

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, GERON ROAD,
LETCWORTH GARDEN CITY
ON TUESDAY, 22ND JANUARY, 2019 AT 7.30 PM**

MINUTES

- Present:** *Councillors Cathryn Henry (Chairman), Elizabeth Dennis-Harburg (Vice-Chairman), Ian Albert, Kate Aspinwall, Sam Collins, Simon Harwood (In place of Jean Green), Steve Jarvis, Gerald Morris, Ian Moody, Helen Oliver, Val Shanley and Martin Stears-Handscorn*
- In Attendance:** *Steve Crowley (Service Director - Commercial), James Ellis (Legal Advisor), Simon Ellis (Development and Conservation Manager) and Kirstie Wilson (Temporary Scrutiny Officer) and*
- Also Present:** *At the commencement of the meeting Richard Lilley (Inspector Safer Neighbourhood Team Hertfordshire Police) and Sally Phillips (Chief Inspector Hertfordshire Police).*

63 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Steve Deakin-Davies, Jean Green, Ben Lewis, Michael Muir and Janine Paterson.

Having given due notice Councillor Simon Harwood advised that he would be substituting for Councillor Jean Green.

64 MINUTES - 11 DECEMBER 2018

Audio recording - Session 1 – 19.36

RESOLVED: That the Minutes of the Meeting of the Committee held on 11 December 2018 be approved as a true record of the proceedings and be signed by the Chairman.

65 NOTIFICATION OF OTHER BUSINESS

Audio recording - Session 1 – 19.37

There was no other business notified.

66 CHAIRMAN'S ANNOUNCEMENTS

Audio recording - Session 1 – 19.37

- (1) The Chairman announced that the following item on the work programme would also be on the agenda: Crime and Disorder – presentation from Chief Inspectors Richard Lilley and Sally Phillips.
- (2) The Chairman asked that Members and speakers speak directly into the microphones.
- (3) The Chairman reminded Members that, in accordance with Council policy, the meeting would be audio recorded.

- (4) The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest were to be declared immediately prior to the item in question. Members declaring a Declarable Interest, wishing to exercise a "Councillor Speaking Right", were to declare this at the same time as the interest.

67 PUBLIC PARTICIPATION

Audio recording - Session 1 – 19.38

No petitions or presentations were received from members of the public.

68 URGENT AND GENERAL EXCEPTION ITEMS

Audio recording - Session 1 – 19.39

There were no urgent or general exception items.

POLICE CRIME AND DISORDER UPDATE

Audio recording - Session 1 – 19.39 (39 minutes)

Hertfordshire Constabulary updated Members on Crime and Disorder in the district. The Committee noted the following:

- North Herts had the highest performing Community Safety Partnership in Hertfordshire.
- There had been an increase in crime, partially due to the increase in reporting of domestic abuse, as well as increase in motor vehicle theft, in part due to the number of cars left unlocked. There had also been an increase in burglaries.
- Hate crime and shoplifting had decreased along with a reduction in criminal damage offences.
- There had been a recruitment drive, with an additional 90 officers due to join in the spring 2019.
- The Domestic Abuse Action Plan was due to be launched, with the principal aims of "protect, pursue, prevent and prepare".
- There had been a successful two year operation to combat challenging rural crime, where land owners and gamekeepers were targeted.
- 22% residents had now signed up to the Neighbourhood Watch Scheme, with membership currently at over 53,000.
- Significant events of the last year included Remembrance Day, school education projects (covering internet and road safety, bullying, gangs) and a community garden to help youths with a history of offences.
- A project to prevent knife crime in the borough was also underway, although there was no issue as yet in the district.

A discussion ensued and the following Members took part:

Councillor Ian Albert
Councillor Gerald Morris
Councillor Martin Stears-Handscorn

The following points were raised by Members and subsequently confirmed by Hertfordshire Constabulary:

- The police had worked with both East Herts and Essex police as well as the National Farmers Union in targeting rural crime.
- The police would bring full statistics on crime and disorder and performance to the next annual update to the Committee.

