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ANDALLNORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH, SG6 3JF
ON TUESDAY, 7TH NOVEMBER, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Adam Compton (Chair), Val Bryant (Vice-Chair), Matt Barnes, Clare Billing, Dominic Griffiths, David Levett, Nigel Mason, Ian Moody, Ralph Muncer, Daniel Wright-Mason and Sean Nolan*

In Attendance:

Ian Couper (Service Director - Resources), Steve Crowley (Service Director - Enterprise), Susan Le Dain (Committee, Member and Scrutiny Officer), Chloe Hipwood (Service Manager), Chris Jeffery (Customer Service Manager), Sarah Kingsley (Service Director - Place), James Lovegrove (Committee, Member and Scrutiny Manager) and Nafees Parker

Also Present:

For the duration of the meeting, there were no members of the public present.

Councillors Ian Albert, Elizabeth Dennis, Tom Tyson, Amy Allen and Keith Hoskins were also in attendance.

236 APOLOGIES FOR ABSENCE

Audio recording – 2 minutes 01 seconds

Apologies for absence were received from Councillor Mick Debenham.

Having given due notice Councillor Sean Nolan substituted for Councillor Mick Debenham.

237 MINUTES - 12 SEPTEMBER 2023

Audio Recording – 2 minutes 38 seconds

In response to a question from Councillor Ralph Muncer, the Committee, Member and Scrutiny Manager advised that:

- The questions Councillor Muncer had submitted after the last meeting of the Overview and Scrutiny Committee were recorded in a supplementary document on ModGov.
- Following this meeting there would now be a public reference to this supplementary document as reflected in these minutes.

Councillor Adam Compton, as Chair, proposed and Councillor Val Bryant seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 12 September 2023 be approved as a true record of the proceedings and be signed by the Chair.

238 NOTIFICATION OF OTHER BUSINESS

Audio recording – 5 minutes 0 seconds

There was no other business notified.

239 CHAIR'S ANNOUNCEMENTS

Audio recording – 5 minutes 5 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.
- (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 advised that he had agreed to a change to the order of the agenda and Agenda Item 9 would take place after Agenda Item 15.

240 PUBLIC PARTICIPATION

Audio recording – 6 minutes 9 seconds

There was no public participation at this meeting.

241 URGENT AND GENERAL EXCEPTION ITEMS

Audio recording – 6 minutes 23 seconds

No urgent or general exception items were received.

242 CALLED-IN ITEMS

Audio recording – 6 minutes 29 seconds

There have been no called-in items.

243 MEMBERS' QUESTIONS

Audio recording – 6 minutes 33 seconds

No questions had been submitted by Members.

244 RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

Audio recording – 2 hours 8 minutes 14 seconds

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

- The Draft Sustainability SPD had been presented to Cabinet Panel on the Environment on 27 September 2023 and it would also be presented at the next meeting of Overview and Scrutiny Committee on 5 December 2023.

- The CPC Action Plan was marked as complete and would be removed from the resolutions.
- An online training video for Ideagen would be distributed to Councillors once it was completed. An intranet guide for Members had been circulated in the meantime.
- Q1 Update on the Council Delivery Plan 2023-24 had been referred and the recommendation was considered, and approved, by Cabinet at the meeting on 19 September 2023.

Councillor Adam Compton proposed and Councillor Nigel Mason 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.

245 3C'S HALF YEAR UPDATE 2023/2024

Audio recording – 6 minutes 41 seconds

Councillor Elizabeth Dennis presented the Information Note entitled '3Cs Half Year Update 2023/2024' and advised that:

- Things were moving in a positive direction when you compare the number of complaints received this year as opposed to the number received last year over the same period.
- There had been a slight increase in the number of complaints to our contractor Urbaser, but this was because customer services were putting them directly through to the contractors to resolve where possible.
- Overall picture is positive when looking at total percentage of complaints received versus the number of customers that the Council serve.

