

Cabinet
7 November 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET held on Tuesday 7 November 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)
B.Sarson (Executive Member, Business, Partnerships and Public Health)
R.Trigg (Executive Member, Governance, Community Safety, Police and Crime Commissioner and Corporate Property)

ALSO PRESENT: Councillors M.Cowan (for items 60 – 63.1)
T.Mitchinson, F.Thomson (for items 63-72)

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

60. APOLOGIES

Apologies for absence were received from Councillors H.Bromley (Executive Member, Environment), T.Kingsbury (Executive Member, Policy and Culture) and A.L.Perkins (Deputy Leader and Executive Member, Planning, Housing and Community) (Vice-Chairman).

61. MINUTES

The Minutes of the meeting held on 3 October 2017 were approved as a correct record and signed by the Chairman.

62. ACTIONS STATUS REPORT

The status of actions agreed at the Cabinet meeting on 3 October 2017 in the report of the Executive Director (Public Protection, Planning and Governance) was noted.

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

The following items were considered:-

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63.1. Hatfield Town Centre Regeneration - Support from Hertfordshire Local Enterprise Partnership (LEP)

Report of the Executive Director (Resources, Environment and Cultural Services) on the outcome of the LEP funding bid and also the next stage of the regeneration project.

RESOLVED:

- (1) That the Cabinet notes the Council had been successful in securing a £6M funding package from the LEP for Hatfield Town Centre regeneration, with the grant conditions detailed in the report.
- (2) That the Cabinet agrees to recommend to the Council that £6M be added to the capital programme for the construction of a multi-storey car park on The Common car park site in order to release land for housing development and that £1M be released immediately, with £5M to be added to the 2018/19 capital budget.
- (3) That the Cabinet notes the multi-storey car park would be funded by £4.8M from the LEP and the remainder would be funded by the Council's own capital resources.
- (4) That the Cabinet agrees to recommend to the Council that £1.3M be added to the capital programme for a single deck to be built on Lemsford Road car park to relieve the parking pressure in the town centre during the construction of the multi-storey car park with the split of funding being £0.3M for the current year to be released immediately, with the remaining £1M to be added to the 2018/19 capital budget.
- (5) That Officers be authorised to prepare and submit planning applications for all the projects shown in section 3 of the report.
- (6) That the Cabinet agrees to expand the remit of the Member Procurement Board for 1, and 3-9 Hatfield Town Centre to oversee the procurement process for the Public Realm improvement in White Lion Square, Multi-Storey Car park and, single deck at Lemsford Road car park as well as the Link Drive development with the terms of reference as shown in Appendix A to the report.
- (7) That the Cabinet agrees that a revenue budget growth of £12,000 would be required in 2017/18 in order to support the work required for Hatfield Town Centre parking changes with the budget implication in future years being considered as part of the 2018/19 budget setting process.

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63.2. Localised Council Tax Support Scheme 2018/19

Report of the Executive Director (Resources, Environment and Cultural Services) on the intention to continue with the same scheme in 2018/19.

The Cabinet considered the continuation of the localised Council Tax Support Scheme into 2018/19.

The scheme was introduced in 2013 and a number of changes made for the 2017/18 financial year to bring the scheme into line with the housing benefit regulations.

The scheme fully protected pensioners and families with children under five, as well as certain other vulnerable claimants. For others, the assessed entitlement was calculated on 75% of the Council Tax bill.

Consultation had taken place with Hertfordshire County Council and the Hertfordshire Police and Crime Commissioner on the intention to continue with the same scheme and the County Council had responded in agreement.

RESOLVED:

That the Cabinet recommends to the Council that the localised Council Tax support scheme continue in 2018/19 to help people on low/no income to receive a reduction on their Council Tax.

63.3. Food Hygiene Rating Scheme - Cost Recovery

Report of the Executive Director (Public Protection, Planning and Governance) on the fee for requested revisits by food businesses.

The Council participated in the delivery of the national Food Hygiene Rating scheme which encouraged businesses to improve hygiene standards and assisted consumers in making informed choices about where to eat. Businesses could display their score, a 0-5 rating, but scores were also found on the Food Standards Agency website.

Once a rating had been awarded, food businesses had the opportunity to request a re-visit where they had scored any score below the maximum rating of 5 (very good).

Local Authorities were now able to introduce fees on a cost recovery basis only for re-inspections/re-visits in accordance with the Food Hygiene Rating Scheme.

The Cabinet meeting on 6 June (Minute 5.2 refers) agreed the recommendation from the Environmental Overview and Scrutiny Committee meeting on 5 April 2017 (Minute 56 refers) that a full cost recovery fee for Food Hygiene Rating Scheme re-inspections/ re-visits be introduced.

