

Council
17 November 2021

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD BOROUGH COUNCIL held on Wednesday 17 November 2021 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors P.Hebden (Mayor)
B.Fitzsimon (Deputy Mayor)

D.Bell, J.Bond, J.Boulton, S.Boulton, L.Brandon,
L.Chesterman, J.Cragg, A.Dennis, S.Elam, G.Ganney,
G.Hayes, A.Hellyer, M.Holloway, T.Jackson-Mynott,
C.Juggins, S.Kasumu, T.Kingsbury, J.Lake, R.Lass,
F.Marsh, S.McNamara, G.Michaelides, L.Musk,
N.Pace, R.Platt, H.Quenet, J.Quinton, J.Ranshaw,
D.Richardson, B.Sarson, P.Shah, J.P.Skoczylas,
P.Smith, C.Stanbury, K.Thorpe, F.Thomson, T.Travell,
J.Weston, P.Zukowskyj

OFFICIALS Chief Executive (K.Ng)
PRESENT: Corporate Director (Public Protection, Planning and Governance) (N.Long)
Head of Law and Administration (M.Martinus)
Governance Services Manager (A.Marston)
Principal Governance Officer (J.Anthony)

29. MINUTES

The Minutes of the meeting held on 16 September 2021 were confirmed as a correct record and signed by the Mayor.

30. APOLOGIES

Apologies for absence were received from Councillors M.Birleson, A.Rohale, S.Thusu, R.Trigg, S.Tunstall and F.Wachuku.

The Mayor noted that Councillors had been required to send their apologies due to a combination of illness and following best practice to prevent others becoming ill.

31. DECLARATIONS OF INTERESTS BY MEMBERS

Councillors J.Bond, S.Boulton, P.Hebden, T.Kingsbury, F.Thomson and P.Zukowskyj declared non-pecuniary interests in items on the Agenda as appropriate as Members of Hertfordshire County Council.

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32. ANNOUNCEMENTS

32.1. Councillor Steven Markiewicz

Councillors were aware that Councillor Steven Markiewicz passed away on Thursday 21 October 2021. The service was held at Harwood Crematorium on Monday 8 November 2021. The Mayor stated that Steven's family took great comfort that cross-party representatives attended which showed that he was held in such high regard.

The Mayor invited The Leader of the Council, the Leader of the Liberal Democrat and Independent Group and Leader of the Labour Group to say a few words.

The Leader of the Council, Councillor T.Kingsbury stated that it was only at the last Council meeting that he was very grateful for the Council unanimously waiving the six month rule to allow Steven to continue as a Councillor. Steven had been a colleague and a friend over a number of years, continuing to be very supportive of the Leader himself and to other members of the Conservative group despite the difficult times he had endured in recent times. Steven was one of the longest serving Councillors at Welwyn Hatfield, having been first elected in 2004. During that time Steven had held many roles, including being lead member for strategic projects and chairman of both the Grants Board and the Resources Overview and Scrutiny Committee. Steven supported and volunteered for the Gateway Club and was an active supporter of the Welwyn Hatfield Citizens Advice Bureau. He also served for a period of four years as Hertfordshire County Councillor. Councillor Kingsbury noted that the Council chamber would not be the same without Steven, who would be missed by everyone who knew him.

The Leader of the Liberal Democrat and Independent Group, Councillor P.Zukowskyj stated Steven would be sorely missed. One of Councillor Zukowskyj's fondest memories of Steven was meeting him at the Gateway Club where he regularly helped out, both by applying his organisation skills and providing practical assistance on the ground. Councillor Zukowskyj confirmed that Steven would be missed, not just in the Council Chamber but throughout the wider community.

Councillor K.Thorpe, Labour Group Leader, stated that Steven's presence at meetings would be missed. One of Councillor Thorpe's memories of Steven was when Councillor Thorpe first became a Councillor and met Steven in his pin-stripe suit and depicting a certain caricature of a Conservative Group member. However, not long afterwards, Councillor Thorpe came across Steven, in an apron helping out in the kitchens at the Gateway Club. Councillor Thorpe noted that Steven had travelled from the other side of the Borough to volunteer on a Friday night to help people, not for any publicity but to help people enjoy themselves at the Gateway Club, and had done so for many years.

Councillor J.Cragg and L.Chesterman also paid tribute to Steven Markiewicz.

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The Council then held a minute's silence for reflection.

32.2. Curry Night

The Mayor thanked everybody who supported the Curry Night at the Bengal Paradise, and specifically thanked Raj for his generosity in hosting the event. Members noted that over 80 tickets had been sold and over £1000 was raised for JOCA.

