

Cabinet
3 April 2018

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET held on Tuesday 3 April 2018 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 Executive Director (Public Protection, Planning and Governance) (N.Long)
PRESENT: Executive Director (Resources, Environment and Cultural Services) (K.Ng)
Executive Director (Housing and Communities) (S.Russell)
Head of Law and Administration (M.Martinus)
Head of Property Services (P.Gray)
Governance Services Manager (G.R.Seal)
Communications Officer (N.Burrows)
Tree Officer (O.Waring) (for items 114 - 117.3)

114. MINUTES

The Minutes of the meeting held on 6 March 2018 were approved as a correct record and signed by the Chairman.

115. ACTIONS STATUS REPORT

The status of actions agreed at the Cabinet meeting on 6 March 2018 in the report of the Executive Director (Public Protection, Planning and Governance) was noted.

116. ITEM RELATING TO THE BUDGET AND POLICY FRAMEWORK FOR RECOMMENDATION TO THE COUNCIL

The following item was considered:-

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116.1. Welwyn Hatfield Business Plan 2018-21 (Forward Plan Reference FP842)

Report of the Executive Director (Resources, Environment and Cultural Services) recommending the process for creating the Council's new Business Plan for 2018-21.

(1) The Decision Taken

RESOLVED:

- (1) That the Cabinet approves the process set out in the report and delegates authority to the Executive Board to agree and publish the new Business Plan over the coming months in consultation with Executive Members and Directors.
- (2) That the Cabinet approves the Plan on a Page to go forward to the next meeting of the Council, as appended to the report.

(2) Reasons for the Decision

Over recent months Officers had been working on the Council's new priorities, values and a strapline which were summarised in the Plan on a Page. The priorities had been revised to make them easier to present to the Council's communities and more accessible to a wider audience.

The Council's values had also been reviewed so they were better aligned with what was considered to be important when dealing with local residents, businesses and partners.

Furthermore, a new strapline, "Working Better, Together" would be introduced.

Consultation had also taken place with the Borough Panel which showed that 90% of the respondents either "strongly agreed" or "agreed" with the Council's proposed priorities and objectives for the next three years.

The detailed business plan would be finalised over the coming months by the Executive Board, in consultation with Executive Members.

117. ITEMS REQUIRING KEY DECISION

The following items for decision in the current Forward Plan were considered:-

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117.1. "Customer First" - Customer Service Strategy (Forward Plan Reference FP843)

Report of the Executive Director (Housing and Communities) presenting the proposed customer service strategy for the Council.

The Cabinet recorded thanks to the Executive Directors, Heads of Service and other Officers involved in the work on the Strategy.

(1) The Decision Taken

RESOLVED:

That the Cabinet approves the Customer Service Strategy and delegates authority to the Executive Director (Housing and Communities), in consultation with the Executive Member (Business, Partnerships and Public Health), for overseeing the implementation of the Customer Service Strategy Delivery Plan.

(2) Reasons for the Decision

The Customer Service Strategy would be a document for Members, customers, partners, staff and the wider public. The strategy described the Council's vision for customer service in the future and summarised the key areas of work for the Council to achieve this.

The Council's business plan objectives would be updated in the strategy document, following the approval of the proposed new business plan.

The new strategy was based on six principles for delivering excellent customer service. This new approach focused on making it easier for customers to use the Council's services and set out the commitment to be clear with customers on what services were provided and how well these were performed.

The Council had consulted widely on the strategy and would continue to encourage staff and other stakeholders to give their views on how services could be moved forward so that they achieved the outcomes of the strategy.

Sitting alongside the strategy would be a three year delivery plan setting out the steps which would need to be taken to achieve the outcomes.

117.2. Future of Bereavement Services (Forward Plan Reference FP849)

Report of the Executive Director (Resources, Environment and Cultural Service) on the future of bereavement services in the Borough.

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(1) The Decision Taken

RESOLVED:

That the Cabinet agrees that Officers work with CDS Ltd to refresh the planning application for the enhanced bereavement facilities at Welwyn Hatfield Lawn Cemetery and resubmit to the Development Management Committee for consideration at a future date.

(2) Reasons for the Decision

In December 2016, Cemetery Development Services Ltd submitted a planning application on behalf of the Council seeking permission for the demolition of the existing buildings located at the Welwyn Hatfield Lawn Cemetery and re-locate them to the south west of the grounds. The new development included the incorporation of the equipment required to conduct cremations as well as upgrading parking provision and generally improve bereavement facilities for the Borough. The planning application was subsequently approved by the Development Management Committee in March 2017.

Crematoria Management Ltd, lodged a judicial review against the Council's decision to grant planning permission for a development of a crematorium. They subsequently succeeded on one out of three grounds of the judicial review claim in March 2018.

