OVERVIEW AND SCRUTINY COMMISSION
HELD ON MONDAY, 5 AUGUST 2019
(FROM 5.30 PM – 8.10 PM)

PRESENT: Councillor Chris Aldred in the Chair. Councillors Margaret Atkinson, Bernard Bateman, Nick Brown, Sue Lumby, Pat Marsh, Nigel Middlemass, Victoria Oldham, Norman Waller and Tom Watson.

In Attendance: Councillor Mike Chambers, Cabinet Member for Housing and Safer Communities.

Late Arrivals: None.

Early Departures: Councillor Bateman at 6.47 pm
Councillor Atkinson at 7.15 pm

21/19 – APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES: Notification had been received that Councillor Margaret Atkinson was to act as substitute for Councillor Michael Harrison and Councillor Victoria Oldham was to act as substitute for Councillor Robert Windass. Apologies for absence had been received from Councillor John Mann and Councillor Sam Gibbs. (5.31 pm)

22/19 – DECLARATIONS OF INTEREST: Councillor Nick Brown declared an interest in Minute 26/19 as he was an ambassador for Harrogate Homeless Project. As this was not a pecuniary interest he remained in the room and took part in the discussion of the item. (5.31 pm)

23/19 – MINUTES: The Minutes of the meeting of the Commission held on 1 July 2019 were approved as a correct record and signed by the Chair.

(Six members voted for the motion and there were four abstentions) (5.32 pm)

24/19 – EXEMPT INFORMATION: Two of the appendices to the report considered at Minute 26/19 and five of the appendices to the report considered at Minute 32/19 were considered to be exempt under paragraph 3 of Schedule 12a to the Local Government Act. Discussion on the items took place in open session. (5.32 pm)

25/19 – PUBLIC ARRANGEMENTS – QUESTIONS: The following question was read out by Mr Peter Lilley in accordance with Standing Order 27:

One would have thought that the scrutiny committee, more than any other council committee, should be seen as being open, transparent and fully accountable. So it’s rather concerning that the meeting at which you discussed and decided your work programme and list of priorities for the coming year was held behind closed
doors. That doesn’t seem very open and transparent to me. Isn’t it entirely unsatisfactory that your conclusions should have been presented as a fait accompli thereby denying press and public the opportunity to hear councillors arguing the merits of why they think a particular work area should be given priority over something else? Including why a service this council isn’t even responsible for providing (local bus provision) should take precedence over matters relating to the good governance of the Council?

Don’t you agree that the public has an absolute right to know exactly how you decide your priorities; and the way each of you vote to determine those priorities?

In which case, will this committee now reconsider & redraft its work programme based on arguments presented at an open meeting of the scrutiny committee meeting rather than the one that was held in secret?

The Chair thanked Mr Lilley for his question and gave the following response:

Whilst accepting that the Councillor Workshop Session held in May, to begin formulating a Future Work Programme for the Commission, was for Councillors only, I do not accept that it was “held in secret” or that the deliberations that took place were “presented as a fait accompli”. It followed an established process for the Commission, in recent years, where Councillors were asked to bring forward their own suggestions and also consider suggestions from the Councils Management Board & other Officers. I would actually argue that the process was more open than in the past, as this year a conscious decision was made to invite all Councillors (with the exception of Cabinet Members) to attend & participate and not restricting the Workshop to Commission members only. There was never any intention to decide the Work Programme at this workshop, as the Councils constitution only allows outcomes to be agreed at a formal Commission meeting, where changes/amendments can be made – indeed at our last meeting, you may recall that it was agreed to keep the programme deliberately flexible and subject to change and there is always a Future Items of Work item on each Agenda.

Shortlisting of topics for Scrutiny is discussed at points 56 & 57 in the recently published Statutory Guidance on Overview & Scrutiny paper, produced by the Ministry of Housing Communities & Local Government, which I know you are aware of. The paper acknowledges that “Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence about what priorities should be, they can be a useful tool”.

