

Council
9 April 2018

WELWYN HATFIELD COUNCIL

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

PRESENT: Councillors B.Fitzsimon (Deputy Mayor)

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, J.Dean, S.Elam, J.Fitzpatrick, C.Gillett, S.Glick,
G.Hayes, M.Holloway, K.Holman, T.Kingsbury,
M.Larkins, T.Lyons, P.Mabbott, S.Markiewicz,
G.Michaelides, T.Mitchinson, N.Pace, M.Perkins,
H.Quenet, S.Roberts, B.Sarson, P.Shah, F.Thomson,
K.Thorpe, R.Trigg, J.Weston, P.Zukowskyj

OFFICIALS Chief Executive (R.Bridge)

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

61. APOLOGIES

Apologies for absence were received from Councillors J.Beckerman, M.Birleson and N.Taylor.

62. MINUTES

The Minutes of the meetings held on 5 and 21 February 2018 were confirmed as correct records and signed by the Mayor.

63. QUESTION BY MEMBER

Notice of the following question by a Member had been received:-

63.1. Question to the Leader from Councillor Helen Beckett

"During the Council Tax debate a Conservative Councillor said that residents should be "very grateful" to you for the services you have provided.

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In this Council's 2017-2018 business plan you have failed on 2 out of your 4 targets- namely keeping our streets clean and improving recycling rates.

Would you say that this is a record to be proud of and one that the residents should feel "very grateful" for?"

Answer

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

"As I am sure Cllr Beckett is aware, the 2017/18 business plan contains 63 targets and 33 Key Performance indicators. Whilst I'm very proud of the fact that the vast majority of these targets and KPIs have been achieved, I am conscious that we need to see further improvements in others including street cleansing and recycling rates. Officers are actively working with Serco to review the street cleaning programme and as a Council we will continue to promote waste minimisation alongside preparing for any changes that may be introduced nationally such as the recent announcement for a deposit scheme for single use drinks containers, which will have an impact on kerbside recycling schemes for all local authorities."

Councillor Beckett followed up by saying that this was not exactly the answer to her question and the particular targets, for street cleaning, waste recycling and waste collection had been substantially reduced and are those targets you are proud of?

In response Councillor Bromley re-iterated that these were being looked at.

64. ANNOUNCEMENTS

64.1. Councillor K.Holman

The Council had received the sad news that Councillor K.Holman's husband had passed away on 26 March 2018 and the Deputy Mayor expressed condolences and sympathies to Kerstin and her family.

64.2. Retiring Members

The Deputy Mayor invited the Council to join her in expressing thanks to retiring Councillors T.Bailey, L.Brandon, N.Chapman, J.Dean, I.Dean and N.Taylor.

The Deputy Mayor firstly asked Councillor J.Dean to speak as the retiring Leader of the Council and wished him a Happy Birthday for today.

Other Members then paid tribute to the retiring Members.

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65. MATTERS ARISING FROM THE CABINET

The following recommendations from the meetings of the Cabinet on 6 March and 3 April 2018 were considered:-

65.1. 6 March 2018

65.2. Transfer of Building Control Functions to Three Rivers District Council

The Cabinet considered the further work undertaken on the joint outsourcing project and the next steps to be taken to finalise the project.

In July 2015 the Cabinet received a report setting out the challenges facing building control and it was agreed that the Council should explore the principle of transferring functions into a Hertfordshire joint arrangement.

In August 2016 the Cabinet received a report setting out the business case and financial, legal and risk implications of a joint service. It agreed to form a holding company and two subsidiary companies and to transfer delegable building control functions to these companies. It also confirmed that non-delegable functions would be transferred to one of the authorities in the joint service.

As a result the companies were formed and staff from the seven participating authorities including this Council were TUPE transferred into them in August 2016.

It was now confirmed that Three Rivers District Council would be the company LA1 to whom non-delegable functions would be transferred.

Contrary to the original proposal, it had been decided that LA1 would not employ a qualified building surveyor to make decisions, but would apply checks and balances and auditing arrangements to give proper consideration to each decision and ensure quality control was maintained. This recognised the direction of travel established by Dame Judith Hackitt's interim report into the Grenfell tragedy.

