

Council
11 September 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD BOROUGH COUNCIL held on Monday 11 September 2017 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors B.Fitzsimon (Deputy Mayor in the Chair)

R.Basch, J.Beckerman, H.Beckett, D.Bell, D.Bennett,
J.Boulton, S.Boulton, H.Bower, L.Brandon, J.Broach,
H.Bromley, N.Chapman, A.Chesterman,
L.Chesterman, M.Cook, M.Cowan, J.Cragg, I.Dean,
J.Dean, J.Fitzpatrick, C.Gillett, M.Holloway, K.Holman,
T.Kingsbury, M.Larkins, T.Lyons, P.Mabbott,
G.Michaelides, N.Pace, M.Perkins, H.Quenet,
S.Roberts, B.Sarson, P.Shah, N.Taylor, K.Thorpe,
R.Trigg, J.Weston, P.Zukowskyj

OFFICIALS Chief Executive (R.Bridge)
PRESENT: Executive Director (Public Protection, Planning and Governance) (N.Long)
Executive Director (Resources, Environment and Cultural Services) (K.Ng)
Legal Services Manager (F.Hussein)
Governance Services Manager (G.R.Seal)
Senior Communications Officer (L.Bertram)
Governance Services Officer (M.Lowe)

22. APOLOGIES

Apologies for absence were received from the Mayor, Councillor L.Sparks and Councillors T.Bailey, M.Birleson, S.Glick, G.Hayes, S.Markiewicz, T.Mitchinson and F.Thomson.

The Council noted that Councillor Hayes was in hospital following a serious motorbike accident and expressed their best wishes for his recovery.

23. MINUTES

The Minutes of the meeting held on 11 July 2017 were confirmed as a correct record and signed by the Mayor.

24. PETITIONS

Bailey Gardner presented a petition to the Mayor to bring a splash park to Welwyn Garden City.

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The Mayor accepted the petition and the Leader of the Council thanked Bailey for coming to the Council meeting to present the petition and explained that it would be considered and a response sent to him.

25. QUESTIONS FROM THE PUBLIC

Richard Peevers asked the following question:-

“I am a landlord with house-share properties (HMOs) in Hatfield since 2004. We pay contractors to maintain the gardens, and part of their task is to remove all garden waste.

We therefore have no need for the brown wheelie bins, and nor do the tenants of those properties. This was the case long before the introduction of the fees for collecting garden waste. We have no space to store them, and offered to return them to the Council (whose property they are).

The Council’s Waste team responded that the Council did not want them back; had no use for unwanted wheelie bins; and no scheme to reassign them to other residents. They said that we should take the unwanted wheelie bins to the County recycling centres and dispose of them there (in the rigid plastics skip). They would remove those bins from their database.

We have previously been charged £60 to replace damaged or stolen wheelie bins, and told that reflects the actual cost of wheelie bins to the Council.

As taxpayers we “own” all the wheelie bins and it seems more than a shame to be told to dump the unwanted ones, even in unused condition.

The Council must surely be able to make use of them elsewhere: new housing estates don’t really need brand new wheelie bins, just bins initially in decent and clean condition.

There may be hundreds of unwanted brown wheelie bins, and there may be some residents who need and would willingly pay for collection of two or more brown wheelie bins.

What about reusing them in public parks to collect litter and dog waste?

If the Council truly cannot think of some better fate for the unwanted wheelie bins, then may we be allowed to take ownership of ours, and those of other residents and landlords if they wish to dispose of them?”

Answer

The question was answered by Councillor Helen Bromley (Executive Member, Environment):-

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“When the garden waste service was introduced earlier this year, we asked all residents to initially keep their brown bins at home to give people time to consider the benefits of the service, and that the collection of unused brown bins would be reviewed at a later date.

I would like to reassure you that we do re-use wheelie bins where possible. Unfortunately, we would be unable to put unused wheelie bins in public place, as these would not be fixed, which would make them a target for misuse. In addition, these would be very difficult to empty by the cleansing crews, in comparison to the fixed dog and litter bins across the Borough.

We do understand that in exceptional circumstances, residents are unable to keep their unused brown bins; these have been dealt with on a case by case basis and will be collected if required. However, if subsequently, a resident wishes to subscribe to the garden waste service, there could be an additional delivery charge for a replacement brown bin.”

