

Council
14 July 2021

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD BOROUGH COUNCIL held on Wednesday 14 July 2021 at 7.30 pm in Roller City, Campus West, Welwyn Garden City, Herts, AL8 6BX.

PRESENT: Councillors P.Hebden (Mayor)
B.Fitzsimon (Deputy Mayor)

D.Bell, J.Bond, J.Boulton, S.Boulton, L.Brandon,
L.Chesterman, J.Cragg, A.Dennis, S.Elam, G.Gannev,
G.Hayes, A.Hellyer, M.Holloway, T.Jackson-Mynott,
C.Juggins, S.Kasumu, T.Kingsbury, J.Lake, R.Lass,
F.Marsh, S.McNamara, G.Michaelides, N.Pace, R.Platt,
H.Quenet, J.Ranshaw, D.Richardson, A.Rohale,
B.Sarson, P.Shah, P.Smith, C.Stanbury, K.Thorpe,
S.Thusu, R.Trigg, S.Tunstall, F.Wachuku, P.Zukowskyj

OFFICIALS Chief Executive (K.Ng)
PRESENT: Corporate Director (Public Protection, Planning and Governance) (N.Long)
Monitoring Officer (M.Martinus)
Human Resources Manager (J.Pilbeam)
Governance Services Manager (A.Marston)
Principal Governance Officer (J.Anthony)

12. MINUTES

The Minutes of the annual meeting held on 24 May 2021 were confirmed as a correct record and signed by the Mayor.

13. APOLOGIES

Apologies for absence were received from Councillors M.Birleson, S.Markiewicz, L.Musk, J.Quinton, J.P.Skoczylas, F.Thomson, T.Travell and J.Weston.

It was noted that Councillor F.Thomson had sent her apologies for the Council meeting as she was self-isolating.

14. DECLARATIONS OF INTERESTS BY MEMBERS

Councillors J.Bond, S.Boulton, P.Hebden, T.Kingsbury, S.Thusu and P.Zukowskyj declared non-pecuniary interests in items on the Agenda as appropriate as Members of Hertfordshire County Council.

Council
14 July 2021

Councillors P.Hebden and S.Thusu declared non-pecuniary interests in item 9b on the Agenda as their wives are General Practitioners.

15. ANNOUNCEMENTS

15.1. Mayor's Charity

Potential Kids had been supported by the Mayor for the last two years. The Mayor commented that it had been a very humbling last two years to work with such a great charity. On behalf of Councillor Trigg and himself, he expressed that it had been an enjoyable experience and they hope to keep in touch with the charity in the future.

The Mayor during his time in office, would be supporting an extremely worthwhile local charity called Just One Click Away (JOCA).

Suicide had been the largest single cause of death in young men in the United Kingdom and was rising.

Following the tragic loss of two young playing members at Welwyn Rugby Club through suicide, a few like-minded club members felt they had a social responsibility to offer support, guidance and a friendly ear in times of need. And steps had to be taken to help destigmatise mental health amongst young men and women. The club members were also supported by other members of the club and JOCA (Just One Click Away) was born.

JOCA hopes to expand across sports using the sports club as a conduit for provision of counselling and include both young women and young men.

As restrictions lifted, a programme of fundraising events would be put together and the Mayor hoped that Members would be able to attend and support the events during the year.

15.2. Municipal Journal (MJ) Community Heroes Award

The Leader was delighted that the work of the Council's housing needs team had been recognised, as they had been shortlisted for the MJ Community Heroes Award.

The team had worked tirelessly throughout Lockdown to ensure that everyone who was homeless during the challenging time had somewhere to stay; this included opening a Shelter at a closed community centre, providing a safe place for people who had previously been sleeping rough and worked round the clock to ensure that vulnerable people had everything they needed, from food, essential supplies to toys and Christmas Hampers.

The award would be announced on 17 September 2021.

Council
14 July 2021

15.3. British Parking Awards 2021 - Best New Car Park

The Common Multi-Storey Car Park in Hatfield had been shortlisted for the Best New Car Park at the British Parking Association Awards. The award recognised outstanding design and construction techniques that turned car parks into landmark structures. It was the 100th car park that Bourne Parking had built this century and featured a bespoke perforated aluminium façade system that had been developed by their in-house design team in conjunction with English Heritage, and proudly showed off Hatfield's proud aviation heritage.

