

NORTH HERTFORDSHIRE DISTRICT COUNCIL

SCRUTINY COMMITTEE

MINUTES

**Meeting held at the Council Offices, Gernon Road, Letchworth Garden City
on Tuesday, 19 June 2007 at 7.30p.m.**

PRESENT: *Councillors Martin Stears (Chairman), R.L. Shakespeare-Smith (Vice-Chairman), David Billing, John Bishop, P.C.W. Burt, Melissa Davey, S.K. Jarvis, David Kearns, H.M. Marshall and Alan Millard.*

IN ATTENDANCE: *Strategic Director of Financial & Regulatory Services, Strategic Director of Customer Services, Scrutiny Officer and Senior Committee & Member Services Officer.*

ALSO PRESENT: *Councillors Mrs C.P.A. Strong (Policy & Green Issues Portfolio Holder), Judi Billing and John Booth and 1 member of the public.*

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S. Bloxham, Paul Clark, Sal Jarvis and M.R.M. Muir.

2. MINUTES

RESOLVED: That the Minutes of the meeting held on 20 March 2007 be approved as a true record of the proceedings and signed by the Chairman.

3. NOTIFICATION OF OTHER BUSINESS

No other business was submitted for consideration by the Committee.

4. DECLARATIONS OF INTEREST (INCLUDING PARTY WHIP DIRECTIONS)

There were no declarations of interest.

5. PUBLIC PARTICIPATION

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

6. URGENT/GENERAL EXCEPTION ITEMS

No urgent or general exception items were presented for consideration by the Committee.

7. CALLED-IN ITEMS

Since the last meeting, no decisions had been called-in by the Scrutiny Committee.

8. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

9. QUESTIONS

(A) Election Period – Councillors' Ward work and Community Leadership role

The following question had been submitted by Councillor Judi Billing:

"During the recent election campaign a number of misunderstandings and ambiguities occurred relating to councillors' communication with officers, and some officers seemed unclear about the rules which apply to councillors ward work and community leadership role during election periods.

Could the council please publish to all councillors a detailed account of the content and methodologies of the briefings given to officers on conduct and communication with members during these periods, so that officers and members can all be aware of the rules which are being applied, and understand their implications?"

The Head of Communications had supplied the following response:

"The principal requirement during the run up to an election is to ensure that any information put out by the Council is of a factual nature only and does not seek to promote any candidate or party group. Therefore the rules are principally addressed to external communications. There is no bar on normal business between officers and Members dealing with ward issues; as always, any advice must be politically impartial.

The Local Government Act 2000 resulted in the approval by Parliament of a new Code of Practice on Local authority Publicity. This includes the following guidance:

'The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political.'

It is standard practice of the council to remind staff of the special communication requirements placed on officers and members by means of the briefing system through *Team Talk* and this was done this year in the issue of 7 March. In that we said:

'The period between the notice of election which will be published on 27 March and the election itself on 3 May is colloquially known as "purdah". During this period we have to be all the more cautious to ensure that our publicity could not be taken to promote any candidate or party. This means that officers will be used as spokespersons unless there is an emergency need for a portfolio spokesperson.'

Team Talk is approved by Corporate Management Team and spread to employees via the cascade briefing system.

Normal working relationships between Members and officers are covered by protocol in the constitution. Officers can continue to assist Members with ward casework and on community leadership issues. Section 5 of that protocol concerns advice to party groups and clause 5.7 makes specific reference to the "purdah" period:

'Officer attendance at any public meeting will generally be avoided during the period between the announcement and conclusion of any local or parliamentary election affecting the area involved, and will only occur during such a period if all parties supporting candidates in the election have been invited to take part in the meeting.'

Officers and Members are advised to seek clarification for individual situations to ensure that they are working in full compliance with the Constitution. Officers would welcome a discussion with interested councillors, preferably from all parties, to see whether advice to officers during election periods needs to be clarified and improved."

