

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY 8
JUNE 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 Snowdon and A Ward-
Booth

ALSO PRESENT:

Councillor D Andrews

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Scrutiny Officer
Corinne Crosbourne	- Equalities and Diversity Officer
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Tyron Suddes	- Information Governance and Data Protection Manager
Su Tarran	- Head of Revenues

Ben Wood

and Benefits
Shared Service
- Head of
Communications,
Strategy and
Policy

57 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor Snowdon and seconded by Councillor Bell that Councillor Goldspink be appointed Vice-Chairman of the Overview and Scrutiny Committee for the 2021/22 civic year.

After being put to the meeting and a vote taken, Councillor Goldspink was appointed Vice-Chairman of the Overview and Scrutiny Committee for the 2021/22 civic year.

RESOLVED – that Councillor Goldspink be appointed Vice-Chairman of the Overview and Scrutiny Committee for the 2021/22 civic year.

58 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Hollebon, Stevenson and Symonds.

59 MINUTES - 23 MARCH 2021

It was moved by Councillor Devonshire and seconded by Councillor Bull that the minutes of the meeting held on 23 March 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 23 March 2021 be confirmed as a correct record and signed by the Chairman.

60 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that this meeting was being webcasted. He reminded Members that they could wear masks if they wished to and the windows were open. He said that Members and Officers were socially distanced in the room and he welcomed Members back to the Council Chamber.

61 DECLARATIONS OF INTEREST

There were no declarations of interest.

62 QUESTIONS TO THE EXECUTIVE MEMBER FOR CORPORATE SERVICES

The Chairman referred to the questions that had been submitted in advanced and the responses that had been given by the Executive Member for Corporate Services.

Councillor Goldspink raised a point of order in that she had not realised that this agenda item was to be limited to questions that had been submitted in advanced. She had thought that those that were sent would have opened the way for Members to ask more detailed questions and she had thought that there

would be a more of a conversation in respect of the portfolio of the Executive Member for Corporate Services.

The Executive Member for Corporate Services said that he had not had the chance to consider questions other than those that had been submitted in advance. The Chairman said that the Executive Member was not expected to know the answers to every question that might be put to him.

The Executive Member said that if there were any further questions they could be emailed to him and he would respond in writing. The Chairman reminded the Executive Member that this was an Overview and Scrutiny Committee and Members had the right to scrutinise any actions or decisions that had been made by the Executive.

Councillor Goldspink asked for matters to be clarified for the next meeting so that Members had a clear understanding of what was expected when Executive Members attended Overview and Scrutiny Committee. The Chairman undertook to secure that clarity for Members and the Executive Member would be invited back to the next meeting. Members supported this way forward.

RESOLVED – that the Executive Member for Corporate Services be invited to the 7 September 2021 meeting of the Committee to give a presentation and answer questions.

63 ENVIRONMENTAL SUSTAINABILITY ACTION UPDATE PRESENTATION

The Head of Housing and Health and the Environmental Sustainability Co-ordinator gave a presentation updating the Committee regarding actions in respect of Environmental Sustainability. Members were reminded that the Environmental Sustainability Action Plan was on the Council's website and the Head of Housing and Health said that engagement with stakeholders had been stepped up over the last six to twelve months.

The Head of Housing and Health detailed what had been achieved in 2020/21 and summarised the draft key priorities for 2021/22. Members were given an update in respect of the current status of the action plan and they were reminded that this was a living document.

The Environmental Sustainability Co-ordinator provided Members with a detailed summary of the key elements of the Environmental Sustainability Action Plan.

Councillor Bell asked if there was a plan to keep as many training and briefing sessions as possible virtual due to the environmental benefits of reducing carbon emissions. The Head of Housing and Health commented on the ease of running training and briefings virtually.

Councillor Curtis asked what was being done elsewhere around the District in some of the other

towns and villages that were not mentioned in the presentation. The Head of Housing and Health said that Officers were working with village halls regarding the provision of Electric Vehicle (EV) chargers in rural locations.

Councillor Ward-Booth sought and was given an update in respect of the Hertford Hydro Project. Councillor Snowdon asked and was given replies to a number of questions regarding supplementary planning documents and the District Plan. Councillor Curtis commented on environmental attitudes and behavioural change that could be facilitated by Councils. Members received the presentation.

RESOLVED – that the presentation be received.

64 COUNCIL TAX REDUCTION SCHEME 2022/23

The Executive Member for Financial Sustainability submitted a report inviting 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 2022/23.

