

Environment Overview and Scrutiny Committee
29 January 2019

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE held on Tuesday 29 January 2019 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors S.Glick (Chairman)
J.Cragg (Vice-Chairman)

M.Birleson, H.Bower, J.Broach, M.Cowan, P.Hebden
(substituting for K.Holman), T.Jackson-Mynott, S.Kasumu,
R.Trigg, J.Weston

ALSO PRESENT: S.Boulton (Executive Member, Environment and Planning)
F.Thomson (Executive Member, Governance and Public Health)

CO-OPTED MEMBERS: R.Read (Tenants' Panel Representative)

OFFICIALS PRESENT: Corporate Director (Public Protection, Planning and Governance) (N.Long)
Head of Environment (D.Reyner)
Community and Environment Services Manager (K.Roberts)
Risk and Resilience Manager (A.Cremer)
Hackney Carriage Officer (J.Vaughan)
Senior Performance and Strategy Officer (G.Crawford)
Tree Officer (O.Waring)
Environmental Health Team Leader (C.Brown)
Environmental Health Team Leader (J.Hollingsworth-Biggs)
Licensing Technical Support Officer (A.Marston)
Governance Services Officer (H.Johnson)

43. SUBSTITUTION OF MEMBER

The following substitution of a Committee Member had been made in accordance with Council Procedure Rules 19-22:

Councillor P.Hebden for Councillor K.Holman.

44. APOLOGY

An apology for absence was received from Councillor K.Holman.

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45. MINUTES

The Minutes of the meeting on 13 November 2018 were approved as a correct record and signed by the Chairman.

46. ACTIONS STATUS REPORT

The report of the Corporate Director (Public Protection, Planning and Governance) set out the status of actions from the meeting on 13 November 2018 and previous meetings.

Members commented that the Tree and Woodland Strategy - Policy 2 (on the issue of trees impacting on residents) which was agreed at the Committee meeting on 24 September 2018 be added to the actions update and this was subsequently done.

RESOLVED:

That the Committee note the status of actions outlined in the report.

47. DECLARATIONS OF INTERESTS BY MEMBERS

Councillor M.Cowan declared a non-pecuniary interest in respect of Item 10 on the agenda by virtue of him being on the Pest Control Contract Board.

Councillors H.Bower, J.Cragg, M.Cowan and R.Trigg declared a non-pecuniary interest in Item 18 by virtue of them being Members of the Taxi Terms and Conditions Review Group.

48. PERFORMANCE INDICATORS QUARTER TWO

The report of the Corporate Director (Resources, Environment and Cultural Services) set out the performance data collected for those services that fall within its remit. It provided Quarter Two for 2018-19, along with comparative information.

Taken together, the report and presentation enabled the Committee to identify which Council services were improving, not improving or remaining the same in their key performance areas. Service team comments were also included to explain the performance shown, along with any further action needed.

The Committee noted that out of 15 Performance Indicators had been achieved out of a total of 17.

The Chairman congratulated the teams on their hard work.

The Committee discussed performance indicators of interest which included the following:

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Performance Indicator – 20 (The percentage of residents either “satisfied” or “very satisfied” with street cleansing e.g. litter and sweeping services)

Although the target was missed by 6.4%, Members were pleased to see an improvement. Officers stated that there had been an increase in resourcing and cleansing in Hatfield Town Center and litter picking was more proactive. There were plans to increase cleansing in Welwyn Garden City in areas where there was lower satisfaction.

Members and the Tenant’s Panel Representative enquired if the Council could provide skips or waste cages in certain areas, such as housing flats. Officers advised this practice would resume in some areas, but there was a risk of increasing waste to landfill, reducing the recycling rate as well as encouraging further fly-tipping once the waste cages had been removed.

Performance Indicator – 19 (The cleaner local street survey rating based on amount of litter and detritus)

Members commented on the discrepancy between the Performance Indicator 19 and Performance Indicator 20 (The percentage of residents either “satisfied” or “very satisfied” with street cleansing e.g. litter and sweeping services) and enquired as to whether the Council could work closely with takeaway outlets such as McDonalds and KFC as the brand names were found on a large quantity of litter in the borough.

