

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**SCRUTINY COMMITTEE**

**Meeting held at the Council Offices, Gernon Road, Letchworth Garden City  
on 10 October 2006 at 7.30 p.m.**

**PRESENT:** *Councillors: Martin Stears (Chairman), M. Paterson (Vice-Chairman), David Billing, Paul Clark, Melissa Davey, Lorna Kercher (substitute), H.M. Marshall, M.R.M. Muir, Elliot Needham and R.L. Shakespeare-Smith.*

**IN ATTENDANCE:** *Head of Financial Services, Head of Strategy & Support Services, Planning Project Manager (Planning Services), Senior Planning Officer (Planning Services), Scrutiny Officer and Committee & Member Services Officer.*

**ALSO PRESENT:** *Councillor F.J. Smith (Leader of the Council), Councillor R.A.C. Thake (Portfolio Holder for Planning & Transport) and 3 members of the public.*

**64. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S. Bloxham, P.C.W. Burt, Jane Gray and David Kearns.

Councillor Lorna Kercher was substituting for Councillor Kearns.

**65. MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Scrutiny Committee held on 5 September 2006 be approved as a true record of the proceedings and signed by the Chairman.

**66. NOTIFICATION OF OTHER BUSINESS**

No other business was submitted for consideration by the Committee.

**67. DECLARATIONS OF INTEREST (INCLUDING PARTY WHIP DIRECTIONS)**

Councillor H.M. Marshall declared a personal interest in Agenda Item 13 – Update on the Plans of the Community Meals Service Post-March 2007 - as he was North Hertfordshire District Council's representative on the management board of North Hertfordshire Homes. Councillor Marshall reserved his right to speak and vote on this matter.

Councillor Paul Clark declared a prejudicial interest in Agenda Item 20 – Office Accommodation Strategy - as he was the Chairman of the Citizens Advice Bureau, which was located in the Grammar School site recommended for future accommodation. Councillor Clark withdrew from the meeting for the duration of this item.

**68. PUBLIC PARTICIPATION**

No items were presented for consideration by the Committee under public participation.

**69. URGENT/GENERAL EXCEPTION ITEMS**

There were no urgent or general exception items to report to the Committee

**70. CALLED-IN ITEMS**

No decisions had been called-in by the Scrutiny Committee since the meeting of the Committee held on 5 September 2006.

**71. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman drew the Committee's attention to a briefing note that had been tabled by the Scrutiny Officer entitled "Community Call for Action". He asked that the Committee read this briefing note as this was an issue which may affect the responsibilities of the Committee.

**72. QUESTIONS**

No questions had been received for consideration since the meeting of the Committee held on 5 September 2006.

**73. NORTH HERTFORDSHIRE DISTRICT COUNCIL – THE FORWARD PLAN: 1 NOVEMBER 2006 – 28 FEBRUARY 2007**

The Chairman of the Scrutiny Committee presented the Draft Forward Plan to the Committee, which covered the period 1 November 2006 – 28 February 2007. He informed the Committee that, subsequent to the publication of the Plan, the following items had been rescheduled for consideration at the meeting of the Cabinet to be held in December 2006:

- Consent Street Trading;
- Markets – Policy for Future Management Arrangements; and
- Employment Study.

In response to a question from the Committee, the Head of Financial Services confirmed that the item "Clean Neighbourhoods and Environments Act 2005" had been removed from the current publication of the Plan as it was no longer a key decision.

**RESOLVED:**

- (1) That the Draft Forward Plan, covering the period 1 November 2006 – 28 February 2007, be noted;
- (2) That the following items be included on the Committee's Work Programme:
  - Strategic Flood Risk Assessment (November meeting);
  - Markets – Policy for Future Management Arrangements (December meeting); and
  - Adoption of Building Control Policy (December meeting).

**REASON FOR DECISIONS:** To ensure that the Scrutiny Committee could identify any matters it wished to consider prior to consideration by Cabinet or Council.

**74. SCRUTINY COMMITTEE WORK PROGRAMME 2006/2007**

The Scrutiny Officer submitted a report that updated the Committee on the progress being made on the various topics under scrutiny.

**RESOLVED:** That the Scrutiny Committee Work Programme for 2006/2007 be noted.

**REASON FOR DECISION:** To enable the Scrutiny Committee to plan and carry out its workload efficiently.

**75. SCOPE - PARTNERSHIP WORKING WITH PARISHES AND TOWN COUNCILS TASK & FINISH GROUP**

The Scrutiny Officer submitted a report that introduced the scope of the Partnership Working with Parishes and Town Councils Task & Finish Group, which was due to commence its review by the end of October 2006. She also drew the Committee's attention to paragraph 5.2, which informed them that the scope would also be considered by the Council's Corporate Management Team (CMT) at its meeting to be held on 17 October 2006.