26. DECLARATIONS OF INTERESTS BY MEMBERS

Councillors L.Chesterman and P.Zukowskyj declared non-pecuniary interests in items on the Agenda as appropriate as Members of Hertfordshire County Council.

27. QUESTIONS BY MEMBERS

Notice of the following questions by Members had been received:-

27.1. Question to the Leader from Councillor James Broach

“Why is Hatfield Town Centre falling apart?”

Answer

The question was answered by Councillor John Dean (Leader of the Council):-

“I am very surprised that the Mayor of Hatfield Town Council is prepared to cheapen his office by trying to gain cheap political points by criticising when he should be promoting the Town Centre.

It occurs to me that the Town Council should be joining with us to make the Town Centre as prosperous and attractive as possible, instead of which they concentrate on secretly planning a grand football stadium and residential development on valuable recreational land without gaining support from the local community (or so we are led to believe). If they are not prepared to support the Town Centre then they should at least keep residents informed of what they are doing and how much they are spending.

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Members will recall that the Council has already spent £15m on the regeneration of Hatfield Town Centre and will be committed to further investment to revitalise the town centre as part of the Hatfield Renewal Partnership Framework.

Works that the Council have completed to date include the refurbishment of the offices at White Lion House, along with the refurbishment work around White Lion Square and the Arcade which have attracted new national and niche retailers investing in the town centre. The twice weekly market is a major success in the town, which has increased the level of footfall in the town centre. During 2018, works are expected to commence on the public realm improvements, which will further enhance the prosperity of Hatfield Town Centre. I would strongly dispute any claim that Hatfield Town Centre is falling apart.”

Councillor Broach asked about the panel of glass which fell out of the arcade and in response the Leader advised that repairs had been carried out under the manufacturer’s warranty and to ensure that it did not happen again. This was safety glass which was dealt with quickly and the arcade re-opened in twenty-four hours.

27.2. Question to the Leader from Councillor Tom Bailey

(In the absence of Councillor Bailey the question was asked by Councillor M.Cowan).

“Residents have raised concerns about the apparently low number of users at the high ropes site. Coupled with the continuing inability to put the correct location of the site on google maps there is a general level of concern that the site is not being marketed and managed as optimally as it could be. Please can you supply attendance figures for the site and how these compare with the expected attendance figures, and also with the figures of comparable sites?”

Answer

The question was answered by Councillor Tony Kingsbury (Executive Member, Policy and Culture):-

“Members will know that the Council signed a long term lease with Vertigo Adventures Ltd at the end of June 2016 for the management of the high and low ropes adventure course in Stanborough Park. As well as being responsible for its safe operation their marketing team is responsible for advertising the course and seeking customers for it. This includes working with those organisations who supply location data for online mapping systems and external websites who signpost to the course. Their own website is very clear on their location and advises visitors to search Stanborough Road and locate the north side of the Park rather than use the post code.

In the 27 operating weeks to the week ending 20 August this year Vertigo Adventures welcomed 4,856 visitors to the course. This is an average of 180 customers per week. Their agreement with the Council requires them to operate

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for 40 weeks per annum so they are open to the public all year with the exception of December, January and the early part of February. They use this time for essential course inspections and planned maintenance work.

There are no comparable sites within a 30 mile radius and each ropes course tends to be unique in its design. Ours is a large free-standing course whereas others may be smaller tree-based courses. The two other courses run by Vertigo Adventures in Derbyshire and in the Cotswolds form part of larger mixed leisure sites where attendances are higher.”

27.3. Question to the Leader from Councillor Nick Pace

“Following the recent changes to the brown bin collections, can I ask on behalf of residents, what impact this has had on the satisfaction results?”

Answer

The question was answered by Councillor Helen Bromley (Executive Member, Environment):-

“It is extremely pleasing to see that satisfaction has increased by 18.9% to 72.3% in quarter one for the garden waste service. We know from experience that satisfaction decreases during periods of service change and it is very reassuring that this has bounced back so quickly. The garden waste service continues to be popular and residents are still subscribing; we now have just over 22,500 residents subscribed to the service. In addition to this, there has also been slight improvements in satisfaction of both refuse and recycling collections in quarter one.”

27.4. Question to the Leader from Councillor Lenny Brandon

“What will this Council do about significant rat infestation problems in communal, Council-owned areas of Hatfield Town Centre?”

