

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE ONLINE MEETING -
LIVESTREAMED ON TUESDAY 2 FEBRUARY
2021, AT 7.00 PM

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

ALSO PRESENT:

Councillors D Andrews, E Buckmaster 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
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Mekhola Ray	- Community Projects Team Manager
Sara Saunders	- Head of Planning

	and Building Control
David Snell	- Service Manager (Development Management)
William Troop	- Democratic Services Officer

327 APOLOGIES

There were no apologies.

328 MINUTES - 8 DECEMBER 2020

It was moved by Councillor Goldspink and seconded by Councillor Bell that the minutes of the meeting held on 8 December 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 8 December 2020 be confirmed as a correct record and signed by the Chairman.

329 CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced and welcomed Katie Mogan, newly appointed Democratic Services Manager, to her first meeting of the Committee.

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 said that comments had been sent to Members regarding the Executive's comments on recommendations made by Overview and Scrutiny Committee in relation to two Task and Finish Groups' comments on Parking and on Affordable Housing including enhancing the council's relationship with registered social housing providers. He did not read out the full wording and asked that a summary appear in the minutes, as follows:

On 5 January 2021, the Executive received a report which included consideration of the Overview and Scrutiny Committee's recommendations on enhancing working arrangements between the council and registered providers, following the investigative work of a task and finish group.

The Executive approved the Overview and Scrutiny Committee's recommendations, which were:

- that Housing and Planning Officers review how the housing service's in-depth knowledge of affordable housing need can be most effectively shared with developers at the pre-application stage to maximise

- the delivery of the size, type and tenure of affordable homes that are most needed locally
- that dialogue between the council and registered providers is maximised to promote high standards of management and development, including:
 - that East Herts Council reinstates regular Housing Forum meetings to cover both housing management and housing development matters and
 - that East Herts Council works with registered providers on maximising the environmental sustainability of registered providers' existing and new homes
 - that Council Officers and registered providers make it easier for elected members to understand key registered provider policies and raise issues directly with the registered providers, including:
 - that each registered provider be asked to provide a dedicated e-mail address for elected Members to use to directly raise issues
 - that East Herts Council Officers work with their registered provider counterparts to draw up a short briefing note for Members on the options available to registered providers to tackle anti-social behaviour perpetrated by their tenants or tenants' household members or visitors.

On 24 November 2020, the Executive considered the outcome of the work of the Task and Finish Group, which made a number of recommendations in relation to Town Centre Parking, an update in relation to a Resident Parking Zone and consideration of Climate Change / Sustainability implications of parking policy. The Executive also considered the matter on 11 February 2020 when it was agreed that authority be delegated to the Head of

Operations in consultation with the Chairman of Overview and Scrutiny Committee and Chairman of the Parking Task and Finish Group and the Executive Member, to assess the full viability of the recommendations and bring a further report to the Executive setting out the cost implications.

Work had been carried out to consider the cost implications in the context of the corporate plan, but that the Council had been impacted by Covid-19 both economically and in terms of parking behavior particularly, in relation to long stay parking.

A number of recommendations had been built into the service plan and that this would be monitored through portfolio holder meetings. The update to the Residential Parking Zone was recommended to Council for adoption on 16 December 2020.

330 DECLARATIONS OF INTEREST

Councillor Bell declared a non-pecuniary interest in the matter referred to in minute 331, Cultural Strategy, on the grounds that she sat on the Board of Trustees for Hertford Museum, as a representative of East Hertfordshire District Council.

331 CULTURAL STRATEGY

The Head of Housing and Health and the Community and Wellbeing Programme Manager presented a report that invited Members of Overview and Scrutiny Committee to review the draft Cultural Strategy ahead of its submission to the Executive and before its determination by Council, on 2 March 2021.

The Head of Housing and Health said that the report was an opportunity for Members to bring to the attention of the Executive, the comments of the Committee before the Executive made a recommendation to Council that the strategy be adopted.

Members were advised that 2020 had been intended to be the Hertfordshire Year of Culture 2020 (HYOC2020). Despite the pandemic lots of arts and cultural organisations had been able to deliver virtual sessions in a creative and innovative way and this had benefitted residents in the District. The Head of the Housing and Health said that the importance and benefits of a Cultural Strategy remained and were, if anything, even stronger in 2021, in respect of re-engagement and recovery from the pandemic.

