

12 July 2005

Ref: 07/05 Scrutiny
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To: The Members of the Scrutiny Committee: Councillor Martin Stears (Chairman); Councillor M. Paterson, (Vice-Chairman); Councillors, J.F. Barry, David Billing, P.C.W. Burt, Geoff Hollands, D.J. Horrell, Sal Jarvis, David Kearns, Lorna Kercher, H.M. Marshall, M.R.M. Muir, M. Paterson, R.L. Shakespeare-Smith and Michael Weeks.

You are invited to attend a

MEETING OF THE SCRUTINY COMMITTEE

to be held in

**COMMITTEE ROOM 1, COUNCIL OFFICES, GERNON
ROAD, LETCHWORTH**

on

TUESDAY 19 JULY 2005

at

7.30pm

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM	PAGE
1. APOLOGIES FOR ABSENCE	-
2. MINUTES To take as read and approve as a true record the Minutes of the Scrutiny Committee held on 19 July 2005.	-
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether the item(s) raised will be considered.	-
4. DECLARATIONS OF INTEREST (INCLUDING PARTY WHIP DIRECTIONS) To receive from Members of the Committee any declarations of interest in respect of any business set out in the agenda or any advice from a Member of this Committee concerning a party whip direction. Members should either declare a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared. Members declaring a prejudicial interest should leave the room and not seek to influence the decision during that particular item of business.	-
5. PUBLIC PARTICIPATION □ To receive petitions, comments and questions from members of the public. At the time of printing the agenda, no requests to speak had been received. Public participation requests received within the agreed time will be notified to Members as soon as practicable.	-
6. URGENT/GENERAL EXCEPTION ITEMS The Chairman to report on any urgent or general exception items which required his agreement. At the time of printing the agenda, the Chairman had not agreed any urgent or general exception items.	-
7. CALLED-IN ITEMS To consider any matters referred to the Committee for a decision in relation to a call-in of a decision. At the time of printing the agenda, no items of business had been called-in.	-
8. CHAIRMAN'S ANNOUNCEMENTS	-

9.	QUESTIONS To receive and respond to any questions either set out in the agenda or tabled at the meeting.	
10.	NORTH HERTFORDSHIRE DISTRICT COUNCIL – THE FORWARD PLAN AT 1 AUGUST 2005 To note items on the Council’s Forward Plan and to give consideration to any items set out in the Plan prior to a decision being made.	1
11.	EVERY CHILD MATTERS PRESENTATION BY THE HEAD OF COMMUNITY DEVELOPMENT	7
12.	WORK PROGRAMME 2005/2006 – SCRUTINY COMMITTEE & SUB-GROUPS REPORT OF THE SCRUTINY OFFICER	9
13.	PRESENTATION BY THE PORTFOLIO HOLDER FOR POLICY Councillor Andrew Young, the Poertfolio Holder for Policy, will be informing the committee of matters relating to his portfolio	13
14.	THE ROYSTON, BUNTINGFORD & BISHOP’S STORTFORD PCT AND THE NORTH HERTS & STEVENAGE PCT JOINT SCRUTINY COMMITTEES REPORT OF THE SCRUTINY OFFICER	15
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16.	SUPPORT FROM OFFICERS TO MEMBERS REPORT OF THE CHIEF EXECUTIVE	27
17.	ITEM REFERRED FROM SCRUTINY COMMITTEE FINANCE SUB GROUP 13 JUNE 2005 AND CABINET RESPONSE REPORT OF THE SCRUTINY OFFICER	45
18.	INFORMATION NOTE – WINDFARMS REPORT OF FINANCIAL AND REGULATORY SERVICES – PLANNING POLICY AND PROJECTS	47
19.	HITCHIN FRIDAY FRANCHISED BRIC A BRAC MARKET REPORT OF THE HEAD OF LEISURE SERVICES	51
20.	SUGGESTED RESOLUTION That under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph (9) of Part 1 of Schedule 12A of the said Act.	59

PART II

**21. HITCHIN FRIDAY FRANCHISED BRIC A BRAC MARKET
REPORT OF THE HEAD OF LEISURE SERVICES**

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PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

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**TITLE OF REPORT: NORTH HERTFORDSHIRE DISTRICT COUNCIL FORWARD PLAN
AT 1 JULY 2005**

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NORTH HERTFORDSHIRE DISTRICT COUNCIL FORWARD PLAN

Draft Forward Plan of Key Decisions 1 July 2005

The Forward Plan contains brief details of key decisions that the Council is likely to take over the next four-month period. You will also find details of contacts who can provide further information and hear your views.

Decision required and date first appearing on plan	Overview and Scrutiny	Decision maker	Date of decision	Main consultees	Method of consultation	Relevant documents	Costs or Savings	Portfolio Holder & Contact officer
Approve revenue Account Outturn and Statement of Accounts 2004/05 Apr 05	Scrutiny Finance Sub Group	Cabinet	26 July		N/A	Draft Final Accounts		Cllr Terry Hone Barrie.jones@north-herts.gov.uk 01462 474243
Approve Financial Strategy 2005 Apr 05	Scrutiny Finance Sub Group	Cabinet	26 July					Cllr Terry Hone Barrie Jones Barrie.jones@north-herts.gov.uk 01462 474243
Agree 12 target categories for the Local Public Service Agreements 03/05	Performance Audit and Review Committee 19 May	Cabinet	26 July	County Council Local Strategic Partnership Local Community Group	Public meetings	Government Guidance Documents	income TBA	Cllr F.J. Smith, liz.green.@north-herts.gov.uk
Agree Biodiversity Action Plan 04/05	Scrutiny Committee, 14 December 04. Area Committees	Cabinet	26 July	Herts Biological Records Centre, Countryside Management Service, Local groups and landowners	Meetings, written comments	Draft Biodiversity Action Plan		Cllr Ian Knighton Steve.geach@north-herts.gov.uk 01462 474553

Decision required and date first appearing on plan	Overview and Scrutiny	Decision maker	Date of decision	Main consultees	Method of consultation	Relevant documents	Costs or Savings	Portfolio Holder & Contact officer
Agree Allotments Strategy 04/05	Area Committees	Cabinet	26 July	Allotment Associations, Local groups and landowners	Meetings, exhibitions, Written comments	Draft Allotments Strategy	Cost £80,000	Cllr Ian Knighton Steve.geach@north-herts.gov.uk 01462 474553
Review of Criteria for Financial Assistance to Voluntary & Community Organisations 05/05		Cabinet	26 July	Parish Challenge Member Panel	Internal meetings	Policies & Procedures for Financial Assistance to Voluntary & Community Associations (Nov 2003)	N/A	Cllr Tricia Gibbs patrick.candler:north-herts.gov.uk 01462 474823
Agree the Arrangements for tendering the Community meals Service from 01/04/06 05/05	PARC 23/06/05	Cabinet	26 July	Cllrs, Specialist Suppliers, Users, Potential Partners - HCC and other Herts LAs	Invitation to Express Interest, Pre-tender suppliers briefing	Tender Timetable, Service Specification	Existing budgets	Cllr Allison Ashley Lynn.saville@north-herts.gov.uk 01462 474530
Agree a Draft Strategy for Baldock Town Centre 10/04	Baldock & District Area Committee 23 May	Cabinet	23 Aug	Local groups, the local community and landowners	Meetings & Exhibitions Baldock and District Area Cttee	Draft Brief	TBA	Cllr Richard Thake Louise.symes@north-herts.gov.uk 01462 474359
Agree Best Value Review of the Museums & Galleries Service 05/05	PARC 28 July	Cabinet	23 Aug	Councillors, Other Heritage/Museums providers, staff, residents	Workshops and Citizens panel Survey	FSR report action plan	TBA	Cllr Ian Knighton lynn.saville@north-herts.gov.uk 01462 474560
Review Revenue Budget Monitoring 1st	Scrutiny Finance Sub-Group	Cabinet	23 Aug		N/A	Interim Accounts		Cllr Terry Hone barrie.jones@north-herts.gov.uk 01462 474243

Decision required and date first appearing on plan	Overview and Scrutiny	Decision maker	Date of decision	Main consultees	Method of consultation	Relevant documents	Costs or Savings	Portfolio Holder & Contact officer
Quarter 2005/06 06/05								
Review Capital Monitoring 1st Quarter 2005/06 06/05	Scrutiny Finance Sub-Group	Cabinet	23 Aug		N/A	Interim Accounts		Cllr Terry Hone barrie.jones@north-herts.gov.uk 01462 474243
Agree policy for the management of cemeteries 04/05		Cabinet	20 Sep	Local Groups	Discussion groups	Wilbury Hills Cemetery development proposals	None	Cllr Bill Davidson andrew.mills@north-herts.gov.uk 01462 474274
review of Asset Management Plan and Capital Strategy 2005 06/05	Scrutiny Finance Sub-Group	Cabinet	20 Sep		N/A			Cllr Terry Hone barrie.jones@north-herts.gov.uk 01462 474243
Award of Tendering for the Community Meals Service from 01/04/06 05/05		Cabinet	20 Dec	Cllrs, Specialist Suppliers, Users, Potential Partners - HCC and other Herts LAs	Tender responses	Tender Timetable, Service Specification	TBA	Cllr Allison Ashley Lynn.saville@north-herts.gov.uk 01462 474530

PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

11

TITLE OF PRESENTATION: EVERY CHILD MATTERS

PRESENTATION BY THE HEAD OF COMMUNITY DEVELOPMENT

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TITLE OF REPORT: WORK PROGRAMME 2005/2006 - SCRUTINY COMMITTEE & SUB GROUPS**REPORT OF THE SCRUTINY OFFICER****1. SUMMARY**

This report shows the issues that the Scrutiny Committee plans to scrutinise at future meetings. It also lists the committee's sub group activities and aims to help the committee to plan its future work.

