

WELWYN HATFIELD COUNCIL

COUNCIL PROCEDURE RULE NO. 15 QUESTIONS – QUESTIONS BY MEMBERS

Notice of the following questions has been received in accordance with Council Procedure Rule No 15:-

1. Question to the Leader from Councillor Gemma Moore

“Over the last few months I have been contacted by a number of residents who have failed to get a response to their housing maintenance query. In most cases they are asking simply for an update on the progress of their repair, but instead either receive no response or are told to expect an update from their allocated surveyor which never arrives.

Please can the Council confirm if there is a service level agreement in place for tenant enquires? If so what are its intended response times and is the council currently meeting them?

Cllr Fiona Thomson

Firstly, I would like to apologise to any tenant who has not received the level of service we strive to deliver. As part of the mobilisation of the Morgan Sindall contract we are making a number of changes which will improve the way we communicate with our tenants requiring repairs. For example, when an appointment is made this will be clearly communicated via text message, email or by phone, and appointment reminders will be sent the day before the appointment. We are also introducing improved appointment flexibility, for example appointments avoiding the school run, and some weekend and evening appointments. All of these measures were presented to members at the recent Cross Party Housing Maintenance Contract Mobilisation Board. Customer experience is important to us and we will be monitoring this at different points in the process.

Our council-wide review of customer service is ongoing, and a cross-party Customer Services Project Board has now been set up, with the first meeting taking place this Thursday. Service Level Agreements will be reviewed as part of this.

As mentioned many times before, if members are not receiving a response to queries in a timely manner and there are specific cases you would like to discuss, please can I ask you to contact the relevant Director/Assistant Director and / or Portfolio holder?

2. Question to the Leader from Councillor Lynn Chesterman

“Reading the consultation information regarding the Community Bus service I was alarmed to read how skewed this consultation is. This council has once again scheduled the process over the holiday period – 27 July to 6 September 2022 – coinciding with a period when residents are less likely to be around or looking online for such a thing.

There are two issues that stand out:

Why was the cost of replacing the buses never factored into the annual budget over the number of years that the buses were expected to depreciate as is the normal practice?

One question actually implies that if you are on the website and have difficulty ticking the box then you should have received a hard pack. A number of residents have complained about this. Are you happy that the questions are skewed in such a way that it is inevitable that they will return the response that you want? Were you involved in writing them or just agreed the text when finished?"

Cllr Fiona Thomson

The consultation period was carefully considered. Consultation would normally be carried out over a four-week period but this consultation was extended to six weeks due to the summer period. Hard copy consultation packs were also sent to each service users to ensure that they were aware. In addition, consultation packs were given to Jimmy Macs to share with service users, and officers also went onto the buses to encourage feedback from service users.

The cost of replacing the buses would be from the capital budget and not from the annual revenue budget. As stated in the consultation the current fleet of buses are nearing the end of their working life, and this was part of the reason why we carried out a review of the Community Transport Service to ascertain whether it delivers value for money.

Regarding the consultation question, there is a question that asks whether the respondent has ever used the service and if so, did they receive a hard copy pack. If answered no, there was an opportunity to leave details to have a hard copy pack sent. We have received several requests for packs and have supplied them. This question was intended to capture any residents who had used the service previously, but who were no longer registered to the scheme and therefore may not have received a hard copy pack. This question did allow residents to request a hard copy pack and I'm struggling to see how this would skew the consultation response.

The questions were considered very carefully and they were included in the Cabinet report back in July. There is also a free text commentary to enable the respondent to include additional feedback other than the direct questions.

3. Question to the Leader from Councillor Michal Siewniak

In the last few weeks, I have spoken with a number of businesses in Welwyn Garden City Town Centre. They raised with me a number of issues and concerns, which relate to soaring fuel costs, high inflation and the cost of living crisis. As expected, many businesses are finding it difficult, almost impossible, to survive in the current climate

Although several businesses also said that they are still doing ok, they fear that as soon as we hit the autumn and winter months, the situation will definitely deteriorate. How will they afford the energy price hikes when footfall could decrease and what alternatives can they see going forward? When major retailers like Marks and Spencer, Next and Debenhams have left, how can the town centre draw in customers?