32.3. Quiz Night

The Mayor reminded Members to book their place or their teams place for the Quiz Night on Friday 3 December 2021.

32.4. Mayor's Annual Charity Dinner

The Oak Room at Brocket Hall had been booked for the Charity dinner on Saturday 12 February 2022. One of Britain's leading violinists would be entertaining guest after dinner with her electric violin. The event would take place in support of a good cause, JOCA.

32.5. Chief Executive Announcement

The Council's Corporate Director, Nick Long would be leaving the Council at the end of November 2021. He will be starting a new role and life in Scotland. Nick first joined the Council in January 1991 and has been working at the Council for over 30 years. The Chief Executive, on behalf of the Council thanked Nick for his hard work and contributions to the Council. Members joined the Chief Executive and wished Nick and his family all the best for the future.

32.6. Leader's announcement - Local Plan

The Leader updated members on the Local Plan. The Leader, the Cabinet and the Conservative Group were deeply concerned about the impact of 15,200 dwellings on the Borough. On hearing the Prime Minister's speech at the Conservative Party Conference and subsequent comments from the new Secretary of State, Cabinet decided to write to the Secretary of State requesting clarification before moving forward with any decision on adopting the Local Plan. The Leader confirmed he would update Members once the Council had received a response.

32.7. Leader's announcement - Housing Compliance

At the last full Council meeting, the Leader had provided an update on the actions that the Council had undertaken following the receipt of regulatory notice by the Regulator for Social Housing.

The Leader gave an update on the matter to Members. Officers working in the Housing Property Service continue to work hard to move towards a position of

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full compliance. Officers gave a detailed update on the major compliance areas covering fire, water, asbestos, electric and gas and lifts to members of the Cabinet Housing Panel on the 8 November 2021 and would continue to provide updates to all future CHP meetings. Officers continue to meet with the Regulator for Social Housing on a regular basis. The Council is moving forward with its review, including utilising external support as required. This should establish how this issue had arisen and more importantly how the Council would ensure that this did not happen again. Part of the review involved a disciplinary matter and an officer had been suspended in accordance with the disciplinary procedure of the authority. Members were reminded that suspension was a neutral act whilst the outcome of the investigation was unknown. As the investigation was yet to be fully concluded, the Leader could not provide any further information. Officers were progressing with actions and tasks had been put in place to return to compliance as quickly as possible. The Council's tenants and leaseholders would remain the top priority.

33. QUESTIONS BY MEMBERS

33.1. Question to the Leader from Councillor Russ Platt

"I understood this council was proud of its openness and transparency, however we have still not had confirmation the internal report into the housing compliance problems will be made public. Can the leader confirm that when the report is eventually complete it will be published?"

Answer

The Leader asked Councillor F.Thomson (Executive Member, Housing and Climate Change), to provide an answer:-

"Thank you Councillor Platt for your question. As the Leader has stated, part of the review involves a HR matter. I can confirm that an internal disciplinary process commenced in June, requiring thorough investigation and sensitive handling. The appropriate policies and processes are being followed. The investigation has been complex and time consuming, and slower than expected. However this matter is now coming to a conclusion. The internal reporting process cannot conclude until the disciplinary process has completed.

As your leader is aware, this may involve the Investigating and Disciplinary Committee and I cannot comment any further at this stage.

Our primary concern remains achieving full compliance for our residents; and while the review is ongoing, officers have put in place a compliance improvement plan and we are delivering towards full compliance. The Regulator for Social Housing has been kept informed throughout."

In a supplementary question, Councillor Platt asked whether the report would be published when it is completed, and sought confirmation that only the essential redactions that are legally required would be made to any documents published?

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Councillor Thomson said that she would be happy to share the findings of the report once it was published.

33.2. Question to the Leader from Councillor Lucy Musk

“Welwyn Hatfield Council often promotes great causes around improving the lives of local residents. However does the leader agree with me that the Council made an error in not being part of the 'Purple Tuesday 2021' programme to improve the customer experience for disabled people in Welwyn Hatfield?”

Answer

“Thank you for the question, and for highlighting the amount of work undertaken at the council to promote organisations that improve the lives of people who live, work, or spend time in Welwyn Hatfield.

Over the last 12 months we have helped raise awareness of the UN's International Day Of Persons With Disabilities, Dementia Awareness Week, Baby Loss Awareness Week, Pancreatic Cancer, Crohn's and Colitis and others, including our longstanding partnership with the NHS to promote breast cancer awareness, research and care. Next week we will be celebrating White Ribbon Day and the subsequent 16 Days of Action on domestic abuse.

