

Council
11 July 2016

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the COUNCIL held on Monday, 11th July, 2016 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors P Mabbott (Mayor)

T.Bailey, R.Basch, J.Beckerman, H.Beckett, D.Bell, D.Bennett, M.Birleson, H.Bower, L.Brandon, J.Broach, H.Bromley, A.Chesterman, L.Chesterman, M.Cook, M.Cowan, J.Cragg, J.Dean, I.Dean, J.Fitzpatrick, B.Fitzsimon, G.Hayes, M.Holloway, K.Holman, S.Johnston, T.Kingsbury, M.Larkins, S.Markiewicz, G.Michaelides, H.Morgan, N.Pace, M.Perkins, S.Roberts, B.Sarson, P.Shah, M.Spinks, N.Taylor, F.Thomson, K.Thorpe, R.Trigg, J.Weston, P.Zukowskyj

OFFICIALS PRESENT: Chief Executive (M.Saminaden)
Director (Finance and Operations) (P.Kettle)
Director (Governance) (R.Baldock)
Head of Law and Administration (M.Martinus)
Governance Services Manager (G.R.Seal)
Governance Services Officer (S.Hulks)
Communications Officer (N.Burrows)

3. APOLOGIES:

Apologies for absence were received from Councillors J.Boulton, S.Boulton, C.Gillett, L.Sparks and H.Quenet.

4. MINUTES:

The Minutes of the annual meeting of the Council held on 23 May and the special meeting on 14 June 2016 were confirmed as correct records and signed by the Chairman.

5. DECLARATIONS OF INTERESTS BY MEMBERS:

Councillors L.Chesterman, M.Cook, M.Cowan, S.Johnston and P.Zukowskyj declared non – pecuniary interests in items on the Agenda as appropriate as Hertfordshire County Councillors, Councillors J.Broach and P.Zukowskyj declared non – pecuniary interests as employees of the University of Hertfordshire and Councillor T.Bailey declared a non – pecuniary interest as a shareholder/employee of Ocado.

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The Monitoring Officer, Director (Governance) advised that Members has been granted a dispensation in respect of the Agenda item on the Members' Allowances Scheme (Minute 10 refers).

6. ANNOUNCEMENTS:

1. Jo Cox

The Mayor asked the Council to stand for a minute's silence to honour the memory of Jo Cox.

2. Garden Party

The Mayor announced that her garden party held on Saturday 2 July 2016 at Mill Green Mill and Museum in honour of the Queen's 90th birthday raised over £500 for her charity.

7. QUESTIONS BY MEMBERS:

1. Question to the Leader Councillor John Dean from Councillor Glynn Hayes

"With reference to the local plan, Hatfield site 2 has recently been absolutely ruled out for both the short and long term by Conservative members.

With that in mind, to come close to our OAN (objectively assessed need) this Council will require both Hatfield site 1 and Hatfield site 15 to be approved in the final plan.

So can the Leader assure myself and the residents of the Borough that this is not just a tick in the box exercise and that all comments received during the public consultation will be given the correct attention they require and that should the comments hold merit, the plan will be adjusted or tweaked accordingly?"

Councillor M.Perkins, Executive Member, Housing, Planning and Community responded:

"The next consultation is known as the formal Regulation 19 consultation which relates to the soundness of the plan. The issues raised during the consultation will need to be considered by, not only Cabinet Housing and Planning Panel and Cabinet, but the Council as well which will consider whether any modifications need to be made before the plan is submitted. I expect all Councillors to give full consideration to the evidence supporting the Local Plan and all consultation responses. Any representations made at this stage will also be forwarded to the Planning Inspector for consideration at the public examination of the plan."

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In reply to a follow-up question about consultation, Councillor Perkins had confidence that there were two vigorous exercises which had significantly raised awareness about sites like this.

2. Question to the Leader Councillor John Dean from Councillor Kieran Thorpe

“With regards to the local plan, I note Welwyn Garden City fire station is expected to yield local employment opportunities and Hatfield fire station is expected to yield 33 homes.

Over two years ago this Council passed a motion to strenuously object to the combining of these fire stations and a reduction in the fire service coverage.

Could the Leader therefore update this Council on how strenuous the objections have been so far?”

Councillor M.Perkins, Executive Member, Housing, Planning and Community replied:

“As far as we are aware and in response to my questioning the Executive Member for the Fire Service, Hertfordshire County Council is still considering its options on how best to make provision for a fire service fit for the 21st century. There are no immediate proposals that have come to our attention from the County Council to close either station, and the delivery of the Hatfield site has been pushed back to the latter part of the plan period at the request of the County Council.

