

# **Agenda Reports & Other Papers**

Presented to the  
Meeting of the  
County Council on  
**Tuesday  
22 May 2018**



## HERTFORDSHIRE COUNTY COUNCIL

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### THE COUNTY COUNCIL

### SUMMONS AND AGENDA

for the meeting to be held on Tuesday, 22 May 2018 at 10.00a.m. in the Council Chamber, County Hall, Hertford.

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### GROUP MEETINGS

<b>Conservative Group</b>	<b>9.00 a.m.</b>	<b>22 May 2018 Council Chamber</b>
<b>Liberal Democrat Group</b>	<b>8.30 a.m.</b>	<b>22 May 2018 Committee Room A</b>
<b>Labour Group</b>	<b>9.00 a.m.</b>	<b>22 May 2018 Group Room</b>

PRAYERS at 9.50 a.m.

Prayers led by Reverend David Russell from Northchurch Baptist Church, Northchurch

**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.**

Members are reminded that:

- (1) if they consider that they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting they must declare that interest and must not participate in or vote on that matter unless a dispensation has been granted by the Standards Committee;
- (2) if they consider that they have a Declarable Interest (as defined in paragraph 5.3 of the Code of Conduct for Members) in any matter to be considered at the meeting they must declare the existence and nature of that interest. If a member has a Declarable Interest they should consider whether they should participate in consideration and vote on the matter.

### PART I (PUBLIC) AGENDA

#### 1. ELECTION OF CHAIRMAN OF THE COUNCIL

To elect a Chairman of the Council to hold office until the Annual Meeting of the Council next following (21 May 2019).

## 2. ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL

To elect a Vice-Chairman of the Council to hold office until the Annual Meeting of the Council next following (21 May 2019).

## 3. MINUTES

To confirm the Minutes of the meeting of the Council held on 27 March 2018 (circulated separately).

## 4. CHAIRMAN'S ANNOUNCEMENTS

## 5. REVIEW OF POLITICAL PROPORTIONALITY

Report of the Chief Legal Officer (attached)

**Please Note:** The report contains a proposal for the disapplication of the political balance rules set out in the Local Government and Housing Act 1989 and for the approval of alternative arrangements in relation to the Council's Overview and Scrutiny and Health Scrutiny Committees, their Sub-Committees and Topic Groups. If Council wishes to adopt these alternative arrangements it will need to agree to do so at the meeting with no member voting against.

## 6. APPOINTMENTS TO COMMITTEES

The Council is asked to appoint County Councillor members to serve on the following Committees for the ensuing year (save as mentioned below):

- Audit (10 [6:3:1])
- Development Control (10 [7:2:1]) – *and Substitute Members*
- Employment (5 [3:1:1])
- Health & Wellbeing Board (*Leader of the Council's nominations*)
- Health Scrutiny (10 [7:2:1]) \* (*Note (1)*)
- Overview and Scrutiny (10 [7:2:1])\* (*Note (2)*)
- Pensions (10 [7:2:1])
- Standards (5 [3:1:1])

*(members to remain in office unless there is a resolution to the contrary at a future Annual Meeting of the Council)*

*\*Political Proportionality to be waived*

[Notes: (1) *In addition the Committee comprises 10 District Councillors nominated by the Hertfordshire Leaders Group.*

(2) *In addition the Committee comprises 4 Parent Governor and 2 Church Representatives who are only able to vote on any*

*question which relates to any education functions which are the responsibility of the Executive].*

## **7. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES**

To appoint the Chairmen and Vice-Chairmen of the following Committees for the ensuing year:

- Audit
- Development Control
- Employment
- Health & Wellbeing Board (*appointment of Chairman only, Vice-Chairman is appointed by the Board*)
- Health Scrutiny
- Overview and Scrutiny
- Pensions
- Standards

## **8. APPOINTMENT TO JOINT COMMITTEES**

To appoint a representative to serve on:

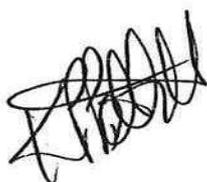
- The Hertfordshire Police and Crime Panel
- The LGPS Access Joint Committee

## **9. REPRESENTATION ON THE LOCAL GOVERNMENT ASSOCIATION AND COUNTY COUNCIL'S NETWORK**

To appoint four representatives to serve on the Local Government Association General Assembly, four representatives to serve on the County Council's Network until the Annual Meeting of the Council next following (21 May 2019), and to determine the allocation of votes between them.

## **10. CONSTITUTION UPDATE – ANNEX 3**

*Report of the Chief Legal Officer* (attached)



**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

Full copies of all reports may be found on the internet at link  
<https://cmis.hertsdirect.org/hertfordshire/CabinetandCommittees.aspx>

# Minutes



To: All Members of the Council  
Chief Executive, Chief Officers

From: Legal, Democratic & Statutory Services  
Ask for: Elaine Shell  
Ext: 25565

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MINUTES of the Meeting of the County Council held at County Hall, Hertford, on Tuesday, 27 March 2018.

## MEMBERS IN ATTENDANCE

D Andrews	L Greensmyth	A Plancey
D A Ashley	F Guest	S Quilty
D J Barnard	J S Hale	N A Quinton
S Bedford	D Hart	I M Reay
N Bell	C M Hayward	R M Roberts
J Bennett Lovell	M S Hearn	A F Rowlands
P Bibby	T C Heritage	R Sangster
J Billing	D J Hewitt	R H Smith
S J Boulton	F R G Hill	A Stevenson
A P Brewster	N A Hollinghurst	S J Taylor
S Brown	T W Hone	R A C Thake (Chairman)
E H Buckmaster	T Howard	R G Tindall
F Button	T R Hutchings	A S B Walkington
C Clapper	S K Jarvis	M A Watkin
H K Crofton	J R Jones	C J White
R C Deering	J S Kaye	A D Williams
T L F Douris	A K Khan	J D Williams
D S Drury	J G L King	T J Williams
M A Eames-Petersen	P V Mason	C B Woodward
B A Gibson	G McAndrew	C B Wyatt-Lowe
S B A F H Giles-Medhurst	M B J Mills-Bishop	W J Wyatt-Lowe
E M Gordon	A J S Mitchell	J F Wyllie
S Gordon	M D M Muir	P M Zukowskyj
J M Graham	R G Parker	

Upon consideration of the agenda for the Meeting of the County Council held on 27 March 2018, as circulated, action was taken or decisions were reached as follows:-

**CHAIRMAN'S  
INITIALS**

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**1. MINUTES**

1.1 The Minutes of the Meeting of the Council held on 20 February 2018 were confirmed as a correct record and were signed by the Chairman.