RESOLVED:

- (1) That the Committee note the Performance Indicator Quarter Two report.
- (2) That the Committee discuss and agree any feedback to be provided to our service teams on the trends shown in these performance indicators, which included the following:
 - a) The council to contact takeaway outlets such as McDonalds and KFC to encourage the reduction of waste from their businesses.
 - b) The Council to consider “waste cage days” with a view to reduce fly-tipping.

49. DRIVEWAY KEEP CLEAR POLICY AND PRICING STRATEGY

Report of the Corporate Director (Resources, Environment and Cultural Services) which set out proposed changes to applications for and installations of H-B road markings (also known as access protection markings or vehicular entrance markings).

H-B road markings were an elongated white ‘H’ on the carriageway that was marked across a vehicular crossing where there was a dropped kerb. Their main

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purpose was to indicate that there was an access present and the area should be kept clear of parked vehicles. H-Bars were only advisory and were not legally enforceable.

Parking Services received a number of requests from residents regarding the provision of H-Bar road markings and proposed to start providing a cost-neutral service to residents by charging a fee for the installation, and an additional fee for any refreshment remarking.

Hertfordshire County Council (HCC) were responsible for the installation of H-Bar road markings but had discontinued the practice so a revised Agency Agreement would be required.

RESOLVED:

- (1) That the Committee note the Driveway Keep Clear Policy and Pricing Strategy.
- (2) That the Committee recommend that Officers instigate discussions with Hertfordshire County Council (HCC) with a view to amend the current Parking Services Agency Agreement, to allow Welwyn Hatfield Council to offer the installation of H-Bar road markings to their residents.

50. PEST CONTROL UPDATE

Report of the Corporate Director (Public Protection, Planning and Governance) provided Members with an annual update relating to the following:

- The pest control contract was currently awarded to the Council appointed contractor SDK Environmental Ltd ("Dial a Pest") and would expire at the end of March 2019. A new contract was being looked at by the General Procurement Board and would be awarded in February 2019.
- The Council had no legal duty to provide a pest control service but had a legal duty to keep its own land free from rats and mice.
- The Council provided a subsidised contracted pest control service that was available to householders, regardless of tenure, throughout the district.
- The targets of the action plan resulting from the cross party scrutiny subcommittee on the prevalence and eradication of rats in the Borough were still in progress.
- Enforcement actions and the numbers of treatments carried out annually were included in the Appendices of the report on the levels of pest control enforcement action undertaken by the council's Public Health and Protection Service.

RESOLVED:

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That the Committee note the contents of the Pest Control Update, including the performance of the contractor and the work and services that had been provided.

51. DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS (DEFRA)
WASTE AND RESOURCES STRATEGY- SUMMARY

Report of the Corporate Director (Resources, Environment and Cultural Services) which updates Members on the key aspects of DEFRA's Waste and Resources Strategy published in December 2018.

The key policies focused on a drive to increase recycling through increased capture of organic waste, consistent collections and extended producer responsibility, such as the reduction of producing non-recyclable plastics.

Many of the policies that were contained in the strategy were subject to consultations, with key stakeholders, including local authorities which was positive.

The following points were noted by Members:

- Recycling from flats and Houses in Multiple Occupation (HMOs) was disappointing and this would be considered during the procurement process for the new Streetscene contract.
- The burden of recycling was shifting to producers and funding to local authorities from central government was expected to increase.

RESOLVED:

That the Committee note the contents of Department for Environment, Food and Rural Affairs (DEFRA) report.

52. SAFETY ADVISORY TEAM UPDATE

The report of the Corporate Director (Public Protection, Planning and Governance) updates members on the Safety Advisory Team's work, via a presentation.

The Safety Advisory Team (SAT) was a single point of contact for those holding an event with regards to co-ordinating the safety (such as impacts on noise, transport and food safety).

It was not a mandatory service but advisable due to the often large number of people in attendance and the impact of event, such as the Game Fair at Hatfield House in 2018.

The work of the team was far-reaching and impacted not only those who attended the events but also the wider community.

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The Chairman congratulated the team on their work.

RESOLVED:

That the Committee note the contents of the Safety Advisory Team presentation.

53. RESILIENCE UPDATE

Report of the Corporate Director (Public Protection, Planning and Governance) updated Members on the principal resilience activities that had been carried out by the Risk and Resilience Team over the last year.

Local authorities are 'Category 1 responders' under the Civil Contingencies Act 2004. The legislation conferred seven duties on responders, which included putting in place emergency plans as well as business continuity management arrangements.

