

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**SCRUTINY COMMITTEE**

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

**PRESENT:** *Councillors Martin Stears (Chairman), M. Paterson (Vice-Chairman), David Billing, John Bishop, Sal Jarvis (substituting for Paul Clark), David Kearns, M.R.M. Muir and R.L. Shakespeare-Smith.*

**IN ATTENDANCE:** *Strategic Director of Financial & Regulatory Services, Head of Planning & Building Control, Building Control Manager, Housing Strategy & Renewals Manager, Scrutiny Officer and Senior Committee & Member Services Officer.*

**ALSO PRESENT:** *Councillor S.K. Jarvis.*

**150. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S. Bloxham, P.C.W. Burt, Paul Clark, Jane Gray, H.M. Marshall and Elliot Needham. Councillor Sal Jarvis was substituting for Councillor Clark.

**151. MINUTES**

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

**152. NOTIFICATION OF OTHER BUSINESS**

No other business was submitted for consideration by the Committee.

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

There were no declarations of interest.

**154. PUBLIC PARTICIPATION**

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

**155. URGENT/GENERAL EXCEPTION ITEMS**

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

**156. CALLED-IN ITEMS**

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

**157. CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's Announcements.

**158. QUESTIONS**

**(a) Answers to previous Questions**

The following answers were given to the questions submitted by Councillor Paul Clark at the previous meeting of the Committee:

**Locality Policing**

"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?"

The following response had been provided by the Head of Policy, Partnerships and Performance:

"The impression given by the Chief Constable that these panels are already in existence within North Herts was presumptive since they are already established in other Hertfordshire districts, although preliminary discussions regarding the potential resourcing, officer/member representation and reporting mechanisms required for these panels has started with the local Police partners. We are sensitive to the fact that whilst the Local Government White Paper refers to such panels being in place across England and Wales by 2008, Herts Constabulary's own target is to create panels and commence work this year – and their forthcoming formal Constabulary Inspection will require evidence of that.

It is, however, important that we are realistic in our ability to resource what could potentially be up to 12 panels, albeit at the outset only six were to be established as real panels with the final six created as virtual groups in readiness of any local issues arising and their need to respond rapidly.

In terms of member representation, whilst the Constabulary asked for a single elected representative for each panel, our response has been that this is not only not democratically representative, but that the issue of community safety and local crime is one which we know to be important to all our members, regardless of their individual party line. Hence, I have proposed that all NHDC elected members will ultimately be invited to attend any panel meetings scheduled to take place in their local area and this must be considered in any future structural or membership recommendations.

In terms of Community Safety Team resources, there will be a requirement placed on the team to supply a senior officer (manager) for the Joint Action Group (JAG) Meeting. This is scheduled for a whole afternoon session every six weeks to consider the actions arising from each panel and prioritise the top three for inclusion in the overall district action plan.

Following discussion of the original proposals at Corporate Management Team on 6<sup>th</sup> March 2007, I was requested to contact the Chief Superintendent and Chief Inspector expressing concern regarding NHDC's ability to allocate and, more importantly, sustain sufficient officer resource to attend every panel meeting, and subsequently implement the actions arising for the Council thereafter.

I was also asked to state our preference that the panels should perhaps exist at Area Committee level and thereby have a direct link to the current work not only of those Committees but the officers supporting them and of course elected members attending. This proposal would also create a more formal reporting mechanism to other officers and members than the original twelve panels proposed by the Constabulary.

We are currently awaiting a response to these issues and seeking views on our proposal of an area committee level panel structure from the Constabulary, to be discussed and explored further in due course."

The Committee debated this response, and Members expressed a need for the provision of further details in respect of how the work at Neighbourhood level would link into the work at Area level.

**RESOLVED:**

- (1) That the response be noted;
- (2) That a report be submitted to a future meeting of the Committee providing details of how the work at Neighbourhood level would link into the work at Area level.

**Parking**

"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?"

An interim response had been provided by the Head of Planning & Building Control to the meeting of the Committee held on 20 February 2007. It was noted that the Head of Planning and Building Control would be meeting with Councillor Clark to clarify a number of issues before providing a fuller response to this question.