The award would be announced on 24 September 2021.

16. QUESTIONS BY MEMBERS

16.1. Question to the Leader from Councillor P.Zukowskyj

“With the recent announcements of bank closures, Hatfield Town Centre may well have just one high street bank left trading. What steps has the council taken to encourage the closing banks to stay open and continue providing banking services to our residents?”

Answer

“Thank you for your question Councillor Zukowskyj.

As members will know, the Council has invested more than £15M to regenerate Hatfield Town Centre. Both of the 1-9 Town Centre and Link Drive projects will bring additional housing units and once completed will generate further footfall in the town centre. The sizeable investment made by the council has provided a better trading environment for businesses to start and grow in Hatfield. It is therefore pleasing to hear that a recent online news article has quoted Hatfield being one of the UK's most affordable and prettiest areas to live in.

Turning specifically to banks, as you may know, the only bank we lease to in Hatfield Town Centre is Barclays, all of the others are privately owned. When the council purchased the Barclays unit in 2018, the lease contained a tenant break which would have allowed Barclays to terminate the lease in December 2021. However the council managed to negotiate and eventually removed this break clause. Whilst it would not prevent the closure of the branch, it certainly makes it less commercially appealing as Barclays will remain liable for the rents and business rates, even when closed, until 2026. The council will not be able to agree a “keep open” clause in the lease as this will be deemed illegal by the court. This is therefore the strongest action the Council was legally able to take under the lease to try to encourage Barclays to remain in the Town Centre. Regrettably, despite best efforts by the Council, Barclays have made the announcement that their Hatfield Town Centre branch will close next month. In the report, they have quoted the following main reasons for the closure of this branch:

Council
14 July 2021

- The number of counter transactions has gone down in the previous 24 months, and additionally 92% of the branch customers also use other ways to do their banking such as online and by telephone
- In the past 12 months, 41% of this branch's customers have been using nearby branches
- They have identified that only 18 customers use this branch exclusively for their banking

Members will also recall that through the many months of hard work by officers, the Post Office was able to be relocated into one of the council's unit in Hatfield town centre, which also provides some personal banking service to our residents to help mitigate some of the impact due to the closure of the banks in Hatfield."

16.2. Question to the Leader from Councillor M.Holloway

"This Council's contracted out services have been using glyphosate as a weedkiller around street furniture, people's homes and even children's play areas. This saves time when grass cuts take place on difficult to reach areas.

Does the leader share my concerns that glyphosate has been described by the World Health Organisation as a 'possible human carcinogen' and the evidence pointing to its hazardous properties to people, pets and the wildlife is growing – will he commit to reviewing this practice?"

Answer

The Leader asked Councillor S.Boulton (Executive Member, Environment, Planning and Estates and Development), to answer:-

"Thank you for your question Councillor Holloway.

Glyphosate is one of the most commonly used herbicides for removing weeds in the UK and worldwide. There is currently no government guidance against its use and indeed, many authorities in Hertfordshire currently use it. Our contractors follow the HSE and DEFRA Codes of Practice for Using Plant Protection Products and the spraying equipment uses the latest technology for accuracy to minimise spray drift.

It is also very important to distinguish the use of glyphosate in areas without crops, which is the case here, and the use as an overall spray on food crops where genetically modified glyphosate resistance has been introduced into the crop.

It should be recognised that current alternatives of non-glyphosate based products have limitations in terms of effectiveness, speed of treatment, regeneration of weeds as well as cost. However, we are committed to working with our contractors to explore non glyphosate solutions going forward."

Council
14 July 2021

16.3. Question to the Leader from Councillor F.Marsh

“There are increasing numbers of occurrences of Welwyn Hatfield Borough Council’s planning officers producing recommendations on applications that run counter to published policies, whether on parking standards, size and tenure of homes or heights. In a town founded on having comprehensive planning policies and garden city principles; how and why has this been allowed to happen?”

Answer

The Leader asked Councillor S.Boulton (Executive Member, Environment, Planning and Estates and Development), to answer:-

“Thank you for your question Councillor Marsh.

