

Cabinet
10 October 2023

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET held on Tuesday 10 October 2023 at 6.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors P.Zukowskyj (Leader)
L.Chesterman (Deputy Leader)
S.Bonfante
J.Broach
M.Holloway
D.Jones
J.Quinton

ALSO PRESENT: Cllr T Kingsbury, Leader of the Opposition

OFFICIALS PRESENT: K.Ng, Chief Executive
R.Baker, Executive Director (Finance & Transformation)
S.Saunders, Legal Services Manager
C Barnes, Executive Director (Place)
S.McDaid, Service Director (Resident & Neighbourhood)
R. Misir, Senior Democratic Services Officer

-----141.----- STATEMENT FROM THE COUNCIL LEADER -----

At the start of the meeting, the Leader of the Council read a statement about recent events in Gaza:

“Over the weekend we have all seen the images that have come out from Gaza. This administration utterly condemns attacks on civilians. The images we have seen have been truly horrific. Our thoughts and hearts go out to all the civilians and their families who have lost loved ones and whose loved ones are missing. This administration also calls on the Israeli government to exercise restraint and obey the rules of war. One side committing war crimes does not mean war crimes committed by the other can be excused. It is clear civilians in Gaza are trapped with no water, no power and little food. Our thoughts also go out to those civilians in Gaza who are faced with an uncertain and possibly violent future, and their friends and family in the UK and around the world. The scourge of violence is of course not limited to global conflicts and we have also seen the awful impacts of knife crime in the

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local area just yesterday. Our hearts go out to those involved and injured, and their friends and families.”

142. MINUTES

The minutes of the meeting held on 5 September 2023 were approved as a correct record of the meeting.

143. APOLOGIES

There were no apologies for absence.

144. PUBLIC QUESTION TIME AND PETITIONS

There were no public questions or petitions.

145. ACTIONS STATUS REPORT

Cabinet noted the actions status report.

146. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 11

There was no notification of urgent business to be considered.

147. DECLARATIONS OF INTERESTS BY MEMBERS

Councillor Zukowskyj declared an interest as a Hertfordshire County Councillor.

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

149. MEDIUM TERM FINANCIAL STRATEGY

Cabinet received a report from the Executive Director (Finance and Transformation).

The report presented an update on the medium term financial forecasts since the previously approved version in February 2023. Inflation had reduced since then, so updates had been made to contract cost forecast and utilities, both of which had a favourable impact to the forecasts. However, the current year forecasts, based on Quarter 1 budget monitoring reports, had also been incorporated which had added pressures for future years; those pressures were mainly associated with ongoing income losses in Planning, Campus West, recycling and other income streams. An expected increase in staffing costs was a further pressure as the nationally agreed pay award was likely to be bigger than assumptions made in the original budget. As in previous years,

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sensitivity analysis against the forecasting approach had been completed for risk scenario purposes if there were sudden changes to market conditions or government funding assumptions. Based on the standard approach to forecasting, the budget gap for 2024/25 had risen from £2.1m at the start of the year to £2.5m, with the three year gap rising from £5.7m to £5.9m.

The budget-setting principles for Members to agree were set out in paragraph 3.3.6 of the report. While the Council aimed to protect statutory and public facing services, it was acknowledged difficult decisions might have to be taken; as things stood, if the gap was not closed then the Council would go below minimum reserves within a year. It would need to consider fees and charges, transformation strategies and other savings proposals to meet the budget gap to ensure it balanced its budget. As part of the community survey, the Council had asked questions about budget principles and priorities to help understand community views when considering proposals to balance the budget. No material changes had been made on HRA assumptions at this point as a full review of the 30 year business plan would be taking place. There had been no updates made to forecasts on the capital programme yet, and it was important to note existing schemes that had not yet started might need to be reviewed given inflationary increases on material and labour costs.

RESOLVED:

Cabinet:

1. Noted the contents of the report; and
2. Approved the principles to be adopted for the 2024/25 budget setting process as highlighted in section 3.3.6 of the report.

150. ITEMS REQUIRING KEY DECISION

150.1. FP2000 Air Quality Annual Status report

The Cabinet received the Air Quality Annual Status report.

