

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, GERNON ROAD,
LETCWORTH GARDEN CITY
ON TUESDAY, 22ND JUNE, 2021 AT 7.30 PM**

MINUTES

Present: *Councillors: David Levett (Chair), Daniel Allen (Vice-Chair), Tony Hunter, Nigel Mason, Jim McNally, Ian Moody, Sue Ngwala, Carol Stanier and Claire Strong*

In Attendance: *Councillor Elizabeth Dennis-Harburg (Leader of the Council), Councillor Sam Collins (Executive Member for Enterprise, the Arts and Transport), Councillor Ian Albert (Executive Member for Finance and IT), Steve Crowley (Service Director – Commercial), Rachel Cooper (Controls, Risk and Performance Manager), Chloe Gray (Commercial Officer), Hilary Dineen (Committee, Member and Scrutiny Manager) and Anna Gouveia (Committee, Member and Scrutiny Officer)*

1 WELCOME

Audio recording – 14 seconds

The Chair welcomed everyone to the first Overview and Scrutiny Committee meeting of the civic year that was being held in the Council Chamber and advised that the meeting was being streamed live on the Council's YouTube channel and some Officers were joining online.

The Chair invited the Committee, Member and Scrutiny Officer to explain how proceedings would work.

The Committee, Member and Scrutiny Officer undertook a roll call of those officers joining the meeting online to ensure that they could hear and be heard and gave advice regarding the following:

- Rules of Debate;
- Voting; and
- Covid Risk Assessment Measures.

The Chair, Councillor David Levett, started the meeting proper.

2 APOLOGIES FOR ABSENCE

Audio recording – 2 minutes 22 seconds

Apologies for absence were received from Councillors Lisa Nash, Kate Aspinwall and Terry Tyler.

Having given due notice, Councillor Ruth Brown advised that she would be substituting for Councillor Nash.

3 MINUTES - 9 MARCH 2021

Audio Recording – 2 minutes 57 seconds

It was noted that the Minutes of the Meeting held on 9 March 2021 had not been included in the Agenda Pack and would therefore be considered at the next meeting of the Committee.

4 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 47 seconds

There was no other business notified.

5 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 51 seconds

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation and new Members of the Committee;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded as well as filmed. The audio recording would be available on the NHDC website and the film recording via the NHDC YouTube channel;
- (3) The Chair 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;
- (4) The Chair advised that he would take Item 9 – Leader of the Council Presentation, after Item 11;
- (5) The Chair also advised that there was no longer a Part 2 item on the agenda as it had been decided that the Community Lottery Policies did not need to be restricted.

6 PUBLIC PARTICIPATION

Audio recording – 4 minutes 47 seconds

There were no presentations by members of the public.

7 URGENT AND GENERAL EXCEPTION ITEMS

Audio recording – 4 minutes 51 seconds

No urgent or general exception items were received.

8 CALLED-IN ITEMS

Audio recording – 4 minutes 54 seconds

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

9 LEADER OF THE COUNCIL PRESENTATION

Audio recording – 19 minutes 51 seconds

The Leader of the Council, Councillor Elizabeth Dennis-Harburg, thanked the Chair for the invitation to address the Committee and gave a PowerPoint presentation regarding the following:

- Things that had gone well in the last year;
- Things that could be improved upon;
- Long term strategic priorities for the future; and
- Building on our successes.

She drew attention to the following which had taken place during the pandemic:

- Almost £47 million had been paid out to support the District's businesses, communities, and residents through the pandemic, supported by joint working between the Executive Members for Enterprise & Co-operative Development and Finance;
- The performance of the waste contract had been maintained;
- New ways of engaging with the community had been found during the pandemic, e.g. using virtual platforms for meetings;
- 1,200 trees had been planted across the district, as well as re-wilding and biodiversity initiatives being carried out;
- Stevenage Leisure Limited had been supported to ensure leisure facilities were accessible to all;
- A homeless shelter had been approved;
- There was an aspiration to have greater collaboration and partnership working with other Councils through the Herts Growth Board;
- There was a need to develop a 'place narrative', this was tied to the development of the local plan but would be taken forward in November regardless of local plan progress;
- Lessons had been learned from the experience of Government not extending the remote meeting permissions;
- Strategic priorities were being re-framed under three priorities: putting customers first, delivering environmentally and financially sustainable outputs, and looking towards a brighter future together with all stakeholders;
- Long term strategic policies were being developed such as reinvigorating our town centres, with individual projects sitting below, such as creating a Hitchin Riverside Walk;
- Work was planned to reduce carbon emissions by 32% as identified in the Climate Change Strategy;
- The following initiatives were also planned: website redevelopment and rebrand, 'master planning' approach being embedded; capitalising on enterprise opportunities, e.g. Dell Theatre re-opening; new housing delivery and supporting the recovery of staff including wellbeing and new ways of working.

