

HERTFORDSHIRE COUNTY COUNCIL

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

MEMBERS IN ATTENDANCE

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

Upon consideration of the agenda for the Meeting of the County Council held on 21 March 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 21 February 2017 were confirmed as a correct record and were signed by the Chairman.

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2. CHAIRMAN'S ANNOUNCEMENTS

(a) Local Government Chronicle Awards 2017

Council congratulated Public Health on winning the Local Government Chronicle Campaign of the Year for its 'Stop Smoking in Pregnancy' initiative.

(b) Recognising Hertfordshire

Council was informed that, since the last County Council meeting in February 2017, the Chairman and Vice-Chairman had attended several functions recognising and celebrating the innovation and achievement of people and the wider community in Hertfordshire.

These functions included:

- A Celebration of the Council's Countryside Management Service (CMS) Volunteers in Welwyn Library
- The induction of Rabbi Zerbib at Northwood United Synagogue
- 'East Herts has Talent' at Hertford Theatre
- Broxbourne Youth Awards
- Judging a Young Enterprise event at County Hall

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

- The last of the 15 (over two years) well-attended tours for District & Borough Councillors of the Council's Integrated Transport Control Centre (ITCC) and Hertfordshire Archives & Local Studies (HALS)
- The Ceremony to Fly The Flag on Commonwealth Day, part of a giant Mexican Wave of the Commonwealth Flag around the world from 53 member countries
- The High Sheriff's Annual Awards.

The Chairman also advised Council that, in the next couple of weeks, she would be hosting in County Hall, with the Lord Lieutenant of Hertfordshire, Lady Verulam:-

- An afternoon tea for those nominated for the Queen's Award for Voluntary Service
- The British Empire Medal Presentations.

(c) END OF COUNCIL TERM

Member Survey

As this was the last Council meeting in the current County Council,

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Members had been sent an end of term survey. The Chairman reminded Members to return their completed surveys (to Alex James, Corporate Policy) as soon as possible if they had not already done so.

Personal Thanks to Members

The Chairman advised Council that there would be an opportunity for Group Leaders to thank retiring and other Members for their service at the end of the meeting.

3. PUBLIC QUESTIONS – STANDING ORDER 8(10)

There were no public questions.

4. PUBLIC PETITIONS – STANDING ORDER 15

There were no public petitions.

5. OFFICER REPORTS RELEVANT TO EXECUTIVE PORTFOLIOS

There were no officer reports relevant to Executive Portfolios.

6. THE EXECUTIVE REPORT

6A. LEADER OF THE COUNCIL – EXECUTIVE REPORT

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

“That the report of the Executive (being the report under Standing Order 7) be received and that the position of Key Decisions in the decision-making process shown in the current edition of the Forward Plan referred to in the report be noted.”

6B. MOTIONS ARISING FROM THE EXECUTIVE REPORT IN THE ORDER IN WHICH THEY WERE RECEIVED

6B(i) 6.2 The following motion was proposed by **S B A F H Giles-Medhurst** and duly seconded:-

“As LED lighting is rolled out, this Council resolves to allow Members to take advantage of the lower energy costs and use their Highways Locality Budget to vary or eliminate the number of hours without street

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lighting, to recognise the increasingly 24 hour society we live in.”

- 6.3** The following amendment was proposed by **T L F Douris** and duly seconded:-

“Delete “As”, insert “On completion of the roll out of”

Delete “is rolled out”, insert “in areas subject to part-night lighting”

After “this Council” delete all until (and including) “street lighting”

Insert “invites its successor to use the central control system for LED lights to enable more variable arrangements for part-night lighting and dimming”,

The amended Motion to read:-

“On completion of the roll out of LED lighting in areas subject to part-night lighting, this Council invites its successor to use the central control system for LED lights to enable more variable arrangements for part-night lighting and dimming, to recognise the increasingly 24 hour society we live in.””

- 6.4** The amendment at 6.3 was then voted on and CARRIED.

- 6.5** The substantive motion as set out at 6.3 was then voted on and CARRIED as follows:-

“On completion of the roll out of LED lighting in areas subject to part-night lighting, this Council invites its successor to use the central control system for LED lights to enable more variable arrangements for part-night lighting and dimming, to recognise the increasingly 24 hour society we live in.”

- 6B(ii)** **6.6** The following motion was proposed by **L F Reeve** and duly seconded:-

“This Council now believes that the option for a return to full night lighting in areas, particularly urban, where the residents request it, especially where there is a perception of being safe, should be available. The Council therefore requires the Executive Member, on completion of the installation of the new lighting and management system, to commence a programme of consultation with the areas that request a return to full night lighting as soon as possible. The Council

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also recognises that, because of that advance in technology, there will not be any extra cost and will be no effect on the time allowed for the pay back of our original investment”.

