

Environment Overview and Scrutiny Committee
20 July 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ENVIRONMENT Overview and Scrutiny Committee held on Thursday 20 July 2017 at 7.30 pm in the Chestnut Room, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors S.Glick (Chairman)

H.Beckett, M.Birleson, H.Bower (Substituting for J.Beckerman), J.Broach, N.Chapman, M.Cowan, B.Fitzsimon (Substituting for J.Cragg), K.Holman, N.Taylor, J.Weston

ALSO

PRESENT: H.Bromley (Executive Member, Environment)

CO-OPTED J.Amstrong-Bridges (Tenants' Panel Representative)

MEMBERS: J.Corson (Tenants' Panel Representative)

OFFICIALS Executive Director (Public Protection, Planning and Governance) (N.Long)
PRESENT: Executive Director, (Resources Environment & Cultural Services) (Ka Ng)
Head of Environment Services (D.Reyner)
Head of Head of Public Health and Protection (J.Harding)
Community and Environment Services Manager (K.Roberts)
Parking and Cemetery Services Manager (V.Hatfield)
Contract Manager, Serco (R.Guy)
Senior Performance and Strategy Officer (G.Crawford)
Licensing Technical Officer (Simon Curling)
Cemetery Services Officer (Z.Woodward)
Governance Services Officer (M.Lowe)

1. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

It was noted that the Council had appointed Councillors S.Johnston and J.Cragg as Chairman and Vice-Chairman of the Committee respectively for the 2017/18 Municipal Year.

2. SUBSTITUTION OF MEMBERS

The following substitutions of Committee Members had been made in accordance with Council Procedure Rules 19-22:

Councillor B.Fitzsimon for J.Cragg
Councillor H.Bower for J.Beckerman

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3. APOLOGIES

Apologies for absence were received from Councillors J.Beckerman and J.Cragg.

4. MINUTES

The Minutes of the meeting held on 5 April 2017 were approved as a correct record and signed by the Chairman.

5. ACTIONS STATUS UPDATE

The status of actions agreed at the Environment Overview and Scrutiny Committee meeting on 5 April 2017 in the report of the Executive Director (Public Protection, Planning and Governance) was noted.

6. PUBLIC QUESTION TIME AND PETITIONS

Notice of the following question had been received in accordance with Council Procedure Rule No. 31.

6.1. Question to the Chairman, Councillor Sara Johnston, from Mrs. Judith Watson

“Good evening, I would like to ask why Welwyn Hatfield Borough Council appears to be absolving responsibility in the case of Woolmer Green pond and would also ask for it to be designated a Local Nature Reserve.

It states in the recently submitted Local Plan "In Woolmer Green, the Borough Council will protect the playground, the community and village halls, the allotments, the ponds, the playing fields and the woodlands."

In the latest edition of WHLife I read, "Your Council's Action Plan includes the statement, "to protect and enhance the environment"

And, in the same edition, I also read that the Mayor, Cllr. Lynne Sparks, has as her theme: `Celebrating Welwyn Hatfield'. From the dedicated and passionate people who make the borough a better place to our environment and thriving economy.

I make that three reasons why this committee, and the Borough Council as a whole, should be concerned about Woolmer Green pond. True, there is the problem of the non-native species, crassula helmsii, invasion, but the seemingly adopted policy of 'let's wait and see' has resulted in the loss of most of the pondlife, including the dragonflies and the moorhens whilst the vegetation is fast taking over the area. May I also remind you that allowing the spread of the crassula is a criminal offence. We need something done and done quickly.

In anticipation, thank you. Judith Watson”

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In response, the Chairman read the following answer to the question:-

1. “Why WHBC appears to be absolving responsibility in the case of Woolmer Green pond”

WHBC does not own this land and is therefore under no statutory duty to maintain it.

2. The Pond should be designated as a Local Nature Reserve

A local authority must have ownership of the land or have a lease or agreement in place with the owner in order to designate an area as a local nature reserve. As the owner has not been established WHBC is not in a position to consider this.

3. “The spread of the crassula is a criminal offence”

Under section 14 (2) of the Wildlife and Countryside Act 1981 and subject to the provision of that part *“any person who plants, or otherwise causes to grow, any plant in the wild at a place outwith its native range is guilty of an offence”*.

Crassula Helmsii (aka Australian Swamp Stonecrop otherwise known as New Zealand Pygmyweed) is such a plant and is contained within Schedule 9 to the Act and was added to the schedule by virtue of the Wildlife and Countryside Act 1981 (Variation of Schedule 9)(England and Wales) Order 2010.

Offences under section 14 carry a maximum penalty of a £5,000 fine and/or 6 months imprisonment on summary conviction (i.e. at Magistrates’ Court) and an unlimited fine (i.e. whatever the court feels to be commensurate with the offence) and/or 2 years imprisonment on indictment (i.e. at Crown Court).

