

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD AS AN ONLINE MEETING ON
TUESDAY 23 MARCH 2021, AT 7.00 PM

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

ALSO PRESENT:

Councillors G McAndrew and P Ruffles

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Scrutiny Officer
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Jonathan Geall	- Head of Housing and Health
Jess Khanom- Metaman	- Head of Operations
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Tyron Suddes	- Projects and New Business Manager

436 APOLOGIES

There were no apologies.

437 MINUTES - 2 FEBRUARY 2021

It was moved by Councillor Frecknall and seconded by Councillor Hollebbon that the minutes of the meeting held on 2 February 2021 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 2 February 2021 be confirmed as a correct record and signed by the Chairman.

438 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable councils to hold remote committee meetings during the Covid-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Overview and Scrutiny Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

The Chairman reminded Members to use the blue hand function within zoom for voting. He said that he

proposed a 10 minute break from 19:55 so that Members and Officers who wished to could go outside with a candle or torch, as it was one year from when the first lockdown was imposed.

439 DECLARATIONS OF INTEREST

There were no declarations of interest.

440 PORTFOLIO UPDATE FROM EXECUTIVE MEMBER FOR ENVIRONMENTAL SUSTAINABILITY

The Executive Member for Environmental Sustainability, Councillor McAndrew, gave a presentation that covered the following areas of his portfolio:

- Waste, recycling and street cleansing
- Grounds maintenance contract
- Parking
- Climate change and sustainability
- Air quality
- Community transport and transport strategy

The Executive Member said there had been a decline in the recycling rate, mainly due to the higher rate of residual waste being collected than the green waste. He presented data in respect of street cleansing inspections and highlighted the targets for monthly inspections.

The Executive Member also summarised data in respect of missed collections and said that the percentage of collections per month had remained

above 99%. He presented some data from 2016 to 2020 in respect of complaints and detailed some of the complaints received.

Members were advised that the parking occupancy rate and parking transactions had slowly increased since the period of free parking at the start of the pandemic in 2020. The Executive Member praised the performance of the Civil Enforcement Officers. He said however, that they had been subjected to physical and verbal abuse by the public.

The Executive Member presented the sustainability changes that had been made to Council premises and also to Council services. He said that the Council had used its regulatory powers to promote actions by others including the adoption of a Sustainability Supplementary Planning Document.

Members were presented with a graph that showed East Herts Council's journey towards Carbon neutrality by 2030. He spoke about the setting up of a new group a year ago called the Hertfordshire Climate Change and Sustainability Partnership. The Executive Member presented the draft sustainability priorities for 2021/22 and spoke about air quality in East Herts as well the delivery of funding for community transport schemes across the District. He invited the Committee to ask questions following his talk.

The Executive Member responded to questions from Members. Members received the presentation.

RESOLVED – that the presentation be received.

441 ADOPTION OF THE EAST HERTS COUNCIL ACCESS TO INFORMATION POLICY

The Information Governance and Data Protection Manager submitted a report that presented the newly drafted Access to Information Policy. He said that there were two recommendations, the first of which was asking Members to consider the draft policy and propose any amendments. Members were also being asked to recommend the policy, with any amendments, to Executive for adoption.

The Manager explained that the Council had conducted an information governance audit, as detailed at Appendix B to the report. The audit had recommended that all data protection and information governance policy to ensure these were updated and additional policies adopted.

Members were advised that the review had highlighted the need to introduce an Access to Information Policy, to enhance the Council's commitment to best practice when complying with relevant access to information legislation. The Manager said that the Council had the appropriate access to information guidance available for staff and the public. He said that the policy would underpin this guidance and act as an overarching governing document.

The Manager provided an overview of the draft policy and summarised the key requirements the document would satisfy in terms of the lawful treatment of data under the UK GDPR and the 2018 Data Protection Act. He said that the policy sought to ensure that

information that could be published was done so in line with the Council's information scheme and the local government transparency code.

The meeting stood adjourned at 19:55 to allow Members and Officers who wished to do so to mark the reflection of one year since the first lockdown commenced in 2020. The meeting recommenced at 20:05. The Manager concluded by advising that the draft policy aimed to demonstrate further compliance with article 24(1) of the UK GDPR.

Councillor Hollebon asked about the charges under the access to information policy and the charge of £450 and whether the actual fee could be higher. The Manager said that the £450 was the standard fee under the regulations. He said that he would check, but for charges over £450, the fee was £25 per hour and the Council very rarely charged for access to information requests.

Councillor Goldspink thanked the Manager for the report into what was a sensible and comprehensive policy. She said that she was pleased to see that there was an information disclosure log. She expressed concern that the audit included as Appendix B was out of date and she was concerned that this audit had offered overall assurance in a limited way. She asked if this was the most up to date report as it indicated that the Council was at some risk. Councillor Goldspink requested that the Executive Member report back in June in terms of compliance with legislation.