2. SCRUTINY COMMITTEE WORK PROGRAMME

9 August	meeting cancelled
13 Sept	Planning and Transport portfolio holder Usage and Promotion of Markets? (see mins 7 June) Public Elections independent report (see mins 7 June)
11 October	Housing & Environmental Health portfolio holder
1 November	Community Engagement portfolio holder
6 December	provisional date
10 Jan 06	Waste and Environment portfolio holder
21 Feb 06	
21 March 06	Leisure & E-Government portfolio holder – confirmed Annual Review
11 April 06	Annual Report Green Spaces Strategy

3. SUB GROUPS

Anti Social Behaviour Task & Finish Group

- 3.1 This group has produced an Antisocial Behaviour Protocol that has now been accepted by the portfolio holder Community Engagement and the Responsible Authorities Group, a multi-agency group of which the Council is a member.
- 3.2 The group plans to reconvene in July to scrutinise the antisocial behaviour action plan that is currently being developed by the Responsible Authorities Group. An update will be provided at the meeting.

Joint Topic Group (Highways)

- 3.3 Following its presentation to Cabinet in March 2005, the report of the Joint Topic Group (Highways) was considered by the Area Committees. A response was agreed by the Scrutiny Committee on 7 June and this will go to the Cabinet on 26 July 2005.

Finance sub group

- 3.4 This ongoing sub group met on 13 June and their recommendations went to Cabinet of 14 June. The recommendations are reported to this meeting in a separate report.
- 3.5 The sub group's 2005/06 timetable circulated at the last meeting has now been updated. All dates have been brought forward to the previous Thursdays in order to leave more time to notify the Finance portfolio holder of any recommendations and for him to then seek any officer input on those recommendations.

New task & finish groups

- 3.6 Members agreed at the meeting of 7 June to set up the following task & finish groups during 2005/06: Engaging Young People; Residential Parking; Affordable housing.
- 3.7 None of these groups has yet met. Members might therefore like to take the opportunity to agree an outline scope which the groups can consider, when they do commence. It might also help them to know the outcomes that the Committee might be looking for. Members have already suggested the following:

Engaging Young People

- how do young people 'speak' to the council/ Members
- how to reach out to 'hard to reach' people (e.g. girls, primary school age)
- co-opt young people onto scrutiny task & finish group
- should involve partners
- evidence of consultation leading to action

Potential outcome: improve effective communication channels with young people

Note – discussion on this scoping may be further influenced by the presentation to this meeting about "Every Child Matters".

Residential Parking

- scrutinise the methodology for implementing the parking strategy
- ensure implementation is coherent, based on what has worked before, and avoids adverse impact on streets near new CPZs

Potential outcome: robust methodology, well communicated

Affordable housing

- Understand local need and compare to NHDC target
- Is current target challenging enough?

Potential outcome: Evidence based target

4. RECOMMENDATIONS

- 4.1 Members are asked to note the progress being made by existing sub groups.
- 4.2 Members are asked to agree an outline scope for the new task & finish groups to consider.

5. REASONS FOR RECOMMENDATIONS

- 5.1 To enable the Scrutiny Committee to plan and carry out its workload efficiently.

6. CONTACT OFFICER

6.1 Jackie Sayers, Scrutiny Officer
01462 474536 jackie.sayers@north-herts.gov.uk

PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

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PRESENTATION BY THE PORTFOLIO HOLDER FOR POLICY

PRESENTATION BY COUNCILLOR ANDREW YOUNG, THE PORTFOLIO HOLDER FOR POLICY

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TITLE OF REPORT: THE ROYSTON, BUNTINGFORD & BISHOP'S STORTFORD PCT AND THE NORTH HERTS & STEVENAGE PCT JOINT SCRUTINY COMMITTEES**REPORT OF THE SCRUTINY OFFICER****1. SUMMARY**

This report concerns the joint committees that have been set up to scrutinise the Royston, Buntingford & Bishop's Stortford PCT and the North Herts & Stevenage PCT. This council has representatives on these committees and the Scrutiny Committee would like to ask them about their perceptions of the committees' effectiveness.

This report also looks at the reporting lines for these joint committees.

2. BACKGROUND

2.1 The responsibility for Health Scrutiny in Hertfordshire rests with the County Council. However that council has chosen to offer to district councils the task of scrutinising the PCTs; and the districts have accepted this role.

2.2 There are two PCTs operating in North Hertfordshire and the District Council has representatives on the two joint scrutiny committees as follows:

Royston, Buntingford & Bishop's Stortford PCT – Cllr Robert Inwood

North Herts & Stevenage PCT – Cllrs Michael Paterson, David Miller, Joan Kirby and Peter Mardell.

2.3 These health scrutiny committees do not report to a parent committee or full council within the District, nor at County level.

2.4 The Scrutiny Committee has therefore partially filled this gap in an informal way; its annual reports have included a brief summary of the health scrutiny activities undertaken by the council's representatives during the year.

2.5 At the Scrutiny Committee meeting of 5 April 2005 Members agreed that they would like to invite the Members listed at 2.2 above to attend this meeting. Minute 12 refers.

3. CONSIDERATIONS

3.1 Members will want to take the opportunity at this meeting to ask:

- What issues have the PCT scrutineers been involved in scrutinising?
- What have been the outcomes?
- How effective are the committees?

3.2 Members might also take the opportunity to pass on particular issues of concern. For example, at the meeting of 5 April Councillor Marshall said that the residents of Royston felt they were not receiving an adequate service from the Primary Care Trust.

- 3.3 This might lead Members to ask about the system for raising issues via the PCT scrutiny committees; and for hearing back.
- 3.4 The question of reporting back has been raised recently by the County Council. The feeling is that on devolving the scrutiny of PCTs to the districts, the county should have built in a reporting back mechanism. Districts will be asked to comment later in the summer on whether to establish a report-back system. Scrutiny Members may wish to express a view.

4. LEGAL IMPLICATIONS

- 4.1 Under S1 2002 No 3084, The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, responsibility for health scrutiny may be delegated from county to district level.

5. RECOMMENDATIONS

- 5.1 That Members express a view regarding the effectiveness of the PCT scrutiny committees.
- 5.2 That Members express a view regarding the reporting lines of the PCT scrutiny committees.

6. CONTACT OFFICER

- 6.1 Jackie Sayers
Scrutiny Officer
Telephone 01462 474536
jackie.sayers@north-herts.gov.uk

TITLE OF REPORT: REVIEW OF CRITERIA FOR FINANCIAL ASSISTANCE TO VOLUNTARY AND COMMUNITY ORGANISATIONS**REPORT OF THE STRATEGIC DIRECTOR OF CUSTOMER SERVICES****1. PURPOSE OF REPORT**

- 1.1 To recommend to Cabinet new and amended criteria for the allocation of financial assistance to voluntary and community organisations, including that for a new Village Hall Capital Grant Improvement Fund.

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 1st May 2005.

3. BACKGROUND

- 3.1 Cabinet agreed a comprehensive set of policies and procedures for financial assistance to voluntary and community organisations in November 2002. These have provided the criteria against which the Council, primarily through its Area Committees, has subsequently awarded funding to Parish Councils, voluntary and other community organisations.
- 3.2 A review process was built into the policies and procedures to enable the financial assistance programme to adapt to changing situations.
- 3.3 In March 2005, Cabinet agreed the report on the Review of Voluntary Managed Community Centres and Village Halls, which included the recommendation for a new Capital Grant Programme of £250,000 for two years to which village hall management committees could apply for part funding of major refurbishment to village halls.
- 3.4 However, within the Capital Programme that was agreed in April 2005, the lifetime of the Programme was extended to four years.
- 3.5 Cabinet also requested that a full set of application and approval criteria be established to ensure a balanced and equitable allocation of resources.
- 3.6 The report also identified an extensive repairs and maintenance programme for community centres and halls within the towns of Baldock, Hitchin, Letchworth and Royston. As these are already programmed into the Council's capital programme they are not included in the eligibility for the village halls capital improvement grant fund.
- 4. CRITERIA**
- 4.1 Given the need to establish the new criteria for the Capital Grant Programme, the opportunity has been taken to review also other funding streams such as Parish Challenge, Parish Enhancement and Cleansing and the types of activities that are funded through Area Committee Development Budgets

- 4.2 The proposed changes to criteria for the respective funding streams are set out in the attached appendices.
- 4.3 At a meeting with Parish Councils on June 22nd to discuss special expenses, the possibility of extending the village hall capital improvement grant fund to cover new playground developments was raised. This matter has been given an initial consideration and three options are possible:
1. That Cabinet considers an increase to the revenue Parish Playground programme as part of the Service and Financial Planning Process for 2006/7 and beyond (this would benefit smaller schemes that cannot be funded through the capital programme).
 2. That Cabinet considers increasing the capital programme for playground development to include rural as well as urban playground improvements (this would apply to those schemes that cost more than £28,000).
 3. That the spending profile of the village hall capital improvement grant fund be reviewed to assess the take up of specific village hall improvements, and that if these are slower than expected after a period of two years, then the programme could be extended to include playground refurbishment or replacement.
- 4.4 It is proposed that further work is carried out to assess which of the above options is most beneficial to improving playgrounds in the rural areas and that a further report will be presented to Cabinet in due course.

5. LEGAL IMPLICATIONS

- 5.1 Section 2(1) of the Local Government Act 2000 provides statutory authority for the District Council to do anything which it considers is likely to achieve the promotion or improvement of the economic, social or environmental wellbeing of their area.
- 5.2 Additionally, Section 132 of the Local Government Act 1972 empowers the Council to acquire, provide and furnish halls etc. for use for public meetings and assemblies. Section 133 gives the same power to Parish Councils.

6. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 6.1 Funding for the Village Hall Capital Grant Improvement Fund at £250,000 per year was approved by Cabinet as part of the rolling capital programme 2005 – 2009.
- 6.2 An inflationary uplift for Parish Challenge, the Parish Playground Fund and the Parish Enhancement & Cleansing Fund will be considered within the context of the Service and Financial Planning process for 2006/07.

7. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 7.1 The Parish Challenge Member Panel was consulted on the changes to Parish Challenge, the Parish Playground and the Parish Enhancement Cleansing Fund.
- 7.2 A special meeting with Parish Councils was held on 22nd June 2005, primarily to discuss the abolition of special expenses. However, Parish Councils were also invited to comment on the proposed new criteria for the Village Hall Fund, and their views have been considered in the final drafting of this report.

8. RECOMMENDATIONS

Cabinet is asked to:

- 8.1 Agree the new criteria for the Village Halls Capital Grant Improvement Fund as set out in Appendix 1
- 8.2 Agree the amendments to the criteria for Parish Challenge, Parish Playground and the Parish Enhancement & Improvement Fund as set out in Appendices 2a, 2b and 2c.
- 8.3 Agree the revised criteria for development activities/schemes that are eligible for funding as set out in Appendix 3.
- 8.4 Note the recommendation from the Parish Challenge Member Panel that there should be an inflationary uplift for the Parish Challenge, Parish Playground and the Parish Enhancement & Cleansing Fund and that this should be considered within the context of the Service and Financial Planning process for 2006/07.
- 8.5 Note that further work will be carried out to assess how best financial assistance might be given to Parish Councils to improve children's playgrounds in the rural areas.

9. REASONS FOR RECOMMENDATIONS

- 9.1 To ensure the programmes of financial assistance help the Council meets its strategic objectives and contribute to delivering the vision of North Hertfordshire as a vibrant place to live, work and prosper. In addition the process will improve the effectiveness of targeting both identified need and agreed priorities.
- 9.2 To ensure equity and a level playing field for all applicants.
- 9.3 To ensure transparency and objectivity in decision making.

10. ALTERNATIVE OPTIONS CONSIDERED

- 10.1 Consideration has been given to ensuring that appropriate criteria has been applied to ensure a fair and equitable application process across all funding streams.

11. APPENDICES

- 11.1 Appendix 1 – Criteria for the Village Hall Capital Improvement Fund
Appendix 2a – Amendments to Criteria for Parish Challenge
Appendix 2b - Amendments to Criteria for Parish Playground
Appendix 2c - Amendments to Criteria for Parish Enhancement and Cleansing Fund
Appendix 3 – Amendments to Criteria for Development Activities/Schemes Eligible for Funding

12. CONTACT OFFICERS

- 12.1 Patrick Candler
Head of Community Development
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- 12.2 Hazel Durbridge

Community Development Manager (Areas)
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12.3 Peter Underwood
Community Resource Manager (Great Ashby)
Tel: 01438 365392

12.4 Garry Gover
Community Development Officer
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12.5 Quentin Baker
Corporate Legal Manager
Tel: 01462
E-mail: quentin.baker@north-herts.gov.uk

12.6 Lois Stewart
Group Accountant
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E-mail: lois.stewart@north-herts.gov.uk

13. BACKGROUND PAPERS

Policies and Procedures for Financial Assistance to Voluntary and Community Organisations (November 2002)
Review of Voluntary Managed Community Centres & Village Halls, January 2005
NHDC Village Hall Handbook 2004

APPENDIX 1 – APPLICATION CRITERIA FOR THE VILLAGE HALL CAPITAL GRANT IMPROVEMENT FUND (VHCGIF)

1. General

1. In addition to the specific criteria set out below, the General Application Criteria in the Policies and Procedures for Financial Assistance to Voluntary and Community Organisations (November 2002) will apply to all funding applications.
2. The NHDC lead officer for the VHCGIF will be the Community Development Manager (Area Team).

2. Specific

1. This fund has been established to help facilitate the refurbishment of village halls and other community facilities that are available for general hire to local organisations and individuals who live in the rural areas of the District. (Community centres and halls in the urban towns of Hitchin, Letchworth, Baldock and Royston are already included the Council's main capital programme for repairs and maintenance and are, therefore, not eligible to apply to this fund).
2. In the main, the facilities that are likely to be considered are those as listed in the NHDC Village Halls Handbook 2004, for which a local Village Hall Management Committee (VHMC) or equivalent, or Parish Council would be the applicant. However, this is not an exclusive or exhaustive list and applications may be received for the refurbishment or repair of other facilities of a similar nature and purpose.
3. All applications will be treated on individual merit and each Village Hall Management Committee or equivalent will need to comply with the general application criteria for scheme eligibility.
4. Only one application for each hall refurbishment can be made during the four year lifetime of this particular funding stream.
5. Funds will only be approved for major internal or external capital alterations/refurbishments/adaptations (including new build) with a minimum value of £28,000 and a maximum value of £50,000 or 75% of project costs. For example:

Total Project Cost £125,000 – NHDC contribution £50,000 (maximum grant)

Total Project Cost £40,000 – NHDC contribution £30,000 (75% of costs)
6. Smaller internal repairs, adaptations, new fixtures and fittings such as hearing loops or curtains can be funded through the Parish Challenge fund up to a value of £15,000.
7. Applications can be made to the Village Hall Capital Grant Improvement Fund and to Parish Challenge Fund in the same financial year, but not for the same project or scheme.
8. Funding will be awarded on a priority basis that will consider the following factors:
 1. Applications must meet at least one of the Council's strategic objectives (please see attached).
 2. Applications must have regard for relevant Council policies and strategies, eg: the Community Strategy, the Social Inclusion Strategy, the Rural Strategy.

3. The geographic location of a village hall will be considered insofar as it is in an area of greater rural socio-economic deprivation within the North Hertfordshire context as defined by the Index of Multiple Deprivation.
4. The physical condition of the premises in terms of health and safety, disabled access, wind and watertight and general fitness for purpose. In principle, the worse the condition of the premises, the greater the need for financial support for repairs.

The Council will use an assessment matrix which helps identify and analyse the compliance of buildings with relevant legislation, eg: DDA, Health and Safety and also the general condition of the premises.

Applicant organisations will be expected to submit a detailed survey or structural report on the current physical condition of their hall.

The history of building and repair works undertaken by the village hall management committee during the preceding five years will also be taken into consideration and applicants will be asked to provide such evidence.

5. The level of use (individual and group attendances) and range of activities that take place at a village hall. In principle, the greater the use, the more likely that funding will be awarded.
6. Clear evidence of the ability of a village hall management committee to identify and generate other sources of funding to make the project fully financially viable will be sought. This external funding does not have to match the NHDC contribution and could be less or more.
9. Applicants will be able to apply for financial assistance for feasibility, survey and preparatory design costs up to a maximum of £1000.
10. Three fully costed estimates must be received with the application, plus a project plan which must include clear milestones and timescales for action. These will be evaluated for reasonableness and deliverability by the Property Services Team at the District Council.
11. The funds must be spent within two years from the date they were awarded. In the event that the funds are not committed and work started within this period, the award will time-expire and the funds will be reclaimed back.
12. Financial assistance will not be given retrospectively for works already started.
13. Financial assistance will not be paid out until receipt of relevant documentation and approval given for works to start.
14. Applications for building works or internal refurbishment for village halls will not be supported through the Area Committee Development or Visioning Budgets.
15. The Village Hall fund cannot be used for on-going staffing or longer term running costs.

3. Approval Process

1. The VHCGIF will operate on an annual basis to coincide with the NHDC financial year.
2. Village hall management committees will be notified by the end of April in any one year of the application arrangements and will be given a four month period in which to complete their applications. The closing date will be August 31st.

3. No applications will be accepted after the notified closing date in any one year.
4. However, in certain circumstances, particularly in relation to urgent repairs or time conditions required by other external funders, applications may be “fast-tracked” and dealt with more quickly.
5. Each application will be considered on its merits against the agreed criteria by a team of NHDC officers who will make their recommendations to the Parish Challenge Member Panel. The Panel will in turn make its recommendations for approval by Strategic Director of Customer Services (or deputy) in consultation with Portfolio Holder. This process will be completed in a three month period.
6. Applicants will be notified of the outcome and then asked to submit the necessary documentation. Once this has been received and checked, a formal financial assistance agreement will be issued for completion.
7. On receipt of the signed agreement, building works can commence. 50% of the grant will be released in advance in accordance with programme milestone requirements. The balance will be released on receipt of all final invoices.
8. Applicants will be expected to be in regular contact with a named officer at NHDC to whom at least 3 monthly progress reports will be made once the funding has been granted. The frequency of reporting may be increased as appropriate for the project time-scales involved.
9. On completion of the project, a final report and financial statement will be required.
10. Each project will be required to erect a plaque acknowledging NHDC financial assistance and there will be a formal opening ceremony (or similar) to publicise this work. The design of the plaque will be advised by NHDC and the costs will be included in the grant award.

APPENDIX 2a – AMENDMENTS TO CRITERIA FOR THE PARISH CHALLENGE FUND

1. General

1. In addition to the specific criteria set out below, the General Application Criteria in the Policies and Procedures for Financial Assistance to Voluntary and Community Organisations (November 2002) will apply to all funding applications.
2. The Community Development Officer for Southern Rural will be the lead contact officer for Parish Challenge, Parish Playground Challenge and the Parish Enhancement & Cleansing Fund.
3. All Parish Councils and within the District are eligible to apply for the Parish Challenge fund. Furthermore, Parish Councils are encouraged to invite voluntary and community organisations within their parish also to apply.
4. All applications will be considered on their individual merit by a team of NHDC officers whose recommendations will be reported to the Parish Challenge Member Panel for consideration and endorsement, prior to a final approval by the Strategic Director of Customer Services (or deputy) in consultation with the relevant Portfolio Holder.
5. The application timescales will be notified to all applicant organisations at the beginning of each financial year.

