

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

**MEETING HELD AS A VIRTUAL MEETING
ON TUESDAY, 9TH MARCH, 2021 AT 7.30 PM**

MINUTES

Present: *Councillors: Councillor David Levett (Chair), Councillor Kate Aspinwall (Vice-Chair), Clare Billing (In place of Adem Ruggiero-Cakir), Val Bryant, Sam Collins, Morgan Derbyshire (In place of Claire Strong), Terry Hone, Tony Hunter, Jim McNally, Lisa Nash, Sue Ngwala and Tom Tyson*

In Attendance: *Councillor Martin Stears-Handscomb (Leader of the Council), Councillor Paul Clark (Deputy Leader of the Council), Councillor Ian Albert (Executive Member for Finance and IT), Councillor Keith Hoskins (Executive Member for Enterprise and Cooperative Development), Councillor Elizabeth Dennis-Harburg (Executive Member for Recycling and Waste Management), Anthony Roche (Managing Director), Steve Crowley (Service Director - Commercial), Rachel Cooper (Controls, Risk and Performance Manager), Nigel Smith (Strategic Planning Manager), Christopher Robson (Senior Estates Surveyor), Helen Flage (Principal Strategic Planning Officer), Chloe Gray (Commercial Officer) and Hilary Dineen (Committee, Member and Scrutiny Manager)*

81 WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

Audio recording – 20 seconds

The Chair welcomed everyone to this Overview and Scrutiny Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online. There was also the opportunity for the public and press to listen to and view proceedings.

The Chair invited the Committee, Member and Scrutiny Manager to explain how proceedings would work and to confirm that Members and Officers were in attendance.

The Committee, Member and Scrutiny Manager undertook a roll call to ensure that all Members, Officers and registered speakers could hear and be heard and gave advice regarding the following:

Extracts from the Remote/Partly Remote Meetings Protocol were included with the agenda and the full version was available on the Council's website which included information regarding:

- Live Streaming;
- Noise Interference;
- Rules of Debate;
- Voting; and
- Part 2 Items.

Members were requested to ensure that they were familiar with the Protocol.

The Chair of the Overview and Scrutiny Committee, Councillor David Levett started the meeting proper.

82 APOLOGIES FOR ABSENCE

Audio recording – 3 minutes 56 seconds

Apologies for absence were received from Councillors Adem Ruggiero-Cakir and Claire Strong.

Having given due notice Councillor Clare Billing advised that she would be substituting for Councillor Ruggiero-Cakir and Councillor Morgan Derbyshire advised that he would be substituting for Councillor Strong.

83 MINUTES - 19 JANUARY 2021

Audio Recording – 4 minutes 12 seconds

Councillor David Levett proposed, Councillor Kate Aspinwall seconded and it was:

RESOLVED:

- (1) That the Minutes of the Meeting of the Committee held on 19 January 2021 be approved as a true record of the proceedings;
- (2) That, with the authorisation of the Chair, his electronic signature and initials be attached to the Minutes approved in (1) above.

84 NOTIFICATION OF OTHER BUSINESS

Audio recording – 5 minutes 20 seconds

There was no other business notified.

85 CHAIR'S ANNOUNCEMENTS

Audio recording – 5 minutes 24 seconds

- (1) The Chair advised that, in accordance with Council policy this meeting was being audio recorded as well as filmed. The audio recordings would be available on Mod.gov and the film recording via the NHDC YouTube channel.
- (2) Members were reminded to make declarations of interest before an item, the detailed reminder about this and speaking rights was set out under Chair's Announcements on the agenda.
- (3) The Chair advised that he would be taking Item 21 – Commercial Update Part 2 report immediately prior to Item 18 – the Part 1 report of the same name.

86 PUBLIC PARTICIPATION

Audio recording – 6 minutes 17 seconds

There were no presentations by members of the public.

87 URGENT AND GENERAL EXCEPTION ITEMS

Audio recording – 6 minutes 21 seconds

The Chair advised that he, as Chair of the Overview and Scrutiny Committee, had agreed for a Part 2 item regarding Contract Procurement Waiver Referral, not previously notified, to be considered by Cabinet at the meeting due to be held on 16 March 2021.

