NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, GERNON ROAD, LETCHWORTH GARDEN CITY ON TUESDAY, 21ST JANUARY, 2020 AT 7.30 PM

MINUTES

- Present: Councillors: David Levett (Chair), Councillor Kate Aspinwall (Vice-Chair), Val Bryant, Sam Collins, George Davies, Terry Hone, Tony Hunter, Jim McNally, Gerald Morris, Lisa Nash, Helen Oliver, Adem Ruggiero-Cakir, Carol Stanier, Claire Strong and Tom Tyson
- In Attendance: Howard Crompton (Service Director Customers), Steve Crowley (Service Director - Commercial), Ian Fullstone (Service Director -Regulatory), Jeanette Thompson (Service Director - Legal and Community), Rebecca Coates (Community Protection Manager), Rachel Cooper (Controls, Risk and Performance Manager), Sam Dicocco (Planning Officer), Hilary Dineen (Committee, Member and Scrutiny Manager), Jo Dufficy (Customer Services Manager), Jamie Sells (Service Manager - Waste and Recycling), Geraldine Goodwin (Revenues Manager), Christopher Robson (Senior Estates Surveyor), Martin Lawrence (Strategic Housing Manager), Nigel Smith (Strategic Planning Manager), Chloe Gray (Commercial Manager) and Matthew Hepburn (Committee, Member and Scrutiny Officer)
- Also Present: At the commencement of the meeting Councillors Ian Albert, Judi Billing, Paul Clark, Elizabeth Dennis-Harburg, Keith Hoskins, Sam North and Martin Stears-Handscomb and approximately 7 members of the public.

53 APOLOGIES FOR ABSENCE

Audio Recording – Session 1 - 10 Seconds

Apologies for absence were received from Councillor Sue Ngwala.

54 MINUTES - 17 SEPTEMBER 2019

Audio Recording – Session 1 – 30 Seconds

RESOLVED: That the Minutes of the Meeting of the Committee held on 17 September 2019 be approved as a true record of the proceedings and be signed by the Chair.

55 MINUTES - 23 OCTOBER 2019

Audio Recording – Session 1- 52 Seconds

RESOLVED: That the Minutes of the Meeting of the Committee held on 23 October 2019 be approved as a true record of the proceedings and be signed by the Chair.

56 NOTIFICATION OF OTHER BUSINESS

Audio Recording – Session 1 – 1 Minute 4 Seconds

There was no other business notified.

57 CHAIR'S ANNOUNCEMENTS

Audio Recording – Session 1 – 1 Minute 5 Seconds

- (1) The Chair welcomed those present at the meeting;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (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 if the meeting were to go on beyond 9pm, he would call a 5 minute comfort break.

58 PUBLIC PARTICIPATION

Audio Recording – Session 1 – 3 Minutes 5 Seconds

There was no public participation.

59 URGENT AND GENERAL EXCEPTION ITEMS

Audio Recording – Session 1- 3 Minutes 9 Seconds

No urgent or general exception items were received.

60 CALLED-IN ITEMS

Audio Recording – Session 1- 3 Minutes 14 Seconds

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

61 MEMBERS' QUESTIONS

Audio Recording – Session 1 – 3 Minute 18 Seconds

No questions had been submitted.

62 CRIME AND DISORDER MATTERS

Audio Recording – Session 1 – 3 Minutes 26 Seconds

Members received a verbal presentation from Chief Inspector Sally Phillips, Hertfordshire Constabulary the North Herts Chief Inspector and the Community Protection Manager on matters relating to Crime and Disorder within North Hertfordshire.

The key information contained in the North Herts Chief Inspector's update was as follows:

- There was a decrease in crime by 2.8%;
- There was a 23% decrease in burglaries;
- There was a 4% increase in robberies;
- There was a 60% increase in the offence of possessing a weapon;
- There was an 8% increase in Anti-Social Behaviour;
- There was a growing threat of County Lines and Gangs;
- Work was being carried out to engage with youths in order to stop criminal behaviour;
- Officers were continuing to work to reduce the level of serious and organised crime using the 4 'P's framework: Pursue, Prevent, Protect and Prepare;
- The Fearless Campaign provided advice and support to people affected by County Lines;
- Gangs and County Lines were coming into North Hertfordshire from London and Bedfordshire; and
- There were 20 additional Scorpion Officers in North Herts.