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Delegated authority was given to the Head of Public Health and Protection and Executive Director (Public Protection, Planning and Governance), in consultation with the Executive Member (Business, Partnerships and Public Protection), for a suitable fee to be determined having regard to the Food Standards Agency's guidance and in consultation with the Council's Finance team and a fee of £180 per visit had been determined.

RESOLVED:

That the Cabinet recommends to the Council that a fee of £180 per revisit be introduced for a re-inspection/ visit in response to a request by a food business in accordance with the Food Hygiene Rating Scheme.

64. ITEMS REQUIRING KEY DECISION

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

64.1. Welwyn Garden City Estate Management Scheme (Forward Plan Reference FP783)

Report of the Executive Director (Public Protection, Planning and Governance) setting out a recommended way forward for the Estate Management Scheme (EMS) following consultation.

With the permission of the Chairman, Councillor M. Cowan spoke on this item expressing his disappointment that an Article 4 Direction(s) was not being taken ahead as there was support for controls in the area and recognition of the present shortcomings.

He referred to the different enforcement regimes that might give different results, backlog of unauthorised changes, agreement to the changes, Council rented properties, legal challenges, lack of publicity and awareness and consultation with Members. He believed that this was a U-turn which was a mistake. The Leader stated that the Council had a duty to consult.

(1) The Decision Taken

RESOLVED:

- (1) That the Cabinet agrees to the principle of creating an EMS team to determine EMS applications and seek to resolve breaches of the Scheme through negotiation and enforcement action.
- (2) That the Cabinet agrees to the principle of establishing fees for EMS applications, to cover the costs of an EMS team. (Indicative fees were set out in the report).

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- (3) That the Cabinet agrees to the production of a Welwyn Garden City EMS Design Guide to be funded from the existing review budget and undertaken by suitably qualified consultants following a procurement exercise.
- (4) That the Cabinet agrees an eight week period of public consultation which seeks views on these proposals to take the form of a letter to every property in Welwyn Garden City and also include meetings and workshops with residents and community groups to inform the design guide.
- (5) That Officers prepare a final report which sets out the responses to the public consultation, details the arrangements for an EMS team, details the fees for EMS applications and proposes the adoption of a design guide.

(2) Reasons for the Decision

The Cabinet first considered a report on the review of the Welwyn Garden City EMS in July 2015 to seek to resolve ongoing problems and concerns regarding the Scheme's administration, notably the different enforcement arrangements for freehold and leasehold properties. That report covered in significant detail a number of alternative options that could be considered with the main thrust of the report being to look at replacing the Scheme with one or more Article 4 Directions and to apply to the High Court Land Tribunal to vary or terminate the Scheme.

In August 2016, the Cabinet considered a report on the EMS which sought agreement to an eight week period of public consultation on alternative options for the future of the Scheme. The consultation took the form of a letter to all residents within the Scheme area and a slightly different letter to all other residents who lived within Welwyn Garden City. The letters were accompanied by an information brochure and a questionnaire. The consultation took place during October and November 2016 and was publicised on the Council's website and in press articles. Responses were received from residents of the town and those from elsewhere.

The consultation was undertaken following legal advice on what, at the time, Officers considered might be the intended way forward which was to present a case to the High Court that the Scheme should be either varied or terminated and replaced with one or more Article 4 Directions. Legal advice specified that an Article 4 Direction would need to provide at least equivalent protection as the existing Scheme and that issues that could not be satisfactorily covered by an Article 4 Direction should be retained as part of the Scheme. In addition, the Council was advised to publicly consult on this, and alternative options, and to analyse the responses before proceeding.

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In the proceeding months since the consultation, Officers had analysed the responses that were received from both residents of Welwyn Garden City and some from further afield with a view to finding a solution which was fair and equitable to all of the residents of the Welwyn Hatfield Borough. In particular, the current funding arrangements for the management of the Scheme which resulted in funding coming from planning application fees and Council Tax.

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

64.2. Treasury Management Mid-Year Report 2017/18 (Forward Plan Reference FP811)

Report of the Executive Director (Resources, Environment and Cultural Services) providing a mid-year update on the Council's treasury activities.

(1) The Decision Taken

RESOLVED:

That the following be noted:-

- (1) the current treasury position and Treasury Management Indicators.
- (2) the intention to 'opt-up' to professional status under MiFID II regulations and the need to obtain a 'Legal Entity Identifier'.
- (3) the Treasury Management Strategy 2018/19 would include the proposed changes to CIPFA's Prudential and Treasury Management Codes, as appropriate.

