

## RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

### **\*PART 1 – PUBLIC DOCUMENT**

Any interest to declare/ or conflict and any dispensation granted N/A

### **SERVICE DIRECTORATE: LEGAL & COMMUNITY**

#### **1. DECISION TAKEN**

To make amendments to the NHDC Constitution as per Appendix A.

#### **2. DECISION TAKER**

Jeanette Thompson, Monitoring Officer (Service Director: Legal & Community), in consultation with the Leader of Council (and having liaised with other Group Leaders).

#### **3. DATE DECISION TAKEN:**

**21 October 2021**

#### **3. REASONS FOR RECOMMENDATIONS**

3.1. To ensure the Council can operate as effectively and efficiently as possible.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 None.

#### **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

5.1. The proposed changes to the Constitution were sent to the Group Leaders for comment before the decision was published, and the updated Constitution uploaded with the amendments in Appendix A.

#### **6. FORWARD PLAN**

6.1 This decision does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

#### **7. BACKGROUND**

##### **Recorded vote whilst in the Chamber:**

7.1. Following a question at Full Council in July 2021, a request was made to review whether the electronic voting system could be used to record votes, rather than manually doing so.

7.2. Such enquires were undertaken with the current provider and another linked to the democratic document management system, to see whether this was feasible and any costs.

7.3. Having liaised with the Group Leaders following this on the options, the decision is to stay with the current system and where available, use the electronic voting system to notate any 'Recorded Vote', rather than manually do this. An amendment to section 4.8.16 (e) was therefore required, as per Appendix A.

### **Service Directors - changes**

- 7.4. Following the appointment of the Service Director: Customers, some further minor amendments are required in terms of Data Protection (section 12.1.2), move and deleted some areas under/ from Customer Services, and add customer payment systems (cashiering) to section 14. 6.7 (b) Service Responsibilities.
- 7.5. Following the appointment of the Service Director: Place, the Managing Director has delegated the service responsibilities for Communications, including public relations and consultations to that Service Directorate. A change was therefore required under Section 14.6.5(b)(i) and 14.6.9(b) new (x).

## **8. RELEVANT CONSIDERATIONS**

### **Section 4: Recorded vote whilst in the Chamber**

- 8.1. As part of the July Constitutional review report a question was asked regarding the Council's voting system and the ability to use this for recording votes generally and or the formal 'Recorded Votes' process. The Service Director: Legal & Community confirmed that enquiries would be made with current providers regarding automated voting and showing these at a meeting and subsequently in the minutes, rather than manual recording.
- 8.2. For information, in terms of the system(s) that the Council, the systems in the Council Chamber are:
- the Auditel conference system (microphones, voting, camera / feed); and separately
  - the Modern.Gov, paperless meeting (wider system for, e.g., Declarations/ library management etc). Those are on tablets/ laptops.
- The systems are separate and procured / supplied under different contracts/ from different suppliers.

#### Auditel

- 8.3 The Auditel system records all votes in the Council Chamber automatically and a file is saved, which the Committee team can access. It can show who is voting in favour/ against/ abstain on the Council's screens (although is unlikely to be visible on the YouTube when live streaming). Those votes/ names will not automatically move to the minutes (and current Constitutional rules reflect that). At present the files record who voted and how they voted, and what number the vote was (i.e. first vote that meeting, second vote that meeting) – to understand what was being voted on, a relevant officer would have to cross reference with minutes or time on the audio recording. If this system is used for the 'Recorded vote' Council Procedure Rule process, then after the meeting this would be pulled across by the officer from the saved file. It could take between 10-20 mins per item to pull this across. This is labour intensive, but could be justified as compared with a Recorded Vote being manually taken and entered in the minutes. If there was a requirement to automatically record all votes for all items, then this system could not deal with this and the amount of time officers would take to pull information across would be disproportionate (and would only apply to those meetings held in the Council Chamber in any event).

