

Cabinet
4 June 2019

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET held on Tuesday 4 June 2019 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors T.Kingsbury (Leader of the Council) (Chairman)
D.Bell (Deputy Leader and Executive Member, Resources)

S.Boulton (Executive Member, Environment and Planning)
T.Mitchinson (Executive Member, Leisure, Culture and
Communications)
N.Pace (Executive Member, Housing and Community)
B.Sarson (Executive Member, Regeneration, Economic
Development and Partnerships)
F.Thomson (Executive Member, Governance and Public Health)

OFFICIALS Chief Executive (R.Bridge)
PRESENT: Corporate Director (Public Protection, Planning and Governance) (N.Long)
Corporate Director (Housing and Communities) (S.Russell)
Head of Law and Administration (M.Martinus)
Head of Resources (R.Baker)
Governance Services Manager (G.R.Seal)
Principal Governance Services Officer (A.Marston)
Communications Officer (N.Burrows)

1. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

It was noted that Councillor T.Kingsbury as Leader of the Council and Councillor D.Bell as Deputy Leader were appointed Chairman and Vice-Chairman of the Cabinet.

2. MINUTES

The Minutes of the meeting held on 2 April 2019 were approved as a correct record and signed by the Chairman.

3. ACTIONS STATUS REPORT

The status of actions agreed at the Cabinet meeting on 2 April 2019 in the report of the Corporate Director (Public Protection, Planning and Governance) was noted.

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

The following items were considered:-

4.1. Food Safety Service Plan 2019/20 (Forward Plan Reference FP912)

Recommendation from the meeting of the Environment Overview and Scrutiny Committee on 12 March 2019 on the adoption of the Plan for the Borough as required by the Food Standards Agency (Minute 66 refers).

(1) The Decision Taken

RESOLVED:

That the Food Safety Service Plan 2019/20 be approved and recommended to the Council for adoption.

(2) Reasons for the Decision

The Food Standards Agency (FSA) had overall responsibility for the official control of food law enforcement in England. This involved co-ordinating, monitoring, setting standards and auditing local authority food law enforcement activities. This included a requirement that all local authorities produce a food safety service plan which had been agreed by the Members.

Local authorities were expected to not just merely undertake "routine hygiene inspections" but to operate a risk based enforcement system that valued educational initiatives together with formal legal enforcement tools and "non inspection interventions", for example, targeted sampling and imported food controls.

4.2. Health and Safety Service Plan 2019/20 (Forward Plan Reference FP913)

Recommendation from the meeting of the Environment Overview and Scrutiny Committee on 12 March 2019 on the adoption of the Plan for enforcement of health and safety law (Minute 67 refers).

(1) The Decision Taken

RESOLVED:

That the Health and Safety Service Plan 2019/20 be approved and recommended to the Council for adoption.

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(2) Reasons for the Decision

The Health and Safety at Work etc Act 1974 placed a duty on the Health and Safety Executive and Local Authorities to make arrangements for the enforcement of health and safety law and to ensure public and employee health and safety protection.

There were no significant changes to how the health and safety service would be delivered, however, interventions planned for 2019/20 by Officers were more proactive and ranged from the provision of advice through to formal enforcement notices and prosecutions in order to meet both national and local priorities.

5. ITEMS REQUIRING KEY DECISION

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

5.1. Revenue Budget Outturn Report for the Financial Year 2018/19 (Forward Plan Reference FP914)

Report of the Corporate Director (Resources, Environment and Cultural Services) presenting the revenue outturn for the financial year 2018/19 and summarising main variances from the original budget for both the General Fund and Housing Revenue Account.

(1) The Decision Taken

RESOLVED:

- (1) That the outturn for the General Fund and the Housing Revenue Account as at 31 March 2019 be noted.
- (2) That movements on earmarked reserves as detailed in the report be approved.
- (3) That the position on debts as set out in the report be noted.

(2) Reasons for the Decision

The Council was required to approve the revenue budget outturn for the financial year 2018/19.