(2) Reasons for the Decision

In accordance with the Treasury Management Strategy a mid-year update on the Council's treasury activities was provided including details of the investment and loans portfolios and an economic review from treasury advisors.

No new external borrowing had been undertaken during the period, and Housing Revenue Account (HRA) borrowing, originally £305M, had now been reduced to £244M, implying £61M of "headroom" within the HRA borrowing limit.

Under the EU Markets in Financial Instruments Directive, from January 2018, all local Authorities were classed as "Retail" by default, but had the ability to opt up to "Professional" classification. It was recommended that the Council opted-up in this way as no practical burdens would be suffered in so doing, but there would be access to a

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wider choice of investment instruments than would otherwise be the case.

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

64.3. Cash Collection Services (Forward Plan Reference FP826)

Report of the Executive Director (Resources, Environment and Cultural Services) on the award of contract for these services.

(1) The Decision Taken

RESOLVED:

That a three year contract with an optional one year extension be awarded to BDI Securities (UK) Ltd for cash collection services.

(2) Reasons for the Decision

The Council had a requirement for the secure collection of cash from various locations such as Campus West, Campus East and Car Park Machines.

Due to the imminent expiry of the current contract a new tender process had taken place.

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

65. RECOMMENDATIONS FROM CABINET PANELS AND BOARDS

The following recommendations from Panels and Boards were considered:-

65.1. Cabinet Planning and Parking Panel - 5 October 2017 - Self-Build and Custom Housebuilding Register - Local Eligibility Conditions and Fee for Applicants

Since 1 April 2016 and consistent with its legal duty, the Council had publicised and maintained a Register of individuals and associations of individuals who wished to acquire serviced plots of land for Self-build and Custom Housebuilding in the Borough.

This was part of the Government's strategy to increase housing delivery and was referred to in the Housing White Paper as a means of providing more choice in the market.

A legal duty to grant development permission for enough serviced plots to meet the demand for Self-build and Custom Housebuilding in the Borough had come into force. Regulations set out the time for compliance with the duty

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and provided relevant authorities with the option of introducing new local eligibility conditions (subject to consultation) and a fee to enter into and remain on the Register.

The Panel considered how the Council's Register currently operated and the current level of demand, together with recommendations about the introduction of local eligibility conditions, and draft proposals for the introduction of a fee for applicants to enter into and remain on the Register (to be introduced at a later date).

Officers would report the results of consultation back to the Panel, together with a schedule of any recommended changes as considered appropriate.

The Panel noted the draft proposal for a fee to be set by the Council for applicants to enter the Register and that a final proposal would be included in a future report alongside the results of consultation for recommendation to the Cabinet to agree.

RESOLVED:

That the proposed eligibility conditions, including a local connection and a financial resources test, as recommended by the Cabinet Planning and Parking Panel, be agreed and made available for consultation for a six week period on the Council's consultation portal.

65.2. Grants Board - 9 October 2017

Award of Larger Annual Grants to Local Organisations in 2018/19.

The recommendations of the Grants Board to pay the larger annual grants were in line with the proposed grants budget for 2018/19 and subject to final confirmation and adoption of the budget at the Council meeting on 5 February 2018.

It had been agreed as part of the budget setting that for a three year period, the Citizens Advice Bureau would have a ring fenced budget of £95,000.

The Grants Board had decided how the provisional grants budget of £103,270 plus a £1000 underspend rolled forward from the previous year's budget would be allocated between the Annual Grants and Small Community Grants for 2018/19.

It was noted that once the ring fenced sum of £24,000 for the Small Grants Budget had been removed it would leave an available budget of £80,270 in 2018/19.

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RESOLVED:

That the following annual Grants to Voluntary organisations in 2018/19, as recommended by the Grants Board, be approved.

Organisation	Amount Sought	Amount Granted
FairLife Foundation	£10,000	£0
Hatfield and District Age Concern Friendship House	£15,000	£10,000
Mind in Mid Herts	£26,245	£21,000
Recover	£22,000	£8,000
Resolve	£29,018	£4,500
Welwyn Hatfield Community and Voluntary Service	£12,900	£4,700
WGC and Hatfield Food Bank	£3,000	£1,000
Women's Refuge	£32,000	£31,070
Allocation to Citizens Advice Bureau		£95,000
Small Grants Budget 2018/19		£24,000
Annual and Small Community Grants Budget 2018/19		£199,270

66. REVENUE BUDGET QUARTER 2 MONITORING FOR THE FINANCIAL YEAR 2017/18

Report of the Executive Director (Resources, Environment and Cultural Services) presenting the revenue outturn for quarter two of the 2017/18 financial year and outlining the main variances from the approved original budget for both the General Fund and the Housing Revenue Account.