Only at the end of August, restaurant Bill's also shut its doors to customers.

A completely new business and retail model is needed to re-shape the way in which we engage with potential investors and visitors to the town centres. If we want to remain a destination for residents, we must work collectively and creatively to "resurrect" our wonderful Town Centre, which is becoming worryingly tired.. The council can play a vital role in creating a vision which will guide this change and signal what is required, in conjunction with the existing businesses and BID. The

longevity of our town centres cannot simply rely on existing businesses, who do not have the same scope to try and guide regeneration.

My question is therefore: when will the council create a clear vision for vibrant town centres in WGC and Hatfield and action plans to guide their revival? Every delay makes their rejuvenation even harder.

Cllr Tony Kingsbury

The Council has a clear vision for both Welwyn Garden City Town Centre and Hatfield Town Centre, and significant steps have already been taken by this administration to support our businesses and promote regeneration, which I will outline below. However, it must be acknowledged that there are factors outside of this Council's control affecting town centres nationwide, including rising energy prices and inflation, the trend towards online retail, and the continued impacts from the Covid-19 pandemic.

The regeneration of Hatfield Town Centre has been underway for several years and is well advanced. Initial works saw extensive public realm works to White Lion Square, transforming this area into a popular and well used public space, works were also carried out to refurbish The Arcade and new retail and residential units were created at 17C & D Town Centre. The Council have also completed the construction of the Common Multi Storey Car Park, which has released further land in the town centre for redevelopment. The construction of three blocks at One Town Centre is well underway and this will deliver new high quality retail space as well as 71 homes, which will be a mix of affordable and private housing. Works to redevelop the Link Drive Car Park have recently commenced and the development will result in a further 80 homes in the town centre.

The re-development has already seen positive outcomes, with dwell-time and spend increasing, as well. The Council has a 100% occupancy rate for its commercial properties in the Town Centre and are currently in the process of granting new long term leases to a number of its tenants.

The regeneration of Welwyn Garden City is also a key focus. The Council worked in partnership with Herts County Council to carry out public realm improvements to Stonehills and Anniversary Gardens and further public realm improvements are planned for 2023-24. Work to construct a single deck car park at Campus West is underway and this will free up space in the town centre for redevelopment. Contracts have been exchanged with Bellway Homes for the redevelopment of Campus East and the site has the potential to deliver up to 280 new homes. The Council is also committed to working with the owners of private assets, such as the Howard Centre, to ensure they respond to our exciting plans.

We have been pleased to see the opening of several new operators in the town centre recently, including the Postino Lounge, Bedtime Beers and the Geek Retreat, which reflects the trend towards leisure and hospitality as part of the overall town centre experience. The Council has worked in partnership with its retail tenants throughout the pandemic and as a result has a 100% occupancy rate of Council owned units in the town centre.

The Council has also utilised funding from the Welcome Back Fund to hold a number of events in both town centres, including large summer events, provided support to the BID in hosting its World Food Festival and Screen on the Green events, and supported businesses to access national support

4. Question to the Leader from Councillor Max Holloway

“At the last meeting of this Council, a motion brought by Labour Councillors regarding Personal Emergency Evacuation Plans for disabled people was voted down. Many members expressed their ignorance of the issue and preferred to wait for further guidance from the Government. Does this Council still believe the case is not made for these residents to have such arrangements in place?”

Cllr Fiona Thomson

As mentioned at the last Council meeting, the Personal Emergency Evacuation Plans (PEEPs) consultation closed in July 2021 and the government’s response to the consultation was published in May 2022.

The PEEPs consultation raised significant issues covering 3 broad areas – practicality, proportionality and safety, which means the government is currently unable to mandate PEEPs in high-rise residential buildings.

- Practicality – the consultation states that a number of respondents have identified difficulties with providing and relying on staff to enact PEEPs and that individuals are not always readily available to assist in an evacuation.
- Proportionality - There was also significant concern that mandating PEEPs as set out in the consultation would fundamentally result in the requirement to have staff in all of their buildings. This would undoubtedly lead to disproportionate expense on leaseholders through service charges.
- Safety – The consultation responses have identified difficulties in implementing PEEPs in buildings that are not necessarily designed for simultaneous evacuation. The consultation also highlights concern that not only could evacuation not always be necessary, but it could also increase the risk of harm to those being evacuated, or those assisting in the evacuation: these concerns support that ‘stay put’ may often be the safest option in some buildings or with some fires.

