

4 July 2022

Our Ref Overview and Scrutiny Committee/12 July
2022
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To: Members of the Committee: Councillors David Levett (Chair), Val Bryant (Vice Chair), Adam Compton, Alistair Willoughby, Carol Stanier, Claire Strong, Ian Moody, Nigel Mason, Phil Weeder, Raj Bhakar, Tamsin Thomas and Tony Hunter

Substitutes: Councillors Kay Tart, Lisa Nash, Morgan Derbyshire, Sean Nolan, Simon Bloxham, Terry Hone and Terry Tyler

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON
ROAD, LETCHWORTH**

On

TUESDAY, 12TH JULY, 2022 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item		Page
1. APOLOGIES FOR ABSENCE	Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2. MINUTES - 13 JUNE 2022	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 13 June 2022.	(Pages 5 - 12)
3. NOTIFICATION OF OTHER BUSINESS	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. URGENT AND GENERAL EXCEPTION ITEMS	The Chair to report on any urgent or general exception items which required their agreement. At the time of printing the agenda, the Chair had not agreed any urgent or general exception items.	

- 7. CALLED-IN ITEMS**
To consider any matters referred to the Committee for a decision in relation to a call-in of decision. At the time of printing the agenda, no items of business had been called-in.
- 8. MEMBERS' QUESTIONS**
To receive and respond to any questions from Members either set out in the agenda or tabled at the meeting.
- 9. RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE** (Pages
REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER 13 - 14)

To consider the outcome of Overview and Scrutiny Committee resolutions.
- 10. OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME** (Pages
REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER 15 - 26)

To consider the issues that the Overview and Scrutiny Committee plans to review at future meetings and the activities of its sub-groups.
- 11. ANNUAL SAFEGUARDING REPORT 2021/22** (Pages
REPORT OF THE COMMUNITY HEALTH AND WELLBEING TEAM LEADER 27 - 36)

Report on progress against the Council's statutory duty to safeguard and protect children and adults.
- 12. LORD LISTER HOTEL/KEYSTAGE HOUSING GRANTS**
To receive a report and presentation from Members and Officers under Members and Officers Giving Account procedure as detailed under section 6.3.9 of the Constitution.

Report and documents to follow in a supplementary agenda.
- 13. UPDATE OF THE COMMERCIAL DIRECTORATE WORK PROGRAMME** (Pages
REPORT OF THE SERVICE DIRECTOR – COMMERCIAL 37 - 44)

To provide the committee with an update on the progress of the Commercial Directorate as set out in the departments work programme.
- 14. EXCLUSION OF PRESS AND PUBLIC**
To consider passing the following motion:

That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act (as amended).
- 15. UPDATE OF THE COMMERCIAL DIRECTORATE WORK PROGRAMME** 45 - 50
REPORT OF THE SERVICE DIRECTOR – COMMERCIAL

To provide the committee with an update on the progress of the Commercial Directorate as set out in the departments work programme.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON MONDAY, 13TH JUNE, 2022 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor David Levett (Chair), Adam Compton, Carol Stanier, Claire Strong, Nigel Mason, Phil Weeder, Raj Bhakar, Tamsin Thomas, Kay Tart, Morgan Derbyshire, Sean Nolan and Tony Hunter*

In Attendance: *Rachel Cooper (Controls, Risk and Performance Manager), Christopher Robson (Senior Estates Surveyor) Steve Crowley (Service Director - Commercial), James Lovegrove (Committee, Member and Scrutiny Officer), William Edwards (Committee, Member and Scrutiny Manager) and Chloe Gray (Commercial Manager)*

Also Present: *At the commencement of the meeting there were no members of the public. Councillor Keith Hoskins and Councillor Ian Albert were present as Executive Members.*

94 APOLOGIES FOR ABSENCE

Audio recording – 3 minutes 27 seconds

Apologies for absence were received from Councillors Val Bryant, Ian Moody and Alistair Willoughby.

Having given due notice Councillor Kay Tart substituted for Councillor Val Bryant, Councillor Sean Nolan substituted for Councillor Alistair Willoughby and Councillor Morgan Derbyshire substituted for Councillor Ian Moody.

95 MINUTES - 15 MARCH 2022

Audio recording – 3 minutes 46 seconds

Councillor David Levett, as Chair, proposed and Councillor Claire Strong seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 15 March 2022 be approved as a true record of the proceedings and be signed by the Chair.

96 NOTIFICATION OF OTHER BUSINESS

Audio recording – 4 minutes 23 seconds

There was no other business notified.

97 CHAIR'S ANNOUNCEMENTS

Audio recording – 4 minutes 28 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (2) 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.

98 PUBLIC PARTICIPATION

Audio recording – 4 minutes 53 seconds

There was no public participation.

99 URGENT AND GENERAL EXCEPTION ITEMS

Audio recording – 4 minutes 55 seconds

The Chair advised that he had approved two items to be presented at Cabinet without the statutory notice due to urgency. These items related to Careline and Churchgate.

100 CALLED-IN ITEMS

Audio recording – 5 minutes 32 seconds

There were no Called-In Items.

101 MEMBERS' QUESTIONS

Audio recording – 5 minutes 36 seconds

No questions had been submitted.

102 RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

Audio recording – 5 minutes 42 seconds

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

- Advised new Members that this was a report to keep record of decisions made at Overview and Scrutiny and where they are referred to other committees.
- As the Covid situation normalises, there can now be work put into scheduling the Task and Finish group. An item would need to be added to the Work Programme to look at the Terms of Reference.
- If Members are content with the three completed items, these can be removed from future reports.
- The Democratic Services Manager had received an update regarding the Shared Waste Service Management and five Members will be appointed to the cross-party joint working group.

Councillor Claire Strong highlighted that there was some outstanding debate regarding the Harkness Court project and that a full update has not yet been received, so cannot be marked as complete. In response to this, Councillor David Levett advised that Cabinet had considered the concerns and recommendations raised by Overview and Scrutiny and therefore that element of reporting is complete.

Councillor David Levett, as Chair, proposed and Councillor Carol Stanier seconded and, following a vote, it was:

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

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

103 LORD LISTER HOTEL - PROPOSED SCRUTINY WORK

Audio recording – 9 minutes 25 seconds

The Chair advised Members that, following a request at Annual Council, the Overview and Scrutiny Committee would look into the process behind the decisions taken on the Lord Lister Hotel, Hitchin. The Chair noted that whilst it was possible to establish a Task and Finish group for this, he felt it was more suitable to call relevant Members and Officers to give their account under item 6.3.9 of the Constitution.

The Chair advised that he would be requesting Anthony Roche, Chief Executive and decision maker, Martin Lawrence, who made the decision request and authored the report, and Councillor Elizabeth Dennis-Harburg, who co-signed the decision, to give their account to the Committee.

The areas the Committee would be looking into included; the timeline of the process, the award of the contract including who was involved in this, any alternatives explored, the contract agreement and the performance against that contract to date and any lesson learnt through this process. It was expected that this would be presented to the Overview and Scrutiny Committee at their next meeting on the 12 July 2022.

The following Members asked questions:

- Councillor Claire Strong
- Councillor Adam Compton
- Councillor Nigel Mason
- Councillor Tony Hunter

In response to questions, the Chair advised:

- There were two parts to explore regarding this and the Committee would look at both the contracts agreed regarding the service and the grants awarded to provide the service.
- No prior discussion of this has taken place and this was the first time the proposed work had been explored.
- It was hoped that the grant funds allocated to North Herts Council would also be explored when Members and Officers gave their account.
- Members needed to be aware that this was subject of a planning application and Overview and Scrutiny Committee could not look into the planning aspect, or any licensing issues. The Committee was limited to look at the decision making process and the extent to which these align with Council policy and their performance.
- The timescales were quite short before the next meeting, but this is a call to account not a task and finish group. After the July meeting, the report can be referred onto Full Council or, if further work was required, it can be brought back to a future Overview and Scrutiny Committee.
- The call to account would allow relevant Officers and Members to explain the processes undertaken and it was important Members of the Committee heard this side of the story and did not base decisions on media reports or public comments.

