

Council
13 November 2024

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD BOROUGH COUNCIL held on Wednesday 13 November 2024 at 7.30 pm in the Council Chamber, Campus East, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors F.Marsh (Chair)
M.Hobbs, T.Skottowe, I.Walsh, S.Asare, K.Bonkur,
K.Gardner, S.Khan, L.Gilbert, A.Bardett, J.Otumunye,
M.Short, M.Birleson, S.Bonfante, J.Boulton, J.Broach,
L.Chesterman, J.Cragg, L.Crofton, H.Goldwater,
R.Grewal, M.Holloway, D.Jones, T.Kingsbury,
G.Michaelides, T.Mitchinson, G.Moore, L.Musk, A.Nix,
D.Panter, R.Platt, J.Quinton, T.Rowse, A.Scott,
P.Shah, M.Siewniak, J.Skoczylas, S.Thusu, K.Thorpe,
C.Watson, J.Weston, P.Zukowskyj, A.Chesterman and
B.Fitzsimon

OFFICIALS K.Ng, Chief Executive
PRESENT: R.Baker, Executive Director (Finance & Transformation)
S.McDaid, Executive Director (Resident Services and Climate Change)
C.Cade, Governance Services Manager
G.Ramtohal, Assistant Director (Legal & Governance) B.Compton,
Democratic Services Officer

124. MINUTES

The minutes of the meeting held on 18th September 2024 were approved as a correct record.

125. APOLOGIES

Apologies for absence were received from Councillors Bonkur, Boulton, Crofton, Lass, Sarson and Trigg.

126. PETITIONS

No petitions were received.

127. QUESTIONS FROM THE PUBLIC

No questions were received.

128. DECLARATIONS OF INTERESTS BY MEMBERS

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Councillors Kingsbury, Thusu and Zukowskyj declared interests as Hertfordshire County Councillors.

129. ANNOUNCEMENTS

The Chief Executive, Ka Ng, introduced the Staff Achievement video highlighting the work of officers.

Mayor

“Thank you to those who attended my Italian Night in October, we raised a fantastic amount of £1400 for my chosen local charity, Herts Young Homeless. In total so far, we have raised just over £4,618 which is brilliant, and I hope we can continue to raise more with my future events.

In connecting with our different cultural communities, I have attended the local synagogue and also attended Diwali festival in Hatfield. We connected with the Romanian community in Hatfield when they had a cultural day in Hatfield a few weeks ago. I also opened the Ukrainian Saturday School a few weeks ago, and attended the Polish Independence Day celebration at the Polish Saturday School with all the children singing, reciting poetry and I also learned the Polish national anthem.

Thanks to those of you who are attending my quiz night on Friday to raise money for my chosen charity, Hertfordshire Young Homeless. The event has proved very popular so if you were unable but would still like to make a donation, please visit my Just Giving page. Please also note in your diaries my gala dinner next year. More details to follow which will be held at Mill Green Golf Club on Friday the 7th of March 2025.

We were saddened to hear of the passing of former WHBC Councillor James Bond who died in hospital on Saturday 26th October at the age of 83, following a long illness.

James served as a Conservative councillor for Hatfield Central up until last year and was a county councillor for three years as a member of HCC’s Environment Cabinet Panel, representing the residents of the Hatfield North division.

He also served as a Hatfield Town Councillor for the Central and Newgate Street Village Wards and was Hatfield Town Mayor between 2022 and 2023.”

Leader of the Opposition – Councillor Kingsbury

“Thank you Mr. Mayor for the opportunity to remember and honour Edwin James Bond, known to us all as James Bond.

James passed away as you said on Saturday the 26th of October at the age of 83, with his family at his side at the Lister Hospital in Stevenage.

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My first memory of James was in the run-up to the May 2019 election. He applied to be a candidate in Hatfield Central and worked incredibly hard to achieve a good result. He only missed being elected by just under 150 votes, not a bad result for us in that ward at that time.

I recall how eager he was to stand again in May 2020. However, as we all remember, a global pandemic delayed the borough elections by a year. When 2021 came, and with it also an election for Town, Borough and County, his hard work in Hatfield earned him the opportunity to stand for all three positions, with hopes of perhaps winning at least one. One of my fondest election memories is the count of May 2021, a really good result for us across the board, but a truly historic result for James. To our delight, he won all three elections, never being a councillor before, a remarkable achievement that speaks volumes about his hard work in the lead up to this.

