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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 TUESDAY, 5TH DECEMBER, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Adam Compton (Chair), Val Bryant (Vice-Chair), Matt Barnes, Mick Debenham, David Levett, Nigel Mason, Ralph Muncer and Daniel Wright-Mason.*

In Attendance:

Deborah Coates (Principal Strategic Planning Officer), Ian Couper (Service Director - Resources), Chloe Hipwood (Service Manager), Sarah Kingsley (Service Director - Place), James Lovegrove (Committee, Member and Scrutiny Manager), Omar Ezzet (Strategic Planning Officer), Louise Randall (Leisure Manager), Nigel Smith (Strategic Planning Manager), Henry Thomas (Planning Officer - Graduate) and Sjanel Wickenden (Committee, Member and Scrutiny Officer).

Also Present:

There were no members of the public present.

252 APOLOGIES FOR ABSENCE

Audio recording – 2 minutes

Apologies for absence were received from Councillors Clare Billing, Dominic Griffiths and Ian Moody.

253 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 18 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 asked the Committee for proposed topics for the Crime and Disorder Matters meeting on 29 January 2024.

254 PUBLIC PARTICIPATION

Audio recording – 3 minutes 55 seconds

There was no Public Participation.

255 DRAFT SUSTAINABILITY SPD

Audio Recording 4 minutes 6 seconds

The Executive Member for Planning and Transport presented the report 'Draft Sustainability SPD and highlighted that:

- If approved the draft would go out for public consultation in early January 2024 and the Hertfordshire Development Quality Charter would be endorsed.
- The Cabinet Panel for Environment had contributed to the improvements of the Sustainability SPD.
- The Local Plan was produced when the climate change aspirations of the Council were different. This draft would improve the climate and ecological stance of the Council especially as the built environment contributed to 25% of the CO² emissions.
- This draft seeks to promote higher building fabric standards to reduce the need for retrofitting in the future. It also encourages climate-responsive design using passive design strategies, such as orientation, shading, ventilation, insulation and landscaping, to reduce the reliance on mechanical systems and enhance the adaptability of buildings to changing weather patterns.
- The sustainability topics covered by the draft were highlighted in appendix A.
- The purpose of this draft was to provide a robust guidance for developers and to drive up the sustainability of our built environment and feedback from developers suggested they were supportive of this approach.
- There would be three levels of standards. bronze, silver and gold. The bronze level was the basic legal requirement. Applications meeting the silver and gold levels would be more favourably considered by the Planning department.
- The draft would go through a public consultation and then recommendations would be made to Cabinet next year.

The following Members asked questions:

- Councillor Adam Compton
- Councillor Ralph Muncer
- Councillor Daniel Wright-Mason
- Councillor Matt Barnes
- Councillor David Levett

In response to questions the Executive Member for Planning and Transport stated:

- The three different standard levels would raise aspirations and ambitions and they had clear criteria.
- There were three different SPDs and they related to different topics, this one covered the build, construction, embodied carbon, biodiversity and green infrastructure and was wider than the design code.
- The draft Biodiversity SPD was expected in March 2024 and the draft Design Code SPD in late 2024, the timetable for these SPDs was shared at the Cabinet meeting in November.
- There was some uncertainty around the future of SPDs following central government changes, however, in the meantime it was felt important to continue to update the Local Plan and strengthen policies.

In response to a question the Strategic Planning Manager stated that there was potential to revise the three standards and the options for implementation were highlighted at 8.7 of the report. It was also the intention that these standards would not be too onerous for small applications.

In response to a question the Strategic Planning Officer stated that the draft incorporated the best practices currently available from other Councils for renewable energy and biodiversity standards.

Councillor David Levett proposed and Councillor Adam Compton seconded and, following a vote, it was:

RECOMMENDED TO CABINET:

- (1) That the draft Sustainability SPD, attached as Appendix A to this report, be endorsed and approved for a six-week public consultation from 4 January 2024 to 16 February 2024.
- (2) That the Hertfordshire Development Quality Charter attached as Appendix C is endorsed and that developers of strategic and significant sites in the District (as defined by the Local Plan) are encouraged to voluntarily sign and commit to its pledges.