As far as I understand it, Purple Tuesday is different to these awareness days or weeks. It is a scheme to which organisations can commit as one way of ensuring their products and services are accessible to people with disabilities. It should be noted that we are already doing quite a lot in this area. For example, through the work of our customer service strategy, which includes our commitment to making our website fully accessible to people with visual, auditory, or mobility impairments, or differences in their thinking and understanding and through other work led by the council's equality and diversity group and do invest in improving accessibility to all, and we will continue to do so.

We have also been a disability confident employer since 2018. This is a government scheme which supports employers to make the most of the talents disabled people can bring to the workplace.

It gives assurance that as an organisation we challenge attitudes towards and increase understanding of disability; remove barriers to disabled people and those with long-term health conditions; and ensure that disabled people have the opportunities to fulfil their potential.

We are always happy to review how other schemes can add value to the work we are already doing.”

In a supplementary question, Councillor Musk said that she did appreciate the work the Council undertook as an organization but was looking at the wider services such as Campus West and other venues around the Borough. With

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those venues in mind, Councillor Musk asked whether it was an error that the Council missed out on 'Purple Tuesday'?

Councillor Kingsbury said that he was happy to take the suggestion back to the Equality Group to look into further.

33.3. Question to the Leader from Councillor Ayesha Rohale

"At the last council meeting, in response to my question, there was a statement which suggested a notification system flagging properties in need of checking statutory compliance had only just been implemented. Since this is a really basic task, could the administration explain why such a system was not in place previously?"

Answer

The Leader asked Councillor F.Thomson (Executive Member, Housing and Climate Change), to provide an answer:-

"Thank you Councillor Rohale for your question. In response to this same question on electrical testing you asked at the last Council meeting, I reported that since the compliance issue came to light, the council revised a number of procedures, and produced a rolling 5-year testing programme to ensure all properties are covered and completed on time. It isn't the case that we have only just implemented a notification system.

Additionally, and working with an external consultant, robust contract management procedures were implemented to monitor the rolling programme, and any issues for example, access issues, reported by Mears are addressed straight away.

As of 12 November- ELECTRICAL: 100% COMPLIANCE in communal areas (652 blocks). 97.1% compliance in domestic properties. 210/8975 domestic properties remain outstanding due to access issues, and we are going through the process of gaining access to these properties. Members will be aware we have had similar access issues with gas safety checks."

33.4. Question to the Leader from Councillor Tamsin Jackson-Mynott

"As at the last council I was not provided with a satisfactory answer, I want to ask again, in the light of the focus on fire risk assessments after the loss of so many lives in the Grenfell disaster, how is it possible for the Council to have failed to notice that statutory fire risk assessment testing had not taken place on 90% of council properties?"

Answer

The Leader asked Councillor F.Thomson (Executive Member, Housing and Climate Change), to provide an answer:-

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“Thank you Councillor Jackson-Mynott for your question. I was not aware that you were unhappy with the answer provided last time.

Fire Risk Assessments were carried out in communal areas in 2018, and were due to be repeated in 2020 at the peak of the Covid lockdown. A review of that assessment was delayed due to the replacement of the fire door programme being affected by the change in regulations with fire door certification and testing.

Action was taken to ensure that all higher risk blocks, for example sheltered schemes, received a new Fire Risk Assessment (FRA) in 2020. A detailed update was provided to the Cabinet Housing Panel on the progress made in relation to meeting compliance in this area last week. And I would like to reassure members that officers are meeting with Hertfordshire Fire and Rescue Service, who are satisfied with the actions we are taking and the progress we are making.

A programme to upgrade fire doors was started in 2016, installing doors that carried the British Standard cert for Fire Safety. Following increased scrutiny on fire regulations, the programme was paused to source fire doors with greater fire resistance. Of the inspections carried out to date, no significant issues have been found.”

33.5. Question to the Leader from Councillor Paul Zukowskyj

“We were told at the last council meeting that, other than Fire Risk Assessments, the statutory checks (electrical, asbestos, water) for all outstanding properties would be complete within two weeks. I am informed the council failed to meet that target. Has the regulator for Social Housing been informed and were they content with this council missing a target yet again?”

Answer

The Leader asked Councillor F.Thomson (Executive Member, Housing and Climate Change), to provide an answer:-

“Thank you Councillor Zukowskyj for your question.

