

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD IN THE FOUNDATION HOUSE, ICKNIELD WAY, LETCHWORTH  
GARDEN CITY ON TUESDAY, 19 SEPTEMBER, 2017 AT 7.30 PM

#### MINUTES

**Present:** *Councillors Cathryn Henry (Chairman), Steve Hemingway (Vice-Chairman), Ian Albert, John Booth, Steve Jarvis, Janine Paterson and Frank Radcliffe*

**In Attendance:**

*Andy Godman (Head of Housing and Public Protection), Martin Lawrence (Strategic Housing Manager), Helen Rae (Active Communities Manager), Gemma Mitchell (Safeguarding Support Officer), Rachel Cooper (Controls, Risk and performance Manager), Brendan Sullivan (Scrutiny Officer) and Hilary Dineen (Committee and Member Services Officer)*

**Also Present:**

*At the start of the meeting Councillors Julian Cunningham and Bernard Lovewell.*

#### 33 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Clare Billing, Steve Deakin-Davies, Elizabeth Dennis, Jean Green and Gerald Morris.

#### 34 MINUTES - 18 JULY 2017

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 18 July 2017 be approved as a true record of the proceedings and be signed by the Chairman.

#### 35 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

#### 36 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman reminded those present that, in line with Council policy, the meeting would be audio recorded;
- (2) The Chairman informed Members that there was no sound amplification and asked Members to speak loudly and clearly;
- (3) The Chairman drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

#### 37 PUBLIC PARTICIPATION

There were no presentations by members of the public.

**38 URGENT AND GENERAL EXCEPTION ITEMS**

No urgent or general exception items were received.

**39 CALLED-IN ITEMS**

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

**40 REGULATION OF INVESTIGATORY POWERS ACT**

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

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

**41 PROPOSALS REGARDING THE IMPLEMENTATION OF THE HOMELESSNESS REDUCTION ACT 2017**

The Strategic Housing Manager presented the report of the Head of Housing and Public Protection Service entitled Proposals Regarding the Implementation of the Homelessness Reduction Act 2017.

The Strategic Housing Manager advised that there were three main areas included in the report being: new legislation, the funding that accompanies the legislation and the proposals for use of that funding.

New Legislation

- Section 7 of the report outlined the provisions of the Act;
- This represented the biggest change in homelessness provision for 40 years;
- The Act required a wider focus which would impact on the local service;
- More in-depth assessment of every household coming through the door;
- A requirement to look at a wider cohort of people ie single homeless people;
- A lot of intensive casework will be required before being able to assess whether someone meets the homelessness requirements.
- Local authorities such as police, social services and hospitals will be required to refer people to the Council;
- The culture would change from a formal and legal relationship to a more collaborative one.

Funding

- Two types of funding accompanied the legislation being the Flexible Homelessness Support Grant and new burdens funding;
- Both funding streams were for two years only.

Proposals

- There was a real risk regarding the Council's ability to meet the new responsibilities due to the volume and the depth of work involved. As a result this had been entered on the Corporate Risk Register
- It was proposed to employ two new members of staff and consider funding under the market forces policy to retain and attract good quality members of staff to meet the new burdens;
- This risk was heightened as all Councils would be seeking staff at the same time in order to meet the requirements of the Act;
- Rough sleeping was increasing in North Herts and this was unlikely to improve quickly in the current climate;

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- It will be a challenge to meet the single homelessness demand;
- The Rough sleeping project was designed to work with people to look at the root issues, get people off of the street and help sustain them.

Members queried why shared service arrangement had been suspended and whether there were plans to undertake joint or partnership working in the future.

The Strategic Housing Manager advised that the shared service arrangement were historic arrangements regarding a geographical area that had ceased to be viable some years ago and the funds set aside for this purpose would be better utilised on an area that had direct impact on homeless households.

The Council would be looking to more joint working in the future, as this was a facet of the legislation

Members considered whether and how the success of the proposals would be monitored and suggested that this Committee should monitor performance indicators relating to homelessness on a regular basis.