RESOLVED: That a meeting be arranged between representatives of each of the Political Groups and appropriate officers to discuss a means to ensure that officers were clear about the rules which applied to councillors' ward work and community leadership role during election periods.

(B) Local Government White Paper – Member Development

The following question had been submitted by Councillor Judi Billing:

“What arrangements are being made to brief and develop members understanding of the emerging legislation emanating from the local government White Paper, including the two quite separate and distinct forms of Community Call for Action?”

The Head of Policy, Partnerships & Performance had supplied the following response:

“A formal briefing for all North Herts Councillors on the initial proposals and intent of the Local Government White Paper was held on Monday 8th January 2007. This briefing also included consideration of the specific areas to be addressed through the Local Government and Public Involvement in Health Bill, currently undergoing its second reading in the House of Lords and intended to receive Royal Assent by Autumn of 2007, and the potential implications for the district.

This briefing was further supplemented by a specific session with scrutiny and PARC members, on 26th March, in order to look more closely at the implications for overview and scrutiny arrangements for the authority, duty placed on community partners to co-operate, and integration of all the requirements into the relevant committee work programmes etc.

A schedule of the potential consultation dates established by the Government has been drawn up and once relevant consultations on not only overview and scrutiny arrangements, but also changes to performance management, Local Area Agreements and the introduction of the Comprehensive Area Assessments are received, members are notified via the weekly MIS and their views sought to inform any corporate response. Similarly, as the LG and Public Involvement in Health Bill develops and becomes statute, it would be appropriate to provide relevant timely briefings; the LG White Paper and its constituent parts are included in the Performance Audit and Review, and Scrutiny Committee work/training programmes for the current year to ensure that both overview and scrutiny committees receive appropriate information.

The two different approaches required for ‘Community Call for Action’ are currently being considered by officers, especially in the light of new partnership arrangements for community safety. The establishment of locality policing panels has just been finalised, alongside revised guidance on the working practices of the Crime and Disorder Reduction Partnership (CDRP) itself, so the scrutiny officer and community safety team are to develop a draft proposal of how referrals made under the CCfA can be made to relevant partners, and scrutiny members themselves, to be considered and dealt with. A brief report containing these draft proposals for consideration will be available in the Autumn, alongside additional guidance awaited from the Government regarding performance management and reporting arrangements.

Similarly, the second CCfA, that of call-in following the failure of an individual ward councillor to resolve a long standing situation, will require a system to be established in order that the issues raised are indeed within agreed criteria, and background information on actions taken to date is available for initial consideration by the scrutiny committee. The authority’s scrutiny officer is currently working on identifying the principles of good practice (provided by the IDeA and scrutiny support agencies) to draft a proposed referral procedure in order to ensure that the call in is used to its best effect, the actions to be taken are agreed with members, officers and partners/residents, resourced and delivered.

In the interim, the Scrutiny Officer has prepared a briefing note for the Chairman and Vice-Chairman of Scrutiny outlining the potential for use of the Community Call for Action, a copy of which was attached to this response.”

There was some concern at the use of the word "failure" in relation to the second CCfA, and the Committee noted that further discussion would be likely to take place before the legislation took effect.

(C) Member Intranet / Internet access

The following question had been submitted by Councillor Judi Billing:

"What arrangements are currently available to give full council internet and intranet access to those councillors who do not possess their own personal computers?"

The Head of IT and Transformation had supplied the following response:

"1.From 2007/08, and as part of their Basic Allowance, all Members receive £300 towards the costs of IT/computer equipment and peripherals. In-addition members in receipt of a Special Responsibility Allowance (Cabinet Members, Committee Chairmen etc.) receive an additional £100. These allowances can be used as a contribution towards an initial purchase, and or upgrade/replacement in future years. Or see (3)

1.1 A dedicated computer is not required to gain full access to NHDC. Systems. please see (2) . The Council intranet is accessible to staff/members who are authorised users, and can be accessed from any computer.