Answer

The question was answered by Councillor Bernard Sarson (Executive Member, Business, Partnerships and Public Health):-

“Everyone has a role and responsibility to help control vermin such as rats for example, shopkeepers need to ensure their waste is managed, the public need to ensure they don’t drop food and litter and landowners such as the Council need to ensure they employ the services of competent pest control contractors when needed.

The increased rat population is a national issue, it is not just Hatfield that has seen a rise in rodent activity. The Council still provides a subsidised Pest Control Contract for domestic properties within the Borough and we continue to bait throughout the town centre. The Council also has enforcement powers that can

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be used when appropriate. However, we are also committed to investing a further sum to increase the level of pest control activity in the town centre area.

A corporate group has also been established and they are currently identifying appropriate actions that can be taken to address the rodent issue within the town centre.

We appreciate that this is a concern for businesses and residents and something that the Council takes seriously. Only together will we be able to manage this issue.”

Councillor Brandon asked how much money was going to be spent and Councillor Sarson replied that a pest control quotation was being sought to take the appropriate action.

27.5. Question to the Leader from Councillor Rachel Basch

“Given your decision not to take any action over the declining appearance of 22 Parkway, what will you do to stop it looking even worse in the lead-up to Welwyn Garden City's centenary in 2020, should Wetherspoon's fail to dispose of or re-use the site?”

Answer

The question was answered by Councillor Mandy Perkins (Deputy Leader and Executive Member, Planning, Housing and Community):-

“The planning service has visited the property and assessed the condition of the site. It is considered that the present condition of the building and the site does not merit a formal ‘untidy land notice’ pursuant to section 215 of the Town and Country Planning Act 1990 (as amended).

The building itself is in relatively good order. Shuttering has been installed over the doors and windows to prevent unauthorised entry to the building. The company that owns the property has been contacted with regard to the alleged neglect of the property and it is understood that they have arranged for the periodic maintenance of the site.

Notwithstanding this, the planning service will continue to monitor the site. Should the condition of the building or the site degenerate, such as to merit formal action, the planning service would be able to take further steps.”

27.6. Question to the Leader from Councillor John Fitzpatrick

“This Council committed to investigating mandatory landlord licensing sometime ago. Where are we with that Now?”

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Answer

The question was answered by Councillor Mandy Perkins (Deputy Leader and Executive Member, Planning, Housing and Community):-

“The Council committed to investigate extending mandatory licensing for Houses in Multiple Occupation (HMOs) by way of either selective or additional licensing in September 2014.

There are detailed conditions to be met for both. On 1 April 2015 a new General Approval came into force in relation to selective licensing, which introduced a requirement for Secretary of State approval.

The introduction of either scheme is open to legal challenge and the case for introducing either needs to be substantially evidenced.

Having examined the criteria, Additional Licensing was considered to be the most appropriate scheme to consider introducing locally.

Data was analysed about the impact of HMOs within the community including complaints about rubbish accumulations, noise, anti-social behaviour and property condition.

In summary this showed no specific correlation between HMOs and complaints about noise or anti social behaviour.

Whilst there was a correlation between rubbish accumulations and HMOs, this does not differ between licensed and unlicensed properties. Therefore we cannot say that the introduction of additional licensing would have a positive impact on any of these community impacts.

The data did show an improvement in property standards within licensed premises. On this basis Officers researched experiences from other areas and looked at the legal process and requirements.

At around this time the Government published a paper signalling their intention to extend the remit of mandatory licensing of HMOs and in 2016 they confirmed this intention. This will meet the desired outcomes for the Council. Given this change in Government policy and the significant resource implications and risk of challenge in implementing a discretionary scheme, a mandatory scheme introduced by central Government is seen as very positive.

This is supported by a case of a nearby local authority facing very high costs due to a failed scheme, which was blocked following a successful legal challenge.

In preparation the team is gathering detailed information about current HMOs, to ensure we have records that substantiate those properties which will fall within the scope of the extended definition. 6000 property addresses have been checked so far.

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In the meantime we continue to have a great deal of success with our voluntary Accreditation Scheme (PAL). We have now successfully accredited 12 letting agents as 'partners' to our PAL scheme, with a further one having applied and being considered. This is in addition to the 81 accredited landlords. The coverage of the PAL scheme is therefore now nearly 1800 privately rented properties."

Councillor Fitzpatrick said that the importance of knowledge about the concentration of HMOs, for example, the planning implications, for this Borough should be acknowledged. The Leader said that this was very important and was taken seriously.

