

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

**MEETING HELD IN THE THIS WILL BE A VIRTUAL MEETING
ON TUESDAY, 16TH JUNE, 2020 AT 7.30 PM**

MINUTES

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

In Attendance: *Anthony Roche (Deputy Chief Executive), Jeanette Thompson (Service Director - Legal and Community), Vaughan Watson (Service Director - Place), Rachel Cooper (Controls, Risk and Performance Manager), Sarah Kingsley (Communications Manager), Chloe Hipwood (Service Manager - Waste and Recycling) and Hilary Dineen (Committee, Member and Scrutiny Manager)*

1 WELCOME AND INTRODUCTION

Audio Recording – 2 minutes 9 seconds

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

The Committee, Member and Scrutiny Manager gave advice regarding the following:

Attendance

A roll call of Members and Officers was undertaken to ensure that they could hear and be heard.

Live Streaming

The meeting was being streamed live on the Council's You Tube channel. If live streaming failed the meeting would adjourn. If the live stream was unable to be restored within a reasonable period then the remaining business would be considered at later date.

If for any reason the meeting was not quorate an Officer would notify attendees by interjecting the meeting. The meeting would adjourn immediately. Once the meeting was quorate the meeting would resume. If connection could not be restored within a reasonable period, then the remaining business would be considered at a later date.

Only Members present for the entire debate and consideration of an item were entitled to vote. If technology fails for a Member during the debate and they rejoined the meeting, they would not be able to vote on that item.

If a Member dropped out of the meeting and was unable to connect an email had been sent to each Member with telephone options,

Noise interference

Electronic devices should be muted and all present should have the mute button on their tablet or computer activated when not speaking.

Rules of Debate

The raise hand button (located under participants) should be used to alert the Chair that you wish to speak. Please wait for the Chair to invite you to speak before doing so.

Voting

Voting would be undertaken using the Green tick for "Yes", Red Cross for "No" and Blue Raise Hand for "abstain", located in the participants section at the bottom of the screen. To enable the votes to be counted, votes should not be cleared until requested to do so.

Details of how Members voted will not be kept or minuted unless a Recorded Vote was requested or an individual requests that their vote be recorded, and it will not be heard or seen on the audio and YouTube recordings of the meeting.

Part 2 Items

There was a Part 2 paper on the agenda. When the Committee had resolved to move into Part 2 the host would ask the Committee Members and relevant officers to join a Break Out Room where the Part 2 discussions would be held.

Once the Part 2 discussions had concluded Members would need to move back into the public part of the meeting.

Whilst the part 2 discussions were taking place the live stream of the meeting would not cease. The YouTube channel would remain live with a holding message.

The Chair, Councillor David Levett started the meeting proper.

2 APOLOGIES FOR ABSENCE

No apologies for absence were received.

3 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

4 CHAIR'S ANNOUNCEMENTS

Audio Recording – 9 minutes 25 seconds

1. The Chair welcomed everyone to the first meeting of the Overview and Scrutiny Committee in the 2020/21 Civic Year.
2. The Chair advised that, in accordance with Council policy this meeting was being audio recorded as well as filmed. The audio recordings would be available to view on Mod.gov and the film recording via the NHDC YouTube channel.
3. Members were reminded to make declarations of interest before an item, the detailed reminder about this and speaking rights was set out under Chair's Announcements on the agenda.

4. The Chair advised that he would take Item 16 the Part 2 Item after Item 15 – Garden Waste Collection Service. The Committee would then come back into Part one and take Item 15 the related Part 1 Item.

5 PUBLIC PARTICIPATION

Audio Recording – 10 minutes 19 seconds

There was no public participation.

6 URGENT AND GENERAL EXCEPTION ITEMS

Audio Recording – 10 minutes 53 seconds

The Chair advised that he had, as Chair of Overview and Scrutiny Committee, agreed to one urgent item to be considered this evening and by Cabinet on 23 June 2020. This being the Part 1 and Part 2 Items regarding the Commercial Waste Arrangements.

7 CALLED-IN ITEMS

Audio Recording – 10 minutes 44 seconds

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

8 RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

Audio Recording – 10 minutes 40 seconds

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

Two versions of the report had been published, one the full report, the other a version with completed items removed.

Page 6 – Waste Task and Finish Group

This would be discussed in the Work Programme Item.

Page 9 – Hitchin Town Hall Closure Report

The closure report had been published as part of the March Agenda as Appendix B to the Q3 Update on Projects supporting the Corporate Plan. Although the meeting was cancelled, all Members had seen the agenda and had the opportunity to comment on it through the consultation that took place.