2. Specific

1. During the lifetime of the Village Hall Capital Grant Improvement Fund, applications can still be made for internal repairs, fittings and fixtures up to a value of £15,000, though these should not be for the same purpose as any major application of more than £28,000.
2. Village halls, sports and recreational clubs in the rural areas will still be able to apply to the Parish Challenge Fund for lower costs building improvements up to a value of £15,000.
3. Applications cannot be made to the Parish Challenge Fund and the Area Committee Development or Visioning Budgets for the same project.
4. Financial assistance will not be given retrospectively for works already started.
5. Financial assistance will not be paid out until receipt of relevant documentation and approval given for works to start, in accordance with programmed time-scales.

APPENDIX 2b – AMENDMENTS TO CRITERIA FOR PARISH PLAYGROUND FUND

1. This funding is for the refurbishment of parish playgrounds in a systematic and programmed way but will not cover skateboard parks or bike trails.
2. Applications for playground improvements will be dealt with under the same arrangements as for Parish Challenge.
3. Applications can be made on an annual basis, but only one award will be given in any one year to an individual organisation.
4. Applicants will need to show proof that they have carried out an annual safety inspection by an authorised/certified person, eg: ROSPA. (NHDC can advise in this respect).

APPENDIX 2c – AMENDMENTS TO CRITERIA FOR THE PARISH ENHANCEMENT AND CLEANSING FUND

1. This is an annual fund of £13,900 for which only Parish Councils can apply.
2. The maximum value of any one award in any one year will increase from £1,000 to £1,300.
3. This fund can be used for running costs, but there is no guarantee that applicants will automatically receive running costs each year.
4. Applicants are not required to generate any other alternative funding.
5. Applicants must name the contractor to be used (if any), have carried out appropriate risk assessments, checked insurance cover and have a method statement. These must be presented alongside the application.

APPENDIX 3 – AMENDMENTS TO CRITERIA FOR DEVELOPMENT ACTIVITIES/SCHEMES FOR FUNDING

1. General

1. In addition to the specific criteria set out below, the General Application Criteria in the Policies and Procedures for Financial Assistance to Voluntary and Community Organisations (November 2002) will apply to all funding applications.

2. Specific

1. **Community Events** – new maximum award will be 50% of total event costs up to maximum of £1000 (formerly £750).
2. **Sports Grants** – new maximum award will be 50% of total scheme costs up to a maximum of £1000 (formerly £750)
3. **Cultural Development Grants** – new maximum award will 50% of total development costs up to a maximum of £1000 (formerly £750)
4. **Children's Development** – new maximum award will be 75% of total scheme costs up to a maximum of £1250 (formerly £750)
5. **Youth Development** – new maximum award will be 75% of total scheme costs up to a maximum of £1250 (formerly £750)
6. **Over 50s Development** – new maximum award will be 75% of total development costs up to a maximum of £1000 (formerly £750)
7. **Health Development** – new maximum award will be 75% of total development costs up to a maximum of £1000 (formerly £300)
8. **Area Committee Major Works Schemes** – this category is concerned with construction, maintenance and highways works that Committees may wish to support up to a maximum value of £20,000. Requests for such schemes are likely to come from Hertfordshire Highways.
9. **Area Committee Major Development Schemes** – this category allows Committees to fund bigger community development projects, including staffing costs, either on a one-off basis or within a defined timescale up to one year. The maximum value of this scheme would be £15,000 for a single scheme. Funding would allow for interim measures to be put in place to pilot or support larger projects or schemes with which the Council may wish to establish a Service Level Agreement in the longer term.
10. **Area Committee Visioning Budgets** – each Area Committee has an allocation of visioning funding for a four year period that is presently due to end on March 31st 2006. These funds are to support initiatives that have emerged through the area visioning process. If a visioning activity requires financial assistance to a voluntary or community organisation, then the funds can be awarded in accordance with the above general criteria.

TITLE OF REPORT: SUPPORT FROM OFFICERS TO MEMBERS**REPORT OF THE CHIEF EXECUTIVE****1. SUMMARY**

In this report the Scrutiny Committee is asked to note Members' responses to a recent questionnaire asking how well they are currently being supported in respect of constituents' enquiries and issues in their ward.

The committee will compare the findings with the service that Members should expect according to the Council's constitution.

The committee will then consider Members' suggestions for improvement; look at the service promised to Members of another authority; and then identify any recommendations they might make for improving Members' support at this Council.

2. FORWARD PLAN

- 2.1 This matter is not a key decision and has not been referred to in the Forward Plan.

3. BACKGROUND

- 3.1 The Scrutiny Committee received a question at its meeting of 5 April 2005 regarding the support that Members should expect when they contact officers on behalf of constituents. The question and response are at Appendix A.
- 3.2 The Committee resolved that Members be canvassed for their views about the service that they receive, and that a report be brought to a future meeting. Minute 106 refers.
- 3.3 A questionnaire was agreed at the 7 June meeting and issued to Members for return by 24 June.

4. CONSIDERATIONS

- 4.1 The service that Members should currently expect is contained within the Council's constitution. See the extract at Appendix B. Of particular relevance are the entries at 2.5 and 3.1, which detail the role and responsibilities of the

Officer to the Member, which is at the heart of the original question to the Scrutiny Committee.

- 4.2 Norwich City Council has been cited as an example of good practice. That council's constitution contains a large and comprehensive section that is attached at Appendix C. Of particular relevance might be paragraph 5.4 under Officer/Member/Chair Relationships and items 5 and 8 under the Additional Guidance.
- 4.3 The service that Members report they are currently receiving is shown against the questionnaire's questions at Appendix D.
- 4.4 This shows that all but two of the 18 respondents are satisfied with the service currently given to Members making enquiries about ward or constituents' concerns. See the 'General comments' given to question 5 at Appendix D.
- 4.5 However there is slightly less satisfaction with outward communication – officers taking the initiative to notify Members about ward matters.
- 4.6 All respondents said their enquiries were resolved within two weeks, and in most cases within a few days, but four of the 18 respondents felt this was not as quick as they expected. Our constitution does not specify a target time although our Customer Care standards, which apply to all enquiries state that, we send an acknowledgement within 4 days and a full response within 10 working days.
- 4.7 All but three respondents said that they usually make direct contact with the officer providing the relevant service; two usually approached the manager of the service and one usually approached the head of service or director. Our Constitution gives no guidance on this; the Norwich constitution gives clear guidance.
- 4.8 These points, and those at "Suggestions for improving the support received by Members regarding ward and constituents' issues" at Appendix D, suggest that some changes and additions are needed to the current constitution. If the committee agrees, then it may wish to recommend that the Head of Legal Services be asked to redraft the relevant section of our Constitution to equate with that of Norwich City Council.
- 4.9 Respondents also gave some suggestions for improving other aspects of the support they receive from officers; see "Suggestions regarding other aspect of support" at Appendix D. The Committee might wish to recommend that these suggestions be referred to the Corporate Management Team for action as appropriate.

5. LEGAL IMPLICATIONS

- 5.1 The Officer/Member protocol is not a formal part of the Constitution. The Council can agree any changes to the protocol.

6. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 6.1 The actions recommended within this report would be met within existing resources.

7. RECOMMENDATIONS TO CABINET

- 7.1 That Head of Legal Services be asked to redraft the Officer/Member protocol section of the constitution using the wording of the Norwich City Council constitution, amended to reflect local circumstances.
- 7.2 That the Corporate Management Team be asked to remind all staff of the Members' need to be kept more generally well informed about ward issues as they arise.
- 7.3 That Members' suggestions for improving other aspects of the support they receive from officers be referred to the Corporate Management Team for action as appropriate.
- 7.4 That, once the revised protocol has been in place for twelve months, Members be surveyed again to measure any improvement in the support they receive in respect of constituents' enquiries and ward issues.

8. REASONS FOR RECOMMENDATIONS

- 8.1 To improve the support received by Members in respect of constituents' enquiries and ward issues.

9. CONTACT OFFICERS

- 9.1 Jackie Sayers, Scrutiny Officer.
Tel: 01462 474536.
jackie.sayers@north-herts.gov.uk

10. APPENDICES

- 9.1 Appendix A – Question to Scrutiny Committee, with the answer and resolution.
- 9.2 Appendix B – Extract from NHDC constitution regarding Officer support to Members.
- 9.3 Appendix C – Extract from Norwich City Council's constitution regarding Officer support to Members
- 9.4 Appendix D – Responses to Members' questionnaire regarding support received from officers

SCRUTINY COMMITTEE

DRAFT MINUTES – EXTRACT

Meeting held at the Council Offices, Gernon Road, Letchworth on 5 April 2005

PRESENT *Councillors: Martin Stears (Chairman), M.R.M. Muir, (Vice-Chairman), J.F. Barry, David Billing, D.J. Horrell, David Kearns, D. Miller, M. Paterson, R.L. Shakespeare-Smith.*

IN ATTENDANCE *Strategic Director of Financial and Regulatory Services, Assistant Director (Housing Needs & Strategy), Strategy Officer (Community Safety,) Scrutiny Officer and Committee Services Officer.*

106. Questions

The following questions had been submitted by Councillor David Billing:

- (a) "Is there a Code of Practice to guide Members and officers in dealing with case work which Members receive from the public or from community bodies? For example is there a service level agreement (SLA) as to what Members can expect from officers on case work issues? Does any such Code or SLA cover working with partner agencies in order speedily to resolve matters?

If so, could we see the protocol. If not, then is the Council considering having such a Code?"

The Assistant Director Legal & Democratic Services tabled the following reply at the meeting:

"When Members of the Council raise case work issues with officers they can expect the same standards of customer care that are offered to members of the public contacting the Council. There is no separate or specific Service Level Agreement in place and there are no plans to create any additional rules or protocol. If individual Members feel that their case work issues are not being dealt with properly then there are adequate ways they can take that up with senior officers to have matters resolved. Typically Members should raise issues at Head of Service level in the first instance and if there are difficulties the Strategic Director or Chief Executive can assist in resolving them".

