

150 CALL TO ACCOUNT OF DELEGATED DECISION TAKEN ON 13 AUGUST 2021 IN ACCORDANCE WITH 'SPECIAL URGENCY' PROVISIONS CONTAINED IN THE COUNCIL'S CONSTITUTION

Audio recording – 10 minutes 42 seconds

The Chair introduced the Call to Account item and noted that some of the documents provided were within Part 2 and therefore should not be discussed in Part 1 and that the Planning application could not be considered.

The Chair outlined the four subject areas to cover in questioning, these were; reason for urgency, grant allocation, choice of Keystage and performance monitoring. These were detailed in the briefing papers provided for Members and some questions under these topics had been suggested.

The Chair welcomed Anthony Roche, Managing Director, Martin Lawrence, Strategic Housing Manager and Councillor Elizabeth Dennis-Harburg, Leader of the Council, who were in attendance to provide their account, alongside the accompanying report entitled 'Call to account of delegated decision taken on 13 August 2021 in accordance with 'Special Urgency' provisions contained in the Council's Constitution'.

Martin Lawrence, the Strategic Housing Manager, provided an update for Members, which included:

- It was over 20 years since North Herts Council had its own housing stock, but it remained the local housing authority and so had a duty to carry out government policy regarding homelessness.
- There were huge demands on housing across the district, and the country, which was having an impact on the affordability of housing available.
- Homelessness remained stable across the district, but was prevalent and more and more issues were raised every day.
- There was huge demand for accommodation pre-pandemic and during the pandemic there was a directive to provide people with accommodation if they were homeless, which included people staying with friends, sofa surfing, etc.
- In 2021/22 there were around 150 people picked up as part of this, mostly individuals, who had to be found accommodation which was usually in hotels.

- In May 2021 there were 67 hotel placements by the authority, some within the district but others in neighbouring districts.
- When accommodation was provided, there was a chance to engage with other factors that may be affecting people, and it became apparent a lot of homeless people had further complex needs which required specific support.
- There had been previous attempts to develop a specific site to deal with complex needs faced by homeless people, but these have often been proposed and then never been further developed.
- Planning permission was granted in February 2021 by Haven First for a 40-bed hostel in Letchworth, but was met with local concern and objections and nothing has been able to move forward on this.
- Due to social distancing requirements, the only available location in North Herts had only 5 beds available, with further 19-rooms provided temporarily at the former Templars Hotel in Baldock.
- Funding had been made available, but providers could not use the money as there were no suitable locations.
- The aim is to create a pathway from being homeless through to independent resettlement, with support provided along the way, which is where a supported housing scheme can be valuable.
- There was a need to build up options available to deal with homelessness, with 133,000 residents in the district, but only 33 bedspaces available for this group.
- North Herts Officers made contact with Keystage in 2021, as a lot of existing providers were struggling with the effects of Covid and impact on staffing levels.
- These initial discussions were held to discuss whether there was viability of Keystage providing services in North Herts.
- Keystage had provided services in Luton since 2019 and are one of the best providers in the area and had a trauma led approach.
- This was then discussed with the then Executive Member for Housing and Environmental Health, Councillor Gary Grindal, in June 2021. Following this, the proposal was provided by Keystage.
- At the submission of the proposal the hotel had been identified and the owner had been spoken to. At this stage there was no commitment, but there were no other viable options available for consideration.
- The proposal was discussed at the Covid Recovery Board in July 2021, with the two ward Councillors in attendance.
- The discussions were ongoing with Keystage throughout this, but it became apparent throughout this that there was a time limit on action required by the Council.

In response to a question from Councillor Claire Strong, the Strategic Housing Manager advised that he was unsure whether the Lord Lister was housing homeless people at the start of the pandemic response, but did not believe it was.

