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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH  
ON THURSDAY, 9TH MARCH, 2023 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: David Levett (Chair), Val Bryant (Vice-Chair), Alistair Willoughby, Claire Strong, Nigel Mason, Tamsin Thomas and Morgan Derbyshire*

**In Attendance:**

*Rachel Cooper (Controls, Risk and Performance Manager), Steve Crowley (Service Director - Enterprise), Sarah Kingsley (Service Director - Place), James Lovegrove (Committee, Member and Scrutiny Manager), Chloe Gray (Commercial Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Robert Orchard (Operations and Facilities Manager), Eleanor Hopcraft (Committee, Member & Scrutiny Officer), Louise Randall (Leisure Manager), Christopher Robson (Senior Estates Surveyor) and Sjanet Wickenden (Committee, Member and Scrutiny Officer)*

**Also Present:**

*There were no members of the public present.*

*Councillors Elizabeth Dennis-Harburg and Keith Hoskins were also in attendance.*

#### 186 APOLOGIES FOR ABSENCE

*Audio recording – 2 minutes 54 seconds*

Apologies for absence were received from Councillors Tony Hunter, Carol Stanier, Adam Compton and Ian Moody.

Having given due notice Tony Hunter was substituted by Morgan Derbyshire.

Councillors Raj Bhakar, and Phil Weeder were absent.

#### 187 MINUTES - 24 JANUARY 2023

*Audio Recording – 3 minutes 33 seconds*

Councillor David Levett, as Chair, proposed and Councillor Alistair Willoughby seconded and following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 24 January 2023 be approved as a true record of the proceedings and be signed by the Chair.

#### 188 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 4 minutes 23 seconds*

There was no other business notified.

**189 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 4 minutes 25 seconds*

- (1) The Chair advised that, in accordance with Council policy this 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.
- (3) The Chair advised that for the purposes of clarification Clause 4.8.23(a) of the Constitution does not apply to this meeting.
- (4) The Chair welcomed the new Committee, Member and Scrutiny Officer Sjanet Wickenden.
- (5) The Chair advised of a change to the order of the published agenda with Agenda Item 14 'Sustainability SPD' ahead of Agenda Item 9 'Overview and Scrutiny Committee Resolutions'.
- (6) The Chair led a silence in memory of former Councillor John Bishop.

**190 PUBLIC PARTICIPATION**

*Audio recording – 7 minutes 30 seconds*

There was no public participation at this meeting.

**191 URGENT AND GENERAL EXCEPTION ITEMS**

*Audio recording – 7 minutes 35 seconds*

No urgent or general exception items were received.

**192 CALLED-IN ITEMS**

*Audio recording – 7 minutes 42 seconds*

There have been no items called-in by the Overview and Scrutiny Committee.

**193 MEMBERS' QUESTIONS**

*Audio recording – 7 minutes 46 seconds*

No questions had been submitted.

**194 SUSTAINABILITY SPD**

*Audio Recording: 7 minutes 50 seconds*

The Chair advised that due to illness there was no Officer in attendance to present the report. However, the Chair noted that, as this was an outline report to Cabinet, Members could contact the relevant Officer outside of the meeting should they have any questions or comments.

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

**RECOMMENDED TO CABINET:**

- (1) That the proposed structure and breadth of the draft Sustainability SPD be approved.
- (2) That the issues and points raised by the Cabinet Panel on the Environment be noted.
- (3) That, for the purposes of developing the draft SPD, Cabinet endorse the principles of:
  - A tiered approach to assessing the sustainability of new buildings in terms of both built fabric and operational efficiency.
  - Investigation of the application of parking standards, both residential and non-residential, with a view to reducing or offsetting them where appropriate.

**REASON FOR RECOMMENDATION:** To allow the Sustainability SPD to be progressed so that it may be publicly consulted upon with a view to being adopted in due course following its presentation and approval by Cabinet.

**195 OVERVIEW AND AND SCRUTINY COMMITTEE RESOLUTIONS**

*Audio Recording: 10 minutes 22 seconds*

The Committee, Member and Scrutiny Manager presented the report entitled 'Resolutions of the Overview and Scrutiny Committee' and advised that:

- The Task and Finish group was still outstanding and will be moved to the Work Programme for 2023-2024.
- Sustainability SPD will remain on the report.
- The Peer Review Report was no longer included with the work Programme report and the updated Peer Review would be presented as an item to the Committee when available.
- The Referral on a Women's Safety Charter was made to Council in February, and carried, and therefore can be removed.

