

Council
9 July 2018

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD BOROUGH COUNCIL held on Monday 9 July 2018 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors B.Fitzsimon (Mayor)
R.Trigg (Deputy Mayor)

D.Bell, M.Birleson, J.Boulton, S.Boulton, H.Bower,
J.Broach, H.Bromley, M.Cook, M.Cowan, J.Cragg, S.Elam,
J.Fitzpatrick, C.Gillett, S.Glick, G.Hayes, P.Hebden,
M.Holloway, K.Holman, T.Jackson-Mynott, S.Kasumu,
T.Kingsbury, M.Larkins, R.Lass, TM.Lyons, P.Mabbott,
S.Markiewicz, G.Michaelides, T.Mitchinson, L.Musk,
N.Pace, M.Perkins, H.Quenet, S.Roberts, A.Rohale,
B.Sarson, P.Shah, JP.Skoczylas, F.Thomson, K.Thorpe,
J.Weston, S.Wrenn, P.Zukowskyj

OFFICIALS Chief Executive (R.Bridge)
PRESENT: Corporate Director (Resources, Environment and Cultural Services) (K.Ng)
Corporate Director (Public Protection, Planning and Governance) (N.Long)
Corporate Director (Housing and Communities) (S.Russell)
Monitoring Officer (M.Martinus)
Governance Services Manager (G.R.Seal)
Senior Communications Officer (L.Bertram)
Governance Services Officer (H.Johnson)

14. APOLOGIES

Apologies for absence were received from Councillors J.Caliskan, A.Chesterman, L.Chesterman and S.Thusu.

15. MINUTES

The Minutes of the annual meeting held on 21 May 2018 were confirmed as a correct record and signed by the Mayor.

16. DECLARATIONS OF INTERESTS BY MEMBERS

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

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17. ANNOUNCEMENTS

17.1. Afternoon Tea

The Mayor's afternoon tea was being held at Mill Green Museum and Mill on Saturday 21 July from 3.00pm to 5.00pm. Tickets priced at £15.00 could be booked and paid for online on the Council's website by credit or debit card or by cheque from the Mayor's office.

The Mayor hoped that Councillors would be able to attend her first charity event.

18. QUESTIONS BY MEMBERS

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

18.1. Question to the Leader from Councillor K.Thorpe

"In light of the news that the Police and Crime Commissioner plans to close Fire Stations both at WGC and Hatfield and relocate services to Hertfordshire Police Headquarters – does she agree with me that this demonstrates the unsuitability of the Commissioner to expand his remit by taking control of the Hertfordshire Fire Service?"

Answer

The question was answered by Councillor M.Perkins, Leader of the Council:-

"Thank you for your question. You will recall that the Police and Crime Commissioner's proposal to adopt the 'Governance Model' in relation to the Fire Service governance in Hertfordshire was considered by the council's Social Overview and Scrutiny Committee on 27 July 2017. At that meeting members of the committee unanimously agreed to recommend to the council's Cabinet that the council should oppose the proposal.

The Council's Cabinet considered the consultation documents and recommendation from SOSC members at their meeting on 8 August 2017. Cabinet unanimously agreed to oppose the proposal and this was formally communicated to the PCC's office.

Amongst our concerns were that the very strong and positive public reputation of the Fire Service could potentially be damaged or diminished as a result of the proposed change in governance arrangements and that I believe that this concern remains if it is the case that the fire service HQ is to be co-located with the police HQ. However I would also be very concerned to see a reduction in local fire stations as a consequence of the proposed changes."

In a supplementary question, Councillor K.Thorpe asked if the Leader agreed that the Member of Parliament should speak out against the plan in view of the

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united opposition to this from the Borough Council and Hertfordshire County Council?

The Leader replied that she had no influence on the Member of Parliament but that it was well worth going back to him to point this out.

18.2. Question to the Leader from Councillor G.Michaelides

“We all welcome the news that £50,000 is to be spent on refurbishing Panshanger Community Centre.