However, I do feel there may have been some confusion at our July meeting as to the ranking of topics which I think the Appendix to the report at item 8 on tonight’s agenda (O&S Future Work Programme) addresses. 4 items were identified as having equal High Priority – the Sport & Leisure Review, Housing delivery in the Nidderdale AONB, Local Bus Provision and Street Begging / Homelessness ….which we will hear more about tonight. Criteria for referral to Planning Committee was identified as being of Medium Priority. Whilst Security in Parks & Open Spaces, Carbon Reduction Strategy, Waste & Resource Strategy, the Sale of Crescent Gardens, Committed Sums/CIL & performance of Harrogate Convention Centre / Royal Hall were all identified as relatively Low Priority, I would like to stress that it is still the intention that the Commission will have the opportunity to review all the
above items during this Council year.

I would also like to take this opportunity to defend our decision to have a look at Local Bus Provision, as it is something I personally pushed for. I realise from your question that you would prefer us to be scrutinising what you term as “good governance of the Council” – others may define it as internal Council procedures. Like other Councillors around the table tonight, I hold a regular monthly surgery for my Ward residents. Whilst residents in my Ward regularly bring to me their concerns regarding Housing, Health Service Provision, Crime and yes, particularly in my Ward, Bus Provision ….or to be more precise, the lack of it, I have yet to have one resident raise any concern about the minutia of Council procedures or “good governance”. And whilst taking the point that this Council isn’t responsible for Bus provision – although interestingly, our new Prime Minister indicated last week that he was considering addressing the issue, based upon the London model, where the local authority do have a say as to what services are provided & when – I would refer you again to the recent Government Guidance on Overview & Scrutiny, which has 3 annex items, with examples of what is deemed as good practice. The illustrative scenario at Annex 3 deals with an Overview & Scrutiny committee where concerns had been expressed by user groups, and the public at large, about the reliability of the local Bus Service. Although we may not be able to directly control local Bus provision it is an issue of much local concern and I believe this Commission has a legitimate brief to address such issues as part of its Work Programme.

(5.32 pm - 5.40 pm)

SCRUTINY MATTERS AND REVIEWS UNDERTAKEN BY THE COMMISSION

26/19 – STREET AID: A PROPOSAL TO ADDRESS THE ISSUE OF BEGGING AND STREET SLEEPERS IN THE HARROGATE DISTRICT: The Community Safety Officer submitted a written report on the Street Aid proposal. The Overview and Scrutiny Commission had agreed that Homelessness/Street Begging should be a priority for 2019/20 and as such were being presented with the Street Aid proposal for consideration. The proposal had been agreed by the Cabinet Member for Housing and Safer Communities on 9 July 2019. Appendix A to the report contained the framework; Appendix B was the Two Ridings Community Fund Contract; Appendix C was the LibertyPay draft invoice; Appendix D contained the costings and OPFCC Fund Contract and Appendices E and F contained the risk and equality impact assessments respectively.

Maggie Gibson, Housing Needs Manager at Harrogate Borough Council, Julie Everill, Harrogate Homeless Project and Mike Benson, North Yorkshire Horizons were present at the meeting to respond to questions.

Councillor Mike Chambers, Cabinet Member for Housing and Safer Communities introduced the report by acknowledging that Harrogate did have a street sleeping/begging issue and that the StreetAid project was aiming to address those issues. The StreetAid project in Harrogate was following the project launched in Cambridge that had been very successful. The project would allow key workers for street sleepers to access funding in order to provide training courses, interview wear
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eetc.

The Housing Needs Manager (HNM) also acknowledged the issue of homelessness/street sleeping/begging in Harrogate. The Housing Strategy 2019-2024 and the Homelessness and Rough Sleeping Reduction Strategy 2019-2024 were out for consultation at the time of the meeting and looked to address the issues. There were currently 14 beggars active in Harrogate Town Centre but only four of those were rough sleepers. The rough sleepers were all known to the Housing Options team at Harrogate Borough Council who continued to offer their assistance and expertise to those individuals. Some of the beggars who were not identified as homeless in the Harrogate District could have travelled from outside the District as Harrogate was seen as a particularly lucrative place to beg due to its tourist economy. The Housing Needs Manager stated that the Housing Options team would work with anyone willing to be helped and there was a very good partnership network throughout the District that could help homeless people in a number of ways. This help was always tailored to the individual/family in need as no case of homelessness was the same.

