairman on any point of order shall be final and not be questioned during the meeting.
- (3) All speeches shall be concise and relevant to the matter in hand.
- (4) Questions relating to matters on the agenda shall be asked when that matter is discussed and may be addressed to the Chairman or to an officer, who may answer orally or may undertake to provide a written reply within seven days.
- (5) Officers will offer to the Chairmen and Vice-Chairmen a pre-Committee briefing. Members may choose to have these briefings separately or jointly. The briefing with the Chairman may include procedural issues.
- (6) Group briefings will be confidential unless the members concerned indicate otherwise.

STANDING ORDER SC.11 - Meetings Open to the Public

- (1)* All meetings shall be open to the public except to the extent that they are excluded under (3) below and of the safe capacity of the room where the meeting is being held.
- (2) ***Any person present at a meeting of the Committee shall, while that meeting is open to the public, be entitled to report on the meeting (including filming, photographing, making an audio recording of the proceedings, providing commentary on the proceedings and using any other means for enabling persons not present to see or hear the proceedings as they take place or later) and shall be afforded reasonable facilities for that purpose, provided that no person present shall be entitled to report orally or make an oral commentary on the meeting as it takes place.***
- (3) If the business to be transacted includes confidential or exempt information as defined in Sections 100A(3) and 100 I respectively of the Local Government Act 1972, the Chairman shall move a motion under Section 100A(2) or (4) of the Local Government Act 1972.
- (4) Smoking is prohibited.

STANDING ORDER SC.12 - Public Petitions (Health Scrutiny Committee Only)

- (1) Following confirmation of the minutes, there shall be an opportunity for any member of the public being resident in or a registered local

government elector of Hertfordshire to present a petition relating to a matter with which the **Health Scrutiny** Committee are concerned, containing 100 or more signatures of residents or business ratepayers of Hertfordshire. The person named in the notification referred to in (2) below may then address the **Health Scrutiny** Committee for no more than three minutes on the subject of the petition, but thereafter shall not have the right to speak further. If the subject matter of the petition is not the subject of a report on the agenda of the meeting concerned, the petition will be referred to the next appropriate meeting, or to officers for consideration and report to the local member and Group Spokesmen.

- (2) Notification of intent to present a petition must be given in writing to the Chief Legal Officer at least 5 clear days before the meeting where an item relating to the subject matter of the petition does not appear on the agenda for the meeting and at least three clear days before where the item is the subject of a report.
- (3) Not more than two petitions shall be presented at any one meeting of the **Health Scrutiny** Committee unless the Chairman so allows. The order of notification under (2) above shall govern priority subject to (4) below.
- (4) The Chief Legal Officer shall have authority to amalgamate within the first received petition other petitions of like effect on the same subject.

STANDING ORDER SC.13 - Disorder

- (1) If a member persistently disregards the ruling of the Chairman, behaves in a disorderly manner or wilfully obstructs the business of the meeting, the Chairman may require that the member be silent or that the member leave the meeting. If the member does not comply or otherwise persists in misconduct, the Chairman may order that the member be removed.
- (2) If a member of the public interrupts the meeting or behaves in a disorderly manner the Chairman shall give a warning. If the warning is disregarded, the Chairman may order that the member of the public be removed and may adjourn or suspend the meeting for so long as seems fit.
- (3) In the case of general disturbance by members of the public the Chairman may order that all or part of the room be cleared and may order that members of the public be removed from all or any part of the building where the meeting is being held.
- (4) Members, and members of the press and public, shall ensure that their mobile phones are switched off or otherwise silenced during the meeting. A person whose mobile phone sounds during the meeting may be warned by the Chairman; if the person's phone sounds again during the meeting after such a warning has been given the Chairman may ask that person to leave the meeting.

STANDING ORDER SC.14 - Disclosure

A member shall not disclose to any person except a member of the Council any Committee papers indicated to be confidential unless:-

- (a) the **OSC or, as the case may be, the Health Scrutiny Committee** expressly consent;
- (b) the Council has taken steps to make that business public; or
- (c) the law requires.