#### Modern.gov

- 8.4 The additional system that the Council uses is Modern.gov and has a module for recording a vote. This would cost an additional £1500 per annum. Whilst this could be used on Councillors' tablets in other meetings outside of the Council Chamber, it would make the current voting equipment in the Chamber obsolete (including the voting screen) and the screen (although whether this could have been integrated at additional cost was not considered).

- 8.5 Having liaised with all Group Leaders on this issue, decision has been taken to remain with the Auditel system (subject to any normal procurement process), and to use the electronic voting system for any procedural 'Recorded Vote' within the Council Chamber (or as may be available) and such information will be reported in the minutes. This is reflected in the amendment to 4.8.16(e), and the electronic voting system will not be used for recording all votes for every item.

**Sections 12 & 14: Changes following appointments of Service Directors  
Data Protection Officer**

- 8.6 There is nothing further to add to the background information, other than to confirm that corporate stationery has moved from the customer services section to MSU and the courier and member mail service has been deleted. The Revenues and Benefits Manager is the Data Protection Officer and the Constitution needs to reflect those changes.

**Section 14 – Managing Director direct reporting and remit for Communications  
including public relations and consultations**

- 8.7 There are no further relevant considerations to add.

**9. LEGAL IMPLICATIONS**

- 9.1. Full Council's terms of reference include "approving or adopting the Policy Framework". The Policy Framework includes the Constitution.
- 9.2. Section 37 Local Government Act 2000 requires the Council to have in place a Constitution and to keep that under review. The Local Government Act 2000 section 9P sets out the requirements of a local authority's Constitution, including the requirements to prepare it and keep it up to date and the requirement to make it available for public inspection.
- 9.3. Section 2.6.2 provides:

*2.6.2 Minor Changes*

*If, in the reasonable opinion of the Monitoring Officer or the Chief Finance Officer, a change is:*

*(a) a minor variation; or*

*(b) required to be made to remove any inconsistency, ambiguity or typographical error;  
or*

*(c) required to be made so as to put into effect any decision of the Council or its committees or the Cabinet; or*

*(d) requested only for practical purposes, in order to ensure the proper administration of the Council,*

*the Monitoring Officer or the Chief Finance Officer may make such a change.*

Changes under 2.6.2 must be notified to all Members. Those under (d) are to be reported to Council. It is considered that these are amendments that fall under (d) and whilst coming into immediate effect, shall be reported to Full Council and shall, as per 2.6.2 only continue to have effect if Full Council agree.

- 9.4 Not at the same time a further issue will be reported through seeking authority for the Service Director: Resources to commence co-option for an Independent Co-opted Member to the Finance Audit and Risk Committee (with any instruction on consequential

amendments required following this decision, to be undertaken by the Service Director: Legal & Community).

**10. FINANCIAL IMPLICATIONS**

10.1 There are no significant financial implications arising from this decision.

**11. RISK IMPLICATIONS**

11.1. Ensuring the Council has appropriate governance arrangements in place is an important risk mitigation measure. The Council's Constitution is a fundamental part of those governance arrangements.

**12. EQUALITIES IMPLICATIONS**

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are no equalities implications for this report.

**13. SOCIAL VALUE IMPLICATIONS**

13.1. The Social Value Act and "go local" requirements do not apply to this decision.

**14. HUMAN RESOURCE IMPLICATIONS**

14.1 There are no direct implications from this report.

**15. ENVIRONMENTAL IMPLICATIONS**

15.1 None.

**16. APPENDICES**

16.1 Appendix A – Table of constitutional changes.

**17. CONTACT OFFICERS**

Jeanette Thompson, Service Director Legal and Community, Monitoring Officer  
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**18. BACKGROUND PAPERS**

None.

***NOTIFICATION DATE***

**22 October 2021**

**Signature of Executive Member Consulted**



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Signature of Decision Taker ...

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Date .....21.10.21

**Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.**

**Call-in does not apply to NON-EXECUTIVE DECISIONS – THIS IS A NON-EXECUTIVE DECISION**