- The Committee would look at whether the decision was taken in line with Council policy, as well as the Council Constitution.
- The decisions taken relating to this item have already been taken and should have done so in line with Council policy. There would be no new reports or decisions needed ahead of the July Committee meeting, therefore the timescales should be suitable for this.

The Chair advised that any Members who sat on both the Planning Control and Overview and Scrutiny Committee should seek advice from the Monitoring Officer if they feel they may have a disclosable interest.

The Chair noted that the Committee had never before used the call to account procedure and this was an opportunity for the Committee to use this to look into this decision, as was suggested in a recent Peer Review.

104 COMMERCIAL TEAM UPDATE

Audio recording – 22 minutes 50 seconds

Councillor Keith Hoskins, Executive Member for Enterprise and Arts, gave a verbal update on the Commercial Team for Members, including:

- An operational review of the Commercial Team was being presented to Political Liaison Board in light of changes to central government legislation and how Councils are now allowed to invest.
- Public Works Loan Board finance is no longer available primarily for financial gain but can be for service related or regeneration projects.
- The Lottery had now launched and was performing above expectations and it was hoped that the set-up costs would be covered in Year 1.
- Work on Churchgate continues to move along and remains Council policy to try and purchase the leasehold.
- Financial analysis is underway looking at the viability of development of Bury Mead for storage facilities for the North Herts Museum.
- Work on Harkness Court is progressing well, and first inhabitants are expected from September 2022 following the completion of the final minor works.
- A feasibility study is underway at Wilbury Hills to explore a renewable energy project on this site. This had previously been explored and was deemed non-viable, but with changes in technology this is now being explored again.
- Land disposals were planned for areas in Barkway, Preston and Baldock.
- The Estates Team are in advanced negotiations with three of North Herts Council's major investment tenants to renegotiate their terms.
- Three respondents had expressed an interest in working with the Council to redevelop Charnwood House, Hitchin and two further groups suggested they would be interested in using the space once developed. The building was now fully empty and asbestos appraisals were due for the next month.
- The Royston Town Hall annexe was set to be remarketed and liaison was ongoing with the Royston Town Council Clerk.

The following Members asked questions:

- Councillor David Levett
- Councillor Claire Strong
- Councillor Tony Hunter

In response to questions, the Executive Member for Enterprise and Arts advised:

- The Wilbury Hill Energy Project referred to the fields next to the cemetery, which was earmarked for future expansion, but could be used for other means in the time being.
- There was an operational review of the Commercial department ongoing and would be presented to Political Liaison Board this week and, if adopted, there would be additional items brought to Overview and Scrutiny.
- He, alongside Officers, would look at producing a more in-depth report for future meetings. They would need to look at what work is already being done and would need to identify a way to present an all-encompassing look at commercial returns.

Councillor Strong noted that this Commercial Update was requested at the last Overview and Scrutiny Committee meeting and, whilst the verbal update was appreciated, a more details written update would be required to look at commercial projects in line with proposals. She noted that it was requested that the Commercial Update be added to all future meeting agendas.

Councillor Levett agreed and advised that this was a last minute addition to this agenda, as it had been omitted initially. He requested that a full Commercial Update be provided to all future Overview and Scrutiny Committee meetings.

105 PERFORMANCE MONITORING FOR 2021/22 - YEAR END

Audio recording – 36 minutes 17 seconds

The Controls, Risk and Performance Manager presented the report entitled '4th Quarter Updates on Performance Indicators' and advised Members of the following:

- This report had the full year data through to the end of March 2022.
- There were 7 green, 1 amber and 1 red project within this report.
- Short term absences had continued to rise as restrictions have eased and more social interactions are taking place, but North Herts was still joint 20th out of 52 District Councils regarding this indicator.
- Residual Waste per Household targets had not been met but were within the tolerance levels.

Councillor Adam Compton requested that further detail be provided for some of these indicators, for example a breakdown by area in relation to missed bin collections.

The Controls, Risk and Performance Manager would signpost Members to already available information and would speak with the Shared Waste Service Manager to see what further detailed breakdown could be provided.

Councillor David Levett, as Chair, proposed and Councillor Claire Strong seconded and, following a vote, it was:

RESOLVED: That the content of the report entitled '4th Quarter Updates on Performance Indicators' was 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.

106 END OF YEAR MONITORING REPORT ON KEY PROJECTS FOR 2021 - 22

Audio recording – 40 minutes 50 seconds

The Controls, Risk and Performance Manager presented the report entitled 'End of Year Monitoring Report on Key Projects for 2021-22' and advised Members of the following:

- This report covered to the end of March 2022 and contained 3 completed and 7 amber projects. The items marked as completed would no longer be reported to this Committee.
- All trees for the Tree Giveaway project had now been distributed.
- Some projects had moved from green to amber during this quarter, for example the provision of housing at market rent, the trial of EV charging points in North Herts and the disposal of surplus land. The report detailed where these projects were at currently.
- The Local Plan was still outstanding, however an update had been received with advice that the draft report had been passed onto the Department for Levelling Up, Housing and Communities and will then go through a final audit, before returning to the Council for fact checking ahead of final publication.

In response to a question from Councillor David Levett, the Controls, Risk and Performance Manager advised that no idea of timeline had been provided in connection with the Local Plan.

Councillor Levett noted that the 9 June 2017 was the date the Plan was submitted, so this marked the 5th anniversary.

Councillor Claire Strong proposed and Councillor Adam Compton seconded and, following a vote, it was:

RESOLVED: That delivery against the key projects for 2021-2022 was noted and commented on by the Overview & Scrutiny Committee and that those marked as completed can be removed from future reports.

REASON FOR DECISION: To enable achievements against the key projects for 2021/22 to be considered.

107 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

Audio recording – 46 minutes 00 seconds

The Committee, Member and Scrutiny Manager presented the report entitled Overview and Scrutiny Committee Work Programme and advised that two of the Committee meeting dates on Appendix A were listed incorrectly. The correct meeting dates were the 12 July 2022 and 24 January 2023, not 13 July 2022 and 14 January 2023 as listed on the printed report.

Councillor David Levett commented that the July meeting will include the report from Officers on the Lord Lister Hotel and requested that the Commercial Update be added to all future Overview and Scrutiny agendas.

Councillor Claire Strong noted that the Levelling Up Agenda and North Herts item was a large topic and suggested it be explored at the July meeting.

Councillor Adam Compton advised that he and other Members would be attending workshops regarding the Shared Waste Service arrangements and suggested it would be useful to discuss this at July meeting so any North Herts concerns and comments can be raised at these workshops. Councillor Levett advised that he would look at what is happening with this and whether it was being considered at any other committees.

Councillor Claire Strong proposed and Councillor Adam Compton seconded and, following a vote, it was:

RESOLVED:

- (1) That the Committee prioritises proposed topics for inclusion in the work programme attached as Appendix A and, where appropriate, determines the high level form and timing of scrutiny input.

- (2) That the Committee, having considered the most recent iteration of the Forward Plan, made suggestions of items to be considered at its meetings in the coming civic year and further suggestions could be made to the Committee, Member and Scrutiny Manager.
- (3) That the Corporate Peer Challenge Action Plan Extract as attached as Appendix B was considered.