**2. CHAIRMAN'S ANNOUNCEMENTS**

**(a) NEW MEMBER FOR GOFFS OAK AND BURY GREEN**

On behalf of Council, the Chairman welcomed Lesley Greensmyth, newly elected Member for Goffs Oak and Bury Green, to the Council.

**(b) COUNTY COUNCILLOR CHARLOTTE HOGG: FAREWELL**

On behalf of all Members the Chairman thanked Charlotte Hogg, who had resigned as a County Councillor, for her contribution to the Council and wished her well for the future.

**(c) SCHOOL CHEF OF THE YEAR 2018**

On behalf of Council the Chairman congratulated Michael Goulston, Hertfordshire Catering's mobile chef, who had won the Lead Association in Catering for Schools 'Chef of the Year 2018' competition. Michael, who has worked in the catering industry for 29 years and as a school chef for 5 years, competed against nine other regional final winners from around the Country in winning this most prestigious title.

Michael Goulston would be serving up his winning menu at lunchtime to those Members in the Chamber who had taken up his invitation.

**(d) CHANGE TO THE ORDER OF COUNCIL BUSINESS**

The Chairman advised that in order to facilitate Executive Member Question Time he would be asking Council to vary the order of business to take item 10 immediately before item 7.

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

3.1 There were no public questions.

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**4. PUBLIC PETITIONS – STANDING ORDER 15**

**4A. 4.1 Lara Pringle** presented a petition with more than 1,000 signatures in the following terms:-

*“To REDUCE the speed to 20mph on Northchurch High Street and pedestrian crossings to be added.*

*Make Northchurch High Street, a safer and healthier environment for all.*

*We are a thriving and friendly community with approximately 2500 residents. We have three social centres, two churches, a primary school, a pub, local shops and a recreation ground.*

*Pedestrians and cyclists in Northchurch deserve the right to travel through and around the village without fear.*

*The current traffic volume and speed, narrow pavements, insufficient lighting, polluted environment and lack of pedestrian crossings all contribute towards residents' grave concerns.*

*We demand Herts County Council implements measures to reduce the speed of traffic to 20mph, and add pedestrian crossings. To alleviate the above dangers, and in order to encourage sustainable and healthy transport, such as walking and cycling through our village.”*

**4.2** The petition was received by **R Sangster**, Executive Member for Highways.

**4.3** The Chairman reminded Council that the debate on the motion at 4.4 would be in accordance with Standing Orders 11(11) – 11(15).

**4.4 N A Hollinghurst** informed Council that, with the consent of the seconder of the motion in his name on the Order Paper, he would accept the proposed amendment from **R Sangster** as set out on the Order Paper; that being *“that after the word ‘Executive’ insert the word ‘Member’ and after the words ‘be requested to’ add ‘consider the issues raised in (a) and (b) below”*. In accordance with SO 11(5) **N A Hollinghurst** then moved the motion set out at 4.5.

**4.5** The following motion proposed by **N A Hollinghurst** and duly

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seconded by **S B A F H Giles-Medhurst** was CARRIED:-

*“That the Executive Member be requested to consider the issues raised in (a) and (b) below:-*

*(a) take into account:-*

- *the high traffic flow in both directions;*
- *the narrowness of the road;*
- *the congested road junction with New Road;*
- *the densely built-up area immediately adjacent;*
- *the presence of a church and school in a position such that Northchurch High Street has to be crossed by the majority of residents to gain access;*
- *the high proportion of vulnerable adults i.e. primary school children and elderly persons needing to cross the High Street; and*
- *the accident record;*

*and authorise the officers to carry out further traffic studies with a view to implementing traffic calming measures and a speed limit of 20 mph along the A4251 from Pea Lane to Billet Lane and up New Road to a point just to the north of Bridgewater Hill; and*

*(b) institute a review of the existing Speed Management Strategy to achieve greater flexibility to introduce 20 mph zones and limits, in particular by introducing the words “, with exceptions” into the criterion under “Rural” for the Speed Limit Framework after the second bullet point (dealing with A & B roads –“roads with a strategic or main road function”), thus introducing the same degree of flexibility present under the “Urban” heading [See Appendix 3, Hertfordshire Speed Limit Framework to the Highways & Management Speed Management Strategy, March 2014] and so enabling road safety along the stretches of the A4251 and B4506, referred to above, to be brought into line with the stretch of the A4251 in the centre of Berkhamsted where both speed tables and a 20 mph speed limit have been in existence for more than 20 years.”*

## **5. OFFICER REPORTS RELEVANT TO EXECUTIVE PORTFOLIOS**

### **5A. PAY POLICY 2018/19**

**5.1** The Chief Legal Officer was not in the Chamber for the consideration of this item of business.

**5.2** The following motion proposed by **J D Williams** and duly seconded by

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**T C Heritage** was CARRIED:-

*“That the County Council adopts the Pay Policy for 2018/19 as set out in Appendix 1 to the report.”*

**5B. ADDITION TO CAPITAL AND ASSET STRATEGY 2018/19**

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

*“That Council approves a limit of £50m for non-treasury investments to cover the arrangements required in accordance with the routes for investment and land transfer (set out in section 6 of the report to Cabinet), as required by Ministry of Housing Communities & Local Government statutory guidelines and agrees that it be included in a revised Investment or Treasury Management Strategy.”*

**6. THE EXECUTIVE REPORT**

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

**6.1** The following motion proposed by **J D Williams** 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 S B A F H Giles-Medhurst** informed Council that, with the consent of the seconder of the motion in his name on the Order Paper, he was proposing under Standing Order 11(5) an altered motion to that which had been included in the Order Paper.

**6.3** The following motion proposed by **S B A F H Giles-Medhurst** and duly seconded by **S K Jarvis** was CARRIED:-

*“Whilst welcoming the additional investment of £29 million in the maintenance of secondary and rural roads contained in the recently agreed Integrated Plan, this Council recognises that additional funding would be desirable to deal with the repairs needed. It acknowledges the recent Annual Study by the Asphalt Industry Alliance and the Alarm*

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*Study which has once again highlighted a national shortfall of £9 billion in highways funding in England and Wales which has cost £43 million in five years in legal claims according to figures under the Freedom of Information Act.*

*The Council calls on the Executive Member for Highways to continue his efforts to secure extra funding from whatever source and to invite Group Leaders to jointly write to the Department for Transport in support of the Local Government Association’s campaign to secure additional central government grant funding to tackle the backlog of unfunded highway maintenance and emphasizing that well maintained footways and paths affects the County’s aim for modal shift.”*

**ORDER OF BUSINESS**

At the invitation of the Chairman the Council agreed to vary the order of business and take the agenda item 10 “Changes to the Council’s Constitution: Annex 6” 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).