Can the Leader please confirm that all the existing users will be contacted to ensure that they are given every opportunity to continue using this facility. Also can you guarantee that the works will be completed during August in order to start afresh in September.”

Answer

The Leader referred the question to Councillor D.Bell, Executive Member (Resources) to answer:-

“When we took back the Panshanger Community Centre a few months ago, it became clear that major refurbishment work would need to be carried out to ensure that the facilities could continue to be used as a community centre. As a result, officers have planned a refurbishment work programme to allow the work to be carried out during August to minimise the level of disruptions to current users. We are aiming for the centre to be re-opened around mid-September, to be used by both new community groups and existing users.

I am pleased to confirm that all the existing users have been contacted and that they will be given priority for securing bookings for the use of the centre after refurbishment.”

18.3. Question to the Executive Member from Councillor M.Cowan

“Does the executive member endorse the current arrangements and staffing that have given rise to almost 600 outstanding planning enforcement cases? Does this give the right message to residents that breaches will be swiftly and effectively dealt with and discourage copycat breaches?”

Answer

The Leader asked Councillor S.Boulton, Executive Member (Planning and Delivery) to answer:-

“As was reported to Development Management Committee last month, the planning enforcement team has 553 recorded cases at present.

It is worth noting that:

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- 49 cases are due for imminent closure.
- 11 cases are related to highway banners, which are a matter for Herts Highways.
- 29 cases are in the legal process and waiting for a decision.
- Only 10 cases are Category 1 matters related to listed buildings, protected trees and trees in conservation areas.
- 163 are estate management cases. For information the Council has agreed to create a distinct EMS team that will tackle these cases in future.

The enforcement team currently has three posts; a principal, a senior and an assistant. The principal has recently left and his replacement will start in September. We currently have an agency officer working two days a week to cover some of this vacancy. On the basis of all three posts being filled and the imminent cases being closed, this equates to a caseload of 168 cases per officer. By way of comparison North Herts Council have one senior officer with 160 cases and East Herts Council have one manager, two officers and a ½ compliance officer with 148 cases.

Officers have recently met to discuss how to tackle the backlog and ensure that cases are dealt with swiftly and effectively. We have identified merits in a support officer to deal with administrative work and free-up officer time to focus on technical planning enforcement matters. We have identified merit in some 'blitz' days to progress or close cases as appropriate. It is also considered that a member training session to discuss planning enforcement matters and an update of the enforcement plan will help to establish clear expectations and priorities, which can then be communicated to developers, agents and the general public via various communications channels."

In a supplementary question, Councillor Cowan referred to cases submitted which had not yet started on top of those recorded at present and asked if this was not a stain on the district?

Councillor S.Boulton responded that it was a stain on people who did not follow the rules. Training, the setting up of an Enforcement Panel in September 2018 and the recruitment of a new member of staff would help address this, but if people did not follow the rules, more time had to be spent chasing them.

19. MATTERS ARISING FROM THE CABINET

The following recommendations from the meeting of the Cabinet on 5 June were considered:-

19.1. Food Safety Service Plan 2018/19

The Cabinet considered a recommendation from the meeting of the Environment Overview and Scrutiny Committee on 26 March 2018 on agreement of a Food

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Safety Service Plan for 2018/19 for Welwyn Hatfield which was a requirement of the Food Standards Agency.

The Food Safety Service Plan was prepared by the Council to outline the arrangements in place to deliver food safety controls throughout the Borough. The Council was required to prepare this plan further to mandatory guidance issued by the Food Standards Agency, the Government Department with overall control of food law enforcement in England.

The Council delivered a risk based enforcement system in accordance with the Food Law code of Practice and utilised all intervention options available within the applicable legislation. The Council provided a good balance between routine inspection, food sampling and complaint investigation and enforcement action was proportionate to risk and only taken when justified and necessary to protect public health.

The Plan for the forthcoming year did not differ significantly from previous years but might be subject to change due to the "Regulating Our Future" programme currently being developed by the Food Standards Agency which aimed to modernise how food businesses were regulated to check that food was safe and what it says it was.