It was noted that there was a favourable variance on the General Fund net cost of services of £2.219M. Of this, around £1.060M related to one off underspends, such as additional grant income and £1.125M to efficiencies already factored into the 2019/20 baseline budget. After movements to earmarked reserves, the General Fund outturn position was a £0.100M drawdown from the General Fund working balance.

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The closing balance on the Housing Revenue Account for 2018/19 was £2.60M, a drawdown of £3.98M from the opening balance of £6.58M.

5.2. Capital Budget Outturn Report 2018/19 (Forward Plan Reference FP914)

Report of the Corporate Director (Resources, Environment and Cultural Services) presenting the capital expenditure and associated capital funding for both the General Fund and Housing Account for 2018/19.

(1) The Decision Taken

RESOLVED:

- (1) That the overall capital outturn position and financing for 2018/19 be noted.
- (2) That the roll forward budgets as detailed in the report be approved.

(2) Reasons for the Decision

The Council was required to approve the capital budget outturn for 2018/19.

It was noted that the capital outturn position was summarised in Table 1 of the report and a detailed breakdown by capital scheme and service teams could be found in Appendix A to the report.

The majority of the variance related to the re-phasing of specific projects into 2019/20, which were shown in Appendix A. The overall capital programme, excluding re-phasing of schemes, was £440,000 underspent.

5.3. Extension of Cemetery Management Contract (Forward Plan Reference FP916)

Report of the Corporate Director (Resources, Environment and Cultural Services) recommending the extension of the current contract by a further two years.

(1) The Decision Taken

RESOLVED:

That the General Procurement Board recommendation to extend the Cemetery Management Contract with John O'Conner Limited by a further two years until 31 May 2022 be approved.

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(2) Reasons for the Decision

The current cemetery management contract with John O'Conner Limited would expire at the end of May 2020 and the Cabinet considered the options available for future service provision.

The General Procurement Board met on 1 April 2019 and it was unanimously agreed to recommend to the Cabinet to extend the Cemetery Management Contract with John O'Conner Limited by a further two years until 31 May 2022. It was noted that John O'Connor had offered a discount of £5,000 per annum for the extension period and would not apply for an inflationary increase for the first year of the extension.

5.4. Extension of Arboriculture Services Contract (Forward Plan Reference FP918)

Report of the Corporate Director (Resources, Environment and Cultural Services) on the extension of the contract by one year.

(1) The Decision Taken

RESOLVED:

That the General Procurement Board recommendation that the contract be extended by one year until 31 December 2020 be approved.

(2) Reasons for the Decision

In November 2016 the Cabinet agreed to award a three year contract with an optional one year extension to Maydencroft Rural Limited (commencing on 1 January 2017) to undertake tree maintenance, young tree maintenance and tree surveys.

The contractor had performed very well meeting all its key performance indicators, mainly around quality and completion of work on time.

5.5. Streetscene Mobilisation Board - Tewin Road Depot (Forward Plan Reference FP919)

Report of the Corporate Director (Resources, Environment and Cultural Services) on the extension of the Board's terms of reference to oversee the procurement of the refurbishment of Tewin Road Depot.

(1) The Decision Taken

RESOLVED:

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That the General Procurement Board recommendation to extend the terms of reference of the Streetscene Mobilisation Board to include the oversight of the Tewin Road Depot Procurement be agreed.

(2) Reasons for the Decision

The Council had agreed to fund the depot refurbishment through the capital programme.

This would include making the depot fit for purpose to enable streetscene and grounds maintenance contracts to be operated from there in the future.

The General Procurement Board considered this at its meeting on 1 April 2019 and as the Streetscene Mobilisation Board had the experience of overseeing the procurement of the new contracts, the Board was best placed to oversee this procurement as well.

5.6. Utility Purchasing Arrangements (Forward Plan Reference FP920)

Report of the Corporate Director (Resources, Environment and Cultural Services) on the extension of the current arrangements for the purchase of utilities.

(1) The Decision Taken

RESOLVED:

That the General Procurement Board recommendation to extend the agreement with LASER Energy to continue to purchase utilities (primarily gas and electricity and potentially water) on behalf of the Council for the period 1 April 2020 until 31 March 2024 be agreed.