**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 (in alphabetical order)].

<b>Executive Member</b>	<b>Questioner</b>	<b>Subject</b>
Leader of the Council	C J White	Decision by Youth Connexions affecting the involvement of young people in Hertfordshire in the Youth Parliament <sup>1 2</sup>
	J Billing	Work with the MP for Stevenage [Steven McPartland] to ensure his support for the regeneration plans for Stevenage town centre
	P V Mason	Update on the Herts bid to the Housing Infrastructure Fund
Adult Care & Health	R G Tindall	The Council’s ‘Connected to Work’

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		initiative to improve employment opportunities for adults with disabilities and update on Hertfordshire MPs engagement with communities on this <sup>1</sup>
	E M Gordon	Council support for a Parliamentary Commission on the long term funding of the NHS and social care <sup>1</sup>
	S Gordon	Council decision to remove the proposal to take disability living allowances and attendance allowances into consideration when assessing charges for those using adult care services, and the number of people benefitting from this decision <sup>1</sup>
Children's Services	M A Watkin	Day services and overnight respite provided by Jubilee House Peartree Respite Centre (for children and young people), and opportunities for other similar respite facilities to extend their services to provide a standard offer across the County <sup>1</sup>
	N Bell	Young Carers' Annual Conference and what the Council can do to publicise help and support available to young carers <sup>1</sup>
	G McAndrew	Innovative work of the Council's Children's Services on children and family safeguarding and its work with the Department for Work and Pensions on the Parental Conflict Reduction Programme
Community Safety & Waste Management	R G Tindall	Reports to Police and Crime Panel on whether there has been any detrimental impact on combined policing units following Bedfordshire and Cambridgeshire Police Authorities both receiving an assessment of 'requiring improvement' <sup>1</sup>
	M A Eames-Petersen	Hertfordshire Waste Partnership and whether a review of the Alternative Financial Model should be undertaken <sup>1</sup>

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	F R G Hill	Update on future governance of the Hertfordshire Fire and Rescue Service
Education, Libraries and Localism	M A Watkin	Reduction in funding for the SACRE service in Hertfordshire <sup>1</sup>
	J Billing	Press release issued by the Executive Member (following her question at the last Council meeting) relating to proposals for an alternative model for the delivery of library services <sup>1</sup>
	D Andrews	Proposals for the library in Stevenage in light of the regeneration proposals for the town centre
Environment, Planning and Transport	C J White	Residents' concerns regarding issues with railway services in Harpenden and St Albans and consequences of proposed changes to service timetables <sup>1</sup>
	A K Khan	Action that can be taken to have Watford Junction (railway station) and other rail stations on the Hertfordshire/London boundary moved into London rail Zone 6 <sup>1</sup>
Highways	S B A F H Giles-Medhurst	Length of time to deal with reports of a (rail) bridge strike possibility following the lowering of the bridge and associated delay in changes to advisory signage <sup>1 2</sup>
	J G L King	Arrangements for the allocation of additional £1.8m received from central government to support the repair of potholes to ensure even spread across the County <sup>1</sup>
	J R Jones	The Council's use of the 'Asset Management Approach' to maintaining the County's highway infrastructure and the financial consequences if it was to lose its current (high) rating (Grade 3) <sup>1</sup>
Public Health, Prevention and Performance	B A Gibson	Voracity and completeness of performance indicators in relation to highways; ensuring full and accurate information so that performance can be monitored in a meaningful way <sup>1</sup>

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	J Billing	All-Member briefing / seminar on bodies working with the County Council on health matters and their responsibilities <sup>1</sup>
	F Guest	How the Council is working with district and borough councils across the County to promote the 'Year Of Physical Activity', especially with young people
Resources, Property and the Economy	S K Jarvis	Mechanism in place to ensure that the Council's property development plans deliver aspirational community benefits <sup>1</sup>
	S J Taylor	Update on future governance of the Hertfordshire Fire and Rescue Service <sup>1</sup>

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)

7.2.1 Written questions to Executive Members and responses are set out in the attached Annex.

## 8. REPORT FROM THE HEALTH SCRUTINY COMMITTEE

8.1 Prior to consideration of this item of business, **S Quilty**, Chairman of the Health Scrutiny Committee, provided Council with the following statement:-

*'Many of you are aware that Herts Valleys Clinical Commissioning Group [HVCCG] decided to withdraw funding from Nascot Lawn, Watford. Nascot Lawn provides respite care for children with complex health and social care needs. The decision was challenged by parents at a Judicial Review. In judgement, it was concluded that Nascot Lawn was a health facility and, therefore, the CCG had to consult with the County Council.'*

*Health Scrutiny Committee held a Special Meeting on 21 March 2018. The Committee heard from witnesses from health, carer organisations, Children's Services, Healthwatch Hertfordshire, and parents and carers of children that use Nascot Lawn for respite care.*

*In conclusion, the Committee noted the progress that had been made*

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*towards partnership working and the commitment from both HVCCG and East and North Herts CCG [E&NHCCG] to support and provide services for children with complex health needs to safely access overnight short breaks.*

*The Committee was not satisfied that the proposal, as put forward by HVCCG, is in the interests of the health service; however, considers that it may be possible to reach an appropriate agreement with HVCCG. It unanimously agreed a motion requesting that the CCGs and Children's Services work together to develop a response that includes:-*

- transitional arrangements;*
- financial contribution;*
- details of nursing available for overnight short breaks;*
- type and nature of legal agreement; and*
- engagement and consultation.*

*The Health Scrutiny Committee will consider the response at its meeting to be held on 9 May 2018.'*

**8.2** With the Chairman's permission, **T C Heritage**, Executive Member for Children's Services, then made the following statement:-

*'Council may find it helpful to know that to date we have successfully transitioned 8 children from Nascot Lawn as follows:-*

- 3 to West Hyde;*
- 1 to The Haven;*
- 1, over the age of 18, to adult provision; and*
- 3 have converted to direct payments.*

*A further 19 children and young people are currently in the process of transitioning. This includes:-*

- 9 who are working towards going to West Hyde;*
- 4 are working with Jubilee;*
- 5 are working with The Pines;*
- 1 is going into shared care;*
- 1 is working with Meldreth;*
- 1 is exploring adult provision; and*
- 2 are exploring direct payments.*

*This leaves 16 children and young people still to be found alternative provision. I think a number of parents had been waiting for the outcome of the Judicial Review. Now that we have that I am hoping that they will engage with us in identifying suitable alternative provision for their children and young people.'*