The Agency had now started a consultation period with a view to updating the Food Law Code of Practice to make changes to the process of registration and the application of the food hygiene intervention rating scheme to recognise national inspection strategies with implementation of these changes likely to be before March 2019.

It was moved by Councillor F.Thomson, seconded by Councillor M.Perkins and

RESOLVED:

That the Food Safety Service Plan 2018/19, as approved by the Cabinet, be adopted.

19.2. Corporate Enforcement Policy

The Cabinet considered a recommendation from the meeting of the Environment Overview and Scrutiny Committee on 26 March 2018 on approval of a Policy covering the enforcement work of a number of Council teams.

The Policy had been developed to ensure a consistent approach between the delivery of enforcement activities across a number of frontline Council services. Whilst not a legal requirement, an enforcement policy was recognised good practice and this policy had been developed in line with the Statutory Regulators Code which set out the requirements and expectations of good enforcement practice.

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This policy would be brought into effect to demonstrate the Council's commitment towards a proportionate, transparent and accountable approach towards enforcement.

It was noted that the policy should be corrected by the deletion of the words:-

"Such as sanctioning powers available and these"

and

"These range from individual"

in paragraph 4.3 on page 11 of the document.

It was moved by Councillor F.Thomson, seconded by Councillor M.Perkins and

RESOLVED:

That the Corporate Enforcement Policy, as agreed by the Cabinet and as corrected, be approved.

20. PROPOSED FIXED PENALTY NOTICE CHARGE FOR BREACH OF HATFIELD PUBLIC SPACE PROTECTION ORDER

Report of the Corporate Director (Housing and Communities) seeking approval for the recommended level of penalty to be levied for a Fixed Penalty Notice issued under the agreed enforcement protocol.

Following a comprehensive consultation with residents, businesses and relevant stakeholders, the Special Council meeting on 21 February 2018 approved the introduction of a Public Space Protection Order (PSPO) within Hatfield (Minute 58 refers).

An Officer Group had been working on the implementation of the Order and had established an enforcement protocol using templates based on similar PSPOs implemented around the county and taking account of the Council's Enforcement Policy.

As part of the enforcement of a PSPO, those in breach of the Order could be issued a Fixed Penalty Notice.

It was moved by Councillor B.Sarson, seconded by Councillor M.Perkins and

RESOLVED:

- (1) That the level of charge for a Fixed Penalty Notice associated with a breach of the Hatfield Public Space Protection Order be set at £75 for a single breach, reduced to £50 if paid within fourteen days.

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- (2) That it be noted the Council's fees and charges schedule would be updated accordingly.
- (3) That it be noted the fees and charges associated with breach of the Public Space Protection Order would be reviewed annually along with other Council fees and charges during the budget setting process.

21. NOTICES OF MOTIONS UNDER PROCEDURE RULE 50

To consider the following notices of motions submitted under Procedure Rule 50:-

21.1. The following motion had been submitted by Councillor J.Weston and seconded by Councillor M.Birleson:-

"This Council notes that:

- The Council's action in removing all four community benches at Woodhall Shopping Parade and replacing them with single wooden blocks is causing distress to many elderly and disabled people.

This Council believes that:

- The community benches are needed by members of the local community to rest, socialise and enjoy the street environment.
- A better solution to the antisocial behaviour of some young people would be to engage in dialogue with them and set up activities they can take part in.

This Council resolves to:

- Re-install the seats immediately.
- Review youth activities in the areas where young people are causing a nuisance and present recommendations to the relevant committee."

On being put to the meeting there voted:-

For the motion – 20

Against the motion – 24

And the motion was declared LOST

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21.2. The following motion had been submitted by Councillor M.Holloway and seconded by Councillor J.Fitzpatrick:-

“This Council notes that following the introduction of Universal Credit to Welwyn Hatfield, we have residents that have seen payments delayed and as a consequence struggle to get by.

According to the National Audit Office, the cost of implementing and administrating Universal Credit is ballooning, while judges have declared the scheme unlawfully discriminative against the disabled.

