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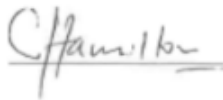
SUMMONS

MEETING OF THE COUNCIL

Wednesday 12 July 2023

Council Chamber, The Forum

You are hereby summoned to a meeting of the Dacorum Borough Council in the County of Hertfordshire to be held in the Council Chamber, The Forum on Wednesday 12 July 2023 at 7.30 pm to transact the business set out below.



**CLAIRE HAMILTON
CHIEF EXECUTIVE**

TO ALL MEMBERS OF THE COUNCIL

**Contact: Democratic Services
ext 2209**

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting of the council

2. DECLARATIONS OF INTEREST

To receive any declarations of interest

3. PUBLIC PARTICIPATION

To consider questions (if any) by members of the public of which the appropriate notice has been given to the Assistant Director (Legal and Democratic Services)

4. ANNOUNCEMENTS

To receive announcements and business brought forward by the Mayor, Leader, and Members of the Cabinet or the Chief Executive.

4.1 By the Mayor:

4.2 By the Chief Executive:

4.3 By the Group Leaders: Any apologies for absence

4.4 Council Leader and Members of the Cabinet:

Councillor Tindall	Leader of the Council
Councillor Symington	Corporate and Commercial Services
Councillor Dhyani	Housing & Property Services
Councillor Bromham	Neighbourhood Operations
Councillor England	Climate Change
Councillor Wilkie	Place
Councillor Weston	People & Transformation

5. MOTIONS

5.1 Motion 1, Proposer Cllr Pringle

Given the findings of the electoral commission and the experiences of many legitimate voters in Dacorum, who either were turned away at polling stations, or who wished to vote, but did not attend the polling station because they did not have photo ID, it is proposed that the Leader of the Council write to the Home Secretary to ask that Voting ID requirements be suspended immediately for all elections and by-elections until there can be a full enquiry into the proportionality and efficacy of this requirement

6. QUESTIONS

6.1 Question 1 from Cllr Hannell to Cllr Wilkie

What percentage of the total housing being proposed to be built across Dacorum will be Council owned “social” housing?

7. BUSINESS FROM THE LAST COUNCIL MEETING

To consider any business referred from the previous meeting

8. CABINET REFERRALS (Pages 4 - 5)

To consider the following referrals from Cabinet:

8.1 CA/52/23 20 June 2023 Provisional Outturn Report

9. OVERVIEW AND SCRUTINY REFERRALS

None

10. CONSTITUTION UPDATE REPORT (Pages 6 - 9)

**11. APPOINTMENT OF THE INDEPENDENT PERSON AND INDEPENDENT MEMBER
(Pages 10 - 13)**

12. OUTSIDE BODIES

To follow

13. CHANGES TO COMMITTEE MEMBERSHIP

To consider any proposals for changes to committee membership

14. CHANGE TO COMMITTEE DATES

To consider any proposals for changes to committee dates

Agenda Item 8

Cabinet Referrals

Full Council 12th July 2023

CA/52/23 PROVISIONAL OUTTURN REPORT

Decision

1 To note the provisional financial outturn position for the General Fund and Housing Revenue Account. The General Fund year-end financial performance is showing a surplus of £0.065m and the HRA is showing a deficit of £2.289m year-end position.

Resolved to Recommend

2 To **recommend to Council** the following reserve movements:

In respect of 2022/23 financial year:

- Drawdown from the Dacorum Development reserve for £0.050m for CIL admin costs to cover the shortfall in income collected for 2022/23 following the planning moratorium.
- Transfer from the Funding Equalisation Reserve of £2.849m relating to timing differences on Collection Fund income (Council Tax and Business Rates) attributable to the Council.
- Drawdown from the vehicle replacement reserve for £0.350m for financing of the Vehicle Replacement programme
- Income collected to fund future mitigation work of £0.153m to be moved to a SANG Reserve.
- £0.065m surplus in respect of the General Fund Budget for 2022/23 be moved to the Dacorum Development Reserve.

Resolved to Recommend

3 To **recommend to Council** to approve the following slippage on the capital programme:

- £3.073m to 2023/24 in respect of General Fund capital schemes
- £5.741m to 2023/24 in respect of Housing Revenue Account capital schemes.

Resolved to Recommend

4 To **recommend to Council** to approve the following supplementary Capital budgets for 2022/23:

- £0.670m Hemel Garden Communities projects, funded by government grant funding received in 2022/23.