They queried whether the Council paid the partnership agencies in respect of their work with homeless people and how many staff would be employed for the proposed increase in budget and whether these would necessarily be experienced staff, or if staff at risk could be retrained.

The Strategic Housing Manager advised that the Council currently paid the Sanctuary in Hitchin approximately £8,000 per year and, due to increasing problems, a rough sleeper programme was being launched that would include intensive outreach work.

In respect of staffing the figure covered two additional staff for two years plus market forces payments to recruit and retain staff.

The Executive Member for Housing and Environmental Services advised that one of the biggest issues was to recruit and retain staff, particularly as every authority in the Country would be recruiting staff to deal with the increase in work, particularly as it was expected that the number of homelessness applications would more than double.

The Head of Housing and Public Protection Service advised that there had been a high turnover of staff in the department and that replacement staff had been employed from other service areas. Untrained staff would not be disadvantaged as, with the new legislation came a new philosophy moving away from the current gate-keeping model to a guiding/pathway model. Despite this it was necessary to employ some people with experience and retain existing staff as well. It should be noted that homelessness was an emotionally burdensome job and therefore staff didn't tend to stay too long.

Members asked whether authorities would be working together to find solutions for homeless people across boundaries.

The Strategic Housing Manager advised that the private rented sector was a challenge for both resources and affordability, but this was an issue to be considered. One of the two posts would focus on building relationships in the private sector.

The Head of Housing and Public Protection Service advised that there could be issues with moving people within authorities in that the authority where the person seeks help takes responsibility and account has to be taken of opposing forces, where other authorities move people into the NHDC area.

Members asked for some clarification regarding the costs of homelessness provision at present and the expected costs in the future and how the additional funding might be spent.

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The Head of Housing and Public Protection Service drew attention to Paragraph 8.2.1 and advised that the base budget figure for housing and homelessness was £175,000, although the Council outweighed this commitment several times over. In respect of the new duties there was very little certainty either regarding the funding amount or length of time that it would be available. The report therefore contained the best estimate, based on advice, of what would be offered, however this would be changed if it were found that something was not working.

It could be that the Committee invites us back to report on how things were going.

The Strategic Housing Manager advised that currently the Council received funding through DWP for which they regularly reviewed arrangements to help maintain people in homes and consider flexible rent arrangements with landlords. The aim was to formalise the arrangements from 1 April 2018.

The Executive Member for Housing and Environmental Services advised that the Council had been undertaking far more work to prevent people becoming homeless in the first place and it was important that Members realise that this work was human resource intensive.

Members asked whether work was undertaken to help enhance credit risk and/or act as guarantors to private landlords.

The Strategic Housing Manager advised that 66 percent of buy to let landlords were not able to rent in this sector as their lender would not let them and/or their insurance would cost more.

This legislation did not address help with additional properties to rent or help people deal with life challenges.

They had looked at payment of 6 months rent up front and claiming it back through housing benefit and were looking at putting guarantees in place. There were quite a small number of properties available and housing someone was a challenge.

Members suggested that many of the referrals in future would be through the court system and asked how these would be picked up and queried how single people might be helped when most accommodation in the area was family orientated.

The Head of Housing and Public Protection Service advised that the team already worked with offenders to find accommodation.

In respect of working with single people the aim was to work with them to prevent homelessness in the first place.

Different options would need to be looked at for single people such as lodgings or HMOs, although a lot of landlords had moved away from providing HMOs.

***RESOLVED:***

- (1) That the Controls, Risk and Performance Manager be requested to include Homelessness Performance Indicators in reports to this Committee on a regular basis;
- (2) That the recommendations contained in the report entitled Proposals regarding the Implementation of the Homelessness Reduction Act 2017 be supported.

***REASON FOR DECISION:*** To enable the Overview and Scrutiny Committee to consider the report entitled Proposals regarding the Implementation of the Homelessness Reduction Act 2017 prior to consideration by Cabinet.

## 42 INFORMATION NOTE - NEW SETTLEMENT

The committee received an information note entitled New Settlement.