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.

9 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

Audio Recording – 12 minutes 54 seconds

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

- Appendix A - Work Programme;
- Appendix B - Forward Plan - 8 June 2020.

She drew attention to the following:

Paragraph 8.1 – Work Programme

- The Annual Report did not go to Annual Council this year;
- A draft of the Annual Report would be presented to the next meeting for the Committee to consider;
- The Chair had requested that this report be presented to Council, although at this time it wasn't clear which meeting it would be presented to.

Paragraph 8.2 – Forward Plan

- The Committee may like to consider the Forward Plan to identify any items they would wish to examine.

Paragraph 8.5 – Hitchin Town Hall Closure Report

- As stated in the Resolutions report this was published as part of the March Agenda as Appendix B to Q3 Update on Projects supporting the Corporate Plan.
- Although the meeting was cancelled, all Members saw the agenda and had the opportunity to comment on it through the consultation that took place.

Paragraph 8.5 – 8.12 – Task and Finish Groups regarding the Waste Contract

- Due to Covid-19 situation and the pressure for officers relating to this, officers had not yet managed to allocate time to drawing up draft scoping documents.
- This type of review would require evidence being gathered from many people and organisations from various areas including canvassing Members of the public and some thought should be given as to how this could be achieved in the current circumstances or whether the review should be postponed.

Paragraph 8.13 – Task and Finish Protocol

- The current Protocol for Task and Finish Groups was agreed in 2016 and since this time the Committee had opted to undertake Task and Finish Group Reviews using different methods and receiving reports in different ways, meaning that the protocol had not been adhered to by the Committee.
- It seemed sensible to await the outcome of the Peer Challenge, in case this had an impact on how the Committee would wish future Task and Finish Groups to be undertaken.
- A revised protocol would be drawn up and presented to the Committee for consideration as soon as is practicable.

The following Members took part in the debate:

- Councillor David Levett;
- Councillor Claire Strong;
- Councillor Kate Aspinwall;
- Councillor Sam Collins;
- Councillor Tony Hunter.

The debate included:

That the Peer Review had recommended that the Committee engage more with outside organisations and that the Local Enterprise Partnership and settle should be invited either to a future meeting or a Task and Finish Group

Following detailed discussion as to whether to continue, postpone or cancel the task and finish Group on the Waste Contract, the consensus was that this should remain on the work programme but, due to the challenge of undertaking engagement with the public and organisations, thought must be given to how this could be achieved effectively at this time.

That the proposed Task and Finish Group on Communication regarding the Waste Contract should be widened to include communication and engagement generally.

Members requested that information regarding the Council's plan for recovery following the Covid-19 pandemic including views on the new normal regarding delivery of services be presented to the Committee.

Members commented that attendance at meetings had improved since remote meetings had been in place and suggested that remote meetings should remain in place permanently

The Service Director – Legal and Community advised that the change of law that allowed remote meetings was currently only in place until 7 May 2021.

RESOLVED:

- (1) That the Task and Finish Group on the Waste Contract continue to be undertaken, but consideration be given to timing in light of Covid 19 and the need to engage with the community.
- (2) That the Committee, Member and Scrutiny Manager be requested to prepare a proposed Protocol on Task and Finish Reviews, taking into account research and the Peer Challenge report and that it be presented to the Committee as soon as is practicable.
- (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.
- (4) That the following outside organisations be requested to attend a future meeting of the Overview and Scrutiny Committee or a Task and Finish Group:
 - Local Enterprise Partnership
 - Settle
- (5) That the Deputy Chief Executive be requested to make a presentation or present a report to the Overview and Scrutiny Committee regarding the Council's plan for recovery following the Covid-19 pandemic including views on the new normal regarding delivery of services.

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.

10 DISTRICT WIDE SURVEY 2019 - KEY FINDINGS

Audio Recording – 41 minutes 44 seconds

Councillor Martin Stears-Handscomb, Leader of the Council, presented the report entitled District Wide Survey 2019 – Key Findings and informed Members of the following:

- The Peer Review recommended that reports should be presented by Executive Members.
- The District Wide Survey was carried out every two years.
- Drew attention to various elements within the report.
- He thanked the Communications Manager and her team for the work and analysis of the survey.