Julie Everill from the Harrogate Homeless Project (HHP) explained that HHP had started with a hostel that now had 16 self-contained rooms for individuals over the age of 18. There was also an extra five emergency beds that were accessible between 8pm and 8am every day. Experienced staff were on hand 24/7 to provide assistance to those staying in the hostel/emergency rooms. HHP also have some “move-on” accommodation for those people ready to leave the hostel but who were not quite ready to live independently. The Pathways team worked on the streets with people who did not want to engage with mainstream services. Of those people currently staying in the hostel, nine had complex needs. As this was a regular occurrence, HHP had employed their own psychotherapist. They also ran a day centre in Harrogate that provided a shower and breakfast for homeless people between the hours of 9.30 am and 10.30 am. The day centre was also open from 10.30 am – 2.00 pm to give out free homelessness advice. Over the past year the hostel had been at 95% occupancy and the average stay in the hostel for 80 nights. The day centre received 700 visits a month, during which time they provided 300 meals. Julie Everill advised the Commission that not everyone on the street was homeless.

Mike Benson from North Yorkshire Horizons (NYH) informed the Commission that NYH provided drug and alcohol support for people over the age of 18. The most common age group helped was those between the ages of 30-49. Helping people with addictions was complex as addictions tended to be coping strategies for other issues. Many of the volunteers at NYH had experienced addiction at some point in their life and were using their experiences to help others. Some had gone on to advance their education and become employees of NYH. Mike Benson reiterated the point made by Julie Everill that not all beggars were homeless.

Helen Richardson, Community Safety Officer (CSO) at Harrogate Borough Council presented the StreetAid project. The aim of the project was to get homeless people into accommodation, keep them off the streets and educate the public. The CSO stated that homelessness was a national issue and as such many other local authorities had created projects to try and deal with. Research had been
undertaken on the projects in Nottingham, Oxford, York, London and Cambridge. As Cambridge was similar to Harrogate due to the tourism it was felt that the Cambridge scheme would be the best option to follow. The CSO wished to place on record her thanks to the officers in Cambridge for their help. Funding had been secured from the Office of the Police, Fire and Crime Commissioner for the pilot year. The Two Ridings Community Foundation would be running the fund which could be donated to either online or by using a tap terminal that would be located in Harrogate Town Centre. The tap terminal would be a set £3 donation but users could “tap” multiple times if they wished to donate more.

To access the fund, a key worker would need to apply for up to £500 on behalf of an individual/family. Anyone receiving assistance from StreetAid would need to be connected to the Harrogate District and be known to the partners involved with homelessness. No cash or “sellable” items would be given out via the fund but the money would instead be used for training courses, therapy or be paid directly to services or businesses providing goods such as carpets etc. The fund would be used to fill the gaps that were not currently covered by other services and as such would not be used to “double-up” on existing funds.

In order to make Harrogate StreetAid a success the CSO acknowledged that educating the public would be key. The Council and homeless charities had previously received negative press coverage for trying to move homeless people and many residents were very sceptical of claims that beggars were not truly homeless. It was therefore vital that the public were made aware of the project and that it would lead to real change rather than the small, short term change the resulted from £1 or £2 being given to beggars.

In response to a question from Councillor Brown, the HNM confirmed that beggars did sometimes receive money in the form of notes as opposed to coins from members of the public. The CSO explained that by encouraging people to donate either by the tap terminal or online, it would make begging in Harrogate less appealing as the beggars would not receive as much money. The HNM informed Members that this was why education was so vital. Businesses within the town centre had been informed and were on-board with the proposals. In response to a further question from Councillor Brown that CSO confirmed that begging was against the law but that the police were reluctant to move beggars on if they were not being hostile. Furthermore it was not against the law to simply sit in the street.

Councillor Bateman asked whether the beggars were linked to any criminal gangs, either locally, nationally or internationally. The officers present informed the Commission that there was no evidence of this in the Harrogate District but encouraged anyone to phone 101 if they did suspect that this was happening.

Councillor Oldham asked a question in relation to the publicity of the project. The CSO explained that the officers involved had done a presentation for the Chamber of Trade and were in discussions to do the same with the Harrogate BID board. It was reported that many employees of the businesses in Harrogate Town Centre felt uncomfortable and vulnerable when dealing with beggars/ street sleepers and also when dealing with disgruntled members of the public. It was hoped that StreetAid would give them more confidence to deal with the issues whilst at the same time
ensuring real change could happen. It was also hoped that StreetAid could be built into a national brand to ensure that visitors to the District were aware of the project.