Extensive air quality monitoring for particulate matter took place across the borough and there were two automatic analysers; there were also 51 sites where nitrogen dioxide was measured, 18 of which were at school sites. There was not a particular issue with any one pollutant across the borough. The Council was required to submit the results to DEFRA and legislation also required it to monitor levels of air quality and take appropriate action if pollution levels exceeded stated levels; none of those levels had been reached so there were no air quality management areas in the borough. There had been a reduction in pollution levels, particularly since the pandemic in 2020; it had increased again in some areas since then and the report detailed projects and action taken to further reduce air pollution.

RESOLVED:

Cabinet:

1. Noted the status of air quality within Welwyn Hatfield Borough, and
2. Approved the report for submission to DEFRA and for publishing.

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151. FP1196 DANESBURY LOCAL NATURE RESERVE LANDSCAPE MANAGEMENT PLAN

Cabinet received the report of the Service Director (Resident and Neighbourhood).

The report sought approval to undertake a public consultation on the draft local nature reserve and management plan for Danesbury. The current ten year plan expired this year, and it was a requirement as well as good practice to produce landscape management plans for the Council's nature reserves.

The Leader of the Opposition noted consultation would take place and sought clarity as to whether stakeholders and the Parish Council would be able to contribute; this was confirmed.

Members commented on the importance of managing and preserving green spaces, welcomed the consultation and reflected on the importance of engaging the local community.

RESOLVED:

Cabinet:

1. Approved a public consultation on the proposed Danesbury Local Nature Reserve Landscape Management Plan for 2023-2033 as set out in Appendix A and;
2. Noted that once the consultation feedback has been completed, the report and Danesbury Local Nature Reserve Landscape Management Plan will be resubmitted to Cabinet.

152. FP1197 SINGLERS MARSH LANDSCAPE MANAGEMENT PLAN

Cabinet received the report of the Service Director (Resident and Neighbourhood).

The report sought approval to undertake a public consultation on the draft local nature reserve and management plan for Singlers Marsh. The current ten year plan expired this year, and it was a requirement as well as good practice to produce landscape management plans for the Council's nature reserves. The landscape plan had been reviewed to take account of the village green application to the County Council.

The Leader of the Opposition noted consultation would take place and expected stakeholders and the Parish Council would be able to contribute; this was confirmed. He commented that if something was to change on the status of Singlers Marsh then the management plan would need to be reviewed, which was also confirmed; given legal limitations for a village green, some actions in the plan might not be possible and legal advice would be taken.

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RESOLVED:

Cabinet:

1. Approved a public consultation on the proposed Singlers Marsh Landscape Management Plan for 2023-2033 as set out in Appendix A; and
2. Noted that once the consultation feedback has been completed, the report and Singlers Marsh Landscape Management Plan for 2023-2033 will be resubmitted to Cabinet.

153. PROPOSAL FOR A PUBLIC CONSULTATION ON A PUBLIC SPACES PROTECTION ORDER (PSPO) FOR THE TOWN CENTRE IN WELWYN GARDEN CITY

Cabinet received the report of the Service Director (Resident and Neighbourhood).

The report recommended approval for a public consultation on the proposed Public Spaces Protection Order (PSPO) for the town centre in Welwyn Garden City, similar to the one in Hatfield. It was proposed to prohibit anti-social behaviour (ASB) associated with begging, ASB in public spaces caused by alcohol consumption, rough sleeping, urinating and defecating in public etc. There had been persistent ASB in the town centre which had a detrimental effect on the community. Extensive support and engagement took place with the Council, Street Link and police. Some of the individuals were not homeless and did not want to engage with support services. Anyone who might be homeless was offered support. Police data showed a 25% increase in ASB compared to last year and there had been a 73% increase in begging and rough sleeping.

Members commented that a number of residents had raised this issue with them and welcomed the opportunity to address ASB. They were mindful of the impact of cutting community schemes and budgets on communities and reflected on the importance of supportive wraparound services to help people in genuine need. Members also observed the Hatfield PSPO had limited effect and noted the need both to support vulnerable residents and for effective enforcement. It was noted the proposed PSPO was a tool and would not be the only way to address ASB. While it potentially set out limits on people's behaviour, there was a trade-off in people feeling safe and secure.

RESOLVED:

Cabinet approved a public consultation exercise be undertaken to gain feedback about the proposed introduction of a zoned PSPO within Welwyn Garden City town centre (within Handside ward).

154. RECOMMENDATION FROM CABINET PANELS

155. LOCAL PLAN

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Cabinet received the report of the Assistant Director (Planning).