The government had taken into account responses received in the written consultation, informed by the stakeholder workshops and follow up discussions with those already implementing fire safety initiatives for mobility impaired residents, have led to the conclusion that the evidence base for PEEPs is not sufficient to mandate their implementation in high-rise residential buildings at this stage.

Compelling Registered Providers to administer PEEPs at this point could prove counterproductive because it could increase the risks posed to vulnerable people, as well as impact on the good relations between disabled residents and non-disabled residents if disproportionate costs were passed on to the latter.

The government is currently looking at an alternative solution and has published a new consultation, which includes a proposal on Emergency Evacuation Information Sharing (EEIS). This proposal focuses on residential blocks of flats with a simultaneous evacuation strategy in place. In these buildings, Registered Providers (RP) would be required to ask residents to make themselves known if they feel they might need support to evacuate in the event of a fire. The RP would then be required to offer a Person-Centred Fire Risk Assessment (PCFRA) and connect them with a home fire safety visit from their local Fire and Rescue Service. Once completed, the RP and resident would review the risk assessment and consider what interventions might be reasonable for them to implement in order to mitigate against the risks identified. Information about residents who could still not self-evacuate would then be shared with the local Fire Service, who would factor it into their operational response, and could prioritise resources to further assist and effect these evacuations.

Other measures are also explored in the consultation including a toolkit (for all RPs but with a particular focus on stay put buildings), and a call for evidence for examples of practical, proportionate and safe PEEPs and other fire safety initiatives being undertaken in residential settings that meet these criteria.

These measures will form a more holistic approach to ensuring fire safety that builds upon information gathered in this consultation. It should be noted that the EEIS consultation deadline was extended twice and it closed on at the end of August.

Welwyn Hatfield believes that any future proposals must keep central to the three areas highlighted by the Government, it must be practical, proportional and safe. PEEPs as identified by the government do not meet these factors fully at this stage and if they are enshrined locally, this will mean any building that required PEEPs would require staff to write and update the PEEPs regularly and the information we have about residents would also need to be updated more frequently to ensure the PEEPs are kept up with. We would also need staff to be present in the building 24/7. Unless PEEPs were required by law it would be extremely difficult to enforce PEEPs on private owners with no legislation to enforce against. We therefore should wait until the government has responded to the consultation to enable us to put the right solution for tenants.

5. Question to the Leader from Councillor Russ Platt

I note with much interest that the leader of the council has called in a planning application in Welwyn for the erection of a 3.5 storey block containing 23 flats, 18 underground parking spaces and associated landscaping.

The reasons stated on the call-in are:-

1. This is overdevelopment of the site and out of keeping with the conservation area and heritage properties nearby.
2. There is a very high level of public interest against the application.
3. Car parking is a concern, with less than one space per flat in a village where little alternative parking is available.

The leader has referred to items that contravene council planning policies. Similarly, in the recent Biopark appeal council planning staff based reasons for objection on failure to adhere to council policies. This was sadly not the case in the original officer reports on the Biopark and Wheat Quarter which ignored the council planning policies..

Following these recent examples, can the council now confirm that where applications fail to adhere to this council's planning policies, they will expect officers to recommend that they are amended or rejected?

Cllr Stephen Boulton

It is important to emphasise that officers and elected councillors have separate and distinct roles in relation to the assessment of planning applications. It is the role of Council planning officers to provide impartial professional advice to Councillors whereas it is the role of Councillors sitting on the Council's Development Management Committee to consider each planning application on its own merits, having regard to the officer advice but ultimately coming to their own conclusions. This is what happened in the case of the Biopark planning application. Although officers made it clear they could see no reason for the original application to be refused in relation to local or national planning policies, members of the Development Management Committee felt strongly that the community's voice

should be heard. The independently appointed Planning Inspector came to the conclusion that planning permission should be granted, finding that the proposals broadly complied with national and local planning policies.