The forecast contribution to the General Fund working balance was now £0.272M which was an improvement of approximately £400,000 from the first quarter position.

The forecast for the Housing Revenue Account at quarter 2 showed a reduction in the working balance of £182,000 from quarter 1 mainly due to a lower housing rent forecast based on rental performance halfway through the financial year

RESOLVED:

- (1) That the changes to the General Fund forecast outturn as at 30 September 2017 be agreed and included in the current budget

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which in turn would then be used as the basis of comparison to the forecast outturn.

- (2) That the Housing Revenue Account forecast outturn as at 30 September 2017 be agreed and included in the current budget which in turn would then be used as the basis of comparison to the forecast outturn.
- (3) That the position on debts and rechargeable works be noted.

67. CAPITAL BUDGET MONITORING AS AT 30 SEPTEMBER 2017 (PERIOD 6)

Report of the Executive Director (Resources, Environment and Cultural Services) presenting capital expenditure and associated capital funding for quarter two of the 2017/18 financial year.

The current approved budget at quarter two was £54.348M which included rolled forward budget from 2016/17 of £10.597M. The current forecast outturn was £53.973M.

RESOLVED:

- (1) That the Cabinet note the overall position as at period 6 on the capital programme and the capital funding and reserves.
- (2) That the Cabinet note the movements of budgets between schemes agreed by the relevant Manager, Head of Service or Director, and reflected in the current budget at period 6.
- (3) That the Cabinet agree the forecast outturn as summarised and detailed in the report.
- (4) That the Cabinet agree the capital expenditure forecast as at period 6 and that any changes to the forecast be included in the current budget which would in turn be used as the basis of comparison to the forecast outturn noting that for period 6 the forecast outturn included savings of £138,000 and re-profiling of £238,000 from 2017/18 into 2018/19.

68. UNIVERSAL CREDIT

Report of the Executive Director (Resources, Environment and Cultural Services), providing an update on the forthcoming rollout of the next stage of the Universal Credit to the Hatfield Jobcentre, which would administer Universal Credit for the Borough. It also recommended that a letter be sent to the local Member of Parliament (MP), setting out the Council's concerns on some aspects of the rollout.

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In March 2017 the Cabinet received a report setting out the impact of the December Universal Credit rollout to the Hatfield Jobcentre. At that time, rollout was only envisaged for single people of working age making new claims, for which the Council had 57 cases.

The Department for Works and Pensions (DWP) had since informed the Council that the Universal Credit rollout in December 2017 would now also apply to new claims from working age families with fewer than three children. It was estimated that, as a result, approximately 80% of the Council's new 100 housing benefit claims per month would migrate to Universal Credit and existing housing benefit claimants would migrate to Universal Credit where there was a change of circumstances.

Universal Credit was paid monthly in arrears, not weekly and initial reports suggested that a Universal Credit claim took six weeks to process, plus seven waiting days. The DWP would offer payments in advance under certain circumstances, although this would involve the Council and Citizens Advice Bureau in providing further advice to recipients about this.

Although the rollout of Universal Credit would, see a reduction in Housing Benefit claims over time, the existing complex cases would remain and the Council would continue to receive claims for Council Tax support with potentially a large increase in correspondence in such cases.

In meetings with the DWP, it had been admitted that local authority performance dipped following Universal Credit rollout, as workload actually increased and recovery would typically take twelve months. Considerable work had been done by the Council in preparing those impacted by the changes.

As Universal Credit was managed and introduced by the DWP, rather than the Council, this report was only for noting by the Cabinet, but given the concerns, the Cabinet was also asked to agree that a letter setting these out be sent to the Local MP.

RESOLVED:

That the arrangements for the next stage of the Universal Credit rollout be noted and the Cabinet agree that the Executive Director (Resources, Environment and Cultural Services) write to the local MP expressing concerns about the financial difficulties residents in the Borough would face with the roll out of Universal Credit resulting from delays in payments.

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69. COUNCIL TAX SUPPORT - HARDSHIP RELIEF AND DISCRETIONARY HOUSING PAYMENT UPDATE

Report of the Executive Director (Resources, Environment and Cultural Services) providing an update on the working of the Council Tax scheme for quarter two of 2017/18.

Hardship relief payments amounted to £13,660 for the first six months of 2017/18 which was approximately in line with the annual budget for such payments of £25,000.