- 8.3 The following motion proposed by **S Quilty** and duly seconded by **C J White** was CARRIED:-

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

**9. CHANGES TO THE COUNCIL’S CONSTITUTION: DIRECTOR OF ENVIRONMENT AND INFRASTRUCTURE**

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

*“That Council:*

- (a) agrees to the inclusion in the Constitution a revised senior officer management structure as set out in Appendix 1B to the Report to include the post of Director of Environment and Infrastructure; the revised senior officer management structure to take effect from 1 April 2018;*
- (b) delegates to the Director of Environment and Infrastructure the functions set out in Part 2 of Appendix 2 to the Report (the Chief Executive to retain such delegations until the Director of Environment and Infrastructure takes up post).*
- (c) confirms that the post of Chief Executive remains designated as Head of Paid Service with the principal responsibilities set out in paragraph 4.3 of the report and retains the delegations set out in Part 1 of Appendix 2 to the Report.*
- (d) authorises the Chief Legal Officer to make to make any amendments as may be necessary to the Constitution to give effect to the decisions at (a) to (c) above.”*

**10. CHANGES TO THE COUNCIL’S CONSTITUTION: ANNEX 6**

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

*“That Council:*

- (a) agrees the changes to the Council’s Constitution as set out in paragraph 2.8 the Report; and*
- (b) authorises the Chief Legal Officer to amend Annex 3 to the Constitution to give effect to the decision at (a) above.”*

**11. PROGRAMME OF MEETINGS SEPTEMBER 2018 – JULY 2019**

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

*“That Council agrees:-*

- (a) the programme for Council and Cabinet meetings for September 2018 to July 2019; and*
- (b) the indicative programme for Committees and Cabinet Panel meetings for September 2018 to July 2019.”*

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

**12A. 12.1** The following motion was proposed by **S K Jarvis** and duly seconded by **S B A F H Giles-Medhurst**:-

*“Council believes that closer working with Town, Parish and Community Councils has the potential to improve standards of highway maintenance in parished areas at little or no cost to the County Council but notes that the current Highways Together programme has had a relatively limited take up.*

*It believes that the scheme should be enhanced along the lines of the those successfully introduced elsewhere which allow Parish, Town and Community Councils to perform a much wider range of highway maintenance tasks after receiving appropriate training. Such an enhanced scheme should then be actively promoted to all Parish, Town and Community Councils.”*

**12.2** In accordance with Standing Order 9(8), the Chairman advised Council that the motion stood referred to the Highways Cabinet Panel for consideration.

**12B. 12.3** The following motion was proposed by **S K Jarvis** and duly seconded by **S B A F H Giles-Medhurst**:-

*“This Council requests the Highways Cabinet Panel to review the delivery of 2017/18 Highway Locality Budget projects compared with their planned dates.”*

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**12.4** In accordance with Standing Order 9(8), the Chairman advised Council that the motion stood referred to the Highways Cabinet Panel for consideration.

**12C. 12.5** The Chairman advised Council that, in accordance with Standing Orders 9(8) and 9(9), he would allow the motion at 12.6 to be debated at the Council meeting and that normal rules of debate would apply.

**12.6** The following motion was proposed by **N Bell** and duly seconded by **S J Taylor**:-

*“This Council resolves that the Leader of the Council urgently writes to the Chancellor of the Exchequer demanding that the proposed changes to Universal Credit going through Parliament that would see thousands of Hertfordshire’s children lose out on free school meals be reversed.*

*As the well-respected Childrens society has shown in its research, there are 35,100 children in poverty in our County though only 8,500 currently qualify for ‘free school meals’. As the Children’s society have pointed out in their research, many thousands more vulnerable children and their families will be forced into even more unnecessary poverty, adding to increased pressure on our children’s services and at food banks across all our district Councils if this legislation is given the green light by the Government.”*

**12.7** In accordance with Standing Order 13 (4) a recorded vote was requested.

**12.8** The motion at 12.6 was then voted upon and LOST, the recorded votes being:-

Those in favour of the motion (24)

S Bedford	E M Gordon	A F Rowlands
N Bell	J S Hale	S J Taylor
J Bennett-Lovell	N A Hollinghurst	R G Tindall
J Billing	S K Jarvis	A S B Walkington
D S Drury	A K Khan	M A Watkin
M A Eames-Petersen	J G L King	C J White
B A Gibson	R G Parker	T J Williams
S B A F H Giles-Medhurst	N A Quinton	P M Zukowskyj

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Those against the motion (47)

D Andrews	F Guest	M D M Muir
D A Ashley	D Hart	A Plancey
D J Barnard	C M Hayward	S Quilty
P Bibby	M S Hearn	I M Reay
S J Boulton	T C Heritage	R M Roberts
A P Brewster	D J Hewitt	R Sangster
S Brown	F R G Hill	R H Smith
E H Buckmaster	T W Hone	A Stevenson
F Button	T Howard	R A C Thake
C Clapper	T R Hutchings	A D Williams
H K Crofton	J R Jones	J D Williams
R C Deering	J S Kaye	C B Woodward
T L F Douris	P V Mason	C B Wyatt-Lowe
S Gordon	G McAndrew	W J Wyatt-Lowe
J M Graham	M B J Mills-Bishop	J F Wyllie
L Greensmyth	A J S Mitchell	

Those abstaining (0)

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

**CHAIRMAN.....**

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**WRITTEN QUESTIONS TO EXECUTIVE MEMBERS – STANDING ORDER 8**

**1. Written question from S B A F H Giles-Medhurst to J D Williams, Leader of the Council**

*“Does the Leader agree with the view taken by his predecessor and the protocol that was in place that all Cabinet decisions, unless they are of such urgency that it precludes them going to a Cabinet Panel for review and discussion, should first be considered by a Cabinet Panel and that this enables opposition members and back bench members of the administration the opportunity to comment accordingly?”*

**J D Williams** has replied:

*“It is not a legal or constitutional requirement for items going to Cabinet to be considered first by Cabinet Panels. In general I agree that items presented by Executive Members to Cabinet often benefit from the cross party discussion that has taken place at the relevant Cabinet Panel(s). I assume the question is motivated by the Highways Integrated Works Programme (IWP) not following this route. The IWP has not been to a Cabinet Panel since March 2008 following which, the Chairman of the Panel decided that, because the main debate was about the detail of the programme, i.e. individual schemes, there was no value in taking the IWP through Panel. Since that time, all members have been given regular opportunities through each year to comment on the emerging IWP as it affected their individual Divisions. This was judged to be a more effective and comprehensive way of getting members’ comments on the IWP.*