The current status of the planning application for the crematorium remained undetermined and the Council would refresh the planning application documents and submit them for consideration by the Development Management Committee at a future date.

The continuation of the project would enable the enhancement of Council bereavement services provided in the Borough.

117.3. Trees and Woodlands Strategy (Forward Plan Reference FP836)

Recommendation from the meeting of the Environment Overview and Scrutiny Committee on 26 March 2018 on the adoption of the strategy following consultation (Minute 51 refers).

(1) The Decision Taken

RESOLVED:

- (1) That Policy 2 (Urban Tree Management) of the Tree and Woodland Strategy be subject to further discussion at the

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next meeting of the Environment Overview and Scrutiny Committee.

- (2) That, with the exception of Policy 2, the amendments proposed to the draft Tree and Woodland Strategy as the result of the comments received through the consultation be accepted.
- (3) That the amended draft Tree and Woodland Strategy, less Policy 2 be adopted.

(2) Reasons for the Decision

It was recognised that the most important addition to the draft strategy was the clarification of the inspection regime for trees which was more clearly stated in Policy 1 (Active Tree Management).

Policy 1 indicated the areas where the Council would carry out tree work (such as in instances of pedestrian safety, decay or structural damage to the tree) and in particular the frequency of tree inspections which would be on a three year rolling programme. For the avoidance of doubt an example was given: a tree inspected in the spring in the first year could be inspected again in the autumn in the fourth year.

In addition to the frequency of tree inspections it was noted in Policy 3 (The Trees and Woodland in the Borough) that 300 trees would be planted annually and a monthly tree felling list would be produced.

Tree planting would be a potential response to mitigating air quality issues in Hatfield Business Park and Comet Way.

Members of the Environment Overview and Scrutiny Committee had felt that some of the comments in the consultation were not fully taken on board and that the recommendations of the tree scrutiny sub-group concerning issues in Policy 2 had not been incorporated into the draft strategy.

Policy 2 (Urban Tree Management) outlined where the Council would not carry out tree work, for example in instances to increase the amount of sunlight reaching a property, to improve mobile phone reception or alleviate problems caused by natural phenomena such as leaves or algae.

Some Members of the Committee had expressed regret at what was in their view the excessive focus on trees at the expense of the Borough's residents and the failure of the Committee to take on the views of the tree scrutiny sub-group.

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It was highlighted to the Cabinet that the critical safety regime would not be implemented if the strategy was not adopted and it was agreed that the safety regime needed to be implemented.

The draft Tree and Woodland Strategy was adopted by the Cabinet apart from Policy 2 which would be subject to further discussion at the next meeting of the Environment Overview and Scrutiny Committee.

In the interim the current policy which detailed areas where the Council would not carry out tree work, would be used until the discussion by the Committee on Policy 2 had taken place and a recommendation made to the Cabinet.

117.4. Renewal of Insurance Policies 2018/19 - Request for Delegated Authority (Forward Plan Reference FP837)

Report of the Executive Director (Resources, Environment and Cultural Services) on the approval of renewal terms for Council insurance policies.

(1) The Decision Taken

RESOLVED:

- (1) That the Executive Director (Resources, Environment and Cultural Services), in consultation with the Executive Member (Resources), be given delegated authority to approve the renewal of insurance policies, with the outcome reported to the September 2018 Cabinet meeting.
- (2) That the authority remain in force until the expiry of the long term agreements which ended in June 2019 for the leasehold properties policy and 2020 for all others.

(2) Reasons for the Decision

The majority of the Council's insurance policies were tendered in 2015 and long term agreements entered into with the successful bidders. The leasehold property policy was tendered separately in 2014. Renewal of all policies with existing insurers would therefore be sought in accordance with these agreements, however as in previous years, terms were unable to be presented to the Cabinet in view of the need for an expeditious response outside of timetabled meetings.

It was highlighted that in light of the Grenfell Tower tragedy last year, the Council had increased the public liability indemnity limit from £20M to £50M and would ask for quotes to maintain the same £50M limit as last year as well as seeking prices for cyber risk cover in response to

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the increasing number of highly publicised security breaches and incidents involving ransomware in other parts of the public sector.

117.5. Adoption of New Statutory Enforcement Powers for Private Sector Housing Following Consultation (Forward Plan Reference FP846)

Recommendation from the meeting of the Cabinet Housing Panel on 5 March 2018 on adoption of the policy and procedure for calculating the level of financial penalty as an alternative to prosecution for certain specified offences (Minute 56 refers).

(1) The Decision Taken

RESOLVED:

That the Cabinet Housing Panel recommendation that the policy and procedure for calculating the level of financial penalty in respect of enforcement powers for private sector housing be adopted.

(2) Reasons for the Decision

The Housing and Planning Act 2016 introduced the ability for the Council to issue civil penalties of up to a maximum of £30,000 as an alternative to prosecution for certain offences relating to rented homes.