The Chair thanked the Leader of the Council for her presentation.

10 RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

Audio recording – 4 minutes 59 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 Annual Report of this Committee had not been considered at Annual Council as numbers had been restricted to a quorate due to the Covid-19 pandemic. The report would go to the next meeting of Full Council when all Members would be present;
- The data comparing attendance at meetings in person and meetings streamed online was included in the Annual Report;
- A full two year comparison of attendance figures had been included in the Performance Monitoring Report, also on this agenda, and the data had been included in the Council's submission to the Government's Call for Evidence on Remote Meetings;
- This data would no longer be collected now that meetings were being held in person again.

The following Councillors made comments and took part in debate:

- Councillor David Levett;
- Councillor Claire Strong.

Comments from Members included:

- Four items on the list of Resolutions had been proposed to be removed as they had been completed;
- Things had moved on since the Task and Finish Groups had been proposed (the earliest in 2018);
- The issues with the Waste Contract were now historic and irrelevant therefore the Task and Finish Group on this subject could be removed;
- The Task and Finish Group on the overall review of communications and engagement could usefully remain on the list.

The Committee, Member and Scrutiny Manager advised that:

- The Task and Finish Groups had been put on hold due to the need to hold remote meetings.

Councillor David Levett proposed, Councillor Claire Strong seconded and upon being put to the vote it was:

RESOLVED:

- (1) That the report entitled Resolutions of the Overview and Scrutiny Committee be noted;
- (2) That the Task and Finish Group on the Waste Contract be removed from the list of Resolutions as it was no longer relevant;
- (3) That the Items marked as 'complete' be removed from the list of Resolutions.

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

11 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

Audio recording – 10 minutes 43 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 - 24 May 2021;
- Appendix C - Corporate Peer Challenge Extracts from Action Plan.

She drew attention to the following:

- Appendix A contained a list of reports expected to be considered by the Committee over the next Civic Year;
- settle had been invited to attend the next meeting;
- Appendix B contained a list of items which the Committee might wish to discuss at a future meeting.

The following Members commented and took part in debate:

- Councillor David Levett;

Comments from Members included:

- A Commercial Update was not scheduled in until December 2021, so it was suggested that this could be brought forward to September 2021;
- Town Centre Recovery in the District was an important area of focus coming out of lockdown and the BID Managers could be invited to a future meeting to discuss this or submit a report for consideration;
- This would give the Council the opportunity to lead the recovery in partnership with the BIDs to see what issues they were facing, how the Council could help, and next steps; especially going into winter with uncertainty around the pandemic – it was crucial for the District to know how the Towns were doing;
- BID Managers currently attended Letchworth and Hitchin Area Committees but not Royston or Baldock (which did not currently have BID Managers);
- September would see the re-introduction of business rates which could have quite a profound impact on some retail businesses;
- The paper on Developer Contributions may be delayed but would come to the Committee when ready;
- Many of the actions on the Corporate Peer Challenge Action Plan had been limited by lockdown restrictions, so this would be considered further at future meetings.

RESOLVED:

- (1) That the report entitled Overview and Scrutiny Committee Work Programme 2021/22 be noted;
- (2) That the following items be added to the Forward Work Programme to be considered at a future meeting of the Overview and Scrutiny Committee:
 - Housing Delivery Test Action Plan (13 July 2021);
 - Developer Contributions SPD (13 July 2021);
 - Customer Service Strategy (13 July 2021);
 - Community Revenue Grants Criteria Review (13 July 2021);

- Discussion on the Recovery of the Town Centres following the Pandemic (14 September 2021);
- Commercial Update (14 September 2021)

(3) That the recommendations of the Corporate Peer Challenge Action Plan be noted.

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.

12 PERFORMANCE MONITORING FOR 2020/21 - YEAR END

Audio recording 30 minutes 38 seconds

The Controls, Risk and Performance Manager presented the report entitled 2020/21 Quarter 4 Performance Indicators and drew attention to the following:

Status Summary

- There were five green, two amber and two red indicators.
- The rest of the indicators were for information only, with no targets set.

MI P&R 001 and BV10

- The collection rates for sales ledger and NNDR were unable to meet their targets as a result of the pandemic;
- It was likely that this trend would continue into the new year as businesses continued with the recovery process.

BV9

- The Council Tax collection rates had improved and the target had been achieved for the year end.