The Community Wellbeing Programme Officer explained that the Cultural Strategy presented a very broad overview of the role culture played in people's lives. Members were reminded that the strategy contained visions and ambitions that required partnership organisations to work with the Council. The Officer also said that a broad range of organisations had signed up to deliver the strategy in partnership with East Hertfordshire District Council.

Members were advised that experience and learning gained from HYOC2020 activities delivered via digital platforms had been incorporated into the strategy document along with input from the Leadership Team, Members and from Officers. The Committee was also

advised that in November and December, the strategy was circulated for public consultation. Officers had taken on board comments and suggestions in amending the strategy document which were generally positive.

The Community Wellbeing Programme Officer said that she was very pleased that the Council had attracted some Arts Council funding via the Royal Opera House Bridge project even before the Cultural Strategy had been completed. Members were advised that the renamed Hertfordshire Lifestyle Network wished to learn from East Hertfordshire District Council's experience in developing a cultural strategy for Hertfordshire.

The Executive Member for Wellbeing made a number of comments in support of the Cultural Strategy document. He said that some more work would be required in terms of an engagement plan and delivery. He emphasised that his vision of the strategy was to "plug into" things that the Council was already doing such as the healthy hub and social prescribing. He said that he hoped the strategy would enable the Council to reach residents who did not have access to arts and culture.

Councillor Goldspink said that this was an excellent strategy and was particularly pleased to see the inclusivity of the Cultural Strategy and the emphasis that had been placed on the fact that the strategy was for everybody in the community. She referred to the very clear and honest comments that had been made by various respondents and in particular, those made

in respect of difficulties that were posed by the lack of funds for running cultural events.

Councillor Goldspink made a suggestion that the image on the very last page of the document would be more in keeping with the ethos of the strategy if this could be changed to reflect a more inclusive picture of a group of people representing East Herts community.

Councillor Curtis said that the Council needed to have targets and actions in terms of measuring how effectively the strategy had been implemented and asked how progress towards meeting those targets would be monitored. He said that there was no mention in the document of the Old River Lane development in Bishop's Stortford and how this would fit into the Cultural Strategy. He concluded that it needed to be made clearer how the Council would refer back to the Cultural Strategy in terms of the Corporate Plan.

The Executive Member for Wellbeing said that a stakeholder session might need to be arranged with some Members and key stakeholders, and that he had been having discussions with Officers about the viability of carrying out some measureable work on the impact of the cultural strategy.

Councillor Snowdon said that the document was a good start. He said that he would like to see some more action points in the strategy document and he felt that the focus of the strategy was very much on the arts as opposed to culture. He also pointed out that heritage did not really feature in the strategy.

The Community Wellbeing Programme Officer said that the £5,000 Arts Council funding, through the Royal Opera Bridge House Project, was for consultation with young people of what they would like to see happening for them in East Herts. She said that this consultation activity would be led by Hertford Theatre.

The Executive Member for Wellbeing said that there had been no intention to limit the Cultural Strategy to exclude things like heritage. He stated that there was always the opportunity to work with organisations that were interested in heritage and its impact on society.

Councillor Bell commented on the importance of not excluding residents with a range of different disabilities. She said that people with disabilities often found accessing culture very difficult and she asked whether a section on this could be added to the Cultural Strategy document. The Executive Member for Wellbeing referred to the future work of the overarching steering and delivery groups. He also commented on the idea of themed cultural weeks and seasons as well as the idea of tapping into the work of volunteers in East Herts.

Councillor Drake referred to the statement on page 8 of the document in terms of relative deprivation which could hamper access to arts and culture. She said that the document needed to go a bit further in terms of tackling deprivation with a particular focus on children who lived in such areas and the inability of families who lived in deprived areas of being able to pay to access cultural activities. The Executive Member

commented on the availability of community grants, locality budgets and the East Herts lottery and targeted funding and fundraising towards particular needs.

Councillor Frecknall commented on the importance of smart targets and the use of active and passive language and he said that everything that the Council was doing should be as active as it could be. He commented on the things the Council could do in terms of working with providers in respect of climate change. He said that it was important that it be set out what the impact of the Cultural Strategy document could be so that this could be actively measured.

The Community Wellbeing Programme Officer commented on the development of smart targets and said that before the Cultural Strategy action plan was developed, this would be subjected to an equality impact assessment. Officers would take on board comments and suggestions in respect of topics such as access for people with disabilities and enabling deprived people to access and participate in arts and cultural activities.