REASONS FOR RECOMMENDATIONS:

- (1) To allow the draft Sustainability SPD to be progressed to public consultation so that it may be developed and eventually adopted to support the adopted Local Plan.
- (2) To support a common standard for design quality and sustainability across Hertfordshire.

256 EXCLUSION OF PRESS AND PUBLIC

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).

257 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.

RESOLVED: That the Committee returned to Part 1 to consider the report and to make a final determination on the recommendations as the recommendations for Part 1 and Part 2 were identical.

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

Audio Recording 55 minutes 36 seconds.

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

- This contract represents the largest service contract spend for the Council each year and would have a huge impact on residents.
- The contract would have a significant impact on the finances of the Council and would influence the ability of the Council to achieve their carbon reduction and sustainability aims.
- Hertfordshire County Council (HCC) bear the cost of residual waste disposal.
- Officers had worked with Members and East Herts District Council (EHDC) to meet the contract sustainability objectives, prior to taking this contract out to tender.

- There would be a change of affordability for the Council, but this report contained recommendations to limit the increase in the anticipated contract costs.
- The proposed changes gave residents more capacity to recycle and were the most financially sustainable solutions for the Council.
- There was a tight procurement timeline and any delays may result in greater cost implications.

The following Members asked questions:

- Councillor Nigel Mason
- Councillor Ralph Muncer
- Councillor David Levett
- Councillor Matt Barnes
- Councillor Adam Compton
- Councillor Daniel Wright-Mason

In response to questions the Shared Service Manager, Waste Management stated:

- The additional capital bin cost related to the change to the 3,3,3 bin collection model and not for the 2 weekly collection schedule, should this be required to take place.
- The pricing of the additional, new bins was competitive due the volume that would be ordered, however the Council did not have any storage available to have vast surplus stocks of bins.
- Replacing an individual bin would cost more per unit than the large scale procurement of the extra bins. Previously when bin replacements were included as a general provision in the waste contract, compared with paying on a unit basis, it cost more than it does now.
- The feedback from the public consultation showed that residents wanted to improve recycling and their ability to recycle as highlighted in 8.33 of the report.
- North Herts residents recycled about 57% of their rubbish, but the aim was to reach St Albans and Three Rivers who were the top recycling performers in the Country.
- There was a soft plastics recycling trial occurring in Knebworth, to learn about how residents would use the service. This would be district wide in 2025 and soft plastics would be collected in the containers bin.
- Any mismatch of coloured bins may confuse the collection staff, and the majority of unused brown bins had been collected or would need significant cleaning to be viable to be used for other collection purposes, which was unlikely to have any significant cost savings.
- The previous change of bin colour from grey to purple had been supported by a high level of communication.
- There would be full colour alignment throughout East and North Herts District Councils.
- Occupiers of terrace houses would have an opt in choice due to their volume and storage needs, they would have the opportunity to change this, should their situations change, work was ongoing with the client team to finalise this matter.
- A total figure for the savings achieved by the proposals in this report would not be available until after the contract was awarded.
- Social Value is weighted at 10% in the contract, and is based on themes, outcomes and measures and included consideration towards recruitment of apprenticeships, former armed service personnel, non-working mothers and the unemployed, as well as a range of other social value elements.
- There were various mechanisms in place for any disruptions of service, with a clear criteria for the minimum service level. These would be best endeavours and are currently being consulted.
- If there was a strike the Council would not get involved in negotiations however if a disruption was due to a natural disaster, then this would impact of the minimum level of service delivered.

In response to questions the Service Director – Resources stated:

- The Council received £17.85M of funding in 2010/11, the funding for 2022/23 was £17.29M however this would be the equivalent of £11.83M at 2010/11 prices.
- Council costs had increased with inflation, and they had been additional cost rises in fuel, and staff costs. This meant that there was a 33% reduction of funding in real terms since 2010/11.
- Employees would be paid directly by the contractor and all salaries would need to comply with legislation.
- The contract would have an inflation model for salary, fuel costs and other costs throughout the contract lifespan.
- There was no requirement in the contract to pay the real living wage, that would be the choice of the contractor.