The following Members asked questions:

- Councillor Gerald Morris;
- Councillor Kate Aspinwall;
- Councillor Tony Hunter; and
- Councillor Claire Strong.

In response to questions raised by Members, Chief Inspector Phillips responded as follows:

- That she was happy with the current number of Officers;
- Scorpion Officers would be working on the front line;
- The waiting time to answer the 101 non-emergency number was sometimes longer than liked. However, members of the public could use the 101 webchat as an alternative;
- There was a strong focus on tackling Domestic Violence;
- There was a lot of training taking place to ensure Officers knew how to respond to Domestic Violence incidences;
- There was an increase in the amount of Domestic Violence being reported. However, that also highlighted that members of the community had the confidence to report it to the Police;
- There was a Children's and Young People team at Farnham House who worked with young people to prevent them from joining a gang; and
- The date of the Rural Community Forum would be provided to Members.

The Chair thanked Chief Inspector Phillips for her presentation.

63 FAIR COLLECTION POLICY AND PRESENTATION BY PENHAM EXCEL LTD

Audio Recording – Session 1 – 27 Minutes

The Service Director – Customers presented the report entitled Fair Collection Policy and presentation from Penham Excel Ltd.

Mr Alan Wood and Mr Philip Hammonds, Penham Excel, gave a verbal presentation, with the aid of a PowerPoint Presentation, to Members of the Committee in relation their work and role as a civil enforcement agency.

In response to a series of questions raised by Members, the Service Director – Customers and the Revenues Manager along with Mr Wood, Mr Hammonds and Ms Lecia Fraser, North Hertfordshire Citizens Advice, provided the following responses:

- It was felt that the Fair Collection Policy struck the right balance between protecting vulnerable customers as well as ensuring finances were collected;
- Consultation had been carried out with Citizens Advice and the Money Advice Trust;
- Budgeting work was carried out with clients to ensure they were able to keep to the repayment agreement;
- There was a note on all Benefits correspondences that reminded customers to inform the Council if their circumstances were to change;
- The collection of arrears had improved;
- Letters were sent out in advance to customers to inform them that Council Tax arrears would be collected via an Attachment of Earnings; and
- Some customers contact the Council once they have noticed an Attachment of Earnings.

RESOLVED: That the presentation by Penham Excel Ltd be noted.

RECOMMENDED TO CABINET: That the Draft Fair Collection Policy be adopted.

REASONS FOR DECISIONS:

- (1) To better inform the Committee of the role of Collection Agents in North Hertfordshire; and
- (2) To allow the Committee to comment on the Draft Fair Collection Policy before it is considered by Cabinet.

64 RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

Audio Recording – Session 1 – 59 Minutes 57 Seconds

The Committee, Member and Scrutiny Manager presented the report entitled Resolutions of the Overview and Scrutiny Committee who referred to the table on pages 103-109 within the report.

The Committee, Member and Scrutiny Manager advised the following:

Waste and Recycling

• She had emailed Group Leaders asking for Members for the two proposed Task and Finish Groups on Waste and Recycling. She had asked for non - retiring Members, as the work of these groups would likely take some time;

- She was working on a scope for each of the Task and Finish Groups that would be agreed by the Chair of the relevant Task and Finish Group and Overview and Scrutiny Chair
- She suggested that this wait for the outcome of the Peer Review to see if there were any recommendations that would impact on this.

Homelessness

• The Strategic Housing Manager would be updating the Committee regarding target setting for Reg 1 & 2 during the report on Performance indicators.

Safeguarding

- 15 Members had completed the safeguarding e-learning;
- Could all Members please encourage their colleagues to complete this. It Was available on Members' tablets under Growzone and would take no more than 10 mins to complete; and
- It was recommended that all Members undertake Level 1 Safeguarding Training. Details had been published in Members Information service on 17 January 2020 alternatively Members could contact Gemma Mitchell.