88 CALLED-IN ITEMS

Audio recording – 6 minutes 43 seconds

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

89 RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

Audio recording – 6 minutes 47 seconds

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

- The Draft Design SPD had been included in the report entitled Local Plan Implementation, which was being considered later in this meeting.
- A report including consideration of outdoor pool opening times was due to be considered by Cabinet on 16 March 2021.
- The figures for attendance in 2019/20 at physical meetings and in 2020/21 at virtual meetings, plus figures of those viewing the recording after the meetings had taken place were included in the Performance Indicator report for information.

Councillor David Levett proposed, Councillor Jim McNally seconded and it was:

RESOLVED: That the report entitled Resolutions of the Overview and Scrutiny Committee be noted.

REASON FOR DECISION: To enable the Overview and Scrutiny Committee to review and comment on actions and feedback received regarding resolutions previously made.

90 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

Audio recording – 9 minutes 2 seconds

The Committee, Member and Scrutiny Manager presented the report entitled Overview and Scrutiny Committee Work Programme together with the following appendices:

- Appendix A - Work Programme;
- Appendix B - Forward Plan - 5 February 2021;
- Appendix C - Corporate Peer Challenge Extracts from Action Plan.

She drew attention to the following:

- The first meeting of next Civic Year included a presentation by the Leader of the Council;
- No suggestions had been received from Members regarding the focus for settle and LEP;
- settle would be invited to attend the June or July meeting;
- The LEP would be invited to a meeting later in the next Civic Year;
- An update on the Corporate Peer Challenge Action Plan would be considered later in this meeting.

The following Members took part in the debate:

- Councillor Sam Collins;
- Councillor David Levett.

In response to questions Councillor David Levett advised that the planned Task and Finish Group on the Waste Contract would take place, however officers were and had been working to support the community through the pandemic and therefore would be delayed further.

Councillor David Levett proposed, Councillor Kate Aspinwall seconded and it was:

RESOLVED:

- (1) That the report entitled Overview and Scrutiny Committee Work Programme be noted;
- (2) That Members be requested to inform the Chair and the Committee, Member and Scrutiny Manager of any items to be considered at the Overview and Scrutiny Committee meeting of 15 June 2021 and beyond;
- (3) That an invitation be sent to settle to attend the June or July meeting of the Overview and Scrutiny Committee;
- (4) That the Committee, Member and Scrutiny Manager be requested to invite settle to attend the Overview and Scrutiny Committee to make a presentation that includes their approach to the supply of rented social housing.

REASON FOR DECISION: To allow the Committee to set a work programme which provides focussed Member oversight, encourages open debate and seeks to achieve service improvement through effective policy development and meaningful policy and service change.

91 ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2020/2021

Audio recording – 13 minutes 11 seconds

Prior to the item being discussed, the Chair, noting that this was the last meeting of the Committee of the 2020/21 Civic Year, thanked all who had taken part in and supported the Overview and Scrutiny meetings and process including The Members of the Committee, Executive Members who had attended and presented to the Committee, the Committee, Member and Scrutiny Manager, the Committee, Member and Scrutiny Officer and all of the officers and support staff.

The Committee, Member and Scrutiny Manager presented the report entitled Annual Report of the Overview and Scrutiny Committee 2020/2021 together with the following appendix:

- Appendix A - Annual Report of the Overview and Scrutiny Committee 2020/2021.

She drew attention to the following:

- This was a draft of the Annual Report that would be presented to Annual Council;
- The statistics had not been completed as this meeting would form part of the year being reported;
- There was a correction to Paragraph 7 – Safeguarding, which should say that the annual update was received in December 2020;
- If Members wished a section could be included regarding the attendance and viewing figures.

The following Members took part in the debate:

- Councillor David Levett

Councillor David Levett proposed and it was:

RESOLVED:

- (1) That the report entitled Annual Report of the Overview and Scrutiny Committee 2020/21 be noted;
- (2) That, subject to the following amendments, the Annual Report of the Overview and Scrutiny Committee 2020/21 be presented to Annual Council:
 - (i) That a section be added to the Annual report regarding attendance and viewing figures
- (3) That the thanks of the Chair to all participants at and those supporting the work of the Overview and Scrutiny Committee meetings be formally recorded.

REASON FOR DECISION: To enable the Overview and Scrutiny Committee to consider and comment on the report of the Chair of the Overview and Scrutiny Committee regarding the work of the Committee in the 2020/2021 Civic Year prior to consideration by Council.