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

The meeting closed at 8.23 pm

Chair

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RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

COMMITTEE RESOLUTIONS

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
	TASK AND FINISH GROUP ON COMMUNITY ENGAGEMENT		
June 20 Min 9 (3)	That the scope of the proposed Task and Finish Group on communication in relation to the Waste Contract be widened to encompass Communication and Engagement generally.	This Task and Finish Group was due take place once social distancing and other pressures regarding the Covid Pandemic had eased. With staffing levels returning to normal and new ways of working established progress towards establishing this task and finish group can be made; Terms of Reference will be drafted for consideration by this Committee.	In progress.
	LOCAL PLAN IMPLEMENTATION		
Mar 21 Min 93	Recommended to Cabinet: That a Member working group be arranged to discuss the Design and Sustainability SPDs prior to consideration of these by Cabinet	This recommendation was agreed by Cabinet The Strategic Planning Team will organise this when appropriate to do so	In Progress
	SHARED WASTE SERVICE GOVERNANCE		
Mar 22 Min 91	RECOMMENDED TO CABINET: (1) To agree to the new overarching aim of the shared services and principles outlined in 8.10 and 8.12. (2) To endorse the formation of a joint cross party working group. The terms of reference for which are outlined in Appendix A and the outline work programme described in 8.19. (3) To agree to explore the future options for governance of the Shared Waste Service, including consideration of a joint committee consisting of representation by both East Herts Council and North Herts District Council. (4) To establish the Joint Cross Party Working Group prior to the start of the new contract negotiations.	Cabinet agreed to the recommendations with an amendment to (3) as follows: "That the Cabinet agreed to explore all options for the future governance of the Shared Waste Service, with a further report to Cabinet in due course to consider any proposals." The Democratic Services Manager, in consultation with group leaders, has made appointments to the Joint Cross Party Working Group.	In progress.

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REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
	(5) To ensure that relevant Governance and scrutiny processes are in place prior to the start of the new contract negotiations.		

**OVERVIEW AND SCRUTINY COMMITTEE
12 JULY 2022**

***PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME
FOR 2022/23**

REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER

EXECUTIVE MEMBER: NOT APPLICABLE

COUNCIL PRIORITY: PEOPLE FIRST / SUSTAINABILITY / A BRIGHTER FUTURE
TOGETHER

1. EXECUTIVE SUMMARY

- 1.1 This report highlights items scheduled in the Overview and Scrutiny Committee's work programme and items that have been considered in 2022/23. It includes details of those items that have yet to be assigned to a specific meeting.
- 1.2 The work programme includes both items previously agreed by the Committee and those that the Committee is required by the Constitution to consider.

2. RECOMMENDATIONS

- 2.1 That the Committee prioritises proposed topics for inclusion in the work programme attached as Appendix A and, where appropriate, determines the high level form and timing of scrutiny input.
- 2.2 That the Committee, having considered the most recent iteration of the Forward Plan suggests a list of items to be considered at its meetings in the coming civic year.
- 2.3 That the Corporate Peer Challenge Action Plan Extract as attached as Appendix B be considered.

3. REASONS FOR RECOMMENDATIONS

- 3.1 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.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee has varied its approach to overview and scrutiny activity over recent years. Currently it seeks to enter the process of policy development at an early stage and consequently may consider items associated with service action plans.
- 4.2 The need to observe Constitutional requirements and monitor the Forward Plan for appropriate items to scrutinise remains a key aspect of work programming.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Each Committee meeting includes the opportunity for Members to comment on and input to the Committee's work programme.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.
- 6.2 The Committee is asked to review the Forward Plan at each regular meeting to identify potential issues for inclusion in the work programme. Identification of a focus for the Committee's future activity should be identified at this stage wherever possible.

7. BACKGROUND

- 7.1 In line with the recommendation of the Corporate Peer Challenge 2020 Executive Members are invited to present reports that fall under their remit and to make presentations on specific issues that the Committee wish to consider.
- 7.2 The Committee now considers a wide range of issues, where appropriate, commencing its reviews early in the policy development process. By doing this it seeks to ensure assumptions are challenged at an early stage, mistakes are avoided and eventual outcomes provide optimal benefit to the community.
- 7.3 The Committee seeks to ensure that consideration of agenda items minimises additional burdens on staff resources. Wherever possible, requests are made for the presentation of documents already in existence rather than the production of new documents specifically for the Committee.

8. RELEVANT CONSIDERATIONS

Work Programme

- 8.1 The Committee's work programme for the year requires reviewing at each meeting and direction is sought from the Committee on the items they wish adding. Appendix A contains the work programme for 2022/23.
- 8.2 When considering additional topics, their risk assessment and prioritisation will ensure that the most appropriate items are taken forward to the work programme.

Forward Plan

- 8.3 The Forward Plan for March will be circulated as a supplementary agenda. Members can view currently published forward plans here: [Browse plans - Cabinet, 2022 - North Hertfordshire District Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/cabinet-plans)
- 8.5 Members are reminded that the Forward Plan acts as public notification of key executive decisions due in the next three months and beyond but that it is a working document subject to regular amendments.

Corporate Peer Challenge

- 8.6 The Committee agreed at the meeting held on 14 July 2020 that the actions regarding the Overview and Scrutiny Committee included in the Corporate Peer Challenge Action Plan be appended to all future reports in order to:
- Act as an aide memoire when considering the work programme;
 - Consider any actions that need further work;
 - Asses the effectiveness of changes made.
- 8.7 The Committee is asked to consider the Action Plan and any updates provided at Appendix B.
- 8.8 In respect of line 56 regarding formal training for Members of the Overview and Scrutiny Committee training will be provided in the form of a workshop and presentation session on 14 June 2022.

9. LEGAL IMPLICATIONS

- 9.1 Under Section 6.2.5 of the Constitution, the Committee is responsible for setting its own work programme. However, it must ensure it retains sufficient capacity within the programme to meet its statutory obligations.
- 9.2 Section 6.2.7 (u) of the Constitution allows the Committee “to appoint time limited task and finish Topic Groups to undertake detailed scrutiny work and report back to the Overview and Scrutiny Committee to make recommendations to the Cabinet.”

10. FINANCIAL IMPLICATIONS

- 10.1 Dependent on how they are applied in practice, the scope of the options presented in Sections 7 and 8 have the potential to be wide reaching. As detailed Section 14, Human Resource Implications, the wider the reach, the more significant the impact on officer time in terms of report writing, data analysis and committee meeting attendance. Given recent funding pressures and the consequent reduction in officer numbers, significant requests to support scrutiny work will limit officer time available to spend on activities such as identifying and delivering cost reductions, income generation and project management.

- 10.2 Although not significant, a committee attendance allowance of £25.17 per officer per evening meeting is payable to officers in attendance. This is in addition to providing time off in lieu, or overtime as an alternative.

11. RISK IMPLICATIONS

- 11.1 Effective overview and scrutiny of policy, administrative, service delivery and expenditure decisions helps reduce the risk of an inappropriate decision being made. The scope and time frame for scrutiny interventions should be considered in the light of the potential impact of inappropriate scrutiny leading to decisions not being made, inappropriately made or not made at the right time.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equality implications arising from the report. Effective scrutiny is an essential part of ensuring that local government remains transparent, accountable and open which ensures that the delivery of public services benefits all aspects of the community, where practical.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 The widening of the reach of scrutiny reviews has the potential to significantly impact on officer time in terms of the reprioritisation of already agreed projects, their scope or timetabling and resources. There is also the potential for additional resource requirements in relation to report writing, information collection and analysis and committee attendance. Delivery of service plans to achieve the Council's agreed Corporate Plan objectives might, therefore, be potentially negatively impacted.

15. APPENDICES

- 15.1 Appendix A – Work Programme for future Committee meetings
- 15.3 Appendix B – Corporate Peer Challenge Action Plan in regard to the Overview and Scrutiny Committee

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1. Previous reports to the Overview and Scrutiny Committee and forward plans.