As leader of this council at the time and as a colleague at HCC, it was my privilege to work with him. Despite having much to learn and facing health challenges, James set to work always supporting the community however he could. Through those years, despite the ongoing health challenges, James' resilience was deeply appreciated.

He could always be counted on attending really critical meetings where he was needed and his work particularly for Hatfield on the town council demonstrated a sincere commitment to making a lasting and positive difference the lives of his residents.

Our thoughts are with his wife, Ann, and their three children, Heath, Chad, and Lisa as they mourn the loss of a husband and father. We hope they find comfort in the shared grief of those who knew him and worked with James.

The funeral service of James will be held at Oak Hill on Tuesday the 26th November at 1 pm. I encourage all who knew him to join in honour in his life and legacy

Rest in peace James"

Leader of the Council – Councillor Holloway

"Thank you, Councillor Kingsbury, for leading the tributes to Councillor Bond this evening and sharing those stories about him so that we all might know him a little better. I too want to pass on the thoughts of everybody in this council chamber.

I never really knew Councillor Bond well, only the sort of pleasure of a few polite exchanges in the Council Chamber. So I do fear there's little I can add to what you've said. But what I do know however is that nobody would get involved in public service rooted in their community unless they truly wanted to make a real difference. And Councillor Bond obviously wanted to make that difference because he threw himself into three councils at the same time for the first time.

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So perhaps it should also be said of Councillor Bond that he was never shy of taking on a challenge.

We, of course, send our sincerest of wishes to his family, his friends and those members here and across Hertfordshire who have worked closely with him across the years.”

Deputy Leader of the Council – Councillor Quinton

“We were all very sad to hear the news of Councillor Bond's passing two weeks ago.

He was a true gentleman who continued to work tirelessly for people in the community, even when he was already ill, never seeming to let his illness slow him down.

I must admit I didn't know him very well, but others in our group have said how they enjoyed all the stories he told, particularly about his days in the forces and how it shaped his outlook on life.

Above all, I think he will be remembered for his kindness and consideration to everyone, no matter what their politics and his common sense when dealing with council issues.

I would also like to send our thoughts and condolences out to his family and also to his conservative colleagues.”

130. QUESTIONS BY MEMBERS

1. Question by Councillor Kingsbury to the Executive Member Environment

“The new contract for environmental enforcement with District Enforcement has raised significant concerns among local businesses. I am sure we all agree on the need for enforcement against fly-tipping and genuine environmental damage. However, in Welwyn, several businesses have been threatened with fines for minor, technical issues related to waste disposal—without warning or time to correct the situation—despite their efforts to act responsibly and in an environmentally friendly manner. Given that District Enforcement is paid based on the fines they issue, with the council also receiving a portion of the revenue, there appears to be an incentive to pursue minor infractions rather than focus on serious environmental offenders. Does the portfolio holder agree that enforcement should prioritise genuine environmental risks rather than penalising minor non-compliance, which risks harming the local economy and discouraging responsible businesses?”

Answer

“It's fun that we have two similar questions so things might be not included but I'm saving them later.

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So in the government's 2023 Anti-Social Behaviour Action Plan it describes the plague of littering and fly tipping and actively encourages councils to use a full range of powers to deal with these issues. Indeed, it is a priority of this Administration that we tackle the scourge of dump rubbish and waste offenses and feedback tells us that residents and businesses are also supportive of this.

The contract with district enforcement is part of our approach to preventing and tackling waste crime through inspections and enforcement of littering, fly tipping, and making sure that businesses have proper arrangements in place for the disposal of their waste, known as duty of care inspections.

The launch of this contract was supported with communications to councillors, residents, and businesses and this will continue. Much of the incorrectly disposed refuse ends up in the wrong waste stream, or in some cases, as littering or fly tipping.

The legislation surrounding duty of care has been in since 1990, some 34 years. And just as a reminder to the Council, I was born nine years after that. Businesses are given the opportunity to demonstrate that they have had proper waste arrangements in place, i.e. contracts. If they are unable to demonstrate this, then a fixed bounty notice is issued. The council has been pleased to note that today, some 84 % of businesses have been found to be in compliance with this duty of care legislation.