92 UPDATE ON CORPORATE PEER CHALLENGE ACTION PLAN

Audio recording – 16 minutes 59 seconds

The Leader and Deputy Leader of the Council presented the report entitled Update on Corporate Peer Challenge Action Plan together with the following appendix:

- Appendix A – Updated Corporate Peer Challenge Action Plan.

The Leader of the Council advised that:

- The Corporate Peer Challenge had taken place in January 2020;
- At that time and as a new administration the advice was welcomed.

The Deputy Leader of the Council advised that:

- A lot had changed since the Peer Challenge had happened, but the recommendations within that report remained valid for the Council and the Community;
- There were huge demands on staff, which meant that some recommendations had not yet been progressed;
- It was now possible to add realistic timescales to those recommendations;
- Good progress had been made regarding some of the recommendations;
- 17 of the 60 recommendations were marked as complete
- Two of the recommendations regarding the timing and length of meetings would not be taken forward.

The Managing Director advised that the recommendations regarding Overview and Scrutiny would be updated on the main action plan.

The following Members took part in the debate:

- Councillor David Levett.

Councillor David Levett proposed and it was:

RECOMMENDED TO CABINET: That the progress made on the Corporate Peer Challenge Action Plan as set out at Appendix A be noted.

REASON FOR DECISION: To enable the Overview and Scrutiny Committee to comment on the report entitled Update on Corporate Peer Challenge Action Plan prior to consideration by Cabinet.

93 LOCAL PLAN IMPLEMENTATION

Audio recording – 23 minutes 15 seconds

The Executive Member for Planning and Transport introduced the revised report entitled Local Plan Implementation together with the following appendix:

- Appendix A - North Hertfordshire Masterplanning Principles.

The Strategic Planning Manager drew attention to the following:

- This was a wide ranging report that set out a programme of work to support the Local Plan;
- Modifications had not yet been received by the Inspector;
- There had been a lot of changes both Nationally and locally;
- Section 7 of the report set out the policies;
- Section 8 set out a way to move forward;
- There was a significant risk in moving forward with CIL at the current time, as the Government were planning to undertake a review of CIL.

The following Members asked questions and took part in the debate:

- Councillor Sam Collins;
- Councillor David Levett;
- Councillor Tom Tyson.

The Strategic Planning Manager and Principal Strategic Planning Officer responded to questions including:

- That the revised Design SPD could be considered by the Committee alternatively a Member workshop could be organised for this purpose;
- The Master Planning guidance was guidance on the process, whereas the Design and Sustainability SPDs were the detail;
- The Government was being quite prescriptive regarding what could be included in design SPDs and work was needed to ensure that our guidance complied;
- This report would be considered by Cabinet on 16 March 2021 and it was hoped that it would be able to be considered by full Council at the end of the year;
- That there was an very important community led aspect, which included Neighbourhood Plans.

The Executive Member for Planning and Transport advised:

- Acknowledged the work previously undertaken by Councillors Collins and Levett regarding the draft Design SPD and noted that as the Local Plan had been delayed, it had been necessary to change elements;
- Consideration of CIL was not appropriate at this time, but it would be considered at a later date.

RECOMMENDED TO CABINET:

- (1) That the North Hertfordshire Masterplanning Guidance, attached as Appendix A, be approved and recognised as a material consideration in the determination of relevant planning applications with the following amendment;
 - (i) That Paragraph 3.2 be amended to include references to Neighbourhood Planning Groups and the Design SPD.
- (2) That officers be authorised to commence work on a revised and updated programme of Supplementary Planning Documents and supporting evidence as set out in this report;
- (3) That to support recommendation 2.2, Cabinet:
 - a. Resolve not to pursue the preparation of a Community Infrastructure Levy for the District at this time; and
 - b. Authorise the reprofiling of existing, approved revenue budgets for Community Infrastructure Levy (£87,000) and the potential Single Issue Review of the Local Plan (£80,000) to deliver this work;
- (4) That a Member working group be arranged to discuss the Design and Sustainability SPDs prior to consideration of these by Cabinet.

REASON FOR DECISIONS: To ensure that resources are used most effectively to support the implementation of the new Local Plan for North Hertfordshire and to improve delivery upon corporate priorities relating to place leadership and the declared climate change emergency.