WHBC has not caused the crassula to grow. Woolmer Green Parish Council through Grant Shapps MP contacted Defra for advice as to how to deal with this issue. The response from Defra is attached to this email.

7. REVIEW OF THE CORPORATE ENFORCEMENT POLICY

Report of the Executive Director (Public Protection, Planning and Governance) updated Members on the work which was being undertaken to review the Council’s Corporate Enforcement policy. The existing policy had been approved by the Council in September 2014 and was subject to a formal review process. The reintegration of the Housing Services into the Council identified the need to undertake such a review.

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Members requested that the Committee be given an opportunity to recommend the organisations which they felt appropriate prior to the commencement of the consultation exercise.

Members commented that should people be made fully aware of the consequences breaching the law there would be less need for enforcement action. The Council's Life Magazine could be used to inform residents.

The Executive Director, (Public Protection, Planning and Governance) confirmed that the Council would be looking at ways in which to inform residents or visitors of these areas where legislation applied.

RESOLVED:

- (1) That the work which was being undertaken to review the Council's Corporate Enforcement policy be noted.
- (2) That Members be involved in the selection of appropriate organisations who should be approached prior to the consultation exercise.
- (3) That prior to release for consultation, the draft Corporate Enforcement policy be brought to a future meeting of the Committee.

8. CONSIDERATION OF ADDING A NEW CONDITION TO ALL STREET TRADING CONSENTS

Report of the Executive Director (Public Protection, Planning and Governance) sought approval of an introduction of a new condition which would prevent additional name(s) being added to an existing street trading consent.

Members expressed concerns that a trader, who having grown their business and wished to pass it on to a family member, would be unable to do so due to the conditions of the policy.

Officers explained that the Council was responsible to promote consistency and fairness towards the street trading applications and consents. Currently the Council held a waiting list of 16 people who would only have an opportunity of a pitch when one became vacant. There was already very little movement in the waiting list as traders did not tend to give up their pitches. Should a second name be added to a consent the effect would be to dramatically reduce the chances of those on the waiting list being offered a pitch. This was quite unlike shops when the lease ran out or a property was sold.

Officers went on to explain that the number of available pitches had reduced since the policy had last been reviewed. The current number of available pitches was five as opposed to the 15 as stated. This was due to a number of reasons

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including advice received from Highways, the location of the pitch or the suitability of the site.

Members expressed the view that the Environment Overview and Scrutiny Committee should be fully involved with the process when the policy came under review.

Officers further advised that the pitch holders were made fully aware that the consent would be non-transferable when making an application for a new pitch and each subsequent year when applying to renew their consent. There was the potential to create extra space or pitches however this would be dependent on the Members of the Council amending the policy and increasing the number of streets or pitches available. Members would be consulted at the appropriate stage when a firm steer or robust approach would be welcomed.

Officers reported that burger vans were very popular and did very well as a family run business. The Council did not want to ruin businesses but it was imperative that whatever policy was in place was applied fairly, openly and transparently and where a need or issue was identified that Officers took the necessary action to rectify these gaps. It would be difficult to apply the principles of openness and transparency should each application to add a second name be matter be dealt with on a case by case basis.

Members noted that trading from a pub car park was outside the scope of the policy and different rules applied and that food hygiene regulations applied to all pitches.

In summary, Members acknowledged that it was important to find a balance to protect those applicants who had been legitimately on the waiting list for some time with those who which to pass-on or handover their pitch of their business. Members accepted that this was the nature of this sector and concurred that the introduction of a new condition would prevent an additional name to be added to an existing consent and the pitch being passed on by-passing the waiting list and would be much fairer all round.

RESOLVED:

- (1) That the proposal to add a new condition to the Street Trading consent policy be agreed and recommended to Council for adoption.
- (2) Environment Overview and Scrutiny Committee be involved with the review of the Street Trading Consent policy.

9. CP PLUS PERFORMANCE RESULTS APRIL 2016 - MARCH 17

Report of the Executive Director (Resources, Environment and Cultural Services) setting out the report produced by CP Plus which detailed their performance for April 2016 – March 2017, against the agreed Key Performance

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Indicators (KPIs) within the contract. Members noted that CP Plus had achieved all nine KPIs for the 12 month period.

The Chairman, on behalf of the Committee, congratulated CP Plus in meeting the key performance indicators set and noted the service was running well.

A Member for Hatfield, referring to the resident parking schemes introduced across Hatfield and in particular those near to the Galleria, commented that they had been well received and asked that their success be noted. Officers were to be thanked for their hard work in this area.

RESOLVED:

That the contents of the report by CP Plus, as a record of their results April 2016 – March 2017 against the contractual key performance indicators be noted.

10. JOHN O'CONNER GM ANNUAL PERFORMANCE REPORT 2016-17

Report of the Executive Director (Resources, Environment and Cultural Services) contained John O'Conner's GM annual performance for 2017-18 against the contract specification. A breakdown of the burial statistics for this period had also been produced.