Councillor Symonds made a number of points about access for residents who lived in deprived wards in East Herts and how the Council could reach the residents of those wards.

Councillor Kaye asked about the feelings and sentiments of the various organisations that had responded to the consultation in terms of whether there was cautious optimism regarding the Cultural Strategy or more of a sense of enthusiasm.

The Community Wellbeing and Programme Manager highlighted the various ways that organisations in East Herts had reacted positively to the situation brought about by the COVID-19 pandemic.

Councillor Stevenson said that the strategy document was a very good start and it would be a good idea to identify more organisations such as Courtyard Arts who could take ideas out into the community. She emphasised the importance of involving people who had creative ideas and who could use that creativity.

Councillor Wyllie made an observation that the only town and organisation that was mentioned in the document was the Hertford Night Community Voice. Councillor Buckmaster said that there were no limits to the imagination in terms of who the Council could connect with in terms of reaching out to the people who really needed to be reached.

It was proposed by Councillor Curtis and seconded by Councillor Drake, that in respect of the proposed draft Cultural Strategy, Members' comments be forwarded to the Executive for consideration and prior to Council for determination. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that in respect of the proposed draft Cultural Strategy, the comments of Overview and Scrutiny Committee be forwarded to the Executive for consideration and prior to Council for determination.

332 PLANNING ENFORCEMENT PLAN – REVIEW AND UPDATE

The Executive Member for Planning and Growth submitted a report that set out the approach to the updated Planning Enforcement Plan 2021. The Head of Planning and Building Control said that the current plan was last updated in 2016. The updated plan was attached as an Appendix. Members were advised that the approach and priorities to handling enforcement cases needed to be updated.

The Committee was advised that the level of enforcement complaints were high and the Head of Planning and Building Control explained that a majority of enforcement investigations did not result in any further action being taken. She explained the reasons for this and said that all enforcement reports were investigated.

The Head of Planning and Building Control stated that the new plan proposed a triage approach be undertaken before a file was opened for further investigation. She said that this would help Officers identify cases that did not constitute a breach of planning control or were really minor cases. This triage approach would enable Officers to better manage the number of cases and respond quickly based on priorities depending on the level of breach.

The Head of Planning and Building Control said that Officers had recognised that the current system needed to improve and a new approach was needed to improve the overall effectiveness of the planning enforcement service.

Councillor Curtis asked how long the planning enforcement service had been reliant on a high proportion of agency staff. He asked a number of questions relating to the numbers of agency staff and the hours they worked and also how much more expensive they were than non-agency staff.

The Head of Planning and Building Control said that within the last 2 years, Officers had looked at extra resources to assist the enforcement team due to the high number of cases. She said that this had supported recruitment that had taken place and had ensured a wider breadth of experience within the planning enforcement service.

The Service Manager (Development Management) said that the planning enforcement service had been working with a number of extra staff throughout 2020. He said that it was very difficult to quantify cost because although agency workers were more expensive, there were no overheads. Members were advised that some agency staff were more expensive than others and the situation was purely one of workload.

The Head of Planning and Building Control said that the planning service had undergone restructuring in previous years on the operational side but that it was necessary to review it from a planning enforcement viewpoint including resources and the current difficulties in the planning sector in terms of experience at a certain level.

The Head of Planning and Building Control said that she was looking to fill a number of vacant posts and as part of that process, she wanted to make sure that Development Management was a flexible service. She said that she wanted to have experienced “rounded” planners and enforcement Officers that could turn their hand to dealing with a number of issues depending on service priorities.

Councillor Goldspink thanked the Planning Officers for producing this plan at a time when they were under such pressure. She said that the plan was eminently sensible and the way that priorities had been organised made much more sense than had previously been the case. She expressed concern about the pressure being placed on Officers and she understood that they were understaffed and had a huge caseload of 100 cases per Officer. She asked whether there was anything that could be done in addition to this excellent plan to ease the burden.

The Head of Planning and Building said that she understood the point raised by Councillor Goldspink and this was very much in her mind in terms of introducing a new system to reduce the number of enforcement cases.