So I would assure Members that our objections have been made clear to the County Council by means of our previous motion, and it would appear that they are taking some further time to consider all the options available to them. When more definite plans are made known to us, they will be shared with all Members and the community.”

3. Question to the Leader Councillor John Dean from Councillor Kieran Thorpe

“Can the Leader please update the Council on the latest developments and current situation on the dispute over employment conditions with Serco and its refuse collection staff?”

The Leader answered:

“Thank you for your question Councillor Thorpe.

I am happy to give an update on the discussions taking place at Serco.

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We are advised by Serco that positive discussions are ongoing with the Trade Union, and that there are further planned talks with the involvement of ACAS and it is expected that a resolution will be reached at this stage.”

Councillor Thorpe reminded the Leader of the Whitley Committee and was happy to attend if needed and the Leader indicated that he was also happy to do so.

4. Question to the Leader Councillor John Dean from Councillor John Fitzpatrick

“Many people were affected by the floods that occurred in Welwyn Hatfield on Thursday 23 June 2016. Many found the emergency helpline unavailable when they were in significant need. The fire services worked tirelessly to help many of our residents in distress and the strain put on those services meant that some calls had to be fielded by services as far afield as Norfolk.

Would the Leader outline the actions taken by this Council in response to the flooding, both as the events were unfolding and subsequently, as many people face a costly clean up?”

Councillor B.Sarson, Executive Member for Business, Partnerships and Public Health responded:

“We know from colleagues around the Country who have dealt with sustained long term flooding the misery and impact on the community that flooding causes.

The Council has a small resource dedicated to emergency planning and like many local authorities relies on staff volunteering to help in emergency situations. Other teams within the council and Housing Trust also deal with aspects of flood incidents relevant to their own service provision, and in an emergency these teams work together under a unified incident management team.

We have ensured the Council website has information relating to preparedness for flooding and the steps to be taken in the unfortunate event of a flood occurring. This is to help both residents and local businesses and is part of the ‘warning and informing duty’ required by the Civil Contingencies Act 2004. We have also run business continuity workshops for local small businesses to help them prepare for disruptive incidents, including flooding, sadly the take up has not been great.

On Thursday 23 June a significant number of staff were helping to run the EU referendum locally. Nevertheless, relevant staff were in regular communication and were ready to assist should the need arise. The primary role that might have been requested by the emergency services would be to open an emergency rest centre to support displaced persons.

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No such requests were received and at no point was the weather experienced on 23 June considered a major incident by any of the category one responder agencies. Staff were on standby throughout the night ready to assist should the need arise and indeed a number of staff worked through the night to help.

It is worth stressing that, in common with many local authorities, the Council does not provide sandbags, though there is still a widespread perception that local authorities provide this service. The logistical difficulties involved in storing, filling, prioritising and distributing them, along with issues around disposal and the proven ineffectiveness of sandbags as a means of flood resistance make their effective deployment unfeasible. The Council has been very clear on its sandbag policy for some years and it is posted on the Council website, where we have also signposted people to other more effective sources of flood protection and advice.

On the night in question, the out of hours line provided by the Housing Trust which deals with all out of hours calls anticipated and experienced extremely high call volumes. Staffing was doubled from two to four and a manager was available to cover all emails and queries from sheltered schemes. The high volume of calls was a combination of Housing Trust tenants and private owners seeking advice.

It has been alleged that some calls were routed to Campus West Entertainment. This has been investigated with the line provider, and no evidence has been found to substantiate this.

Environmental Health staff on call were alerted and the Corporate Property team were also out until late, concentrating efforts on the Council's commercial and operational portfolio. The call out team staffing was increased by two additional officers during that evening and corporate buildings were checked to ensure there were no issues. This was carried out until 11.30 p.m.

Immediately the following working day (Friday morning), Environmental Health staff visited a number of business premises that had been affected on Thursday evening and were able to offer advice and support as necessary.

In terms of a clean up, we are unaware of any request for help in the way of clear ups or waste collections. Clearly, if Serco or the Council are approached then advice and/or help may be provided.

From the Housing Trust perspective:

- (1) The repairs centre took over the calls at 8.45 am on Friday, with the Manager and five members of staff dealing with emergency calls only. In excess of 300 calls were handled in the first few hours.