We continue to keep the Regulator for Social Housing updated on our programme of improvement; and at the latest meeting with the regulator on 16 November, they indicated they have no concerns about our progress.

As members will be aware we continue to update compliance progress on the Council’s website, and we have been clear that to meet our expectation we required access.

As of 12 November- ELECTRICAL: 100% COMPLIANCE in communal areas (652 blocks). 97.1% compliance in domestic properties. 210/8975 domestic

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properties remain outstanding due to access issues, and we are going through the process of gaining access to these properties. Members will be aware we have had similar access issues with gas safety checks.

ASBESTOS: 100% COMPLIANCE, all blocks have been inspected 23/25 remedial works carried out and none were high risk. Any asbestos is clearly marked, and anyone carrying out work will be aware of its location).

WATER: 92.6% COMPLIANCE (every block has been visited, 15/349 blocks are outstanding due to issues accessing loft space, but are booked in for this week).

As previously stated we have a programme in place for fire risk assessments and replacement fire doors to be completed by March 2022.”

33.6. Question to the Leader from Councillor Frank Marsh

“The council’s failure to deliver statutory checks on council properties is clearly an issue that needs the continued full attention of this council and it’s members, however to date no scrutiny of the issues has been scheduled and a single, very limited, report has been presented to the Housing Panel. I would still like to know when there will be an honest question and answer session for councillors with senior officers, past and present portfolio holders and including members of the cabinet.”

Answer

The Leader asked Councillor F.Thomson (Executive Member, Housing and Climate Change), to provide an answer:-

“Thank you for your question Councillor Marsh.

As the Leader and I have both reported this evening, the review involves a HR matter. This has been a lengthy process, however it is now coming to a conclusion.

I will repeat what I said when you asked this same question at the last Council meeting. It will not be feasible to hold a Q and A session whilst the review is taking place. However once the review has concluded, I will be happy to share findings with councillors. At this moment I cannot predict when that will be, but in the meantime I have requested that the Cabinet Housing Panel receive a housing compliance update at all future meetings. Additionally I have asked officers to organise compliance training for members and I’m pleased to announce that two specific sessions will be organised in December. An invite will go out to members after the meeting tonight.”

34. MATTERS ARISING FROM THE CABINET

The Council considered a recommendation from the meeting of the Cabinet on 3 November 2021:-

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34.1. Council Tax Support Scheme

The purpose of the report was to recommend the continuation of the Council's localised Council Tax Support Scheme into 2022/23.

The scheme, as detailed in the report, fully protected pensioners, families with children under 5, as well as certain other vulnerable claimants. For others, the assessed entitlement was calculated on 75% of the Council Tax bill. Consultation had taken place with Hertfordshire County Council and the Hertfordshire Police and Crime Commissioner on the intention to continue with the same scheme. The Hertfordshire Police and Crime Commissioner had responded in agreement, and Hertfordshire County Council had no comments to make.

The cost of the scheme was met through the collection fund, through a reduction of the Tax Base. Based upon the latest information, the cost of the scheme for 2021/22 was likely to be £7.9M across all preceptors. The cost was in excess of 10% of the council tax receipts, and the resulting reduction in the tax base is borne by all other taxpayers.

The amount was an increase of £0.5M from the previous year, largely because of the continued impact of the pandemic. However, there were indications that the cost is now beginning to decrease.

The likely cost in 2022/23 will form part of the tax base calculation, and will be estimated as part of the budget setting process.

It was moved and seconded by Councillors D.Bell and T.Kingsbury and

**RESOLVED:
(unanimous)**

Council agreed that the Council's localised Council Tax support scheme continued in 2022/23 to help people on low/no income to receive a reduction on their Council Tax.

35. NOTICES OF MOTIONS

The Council considered the following notice of motion submitted under Procedure Rule 16:-

35.1. The following motion had been submitted by Councillor K.Thorpe and was seconded by Councillor P.Shah:-

"This Council notes

- There are an increasing number of reports coming to Councillors from resident living in properties affected by mould

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- Mould within properties can impact on the health of children and adults.
- That this issue affects many properties this Council owns and manages
- That Welwyn Hatfield Council currently has a policy of not replacing windows in homes, that are not deemed to be a priority to be looked through, when the seals have failed. This includes windows in bedrooms including those occupied by children.
- Properties with windows not properly sealed are not energy efficient.
- That windows not properly sealed from the elements can be a key contributor to mould occurring in properties.