STANDING ORDER SC.15 - Variation and Suspension

These Standing Orders shall only be revoked or varied by the Council and may not be suspended by **either of the** Committees.

Please note that the proposed amendments to Annex 9A are shown in bold italics below

Guidelines for Scrutiny

1 Introduction

These guidelines are designed to help Members and Officers operate Scrutiny effectively. They supplement the provisions of the Constitution covering the membership and remit of Scrutiny Committees (Annex 8), Standing Orders for Scrutiny Committees (Annex 9) and Guidelines for Topic Groups (Annex 10).

2 Role of Scrutiny

- 2.1 The focus of the Scrutiny process is the effectiveness of existing policies and practices. Development of new policy is a matter for the Cabinet and its panels.
- 2.2 The Overview and Scrutiny Committee may establish Topic Groups to scrutinise any aspect of the Council's business; or to scrutinise any issue which affects the County or its residents
- 2.3 The Health Scrutiny Committee has a specific role in relation to the National Health Service and may establish Topic Groups to scrutinise health issues.

3 Role of Chairmen and Vice-Chairman

- 3.1 The Overview and Scrutiny Committee has a Chairman appointed from the majority group and two Vice-Chairmen appointed from each of the next two largest Groups.
- 3.2 The Health Scrutiny Committee has a Chairman appointed from the Majority Group and a Vice-Chairman appointed from the next largest Group.
- 3.3 The Chairman and Vice-Chairmen have important roles outside meetings:
 - To discuss and agree an outline work programme to submit to the Committee
 - Agree the size of Topic Groups (if not agreed by the Committee) and identify members to be appointed to them and their Chairman/Vice Chairman for appointment at the first meeting.
 - Monitor progress against the work programme and recommend any necessary action to the Committee
 - Resolve issues by agreement; (where they cannot reach agreement on any issue it will need to be resolved by the Committee).

4 Developing the work programme

- 4.1 Both Overview and Scrutiny Committee and the Health Scrutiny Committee will adopt an annual work programme to be delivered by Topic Groups. Overview and Scrutiny Committee may itself carry out a scrutiny where the issue is urgent (as agreed by Chairman and Vice-Chairmen); where it is required by law to do so; or where it is considered appropriate for scrutiny by the whole Committee. In addition, Overview and Scrutiny Committee will scrutinise the proposed budget before it is put to the full Council at the February meeting.
- 4.2 The Health Scrutiny Committee may include in its work programme one-off scrutinies to be carried out by the Committee itself.
- 4.3 Both Committees must ensure that their work programmes are manageable given the resources available. Subject to this, there is a presumption in favour of scrutinising items put forward.

5 Adding items to the Work Programme

- 5.1 A request to add an item to the work programme of either the Overview and Scrutiny Committee or the Health Scrutiny Committee should be made to the Head of Scrutiny who will consult with the Chairman and Vice-Chairmen. It will then be included as a work programme item for the relevant Committee to consider.
- 5.2 A member of each Committee has a legal right to require an item to appear on the agenda of a meeting. The meeting will consider the item and decide whether any further scrutiny is required.
- 5.3 A member of the Council has a legal right to put an item on a committee agenda if it concerns a local government matter in their electoral division.
- 5.4 A member wishing to exercise their rights under 5.2 or 5.3 should refer the item to the Head of Scrutiny.
- 5.5 If 3 or more members of the Committee believe that an item requires urgent consideration before the next scheduled meeting of the Committee they have power under Standing Orders to requisition a special meeting.

6 Officer Support

- 6.1 Overview and Scrutiny Committee and the Health Scrutiny Committee are supported by the Head of Scrutiny/ Scrutiny Officer and a Democratic Services Officer.
- 6.2 Each piece of Scrutiny work has allocated to it a senior officer from a relevant service department, together with the Head of Scrutiny or a Scrutiny Officer, and a Democratic Services Officer.