27.7. Question to the Leader from Councillor Malcolm Cowan

"You will recall that all members at the recent Environment Overview and Scrutiny Committee meeting reported the ongoing failure of Serco to empty the 'bring' recycling bins around the Borough. This has been going on for several months at least. When will we get a reliable service, week on week, month on month, that does not allow bins to overflow, and regular clearance of the surrounding litter?"

Answer

The question was answered by Councillor Helen Bromley (Executive Member, Environment):-

"I remember you raising an issue at the last Environment Overview and Scrutiny Committee meeting.

Since then, Serco have ensured that all recycling banks sites have been visited and every bank has been emptied. In addition to this, all banks have been lifted to allow for the ground underneath to be swept and the banks have been repositioned correctly.

The collection schedule has since been updated to ensure more frequent collections, up to three times per week, at our busier sites. All the sites will continue to be swept to improve their overall appearance.

I am pleased to remind Members that, alongside increasing our kerbside collections over the last few years, we have kept the same number of recycling banks, unlike several other authorities.

As discussed by Members at the last Environment Overview and Scrutiny Committee meeting, there are issues with fly-tipping and littering at some of these sites. Where evidence is found at these sites, enforcement action is being taken. We also ask that you help us to promote the proper use of these sites by reminding residents to ensure that large pieces of cardboard are broken up before being put in the banks and to not leave items around the recycling banks.

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I would like to remind everyone, that if a recycling bank is full, to inform the Contact Centre and to take the items elsewhere for proper disposal.”

Councillor Cowan said that he had been told by Officers previously that all the sites had been cleared, but this was still not being done. Councillor Bromley advised that recycling bins could be filled very quickly, but were all cleared and emptied regularly. This would be kept under review and the service increased when possible.

27.8. Question to the Leader from Councillor Helen Quenet

“Is it acceptable that a woman with twin 8 month old daughters should share her council house with rats?”

Answer

The question was answered by Councillor Mandy Perkins (Deputy Leader, Executive Member, Planning , Housing and Community):-

“The Council has been working with the tenant concerned to help resolve this matter. A pest control company has visited the property on the Council’s instruction and the Housing Team is keeping in regular contact with the tenant. The pest control intervention is still in progress. Where there is a rat infestation a number of visits is often required. The Housing and Environmental Health Teams will continue to liaise with the tenant while the problem is being sorted out. The Council will continue to take every measure in order to resolve this issue.”

28. MATTERS ARISING FROM THE CABINET

The Council considered recommendations from the Cabinet meeting on 5 September 2017:-

28.1. Older Persons Housing Strategy 2017 - 2022

The Cabinet considered the adoption of an updated strategy following consultation.

The draft Older Persons Housing Strategy had been developed in response to recognition at a national level of the need to plan for an increasingly ageing population who were living longer with the predicted considerable rise in the number of people in the Country who would be over 60 in the next 20 years from 19.4M in 2016 to 31.1M in 2037.

The Cabinet approved the Older Persons Housing Strategy 2017-2022, incorporating revisions from the consultation with key stakeholders and recommended it to the Council for adoption.

It was moved by Councillor M.Perkins, seconded by Councillor J.Dean and

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RESOLVED:

That, the Older Persons Housing Strategy 2017-2022, incorporating revisions from the consultation with key stakeholders be adopted.

28.2. External Auditor Appointment

The Cabinet considered the arrangements for the appointment of an external auditor from 2018/19.

The Local Audit and Accountability Act 2014 abolished the Audit Commission and required principal local authorities to appoint their own external auditors by 31 December 2017 for the audit of their accounts from 2018/19.

The Council agreed at its special meeting in 6 February 2017 to opt into the national scheme for auditor appointments undertaken by the Public Sector Audit Appointments Ltd (PSAA) (Minute 44 refers). Following a procurement exercise, PSAA had begun the consultation process with individual authorities about their proposed appointment and a response to this was required by 22 September 2017.

The Cabinet recommended the Council to accept the proposed appointment of Ernst and Young LLP to audit the accounts of the Council for five years from 2018/19 and to give delegated authority to the Executive Director (Resources, Environment and Cultural Services) to respond to the Public Sector Audit Appointments Ltd consultation accordingly.

