

Environment Overview and Scrutiny Committee
23 September 2019

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE held on Monday 23 September 2019 at 7.30 pm in the Council Chamber, Campus East, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors S.Wrenn (Chairman)
P.Smith (Vice-Chairman)

M.Birleson, E.Boulton, J.Broach, M.Cowan, T.Jackson-Mynott, C.Juggins, J.Weston, P.Zukowskyj and S.Markiewicz (substituting for J.Cragg).

ALSO PRESENT: K.Cole (On behalf of the Centre for Public Scrutiny)
F.Thomson (Executive Member, Governance and Public Health)

OFFICIALS PRESENT: Corporate Director (Public Protection, Planning and Governance) (N.Long)
Head of Environment (D.Reyner)
Head of Public Health and Protection (J.Harding)
Senior Performance and Strategy Officer (G.Crawford)
Parking and Cemetery Services Manager (V.Hatfield)
Community and Environment Services Manager (K.Roberts)
Team Leader (Public Health and Protection) (C.Brown)
Governance Services Officer (H.Johnson)

18. SUBSTITUTION OF MEMBERS

Councillor S.Markiewicz substituted for Councillor J.Cragg.

19. APOLOGY

An apology for absence was received from Councillor J.Cragg.

20. MINUTES

The minutes of the last meeting held on 10 June 2019 were approved as a correct record and signed by the Chairman.

21. ACTIONS UPDATE

The report of the Corporate Director (Public Protection, Planning and Governance) set out the status of actions from the meeting on 12 March 2019 and previous meetings.

Environment Overview and Scrutiny Committee
23 September 2019

The following points were raised:

CP Plus Performance Results 2018-19 (to which minute 84 referred) – Members asked whether Officers had spoken with Sainsbury with regards to the condition of their car park and the level of detritus. Officers from the Environmental Health team agreed to circulate information to Members following the meeting.

Climate Change (to which minute 67 referred). Members asked whether the marketing of the electric car scheme to new residential flats in the area had taken place. Officers agreed to circulate an update to Members following the meeting.

RESOLVED:

That the Committee note the status of actions outlined in the report.

22. DECLARATIONS OF INTERESTS BY MEMBERS

Councillor P.Zukowskyj declared a non-pecuniary interest in items on the agenda by virtue of him being a Hertfordshire County Councillor.

23. PERFORMANCE INDICATORS - QUARTER 1

Report of the Corporate Director (Resources, Environment and Cultural Services) set out the key performance indicator data collected for those services that fell within its remit. It provided Quarter 1 along with comparative information where possible.

The report enabled the Committee to identify which Council services were improving, not improving or remaining the same in their key performance areas. Service team comments were also included to explain the performance shown, along with any further action needed.

The Committee noted that a new performance management system called Clearview was now producing performance reports so information was presented differently from before.

Key Performance Indicators (KPIs) highlighted in green were for those that had met or exceeded the target, amber for those that had reached the target within tolerance and red for those that had failed to reach the target.

All KPIs were achieved except for KPI 58 – “The percentage of minor and other planning appeals allowed against the Council’s decision as a percentage of the total number of planning appeals against refusals of planning applications”

A discussion followed regarding the following KPIs:

KPI 18 - The percentage of household waste collected and sent for reuse, recycling and composting

Environment Overview and Scrutiny Committee
23 September 2019

The target was met and Officers clarified that the annual target was lower (44%) than the quarterly target (48%) because they had profiled the target on a quarterly basis due to seasonal changes.

Members were concerned that performance was plateauing and that real progress was required. Officers advised that Urbaser, the new streetscene contractor, was starting in 2020. Urbaser would be collecting food waste as well as doing kerbside collections of materials such as small WEE and such changes could bring about an increase in the recycling rate.

KPI 23 - The completion rate of all tree maintenance work within the planned programme

The target was met however Members were concerned about trees blocking street lights and the presence of epicormic growth or “suckers” (growth from dormant buds along the trunk of trees) that had not been removed for years. Members asked that a report from the Tree Officers be presented to the Committee. The Corporate Director (Public Protection, Planning and Governance) agreed that a presentation from Tree Officers on their work including tree maintenance, suckers, street light blocking and false acacias would be brought to the next meeting.

KPI 42 The number of Operation Reprise incidents that required a visit and were attended

The target was met and Officers clarified that the 85% target was not due to lack of service provision, but that they could receive three calls in the same shift on the same issue. Additionally by the end of the shift the issue might have resolved itself. Members asked that the next report on KPIs made it clear that this was the case.