REG 1, REG 2 and LI 035a

- North Hertfordshire was performing well with regard to rates of homelessness prevention and relief with an improvement on last year and also when benchmarked against other Hertfordshire authorities;
- The Government policy of 'Everyone In' had meant that there was an increase in the number of households in temporary accommodation.

REG 3

- The percentage of environmental health inspections completed had now been confirmed as 17.1% at year end;
- The low figure was due to a number of businesses being closed as a result of the pandemic, and also the advice of the Food Standards Agency that inspections were not to be carried out by staff.

MI LI 015

- The number of visits to leisure facilities had exceeded the target set out in the recovery plan which was positive news.

NI 191

- Overall tonnage of waste was showing as a red indicator against the target, predominantly due to lockdown increased tonnages;
- The latest composition analysis showed that food waste was still being placed in with the residual waste so officers would be concentrating on improving this area.

PLA 01 and 02

- Missed bin statistics had been provided for information.

Councillor Levett thanked the Controls, Risk and Performance Manager for the year end report.

RESOLVED: That the 4th 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.

13 KEY PROJECTS FOR THE DISTRICT 2020/21 - YEAR END

Audio recording 34 minutes 41 seconds

The Controls, Risk and Performance Manager presented the report entitled 4th Quarter Monitoring Report on Key Projects for 2020-21 together with the following appendix:

- Appendix A – 4th Quarter Monitoring against Key Projects for 2020/21.

She drew attention to the following:

- The Status Report showed 4 projects with green status, 7 with amber;
- The Councillor Portal had now gone live so this project would be moved to completed status;
- The renovation of Howard Park Play Area had moved to amber due to delays in the delivery of playground equipment. The project would now commence in September after the school holidays;
- The Crematorium hearing had taken place on 22 February 2021 and the appeal was dismissed. Officers were now considering the reasons for the decision and would be submitting a report to Cabinet in due course;
- The development of a long-term museum storage solution had moved to amber. The overall project costs appeared to be in excess of the identified budget. The Commercial Team was exploring all the potential options for the site and once completed a procurement process could be undertaken;
- This would be the last report showing the number of YouTube views of meetings, as meetings were starting to be held in person again, although the data could be produced on request if required.

The following Members commented and asked questions:

- Councillor Claire Strong;
- Councillor David Levett;
- Councillor Sam Collins.

Comments from Members included:

- The museum storage project had been ongoing for a significant amount of time and it would be good to see some progress regarding
- somewhere to store the District's many artefacts;
- The Appeal Decision appeared to exclude the development of a crematorium on that site;
- Cabinet would need to give a clear steer on the direction of the crematorium project when next considering it.

The Controls, Risk and Performance Manager confirmed that:

- The Key Projects report would continue to be considered by the Committee at future meetings.

In response to questions from Members, the Service Director – Commercial advised that:

- Costs had been sought from a contractor for the museum storage solution but this had come in significantly over-budget. Alternative options were actively being explored and the Committee would be updated on any progress;
- An options appraisal was being undertaken for the crematorium either on the current site or another location and the aim was for this to go to Cabinet in September.

RESOLVED: That delivery against the key projects for 20/21 be noted.

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

14 NORTH HERTFORDSHIRE COMMUNITY LOTTERY - NEW POLICIES

Audio recording 44 minutes 24 seconds

The Executive Member for Enterprise, the Arts and Transport introduced the report entitled North Hertfordshire Community Lottery – New Policies together with the following appendix:

- Appendix 1 – Gatherwell Policies

He drew attention to the following:

- The policies went some way to addressing concerns that a Community Lottery would encourage gambling;
- This initiative was an opportunity to raise revenue for the Council at a time when local authority funding was being cut;
- The policies presented in Appendix 1 were mandatory to enable the project to go ahead.

The Service Director - Commercial drew attention to the following:

- The required Gambling Licence would take 16 weeks to obtain and once this was in place the lottery could launch;
- There was a typographical error on page 19 of the Appendix: 'Royal Borough of Kingston Upon Thames' should read 'North Hertfordshire District Council';
- The lottery was a 'Super Six' lottery, based on the Australian National Lottery – Section 9.1 (page 24) set out how the lottery would work;
- NHDC would be ensuring that the policies made clear that credit cards would not be allowed to be used to play the lottery, to ensure people have the funds prior to buying a ticket;

The following Members asked questions and took part in debate:

- Councillor David Levett;
- Councillor Daniel Allen;
- Councillor Claire Strong;
- Councillor Carol Stanier;
- Councillor Ruth Brown;
- Councillor Tony Hunter;
- Councillor Sue Ngwala.