It was moved by Councillor D.Bell, seconded by Councillor J.Dean and

RESOLVED:

That the Council accepts the proposed appointment of Ernst and Young LLP to audit the accounts of the Council for five years from 2018/19 and gives delegated authority to the Executive Director (Resources, Environment and Cultural Services) to respond to the Public Sector Audit Appointments Ltd consultation accordingly.

29. WELWYN HATFIELD MEMBERS' ALLOWANCES SCHEME

Report of the Chief Executive considering the recommendations of the Independent Remuneration Panel which had met to review the level of allowances to be paid to Members for 2017/18 with effect from 1 July 2017.

This was on the basis of considering an annual increase in line with this year's national pay agreement for staff which was the approach agreed by the Council.

In accordance with this adopted convention the Panel had recommended to the Council to increase Members' Allowances by 1%.

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The cost of the recommended increase could be contained with the current overall annual budget for Member allowance payments.

The Council was asked to agree the increase as recommended by the Panel.

It was moved by Councillor J.Dean, seconded by Councillor M.Perkins and

RESOLVED:

- (1) That the Council accepts the recommendation from the meeting of the Independent Remuneration Panel on 11 July 2017 and approves the proposed level of Members' Basic and Special Responsibility Allowances as set out in Appendix B to the report of the Chief Executive to the Panel, payable with effect from 1 July 2017.
- (2) That the Council authorises the Monitoring Officer to make any consequential amendments to the Constitution as are required.

30. STREET TRADING CONSENTS

Report of the Executive Director (Public Protection, Planning and Governance) setting out the current arrangements for street trading consents and asking for agreement to the introduction of a new condition, the purpose of which would be to prevent additional name(s) being added to an existing consent.

The Environment Overview and Scrutiny Committee on 20 July 2017 (Minute 8 refers) discussed the proposal and agreed:-

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

The Council's Licensing Team had recently received requests from street traders who wished to add family members to their current consents which meant that it was then possible to transfer the consent to the other named persons, rather than it being surrendered once the original party had no further use for the consent and this could have the effect of bypassing any existing waiting list.

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

RESOLVED:

That the Council agrees to the introduction of a new condition to the Council's Street Trading Consent conditions with the following wording:

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“A Street Trading Consent will only be issued in one person’s name and the said consent is not transferrable. The holder of the consent may employ any other person to assist them in their trading without a further consent being required. “

31. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

The Council was invited to appoint representatives to serve on the Holwell Primary School Governing Body and Ludwick Family Club Management Committee in 2017/18.

RESOLVED:

- (1) That Councillor T.Mitchinson be appointed as Council representative to the Ludwick Family Club Management Committee.
- (2) That no appointment be made to the Holwell Primary School Governing Body.

32. NOTICES OF MOTIONS UNDER PROCEDURE RULE 50

32.1. The following motion was submitted by Councillor K.Thorpe and seconded by Councillor J.Fitzpatrick

“This Council is disappointed in the decision of the Police and Crime Commissioner to submit his intention to the Home Secretary to align Police and Fire services within his remit.

This Council notes that ahead of any decision by the Home Secretary, the office of the Police and Crime Commissioner is advertising a vacancy for a senior position to facilitate “the potential change” in governance.

This Council resolves its previously expressed opposition to these plans and re-affirms its previously passed resolution that there should be no reduction to existing fire service provision in Welwyn and Hatfield.”

It was moved by Councillor M.Cowan and seconded by Councillor P.Zukowskyj that the wording of the Motion be amended as follows:-

This Council resolves its previously expressed opposition to these plans and re-affirms its previously passed resolution that there should be no reduction to existing fire service provision “and that police numbers in the Safer Neighbourhood Team should be restored” in Welwyn and Hatfield.

On the amendment being put to the meeting there voted:-

FOR approval of the amendment – 4
AGAINST approval of the amendment – 36
and the amendment was declared lost.

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On being put to the meeting the Motion was then approved – UNANIMOUS and it was

RESOLVED:

“This Council is disappointed in the decision of the Police and Crime Commissioner to submit his intention to the Home Secretary to align Police and Fire services within his remit.

This Council notes that ahead of any decision by the Home Secretary, the office of the Police and Crime Commissioner is advertising a vacancy for a senior position to facilitate “the potential change” in governance.

This Council resolves its previously expressed opposition to these plans and re-affirms its previously passed resolution that there should be no reduction to existing fire service provision in Welwyn and Hatfield.”

Meeting ended at 8.35pm
GS