Councillor David Billing then asked who Members should contact within the Council when faced with questions that were cross-service or even cross-partner.

The Strategic Director of Financial and Regulatory Services advised the Committee that there were already Customer Care Standards in place that applied to Member requests to officers and confirmed that questions should be responded to within four days of receipt. If this response is just an acknowledgement then a full reply should be sent within 10 days of receipt.

The Committee agreed that Members might not be aware of the Customer Care Standards in place and that they should be contacted to obtain their views about the level of service they received from officers.

RESOLVED:

- (1) That the replies of the Assistant Director Legal & Democratic Services and the Strategic Director of Financial and Regulatory Services as set out above be noted;
- (2) That a questionnaire designed to canvass Member's views about the service received from officers be drafted for distribution to Members and a report be brought back to a future meeting.

REASON FOR DECISIONS: To ensure that Members were made aware of the Customer Care Standards in place and to receive feedback about the service provided by officers.

Extract from the NHDC Constitution

Pages 150-154

PROTOCOL ON MEMBER/OFFICER RELATIONS**1. Introduction**

1.1 The relationship between Councillors and officers is an essential ingredient that goes into the successful working of the organisation. This relationship within the authority is characterised by mutual respect, informality and trust. Councillors and officers feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help Councillors and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Head of the Paid Service.

1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct and any procedure for confidential reporting.

2. Roles of Councillors and Officers

2.1 Councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and to the authority, and to carry out the authority's work under the direction and control of the Council, the Executive, and relevant committees, etc. Mutual respect between Councillors and officers is essential to good local government

2.2 Councillors

Councillors have four main areas of responsibility:

- a) determining the policy of the authority and giving it political leadership;
- b) monitoring and reviewing the performance of the authority in implementing that policy and delivering services;
- c) representing the authority externally;
- d) acting as advocates on behalf of their constituents. It is not the role of Councillors to involve themselves in the day to day management of the authority's services.

2.3 Members of Cabinet, Chairs and Vice Chairs

Members of Cabinet and Chairs and Vice Chairs of Committees, Boards, Panels etc. have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of Councillors without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Councillors must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the political composition of the authority.

2.4 Opposition Councillors

As individual Councillors, all Councillors have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of overview and scrutiny. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers, particularly those at a senior level in the organisation and the administration will differ from that with opposition groups.

2.5 Officers

The role of officers is to give advice and information to Councillors and to implement the policies determined by the authority. In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. Whilst an officer may report the views of individual Councillors on an issue, if the Councillor wishes to express a contrary view he/she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view. Certain officers i.e. Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) have responsibilities in law over and above their obligations to the authority and to individual Councillors, and Councillors must respect these obligations, must not obstruct officers in the discharge of these responsibilities, and must not victimise officers for discharging these responsibilities.

3. Expectations

3.1 Councillors can expect from officers:

- a) A commitment to the authority as a whole, and not to any political group;
- b) A working partnership;
- c) An understanding of and support for respective roles, workloads and pressures;
- d) Timely response to enquiries and complaints;
- e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers;
- f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- g) Awareness of and sensitivity to the political environment;
- h) Respect, dignity and courtesy;
- i) Training and development in order to carry out their role effectively;
- j) Integrity, mutual support and appropriate confidentiality;
- k) Not to have personal issues raised with them by officers outside the agreed procedures;
- l) That employees will not use their relationship with Councillors to advance their personal interests or to influence decisions improperly;
- m) That officers will at all times comply with the relevant Code of Conduct;
- n) Support for the role of Councillors as the local representatives of the authority, within any scheme of support for Councillors which may be approved by the authority.

3.2 Officers can expect from Councillors:

- a) A working partnership;

- b) An understanding of and support for respective roles, workloads and pressures;
- c) Political leadership and direction;
- d) Respect, dignity and courtesy;
- e) Integrity, mutual support and appropriate confidentiality;
- f) Not to be subject to bullying or to be put under undue pressure. Councillors should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Councillors and officers, and the potential vulnerability of officers, particularly at junior levels;
- g) That Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- h) That Councillors will at all times comply with the relevant Code of Conduct.

3.3 Limitations on Behaviour

The distinct roles of Councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- a) Close personal relationships between Councillors and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular Councillor or officer may secure advantageous treatment;
- b) The need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party political issues;
- c) Relationships with a particular individuals or party groups should not be such as to create public suspicion that an employee favours that Councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered in paragraph 4.

4. Political Groups

4.1 The operation of political groups is now an integral feature of local government and such political groups have an important part to play in the development of policy and the political management of the authority. It is in the interests of the authority to support to effective operation of political groups, but their operation can pose particular dangers in terms of the impartiality of officers.

4.2 Reports

- a) Political groups may request the Chief Executive or a Director to prepare written reports on matters relating to the authority for consideration by the group;
- b) Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group;
- c) Where a report is prepared for a political group, the Chief Executive will advise all other groups that the report has been prepared and will provide a copy of that report to any group upon request.

4.3 Officer Attendance

- a) Any political group may request the Chief Executive or a Director to attend a meeting of the group to advise on any particular matter relating to the authority;
- b) The Chief Executive or Director may arrange for the attendance of a representative in his/her stead, or may decline to attend or to provide a

representative where he/she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend;

c) Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option, and officers will not make any recommendation to a political group;

d) Where an officer attends a political group, the Chief Executive will advise all other groups that the officer has attended and the subject upon which he/she has advised;

e) Officers will respect the confidentiality of any matter which they hear in the course of attending a political group meeting.

5. When things go wrong

5.1 Procedure for officers

From time to time the relationship between Councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or

Councillors, officers will have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate group leader, will decide on the course of action to be taken following consultation with the Chair and Vice Chair of the Standards Committee.

5.2 Procedure for Councillors

In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Director. Where the officer concerned is a Director, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Leader of the Council. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

PROTOCOL FOR MEMBER / OFFICER WORKING ARRANGEMENTS

1. Introduction

1.1 This protocol reflects the provisions of the Local Government Act 2000 and Regulations made in respect of the Act. A Model Code of Conduct for all members has been adopted by the Council which reflects the Model Code of Local Government Conduct.

1.2 This protocol should be read and applied in conjunction with those Codes of Conduct. The principles and procedures set out in this protocol are already, to a large extent, established and form the basis of the Council's working arrangements. The purpose of this protocol is to provide guidance on member/officer working arrangements particularly in the case of doubt or difficulty.

1.3 In particular, this protocol aims to support the enhancement of local democracy by -

- facilitating the participation of members and officers in the Council's policy development and decision making processes;
- assisting members and those officers who support them in their role as representatives of the community within the Council and externally; and
- clarifying arrangements for the provision of the information and support for members and their Party Groups.

1.4 This protocol is intended to assist members and officers in maintaining the highest standards of integrity and propriety and ensuring that all they do is as seen by others to be done properly, fairly and where possible openly.

1.5 It is important therefore that any dealings with members and officers should observe reasonable standards of mutual courtesy and respect, and that neither should seek to take unfair advantage of their position in any circumstances.

2. Member/Officer Communication

2.1 Members should communicate with officers at the appropriate level. Routine service related enquiries should be initiated through normal departmental enquiry/contact points. Other matters will normally involve the appropriate Director or other Senior Manager.

2.2 In communicating with members, officers should have regard to the Council's Code of Conduct for employees, the requirements of this protocol and any instructions issued by their departmental management.

3. Officer Advice to Party Groups

3.1 There is no statutory recognition for Party Groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the Council or the relevant Committees. Officers may properly be called upon to support and contribute to such deliberations by Party Groups.

3.2 The support provided by officers can take many forms ranging from a brief meeting with a Portfolio Holder, Chair or spokesperson prior to a Council meeting, to a presentation to a full Party Group meeting. Whilst in practice such officer support is likely to be in most demand from whichever Party Group is for the time being in control of the Council, such support is available to all Party Groups.

3.3 Certain points must however be clearly understood by all those participating in this type of process, members and officers alike. In particular -

(a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of Party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings or parts of meetings when matters of Party business are to be discussed.

(b) Party Group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not communicated (inside or outside the organisation), interpreted or acted upon as though they have that official status.

(c) Similarly, where officers provide information and advice to a Party Group meeting in relation to a matter of Council business this cannot act as a substitute for providing all necessary information and advice to the Cabinet or relevant Committee when the matter in question is considered.

3.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a Party Group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Model Code of Conduct, in particular the provisions concerning the declaration of interest and confidentiality, and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a meeting of members only.

3.5 Officers must respect the confidentiality of any Party Group discussions at which they are present and should not, in particular, relay the content of any such discussion to another Party Group.

3.6 Any request for an officer to attend a meeting arranged by a Party or Party Group, for the purpose of presenting information to the meeting (in relation to an issue or proposal affecting or involving the Council) must be made to the relevant Director, who will consult with the Chief Executive, or to the Chief Executive. Where it is agreed that an officer will attend for this purpose the same facility will be offered or made available to the other Party Groups. Any officer who so attends will do so in his/her official capacity, will be politically neutral, and attendance will not signify support for any particular political view, proposal or response.

3.7 Attendance at any public meeting will generally be avoided during the period between the announcement and conclusion of any local or parliamentary election affecting the area involved, and will only occur during such a period if representatives of all parties supporting candidates in the election have been invited to take part in the meeting.

3.8 At any public meeting organised by any Party Group, or by any individual member (rather than by the Council) officers will attend only to provide information which is publicly available. No such officer attendance will take place during the 'pre-election' period referred to in paragraph 3.7.

3.9 Any particular difficulty or uncertainty concerning officer advice to Party Groups should be raised with the Chief Executive who will where appropriate discuss with the relevant Group Leaders.