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

**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?"

The following response had been provided by the Head of Community Development & Cultural Services:

"For the Hitchin Town Hall, the Council invited *informal* tenders from suitably qualified individuals, businesses or organisations to run Hitchin Town Hall as a community/business opportunity in Hitchin. These *informal* tenders did require applicants to submit a Business Plan.

By sending out an invitation to tender, the Council aimed to test out the level of interest in the market. Hence, the use of the term market testing.

A tendering process, by definition, can therefore be considered as market testing.

Providing the *informal* tenders give sufficient information to identify a suitable candidate for running the hall for community/business use then a *formal* tender may not be required. Instead further negotiation with the suitable candidate can proceed to arrive at a formal agreement to run the premises.

Arrangements for the submission of expressions of interest from the time of advertising to submission are between two to four weeks. In the case of the Hitchin Town Hall, the period was three weeks.

Six expressions of interest were received by the closing date on 26<sup>th</sup> February 2007.

These have subsequently been asked to undertake detailed inspections of the Town Hall and re-submit their bids in accordance with the criteria set out in the marketing details.

The closing date for receipt of these tender applications is 30<sup>th</sup> April 2007.

Thereafter, a more detailed examination of each application and applicant will commence, prior to any recommendations being made as to the most suitable applicant.

In conclusion, Members can be re-assured that while sufficient time was given in the initial phase of the market testing process to identify a range of expressions of interest, additional further time has been given to firm these up.

The intention of the Council is to ensure that both it, and the community it serves, obtains the best deal with regard to the Town Hall."

On behalf of Councillor Clark, Councillor Sal Jarvis asked the following supplementary question:

"Would the Head of Community Development & Cultural Services agree that the answer given to the original question to Council was disingenuous in that the process, though called market testing, was in fact a tendering procedure?"

Councillor David Billing asked a further supplementary question in respect of this matter:

"In respect of the statement 'thereafter, a more detailed examination of each application and applicant will commence, prior to any recommendations being made as to the most suitable applicant', would the Head of Community Development & Cultural Services confirm that this would be carried out with Member involvement?"

**RESOLVED:**

- (1) That the response be noted:
- (2) That the Head of Community Development & Cultural Services be requested to respond to the supplementary questions raised by Councillors Clark and David Billing.

**(b) Rent Deposit Guarantee Scheme**

The following question had been submitted by Councillor David Billing:

"How does the NHDC Rent Deposit Guarantee Scheme compare with other authorities? The NHDC scheme limit is one month's rent - what is the position for other similar authorities? How many landlords have we currently signed up to the scheme, compared with similar authorities? How many tenants have we placed in the last 2 years, compared with similar authorities? How does our response time, to

landlord claims, of 21 working days compare? Have we or other authorities carried out evaluations of the schemes, with landlord and tenant feedback?"

The following response had been provided by the Housing Needs Manager:

"How does the NHDC Rent Deposit Guarantee Scheme compare with other authorities? The NHDC scheme limit is one month's rent - what is the position for other similar authorities?"

NHDC - 1 month guarantee  
Welwyn and Hatfield - 6 weeks paid by cheque in advance  
Broxbourne - pay deposit (1month) and 1 first months rent in advance by cheque

How many landlords have we currently signed up to the scheme, compared with similar authorities?

NHDC - 21 landlords over last 12 months (relaunched 12 months ago)  
W&H - 2 landlords in last 12 months  
Broxbourne - approx 20 per month

How many tenants have we placed in the last 2 years, compared with similar authorities?

NHDC - 21 tenants over last 12 months (relaunched 12 months ago)  
W&H - 2 landlords in last 12 months  
Broxbourne - approx 20-30 sign ups per month

How does our response time, to landlord claims, of 21 working days compare?

NHDC - no claims from landlords to date  
W&H - no standards  
Broxbourne - no standards, money returned from landlord if no claim

Have we or other authorities carried out evaluations of the schemes, with landlord and tenant feedback?"

NHDC - feedback is a continuous process, with advice and follow up visits for tenants and landlords  
W&H - no evaluation  
Broxbourne - no evaluation"

**RESOLVED:**

- (1) That the response be noted;
- (2) That officers investigate best practice from other authorities, such as Broxbourne Borough Council, and that a meeting be arranged with the Reverend Roden of St.Mary's Church, Hitchin to discuss the Scheme.