**RESOLVED:** That the scope of the Partnership Working with Parishes and Town Councils Task & Finish Group, as set out in Appendix A to the report, be approved.

**REASON FOR DECISION:** To enable the Task & Finish Group to commence and carry out its work efficiently.

**76. UPDATE ON THE PLANS FOR THE COMMUNITY MEALS SERVICE POST-MARCH 2007**

The Head of Strategy & Support Services presented a report of the Strategic Director of Customer Services to the Committee, which was due to be considered by Cabinet at its meeting on 17 October 2006. The Scrutiny Committee had asked to comment on the report prior to its consideration at Cabinet.

The Head of Strategy & Support Services informed the Committee that, subsequently to the production of the report, a meeting of the cross-party working group had taken place which had amended the recommendations of the report. The amended recommendations and reasons for recommendations were tabled at the meeting.

In response to questions from the Committee, the Head of Strategy & Support Services confirmed that the proposed Community Enterprise would be responsible for the provision of the Meals on Wheels service across the County, allowing a reduction in overhead costs. She also stated that, whilst the project would be working towards a 0% subsidised service, the cost to users would be kept at a reasonable level – work by consultants had identified a user cost of £3.50 to allow the service to be fully sustainable.

Whilst the County Council's preferred option would be the provision of frozen meals for the majority of service users, the needs of residents in North Hertfordshire had been assessed against their criteria as 90% requiring the hot meals service and only 10% the frozen meals. The Head of Strategy & Support Services therefore confirmed that the Council would continue to try to ensure that this service was provided to those who needed it.

The Head of Strategy & Support Services also confirmed that the retention of existing staff and volunteers was an important aim for the Council, and the essential personal contact that the volunteer delivery provided for many service users was recognised and a key consideration when making any changes to the service.

**RESOLVED:** That the report of the Strategic Director of Customer Services be noted.

**RECOMMENDED TO CABINET:**

- (1) That the recommendations as set out in the report of the Strategic Director of Customer Services be supported;
- (2) That officers be requested to bring a further report back to Cabinet at a later date with regard to the future provision of lunch clubs in North Hertfordshire;
- (3) That the importance of the provision of hot meals to service users in North Hertfordshire be strongly emphasised when negotiating the terms of partnership and service delivery;
- (4) That the retention of the services of the committed Meals on Wheels volunteers and the skilled workforce to produce and deliver the meals to service users in North Hertfordshire be supported.

**REASON FOR DECISIONS:** To ensure continuity of an excellent service for users of the Community Meals Service following the reversion of responsibility for the service to Hertfordshire County Council from 1 April 2007.

**77. DRAFT SUPPLEMENTARY PLANNING DOCUMENT: PLANNING OBLIGATIONS AND ASSOCIATED SUSTAINABILITY APPRAISAL AND STRATEGIC ENVIRONMENTAL ASSESSMENT**

The Planning Project Manager (Planning Services) and the Senior Planning Officer (Planning Services) presented a report of the Head of Planning & Building Control to the Committee which presented the amendments made to the Planning Obligations Supplementary Planning Document (SPD) following public consultation.

The following documents were appended to the report:

- Appendix 1 - the SPD incorporating proposed changes
- Appendix 2 – summary of comments received to the consultation draft
- Appendix 3 – comments received on the associated Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA).

At the request of the Committee, the background paper “Methodology Used for Calculating Standard Charges and Other Figures Within the Planning Obligations Supplementary Planning Document” was also tabled. The Planning Project Manager and Senior Planning Officer also drew the Committee’s attention to section 3.2 of the SPD which outlined thresholds for the requirement of obligations.

In response to questions from the Committee, the Planning Project Manager confirmed that contributions for community facilities such as pavilions, museums and public conveniences were not standard contributions and would be identified, assessed and negotiated for individual sites.

The Committee also expressed concern that the references to securing contributions towards the improvement and provision of public transportation were of a negative tone, which would give the impression that the Council viewed this as a low priority issue.