(2) Reasons for the Decision

The Council spent about £800,000 on utilities (gas and electricity) per annum and for the last eight years had used LASER Energy to purchase on its behalf.

LASER energy were one of the largest procurement and energy management organisations in the Country, buying energy purely for the public sector, currently purchasing on behalf of 150 public bodies. LASER Energy was established in 1989 to manage Kent County Council's energy purchasing and had grown to be one of the leading energy procurement and energy management service providers in the UK. With 30 years' experience it had both the expertise, systems and bulk purchasing power to negotiate better utilities pricing.

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5.7. Treasury Management Annual Report 2018/19 (Forward Plan Reference FP915)

Report of the Corporate Director (Resources, Environment and Cultural Services) reviewing treasury management activity and prudential indicators for the 2018/19 financial year.

(1) The Decision Taken

RESOLVED:

That the actual treasury management prudential indicators for 2018/19 be noted.

(2) Reasons for the Decision

The Council had adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice which required the approval of a treasury management strategy before the start of each financial year and also for mid and end of year reports to be received. The Cabinet reviewed the treasury management activity and prudential indicators for the 2018/19 financial year.

6. RECOMMENDATION FROM CABINET PANEL

The following recommendation from the meeting of the Cabinet Planning and Parking Panel on 11 April 2019 was considered:-

6.1. Introduction of Waiting Restrictions and Verge and Footway Prohibition in Various Roads, Birchwood, Hatfield

The Panel had considered the introduction of waiting restrictions and verge and footway prohibition in various roads, Birchwood, Hatfield. It was noted that in November 2016, the Council delivered parking survey forms to all residents within the Birchwood area asking if they would like to see any changes to the parking restrictions, options included in the resident permit schemes and single/double yellow lines. Birchwood was split into three areas with area three and Great North Road completed in 2018 and the focus was now on the remaining sections of the Birchwood consultation area.

The results of the informal and statutory consultation and the recommended course of action were considered noting that a total of 1647 residents and businesses had been consulted and seven objections received (Minute 139 refers).

RESOLVED:

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That, having considered the objections received and in particular the issues raised around equalities and diversity and the proposals, together with all the detailed issues including any proposed mitigating actions, the Cabinet Panel recommendation to proceed with the amended proposals and the creation of the Traffic Regulation Order for all the reasons set out, be approved.

7. PERFORMANCE EXCEPTION REPORT - QUARTER 4 (2018-19)

Report of the Corporate Director (Resources, Environment and Cultural Services) summarising strategic performance data for Quarter 4 (2018/19).

RESOLVED:

That strategic performance data for Quarter 4 (2018/19) be noted and any proposed actions highlighted approved.

8. COUNCIL ACHIEVEMENTS LIST - QUARTER 4 (2018-19)

Report of the Corporate Director (Resources, Environment and Cultural Services) collating and summarising the Council's key achievements and service improvements for Quarter 4 (2018/19).

RESOLVED:

That the Council's key achievements and service improvement for Quarter 4 (2018/19) be noted.

9. ENVIRONMENT SCRUTINY OF VERGE PROTECTION ORDERS

Report of the Corporate Director (Resources, Environment and Cultural Services) submitting recommendations from the Environment Scrutiny Sub-Committee on restricting parking on verges and footpaths.

The Scrutiny Sub-Committee recommended that Officers should continue consulting residents on Verge Protection Orders at the same time as other parking proposals on the approved work programme. The Sub-Committee also recommended that a communication plan be rolled out, to include an article in Life magazine and a verge parking leaflet to be distributed to all households.

RESOLVED:

That the recommendations made by Environment Scrutiny Sub-Committee on verge and footway parking be approved.

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10. LOCAL HOUSING COMPANY

Report of the Corporate Director (Housing and Communities) on the proposed appointment of a non-executive Director to the Board of the new housing company.

Following on from the Cabinet approval in January 2019 to create a local housing company (Minute 101 refers) the Cabinet was now recommended to appoint a non-Executive Director to sit on the Board of the new housing company.