Three Rivers District Council would employ a contract manager to oversee the building control companies and each participating authority would nominate a representative to sit on a commissioning panel to oversee the contract manager and building control companies.

This Council would pay about £28,000 per year for statutory functions and lead authority costs. Other functions such as events safety advice could be procured at an hourly rate.

Legislation indicated that all fees should as nearly as possible equate to the costs of providing the service. Fees would be proposed by the building control company and confirmed by LA1 and the commissioning panel.

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It was considered that these arrangements would create a robust, professional and resilient building control service and ensure structural, electrical and fire safety for the Borough's residents and business.

The Cabinet agreed:-

- (1) That the Council's statutory building control functions (as set out in Appendix A to the report) be transferred to Three Rivers District Council so that it could carry out the duties and responsibilities of LA1 as described in the report of the Executive Director (Public Protection, Planning and Governance) on behalf of Welwyn Hatfield Borough Council.
- (2) That the Executive Director (Public Protection, Planning and Governance) be given delegated authority to authorise the Services Agreement and Inter-Authority Agreement referred to in the report of the Executive Director (Public Protection, Planning and Governance) using the power in Section 5(2)(a) of the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2012 to transfer the functions listed in Appendix A to the report to Three Rivers District Council.
- (3) That the Head of Public Health and Protection be appointed as the Council's "Commissioning Panel Representative" as part of the Commissioning Panel established in accordance with the Services Agreement and Inter-Authority Agreement.
- (4) That delegated authority be given to the Head of Public Health and Protection, in consultation with the Executive Director (Public Protection, Planning and Governance), to appoint a "Deputy Commissioning Panel Representative" to attend the Commissioning Panel in the event of the Panel representative's absence.
- (5) That consideration be given to any consequential revisions to be made to the Council's Constitution and schemes of delegation with recommendations made to the Council for adoption of these revisions.

The Monitoring Officer clarified for Members that the decision to transfer the statutory building control function was an executive matter which was the responsibility of the Cabinet. The Cabinet recommendation was to give delegated authority to negotiate and agree fees which was a non-executive budget matter reserved to the Council.

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

In accordance with Council Procedure Rule 93 five Members demanded, by standing up, that the vote on this item be recorded.

RESOLVED:
(22 voting FOR and 19 AGAINST with 1 ABSTENTION)

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That the Council give delegated authority to the Head of Public Health and Protection, in consultation with the Executive Director (Resources, Environment and Cultural Services) as the Council's Section 151 Officer and the Executive Member (Resources), to negotiate and agree fees for both statutory and non-statutory building control activities, in negotiation with other members of the Commissioning Panel, Three Rivers District Council acting as LA1 and Hertfordshire Building Control Ltd.

(Voting FOR: D.Bell, D.Bennett, J.Boulton, S.Boulton, H.Bower, H.Bromley, J.Cragg, J.Dean, B.Fitzsimon, C.Gillett, S.Glick, K.Holman, T.Kingsbury, P.Mabbott, S.Markiewicz, G.Michaelides, T.Mitchinson, N.Pace, M.Perkins, B.Sarson, F.Thomson, R.Trigg

Voting AGAINST: H.Beckett, L.Brandon, J.Broach, A.Chesterman, L.Chesterman, M.Cook, M.Cowan, S.Elam, J.Fitzpatrick, G.Hayes, M.Holloway, M.Larkins, T.Lyons, H.Quenet, S.Roberts, P.Shah, K.Thorpe, J.Weston, P.Zukowskyj

ABSTAINED: N.Chapman).

65.3. Tenancy Policy and Flexible Tenancy Policy

The Cabinet considered a recommendation from the meeting of the Cabinet Housing Panel on 22 January 2018 on approval of a revised policy and procedure.

This item was brought back to the Cabinet after the decision to approve the policy was deferred at the Special Council meeting on 21 February 2018 (Minute 59.2 refers). The decision was deferred pending clarification on whether any future changes to procedures in relation to this policy would need to be referred back to the Cabinet Housing Panel for approval.