Officers have always recommended that planning permission is refused for inappropriate development proposals which do not accord with local and national planning policies and they will continue to do so. It is worth noting that such decisions are usually made by officers under delegated authority without the need to be taken to DMC. Officers will continue to robustly scrutinise all proposals for development and will continue to recommend that planning permission is refused where appropriate. However, I am sure you will agree that it would be completely inappropriate for any councillor to seek to compromise the impartiality of council planning officers in any way simply because the professional recommendations they make are sometimes unpopular. Indeed, to attempt to do so could put the Council at significant legal risk. The Council's officers perform an invaluable role in sometimes very challenging circumstances.

Of course it is equally important that Councillors retain the right to request for planning applications to be called-in to DMC for determination by democratically elected members and that DMC continues to lawfully exercise its own judgement on the development proposals which are brought before it for consideration.

Supplementary Question received 19 September 2022

Thank you to councillor Boulton for his response to my question. However, I don't believe the question that I asked has been answered.

In the response it is stated that "Officers have always recommended that planning permission is refused for inappropriate development proposals which do not accord with local and national planning policies and they will continue to do so." This is not the case, as highlighted in (among others) the recent application on the Biopoark and the application for 73 Bridge Road East, where officers did not recommend refusal, despite the applications not according to local policies. Policies later referred to and defended by the council, in their defence at the Biopark planning inquiry.

To address a secondary point in Cllr Boulton's response, where it states, "However, I am sure you will agree that it would be completely inappropriate for any councillor to seek to compromise the impartiality of council planning officers in any way simply because the professional recommendations they make are sometimes unpopular." This, of course, is a moot point, because if officers ensure that all applications adhere to policy, there can be no basis of a claim of any impartiality. Any councillor stating that an application does not comply, cannot be considered to be compromising the officer as they are simply referring them to the council's own policy.

So, with the above in mind, will the council now confirm that where applications fail to adhere to this council's planning policies (and/or national policies), they will expect officers to recommend that they are rejected until such a time as they are compliant with council policies?

Cllr Stephen Boulton

As explained in my previous response, Officers have always recommended that planning permission is refused for inappropriate development proposals which do not accord with local and national planning policies, and they will continue to do so. Whilst anyone is entitled to reach their own view about any proposed development, I encourage my fellow Councillors to ensure they are always

respectful of our planning team's professional expertise and judgement, which provides a vital service to us.

6. Question to the Leader from Councillor Kieran Thorpe

"This autumn sees the end of nearly fifteen years of partnership between this council and Mears.

At the point this partnership reached a decade, it was described by the then leader of this council as a significant achievement.

Does the leader of the Council agree with me that real issue of significance is an abysmal decade and a half of decaying housing services from a provider that has failed to provide, and a Council that has utterly failed to manage the outsourcing of one of our most crucial services?"

Councillor Fiona Thomson

I think we all agree that there is room for improvement in our housing repairs and maintenance service. This is why measures have been put in place to ensure that the new contract with Morgan Sindall, which commences on 1 October 2022, has been updated to reflect modern service standards and customer service expectations. It will make use of modern technology to improve communications with customers.

We have also set aside significant capital budget to invest in our housing stock, and to further improve insulation levels in order to support tenants' running costs and to address the impacts of Climate Change.

7. Question to the Leader from Councillor Lucy Musk

"From October 1st 2022 after a lot of delays and little communication the High Fat, Salt and Sugar (HFSS) legislation finally comes into force for England.

Whilst the government has been slow to liaise with retailers on space and a goods that will be restricted, does this council have a robust plan in place for the enforcement of HFSS Legislation including any additional costs that the council may incur?"

Cllr Nick Pace

Eating a balanced diet and keeping active is essential for maintaining a healthy weight and good health. The Food (Promotion and Placement) (England) Regulations 2021 are being introduced by the Government in response to well documented concerns regarding obesity in both children and adults. The legislation aims to encourage retailers to provide price restrictions and healthier options in key selling locations, with the objective of improving the nation's diet.

In Hertfordshire this legislation will be enforced by Herts County Council Trading Standards, as such there will be no direct costs to the borough council. Environmental Health work in partnership with Trading Standards on food enforcement matters and have established means of information sharing, as necessary, to ensure business compliance across the borough.