The Executive Member reminded Members that legislation only allowed Council Tax Support Schemes to operate for one year and the scheme had to be reviewed each year for ongoing approval by the Council. The Scheme that was now in place had been in place since 2013 and had taken over from the old Council Tax benefits system.

The Executive Member said that there were risks associated with increasing or reducing the Council Tax Reduction Scheme and he detailed these risks. He said that the options open to the Council were set out in the report and he invited Members to consider those options.

Councillor Curtis said that it was stated in the report that many of the customers affected by various recent welfare reforms had found that they had ended up with increasing levels of debt. He asked what consideration had been given to the impact of retaining the current scheme on the levels of debts incurred by economically disadvantaged people. He commented on whether the current scheme should be reviewed with other options being considered in the near future.

The Head of the Revenues and Benefits Shared Service said that during the last year, the government had made a large amount of money available to help Councils to support residents on Council Tax support by topping up awards by up to £150, subject to the difference between their full liability and their entitlement being less than this amount.

Members were advised that unused funding in that year had been moved into a hardship scheme for this year so that the Council could support more families and householders where there were outstanding arrears as people re-entered full time work after being on furlough or were seeking new employment.

Members were advised that the wider welfare reforms

and the limitations on the number of spare rooms in their accommodation had restricted the amount of housing benefit the Council could pay or the amount of rent that could be claimed.

The Head of the Revenues and Benefits Shared Service said that the Officers who worked on Council Tax recovery were constantly very supportive in terms of arranging payment breaks or standing down summons costs if a particular resident was in financial hardship. Members were advised that the Council's scheme was one of the more generous nationally and maintaining the current scheme would ensure stability to our customer base.

Councillor Brady said that she was aware that other authorities did not charge care leavers and these people represented a specific vulnerable group. The Executive Member for Financial Sustainability said that his understanding was that the legislation in England did not allow for particular consideration to be given for care leavers and the Council had to work within legislation.

The Head of the Revenues and Benefits Shared Service addressed the Committee in respect of the challenges faced by the Council in respect of care leavers being supported from any county or just in Hertfordshire.

Councillor Goldspink thanked the Executive Member and the Officer for the comprehensive report that had looked very carefully at all options and she was supportive of the conclusion that the scheme should be kept as it is for the moment.

Councillor Curtis proposed and Councillor Goldspink seconded, a motion that the Overview and Scrutiny Committee consider that there should be no change to the East Herts local Council Tax Support scheme for April 2022. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that Overview and Scrutiny Committee consider that there should be no change to the East Herts local Council Tax Support scheme for April 2022.

65 COUNCIL TAX LONG TERM EMPTY PREMIUM

The Executive Member for Financial Sustainability submitted a report that invited Overview and Scrutiny Committee to consider the proposal to increase the long term empty premium from April 2022, which was Option D in the report submitted.

The Executive Member for Financial Sustainability said that legislation had come forward in recent times that allowed local authorities to impose premiums on Council Tax for homes that had been empty for a significant period of time. He said that this matter had been reported to Overview and Scrutiny Committee previously and the Council had introduced premiums in two or three stages.

Members were advised that the initial level had been set at 50% and this had now moved to a 100% premium. The Executive Member said that legislation allowed the Council to go further than that with a 200%

premium for houses that had been empty for over 5 years but less than 10 years. He said that a 300% premium was possible for houses that had been empty for over 10 years.

The Executive Member said that the aim was not to collect Council Tax but was an incentive to home owners to return properties to occupation. He said that he had previously taken a cautious approach which was why East Herts Council was behind other local authorities in implementing these premiums.

Members were advised that the proposal was now to increase the maximum premium, which was option D on page 57 of the report, which equated to a 200% premium for properties empty for between 5 and 10 years and a 300% premium for properties empty for over 10 years.

The Executive Member said that the premium stayed with the property irrespective of ownership and a dispensation was proposed for any new homeowner for a period of 12 months, as the premium could act as disincentive to a buyer not able to move into a property straight away.

Councillor Frecknall referred to paragraph 3.6 and asked whether the wording could be changed to read 'consideration will be given to introducing discretion to remove the premium for up to one year in these circumstances'.

Councillor Snowdon commented on the importance of ensuring that this dispensation was well known and

publicised. He commented with concern about the numbers of properties that had been vacant for so long.

The Executive Member and the Head of the Revenues and Benefits Shared Service responded to a question from Councillor Snowden as to the varied reasons why some properties were left empty for so long in East Herts. Members were also advised of the publicity undertaken by the Council when a premium was due to be applied.