- 6.7** The following amendment was proposed by **T L F Douris** and duly seconded:-

“Delete first sentence of Motion (i.e. “This Council ...”)

Delete “therefore requires”, insert “requests”

After “system”, delete “to commence a programme of consultation with the areas that request a return to full night lighting as soon as possible”, insert “in areas subject to part-night lighting, to use the central control system for LED lights to enable more variable arrangements for part-night lighting and dimming.

After “Council”, delete “also”

After “cost”, insert “arising from any such new arrangements”

The amended Motion to read:-

“The Council invites the Executive Member, on completion of the installation of the new lighting and management system in areas subject to part-night lighting, to use the central control system for LED lights to enable more variable arrangements for part-night lighting and dimming. The Council recognises that, because of the advance in technology, there will not be any extra cost arising from any such new arrangements and will be no effect on the time allowed for the pay back of our original investment.”

- 6.8** The amendment at 6.7 was then voted on and CARRIED.

- 6.9** The substantive motion as set out at 6.7 was then voted on and CARRIED as follows:-

“The Council invites the Executive Member, on completion of the installation of the new lighting and management system in areas subject to part-night lighting, to use the central control system for LED lights to enable more variable arrangements for part-night lighting and dimming. The Council recognises that, because of the advance in technology, there will not be any extra cost arising from any such new arrangements and will be no effect on the time allowed for the pay back

of our original investment.”

6B(iii) 6.10 The following motion proposed by **R J Henry** and duly seconded was CARRIED:-

“Hertfordshire County Council is disappointed that the recycling rates for Hertfordshire are still around 50%, a target set many years.

We believe that we should be at 60 to 65% which would achieve great efficiency savings by a reduction in landfill tax.

We note that there are different approaches to this across Hertfordshire and that some districts have removed some recycling receptacles.

We call on Council Officers to explore best practice in the Country and work proactively with the 10 Hertfordshire districts and boroughs to improve on recycling rates which, as well as contributing to savings will have a positive environmental impact too.”

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	S B A F H Giles-Medhurst	Potential additional funding requirements for the Metropolitan (rail) line extension and the Council's continued commitment to the scheme ¹
	N Bell	Increase in non-recurrent social care funding for Hertfordshire of £29m for 2017/18 ¹
	A S B Walkington	Herts Leaders' Group
	J Billing	Officer consultation with local members regarding local issues being reported to Cabinet Panels ¹

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Resources & Performance	There were no questions for this portfolio	
Adult Care & Health	C J White	The Council's approach to the future funding of adult care services ¹
	E M Gordon	Response to an Freedom of Information request on cancelled care contracts ^{1 2}
Children's Services	M A Watkin	Whether there is any plan to close Children's Centres in Hertfordshire
	N Bell	Management and running of Children Centres following their recommissioning next year ¹
Community Safety & Waste Management	R G Prowse	Business Case concerning a proposal to move responsibility for the governance of Hertfordshire Fire and Rescue Service from the County Council to the Hertfordshire Police Authority
	R J Henry	Continuation of recent assistance and partnership working to resolve fly-tipping issues in his division (Dyes Lane, Stevenage) and opening hours of local household waste recycling centres ^{1 2}
	T R Hutchings	Veolia's planning application for a recycling energy from waste facility in his division (Ratty's Lane, Hoddesdon) ¹
Enterprise, Education & Skills	M A Watkin	Council's Special Education Needs (SEN) Strategy 'Delivering Special Provision Locally' process and funding ¹
	J Billing	The Council's response to Government consultation on the school's funding formula ¹
	C Clapper	Plans for secondary school provision for children in the Radlett and Bushey area
Environment, Planning & Transport	A S B Walkington	Plans for replacing the County's elderly bus fleet and reducing associated diesel emissions

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	S J Taylor	LGA response to the Housing White Paper 'Fixing our broken housing market' and Community Infrastructure Levy (CIL) and S106 monies ¹
Highways	S B A F H Giles-Medhurst	Accuracy of information published regarding the time taken for repairing potholes ¹
	L F Reeve	Plans for reviewing the Council's Integrated Works Programme following the May 2017 local government elections and Forward Works Programme ¹
	S Johnston	Progress on the highways restoration programme due to be completed by the end of March 2017
Public Health, Localism & Libraries	R G Tindall	Public health preventative services, their role in supporting the health and social care system and funding for public health ¹
	D Hart	Assurance that the drug and alcohol service 'Spectrum' will continue as an outreach service for residents in her division

Notes: 1 - denotes that a supplementary question was also asked
2 – denotes that a written reply will be given

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

There were no written questions.