*That having been said, I can see the value in the Cabinet Panel giving strategic comments on the IWP, such as the distribution of resources between the various programmes. Whilst this opportunity exists when Panel and then Cabinet considers a) the Transport Asset Management Plan Annual Progress Report and b) the Integrated Plan, I have agreed with the Executive Member for Highways that the 2019/20 Highways IWP will again come to Highways Panel for strategic, rather than detailed, examination.”*

**2. Written question from S B A F H Giles-Medhurst to J D Williams, Leader of the Council**

*“Given any answer to the question above will the Leader now ensure that all Cabinet decisions and the reports relating them, except in the case of urgency, will first come to a Cabinet Panel?”*

**J D Williams** has replied:

**CHAIRMAN’S  
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*“As I said in my previous answer, whilst it is not a legal or constitutional requirement for Cabinet decisions to go through a Cabinet Panel, in general I agree that items presented by Executive Members to Cabinet often benefit from the cross party discussion that has taken place at the relevant Cabinet Panel(s) and so usually items going to Cabinet will first go to a Cabinet Panel.”*

**3. Written question from S B A F H Giles-Medhurst to J D Williams, Leader of the Council**

*“Will the Leader please update members as to the latest position that he is aware of with regard to the Metropolitan Line Extension (MLX) and the joint letter (15th Feb) sent to the Mayor of London from himself, the Mayor of Watford and Chairman of the Hertfordshire Local Enterprise Partnership and any response that has been received?”*

**J D Williams** has replied:

*“As you have referenced, I signed a letter (along with the Mayor of Watford and the Chair of the Local Enterprise partnership) to the Mayor of London dated 15 February 2018. To date (21 March 2018), I regret to say that there has been no response. The letter expressed our deep disappointment that the Mayor of London has decided not to honour the commitment made by the Mayor’s office to deliver the project within the funding package agreed in 2015. Hertfordshire County Council, Watford Borough Council and the LEP will now be reviewing options for improving transport in this part of South West Hertfordshire and how best to protect the corridor identified for the project for future transport initiatives.*

*Meanwhile, HCC officers are in discussions with DfT and then Transport for London on how previous funding contributions can be returned”*

**4. Written question from S B A F H Giles-Medhurst to J D Williams, Leader of the Council as responsible for Resources, Property and the Economy**

*“Will the Executive Member undertake a review of the council's policy that prevents any commercial advertising in subways and underpasses maintained by the council?”*

[As a footnote I have been informed in writing that, as such structures are 'public highways', "the council is unable to change its position regarding advertising by private companies on the Public Highway".

Given than such advertising affects pedestrians and or cyclists and that such advertising is allowed elsewhere and for community events this approach seems illogical and missing an opportunity to obtain revenue].

**CHAIRMAN’S  
INITIALS**

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**J D Williams** has replied:

*“The County Council has previously looked at the opportunity for advertising on the highway, including structures, and let a contract to deliver this. The contract ended in 2015 and it was concluded that the service was resource hungry and only generated minimal revenue, so it was not continued. Provision has been made within the Agency Agreements that we have with the Boroughs / Districts councils for roundabout sponsorship, which is then used to enhance the verge management service.*

*Given the previous limited interest in advertising on the highway I do not propose to undertake a major review but will ask officers to investigate if neighbouring authorities have had any success in this area.”*

**5. Written question from S K Jarvis to D A Ashley, Executive Member for Environment, Planning and Transport**

*“What is the total value of section 106 contributions (a) received and (b) spent, by contribution type for the year 2017/18 to date and for each of the previous five years?”*

**D A Ashley** has replied:

*“Please see the spreadsheet attached.*

*Please note:*

- *The attached is drawn from the PROMs system (Planning Responses & Obligation Monitoring System);*
- *The grand total does not include amounts held prior to the report period;*
- *The income and expenditure in the attached may therefore relate to different contributions i.e. there will be expenditure against contributions that were received before 2012/13;*
- *The net position of any un-spent un-allocated S106 contributions is found in the latest Traffic Light Report (TLR) – received by all Members; and*
- *The financial year 2017/18 has not ended and expenditure will be higher at year end.”*

**6. Written question from S K Jarvis to R Sangster, Executive Member for Highways**

*“What criteria were used to select the locations for “Invest to Improve” projects to be undertaken in 2018/19 and what process was used to determine which roads met these criteria?”*

**R Sangster** has replied:

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.....

*“The Integrated Plan (IP) includes extra money (£5 million in 2018/19) for local (unclassified) roads to improve their condition, which is being referred to as Invest to Improve or ‘i2i’ for short.*

*The i2i programme will focus solely on unclassified roads in a poor condition with the overall aim of halving the number of such roads from the current 16% which are ‘poor’ down to around 8% over the projected five year project. Within those parameters, scheme selection will be based on a combination of factors including:*

- The condition of the road (with worse roads having priority);*
- How important those roads are to local communities (with priority given to highly populated areas or rural roads used frequently)*
- Whether the scheme offers good value for money (to allow as many roads as possible to be treated).*

*The selection process for this programme is technically led, based on the criteria given above.*

*With i2i being a new initiative, the list of sites for 18/19 needed to be assembled quickly to get a programme ready for delivery this year which meant local members did not have the opportunity to see a draft before list was presented to Cabinet for approval. In future years the i2i programme will be able to follow the same timetable as the IWP and members can consequently expect to see a draft 19/20 programme in July this year alongside the draft 2 IWP for 19/20 to help inform their HLB choices.”*

**7. Written question from S B A F H Giles-Medhurst to R Sangster, Executive Member for Highways**

*“Ringway gritting vehicles are monitored using a tracking system which reports on performance, including location, speed and spread of material. Vehicles used in urban areas are governed at 30mph to ensure they do not use excessive speed when gritting.*

*Given that this information has now come to light that such vehicles are indeed travelling in excess of 20mph in 20mph limited roads and that this has caused complaints will the Executive Member now ensure that, in future, gritting vehicles are regulated so that on such roads 20mph is not exceeded and the Winter Operational Plan adjusted accordingly?”*

**R Sangster** has replied:

*“The Ringway gritting vehicles used in Hertfordshire are tracked and the speed and spread rate is recorded. It is the driver that controls the speed of the gritter and they are told to drive in accordance with the road conditions at the time, which includes observing the relevant speed limit. There is no*

*electronic system which governs the speed in urban areas.*

*The speed the vehicles drive at and the spread rate are connected to ensure that the right amount of salt is delivered to the road surface as the vehicles drive along.*

*As the speed of the gritter is recorded, any enquiries received by the service in relation to the gritting operation can be investigated, if the location and time is provided and any appropriate action taken.”*