The Head of the Revenues and Benefits Shared Service confirmed to Councillor Bell that the Council was unable to change the timelines or values that were applied as premiums on long term empty properties.

Councillor Curtis proposed and Councillor Buckmaster seconded, a motion that the Executive be advised that option D should be taken forward in respect of changes to the Council Tax long term empty homes premiums from April 2022, on the basis that consideration will be given to introducing a discretion to remove the premium for up to one year should the owner be willing to occupy the property once renovations were completed.

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

RESOLVED – that the Executive be advised that Overview and Scrutiny Committee support option D being taken forward in respect of changes to the Council Tax long term empty

homes premiums from April 2022, on the basis that consideration will be given to introducing a discretion to remove the premium for up to one year should the owner be willing to occupy the property once renovations were completed.

66 REGULATION OF INVESTIGATORY POWERS ACT (RIPA)
POLICY ANNUAL REVIEW

The Head of Legal and Democratic Services submitted a report that updated Members on the Council's current use of RIPA and also to report on the annual policy review. He reminded Members that a similar paper was reported to the Committee in 2020, as there had been a complete rewrite of the policy as it had been out of date.

The Head of Legal and Democratic Services said that the report referred to what had been said by the IPCO on 24 November 2019. The Head of Legal and Democratic Services said that the critical recommendation that had been made was about the need for the RIPA policy to be updated. Members were referred to paragraph 2.3 of the report and the confirmation that had been given to the chief surveillance inspector that all of the identified steps that needed to be taken had been implemented and the new policy was now in place.

Members were advised that nothing further needed to be changed in the policy this year in light of the comprehensive rewrite that had been completed in 2020. The Head of Legal and Democratic Services said that notwithstanding the policy being fit for purpose, it

was good practice to report back to Members and a report would be brought before Members every year.

Councillor Frecknall proposed and Councillor Ward-Booth seconded, a motion that the report be received and any observations from Members be forwarded to the Head of Legal and Democratic Services. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that (A) the report be received; and

(B) any observations from Members be forwarded to the Head of Legal and Democratic Services.

67 DATA RETENTION POLICY SCHEDULE

The Information Governance and Data Protection Manager submitted a report that presented the revised East Herts Council Data Retention Policy and the newly drafted East Herts Council Data Retention Schedule.

Members were advised that this policy updated and replaced the previously drafted but not adopted Data Retention Policy of 2018. The policy schedule would ensure that the Council remained consistently compliant with the UK General Data Protection Regulations (GDPR) in terms of keeping data for only as long as was required and also ensuring that the Council remained compliant regarding data subjects rights of erasure.

Members were advised that the policy ensured that the Council minimised data retention wherever possible and also set out procedures for the disposal of data. The Information Governance and Data Protection Manager said that improved retention management would also help to reduce excessive storage of redundant data on Council servers.

Members were advised that the policy also sets out where and how personal data was held and also the protection measures that had been put in place for the retention of data. The policy also set out the roles and responsibilities for ensuring that data retention was enforced.

Members were asked to note that the content of the schedule was being updated with services and Members were being asked to look at the structure of the schedule and column headings.

Councillor Bell proposed, and Councillor Curtis seconded, a motion that the recommendations as detailed in the report be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the revised Data Retention Policy and its related schedule be considered and Members provide any observations and suggested amendments to the Information Governance and Data Protection Manager for inclusion in the final version; and

(B) the revised Data Retention Policy and its

related schedule be recommended to Executive for adoption.

68 DATA BREACH POLICY AND PROCEDURES

The Information Governance and Data Protection Manager submitted a report that presented the revised East Herts Council Data Breach Policy and its related revised procedural documents, the Data Breach Flowchart, the Staff Data Breach Report Form and the Data Breach Report template.

Members were advised that the policy updated and replaced the Data Security Breach Management Policy, which had been approved by Leadership Team in 2018 but had not been considered by Overview and Scrutiny Committee or adopted by the Executive.

The Information Governance and Data Protection Manager said that the revised policy ensured that the Council had robust breach reporting procedures in place and also facilitated decision making on whether to notify the Information Commissioner's Office (ICO) and affected data subjects in respect of any breaches. The policy also ensures that records were kept of all data breaches in order to satisfy the accountability requirements of the UK GDPR.

Members were advised that the policy set out what data breaches were and how they could be recognised. The Policy also set out the notification and identifications stages of a breach and how this should be dealt with internally.

The Information Governance and Data Protection Manager set out the full investigative process that covered how much data had been released and who was affected. This stage also helped Officers decide whether to inform the ICO or the affected data subjects. He referred Members to the data breach flow chart as a go to guide that summarised the content of the Data Breach Policy.