This Council supports calls to pause the rollout of Universal Credit in Welwyn Hatfield, and resolves to write to the Secretary of State for Work and pensions expressing that will.”

On being put to the meeting there voted:-

For the motion – 20

Against the motion – 24

And the motion was declared LOST

21.3. The following motion had been submitted by Councillor M.Cowan and seconded by Councillor H.Quenet:-

“The Council to note: that under the Localism Act 2011, Councils may operate different models of Governance arrangements and that a number of authorities have moved back to a so called “modern committee system” model of governance. Such changes must commence from a council’s Annual General Meeting (AGM) and the decision to change must be made in advance of the AGM in order for it to be implemented from that date. The Council notes that these authorities report advantages with a committee system of governance including

- enhanced backbencher member engagement;
- improved transparency and accountability of decision making; scrutiny at the point of decision making;
- enhanced opportunities in public engagement;
- more consensual approaches to decision making with the opportunity to bring opposition members into the decision making process;
- greater opportunities to demonstrate whole council support for issues which have cross party support;
- and the ability to disengage from structures which are unproductive for scrutiny.

This Council therefore requests the Chief Executive, Corporate Director (Public Protection, Planning and Governance) and Monitoring Officer, in conjunction with the Constitution Review Group fully research, prepare and thereafter present to the Council meeting on 19 November 2018 a detailed report setting out the implications, process, practicalities and potential timetable to move from the

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current Executive (Leader and Cabinet) model of governance to a Committee system of governance as permitted by the Localism Act 2011.”

On being put to the meeting there voted:-

For the motion – 20

Against the motion – 24

And the motion was declared LOST

21.4. The following motion had been submitted by Councillor P.Zukowskyj and seconded by Councillor S.Elam:-

“This Council reaffirms its view that the Hertfordshire Fire and Rescue Service should remain under the control and democratic accountability of Hertfordshire County Council and fully supports the view previously taken by this Council and the County Council in this regard.

This Council also has serious concerns over the PCC's proposed changes to the network of fire stations in Welwyn Hatfield and the very serious adverse impact on response times this would lead to. The consequent increase in risk is, in this council's view, unacceptable.

This Council requests its officers to forward this view to all bodies associated with making decisions on this issue.”

It was then moved by Councillor M.Perkins and seconded by Councillor P.Zukowskyj that the wording of the third part of the Motion:-

“This Council requests its officers to forward this view to all bodies associated with making decisions on this issue.”

be amended to read as follows:-

“This Council requests its officers to forward this view to the Home Secretary, Home Office and the Leader of Hertfordshire County Council.”

On being put to the meeting the amendment was agreed **UNANIMOUSLY**.

The Motion as amended was then put to the meeting:-

“This Council reaffirms its view that the Hertfordshire Fire and Rescue Service should remain under the control and democratic accountability of Hertfordshire County Council and fully supports the view previously taken by this Council and the County Council in this regard.

This Council also has serious concerns over the PCC's proposed changes to the network of fire stations in Welwyn Hatfield and the very serious adverse impact on response times this would lead to. The consequent increase in risk is, in this council's view, unacceptable.

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This Council requests its officers to forward this view to the Home Secretary, Home Office and the Leader of Hertfordshire County Council.”

And was carried UNANIMOUSLY.

21.5. The following motion had been submitted by Councillor M.Cowan and seconded by Councillor T.Jackson-Mynott:-

“This Council believes that anti-social behaviour is better dealt with by providing diversionary activities than by removing seats and replacing them by stump blocks which are unusable by many members of our community who value the chance to sit down during a shopping trip. This Council regrets that local ward councillors were not brought into the discussion process, rather than being faced with a fait accompli.

Council therefore resolves to provide seats that meet the needs of all members of the community at the earliest possible date, set up activities that will help to engage those who are disrupting the peace and quiet of various parts of our borough and in future engage with local councillors before such decisions are made.”

On being put to the meeting there voted:-

For the motion – 20

Against the motion – 24

And the motion was declared LOST.

Meeting ended 10.00pm
GS