Members commented that, when looking at the provision of a new settlement it was important that office/industrial space was considered as part of the discussion so that there would be work for the inhabitants.

They noted the budget provision of £30,000 per year and were concerned that no mention had been made as to where or on what this had been spent.

Members were also concerned that no mention had been made as to a possible location for any new settlement or what size this might be.

They queried whether there was a scope for the review that took place regarding the broader issues in respect of new settlements and whether this could be circulated to Members.

**RESOLVED:** That the Committee and Member Services Officer be requested to forward the comments of the Overview and Scrutiny Committee to the Head of Development and Building Control.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to have an input into any discussions regarding the provision of any new settlement.

## 43 FIRST QUARTER PERFORMANCE INDICATORS MONITORING REPORT 2017/18

The Controls, Risk and Performance Manager presented the report of the Head of Finance, Performance and Asset Management entitled First Quarter Performance Indicators Monitoring Report 2017/18.

She advised that 19 Performance Indicators were being reported in 2017/18 and that this report, which had been circulated to Members on 23 August 2017, only referred to those indicators that were at either red or amber status.

The Controls, Risk and Performance Manager informed Members that there were currently two Performance Indicators at Amber status and none that were red and drew attention to the following:

### NI 191 Kg residual waste per household

Following receipt of data from street sweepings the figure had reduced to 92 Kg

NHDC ranked 9 out of 52 and remained in the top quartile nationally.

### NI 192 Percentage of household waste sent for reuse, recycling and composting

The data value, when taking into account the recyclable elements from street sweepings, had increased to 60.66 percent.

NHDC ranked 11 out of 60 and remained in the top quartile.

Members commented that there was a slow general downward trend for both NI 191 and NI 192 and that this, rather than the actual figure was concerning. They queried whether this was a national trend and whether NHDC was gradually slipping down the ranking nationally.

Members asked for clarification regarding these issues and, if this were so, what actions were being taken to address the situation.

Homelessness Indicators

There were currently three Performance Indicators relating to homelessness.

Members asked for these to be reported if they showed any movement.

**RESOLVED:**

- (1) That the report entitled First Quarter Performance Indicators Monitoring Report 2017/18 be noted;
- (2) That the Controls, Risk and Performance Manager be requested to include any of the three Performance Indicators relating to homelessness, should they show any movement, in future reports;
- (3) That, in respect of NI191 and NI192, the Controls, Risk and Performance Manager be requested to investigate:
  - (i) Whether there was a national downward trend and if so why;
  - (ii) Whether NHDC was gradually slipping down the ranking nationally and if so why;
  - (iii) What actions were being taken to address the situation.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to monitor performance against targets.

**44 FIRST QUARTER MONITORING REPORT ON KEY PROJECTS FOR 2017/18**

The Controls, Risk and Performance Manager presented the report of the Head of Finance, Performance and Asset Management entitled First Quarter Monitoring Report on Key Projects for 2017/18.

She advised that, as requested at a previous meeting, Appendix A now indicated whether projects were classified as Prince II and included that dates of the last project board meeting and whether any exception reports had been produced since the last monitoring report.

The Controls, Risk and Performance Manager informed Members that three projects had been marked as completed since Quarter 4 and drew attention to the following:

Bancroft Gardens MUGA

This project had been carried forward from 2016/17.

Officers believe that they have identified a funding source to enable this project to commence, but it was unlikely that this project would be started in this financial year.

The Controls, Risk and Performance Manager proposed that this project be removed from the current reporting year and be added back in once the funding had been confirmed.

Members agreed with this solution.

Implementing outcomes from Energy Audits

Members expressed concern at the payback period of 10 years for the Power Factor Correction, although acknowledged that there was an environmental benefit as well as a financial one.

The Controls, Risk and Performance Manager advised that these had been under consultation for some years and they were things that could be easily incorporated into the DCO refurbishment.

Development of a Crematorium in North Hertfordshire

Although the project was progressing well, with the head of terms and the lease being agreed in principal, the status of the project had been changed from green to amber.