The following Members asked questions:

- Councillor Ralph Muncer
- Councillor Matt Barnes
- Councillor Dominic Griffiths

In response to the questions, Councillor Dennis advised that she would contact the relevant Service Directorate and report back to Members on lessons learned from the complaints.

In response to the questions, the Customer Services Manager advised that:

- There had not been any progress at that time, however the Council had recently procured a new digital platform which amongst other things would replace the current Customer Relationship Management (CRM) system. As part of that project, the Council was looking at how best to capture customer experience, including some sentiment analysis.
- He would provide a breakdown of why May had seen the highest number of complaints.

The Chair advised that it would be very useful if in future years analysis of complaints could be provided with a monthly breakdown.

246 CALL TO ACCOUNT ON THE HARKNESS COURT REFURBISHMENT

Audio recording – 12 minutes 18 seconds

The Chair introduced the Call to Account item and welcomed Steve Crowley, Service Director – Enterprise and Nafees Parker, Building Surveyor, who were in attendance to provide their account.

Before proceedings commenced, the following Members confirmed they had received dispensation from the Service Director – Legal & Community:

- Councillor Sean Nolan
- Councillor Ralph Muncer
- Councillor David Levett
- Councillor Ian Moody
- Councillor Val Bryant

The Service Director – Enterprise presented their report entitled ‘Call to account on the Harkness Court Refurbishment’ and Appendices, and advised that:

- The aim was to revert Harkness Court back into residential use, as four flats, from its current use as offices.
- The start date for refurbishment was delayed from 2018 to August 2020, the building work had been completed, however, there were a number of additional items that needed to be undertaken to enable it to be rented out. This work was scheduled to complete by the start of February 2024.
- The lack of a formal project or project manager in place, plus changes in personnel at Stevenage Borough Council and North Herts Council combined with the impact of Covid, had caused delays in starting this project.
- Another delay was complying was that the furthest point a fire engine can park from the furthest point of a building could be no more than 45 meters, this was part of the previously mentioned work that needed to be undertaken.
- On completion Harkness Court would be leased out to rent by Broadwater Hundred Property Management Ltd, a trading company wholly owned by the Council which would provide a revenue income of £16,000 per annum.

The following which Members asked questions:

- Councillor Adam Compton
- Councillor David Levett
- Councillor Clare Billing
- Councillor Val Bryant
- Councillor Ian Moody
- Councillor Sean Nolan
- Councillor Ralph Muncer

The following questions were asked by Members:

- Have you gone through the list of all the other commercial projects to see if they do fall within the scope which will ensure they get on to a project plan and this doesn't happen again?
- Is the figure of £16,000 revenue income listed in 4.2 of the report for the Council correct?
- Could you outline the primary objectives for the project? Were any other alternative objectives considered?
- Who were key stakeholder of the project and did this change throughout the duration of the project?
- Was the role of the project manager identified and were other stakeholders aware of this?
- Was this project in Councillor Levett's portfolio at the beginning of the project?
- Were there any delays in signing off the contract at the start?
- Were any risks identified at the start of the project?

- Were there any significant changes to milestones at the beginning of the project, and were there in fact any milestones?
- Had there been any staff resource issues throughout the project and did this have any impact on the timescales?
- Were any of the current projects identified that there wasn't a contract for?
- In the last eighteen months was there any project management software used throughout the project?
- How many regular reviews in last year have there been for the project?
- How were building control involved in the contract agreements and management?
- Where did the responsibility for liaising with building control throughout the project rest?
- Was any money borrowed because payments were late?
- What was the original timescale of the project for awarding to completion?
- Have there been any methodologies identified for developing project management skills that are not present so far?
- Have there been any proactive ideas for reviewing information we have about land ownerships where there were complexities?
- Was it fair to say that the Council underestimated the scale for the original project?
- Why was there not a project manager allocated to a project of this size?
- When were officers made aware of significant concerns around project management?
- What mechanisms were enabled to ensure cross authority communication?
- Was the correct level of expertise now available going forward to enable the full set of specifications?
- Was there a recognised way specifications were developed in the early stages of a project?
- When was it identified that the contract was missing?
- Were we now signing electronic copies of contracts?
- What is the difference between a deal of agreement and a contract?