Most notably a full review of the WHBC Emergency Plan had been undertaken and incorporated some planning around spontaneous volunteers and donations, which was a critical area of emerging practice, highlighted in particular by the Grenfell tower tragedy.

All Members were invited to attend and observe a live Reception Centre exercise on the morning of 14 March at Campus West. The aim was to ensure that the Council were suitably prepared to respond to the needs of those affected by an incident requiring a number of people to be evacuated and looked after.

RESOLVED:

That the Committee note the contents of the Resilience Update Report.

54. SERVICE STANDARDS FOR REGULATORY WORK

The report of the Corporate Director (Public Protection, Planning and Governance) set out the need for a consultation on potential updates to the Council's current standards of regulatory work, which was carried out by various teams, to ensure that it was still valid.

In 2014 the Heads of Service team prepared the set of regulatory service standards (outlined in Appendix A of the report). The service standards were agreed, put in place and published on the council website in order to meet the requirements in the Regulators Code.

Council was also reviewing its Customer Service Strategy and this would feed into the review.

Members asked that the County Council and the Landlord Forum be added to the list of consultees.

RESOLVED:

- (1) That the Committee agree the current regulatory service standards (at Appendix A) are released for consultation (in accordance with Appendix B, and in addition the County Council and the Landlord Forum).
- (2) That the Committee agree that the results of the consultation be brought back to Committee for discussion so that an updated set of regulatory service standards may be prepared.

55. EAT OUT EAT WELL UPDATE

The report of the Corporate Director (Public Protection, Planning and Governance) updated Members on the delivery of the Eat Out Eat Well healthy eating award for food business compliant with food hygiene and food standard regulations.

Both Mill Green and Campus West had achieved a bronze award. Officers were looking at promoting the scheme further. It was hoped that improved awareness of the scheme by members of the public would, in turn, encourage more businesses to take part.

The team had created a Level 2 Nutrition for Health qualification which had been accredited by The Royal Society For Public Health (RSPH). The Council was the only local authority in Hertfordshire offering the training which was available to all residents.

The Chairman congratulated the team on their work and in particular for developing the training course.

RESOLVED:

That the Committee note the contents of the Eat Out Eat Well Update report.

56. DEPARTMENT FOR ENVIRONMENT, FOOD AND AGRICULTURE (DEFRA) CONSULTATION - PROTECTING AND ENHANCING ENGLAND'S TREES AND WOODLANDS:

The report of the Corporate Director (Public Protection, Planning and Governance) set out the recent Department of Environment, Food and Rural Affairs (DEFRA) consultation on Protecting and Enhancing Britain's Trees and Woods which looked to protect urban trees and imposed duties on local authorities, in particular to consult communities on the felling of street trees. The report included the Council's proposed responses to the consultation.

The consultation period would close on 28 February 2018.

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The consultation contained four proposals, two of which introduced new duties on local authorities, which were:

1. a duty to consult on the felling of street trees
2. a duty to report on tree felling and replanting

Question three of the consultation proposed three options for consultations and Members agreed that Option A was preferable whereas Option C would require significantly more time and resources.

RESOLVED:

- (1) That the Committee note the contents of the Department for Environment, Food and Agriculture (DEFRA) Consultation – Protecting and Enhancing England’s Trees and Woodlands report.
- (2) That the Committee authorises the Head of Planning and Corporate Director (Public Protection, Planning and Governance), in consultation with the Executive Member for Environment, to respond to the consultation.

57. COMMUNITY TOILET SCHEME

The report of the Corporate Director (Planning, Public Protection and Governance) set out the case to implement a community toilet scheme within Welwyn Hatfield.

A Member had raised concerns about the lack of toilet provision for customers in a retail food business that had eat-in facilities at the shopping parades at Moors Walk and Woodhall. The Member highlighted a need for toilet provision particularly for vulnerable groups such as older people, pregnant women and the disabled.

Officers had undertaken preliminary investigations into the provision of a community toilet scheme as an alternative means of meeting the needs of the community.

The Committee noted that:

- The need for access to clean facilities was championed by charities such as Help the Aged, Crohn’s and Colitis UK, Disability Rights UK and the member organisation, British Toilet Association.
- The needs for a scheme were identified with regard to health and wellbeing, equality, social inclusion and privacy and public decency.
- There was no legal requirement for either the Council or the food business to provide customer toilets and there has been no demand from residents for such a scheme.