We do not consider failure to have suitable arrangements in place to dispose of waste to be a minor or technical non-compliance. It is not fair to those businesses that have their suitable waste disposal in place. Fixed penalty notices are not issued by DL unless there is evidence of a waste defence.

If businesses and residents comply with their duties regarding the proper disposal waste, then they will not be issued with fixed penalty notices. If businesses believe that they have not committed an offence, they are able to make a representation on this to District Enforcement Limited and this will be considered.

Alternatively, should they feel like they have a suitable case and have not paid a fixed penalty notice, their case will be taken to prosecution and their case heard in court. Although it is important to note that the court can increase the fine should they find the defendant guilty, but the defendant will have the opportunity to put forward mitigation.

The Council has put together a comms plan as well as FAQs to members to advise people and the business of the changing approach.”

Supplementary question

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“Obviously, we agree with clamping down on fly tip and always have done, but thanks for the explanation and the excuses for the heavy-handed behaviour to the businesses. The businesses weren't even given a chance to resolve the issue. I understand there were several examples of such behaviour, such as three male officers attended a small woman's clothing shop, making them all feel uncomfortable when one was changing. There have also been issues with the website and they don't adhere to the council's process of three levels of enforcement. We all know why they are choosing those easy to find as that's how district enforcement make their money.

Given the heavy handedness and issues with the process, will the portfolio holder waive these early fines? I am happy with a single answer of yes.”

Answer

“I realised that some residents may be uncomfortable with that situation and that was never the intention of this council.

I remind them that all our officers do wear body cams so if they feel like there were some serious grievances, we can verify that and we can act on that.

We have received your queries and we are investigating every single one of them. But at the end of the day, the law is the law. If they do not have proper duty of care, then they should be fined. This isn't something we're doing. This is the law. We are asking our residents to follow law as well as we're asking ours, but we will still take every issue seriously.

This is a 12 -month pilot and we're less than two months into it but there I think the good outweighs the bad in this situation. But we will but I can't promise we're going to be waving any fines if they've broken the law”

2. Question by Councillor Thusu to the Leader of the Council

“Following the recent release of an independent report, it is my understanding that this Borough council has had to yet again had to bear extensive costs on dealing with complaints involving a Labour councillor at Hatfield Town Council. Given that thousands were spent in 2020 on dealing with bullying allegations by the former Labour leader of Hatfield town council, can we get confirmation how much public money has already been spent on a recent review into Hatfield Town Council and the behaviour of rogue councillors and an explanation why WHBC is having to foot the bill for misbehaving labour town councillors?”

Answer

“Firstly, the Monitoring Officer of the borough Council is also the monitoring officer for any town and parish council that falls within the boundaries of the borough. This is clearly outlines in the Localism Act of

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2011, something implemented a fair few governments ago. The borough has no control over whether or not complaints of there being a breach in the Councillor Code of Conduct are made against town or parish councillors, or even councillors in this room.

However, as and when complaints like these are made, the responsibility falls upon the Borough's Monitoring Officer and Standards Committee to deal with complaints in accordance with the Council's own arrangements for dealing with complaints about the code of conduct for councillors.

Unfortunately, the Act does not make a provision for the Council to recover the costs associated with the complaints from a town or parish council. Also, complaints are not dealt with along party-political lines. They are dealt with solely in accordance with the previously mentioned arrangements.

Within the last 18 months, there have been five separate complaints against Hatfield Town Councillors breaching the Councillor Code of Conduct. Of those complaints, one was made by a person external to the town council after a review had started.

When we look at how to deal with these complaints, the Deputy Monitoring Officer, in the absence of the Monitoring Officer, took into account, amongst other things:

- (i) the 2020 complaint which you referred to in your question;*
- (ii) the number of existing complaints;*
- (iii) the fact that not all of these complaints were made against one councillor; and*
- (iv) the wide-ranging nature of the complaints.*

Following consultation with the Executive Director (Finance and Transformation) and with the Council's Independent Person, the Deputy Monitoring Officer reached the view that it was appropriate for there to be a review of the Town Council to assist the Deputy Monitoring Officer to better understand whether there were any underlying causes or systemic issues that could be relevant to the complaints. In turn, this could also assist in trying to stem the flow of complaints and, thereby, reduce the costs to the Borough Council in the longer term.