In response to a question from Councillor Claire Strong, the Committee, Member and Scrutiny Manager advised that nominations to the Task and Finish Group were not only outstanding from the Conservative Group. The Chair encouraged Group Leaders to appoint people to the Group, so that the work could begin.

Councillor Claire Strong proposed and Councillor Val Bryant 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.

**196 ANNUAL REPORT OF OVERVIEW AND SCRUTINY**

*Audio Recording: 12 minutes and 48 seconds*

The Chair presented the report entitled 'Annual Report of Overview and Scrutiny Committee 2022/23' and advised that:

- The report presented was an outline of the report with more details to be added, including a requirement in the Constitution to review and suggest changes to the functions of the Committee.
- The updated Peer Review was outstanding.
- He had made requests throughout the year to look at the formality of the way the meetings the Committee are run.

The Committee, Member and Scrutiny Manager provided an overview of the report for new Members, including that statistics were included and would be updates and finalised following this meeting. The final report would then be presented to Full Council at the meeting following Annual Council.

The Chair noted that he wanted the finalised report to be brought back to the Committee before being presented to Full Council.

Councillor David Levett, as Chair proposed and Councillor Val Bryant seconded, and following as vote, it was:

**RESOLVED:**

- 1) That the Committee considered and commented on the Annual Report of the Overview and Scrutiny Committee 2022/2023 as attached at Appendix A prior to consideration by Council.
- 2) That, having considered and commented on the Draft Annual Report, the Committee, Member and Scrutiny Manager make the requested changes to the draft report, in consultation with the Chair and Vice Chair prior to the report being presented to Full Council.

**REASON FOR DECISION:** To enable Overview and Scrutiny Committee to consider and comment on the report of the Chair of the Overview and Scrutiny Committee regarding the work of the Committee in the 2022/2023 Civic Year prior to consideration by Council.

**197 UPDATE ON LORD LISTER HOTEL - INFORMATION NOTE**

*Audio Recording 15 minute and 50 seconds*

Councillor Elizabeth Dennis–Harburg presented the information note ‘Update on Lord Lister Hotel’ and advised that:

- This Note provided an update on the work being done at the Lord Lister Hotel to support homeless people.
- Five clients had been resettled since September 2022, and these places had since been allocated to new residents.
- Plans were in place to scale up the numbers of placements in a phased and controlled manner with appropriate checks, balances and support.
- The site was currently under-utilised due to teething issues, but there was nothing in the planning conditions to prevent increasing occupancy.
- Keystage had engaged the local community to enhance trust and confidence with the residents.
- The plan was to increase from 10 to 12 occupied and, should that be successful to expand further to 14 occupied rooms.
- The Council has a duty support homeless people and the most vulnerable in society.
- The site at 20 High Street, Baldock had been well supported and was starting to present benefits, including a working relationship with OneYMCA .

In response to a question from the Chair, Councillor Dennis-Harburg advised that she would need to provide an update outside of the meeting on the progress at the allocated Letchworth site.

In response to a point raised by Councillor Claire Strong regarding an email correspondence from a resident sent to a variety of present and former Councillors on 4 March, the Chair advised that it was not for this Committee to discuss planning enforcement issues. The Chair requested advice from the Legal Regulatory Team Manager in attendance, who advised that neither the content of the email nor the planning decision were able to be discussed at this Committee. She advised that if the Planning Team had been included on the email that they would be aware of it and would respond appropriately, following investigation of points raised.

Other Members present noted that they had not received this email and in response to this the Chair advised that this could be discussed outside of the meeting and that Officers would ensure the resident received a response.

## 198 LEISURE CONTRACT PROCUREMENT

*Audio Recording – 27 minutes 33 seconds*

Sarah Kingsley, Service Director – Place, presented the report entitled 'Leisure Management Contract Procurement', including that:

- The current Leisure Management contracts expire on the 31 March 2024.
- It is proposed that the contracts for the Royston, Letchworth and Hitchin sites be combined based on the Sports England template.
- It is standard for Leisure procurements to have a 10 year contract with an option to extend for a further 5 years.
- The Council would continue to share risk, with regards to maintenance and utilities.

The following Members asked questions:

- Councillor David Levett
- Councillor Claire Strong

In response to the Member's question, the Service Director – Place advised that there was another workshop scheduled which would have officers in attendance. It was expected that the matter would return to this committee in June with strategic strategies and guidelines for procurement going forward, before being presented to Cabinet.