**RESOLVED:** That the report of the Head of Planning & Building Control be noted.

**RECOMMENDED TO CABINET:**

- (1) That the amendments made to the Planning Obligations Supplementary Planning Document, as set out in Appendix 1 to the report of the Head of Planning & Building Control, be endorsed;
- (2) That references to securing contributions towards the improvement and provision of public transportation be amended to have a more positive tone and demonstrate the commitment of the Council to these works;
- (3) That the amended draft Supplementary Planning Document: Planning Obligations and associated Sustainability Appraisal and Strategic Environmental Assessment be recommended to Full Council for adoption;
- (4) That the amended draft Supplementary Planning Document: Planning Obligations and associated Sustainability Appraisal and Strategic Environmental Assessment be used for Development Control Purposes from 17 October 2006;
- (5) That the Chairman and Vice-Chairman of the Scrutiny Committee work in liaison with the Chairman and Vice-Chairman of the Performance, Audit & Review Committee (PARC) to ensure monitoring information relating to the number and nature of Section 106 Agreements throughout the District is made available to Members and appropriately relayed through public forums including Area Committees.

**REASON FOR DECISIONS:** There was a need for the Council to adopt the SPD on Planning Obligations to ensure there was guidance on how to interpret existing policy and how it related to current Government guidance.

**78. AREA ACTION PLANS**

The Planning Project Manager (Planning Services) presented a report of the Head of Planning & Building Control which had been prepared at the Committee’s request,

following submission of a question by Councillor David Billing at the meeting of the Committee held on 5 September 2006 (Minute 56 refers).

In response to questions from the Committee, and at the invitation of the Chairman, the Portfolio Holder for Planning & Transport informed the Committee that Growth Area Funding bids could only be granted if the applicants could demonstrate that additional housing would be released as a result of the work carried out. He also stated that, whilst North Hertfordshire District Council had wished to submit an application for funding to provide a secondary, safer access to the Hitchin Industrial Estate, Hertfordshire County Council would not support it.

In response to a suggestion that a list of areas for which Development and Design Briefs could be produced, the Planning Project Manager (Planning Services) highlighted the current work programme relating to the production of the new Local Development Framework (LDF) and Town Centre Strategies, and stressed the need to prioritise such statutory requirements. She also informed the Committee that an evidence background paper for policy development would be produced, which would help provide an extra level of guidance in relation to design issues when considering planning applications in the future.

**RESOLVED:** That the report of the Head of Planning and Building Control be noted.

**REASON FOR DECISION:** To ensure the question asked by Councillor David Billing with regard to Area Action Plans had been fully answered.

#### **79. QUESTIONS – LEADER OF THE COUNCIL**

The Chairman welcomed Councillor F.J. Smith, Leader of North Hertfordshire District Council, to the meeting. Councillor Smith was present to take questions from the Committee relating to his role.

The following questions were asked by the Committee, and the responses from the Leader are summarised below.

**a) What do you feel the main challenges and opportunities for the Council are, and how can the Scrutiny Committee help to meet them?**

The principal challenge for all local authorities are financial restrictions – budgets take an immense amount of time to prepare and monitor, and it is very difficult to provide the services that we are both required to and would like to within the constraints of those restrictions. The work of all Committees and officers should take into account the impact of this financial situation.

**b) What is the current situation with regards the Health Scrutiny function and the timetable for the changes?**

At present discussion is ongoing as to representation arrangements on whatever new Scrutiny function there will be under the new arrangements – the District Councils all want to have a representative, but the County Council feel that to have 10 District Council representatives, 10 County Council representatives and any independent representatives would result in a body that was unmanageable. A compromise must be made so that the membership for the body can be agreed.

The timetable for the changes is for implementation as soon as possible, and it is hoped that the new arrangements will be of a more logical nature than has been previously been the case.

**c) Within the structure of its Vision, what challenges is the Council working to overcome?**

The Council functions well through inter-party co-operation, and the Vision embodies the spirit of its work. The Council sets itself objectives to achieve and, when they have done so, continues to set more in order to further improve its services.

- d) **At its assessment in 2004 the Council achieved a Comprehensive Performance Assessment (CPA) rating of "Fair". Do you think that we are still at that level?**

Although the "goalposts" for assessments are constantly changing, I would hope that the Council has improved on the last assessment. However, I think it is important to focus more on the delivery of service and improving the way the Council operates than on such assessments.

- e) **Currently this Council is fifth in the league of Hertfordshire Councils for recycling of rubbish. However, the Government has said we will need to increase our recycling levels by 50% by 2012 or there will be heavy financial penalties. What are your thoughts on this dire prospect?**

Firstly, I do not think this is a dire prospect. There has been a significant improvement in the level of our recycling in the past 12 months and this will continue to improve, providing there is sufficient funding to be able to expand and sustain the service to collect and process the additional items. The Council actively encourages residents to recycle as much of their waste as possible, and organisations such as the National Society for Clean Air (of which I am currently Chairman) are also working to raise public awareness.