This reflected the decision to go for pre-planning advice prior to submitting the planning proposal, which would delay the process for up to three months.

It was believed that this course of action would provide a more robust approach.

Optimising Use and Management of the Council's Assets

At the time of writing the report the Grange lease had been signed, however it had been subsequently found that their constitutional requirements for entering into the lease had not been met. The organisation was currently amending their constitution to allow them to enter into the lease.

**RESOLVED:**

- (1) That the report entitled First Quarter Monitoring Report on Key Projects for 2017/18 be noted:
- (2) That the project entitled Bancroft Gardens MUGA be removed from the 2017/18 monitoring reports but be included in the 2018/19 monitoring reports:

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to monitor delivery of key projects against targets.

**45 ANNUAL SAFEGUARDING CHILDREN AND ADULTS AT RISK UPDATE (2016-17)**

The Active Communities Manager presented the report entitled Annual Safeguarding Children and Adults at Risk Update (2016-17).

The Active Communities Manager advised that this was the fourth year of reporting safeguarding activity and that at the time of the first report NHDC only had responsibilities regarding the safeguarding of children, but the responsibilities now included adults at risk.

NHDC does not investigate safeguarding concerns, but has a legal duty to report and take part in any investigations.

NHDC has to automatically refer cases of homelessness involving children to safeguarding. Other than for this reason, there had been 10 additional cases reported involving either children or adults at risk.

Paragraph 8.4 of the report detailed the actions completed between April 2016 and March 2017 and Paragraph 8.5 gave a summary of the work planned for the period April 2017 to March 2018.

Members asked whether there was value in Councillors undertaking training in this area.

The Active Communities Manager advised that she had discussed this with SMT, who had recognised the value of training for Councillors. Previous safeguarding training has been noted in MIS but there is typically very little take up.

Members commented that they had not seen the in-house e-magazine Insight and asked that the Communications Team advise them of when this is available.

Members noted that NHDC was working on a channel shift programme that encourages less face to face contact and queried whether this would cause any problems from a safeguarding point of view.

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The Active Communities Manager advised that a large number of the referrals made originated from the housing team and that it was possible that less issues were picked up if there were less contact.

Members queried whether NHDC could broaden the support it offered by talking to businesses in North Hertfordshire, particularly any of the organisations that we provided funding for.

The Active Communities Manager advised that NHDC did not wish people to report issues to us as that would just add an extra layer, they should report direct to the County Council. The Care Act and Children's Act only applied to the public sector and not to private businesses.

County Council did produce awareness materials that NHDC disseminated on their behalf.

The Executive Member for Housing and Environmental Services advised that Careline dealt with vulnerable people on a regular basis and that they reported any cases directly to County Council.

Members discussed that NHDC could be more innovative and proactive by offering to help people navigate their way through the system. They noted that various problems in this area in other parts of the Country had eventually been addressed due to individuals pushing the issue forward. They queried whether the response from County, following a referral, was within a reasonable timescale.

The Active Communities Manager advised that the legislation laid down the timescales for receiving a response from a referral, however it was often the case that no response was ever received.

**RESOLVED:**

- (1) That the progress made against the Council's fulfilment of the statutory duty to maintain an effective safeguarding function with regard to children be noted;
- (2) That the progress made against the Council's fulfilment of the statutory duty to maintain an effective safeguarding function with regard to adults at risk be noted;
- (3) That the Overview and Scrutiny Committee agrees that sufficient and robust processes are in place at NHDC for application and review of safeguarding processes;
- (4) That an annual review and presentation to the Overview and Scrutiny Committee regarding safeguarding duties be continued;
- (5) That the Communications Manager be requested to include all Members in future notifications that the in-house e-magazine Insight is available.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to monitor that robust procedures are in place regarding the statutory safeguarding duties.

**46 MEMBERS' QUESTIONS**

No questions had been submitted.

