

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**SCRUTINY COMMITTEE**

**Meeting held at the Council Offices, Gernon Road, Letchworth Garden City  
on 20 February 2007 at 7.30 p.m.**

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

**IN ATTENDANCE:** *Head of Revenues & Benefits, Head of Community Development & Cultural Services, Head of Housing & Environmental Health, Scrutiny Officer and Committee & Member Services Officer.*

**ALSO PRESENT:** *Councillor Mrs Tricia Gibbs (Portfolio Holder for Community Engagement & Rural Affairs) and Councillor Sarah Wren (Portfolio Holder for Housing & Environmental Health).*

**134. APOLOGIES FOR ABSENCE**

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

**135. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 9 January 2007 be approved as a true record of the proceedings and signed by the Chairman.

**136. NOTIFICATION OF OTHER BUSINESS**

No other business was submitted for consideration by the Committee.

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

There were no declarations of interest.

**138. PUBLIC PARTICIPATION**

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

**139. URGENT/GENERAL EXCEPTION ITEMS**

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

**140. CALLED-IN ITEMS**

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

**141. CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's Announcements.

**142. QUESTIONS**

**Consultants**

The following question had been submitted by Councillor Howard Marshall:

"How many external consultants were instructed to advise officers or departments of North Herts District Council during the year 2006?"

Which departments benefited from the service provided by consultants?

Which projects required this additional expertise?

During the year in question, what was the cost to the Council for the services provided?

What is the procedure set down for authorising the employment of firms of consultants?"

The following response had been provided by the Head of Financial Services:  
"A distinction needs to be made between the use of agency staff, usually to cover for vacancies in established posts (and who are generally engaged through an employment agency) and consultants who are employed for their professional skills and are often either self-employed, or part of a partnership.

Consultants are employed for a variety of reasons, including:

- To provide experience and expertise that is not readily available in-house;
- To supplement insufficient in-house resources;
- To carry out defined tasks that require a degree of independence unobtainable by using in-house resources.

Because of the relatively small size of the authority, the often unanticipated variations in workload caused by external factors, and the difficulties in resourcing specialist professional expertise in-house, it remains the case that this Council will continue to need to engage a variety of consultants.

The following table shows the actual expenditure on 'consultants' over the last four financial years:

Description	2002/2003 £,000	2003/2004 £,000	2004/2005 £,000	2005/2006 £,000
Consultants	772	546	627	901
Feasibility studies	0	71	52	60
Design costs	13	102	50	62
Supervision costs	0	8	0	0
Consultants capital	<u>0</u>	<u>10</u>	<u>41</u>	<u>381</u>
<b><u>TOTAL</u></b>	<b><u>785</u></b>	<b><u>737</u></b>	<b><u>770</u></b>	<b><u>1,404</u></b>

The table shows that expenditure has been fairly stable over the years until 2005/2006. Regarding 2005/2006, the following comments explain the higher level of expenditure in that year.

The works on capital projects (£503K) generally relate to specialist architectural, surveying, planning and IT work because of:

- the higher level and specialist nature of construction contracts in that year, e.g. Royston Leisure Centre (48K);
- feasibility and consultation studies on planning/assets, e.g. Churchgate (£72K); and
- specialist IT support as part of the Access to Services partnership working (309K).

Consultant expenditure (£901K) covers a variety of services and activities, the key areas are as follows:

- External trainers as part of the Council's Learning & Development Plan (£70K);
- Legal support and advice (£43K), because of staffing shortages on specialist areas;

- IT support and advice (£417K), part of Access to Services partnership working;
- Planning support and advice (£169K), part of regional development and Local Development Framework activities; and
- Environmental Health advice and support (£34K), particularly contaminated land advice.

The contract with the Council's strategic partner, ANITE, on the access to services work plan over the period of the contract, 3 years, will mean that the level of expenditure on consultants may stay at this high level until 2008. All consultancy costs are budgeted for as part of the Council's Service and Financial Planning.