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

- Councillor David Levett;
- Councillor Claire Strong;
- Councillor Val Bryant;
- Councillor Sam Collins;
- Councillor Sue Ngwala

In response to questions the Communications Manager advised:

- That the search facilities for Mod.gov and the Council's website had not been integrated although this was being looked at;
- The website platform would be upgraded and this created the opportunity to look at the design of the website;
- Drupal 7 was not affecting the performance of the website;
- E-bulletins now had 12,000 subscribers;
- The vast majority of customers were engaging with the Council as opposed to contacting the Council via social media;
- The survey was intended as a snapshot and further information could be sought if desired;
- The Consultation Strategy would be updated later this year.

RESOLVED: That the report entitled District Wide Survey 2019 – Key Findings be noted.

RECOMMENDED TO CABINET:

- (1) That Cabinet comment on and note the key findings and observations from the District Wide Survey.
- (2) That Cabinet note that the results will be considered by Senior Management Team in conjunction with Executive Members, to inform the service planning process and future consultation activity.

REASON FOR DECISION: To ensure that Cabinet is aware of the results and any trends from previous surveys and how the results will be used to inform future service delivery.

11 CORPORATE PEER CHALLENGE - ACTION PLAN

Audio Recording – 1 hour 10 minutes 2 seconds

Councillor Martin Stears-Handscomb presented the report entitled Corporate Peer Challenge Action Plan together with the following appendix:

- Appendix A – Draft Corporate Peer Challenge Action Plan.

He drew attention to the following:

- The Peer Review set the Council a number of challenges including to be risk aware rather than risk averse and to better understand our customer experience
- Paragraph 8.3 – we need to reimagine our customer experience and be flexible and brave enough to change.
- Paragraph 8.4 – There was an opportunity to take the lead in sustainability and put climate change at the centre of how the community recovers from Covid-19.
- In listening to the Black Lives Matter Campaign the Council needed to consult with black staff and customers.
- This was a work in progress and there would be further engagement with all Members as the Action Plan was moved forward.
- Thanks were given to the Deputy Chief Executive, Chief Executive, Leadership Team and Cabinet colleagues for the work undertaken.

The Deputy Chief Executive advised that there was an additional recommendation to read:

“2.4. That agreeing the specification for, and intended outcomes of, the transformation programme be delegated to the Leader, Deputy Leader, Executive Member for Finance and IT, Managing Director and Service Director Resources.”

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

- Councillor Sam Collins;
- Councillor Sue Ngwala;
- Councillor David Levett;
- Councillor Claire Strong

The debate included:

- That consultation be done with all minority groups.
- That Planning Training should be for all Members of the Council and be mandatory.
- That training was offered to all Members although take up was often not high.

In response to questions the Councillor Martin Stears-Handscomb advised:

- The County Council had consulted with their black staff and the Council would also need to look at the customer experience.
- That getting all Members to attend training was not easy.

Councillor Paul Clark, Deputy Leader and Executive Member for Planning and Transport advised:

- That he was agreeable to Planning training for all.
- That consideration was being given to external training for Members;

The Service Director – Legal and Community advised that Group Leaders could request that Planning training be compulsory.

RESOLVED: That the report entitled Corporate Peer Challenge Action Plan be noted,

RECOMMENDED TO CABINET:

- (1) That the draft Action Plan at Appendix A be approved.
- (2) That agreeing the timescales for the actions within the Action Plan be delegated to the Leader, Deputy Leader and Managing Director.
- (3) That Cabinet recommend to Full Council that the Special Reserve be used to fund a small transformation team for a period of 18 months from October 2020, with an estimated total cost of £150k (£50k in 2020/21 and £100k in 2021/22).
- (4) That agreeing the specification for, and intended outcomes of, the transformation programme be delegated to the Leader, Deputy Leader, Executive Member for Finance and IT, Managing Director and Service Director Resources.
- (5) That Cabinet consider making Planning training compulsory for all Members

REASON FOR DECISION: To ensure that the Council responds to the matters identified within the CPC report, ensuring that the benefits of the CPC process are realised.

12 2019/20 QUARTER 4 PERFORMANCE INDICATORS

Audio Recording – 1 hour 26minutes 27 seconds

The Controls, Risk and Performance Manager presented the report entitled 2019/20 Quarter 4 Performance Indicators and drew attention to the following:

Status Summary

- This showed the projects that were green amber and red status.
- There were 7 indicators that were for information only.

BV8, MIP&R001, BV9 and BV10

- These are all meeting the targets for the year.

BV12

- NHDC had the third lowest sickness rates against the 47 Districts that were benchmarked.
- BV12a and BV12b shows the breakdown of short term and long term absence.
- There were no Covid-19 related absences reported.

REG 3

- The data was 100 percent at year end.

