



*Alison Stuart
Head of Legal and
Democratic Services*

MEETING : OVERVIEW AND SCRUTINY COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 11 JUNE 2019
TIME : 7.00 PM

MEMBERS OF THE COMMITTEE

Councillor J Wyllie (Chairman)

Councillors S Bell, M Brady, K Crofton, I Devonshire, H Drake, J Frecknall, M Goldspink (Vice-Chairman), D Hollebon, J Ranger, D Snowdon, M Stevenson, N Symonds and A Ward-Booth

Substitutes

Conservative Group: Councillors D Andrews, S Bull and C Rowley

Green / Labour Group: Councillors B Crystall and C Redfern

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes (Pages 7 - 18)

To approve as a correct record, the Minutes of the meeting held on 5 February 2019.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest and Party Whip arrangements.

5. Terms of Reference (Pages 19 - 22)

To note the Terms of Reference for Overview and Scrutiny Committee

6. Agreement of the Membership and Terms of Reference of any Task and Finish Group

Should the Committee agree to establish a Task and Finish Group, then its terms of reference and membership will be agreed following the workshop on 4 June 2019 and tabled at this meeting.

7. Work Programme for the civic year 2019/20

Committee Members will have shortlisted a number of topics for scrutiny in a workshop to be held on 4 June 2019. The draft work programme will be tabled at this committee meeting and published as soon as possible

afterwards.

There will also be an opportunity to confirm agenda items for the next meeting.

8. Urgent Items

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY 5
FEBRUARY 2019, AT 7.00 PM

PRESENT: Councillor M Allen (Chairman)
Councillors S Bull, M Casey, B Deering,
I Devonshire, H Drake, J Jones,
M McMullen, M Stevenson and N Symonds

ALSO PRESENT:

Councillors L Haysey, P Ruffles, S Rutland-
Barsby, T Stowe and G Williamson

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Isabel Brittain	- Head of Strategic Finance and Property
Mike Edley	- Interim Scrutiny Officer
Andrew Figgis	- Economic Development Officer
Rebecca Ranford	- Customer Services Manager
Chris Smith	- Business and Economic Development Manager
Helen Standen	- Deputy Chief

Alison Street	Executive - Finance Business Partner
Ben Wood	- Head of Communications, Strategy and Policy

ALSO IN ATTENDANCE:

John Houston	- Director of One Partnership
Alan Lion	- Essex and Hertfordshire Digital Innovation Zone

357 UPDATE FROM THE LEADER

Councillor L Haysey, Leader of the Council provided an update on the Council's progress over the last four years. She commented that East Herts had become a more ambitious Council both in terms of its financial viability and in terms of the large projects it was undertaking to enhance the life of local residents, including:

- Old River Lane
- Grange Paddocks
- Hertford Theatre
- Hartham Leisure Centre

The Leader thanked the involvement of Councillors over the last few years in many of the projects which had also led to the development of a range of Community Champions and Leaders and better ties with the community. She hoped that the recent development of

the East Herts Lottery would further enhance the community and the charities it supported.

The Leader referred to the difficulties in relation to the adoption of the District Plan and the strong role this would play in influencing developers to get the best it could generally and in relation to the Harlow and Gilston Garden Town development. Councillor L Haysey explained her role on several organisations and welcomed Members to spend a day with her.

The Chairman sought and was provided with assurances that going forward, and in relation to the forthcoming elections, that development strategies were future proofed. The Chairman, on behalf of Members thanked the Leader for her work over the last few years.

RESOLVED – that the update be received.

358 APOLOGIES

Apologies for absence were received from Councillors D Abbott, G Cutting and Mrs D Hollebon.

359 MINUTES

It was moved by Councillor M Allen and seconded by Councillor M Casey, that the Minutes of the meeting held on 18 December 2018 be confirmed as a correct record and signed by the Chairman.

RESOLVED – that the Minutes of the meeting held on 18 December 2018 be confirmed as a correct record and signed by the Chairman.

360 CHAIRMAN'S ANNOUNCEMENTS

The Chairman commented that this was the last Overview and Scrutiny Committee for the civic year and thanked everyone for their participation in the scrutiny process and the topics covered. The Chairman looked forward to continuing the process after the elections.

361 DECLARATIONS OF INTEREST

Although not a pecuniary interest, the Chairman, Councillor M Allen, stated that in relation to agenda item 7 (Financial Sustainability Strategy) he was a member of the Financial Sustainability Group.

362 DIGITAL INNOVATION ZONE STRATEGY

The Leader of the Council submitted a report updating Members on the progress on the West Essex and Eastern Herts Digital Innovation Zone and the associated draft strategy. The Head of Communications, Strategy and Policy provided an overview of the report and introduced Mr John Houston, Director of One Partnership and Councillor A Lion, (of Epping Forest District Council), Chairman of the DIZ.