The Council's Procurement Guide gives clear advice on engaging and managing consultants, for example a formal evaluation of the justification and need for the employment of a consultant should be undertaken initially. This should cover whether in-house resources are available and if not is it possible or desirable for them to be recruited since in-house staff are almost always more cost-effective than consultants. The decision on whether to use existing in-house resources, recruit new personnel or use external consultants should be taken on the basis of Best Value and a clear justification for procurement decisions taken should be evidenced.

The selection process for consultants must be in accordance with the Council's Contract Procurement Rules. The presumption should always be that competition will produce the best result for the Authority. Any exceptions must be justified and reported as required by the Rules. The Contract Procurement Rules have been specifically designed to ensure that there is sufficient scope for flexibility in selecting particular specialist consultants, provided always that a robust case is made and authorisation obtained.

The Council's Audit and Consultancy Services Section conducted a review of 'consultants' in 2006 and concluded that a substantial level of assurance could be given to the use of consultants within NHDC.

A full report on the engagement of consultants will be presented to the Scrutiny Finance Sub-Group at its meeting in March."

**RESOLVED:** That the response be noted.

### **Parking**

The following question had been submitted by Councillor Paul Clark:

"It is understood that, prior to this Council's restructuring of the Engineers Department, a number of car parking schemes to resolve particular local problems were in preparation. Officers of this Council had written and met with local residents assuring them that these schemes were proceeding and were likely to be implemented in the near future.

Following the restructuring, we now understand that this is no longer the case and the Council is taking another complete different direction. Can officers please advise:

- Why residents were told that apparently unachievable schemes would be implemented?
- How many schemes that local residents were told would be implemented are now being re-evaluated?
- What is being done to keep residents and Councillors informed of this Council's change in direction?
- What is the likely timescale for resolving these issues?"

The following response had been provided by the Head of Planning & Building Control:

“Historically the Council has received requests for various parking schemes to seek to alleviate actual or perceived local parking problems. For the financial year 2006/7 £100,000 capital has been earmarked to implement CPZ schemes. No capital funding or other resources had been identified in 2007/8 or subsequent years to implement schemes. Prior to the review of the Engineering Service two CPZ schemes in Hitchin had been identified for progression from the identified resources (schemes at The Avenue & The Triangle) and these are being implemented. A "waiting list" of a further 23 schemes have been received but due to manpower and other resource constraints had not been formally evaluated and listed in the Capital programme for implementation.

Officers will investigate Councillor Clark's statement that residents had been told the schemes would be implemented and report outcomes back to Scrutiny.

Members were advised through reports to the Area Committees in December and January and in MIS in January that a reappraisal of the approach to implementing parking controls was being investigated in an attempt to improve value for money and better match the available resources to the demand for such schemes. As part of the Service and Financial Planning process for 2007/8 additional revenue funding has recently been allocated to implement Traffic Regulation Orders.

The relevant portfolio holder and shadow portfolio holders have been briefed on this approach and all Councillors have been advised through the Area Committee process that a reappraisal of the approach to implementing parking controls was being investigated and would be the subject of a report to Cabinet within this financial year - it is anticipated that this will be the on the 27th March. The implementation of these types of schemes is both costly and involves protracted timescales. Officers are endeavouring to find a solution which will set out a strategic framework for evaluating the need for a parking scheme so that residents will know from an early stage whether their request is likely to be successful and a solution which will be capable of implementation in shorter timescales. In order to achieve value for money any approach will need to involve the County Council and critically the relationship to town transport plans. The report to Cabinet will set out likely timescales and resource implications. Such an approach will need to deal with issues such the relationship to the town centre strategies (for the District's four main towns), the potential major development proposals in Hitchin and Letchworth and the appropriateness of using certain types of controls. Subject to the decision taken by Cabinet, communication with Members via MIS will take place and those residents whose schemes are currently on the "waiting list" will be written to indicating anticipated timescales.”

It was noted that some further investigation of this matter would be required in order for a more comprehensive answer to be prepared.

