

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE

Meeting held at the Council Offices, Gernon Road, Letchworth Garden City  
on Tuesday, 9 December 2014 at 7.30p.m.

#### MINUTES

**PRESENT:** Councillors Ray Shakespeare-Smith (Chairman), Bill Davidson, Jean Green, Steve Hemingway, Sal Jarvis, David Kearns, Sandra Lunn, Gerald Morris, Frank Radcliffe, Mike Rice and Deborah Segalini.

**IN ATTENDANCE:** Chief Inspector Julie Wheatley (Hertfordshire Constabulary), Sergeant Simon Turner (Hertfordshire Constabulary), Councillor Fiona Hill, Councillor Tony Hunter (Portfolio Holder for Community Engagement and Rural Affairs), Councillor David Levett (Portfolio Holder for Planning & Enterprise), Councillor Bernard Lovewell (Portfolio Holder for Housing and Environmental Health), Andrew Cavanagh (Head of Finance, Performance and Asset Management), Andy Godman (Head of Housing and Public Protection), Liz Green (Head of Policy and Community Services), Peter Carey (Environmental Health Manager), Anthony Roche (Acting Corporate Legal Manager), Fiona Timms (Performance and Risk Manager), David Charlton (Senior Estates Surveyor), Asha Pomroy (Anti-Social Behaviour Officer), Brendan Sullivan (Scrutiny Officer) and Hilary Dineen (Committee and Member Services Officer).

**ALSO PRESENT:** At the start of the meeting 3 members of the public.

#### 44. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cathryn Henry and Ben Lewis.

#### 45. MINUTES – 16 SEPTEMBER 2014

**RESOLVED:** That the Minutes of the Meeting held on 16 September 2014 be approved as a true record of the proceedings and be signed by the Chairman.

#### 46. NOTIFICATION OF OTHER BUSINESS

No other business was submitted for consideration by the Committee.

#### 47. CHAIRMAN'S ANNOUNCEMENTS

(1) The Chairman welcomed Chief Inspector Julie Wheatley and Sergeant Simon Turner, Hertfordshire Constabulary, who would be giving a presentation to the Committee;

(2) Members were reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.

#### 48. POLICE AND CRIME COMMISSIONER FOR HERTFORDSHIRE, CHIEF CONSTABLE FOR HERTFORDSHIRE CONSTABULARY AND CHIEF INSPECTOR FOR NORTH HERTFORDSHIRE.

The Chairman informed Members that the Police and Crime Commissioner and the Chief Constable for Hertfordshire Constabulary had given their apologies that they would be unable to attend this meeting.

Chief Inspector Julie Wheatley and Sergeant Simon Turner thanked the Chairman for inviting them to give a presentation regarding policing in North Hertfordshire as follows:

#### Finance

- There was a programme of savings up to 2018;
- A total of £35 million of savings would need to be found;
- Collaboration of services such as Human Resources, Learning and Development, Firearms, Licensing and Information Management would realise £23 million in savings;
- The focus for 2014,15 was on internal savings;

#### Crime in North Hertfordshire and Context

- A review by Her Majesty's Inspectorate of Constabulary had taken place during March 2014;
- There had been a 12.8 per cent (4,500) increase in all reported crimes;
- Robbery had increased by 7.1 per cent;
- There had been an increase in the reports of Domestic Abuse;
- Operation Yew Tree had focussed on sexual assaults.
- National Crime Recording Standards had been introduced, which had, due to stringent recording criteria, resulted in an increase in the number of recorded crimes.

#### Positives

- Burglary – Dwelling was down by 18 per cent;
- Vehicle Crime was down by 13.4 per cent.

In response to questions from Members, Chief Inspector Julie Wheatley informed Members of the following:

#### Finance

Savings of £36 million had been made in previous years by working collaboratively with Bedfordshire Police and cutting people and processes. The current annual budget was £198 million. In order to attain the level of future savings required the Chief Constable had identified areas suitable for coloration such as Human Resources and Learning and Development. Other possible savings were being considered such as sharing a control room. CI Wheatley stated that Hertfordshire Constabulary was currently in a better financial position than many other forces.