As I am sure members know already, each of the planning applications is considered based on its own merits. Not only do officers need to take into account national and local planning policies, other factors such as location, views of statutory consultees, case law, housing delivery test and five-year land supply also need to be fully considered prior to reaching a decision or recommendation to Development Management Committee.

The Council has robust policies on design of new development to ensure that it is of the highest quality. These do not set absolute limits on height but seek to ensure that new development coming forward is of the highest quality of design and does not impact negatively on heritage assets such as listed buildings and conservation areas. Taking Broadwater Road as an example, the Broadwater Road West Supplementary Planning Document was adopted in December 2008 and sets out a number of criteria against which buildings in excess of 5 storeys in height will be assessed. These relate to design quality, sustainability and local environment impacts including impact on heritage. The original Wheat quarter application was carefully assessed against all of these criteria. Ultimately any planning decision needs to take into consideration a wide range of issues including ensuring that land in sustainable locations well served by public transport is utilised to maximise efficiency.

Each of the planning application decision is set out in a report, which is viewable from our website. The report sets out the rationales and justifications of reaching a decision and if there are any specific planning applications that Cllr Marsh would like further clarification or explanation, I am sure the planning officers would be more than happy to help.”

In a supplementary question, Councillor Marsh asked if Councillor S.Boulton agreed that we had to ensure that the standards set out with our garden city principles are upheld and the Council should not deviate from what Ebenezer Howard set out to do.

Councillor S.Boulton answered that every planning application is considered on its own merits and confirmed that he is satisfied that any decisions that are made

Council
14 July 2021

and put forward for recommendation have been properly assessed against all of the necessary criteria.

16.4. Question to the Leader from Councillor M.Birleson

“The pandemic has had a severe impact on many of our residents’ financial position with many families on the cliff-edge of becoming homeless. The so called “evictions ban” ended in May, but the restrictions on employment caused by the pandemic did not.

Can the leader or relevant cabinet member therefore update the Council on the figures of this Councils use of Bailiffs this calendar year and any other relevant detail on the impact to residents affected?”

Answer

The Leader asked Councillor D.Bell (Executive Member, Resources), to answer:-

“Thank you for your question Councillor Birleson.

The council is well aware of the impact of the pandemic upon the financial circumstances of many of our residents. I would like to reassure members that the use of bailiffs or enforcement agents is always viewed as a last resort.

The Council has not evicted any HRA tenants for reasons of their financial circumstances since the ending of the evictions ban.

We did not start taking council tax recovery action during this calendar year until the easing of the lockdown situation and reopening of businesses. The use of recovery agents was only restarted a few weeks ago, and, since mid-June this year, approximately 1,400 arrears cases have been passed to recovery agents. These agents have been asked to adopt a light touch, approach to recovery in view of the impact of the pandemic. Prior to any case being passed to an enforcement agent, the resident concerned would have received reminders, details of how to get help, details of our council tax support scheme, and contact details of Citizens Advice.

The Council has adopted the new Breathing Space legislation that aims to help those in debt to better manage their finances and obtain professional advice where appropriate.

Members will also recall that the Council has provided or administered considerable financial support to the residents and businesses during the pandemic. This includes increased assistance for council tax support claimants, test and trace support grant payments, as well as support for employment through grants to businesses.

We certainly do not initiate recovery action lightly. But whilst we must be mindful of the difficult situation faced by some of our residents, a balance has to be

Council
14 July 2021

struck. With the Council itself facing considerable financial challenges, the measured pursuit of arrears, either for council tax, or rent payments within the HRA, is a necessary discipline if we are not to place an undue burden upon the majority who pay their council tax or rents on time. Many prompt payers may themselves be facing financial difficulties.”

(**Note:** Apologies were received from Councillor Birleson, so the question was read out by an officer).

17. MATTER ARISING FROM THE CABINET

The Council considered a recommendation from the meeting of the Cabinet on 13 July 2021:-

17.1. Proposal to purchase 38 flats via the Affordable Housing Programme

The Council had an opportunity to enter into a turnkey agreement to purchase 38 completed apartments at 1-9 Town Centre Hatfield for £6.505M, to be provided as social rented housing, managed within the Council’s Housing Revenue Account (HRA). A turnkey agreement is where the units are already designed, constructed and ready for occupation on a fixed date and at an agreed price.