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

- This project was seen as a simple conversion and only once work had started issues were identified which had caused significant delays.
- There was still the option to sell the four flats instead of renting if preferred.
- Further work did still need to be completed to get this refurbishment completed.
- Harkness Court was part of a much bigger £3 million capital allocation rather than a standalone project.
- This project was in Councillor David Levett's portfolio at the beginning of the project.
- Stevenage Borough Council had responsibility for liaising with building control, working closely with North Herts Council.
- There was no formal framework in place to ensure the correct monitoring of projects and that the right documents were in place.
- No project management software was used at that time, there was only monitoring of outstanding items.
- An audit found the original contract was missing.
- All building control issues were now resolved apart from the 45 meter rule.
- No risk log or issue log were found.
- No extra funds had been borrowed by the Council for this project.
- Informal project board meetings were now held regularly to review progress of the project.
- There was now a full-time procurement officer employed by the Council.
- This was a learning curve for the Council and going forward, any project of this size would have the correct project management in place to ensure knowledge and expertise throughout the project.

In response to questions, the Building Surveyor advised:

- That the relationship with architects and staff at Stevenage Borough Council worked well.
- Even with a project manager in place, it was unlikely that the 45 meter rule would have been identified.
- Any project with a cost of over £50,000 must have a formal contract.
- The signing of a contract was handled by the legal department.
- A paper contract was signed at the time, but this can't be found.
- A deal of agreement was a more simple and cheaper document than a contract.
- Hard copies of contracts were still being used.

The Chair advised that he would be submitting a report back to either Cabinet or Council to talk about the lessons learnt as part of this process. He would be looking at ways in which Overview and Scrutiny could use the lessons learnt from an internal audit for the best for the Council in the long term.

N.B. Subsequent to the meeting, for the purpose of clarification, the contract referred to in the above minute for the building works was held and had not been misplaced.

247 EXCLUSION OF PRESS AND PUBLIC

Audio Recording: 1 hour 11 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).

N.B. Following the conclusion of this item there was a short break in proceedings until 20:44.

248 PART 2 MINUTES - 20 JUNE 2023

N.B. This item was considered in restricted session and therefore no recordings were available.

Councillor Adam Compton proposed, and Councillor Clare Billing seconded, and following a vote, it was:

RESOLVED: That the part 2 Minutes of the Meeting of the Committee held on 20 June 2023 be approved as a true record of the proceedings and be signed by the Chair.

249 WASTE, RECYCLING AND STREET CLEANSING CONTRACT SERVICE DESIGN - PART 2

N.B. This item was considered in restricted session and therefore no recordings were available.

The Executive Member for Recycling and Waste Management presented the report entitled 'Waste, Recycling and Street Cleansing Contract Design – Part 2'.

RECOMMENDED TO CABINET:

- (1) Any changes to the service design identified in Appendix 2 of the report regarding waste and recycling service are referred back to Cabinet for approval.
- (2) Any changes to the service design identified in Appendix 2 of the report regarding street cleansing service are referred back to Cabinet for approval.

REASONS FOR RECOMMENDATION:

- (1) The competitive dialogue procurement process allowed the Council to explore service design options which may present benefits to the Council. The process so far has identified that significant cost increases are likely from the waste, recycling and street cleansing services in the next contract.
- (2) Officers have considered the initial offers from bidders and discussed opportunities for specification changes with them, which were aligned with the Council's aims for high performance, but that will reduce the costs to the Council with minimal impacts on perceived performance.
- (3) To ensure decisions were taken by elected representatives and not delegated to Officers.