94 QUARTER 3 2020/21 PERFORMANCE AGAINST PERFORMANCE INDICATORS

Audio recording – 53 minutes 08 seconds

The Controls, Risk and Performance Manager presented the report entitled Quarter 3 2020/21 Performance Against Performance Indicators together with the following appendix:

- Virtual and Physical Meeting Attendance by members of the public 2019 to 2021

She drew attention to the following:

Status Summary

- There were some amber and red indicators;
- 11 'direction of travel' indicators were going down.

MI P&R 001 and BV10

- Collection rates continued to be below target due to the pandemic;
- Sales ledger and NNDR were showing as red indicators.

BV9

- The Council Tax collection rate had now moved to an amber indicator as Council Tax payers were able to pay in instalments.

REG 1 and REG 2

- Rates of homelessness prevention and relief were doing well, reflecting the hard work of the team, although the Government's policy of 'Everyone In' meant that there was an increase in the number of households in temporary accommodation.

REG 3

- At the time of writing the report the data had not been available for the number of environmental health inspections completed;
- As previously reported the team were working on supporting the pandemic so were not carrying out many inspections; businesses were also closed due to lockdown;
- The percentage was currently at 13.6%.

MI LI 015

- The number of visits to leisure facilities was now being measured against the recovery plan approved by Cabinet and this was on track;
- A report was going to Cabinet on 16 March 2021 regarding keeping the outdoor pools open for longer in 2021/22 which would hopefully help to support the levels of visits.

Appendix

- A document showing attendance by members of the public at virtual and physical meetings between 2019 and 2021 had been produced, as requested at the meeting of the Overview and Scrutiny Committee of 19 January 2021.
- For 2019/20 the numbers of attendees physically present at meetings was shown and for 2020/21 the number of live and recorded YouTube views were shown. These would be provided as part of the quarterly monitoring reports for information.
- Although the figures could not be directly compared, they did show that a wider audience was being reached albeit via recordings of Council meetings.

Councillor David Levett thanked officers for providing the figures for virtual and physical meetings which were interesting to note.

RESOLVED: That the 3rd Quarter Update on Performance against Performance Indicators be noted.

REASON FOR DECISION: To update the Committee on the performance indicators as well as other indicators that officers have updated and activated on Pentana Risk.

95 NEW YEAR PERFORMANCE INDICATORS TO BE MONITORED IN 2021/22

Audio recording - 58 minutes 40 seconds

The Leader of the Council introduced the report entitled New Year Performance Indicators to be Monitored in 2021/22.

The Controls, Risk and Performance Manager drew attention to the following:

- There were no new or deleted performance indicators proposed for 2021/22;
- Council Tax and NNDR collection rates had been temporarily adjusted down for the new year due to customers and businesses being given extended instalments for the 20/21 payment;
- The Electricity, Gas and Energy target had been revised to 95% of the 20/21 target to take into account energy saving measures which had both been taken and were proposed;
- The number of visits to leisure centres had been adjusted in line with the recovery plan. Figures were based on April 2021 re-opening dates in line with current Government guidance;
- All other PIs and targets remained unchanged.

RECOMMENDED TO CABINET: That Cabinet considers and formally approves the PIs and any associated targets that will be monitored throughout 2021/2022 by Overview & Scrutiny.

REASON FOR DECISION: To enable the Overview and Scrutiny Committee to comment on the report entitled New Year Performance Indicators to be Monitored in 2021/22 prior to consideration by Cabinet.

96 3RD QUARTER MONITORING REPORT ON KEY PROJECTS FOR 2020/21

Audio recording – 1 hour 1 minute 48 seconds

The Controls, Risk and Performance Manager presented the report entitled 3rd Quarter Monitoring Report on Key Projects for 2020-21 together with the following appendix:

- Appendix A - 3rd Quarter Monitoring against Key Projects for 2020/21.

She drew attention to the following:

- Of the 13 projects currently being monitored, 6 were showing as green status, 5 were amber, 1 was completed and 1 was pending;
- The implementation of the Customer and Member Portals had moved from green to amber. The customer portal had gone live with a soft launch but the Member portal did not meet the target date of December due to a technical issue which had now been rectified and should be going live shortly;
- The renovation of Howard Park Play Area had moved to amber due to a delay in the delivery of playground equipment – it was estimated that the project would overrun by 4 weeks as a result;
- Preparation for Brexit had been marked as complete however officers would continue to monitor and record relevant issues within the service areas via the corporate risk entry which was still being updated;
- The Crematorium hearing took place on 22 February 2021 and a decision was expected week commencing 15 March 2021.