#### Her Majesty's Inspectorate of Constabulary

HMIC had assessed the ways and methods of Policing in the area in March 2014 and the outcome of this was "good".

#### National Crime Recording Standards

The new National Crime Recording Standards were very stringent resulting in all crimes being recorded. The only way for a recorded crime to be removed was to have absolute evidence that a crime did not take place, Hertfordshire Constabulary had been reviewed regarding its reporting of crime and, although were ethical, there were areas of improvement required, this has been and continues to be addressed.

#### Sexual Assault & Sexual Abuse

A full review of procedures and action plan was undertaken and the result was high. Police wore cameras in order to capture first evidence and were able to better support the victims of sexual assault. Reports of historic sexual abuse had increased due to the prominence of Operation Yew Tree.

#### Positives

Vehicle crime and robbery offences in the area were low and the number of cases solved had increased with the total number of offences solved being doubled since last year.

#### Role of Local Councillors

CI Wheatley asked Councillors to encourage members of the public to report crimes when they happened.

Members asked if there was a role for the Police to work with Local Councils when new builds were being developed.

The Chairman thanked Chief Inspector Julie Wheatley and Sergeant Simon Turner for their informative presentation.

#### **RESOLVED:**

- (1) That the Head of Development and Building Control be asked to ensure that consideration is given to crime issues when new builds are developed;
- (2) That the Scrutiny Officer be requested to liaise with Hertfordshire Constabulary to discuss and develop closer working relationships between the police, elected Members and the local community.

**REASON FOR DECISION:** To ensure that the Overview and Scrutiny Committee is kept apprised of the issues affecting Hertfordshire Constabulary and Policing matters in North Hertfordshire.

#### **49. PUBLIC PARTICIPATION**

There were no public presentations

#### **50. URGENT/GENERAL EXCEPTION ITEMS**

No urgent or general exception items were received.

#### **51. CALLED-IN ITEMS**

Since the last meeting, no decisions had been called-in by the Overview and Scrutiny Committee.

#### **52. MEMBERS QUESTIONS**

No questions had been submitted.

#### **53. REGULATION OF INVESTIGATORY POWERS ACT (RIPA) - UPDATE**

The Acting Corporate Legal Manager presented the report entitled Regulation of Investigatory Powers Act (RIPA) – update and advised that there had been no further RIPA authorisations since the last report to the Committee and there were currently no on-going RIPA authorisations.

He advised that some new RIPA codes of practice would come into force on 10 December 2014 which had added some paragraphs regarding the use of social media. Relevant Officers would be briefed on the changes.

**RESOLVED:** That the content of the report entitled Regulation of Investigatory Powers Act – Update be noted.

**REASON FOR DECISION:** To comply with best practice and the Overview and Scrutiny Committee's terms of reference.

#### **54. THE COMMUNITY TRIGGER – ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

The Environmental Health Manager presented the report entitled The Community Trigger – Anti-Social Behaviour, Crime and Policing Act 2014 and drew attention to the following:

### Corrections to the Report

Paragraphs 2.2 and 8.8 – The words “North Hertfordshire Community Safety Partnership” to replace the words “Responsible Authorities Group” in both Paragraphs.

### Paragraph 7.2

The current Government had committed to reform of the methods for dealing with anti-social behaviour, which had resulted in the passing of the Anti-Social Behaviour, Crime and Policing Act 2014. This included new tools and powers which replaced the existing provisions.

### Paragraph 7.3

The community trigger aimed to be a safety net for the most vulnerable in the community enabling victims to ask for a case review.

The Act specified relevant bodies responsible for making arrangements to carry out ASB case reviews. These were the District Council, the Police, Clinical Commissioning Groups and local social housing providers, who will be co-opted onto this group.

### Paragraph 7.5

The Act provided a statutory framework for ASB case reviews, although allowed some discretion amongst agencies to agree local processes and procedures.

### Section 8

The key issues to be considered regarding the Community Trigger in North Hertfordshire were what the trigger should be, the involvement of local social housing providers and the arrangements for responding to applications for ASB case reviews.

The recommendations contained in the report had regard to trials of the community trigger in five areas, which were overseen by the Home Office.