4. Support Services and Facilities for Members and Party Groups

4.1 Secretarial and other support services and facilities (for example stationery, typing, printing etc) are provided for members to assist them in discharging their role as members of the Council. The Council also employs political assistants to the two main Party Groups. Such support services and facilities must only be used in accordance with specific guidance issued by the Council. They should never be used in connection with party political or campaigning activity or for private business purposes.

4.2 Support services for members will normally be provided by the Democratic Services Section.

5. Officer/Member/Chair Relationships

5.1 It is clearly important that there should be a close working relationship between the Leader of the Council, Portfolio Holder and Chair of a Committee and the Director and other Senior Officers of any department which reports to that member or Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other members and other Party Groups, or with any other individual or organisation.

5.2 The Leader of the Council, Portfolio Holder or Chair will routinely be consulted as part of the process of drawing up an agenda for a forthcoming meeting. It must, however, be recognised that in some circumstances the proper conduct of business may require a particular matter to be included on the agenda and that the Leader/Member/Chair is not entitled to require the removal of such an item from the agenda. Directors will always be fully responsible for the content of any reports submitted in their name. Any issue concerning the inclusion of any item on an agenda and the submission of any particular report that cannot be agreed between the Leader, Portfolio Holder or Chair and a Director should be referred to the Chief Executive as Head of Paid Service, the Head of Legal Services or the Director of Finance as Statutory Finance Officer will be under a duty to submit a report.

5.3 In relation to any action under delegated powers, it is important to remember that the law allows for decisions relating to the discharge of any of the Council's functions which are not specifically reserved to the Council to be taken by the Cabinet. Normally, wherever the authority to make a decision is delegated to an officer it is on the basis that the officer will exercise that authority in consultation with the Cabinet member and/or other nominated members.

5.4 It must be remembered that officers within a department are accountable to their Director and that whilst officers should also seek to assist a Cabinet member or Chair (or indeed any member), they must not in so doing go beyond the bounds of whatever authority they have been given by their Director. It should also be noted that the Chief Executive has a statutory responsibility as Head of Paid Service for ensuring the proper organisation and management of the Council's staff, and has therefore an overall responsibility for the direction and management of all officers.

6. Correspondence

6.1 Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member except at the discretion of the Chief Executive or Director where necessary for the proper conduct of business. Where exceptionally it is necessary to copy the correspondence to another member, this should be made clear to the original member. In other words, 'blind' copies of such correspondence should not be circulated.

6.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer rather than in the name of a member. It may be appropriate in certain exceptional circumstances, for example representations to a Government Minister or correspondence with a Leader of another local authority, for a letter to be issued in the name of the Leader of the Council. Letters which for example create obligations, confirm or deny the acceptance of any liability, or give instructions on behalf of the Council, should always be sent out by the Chief Executive or the appropriate Director or other Senior Officer.

7. Publicity and the Media

7.1 Contact with the media on issues related to the Council or to Council business is handled through, or with advice/support from, the Communications Unit.

7.2 Any member who approaches the media on any item involving or affecting the Council without first approaching or consulting the Council (through the relevant Cabinet member/Chair, department or Communications Unit) will be responsible for such action. Any member who does so should make it clear that he/she is speaking on his/her own behalf and not representing or speaking for the Council.

7.3 See Code of Conduct.

7.4 Members and officers should be mindful of the prohibition on the publication by the Council of any information intending to promote or canvass support for any political party or candidate for elections. In case of doubt advice should first be obtained from the Head of Legal Services.

8. Personal Relationships

8.1 No member or officer should allow any personal connection or relationship with any other member or officer to affect the performance of his or her official responsibilities or the taking of any action or decision by or on behalf of the Council. This includes, for example, any family relationship, membership of the same household or any business connection. Members and officers should always consider how such a relationship or connection would be likely to be regarded by anyone outside the Council, or by any other member or officer, and avoid creating any impression of bias or unfairness.

8.2 An officer who is personally connected or related to any member should notify his or her Director in writing.

8.3 Members should take into account any personal relationship or connection with any other member or officer, in considering the need to register or declare a personal or personal and prejudicial interest whenever appropriate.

9. Involvement of Area Committee/Ward Councillors

9.1 Whenever a public meeting is organised by the Council to consider a local issue affecting a particular area, all the members of the relevant Area Committee or (if only affecting a particular Ward or Wards), those members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting. Similarly, wherever the Council undertakes any form of consultative exercise on a local issue, the Area Committee/Ward members should be notified at the outset of the exercise.

10. Members Access to Information and to Council Documents

10.1 Members are free to request from the Council such information as they may reasonably need in order to assist them in discharging their role as members of the Council, having regard to any special responsibility, for example as Cabinet member or Committee Chair. Such request should normally be directed to the Director.

10.2 The legal rights of members to inspect Council documents arise partly from statute and partly from the common law (judicial decisions).

10.3 Members have a statutory right to inspect any document which contains material relating to any business which is to be transacted at a Council meeting or Sub-Committee meeting. This right applies in respect of whether the member is a member of the Cabinet, or of the Committee or Sub-Committee concerned, and it extends not only to reports that are to be submitted to the meeting but also to any relevant background papers. This right does not however apply to documents which are exempt from publication, unless the member is a member of the relevant Committee.

10.4 The common law right of members is much broader and based on the principle that any member has a prima facie right to inspect Council documents, so far as his/her access to the document is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council. This principle is common and referred to as the 'Need to Know' principle.

10.5 Whether a member is in any particular case entitled to exercise this common law right depends therefore upon the member's ability to demonstrate that he/she has the necessary 'Need to Know'. In this respect a member has no right to a 'roving commission' to examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'Need to Know' for a purpose necessary to enable the member to carry out his or her public duties. In any case of doubt or difficulty, the members should refer to the Chief Executive or Head of Legal Services.

10.6 In some circumstances, for example (a Committee member wishing to inspect documents relating to the functions of that Committee) a member's 'Need to Know' will normally be presumed. In other circumstances, for example (member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms.

10.7 The term "Council document" is very broad and includes for example any document produced by whatever means with Council resources. It is accepted by convention that a member of one Party Group will not have any 'Need to Know' and therefore no right to inspect a document which forms part of the internal working of another Party Group.

10.8 Further and more detailed advice regarding members' right to inspect Council documents may be obtained from the Head of Legal Services.

10.9 Any Council information provided to a member must only be used by the member for the purpose for which it was provided; that is, only to enable the proper performance of the functions of the Council. The point is emphasised in the new Model Code of Local Government Conduct in the following terms. A member –

- (a) must not disclose information given to him in confidence by anyone, without the consent of a person authorised to give it unless he is required by law to do so;
- (b) must not prevent another person from gaining access to information to which that person is entitled by law.

11. Further Guidance

11.1 Any member of the Council who needs further guidance on any of the matters referred to in the Code or on any similar or related issue is advised to contact the Chief Executive or Head of Legal Services. Any officer needing such guidance should refer initially to their manager who will consult senior management and obtain advice as necessary.

Protocol for Member / Employee Working Arrangements Additional Information & Guidance

The Protocol for Member / Employee Working Arrangements is part of the Council's Constitution and states: *'Members should communicate with employees at the appropriate level. Routine service related enquiries should be initiated through normal departmental enquiry / contact points. Other matters will normally involve the appropriate Director or other Senior Manager.'* This note provides additional information and guidance to Members about what is the *'appropriate level'* in different circumstances. The Protocol and this additional guidance exists so that:

- senior managers can ensure that Members are provided with correct, comprehensive information and advice;
- employees are guided and supported through the appropriate management channels;
- the City Council can be confident that it is properly discharging its Health and Safety responsibilities as an employer.

Contact and communication includes telephone, e-mail, letters and in person. Councillors should always identify themselves as being Councillors when contacting employees.

1. 'First time' service requests or reports of a service failure.

When a Councillor is assisting a constituent or reporting matters for the first time, for example dumped rubbish, missed bins, toilets in need of cleaning, housing repairs etc. the **point of contact set out in the A-Z of Council Services** on the web-site / e-grapevine should be used.

2. Planning Applications

When dealing with specific applications as ward issues Councillors should contact the **development control case officer** at the contact number set out on material produced by the Planning Service.

3. Electoral Registration

For electoral registration issues, including postal voting, contact should be made with the **Elections Office**.

4. Area Housing Management Enquiries

When dealing matters such as anti-social behaviour; progress with transfer applications; repairs which have not been done in the set timescales; etc. contact should be made with the **Area Housing Manager** – details are attached.

5. Requests for work to be undertaken

When a Councillor wants an employee to undertake new or additional work (other than routine request described above) contact should be made with the **Director or Head of Service**. This is important as the Council has an approach to performance management whereby all employees have clear work programmes and understanding as to what they need to achieve. Being asked directly by Councillors to take on additional work could undermine an employee's performance and lead them into difficulties, as well as creating stress in juggling competing workloads.

6. Discussion of the development or application of policy

When a Councillor wishes to discuss policy, contact should be made with the **Director or Head of Service**. Councillors must have the fullest possible information about a policy area. Although many employees are highly knowledgeable about their subject matter, they cannot be expected to know all of the important, wider contexts such as finance, external relations, impacts on other service areas etc.

7. Complaints

If a Councillor needs to make a complaint about the conduct of a Council employee or a contractor to the Council, or to complain that a service has not been delivered in accordance with service standards or established expectations, contact should be made with the **Director or Head of Service**. Good management and discipline are important and it is essential for Directors and Heads of Service to be made aware of Councillors' perceptions and experiences so that proper steps can be taken to resolve difficulties and support employees.

Although it is most unlikely that this will ever occur, for the sake of completeness and absolute clarity, a Councillor should never, in any circumstance, seek to intervene in an employee's or contractor's work or to give instruction to an employee or contractor. If a Councillor has cause for concern about the way that an employee or contractor is undertaking work, the Director or Head of Service should be contacted.