Mr Houston explained the background to the development of the DIZ which covered a geography of around 49,000 business and 454,000 residents in over 212,000 households. He explained that the DIZ was established by 10 partner organisations including local government, social care, strategic health partners and the private sector to leverage the advances of digital technologies and the growth of the digital economy to create a better place to live, work study and do business. Mr Houston explained

that the digital revolution would impact on all aspects of life, both individually and collectively and that it was important to ensure that the challenges and opportunities (both negative and positive) were faced to future proof economic prosperity and work together to deliver more public services jointly. Mr Houston explained that the study (Essential Reference Paper "B") had cost £70,000 funded by 12 different organisations.

Councillor L Haysey explained that it was a vision which looked at the next 50 years to future proof such issues as health care and cited by example, Uttlesford District Council's smart house which enabled an elderly disabled gentleman to live independently.

The Chairman sought and was provided with assurances about potentially conflicting technology Fibre or 5G especially in relation to security risks of WIFI.

Councillor M Stevenson sought and was provided with assurances that advice was being sought from Europe and beyond in relation to smart systems and of the 70 different organisations which partnered to the DIZ.

In response to a query from Councillor H Drake, Epping DC, Councillor A Lion explained how negatives could be turned into positives from the viewpoint of the High Street and changing shopping patterns and offering a different services to maintain vibrancy.

The Leader urged Members to review YouTube to see what was happening in Ocado, Hatfield Park, and Milton Keynes.

Councillor N Symonds explained that it was important to ensure that social housing providers were on board in the

provision of appropriate broadband cabling.

From the viewpoint of shared resources, Mr A Lion thanked Mr Houston and his team who had done 99.9% of the work so far. He hoped that partner organisations could support greater sharing of resources and that partner organisations could lead on some projects.

The Chairman sought clarification on the how data on energy usage (gas / electric) could be used to better effect. Mr Houston explained that data was the new “oil” and data mining needed to be used sensitively to reflect needs.

The Chairman, on behalf of Members, thanked the Mr J Houston and Mr A Lion for their detailed and exceptional report.

It was moved by Councillor M Allen and seconded by Councillor B Deering that the recommendation to Council to approve the Digital Innovation Zone Strategy be supported. After being put to the meeting and a vote taken, the recommendation was declared CARRIED.

RESOLVED – that Council be advised that Overview and Scrutiny Committee support the adoption of the Digital Innovation Zone Strategy.

363 FINANCIAL SUSTAINABILITY STRATEGY

The Executive Member for Finance and Support Services submitted a report outlining a proposed Financial Sustainability Strategy in the delivery of the Medium Term Financial Plan from 2020 onwards. The Head of Strategic Finance and Property provided a summary of the report. She requested that the strategy be amended slightly by the

removal of one year items and that these be referred to in the body of the report. This was supported.

Councillor I Devonshire suggested that more money could be generated by imposing a £1 all day parking on Sunday. Councillor N Symonds explained that this had been tried but had been opposed by Churches. The Head of Strategic Finance and Property explained that there were a number of opportunities in relation to the generation of car parking income and this would be reviewed at a Task and Finish group.

Councillor H Drake sought and was provided with clarification on number of issues in relation to :

- The 1% difference in the rate of return between the higher risk/reward and the standard risk/reward and whether this was worthwhile;
- The use of mortgage syndicates and whether this had been explored;
- The acquisition of properties at public auctions;
- The Capital sum and the need to diversify.

In supporting Councillor Drake's comments, Councillor B Deering referred to the need to ensure that robust checks and balances were in place in terms of levels of investment. In response to a further query, Councillor Deering was advised that the £3M would not be used to leverage more funds but that this was a starting point as the Council's approach was slow and steady with the right level of risk and return.

Members debated the high levels of return in relation to HCC's pension fund management. The Chairman asked whether the Head of Strategic Finance and Property had sufficient time to be involved as a member of the Pension Board. She provided reassurances.

It was moved by Councillor I Devonshire and seconded by Councillor M Casey that the recommendations, as amended, be supported. After being put to the meeting and a vote taken, the recommendations, as amended were declared CARRIED.

RESOLVED – that (A) the Executive be advised that Members support the adoption of the Financial Sustainability Strategy and that this be used as the key methodology for delivering the Medium Term Financial Plan 2020 onwards;

(B) the Financial Sustainability Group be embedded as a Financial Sustainability Board and that it hold delegated powers to invest in projects that meet the Financial Sustainability Strategy criteria; and

(C) A capital sum of £3M be made available to the Financial Sustainability Board to invest in commercial income generating activity that achieves the Financial Sustainability Strategy key requirements.

364 COMPLAINTS, PERFORMANCE AND UPDATED VEXATIOUS COMPLAINTS POLICY

The Executive Member for Development Management and Council Support submitted a report on the complaints received against the Council and of a proposed new

vexatious complaint policy. The Customer Services Manager provided a summary of the report and the complaints received. In response to a query from Councillor N Symonds, the Customer Services Manager explained that there were no regular complainers, but that there was a need to identify and deal with vexatious customers.