The nature of the decision which the Cabinet was being asked to make in respect of this Policy, prior to the policy being re-presented to the Council for approval was clarified.

The Cabinet Housing Panel had considered an update of the Council's Tenancy Policy which included the removal of references to the Housing Trust and also aligned the policy with the Tenancy Strategy which was published in 2013.

The previous tenancy policy had been approved in April 2012 by the Housing Trust's Board.

The Council had been granting five year flexible term tenancies since November 2013 and the review process for these had been due to commence in November 2017. Now that this process was about to commence on current tenancies, the functional details of the review process had been identified, including reporting, and had been updated in a new, separate, procedural document to provide better guidance for staff who would be carrying out the reviews.

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There were no changes in the updated policy to the grounds for refusing to renew a flexible tenancy at the end of the five year term. These were the same as already approved in April 2012.

The legally mandated procedural guidance for tenants who wished to seek a review of a decision not to renew a flexible tenancy was now also in a separate document that could be issued to tenants separately on request.

The changes made to the original Tenancy Policy, dated April 2012 were identified.

It was agreed that any future amendments to the flexible tenancy review procedure made in line with any future legal changes or changes in procedure should be brought back to the Cabinet Housing Panel.

Following discussion the Panel had agreed that further information on financial assessment, including trigger points relating to income levels, savings, investments or equity be brought to a future meeting of the Panel.

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

In accordance with Council Procedure Rule 93 five Members demanded, by standing up, that the vote on this item be recorded.

RESOLVED:
(23 voting FOR and 19 AGAINST)

That the revised Tenancy policy be adopted.

(Voting FOR: D.Bell, D.Bennett, J.Boulton, S.Boulton, H.Bower, H.Bromley, N.Chapman, J.Cragg, J.Dean, B.Fitzsimon, C.Gillett, S.Glick, K.Holman, T.Kingsbury, P.Mabbott, S.Markiewicz, G.Michaelides, T.Mitchinson, N.Pace, M.Perkins, B.Sarson, F.Thomson, R.Trigg

Voting AGAINST: H.Beckett, L.Brandon, J.Broach, A.Chesterman, L.Chesterman, M.Cook, M.Cowan, S.Elam, J.Fitzpatrick, G.Hayes, M.Holloway, M.Larkins, T.Lyons, H.Quenet, S.Roberts, P.Shah, K.Thorpe, J.Weston, P.Zukowskyj)

65.4. 3 April 2018

65.5. Welwyn Hatfield Business Plan 2018-21

The Cabinet considered the process for creating the Council's new Business Plan for 2018-21.

Over recent months Officers had been working on the Council's new priorities, values and a strapline which were summarised in the Plan on a Page. The

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priorities had been revised to make them easier to present to the Council's communities and more accessible to a wider audience.

The Council's values had also been reviewed so they were better aligned with what was considered to be important when dealing with local residents, businesses and partners.

Furthermore, a new strapline, "Working Better, Together" would be introduced.

Consultation had also taken place with the Borough Panel which showed that 90% of the respondents either "strongly agreed" or "agreed" with the Council's proposed priorities and objectives for the next three years.

The detailed business plan would be finalised over the coming months by the Executive Board in consultation with Executive Members.

The Cabinet approved the process and delegated authority to the Executive Board to agree and publish the new Business Plan over the coming months in consultation with Executive Members and Directors.

It was moved by Councillor B.Sarson, seconded by Councillor J.Dean and

RESOLVED:
(38 voting FOR, 4 AGAINST)

That the Plan on a Page be approved.

66. APPOINTMENT TO COMMITTEE

Councillor J.Dean nominated Councillor N.Chapman to be a Member of the Development Management Committee in place of Councillor I.Dean.

The Council previously appointed a Member to the Social Overview and Scrutiny Committee so no appointment was needed at this meeting.

RESOLVED:

That Councillor N.Chapman be appointed as a Member of the Development Management Committee.

67. THANKS TO MEMBERS

As this was the last Council meeting of the Municipal Year, the Deputy Mayor thanked all Members for their contributions to the work of the Council during the year and expressed best wishes to those Members standing for re-election on 3 May 2018.

Meeting ended 8.50pm
GS