The Manager said that this was the most recent report

and he shared the Members' concerns. He said that he had reviewed the various policies and privacy notices and he was satisfied that the Council was not currently at risk. He said that the Council was not fully compliant either and it was his aim to get the Council to a gold level of compliance.

The Head of Legal and Democratic Services said that he had spoken to the Shared Internal Audit Service (SIAS) in terms of when they would be providing an updated report. He said that he was confident that the next version of this report would present a very different picture.

Councillor Devonshire proposed and Councillor Symonds seconded, a motion that the draft Access to Information Policy be recommended to Executive for adoption and the Information Governance and Data Protection Manager incorporate any amendments to the policy suggested by Overview and Scrutiny Committee, in consultation with the Head of Legal and Democratic Services and the Executive Member for Corporate Services, prior to the presentation of the policy to Executive for adoption.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that (A) the draft Access to Information Policy be recommended to Executive for adoption; and

(B) the Information Governance and Data Protection Manager incorporate any

amendments to the policy suggested by Overview and Scrutiny Committee, acting in consultation with the Head of Legal and Democratic Services and the Executive Member for Corporate Services, prior to presentation to Executive for adoption.

442 ANNUAL SCRUTINY REPORT 2019/20

The Scrutiny Officer introduced the Overview and Scrutiny Annual Report for 2019-20, on behalf of the Chairman of the Committee. She said that this report summarised what Overview and Scrutiny had been looking at in the context of scrutiny during 2019/20 and Members were referred to the draft summary narrative at Appendix A. The Scrutiny Officer explained that this report was usually presented to Members annually but had been delayed as a result of Covid-19 and a decision to undertake an independent review of scrutiny to ensure best practice.

Members were advised that once supported by Overview and Scrutiny Committee, the report would be presented to Council for determination and it would then be uploaded to the Council's website. The Scrutiny Officer referred to the introductory sections by the Leader and the Chairman of the Committee and said that the report explored the topics that the Committee had reviewed in 2019/20.

Members were advised that some matters were explored in depth by Task and Finish Groups whilst other topics were researched with no further action being taken due to a lack of evidence that further action was needed in terms of the use of resources.

The Scrutiny Officer emphasised that the report had highlighted that the function of Overview and Scrutiny was not meant to be confrontational or be seen to be deliberately set up to form an opposition to the Executive. She said that Overview and Scrutiny Committee and the Executive should and do complement each other in terms of working in tandem in respect of the development of the Council's work. She concluded that Overview and Scrutiny Committee was there to enhance accountability and transparency of the decision making process.

Councillor Curtis said that he believed that there might have been more that the Committee could have been doing over the last year. He hoped that Members of the Committee could look at topics and some policy areas in more depth in the coming year, either in formal meetings of the Committee or through the medium of Task and Finish Groups.

Councillor Curtis proposed and Councillor Drake seconded, a motion that the Annual Report on the work of the East Herts Scrutiny Committee during 2019/20 be received and recommended to Council for publication. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Annual Report on the work of the East Herts Scrutiny Committee during 2019/20 be received and recommended to Council for publication.

443 ANNUAL SCRUTINY REPORT 2020/21

The Scrutiny Officer introduced the Overview and Scrutiny

Annual report for 2020/21. She drew Members' attention to the introduction by the Leader which referred to the unprecedented impact of Covid-19 on the world both economically and socially, as well as on local businesses.

Members were reminded of the strong partnerships that had developed nationally and locally to ensure that all residents were supported. The Scrutiny Officer explained that there was an overlap with the work that had started in towards the end of 2019 that had continued into the 2020/21 period.

Councillor Curtis referred to the commentary from the Leader as being very important. He felt that the introduction from the Leader should reflect the work which had been undertaken by Overview and Scrutiny Committee and the interaction with the Executive. This was supported.

Councillor Goldspink proposed and Councillor Buckmaster seconded, a motion that the Annual Scrutiny Report on the work of the East Herts Scrutiny Committee during 2020/21 be received and recommended to Council for approval and publication. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Annual Report on the work of the East Herts Scrutiny Committee during 2020/21 be received and recommended to Council for publication.

444 REVIEW OF SCRUTINY - REPORT BY THE CENTRE FOR GOVERNANCE AND SCRUTINY

The Scrutiny Officer submitted a report which

presented the findings by the Centre for Governance and Scrutiny (CfGS) following a review of the scrutiny function at East Herts which had been requested by the Leader. The Centre for Governance and Scrutiny (CfGS) was asked for their independent opinion on the approach currently taken by the Council and to gain views on best practise.