This Council resolves

- To request that the Cabinet Housing Panel urgently review the "Window Repairs and Replacement" policy with specific regard to the replacement of 'priority' windows.
- To recognise the scale of the issue of mould within domestic homes in the Borough, and give serious consideration to the findings of a current investigation looking into this."

It was moved and seconded by Councillors K.Thorpe and P.Shah that the motion be approved.

It was then moved and seconded by Councillors F.Thomson and T.Kingsbury that the motion be amended as follows:-

This Council notes:

- There are ~~an~~ increasing significant number of reports coming to Councillors from residents living in properties affected by mould
- Mould within properties can impact on the health of children and adults.
- That this issue affects many properties this Council owns and manages
- That Welwyn Hatfield Council currently has a policy of not replacing windows in homes, that are not deemed to be a priority to be looked through, when the seals have failed. This includes windows in bedrooms including those occupied by children.
- Properties with windows not properly sealed are not energy efficient.
- ~~That windows not properly sealed from the elements can be a key contributor to mould occurring in properties.~~

This Council resolves:

- To request that the recently set up Housing Maintenance Task and Finish Group ~~Cabinet Housing Panel~~ urgently ~~reviews~~ the "Window Repairs and Replacement" policy with specific regard to the replacement of 'priority' windows in addition to the current review into the scale of the issue of mould within council domestic homes in the Borough, and ~~gives~~ gives serious consideration to the findings of ~~a~~ these current ~~investigation~~ s ~~looking into this.~~

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On being put to the meeting there voted:-

The amendment was carried UNANIMOUSLY.

The Motion, as amended, was then put to the meeting and there voted:-

This Council notes:

- There are a significant number of reports coming to Councillors from residents living in properties affected by mould
- Mould within properties can impact on the health of children and adults.
- That this issue affects many properties this Council owns and manages
- That Welwyn Hatfield Council currently has a policy of not replacing windows in homes, that are not deemed to be a priority to be looked through, when the seals have failed. This includes windows in bedrooms including those occupied by children.
- Properties with windows not properly sealed are not energy efficient.

This Council resolves:

- To request that the recently set up Housing Maintenance Task and Finish Group reviews the “Window Repairs and Replacement” policy with specific regard to the replacement of ‘priority’ windows in addition to the current review into the scale of the issue of mould within council homes in the Borough, and gives serious consideration to the findings of these investigations.

On being put to the meeting there voted:-

The Motion, as amended, was declared carried UNANIMOUSLY.

During the debate, a question was raised by Councillor Zukowskyj on the timeframe for any findings and proposed changes recommended by the Task and Finish Panel.

The Monitoring Officer stated that the Task and Finish Panel had just been set up so Officers did not have any information at hand. However, Officers would write to members to update them with the agreed timetable as determined by the Task and Finish Panel.

35.2. The following motion had been submitted by Councillor P.Zukowskyj and was seconded by Councillor J.Quinton:-

“This council has agreed to declare a Climate Emergency.

This council notes that there is an emerging consensus that electric vehicles are the most likely future solution to private transport decarbonisation.

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This council further notes the current lack of infrastructure in the public and developing private realms to support the use of this form of sustainable transport. Particularly concerning is a lack of requirement for residential property developers to supply more than a single EV charging point, no matter the scale of the development proposed.

This council believes new developments must have at least 25% of car park spaces in a development fitted with EV charging to be considered 'sustainable' in future and the remaining 75% must be capable of being retro-fitted, including having sufficient electrical supply capacity already in place. The council will look to refuse planning permission for developments failing to meet these requirements on the basis they are not 'sustainable' in terms of being prepared to address the climate emergency.

This council therefore agrees to advise developers and members of the Development Management Committee alike that 25% EV charging spaces are required except in exceptional circumstances and that a failure to plan for that proportion or better may well result in an application being refused on the grounds it is not providing suitably sustainable infrastructure.

The Council will furthermore ensure consideration of these, and more ambitious, parking requirements are given sufficient attention when preparing a future Climate Change SPD, Parking SPD or other Planning and Parking Policy documents as appropriate."

It was moved and seconded by Councillors P.Zukowskyj and J.Quinton that the motion be approved.

A number of Councillors spoke in favour of the motion, whilst a number of Councillors agreed to the sentiments behind the motion but felt unable to support the motion given doubts on how such aspirations would be enforced or made effective.

On being put to the meeting there voted:-

FOR the Motion – 18
AGAINST the Motion – 23
ABSTENTIONS for the Motion – 0

The Motion was declared LOST.

Meeting ended 8.57pm
AM