Anthony Roche, Managing Director, provided an update for Members, which included:

- The proposal was brought to him in late July 2021 as a potential solution to government requirements, which was the point at which he became involved.
- Throughout July and August 2021 there were discussions around the pros and cons of the scheme and drafting a draft Delegated Decision, which was ultimately signed on 13 August 2021.
- The Delegated Decision was passed onto the Managing Director due to a potential conflict of interest with the Service Director – Regulatory who oversaw both housing and planning at the authority, with the latter to consider any subsequent planning applications.
- There were several considerations taken when the decision was brought to him, including whether he was happy with the report, whether any further information was required, if any reassurance should be sought on any of the proposal, that it was in line with the Council's Constitution and that it was in line with urgency proceedings.

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- In this case constitutional advice was provided by the legal team that Special Urgency proceedings were appropriate.
- The Cabinet meeting was scheduled for mid- to late September 2021 and it was advised that this would be too late and the opportunity would be lost.
- At the time at which the decision was being made, the three Group Leaders, two of the ward Members and the Chair of Overview and Scrutiny had been consulted and no substantive issues were raised to object to this decision. On this basis, the Managing Director was content to make this decision.
- There was a need to learn lessons from this experience and some of these were detailed in the report.
- In the instance of Haven First proposal, the planning application was submitted first, with plans developed following this decision. In the case of the Lord Lister hotel, this was not possible.
- Given the context outlined with regard to homelessness in the district, combined with lack of clarity over government funding, a decision was required and this was felt appropriate to meet Council needs.

Councillor Elizabeth Dennis-Harburg, Leader of the Council, provided an update for Members, which included:

- Officers at Local Authorities advise and provide Members with opinions. It is best practice to consult the Executive Members to explain why decisions are going to be taken and to ask for sign off. It is also best practice to consult the Chair of Overview and Scrutiny in cases of urgency.
- A weekly briefing takes place between the Leader and Deputy Leader of the Council and the Managing Director to discuss strategies, projects and some local issues.
- The meeting on the 29 July 2021 was the first time that internal examination of the proposals was considered and it was at this stage that the Lord Lister hotel was named. As well as the Leader of the Council, this meeting was attended by then Deputy Leader Paul Clark, Councillor Sam Collins, Councillor Morgan Derbyshire and Councillor Claire Strong.
- From the context provided at the meeting it seemed that this was an appropriate scheme to deal with the homelessness issues.
- A longer conversation was held with the Leader, the then Deputy Leader and Managing Director to discuss the details of the proposal. There was one matter of concern raised regarding a previous HMO in Highbury ward, but assurances were given that this scheme would be managed completely differently. At this stage Members were provided with verbal assurance that references had been received.
- There was awareness that neighbours would probably oppose the scheme, and as part of this questions were asked and consideration given to how and who should consult the local community and residents, to ensure the provider would be a good neighbour.
- On balance it was decided that this was the right thing to do and this would provide the Council the opportunity to support people within the district.
- Due to accessibility Council meetings did not take place over the school summer holidays and it was advised that waiting until the Cabinet meeting in September would be too late and the proposals would be lost.
- There was a consideration towards the upcoming winter months, with no other options on the table, and there was a need to deal with homeless people ahead of this.
- Based on the evidence provided at the time this seemed to be a suitable proposal, however following additional concerns which have come to light since the decision it seemed that further information could have been provided.
- The Chair of Overview and Scrutiny thought he had been provided adequate information and gave his approval to the Urgent Delegated Decision.

The Chair thanked all three for their verbal update for the Committee. He noted that the role of the Chair of Overview and Scrutiny was to satisfy themselves that the matter matched the

requirements of the urgency proceedings, not the content of the item. Following the email detailed in Appendix 2, there was no suitable Cabinet meeting scheduled at which the item could be considered, and therefore it fell within the remit of urgent decisions.

Councillor Claire Strong noted that, as Leader of the Conservative Group, she had not been consulted on the decision taken and did not remember the urgency requirement being discussed at the meeting on 29 July 2021. She confirmed that she had not seen the project report before its publication as part of the agenda pack for this meeting.