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PROGRAMME FOR FUTURE COMMITTEE MEETINGS 2022-23

12 July 2022	Resolutions Report Work Programme 3Cs End of Year report Annual review of Safeguarding Commercial Update Lord Lister Hotel
6 September 2022	Resolutions Report Work Programme Council Plan and Objectives 2022/23 1st Quarter Performance against PIs 1st Quarter Key Projects Conservation Areas Commercial Update Invitation to: LEP The Levelling Up Agenda & North Herts
6 December 2022	Resolutions Report Work Programme 3Cs Half Year Report Corporate Equality Strategy Commercial Update
24 January 2023	Crime and Disorder Matters Resolutions Report Work Programme Priorities for the District – Key Projects Half Year Monitoring 2nd Quarter Performance against PIs Commercial Update
9 March 2023	Resolutions Report Work Programme Annual Report Commercial Update New PIs for 2021/22 Priorities For The District – Key Projects 2022/23 3rd Quarter PIs 3rd Quarter Key projects
	To be Scheduled Recovery Plan Waste Scrutiny Arrangements

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EXTRACT OF ITEMS ON THE CORPORATE PEER CHALLENGE ACTION PLAN THAT RELATE TO THE OVERVIEW AND SCRUTINY COMMITTEE

		Recommendation	Action	Led by	Timescale	Update
ONGOING ACTIONS						
28	Organisational Leadership and Governance	Peers understand that the full performance report is sent to councillors one month before O&S to provide the opportunity for requesting the appropriate lead executive member and officer to attend O&S to be accountable for questioning. This opportunity has never been requested and should be used in order to strengthen the debate and challenge at O&S.	Agreed. Chair of Overview and Scrutiny to remind committee members of this opportunity	Members of Overview and Scrutiny Committee Controls, Risk and Performance Manager	Ongoing	Members receive the Performance Indicator report one month before the meeting. Members are reminded to contact the Controls, Risk and Performance Manager at least 2 weeks prior to the meeting date if they wish a particular indicator to be considered in more detail
54	Overview and Scrutiny Committee	Future meetings would benefit from taking a longer-term view of the key issues for the district (not just focussing on the next immediate meeting), fewer, more targeted agenda items, and be focused on key areas informed by performance reports	Agreed. To be taken forward as part of the training for the committee members	Chair and vice chair of O+S Scrutiny support	Ongoing	The Committee to bear this in mind when considering the work programme

		and a forward work plan. Fewer agenda items will support more allocated time for meaningful scrutiny and related debate.				
56	Overview and Scrutiny Committee	It is recommended that all O&S members undertake formal training to ensure a robust base of skills and expertise can be deployed in the O&S environment.	Formal scrutiny training has previously been provided to the Committee, but given changes to committee membership agree it makes sense to put in place further training and ensure that any new members receive training in the future	Chair and Vice Chair of O+S Scrutiny support Member training champions	Ongoing/Complete	Training provided by a CfGS partner has been arranged to take place on 14/06/22
57	Overview and Scrutiny Committee	Use the task and finish programme to support early engagement and involvement with policy making.	Agreed. To be taken forward by the Leader (on behalf of Cabinet) and Chair and vice chair of Overview and Scrutiny, to discuss work programme	Leader Chair and Vice Chair of O+S Scrutiny support	Ongoing	The Chair and Vice-Chair have met with the Leader. The Chair to provide an update
58	Overview and Scrutiny Committee	It is recommended that finish times should be agreed in the constitution and meetings end promptly at those times. There was a concern around individual personal effectiveness, accessibility, external public perception and	Moving meeting times is not supported politically at the current time due to concerns it may dissuade people with caring responsibilities from standing to be Councillors. Alternative of allowing officers to attend	Service Director Legal and Community Member training champions	Pending	

		health & safety / personal welfare of both members and officers from such excessively long and late meetings.	<p>meetings virtually from home to be explored</p> <p>A 'guillotine' provision on committee meetings is not supported politically at the current time due to concerns it might stifle debate. It is proposed that this is considered once the other recommendations have been implemented regarding work programme, training and chairing of meetings to establish whether it remains an issue or has been resolved by other action.</p> <p>Training is provided to Chairs and Vice Chairs, but this could be reviewed to ensure that Chairs and Vice Chairs are able to confidently manage meetings to ensure they proceed in a timely manner</p>			
59	Overview and Scrutiny Committee	Peers recommend clarification of the governance arrangements between	Proposal to Full Council to clarify relationship	Group Leaders Monitoring Officer	Annual Council (May/June 2020)	

		O&S and cabinet panels.				
60	Overview and Scrutiny Committee	Ensure the O&S forward work plan includes scrutiny of external partners and contractors as a contribution to the leadership of 'place'.	Agreed as recommendation	Chair and Vice Chair of O+S Scrutiny support	Immediate & Ongoing	The Committee have identified two partner organisations. Further work is needed to consider the format and timing.

OVERVIEW AND SCRUTINY
20th JULY 2022

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: ANNUAL REVIEW OF SAFEGUARDING AND PROTECTING CHILDREN AND ADULTS (2021-22)

REPORT OF: COMMUNITY HEALTH AND WELLBEING TEAM LEADER

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR COMMUNITY ENGAGEMENT

COUNCIL PRIORITY: PEOPLE FIRST

1. EXECUTIVE SUMMARY

- 1.1 The Council has robust procedures in place that govern how staff and members deal with concerns about children and adults at risk of abuse in order to maintain our statutory duty to safeguard their welfare. Work is ongoing to ensure that these procedures are understood and followed throughout the organisation.

2. RECOMMENDATIONS

That the Committee be recommended to:

- 2.1 Receive and comment on the annual report of progress made against the Council's fulfilment of the statutory duty to maintain an effective safeguarding function with regard to children.
- 2.2 Receive and comment on the annual report of progress made against the Council's fulfilment of the statutory duty to maintain an effective safeguarding function with regard to adults with care and support needs.
- 2.3 Receive and comment on the annual report of progress made against the Council's fulfilment of statutory duties in relation to specific areas such as radicalisation and counter terrorism, modern slavery and human trafficking and domestic abuse.
- 2.4 Agree that sufficient and robust processes are in place at the Council for application and review of safeguarding processes, and that an annual review and presentation to this committee should continue.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The recommendation(s) contained within paragraphs 2.1, 2.2, 2.3 and 2.4 are made due to this being the best course of action that can be accommodated within the approved budget and officer resources, that will fulfil our statutory and lawful obligations but also ensure that a regular, corporate review exists.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None applicable.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive and Deputy Member for Community Engagement have been consulted and have endorsed the content of the report. The Leadership Team have also been consulted and support the contents of the report.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 Section 11 of the Children Act 2004 places a duty on all statutory agencies working with children and young people to 'safeguard and promote their welfare' and includes responsibility to monitor sufficient arrangements in services they contract out to others.

- 7.2 The Care Act 2014 places a duty on Districts Councils and other local organisations to cooperate fully with their local Safeguarding Adults Board by referring concerns and providing information when requested to assist with investigations.

- 7.3 The Domestic Violence, Crime and Victims Act 2004 places a duty on local authorities to participate in Domestic Homicide Reviews whilst the Domestic Abuse Act 2021 requires local authorities to provide safe accommodation, homelessness assistance and additional support services for victims.

- 7.4 The Modern Slavery Act 2015 requires local authorities to refer child and adult victims to the National Referral Mechanism (NRM).

- 7.5 Section 26 of the Counter Terrorism and Security Act 2015 places a duty on local authorities to have due regard to the need to prevent people from being drawn into terrorism.

- 7.6 District Council representation is maintained at the Hertfordshire Safeguarding Adults Board, Hertfordshire Safeguarding Children Partnership, Hertfordshire District and Borough Councils Safeguarding Group, Hertfordshire Domestic Abuse Partnership and Hertfordshire Multi Agency Prevent Board.