RESOLVED:

That the Cabinet agrees to the appointment of a non-Executive Director of the housing company, on a voluntary, non-remunerated basis noting that the proposed appointee had extensive skills and experience which would greatly benefit the company and help it fulfil its objectives.

11. APPOINTMENT OF CABINET PANELS, COMMITTEES AND BOARDS 2019/20

Appointment of Cabinet Panels, Committees and Boards for 2019/20.

RESOLVED:

That the appointment of Cabinet Panels, Committees and Boards for 2019/20, as set out in Appendix A to Agenda Item 15 be approved.

12. APPOINTMENT OF REPRESENTATIVES ON EXECUTIVE OUTSIDE BODIES 2019/20

Appointment of representatives to executive outside bodies for 2019/20.

RESOLVED:

That the appointment of Members to serve as representatives on outside bodies for 2019/20, as listed in Appendix B to Agenda Item 16, be approved.

13. 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 19 to 21 (Minutes 14 to 16 refer) on the grounds that they involved the likely disclosure of confidential or exempt information as defined in Section 100A(3) and paragraphs 1 (personal information),

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3 (private financial or business information) and 5 (legal and professional privilege) 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.

14. ITEMS OF AN EXEMPT NATURE REQUIRING KEY DECISION

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

14.1. Award of Architecture Contracts (Forward Plan Reference FP917)

Exempt report of the Corporate Director (Resources, Environment and Cultural Services) on the arrangements for the award of architecture services contracts.

(1) The Decision Taken

RESOLVED:

That the General Procurement Board recommendations on the award of architecture services for an initial period of three years, with a possible one year extension, as detailed in the exempt report, be approved.

(2) Reasons for the Decision

The current contract for architecture services expired soon and the Cabinet considered replacement contractual arrangements.

Following a tendering exercises the bids were evaluated on price and quality in accordance with the criteria agreed by the General Procurement Board.

14.2. 26-32 Hatfield Town Centre (Forward Plan Reference FP921)

Exempt report of the Corporate Director (Resources, Environment and Cultural Services) seeking delegated authority to agree the lease for this property.

(1) The Decision Taken

RESOLVED:

That delegated authority be given to the Corporate Director (Resources, Environment and Cultural Services), in consultation

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with the Executive Member (Resources), to agree the terms and authorise the granting of a lease for 26-32 Hatfield Town Centre as outlined in the exempt report.

(2) Reasons for the Decision

Discussion had been taking place between the relevant parties about the lease of this property in Hatfield Town Centre and delegated authority was now sought to grant a lease.

15. ITEM OF AN EXEMPT NATURE REQUIRING KEY DECISION NOT IN THE FORWARD PLAN

To consider the following item of an exempt nature for decision not in the current Forward Plan:-

15.1. Proposals to Redevelop Block of Flats 1-8 Ludwick Green, Ludwick Way, Welwyn Garden City and Consult with Residents

Exempt report of the Corporate Director (Housing and Communities) on the progression of the proposed re-development on this site.

(1) The Decision Taken

RESOLVED:

- (1) That the Cabinet agrees to the commencement of a consultation with the residents at Ludwick Green, Welwyn Garden City about the proposed redevelopment, which would include a proposal/offer to decant and associated entitlement of home loss and disturbance payments.
- (2) That the Cabinet agrees to the progression of the proposed re-development to a pre- planning approval stage.

(2) Reasons for the Decision

As part of the Council's Affordable Housing Programme a range of methods had previously been agreed by the Cabinet to provide new affordable homes and this proposal formed part of the Programme.

16. GARAGE SITE PHASE THREE REDEVELOPMENT - AFFORDABLE HOUSING PROGRAMME

Exempt report of the Corporate Director (Housing and Communities) giving an update on progress of the feasibility and development appraisals of garage site development schemes and the procurement process to seek a construction partner to deliver the schemes.

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RESOLVED:

That the update in relation to the first two sites of the Phase Three garage site development schemes be noted.

(Note: 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 Plan in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 because item 15.1 was urgent and could not reasonably be deferred for the reason specified).

- (1) The reason for item 15.1 was to enable the progression of the proposed redevelopment and consultation with residents to proceed without delay.

Meeting ended 8.00pm
GS