The land, which is owned by the Council, forms part of the Council’s regeneration plans for Hatfield and the Council had entered into a Development Agreement with Lovells Partnerships Ltd to develop the site.

Planning approval had been achieved at 1 -9 Town Centre for the development of 71 residential units and via a separate application, a further 80 units at Link Drive, Hatfield. The 25% of the total (38 of 151) were required to be affordable.

A total of 38 units (23 two bedroom and 15 one-bedroom apartments) would be allocated for affordable housing across both sites and for ease of management and subject to planning approval, it has been agreed with Lovells Partnerships Ltd that all the affordable units could be located at Block 1, 1-9 Town Centre.

The anticipated start on site is August 2021 and the completion of the development is February 2023.

The total cost of the purchase is £6.505M, of which £3.383M will be incurred in 2021/22. An increase in the capital budget for 2021/22 is required and the remaining budget will be covered in the 2022/23 budget process.

The project had a positive net present value taking account of the residual asset value. It represented better value for the HRA than individual open market purchases, and it helps to absorb right-to-buy receipts. It is not easy to find individual sites on this scale for our Affordable Housing Programme, and therefore represents a good opportunity for the Council.

It was moved and seconded by Councillors D.Bell and T.Kingsbury and

Council
14 July 2021

**RESOLVED:
(unanimous)**

Council approved a Housing Revenue Account capital budget of £3.383M for 2021/22 funded from an increase in the borrowing requirement.

18. **NOTICES OF MOTIONS**

The Council considered the following notice of motion submitted under Procedure Rule 16:-

18.1. **The following motion has been submitted by Councillor P.Zukowskyj and was seconded by Councillor F.Marsh:-**

“This Council notes the Planning Inspectorate appeal decision to grant planning permission for 100 homes on green belt land at Bullens Green Lane.

This Council believes this sets a very dangerous precedent for land speculators to build anywhere on our green belt, entirely ignoring our emerging local plan.

This Council further believes such development will be massively damaging to our communities and must be challenged robustly.

This Council therefore commits to legally challenging the decision at every possible opportunity.”

It was moved and seconded by Councillors P.Zukowskyj and F.Marsh that the motion be approved.

On being put to the meeting there voted:-

**FOR the Motion – 15
AGAINST the Motion – 24
ABSTENTIONS for the Motion – 1**

The Motion was declared LOST.

18.2. **The following motion has been submitted by Councillor K.Thorpe and was seconded by Councillor G.Hayes:-**

“This Council notes the growing concerns within our community about the lack of GP provision in Welwyn Hatfield.

We further recognise the huge amount of new residential development both underway and proposed, and also the further growth mandated by government targets that will be delivered through the new Local Plan.

Council
14 July 2021

This Council believes that this growth reinforces the need for better local infrastructure to accommodate it and specifically the need for new, additional GP provision in Welwyn Hatfield.

This Council resolves to write to the local MP, County Council leader and chair of the East and North Hertfordshire CCG to call for urgent multi-agency action to deliver this provision."

It was moved and seconded by Councillors K.Thorpe and G.Hayes that the motion be approved.

It was then moved and seconded by Councillors T.Kingsbury and A.Hellyer that the motion be amended as follows:-

"This Council notes the growing concerns within our community about the lack of GP provision in Welwyn Hatfield.

We further recognise the huge amount of new residential development both underway and proposed, and also the further growth mandated by government targets that will be delivered through the new Local Plan.

This Council believes that this growth reinforces the need for better local infrastructure to accommodate it and specifically the need for new, additional GP provision in Welwyn Hatfield.

This Council resolves to write to the ~~local MP, County Council leader and chair of the East and North Hertfordshire CCG~~ the Hertfordshire County Council Health Scrutiny panel to call for the panel to conduct urgent multi-agency action to scrutiny to investigate how this provision could be delivered this provision and to write to the chair of the Health and Wellbeing Board asking for it to be raised there."

On being put to the meeting there voted:-

FOR the Amendment – 26

AGAINST the Amendment – 13

ABSTENTIONS for the Amendment – 1

The amendment was CARRIED.

The Motion, as amended, was then put to the meeting and there voted:-

"This Council notes the growing concerns within our community about the lack of GP provision in Welwyn Hatfield.

We further recognise the huge amount of new residential development both underway and proposed, and also the further growth mandated by government targets that will be delivered through the new Local Plan.