- 7.7 Our primary statutory function remains that of referring concerns to the relevant agency for necessary action. When making a formal referral, the Council should receive notification as to whether the referral has met the threshold for further enquiry or not. An officer who has significant dealings with the victim could be asked to contribute to further proceedings and/or provide further information. Concerns that do not meet the threshold for a statutory investigation will be passed back to the organisation. Officers have a duty to offer information and support including contact details for organisations who can provide further advice and guidance. Concerns that do not meet the threshold for statutory investigation are logged on a central database enabling officers to see if the ongoing reporting of additional concerns should trigger a future referral.

- 7.8 The Overview and Scrutiny Committee receive an annual report detailing safeguarding activity undertaken by the Council over the previous year and significant actions that will be undertaken in the coming year.

8. RELEVANT CONSIDERATIONS

8.1 The Council's safeguarding referral rates:

<u>Reason for referral</u>	<u>No. of referrals 19/20</u>	<u>No. of referrals 20/21</u>	<u>No. of referrals 21/22</u>
CHILD			
Child at risk of significant harm	31	30	38
Child present & parent deemed intentionally homeless	12	4	2
Child in household where domestic abuse is present*	65	198	223
Modern Slavery (children)	0	0	0
Prevent (children)	0	0	0
Concerns about a child below threshold for a referral (other help offered)	3	2	1
Total no. of cases involving children	111	234	264
ADULT			
Adult with care & support needs at risk of significant harm	58	23	29
Adult with unmet mental health need (mental health crisis)	15	33	50
Prevent - radicalisation (adult)	0	2	3
Modern Slavery (adult)	0	0	8
Domestic abuse (adult)** * & ** - adult domestic abuse victims will sometimes have more than one child present in the household, hence numbers of child victims are higher than adult.	34	173	251
Concerns about an adult below threshold for a referral (other help offered) / or consent declined	34	31	56
Total no. of cases involving adults	141	262	397
TOTAL CHILD & ADULT CASES	252	496 (+97% from 19/20)	661 (+33% from 20/21)

Table 1: Safeguarding referral rates 2019/20, 2020/21 and 2021/22

8.1.1 The significant increase in referral rates between 2019/20 and 2020/21 was consistent with national trends which saw a surge in requests for domestic abuse support services and lower referrals for safeguarding concerns due to reduced face to face contact between officers and the public, and a smaller increase in referrals for mental health support. In 2021/22, referral rates have continued to rise across all categories.

8.1.2 As shown in figure 1 (below) the Council has continued to record and report more concerns year on year since 2014 when centralised records began. However until 2020, referral rates into external statutory agencies have remained relatively static, tending to fluctuate up and down between quarters with no substantial changes from one year to the next. Our rising referral rates have not been reflective of an increase

in abuse in our local communities but due to positive developments at the Council such as the introduction of a central database of referrals, mandatory corporate safeguarding training and numerous awareness raising campaigns. These have resulted in both an increased awareness and confidence amongst staff as well as improved corporate oversight about the safeguarding actions undertaken across the organisation resulting in a steady increase in our recorded referral rates.

- 8.1.3 With these sustained practices in place, reporting rates within the Council remained fairly static until the start of the first lockdown in late March 2020. 2020/21 saw a spike in domestic abuse referrals and whilst the rate of increase has slowed, requests for support in this area increased again in 2021/22.¹ External domestic abuse services have also seen a sustained increase in demands for support.
- 8.1.4 Referrals for individuals experiencing a mental health crisis have also increased over the two pandemic years (Apr 2020 to Mar 2022). Many statutory and third sector organisations providing mental health support report that demand currently far exceeds resources. Long waits for treatment can be distressing for the individual but also more time consuming for officers looking to provide alternative sources of support.²
- 8.1.5 Whilst small in number, we have also seen an increase in referrals for potential victims of modern slavery and human trafficking. These cases are perhaps the most complex and time consuming to support. National data has not yet been published for this period.

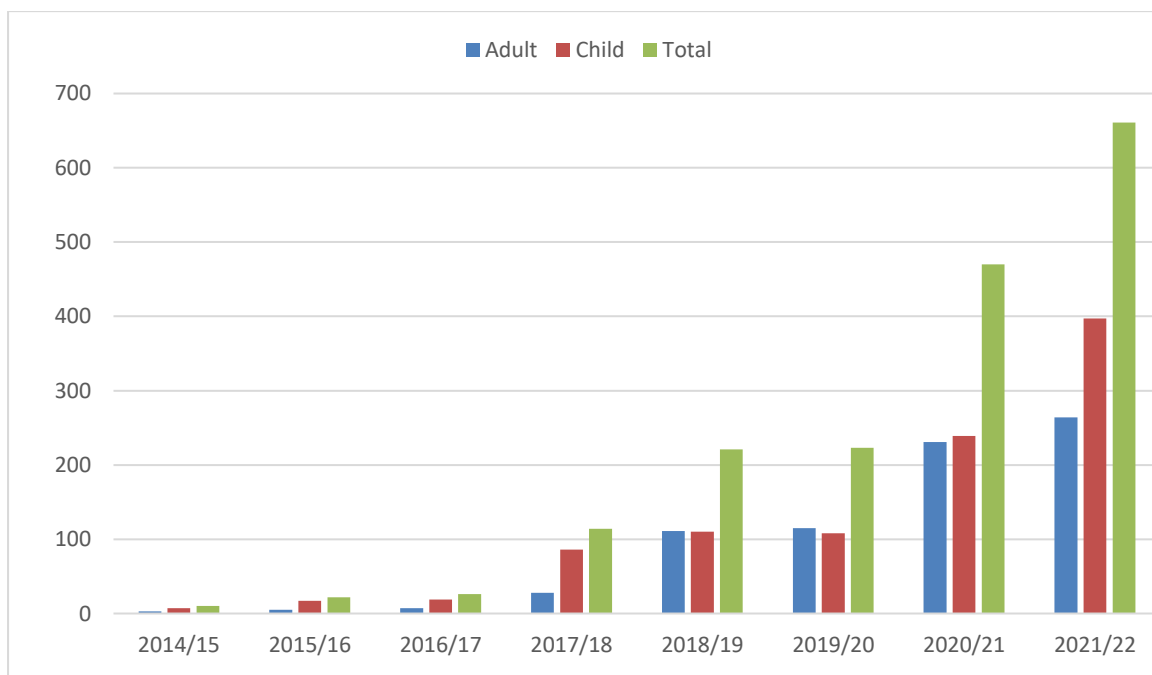


Figure 1: Referral rates 2014-22

¹ [A year of lockdown: Refuge releases new figures showing dramatic increase in activity - Refuge Charity - Domestic Violence Help](#)

² [COVID-19 pandemic triggers 25% increase in prevalence of anxiety and depression worldwide \(who.int\)](#)