The CSO confirmed that GiftAid would be available on online donations but not on the donations made via the tap terminal.

In response to a question from Councillor Waller regarding beggars that came in from outside the District, the CSO confirmed that Cambridge had seen a huge reduction in the number of people coming into Cambridge from outside as they were not earning as much money as before. The HNM explained to the Commission that, whilst the beggars may not be from the Harrogate District, they could still be vulnerable people and the Housing Options team would therefore try to reconnect them with the relevant services in their “home” area. There was a 0% chance of anyone from outside the District benefitting from the fund as the application process was only available to people know to the local services and it had to be applied for by a known key worker within the District.

Councillor Lumby questioned whether the police should be doing more to move the beggars on if what they were doing was illegal. Mike Benson questioned where they would be moved on to and whether police intervention was appropriate for vulnerable people. The Director of Community explained that the police simply did not have the resources and as long as the beggars were not being hostile the police did not see it as a priority. North Yorkshire Police had been and continued to be heavily involved in the StreetAid project.

In response to a further question from Councillor Bateman on gangs, all officers present confirmed that was no evidence of gangs or of children being used to beg. The HNM confirmed that the Council monitored beggars very closely, to the point that she knew each beggar by name and where they preferred to operate.

One challenge faced by the StreetAid team was educating the public. Many members of the public were very cynical about attempts to move homeless people off the street and this was seen recently following the setting up of tents behind Primark. The way to counter this was to promote good news stories from the project, educate the public on the street through the use of marketing and educating the beggars and rough sleepers.

The CSO confirmed that funding was secured from OFPCC that would contribute towards the project for the first year ensuring that the funds will distributed to those most in need.

Councillor Marsh expressed her support for the scheme and suggested it could encourage more people to donate, especially those that did not feel comfortable giving money directly to those on the street.

Councillor Watson questioned what help would be given to businesses to move rough sleepers out of shop doorways. The HNM advised that if it was private land the Council could give advice to the shop owners but could not do anything directly. When StreetAid was launched, businesses would be given business cards that contained telephone number that could be called if any further advice was required.
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In response to concerns raised by Councillor Brown in relation to calling the non-emergency 101 number, the Chair confirmed that North Yorkshire Police would be in attendance at the next meeting and the issue could be raised there.

Councillor Oldham questioned whether the fund could be used to help those involved with prostitution. Mike Benson confirmed that Horizon’s did currently work with vulnerable women. The CSO confirmed that for the foreseeable future the fund would be used for homelessness/rough sleepers only.

The Chair thanked the officers for attending the Commission and many Members expressed their support for the scheme. The Chair also wished to record his thanks to the Leader of the Council, Councillor Richard Cooper, for supporting this project and ensuring it received all of the necessary support to launch.

(5.40 pm – 6.47 pm)

27/19 – FORWARD PLAN OF KEY DECISIONS: Members noted the key decisions currently on the forward plan. The Democratic Services Officer advised the Commission that the HCC Security Contract had been removed from the forward plan since the agenda had been published. This was to allow for further research to be undertaken before the tender exercise could begin.

(6.48 pm - 6.49 pm)

28/19 – OVERVIEW AND SCRUTINY COMMISSION FUTURE WORK PROGRAMME: The Scrutiny, Governance and Risk Manager submitted a written report presenting the draft Work Programme to the Commission. The report provided an update on the progress of items of work previously identified. Appendix B to the report was an outcome and information tracker for the items listed in the programme.

The Director of Community gave an update on the safety in parks and gardens item that had been raised. He confirmed that neither the Customer Services Team at Harrogate Borough Council or North Yorkshire Police had received any calls about the public parks and gardens in Harrogate. It had also been confirmed that the stabbing incident that had occurred earlier in 2019 had been a one-off isolated incident between two individuals.

