

Cabinet
5 December 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET held on Tuesday 5 December 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)
M.Perkins (Deputy Leader and Executive Member,
Planning, Housing and Community) (Vice-
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 PRESENT: T.Mitchinson

OFFICIALS PRESENT: Chief Executive (R.Bridge)
Executive Director (Housing and Communities) (S.Russell)
Executive Director (Resources, Environment and Cultural Services) (K.Ng)
Head of Law and Administration (M.Martinus)
Head of Community and Housing Strategy (S.Chambers)
Governance Services Manager (G.R.Seal)
Communications Officer (N.Burrows)

74. MINUTES

The Minutes of the meeting held on 7 November 2017 were approved as a correct record and signed by the Chairman.

75. ACTIONS STATUS REPORT

The status of actions agreed at the Cabinet meeting on 7 November 2017 in the report of the Executive Director (Public Protection, Planning and Governance) was noted.

76. ITEM REQUIRING KEY DECISION

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

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76.1. Leisure Services Review (Forward Plan Reference FP830)

Report of the Executive Director (Resources, Environment and Cultural Services) setting out Finesse Leisure's recommendation to proceed with a merger with Greenwich Leisure Ltd to deliver substantial savings in the operation of health and leisure facilities on behalf of the Council.

(1) The Decision Taken

RESOLVED:

- (1) That subject to formal agreement by the management board of Finesse Leisure and Greenwich Leisure Limited (GLL), to proceed with the merger between these two organisations, the Cabinet agrees to novate the Council's management agreement with Finesse Leisure for the operation of the health and leisure facilities, to GLL from April 2018.
- (2) That the Cabinet agrees the Corporate Property and Legal services teams prepare the necessary legal documentation to enable the relevant leases held by Finesse Leisure to be assigned to GLL.
- (3) That the Cabinet notes the level of savings, as set out in the exempt report at Agenda item 15(a) in the part II private and confidential section of the meeting, (Minute 82.1 refers), in the management fees from 2018/19 onwards and that they would be built into the Council's budget setting process.
- (4) That the Cabinet agrees to give delegated authority to the Executive Director (Resources, Environment and Cultural Services), in consultation with the Executive Member (Policy and Culture) and, if relevant, the Monitoring Officer to agree any relevant changes that would be necessary in the management agreement and also to agree any other documents associated with the merger of Finesse Leisure and GLL that would impact on the Council.

(2) Reasons for the Decision

Finesse Leisure was set up to operate a number of health and leisure facilities on behalf of the Council from January 2004 for a period of 25 years. The arrangements for the provision of these services were set out in the management agreement. It was clear that the climate of public expenditure was now very different from when it was formed in 2004, in particular, pressures on the Council through declining funding from central Government and increased capital maintenance costs had forced the Council to maximise the level of efficiencies from all of its service providers. Finesse Leisure was a relatively small leisure

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trust and it would struggle to reduce the management fees without impacting on service delivery.

Consequently, it had carried out a corporate strategy review and commissioned an independent feasibility study in order to reduce the level of management fees payable by the Council. The conclusion of the review was to begin discussions with the UK's largest charitable social enterprise, Greenwich Leisure Limited (GLL), to consider the opportunities and benefits of merger.

Subject to the approval of Finesse and GLL to proceed with the merger, the Finesse Leisure brand would no longer be seen at the Council's facilities once the merger was complete, which was expected to be by April 2018. Overall, customers would see no change to the services which they currently enjoyed and they would benefit from the ability to use other GLL sites across the Country if they held a membership.

- (Notes:** (1) Further legal, financial and procurement implications of the proposal containing exempt information were detailed in the addendum in the Part II Private and Confidential section of the meeting- Agenda item 15(a) and Minute 82.1 refer.
- (2) There were no declarations of interest by a Member(s) in respect of the matter decided).

77. ITEM REQUIRING KEY DECISION NOT IN THE FORWARD PLAN

The following item for decision not in the current Forward Plan was considered:-

77.1. Outcome of the Consultation on Redevelopment Proposals for Minster House, Hatfield

Report of the Executive Director (Housing and Communities) on the outcome of consultation with key stakeholders on the proposal to redevelop Minster House, Hatfield in order to provide a larger, modern purpose built scheme.