It was moved by Councillor J Jones and seconded by Councillor N Symonds, that a recommendation to Council to support a new vexatious complaint policy be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) Members support the recommendation to Council to adopt a new vexatious complaint policy; and

(B) the complaint performance and handling be noted.

365 BREXIT: TASK AND FINISH GROUP REPORT AND RECOMMENDATION

The Head of Communications, Policy and Strategy submitted a report on the present findings of the Brexit Task and Finish Group and provided a summary of the report. Councillor J Jones reminded Members of the stories which were abound, in relation to the millennium bug. He was assured that the Council was prepared.

The Chairman welcomed the inclusion of World Trade Organisation (WTO) rules and thanked Officers for the inclusion of the (low) tariffs. The Chairman also recognised the efforts of former Policy Officer, (Nathan Bookbinder)

for his work in the process.

It was moved by Councillor M Casey and seconded by Councillor N Symonds that the Executive be advised that Members support the recommendations, as detailed. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the Executive be advised that the findings be shared with Herts County Council and the East of England Local Government Association (gathering and co-ordinating Brexit issues for the county and region);

(B) Local business be directed to the Herts Growth Hub landing pages for any Brexit related issues;

(C) Officers explore possible options to support EU residents in the district with the process of applying for “settled status”; and

(D) the Task and Finish Group continue to meet to consider Brexit related issues as they emerge.

366 PLANNING ENFORCEMENT: UPDATE

The Deputy Chief Executive submitted a report providing an update on the action plan and an update on the overall position in relation to the Council’s Planning Enforcement Service. The Deputy Chief Executive provided a summary of the report, adding that she was confident that the service had now stabilised. Councillor M McMullen welcomed the news and was happy to see that the figures looking much better.

In response to a query from Councillor B Deering regarding the recruitment of a Compliance Officer, the Deputy Chief Executive provided an update advising that Leadership Team had recently been tabled, to employ one FTE (full time equivalent) Officer to this role, rather than the vacant 0.5FTE.

It was moved by Councillor M McMullen and seconded by Councillor H Drake that the report be received. After being put the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the report be received.

367 WORK PROGRAMME PROPOSALS 2019/20

The Interim Scrutiny officer explained that this was the last meeting of the civic year and that next year (following the May elections), the work programme would commence with a blank sheet. He urged Members to provide him with any issues which could warrant scrutiny.

The Chairman, on behalf of Members thanked the Interim Security Officer and the Democratic Services Officer for their help in supporting the scrutiny process.

The meeting closed at 8:40 pm

Chairman
Date

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Chapter 7 – Scrutiny Committees

7.1 Introduction

7.1.1 Effective overview and scrutiny is essential to enhance the accountability and transparency of the decision-making process. The Council has appointed an Overview and Scrutiny Committee to discharge the functions conferred by section 9F of the Local Government Act 2000 and any regulations. This scrutiny committee will discuss issues in public and take a cross-cutting approach to their work. In accordance with section 9FA of the above Act it may appoint one or more sub-committees to carry out any of their functions. They will seek to improve the delivery of policies and services by:

- (i) holding the Executive to account for its actions;
- (ii) advising on the development and implementation of new policy and corporate projects;
- (iii) testing whether existing policies and practices are effective and efficient and suggesting how they might be improved; and
- (iv) ensuring the rigour and objectivity of performance management and service reviews.

7.2 The Overview and Scrutiny Committee

7.2.1 The Council will appoint an Overview and Scrutiny Committee of up to 14 members, or as many as Council determines from time to time, and it will normally be politically balanced. No member of the Executive may be a member of the Overview and Scrutiny Committee.

7.2.2 The primary purpose of the committee is to improve the delivery of policies and services.

Terms of reference

Its terms of reference are the performance of all overview and scrutiny functions on behalf of the Council and as set out in section 9F of the Local Government Act 2000, summarised below, to:

- (i) review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) agree reports and make recommendations to the Council and the Executive in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants;
- (iv) question members of the Executive and officers about their views on issues and proposals affecting the area;
- (v) liaise with external organisations operating in the area, whether national, regional or local, to ensure the interests of local people are enhanced by collaborative working;
- (vi) exercise the right to 'call in' for reconsideration of decisions made but not yet implemented by the Executive, in accordance with the rules set out in this Constitution;
- (vii) consider any matter which has been placed on the agenda of the committee by any member of the committee in accordance with the rules of procedure in this Constitution;
- (viii) act as the Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006;
- (ix) undertake consideration of such matters that will be key decisions where the Executive requests the Committee to scrutinise the matter in advance of an the decision being taken. This relates to matters that are of particular interest to the committee, for example, decisions to be made on significant place making projects;
- (x) review current service delivery models (the council's own and those of the council's partners) with a view to identifying gaps, exploring innovative solutions to delivery issues;
- (xi) review draft strategies; and
- (xii) consider issues or functions in which Members feel they could shape future policy.

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