

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE THIS MEETING WILL BE HELD
VIRTUALLY VIA ZOOM ON TUESDAY 15
SEPTEMBER 2020, AT 7.00 PM

PRESENT: Councillor J Wyllie (Chairman)
Councillors M Brady, R Buckmaster,
A Curtis, I Devonshire, H Drake, J Frecknall,
M Goldspink, D Hollebon, D Snowdon,
M Stevenson, N Symonds and A Ward-
Booth

ALSO PRESENT:

Councillors P Ruffles

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Scrutiny Officer
Jonathan Geall	- Head of Housing and Health
Helen George	- Housing Development and Strategy Manager
Theresa Mortimer	- Benefits Manager
Peter Mannings	- Democratic Services Officer
Jane O'Brien	- Senior Environmental Health Officer (Residential)
Graeme Reid	- Revenues Manager

Paul Thomas-Jones - Environmental
Health Manager -
Commercial
William Troop - Democratic
Services Officer

159 APOLOGY

An apology for absence was submitted on behalf of Councillor Kaye. It was noted that Councillor Ward-Booth was substituting for Councillor Kaye.

160 MINUTES - 16 JUNE 2020

Councillor Hollebon asked that the report of the Centre for Public Scrutiny (CfPS) be presented to the next meeting of the Committee it was available.

The Scrutiny Officer said that a draft version of the report had been received but that the final version had not been sent to Officers yet. She said that the Chief Executive and Leader had commented on the draft report. Members were advised that the final report would be available shortly.

Councillor Hollebon said that Members should have had the opportunity to review the draft and final reports. The Scrutiny Officer said that she would pass on her comments to the Monitoring Officer.

It was moved by Councillor Goldspink and seconded by Councillor Devonshire that the minutes of the meeting held on 16 June 2020 be confirmed as a correct record and signed by the Chairman. After being put to the

meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the minutes of the meeting held on 16 June 2020 be confirmed as a correct record and signed by the Chairman.

161 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members to use the blue hand function in Zoom to indicate that they wished to speak.

162 ENHANCING THE COUNCIL'S WORKING ARRANGEMENTS WITH REGISTERED PROVIDERS - REPORT OF THE SOCIAL HOUSING TASK AND FINISH GROUP

The Head of Housing and Health, on behalf of the Social Housing Task and Finish Group, presented a report that made a series of recommendations for how East Herts Council could enhance the way it works with local registered providers of affordable housing to maximise the quality of housing services for those wishing or needing to rent or buy an affordable home or who were already an affordable housing tenant in East Herts.

Members were reminded that the Social Housing Task and Finish Group had been established in November 2019 to investigate the working arrangements between the East Herts Council and registered providers. Members were advised that the aim of the group had been to explore how the working relationship could be enhanced for tenants and those

seeking affordable housing in East Herts.

The Head of Housing and Health said that much ground had been covered in a focus group with tenants of Network Homes and Clarion Housing. Meetings with senior representatives of both organisations were also held and Members were advised that the notes of those meetings and focus groups were appended to the report and a number of very specific issues were being followed up by the housing team.

Members were advised that the report presented a series of recommendations from the Overview and Scrutiny Committee for improved joint working being recommended to the Executive.

The Head of Housing and Health referred to the recommendations and the suggestions of the Task and Finish Group. He said that a key finding of the Task and Finish Group was that Housing Officers should be involved at an earlier stage in the planning process for new housing developments.

The Head of Housing and Health said that it was for Housing and Planning Officers to determine how best to incorporate the in depth knowledge of Housing Officers regarding East Herts housing need at the crucial pre application stage.

A number of Members expressed thanks to Officers and the Task and Finish Group Members for what was an excellent report. Councillor Goldspink said that she fully supported all of the recommendations as they

would help Councillors and the housing associations to better understand each other and she hoped that the recommendations would benefit tenants.