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

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

65 OVERVIEW AND SCRUTINY WORK PROGRAMME FOR 2019-2020

Audio Recording – Session 1 - 1 Hour 6 Minutes 50 Seconds

The Committee, Member and Scrutiny Manager presented the report entitled Overview and Scrutiny Work Programme for 2019-2020 and drew attention to the following:

Paragraph 8.1 (Appendix A)

• She would bring a draft of the Annual Report to the next meeting for consideration;

Review of Hitchin Town Hall

• The report of the Overview and Scrutiny Review of Hitchin Town Hall and North Hertfordshire Museum project and the comments of the Overview and Scrutiny Committee regarding that report were considered by Cabinet on 17 December 2019 and all the recommendations had been accepted

Task and Finish Protocol

• The review of the Hitchin Town Hall had drawn attention to some anomalies regarding the current protocol for Task and Finish Groups and recommended that the Protocol be reviewed at a future meeting.

Forward Plan

- The Committee, Member and Scrutiny Manager advised that the following items had already been selected from the Forward Plan to be considered at the March meeting:
 - Development Agreement for John Barker Place;
 - District Wide Survey; and
 - Greenspace Strategy 2021 2026 Scoping Document.

The Chair recommended that the following items be considered at the next meetings of the Overview and Scrutiny Committee:

- Revised Animal Licensing Policy;
- NHDC Draft Electric Vehicle Strategy; and
- Environmental Crime Vehicles.

In response to the Chair's question regarding the draft design SPD, the Service Director – Regulatory informed Members that:

- It was still the intention to bring the draft design SPD to Overview and Scrutiny; and
- There was a Government consultation underway for the Future Homes Standard which had been extended until February 2020, this may impact upon the timing of the SPD.

The Committee, Member and Scrutiny Manager provided a word of caution regarding the number of items placed on the Agenda of the Overview and Scrutiny Committee and recommended that fewer items be scheduled for the next meeting on 17 March 2020.

RESOLVED:

- (1) That the proposed topics for inclusion in the work programme and where appropriate, the high-level form and time of scrutiny input, be determined and prioritised;
- (2) That the following items be considered at its meeting on 17 March 2020:
 - Revised Animal Licensing Policy;
 - NHDC Draft Electric Vehicle Strategy; and
 - Environmental Crime Vehicles.

and;

(3) That the Task and Finish Group Protocol be reviewed at the meeting due to be held on 17 March 2020.

REASON FOR DECISIONS: 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 charge.

66 PRIORITIES FOR THE DISTRICT - KEY PROJECTS HALF YEAR MONITORING

Audio Recording – Session 1 - 1 Hour 13 Minutes 35 Seconds

The Controls, Risk and Performance Manager presented the report entitled Priorities for the District – Key Projects Half Year Monitoring and referred to Appendix A and drew attention to the following:

- The renovation of the play areas at Great Ashby and the Bancroft MUGA had been completed and therefore been removed from monitoring reports;
- The completion of the fit out and opening of the North Hertfordshire Museum was not marked as completed because they were waiting for the closure report to be brought to the next meeting of Overview and Scrutiny;
- The development of a Crematorium in North Hertfordshire was coded as amber as officers were still waiting for confirmation of the date of the Planning appeal; and
- The submission of the Local Plan was coded as amber as additional hearing dates were yet to be announced by the inspector.

The following Members asked questions:

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

In response to questions raised, the Controls, Risk and Performance Manager responded as follows:

- The hearing appeal date for the crematorium was due to take place in April or May 2020; and
- With regard to the crematorium, once the outline planning application was refused, a report went back to Cabinet to request funding to proceed with the appeal.

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

• Some of the issues raised would be addressed in Part 2 as this information was exempt from disclosure; the Closure Report for the North Hertfordshire Museum would be sent to the Controls, Risk and Performance Manager in order for it to be presented at Overview and Scrutiny in March 2020.