The review cost approximately £10,000 plus staff time and was carried out by Hoey Ainscough Associates Ltd, a consultancy which was set up in April 2012 to offer specialist support local authorities in managing their arrangements for handling councillor conduct issues. They bring with them a wealth of experience in handling these matters. While I do agree it would have been desirable to avoid expenditure, it was appropriate for the review to be independent of the Deputy Monitoring Officer and members to ensure that complaints were progressed and concluded objectively.

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The review was thorough and the resulting report comprehensive. In addition to identifying strengths and weaknesses in the way that the town council operates. The report makes relevant recommendations for the town council to adopt. It should now assist the Monitoring Officer with progressing and completing any outstanding complaints.

Ultimately, when issues are raised, they need to be investigated properly and its absolutely right that officers decide the best route forward and not members and its important in this chamber that we all respect those decisions and processes.

Supplementary question

"I believe that that was quite a comprehensive answer. Not quite sure I've answered and everything, but I guess you've mentioned the report and what it recommends. Now, one of the things it highlights is a lack of leadership, lack of control in meetings by the Labour chair and, bullying of workers by some Labour councillors.

Now, you're saying it's not political, but they seem to all come from one party.

So the question is, do you think there's a systemic problem within the town council, or just a few rotten apples that should perhaps consider their position."

Answer

"My understanding is that the report doesn't single out councillors by any group or political party and that members of this Chamber will be aware that sort of the complaints aren't targeted at single parties.

I would have to have to interrogate that that report in order to answer that question but my understanding is that that report doesn't single out councillors of any party"

3. Question by Councillor Bardett to the Executive Member Housing

"Wilshere Road is one of a number of roads in Welwyn West that have service roads to access the rear of the properties and their garages, these service roads are in a poor state of repair. Maintenance of these roads is the responsibility of this council, and in 2023 works appeared to start with the marking of potholes to be repaired. Recent attempts through member casework to get an update on progress of the works elicited the response "... the maintenance of the road is within the remit of responsibility of Herts County Council" and the case was closed. When it was pointed out that this was incorrect the case was reopened the subsequent response was "that there is a quote in place do works to service roads across the borough", ..." At the moment this isn't part of any planned works."

Can the portfolio holder confirm when the quoted works to the service roads will be added to the planned works with a scheduled start and finish month and year. Further can they advise where Wilshere Road lies on the

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priority list for the quoted works so that the residents can be advised accordingly.”

Answer

“In 2023, we carried out some work on the service road between Wilshire Road and Horse Rush or Bush Rise, unfortunately, the standard repair or filling the potholes did not last as long as we had hoped. The cost for a more substantial repair, which includes resurfacing the service road, is estimated to be around £100,000. It is important to note that there are 44 properties that access the road, of which 28 are privately owned and 16, or 36%, are owned by the council. It would be prudent for the council to explore options to share a proportion of these costs with the private owners. This is not only fair but necessary as our resources should be used to invest in our housing stock and to build more affordable homes.

We are in the process of reviewing the legal documents of the private households to see how we could find a way to recoup their proportion of the cost for these works. Once this is completed we'll seek an updated estimate prior to starting the work”

Supplementary question

“If these roads are actually owned by the, or effectively adopted, by this council. Why should any residents be paying any more for these roads?”

Answer

“I think the service charge with service roads do pose a particular challenge

as I say the adoption of the private households over time has meant that we need to review the current legal status of that.

Obviously, we want to make sure we are fulfilling our duty where it is necessary. We also need to be responsible where we're allocating that finance.

We went down to view the Service Road with officers to have a look at, to understand the situation better. And when you look at it, I think service roads are challenging because a) the use of them has changed over the years a lot. When you look down that particular road, garages have been adopted for home offices and you see where people have built up to different boundaries to that property the road itself is sloped so if you were to do a full repair, you'll need to add in things like drainage to that. There's more than there's quite a bit to look at behind that and how we approach this issue going forward is something that me to review and we want to make sure that we set up a new process that we can follow that is fair going forward”

4. Question by Councillor Walsh to the Executive Member Environment

“For too long, our streets and greenways have been stained due to the actions of some who have used these public spaces as their own private

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dumping ground. A disgusting act which, despite the best efforts of our local volunteer community who go picking this up, continued to harm the proud image we should have of our towns and environs.