Discretionary Housing Payments amounted to £130,445 for the first six months of 2017/18 which was within the level of annual Government funding of £306,531 for the whole year.

RESOLVED:

That the update on the Council Tax support scheme for quarter two of 2017/18 be noted.

70. CABINET PLANNING AND PARKING PANEL - APPOINTMENT OF CO-OPTED MEMBERS

To appoint D.Fuller and M.Kandekore, Tenants' Panel representatives, as co-opted (non-voting) members of the Panel.

RESOLVED:

That D.Fuller and M.Kandekore, Tenants' Panel representatives be appointed as co-opted (non-voting) members of the Cabinet Planning and Parking Panel.

71. 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 17 and 18 (Minutes 72 and 73 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.

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72. ITEMS OF AN EXEMPT NATURE REQUIRING KEY DECISION

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

72.1. Council's Affordable Housing Programme - Purchase of Properties From the Registered Provider, Home Group, As Part of Residential Development on the Former Onslow School Site, Hatfield (Forward Plan Reference FP815)

Exempt report of the Executive Director (Housing and Communities) on the purchase of additional homes as part of this scheme.

(1) The Decision Taken

RESOLVED:

- (1) That the Cabinet agrees that the Council enter into a suitable land and property purchase for fifteen two-bedroom houses on the site as shown on Appendix A to the exempt report and that the properties be owned and managed by the Council, and let at social rent.
- (2) That the Cabinet agrees to pay the purchase price of £5,036,850 for the new properties from Home Group with negotiations in progress to see if a further reduction in the price could be achieved.
- (3) That delegated authority be given to the Executive Director (Housing and Communities), in consultation with the Executive Member (Planning, Housing and Community), to agree amendments to the price on confirmation of any unforeseen/abnormal changes in costs impacting the viability of the scheme.

(2) Reasons for the Decision

Home Group, a member of the Council's Registered Provider Framework Group, had been working with Onslow School and Hertfordshire County Council to deliver a new residential development on land no longer required by the school.

As well as the affordable housing which would form part of the planning agreement for the site, the Council had been negotiating the purchase of fifteen two bedroom houses, which would be additional affordable housing

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

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72.2. Land Surveys and Ground Contamination (Forward Plan Reference FP823)

Exempt report of the Executive Director (Resources, Environment and Cultural Services) on a procurement framework for these surveys.

(1) The Decision Taken

RESOLVED:

- (1) That the Council establishes frameworks for Land Surveys and Ground Investigation for a three year period (with one year extension) commencing on 1 December 2017
- (2) That the following companies be admitted to the frameworks:

Lot 1 - Land Surveys and Searches

- Aecom Ltd
- Tower Surveys Ltd (Opus International)
- Concept Engineering Consultants Ltd

Lot 2 - Ground Investigation

- Tower Surveys Ltd (Opus International)
- WYG Management Services Ltd
- Harrison Group Environment Ltd

(2) Reasons for the Decision

With the large number of redevelopments being undertaken in the Borough, most requiring ground investigation works, it was beneficial to set up a framework to enable the work to be quickly and efficiently commissioned.

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

72.3. CCTV Service Provision (Forward Plan Reference FP825)

Exempt report of the Executive Director (Housing and Communities) on the award of contract for these services.

(1) The Decision Taken

RESOLVED:

- (1) That the Council enter into a Service Level Agreement with St Albans City and District Council to provide CCTV monitoring and maintenance services through Videcom Security Ltd with the agreement commencing on 1 April 2018 and continuing for

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a minimum period of five years, with an option to extend for a further two years

- (2) That this arrangement be subject to the St.Albans Cabinet agreeing to the award of contract to Videcom on 23 November 2017 and in the event that it did not agree to the award of contract, a further report would be brought back to this Councils' Cabinet with further options.

(2) Reasons for the Decision

This report provided the Cabinet with an update on the progress of the CCTV Task and Finish Working group that was established to oversee the procurement of a CCTV provider, in partnership with St Albans City and District Council.

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

73. DIRECT DEBIT MANAGEMENT SYSTEM FOR GARDEN WASTE SERVICE

Exempt report of the Executive Director (Resources, Environment and Cultural Services) setting out proposals for introducing a paperless direct debit management system for the collection of income for the garden waste service.

RESOLVED:

- (1) That the Cabinet agrees to appoint Capita Business Services Ltd to provide the paperless direct debit management system for the Garden Waste service for a period of two years.
- (2) That a dispensation be given in accordance with paragraph 14(k) of the Council's Contract Procedure Rules, which would enable Capita Business Services Ltd to be appointed without competition.

Meeting ended at 8.30 pm
GS