Councillor Goldspink said that paragraph 5.1 which related to “risks” could be amended to read “that the Scrutiny Committee could choose not to recommend any actions”. She expressed a hope that the recommendations could be implemented as soon possible and before the end of 2021/22.

Councillor Devonshire asked whether an interim report could come before Members before the end of 2021/22. The Chairman said that he understood that the Executive Members would be joining Members of this Committee at meetings more regularly and the Executive Member could update Overview and Scrutiny Committee on progress.

Councillor Frecknall said it would be good to see the early involvement of the Executive Member with the short term actions as part of this ongoing process.

Councillor Curtis said that it would be helpful to have regular updates, perhaps every 6 months. Following a comment from the Chairman about ensuring that Members were able to do justice to agenda items at meetings, Councillor Curtis said that these regular updates could be submitted by email rather than taking up space on agendas of the Overview and Scrutiny Committee.

The Head of Housing Health confirmed that the work of the Task and Finish Group had now concluded and

the next stage was that, on presentation of the recommendations to Executive, part of the decision to be taken was establishing a timetable for implementing the recommendations.

The Head of Housing and Health said that housing forum meetings would be reintroduced again with housing management concerns being added to their remit. He said that a particular area of focus had been making the bidding process easier, especially regarding the lead in time for new build properties. He mentioned the need to have “welcome visits” for those moving into a new home.

Councillor Goldspink suggested an update every 12 months subject to the ongoing content of the work programme.

Councillor Goldspink proposed and Councillor Devonshire seconded, a motion that the recommendations detailed in the report be supported, subject to more regular updates from the Executive Member for Neighbourhoods being submitted to the Committee by email. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that (A) the recommendations for how the Council can enhance its working arrangements with registered providers, as presented at paragraph 2.6, be recommended to the Executive;

(B) a recommendation be made to the Executive that the Executive Member for

Neighbourhoods works with the Head of Housing and Health to implement the recommendations before the end of 2021/22; and

(C) should the Executive approve the Overview and Scrutiny Committee's recommended actions, the Executive Member for Neighbourhoods be invited to report on progress to the Overview and Scrutiny Committee towards the end of 2021/22, and more regularly by email to the Members of the Committee.

163 COUNCIL TAX REDUCTION SCHEME 2021/22

The Executive Member for Financial Sustainability submitted a report that allowed Overview and Scrutiny Committee Members to consider the latest available information around the current local Council Tax Support (CTS) scheme at East Herts and whether any changes to the scheme should be considered for 2021/22.

The Shared Service Manager said that Members were being asked to support the approval of the Council Tax Support Scheme for 2021/22. The scheme had been operated since April 2013 and replaced Council Tax benefit under the provisions of the local government finance bill. The scheme was required to be confirmed by Council by the 11 March in the preceding financial year.

Members were advised that since the scheme had

been introduced in 2013, various changes had been considered although the scheme had remained the same. The Shared Service Manager said that Appendix A set out the history of the scheme and she advised the Committee that modelling had proved that a banded scheme would be unviable. She said many processes in respect of universal credit had been automated following changes in circumstances for customers on Council Tax Support.

The Shared Service Manager said that the current economic impact on residents due to Covid-19 was uncertain and due to the changes to the furlough scheme and employment uncertainty, the report recommended that the current Council Tax Reduction Scheme remain the same for the new financial year. She said that after further consideration, Officers might come back to Members next year with a possible change to the scheme. She said in conclusion that Members were invited to support the use of the current Council Tax Reduction Scheme into 2021/22.

Councillor Snowden asked for clarity as to the changes that could be made next year. Members were advised that Officers felt that the changes that had been considered would not be beneficial and that the current scheme, which had been in place for the last 8 years, should continue.

The Shared Service Manager said that one option that had been considered was a change to a banded scheme. She advised that this scheme would have to be subject to a full public consultation and would require changes to software; there would be cost

implications with no benefits to the Council.

