

NORTH HERTFORDSHIRE DISTRICT COUNCIL

SCRUTINY COMMITTEE

MINUTES

**Meeting held at the Council Offices, Gernon Road, Letchworth Garden City on
13 September at 7.30 p.m.**

PRESENT: *Councillors: Martin Stears (Chairman), M. Paterson (Vice-Chairman), J.F. Barry, David Billing, P. Clark, D.J. Horrell, Sal Jarvis, David Kearns, H. M. Marshall, M.R.M. Muir and M.E. Weeks.*

ALSO PRESENT: *Councillors Mrs A.G. Ashley and R.A.C. Thake.*

IN ATTENDANCE *Strategic Director of Financial and Regulatory Services, Strategic Director of Customer Services, Head of Legal & Democratic Services, Head of Housing & Environmental Health, Project Manager (Leisure), Senior Committee Administrator and Committee Administrator.*

38. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P.C.W. Burt, G.C. Hollands, Lorna Kercher and R.L. Shakespeare-Smith... Councillor P. Clark was in attendance as substitute for Councillor G.C. Hollands.

39. MINUTES

RESOLVED: That the Minutes of the meeting of the Scrutiny Committee held on 19 July 2005 be approved as a true record and signed by the Chairman.

40. NOTIFICATION OF OTHER BUSINESS

No items were presented for consideration by the Committee.

41. DECLARATIONS OF INTEREST (INCLUDING PARTY WHIP DIRECTIONS)

No declarations of interest were made and no notification of any party whip directions were given at the meeting.

42. PUBLIC PARTICIPATION

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

43. URGENT/GENERAL EXCEPTION ITEMS

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

44. CALLED-IN ITEMS

No decisions had been called-in by the Scrutiny Committee since the meeting of the Committee held on 19 July 2005.

45. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that Item 16 – Scope of Residential Parking Task & Finish Group would be considered in conjunction with Item 11 – Work Programme 2005/06 (Minutes 48 and 53 refer).

The Chairman welcomed to the meeting Ian Gourlay, the recently appointed Senior Committee & Member Services Officer.

The Chairman advised that he had presented a bunch of flowers and conveyed the Committee's best wishes to Jackie Sayers, the Council's former Scrutiny Officer, prior to her leaving the Council to take up her new position with East Hertfordshire District Council.

25.46. QUESTIONS

The following question had been submitted by Councillor P Mardell:

"The budget to provide railings on the upper floors of the multi-storey car park at Letchworth has been transferred away from this project, without the work being carried out. Therefore the danger of items being thrown onto people, cars etc. remains. What was the reasoning behind the decision not to install these railings?"

The Properties Manager had replied:

"The decision taken by officers not to proceed with the installation of security railings around the perimeter of the top decks at the Letchworth multi storey car park was based on the following considerations.

Any railings erected around the perimeter of the top decks of the car park would present a climbing opportunity for the groups of youths that regularly frequent the building in the evenings and at weekends. Because of this, the railings would need to be of particularly heavy duty construction with robust vertical sections fixed to the existing parapet walls at intervals of not more than 1.2 metres. Officers are of the view that the extent of fixings required to ensure rigidity and security of each vertical support and the process of drilling for these with percussion/hammer drills could adversely affect the long term integrity of the parapet walls. Officers are also mindful that external facing brickwork could also become impaired by the extensive drilling work required to install the railings.

On the basis of the foregoing considerations, the Council's leasehold tenure of the building and existing parapet walls of sufficient height to prevent accidental injury it was concluded that it would not be in the Council's best interests to proceed with the proposed works."

47. NORTH HERTFORDSHIRE DISTRICT COUNCIL – THE FORWARD PLAN AT 1 SEPTEMBER 2005

The Chairman of the Scrutiny Committee presented the Forward Plan to the Committee.

RESOLVED:

- (1) That the Forward Plan, dated 1 September 2005, be noted.
- (2) That an item be submitted to the next meeting of the Committee to clarify the Council's various roles with regard to the selection of the preferred developer for Ivel Court, Letchworth, in particular its asset management role and its planning authority role;
- (3) That an item be submitted to the next meeting of the Committee on the Local Development Framework Annual Monitoring Report.