1.2 Broadband capability at your chosen locations i.e home/constituency office is a recommendation due to the size of emails and attached documents issued.

2. All members have had a NHDC email account created for them. This account can be accessed from any computer (personal or 3rd party/ work owned) including using your personal log in to any council computer in locations such as the Members Office, and Committee Services - subject to the following:

2.1) the member has signed compliance with the NHDC email, intranet and Data Protection policy requirements .

2.2) The log-in and password has been issued - (available from IT Help desk during office hours) email ithelpdesk@north-herts.gov.uk or tel 01462 474444

3. Alternatives are a recharge against this members allowance to provide a basic Computer and or a Blackberry type phone, (however a Blackberry may limit the size of files able to be received, and also will incur additional ongoing usage costs) Blackberry request can also be registered with itheldesk@north-herts.gov.uk or tel 01462 474444".

The Committee felt that the benefits of assisting the few Members who did not possess personal computers at home would be likely to outweigh the small costs that would be involved.

RESOLVED: That the matter of Internet/Intranet access for those Members who do not possess their own personal computers be referred to the Access to Services Project Board for consideration.

(D) Queen Street Cottages, Hitchin

The following question has been submitted by Councillor Martin Stears.

"What has happened to enforcing the planning decision re: putting these cottages in back into a habitable condition. The Inspector upheld the Habitable Order, but the cottages are still boarded up?"

The Head of Planning & Building Control had supplied the following response:

"In September 2005, planning permission was refused for the use of land for the open display of cars for sale following the demolition of cottages for the following reasons:-

- 1 The demolition of Nos 37 and 38 Queen Street would result in the loss of buildings which make a positive contribution to the architectural character of the street scene particularly in relationship to the setting of nearby buildings which are listed and within the conservation area. Furthermore, the extension of area for the display of cars would be likely to detract from the visual amenities of the street scene and would fail to maintain an adequately high standard of environment. The development would be contrary to the provisions of Policies 1, 20 and 22 of the District Local Plan No 2 with Alterations.
- 2 The loss of two dwellings without replacement would be contrary to Policy 35 of the District Local Plan No. 2 with Alterations. Notwithstanding the evidence submitted, the Local Planning Authority is of the opinion that the dwellings are not beyond economic repair and considers that there are no exceptional circumstances which could override the normal presumption against the loss of dwellings in the district.

A subsequent appeal against this decision was submitted and the Inspector in his letter dated February 2006 dismissed the appeal (a hard copy of the letter was provided to Members).

In his letter the Inspector supports the first reason for refusal in that the dwellings contribute to the residential scale and form of the buildings on this side of the road at this point and help to screen the canopy and garage from view.

With regard to the second issue, to which the question relates, the Inspector concluded that on the basis of what is contained in the representations there is no evidence to support the Council's contention that the dwellings can be economically refurbished and could not support the Council's case on the second reason for refusal.

In dismissing the appeal no conditions were imposed or reference made to a 'habitable' order.

In correspondence last year the appellant company was encouraged to proceed with consideration of the grants available at that time (Empty Property Grant) but it is understood that this was not followed up with the appropriate Environmental Health officer.

There is not considered to be any further action that can be taken under the Planning Acts to put the properties back into a habitable condition."

RESOLVED: That officers investigate possible alternative course of action (other than through Planning legislation) to bring Queen Street Cottages and other empty properties back into habitable use.

**10. NORTH HERTFORDSHIRE DISTRICT COUNCIL – THE DRAFT FORWARD PLAN:
1 JULY 2007 – 31 OCTOBER 2007**

The Chairman of the Scrutiny Committee presented the Draft Forward Plan to the Committee, which covered the period 1 July to 31 October 2007.

RESOLVED:

- (1) That the Draft Forward Plan, covering the period 1 July to 31 October 2007, be noted;
- (2) That the item entitled "Core Strategy/Development Control Policies – Preferred Options Consultation" be considered at the next meeting of the Committee on 28 August 2007, prior to its submission to Cabinet.

