OVERVIEW AND SCRUTINY COMMISSION
HELD ON 4 MARCH 2019
(FROM 5.30 PM TO 7.01 PM)

PRESENT: Councillor Philip Broadbank (Chair) Councillors Bernard Bateman, Sue Lumby, John Mann, Pat Marsh, Nigel Middlemass, Ann Myatt, Victoria Oldham, Nigel Simms, Norman Waller and Tom Watson.

In Attendance:  Councillor Phil Ireland, Cabinet Member for Sustainable Transport.
                 Councillor Mike Chambers, Cabinet Member for Housing and Safer Communities.

Late Arrivals:  Councillor Bateman at 5.36 pm

Early Departures: None.

114/18 – APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES: Notification had been received that Councillor Nigel Simms was to act as substitute for Councillor Margaret Atkinson. (5.31 pm)

115/18 – DECLARATIONS OF INTEREST: There were no declarations of interest declared at this meeting. (5.31 pm)

116/18 – MINUTES: The Minutes of the meeting of the Commission held on 4 February were approved as a correct record and signed by the Chair. (Nine Members voted for the motion and there was one abstention) (5.32 pm)

117/18 – EXEMPT INFORMATION: There were no exempt information items. (5.32 pm)

118/18 – PUBLIC ARRANGEMENTS – QUESTIONS: The following question was read out by Mr Peter Lilley in accordance with Standing Order 27:

I previously proposed to your committee that, as part of your future work programme, you should investigate the issue of conduct complaints and the apparent discrepancy between the standards expected of elected members compared with that of senior officers who appear to be protected to some extent by the Council’s so-called “no blame culture.”

I’m pleased to say that in December you unanimously agreed to instruct Mr Codman to prepare the parameters for such a review – and I understand this is due to be discussed at your meeting on April 15.
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What I would like to suggest today is that the scope of this review should be broadened to include the Council’s Unacceptable Behaviour Policy as this also relates to the issue of conduct.

It seems that this policy can be imposed on residents at the discretion of the Chief Executive; but that the resident is given no opportunity to dispute or deny allegations made against them before the policy takes effect.

It cannot be right that restrictions can be imposed on residents if it’s claimed that they have conducted themselves in an inappropriate way and yet if there are allegations that senior officers have behaved improperly, they seem able to avoid censure or sanctions by citing the no blame culture.

My question therefore is: will you agree that the Council’s Unacceptable Behaviour Policy should be included as part of your review into conduct complaints?

The Chair of the Commission, Councillor Philip Broadbank, responded as follows:

As Chair of the Commission I would like the Commission to be provided with more information on the Unacceptable Behaviour Policy and for the item to be discussed as part of the scope for the code of conduct review at the meeting to be held in April 2019.

(It was unanimously agreed that the Unacceptable Behaviour Policy would be discussed at the next meeting of the Commission as part of the scope for the code of conduct review.)

(5.33 pm – 5.38 pm)

SCRUTINY MATTERS AND REVIEWS UNDERTAKEN BY THE COMMISSION

119/18 – ULTRA-LOW EMISSION VEHICLE STRATEGY: The Strategic Transport Planner (STP) submitted a written report regarding Harrogate Borough Council’s Ultra-Low Emission Vehicle Strategy (ULEVS). The Strategy, attached at Appendix A to the report, was required to cater for the expected increase in electric vehicle use in the coming years. It was a key component of the HBC Air Quality Action Plan.

The Cabinet Member for Sustainable Transport (CM ST) gave a brief introduction to the Strategy. He explained that a lot of work had been done over a long period of time to complete the ULEVS in order to make sure it was flexible for the future. The STP explained that the electric/hybrid vehicle industry was still an emerging industry but following the announcement by the Government that it intends to ban new petrol and diesel car sales by 2040, the industry was expected to become much more prominent. The Strategy had very realistic aims that had been set following the significant increase in the use of ultra-low emission vehicles in the district. The ULEVS had a five year plan and a ten point action plan and the CM ST and STP welcomed any comments or questions on the content of the strategy.
Councillor Waller questioned why there were no charging point sites proposed to the east of the A1, with the exception of Boroughbridge, when a large number of developments had been proposed for that area in the Local Plan. The STP explained that the ULEVS was only a five year plan and the developments in question would most likely take place after that time period. However, the Place-Shaping and Economic Growth service were working closely with all developers to ensure charging points were factored in to new developments. The CM ST confirmed that the map of possible sites provided in the report was only an indication and that the strategy was flexible and could therefore adapt to local need. It was suggested that business parks in the area may potentially be included for consideration.