(1) The Decision Taken

RESOLVED:

- (1) That the Cabinet notes the outcome of the consultation with key stakeholders, as set out in paragraphs 3.2 to 3.7 of the report.
- (2) That the Cabinet agrees that the redevelopment proposal proceeds and that the process to commence decanting of

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current Council tenants start as soon as was reasonably practicable.

- (3) That the Cabinet agrees that the proposed scheme budget be included in the 2018/19 capital budget proposals and Medium Term Financial Strategy.
- (4) That the Cabinet notes the outcome of negotiations with the Hospitaller Order of St. John of God thus far and gives delegated authority to the Director (Housing and Communities), in consultation with the Executive Member (Housing, Planning and Community), to come to a suitable agreement with the Order within existing budget, in order to achieve vacant possession of the leased units within an acceptable timeframe.

(2) Reasons for the Decision

Officers had recently carried out a consultation with the Council tenants at Minster House, Hatfield on proposals to redevelop the current sheltered housing scheme, to provide a larger, purpose built, modern facility.

As part of the consultation, each tenant was offered a 'one to one' meeting and provided with written information about the proposals. The majority of the meetings took place on 19 October 2017. Whilst appreciating the impact of such a proposal on current residents of Minster House, the feedback was largely favourable and the majority of residents were positive about the benefits of the proposals.

As part of the detailed feedback tenants said they would value balconies, improved and accessible outside space, larger kitchens and wider doorways/space for mobility scooters and other equipment.

The proposals for the site would achieve around 70 one and two bedroom new build apartments, replacing the current scheme of 30 units. The total scheme cost was estimated to be £15M, with 30% of the cost of the additional units on the site being met from 'useable Right to Buy receipts'

Officers had also spoken to staff from the Hospitaller Order of St John of God as part of the consultation process as they were currently occupying several flats within the scheme under a leasing arrangement.

- (Notes:** (1) The Chairman of the Social Overview and Scrutiny Committee had been given notice that it was impracticable to comply with the requirement that at least twenty eight days' notice must be given of the intention to make a key decision on the Forward

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Plan in accordance with Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 because it was urgent and could not reasonably be deferred in order to be able to proceed with the redevelopment proposals and process to decant Council tenants without delay).

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

78. RECOMMENDATION FROM CABINET PANEL

The following recommendation from the meeting of the Cabinet Housing Panel on 30 October 2017 was considered:-

78.1. The Introduction of New Statutory Enforcement Powers for Private Sector Housing

The Panel had considered a report setting out the new enforcement powers available to the Council, for private sector housing brought in as part of a range of measures introduced through the Housing and Planning Act 2016.

The Council now had the ability to issue a civil penalty of up to £30,000 as an alternative to prosecution for certain specified offences.

A draft Policy and procedure for calculating the level of financial penalty was set out for approval for consultation with key stakeholders.

RESOLVED:

- (1) That the policy and procedure for calculating the level of financial penalty be endorsed for submission for consultation with key stakeholders.
- (2) That following consultation, the results of the consultation and the final draft policy document be submitted to the Cabinet for consideration and approval.

79. PERFORMANCE EXCEPTION REPORT- QUARTER 2 2017/18

Report of the Executive Director (Resources, Environment and Cultural Services) summarising the Council's strategic performance data on an exception basis for Quarter 2 of 2017/18 following the most recent performance clinic.

RESOLVED:

That the strategic data for Quarter 2 of 2017/18 be noted and any proposed actions highlighted approved.

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80. COUNCIL ACHIEVEMENTS LIST - JULY TO SEPTEMBER 2017

Report of the Executive Director (Resources, Environment and Cultural Services) summarising the Council's key achievements and service improvements for Quarter 2 of 2017/18.

RESOLVED:

That the Council Achievements List for Quarter 2 of 2017/18 be noted.

81. 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 item 15 (Minute 82 refers) on the grounds that it 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.

82. ITEM OF AN EXEMPT NATURE REQUIRING KEY DECISION

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

82.1. Leisure Services Review (Forward Plan Reference FP830)

Exempt addendum to Agenda item 8(a) in the Part I public section of the meeting setting out the details of the legal, procurement and financial implications should the Finesse and GLL merger proceed. It was noted further to Minute 76.1 that the Finesse Board approved a merger with GLL at its meeting on 27 November, however as part of its legal requirements, it would need to hold a second meeting within 14 to 28 days of that meeting, for confirmation which was due to take place on 11 December 2017.

Meeting ended at 7.50 pm
GS