- f) **Do you have any suggestions for how Scrutiny can better assist the work of the Council?**

The role of the Scrutiny Committee is to consider reports and issues when they arise, and on the whole the reports produced and subjects considered by this Committee have been very sensible. It is also very important that the Scrutiny Committee is functioning separately to the Cabinet, and it would therefore be wrong to try and influence your activities.

The Chairman informed the Leader how helpful it was to receive the responses from Cabinet to the Committee's recommendations, as it demonstrated whether the issues raised were considered to be significant. He also confirmed that, whilst the Scrutiny Committee functioned separately to the Cabinet, the Leader could still bring to the Committee's attention issues that he thought would be appropriate for review by the Committee.

The Chairman thanked the Leader for attending the Committee and participating in the question session.

## **80. PRESENTATION BY PLANNING & TRANSPORT PORTFOLIO HOLDER**

The Portfolio Holder for Planning & Transport apologised to the Committee for his absence at the meeting of the Committee held on 5 September 2006 (Minute 62 refers). He drew the Committee's attention to the background information that had been circulated at that meeting (additional copies of which were made available) and invited questions from the Committee.

### **IDeA Benchmarking**

In response to a question about how close the Council's planning service came to achieving the IDeA Benchmark on Planning, the Portfolio Holder for Planning & Transport informed the Committee that, whilst the Council could not resource the benchmarking process at the present time due to the amount of resources needed for the production of the Local Development Framework (LDF), an internal assessment had been made of the Council's service against the major requirements for achieving the Benchmark. Some changes had been implemented as a result of this assessment, but the Council was doing well in achieving its aim to provide a planning service that was both customer friendly and meeting government requirements.

### **Public Transport**

In response to questions relating to public transport, the Portfolio Holder for Planning & Transport stated that when looking at public transport as a whole, there had been

some improvement in provision. However, he confirmed that there were increasing difficulties with bus service provision as a result of the actions of the service providers, and stated that the current situation was not sustainable. The Portfolio Holder acknowledged the problems with the Bus Services Members Working Party, which had arisen from lack of resourcing and communication problems, but stated that this was a very useful group of personnel to inform the Fundamental Service Review (FSR) to be undertaken, and confirmed that their involvement in that process would be arranged.

### **Car Parking and Controlled Parking Zones (CPZs)**

In response to questions relating to parking, with particular reference to the review and implementation of CPZs in the District, the Portfolio Holder for Planning & Transport informed the Committee that a complete review of all the CPZs in the District had been commissioned following the retirement of the Chief Engineer. Unfortunately, the review had demonstrated that the budget for these zones was inadequate and the implementation of new CPZs would be tightly restricted as a result. However, the Portfolio Holder confirmed that the two new CPZs specifically mentioned by a member of the Committee, in The Avenue/Chiltern Road, Hitchin, and the Triangle area of Hitchin would be considered as the first priority zones. He also explained that all new CPZs would need to be approved by the Management Board, and then by Cabinet before they could be implemented.

The Portfolio Holder was asked whether there was any truth in the rumour that the Council was looking to outsource their parking enforcement function. He stated that there were no such proposals in existence, although if this arose it would not be ruled out as a possibility. However, he confirmed that a review was currently taking place to establish whether the parking enforcement team were being best used.

### **Luton Airport and the Luton Sub-Regional Growth Area**

Whilst the issues relating to Luton were not technically a function of NHDC, the Portfolio Holder for Planning & Transport confirmed that he and the Leader of the Council were observers on the panel discussing these issues, and had voting rights at such time as NHDC became affected. However, the Portfolio Holder confirmed at present their role was to keep a watching brief, and the Leader informed the Committee that a lack of agreement between the main parties (Luton Borough Council and South Bedfordshire Council) was delaying matters.

### **Development at Churchgate, Hitchin**

The Committee asked the Portfolio Holder for Planning & Transport several questions relating to the proposed redevelopment of Churchgate, Hitchin, particularly with regard to the lack of any progress since the adoption of the Churchgate Development Area Planning Brief. The Portfolio Holder informed the Committee that no planning application had been submitted to date, which the Council believed was because the developers did not consider that they could deliver a commercially viable scheme within the restrictions of the Brief. He therefore stressed the importance of an open dialogue between the Council and the developers to establish a way forward, although there were currently no meetings scheduled to do that.

### **Planning Delivery Grant**

With regards to the funding currently received from the government through the Planning Delivery Grant, the Portfolio Holder for Planning & Transport informed the Committee that this could be removed as a continued source of funding under government plans to replace it with a scheme whereby authorities would receive funding according to the amount of additional housing construction that they allowed. The Portfolio Holder expressed his great concern at this proposal, especially as NHDC would be one of the Councils expected to accept a lot of new housing under the scheme, resulting in considerable growth throughout the District.