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- (2) The Repairs Supervisor and Contract Supervisor, were on hand all day to advise residents and prioritise properties that required inspection.
- (3) Three Housing Maintenance Team (HMT) inspectors and two Trust Surveyors were available to carry out surveys on flooded properties.
- (4) Where possible Aquavacs were used to remove as much water as possible for residents.
- (5) The Trust authorised HMT and its sub contractors to follow up on the Saturday to pick up any outstanding jobs.
- (6) Where possible a dehumidifier was left with severe cases.
- (7) The Trust authorised HMT to remove damaged personal belongings on behalf of residents who did not have contents insurance.
- (8) Over the following week, HMT carried out follow up inspections on affected properties to ascertain if any further works were required.

In response to a further question from Councillor Fitzpatrick about local drains not being able to cope with the water volume, Councillor Sarson said that an investigation would proceed by Hertfordshire County Council and they would advise to the Council of the results which would be passed to Councillor Fitzpatrick.

5. Question to the Leader Councillor John Dean from Councillor Lynn Chesterman

“There is a charge for shoppers who park in Welwyn Garden City town centre. Although many sources recommend that there should be a free parking period to help revitalise town centres, would the Leader please outline the impact that free parking would have across the town and whether he has any plans to make parking free in Welwyn Garden City?”

Councillor H.Bromley, Executive Member, Environment responded:

“As is well known Welwyn Garden City is already a vibrant town centre where free parking is available on the roads around the town and where parking charges that are in place have been held at their 2013 prices.

A great deal of work is being done by our Town Centre team to ensure the vitality of the town is maintained and improved.

The Council is a member of the Welwyn Garden City Town Centre Partnership which aims to ensure that the vitality of Welwyn Garden City is maintained and improved well into the future. The Partnership is currently developing a Business Improvement District (BID) Business Plan with a

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view to asking local businesses to vote on setting up a BID from the new financial year.

Whilst at this stage there are no planned changes to current parking arrangements it is a topic under regular review.”

In response to a follow up question from Councillor Chesterman about free parking in other areas and the effect on Welwyn Garden City, Councillor Bromley said it could work against shoppers by encouraging commuter parking.

8. MATTERS ARISING FROM THE CABINET:

The Council considered the following recommendations from the Cabinet meeting on 14 June 2016 –

8.1. Food Safety Service Plan

It was a requirement of the Food Standards Agency that each local authority drew up documents and implemented a food safety service plan which was approved by Members.

The Cabinet considered the recommendation from the meeting of the Environment Overview and Scrutiny Committee on 4 April 2016 and it was moved by Councillor B.Sarson, seconded by Councillor J.Dean and

RESOLVED:

That the Food Safety Service Plan for 2016/17 be adopted.

8.2. Health and Safety Service Plan

As an enforcing authority for the Health and Safety at Work etc Act 1974, it was necessary for the Council to produce a service plan which was agreed with Members dealing with the Council’s role as a health and safety regulator and not as an employer.

The Cabinet considered the recommendation from the meeting of the Environment Overview and Scrutiny Committee on 4 April 2016 and it was moved by Councillor B.Sarson, seconded by Councillor J. Dean and

RESOLVED:

That the Health and Safety Service Plan for 2016/17 be adopted.

8.3. Environment Service Third Quarter Performance 2015/16

The Cabinet considered the recommendation from the meeting of the Environment Overview and Scrutiny Committee on 4 April 2016 on the approval

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of an updated recycling collections policy with the removal of the use of orange sacks for missed bins and it was moved by Councillor H.Bromley, seconded by Councillor J. Dean and

RESOLVED:

That the updated recycling collections policy with the removal of the use of orange sacks for missed bins be adopted on the basis that this part of the policy had served its purpose.

9. MATTER ARISING FROM THE ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE:

The Council considered the following recommendation from the Environment Overview and Scrutiny Committee on 4 July 2016 –

9.1. Environmental Enforcement

The Committee considered a recommendation from the Director (Finance and Operations) that the Council's Environmental Enforcement Strategy, which was first introduced in March 2007, be used to implement the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which came into force on 9 May 2016 to enable the issue of "Fixed Penalty Notices" (FPNs) for fly tipping offences and to pursue misdemeanours in court and it was moved by Councillor H.Bromley, seconded by Councillor J. Dean and

RESOLVED:

- (1) That the addition of a Fixed Penalty Notice "FPN" for fly tipping offences as provided for by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 to the current offences for which "FPNs" were issued after investigation(s), to individual(s) who the investigating Officer(s) concluded were not regularly fly tipping offender(s) or were part of criminal activity, be approved.
- (2) That the level of penalty be set at £300 or a reduced penalty of £180 if the "FPN" was paid within ten days.
- (3) That "FPN"s be issued by current authorised Officers (Community and Environment Officers and Street Wardens).