MI LI 015

- This indicator was amber
- The outdoor pool attendance was lower mainly due to the poor weather during the summer season.
- The drop in attendance at other facilities was directly related to the restrictions put in place regarding the Covid-19 pandemic.

NI191 and NI192

- Both met the targets for year end.

FW1 and GW1

- The campaign was to reduce food waste therefore in 20/21 the figures would reduce.
- The tonnage of overall garden waste collected was difficult to predict although it was expected that the figures would reduce in 2020/21 partly due to the suspension of collections due to Covid-19

RESOLVED: That the 4th Quarter Update on Performance against Performance Indicators be noted.

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

13 4TH QUARTER MONITORING REPORT ON KEY PROJECTS FOR 2019-20

Audio Recording – 1 hour 32 minutes

The Controls, Risk and Performance Manager presented the report entitled 4th Quarter Monitoring Report on Key Projects for 2019/20 together with the following appendices:

- Appendix A – 4th Quarter Monitoring against Key Projects for 2019/2020;
- Appendix B – Waste Missed Bins data for 2019-2020.

She drew attention to the following:

Paragraphs 8.3 and 8.4

- Due to the return of the Waste Manager and the effects of Covid-19 it was not possible to get detailed data for this quarter. However the missed bins data was included.

Paragraph 8.6

- The North Herts Community Facility and District Museum was now completed and had been removed from future monitoring reports.

Development of a Crematorium in North Hertfordshire

- A date had been set for 13 May 2020 for the Planning appeal regarding the crematorium however this was cancelled due to Covid-19. A new date was awaited from the Planning Inspectorate.

Investigating a range of options to improve use of Council assets

- The Main company had been set up although the property company had not.
- Officer would keep this under review.

Submission of a Local Plan for North Herts

- The hearing related to the Local Plan had been cancelled due to Covid-19. New dates were awaited from the Planning Inspectorate.

Designating air quality management areas in Hitchin to address the improvement of the air quality

- Following recruitment of a new staff member this action plan may be amended.

Missed Bins Data

- Missed Bins will be a Performance Indicator for 2020/21.

The following Members took part in the debate:

- Councillor David Levett.
- Councillor Sam Collins.

In response to questions Councillor Martin Stears-Handscomb advised that there was a pilot in Oxfordshire on taking their Local Plan forward and the results are awaited.

The Service Director- Legal and Community advised that the Policy Manager was instructing consultants to update the Council's carbon footprint and benchmarking.

Members asked that the Cabinet Panel on the Environment be requested to consider air quality in the District, in particular the effect that the Covid-19 pandemic has had on areas of poor air quality.

RESOLVED: That delivery against the key projects for 19/20 be noted.

RECOMMENDED TO THE CABINET PANEL ON THE ENVIRONMENT: That the Cabinet Panel on the Environment be requested to consider air quality in the District, in particular the effect that the Covid-19 pandemic has had on areas of poor air quality.

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

14 REGULATION OF INVESTIGATORY POWERS ACT ('RIPA') UPDATE AND ANNUAL REVIEW

Audio Recording – 1 hour 40 minutes 37 seconds

Councillor Martin Stears-Handscomb, Leader of the Council presented the report entitled Regulation of Investigatory Powers Act ('RIPA') Update and Annual Review together with the following appendices:

- Appendix A – IPCO inspection report;
- Appendix B – RIPA Policy amended draft showing tracked changes;
- Appendix C – RIPA Social Media Policy amended showing tracked changes.

He advised Members that

- the Authority required Council approval of the Policy.
- The available powers had not been used for 9 years;
- The Inspector believed that NHDC had effective systems in place.

Councillor Terry Hone suggested that TikTok should be added to the list of Social Media.

RESOLVED: That the content of the report entitled Regulation of Investigatory Powers Act ('RIPA') Update and Annual Review and the Investigatory Powers Commissioner's Office Inspection report (Appendix A) be noted.

RECOMMENDED TO CABINET: That the RIPA Policy and Social Media in Investigations Policy as amended (in Appendices B-C) be approved.

REASON FOR DECISIONS: To comply with the Inspector's recommendations and best practice.

NB: The Committee adjourned at 9.15pm for a comfort break and the meeting reconvened at 9.29pm.

The Committee, Member and Scrutiny Manager undertook a roll call.

15 MEMBERS' QUESTIONS

Audio Recording – 1 hour 59 minutes 57 seconds

No questions had been submitted.