The following Members asked questions:

- Councillor David Levett.

The Controls, Risk and Performance Manager confirmed that:

- The Brexit Project Board had signed off the Brexit preparation project. Further risks were being monitored by the Finance, Audit and Risk Committee and the Risk Management Group.

RESOLVED: That delivery against the key projects for 2020/21 be noted.

REASON FOR DECISIONS: To enable achievements against the key projects for 2020/21 to be considered.

97 NEW YEAR REPORT ON PROJECTS TO BE MONITORED FOR 2021/22

Audio recording – 1 hour 5 minutes 38 seconds

The Leader of the Council introduced the report entitled New Year Report on Projects to be Monitored for 2021/22 and advised of a correction to the report that the New Council Priority was in fact the current Council Priority.

The Controls, Risk and Performance Manager drew attention to the following:

- There were 15 projects to be monitored;
- Milestones for each project would be included on monitoring reports.

The Managing Director advised that Churchgate now sat with the Service Director – Commercial.

RESOLVED: That the key projects, subject to capacity, that will be the key focus for the Council 2021 / 2022 be noted.

REASON FOR DECISION: The Corporate Business Planning Timetable requires the key projects to be considered by this Committee. In addition, this Committee has a role in monitoring the delivery of these projects.

98 UPDATE OF THE COMMERCIAL DIRECTORATE'S PROGRESS AND FUTURE WORK PROGRAMME - PART I

Audio recording – 1 hour 38 minutes 4 seconds

The Committee Member and Scrutiny Manager undertook a roll call to ensure all present could hear and be heard.

NB This Item was considered following the Part 2 Item of the same name (Minute101 refers)

Prior to the item being considered Councillor David Levett declared a disclosable pecuniary interest in respect of Garden Square Shopping Centre that he held 2 licensed tenancies within the Centre. He asked that any discussion regarding the shopping centre be held at the end of the debate at which time he would leave the meeting.

NB: There was no further discussion regarding the Garden Square Shopping Centre.

RESOLVED: That the report entitled Update of the Commercial Directorate's Progress and Future Work Programme be noted.

REASON FOR DECISION: The report is following the request of the committee for an update on the progress of the Commercial Directorate work programme and is for information only.

99 MEMBERS' QUESTIONS

Audio recording – 1 hour 41 minutes 37 seconds

No questions had been submitted.

100 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 1 hour 8 minutes 16 seconds

Councillor David Levett proposed, Councillor Kate Aspinwall seconded and it was:

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

101 UPDATE OF THE COMMERCIAL DIRECTORATE'S PROGRESS AND FUTURE WORK PROGRAMME - PART II

NB: This Part 2 Item was not audio recorded or filmed.

The Committee Member and Scrutiny Manager undertook a roll call to ensure all present could hear and be heard.

NB This Item was considered prior to the Part 1 Item of the same name (Minute 98 refers).

Prior to the item being considered Councillor David Levett declared a disclosable pecuniary interest in respect of Garden Square Shopping Centre that he held 2 licenced tenancies within the Centre. He asked that any discussion regarding the shopping centre be held at the end of the debate at which time he would leave the Part 2 meeting.

The Executive Member for Enterprise and Cooperative Development presented the Part 2 report entitled Update on the Commercial Directorate's Progress and Future Work Programme.

The following Member asked questions:

- Councillor David Levett.

The Service Director – Commercial, Commercial Manager and Senior Estates Surveyor responded to the questions.

NB Councillor David Levett left the Part 2 meeting and Councillor Kate Aspinwall took the chair.

The Executive Member for Enterprise and Cooperative Development presented the remainder of the report relating to Garden Square Shopping Centre.

Tuesday, 9th March, 2021

The following Members asked questions and took part in the debate:

- Councillor Sam Collins:
- Councillor Kate Aspinwall;
- Councillor Martin Stears-Handscomb.

The Service Director – Commercial and Managing Director responded to questions.

RESOLVED: That the report entitled Update on the Commercial Directorate's Progress and Future Work Programme be noted.

REASON FOR DECISION: The report is following the request of the committee for an update on the progress of the Commercial Directorate work programme and is for information only.

The meeting closed at 9.12 pm

Chair