**RESOLVED:** That the response be noted, and that a fuller response be provided to Members in writing as soon possible

### **Hitchin Town Hall**

The following question had been submitted by Councillor Paul Clark:

“At the full Council meeting on 8th February, the Finance Portfolio Holder, in response to a question from a Hitchin Councillor, stated that the "Invitation to Tender" request in regard to Hitchin Town Hall was a "Market Testing" exercise.

However, on closer inspection the Tender Document requests that a business plan be submitted with the tender along with references. Given the short time scale allowed for this process, can this Council give Members assurances that sufficient time has been allocated to the tendering process to ensure that the best deal to the community in terms of facilities and finance is secured?”

**RESOLVED:** That a written response be provided to this question.

### **Locality Policing**

The following question had been submitted by Councillor Paul Clark:

“During the presentation by the Chief Constable for Hertfordshire prior to the full Council meeting on 8 February 2007, he mentioned that Councillors were involved in Locality Policing Panels.

If this is the case, can it please be explained how this has been arrived at in North Herts and who is involved at Councillor and officer level, and what process has been implemented to select the Councillors involved?”

**RESOLVED:** That a written response be provided to this question.

#### **143. NORTH HERTFORDSHIRE DISTRICT COUNCIL – THE DRAFT FORWARD PLAN: 1 MARCH 2007 – 30 JUNE 2007**

The Chairman of the Scrutiny Committee presented the Draft Forward Plan to the Committee, which covered the period 1 March to 30 June 2007.

**RESOLVED:** That the Draft Forward Plan, covering the period 1 March to 30 June 2007, be noted.

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

#### **144. 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.

The Chairman advised that the annual Overview and Scrutiny Member Workshop would take place on Monday, 26 March 2007, and that details of the programme for the Workshop would be circulated to Members in advance.

**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.

#### **145. REVIEW OF AFFORDABLE HOUSING PROVISION IN NORTH HERTFORDSHIRE**

The Scrutiny Officer presented the final report of the Affordable Housing Task & Finish Group to the Committee. This cross-party group had reviewed the need for social housing in North Hertfordshire, and the Council's ability to provide it, based on the guidelines set by the Housing Corporation. This final report outlined the Group's conclusions, and included recommendations which they would like to refer to the Portfolio Holder for Housing & Environmental Health.

**RESOLVED:**

(1) That the report of the Affordable Housing Task & Finish Group be noted;

(2) That the recommendations contained within that report be submitted to the Portfolio Holder for Housing & Environmental Health.

**REASONS FOR DECISIONS:**

(1) To ensure affordable housing needs in the District are met.

(2) To enable the Scrutiny Committee to carry out its work efficiently and effectively.

#### **146. SCRUTINY FINANCE SUB-GROUP RECOMMENDATIONS**

The Scrutiny Officer submitted a report to the Committee which outlined the Cabinet's response to the referrals that the Finance Sub-Group had made at its meeting held on 23 January 2007, on behalf of the Scrutiny Committee.

The Finance Sub-Group had also met on 19 February 2007 to review the April to December 3<sup>rd</sup> Quarterly Revenue Monitoring Report for 2006/2007, and its recommendations in respect of that item were tabled at the meeting. The Scrutiny Committee was asked to endorse these recommendations, and formally refer them to Cabinet.

**RESOLVED:** That the Cabinet's response to the referrals made at the meeting of the Scrutiny Finance Sub-Group held on 23 January 2007, as set out in the report of the Scrutiny Officer, be noted.

**RECOMMENDED TO CABINET:** That effective implementation plans that could be achieved during the relevant financial year were developed when savings proposals were produced.

**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.

**147. PRESENTATION BY PORTFOLIO HOLDER FOR COMMUNITY ENGAGEMENT AND RURAL AFFAIRS**

The Portfolio Holder for Community Engagement & Rural Affairs made a presentation to the Committee which provided information about the Council service areas and teams for which she was responsible. She drew attention to key projects within those areas.

The Portfolio Holder for Community Engagement & Rural Affairs answered a number of questions raised by Members of the Committee.

In response to a question from Councillor Muir, it was agreed that officers would investigate and respond to him with information regarding the membership of the Stevenage, North Herts and East Herts CCTV Joint Committee.