16 GARDEN WASTE COLLECTION SERVICE IMPACTS OF COVID 19

Audio Recording – 1 hour 59 minutes 57 seconds

Councillor Elizabeth Dennis-Harburg, Executive Member for Recycling and Waste Management, presented the report entitled Garden Waste Collection Service Impacts of Covid 19 and drew attention to the following:

- Three collection had been missed due to Covid-19 out of 26 collections in the year;
- An extension to the existing period was the most reasonable outcome which would result in a loss of £186,000;
- This extension would mean the renewal would be in October, which was a low gardening period, which could result in an initial low renewal rate;
- With the uncertainty of the future relating to Covid-19 it may be that the service has to be suspended again in future;

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

- Councillor David Levett;
- Councillor Terry Hone;
- Councillor Tony Hunter;
- Councillor Sam Collins;
- Councillor Claire Strong

In response to questions Councillor Dennis-Harburg advised:

- Residents received a one year service from the date they paid;
- There had been a number of issues with implementing direct debits although it was hoped that this service would be available by the renewal date;
- It had never been policy to collect garden waste from those who had not paid;
- This was a joint contract with East Herts;
- There had been a number of collection staff who had self isolated due to Covid 19 and this had affected the ability to continue collections;
- Drivers of waste vehicles were specialist HGV drivers and could not easily be replaced;

RESOLVED: That the report entitled Garden Waste Collection Service Impacts of Covid-19 be noted.

RECOMMENDED TO CABINET: That Council agrees an extension of the current 12 months payment period for green waste collection, for a further period of 2 months [The loss of income based on current (48%) uptake is approximately £186,000].

REASON FOR DECISION: To acknowledge service disruption / suspension in our garden waste collection service and demonstrate to residents that the Council accepts the inconvenience caused during the seasonal peak of garden waste production.

17 COMMERCIAL WASTE COLLECTION SERVICE IMPACTS OF COVID 19

Audio Recording – 3 hours 9 minutes 10 seconds

This item was considered after the Part 2 item of the same name (Minute 20 refers)

The Committee, Member and Scrutiny Manager undertook a roll call.

NB: Councillor Bryant did not return to the meeting.

The Chair paused the meeting to allow time for Councillor Bryant to reconnect either by video or by phone. Councillor Bryant was unable to reconnect to the meeting and the Chair made the decision to continue with business.

The Chair advised that this had been discussed in Part 2. No Members requested to speak further on this item

RESOLVED: That the report entitled Commercial Waste Collection Service Impacts of Covid-19 be noted.

RECOMMENDED TO CABINET: That Cabinet consider two options being:

- (a) The recommendation contained in the Part 2 report
- (b) The option detailed in Paragraph 4.3 of the Part 2 report

REASON FOR DECISIONS: To consider the impact of Covid 19 on the commercial waste collection service and consider what charges should be made for the 1st Quarter.

18 EXCLUSION OF PRESS AND PUBLIC

Audio Recording – 2 hours 27 minutes 59 seconds

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 Paragraphs 3 and 5 of Part 1 of Schedule 12A of the said Act.

19 COMMERCIAL WASTE COLLECTION SERVICE IMPACTS OF COVID 19

This item was considered prior to the Part 1 Item of the same name (Minute 17 refers).

There is no audio recording of this item as it formed part of a private meeting in accordance with Minutes 18 above.

Councillor Elizabeth Dennis-Harburg, Executive Member for Recycling and Waste Management presented that Part 2 report entitled Commercial Waste Collection Service Impacts of Covid-19.

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

- Councillor David Levett;
- Councillor Sam Collins;
- Councillor Tony Hunter;
- Councillor Claire Strong

Councillor Dennis-Harburg and the Service Manager-Waste answered questions.

Tuesday, 16th June, 2020

Councillors Martin Stears-Handscomb, Leader of the Council and Ian Albert, Executive Member for Finance and IT offered some advice.

Following detailed debated:

It was proposed by Councillor David Levett and Seconded by Councillor Sam Collins that Cabinet be requested to consider two option being:

- (a) The recommendation contained in the report
- (b) The option detailed in Paragraph 4.3 of the report

Upon the vote it was:

RESOLVED: That the report entitled Commercial Waste Collection Service Imapcts of Covid-19 be noted.

RECOMMENDED TO CABINET: That Cabinet consider two options being:

- (c) The recommendation contained in the report
- (d) The option detailed in Paragraph 4.3 of the report

REASON FOR DECISIONS: To consider the impact of Covid 19 on the commercial waste collection service and consider what charges should be made for the 1st Quarter

The meeting closed at 10.46 pm

Chair