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- The police recruitment drive could mean that the previously successful Rhythms of the World Festival, last held in 2017, could go ahead in future years. Increased presence at the festival would mean that the due processes of operational safety would be met. Butts Close was being looked at as an alternative venue to the Town Centre and organisers were looking at two days in June 2019.
- The police would consider setting up local surgeries again so that issues at ward level could be looked at effectively.

69 CALLED-IN ITEMS

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

70 REGULATION INVESTIGATORY POWERS ACT (RIPA) UPDATE AND ANNUAL REVIEW

Audio recording - Session 1 – 20:18 (20 minutes)

The report of the Legal Regulatory Team Manager updated Members on the Council's current use of Regulation of Investigatory Powers Act (RIPA) and set out the annual policy review.

The Home Office had published a revised Code of Practice on Covert Surveillance and Property Interference (regarding social networking sites) and the Council's RIPA policy has been updated to ensure that it was complaint and was included in Appendix A.

Other notable amendments included extending overt surveillance, Guidance Note for the Committee on handling CHIS's, reference to the National Anti-Fraud Network Single Point of Contact service.

In addition Members noted that there had been no new authorisations to use RIPA and there were no current authorisations as per the last quarter.

A discussion followed and Members of the Committee took part:

Councillor Martin Stears-Handscomb

Members raised that a quarterly update on RIPA was unnecessary and ought to be brought to the Committee once a year. However it was noted that it was important that audit requirements were met and Members remained aware of the policy.

RESOLVED:

- (1) That the Overview and Scrutiny Committee note the content of the report.
- (2) That the Overview and Scrutiny Committee recommend to Cabinet the adoption of the RIPA Policy as amended (Appendix A).
- (3) That the Scrutiny Officer add the RIPA policy to the work programme.
- (4) That the Legal Regulatory Team Manager check whether an annual report would meet the requirements of the IPCO audit.

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

71 APPROACH TO NEW DEVELOPMENTS

Audio recording - Session 1 – 20:28 (25 minutes)

The report of the Development and Conservation Manager set out the actions that were being considered to address the issue of construction management, in particular the route which developers require their vehicles to enter and leave sites during construction.

With significant new development proposed within the North Hertfordshire District Local Plan (2011-2031) and with developments that were already being constructed such as Lucas Lane, Hitchin and Elm Tree Farm, and Pirton, it was a public concern.

Hertfordshire County Council had advised that conditions on planning permission which sought to require developers to manage construction activities on site should be imposed and could include the following issues:

- To secure sight lines, access works, on-site highway works
- Provision of wheel cleaning equipment at access points to the site
- To apply time limits on HGV access to a site to ensure they are not unsociable
- To impose prohibitions on the use of certain access to the site for certain type of traffic.

In addition it was important to ensure that the wider community was engaged with at the earliest possible stage.

Subsequently there was a discussion and the following Members took part:

Councillor Elizabeth Dennis-Harburg
Councillor Simon Harwood
Councillor Steve Jarvis
Councillor Gerald Morris
Martin Stears-Handscorn

The following points were raised by the Committee:

- It would be useful to await the outcome of the Pirton Appeal.
- Holding pens would need to be an appropriate distance away from the construction site to mitigate the issue of construction vehicles parking outside the zone waiting to enter a site causing traffic issues or disrupting local residents.
- Some members felt that relying on the goodwill of developers not to cause a disturbance wasn't good enough nor was the issue of them not being accountable for their subcontractors and wanted a more robust approach.

The Officer confirmed, however, that there was no legal requirement for developers to consult with residents, nor a legal basis on which the Council could refuse planning permission or guide the location and scale of new developments if the developer failed to address some of the issues outlined in the conditions.

In addition that developers were often considerate, although there could be issues with contractors not under the direct control of the developer.