Councillor Snowdon sought and was given some clarification as to the appendices. He also asked about e-learning courses and training packages for Officers. The Information Governance and Data Protection Manager said that this was all included in the compulsory e-learning course for GDPR which he had just finished updating.

Councillor Devonshire asked about hacking, phishing and information obtained by deception and whether any of that activity had occurred at East Herts Council. The Information Governance and Data Protection Manager said that he was not aware of any such activity but IT colleagues would be better placed to give an update on this.

Councillor Devonshire proposed, and Councillor Buckmaster seconded, a motion that the recommendations as detailed in the report be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the Data Breach Policy and its related procedural documents be considered and Members provide any observations and

suggested amendments to the Information Governance and Data Protection Manager for inclusion in the final version; and

(B) the revised Data Breach Policy and its related procedural documents be recommended to Executive for adoption.

69 DRAFT EQUALITIES, DIVERSITY AND INCLUSION STRATEGY FOR EAST HERTS

The Leader of the Council submitted a report that invited Members to review the draft strategy and provide comments before formal consultation with key partners was undertaken in June and the draft strategy was considered by the Executive on 6 July before being proposed for adoption by Council on 28 July.

The Head of Communication, Strategy and Policy gave a background presentation in respect of East and Equal, a strategy for equalities, diversity and inclusion. He said that the newly appointed Equality and Diversity Officer had joined the Council in November 2020 for 2 days a week.

Members were advised that the first task for the new Officer was the creation of an equalities, diversity and inclusions strategy. The Head of Communications, Strategy and Policy said that the new strategy was to ensure that the Council could evidence that it was meeting the requirements set out in the Equality Act 2010 in terms of making reasonable adjustments in service delivery.

Members were advised of a number of moral and ethical considerations including the recent Black Lives Matter activity and the disproportionate impact of Covid-19 on communities with protected characteristics such as people from ethnic groups who were particularly vulnerable.

The Head of Communications Strategy and Policy talked about the work that the Equality and Diversity Officer had carried out to establish where the Council was before drafting a set of priorities and actions. He said that once feedback had been received from Members, a formal consultation or generic survey would be carried out and the issue would be submitted to the Executive on 6 July and then to Council for adoption on the 28 July 2021.

The Equality and Diversity Officer explained why the strategy was needed by the Council. She referred to the public sector equality duty need and the opportunity for the Council to demonstrate its vision and challenges.

Members were provided with an overview of the timeline and were given an explanation of the strategy that was to be known as "East and Equal". The Equality and Diversity Officer said that she had combined the "SEED" priorities in the Council's Corporate Plan with the Local Government Association framework to produce the acronym of respond, relate and reach out.

Members were presented with an overview of the demographics of East Herts and the Officer touched on work that had been carried out such as focussed

workshops on engaging with young people. She said that East Herts Council did not know enough about the issues facing some hard to reach groups and more consultation was needed.

Members were advised that a key priority was to improve the methods by which the Council gathered and analysed data in order to improve decision making. The Officer said another priority was to strengthen the equality impact assessment process.

The Officer explained that the relate value was a combination of leadership and organisational development to ensure that the Senior Members and the Executive could embed equality initiatives within East Hertfordshire District Council in order to achieve a diverse and engaged workforce.

Members were advised that the Council did not know enough about hard to reach groups within the community. The Officer explained that there had been specific examples of focussed work and she said the Council needed to be proactively engaging with different demographics and undertaking consultation. She set out a number of planned actions including a staff survey and developing a staff network that championed diversity.

The Equality and Diversity Officer explained that relate phased digital by design in line with the Council's corporate "SEED" plan. She said that the strategy aspired to ensure integrity by the Council practising its values so that Officers could accurately and fairly relate to communities. Members were advised that a

priority was to maximise joint working and improving self-awareness of equality and diversity.

The Equality and Diversity Officer set out a number of priorities and actions she would like to be carried out in respect of the 'relate' element. She said that the reach out element looked at the widespread inequalities that had been highlighted by Covid-19. She also commented on how tensions with gypsy and traveller communities could be addressed and she advised that residents felt that East Herts Council could do more to promote equalities work.

The Equality and Diversity Officer set out a number of key priorities and actions and highlighted the importance of involving residents in the work that was carried out by East Herts Council in respect of equalities. Members were advised of the work that had been done by the County Council with the BAME network.