Resolved to Recommend

5 To **recommend to Council** to approve and adopt the Treasury Management Strategy 2023/24.

Corporate Priorities

A clean, safe and enjoyable environment
Building strong and vibrant communities
Ensuring economic growth and prosperity
Providing good quality affordable homes, in particular for those most in need
Ensuring efficient, effective and modern service delivery
Climate and ecological emergency

Statutory Officer Comments:

Monitoring Officer:

No comments to add to the report

Deputy S151 Officer:

This is a deputy s151 Officer report.

Advice

Cllr Symington noted the provisional financial outcome for the general fund and housing revenue account. The recommendations on reserve movements and slippage to the capital programme were also noted. Cllr Symington also noted the supplementary capital budget for the Hemel Garden Communities project for approval and the Treasury Management Strategy for adoption.

N Howcutt advised that the report has been through the scrutiny process and advised that they are on budget for 2022-23 in the General Fund. Due to pressures in the HRA as a result of the cost of living crisis, the proposal is to draw down from reserves. N Howcutt explained that the capital slippage is predominantly linked to the planning moratorium in 2022-23, which delayed some works into 2023-24.

Cllr Birnie noted that there was also slippage on non-capital of £2.5m. N Howcutt confirmed that there is no slippage in revenue. Cllr Birnie clarified that he was referring to the non-capital items in the HRA. N Howcutt confirmed that revenue has to remain within budget and that capital is the only area that has seen slippage.

Recommendation agreed



Report for:	Council
Title of report:	Constitutional update and procedural change at Full Council
Date:	12 July 2023
Report on behalf of:	Leader of the Council, Councillor Ron Tindall
Part:	I
If Part II, reason:	N/A
Appendices:	none
Background papers:	none
Glossary of acronyms and any other abbreviations used in this report:	none

Report Author / Responsible Officer

Mark Brookes, Assistant Director (Legal and Democratic Services)



Mark.brookes@dacorum.gov.uk / 01442 228236 (ext. 2236)

Corporate Priorities	<p>A clean, safe and enjoyable environment</p> <p>Building strong and vibrant communities</p> <p>Ensuring economic growth and prosperity</p> <p>Providing good quality affordable homes, in particular for those most in need</p> <p>Ensuring efficient, effective and modern service delivery</p> <p>Climate and ecological emergency</p>
Wards affected	All
Purpose of the report:	<p>1. To seek approval for changes to the Council's Constitution in respect of the format of minutes of committee meetings.</p>

	2. For Council to note the proposed change to Portfolio Holder updates at meetings of the Full Council, which will be provided as written updates and published as part of the agenda.
Recommendation (s) to the decision maker (s):	<ol style="list-style-type: none"> 1. That Council agrees to the proposed revisions to minute taking as set out in Section 2 of this report, and; 2. That Council authorises the Assistant Director (Legal and Democratic Services) to make the required changes to Part 4 of the Constitution to reflect these changes. 3. That Council notes the proposed change to Portfolio Holder updates being submitted and published as part of the meeting agenda, and not verbally presented at the meeting.
Period for post policy/project review:	The Constitution and meeting procedural rules are under continuous review by the Monitoring Officer and updates are proposed to Council when required.

1 Introduction/Background:

- 1.1 The Monitoring Officer is under a continuous duty to review the Constitution to ensure that it is up to date and provides an appropriate governance framework for all Council decision making.
- 1.2 Proposals for change may be prompted not only by formal internal reviews, but also by the Monitoring Officer, the Cabinet, other Members or officers and by public opinion.
- 1.3 The changes proposed in this report have been proposed by the Leader of the Council and agreed by the Leader of the Conservative Party and the Leader of the Labour Party and will assist the operational effectiveness of the Council and provide improved public access and transparency.

2 Changes to the format of minutes of committee meetings:

- 2.1 The technological changes in The Forum now allow the Council to record meetings and publish them to the Democratic Services YouTube site, which in turn is linked to the meeting pages on the Dacorum Website. It is therefore considered that lengthy detailed minutes are not required as the recording can be published with the minutes, allowing members of the public to view the full debate.
- 2.2 In line with the Council's Constitution, going forward, for meetings of the Cabinet and all other committees, written minutes will be limited to a record of decisions. For meetings of Full Council, minutes will also note motions and amendments thereto. In the case of all meetings, where a question is asked that cannot be answered and a written response is offered, this will be noted as an action within the minutes and added to a log that will be updated & maintained by the Democratic Services Team and brought forward to the next meeting for monitoring.

