

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY 19
JUNE 2018, AT 7.00 PM

PRESENT: Councillor M Allen (Chairman)
Councillors D Abbott, S Bull, M Casey,
G Cutting, B Deering, I Devonshire,
H Drake, J Jones, P Moore, M Stevenson
and N Symonds

ALSO PRESENT:

Councillors D Andrews, E Buckmaster,
J Goodeve and P Ruffles

OFFICERS IN ATTENDANCE:

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| Lorraine Blackburn | - Democratic Services Officer |
| Ben Cannell | - Front of House Manager |
| Fiona Corcoran | - Scrutiny Officer |
| Steven Dupoy | - Leisure and Environment Services Manager |
| Jess Khanom | - Head of Operations |
| Anjeza Saliaj | - Project Manager |

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| Ian Sharratt | - Environmental Manager |
| Rhys Thomas | - Arts and Entertainment Programme Director |
| Liz Watts | - Chief Executive |

ALSO IN ATTENDANCE:

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| Len Attrill | - WYG Consultancy |
| Malcolm Hewines | - Montagu Evans |
| Simon Lewis | - Buro4 |

48 UPDATE FROM EXECUTIVE MEMBER FOR HEALTH AND WELLBEING

The Executive Member for Health and Wellbeing provided a presentation on the process in relation to the leisure contract. He provided background information in relation to what decisions had been taken so far in terms of leisure provision and what capital commitments had been made to leisure facilities throughout the district. He also provided a summary of ongoing negotiations in general and the successes achieved in relation to securing external funding.

Councillor J Jones queried the progress made on Ward Freeman Pool. The Executive Member advised that the pool was owned by Hertfordshire County Council Leisure Facilities but that East Herts was doing all it could to enhance provision and improve its internal configuration.

The Committee Chairman, on behalf of Members thanked

the Executive Member for Health and Wellbeing for his presentation.

RESOLVED – that the presentation be received.

49 APPOINTMENT OF VICE CHAIRMAN

It was moved by Councillor G Cutting and seconded by Councillor P Moore that Councillor J Jones be appointed Vice Chairman for the civic year 2018 /19. Upon being put to be meeting and a voted taken the motion was declared CARRIED.

RESOLVED – that Councillor J Jones be appointed Vice Chairman for the civic year 2018/19.

50 APOLOGY

An apology was submitted on behalf of Councillor Mrs D Hollebon.

51 MINUTES

It was moved by Councillor M Allen and seconded by Councillor M Casey that the Minutes of the meeting held on 17 April 2018 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 17 April 2018 be confirmed as a correct record and signed by the Chairman.

52 CHAIRMAN'S ANNOUNCEMENTS

The Committee Chairman asked Members to support him in sending their good wishes to Councillor Mrs D Hollebon following the recent death of her husband.

The Committee Chairman reminded Members that in the interests of transparency and decision making, all recommendations needed to be formally moved and seconded with the exception of informative presentations.

The Committee Chairman also announced that Fiona Corcoran, Scrutiny Officer was leaving the Council to take up a position at the Centre for Public Scrutiny in London. On behalf of Members, he commented that Fiona had been an excellent asset and thanked her for her valuable contribution to the work of Scrutiny and wished her well for the future.

53 DECLARATIONS OF INTEREST

In relation to Minute 54 - Capital Development of Hertford Theatre, the following Members asked that their non-pecuniary interests be recorded:

Councillors D Abbott and N Symonds as Trustees of Rhodes Theatre in Bishop's Stortford;

Councillor J Jones had a family member employed by Hertford Theatre;

Councillor B Deering's wife worked as a volunteer at Hertford Theatre.

54 PROPOSED CAPITAL DEVELOPMENT OF HERTFORD THEATRE AND SURROUNDING AREAS

The Executive Member for Health and Wellbeing submitted a report on a proposed capital development of Hertford Theatre to improve the vibrancy of the town economically and socially. The report detailed a number of options. The report highlighted key areas of risk for the Council.