The Service Manager (Development Management) said that the situation was not just a matter of the availability of Officers time. He said that the current system was cluttered with cases that should be a priority grouped with trivial matters or with cases that were not breaches of planning control. He confirmed that the aim of this new system was to de-clutter the

system so that Officers could focus on priority cases instead of spending time looking at cases where the Council did not need to take action.

Councillor Hollebon asked whether a report could be submitted back to Overview and Scrutiny after 6 months in order to hear how successful the new system had been. She commented on the sensitive nature of stressful situations for residents when building works appeared in back gardens above the height of boundary fences. She said that if a matter was judged to be a trivial issue and not an enforcement matter, then an email should be sent to the resident (and Ward Member) by an Administrative Officer to explain this.

The Head of Planning and Building Control said that a review after a year, or at both 6 months and a year, would be a very sensible thing to do. She commented on reporting back to Councillors and also to Town and Parish Councils regarding operational improvements that she would like to make as part of a wider service review.

The Service Manager (Development Management) responded to a question from Councillor Kaye about how challenging it had been to carry out enforcement work over the past year. He referred in particular to the difficulties of not being able carry out site visits except in urgent cases.

Councillor Snowdon asked about the use of the website to address the numbers of queries. The Service Manager (Development Management) said that

the website was used but one problem with a question and answer online resource was the very broad nature of the planning service.

Councillor Symonds said that she thought that powers had been delegated to Town and Parish Councils to take down advertisements so long as they were not discarded. The Service Manager (Development Management) said that this had never been the case. He said that Officers had done a lot of work regarding signage and advertisements in the green belt. He said that Officers had been going out once a month before lockdown and advised that the estate agents in Hertford had consistently been breaching signage rules.

Councillor Curtis referred to the very broad definition of "harm" in planning terms. He asked how harm would be defined in the priority levels and whether this would be kept under review by Officers with some Member involvement. He said that harm was a very subjective judgement in the context of planning and enforcement.

The Service Manager (Development Management) said that the degrees of harm could be very obvious at times and he referred to unauthorised gypsy and traveller sites and these breaches caused a lot of concern and correspondence. He said that there was no definition of harm in planning legislation and it was up to the professional judgement of planning officers, which was backed up in terms of the level of complaint received.

Councillor Hollebon proposed and Councillor Goldspink seconded, that the new Planning Enforcement Plan 2021 be received and a further review report be submitted to Overview and Scrutiny Committee in 12 months. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the new Planning Enforcement Plan 2021 be received and a further review report be submitted to Overview and Scrutiny Committee in 12 months.

333 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 several scrutiny reports that would be submitted to the meeting due to be held on 23 March 2021.

The Scrutiny Officer referred in particular to the draft Annual Scrutiny Report for 2019/20. She said that this report would be submitted to Council for approval, along with the Annual Scrutiny Report for 2020/21. Members were reminded that a report would be submitted to the Committee in March following the review of scrutiny carried out by the Centre for Governance and Scrutiny.

The Scrutiny Officer said the work programme would be amended to include the Cultural Strategy (a review in 6

months), and the inclusion of a review of Planning Enforcement (12 monthly review).

Councillor Curtis said that it was good that those items had been added to the work programme. He said that looking at the work programme; he could not help but think that it was rather sparse still and Members should think over the coming months of policy areas to review as a Committee. He made the point that there were no new task and finish groups and Members needed to be thinking about that.

The Scrutiny Officer thanked Councillor Curtis for his points and she said that the Centre for Governance and Scrutiny (CfGS) had picked up on similar points in the scrutiny review. She advised that the CfGS had said in their report that Members should really be getting involved very early on the decision making process. The Scrutiny Officer said that Members were actively encouraged to review the Council's Forward Plan, so that they had the opportunity to be aware of forthcoming decisions with a view to mounting challenges or requesting task and finish groups.

The Scrutiny Officer reminded Members that decisions made by Council could not be called in for challenge. She said that decisions made by the Executive could be called in before implementation.

Councillor Wyllie encouraged the Committee to email him or the Vice-Chairman, Councillor Goldspink, or the Scrutiny Officer with suggestions for topics for scrutiny. He pointed that Members could only really explore two items per meeting. The Scrutiny Officer said that she

had shared the link to the Forward Plan in her report to the Committee.

It was moved by Councillor Curtis and seconded by Councillor Bell 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 the draft consolidated work programme be approved.

334 URGENT BUSINESS

There was no urgent business.

The meeting closed at 8.25 pm

Chairman
Date