8. Responses from employees

When a Councillor makes contact with a Director or Head of Service a response will be made as quickly as possible. Telephone calls will be returned as quickly as possible and in no more than 5 working days (unless absence makes this impossible). A substantive response to contact in any form will be given within 10 working days or an explanation will be provided about the reason for any delay. It is not possible for Directors and Heads of Service to meet personally with individual Councillors about routine matters. Requests for appointments with Directors and Heads of Service will be responded to within 5 working days.

Responses to Members' Questionnaire June 2005

Where a number is shown, it indicates the number of respondents that ticked this option.

When you are making an enquiry, who do you **usually** contact?

• The officer that provides the relevant service to the customer	15
• The manager of the service	2
• The relevant director or head of service	1
• an officer who is not connected, but who I have found useful before	

How do you **usually** prefer to make your enquiry?

• by phone	12	• by email	11
• by letter	2	• in person	2

Which of the following would describe the service you receive from officers?

	Strongly agree				Strongly disagree
• I usually know which officer to contact	5	3	8	2	
• I find it easy to make contact with the officer	3	8	5	1	1
• I am usually satisfied with the amount of time that officers give to my enquiries	3	8	6		1
• I am usually satisfied with the speed of service	2	7	7	2	
• I am usually satisfied with the accuracy of the response	2	10	6		
• I always have access to the information I need	1	6	8	2	1
• If I have an issue that involves more than one service area, officers usually provide one officer who will act as my contact point and take responsibility for trying to resolve the issue		9	3	2	3
• If I have an issue that involves partner agencies, an NHDC officer usually acts as my contact point and takes responsibility for trying to resolve the issue		7	6	2	2
• I am usually contacted promptly by officers when issues arise in my ward	1	7	3	5	2

How long does it **usually** take officers to resolve your enquiry?

• within hours	1
• a few days	13
• up to 2 weeks	3
• more than 2 weeks	

and is that -

• not as quick as expected	4
• about right	13
• quicker than expected	

Thinking about the support you receive from officers when you are making enquiries on behalf of constituents, or when you would expect to be contacted about issues in your ward, what would be your **top 3 suggestions for improvement**, in priority order?

General comments:

- I can't think of one; I am very satisfied with the service I get from NHDC officers.
- In general I find the service provided by officers to be pretty good both in terms of responsiveness and quality.
- I find the officers v helpful. If the person I contact can't help, they usually tell me who can. I have no suggestions for improvement - I am happy with the service I get.
- Any enquiries on behalf of constituents should be vigorously pursued by a Member - it is their duty to try and resolve the problem, with the help of officers.

Suggestions for improving the support received by Members regarding ward and constituents' issues:

Officer-initiated communication

- To be advised within 2 working days of any direct contacts to officers by ward constituents on issues that may be contentious.
- Being informed of any complaint received
- Any issue in ward should be notified by either email or telephone to relevant Member
- It would be helpful if NHDC officers would give the appropriate councillor copies of correspondence with constituents of his/her ward. It keeps the councillor informed and enables him/her to help the constituent if necessary.
- Ensure that all councillors in multi-councillor wards are notified
- That Members are kept informed of ceremonial events that are taking place within their ward

Standards of service

- A protocol which gives members more access and a more connected response than the public - that is why the public use us, as they have already tried and failed.
- To be advised when a response may take more than 2 working days and a target time for response
- That officers should as a matter of courtesy keep ward members informed on issues of concern within their wards
- That members are always copied into the response that is made by officers to ward matters
- Each case raised by a member should rapidly and unambiguously be allocated to a named member of staff to resolve - especially when the case involves more than one service, department or other agencies. It should be that officer's responsibility to contact and work with the other departments and agencies to seek a constructive, rapid response.
- If the issue could involve a general problem, then the reply from the officer to a constituent should be copied to all ward councillors (if necessary without disclosing the identity of the constituent).
- Email queries to be responded by email rather than just telephone
- Be notified when issue has been moved to another officer, or when needs more time to resolve

- If there are other people to speak to, to provide as much of their contact details as possible.
- Human element adopted; constituents think we hide behind law, regulations and policy

Suggestions regarding other aspect of support:

- Access to the council email, especially addresses
- Up to date list of employees and their titles
- Members all on email and officers' email addresses fully listed with their job functions. The present directory is only partial.
- Easier access to internal phone numbers and email addresses
- Without adding to the workload of Area Champions, I think regular, say monthly, meetings should be held between the Area Champion and the ward councillors to discuss current issues/problems.
- Enquire before acting
- Use community development officers as the link (local knowledge and they would be able to ensure communication internal and external.
- Email
- Officers to recognise the political implications of the issues and decisions they take

**ITEMS REFERRED FROM SCRUTINY COMMITTEE FINANCE SUB GROUP 13 JUNE 2005
AND CABINET RESPONSE**

**REVISIONS TO FINANCIAL REGULATIONS AND CONTRACT STANDING ORDERS - 2005-
2006**

Members agreed that the following 3 recommendations be made to Cabinet:

1. The Finance Scrutiny Sub Group welcomes the review process; it is important for the council to remain up to date with new legislation and working practices, and to ensure that there are adequate control systems in place.
2. The Finance Scrutiny Sub Group was informed that the Finance portfolio holder intended to propose that:
 - the limit at which debts be referred to Cabinet be raised from over £2,500 to over £5,000
 - decisions regarding debts between £2,501 and £5,000 be delegated to officers in consultation with the Finance portfolio holder

The Finance Scrutiny Sub Group agreed that it would have no objection to this proposal.

3. The suggested revision to Paragraph 2.4 in Payment of Accounts states:

'Any amendment to an account must be made in ink and initialled by the member of staff making it, stating briefly the reasons where they are not self evident.'

The Finance Scrutiny Sub Group asked how this sat with the need to move towards making processes fully electronic. They recommended that:

In next year's revisions, this statement be revised to advise what should happen when the record is in electronic format only.

Extract from draft Minutes – Cabinet 14 June 2005

RESOLVED:

- (1) That the changes to both Financial Regulations and Contract Standing Orders, as summarised in Appendices A and B to the report be agreed.
- (2) That the limit at which debts be referred to Cabinet be raised from £2,500 to over £5,000.
- (3) That decisions regarding debts between £2,500 and £5,000 be delegated to Strategic Director of Financial and Regulatory Services in consultation with the Finance Portfolio holder.
- (4) That the recommendation of the Finance Scrutiny Sub Committee that the reference in paragraph 2.4 in Payments of Accounts to :
“any amendment to an account must be made in ink and initialled by the member of staff making it, stating briefly the reasons where they are not self evident.”

be revised to advise what should happen when the record is in electronic format only, be considered next year once the technology becomes available.*

RECOMMENDED TO COUNCIL: That the revised Financial Regulations and Contract Standing Orders attached as appendices C and D to the report be adopted.

PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

17

PRESENTATION BY THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORT

PRESENTATION BY COUNCILLOR RICHARD THAKE, THE PORTFOLIO HOLDER FOR
PLANNING AND TRANSPORT

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PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

18

INFORMATION NOTE – WIND FARMS

REPORT OF FINANCIAL AND REGULATORY SERVICES – PLANNING POLICY AND PROJECTS

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SRUTINY COMMITTEE MEMBERS INFORMATION NOTE

WIND FARMS

Purpose

To provide a response to a question raised by Councillor Howard Marshall in relation to wind farms.

Background

At the last meeting of this Council's Scrutiny Committee on 7 June 2005, Councillor Howard Marshall enquired if wind farms had been considered as a source of renewable energy and expressed his concern about public perception of wind farms. As a result, the committee resolved that the Planning Control & Conservation Manager seek to address the issue of wind farms as part of the LDF process and report back.

Considerations

The Planning Policy and Projects group is indeed addressing the issue of wind turbines in the LDF as part of the renewable energy agenda being promoted by the government in the recent Planning Policy Statement 22 – Renewable Energy. PPS22 exhorts the consideration of the opportunity for incorporating renewable energy projects in all new developments. Renewable energy is actively encouraged and local planning authorities should be encouraging its provision through having positively expressed policies in Local Development Documents.

The cross-party Local Development Framework Members Working Party considered future energy generation as an aspect of the Draft Core Strategy and Development Control Options Paper, at its meeting on 14 June. The Options Paper is identified in the Council's Local Development Scheme and is due to be reported to the August meeting of the Cabinet, prior to going out for six weeks of public consultation. With regard to the aspect of renewable energy, the public will be asked which of the options in relation to possible policies on renewable energy they wish to support.

Of importance, there is a Hertfordshire Renewable Energy, which is currently investigating the issue in more detail, including where there may be potential for the harnessing wind energy in the county.

For Scrutiny Committee Members information, I reproduce below, the aspect on Energy Generation included in the Draft Options Paper:

“Issue 1.4: Energy generation

How we generate energy has a significant impact on the environment. Burning fossil fuels is damaging to the environment and uses finite resources. The Government advises local authorities to promote and encourage renewable energy resources rather than restrict them. Renewable energy sources include wind, water, solar power and biomass (generating energy from the burning or decay of organic matter or non-recyclable waste products). The Hertfordshire Renewable Energy Study is currently investigating this issue in more detail.

Wind turbines and solar power are among the commonest forms of harnessing renewable energy. There may be some areas in North Hertfordshire's landscape where wind speeds are high enough to make wind turbines viable, but they could have an impact on the local environment, notably due to visual impact.

Options (choose one):

- a. To include policies which encourage small-scale renewable energy schemes to be incorporated into new developments.
- b. To include policies which encourage large-scale renewable energy schemes such as wind farms.
- c. Both of the above.
- d. Do not include a policy on renewable energy and therefore rely on the latest Government advice.
- e. Other (please specify)."

PPS22 is available to view at www.odpm.gov.uk/planning or from Planning and Building Control.

For any further information, please contact Richard Kelly on extension 4847.