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

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

**RESOLVED:**

- (1) That the Draft Forward Plan, covering the period 1 April to 31 July 2007, be noted;

- (2) That the item entitled "Adoption of a new Hertfordshire Supporting People Strategy" be considered at a future meeting of the Committee, 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.

**160. 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.

**161. SCRUTINY COMMITTEE ANNUAL REPORT 2006/07**

The Scrutiny Officer presented the Committee's Annual Report 2006/07, which was intended for submission to Annual Council on 17 May 2007.

The Chairman commended the report to the Committee.

**RESOLVED:** That, subject to the inclusion of relevant matters arising from the current meeting and the outcome of the Scrutiny and Overview Workshop on 26 March 2007, the Scrutiny Committee Annual Report 2006/07 be approved for submission to Annual Council on 17 May 2007.

**REASON FOR DECISION:** To enable continued development of the effectiveness of the Scrutiny Committee.

**162. SCRUTINY FINANCE SUB-GROUP RECOMMENDATIONS**

The Scrutiny Officer submitted a report to the Committee which outlined the Cabinet's response to the referral that the Finance Sub-Group had made at its meeting held on 19 February 2007, on behalf of the Scrutiny Committee.

**RESOLVED:** That the Cabinet's response to the referral made at the meeting of the Scrutiny Finance Sub-Group held on 19 February 2007, as set out in the report of the Scrutiny Officer, be noted.

**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.

**163. A REVISED LOCAL HOUSING STRATEGY**

The Housing Strategy & Renewals Manager presented a report of the Head of Housing & Environmental Health to the Committee which was scheduled for consideration by Cabinet at its meeting to be held on 27 March 2007. The report sought Cabinet's agreement to a new approach for the development of a local Housing Strategy and, as an interim measure, the adoption of a new Action Plan specifying housing related activities for the period 2007/08 to 2008/09.

The Committee debated the report and, whilst acknowledging that the production of a new Housing Strategy was consequent on the receipt of Government Guidance, considered that the interim Action Plan was not strategic enough in its approach. Members were advised that a number of the actions in the current Strategy had slipped during the period when the post of Head of Housing & Environmental Health had been vacant. Members expressed concern about the seeming inability of the Council to ensure service continuity following the departure of senior officers, and by example referred to the difficulties experienced following the retirement of the former Chief Engineer and the hiatus in replacing the Transport Officer.

**RESOLVED:**

- (1) That the report of the Head of Housing & Environmental Health be noted;
- (2) That, when prepared, the timetable for production of the Housing Strategy and Community Sustainability Strategy be reported to the Scrutiny Committee.

**RECOMMENDED TO CABINET:**

- (1) That advance planning and development of policy objectives and priorities should be done to ensure rapid progress on the Community Strategy and Housing Strategy Action Plan as soon as Government Guidance is available;
- (2) That the detailed plans should be evaluated through their impact on the community rather than through internal indicators;
- (3) That Cabinet should ensure that a mechanism is put in place to provide continuity in service planning and policy development and implementation during the loss and recruitment of key staff.

**REASON FOR DECISION:** To provide Cabinet with the views of the Scrutiny Committee in advance of a decision being made on this matter.

- 164. REVIEW OF PARTNERSHIP WORKING WITH PARISHES AND TOWN COUNCILS**  
The Chairman of the Partnership Working with Parishes and Town Councils Task & Finish Group (Councillor S.K. Jarvis) presented the final report of the Group to the Committee. This cross-party group had reviewed the communication and partnership work between North Hertfordshire District Council, Parishes and Town Councils, and had considered the diverse needs of each area in order to identify improvements for efficient ways of working to meet these needs. This final report outlined the Group's conclusions, and included recommendations which they would like to refer to Cabinet.

The Committee thanked the Group for an impressive piece of work, and suggested a number of additions/amendments to the recommendations.

**RESOLVED:** That, subject to the following additions/amendments, the proposed recommendations of the Partnership Working with Parishes and Town Councils Task & Finish Group be referred to Cabinet:

- The re-wording of 5.2.7 to clarify that it would be a standard NHDC response time to telephone calls, letter and e-Mails received from all Town and Parish Councils;
- An additional 5.2.10 to request consideration of Town/Parish Councils being given a standard 3 minute slot to speak on each planning application within their area at NHDC Committee meetings dealing with Development Control matters;
- An addition to 5.3.2 to ensure that the Town/Parish Council webpage on the NHDC site includes links to any Town/Parish Council websites;
- An additional 5.4.4 to ensure that other training opportunities be offered to Town/Parish Councils on request, including the opening up of the NHDC Member training sessions;
- An addition to 5.5.1 to enable Town/Parish Council representatives to be involved in the 12 month review of the Action Plan.