The following Members asked questions:

- Councillor David Levett
- Councillor Tamsin Thomas
- Councillor George Davies
- Councillor Carol Stanier
- Councillor Sean Nolan
- Councillor Claire Strong
- Councillor Adam Compton

The following questions were asked by Members:

- When did people become aware that this was not an urgent matter and that the purchase would take place at a later stage?
- When did Keystage outline the deadline?
- Could Members be provided clarity on whether cross-party consultation took place?
- If the proposals were drawn up in June 2021, why could these not be presented to Cabinet on 20 July 2021?
- Why was this proposal not mentioned at the Cabinet catch up meetings that took place?
- If the proposal was made in June 2021, could an in principle decision have been brought to Cabinet in July 2021?
- While the Constitution details the special urgency proceedings, is there a detailed process that has to be followed for this?
- If the proposal document attached in the report was not final, was there an updated version provided by Keystage? If so, what difference was there between the proposals included and the final agreement?
- Given the Homelessness Prevention Grant funding deadline was in April for this year and a requirement of this was for a specific scheme to have been identified, was there a scheme in mind for the £200k grant funds?
- Have all the requirements outlined in the proposal been adhered to?
- Why has the charge of the land not been updated to North Herts Council? And when was the application made to change this?
- In reference to the other options considered, how many proposals were on the table at the stage Keystage made their proposal?
- Had Officers had any previous contact with Keystage?
- Did the Council have any other contracts with Keystage outside of this proposal?
- What actions were taken to ensure the grant application and planning application were kept separate?
- Would it be better in the future to ensure responsibility for housing and planning are kept separate?
- How was the £200k grant funding agreed? And were Keystage aware this funding was available?
- Was there a feeling of pressure to accept?
- What due diligence took place?
- Was there any consideration given to the suitability of the location?

- What was the experience like for the 67 homeless people in hotel accommodation during the pandemic?
- Over what period was the £200k grant funding negotiated?
- What would the cost to the Council have been if the 67 homeless people had to remain in hotel accommodation?

In response to questions, the Strategic Housing Manager advised:

- The deadline was outlined just before the request was made to the Leader and Managing Director. This deadline had never changed.
- There were a number of assurances the Council needed to ensure this was a viable scheme, for example a number of safeguards needed to be confirmed, and it was not possible to fit within the timescale for the Cabinet meeting in July.
- In June 2021 an outline proposal had been made and there were still conditions that had to be negotiated with Keystage alongside the proposal, as detailed in 9.5 of the report.
- It was not felt that there was enough comfort that this was a practical scheme to bring to Members in July.
- The Ministry of Housing, Communities and Local Government were consulted to ensure they were content with the use of funds.
- The proposals included in the report at Appendix 6 was the final document.
- The £200k allocated to this scheme came from the Homeless Prevention Grant that was received by the Council annually, and amounted to around £340k.
- There were other grant schemes available for homeless prevention during the pandemic, some of which were through applications.
- All the agreements within the proposal had been kept to by Keystage.
- The project in Hatfield that did not go ahead was discounted reasonably quickly as it was felt inappropriate to send people out of the district.
- There were no other proposals at the time of the Lord Lister submission, they come up regularly but rarely overlap. The Hatfield proposal was roughly a few months before the Keystage proposal.
- The first contact with Keystage was in February 2021.
- There were now further contracts with Keystage, as detailed in 3.2.9 of the report, which was for an ex-offenders scheme, where they were moving on from temporary housing. This was outside of the Lord Lister.
- These schemes were considered at the same time, but it was decided that there were suitably separate.
- The community aspect of the location was important and schemes like this are run across the country. In order to reintegrate service users there was a requirement for access to services and transport offered in a town.
- The £200k amount was agreed mutually through discussions over 10 years.
- The Housing Team had been fantastic during the pandemic, despite some challenging times, with the team raising the most safeguarding concerns at the Council and dealing with three potential suicides.
- There was a need to engage with other specialists at this time, with Haven brought in to support. There was a block booking of 15 hotel rooms in Stevenage, but this was not suitable long term.
- The agreed £200k came after discussions between the initial contact in February 2021 and June 2021, following the identification of the Lord Lister hotel, but could not provide an exact date.
- The cost of hotel accommodation was around £400k net over two years, but over a long period this would have been higher.
- As recovery happened the numbers in hotel accommodation reduced, but costs do not add up to accommodate homeless people in hotels.