The Theatre Director and Arts Advisor gave Members a detailed and informative presentation about the theatre's past and current successes and patronage over the last eight years explaining why the development of the theatre now was essential in terms of its long term viability and so that it could continue to improve upon its cultural achievements. It was also felt that its development would create a dynamic hub of knowledge and heritage offering the visitor diverse experiences.

The Theatre Director provided a summary of the proposals, as detailed in the report, for the cinema, main auditorium, The Studio, Café/bar and The Motte and connections to Castle Gardens. He sought Members' support for the Option for "Growth and Legacy" in order to support social and economic viability and highlight the Council as an exemplar in supporting cultural development.

The Committee Chairman reminded Members that Essential Reference Papers B1 and B2 contained exempt information and that if Members wished to discuss the information contained therein, a motion to exclude the press and public would need to be moved.

While praising the presentation and the content of the report, Councillor B Deering queried what consultation had been undertaken and that the report made no suggestion of any Member involvement in the development of proposals. Councillor Deering suggested that the recommendation be amended to reflect this. Councillor G Cutting supported this proposal. He sought and was provided with clarification about the loan arrangements and echoed concerns about parking.

Councillor Deering thanked the theatre team for their excellent work in making the theatre such a success. He supported Councillor Cutting's concerns regarding parking generally and the need to protect the ancient condition of The Motte.

The Head of Operations reminded Members that expansion proposals for Hertford Theatre were agreed in the Service Plan in March 2018. She explained what consultation had been carried out, including with Hertford Town Council and acknowledged local parking difficulties. It was noted that negotiations were taking place locally with a supermarket to use parking facilities and the Theatre would be trying a number of initiatives in the hope that it would incentivise theatre users not to use their cars.

Councillor N Symonds expressed her concerns about parking at the theatre generally and arrangements for those with disabilities. The Theatre Director and Arts Advisor acknowledged the problem and explained the restrictions in being able to provide disabled parking on site. She sought and was provided with clarification regarding the lifespan of theatre subsidies.

The Head of Operations provided a general overview of the financial modelling and loan arrangements proposed.

Councillor H Drake referred to the new experiences being offered by Curzon Cinemas which offered the visitor a different type of cinema experience.

Councillor J Jones supported the opportunity for the Council and the theatre and was surprised to hear that proposals had developed to the stage they had without consultation with Members and Local Members.

Councillor D Andrews supported the proposal and cited examples of other cinemas within half an hour's drive which had multiple screens and better parking arrangements. He raised concerns about using St Andrew's Car Park for patrons and referred to the need to see stronger figures in terms of income generation.

Councillor M Stevenson commented that she had been involved as part of the Health and Wellbeing Forum.

At 8:15pm it was moved by Councillor M Allen and seconded by Councillor M Casey that a motion to exclude the press and public be moved. Upon being put to the meeting and a vote taken, the motion was declared CARRIED.

Members sought and were provided with clarification in relation to the exempt papers in terms of issues in relation to the pay-back period and the project in terms of it being a major capital investment. A Member suggested the need to balance this against smaller quicker wins which might be better received by residents.

The press and public were later re-admitted to the meeting and Members discussed the positive feedback on a new initiative which the theatre had introduced including “pay what you feel” aimed at encouraging those from harder to reach backgrounds to pay after a performance.

Members expressed their appreciation to the Theatre Director and Arts Advisor for his engaging and comprehensive presentation.

It was moved by Councillor I Devonshire and seconded by Councillor G Cutting that the project be supported by increased Member involvement. After being put to the meeting and a vote taken, the recommendation was declared CARRIED.

It was moved by Councillor B Deering and seconded by Councillor G Cutting that the recommendations as amended and detailed be supported. After being put to the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED – that the Executive be advised that Members support(A) investment on the basis of the preferred “Growth and Legacy” option, as now detailed; and

(B) increased Member involvement in the project .