The Chairman thanked the Portfolio Holder for Community Engagement & Rural Affairs for her presentation to the Committee and for answering Members' questions.

**148. THE ADOPTION OF A STATEMENT OF ENFORCEMENT POLICY AND PRACTICE FOR THE HOUSING AND ENVIRONMENTAL HEALTH SERVICE**

The Head of Housing & Environmental Health presented a report to the Committee which was scheduled for consideration by Cabinet at its meeting to be held on 27 February 2007. The report sought Cabinet's agreement for the proposed *Statement of Enforcement Policy & Practice for the Housing & Environmental Health Service*, and had the following appendices:

- (i) Appendix A – list of Consultees and a summary of their responses
- (ii) Appendix B – proposed *Statement of Enforcement Policy & Practice for the Housing & Environmental Health Service*

The Head of Housing & Environmental Health informed the Committee that the Statement had been produced to draw together the various policies that were in place in the Service and provide a comprehensive reference for officers and the public to the enforcement policy and practice of the Council. He also stated that the adoption of this Statement would help the Council to meet its Best Value Performance Indicator targets for the service and ensure best practice.

In response to questions from the Committee the Head of Housing & Environmental Health confirmed that, whilst the dominant trend in guidance from central government agencies was for enforcement to be a last resort action, the Council would take enforcement action where necessary, and the importance of publicising successful prosecutions as deterrents to other offenders was greatly appreciated. However, it was also noted that there were many instances where prosecutions were brought before the Magistrates Court but the offenders received appeared to be unduly lenient and could not be used in this way.

**RESOLVED:** That the report of the Head of Housing & Environmental Health be noted.

**RECOMMENDED TO CABINET:** That Cabinet approve the adoption of the proposed *Statement of Enforcement Policy & Practice for the Housing & Environmental Health Service*.

**REASONS FOR DECISION:**

- (1) The suggested *Statement of Enforcement Policy & Practice* resolves a number of issues identified in section 4 of the report of the Head of Housing & Environmental Health. On a practical level, it amalgamates and updates a number of existing policy documents in to one publication that has the advantage of being a single point of reference concerning the Council's current views on a range of enforcement issues.
- (2) The proposed *Statement of Enforcement Policy & Practice* provides more clarity on the Council's approach to environmental health enforcement activity and will improve the outturn of BVPI 166a significantly. It will also act as a framework on which to develop a performance management system that will enable the rationalisation of existing Local Performance Indicators (LPis) into a single indicator that will more readily reflect regulatory performance across the Service. A clearer policy and reporting framework will assist in the implementation of the Service@North-Herts programme, particularly with regard to home and remote working.
- (3) From a policy perspective, the proposed document forms the bridge between the high level issues of the proportionality, transparency and consistency of enforcement action with the Strategic Objectives of the Council. Further, it incorporates practical issues, such as the recovery of enforcement costs, with clearer guidance to officers regarding their conduct.
- (4) The draft *Statement of Enforcement Policy & Practice* draws upon examples of best practice nationally and seeks to integrate local objectives that are pertinent to the District of North Hertfordshire.

**149. SCRUTINY COMMITTEE – REVIEW OF 2006/2007**

The Chairman presented his report to the Committee, which reviewed the work they had carried out in 2006/2007. This information would form the basis of the 2006/2007 Annual Report to full Council. Attached to his report were the following appendices:

- (i) Appendix 1 – Protocol;
- (ii) Appendix 2 – Cabinet's response to 2005/2006 Task & Finish Group recommendations;
- (iii) Appendix 3 – Scrutiny recommendations accepted by Cabinet;
- (iv) Appendix 4 – Finance Sub-Group recommendations accepted by Cabinet;
- and
- (v) Appendix 5 – Questions asked by Members, presented to Scrutiny meetings.

**RESOLVED:** That the report of the Chairman be approved as a basis for the 2006/2007 Annual Report to full Council.

**REASON FOR DECISION:** To enable continued development for an effective Scrutiny Committee.

The meeting ended at 9.20p.m.

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Chairman