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

28.48. WORK PROGRAMME 2005/2006 – SCRUTINY COMMITTEE & SUB-GROUPS

The Chairman presented a report of the Scrutiny Officer that updated the Committee on the progress that had been made on the various topics under scrutiny. The following documents were appended to the report:

Appendix 1: North Herts & Stevenage Primary Care Trust – Recruitment and Retention of General Practitioners;

Appendix 2: Market Utilisation and Performance report - Report to the Performance, Audit & Review Committee (PARC) on 28 July 2005.

In conjunction with the report, the Committee considered a tabled document which detailed the proposed scope for the new Residential Parking task & finish group.

RESOLVED:

- (1) That the progress made by past and existing sub groups be noted;
- (2) That the scope for the new Residential Parking task & finish group, as presented at the meeting, be agreed in principle, and the group be asked to focus on the effectiveness of areas in the current Parking Review and to undertake benchmarking with other Authorities to obtain good practice; the group should also be asked to produce an indicative timetable for the review;
- (3) That the report at Appendix 1 regarding GP recruitment be noted;
- (4) That the party groups be invited to nominate Members for a new task & finish group to consider the usage and promotion of the Council's markets and that this be chaired by a Conservative group member.

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

49. IMPACT OF FREEDOM OF INFORMATION ON PART II ITEMS

The Head of Legal and Democratic Services presented a report that advised the Committee further to the request of the Chairman at Minute 36 of the Scrutiny Committee of 19 July 2005, that "a report be brought to the next meeting regarding the impact of the Freedom of Information Act 2000 on the Council's ability to withhold information as defined in Paragraph (9) of Part 1 of Schedule 12A of the Local Government Act 1972".

RESOLVED: That the content of the report be noted.

RECOMMENDED TO CABINET:

That all future items requesting the exclusion of the press and public for the consideration of Part II business be accompanied by an explanatory note providing the text of the relevant paragraph(s) in Part 1 of Schedule 12A of the Local Government Act 1972 under which press and public would be excluded.

REASON FOR RECOMMENDATION: To respond to the query raised at the last meeting of Scrutiny on 19 July 2005, and to give explicit explanation to members of the public and the press of the reason for their exclusion for Part II items.

50. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 AND ANTI-SOCIAL BEHAVIOUR ACT 2003

The Head of Housing and Environmental Health presented an amended report, which was tabled at the meeting, which sought Cabinet's agreement to the adoption of powers contained within the Clean Neighbourhoods and Environment Act 2005

(CNEA) and the Anti-Social Behaviour Act 2003 (ASBA) relating to the services provided by the Housing & Environmental Health Service.

RECOMMENDED TO CABINET:

- (1) That Cabinet recommends to Council that the powers contained in the table in paragraph 3.7 of the report be adopted and delegated to the appropriate officer as detailed in the table.
- (2) That Cabinet acknowledges the concern of the Scrutiny Committee regarding the capacity of existing resources to deal with the various new enforcement powers identified in the report.

REASONS FOR RECOMMENDATIONS:

- (1) The power to temporarily close noisy licensed premises contained within the ASBA was likely to be a valuable aspect of the Authority's approach to the new licensing regime. Whilst it may not be exercised regularly it would nevertheless provide a deterrent to licensed premises that are causing an acute problem;
- (2) This CNEA provided NHDC with a significant number of powers to control pollution, however the majority of those powers were discretionary and the authority would have to decide which of these they would adopt. Any enforcement would have to show to be cost neutral and therefore decisions over the procedures and resources required to implement these powers needed to be carefully considered. The Street Scene FSR would have to consider how much of a role the authority wanted to play in enforcing environment controls and needed to consider the impact on support services as well as the enforcement services.

51. ITEMS REFERRED FROM SCRUTINY COMMITTEE FINANCE SUB GROUP 21 JULY AND 18 AUGUST 2005

The Scrutiny Committee considered the recommendations made by the Finance Sub-Group at its meetings on 21 July and 18 August 2005.