With this in mind, it has been very reassuring to see and hear of the actions of the litter enforcement team appointed by this council at no cost to this council in identifying culprits and issuing penalties.

Can I ask for an update on the performance of this new initiative?"

Answer

"Fly tipping is unacceptable and costs local authorities across England some £8.9 million per year in clean up.

We appreciate all the hard work and time that our volunteers keep in our community to help pick up litter and help us to keep the borough clean.

But we also need to tackle those that commit these waste crime offenses. As it has been mentioned earlier, tackling littering, fly tipping and other waste offenses is one of the key priorities for this administration. As part of our approach, the Council tendered a contract which was won by District Enforcement Limited to deal with fly tipping, duty of care offences and littering. District Enforcement can only issue FPNs if there is evidence of an offence and the fines from FPNs paid for the service. They provide at no cost to the Council. This approach, alongside activities from our Council teams, is the approach to tackling robust enforcement action. The contract is a 12 -month pilot to help us assess if this approach is successful in reducing flight tipping and littering within the borough. To date, 132 waste offenses have been identified and fixed. And fixed penalty notices have been issues. These comprise 81 FPNs for littering, 47 FPNs for failure of business comply with duty of care, two FPNs for household fly tipping, and two FPNs for business fly tipping. It is still in early days of the pilot, but these initiatives have made a strong, successful start the fight against waste crime. We continue to monitor the performance over the weeks and months ahead, and the difference will make for our borough."

131. MATTERS ARISING FROM THE CABINET

The Council considered the following items recommended to Full Council at the Cabinet meeting held on the 5th November 2024:

131.1. FP2085 Council Tax Support Scheme 2025/26

Councillors Broach and Jones moved and seconded the Council Tax Support Scheme.

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The Council's Council Tax Support Scheme replaced council tax benefits in April 2013. The scheme was based on a broad framework agreed as part of a consultation undertaken with Hertfordshire County Council, Hertfordshire Police and Crime Commissioner and other interested parties.

Councillors raised the following points during the debate:

- Concerns were raised regarding agreeing the Council Tax Support Scheme prior to the Council's budget being agreed.
- It was highlighted that the Scheme had been proposed to support the most vulnerable residents in the borough.
- The report stated that an Equality Impact Assessment had not been completed as there had been no changes. It would be important to review this to ensure that no groups are excluded, and the impacts of the Winter Fuel Allowance.
- It was noted that a high demand for Council Tax support could result in collection fund deficit. It was queried what the Council would do to mitigate this risk. In response, the Executive Member (Resources) confirmed there was a cross-party Budget Task & Finish Group and all parties would have the opportunity to input into the budget process.
- The Scheme was implemented in 2013 to support vulnerable residents in the borough.
- It was suggested that the personal independence payment inclusion should be reviewed as not everyone included in this group would be considered vulnerable.

RESOLVED:

(unanimous)

Full Council agreed that the localised Council Tax Support Scheme continues in 2025/26 to help people on low/no income to receive a reduction on their council tax.

131.2. FP2081 Approval of the Gambling Act Policy

Councillors Thorpe and Panter moved and seconded the report.

In connection with the Gambling Act 2005 the Council is obliged to have regard to promoting the statutory licensing objectives contained in the Act. These are:

- Preventing gambling being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way and protecting children; and
- Other vulnerable persons from being harmed or exploited by gambling.

The Council's Statement of Principles (Gambling Act Policy) aims to set out in general terms what policy decisions the Council has taken to achieve these licensing objectives. The Statement of Principles (Gambling Act policy) is based on the Act, statutory regulations and guidance.

During the discussion the following points were raised:

- County Council had different figures for gambling establishments in the borough.
- It was highlighted that there were not many gambling spots in the borough.

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- There was an increase in online gambling.

RESOLVED
(unanimous)

Full Council agreed the revised Statement of Principles under the Gambling Act 2025-2028, and the proposed changes to the Gambling Policy.

132. NOTICES OF MOTIONS UNDER PROCEDURE RULE 16

No motions were received.

133. COMMITTEE TIMETABLE 2025/26

Councillors Holloway and Quinton moved and seconded the proposed Committee Table for 2025/26.

RESOLVED:
(unanimous)

The Committee timetable for 2025/26 was agreed.

134. URGENT MATTERS

There were no items of urgent business.

The Mayor did thank members for attending Remembrance Sunday events in the borough.