In response to questions, the Managing Director advised:

- As detailed in the report, the Delegated Decision taken by the Council gave Keystage confidence to proceed, it was the legal agreements that then took longer to confirm.
- He did not recall having a separate discussion with Councillor Strong regarding this proposal before the Project Board on 29 July 2021 and it was unlikely they had a meeting between this date and the Delegated Decision being taken.
- There was no requirement to consult the Leader of the Opposition group and with the Delegated Decisions there was not always time to consult with all people and in some instances only the statutory consultees needed to agreed.
- There is a huge amount going on at the Council at all times and unless it becomes apparent that a scheme will progress, it is unlikely to reach the Managing Director. The schemes are explored by the Strategic Housing Manager and their team to assess viability.
- The scheme was still not sufficiently certain to bring this to the Political Liaison Board or the Cabinet catch up meetings.
- The urgency became apparent around the 5 August 2021 and things progressed quickly between this date and the Delegated Decision being taken.
- There was no further guidance on the process for urgency proceedings, but there is content guidance included with the Delegated Decision template. There is also a process as to who needs to be consulted on these, and these people are relied on to comment and make suggestions.
- Ultimately the decision maker has to satisfy themselves that they are comfortable taking the decision, and that it is being taken appropriately, given the information provided.
- The funds were allocated to the Council annually, this was not a funding bid.
- The Council was aware the title of the land in favour of the Council had not yet been updated, but this was due delays at the Land Registry and was being monitored by the legal team.
- He was unaware of when the application was submitted to the Land Registry.
- The reason he was the decision taker was to ensure the Service Director – Regulatory was kept separate, this was to ensure Planning and Housing could have taken separate decision.
- The Scrutiny Committee cannot scrutinise planning procedures and there are clear functions and processes to hold these decisions to account.
- Whoever had taken the housing decision, there would not have been an influence over the planning aspect.
- The Council had pushed back against the proposals with regard to the original 5 July 2021 date and due diligence checks were carried out in this time until the decision was taken.
- During the discussions of the grant amount it was all still discussed in principle and nothing was agreed until the Council was content with the proposals.

In response to questions, the Leader of the Council advised:

- The Cabinet catch up meetings were informal and held fortnightly to discuss strategic issues within the portfolio areas. If the Executive Member for Housing did not feel it needed to be discussed then it would not be raised.
- It was important to note that the former Deputy Leader of the Council was not afraid to highlight when he disagreed with something and the only concerns raised were with regard to the previous HMO scheme in Hitchin.
- If concerns were raised, these would not be ignored, and there were no direct concerns raised by Ward Member Councillor Sam Collins.

151 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 90 minutes 35 seconds

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

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).

152 CALL TO ACCOUNT OF DELEGATED DECISION TAKEN ON 13 AUGUST 2021 IN ACCORDANCE WITH 'SPECIAL URGENCY' PROVISIONS CONTAINED IN THE COUNCIL'S CONSTITUTION

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 200A(4) of the Local Government Act 1972.

N.B Following the conclusion of the Part 2 item, the Chair returned to Part 1 to conclude the proceedings.

The Chair noted that the contract and anti-social behaviour had been discussed in Part 2 and the next stage would be to produce a report based on the Call to Account and this would then be presented to Council.

The project was ongoing and there were undertakings and commitments made that had to be adhered and taking this into account, there would be a further report to Overview and Scrutiny on a date to be agreed.

The Strategic Housing Manager advised that Keystage had been given 3 months for the enhancements requested at Planning Control to be carried out. It would be unlikely that full capacity would be reached before 2023 and suggested that March 2023 to provide further details on the scheme.

The Chair noted that this would be too long, but acknowledged that 3 months would be too early, this would be agreed with the Scrutiny Officer outside of the meeting and added to the Work Programme.

The Chair advised that there were no recommendations on this, the report would be written, which would return to Overview and Scrutiny for comment before being referred to Full Council.

The meeting closed at 10.14 pm

Chair