8.2 Actions completed April 2021 to March 2022:

- 8.2.1 Introductory, basic and advanced child and adult safeguarding training has been delivered to all officers (new or refresher) and introductory e-learning is now mandatory as a minimum level of training for all staff. All new starters attend the relevant level of training. Officers refresh training every 3 years and approximately 200 bookings for training are facilitated every year.
- 8.2.2 Representation has been maintained at the Hertfordshire District and Borough Council Safeguarding Group which brings together all ten districts and the Adults Board and Children's Partnership. Going representation at various other countywide safeguarding fora including the Multi Agency Prevent Board and the Counter Terrorism Local Profile group.
- 8.2.3 The Corporate Safeguarding Group which brings together all Designated Safeguarding Officers with the Named Safeguarding Officer (Service Director - Legal and Community) continue to meet twice a year.
- 8.2.4 Ongoing contribution to Domestic Homicide Review (DHR) Panels involving North Hertfordshire residents.
- 8.2.5 Continued delivery of the corporate safeguarding learning and development programme to ensure all new starters receive a first day information sheet and undertake a learning needs analysis, corporate induction safeguarding briefing and the relevant level of training.
- 8.2.6 Continued maintenance of the corporate safeguarding database, including responses to Section 17 and 47 enquiries for children and Section 42 information sharing requests for adults as well as subject access and freedom of information requests.
- 8.2.7 Officers and members were offered additional training on a variety of safeguarding issues including domestic abuse, modern slavery and supporting individuals experiencing a mental health crisis / suicide attempt.
- 8.2.8 A variety of local and national campaigns were promoted to the local community and to staff through monthly Insight articles including domestic abuse, making good quality referrals, professional curiosity and promoting training opportunities.
- 8.2.9 Hate crime champions were trained across the organisation to provide third party support to the public.
- 8.2.10 Extension of the advice and support service for people experiencing domestic abuse or modern slavery for a further three years to 2023/24, provided by Survivors Against Domestic Abuse (SADA).
- 8.2.11 To continue to support the North Herts Community Safety Partnership's 'Protecting Vulnerable People' strategic priority which incorporates domestic abuse and violence. As a priority this encourages all partners to lead and support where appropriate campaigns through social media, exhibition stands and events to highlight issues relating to this. The Council will continue to promote all national and local support domestic abuse services available.
- 8.2.12 Completion of self assessment exercise overseen by Hertfordshire Safeguarding Adults Board.

8.3 Work planned for April 2022 to March 2023:

- 8.3.1 Continue to promote local and national campaigns including National Stalking Awareness Week April 22, County Lines Intensification Week May 22, World Elder Abuse Day, Labour Exploitation Week Sept 22, Anti-Slavery Day October 2022.
- 8.3.2 Continuation of all ongoing day to day safeguarding functions: training for new staff and refresher training for existing staff; maintenance of database and information sharing requests; representation on relevant networks and partnership groups; coordination of Corporate Safeguarding Group with twice yearly meetings; data retention compliance.
- 8.3.3 To ensure effective compliance regarding the Authority's duties in relation to specific areas such as Prevent and counter terrorism, modern slavery and human trafficking and Domestic Homicide Reviews.
- 8.3.4 Bespoke training offered to officers on mental health and hoarding behaviours.
- 8.3.5 Continue to utilise the Government Modern Slavery Statement Registry to easily assess information in relation to suppliers' compliance with the Modern Slavery Act 2015.
- 8.3.6 Continue to work in partnership with SADA to manage increased volumes of domestic abuse referrals and to support staff managing these cases.
- 8.3.7 Ensure staff and designated safeguarding officers are equipped to support complex requests for help from individuals experiencing a mental health crisis, in terms of technical skills and knowledge but also aftercare for staff supporting individuals who are self harming or threatening suicide.

9. LEGAL IMPLICATIONS

- 9.1 Section 6 of the Council's Constitution at paragraph 6.2.7(y) (p 59) states that the terms of reference for the Overview and Scrutiny Committee includes to "Consider reports relating to the authority's safeguarding responsibilities".
- 9.2 The relevant legislation includes the Children Act 2004, the key points of which are:-
 - Section 11 places a statutory duty on key people and bodies – including district councils to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children.
 - Section 10 outlines the duty to promote inter-agency cooperation between named agencies (including district councils).
- 9.3 Legislation to reform multi-agency safeguarding arrangements for children formed part of the Children and Social Work Act 2017, which sets out new safeguarding duties. Local Safeguarding Children's Boards (LSCB's) have been abolished and new requirements have been placed on top tier local authorities, the police and health to make arrangements for safeguarding children in their local area. In Hertfordshire, the Hertfordshire Safeguarding Children's Partnership (HSCP) has been established, led

by the local authority, police and health with partnership engagement from other organisations including the District and Borough Councils.

- 9.4 The Care Act 2014 came into effect on 1st April 2015 and places a statutory duty on local authorities to provide services to meet the needs of adults who require care and support. A duty to establish a Safeguarding Adults Board in every local authority area was introduced and a duty has been placed on District Councils alongside other local organisations to cooperate fully with the board.
- 9.5 The key responsibility for safeguarding in Hertfordshire lies with the County Council and it is important to remember that it is not the responsibility of any District Council member, employee, volunteer or contracted service provider to determine whether abuse is being experienced, or has taken place, or indeed the nature of any abuse.
- 9.6 The role of the member, employee, volunteer or contracted service provider is to inform and report concerns, not to investigate or judge. A District Council is not responsible for investigating any safeguarding incidents or allegations, involving children, young people or adults at risk, but provides the local 'eyes and ears' to enable a route to report any concerns.
- 9.7 Statutory guidance that was issued under 9 (3) of the Domestic Violence, Crime and Victims Act 2004 places a duty on local authorities to participate in Domestic Homicide Reviews. The Domestic Abuse Act 2021 also places a duty on local authorities in relation to safe accommodation, homelessness assistance and additional support services for victims of domestic abuse.
- 9.8 The Modern Slavery Act 2015 places specific duties on local authorities under sections 43 and 52 of the Act, to refer child victims or consenting adult victims through to the National Referral Mechanism (NRM), or to make a duty to notify referral (DtN) to the Home Office for a Single Competent Authority (SCA) assessment. Modern Slavery will be treated as falling under the over-arching area of safeguarding and reported through to the Overview & Scrutiny Committee as part of the annual report accordingly.
- 9.9 Section 26 of the Counter Terrorism and Security Act 2015 places a duty on local authorities to have due regard to the need to prevent people from being drawn into terrorism. As per 9.7 and 9.8 this area also falls within the over-arching area of safeguarding and will be reported through to the Overview & Scrutiny Committee as part of the annual report accordingly.

10. FINANCIAL IMPLICATIONS

- 10.1 Currently, the corporate training budget provides revenue funding for all levels of safeguarding training. It should be noted that when there are increased training needs for both staff and members in response to the national agenda e.g. Child Sexual Exploitation, Prevent, domestic abuse, this will place additional pressure on learning and development budgets. In addition, the Council continues to source training opportunities that are provided free of charge by partners where possible.
- 10.2 There are no capital implications.

11. RISK IMPLICATIONS

- 11.1 The Council's safeguarding policies and procedures outline the various steps taken to reduce the risk to employees, councillors and children and adults at risk of abuse and

harm accessing our services, including procedures for safe recruitment, learning and development for employees and reporting procedures for employees with concerns.

- 11.2 These policies and procedures are now established throughout the organisation, with processes in place to monitor, review and report ongoing implementation as a business-as-usual activity.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

- 12.2 Due to their age, development and dependency on adults including in the delivery of services, children are vulnerable and therefore often more open to abuse. They have a legal right to be protected and for organisations to take appropriate action to prevent and report suspected abusive behaviour. The Equality Act supports the Children Act 2004 to provide this protection to vulnerable children.

- 12.3 Equally, adults who are more vulnerable, either through decreased mental capacity/age related dementia, learning difficulties, or their personal domestic situation i.e. changing from one residential care home to another, have a legal right to be protected and for organisations to take appropriate action to prevent and report suspected abusive behaviour.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 As indicated in the main body of this report, the corporate human resourcing required to fulfil the Authorities statutory duties and responsibilities in relation to the safeguarding agenda is increasing and it is likely that this will continue. Resources to support this significant increase are being considered.

- 15.2 In regard to the Human Resources service role in safeguarding it is, in the main, responsible for the corporate management, process and administration of the Recruitment and Selection Policy and the Disclosure Barring Service Employment Checks Policy. The Human Resource Service also assist with learning and development training required for safeguarding.

16. APPENDICES

- 16.1 NONE

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 None

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OVERVIEW AND SCRUTINY COMMITTEE 12 JULY 2022

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: An update of the Commercial Directorate's work programme.

REPORT OF: Service Director – Commercial

EXECUTIVE MEMBER: Executive Members for Enterprise and Arts.