**47 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 106 – March 2017 – Performance Management Measures for 2017/18  
Members asked the Scrutiny Officer to chase the response to this query



Minute 27 – July 2017 – Corporate Plan 2018-23

Cabinet accepted one of the five comments made by this Committee in its referral

Minute 31 – July 2017 – Resolutions Report for July 2018

A meeting had been organised between the Chairman of this Committee, Leader of the Council and Chief Executive to discuss the principal of a workshop.

Minute 100 – March 2015 – Task and Finish Group Report on Parking

The Scrutiny Officer advised that the recommendations had been accepted in the context of the parking review.

The second part of the parking review was underway and would be reported in due course.

Minute 50 – September 2015 – Task and Finish Group on the Commercialisation of Council Services

A Member reported that he had been advised that there would be no further action from Cabinet or the project board and queried whether this should continue to be monitored if no further actions regarding the recommendations were planned.

The Scrutiny Officer advised that Cabinet had a responsibility to respond to recommendations from Overview and Scrutiny within two months.

Members asked that the Scrutiny Officer check the Minutes of the relevant Cabinet meeting and ask for clarification regarding any uncertain points in respect of the recommendations made to Cabinet, with a view of reporting back to this Committee and subsequently removing this item from future reports.

Minute 103 – March 2016 – Task and Finish Group on the Quality of Council Reports

The Scrutiny Officer advised that most of the recommendations had been accepted.

There had been a review of the Council report template, but the outcome appeared to be a cosmetic change rather than a profound change that altered the way that reports were written.

Members commented that each report was slightly different depending on the subject, author and level of information to be imparted, but generally felt that there had been little change in the quality of reports written

Members asked that the Scrutiny Officer do whatever is necessary to bring this issue to a close.

**RESOLVED:**

- (1) That the actions resulting from the resolutions of the Overview and Scrutiny Committee be noted;
- (2) That the Scrutiny Officer be requested to seek clarification regarding the outcome of the recommendations made by the Task and Finish Group on Commercialisation of Council Services;
- (3) That the Scrutiny Officer be requested to chase the response to the query raised under Minute 106 (March 2017);
- (4) That the Scrutiny Officer be requested to clarify any outstanding points in order to close Minute 10. (March 2016)

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

## 48 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

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

### Crime and Disorder Meeting

The Scrutiny Officer advised that the annual crime and disorder meeting was due to take place in December 2017 and asked what Members would like to see at this meeting.

Members commented that the Police and Crime Commissioner could be asked to comment on plans for policing in the future with the plans for larger connotations and how they would deploy resources.

Members agreed that the Chairman would make a final decision.

### Meetings of Overview and Scrutiny

The Scrutiny Officer informed Members that there were a couple of Cabinet meetings that would not be covered by meetings of this Committee including a special meeting of Cabinet that would consider the Waste Contract.

This contract was due to be signed some time ago and had been delayed.

Members considered whether to have a special meeting to pre-scrutinise this report or to consider a call-in if necessary. They considered that this was the biggest contract that the Council would let and it would affect every resident on North Hertfordshire.

The very short timescales involved would mean that an additional meeting of this Committee would be the only option and the Committee and Member Services Officer was asked to organise this.

### Future Meetings

The Scrutiny Officer advised that the agenda for December did not have many items and asked Members if they wished to consider the effectiveness of the Community Halls Strategy and the wider issue of the management of Council assets.

There had been problems with getting leases signed by community organisations and the main problem had been regarding the deterioration of the buildings.

Members considered that the management of Council assets should be considered, with consideration given to the maintenance and upkeep of community halls as an example.

### **RESOLVED:**

- (1) That the Overview and Scrutiny Committee Work Programme be noted;
- (2) That the Committee and Member Services Officer be requested to organise an additional meeting of the Overview and Scrutiny Committee to discuss the single issue of the Waste Contract;
- (3) That the Head of Finance, Performance and Asset Management be requested to prepare a report on the management of Council assets, using the example of community halls, paying particular regard to the maintenance and upkeep of buildings.

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

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The meeting closed at 9.40 pm

Chairman