NB: There was a comfort break at 20:52

RESOLVED:

- (1) That delivery against the key projects for 19/20 be noted;
- (2) That the Service Director- Commercial be requested to present the closure report regarding the Hitchin Town Hall and District Museum to the Overview and Scrutiny Committee for consideration.

REASON FOR DECISION: To enable achievements against the key projects for 2019/20 to be considered.

67 2ND QUARTER UPDATE ON PERFORMANCE AGAINST PERFORMANCE INDICATORS

Audio Recording – Session 2 – 37 Seconds

The Controls, Risk and Performance Manager presented the report entitled 2nd Quarter Update on Performance against Performance Indicators.

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

- There were 19 corporate performance indicators being monitored;
- 4 performance indicators were coded amber;
- The number of visits to leisure facilities was 783,268;
- In 2019/20, Letchworth Outdoor Pool reported 33,263 visits compared to 48,165 in 2018/19. The decrease in usage was the result of poor weather experienced over the outdoor pool season compared to last year;
- The overall tonnage of food waste collected was 2,397 which was coded as amber; and
- The overall tonnage of garden waste collected was 6,059 which was coded as amber.

The following Members asked questions:

- Councillor David Levett;
- Councillor Claire Strong; and
- Councillor Jim McNally.

In response to questions raised by Members, the Controls, Risk and Performance Manager responded as follows:

• The figures of the reported visits to Letchworth Outdoor Pool were up to the end of September 2019. Thus, they did not include figures from the visits to the ice rink at Letchworth Outdoor Pool at Christmas.

The Committee received a presentation from the Strategic Housing Manager on Housing Performance Indicators for 2020/21. His presentation included the following key points:

- There had been 1450 approaches for housing assistance;
 - There were three housing performance indicators:
 - Reg 1 rate of homelessness prevention;
 - Reg 2 rate of homelessness relief; and
 - LI035a total number of households in temporary accommodation.
 - The current challenges were as follows:
 - Housing those with complex needs;
 - Welfare reform
 - The private rented sector being difficult to access; and
 - Some landlords did not want to accept tenants in receipt of benefits.
- North Hertfordshire District Council had a 49% success rate for Reg 1, 23% success rate for Reg 2 and 85 households in temporary accommodation; and
- Owing to the challenges and despite the efforts of front-line staff, the outcomes are often out of the Council's control. Targets could remain unmet creating a poor perception of the service and potentially de-motivating staff.

It was therefore proposed that Reg1, Reg2 and LI035a do not have targets set for 2020/21 and they remain as "data only". Benchmarking statistics from Hertfordshire authorities will be provided alongside the quarterly returns so performance can still be monitored and scrutinised.

The following Members asked questions:

- Councillor David Levett;
- Councillor Gerald Morris; and
- Councillor Claire Strong.

In response to questions raised by Members, the Strategic Housing Manger provided the following responses:

- All data was sent to Central Government;
- Local Authorities now had more responsibility to try and assist those in housing crisis, however there were still limited housing options;
- Some households lose touch and therefore the outcome was not always positive; and
- The data did not include those rough sleeping.

RESOLVED:

- (1) That the 2nd Quarter Update on Performance against Performance Indicators be noted.
- (2) That the Housing Performance Indicators Reg 1, Reg 2 and LI035a remain as "data only" for 2020/21 (benchmarking statistics for Hertfordshire authorities will be provided alongside the quarterly returns so performance can still be monitored and scrutinised).

REASONS FOR DECISIONS:

- (1) To update the Committee on the performance indicators as well as other indicators that officers have updated and activated on Pentana Risk.
- (2) To ensure there are appropriate monitoring arrangements in place for the Housing Performance Indicators for 2020/21.

68 COMMENTS, COMPLIMENTS AND COMPLAINTS - HALF YEAR UPDATE

Audio Recording – Session 2 - 21 Minutes 37 Seconds

The Customer Service Manager presented the report entitled Comments, Compliments and Complaints – Half Year Update and drew Members' attention to the performance summary 1 April 2019 – 30 September 2019. The key points from her presentation were as follows:

- There had been a decrease in the number of 3Cs received compared to previous years;
- There were 12 stage 2 complaints received, 9 of which related to waste complaints;
- Waste complaints related to problems contacting Urbaser and missed bin collections; and
- The Local Government Ombudsman received three complaints during the period of 1 April 2019 30 September 2019.