COUNCIL PRIORITY: PEOPLE FIRST, SUSTAINABILITY AND A BRIGHTER FUTURE TOGETHER

1. EXECUTIVE SUMMARY

To provide the committee with an update on the progress of the Commercial Directorate as set out in the departments work programme.

2. RECOMMENDATIONS

2.1. For the Committee to note the report.

3. REASONS FOR RECOMMENDATIONS

3.1. 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.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. The Executive Member and Deputy Executive Member for Enterprise and the Arts have been kept regularly updated on the work of the Commercial Directorate and have been fully briefed on the contents of this report.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

7.1. The Service Director – Commercial has been asked to provide regularly update to this committee.

8. COMMERCIAL UPDATE

- 8.1. Appendix A provides the current Commercial work programme that the team is working to. The final column provides the current position on all tasks and uses a traffic light colour code to demonstrate if the tasks are on target or not.

9. LEGAL IMPLICATIONS

- 9.1. There are various legislative provisions that give local authorities the power to trade commercially, in order to improve the range of services they can offer, such as S1 of the Local Authority (Goods and Services) Act 1970 (which allows local authorities to provide goods and services to other local authorities); S95 of the Local Government Act 2003 (which allows local authorities to engage in entrepreneurial commercial trading with private bodies and persons); S1 of the Localism Act 2011 ('the general power of competence', which allows local authorities to do anything individuals can do unless prohibited by law and subject to public law principles) and S19 of the Local Government (Miscellaneous Provisions) Act 1976 (which allows local authorities to provide facilities associated with recreational facilities). As part of the assessment of any proposed trading activity pursuant to the Commercial Strategy, the Council will need to ascertain the most appropriate power and comply with any associated requirements and consider the limitations imposed by the legislation.
- 9.2. Section 4(2) of the Localism Act 2011 provides that where, in exercise of the general power of competence, a local authority does things for a commercial purpose a local authority must do them through a company.
- 9.3. Section 120 of the Local Government Act 1972 provides a local authority with the power to acquire land for the purposes of its functions or for the benefit, improvement or development of its area. In its capacity as local authority, the Council cannot borrow to acquire land purely in order to profit from the investment of the sums borrowed. However, this does not necessarily preclude the Council generating a surplus from land acquired or developed pursuant to the Strategy.

10. FINANCIAL IMPLICATIONS

- 10.1. Financial implications are covered in appendix A.

11. RISK IMPLICATIONS

- 11.1. There are no risk implications relating directly to this report, as it is solely providing an update on the progress of relevant projects. There is a Service Risk (previously reported as a Corporate Risk) relating to the overarching opportunities/risks of the Council adopting a more commercial approach to service delivery. Risks are assessed for each individual project and where appropriate, these are recorded on the Risk Register.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. The strategy states that all proposed ideas will be of an ethical nature and will be considered to have a positive impact on the community as a basis for consideration. In line with the Council's commitment to demonstrate due regard the Equality Duty, it will conduct equality impact assessments where required (i.e. any key decisions, major budget implications and any revisions to major service provisions).

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply directly to this report. The Council will conduct environmental impact assessments where required (i.e. any key decisions, major budget implications and any revisions to major service provisions).

15. HUMAN RESOURCE IMPLICATIONS

15.1 There are no human resources implications for this report.

16. APPENDICES

16.1 Appendix 1 – Commercial Work Programme

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 None.

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Appendix A - Service Action Plan

Commercial

Action	Corporate Objective	Target/Aim/Outcome	Planned Start Date	Due Date	Current Progress
2022/23					
Museum and Town Hall					
Covid Recovery Hitchin Town Hall	Brighter future together	For the level of hires of Hitchin Town Hall, and the level of income to have recovered to the point of parity with pre pandemic levels (assumes the current pandemic situation continues to improve).	Ongoing		In the two financial years prior to the pandemic, the town hall generated £54k in 2018/19 and £69k in 2019/20 in hall and room lettings. If the performance in the first quarter of 2022/23 were to be repeated throughout the year, this would result in a total income figure of over £71k. This indicates a strong recovery so far this financial year although there are some caveats. Fitness class income is projected to be over £25k based on Q1 performance, having achieved totals of £11k and 20k respectively in the two years prior to the pandemic. Bar takings are lagging behind target but this is generally due to the nature of bookings held rather than a performance issue and we expect to recover some lost ground on this front as the year progresses. Cafe and catering income, linked to lower visitor figures, is also lagging behind at a projected £30k by year end compared to £45k target. Overall, income is approximately 15% behind target, or around a £6k shortfall thus far, which, considering the ongoing recovery and lack of bar events, is encouraging.
Covid Recovery North Herts Museum	Brighter future together	For the level of visitors to North Herts Museum to have recovered to a point of parity with pre pandemic levels. (Assumes the current pandemic situation continues to improve).	Ongoing		Prior to the pandemic, the museum was on course to attract over 35,000 visitors in its first full year of operation. This equates to roughly 3000 visitors per month which fluctuates with seasonal variation and which exhibitions are on. In the midst of the Pandemic, June 2021 saw a total of 1103 visitors. By comparison, May 2022 has seen 2144 visitors while June 2022 has seen over 2500 visitors. This indicates a continuation of a gradual but positive return towards pre pandemic visitor numbers. Gift Shop performance and margins are tracking according to target, which signals really positive performance when compared to visitor number however it remains finely balanced and is still too early to draw firm conclusions.
Burymead Redevelopment	Brighter future together	Procurement of the necessary developers and consultants to be undertaken and completed. North Herts Museum collection to have been successfully temporarily relocated and for construction work to be underway at the Burymead site on the new museum storage facility.	01/09/22	01/03/23	Having decided upon a conventional procurement route, we have engaged with two local consultants with a background in museum and storage developments. These consultants are currently reviewing the project and are due to come back to us with a feasibility proposal for the project. This will then lead to a full specification, project brief, cost evaluation and ultimately procurement for an overall construction company to undertake the works. Having moved away from a framework procurement, this new approach aligns with our revised timescales and should lead to construction starting in the Spring of 2023. The museum collection will need to be relocated by this point and we have had initial discussions and outline quotations for transportation and storage options during the construction period.