KPI 58 - The percentage of minor and other planning appeals allowed against the council’s decision as a percentage of the total number of planning appeals against refusals of planning applications

Members were concerned that the Council’s housing land supply was having an impact on the KPI result, and if so then there ought to be an urgent course of actions. Officers agreed to circulate further information following the meeting and this was subsequently done by the Head of Planning on 1 October 2019:

“Performance Indicator 58 relates to minor and other planning appeals allowed against the Council’s decision. The performance for Q1 2019/2020 was 41.7% against a rolling two-year target of 10%. The note states that 12 appeal decisions were received in the quarter of which 5 were allowed. It advises that officers will continue to monitor any identifiable trends in decision-making by the inspectorate and consider adapting approaches accordingly.

Environment Overview and Scrutiny Committee
23 September 2019

It is (not yet) the interpretation of Officers that housing land supply is having a significant effect on this situation. Officers are acknowledging in their reports and in reports to the Development Management Committee (DMC) that the Council does not have a five year housing land supply and that more weight should be given to sustainable housing delivery. This is well understood by the Committee and most of the reasons for refusal relate to other important matters such as design and impact on neighbouring amenity.

The Housing Delivery Test Action Plan that we were required to prepare earlier this year considers how the Council (and its partners) might improve delivery. It judges that the Council is actually pretty good at determining housing applications (95% of majors, 84% of minors and 90% of others approved within timescale and average 2.6 months). It observes that delay can sometimes occur in the signing of Section 106 agreements for larger and more complex schemes (average 9.7 months). It also notes that the largest time component of delivery is actually the period between permission and construction starting (13.3 months) and construction being completed (ranging from 8.9 months for small schemes of 0-4 dwellings up to 26.9 months for large schemes of 100-250 dwellings). The Action Plan therefore states that the Council will continue to maintain these standards of determination and highlights the importance of progressing the Local Plan to allocate new sites for housing development”.

RESOLVED:

- (1) That the Committee note the performance indicator data collected and reported.
- (2) That the Committee discuss and agree any feedback to be provided to the Council service teams on the trends shown.

24. LICENSING POLICY

The report of the Corporate Director (Public Protection, Planning and Governance) set out the results of the consultation on the revised Licensing Policy and proposed changes.

Under the Licensing Act 2003 the Council was required to revise and consult upon its Licensing Policy. The consultation took place and the two responses were set out in Appendix 2 of the report.

The first was from the British Beer and Pub Association (BBPA) which requested a few clarifications and additions. The second was from the Fire Protection service relating to changes in their contact details and one typographical error which subsequently was corrected.

Environment Overview and Scrutiny Committee
23 September 2019

Members considered the Officers suggested policy changes in response to the consultation, which were set out in Appendix 3 of the report.

There was discussion by Members about the following proposed changes:

Licensing Policy point 5.3 - Request to change wording from “which encourage people to drink more than they might ordinarily.” Requested sentence is changed to “The aim of the condition is to prohibit or restrict promotions which undermine the licensing objectives.”

Some Members felt that the requested change provided much more clarity and was less subjective, other Members felt that it was too wordy. It was put to the vote and

AGREED
(9 voting for and 3 against)

That the wording for Licensing Policy point 5.3 was changed to “The aim of the condition is to prohibit or restrict promotions which undermine the licensing objectives.”

Licensing Policy 38.10 - Use of the word “persistent” for underage sales could create confusion due to the level of subjectivity. Add a sentence referring to the section 182 guidance at 11.29 which refers to a proportionate approach rather than be too specific as each case will be different.

Some Members felt that the word “persistent” could be defined as one or two cases, however the Officer suggestion of referring to external guidance was agreed by the majority of Members as it was less subjective.

RESOLVED:

- (1) That the Committee note the results of the consultation set out in Appendix 2 of the report.
- (2) That the Committee agree all the changes proposed (in Appendix 3) to the revised policy at Appendix 1 for onward approval by Full Council.

25. REGULATORY SERVICE STANDARDS

The report of the Corporate Director (Public Protection, Planning and Governance) informed Members of the feedback received following a consultation that took place in respect of the standards for regulatory work carried out by various Council teams.

The standards were originally adopted in 2014 and linked with the Council’s corporate enforcement policy and the central government Regulators Code. In

Environment Overview and Scrutiny Committee
23 September 2019

view of the production of the new corporate customer service strategy, it was timely to produce a revised set of standards.

There was minimal feedback from the consultation (outlined in Appendix 1 of the report) and Officers had incorporated the comments into the revised set of standards (Appendix 2 of the report).