The Director of Community also gave an update on the changes to the waste collection service. The service was very complex but the teams were adapting to the new routes and 95% of all collections were made on the due dates. It was confirmed that the UCI Road Race Championships would affect around 170 waste rounds and there was a potential for a task and finish group to be established to consider the impacts on rounds, etc however this would be subject to further confirmation. It was therefore agreed that the Scrutiny, Governance and Risk Manager would arrange a task and finish group with the Commission and affected ward Members to discuss the implications and agree a plan if this was confirmed. It was noted that the task and finish group would have to meet in advance of the next meeting of the Commission if the timescale was to be met.
Councillor Brown requested that four items be added to the future work programme. These were:

- Commercialism
- Perception of the Planning Department
- HCC
- Agile Working

Members of the Commission stated they had no concerns regarding agile working and so it was agreed that this request would be dealt with by a follow-up email from the Scrutiny, Governance and Risk Manager. The Commission also agreed that, as the planning department was currently going through stage 2 of its review, it was not an appropriate time to add it to the work programme. As such further information would be provided by email. The Commercialism strategy was on the agenda for the meeting and as such did not need to be added to the work programme. Harrogate Convention Centre was already listed as a priority work area.

Other comments from the Commission concerned Members being kept informed about issues within their wards, the need to invite the police to additional meetings and the need to keep the work programme flexible.

Further to Minute 27/19 the Commission confirmed that they were satisfied that no further scrutiny work was required on Homelessness/Rough Sleeping and this work item had been completed subject to a review in 6 months’ time.

RESOLVED:

That the Commission agree the draft work programme attached to the report at Appendix A.

(Eight Members voted for the motion and there was one abstention)

(6.49 pm – 7.11 pm)

29/19 – OVERVIEW AND SCRUTINY ANNUAL REPORT 2018/19: The Scrutiny, Governance and Risk Manager submitted a written report which presented the Annual Report of the Commission’s work on 2018/19, which was attached as an appendix. The Commission thanked the Scrutiny Officer and SGRM for the report and considered that the changed layout and format made it more suitable for members of the public to understand the work of Overview and Scrutiny.

RESOLVED (UNANIMOUSLY):

That the Annual Report is agreed as a correct record of the work completed.

(8.09 pm - 8.10 pm)

30/19 – MEDIUM TERM FINANCIAL STRATEGY 2020/21 TO 2024/25: The Chair welcomed Paul Foster, Head of Finance (HoF), who submitted a written report which presented the Council’s Medium Term Financial Strategy (MTFS) for 2020/21 to 2024/25 and detailed the assumed budget parameters. The MTFS set out how the
Council planned to manage its finances over the next five years and how it could align resources to the priorities set out in the Council’s other key strategic documents, the Corporate Plan and the 2024 Programme. The report highlighted the key budget pressures facing the Council, setting out the assumptions made for future funding together with the resulting estimated budget deficits and how the Council would approach dealing with them.

The HoF highlighted the main areas of uncertainty facing the Council which related to the fair funding review, the spending review and business rate retention. The Strategy had been aligned with the Commercial Strategy that was also on the agenda for this meeting.

Councillors asked questions in relation to the deficit projected in 2021-22 and the impact of Brexit on the long term finances of the Council.

(7.11 pm - 7.19 pm)

31/19 – COMMERCIAL STRATEGY: The Commercial and Transformation Manager (CTM) submitted a written report which presented the Commercial strategy for 2019/20 to 2023/24. The CTM explained that the programme was ambitious and had four key commercial projects: Strategic Asset Management; Commercial Investment Portfolio; Housing Company and Property Investment Fund. The progress of the Commercial Strategy would be monitored by the Transformation Board every two months. A briefing was also distributed to Members following the Transformation Board meetings with an update on the Commercial and Transformation Board projects.

In response to a question from Councillor Oldham regarding the setting up of further limited companies, the CTM explained that further research into the advantages and disadvantages of that method and alternative delivery models would be evaluated first. The first project to be looked at was the Strategic Asset Management review that was currently in the very early stages.

Councillor Marsh thanked the CTM for the Strategy and stated that it was great to see new ideas being brought forward. She also explained why she thought the Overview and Scrutiny Commission should be kept up to date on the Strategic Asset Management review.

The CTM explained why certain areas were being focused on and that opportunities within the parks and open spaces were being looked at. The Lifeline team, who support continued independent living for residents, had also approached the Commercial and Transformation team about making their service more commercial and this has produced very positive results.