7 Reports

- 7.1 Reports to Committees and Topic Groups are prepared by officers and discussed with the Chairman and Vice-Chairmen at briefing meetings..
- 7.2 A final report for a Topic Group will be drafted by the Head of Scrutiny or Scrutiny Officer, checked for accuracy by the Service Department Officer allocated to the work, then sent in draft to all members of the Topic Group and to the Chairman and Vice-Chairmen of Overview and Scrutiny Committee for comment. The report, with recommendations, will then go to the relevant Chief Officer and Executive Member or to Cabinet. For Health Scrutiny Committee the report, with recommendations, will go to the lead officer and appropriate Chief Officer.
- 7.3 Each meeting of Overview and Scrutiny Committee will receive a copy of the recommendations of any of its Topic Groups whose work has concluded since the last Committee meeting. Each meeting of Health Scrutiny Committee will receive a copy of the recommendations of any of its Topic Groups whose work has concluded since the last Committee meeting.
- 7.4 In the case of Topic Groups commissioned by the Overview and Scrutiny Committee, the Chief Officer/Executive Member is required to respond to a report and recommendations within 2 months. The response will be sent to the Head of Scrutiny who will copy it to Topic Group members and Chairman and Vice-Chairmen of Overview and Scrutiny. For Health Scrutiny Committee Topic Groups, it has been agreed that the Trust Chief Executive will respond to a report and recommendations within 2 months.
- 7.5 The Head of Member Services will ensure that Scrutiny final reports with recommendations and the responses are logged in a public register and are published on the website.

8 Involving the Public

The Scrutiny process needs to involve the public, services users and stakeholders if it is to be effective. The Chairman and Vice-Chairmen of Committees and Topic Groups will ensure that such involvement is properly planned in advance of meetings. The Chairman of a meeting retains responsibility for deciding who to call to speak at the meeting and when.

9 Outcomes

The outcome of the Scrutiny process should be improved services to the public. Both Committees will adopt processes to ensure that the implementation of recommendations is monitored, and that lessons are learnt from Scrutiny exercises to improve the process for the future.

10. Call In

- 10.1** *Once notice of a call-in has been received which the Chief Legal Officer (CLO) considers has been validly given in accordance with SCO 8(1), it will be acknowledged by the CLO who will then notify the Leader of the Council, the Chairman of Overview and Scrutiny Committee, the relevant Executive Member/s, the Chief Executive, the Relevant Chief and Service Officer/s, the Head of Scrutiny and the Democratic Services Manager (DSM).*
- 10.2** *If the CLO considers that the call in notice has not been validly given the CLO will inform the members who signed the call in notice that that is the CLO's opinion and the reasons why.*
- 10.3** *The DSM will liaise with the Democratic Services Officer (DSO) for OSC, the Head of Scrutiny/Scrutiny Officer, relevant Chief/Service Officer/s, the Executive Member/s, the Chairman, Vice-Chairmen and Members of the Committee, to identify a date for the OSC to meet to consider the decision called-in. The Committee meeting must be held within 10 working days of the date that the call in notice was received.*
- 10.3** *Once identified, all Members of the Committee and of the County Council shall be notified of the date, time and venue for the meeting. SMB, DSOs, Scrutiny Officers, and Members' Support should be copied in.*
- 10.4** *The Head of Scrutiny/DSO will liaise with the Chairman and Vice-Chairmen of OSC to determine how the Committee should consider the called –in decision.*
- 10.5** *The DSO will contact the relevant Chief/Service Officers on the preparation of a report for the Committee to consider in respect of the called in decision. The DSO will advise the report author/s of the deadline for their report/papers.*
- 10.6** *The members who signed the call in notice will appoint one of their number to explain to the Committee why they called in the decision.*
- 10.7** *The DSO/Head of Scrutiny should communicate the decision/s reached by the Committee to the Leader of the Council, relevant Executive Member/s, relevant Chief/Service Officers, the CLO, Head of Scrutiny, DSM, all Members of the Committee and Council immediately after the meeting.*

[The DSM will liaise with the CLO to ensure immediate action is taken in respect of any decision of the Committee to refer a matter back to Cabinet or an officer for re-determination or on to Council for consideration and decision].