RESOLVED:

- (1) That the note the comments received from the recent consultation on the revised regulatory service standards.
- (2) That the Committee agree the revised set of regulatory service standards and pass onwards for adoption by Full Council.

26. DUTY OF CARE ENFORCEMENT FOR FLY-TIPPING

The report of the Corporate Director (Resources, Environment and Cultural Services) briefed Members on the introduction of a Fixed Penalty Notice (FPN) to allow individuals to discharge liability for the duty of care offence by payment of a fixed penalty notice.

In January 2019, the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 were updated to allow a FPN to be issued for offences related to household waste duty of care. Under Section 34 of the Environmental Protection Act 1990, all occupiers of domestic properties were required to take reasonable measures to ensure that waste produced on their property was only transferred to an authorised person (household waste duty of care) which reduced the risk of household waste ending up in the hands of those who may fly tip it.

The introduction of the FPN would allow officers to deal effectively with low level breaches, send out a stronger message than the current system allowed and was an alternative to prosecution. Currently, the only options available to the Councils Community and Environment team when a breach of duty of care occurred was to prosecute, issue a Simple Caution or take no action.

A discussion followed and the following points were raised and discussed:

- Some Members felt that the fee was too high. Officers confirmed that enforcement would be proportional and reasonable, the level of the fee was consistent with other local authorities in the area.
- Officers would do all they could do to raise awareness of the new charge in the first instance. The SCRAP campaign was educating residents about the need to ask for a waste carrier licence to ensure that their waste did not end up being fly tipped. Information had gone out in Life Magazine, social media and the press.

Environment Overview and Scrutiny Committee
23 September 2019

Officers agreed to bring a report to a future meeting highlighting the scale of the issue in the borough and how the introduction of FPN by other local authorities had reduced the amount of fly tipping.

RESOLVED:

- (1) That Members note the contents of the report and the introduction of a Fixed Penalty Notice (FPN) to allow individuals to discharge liability for the duty of care offence by payment of a FPN.
- (2) That Members note that the Duty of Care “FPN” will be issued by current authorised officers (Community and Environment Officers and Street Wardens).
- (3) That Members recommend to Council that the level of fine for Duty of Care “FPN” should be set at £300, reduced to £200 for early resolution (if paid within 10 days).
- (4) That Members recommend to Council that the existing level of FPN for other fly tipping offences should be amended to £300, reduced to £200 (currently £180) for early resolution (if paid within 10 days). This will ensure that the FPN that can be issued for fly tipping is consistent with the above FPN for duty of care breaches and is in line with other Authorities in Hertfordshire who have introduced the fixed penalty notice.

27. ECONOMIC DEVELOPMENT ACTIVITY

The report of the Corporate Director (Public Protection, Planning and Governance) updated Members on the economic development activity that had taken place since the last report in March 2019 and the actions planned for October 2019 – March 2020.

The new **Economic Development Apprentice** at the Council was introduced to Members.

Members noted that:

- **Apprenticeship Event** was planned to be held at Brockett Hall, with funding from the Hertfordshire Ambassador Apprenticeship Network secured.
- **New Business Ratepayers** – Sopra Steria had agreed to include the economic development flyer which promoted the business support on offer when sending out a rates bill to new businesses registering their commercial space.
- **Hertfordshire SME Awards** - The Council sponsored the awards for the third year running

Environment Overview and Scrutiny Committee
23 September 2019

- **Welwyn Hatfield Careers Fair** – The Council was leading on the event in partnership with the Careers and Enterprise Company and Roche Products Ltd.

Some Members felt that the budget for economic development (which was in addition to the salary of the Economic Development Officer and apprentice) was low, particularly when the town centres were in need of a boost and the increase of vacant business premises.

The Corporate Director (Public Protection, Planning and Governance) informed Members that many years ago there was a whole team working on economic development but with austerity measures statutory services had to be prioritized.

Officers also confirmed that funding for and sponsorship of events made the budget go much further.

Economic development by its very nature fell within the remit of other teams across the Council and the Executive Member (Governance and Public Health) advised that the Hatfield Regeneration Board was looking at encouraging and promoting Town Centres and retail space.

Some Members suggested the use of “Pop up” businesses to utilize the empty business spaces. Officers advised the Committee that there was a grant scheme for new start-ups and that the Welwyn Garden City BID team were looking at increasing footfall in town centres.

Members were keen to see a report on the Council’s retailing strategy to look at reducing the long-term vacancies of retail shops as well as return on investment analysis. Officers agreed to bring a report to the next meeting of the Committee.

RESOLVED:

That the Committee note the economic development activity that has taken place since the last report in March 2019 and the actions planned for October 2019 – March 2020.