RESOLVED:

- (1) That the recommendations made by the Finance Sub-Group at its meetings on 21 July and 18 August 2005 be noted.
- (2) That a report on the current officer review into council tax and summons cost debtor provision be scrutinised by the Finance Sub-Group when it is published later in 2005/06.

52. SUPPORT FROM OFFICER TO MEMBERS

The Strategic Director of Financial and Regulatory Services presented a report to accompany a draft change to the Council's Constitution, attached as Appendix 1 of the report, which set out the way in which Members could expect officers to support them on matters arising in their ward.

The Committee debated the draft and agreed a number of amendments.

RESOLVED:

- (1) That the following amendments be made to the redrafted Officer/Member protocol section of the constitution, as at Appendix 1 to the report:
 - (a) Paragraph 8.2 to now read "Officers will keep Members informed about significant issues in their ward".

- (b) In Paragraph 6 – Complaints - of the Additional Information & Guidance section, reference be made to the appeals procedure as part of the complaints process.
 - (c) In Paragraph 7 – Response Times – of the Additional Information & Guidance section, the final paragraph to now read “Where necessary, a Director or Head of Service will identify one officer to take responsibility for resolving a cross-service issue raised by a Member, and this Member will be notified who this is as quickly as possible in line with the Council’s published customer care standards.”
- (2) That, subject to further consideration by the Corporate Management Team to ensure references in the document reflect the existing Council Structure, and such minor amendments being agreed by the Chairman and Vice-Chairman of the Scrutiny Committee, the redrafted Officer/Member protocol section of the constitution be referred to Cabinet alongside the earlier recommendations on this matter made by the Committee on 19 July 2005.

REASON FOR DECISION: To improve the support received by Members in respect of constituent’s enquiries and ward issues.

53. SCOPE OF RESIDENTIAL PARKING TASK & FINISH GROUP

This item was considered in conjunction with item 11 – Work Programme 2005/06 (Minute 48 refers).

54. PRESENTATION BY THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORT

The Portfolio Holder for Planning & Transport gave a presentation informing the Committee about matters relating to his portfolio. He listed a number of areas of work, together with the actions required for each and key dates, which included the following:-

- Production of Local Development Framework documents in accordance with the agreed Local Development Scheme;
- East of England Plan / regional planning issues;
- Luton Airport growth issues;
- Delivery of e-enabled planning services;
- Planning gain action plan;
- Car parking zonal plan;
- Public Transport Strategy for Hitchin Town Centre;
- Concessionary bus fares initiative;
- Town Centre Strategies;
- Hitchin Churchgate Centre;
- Review of Conservation Areas;
- Review of existing Traffic Regulation Orders;
- Investigation of new Controlled Parking Zones;

- Review of existing Highways Partnership Agreement.

The Portfolio Holder for Planning & Transport responded to a number of questions raised by Members during his presentation.

RESOLVED:

- (1) That the presentation by the Portfolio Holder for Planning & Transport be noted;
- (2) That officers bring forward and arrange as soon as possible the proposed additional planning training for Members.

55. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting on the grounds that the report involved the likely disclosure of exempt information as defined in paragraphs 9 and/or 7 of Part 1 of Schedule 12A of the said Act.

56. HITCHIN FRIDAY FRANCHISED BRIC A BRAC MARKET

The Head of Leisure Services submitted a report updating the Committee on progress made on issues relating to the Hitchin Friday Franchised Bric a Brac Market.

RESOLVED:

- (1) That the report be noted.
- (2) That at the conclusion of the work on the approved option for the market and any subsequent consideration by the Hitchin Area Committee, a report be submitted to a future meeting of the Scrutiny Committee.

REASON FOR DECISION: To ensure that the Scrutiny Committee was kept advised on the progress that had been made on issues relating to the Hitchin Friday Franchised Bric a Brac Market.

The meeting ended at 9.50pm.

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Chairman