Members noted that the contract had been awarded to John O'Conner GM in June 2015. John O'Conner provided both the burial excavation and grounds maintenance activities at the Council's cemeteries on behalf of the Council.

Members welcomed the new Cemetery Services Officer, Zoe Woodward, who had recently started work at the Council.

Members referred to the one area (out of eight) which had not been achieved, which related to the unlocking and locking of the cemetery gates. The report stated that there had been three occasions (out of total of 730 occasions) that the gates had not been unlocked/locked for the entire period. All three had been attributed to human error. In compensation, the contractor had provided three additional grass cuts at The Lawn Cemetery.

Members commented that, although it was a relative minor failure, the gates should be unlocked at the appropriate time to avoid distress to those visiting the cemetery. It was imperative that the facility was open at the specified times.

Members commended the work of the previous Cemetery Services Officer, Rachael Walsh, in the cemetery services. Members also expressed their appreciation of the work of the current contractors. Stating how much better the grounds were kept since John O'Conner had taken over the contract.

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RESOLVED:

That the report, as a record of John O'Conner GM performance against the specification in the contract for April 2016 – March 2017 be noted.

11. ENVIRONMENT SERVICES ANNUAL PERFORMANCE (INCLUDING 3RD AND 4TH QUARTERS) 2016/17

Report of the Executive Director (Resources, Environment and Cultural Services) combined Environment Services information and Serco's customer satisfaction performance for Q3 and Q4 2016/17. It also provided an overall annual summary of performance.

During the consideration of the Performance Indicators Members and Officers discussed the following issues, which had negative impacts on the Borough's streetscene.

- The infrequency the recycling bank containers being emptied due to the lorry being off the road for a number of weeks and difficulties in finding a replacement whilst it was repaired.
- Debris not cleared up when the recycling containers had been emptied.
- The containers often overflowed, particularly those for plastic and cardboard.
- The inadequacy of the size if the opening of the cardboard containers.
- The dumping of large household items, such as TVs, at the local recycling centres which rendered the area unsightly and potentially hazardous.
- Dog waste bins were often overflowing.
- Residents should be earlier informed earlier when there is service disruption e.g. a text message.
- Members were advised to report any fly tipping, which was illegal, to the Contact Centre at the Council immediately. Where possible the perpetrators would be identified, with enforcement action taken.

Following further comments, Members were advised that grass cutting was three days behind schedule however were on course per cutting. That with regards to hedges and hedge cutting, hedges over time outgrew their working height and required a separate cutting for the reduction of height which had to be paid separately. Any such issues should be raised with the Contact Centre. The Groundwork Trust would visit the property to assist elderly and disabled residents whose garden or hedges had become overgrown free of charge.

RESOLVED:

- (1) That the contents of the Environment Services Annual Performance report, including third and fourth quarters for 2016/17 be noted.

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- (2) That Serco carry out a thorough cleansing of all the local recycling in the Borough.

12. PERFORMANCE INDICATOR REPORT

Report of the Executive Director (Resources, Environment and Cultural Services) setting out the performance indicator data for quarter four for 2016/17, along with comparative information.

Officers, in response to questions from a Member regarding why the target for Performance Indicator – 16 - Percentage of Household Waste Collected And Sent For Reuse, Recycling And Composting had decreased, explained that the target for quarter four was different to the other quarters due to the fact that, historically, recycling in this quarter was the poorest, but performance is still above target.

The Chairman, on behalf of the Committee Members thanked all the Teams for their hard work in achieving some quite challenging targets.

RESOLVED:

- (1) That the performance indicator data collected and reported for quarter four for 2016/17 be noted.
- (2) That the discussion be fed back be provided to the Council's our service teams on the trends shown in the performance indicators.

13. COMMITTEE OVERVIEW WORK PROGRAMME 2017/18

The Committee received the revised overview work programme for 2017/18, which suggested that the item on Eat Out Eat Well be considered at the November meeting. This would enable Officers time gather information and evidence on its implementation and effectiveness.

RESOLVED:

That the work programme and proposed amendment, to move the Eat Out Eat Well item to the November meeting, be noted and agreed.

14. RESPONSE FROM CABINET TO RECOMMENDATIONS FROM SCRUTINY SUB-COMMITTEE

The Committee considered the recommendations from the meeting of the Cabinet on 11 July 2017 regarding the findings of the Tree Scrutiny Sub-Committee which had undertaken a review of the impact of trees within the Borough on the lives of residents and visitors. During the scrutiny process the Sub-Committee referred to the Council's Trees and Woodlands Strategy.

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Officers, in response to a question from Members, confirmed that there would be Member involvement when the Council's Trees and Woodlands Strategy was reviewed initially and following the consultation exercise.

RESOLVED:

- (1) That the response from Cabinet regarding the recommendations from the Tree Scrutiny Sub-Committee be noted.
- (2) That Members be fully involved with the review of the Council's Trees and Woodlands Strategy.

Meeting ended at 9.00 pm
ML