10. WELWYN HATFIELD MEMBERS' ALLOWANCES SCHEME:

Report of the Chief Executive considering the recommendations from a review of Members' allowances by the Independent Remuneration Panel.

It was moved by Councillor J.Dean and seconded by Councillor M.Perkins that the recommendation in the report be approved.

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An amendment with the additional wording to the recommendation in the report “but being mindful of the continuing extremely low pay rises to staff and likely future squeezes on the public sector, no allowance should rise by more than 10% per year, until the recommended levels are reached” was moved by Councillor M.Cowan, seconded by Councillor P.Zukowskyj and lost on being put to the vote (4 voting For).

RESOLVED:

That the Council adopts the recommendations from the meeting of the Independent Remuneration Panel on 21 January 2016 (as slightly amended), but that the changes to the allowances be brought in with immediate effect from 1 July 2016 rather than phased over two years.

In accordance with the Council Procedure Rule 92(a) five Members present demanded by standing up that the vote be recorded. The vote was recorded as follows:-

VOTING FOR

22 – J.Beckerman, D.Bell, D.Bennett, H.Bower, H.Bromley, J.Cragg, I.Dean, J.Dean, B.Fitzsimon, K.Holman, S.Johnston, T.Kingsbury, P.Mabbott, S.Markiewicz, G.Michaelides, H.Morgan, N.Pace, M.Perkins, B.Sarson, M.Spinks, F.Thomson, R.Trigg

VOTING AGAINST

19 – T.Bailey, R.Basch, H.Beckett, M.Birleson, L.Brandon, J.Broach, A.Chesterman, L.Chesterman, M.Cook, M.Cowan, J.Fitzpatrick, G.Hayes, M.Holloway, M.Larkins, S.Roberts, P.Shah, K.Thorpe, P.Weston, P,Zukowskyj

ABSTENTION

1 – N.Taylor

11. REVIEW OF THE CONSTITUTION:

Report of the Director (Governance) proposing updates to the Constitution.

It was moved by Councillor R.Trigg, seconded by Councillor J.Dean and

RESOLVED:

- (1) That the Council agrees amendments to the Constitution relating to planning and estate management matters, new public health legislation and Officer delegated powers for revenues and benefits.
- (2) That the Director (Governance) and Monitoring Officer be authorised to amend the Constitution to include these changes.

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12. NOTICES OF MOTIONS UNDER PROCEDURE RULE 49:

1. The following motion was proposed by Councillor M.Cowan and seconded by Councillor R.Basch and UNANIMOUSLY agreed, subject to the addition of the word “reasonable” between the words “and” and “resources” in the second paragraph.

“We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our Country. We Welwyn Hatfield Borough Council condemn racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

Welwyn Hatfield Borough Council will work to ensure local bodies and programmes have support and reasonable resources needed to fight and prevent racism and xenophobia.

We reassure all people living in the Borough that they are valued members of our community.”

2. The following motion was proposed by Councillor M.Cowan, seconded by Councillor P.Zukowskyj and LOST (18 voting For, 22 voting Against and 1 Abstaining).

“This Council is concerned about the poor and declining standards of grounds maintenance carried out by Serco, and the frequency of resident complaints about bin collections. It therefore resolves to set up an all-party working group specifically to investigate and then recommend steps to improve these, to restore greater confidence among our residents.”

3. The following motion was proposed by Councillor J.Fitzpatrick, seconded by Councillor K.Thorpe and LOST (15 voting For, 23 Against and 4 Abstaining).

“This Council acknowledges:

- The critical role of scrutiny committees in overseeing the good Governance of this Council
- The vital importance that all Council operations are open and transparent
- That all Members of this Council have a vital role as representatives of the residents of Welwyn Hatfield
- The image and reputation of politics is currently poor and needs to be addressed
- That democracy is paramount, regardless of the particular political persuasion of any controlling party (or parties)

In order to positively address the above issues, this Council resolves that:

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- Scrutiny committees will not include cabinet or lead members in their make up
- Chair and Vice-Chair roles will be selected from elected opposition parties or groups and in proportion to the number of elected members of each opposition group
- Cabinet will ensure, wherever possible, that all decisions and actions are open to call-in for scrutiny across relevant committees
- In the event that it is not possible to make a decision open to scrutiny, Cabinet will communicate its reasons and make clear the information used in order to reach a decision to the relevant committee.”

Meeting ended at 10.00 pm
GS