In response to the Member's questions, Louise Randall, Leisure Manager, advised that she believed the current contracts were for 10 years.

Councillor David Levett as Chair, proposed and Councillor Nigel Mason seconded and following a vote, it was:

### **RECOMMENDED TO CABINET:**

- (1) To approve a Competitive Procedure with Negotiation (CPN) procedure for the procurement of the Leisure Management contract.
- (2) To approve the delegation of powers to the Director of Place in consultation with project board, in relation to decisions associated with the development of the procurement strategy.
- (3) To approve letting a 10-year contract with an option to extend by up to 5 years.

- (4) To approve combining the existing three contracts into a single contract, using the nationally recognised Sport England contract format, in order to secure economies of scale and to attract the most interest from the operator market.
- (5) To continue with the principle of the existing contractual shared risk approach to utilities and maintenance.

**REASONS FOR DECISIONS:**

The leisure management contracts, expire on 31 March 2024. These recommendations ensure the procurement will be managed effectively to ensure the successful ongoing provision of leisure services in North Herts. The procurement offers an opportunity to review the existing specification and provide a clear policy position on its approach to the future delivery of sport, leisure, physical activity and wellbeing services across the district.

**199 RIPA UPDATE**

*Audio Recording – 34 minutes 44 seconds*

Councillor Elizabeth Dennis-Harburg presented the report entitled 'Regulation of Investigatory Powers Act ('RIPA') Annual' review, including that the report highlighted a potential change required to the Policy, in relation to communications data as set out in recommendation 2.2 and section 8 of the report.

Councillor Alistair Willoughby proposed and Councillor Claire Strong seconded, and following a vote, it was:

**RESOLVED:** That the content of the report be noted by Committee.

**RECOMMENDED TO CABINET:** That the RIPA Policy be amended in light of the Police, Crime Sentencing and Courts Act 2022, as set out in section 8.5.

**REASON FOR DECISION:** To comply with best practice guidance and the Committee's terms of reference.

**200 QUARTERLY UPDATE ON THE COUNCIL DELIVERY PLAN**

*Audio Recording – 36 minutes 56 seconds*

Rachel Cooper, Controls Risk & Performance Manager, presented the report entitled 'Council Delivery Plan 2022-23 (Quarter 3 update)', including that:

- The report detailed project risks and performance indicators, as well as a high level overview of progress made on projects in the Council Delivery Plan.
- Members can request more details of specific projects to be reported to the Committee and are able to log into view projects on Pentana.
- There were three completed projects this quarter; the Business Recovery Grant, the EV charging for Council vehicles and to help residents make payment at convenient locations.
- Any proposed change to milestones were now required to be approved by Cabinet.
- In the third quarter, changes to milestones had been requested for; Town Centre Recovery, Cycling Networks, Empty Home Strategy and Museum Storage as detailed in Appendix A.
- The Museum and Hitchin Town Hall recovery still had a red PI, but overall the two areas were showing a strong recovery from the pandemic.
- The EV charging project completed in quarter 3, however it was still marked with a red PI indicator, as the target was based on a usage for a full year.

- The Royston Leisure Solar-Thermal project was unable to get a supplier and it was likely to be absorbed into in the Solar-PV project, which was expected to be more attractive to bidders, as the procurement would be higher.
- Help residents make payments project remained with a red and yellow PI.
- It was unlikely the Supplier Self Service project would be moved forward in 2022/23, but was more likely to be incorporated into a wider project in 2023/24.
- Following the completion of the Judicial Review period on the Local Plan, the risk score had been reduced.

Councillors Alistair Willoughby and Claire Strong requested that further detail be provided on the Tourism Strategy and Town Centre Recovery at the next meeting of the Committee.

The Chair requested that concerns of the Overview and Scrutiny Committee regarding resourcing at the Council be noted and that an update be provided at the next meeting of the Committee.

Councillor David Levett, as Chair, proposed and Councillor Alistair Willoughby seconded and following a vote, it was:

**RESOLVED:**

- (1) That the Overview and Scrutiny Committee commented on the Council Delivery Plan Quarter 3 monitoring report.
- (2) That Overview and Scrutiny Committee determined any project that they want to receive more detail on as part of the next monitoring report, to include Town Centre Recovery and Tourism Strategy.