North Hertfordshire had a generally low incidence of anti-social behaviour, high customer satisfaction with existing procedures for dealing with ASB and a strong community partnership which was overseen by the Responsible Authorities Group.

Members asked several questions including why was North Herts Homes the only social housing provider involved in any review, how individual complainants would be aware of other complainants and whether there was a time limit for case reviews to be undertaken. Members queried whether the number of complaints would likely increase, whether there was an appeals procedure and whether details of the Community Trigger and how to complain would be published.

The Environmental Health Manager informed Members that, having consulted with other social housing providers they were happy that North Hertfordshire Homes representing them in case reviews and in respect of time limits, Officers were still developing detailed procedures. He suggested that it was unlikely that the number of complaints would vastly increase and that details about the Community Trigger and how to complain would be published on the website, with a press release also being issued. He advised that, if an applicant was not happy with the outcome following a case review, they had a right to appeal to the Responsible Authorities Group.

The Anti-Social Behaviour Officer advised that a joint database was held and that the Officers had a duty to be aware of complaints.

**RECOMMENDED TO CABINET:**

- (1) That Cabinet adopt the following as the community trigger for North Hertfordshire:  
“Three reports from an individual about separate incidents within a six month period or three individuals have separately reported anti-social behaviour within a six month period”;
- (2) That Cabinet approves the North Hertfordshire Homes Co-option onto the North Hertfordshire Community Safety Partnership with statutory responsibility for conducting anti-social behaviour case reviews;
- (3) That the Head of Housing and Public Protection be delegated responsibility to approve the case review procedures, in consultation with the relevant Portfolio Holder;
- (4) That the Head of Housing and Public Protection be delegated responsibility to represent the Council in relation to any case review applications.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to consider the report entitled “The Community Trigger – Anti-Social Behaviour, Crime and Policing Act 2014”, prior to consideration by Cabinet on 16 December 2014.

**55. RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

The Scrutiny Officer presented the report entitled Resolutions of the Overview and Scrutiny Committee and drew attention to the following:

Minute 26 – July 14 – Task and Finish Group Report on Employment Partnerships in North Herts

The Scrutiny Officer informed Members that recommendations 1 and 6 of the Task and Finish Group report had been accepted by Cabinet.

Minute 39 – September 14 – Asset Disposal and Community Asset Transfer Policy/Framework

The Scrutiny Officer informed the Committee that Cabinet had adopted the revised Asset Disposal Strategy and had accepted all of the Overview and Scrutiny Recommendations regarding the new Community Asset Transfer Policy/Framework.

The Chairman informed Members that, following the Overview and Scrutiny meeting at which this report was considered, members of the public had thanked the Committee for their careful consideration of the documents and thoughtful recommendations.

Minute 29 – July 2012 – Scoping Documents

Members expressed concern that, although public participation now appeared as a heading on scoping documents, action did not appear to have been taken to encourage participation. They considered that the use of social media might help in this regard.

The Scrutiny Officer advised that the strain on Member time limited the sort of engagement that could take place.

Members also expressed the need for the Chairman of a Task and Finish Group to have input into the scoping document.

**RESOLVED:**

- (1) That the actions resulting from the resolutions of the Overview and Scrutiny Committee be noted;
- (2) That, in future, the Chairman of a Task and Finish Group should have input into the final scoping document.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to review and monitor the progress of resolutions made.

**56. PERFORMANCE INDICATOR MONITORING REPORT - SECOND QUARTER 2014**

The Performance and Risk Manager presented the second quarter 2014 Performance Indicator Monitoring report and drew attention to the following:

BV9 – Percentage of Council Tax collected in year

There had been a slight increase in the percentage of Council Tax collected compared to the same period in 213/14.

BV12 – Working Days Lost Due to Sickness Absence

The level of short-term sickness absence had improved and there had been a good take up of the flu vaccinations, which was hoped to keep sickness absence lower during the peak months of colds and flu.

NI157a – Percentage of Planning Applications Determined within the Relevant Statutory Time Period

A Member queried whether the downturn in this area was related to staff shortage,

The Performance and Risk Manager advised that there was a high level of maternity leave and long term sickness in this department however the situation was being managed as well as possible. The department also aimed to achieve quality rather than quantity, which may result in some applications exceeding time frames.