The Chairman thanked the Portfolio Holder for Planning & Transport for attending the Committee and answering their questions.

**RECOMMENDED TO CABINET:** That urgent steps be taken to arrange a Member-level meeting with the developer of Churchgate, Hitchin, to address problems with developing proposed schemes.

**REASON FOR RECOMMENDATION:** To allow the redevelopment of the Churchgate area to proceed with minimal delay.

**81. ITEMS REFERRED FROM SCRUTINY COMMITTEE FINANCE SUB-GROUP – 9 OCTOBER 2006**

The Scrutiny Committee was informed that the meeting of the Finance Sub-Group scheduled to be held on 9 October 2006, had been deferred until 12 October 2006 as the reports to be considered had not been completed. The Sub-Group's recommendations in respect of these reports would therefore be tabled at the meeting of the Cabinet to be held on 17 October 2006.

The Scrutiny Officer submitted a report to the Committee which outlined the Cabinet's response to the referrals that the Scrutiny Committee had made at its meeting held on 5 September 2006, on behalf of the Finance Sub-Group.

**RESOLVED:**

- (1) That the Cabinet's response to the referrals made at the meeting of the Scrutiny Committee held on 5 September 2005, as set out in the report of the Scrutiny Officer, be noted;
- (2) That the Finance Sub-Group be given the authority to make recommendations on behalf of the Scrutiny Committee to Cabinet at its meeting to be held on 12 October 2006.

**REASON FOR DECISION:** To ensure the Cabinet received the representations from the Scrutiny Committee to enable informed decision-making, in accordance with the Scrutiny Referrals Protocol.

**82. EXCLUSION OF THE PUBLIC AND PRESS**

The Chairman informed the Committee that, as the following report had been issued as a Part 1 – Public Document – subsequent to the publication of the agenda, there was no longer a requirement for the public and press to be excluded from the meeting for the duration of the item.

**83. OFFICE ACCOMMODATION STRATEGY**

The Head of Financial Services submitted a report to the Committee, which was due to be considered by the Cabinet at its meeting to be held on 17 October 2006. The report outlined the short-listed office accommodation options for the Council and sought the Committee's support in recommending a preferred option and the next steps in the process.

In response to questions from the Committee, the Head of Financial Services confirmed that the organisations currently located in the Grammar School site would be relocated to alternative premises if the Council bought the building. Under the preferred option 2b, the main building fronting onto Broadway would be retained and refurbished, with the demolition of the additional wings to allow for extension onto the rest of the site, retaining the current roof height, with the provision of 100 car parking spaces.

The Committee acknowledged the reasons for selecting option 2b, but stressed the need for conducting a thorough survey of the Grammar School site before entering into purchase negotiations, to ensure that any structural or maintenance issues were identified. The Committee also expressed their concern about the relocation of the voluntary organisations currently located in the Grammar School building, and

highlighted the importance of the Council's assistance to those organisations in securing alternative accommodation within the town.

**RESOLVED:** That the report of the Head of Financial Services be noted.

**RECOMMENDED TO CABINET:**

- (1) That the preferred site option be identified as option 2b – the extension and refurbishment of the Grammar School site – subject to satisfactory site inspections;
- (2) That the Cabinet recommend to Council that a provision of £7.75 million be made in the capital programme to enable the necessary work for option 2b to commence to ensure delivery of the office accommodation project by 2010 at the latest;
- (3) That the Cabinet recommend to Council that funding of £4.75 million be provided under the prudential borrowing rules to meet the shortfall after the application of capital receipts from the sale of the surplus office sites;
- (4) That officers be instructed to negotiate the acquisition of the Grammar School site at best consideration;
- (5) That officers be instructed to engage specialist consultants to assist officers in the new office design and build and the relocation of services to the completed offices;
- (6) That the Town Hall site be marketed for sale at the earliest opportunity and that the marketing of the Town Lodge site and associated property interests be marketed to coincide with the completion of the new office accommodation.

**REASONS FOR DECISIONS:**

- (1) That option 2b – extension and refurbishment of the Grammar School site – offers longer term advantages regarding return on investment and service efficiencies and on balance provides a better return on capital cost and whole life cost.
- (2) To ensure budget provision is made for new office accommodation.
- (3) To ensure that work commences immediately on the design and tender of the proposed facility so that it meets the Council's needs and that completion is assured by 2010.
- (4) To ensure that all surplus office sites are disposed of as quickly as possible to contribute towards the capital cost of the new office facilities.

The meeting ended at 10.34 p.m.