**RECOMMENDED TO CABINET:**

- (1) That Cabinet notes the progress against Council projects as set out in the Council Delivery Plan (Appendix A) including changes to milestone dates and risks.
- (2) That Cabinet note the completion of the Business Recovery Grants, the EV Charging for Council Vehicles, and the Help Residents Make Payment at Convenient Location milestones for this year.
- (3) That Cabinet notes the reduction in the Local Plan risk score from a 9 to a risk score of 6 following the end of the Judicial review period.

**REASONS FOR DECISION:** The Council Delivery Plan (CDP) monitoring reports provide Cabinet with an opportunity to monitor progress against the key Council projects, and understand any new issues, risks, or opportunities.

**201 COUNCIL DELIVERY PLAN 2023-2024**

*Audio recording – 46 minutes 12 seconds*

Rachel Cooper, Controls Risk & Performance Manager presented the report entitled 'Council Delivery Plan 2023-2024', including that the report set out the key Council projects for 2023-2024, identified the risks relating to delivery of these projects and set Performance Indicators (PIs) to measure progress.

The following Members asked questions:

- Councillor David Levett

- Councillor Claire Strong

In response to questions, Councillor Keith Hoskins clarified that some projects had been amalgamated into one overarching strategy and these would be started in the next financial year. He also commented that there may be a resourcing issue.

Councillor Alistair Willoughby proposed and Councillor Val Bryant seconded, and following a vote, it was:

**RECOMMENDED TO CABINET:** That the Cabinet considers and formally approves the Council Delivery Plan to be monitored throughout 2023/2024 by Overview & Scrutiny Committee.

**REASONS FOR DECISIONS:** An approved Council Delivery Plan, provides the Cabinet with assurance that progress against achievement of the Council Plan objectives, will be monitored throughout 2023/24.

## 202 EXCLUSION OF PRESS AND PUBLIC

*Audio Recording – 53 minutes 19 seconds*

Councillor David Levett, as Chair proposed and Councillor Val Bryant seconded and following a vote, it was:

**RESOLVED:** 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).

## 203 ENTERPRISE DIRECTORATE UPDATE - PART 2

*N.B. This item was considered in restricted session and therefore no recording is available.*

Councillor Keith Hoskins, as Executive Member for Enterprise and the Arts, presented the report entitled 'Enterprise Directorate Update'.

The following Members asked questions:

- Councillor Claire Strong
- Councillor David Levett

In response to questions, the Service Director – Enterprise, advised that:

- There were several options available to resolve issues at Harkness Court, including moving the parking space closer, fitting sprinkler systems inside the first floor flats or on both the ground floor and first floor.
- There are outstanding snagging works which needs to be completed. The aim is to complete this work over the next 3-4 weeks.
- The £10k stated for the project in the 2023-24 budget was not additional, but was the carried forward amount from 2022-23.

The Chair suggested that the Committee needed to explore the Harkness Court project in further detail and suggested that this takes place either as a Call In or as a Call to Account at the first meeting in the next Civic Year.



Councillor David Levett, as Chair proposed and Councillor Val Bryant seconded and following a vote. It was:

**RESOLVED:** That the Committee noted the report.

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

## 204 PART 2 MINUTES - 24 JANUARY 2023

*N.B. This item was considered in restricted session and therefore no recording is available.*

Councillor David Levett, as Chair proposed and Councillor Alistair Willoughby seconded, and following a vote, it was:

**RESOLVED:** That the Part 2 Minutes of the Meeting of the Committee held on the 24 January 2023 were approved as a true record of the proceedings and be signed by the Chair.

## 205 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

*Audio recording – 1 hour 8 minutes 0 seconds*

The Committee, Member and Scrutiny Manager presented the report entitled 'Overview and Scrutiny Committee Work Programme' and drew attention to the following:

- The items outstanding were the Recovery Plan and Chair's Report on the 'Call to Account'.
- An update of the wider Strategic Housing Policy would be provided in autumn.
- The January meeting of the Committee would remain for Crime and Disorder Matters and requested Members notify of any possible topics.
- The Harkness Court requests had been noted and would be included in the Work Programme for the next Civic Year.

In response to questions, Councillor David Levett, Chair responded that the Peer Review report is of interest to this committee and needed to be reviewed before the Annual report is finalised.

Councillor David Levett, as Chair proposed and Councillor Alistair Willoughby seconded and following a vote, it was:

**RESOLVED:**

- 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.
- That the Committee, having considered the most recent iteration of the Forward Plan, as attached as Appendix B, suggests a list of items to be considered at its meetings in the next civic year.

**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 Chair thanked the Members and Officers for attending.

**Thursday, 9th March, 2023**

The meeting closed at 8.42 pm

Chair