The Customer Service Manager advised that there was an error with the figures contained in the table headed Waste and Recycling Data (Combined) on page 153.

The correct figures were as follows:

- Comments 136 instead of 16
- Compliments 22 instead of 6
- Complaints 242 instead of 118

The Customer Service Manager stated that the Local Government Ombudsman upheld one complaint relating to Private Sector Housing and the Complainant received £200 in compensation. Furthermore, the Local Government Ombudsman would be invited to the next Senior Management Group meeting in March in order to discuss if there had been a change in their complaints process as it appeared that more complaints were being upheld by the Ombudsman.

The Service Director – Regulatory added that the one complaint upheld by the Local Government Ombudsman had previously been upheld internally by the Council and the Complainant had been informed of that decision. However, a complainant was still able to elevate their complaint to the Ombudsman even though it may have already been by upheld by the Council.

The following Members asked questions:

- Councillor David Levett;
- Councillor Claire Strong;
- Councillor Gerald Morris; and
- Councillor George Davies.

In response to questions raised by Members, the Customer Service Manager responded as follows:

- The complaint regarding private sector housing was in relation to poor living conditions and a delay by the council in responding. The reason for that delay would be investigated;
- Compliments were received in the same way as complaints via a letter, email or submitted online;
- Contractor complaints included the Leisure Centre, John O'Connor and Urbaser; and

RESOLVED: That the Half Year Update on Comments, Compliments and Complaints be noted.

REASON FOR DECISION: To provide an update on the first six months performance of 2019/2020 in regards to Comments, Compliments and Complaints for the Council and the contractors that provide services on the Council's behalf.

69 GARDEN WASTE SERVICE

Audio Recording – Session 2 - 34 Minutes 50 Seconds

Prior to the commencement of the item, Councillor Carol Stanier declared a Declarable Interest in that being the Deputy Executive Member for Recycling and Waste Management, she had taken part in the development of the proposals contained in the report. She advised that would leave the room for the duration of the item and take no part in the debate or vote.

The Committee considered a report entitled Garden Waste Service on the implementation of concessionary rates and to reconsider implementation of direct debits for future garden waste charges commencing 2020/21.

The Shared Waste Services Manager Informed Members of the following:

- That the Council had approximately 55,000 households of which 90% were eligible for the garden waste service;
- In 2018/19 approximately 29,000 households had signed up to the service at a cost of £40;
- At the time of writing the report, 26,666 households had signed up to the service in 2019/20;
- There was a proposed concessionary rate of 50% reduction in the standard charge; and
- Concessions would only apply to households in receipt of Council Tax Reduction.

Members discussed at length their concerns with the proposals and the implementation of direct debits for future garden waste charges.

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

- Councillor David Levett;
- Councillor Sam Collins;
- Councillor Claire Strong;
- Councillor Terry Hone;
- Councillor Terry Hone; and
- Councillor Helen Oliver.

In response to these concerns, the Shared Waste Services Manager and Councillor Elizabeth Dennis-Harburg, Executive Member for Recycling and Waste Management, responded as follows:

- Testing was being carried out to ensure the payment page was reliable in order to prevent any disruption to service users;
- The ability to pay by Direct Debit for future garden waste charges would only be available to households not in receipt of Council Tax reduction;
- The current contract allowed for Direct Debit payments;
- Consultation had not taken place with those in receipt of Council Tax Reduction regarding the proposed concessionary rate; and
- 60% of those in receipt of Council Tax reduction would be willing to pay the reduced rate.

RECOMMENDED TO CABINET:

- (1) That the concessionary rates principles as proposed in para 8.2 be agreed;
- (2) That the decision as to whether the implementation of Direct Debits is practicable for August 2020 be delegated to the Service Director of Place, in consultation with the Executive Member for Recycling and Waste Management.