Councillor Goldspink said that previously, the Council had been reimbursed for the cost of Council Tax Support Schemes and she wished to know if the Council received any reimbursement towards the cost of the Council Tax Reduction Scheme.

The Shared Service Manager confirmed that the Council received no direct funding for the scheme. Councillor Goldspink asked for clarity as to eligibility for universal credit as there were some many variables to be taken into account.

The Shared Service Manager said that housing benefit was included in universal credit in a majority of cases. She said it was imperative that customers tell the Department for Work and Pensions (DWP) about housing costs when claiming universal credit. She said that it was also important that claims were submitted online at the appropriate time.

Councillor Symonds asked whether the public still struggled with understanding the way the system worked in terms of Council Tax and Universal Credit. The Shared Service Manager confirmed that Officers were working with other agencies to ensure consistency of message in terms of the advice that was being given out.

Councillor Frecknall said that he agreed that it was prudent not to make any wholesale changes given the challenges everyone was facing at the current time. He asked for and was given clarity by the Shared Services

Manager on the aims of a banded scheme for Council Tax Reduction beyond 2021/22.

The Democratic Services Officer and the Shared Services Manager explained that the recommendation was for the current scheme to continue for 2021/22 and for other options to be explored for the future in 2022/23 and beyond.

Councillor Goldspink and Councillor Devonshire seconded, a motion that the Executive be advised that the Council should continue with the current Council Tax Reduction Scheme for 2021/22 and Officers investigate the possibilities for alternative schemes beyond 2021/22. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Executive be advised that the Council should continue with the current Council Tax Reduction Scheme for 2021/22 and Officers investigate the possibilities for alternative schemes beyond 2021/22.

164 POLICY FOR ENFORCING STANDARDS FOR PRIVATE SECTOR LANDLORDS

The Executive Member for Neighbourhoods submitted a report that presented a policy regarding the enforcement of standards for private sector landlords in East Herts. The Service Manager (Environmental Health) said that the Housing and Planning Act 2016 gave the Council some new enforcement powers for dealing with landlords and property agents.

The Service Manager (Environmental Health) advised that the Council needed to have documented policies to make the council's use of these powers lawful and to provide transparency and consistency in respect of civil penalties. He listed the policies included.

Members were advised that a 10 week consultation was still ongoing and the results of this would feed into the report to the Executive.

Councillor Goldspink asked how judgements would be reached in a consistent and transparent way in terms of Officers deciding on the use of civil penalties on a case by case basis. She referred to banning orders and sought clarification of the phrase "at a time when they were a landlord or property agent".

The Senior Officer Environmental Health (Residential) said that each potential civil penalty case differed, and depended on the offence committed, the circumstances of the landlord and the tenant. She said that the offences covered were not directly related to the landlord or agent role and hence the qualification that such offences could only be taken into account while the person was a landlord or agent. She said that the matrix allowed Officers to take into account a series of factors in each case and this included the culpability of the landlord and other factors specified in the guidance, this is similar to the matters a magistrate may take into account when determining a fine on prosecution.

Councillor Goldspink said that if the wording included a reference to the matrix then it would be clearer than

just saying that each instance was assessed on a case by case basis. Members were advised that this suggestion was certainly something could take forward when making a recommendation to the Executive. The Senior Officer Environmental Health (Residential) acknowledged the Member's suggestion and explained that in developing the Council's guidance, Officers were adhering as closely as possible to the original wording within legislation to ensure that the Council was complying with the law.

Members were advised that Officers had discretion to not apply for a banning order and' even where applied for, not to force a landlord to give up rental properties immediately. Officers could still put that landlord onto the database of rogue landlords so that other local authorities were aware of that landlord.

The Head of Housing and Health said that the wording might appear a bit cumbersome but given that it relates to significant actions with serious implications the policies needed to fit within the wording of the legislation itself.

Councillor Drake asked whether the banning orders would be UK wide or would only apply in a district or county and she also wished to know how the database was used in terms of who had access to it and whether letting agents had access to it in terms letting other properties. Councillor Drake also questioned the reasoning for not having the consultation information included in the report.