(Councillors S Bull, M Casey, B Deering and N Symonds requested that their abstention from voting be noted).

55 CONTRACT OPTIONS FOR GROUNDS MAINTENANCE
CONTRACT - FINDINGS OF THE TASK AND FINISH GROUP

The Chairman of the Task and Finish Group submitted a report on the findings of the Grounds Maintenance Contract Task and Finish Group including soft market testing, and the implications for Hertfordshire County Council's (HCCs) verge maintenance.

Clarification was sought and provided in relation to the term of the contract.

Councillor M Stevenson expressed concern regarding the use of Glyphosate (to control weeds) and particularly in relation to its impact on earth worms. The Leisure and Parks Development Manager explained that this was widely used. Councillor G Cutting added that if the instructions were read correctly and used in dry weather, this had no impact on insects and earthworms and only impacted on foliage.

The Committee Chairman referred to the "top up" costs of £800,000 and reminded Members that this should be viewed within the term of the contract and was around £100,000 per annum. It was noted that HCC had been advised of the proposed changes relating to verge maintenance and on the "top up" arrangements. Officers commented that St Albans, Hertsmere and Three Rivers Councils had all removed the "top up" arrangement and that a joint public communications approach with HCC had helped to manage the change.

Councillor H Drake asked Officers to ensure that the size of litter bins be kept under review (and particularly in terms of the new contract) to reflect the needs of the area, e.g.

placing larger bins near food establishments and shops.

In response to a query regarding numbers interested in tendering for the contract, the Leisure and Parks Development Manager explained that the Council was not at that stage yet, but that soft market testing had shown that five or six companies could be interested in tendering.

It was moved by Councillor M Allen and seconded by Councillor G Cutting that the recommendations as detailed be supported. After being put to the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED – that the Executive be advised that Members support:

- (A) a proposal to offer the contract for a term of 8 years with the potential for a 5 year extension;
- (B) the design and tender of a contract which delivers the same quality standards (described in Essential Reference Paper “B” of the report submitted) across the district continuing with a performance / output approach as opposed to a scheduled delivery of works; and
- (C) the need to make savings to offset the increase in costs of a new contract by no longer funding a “top up” to cut Hertfordshire County Council grass to the East Hertfordshire Council standard (saving approximately £800,000 over the contract term).

56 WORK PROGRAMME UPDATE

The Chairman of Overview and Scrutiny Committee submitted a report setting out the Committee's future work programme. The Scrutiny Officer provided a summary of the report and explained that there would be a further meeting on 10 July 2018 to consider the shared service arrangements in relation to IT and CCTV arrangements. Additionally, the Work Programme would be amended to include shared service arrangements in relation to Revenues and Benefits.

It was moved by Councillor M Allen and seconded by Councillor B Deering that the draft work programme, as amended and as detailed, be approved. After being put to the meeting and a vote taken, the recommendation was declared CARRIED.

RESOLVED – that the draft work programme as now amended, for Overview and Scrutiny Committee, be approved.

57 OLD RIVER LANE - BISHOP'S STORTFORD – UPDATE

The Chief Executive submitted a report on the progress of the Old River Lane (ORL) site in Bishop's Stortford and sought Members steer on the next phase of the development.

The Chief Executive drew Members' attention to the Essential Reference Papers which contained exempt information and reminded Members of the need to move a motion to exclude the press and public if they wished to consider the information in the open part of the meeting.

She explained that she would present Members with a vision for the Old River Lane site (including some procurement options), followed by a presentation containing exempt information, by Mr Hewines (Consultant for Montagu Evans) which would require the exclusion of the press and public.

The Chief Executive's presentation summarised the background to the project which included:

- A new arts/cultural and entertainment centre (500 seat theatre, 3-4 cinema screens, shared reception space, potential Bishop's Stortford library, and a one-stop shop for Council services, hot-desking work space, café/bar);
- Up to 180 homes (including a range of tenures and including affordable homes);
- Retail (shops and restaurants) ;
- Parking provision for the whole site;
- A new public square and high quality public realm;
- Castle Gardens connection;
- High quality accessible parking; and
- Sensitive scale and massing.

