

Cabinet
5 September 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET held on Tuesday 5 September 2017 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors J.Dean (Leader of the Council) (Chairman)

D.Bell (Executive Member, Resources)
H.Bromley (Executive Member, Environment)
T.Kingsbury (Executive Member, Policy and Culture)
B.Sarson (Executive Member, Business, Partnerships
and Public Health)
R.Trigg (Executive Member, Governance, Community
Safety, Police and Crime Commissioner
and Corporate Property)

ALSO I.Dean (for items 45-47)
PRESENT: T.Mitchinson

OFFICIALS Chief Executive (R.Bridge)
PRESENT: Executive Director (Public Protection, Planning and Governance)
(N.Long)
Executive Director (Resources, Environment and Cultural Services)
(K.Ng)
Executive Director (Housing and Communities) (S.Russell)
Head of Law and Administration (M.Martinus)
Governance Services Manager (G.R.Seal)
Communications Officer (C.Bishop)

35. APOLOGY

An apology for absence was received from Councillor A.L.Perkins (Deputy Leader and Executive Member, Planning, Housing and Community) (Vice-Chairman).

36. MINUTES

The Minutes of the meeting held on 8 August 2017 were approved as a correct record and signed by the Chairman.

37. ACTIONS STATUS REPORT

The status of actions agreed at the Cabinet meeting on 8 August 2017 in the report of the Executive Director (Public Protection, Planning and Governance) was noted.

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38. ITEMS RELATING TO THE BUDGET AND POLICY FRAMEWORK FOR RECOMMENDATION TO THE COUNCIL

The following items were considered:-

38.1. Older Persons Housing Strategy 2017 -2022 (Forward Plan Reference FP814)

Report of the Executive Director (Housing and Communities) on the adoption of an updated strategy following consultation.

The draft Older Persons Housing Strategy had been developed in response to recognition at a national level of the need to plan for an increasingly ageing population who were living longer with the predicted considerable rise in the number of people in the Country who would be over 60 in the next 20 years from 19.4M in 2016 to 31.1M in 2037.

RESOLVED:

That the Older Persons Housing Strategy 2017-2022, incorporating revisions from the consultation with key stakeholders, be approved and recommended to the Council for adoption.

38.2. External Auditor Appointment

Report of the Executive Director (Resources, Environment and Cultural Services) on the arrangements for the appointment of an external auditor from 2018/19.

The Local Audit and Accountability Act 2014 abolished the Audit Commission and required principal local authorities to appoint their own external auditors by 31 December 2017 for the audit of their accounts from 2018/19.

The Council agreed at its special meeting in 6 February 2017 to opt into the national scheme for auditor appointments undertaken by the Public Sector Audit Appointments Ltd (PSAA) (Minute 44 refers). Following a procurement exercise, PSAA had begun the consultation process with individual authorities about their proposed appointment and a response to this was required by 22 September 2017.

RESOLVED:

That the Cabinet recommends the Council to accept the proposed appointment of Ernst and Young LLP to audit the accounts of the Council for five years from 2018/19 and to give delegated authority to the Executive Director (Resources, Environment and Cultural Services) to respond to the Public Sector Audit Appointments Ltd consultation accordingly.

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39. ITEM REQUIRING KEY DECISION

To consider the following item for decision in the current Forward Plan:-

39.1. Property Company (Forward Plan Reference FP794)

Report of the Executive Director (Resources, Environment and Cultural Services) on the establishment of a commercial property company limited by shares and wholly owned by the Council.

(1) The Decision Taken

RESOLVED:

That the Cabinet agrees to:-

- (1) the establishment of a commercial property company (the Company), which would be a company limited by shares and owned wholly by the Council;
- (2) appoint the Chief Executive and Executive Director (Resources, Environment and Cultural Services) as directors to the Company's Board of Directors;
- (3) note that the Cabinet will perform the shareholder function on behalf of the Council;
- (4) note that the Cabinet has an overriding power to take decisions relating to the Company. In addition, the authority of the Company's board of directors is limited insofar as they must refer certain types of decision back to the Cabinet for approval. These decision types will be detailed in the Memorandum of Understanding between the Company and the Council. Some of these decisions that will require Cabinet approval are listed in Appendix 1 to the report;
- (5) delegate authority to the Executive Director (Resources, Environment and Cultural Services), in consultation with the Monitoring Officer, Executive Member (Resources) and Executive Member (Governance, Community Safety, Police and Crime Commissioner and Corporate Property), to approve, finalise and document the following arrangements between the Council and the Company:-
 - the name of the Company;
 - the Articles of Association for the Company;
 - Memorandum of Understanding between the Company and the Council ;
 - appointment of a Company Secretary and Auditor;
 - loan and draw down facilities to the Company;

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- appointment of Non-Executive Director(s), if required;
- any associated legal process and documentation necessary for the operational set up of the Company;
- an appropriate mechanism to monitor the performance of the company and
- a Service Level Agreement between the Council and the Company setting out the basis on which the Council will provide certain services to the Company.
- Once the Memorandum of Understanding and the appointment of the Non-Executive Director(s) are finalised, they would be reported to Cabinet for endorsement.