In response to a question from Councillor Brown, the CTM explained that the financial profile of the strategy was on the last page of the document and that there had been a cultural shift within the Council as a whole, now accepting the need to be commercial. However Commercialism was only one part of the CTM’s role; she was also responsible for transforming services and the team was focussing on internal reviews to cut costs through identifying efficiencies and increase income by trading or being more enterprising.
The project appraisal group was discussed. It was explained that the make-up of the group would vary depending on the project being appraised and the expertise required. The group would assess the merits of the project presented by the project lead in the form of a business plan. Once approved the business plan would then go through the governance and make its way through the regular decision making process before any final decision was taken on starting the project.

(7.19 pm - 7.44 pm)

32/19 – 2019/20 JULY FINANCIAL AND SERVICE PLAN PERFORMANCE UPDATE: The Chair welcome Paul Foster, Head of Finance (HoF) who was presenting the report on behalf of Gillian Morland, Service Finance Manager. The report presented the Council’s latest financial position and a summary of service plan performance. The report stated that the Council’s current financial position was that General Fund activity was on budget. A summary of key variances was outlined in Table 1 at paragraph 5.2 of the report and a summary of service variances were outlined in paragraph 5.3. Also in attendance was Paul Campbell, Director of Community and Mark Codman, Scrutiny, Governance and Risk Manager.

In response to a question from Councillor Marsh regarding the car parking income, the Director of Community explained that as well as getting income from parking, the Council also wanted to reduce the number of cars coming in to the town centre. There had also been a change in parking patterns with many visitors choosing to park in cheaper car parks further out from the town centre and walk in as opposed to parking in the multi-storey car parks. There was no evidence that the parking charges affected businesses. Car parks would feature in the Asset Review as the Council currently over-provided car parking spaces.

Following a question from Councillor Lumby on the homelessness spending, it was confirmed that the overspend was due to more money being spent on homelessness prevention. The merits of building further hostels as well as the Spa Lane hostel were discussed however the Director of Community advised that building further accommodation after Spa Lane was neither a short term nor a long term solution.

The Director of Community informed the Commission that the Jubilee car park had been hired out by the event organisers for the entirety of UCI Road Race. The Victoria car park would still be available to members of the public.

The Chair wished to record his congratulations to the staff at Fairfax Community Centre for reducing their service level expenditure by £12k.

In relation to the CCTV anticipated shortfall of £56k, the Director of Community explained that the service was being affected due to funding from NYCC being cut. The service therefore did not run 24/7 and retention of staff was proving difficult. It took six months to fully train CCTV operatives so there was no quick fix to the situation.

(7.44 pm - 7.57 pm)

33/19 – CORPORATE PERFORMANCE REPORT, QUARTER ONE, 2019/20: The
Scrutiny, Governance and Risk Manager (SGRM) presented the report on behalf of the Policy and Performance team. The report updated the Commission on the progress of measures within the 2019/20 Corporate Delivery Plan and the Council’s Corporate Health performance indicators at quarter one. Also in attendance was the Director of Community. Management Board had considered the report and noted the areas of positive performance as well as providing detailed commentary on the areas that were off target. Appendix A to the report provided detail on all the measures within the Corporate Delivery Plan.

One action on the delivery plan was behind target. This was the implementation of the outcomes of the Operational Services Review. The Director of Community explained that whilst the implementation was behind schedule, the review was still progressing with the final stage to go before the Human Resources Committee in mid-August.

Three actions that required improvement to be on target were sport and leisure attendances; town centre Wi-Fi roll-out and HCC performance.

In response to a question from Councillor Marsh regarding a dedicated events officer the Director of Community confirmed that an events strategy was being formulated. A process for running Council-led events also needed to be established as there were three different service areas (HCC, Leisure and Parks) that all currently dealt with events.

Following a discussion on apprenticeships it was agreed that the Scrutiny, Governance and Risk Manager would include a request to Cabinet in the report that the Council works closely with Harrogate College to secure more apprenticeships across all services.

It was also agreed that climate change should be included in corporate performance annually and that discussions should take place regarding the inclusion of environmental impacts in the corporate report template.

(7.57 pm - 8.09 pm)