The Private Landlords Forum was consulted on the proposed policy which set out how the Council intended to use the new powers and also a framework for calculating an appropriate penalty level. The response rate was very low – 8 responses from 400 consultees. Generally the landlords who did respond did not agree with the new power, but they did not have any objection to the Council's policy approach.

The new power provided another tool that the Council would use, where appropriate, to tackle illegal practices by a minority of poor landlords.

118. RECOMMENDATIONS FROM CABINET PANEL AND BOARD

The following recommendations from meetings of the Cabinet Planning and Parking Panel and Grants Board were considered:-

118.1. Cabinet Planning and Parking Panel on 8 March 2018

Recommendation from the Panel on single and double yellow lines in Hill Rise and Sutherland Way, Cuffley, consideration of objections and approval to make a Traffic Regulation Order to introduce the lines (Minute 51 refers).

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During the design stage of the consultation residents in The Driveway and the top of Hill Rise were consulted on proposals to introduce double yellow lines at the junction with East Ridgeway. This was in response to safety concerns which had been raised by residents during the six month monitoring period of the other changes to the parking restrictions in Cuffley.

During this consultation, a number of requests were made for the scope of the area to be increased due to potential displacement concerns. Therefore, further proposals were circulated to residents in Hill Rise to and including Highlands, Sutherland Way, Sutherland Avenue and Leefe Way. The response was very low in most roads apart from Hill Rise to the junction of Tolmers Avenue/Sutherland Way. The majority consensus from these residents was a single yellow line which operated on Monday to Friday from 11am to 1pm.

When the proposals were formally advertised some residents changed their opinion and objected to the introduction of the single yellow line outside of their properties. In response to this, the proposals were amended with residents agreeing to the removal of the single yellow line outside of their properties.

Of the twelve objections, three were from residents not directly impacted by the proposals, but were complaining about the possible displacement into roads which were not included. The majority of the other nine objections were in response to the double yellow lines proposed at the junction with Sutherland Way. This location was an access road for properties nos. 17, 19, 21, 23 and 25 Hill Rise and it was never constructed to take parked vehicles. Currently vehicles were parking obstructing most of the pavement and other road users were having to mount the green verge to pass any such vehicles causing damage to this area. All of these properties had off-street parking for at least three vehicles.

As was standard practice all changes to the parking restrictions would be monitored for a period of six months and any changes carried out during this period.

RESOLVED:

That, following consideration of the objections received and in particular the issues raised around equalities and diversity and the reasons for the proposals including any proposed mitigating actions, the Cabinet agrees to proceed with the amended proposals and the creation of the Traffic Regulation Order as recommended by the Panel.

118.2. Grants Board - 12 March 2018

Recommendation from the Board on changes to community grants and approval to an updated application process following a review by a Member Task and Finish Group (Minute 21 refers).

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The Grants Board appointed a Member Task and Finish Group to review the current annual and small grants criteria and application forms in order to align the application process closer to the Council's objectives.

As a result of this review a number of changes to the published criteria, application form and scoring matrix for both annual and small grants were considered.

The Grants Board also considered its meeting schedule and agreed to meet three times a year in August and January for small grants and in October for annual grants.

RESOLVED:

That as recommended by the Grants Board:-

- (1) The new annual grant application and associated criteria be adopted.
- (2) The new small community grant application and associated criteria be adopted.
- (3) The Grants Board meet three times a year, in August for small community grants, in October for annual grants and in January for small community grants and jubilee awards.
- (4) The proposed scoring matrix for grant applications be adopted.

119. RELEASE OF CAPITAL BUDGET

Report of the Executive Director (Resources, Environment and Cultural Services) seeking delegated authority for the release of the capital budget for 2018/19.

Under the Financial Procedure Rules, Officers were required to submit a report to the Cabinet for the release of capital funds before any expenditure was committed or incurred. These releases of capital reports were not seeking any additional funding from the Council and did not contain any new information about the capital programme that had already been approved by the Cabinet and Council.

It was questionable whether the release of capital reports added any value as the Council had already put mechanisms in place such as capital budget monitoring to ensure that expenditure was in accordance with the original purpose of the budget and within the budget limits.

There were also other arrangements in place for specific capital programmes such as Affordable Housing and Direct Property Investment in the Borough, where approvals were sought specifically from relevant Cabinet Members.

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The proposed arrangements for 2018/19 would be trialled for twelve months before reporting back to the Cabinet.

RESOLVED:

That the Cabinet agrees to give delegated authority to the Executive Board, in consultation with the Executive Member (Resources), to agree the release of capital budget for 2018/19 based on the principles outlined in paragraph 3.5 of the report.

120. 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 items 121 to 125 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.