8. REPORT OF THE HEALTH SCRUTINY COMMITTEE

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

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

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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

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

“That:-

- (1) Council should not report the decision of Herts Valleys Clinical Commissioning Group (HVCCG) to withdraw funding for social care to the Secretary of State in accordance with its powers under Regulation 23(9) of the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (“the Regulations”), but that the Council should make a report to HVCCG in relation to the matters that the Health Scrutiny Committee has scrutinised in accordance with its powers under Regulation 22 of the Regulations;*
- (2) the Chief Legal Officer be authorised to take all necessary steps to prepare and submit the report referred to in (1) above in consultation with the Chairman of Health Scrutiny Committee; and*
- (3) Council notes the Committee’s disappointment that the full £8.5m will not be paid, but also notes that the Committee is content that HVCCG has moved its position significantly with £4.5m to be paid in relation to 2017/18 and that the Committee looks forward to the County Council working together co-operatively with HVCCG moving forward with stronger governance around any future funding and partnership arrangements.”*

10. PAY POLICY 2017/18

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

“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.”

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

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

“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.”*

12. CHANGES TO THE COUNTY COUNCIL’S CONSTITUTION

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

“That County Council agrees that:

- (a) the revised Standing Orders for Council Meetings, attached as the Appendix to the report, be approved and incorporated into the County Council’s Constitution as a revised Annex 6;*
- (b) the Local Choice Function of making agreements with other authorities for the placing of staff at the disposal of those authorities is allocated to the Employment Committee in respect of Chief Officers and, in respect of other staff, the Executive (but normally dealt with by the Chief Executive or Chief Officers under delegated powers);*

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- (c) *the Chief Legal Officer be authorised to make any consequential amendments as may be necessary to the Constitution to give effect to the decisions at (a) and (b) above.*”

13. CODE OF CONDUCT FOR MEMBERS

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

- “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.*”

14. COUNTY COUNCIL CALL IN PROCEDURE

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

“That Council agrees:-

- (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.*”

15. PROGRAMME OF MEETINGS SEPTEMBER 2017 – JULY 2018

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

That Council agrees:-

- (a) *the programme for Council and Cabinet meetings for September 2017 to July 2018; and*
- (b) *the indicative programme for Committees and Cabinet Panel meetings for September 2017 to July 2018.”*

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

- 16A. 16.1** The following motion was proposed by **S B A F H Giles-Medhurst** and duly seconded:-

“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.”

- 16.2** In accordance with Standing Order 9(8), the Chairman advised Council that the motion stood referred to the Overview and Scrutiny Committee for consideration.*

- 16B. 16.3** The following motion was proposed by **S B A F H Giles-Medhurst** and duly seconded:-

“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.”

- 16.4** In accordance with Standing Order 9(8), the Chairman advised Council that the motion stood referred to the Overview and Scrutiny Committee for consideration.*

- 16C. 16.5** The following motion was proposed by **S B A F H Giles-Medhurst** and duly seconded:-

“Whilst noting that the Enhanced Maintenance Programme brought for

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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 he 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.”

16.6 In accordance with Standing Order 9(8), the Chairman advised Council that the motion stood referred to the Overview and Scrutiny Committee for consideration.*

16.7 *S B A F H Giles-Medhurst requested that his dissatisfaction with the Chairman’s decision to refer the Motions at 16.1, 16.3 and 16.5 above be recorded.

17. TRIBUTES TO RETIRING MEMBERS OF THE COUNCIL

17.1 Before the close of the meeting the Chairman referred to the Members for whom this would be their last meeting as they would not be standing for re-election in May. She paid tribute to all the out-going members and the service they had given to their communities and thanked all Members for their conduct in the Chamber during her Chairmanship over the last two years.

17.2 At the Chairman’s invitation each of the Group Leader’s, S B A F H Giles-Medhurst, L F Reeve and R I N Gordon spoke of their appreciation of the service and commitment to the wellbeing of the communities of Hertfordshire that had been given by Members on all sides of the chamber. Mention was also made of the three Members who had passed away during the current term – D Billing, S O’Brien and S A Batson.

**KATHRYN PETTITT,
CHIEF LEGAL OFFICER**

CHAIRMAN _____

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