In most cases it would be unreasonable to serve a stop notice and prevent or halt the development, even if a Construction Management Plan was breached as it would be seen as disproportional to the housing needs of the area.

The needs of developers and needs of residents would be addressed in the new approach but it was inevitable that some disturbance to residents as a result of development was inevitable.

RESOLVED:

- (1) That Members endorse the actions recommended in the report
- (2) That Members seek to continue to impose conditions where appropriate on planning permission to see to control Construction Management traffic routes.
- (3) That Members inset a new section of the forthcoming revision to the Council's Statement of Community Involvement (SCI) which advised developers of major development sites to consider the issue of construction management and to engage with

the wide community at the earliest possible stage in their development plans and preparations.

REASON FOR DECISION: To advise Members of the approach to be taken and to see their endorsement.

72 COMMERCIAL STRATEGY

Audio recording - Session 1 – 20:53pm (1 hour 5 minutes)

The report of the Service Director (Commercial) set out the proposed North Hertfordshire District Council (NHDC) Commercial Strategy 2019-23, which detailed the strategic direction for the Council's commercial services over the next five years.

The report gave the case for a commercial strategy, and the need to generate additional income from services that were allowed to assist in subsidising discretionary services and the need to change to a culture than thought commercially. In addition it provided an overview of the Council's current financial position and the need to improve the annual revenue net position which was currently estimated between £0.7m and £1.9m by 2022/23.

There was a lengthy session of questions in which the following Members took part:

Councillor Steve Jarvis
Councillor Sam Collins
Councillor Kate Aspinwall
Councillor Martin Stears-Handscomb
Councillor Simon Harwood
Councillor Helen Oliver
Councillor Gerald Morris
Councillor Ian Albert

The following points were raised by Members:

- Risks would need to be fully considered.
- Whether the Council could in principle borrow to invest.
- Timescales would need to be more detailed, as some commercial activities would produce returns more quickly than others.
- An indication of KPIs for the business cases would be useful in the strategy.
- The investment that had gone into creating the Commercial team would need overview in terms of the cost of recruitment and targets.
- The timescales outlined in the strategy were up until March 2021, and a further detailed hierarchy of actions would be needed to make the strategy tangible.
- Although income generation was the principle aim of the strategy, social benefit and social values ought to be embedded in the strategy as well.
- It was important that the Council's breakeven services were protected.

The Service Director (Commercial) responded and Members noted that:

- The detail of each commercial activity would be provided in a business case and not in the strategy, which would include risks, KPIs, timescales, details on return on investments as part of a scoring matrix.
- Officers would be researching the commercial activities of other Councils and sharing best practice. All business cases would follow the Council's approval process and therefore could be considered by the Overview and Scrutiny Committee prior to consideration by the Sub-Committee or Cabinet.
- The Commercial Team would engage with other teams within the Council, encourage them to think commercially and put together business cases (such as income from

parks, providing legal and IT support to other Councils improving technology or more long term projects such as a solar farm).

- The Commercial Team consisted of the Service Director, two Commercial Support Officers and were in the process of recruiting a Commercial Manager and Officer.
- The success or failure of the Commercial Team would be measured and brought back to the sub-committee of the Cabinet.
- The success or failure of certain business plans would also be brought back to the sub-committee of the Cabinet.
- Additional income would help safeguard “break even” and non-statutory services.

Members then highlighted that it was inappropriate for Cabinet to use just the sub-committee and as best practice it would need to be more inclusive. It was proposed that Cabinet work with Overview and Scrutiny Committee to establish a cross party task and finish group so that expertise was fully utilised.

It was then moved by Councillor Martin Stears-Handscomb and seconded by Councillor Steve Jarvis and

AGREED (unanimously).

In addition the Chairman requested that the Member for the Corporate Plan was made aware for the Commercial Strategy and any potential impact regarding the Councils statutory and non-statutory functions and the potential need for further safeguarding.

The Executive Member advised the Committee that:

- The Cabinet would provide information to the sub-committee on commercialisation project board and would share issues raised.