The Scrutiny Officer explained the methodology undertaken and evidence reviewed by CfGS. This was set out in further detail on page 106 of the report. Members and Officers had been due to be interviewed in March 2020 but this had been rearranged to May 2020 due to the national lockdown. Their final report was submitted in November 2020.

Members were advised that a workshop had been held on 3 December 2020 where Members of Overview and Scrutiny and Audit and Governance Committees had been given the opportunity to seek clarification from Mr Ian Parry from CfGS on his report. The Scrutiny Officer said that the recommendations were set out on page 115. Going forward she explained that the Forward Plan would be attached to future Overview and Scrutiny agendas so that Members could be afforded an early opportunity to review future decisions to be taken by the Executive.

The Scrutiny Officer provided an update to Members in terms of what actions had so far been introduced to take account of the recommendations made by the CfGS. These included:

- Holding quarterly meetings with the Leader,

Deputy Leader and both Chairmen and Vice Chairman of Overview and Scrutiny Committee and Audit and Governance committee to review respective work programmes.

- Inviting Executive Members to future meetings of Overview and Scrutiny to provide updates on their portfolio as a standing item on future agendas of this Committee.
- Members were reminded that there were dedicated scrutiny pages on the internet and the annual reports actively encouraged the public to get involved in the scrutiny process.
- The constitution working group met regularly and was currently reviewing the Committee rules including those for Overview and Scrutiny and Audit and Governance to clarify the remits of both Committees.
- Including as a standing item on both Committee agendas an opportunity for the public to ask questions or make a statement to the Committee.

The Scrutiny Officer said that by including the Forward Plan on the agenda, would encourage Members to become involved early on in the decision making process, thereby ensuring a more timely and proactive approach to scrutiny.

Members were reminded that they had already considered and supported the possibility of holding Committee meetings in other parts of the District.

Members were also advised that Task and Finish Groups were arranged over many weeks and further advice would be sought in respect of enquiry dates. The Scrutiny Officer said that she would be arranging scrutiny training after the Annual Council meeting to provide further advice to Members in respect of addressing other recommendations in the CfGS report.

Councillor Goldspink said that she was delighted with this excellent report and she felt that the recommendations were extremely good, especially the inclusion of the Forward Plan in agenda papers as this would allow a very positive contribution to be made to strategic forward planning and policy making. She said that she believed all of the recommendations were worth looking at Councillor Goldspink supported the report and the acceptance of the recommendations.

Councillor Kaye said that shorter and more focussed agendas were important and of the need to avoid the Committee being driven by Officers' reports and presentations. He expressed concerns regarding the suggestion of allowing the public to submit referral requests.

Councillor Kaye said that moving around the District had been tried before and he was not sure it had entirely worked but this was something to bear in mind.

Councillor Curtis said that the report contained some very positive ideas and Members needed to have a tighter view and indication of how the work of this

Committee was feeding into policy in terms of the impact of Member discussions.

Councillor Snowdon said that he was very pleased with the suggestion of moving meetings of the Committee around the District. He stated that the Council must continue to do this in future and he was aware of many places in Bishop's Stortford, Ware, Buntingford and Sawbridgeworth and even in some of the villages where meetings of the Committee could be held.

Councillor Drake said that it was very important that where Executive Members were invited to meetings of Scrutiny, they remained present for the whole meeting. The Chairman supported this approach.

Councillor Devonshire supported the suggestion of allowing the public to put forward ideas for scrutiny agendas. He commented that care would need to be taken to ensure that matters coming to meetings were not about an issue that a member of public had a particular grievance about.

The Chairman commented on the importance of managing expectations and managing the contents of future agendas. Councillor Snowdon said that referrals to Overview and Scrutiny Committee had to be managed judiciously to avoid questions being overly political or wasting the time of the Committee.

Members received the report. Councillor Curtis proposed and Councillor Devonshire seconded, a motion that the Executive be asked to note the comments of Overview and Scrutiny Committee.

RESOLVED – that (A) the final report by the Centre for Governance and Scrutiny (CfGS), be received; and

(B) the Executive be asked to note the comments of the Overview and Scrutiny Committee.

445 OVERVIEW AND SCRUTINY COMMITTEE – DRAFT WORK PROGRAMME

The Scrutiny Officer said that this was the usual work programme Members received at each meeting of Overview and Scrutiny Committee. She drew Members' attention to the draft work programme attached as an appendix to the report.

It was moved by Councillor Snowdon and seconded by Councillor Goldspink that the draft consolidated Work Programme be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the main agenda items for the next meeting be agreed;

(B) the proposed Consolidated Work Programme, included at Appendix A, be approved.

446 URGENT ITEMS

There was no urgent business.

The meeting closed at 8.40 pm

Chairman
Date