Comments raised by Members included:

- Several members had concerns about gambling and the need to have necessary safeguards in place, such as having a policy which limited the amount of tickets any individual could buy;
- Section 9.4 of the Gatherwell Policies stated that, on average, Councils generated £40,000 per annum through their Community Lotteries – this would require a significant number of tickets to be sold;
- The Council needed to be aware of its duty to protect children in the advertising and promotion of the lottery, particularly if the beneficiaries were youth-based charities such as sports clubs;
- The player age could be raised to 18 or 21 to protect children;
- An opportunity to review progress after one year and leave the contract if required would be beneficial;
- There may be an impact on existing charity lotteries around the district who may lose players to the NHDC lottery;
- The Council would need to ensure the policies protected children and young people, for example asking people to tick a box on line to confirm they were over 16 did not seem like a strong enough safeguard for online ticket purchases;
- People could set up multiple accounts online to override the ticket limit per individual;
- Prominent signposting to gambling support agencies should be provided on the ticket website and a message confirming total spend before paying could be included as a further safeguard;
- There was a concern that the Council would be encouraging gambling, albeit in support of good causes, and the end did not justify the means - evidence showed that the people who played lotteries were those who could least likely afford to do so;
- If the break clause was invoked after one year, this could put the Council at risk of losing money;
- When the concept of a lottery was previously discussed, it had been suggested that revenues would be given to the Area Committees to distribute as grants, but this now appeared not to be the case;
- North Herts could look at the safeguards which other Councils had put in place, particularly regarding the safeguarding of children and safeguards over messaging and marketing;
- The Committee did not endorse the recommendations of the Cabinet report at present and encouraged Cabinet to consider if the cost of the lottery was worth the benefit;
- Although some money had been invested in this project, it was not too late to withdraw from it if Cabinet considered this appropriate.

The Service Director - Commercial responded to questions and comments including:

- Further detail regarding how to play the lottery (specifically number matching) could be circulated if required;
- It was anticipated that most people would play the lottery to support local organisations rather than with the objective of winning;
- The project would be reviewed after one year and there was a break clause at one year included in the contract which could be used if necessary;
- The prize fund was maintained by Gatherwell and linked to the 80+ other Councils, so the risk of having to pay out the top prize of £25,000 was with Gatherwell;
- The report which went to Cabinet in December 2020, set out the money anticipated to be generated for good causes and the Council each year. The projection over 6 years was that just under £70,000 would go directly to good causes and just under £13,000 directly to the Council;

- The Commercial Team would speak to contacts in other Councils regarding the safeguarding of children, but this had not been identified as an issue to date and positive feedback had been received from other Councils on Gatherwell's management of the lotteries;
- The key message was that the lottery was being run to support good causes and not as a gamble. The potential return on £1 was small in comparison with other forms of gambling such as sports betting, therefore it was seen as low risk, but these issues would be looked into;

The Executive Member for Enterprise, the Arts and Transport advised:

- There were no guarantees on how much revenue could be raised through the lottery but it represented an extraordinarily low economic risk to the Council and was forecast to generate income from Year 2;
- Careful and sensitive marketing would be required to ensure the Council was advertising the lottery in an appropriate way and not seen to be promoting gambling to people under 18 – this would be looked into further and discussed with the Committee again as required;
- There were existing lottery-funded projects in North Hertfordshire that were used by children;
- It was acknowledged that strong safeguards should be put in place to protect children, young people and the vulnerable;
- Safeguarding of marketing messages would be taken into account and further consideration would be given to how this could be done, as well as looking at the most cost-effective ways of marketing the lottery to reduce any financial risk.

RECOMMENDED TO CABINET:

- (1) That the age limit for playing the North Hertfordshire Community Lottery should be raised from 16 to 18, should legislation allow;
- (2) That consideration be given to putting a policy in place which would limit any one person to buying no more than £10 worth of tickets per week;
- (3) That the concerns and issues raised by the Overview and Scrutiny Committee, as detailed in the minutes of the Committee held on 22 June 2021, be taken into account when making its final decision on adopting these policies and the lottery.

REASON FOR DECISIONS: To enable the Overview and Scrutiny Committee to comment on the report entitled North Hertfordshire Community Lottery – New Policies prior to consideration by Cabinet.

15 EXCLUSION OF PRESS AND PUBLIC

This item was no longer required as there were no Part 2 papers.

16 MEMBERS' QUESTIONS

Audio recording – 1 hour 24 minutes 5 seconds

No questions had been submitted.

17 NORTH HERTFORDSHIRE COMMUNITY LOTTERY - NEW POLICIES - APPENDICES

It was noted that the Appendices had been included in Part 1 so the Part 2 (restricted) item was no longer required.

The meeting closed at 8.56 pm

Chair