**8. Written question from S B A F H Giles-Medhurst to R Sangster, Executive Member for Highways**

*“Will the Executive Member, in conjunction with the Development Management team any other Executive Member as appropriate, ensure a policy is in place that requires District and Borough Councils that, where a dropped crossing/crossover becomes redundant in the light of a new development, it is a requirement of the Highways Authority that a full height kerb must be reinstated with reinstatement of the adjacent footway?”*

**R Sangster** has replied:

*“This is an issue that has been recognised in the service and changes are already being planned. Standard highway Conditions and templates for Informatives are being regularly reviewed, updated and issued to all Highway Planning Officers. These are being included by HCC as Highway Authority, as necessary and appropriate, in response to planning application consultations from the Local Planning Authorities.*

*New template Conditions and Informatives will be incorporated into the new version of the ‘Highways Development Management Manual’, an internal guidance document for officers. To ensure developers include the raising of redundant dropped kerbs into their designs, the advice on vehicle crossovers within our ‘Roads in Herts’ Guidance will be strengthened in the next version currently being drafted.”*

**9. Written question from S B A F H Giles-Medhurst to R Sangster, Executive Member for Highways**

*“On how many occasions in each of the last three financial years and to date has an Inspector revisited a fault reported site and decided the original decision communicated to the reportee was wrong?”*

**R Sangster** has replied:

*“This data is not captured.*

*A triage inspector will visit the location of certain customer reported defects (footway and carriageway 5 and 20 working day defects) to determine if they meet intervention levels for repair. If a Category 1 repair is needed they will raise an order for this. If they decide the fault does not meet the intervention levels they will assign a new priority. This will trigger a response back to the customer. They do not revisit the location at a later date to check if this decision and communication back to the customer was correct. There have been reports from customers where they have challenged the response they have been sent. When these are investigated, the normal outcomes are that either the correct response was sent and a repair wasn't required under the standards or the wrong response was sent but the fault was actually being processed for repair or was a duplicate. It should also be remembered that a defect can deteriorate overtime especially during the winter period.*

*HCC officers do undertake a sample audit (around 10%) to check as far as reasonably possible that works are being carried out in accordance with our requirements. We also do a sample check of responses back to customers."*

**10. Written question from S B A F H Giles-Medhurst to R Sangster, Executive Member for Highways**

In each of the last three financial years and the year to date what has the average time for a Stage 3 Safety Audit to be undertaken on a traffic/ road safety management scheme?

What has been the longest wait for such an Audit and report?

What has been the shortest time for such an Audit and report?

Is there a set time frame and, if not, will the Executive Member institute one?

**R Sangster** has replied:

*"For the Integrated Works Programme (IWP) Cat 4 works we have undertaken a total of 108 Stage 3 Road Safety Audits (RSA), covering the years 2014/15, 2015/16, 2016/17 and the year to date. Broken down as:-*

*Number of Stage 3 RSAs undertaken*

<i>2014 / 15</i>	<i>37</i>
<i>2015 / 16</i>	<i>36</i>
<i>2016 / 17</i>	<i>29</i>
<i>Year to date</i>	<i>6</i>
<i>Total</i>	<i>108</i>

*There is no central log of the number of RSA's undertaken for the Development Management elements of our service, in the time available it has not been possible to compile the complete answer for this part of the service. I will provide a complete answer in writing in 3 weeks.*

*Of the 108 Stage 3 RSA's, it took on average 196 days, between site completion and provision of the RSA report to the Project Sponsor.*

*The longest time gap for a Stage 3 RSA was 468 working days, but this is substantially above our norm due to particular project issues and how it has been recorded and is not typical.*

*The shortest time gap for a Stage 3 RSA was 6 days. Again this is substantially shorter than our normal range and not typical.*

*There are no national guidelines for carrying out RSA's on the local road network within particular timeframes.*

*That said the service have the following two targets for the delivery of Stage 3 RSA's:*

- 1. Development Management works – have written in "Roads in Herts" a target of 90 days after completion of works, and*
- 2. IWP works - between 90 and 180 days after completion of works, though there is no policy basis for this."*

**11. Written question from S B A F H Giles-Medhurst to R Sangster, Executive Member for Highways**

*"How many recommendations from Stage Three Safety Audits in the last three financial years and the year to date have not yet been implemented on the ground?"*

[To be clear the answer is number of separate recommendations not the number of audits]

**R Sangster** has replied:

*"There is no central log of this information however one is now being compiled. I will provide a full response in writing within 4 weeks."*