- 2.3 To support these measures, meetings of the Cabinet, Full Council and all committees will be recorded, the recording reviewed and, if Part I, it will be time stamped and published on the Council's democratic pages of the website, linked to each agenda item of the corresponding meeting, allowing the reader to easily locate the correct section of the recording to view any discussion and/or debate should they wish.
- 2.4 The current practice is that only Full Council is live streamed to YouTube. This will continue and all other Cabinet and Committee meetings will be video recorded and published, but not initially live streamed until further testing is complete. Once officers are satisfied that live streaming of all meetings can commence, a start date will be agreed with the Leader of the Council and opposition group leaders.

Live streaming will be limited to only those items being considered under Part I, and any live stream will end prior to a meeting moving into Part II.

3. Changes to Portfolio Holder updates to Full Council

- 3.1 Moving forward, Portfolio Holder updates will be submitted in writing and published as part of the agenda, removing the requirement for time allocation at the meeting for the verbal update.
- 3.2 Portfolio Holders will continue to receive questions at the meeting, at the current time allocation of 10 minutes for questions to be posed to each Portfolio Holder.
- 3.3 The Constitution as currently drafted allows for written or verbal updates by Portfolio Holders and therefore no formal change is given to the Constitution to give effect to this change.

4. Consultation

- 4.1 The proposals in this report relating to future format of minutes have been agreed by the Leader of the Council and Leader of the Conservative Party and Leader of the Labour Party and it is understood that further consultation has taken place with Members via political group meetings and discussions.
- 4.2 The Information Security Team Leader has been consulted and retention implications and policies will be reviewed to ensure GDPR compliance.
- 4.3 The proposals in this report relating to changes to Portfolio Holder updates at Full Council have been proposed by the Leader of the Council and agreed by the Leader of the Conservative Party and Leader of the Labour Party and it is understood that further consultation has taken place with Members via political group meetings and discussions.

5 Financial and value for money implications:

- 5.1 There are no financial implications.

6 Legal Implications

- 6.1 The Constitution will be updated to reflect the agreed change in procedures and there are no other legal implications arising from the report.
- 6.2 All minutes produced in accordance with above process will be completed in house. In exceptional cases, if a full verbatim minutes or a comprehensive record of discussion is requested and agreed by the Monitoring Officer, minutes will be audio transcribed via external transcription service. This approach is ordinarily only agreed in cases where matters might be taken forward to judicial review or statutory appeal (such as matters considered by the Development Management Committee).

7 Risk implications:

7.1 This report proposes minor changes to meeting procedures and there are no risks associated.

8 Equalities, Community Impact and Human Rights:

8.1 There are no Equalities, Community Impact of Human Rights implications arising from this report.

9 Sustainability Implications

9.1 There are no Sustainability Implications arising from this report.

10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)

10.1 There are no implications arising from this report.

11 Statutory Comments

Monitoring Officer:

The proposed changes to meeting procedures will improve public access to meetings which will assist the efficiency, effectiveness and transparency of Council meetings. The final decision will still be recorded in written form and the debate will be viewable on the Council's web-site for full transparency.

S151:

No financial implication on these proposals.

12 Conclusions:

12.1 The proposed change to minute taking will not only streamline published minutes, allowing easy identification of key decisions, but also offers the advantage of transparency; the full debate on any matter will be linked and available to view alongside the published record of decisions.

12.3 The procedural changes to Portfolio Holder updates to Full Council as set out in this report will ensure the effective running of Council meetings.



Report for:	Council
Title of report:	Appointment of Independent Person and Independent Member
Date:	12 July 2023
Report on behalf of:	Leader of the Council, Councillor Ron Tindall
Part:	I
If Part II, reason:	N/A
Appendices:	none
Background papers:	none
Glossary of acronyms and any other abbreviations used in this report:	none

Report Author / Responsible Officer

Mark Brookes, Assistant Director (Legal and Democratic Services) and Monitoring Officer



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Corporate Priorities	<p>A clean, safe and enjoyable environment</p> <p>Building strong and vibrant communities</p> <p>Ensuring economic growth and prosperity</p> <p>Providing good quality affordable homes, in particular for those most in need</p> <p>Ensuring efficient, effective and modern service delivery</p> <p>Climate and ecological emergency</p>
Wards affected	All
Purpose of the report:	<p>1. To recommend the appointment of an Independent Person pursuant to the Localism Act, who must be consulted when the Council is dealing with standards</p>

	complaints and to recommend the appointment of an Independent Member to the Standards Committee.
Recommendation (s) to the decision maker (s):	That Council: 1. Appoints Michael Browne as the Council’s Independent Person for a term of four years. 2. Appoints Susan Johnson as an Independent Member of the Standards Committee for a term of four years. 3. That Council agrees to minute its gratitude to Susan Johnson for the time she has committed to the role of Independent Person over the last four years and for her exercise of sound judgement in performing the role.
Period for post policy/project review:	The appointments will be reviewed after the end of the 4 year term.