LI033 – Area of Designated Green Belt Land in North Hertfordshire (Hectares)

A Member commented that, if NHDC decided to move the areas designated as green belt areas this indicator was not relevant.

**RESOLVED:**

- (1) The Committee agreed that this target should be removed with immediate effect, subject to Cabinet's approval.
- (2) That the Performance Indicator Monitoring Report – Second Quarter 2014 be noted;
- (3) That Performance Indicator LI033 - Area of Designated Green Belt Land in North Hertfordshire (Hectares) be removed.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to consider the Performance Indicators for the Second Quarter 2014.

**57. MID YEAR MONITORING REPORT ON PROJECTS IN THE PRIORITIES FOR THE DISTRICT 2014/15**

The Performance and Risk Manager presented the mid year monitoring report on projects for the District in 2014/15 and drew attention to the following:

Regeneration of John Barker Place

The Performance and Risk Manager advised that once the new Community Centre had been completed and the existing one demolished (anticipated for Autumn 2015), and the subsequent construction of the new Multi Games Area, work on the development of new affordable homes and shops would commence.

Working With Our Communities

A Member was concerned that NHDC had not yet mastered working with communities and that a more holistic approach could be more successful.

Westmill Community Centre

The Performance and Risk Manager informed Members that the contractor to build the new Community Centre had been appointed and that final formalities were being completed. She agreed to let the members of the Committee know when the work on the new centre had commenced.

#### Building Control Partnership Arrangement

The Performance and Risk Manager advised that the final Business Plan for this proposal was scheduled to be presented to Cabinet in January 2015 subject to the sign off at the Joint Officer Board of the 7 authorities.

Members commented that it would be useful if key target dates for projects were included in future reports.

#### **RESOLVED:**

- (1) That the Performance and Risk Manager be requested to include key target dates in future reports;
- (2) That delivery against the key projects stated in the Priorities for the District 2014/15 be noted.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to consider achievements against the Priorities for the District 2014/15.

### **58. OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME**

The Scrutiny Officer presented the Overview and Scrutiny Work Programme and drew attention to the following:

#### Work Programme

The Scrutiny Officer reminded Members that the final reports regarding the renewal of leases for three community centres would be presented to the meeting of this Committee due to be held on 20 January 2015.

#### Task and Finish Group on the Commercialisation of Council Services

The Scrutiny Officer asked Members to consider the draft scope regarding the Task and Finish Group on the Commercialisation of Council Services.

Members suggested that Unison, Careline, Building Control should be called as witnesses as well as people associated with the proposed North Hertfordshire Crematorium. They also felt that members of the public should be actively encouraged to take part, particularly as witnesses regarding question 5 of the key questions.

They asked that the Chairman of the Task and Finish Group be consulted regarding the scoping document.

#### Presentation by the Portfolio Holder for Planning and Enterprise

The Scrutiny Officer advised that the Portfolio Holder for Planning and Enterprise was due to give a presentation to this Committee at the meeting due to be held on 20 January 2015 and asked Members to suggest areas of focus for this.

Members requested that, following this meeting, the Scrutiny Officer contact all Members of the Committee for suggestions.

#### **RESOLVED:**

- (1) That the Scrutiny Officer be requested to contact all Members of the Committee for suggestions regarding the focus of the presentation by the Portfolio Holder for Planning and Enterprise to the Overview and Scrutiny Committee meeting due to be held on 20 January 2015;
- (2) That, in respect of the draft Scope regarding the proposed Task and Finish Group on Commercialisation of Council Services, the Scrutiny Officer be requested to liaise with the Chairman of this group, the Chairman of the Committee and the lead officer, in order to finalise the Scope and suggest inclusion of:

- (i) Potential witnesses – add witnesses from Unison, Careline, Building Control and regarding the proposed North Hertfordshire Crematorium;
  - (ii) Key Questions – add witnesses from members of the public, particularly with regard to Question 5;
- (3) That the following item on the Forward Plan be considered by the Overview and Scrutiny Committee:
- (i) Building Control – Hertfordshire Consortium – Business Case, due to be considered by Cabinet on 27 January 2015;
- (4) That the Overview and Scrutiny Committee Work Programme be noted.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to plan and carry out its workload efficiently and effectively.