**REASONS FOR DECISIONS:** To enable the Scrutiny Committee to carry out its work efficiently and effectively.

- 165. ADOPTION OF BUILDING CONTROL POLICY**  
The Head of Planning & Building Control presented a report to the Committee which was scheduled for consideration by Cabinet at its meeting to be held on 27 March

2007. The report sought Cabinet's agreement for the adoption of a revised Building Control Policy, which was contained as Appendix A to the report.

The Building Control Manager outlined the main changes in the proposed Policy compared with the existing Policy. In broad terms, the Policy had been revised to ensure that the Building Control Service remained competitive, whilst providing a diversity of work to encourage the recruitment and retention of staff.

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

**RECOMMENDED TO CABINET:** That Cabinet approve the adoption of the proposed revised Building Control Policy.

**REASON FOR DECISION:** To provide Cabinet with the views of the Scrutiny Committee in advance of a decision being made on this matter.

**166. SECTION 106 AGREEMENTS**

The Head of Planning & Building Control presented a report to the Committee regarding the monitoring of Section 106 Agreements (Planning Obligations)/unilateral undertakings, in response to a request from Members that a system be set up to ensure that Section 106 monies received by the Council were used for their intended purpose. Details of the Section 106 contributions received from 200 until March 2007 were provided in Appendix A to the report.

The Committee noted the responses made by the Head of Planning & Building Control to a number of questions raised on the report, and hoped that future monitoring reports to the Performance, Audit and Review Committee would provide a clearer indication of a more strategic approach to the spending of Section 106 monies.

**RESOLVED:**

- (1) That the contents of the report in relation to the existing Section 106 Agreements/unilateral undertakings be noted;
- (2) That it be agreed that the Performance, Audit and Review Committee (PARC) will be the forum for future monitoring reports on an annual basis, and that the Scrutiny Finance Sub-Group would monitor the financial aspects on a quarterly basis;
- (3) That it be noted that the Area Committees would receive a copy of the monitoring report for information purposes during the Committee cycle immediately prior to PARC in the autumn.

**REASON FOR DECISION:** To enable a system to be in place to monitor Section 106 Agreements in order to ensure that the monies received are appropriately spent.

**167. STRATEGIC APPROACH TO PARKING CONTROLS**

The Head of Planning & Building Control presented a report to the Committee which was scheduled for consideration by Cabinet at its meeting to be held on 27 March 2007. The report sought Cabinet's agreement on a strategic approach to parking in the District.

The Head of Planning & Building Control commented that the report brought together the work that commenced on Controlled Parking Zones (CPZs); review of Traffic Regulation Orders (TROs); Scrutiny Residential Parking Task & Finish Group; and Highways Partnership Agreements.

The Head of Planning & Building Control explained that, in respect of two outstanding CPZs for Hitchin, progress on these would be provided to Scrutiny Members prior to the submission of a report to the Hitchin Committee on 17 April 2007.

The Committee debated the report and considered that there should be improved liaison and communication between officers responsible for parking issues and officers involved with TROs before decisions were made on parking matters. Members felt that additional resources should be provided to progress much of the work identified in the report, particularly in respect of CPZs, as residents were waiting an unacceptable amount of time for these to be progressed. It was also felt that innovative means of providing off street parking should also be investigated to alleviate on street parking problems across the District.

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

**RECOMMENDED TO CABINET:**

- (1) That other officers involved in dealing with parking issues take account of the work being carried out by officers involved with Traffic Regulation Orders before making decisions on parking matters;
- (2) That Cabinet consider the need for the provision of additional resources to ensure that work on parking controls identified in the report is carried out quickly;
- (3) That innovative means of providing off-street parking be investigated as an adjunct to the work carried out on Traffic Regulation Orders.

**REASON FOR DECISION:** To provide Cabinet with the views of the Scrutiny Committee in advance of a decision being made on this matter.

The meeting ended at 10.15p.m.

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Chairman