RECOMMENDED TO CABINET:

- (1) That, subject to the inclusion of amended requirements regarding wider Member input into commercial activities, the North Hertfordshire District Council Commercial Strategy 2019-23 be adopted.

REASON FOR DECISION:

To ensure there is a clear strategy that identifies how the Council understands commercialisation and what the Council is doing to embed a commercial culture.

73 HITCHIN TOWN HALL / DISTRICT WIDE MUSEUM PROJECT - REVIEW PROCESS REPORT

Audio recording - Session 1 - 21.58 (31 minutes)

The Chairman put it to Members whether to defer the item to the next meeting of the Committee or to hear the item. It was moved by Councillor Martin Stears-Handscomb and seconded by Councillor Ian Moody that the item go ahead and be heard.

The report of the Scrutiny Officer set out the proposed approach for the review into the Hitchin Town Hall/ District Wide Museum Project (HTH/DWM Project).

Members noted that review into the project by a task and finish group was important to:

- To evaluate the issues that arose with partners during the project.
- To investigate issues around effectiveness of the contractual arrangements between partners and the Council.
- To understand the risk management and risk sharing between the Council and partners.
- To understand the performance issues that arose between the Council and its partners.

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- To make recommendation to improve future partner working relationships.

Members approval on the proposed approach was sought on the following areas:

- Review Terms of Reference
- Review Panel Formation
- Appointment of Independent Chair
- Review Timeline.

There was a discussion and the following Members took part:

Councillor Sam Collins
Councillor Elizabeth Dennis-Harburg
Councillor Steve Jarvis
Councillor Simon Harwood
Councillor Gerald Morris
Councillor Martin Stears-Handscomb
Councillor Ian Moody.

The following points were raised:

- The Scrutiny of the project was essential to ensure that lessons were learnt and that a similar situation was prevented in the future. It would also mitigate any reputational risk by conducting it in the public domain.
- Those on the review group would need to be impartial and Members would need to check that no adverse comments had previously been put into the public domain, such as via FaceBook or Twitter. (Councillor Simon Harwood declared an interest by virtue of being ward Councillor at the time and would likely be called to give evidence and therefore would be unable to be part of the project review.
- That Peter Chapman, as the Independent Chairman, may be too closely linked to NHDC for the required review impartiality and that Donna Modest would therefore be a better choice of independent chair. Councillors Stears-Hanscomb advised that he knew of a suitable candidate to Chair the Panel and the Scrutiny Officer was requested to make contact.
- Terms of reference should further include the evaluation of the effectiveness of the contractual and financial arrangements as well as the cost of the project.
- There was a duty of care to ensure that Officers felt comfortable during the review process and the Scrutiny Officer noted that such details might need to be kept out of the public domain. It was also considered that an HR specialist might be required to represent Officer's views.
- That the Scrutiny Officer should take forward any communication with the Independent Chairman to support the transparency of the review.

RESOLVED:

- (1) That the Committee receive and comment on the approach into the review of the Hitchin Town Hall / District Wide Museum Project
- (2) That the Committee agree the proposed approach and associated timeline for the conducting of the review.
- (3) That the Committee delegates the finalising of any outstanding actions to the Lead Support Officer (the Democratic Services Manager), in consultation with the Chairman, Vice Chairman and Group Leaders.

REASON FOR DECISION:

The recommendations are the best course of action for the review into the project.

74 MEMBERS' QUESTIONS

No questions had been submitted.

75 RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

Audio recording - Session 1 - 22:30pm

The report of the Acting Scrutiny Officer was adjourned until the next meeting.

76 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME FOR 2018/19

Audio recording - Session 1 – 22:30pm

The report of the Acting Scrutiny Officer which highlighted items scheduled in the Overview and Scrutiny Committee's work programme for 2018/19 was adjourned until the next meeting.

The meeting closed at 10.30 pm

Chairman