(2) Reasons for the Decision

The Council was facing significant financial challenges over the coming years. In particular, reductions in Government grant and pressures to sustain and improve frontline services, along with restrictions on increases in Council Tax were all contributing factors which meant many Councils were looking to operate more commercially in order to improve their financial resilience in the longer term.

(Note: There were no declarations of interest by a Member(s) in respect of the matter decided).

40. REPORT FROM SCRUTINY SUB-COMMITTEE

Following a verbal update given to the last meeting of the Cabinet on 8 August 2017 by the Deputy Leader (Minute 27 refers), the Cabinet received the report of the meeting of the Social Scrutiny Sub-Committee on 7 August 2017 which met to consider the call-in of the Cabinet decision on 11 July 2017 to approve the transfer of the freehold of Goldings House, Hatfield to Paradigm Housing Group.

It was noted that the Sub-Committee was unable to reach a majority decision to refer the decision back to the Cabinet for reconsideration and this meant that the original Cabinet decision stood (Minute 24 refers).

41. PERFORMANCE EXCEPTION REPORT - QUARTER 1 (2017/18)

Report of the Executive Director (Resources, Environment and Cultural Services) summarising strategic performance data for the first quarter of 2017/18.

RESOLVED:

That the performance data for the first quarter of 2017/18 be noted and any proposed actions highlighted approved.

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42. COUNCIL ACHIEVEMENTS LIST - QUARTER 1 (2017/18)

Report of the Executive Director (Resources, Environment and Cultural Services) summarising key achievements and service improvements for the first quarter of 2017/18.

RESOLVED:

That the achievements list for the first quarter of 2017/18 be noted.

43. APPOINTMENT OF MEMBER PROCUREMENT BOARD

Report of the Executive Director (Public Protection, Planning and Governance) reviewing the Membership of the Member Procurement Board for the Streetscene and Grounds Maintenance contracts further to the discussion at the last Cabinet meeting on 8 August 2017 (Minute 33 refers).

RESOLVED:

That the membership of the Procurement Board be increased by two Members from 5 in the ratio 3:2 to 7 in the ratio 4:2:1 to include representatives of both Opposition Groups on the Council.

44. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for Agenda items 15, 16 and 17 (Minutes 45 - 47 refer) on the grounds that they involved the likely disclosure of confidential or exempt information as defined in Section 100A(3) and paragraph 3 (private financial or business information) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it was considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

45. ITEMS OF AN EXEMPT NATURE REQUIRING KEY DECISION

The following items of an exempt nature for decision in the current Forward Plan were considered:-

45.1. High View Redevelopment Procurement (Forward Plan Reference FP808)

Exempt report of the Executive Director (Resources, Environment and Cultural Services) on the appointment of the contractor as the developer for the centre.

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(1) The Decision Taken

RESOLVED:

That the appointment of Lovell Partnerships Limited as the Contractor to redevelop the neighbourhood centre at High View, Hatfield be approved.

(2) Reasons for the Decision

The Cabinet set up a Member Procurement Board to oversee the redevelopment of the High View neighbourhood centre in Hatfield. The structure of the procurement was that the developer would demolish, in phases, the current neighbourhood centre and build new retail and residential units. The garage site at Hollyfield was included to support the overall viability of the project. The freehold would remain with the Council for both sites. It was also important to note that the High View scheme would deliver affordable housing in accordance with Planning Policy.

(Note: There were no declarations of interest by a Member(s) in respect of the matter decided).

45.2. Textiles Contract Extension (Forward Plan Reference FP816)

Exempt report of the Executive Director (Resources, Environment and Cultural Services) on the extension of the existing contract.

(1) The Decision Taken

RESOLVED:

That the Cabinet agrees to extend the existing contract for the provision and servicing of textile banks with Cookstown Textile Recyclers for one year (from 1 April 2018 to 31 March 2019).

(2) Reasons for the Decision

The Council was the lead authority for the sale of textiles from Councils within the Hertfordshire Waste Partnership. In 2014, the Council undertook a procurement exercise for a new three year contract (with the option of a one year extension) for the provision and servicing of textile banks across Hertfordshire. The Cabinet agreed to award the contract to Cookstown Textile Recyclers.

(Note: There were no declarations of interest by a Member(s) in respect of the matter decided).

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46. RENEWAL OF INSURANCE POLICIES 2017/18

Exempt report of the Executive Director (Resources, Environment and Cultural Services) on the decision taken under delegated authority to approve insurance renewal terms.

RESOLVED:

That the decision made by the Executive Director (Resources, Environment and Cultural Services) and Executive Member (Resources) to approve insurance renewal terms as well as increasing the Public Liability policy indemnity limit from £20M to £50M be noted.

47. NON DOMESTIC RATES WRITE OFFS

Exempt report of the Executive Director (Resources, Environment and Cultural Services) on two non-domestic rates write offs of over £10,000.

RESOLVED:

That the Cabinet agrees to write off two non-domestic rates debts where no further recovery action could be taken as detailed in the exempt report.

Meeting ended at 7.50 pm
GS