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

11. PRESENTATION BY POLICY AND GREEN ISSUES PORTFOLIO HOLDER

The Cabinet Portfolio Holder for Policy and Green Issues, Councillor Mrs C.P.A. Strong, gave a presentation to the Committee on the key issues facing her following her recent appointment to this portfolio area.

In respect of the Policy area, the key issues were:

- Railway issues (a further meeting with the rail companies was planned);
- Proposed rural Post Office closures;
- Continuation of free post to British Forces personnel (Parish Councils were to be asked to support this initiative);
- Changes to the Council's Political Management Structure (due for review in November 2007, in conjunction with Shadow Spokespersons);
- Continuation of the Elections Review Group (including a review of the 2007 District Council Elections);
- A full review of the Corporate Plan (incorporating priorities identified through the 2006 District wide residents' survey);
- Further work on the Hertfordshire bid for Pathfinder status;
- The impact of the Local Government White Paper;
- More positive communication by the Council with the media to promote successful projects/initiatives;
- Monitoring of the Fundamental Service Review Implementation Plans.

The Committee asked a number of questions, which were answered by the Portfolio Holder.

In relation to the Green Issues area, the key issues were:

- A review of the implications for the District of the Nottingham Declaration on Climate Change;
- Recycling/Alternate Weekly Collections.

Again, the Committee asked a number of questions, which were answered by the Portfolio Holder.

The Chairman thanked the Portfolio Holder for Policy and Green Issues for attending the Committee and answering Members' questions.

12. SCRUTINY COMMITTEE WORK PROGRAMME 2007/2008

The Scrutiny Officer submitted a report detailing the Committee's Work Programme for 2007/08, and requesting a decision upon which two topics (from a list of nine) should be considered for scrutiny reviews during the year.

The Chairman of the Committee advised Members of a small working group established under its scrutiny powers by the Hitchin Committee to investigate and report back on various environmental issues in the Cadwell Lane area of Hitchin.

RESOLVED:

- (1) That the Scrutiny Committee Work Programme for 2007/2008 be agreed;
- (2) That Local Economic Development (incorporating the Town Centre Partnerships) and Social Inclusion be the subject of the two Task and Finish Groups to be set up during 2007/08 to conduct scrutiny reviews;
- (3) That the establishment of small working group established under its scrutiny powers by the Hitchin Committee to investigate and report back on various environmental issues in the Cadwell Lane area of Hitchin, be supported.

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

13. SCRUTINY FINANCE SUB-GROUP

The Scrutiny Officer submitted a report to the Committee detailing the comments and questions raised by the Scrutiny Finance Sub-Group at its meeting held on 18 June 2007, in respect of the Annual Statement of Accounts 2006/07; the Financial Management Strategy 2007/08; and the Capital Programme 2006/07.

RESOLVED: That the comments and questions raised at the meeting of the Scrutiny Finance Sub-Group held on 18 June 2007 be noted, and passed to the Cabinet Portfolio Holder for Finance.

REASON FOR DECISION: To ensure that financial reports are scrutinized within the required timescales.

14. TRAINING AND DEVELOPMENT OPPORTUNITIES FOR SCRUTINY MEMBERS

The Scrutiny Officer submitted a report informing the Committee of a number of training and development opportunities available to Members to develop their individual skills and enhance the scrutiny function.

The Chairman of the Committee referred to the appendices to the report which outlined a number of possible in-house scrutiny workshops provided by Inlogov.

RESOLVED: That the in-house Inlogov scrutiny workshop entitled "The Potential of Scrutiny" be arranged and that, dependent on the success of this event in terms of take-up and feedback, a second workshop be arranged covering Planning and Scoping and Questioning Skills.

REASON FOR DECISION: To enable Members of the Scrutiny Committee to develop their skills and carry out the scrutiny function efficiently and effectively.

The meeting ended at 9.05p.m.

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Chairman