	2012/13		2013/14		2014/15		2015/16		2016/17		2017/18		Grand Total	
	Income	Expenditure	Income	Expenditure	Income	Expenditure	Income	Expenditure	Income	Expenditure	Income	Expenditure	Income	Expenditure
Area Transport Plan Proposals					£ 150,000					£ 63,610		£ 86	£ 150,000	£ 63,696
Childcare	£ 219,502	£ 117,295	£ 131,843	£ 79,628	£ 183,598	£ 328,338	£ 148,286	£ 200,281	£ 149,029	£ 74,840	£ 92,909	£ 54,509	£ 925,167	£ 854,891
Cycling Facility/Routes	£ 15,000	£ 5,055	£ 5,682		£ 139,430	£ 32,795		£ 791		£ 13,697			£ 160,112	£ 52,338
Early Years											£ 5,207		£ 5,207	
Education		£ 216,802		£ 157,366	£ 210,729			£ 18,022	£ 259,709		£ 339,812	£ 192,707	£ 810,250	£ 584,897
First	£ 1,867		£ 811	£ 25,746	£ 80,575	£ 71,595	£ 439,346	£ 141,727	£ 466,012		£ 120,536	£ 47,074	£ 1,109,149	£ 286,142
Highway Works	£ 741,127	£ 476,072	£ 1,569,191	£ 103,201	£ 282,839	£ 388,852	£ 160,121	£ 163,858	£ 261,944	£ 148,893	£ 571,450	£ 24,749	£ 3,586,672	£ 1,305,625
Junction Improvements				£ 67,684		£ 67,372	£ 10,382	£ 11,516		£ 171,431			£ 10,382	£ 318,003
Library	£ 313,440		£ 237,462	£ 332,176	£ 408,939	£ 33,308	£ 355,665	£ 478,075	£ 278,689	£ 474,539	£ 205,628	£ 153,105	£ 1,799,823	£ 1,471,203
Middle	£ 118,639		£ 54,544	£ 40,419	£ 287,846	£ 9,568	£ 358,184	£ 493	£ 386,109		£ 91,218	£ 95,859	£ 1,296,541	£ 146,339
Nursery	£ 268,717	£ 375,072	£ 268,000	£ 68,724	£ 541,841	£ 133,344	£ 338,800	£ 132,572	£ 326,313	£ 28,329	£ 149,969	£ 40,198	£ 1,893,640	£ 778,240
Other	£ 90,122	£ 17,977	£ 173,006	£ 110,156	£ 128,074	£ 5,546		£ 404,098	£ 244,973	£ 85,562	£ 158,773	£ 231,752	£ 794,947	£ 855,091
Other Mitigating Measures										£ 1,000				£ 1,000
Passenger Transport	£ 18,664	£ 226,060	£ 24,481	£ 375,997	£ 480,941	£ 918,421	£ 111,027	£ 248,530	£ 97,657	£ 143,883		£ 150,235	£ 732,770	£ 2,063,126
Pedestrian Facilities/Routes				£ 10,000	£ 73,302				£ 76,789	£ 20,000			£ 150,091	£ 52,742
Police									£ 3,769		£ 4,005		£ 7,774	
Primary	£ 2,746,009	£ 7,037,344	£ 3,731,518	£ 3,245,164	£ 4,315,235	£ 2,840,836	£ 2,972,801	£ 2,298,359	£ 2,323,043	£ 304,381	£ 1,578,307	£ 1,940,586	£ 17,666,913	£ 17,666,671
Rights of Way Improvements		£ 6,139								£ 5,000				£ 11,139
Safety Improvements			£ 10,225		£ 10,178		£ 184	£ 392				£ 52,143	£ 20,587	£ 52,534
Secondary	£ 1,721,728	£ 407,930	£ 2,399,336	£ 2,388,406	£ 3,589,761	£ 2,583,158	£ 2,335,247	£ 1,393,312	£ 1,653,765	£ 3,084,490	£ 1,506,874	£ 3,818,229	£ 13,206,711	£ 13,675,525
Signals						£ 3,957								£ 3,957
Sustainable Transport	£ 1,592,495	£ 1,163,446	£ 1,967,894	£ 3,093,303	£ 3,188,052	£ 2,248,055	£ 1,987,891	£ 3,563,996	£ 1,943,894	£ 1,989,768	£ 511,784	£ 217,791	£ 11,192,010	£ 12,276,359
Temp Primary						£ 16,231								£ 16,231
Traffic Calming				£ 9,606	£ 139,052	£ 33,418				£ 2,483			£ 139,052	£ 45,507
Traffic Regulation Order	£ 5,000		£ 10,066		£ 9,260		£ 16,000	£ 4,253	£ 5,591	£ -			£ 45,917	£ 4,253
Transport Studies		£ 4,934		£ 17,079			£ 24,000	£ 6,528					£ 24,000	£ 28,540
Travel Plan Monitoring	£ 6,836		£ 13,950	£ 10,556	£ 6,000		£ 36,002		£ 30,918	£ 2,400	£ 23,453		£ 117,158	£ 12,956
TravelSmart	£ 555		£ 5,245		£ 6,618		£ 6,719	£ 9,437	£ 2,571		£ 442		£ 22,150	£ 9,437
Upper	£ 93,593		£ 57,334	£ 12,123	£ 241,393		£ 354,663	£ 355	£ 399,505		£ 5,129	£ 86,136	£ 1,151,617	£ 98,614
Various	£ 6,307	£ 103,006	£ 20,690	£ 618,413		£ 909,026		£ 1,962				£ 35,000	£ 26,997	£ 1,667,407
Youth	£ 133,111	£ 62,859	£ 47,819	£ 129,538	£ 106,054	£ 106,413	£ 78,809	£ 230,805	£ 59,383	£ 128,425	£ 36,164	£ 13,901	£ 461,340	£ 671,940
<b>Grand Total</b>	<b>£ 8,092,713</b>	<b>£ 10,219,992</b>	<b>£ 10,729,098</b>	<b>£ 10,895,286</b>	<b>£ 14,579,714</b>	<b>£ 10,730,235</b>	<b>£ 9,734,128</b>	<b>£ 9,334,586</b>	<b>£ 8,969,663</b>	<b>£ 6,740,248</b>	<b>£ 5,401,661</b>	<b>£ 7,154,058</b>	<b>£ 57,506,977</b>	<b>£ 55,074,404</b>

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**COUNTY COUNCIL**  
**TUESDAY, 22 MAY 2018 AT 10.00 AM**

**REVIEW OF POLITICAL PROPORTIONALITY**

Report of the Chief Legal Officer

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

**1. Purpose of report**

To advise members of the rules relating to political proportionality and the implication of those rules for the allocation of places on Committees following the Chief Legal Officer's review of political proportionality on Committees as a result of the two County Council by elections that have taken place since May 2017.

**2. Summary and Background**

2.1 The distribution of seats on committees is allocated in accordance with the proportionality principles set out in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990. Only with no Member voting against can an authority decide that it wishes to adopt an arrangement other than one in accordance with this legislation.

2.2 Following the County Council election on 4 May 2017 the number of seats of each group on the Council and the resulting percentages for political proportionality were:

Conservative	Liberal Democrat	Labour
51	18	9
65.38%	23.08%	11.54%

2.3 There have been two by elections for County Council Divisions since May 2017 and as at 8 May 2018 the number of seats of each Group on the Council and the resulting percentages for political proportionality are:

Conservative	Liberal Democrat	Labour
51	17	10
65.38%	21.8%	12.82%

2.4 The proportionality principles are:

(a) All the seats are not allocated to the same political group (Principle 1);

(b)The majority of the seats go to the political group with majority on the full Council (Principle 2);

(c)Subject to the above two principles, that the total number of seats on all of the ordinary committees of the authority allocated to each political group must be in the same proportion as the proportion of that group's seats on the full Council (Principle 3);

(d) Subject to the above three principles, that the number of seats on each ordinary committee of the authority allocated to each political group must be in the same proportion as the proportion of that group's seats on the full Council (Principle 4).