28. **KEEP CLEAR POLICY - DRIVEWAYS AND PRICING STRATEGY**

The report of the Corporate Director (Resources, Environment and Cultural Services) set out the amended process for applying for an H-Bar marking (an elongated white ‘H’ on the carriageway that is marked across a vehicular crossing where there is a dropped kerb) as well as the terms and conditions and associated fees.

In January 2019 the Committee recommended to Officers to communicate with Hertfordshire County Council (HCC) with a view to amend the current Parking Services Agency Agreement, to allow Welwyn Hatfield Council to offer the installation of H-Bar road markings to their residents because Hertfordshire

Environment Overview and Scrutiny Committee
23 September 2019

County Council had discontinued the practice. The Council received a number of requests each year from residents for H-Bar road markings.

Agreement had been reached with HCC and Officers proposed a detailed process to be adopted in their report.

The following points were raised by some Members:

- There was concern about point 4 in the Terms and Conditions (Appendix A of the report) which advised that if the application was not approved, the decision was final, could not be appealed and the payment was non-refundable.
- As H-bar markings was a discretionary service it would be unfair for other residents to subsidize the service and therefore the charge was reasonable.
- The majority of Members felt that the proposal of £100 to renew the H-bar marking was too much as most of the administration costs would be incurred the first time round.

Officers advised that:

- The application process and criteria would be clearly laid out and residents given as much guidance as possible so that they did not carry out site visits unnecessarily.
- The fees were consistent with other local authorities in Hertfordshire.
- The road markings could last up to five years.

Officers then proposed that the administration fee for the first application remain the same at £100 but that the renewal fee could be reduced to £50.

Members were not in support of the new proposal without further consideration and it was agreed that Officers would review the options.

29. COMMITTEE OVERVIEW WORK PROGRAMME 2019-20

The pro-forma set out the Committees overview work programme. It had been updated since the last meeting to enable forward planning of items to be considered to take place.

Members agreed that a presentation on Tree Maintenance be added to the work programme with a view to informing Members on the priorities of the tree team. In particular tree maintenance, managing epicormic growth (otherwise known as "suckers" - growth from dormant buds along the trunk of trees), pruning back tree branches from street lights and false acacias.

Officers also highlighted the recent Gold, Silver and Bronze awards to the Council for Anglia in Bloom. The Environment team and the Landscape and Ecology team were looking at increasing sustainable planting and adding additional height to beds. Members commented that the planting in

Environment Overview and Scrutiny Committee
23 September 2019

Howardsgate was great but that improvement was required in other areas such as Fretherne Road and that there was conflict between the Council's and BID's choice of planting. Officers agreed that the intention was to improve the unity of planting scheme.

30. RESPONSE FROM CABINET/COUNCIL TO SCRUTINY RECOMMENDATIONS/REPORTS

The recommendations made by the Environment Scrutiny Sub-Committee on verge and footway parking were approved by Cabinet on Tuesday 4 June 2019.

31. COUNCILLOR CALL FOR ACTION

Councillor M.Birleson raised the issue of the lack of water facilities at Hatfield Hyde Cemetery, and that a water butt had been put in place but was insufficient.

For the item to be discussed, all avenues had to have been exhausted, including the Council's official complaints procedure. The Corporate Director (Public Protection, Planning and Governance) agreed to find out how the issue was progressing.

After the meeting the following response from the Head of Environment was circulated to Councillor M.Birleson:

"Officers have been looking for solutions to the loss of water supply to the trough in Hatfield Hyde. The trough is currently filled up a couple of times a week by a water bowser, regrettably, the very dry weather this last 2-3 months had meant on occasions the water trough becoming empty before it could be refilled.

We have now explored the cause of the loss of water, which we now know was due to damage to underground piping. Discovering the cause of damage was complicated by the need to dig exploratory holes in the graveyard and the permission of the Church faculty.

Currently, we are looking at the best way to replace the Hatfield Hyde old water piping and supply with a new system".

32. FOOD SAFETY INSPECTIONS

The exempt report of the Corporate Director (Public Protection, Planning and Governance) and accompanying presentation provided an explanation to Members of the requirements placed upon the Council's Public Health and Protection team under the Framework Agreement and Food Law Code of Practice to carry out food hygiene inspections.

The presentation showed in particular how a seemingly popular food establishment could have a low food hygiene rating.

Environment Overview and Scrutiny Committee
23 September 2019

RESOLVED:

That Members note the contents of the report and presentation from the Public Health and Protection team regarding Food Safety Inspections.

Meeting ended 9.29pm
(HJ)