250 WASTE, RECYCLING AND STREET CLEANSING CONTRACT SERVICE DESIGN - PART 1

Audio recording – 1hours 52 minutes 05 seconds

The Executive Member for Recycling and Waste Management, presented the report entitled 'Waste, Recycling and Street Cleansing Contract Service Design – Part 1' and advised that:

- This was a high-profile service which impacts on residents every week and on the Council being able to meet its carbon reduction and sustainability objectives.
- There was a competitive procurement process in progress as the proposed service design presented affordability issues for Council.
- Delegated authority was being sought to proceed with points 8.2 of this report as the procurement timeline was tight.

The Chair advised that the reason part of this item was in Part 2 was due to financial implications for the Council and that there was a vote on two new Recommendations.

The following members asked questions:

- Councillor Ralph Muncer
- Councillor Matt Barnes
- Councillor Clare Billing
- Councillor Adam Compton

In response to questions, the Service Manager - Waste stated that:

- External legal advice was being sought to ensure the contract complied with proposed statutory guidance on frequency of residual waste collections.
- Some of the design changes were mutually exclusive.
- There were lots of performance measures available, but sustainability was different to carbon reduction in relation to climate and performance rates.
- The specification would be able to manage all anticipated changes in legislation.
- Further legal advice was being sought to ensure the ability to make changes to the contract if needed.

Councillor David Levett reported that this was the largest contract and the biggest expenditure that the Council has and the way it is delivered had an impact on every household in North Herts and should be decided by elected representatives. He proposed that the referral be amended and any changes should be referred to Cabinet for approval.

This amendment was seconded by Councillor Ralph Muncer.

The Service Director – Resources advised that recommendations are listed as paragraph 8.2 in Part 1 and as Appendix 2 in Part 2.

Having been proposed, as amended, by Councillor David Levett and seconded by Councillor Ralph Muncer, following a vote, it was:

RECOMMENDED TO CABINET:

- (1) Any changes to the service design identified in paragraph 8.2 of the report regarding waste and recycling service are referred back to Cabinet for approval.
- (2) Any changes to the service design identified in paragraph 8.2 of the report regarding street cleansing service are referred back to Cabinet for approval.

REASONS FOR RECOMMENDATION:

- (1) The competitive dialogue procurement process allowed the Council to explore service design options which may present benefits to the Council. The process so far has identified that significant cost increases are likely from the waste, recycling and street cleansing services in the next contract.
- (2) Officers have considered the initial offers from bidders and discussed opportunities for specification changes with them, which were aligned with the Council's aims for high performance, but that would reduce the costs to the Council with minimal impacts on perceived performance.
- (3) To ensure decisions were taken by elected representatives and not delegated to Officers.

251 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

Audio recording – 2 hours 10 minutes 32 seconds

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

- Members should use the link in 8.3 of the report to find up to date information on the Forward Plan and dates for Cabinet consideration.
- Members needed to advise of any topics to be included for discussion at the Crime and Disorders Matters on 29 January 2024.
- An extraordinary meeting would be held on 5 December to review the Leisure Management Contract.
- The update to the Common Housing Allocation Scheme would be heard at the meeting on 9 January 2024.

In response to a question from Councillor Ralph Muncer, the Committee, Member and Scrutiny Manager advised that he would ensure an invite was sent out to the Hertfordshire Constabulary to attend a meeting next year.

Councillor Adam Compton proposed, and Councillor Ian Moody seconded, and following a vote, it was:

RESOLVED:

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

Tuesday, 7th November, 2023

(2) That the Committee, having considered the most recent iteration of the Forward Plan, as attached at Appendix B, suggested items be considered at its meetings in the coming civic year.

(3) That the Corporate Peer Challenge Action Plan as attached at Appendix C was considered.

REASONS FOR DECISIONS:

(1) To allow the Committee to set a work programme which provides focused Member oversight, encourages open debate and seeks to achieve service improvement through effective policy development and meaningful policy and service change.

(2) The need to observe Constitutional requirements and monitor the Forward Plan for appropriate items to scrutinise remains a key aspect of work programming.

The meeting closed at 9.48 pm

Chair

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