121. ITEMS OF AN EXEMPT NATURE REQUIRING KEY DECISION

To consider the following items of an exempt nature for decision in the current Forward Plan:-

121.1. Proposed Sale of Salisbury Square (Forward Plan Reference FP848)

Exempt report of the Executive Director (Resources, Environment and Cultural Services) on the proposed sale of Salisbury Square.

(1) The Decision Taken

RESOLVED:

- (1) That in return for a ubiquitous release of restrictive covenants held by Gascoyne Cecil Estates (GCE) relating to Borough Council owned land affected by the Hatfield Renewal Partnership opportunity areas identified in the Renewal Framework, the transfer of the areas affected to GCE be agreed.
- (2) That this transaction be without monies being paid to either party by the other and that each side bear their own

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costs and any stamp duty, land tax or value added tax that might be payable.

(2) Reasons for the Decision

It was identified that certain additional lands outside of the Trust's ownership but within the area affected by the GCE redevelopment proposals were also owned by the Council; forming part of the 150+ sites, mostly land below highways, that were transferred to the Council by the Homes and Community Agency (Now Homes England) in late 2011.

121.2. Award of Build Contract for the Demolition of 16 Garages and 2 Flats and the Build of Houses as part of the Council's Affordable Housing Programme (Forward Plan Reference FP850)

Exempt report of the Executive Director (Housing and Communities) on the award of contract for this scheme as part of the Council's affordable housing programme.

The Cabinet expressed thanks to the Housing Development Manager, Sarah Newman for her exemplary work on the delivery of the Council's affordable housing scheme at Furzen Crescent, Hatfield which had been complimented on by the Council's partners on the scheme.

(1) The Decision Taken

RESOLVED:

That as recommended by the Affordable Housing Programme Procurement Board, the contract for the erection of 4 x 3 bedroom houses and 3 x 2 bedroom houses with associated parking and landscaping following the demolition of 16 garages and 2 flats at Little Mead, Hatfield be awarded to FSG Property Services Limited for £1,169,497.

(2) Reasons for the Decision

A procurement exercise for the delivery of seven new homes at Little Mead, Hatfield as part of the Council's Affordable Housing Programme was overseen by a Member Procurement Board.

By the tender closing date 13 bids had been returned and they were evaluated in accordance with the criteria agreed by the Member Board.

Three of the bids were considered non-compliant, because they failed to supply the full information requested.

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122. EXEMPT RECOMMENDATION FROM CABINET PANEL

The following recommendation of an exempt nature was considered:-

122.1. Cabinet Housing Panel - 5 March 2018 - Re-Procurement of Gas Contract

Exempt recommendation from the meeting on the procurement process for the annual domestic gas safety certificates, maintenance and new installations (Minute 60 refers).

RESOLVED:

- (1) That in accordance with Government guidance on “best value”, the option to extend the contract not be taken up/exercised and competitive tenders for a new contract be obtained.
- (2) That a Member Procurement Board be established to oversee the contract re-procurement project. (Constitution: 5 Members – Ratio 3:1:1 with a non-voting Co-opted Member of the Tenants Panel).

123. EXTENSION OF SALE OF NEWSPAPER CONTRACT

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

The Council was the lead authority for the sale of separated paper collected from households on behalf of the Hertfordshire Waste Partnership.

RESOLVED:

That the Cabinet agrees to extend the existing Palm Recycling Ltd contract for two years (from 1 June 2018 to 31 May 2020).

124. PROCUREMENT OF SPECIALIST HEALTH AND SAFETY LEGAL ADVISORS

Exempt report of the Executive Director (Public Protection, Planning and Governance) on the arrangements for the appointment of specialist health and safety advisors.

RESOLVED:

That in accordance with section 14(k) (Alternative Procedures in Prescribed Circumstances) of the Contract Procedure Rules the Cabinet agrees to allow a dispensation from the Rules for the appointment of a specialist legal team to act on behalf of the Council for complex health and safety cases.

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125. WRITE OFF OVER £10,000

Exempt report of the Executive Director (Resources, Environment and Cultural Services) on a non-domestic rate write off of over £10,000 where no further recovery action could be taken.

RESOLVED:

That the Cabinet agrees to a write off of non-domestic rates as detailed in the exempt report.

(Note: The Chairmen of the Environment and Social Overview and Scrutiny Committees had been given notice that it was impracticable to comply with the requirements that at least twenty eight days' notice must be given of the intention to consider items 121.2, 122.1, 123 and 124 in the private section of the meeting in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 because they were urgent and could not reasonably be deferred for the reasons specified).

The reason for item 121.2 was to enable the award of contract so that the scheme could commence without delay.

The reason for item 122.1 was to enable the re-procurement of the contract to commence without delay.

The reason for item 123 was to enable the contract to be extended without delay.

The reason for item 124 was to enable the procurement to commence without delay.

Meeting ended at 8.10pm
GS