**59. UPDATE ON NEGOTIATIONS FOR NEW LEASES OF THREE COMMUNITY CENTRES**

The Chairman advised the Committee that this report would not be presented to Cabinet until 27 January 2015 and therefore the report should be considered as a draft report.

The Senior Estates Surveyor presented the report regarding negotiations for new leases for three community centres. He advised that Council had previously considered the Community Halls Strategy which included the need for Community Halls to take more responsibility for the maintenance of the buildings.

Previous leases had been for peppercorn rents and minimal maintenance responsibilities. The proposed leases included slightly increased rent and more maintenance obligations.

The Community Centres had indicated that they would find it difficult to meet the new proposals.

Members welcomed the greater flexibility when negotiating leases, but were concerned that smaller halls or those unable to generate much income may not be able to take on more responsibility for maintenance along with the associated costs.

Members debated that smaller community Centres were run by volunteers who often did not understand the implications of the lease negotiations and could not afford to take legal advice. They considered the idea, mentioned at a previous meeting of this Committee, of a “Chinese Wall” in the Council’s legal department in order to enable NHDC to offer advice to the Community Halls.

They were also concerned that some information contained in the report was either incorrect or did not contain sufficient information or detail to enable a decision to be made and that consultation with Ward Members was via email rather than through the Members Information Service or sent in their dispatch.

The Head of Finance, Performance and Asset Management advised that NHDC only had one property solicitor, which made it impossible for a “Chinese Wall” to be employed and therefore the Legal Department was not in a position to offer advice to the Community Centres. The condition survey figures were for work required over the next 5 years, including any work to make the building DDA compliant.

Members agreed that a more detailed report should be presented to this Committee and that, pending sight of the updated report, they were minded to support recommendations 2.1 (i) and 2.2 (i) as detailed in the report

**RESOLVED:**

- (1) That the Overview and Scrutiny welcomed the report and that it was considered as a draft report;



- (2) That the Head of Finance and Asset Management be requested to include the following information in the final report:
  - (i) Previous expenditure on the buildings mentioned;
  - (ii) Costs for the necessary repair work needed;
  - (iii) Usage of the buildings mentioned;
  - (iv) How many Community Centres presented accounts to NHDC;
  - (v) How many Community Centres were in receipt of rate relief;
  - (vi) How many Community Centres were in receipt of discretionary rate relief.
- (3) That the Overview and Scrutiny Committee were minded, on the information contained in the draft report, to support recommendations 2.1 (i) and 2.2 (i) as detailed in the report.
- (4) That the Head of Finance and Asset Management be requested to present the final report to this Committee for consideration at it's meeting due to be held on 20 January 2015.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to consider the draft report entitled Update on Negotiations for New Leases of Three Community Centre.

#### **60. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act.

[Note: The definition of Paragraph 3 referred to above is as follows:-

- "3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)."]

#### **61. UPDATE ON NEGOTIATIONS FOR NEW LEASES OF THREE COMMUNITY CENTRES**

The Chairman advised the Committee that this report would not be presented to Cabinet until 27 January 2015 and therefore the report should be considered as a draft report.

Members were pleased that the report being presented was to be considered as a draft report and asked that the final report be considered at the next meeting of this Committee and thanked the Officers for the work so far undertaken.

Members debated the information contained in the report entitled Update on Negotiations for New Leases of Three Community Centres and agreed that, on the information provided, they were minded to support recommendations 2.1 (i) and 2.2 (i) as detailed in the report.

**RESOLVED:**

- (1) That the Overview and Scrutiny welcomed the report and that it was considered as a draft report;
- (2) That the Overview and Scrutiny Committee were minded, on the information contained in the draft report, to support recommendations 2.1 (i), 2.2 (i) and 2.3 as detailed in the report;
- (3) That the Head of Finance and Asset Management be requested to present the final report to this Committee for consideration at it's meeting due to be held on 20 January 2015.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to consider the draft report entitled Update on Negotiations for New Leases of Three Community Centre.

The meeting ended at 10.48 p.m.

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Chairman