The Officer talked about a number of discussion points following the Member Information Sessions and she invited Members to ask questions. Councillor Bell commented on the appendix to the report and she believed that there was a much wider population within East Herts that would identify as disabled but might not necessarily be in receipt of benefits. She also asked whether a heading in this Appendix could be amended to include a reference to people with long term chronic health conditions who might not necessarily identify as disabled.

Councillor Curtis referred to the challenges faced by

autistic people and wondered what engagement could be undertaken with the National Autistic Society to make the services provided by East Herts, as much as possible “autistic proof”. He also commented on how the Council could reach out to other minority groups in East Herts.

Councillor Drake referred to page 7 of the strategy report and the bespoke training on unconscious bias and providing safe spaces and she commented on whether training could be made mandatory for Officers to enable staff to reflect on what they had learned.

Councillor Snowdon asked for some clarity on the remit of the BAME network at Hertfordshire County Council. The Equality and Diversity Officer provided some clarity on the operation of this network. Councillor Goldspink said she was pleased to see the proposed training on unconscious bias and the planned reconvening of the staff network in respect of equalities.

The Equality and Diversity Officer agreed with many of the points that had been made by Members and she responded with her thoughts on some of the points that had been raised.

Councillor Drake proposed, and Councillor Ward-Booth seconded, a motion that the recommendations as detailed in the report be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the Draft Equalities, Diversity and Inclusion Strategy be reviewed; and

(B) the comments of the Overview and Scrutiny Committee be forwarded to the Executive for their consideration.

70 ANNUAL PLAN AND REFRESHED CORPORATE PLAN

The Leader of the Council submitted a report that invited Members to review progress on the corporate plan to date and comment on the refreshed priorities for 2021/22 onwards. The Head of Communications, Strategy and Policy said that the annual report looked back at the last 12 months in terms of the corporate plan and the delivery of priorities.

Members were advised that the refreshed corporate plan was the document that looked forward in terms of the four “SEED” themes and what the Executive considered to be important over the next 12 months. The Head of Communications, Strategy and Policy said that Officers had been working to deliver on those revised priorities. He stated that any comments would be considered by the Executive on 6 July before the refreshed corporate plan was adopted by Council on the 28 July 2021.

The Head of Communications, Strategy and Policy showed Members a silent three minute video on the achievements of the Annual Plan. He responded to a query from Councillor Devonshire as to when receptions would be re-opening.

Councillor Goldspink commented on whether the Queen's canopy project and also the establishment of wildlife areas and whether these could be mentioned in the sustainability section of the refreshed Corporate Plan. The Head of Communications, Strategy and Policy said that these matters could be included in the sustainability section of the plan.

Councillor Curtis commented on how much attention had been paid to the realisation of the corporate objectives on a ward by ward basis.

The Head of Communications, Strategy and Policy said that some of the actions in the refreshed Corporate Plan could be amended to include information that was specific to individual wards.

Councillor Drake commented on whether the provision of discretionary rate grants could be restarted now that residents might be looking to open or restart businesses in East Herts.

The Head of Communications, Strategy and Policy said some new discretionary grant funding had come through via the Chancellor's overall package of support for businesses. He said that a scheme that would replicate the discretionary grants scheme was due to open next month.

Councillor Curtis proposed, and Councillor Bell seconded, a motion that the recommendations as detailed in the report be approved. After being put to the meeting and a vote taken, the motion was declared

CARRIED.

RESOLVED – that (A) the Annual Plan and the refreshed Corporate Plan be reviewed; and

(B) the comments of the Overview and Scrutiny Committee be forwarded to the Executive for their consideration.

71 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.

Councillor Curtis said he had been contacted by a Parish Councillor in his ward regarding a Council contract in terms of the compliance with the terms of the contract. He asked about the review process that was place to look at whether or not a contractor was meeting the expected standards.

The Chairman reminded Members of the form to be completed in respect of potential topics for Scrutiny so that Officers were aware of what Members were expecting. Councillor Goldspink asked if Members could look at the report that was completed by the consultants in respect how Overview and Scrutiny was conducted at East Herts.

The Chairman reminded Members that the Committee

did have the opportunity to look at this report at the previous meeting and this document was still available for Members to refer back to before it could be brought back to Committee.

Councillor Goldspink said that the Agenda for this meeting had been quite long and she pointed out that one of the recommendations of the consultant's report was that Members should not get presented with a lot of detailed reports.

It was moved by Councillor Curtis, and seconded by Councillor Ward-Booth, that the draft consolidated Work Programme be approved. After being put to the meeting and a vote taken, this 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.

72 URGENT ITEMS

There was no urgent business.

The meeting closed at 9.24 pm

Chairman
Date