- 2.5 At its meeting on 23 May 2017 County Council agreed to waive political proportionality in respect of Overview & Scrutiny Committee and Health Scrutiny Committee and any topic group or sub-committee of Overview & Scrutiny Committee or Health Scrutiny Committee. The reason for this was because of voting non county councillor members on these committees, compliance with Principle 2 would lead to the Conservative Group having a disproportionately large number of seats compared to the other two Groups and to the Health Scrutiny Committee having to be increased in size (or the number of voting non county councillor members reduced). If the County Council wishes to waive the political proportionality rules in relation to those committees and any topic group or sub-committee of those committees, as it did last year it will need to do so again at this meeting with no member voting against.
- 2.6 The allocation of seats to Overview and Scrutiny Committee and Health Scrutiny Committee which was adopted by Council on 23 May 2017 following waiver of the requirements for proportionality is set out in Part B of the Appendix to this Report.
- 2.7 Taking into account the waiver mentioned in paragraph 2.5 above and the rules of proportionality at its meeting on 23 May 2017 Council adopted the scheme of proportionality set out in Part A of the Appendix to this Report.
- 2.8 The Council is required to review committee membership and political proportionality on committees annually. The Chief Legal Officer has considered the change in the number of members in the three political groups on the Council and reviewed the allocation of places to these Groups taking the change into account. The Chief Legal Officer confirms that the allocation of places as set out in Part A of the Appendix to this Report remains in accordance with the rules of political proportionality.
- 2.9 The rules of political proportionality referred to above do not apply to Cabinet Panels which are advisory bodies established by the Executive. The Constitution does provide, however, that when appointing members to Cabinet Panels proportionality rules will be applied to each Cabinet Panel but not across all Panels.

### **3. Recommendation**

- 3.1 That Council confirms the scheme of proportionality as set out in the Appendix to this Report
- 3.2 That in respect of Overview & Scrutiny Committee and Health Scrutiny Committee and any topic group or sub-committee of Overview & Scrutiny Committee or Health Scrutiny Committee, the Council waives the requirements for proportionality so as to agree the arrangements set out in Part B of the Appendix to this Report for Overview & Scrutiny Committee and Health Scrutiny Committee provided that the Leader of any of the three largest political groups on the Council can request at any time a review of political proportionality in respect of Overview & Scrutiny Committee and Health Scrutiny Committee.

### **4. Financial Implications**

- 4.1 None specifically arising from this Report.

#### *Background Information*

Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990

<http://www.legislation.gov.uk/uksi/1990/1553/part/II/made>

## APPENDIX

### Scheme of Proportionality

#### Part A

<b>Committee</b>	<b>Total Size</b>	<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>
Development Control	10	7	2	1
Employment	5	3	1	1
Pensions	10	7	2	1
Audit	10	6	3	1
Standards	5	3	1	1
<b>TOTAL</b>	<b>40</b>	<b>26</b>	<b>9</b>	<b>5</b>

#### Part B

<b>Committee</b>	<b>Total Size</b>	<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>
Overview & Scrutiny (1)	10	7	2	1
Health Scrutiny (2)	10	7	2	1

#### Note

(1) In addition the Overview and Scrutiny Committee comprises 4 Parent Governor and 2 Church Representatives (who are only able to vote on any question which relates to any education functions which are the responsibility of the Executive)

(2) In addition the Health Scrutiny Committee comprises 10 District Councillors (voting) nominated by the Hertfordshire Leaders Group

The composition of the committees set out in the table in Part B above would require the County Council to agree to waive the rules of political proportionality with no member voting against.

**HERTFORDSHIRE COUNTY COUNCIL**

**COUNTY COUNCIL**

**TUESDAY, 22 MAY 2018 AT 10.00AM**

Agenda Item No.

**10**

**CONSTITUTION UPDATE – ANNEX 3**

*Report of the Chief Legal Officer*

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

Executive Member: David Williams, Leader of the Council

**1. Purpose of report**

- 1.1 To inform County Council of changes made to the County Council's Constitution by me as Chief Legal Officer under my delegated power in Section 12 of the Constitution.

**2. Summary and Background**

- 2.1 At its meeting on 27 March 2018 Council agreed amendments to the Constitution to include a revised senior officer structure to include a new post of Director of Environment and Infrastructure. Council also delegated certain non-executive functions to the Director of Environment and Infrastructure.
- 2.2 Section 7.4 of the Constitution provides that the Leader of the Council allocates responsibility for discharging executive functions. The Leader of the Council has now allocated executive functions to the post of Director of Environment and Infrastructure and made some consequential amendments to the executive functions allocated to the Chief Executive and the Director of Resources as set out in the Annex to this Report.
- 2.3 Using the power delegated to the Chief Legal Officer in Section 12 of the Constitution to make changes to the Constitution in order to reflect changes in the responsibility for Executive functions decided upon by the Leader, I have amended Annex 3 to the Constitution (Executive Functions – Scheme of Delegation to Officers) to record the allocation of Executive functions by the Leader of the Council as mentioned in paragraph 2.2 above.

**3. Recommendation**

- 3.1 That Council notes the changes made to the Council's Constitution by the Chief Legal Officer as set out in the report.

#### **4. Financial Implications**

4.1 None arising directly from this report.

#### Background Information

None

**To the Chief Executive**

- (a) In cases of urgency, after consultation with the Leader of the Council and the relevant Executive Member, to take any decision which could be taken by the Executive.
- (b) To manage the co-ordination of budget processes, including overall strategy, planning, and information
- (c) To incur expenditure in the event of a civil emergency.
- (d) To authorise, after consultation with the Leader of the Council, twinning arrangements.

**To the Director of Environment and Infrastructure\*\*\***

- (a) To lead the County Council's engagement and negotiations with Hertfordshire's 10 Local Planning Authorities on growth, development and associated infrastructure
- (b) To secure infrastructure for County Council services
- (c) The functions of the Executive in relation to:
  - planning and strategic planning
  - highways (including highways management and maintenance)
  - transport infrastructure and planning & delivery
  - traffic and vehicle regulation, traffic management, passenger transport and car parking and road safety
  - the physical and economic environment of the County including, environmental management, rights of way and open spaces and tourism
  - economic well-being and economic development
  - housing strategy and delivery, securing County Council infrastructure needs;
  - waste management and disposal matters

Note 1:

The following matters are excluded from the delegations mentioned above:-

- (i) Local Development documents – approval of draft consultation.
- (ii) Major Trunk Road and major Motorway

improvement schemes – County Council response to public draft line, side road and compulsory purchase orders.

- (iii) Major Capital County Transportation Proposals:-
- Choosing a preferred route or option following public consultation
  - Authorising the promotion of Compulsory Purchase and Side Road Orders.

Note 2: The Director of Environment and Infrastructure is responsible for co-ordination of the Council's requirements for transport services.

2. The responsibilities of the Director of Resources are revised as follows:

There is excluded from his/her delegations the securing of infrastructure for County Council services and the making of representations in connection with the preparation and implementation of local and other plans/strategies relating to development of District and Borough Councils in Hertfordshire

***\*\*\* As this is a new post the responsibilities of the Director of Environment and Infrastructure mentioned above are allocated to the Chief Executive from 1 April 2018 until the Director of Environment and Infrastructure takes up post following the current recruitment exercise***