The Senior Officer said that the banning orders would

be UK wide and the database was developed and maintained by the Ministry for Housing, Communities and Local Government. She said that ministerial consideration was being given to allowing a wider access to this database but that it was currently limited to the Secretary of State and to local housing authorities for specific uses.

The Head of Housing and Health agreed with the point made by Councillor Drake in terms of timescales and the inclusion of consultation responses. Officers could take forward the points raised by Members and draw those together with the consultation responses received.

Councillor Frecknall mentioned a minor inaccuracy in terms of a date in the consultation document not matching the phrasing detailed at paragraph 6.1 of the report.

Councillor Goldspink referred to policy 2 and rent repayments and the ability of the Council or the tenant to make the application and asked whether it would be the Council or the tenant that would receive the repayment.

The Senior Officer Environmental Health (Residential) provided clarification in response to a question from Cllr Goldspink as to whether it would be the Council or tenant who would receive payment.

Councillor Goldspink asked what would happen to tenants where a landlord was in receipt of a banning order. The Senior Officer explained that properties

could either be sold with sitting tenants or managed more appropriately. She said that if tenants were to be evicted then her team would work with housing options colleagues to see if tenants were eligible for re housing.

Councillor Ward-Booth proposed and Councillor Goldspink seconded, a motion that the proposed new policies relating to housing standards enforcement and the adoption of the powers introduced in the Housing and Planning Act 2016 (the Act), be supported. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Executive be advised that the Overview and Scrutiny Committee supports the proposed new policies relating to housing standards enforcement and the adoption of the powers introduced in the Housing and Planning Act 2016 (the Act).

165 ENVIRONMENTAL CLIMATE CHANGE FORUM UPDATE

The Head of Housing and Health gave a verbal update in respect of the Environmental Climate Change Forum. He reminded Members that the forum arose from a recommendation of the Task and Finish Group set up by the Overview and Scrutiny Committee to explore this topic.

The Head of Housing and Health explained that much of the work of the Task and Finish Group had been incorporated into both the climate change declaration that had been made at Full Council in July 2019 and the

commitments and action flowing from the declaration.

Members were advised that the Forum had held its first conference style meeting at Fletchers Lea in Ware in January 2020. The Head of Housing and Health explained that a virtual video conference was scheduled to take place at 3 pm on Monday 21 September 2020 and he hoped that a greater number of people could participate virtually. He detailed what he anticipated would be the primary topics of focus for this conference and he referred to the Council's action plan following the Council's climate change declaration.

The Head of Housing and Health summarised the broad headline categories of the action plan and said that the Environmental Sustainability Co-ordinator would present a detailed report to the 3 November 2020 meeting of the Committee.

The Head of Housing and Health concluded by referring to the proactive role of East Herts Council in the establishment of the Hertfordshire Climate Change and Sustainability Partnership.

The Head of Housing and Health explained that he was happy to incorporate the wider actions and priorities of the Hertfordshire Climate Change and Sustainability Partnership into regular updates for the Committee.

The Chairman said that a written update would be beneficial and did not have to wait until the next meeting as updates could be submitted by email.

Councillor Frecknall said that he had not heard about the virtual forum meeting on 21 September 2020 and said that more communication would be beneficial going forward as would a written update for the Committee.

The Chairman asked for an email invite to be sent to Members for the meeting due to be held on 21 September 2020. The Head of Housing and Health responded to a number of other queries from the Committee. Members received the update on the Environmental Climate Change Forum.

RESOLVED – that (A) the update on the Environmental Climate Change Forum be received

(B) Members be provide with a detailed written updated at the next meeting of Overview and Scrutiny Committee.

166 OVERVIEW AND SCRUTINY COMMITTEE – DRAFT WORK PROGRAMME

The Scrutiny Officer submitted a report that reviewed the actions included in the Committee's existing work programme and proposed amendments to the ongoing work programme.