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- A compromise would be a community toilet scheme, a voluntary scheme where local businesses that had a toilet would make it available to non-customers by advertising with a sticker in a window. The Council would pay business a fee from £1000 per business. East Herts Council and Hertsmere Council operated such a scheme.

A thorough debate followed and the following points were raised:

- It was questionable whether businesses ought to be remunerated for doing the “right thing” by allowing those in need to use their facilities
- There was likely to be a significant costs and enforcement implications for a scheme that, as of yet, no member of the public had asked for.
- Public toilets were closed in the early 1990s in the borough because they were being misused, an issue which could return if such a scheme was implemented.
- There were cafes with no facilities to wash hands before eating and Officers confirmed that the Council did have the discretionary power to take such businesses to court, although no duty to do so.
- Any use of the discretionary power would need to be proportionate and thus applied to all businesses, not just those at Woodhall or Moors Walk shopping parade.

It was then put to the vote and

RESOLVED:
(3 For and 8 Against)

That the Committee consider the Community Toilet Scheme report and whether such a scheme should be developed and implemented.

58. REVIEW OF HACKNEY CARRIAGE TERMS AND CONDITIONS

The report of the Corporate Director (Public Protection, Planning and Governance) set out the revised Hackney Carriage terms and conditions (Appendix A) as agreed by the review group which was set up last year. The revised terms and conditions specified the requirement for wheelchair accessible vehicles (WAVs), and it was requested they were released for consultation (as set out in Appendix B).

The Taxi Terms and Conditions Review Group had met on a number of occasions and had received updates on the law, results of survey, the potential “need” for wheelchair accessible vehicles, benchmarking data from neighbouring local authorities and had also viewed a range of wheelchair accessible vehicles.

The review group agreed to the proposed revised conditions at the last meeting on 10 January 2019.

Members were asked what colour should be specified in the conditions, either white, black or silver and this was put to the vote and:

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RESOLVED:
(Unanimous)

That the proposed revised taxi terms and conditions specify the colour silver for all new taxis.

It was agreed that the consultation would only be published in English, as all drivers had to pass an English test for their license and therefore it was accessible to all.

Members noted the helpful input provided by R.Read from the Tenants Panel and Councillor G.Hayes, both wheelchair users.

RESOLVED:

- (1) That the Committee consider the proposed draft Hackney Carriage Terms and Conditions in Appendix A of the report.
- (2) That the Committee agree that the proposed draft Hackney Carriage Terms and Conditions (Appendix A) are released for consultation (as set out in Appendix B) and the results of the consultation brought back to Committee for consideration.

59. COMMITTEE OVERVIEW WORK PROGRAMME 2018/19

The pro-forma which set out the Committee's overview work programme 2018/19 had been updated since the last meeting to enable forward planning of items to be considered.

RESOLVED:

That the Committee's approve the updated Environment and Overview Scrutiny Committee's Work Programme 2018/19.

60. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for item 27 (Minute 61) on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) of Paragraphs 2 (identity of an individual) and 7 (prevention, investigation or prosecution of crime) of Part 1 of Schedule 12A of the said Act (as amended).

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In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

61. HACKNEY CARRIAGE ENFORCEMENT REVIEW 2017-2018

The exempt report of the Corporate Director (Public Protection, Planning and Governance) provided Members with a summary of work carried out over the last year, including officer's decisions that had contributed to public protection.

The Committee noted that:

- The Hackney Carriage office comprised of two full time staff.
- Current Licences:-
 - Hackney Carriage Vehicles:- 170
 - Hackney carriage Drivers: - 196
 - Private Hire Drivers:- 159
 - Private Hire Vehicles:- 129
 - Private Hire Operators:- 22
- The number of private hire vehicles had dropped due to the operation of UBER in the borough. UBER were a good operator to work with and had agreed with the Hackney Carriage Officer not work in Welwyn Garden City town centre, the University of Hertfordshire or the train stations at both Welwyn Garden City and Hatfield.
- The quality of vehicles had improved.
- The team had expressed a 100% success rate in court which in turn highlighted how the Hackney Carriage Committee had made good decisions.

RESOLVED:

That the Committee note the work carried out by the Hackney Carriage Team to ensure the health, safety and welfare of the public who use Hackney Carriage and Private Hire vehicles.

Meeting ended 9.10pm
HJ