Andy Beavan
Planning Policy and Projects

TITLE OF REPORT: HITCHIN FRIDAY FRANCHISED BRIC A BRAC MARKET**REPORT OF THE HEAD OF LEISURE SERVICES****1. PURPOSE OF REPORT**

- 1.1 To update Members of Scrutiny on progress made to date on issues relating to the Hitchin Friday Franchised Bric a Brac Market.

2. BACKGROUND

- 2.1 At the March 05 meeting of Scrutiny Cllr Clark asked the following: -

“The Hitchin Friday Market is currently run for the Council by contractors, I would like to ask when the current contract commenced, what process was adopted in awarding the contract and when is the next contract due to be let?”

“Finally, I would also like to enquire if any consideration has been given to taking back in house the management of the Friday Market. If so what was the conclusion and when was this done, if not is there plans to do so and by whom?”

Officers provided the following reply: -

“The Antiques and Collectors Market is currently operated by Firthdene Markets, they have operated this market since 1987. In addition the Council operates a general market on a Friday which runs alongside the Firthdene Market. The process for awarding this contract is unknown, as it was set up almost twenty years ago. Officers from Leisure Services will review this contract and invite tenders in the coming financial year. The Council has never operated the Antiques and Collectors Market, however, we will investigate the opportunity to do so when considering procurement options”.

Councillor Clark asked the following supplementary questions: -

“Will Hitchin Councillors be involved in the review; do we have the ability to re-tender and is there a time limit?”

Officers explained, they would report back once they had taken legal advice. However, the legal advice might be confidential.

Councillor Muir asked if there had been any renewal uplift in the charges, the Head of Leisure replied that the level of income was good, had increased and that the contract had been in place for 18 years.

Scrutiny were informed, there are procedures in place to review contracts and that this work will be done in the first part of the next financial year.

RESOLVED: That the Head of Leisure Services be asked to report to a future meeting on the legal advice regarding the review of the contract.

- 2.2 This report will cover the key tasks that the Officers have undertaken as part of the Procurement of the Firthdene Market.

3. TRADERS COMPLAINT

- 3.1 A Community Development Officer was approached by a Firthdene trader on 18th February 05. The trader informed the Officer that Firthdene had recently issued the traders new rules and regulations some of which the traders considered were inappropriate. The Officer suggested that the traders put their points in writing and present it to the Council.
- 3.2 The trader presented this to the Council on Friday 25th March 05, this is shown in Appendix 1. Thirty traders signed the petition.
- 3.3 Officers from the Leisure Department investigated the petition and reported their findings (Appendix 2). Following this, a meeting was held with the Managing Director of Firthdene Markets to discuss the outcome of the investigation, the Council and Firthdene sent a joint response to all traders on the 7th May 05 as shown in Appendix 3.
- 3.4 Legal advice was taken regarding the two issues, they advised to separate the two issues between the trader's complaint and the licence and future procurement. It was agreed that the complaint would be resolved before any action was taken on other matters.

4. LICENCE / CONTRACTUAL ISSUES

- 4.1 The current licence for Firthdene expired in 1988 but Firthdene has continued to operate on this basis since then. As a result, in August 2003 the Leisure Services department was advised to review this contract by the Council's Audit department. The aim was to carry out the review earlier but due to current leisure projects and staffing issues at the Market Office in recent years, this has not been possible.
- 4.2 Senior Officers from Leisure Services met with a representative from the Council's Legal department in May 05 to discuss what options are available for the Council in relation to the current agreement. From this meeting a report was written that looked at the Council's options, these are discussed in the Part 2 report.
- 4.3 Following the above meeting, Senior Officers from Leisure Services met with representatives from the Council's Legal and Audit departments on the 7th June 05 to review the existing licence and discuss the potential procurement timetable.
- 4.4 The Council is considering a number of options, these will be covered in detail in Part 2 of this report

5. LEGAL IMPLICATIONS

- 5.1 The right to hold a market in Hitchin was conveyed to Hitchin Local Board in 1883 and vested in North Hertfordshire District Council in 1974.
- 5.2 As Firthdene have continued to operate the Friday market on the basis of the 1987 licence they would have to be given reasonable notice to terminate the arrangement (unless they are in clear and substantial breach of the terms of the arrangement).

5.3 As Firthdene does not have exclusive possession of any premises the protection conferred on business tenants by the Landlord and Tenant Act 1954, Part II does not apply.

5.4 Any new contract will have to comply with the Council's Financial Regulations and Standing Orders and should be prepared formally on behalf of the Council.

6. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

6.1 Financial implications will be covered in the part two report.

6.2 There are currently no Human Resource implications

7. RECOMMENDATION

7.1 For Scrutiny Members to note the report.

8. APPENDICES

8.1 Appendix 1 : Market traders complaint

8.2 Appendix 2 : Report regarding the traders complaint

8.3 Appendix 3: Letter responding to traders complaint

9. CONTACT OFFICERS

9.1 Steven Crowley, Project Manager, Tel 01462 474211,
Email steve.crowley@north-herts.gov.uk.

9.2 Vaughan Watson, Head of Leisure Services, Tel 01462 474641
E-mail vaughan.watson@north-herts.gov.uk

6th April 05

Cllr Knighton briefing	AGENDA ITEM No.
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FIRTHDENE MARKET PETITION

1. PURPOSE OF REPORT

- 1.1 To present to the Head of Leisure Services and the Portfolio Holder for Leisure a petition that has been received from representatives of the Hitchin Friday's Firthdene Market.

2. BACKGROUND

- 2.1 The Firthdene Market has been operating on a Friday at Hitchin Market since 1987, the agreement indicates the company is able to use 10 stalls to sell antiques, collectables and bric a brac goods.
- 2.2 The length of the contract was for twelve months, however, to our knowledge this was never reviewed and has been in place since the above date.
- 2.3 The number of stalls that Firthdene Market now occupy is approximately 80 stalls, this is a significant growth since when the agreement was written.
- 2.4 Recently Firthdene issued new rules and regulations to their traders, shown in Appendix 1.

3. PETITION RECEIVED FROM TRADERS

- 3.1 Margaret Bracey (Community Development Officer – Hitchin) was approached by a Firthdene trader on 18th February 05. The trader informed Margaret that Firthdene had recently issued the traders new rules and regulations some of which the traders considered were inappropriate.
- 3.2 Margaret, advised the trader to put their points in writing and get the traders to sign a petition, which was presented to Margaret on Friday 25th March 05, and is shown in appendix 2. Thirty traders have signed the petition.
- 3.3 The petition states the following, "We, the traders who attend the Hitchin Friday Firthdene Market, would like to request that North Hertfordshire District Council take over the management of the Antique and Collectors Fair from Firthdene."
- 3.4 They have also listed a number of reasons why they have requested this, these include;
- They do not feel part of the market generally,
 - There is a clear separation between the Hitchin traders and Firthdene traders,

- That the terms and conditions of trading under Firthdene are different to those of Hitchin Traders.
- They have no rights or voice on market issues and they feel there is lack of consultation and exclusion from issues specifically relating to the market.

3.5 Currently the market is in its kipper season, therefore, there are fewer traders currently on the market, however, the petition has been issued to all, and 30 traders have signed it. This is approximately 90% of the current number of traders.

4. LEGAL IMPLICATIONS

4.1 None

5. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

5.1 None

6. RECOMMENDATIONS

6.1 Officers meet with the owner of Firthdene Market to try and resolve the issues that the traders have raised.

7 APPENDICES

7.1 Appendix 1 : New Rules and Regulations

7.2 Appendix 2 : Petition from Firthdene Market traders

8. CONTACT OFFICERS

8.1 Steven Crowley, Project Manager, Tel 01462 474211,
Email steve.crowley@north-herts.gov.uk.

8.2 Margaret Bracey, Community Development Officer, Tel 01462 474830,
Email margaret.bracey@north-herts.gov.uk

Dear Firthdene Ltd Trader

Our Ref:
Your Ref:

Contact Officer: Steven Crowley
Direct Line: 01462 474641
Email steve.crowley@north-herts.gov.uk

7th May 05

Dear Firthdene Ltd Trader

Following the letter that Margaret Bracey handed to you on 15th April 05, explaining the Council were arranging to meet with Firthdene Ltd to discuss the issues that had been raised in your enquiry. I would like to inform you of the outcome of this meeting.

The Council and Firthdene Ltd representatives discussed the issues that had been raised by the traders and came to the following conclusion:

Many of the comments that were mentioned in your enquiry explain that Firthdene Ltd traders do not feel part of the Council Market and you have different terms and conditions. It was agreed that this is the case as Firthdene Ltd operate differently to the Council, the Council cannot instruct Firthdene Ltd to operate the same as the Council. The conditions will always be slightly different. However, if you wish to trade from the Council's market you will have to trade by the Council's conditions.

Regarding the points that were mentioned in relation to having no rights or voice on market issues and not being consulted, David Stratton has confirmed that he will continue to communicate any general issues relating to the day to day operation to the Council's Market Manager.

David Stratton will also be invited to the monthly meeting that the Council's Market Manager has with the Hitchin Traders Association.

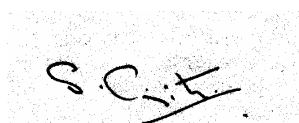
To our knowledge, three traders from the Firthdene Ltd Market attend the Hitchin Traders Committee meetings and are members of the National Market Traders Federation. I would advise that a formal vote be undertaken to enable a trader from the Firthdene Ltd market to attend the monthly meeting with the Markets Manager.

I hope the above ideas will contribute to better communication and will resolve the issues that were raised in your enquiry.

Yours sincerely



Steven Crowley
Project Manager
Tel: 01462 474211
e-mail: steve.crowley@north-herts.gov.uk



Steven Copitch
M D Firthdene Ltd
Tel: 0113 289 2894
e-mail: scopitch@onetel.com

SUGGESTED RESOLUTION

That under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph (9) of Part 1 of Schedule 12A of the said Act.

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