The Scrutiny Officer advised Members of the changes in format to the work programmes for both Overview and Scrutiny and Audit and Governance and the Committee was reminded that an updated version had been forwarded to Members on 9 September 2020.

Members were advised that these work programmes had been consolidated as it was felt that this would provide a better overall advanced perspective of what was coming forward for consideration by both Committees.

The Scrutiny Officer said that paragraph 3.1 provided an update in relation to the review of East Herts Parking Policy and the report of the Task and Finish Group, which had been considered by the Executive on 11 February 2020. Members were reminded of the significant loss of income in relation to parking and the impact of this on the Council and the Medium Term Financial Plan and that this was under constant review by the Executive Member and Key Officers.

The Committee was referred to the updated appendix to the work programme for the November meeting, which included a number of new issues, including the Cultural Strategy, Performance Report Quarters 1 and possibly 2 and the Revenues and Benefits Annual report.

The Scrutiny Officer said that Overview and Scrutiny Committee was the Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act and that Members might wish to invite the Police and Crime Commissioner for Hertfordshire to a future meeting. This was supported. She also explained that Members might also be aware that the Executive had asked Project Managers to review Business Cases to support a review of its capital projects given the impact that Covid-19 has had on the Council's income

streams.

Finally, the Scrutiny Officer said that the Council was statutorily required to produce an Annual Scrutiny Report and this document would be submitted to this Committee before being presented to Council. She said that she had noted the request from Councillor Hollebon regarding the Committee having sight of the draft Centre for Public Scrutiny (CfPS) report before the final version was received, perhaps in November.

Councillor Curtis commented on the climate change action plan and having sight of this so that Members could see which actions had been met and those that were yet to be met. He said that it would be good if the Committee could review the impact on town centres of work that was being undertaken, especially in light of the impact of Covid-19.

The Scrutiny Officer said that the thread coming through from the draft report of the scrutiny review was that Members should be very specific as to what they wanted to scrutinise and ask the question "what value could scrutiny add" before the Committee agreed to spend any time on a given topic. She said that, to that end, she would send a scoping document to Councillor Curtis for him to think through and complete in relation to his earlier request.

Councillor Frecknall said that if the option was there to invite David Lloyd, the Police and Crime Commissioner, to the November meeting of the Committee then this would be a very good and worthwhile idea. He asked whether it would also be possible to have a 15 minute

section on each agenda for the attendance of the Executive Members, perhaps as part of a rolling programme of attendance.

The Chairman said it was his understanding that the Leader and the Chief Executive would be attending the next meeting to discuss how the Council had dealt with the impact of COVID-19. He reiterated the importance of having Executive Members present updates on their portfolios.

The Scrutiny Officer said that Members could agree at the November meeting which Executive Members could attend future meetings on a rolling rotational basis. Councillor Hollebon said that Members should perhaps offer 2 dates to David Lloyd and also a specific topic to allow him to get a confirmed date in his diary and to prepare for the meeting.

The Chairman said that questions could be sent in advance to allow David Lloyd time to prepare and he could be offered the November date or if that was not possible, the meeting after that. He said the overall topic could be policing in East Herts whilst keeping in mind that there many strands to that topic. The Scrutiny Officer said that she had been trying to get Chief Inspector Orton to present to Members regarding knife crime across county lines. She asked whether this was a potential suggestion for a topic. This was also supported.

Councillor Curtis said that he had regular contact with David Lloyd and Members could email him questions of a strategic nature which he could then pass onto the

Police and Crime Commissioner. He said operational matters would have to put to the local police for a specific area in East Herts.

It was moved by Councillor Goldspink and seconded by Councillor Symonds that the draft Work Programme, as amended, be approved, subject to the matters noted above. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the draft work programme, as amended, be approved, subject to the matters noted above.

The meeting closed at 8.48 pm

Chairman
Date