The Chief Executive explained the research and visits which had been undertaken by Members of the Arts Centre Working Group in terms of what arts and cultural centres

might fit within the vision for ORL. It was noted that The Rhodes Centre had fully signed up to the vision for a new arts centre and was working with the Council through the signed Heads of Terms.

At 8:55pm it was moved by Councillor B Deering and seconded by Councillor M Casey that a motion to exclude the press and public be moved. Upon being put to the meeting and a vote taken, the motion was declared CARRIED.

Mr M Hewines (Consultant for Montagu Evans) provided Members with a presentation which summarised the business case for the development of the ORL site and his views following soft market and viability testing with developers on a number of core areas including:

- Developers' views of ORL as a major town centre regeneration opportunity;
- The content of the Masterplan; and
- Specific delivery issues, such as parking, place marking and accelerated delivery.

The Consultant provided a comprehensive summary on:

- the scheme's potential evolution in planning terms (including land costs and viability);
- a potential development package and delivery model;
- the financial implications (of delivery models) and income generation and a summary outputs and

funding gaps; and

- Development and operational costs and risks associated with the project.

Members sought and were provided with clarification on:

- the issue of risk in relation to the options proposed (Members were keen to minimise risk);
- Charrington's House occupancy levels and current improvements and the absence of itemised demolition costs within the evaluations;
- the dependency of the ORL scheme on the multi-storey car park;
- land costs and disposal (including legislative restrictions) and whether the figures detailed included the costs associated with buying back the land originally sold to a developer;
- levels of affordable housing proposed and whether this was achievable in terms of the preferred option;
- whether properties could be included within the Council's portfolio;
- the need to accommodate successes (such as Launch Pad) within the new scheme arrangements;
- the need to have firm plans in relation to the arts centre;

- the funding gap and how this would be addressed;
- the use of Section 106 monies and proposed financial support by Bishop's Stortford Town Council to support the scheme;
- Development proposals for the Arts Centre: the need for it to be centrally located and what consultation had been carried out over the last 18 months; proposed development proposals (including the need to install a "fly tower") for the arts centre stage.

The Committee Chairman sought and was provided with clarification in relation to the financial risks associated with Options 2 and 3.

It was moved by Councillor M Allen and seconded by Councillor M Casey that the recommendations as detailed, be approved. After being put to the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED – that the Executive be advised that Members support (A) the suggested delivery model as set out in the exempt Essential Reference Paper D (Business Case) and summarised in paragraph 2.2 of the report and the procurement phasing, set out in exempt Essential Reference Paper E (Procurement Strategy) and summarised in paragraph 2.4; and

(B) note the impact in relation to the Risk Register as detailed in Essential Reference Paper F.

58 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED – that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the discussion of Minute 54 (Proposed Capital Development of Hertford Theatre and surrounding areas (in part) and Minute 57 Old River Lane Bishop’s Stortford: Update (in part) on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the said act.

59 POTENTIAL KINGSMEAD SCHEME

At 9.57 pm, the Chairman advised Members that Standing Orders would need to be suspended if they wished to consider the report about the Potential Kingsmead Scheme.

It was moved by Councillor M Allen and seconded by Councillor M Casey that Standing Order 9.1 (Duration of the Meetings) be suspended to allow the meeting to continue. After being put to the meeting and a vote taken, the recommendation was declared LOST.

It was moved by Councillor M Allen and seconded by Councillor B Deering that the item be deferred to the next meeting of Overview and Scrutiny Committee (on 10 July 2018). After being put to the meeting and a vote taken, the recommendation was declared CARRIED.

RESOLVED – that the matter be deferred to the next meeting of Overview and Scrutiny Committee.

The meeting closed at 9.58 pm

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| Chairman |
| Date |