In response to questions the Executive Member for Recycling and Waste Management stated:

- The new contract was about changes not cuts.
- One bin would need to be put out each week and overall bin capacity should increase.
- The blue box was being replaced by a wheeled bin for most houses under the 3,3,3 proposal.
- There would be an improved service to residents with less confusion over bin days.

Councillor David Levett stated that this report contained recommendations for Cabinet and the Overview and Scrutiny Committee had previously reviewed this matter and stated that the final decision should be made by Cabinet and he believed this should still be the case.

Councillor David Levett stated that many of the recommendations contained reductions of service.

Councillor Levett noted that constitutionally this Committee could not revisit the recommendation it made to Cabinet 7 November 2023 and therefore proposed an amendment to the recommendation on the report. The amendment was seconded by Councillor Adam Compton and, following a vote, it was:

RESOLVED: That the Overview and Scrutiny Committee noted the recommendations in the report to Cabinet and requested that Cabinet takes into account the comments and questions made by the Overview and Scrutiny Committee in Part 1 and Part 2 when making their final decision.

REASON FOR RECOMMENDATION: To ensure Cabinet reviews and considers the comments and questions made by the Overview and Scrutiny Committee when considering the final recommendations of the Waste, Recycling and Street Cleaning Contract Service Design.

259 EXCLUSION OF PRESS AND PUBLIC

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).

260 LEISURE MANAGEMENT CONTRACT AWARD - PART 2

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

Details of decisions taken on this item are restricted due to the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of Section 100A(4) of the Local Government Act 1972.

261 LEISURE MANAGEMENT CONTRACT AWARD - PART 1

Audio Recording 2 hours and 9 seconds

The Executive Member for Environment, Leisure and Green Spaces presented the report entitled 'Leisure Management Contract Award Part 1' and highlighted that:

- The current Leisure Management contract would expire at the end of March 2024.
- A multistage procurement process had taken place, initially with five bidders, with two bidders submitting final bids.
- Both bids were fully explored and scored satisfactorily, however there was a clear bid winner who would provide the best price, quality and social value.

The following Members asked questions:

- Councillor David Levett
- Councillor Ralph Muncer
- Councillor Matt Barnes

In response to questions the Service Director – Place stated:

- That a press release was expected around the 2 January 2024 informing the public of the new contractor.
- Direct debits would transfer over to the new provider and memberships would continue, with more details released post contract.
- The service quality was assessed and evaluated against weighted method statements, detailed at 8.10 of the report. These highlighted that sustainability was at the core of their businesses.
- There was a very specific method statement concerning Letchworth outdoor pool and ideas to promote this site.
- There were KPIs in the contract relating to Customer Service levels which would be monitored, the successful bidder would provide a performance monitoring report.
- As part of the bid submission the applicants provided case studies showing examples of service quality and innovation on other contracts.
- No mystery shoppers were used but a specialist consultant was utilised throughout the procurement process.
- The capital for the Royston fitness extension had been allocated and had an expected start date of April 2024 with completion in October 2025

In response to a question the Executive Member for Environment, Leisure and Green Spaces stated that mystery shoppers would only be able to give a snapshot of a bidder, therefore an in-depth assessment was sought from a consultant.

In response to a question the Service Director – Resources stated that there was a provision in the contract regarding the risk of fuel prices increasing with the burden on the Council, but any risk on the volume of fuel consumed fell to the contractor.

Councillor Adam Compton proposed and Councillor Ralph Muncer seconded, and following a vote, it was:

Tuesday, 5th December, 2023

RECOMMENDED TO CABINET: That Cabinet agree to award the Leisure and Active Communities Contract to the successful bidder highlighted in the Part 2 report. Subject to Standstill period.

REASONS FOR RECOMMENDATION: Our leisure management contracts expire on 31 March 2024. The recommendation ensures the procurement can be undertaken and completed within the project timescales, enabling the successful ongoing provision of leisure services in North Herts.

The meeting closed at 9.45 pm

Chair

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