Councillor Marsh asked a question in relation to the work being done with North Yorkshire County Council (NYCC) and the availability of grant funding in particular relating to charging points with lighting columns. The STP highlighted Action Point 6 at paragraph 5.6 of the report. The CM ST explained that there was no reluctance from either HBC or NYCC to work together on this issue but the sticking point was working out how the desired outcomes could be delivered. It was noted that this could be included as an aim in the strategy.

In response to questions from Councillor Oldham and Councillor Watson regarding the provision of charging points to the west of Harrogate, the STP explained that they would welcome the inclusion of more sites in the specified areas. Following recommendations from Councillors Oldham and Watson, the STP and CM ST confirmed they would have talks with Yorkshire Water and other car park owners to assess the viability for charging points on their land.

Councillor Bateman asked a question in relation to electric lorries. The STP explained that the technology in relation to lorries/HGV was in its infancy and as such was unlikely to have an impact on the district during the life of the ULEVS.

Councillor Marsh highlighted the objectives of the Strategy as outlined in paragraph 2.3 of Appendix A to the report, specifically the ‘to support the transition of commercial and public transport vehicles to plug-in vehicles, in particular taxis’ objective. She queried whether grants had been applied for and recommended that a timeline be put on the objective to allow for quicker progress to be made in order to reverse or at least limit the effects of climate change. The CM ST expressed support for the need to act fast on climate change. He explained that there were many strategies currently in place, such as the cycling strategy, the carbon reduction strategy and air quality action plans that aimed to improve the environment. Harrogate Borough Council had set more ambitious targets than the national targets and continued to work hard to maximise the impact of its work. It was agreed that timelines would be included in the objectives.

In response to questions from Members on conditioning the provision of electric charging points on new developments, the STP and CM ST highlighted action five in the Strategy. They also confirmed that conditions were already being applied to planning permissions that required electric charging points to be provided with new developments.
Councillor Myatt queried the type of charge to be used at the various charging points. The STP explained that there would be different types of charging points depending on the type of location. For example, a fast charge option (4 hours to charge) would be more suited to a city/town centre environment whereas a longer charge option (7-8 hours to charge) would be more suited to business parks. There would be a significant negative impact on the National Grid if the rapid or fast charge points were provided at all locations.

In response to a further question from Councillor Myatt, the STP explained that the charging points at the Civic Centre were used on average twice a day, usually by members of the public. He also confirmed that some residents who lived close to the Civic Centre had purchased electric vehicles due to the provision of electric charging points.

Following a question from Councillor Marsh, the STP confirmed that discussions were on-going with AppyParking to include electric charging points on the app.

Councillor Broadbank asked a question in relation to the provision of free charging as referenced in paragraph 5.9 of the report. The STP explained that the free charging would be used as an incentive to encourage the use of electric vehicles but parking charges would still apply in order to incentivise sustainable transport methods over privately owned cars.

In response to a question from Councillor Oldham, the STP confirmed work was on-going to incorporate electric vehicle charging points at council-owned residential properties.

The Chair thanked the Cabinet Member and officers for their thorough report and their attendance at the meeting. Following the addition of the timelines to the objectives as suggested by Councillor Marsh, the Overview and Scrutiny Commission were happy to support the Ultra-Low Emission Vehicle Strategy.

(5.38 pm – 6.15 pm)

120/18 – HARROGATE BOROUGH COUNCIL – HOUSING COMPANY: The Cabinet Member for Housing and Safer Communities (CM HSC) and the Head of Housing and Property (HoHP) gave a verbal presentation on the recently established HBC housing company. The CM HSC explained that the establishment of a housing company had been in the pipeline for several years but had finally been approved by Cabinet in January 2019.

The HoHP explained the need for the housing company, to be called Bracewell Homes Ltd. The Housing Revenue Account (HRA) currently controlled everything that HBC could do in relation to the building and management of housing. There were very strict regulations in relation to the HRA which limited the commercial capabilities of the Housing and Property service. The HoHP did however state that a housing company would be subject to tax and company law, unlike the HRA.
The establishment of a housing company would however allow the Council to own and let private rented homes on assured shorthold tenancies and gain additional income from the rent on shared ownership homes. Through the company the Council would also be able to act as a letting/management agency and do some work outside of the district.

A business plan had been adopted and formal approval for the incorporation of the company was expected imminently. There were already two areas of land which were with the planning department for pre-application advice.