REASON FOR DECISIONS: To deliver objectives set out in the Councils plan and to implement the recommendations in 2020/21.

70 DRAFT DEVELOPER CONTRIBUTIONS SPD

Audio Recording – 1 Hour 6 Minutes 20 Seconds

The Strategic Planning Manager presented the report entitled Draft Developer Contributions SPD and Members were provided with the following information:

- Through the planning system, contributions could be secured from developers;
- There were two strands to the report; the first being the proposed draft Developer Contributions SPD and the second being conducting a review to consider introducing a Community Infrastructure Levy (CIL);
- Supplementary Planning Documents added further detail to the policies in the development plan;
- The Developer Contributions SPD was the first of the proposed SPDs supporting the emerging Local Plan;
- Developer contributions were presently collected through legal agreements with developers which were specific to each development;
- CIL had not been pursued by the Council in the past.
- Section 106 agreements would continue to be used;
- The new Local Plan included clusters of sites, particularly in villages, that needed to contribute towards a specific project such as a school expansion; Section 106 was the preferred way of collecting that contribution; and
- Sites of 10 homes or fewer were normally exempt from making contributions through a Section 106 legal agreement. Officers now considered that there was merit in assessing whether smaller sites might be asked to contribute towards infrastructure requirements through CIL

The following Members asked questions:

- Councillor Sam Collins;
- Councillor Gerald Morris;
- Councillor Terry Hone; and
- Councillor David Levett.

In response to a series of questions, the Strategic Planning Manger responded as follows:

- A Sustainability Appraisal was not always required for SPDs as the parent policy was already appraised;
- The Standard Formula for health contributions was provided by the NHS;
- The Draft Developer Contributions Supplementary Planning Document primarily focused on what would be in a legal agreement.
- Biodiversity would be set out in planning policy; and
- In relation to Recommendation 2.2, the scope of the review to consider the feasibility of introducing a Community Infrastructure Levy could be made wider.

RESOLVED:

- (1) That the draft Developer Contributions SPD, attached as Appendix A to this report, be endorsed and approved for a six-week public consultation;
- (2) That Officers be instructed to conduct a review a to consider the feasibility of introducing a Community Infrastructure Levy for residential sites of 10 units or less.

REASONS FOR DECISIONS:

- (1) To allow the Developer Contributions SPD to be progressed so that it may be (i) adopted at the same time as, or shortly after, any future decision to adopt the new Local Plan and (ii) taken into account in relevant planning decisions;
- (2) To determine whether there is scope to introduce a levy for small sites which are not normally subject to requests for contributions but which, collectively, result in additional burdens upon local infrastructure.

71 UPDATE ON COMMERCIAL WORK PROGRAMME

Audio Recording – Session 2 – 1 Hour 19 Minutes 40 Seconds

The Service Director – Commercial and the Commercial Manager presented the report entitled Update on Commercial Work Programme and drew attention to the following:

- Employees would be able to purchase annual leave; and
- The District Council was proposing to refurbish the former Careline offices at Harkness Court in Hitchin.

The following Members asked questions:

• Councillor Gerald Morris.

In response, the Service Director – Commercial detailed the Officers that were under his directorate.

RESOLVED: That the report be noted.

REASON FOR DECISION: The report is following the request of the Committee for a more detailed update on the work programme of the Commercial team and is for information only.

72 EXCLUSION OF PRESS AND PUBLIC

Audio Recording – Session 2 – 1 Hour 24 Minutes

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

73 UPDATE ON COMMERCIAL WORK PROGRAMME

Audio Recording – Session 3 – 10 Seconds

The Service Director – Commercial and the Commercial Manager presented the Part 2 report entitled Update on Commercial Work Programme.

Following an in-depth discussion, it was:

RESOLVED: That the report entitled Update on Commercial Work Programme be noted.

REASON FOR DECISION: To keep the Overview and Scrutiny Committee updated on the work undertaken by the Commercial Team.

The meeting closed at 11.00 pm

Chair