HERTFORDSHIRE COUNTY COUNCIL
PROGRAMME OF MEETINGS FROM SEPTEMBER 2017 TO JULY 2018

Agenda Item No. **15**

Council, Cabinet, Scrutiny Committees, Regulatory and other Committees, Cabinet Panels (CP)

ROOM (subject to possible change)	TIME (unless stated otherwise)	MEETING	2017 SEPT	2017 OCT	2017 NOV	2017 DEC	2018 JAN	2018 FEB	2018 MAR	2018 APR	2018 MAY	2018 JUNE	2018 JULY
C Ch	10.00	COUNCIL			21			20 (Budget)	27		22 (AGM)		17
B	2.00	CABINET	25	23	13	18	22	19	19	23	14	18	9
B	10.00	AUDIT COMMITTEE	11			1			26				25
C Ch	10.00	DEVELOPMENT CONTROL COMMITTEE	28	26	23	20	25	22	28	26	24	28	26
	10.00	D C Site Visits	25	23	20	18	22	19	26	23	21	25	23
A	2.30	EMPLOYMENT COMMITTEE		23		18		5				18	
Focalore Centre WGC	10.00	HEALTH AND WELLBEING BOARD		17		13			1			13	
C Ch	10.00	HEALTH SCRUTINY COMMITTEE		5		12	18		15 & 29 (Budget scrutiny)		9		3
Ashbourne	10.00	OVERVIEW & SCRUTINY COMMITTEE	29		15	19	24 (IP scrutiny)	1 (IP 2 nd session)		19		19	
B	10.00	PENSIONS COMMITTEE P C informal sessions	4	31	29			28	22				10
B	10.00	PENSIONS BOARD (LGPS)	20			14			20				18
A	10.00	PENSION BOARD (HFRS)	27			15			23				19
A	2.00	JOINT STAFF ADVISORY COMMITTEE		25		13			28			27	
B	10.00	ADULT CARE & HEALTH CP	8		14		30		6	30		12	
Ashbourne	10.00	CHILDREN'S SERVICES CP	21		2			7	8		2	20	
B	10.00	COMMUNITY SAFETY & WASTE MANAGEMENT CP	13		8			8	13		4	21	
Council Chamber	10.00	ENTERPRISE, EDUCATION & SKILLS CP	14		7	11		6		17		5	
B	10.00	ENVIRONMENT, PLANNING & TRANSPORT CP	7		1			5	9		11		5
Ashbourne	10.00	HIGHWAYS CP	5		16		31		7		1		4
B	10.00	PUBLIC HEALTH, LOCALISM & LIBRARIES CP	12		10			2	12		10	26	
B	10.00	RESOURCES & PERFORMANCE CP	22		9	15		14		18		6	

School Terms

30 August -19 December 2017

(Half Term Holiday 23 October – 27 October 2016)

3 January 2018 – 29 March 2018

(Half Term Holiday 12 February – 16 February 2018)

16 April 2018 – 27 July 2018

Half Term Holiday 28 May – 1 June 2018)

No scheduled meetings in August

Bank Holidays

Christmas 2017

New Year 2018

Easter 2018

May Bank Holiday 2018

Spring Bank Holiday 2018

- 25 & 26 December 2017

- 1 January 2018

- 30 March – 2 April 2018

- 7 May 2018

- 28 May 2018

CCN conference - November 2017 TBC (dates still being reviewed)

LGA conference – TBC

Conservative Party conference – 1 – 4 October 2017

Liberal Democrat Party conference – 16 - 20 September 2017

Labour Party conference – 24 – 27 September 2017

Chairman's Garden Party – 14 July 2018

March 2017