Council
14 July 2021

This Council believes that this growth reinforces the need for better local infrastructure to accommodate it and specifically the need for new, additional GP provision in Welwyn Hatfield.

This Council resolves to write to the chair of the Hertfordshire County Council Health Scrutiny panel to call for the panel to conduct scrutiny to investigate how this provision could be delivered and to write to the chair of the Health and Wellbeing Board asking for it to be raised there.”

On being put to the meeting there voted:-

The Motion, as amended, was declared carried UNANIMOUSLY.

19. APPOINTMENT OF CHIEF EXECUTIVE

Report of the Human Resources Manager to seek the Council’s ratification of the recommendation from the appointments panel regarding the appointment of the Chief Executive and Head of Paid Service, following the conclusion of the recruitment process.

The Leader thanked Ka Ng and the other candidates who applied, were screened and interviewed for the role. The Leader also thanked Ka Ng for the work that she has been doing and the drive she has shown during the interim role during a very difficult time for the Council.

The Opposition Group Leaders also thanked Ka Ng for the work that she had done whilst in the interim role over the last eight months.

The Leader thanked his Cabinet and the two Opposition Group Leaders for their help and support during the interview process.

The Chief Executive thanked Members and Officers for their support during the last eight months in the interim role.

It was moved and seconded by Councillors T.Kingsbury and D.Bell and

**RESOLVED:
(unanimous)**

- (1) Council ratified the recommendation of the Officer Appointment Panel that Ka Ng be offered the role of Chief Executive and Head of Paid Service.
- (2) That delegated responsibility be given to the Human Resources Manager, in consultation with the Leader of the Council, to finalise the arrangements for this appointment.

Council
14 July 2021

(3) That the Head of Resources continue as interim Chief Finance Officer, as defined by section 151 of the Local Government Act 1972, for a further period of up to 12 months.

(4) That the Service Manager (Financial Services) continue as interim Deputy Chief Finance Officer for a further period of up to twelve months, commensurate with the term referred to at 2.3 of the report.

(Note:- The Interim Chief Executive left the room for this item but came back once the voting on the item had been completed).

20. THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Report of the Corporate Director (Public Protection, Planning and Governance) on the Local Authorities (Standing Orders) (England) Regulations 2001, that required changes to the Council's Constitution to reflect the revised statutory process for dismissal of statutory officers.

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 made amendments to the 2001 Regulations, which required changes to the Council's Constitution to reflect the revised statutory process for the dismissal of statutory officers.

A recent circular from the national Joint Negotiating Committee for Chief Executives of local authorities (JNC) required that further changes are to be made to the council's existing arrangements for the purposes of advising Council on matters relating to the dismissal of Statutory Officers - the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

In accordance with the agreed JNC model procedures, the existing Statutory Officers' Disciplinary Panel is to be replaced with an Investigating and Disciplinary Committee; the membership and terms of reference are set out in the report.

There is also a need to establish an Appeal Committee and Independent Panel; the membership and terms of reference are set out in the report.

The process outlined in the report and recommended for adoption, are compliant with the 2001 and 2015 Regulations and nationally agreed Joint Negotiating Committee for Local Authority Chief Executives which are also being applied to the two other relevant statutory officers, protected by the 2015 Regulations.

It was moved and seconded by Councillors T.Kingsbury and N.Pace and

**RESOLVED:
(unanimous)**

Council
14 July 2021

- (1) That in accordance with the agreed JNC model procedures, Council agreed that the existing Statutory Officers' Disciplinary Panel is replaced with an Investigating and Disciplinary Committee, the membership and terms of reference as are set out at paragraphs 3.3 to 3.6 of the report.
- (2) Council also agreed to the establishment of an Appeals Committee and Independent Panel, the membership and terms of reference as are set out at paragraphs 3.7 to 3.12 of the report.
- (3) That the Monitoring Officer is authorised to make any necessary and consequential constitutional changes arising from the recommendations.

21. COMMITTEE APPOINTMENTS 2021/22

To approve the appointments to Committees.

It was moved and seconded by Councillors T.Kingsbury and N.Pace and

RESOLVED:
(unanimous)

Council approved the appointment to Committees List 2021/22.

Meeting ended 8.50pm
AM