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Bancroft Kiosk	Brighter future together	To renovate the existing wing of the Bancroft pavilion into a compliant food service area with all relevant license conditions and regulations adhered to, till systems and commercial kitchen equipment installed. To have fully established a food premises servicing Bancroft green space.	01/04/22	01/08/22	A planning application has been submitted and registered for the Change of Use of the wing of Bancroft Pavilion concerned. There is currently an 8 week lead time on planning applications meaning we are unlikely to receive approval until the end of August. New job descriptions and Person Specifications have been drafted for the changes to the staffing structure which are currently being reviewed for indicative grading by HR. A hybrid Business Case and Restructure report has been drafted and shared with HR and Finance for review which focusses on demonstrating the merits of expanding the Catering staffing structure and running this venture in house. Quotations have also been received for a full fit out of the pavilion wing into a food preparation space which would meet the needs and criteria necessary to receive a high food hygiene standards rating. Due to the need to recruit and undertake works at the site following anticipated approval of planning applications and reports, it is anticipated that this operation will not now launch until the end of September 2022, with the merits of opening out of season vs waiting until the Spring still to be determined.
Estates					
Block letting of 55 Harkness Court, Hitchin	Brighter future together	Letting entire building to NHDC's trading company with aim of generating rental income for NHDC and providing four new homes.	01/04/22	31/07/22	Snagging & landscaping works in progress. Building Control checks in progress. Researching block leasing and management options.
Disposal of Land off Castlefield, Preston.	Brighter future together	Remove maintenance obligation and generate capital receipt in line with capital projections.	Ongoing	31/08/22	Section 106 agreement completed. Notice to confirm planning permission for 21 homes, 7 of which affordable, is expected soon.
Disposal of Land at Ivel Court, Letchworth.	Brighter future together	Remove maintenance obligation and generate capital receipt in line with capital projections.	Ongoing	31/08/22	Exchanged contracts. Section 106 agreement nearing completion. Planning resolution granted for 24 homes, 8 of which affordable.
Disposal of Land rear of Clare Crescent, Baldock.	Brighter future together	Remove maintenance obligation and generate capital receipt in line with capital projections.	Ongoing	31/08/22	Section 106 agreement completed. Notice to confirm planning permission for 24 homes across both sites (8 on NHDC's land & 16 on adjoining landowner's land) is expected soon.
Rectification of structural and fabric issues at Thomas Bellamy House.	Brighter future together	Arrest structural & fabric issues and make presentable to maximise marketability for letting out or selling.	01/04/22	31/01/23	Final occupier has now vacated building. This has enabled Estates to instruct NHDC's Property Services to commence programme of remedial works to building structure & fabric.
Marketing & disposal of Land adjacent 9 North End, Kelshall.	Brighter future together	Remove maintenance obligation and generate capital receipt in line with capital projections.	01/04/22	31/03/23	Outline planning permission granted for 1 house. Land marketed for disposal with benefit of the permission during Spring 2022. Estates now evaluating bidding feedback with marketing agent.
Marketing & disposal of Land at The Snipe, Weston.	Brighter future together	Remove maintenance obligation and generate capital receipt in line with capital projections.	01/04/22	31/03/23	Disposal on hold whilst research options for developing land for homes with external party, with a view to retaining all or portion of homes to generate rental income stream and/or a capital receipt from part disposal.
Marketing & disposal of Land at Yeomanry Drive, Baldock.	Brighter future together	Remove maintenance obligation and generate capital receipt in line with capital projections.	01/04/22	31/03/23	Disposal on hold whilst research options for developing land for homes with external party, with a view to retaining all or portion of homes to generate rental income stream and/or a capital receipt from part disposal.
Marketing & disposal of Land at Meadow Way, Therfield.	Brighter future together	Remove maintenance obligation and generate capital receipt in line with capital projections.	01/04/22	31/03/23	Disposal on hold whilst research options for developing land for homes with external party, with a view to retaining all or portion of homes to generate rental income stream and/or a capital receipt from part disposal.
Investigation of options for repurposing of Royston Town Hall Annexe.	Brighter future together	Remove maintenance obligations, improve building energy & environmental performance, generate new long-dated rental income stream and partially provide new community space.	01/04/22	31/03/23	Liaised with several interested parties for interim letting to generate rental income, pending investigation of title rights to pursue marketing of a longer-term repurposing opportunity.
Forming Riverside Walk, Hitchin.	Sustainability	Complete land assembly as part of project to complete riverside walkway from Biggin Lane to Bridge Street.	Ongoing	31/03/23	Met with representatives of Hitchin Initiative and Hitchin BID to discuss process for opening up existing walkway on eastern bank of River Hiz, and augment with installation of new footbridge.

Property acquisitions & developments.	Brighter future together	Integrate property acquisitions into estate portfolio and asset manage to explore and initiate opportunities with view to maximising income and capital appreciation.	01/06/22	31/03/23	Estates provide advice on relevant acquisitions that the Council are progressing.
Asset valuations.	People First	Produce timely asset valuations that factor in material changes in property portfolio, for financial statements.	01/09/22	31/03/23	Market research in progress in preparation for 2022-23 asset valuations, work on which is due to commence later in 2022.
Carry out rent reviews (mostly commercial ground rents).	Brighter future together	Effect efficient triggering of commercial lease rent reviews to ensure maximum rental income uplifts are secured.	Ongoing	31/03/23	Several rent reviews of NHDC investment properties in progress, some of which are incorporated with lease restructure/regearing exercises.
Investigating options for future use of Charnwood House.	People First	To accommodate community hub use with aim of bringing a town centre asset into beneficial occupation for wider community & reduce holding costs.	Ongoing	31/03/23	Asbestos refurbishment survey carried out on 27 & 28th June 2022: results awaited. Community engagement undertaken in March & April 2022 - information being provided to interested parties, with dialogue continuing.
Commercial					
Strategic Review and update to the Commercial Strategy	Brighter future together	Present findings of the Strategic Review to SLT and Leader. Update and rewrite elements of the current Commercial Strategy to align with the review, Council priorities and commercial environment	Underway	31/11/2022	Strategic Review completed and presented to Senior Leadership Team and Political Liaison Board. The team will be implementing the outcomes of the review which will include reviewing and updating the Commercial Strategy.
Manage the Property Letting Company	Brighter future together	Aim to ensure the company is fully functional and in line with the Property and Development Strategy. Continue to create a portfolio of assets to move into the company that will create a financial return for NHDC.	Underway	01/09/22	Directors in post and legal documentation complete. Company remains "dormant" until the Council officially sign over the property ready for operation/ trade.
Improve commercial awareness throughout the organisation	People First	Aim to educate all employees and Councillors about the role of commercial at North Herts, based on the outcome of the Commercial Strategy survey.	Underway	31/09/2022	This was paused whilst the Strategic Review took place. This will be delivered alongside the department rebrand.
Manage the Hitchin Market contract with Hitchin Markets Limited	Brighter future together	Continue to monitor and manage the contract. Attend Board meetings and plan for the future of the market as well as provide social media support. Conduct a yearly financial review to assess the position of HML.	Underway	31/03/23	CDG continues to monitor the contract with Hitchin Markets Limited by attending monthly Board meetings and engaging on a weekly basis with the Hitchin Markets team. The contract is reviewed on a yearly basis, with a focus on the financial status of the market.
Conduct a feasibility study of Wilbury Hills, Letchworth	Brighter future together	Deliver a business case that will set out a viable option for the usage of this land until further notice. This will include working with a renewable energy consultant to determine the best option for this location.	29/04/22	26/06/22	CDG is in the process of appointing a 'grid consultant' to conduct a feasibility report on this site. At it stands, a renewable energy project is favourable at that site - as a result of research and agreement between officers. The projects team are also working with the Grounds team on other possible projects for this land, inclusive of 'Pick Your Own' ventures.
North Herts Community Lottery	People First	Continue to manage Gatherwell and the lottery process. Aim to increase ticket sales and good cause sign ups as much as possible in a bid to exceed existing forecasts.	Underway	31/03/23	The Lottery is exceeding original forecasts in regards to ticket sales. Tickets sold since March 2022 716 vs Originally forecasted 803 ticket sales in a whole year (based on 0.5% population). This equates to £10,024 gross revenue so far, with £1,002 into the central NHC pot and £5,012 going directly to good causes. Total spend for the Lottery is £5,818 and therefore it has made a loss of £1,640 (please note, we are only in month 5 of operation and these numbers are based on the performance so far).
Burymead Redevelopment, Hitchin	Brighter future together	Approvals completed for the commercial/new museum storage project and entering into early stages of construction work on site.	01/09/22	01/03/23	Please refer to the detail set out in cell H8. The team are investigating ways to ensure the commercial element of this project are viable, before going ahead with any construction. A viability exercise will be conducted by the team and Finance to determine if a commercial storage unit is best placed on the Burymead site as part of the redevelopment.
Develop new ways of delivering housing on North Herts Council land	Brighter future together	Determine a way forward/ partnership agreement with current provider and start to consider other options for delivery	Underway	01/09/22	The team are working with Legal and Procurement to identify the best way to deliver this programme of work as a potential joint venture.
Manage the process of opening Biggin Lane car park, Hitchin	Brighter future together	Work alongside a consultant to update the TRO in conjunction with Riverside Walk project (mentioned above)	03/05/22	31/03/22	CDG is preparing to appoint a Traffic Regulation Order consultant. Awaiting further guidance from the Parking team (Louise Symes).

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