1 Introduction/Background:

- 1.1 The Localism Act requires the Council to appoint an ‘Independent Person’ whose views have to be sought, and taken into account, when considering a complaint against a councillor that they have breached the Code of Conduct for Councillors.
- 1.2 The Standards Committee also appoints two Independent Members (with no voting rights) who are members of the public and advise the Standards Committee on any complaints which come before it for determination.
- 1.3 In accordance with the Localism Act, the role of Independent Person was advertised and three applications were received before the closing date. Unfortunately before the interviews took place one candidate withdrew as he secured an offer of employment with the Council which prevents the individual being considered for appointment.
- 1.4 The advert was open and allowed applicants to apply for both the Independent Person and Independent Members roles. On 26th May 2023 the two remaining candidates were interviewed by a panel consisting of Councillor Jonathan Gale, Chairman of the Standards Committee, Mark Brookes, Assistant Director, Legal and Corporate Services and the Monitoring Officer and Adelle Stapleton, Principal Lawyer and Deputy Monitoring Officer. It will be noted that one of the candidates was Susan Johnson who is the Council’s current Independent Person.
- 1.5 After carefully evaluating the respective experience and knowledge of the two candidates, the panel decided to recommend to Council that Michael Browne be appointed to the role of Independent Person for a term of four years and Susan Johnson be appointed as Independent Member for a term of four years.
- 1.6 Michael Browne currently lives in Berkhamsted and has previously lived in the old Town Hemel Hempstead for 12 years and has a good knowledge of the borough. Michael is a Communications and Public Relations professional and has worked in a number of organisations including the Health Foundation, the Law Society and District, County and London Boroughs including working for Dacorum Borough Council for 12 years between 1996-2002

- 1.7 Mr Browne has experience of chairing Professional Practices Committees of the Chartered Institute of Public Relations which had responsibility for overseeing the Code of Conduct for the Chartered Institute of Public Relations, and the assessment panel believe that Mr Browne's knowledge and experience will be of great benefit to the Independent Person role.
- 1.8 Mr Browne is an inactive Member of the Labour Party but has never attended a party meeting or stood for election. The assessment panel were satisfied that the Labour party membership did not and would not prevent Michael from acting impartially and in the best interests of the Council.
- 1.9 As stated above Susan Johnson is the Council's current Independent Person and has performed that role utilising her wealth of experience and judgement over the last four years. General guidance is that Independent Persons should not continue the role for more than one term if possible but Susan has expressed a willingness to act in the different role of Independent Member where she can continue to utilise the experience gained to date.
- 1.10 Mrs Johnson commenced her working life starting in the London Borough of Tower Hamlets and then the Greater London Council. Mrs Johnson was also the clerk to Tring Town Council from 1989 until her retirement in 2010. She has also assisted on a temporary consultancy basis both Tring and Berkhamsted Town Council between 2012 and 2016
- 1.11 Mr Brown and Mrs Johnson both demonstrated their independence and commitment to upholding standards across the borough and are therefore recommended for appointment.
- 1.12 The Constitution does require that the Council appoints two Independent Members but as there were insufficient applicants the role is currently being re-advertised and the Standard's Committee will continue with one vacancy until the position is filled and approved by Council.

2. Financial and value for money implications:

- 2.1 There are no financial implications. Both roles are voluntary roles with ability for claims for travelling and subsistence expenses only.

3 Legal Implications

- 3.1 The Council is required by the Localism Act to appoint an Independent Person, and by the Council's Constitution to appoint two Independent Members. The roles provide a vital function and assist the Council in upholding the standards and behaviours as set out in the Code of Conduct.

4. Risk implications:

- 4.1 Failure to appoint an Independent Person will put the Council in breach of its legislative requirements and mean that it cannot consider councillor complaints in accordance with the Standards Complaints Procedure.

5 Equalities, Community Impact and Human Rights:

- 5.1 There are no Equalities, Community Impact or Human Rights implications arising from this report.

6 Sustainability Implications

- 6.1 There are no Sustainability Implications arising from this report.

7 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)

- 7.1 There are no implications arising from this report.

8 Statutory Comments

Monitoring Officer:

This is a report of the Monitoring officer and comments are included in the report.

S151:

There are no financial implications relating to these proposals.

9. Conclusions:

- 9.1 Council is recommended to agree the appointments of Michael Browne as Independent Person and Susan Johnson as Independent Member as set out in the report.