In response to questions from several Commission Members, the CM HSC and the HoHP explained that officers currently employed within the Housing and Property Service had the necessary expertise to do the necessary work for the housing company. These included: construction managers, designers, builders and property management administrators etc. The Chief Executive and Directors at the Council would be the Board of Directors for Bracwell Homes Ltd. It was noted that the skills required to run a private company were different to those required within the Council.

Following a question from Councillor Middlemass, the HoHP explained that the aims of the housing company were mainly commercial in the first instance. The HRA would still be the provider of social and affordable housing. Bracwell Homes Ltd was a separate commercial entity.

Councillor Bateman asked a question in relation to shareholders and was informed that the Council as a whole would be the shareholder.

In response to a question from Councillor Mann regarding land in the Crimple Valley, the HoHP explained that the land could be developed by the housing company instead of by another developer.

Councillor Myatt and Bateman queried whether the submission of planning applications from the HBC Housing Company to the HBC Planning Committee would be seen as a conflict of interest. The CM for HSC stated that the Planning Committee already determined the applications put forward through the Housing Revenue Account and had done so for many years. Councillor Marsh, a member of the Planning Committee, stated that each application was judged on its planning merits and not on the identity of the applicant. Councillor Chambers explained that the way to avoid a perception of bias was to be completely open and transparent with each application which is what the housing company intended to do.

Councillor Middlemass asked a question in relation to the profits of the housing company. The CM HSC explained that any profit made would be used for the benefit of tax payers in the Harrogate district and would go back into the general fund.

In response to a question from Councillor Oldham regarding the initial start-up funds, the HoHP explained that Bracwell Homes Ltd had been given a loan from the Council for the purchase of properties.
Following a question from Councillor Bateman on the two pieces of land that were currently at the pre-application stage of the planning process, the HoHP explained that they expected to build no more than 30 houses across the two sites.

The HoHP then explained how the staffing of the housing company would work. All officers would be employed by the Council and would record the amount of time they spent working on housing company issues. The housing company would then be charged by the Council for the officer time.

Following concerns raised that the Council were inexperienced at dealing with private developments; the HoHP explained that they currently built between 12-15 houses a year and had many officers that had experience in the private sector.

Councillor Myatt asked what happened if the company ran at a loss. The CM HSC explained that the company would be shut down.

Councillor Marsh expressed support for the company but stated she would like to see more emphasis on the social and affordable housing aspect. The HoHP and CM HSC explained the HRA gave the Council capacity to deliver social rented homes and other local authority housing companies had experienced difficulties when trying to combine the social and commercial agendas. The view being taken was that if a private housing developer would not do a project, then Bracewell Homes Ltd will not do that project.

Some Members expressed concerns that the housing development industry was a very tough industry to succeed in. However it was acknowledged that funds for the Council had to be raised somehow following central government funding cuts and a housing company was one way to do this.

It was agreed that a follow-up report on the first year of Bracewell Homes Ltd would be brought back to the Overview and Scrutiny Commission in April 2020.

The Chair thanked the Cabinet Member and the Head of Housing and Property for their attendance and presentation.

(6.15 pm – 6.54 pm)

121/18 – FEEDBACK FROM OTHER COMMITTEES AND EXTERNAL BODIES:
The Council’s representative on North Yorkshire County Council’s (NYCC) Scrutiny of Health Committee, Councillor Ann Myatt stated that an update on the mental health services in Harrogate would be available for the Commission in April following the next NYCC Scrutiny of Health Committee meeting in March 2019.

(6.54 pm – 6.55 pm)

122/18 – OVERVIEW AND SCRUTINY COMMISSION FUTURE WORK PROGRAMME: The Scrutiny, Governance and Risk Manager submitted a written report presenting the current draft Work Programme for the Commission. A report on Harrogate Convention Centre would be brought to the meeting in May. The next meeting in April would include the consideration of North Yorkshire Police
Performance, the Code of Conduct Review and an item on the Unacceptable Behaviour Policy. A work prioritisation workshop would take place in June 2019.

(6.55 pm – 6.58 pm)

MATTERS HOLDING THE EXECUTIVE/PARTNERS TO ACCOUNT

123/18 – FORWARD PLAN OF KEY DECISIONS: Members considered the latest Forward Plan of key decisions. The Democratic Services Officer highlighted any new additions to the plan since the publication of the agenda.

(6.58 pm – 7.01 pm)