The report set out the recommendations of Cabinet Planning and Parking Panel (CPPP) on 5 October 2023 in relation to the adoption of the Welwyn Hatfield Local Plan 2016. The examination of the emerging Plan had been ongoing for some years and had now concluded and the Council had received and published the Inspector's final report. The report concluded that the duty to cooperate had been met and that with the recommended main modifications, further main modifications and consequential modifications that the Inspector had set out following the examination, the Welwyn Hatfield Local Plan satisfied the requirements referred to in section 25A of the Planning and Compulsory Purchase Act 2004 and was sound. The recommendation from officers was clear; the benefits of adopting the Local Plan significantly outweighed the drawbacks and constituted the best course of action for a sound policy decision. CPPP had voted overwhelmingly to approve the recommendation with a view that decision on adoption should progress to a meeting of full Council.

RESOLVED:

Cabinet:

- (a) Noted the Inspector's report and its content
- (b) Recommended to Council that:
 - (i) the Welwyn Hatfield Local Plan (2016) be adopted as part of the statutory development plan for Welwyn Hatfield Borough;
 - (ii) Authority be delegated to the Assistant Director (Planning), in consultation with the Executive Member for planning, to make changes to text, graphics and layout of the Plan of a minor or inconsequential nature or in order to ensure consistency with the Modifications Schedules as considered appropriate and necessary prior to publication of the final version
 - (iii) Council note that, on adoption of the Welwyn Hatfield Local Plan (2016) the saved policies of the Welwyn Hatfield District Plan (adopted 2005) and associated Proposals Maps will have been replaced and will not be used for decision-making thereafter.

156. FP1193 AWARD OF CLEANING CONTRACTS

RESOLVED:

The meeting was suspended for two minutes while the Leader took advice from the Legal Officer about how Part 2 agenda items were managed.

The Council contracted Birkin Cleaning Services to clean a number of sites and the current contract ended in December 2023. A new procurement process was undertaken as well as a benchmarking exercise to deliver the service directly. After an advertisement, 18 applications were received, 7 were invited to tender and 3 bids were received; their scores were shown in paragraph 3.5 of the report. The Cabinet Member was grateful to officers for exploring the inhouse option; she would like to explore opportunities to provide services inhouse where possible and this would be factored into the

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timeline before existing contracts expired. Members noted that bringing services back under the Council's control would help ensure service continuity, address poor performance and would pave the way for a more accountable local service, although that was not feasible for this current contract which was why it was appropriate to award the contract to Birkin.

RESOLVED:

That a three year contract with a possible further one year extension was awarded to Birkin Cleaning Services (Birkin), commencing 1 January 2024, subject to Part 2 discussions.

157. AWARD OF ESTATE MANAGEMENT CONTRACT

The Council had a complex range of property assets which required specialist resource and technical expertise to manage. Whilst a number of colleagues provided this service inhouse, there was also a need for external expertise to provide additional support and maintenance. The first part of this item was the award of the specialist advice lot to Brazier Freeth for a three-year period, with the option of a one year extension. This would enable the service to rely upon the advice of external experts to ensure a good standard of service was delivered to residents. Overall, agreeing this item would enable the Council to continue to deliver across its varied and extensive estates portfolio.

Members noted specialist expertise was required which Brazier Freeth could deliver; they also had expertise in Lot 2, block management, which was niche and difficult to deliver inhouse, although this had been looked at in some detail. It was therefore appropriate to waive contract procedural rules as the Council needed these services to be delivered.

RESOLVED:

Cabinet agreed, subject to Part 2 discussions:

- (a) Lot 1 (Professional Services for Estates) was awarded to Brasier Freeth LLP for a three year period with a possible one year extension at an estimated contract value of £540,000.
- (b) that it is to the advantage of the Council that Contract Procedure Rules be waived to allow the award of a contract for Lot 2 (Block Management) to Brasier Freeth LLP for a contract period of 6 months; and
- (c) to waive Contract Procedure Rules, accordingly and to approve the award of a 6-month contract to Brasier Freeth LLP for Lot 2 (Block Management) at an estimated contract value of £30,000.

158. 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 12 & 13 on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) and Paragraph 3 (private financial

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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 is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

159. ITEMS OF AN EXEMPT NATURE REQUIRING KEY DECISION

159.1. FP1193 AWARD OF CLEANING CONTRACTS

The Council contracted Birkin Cleaning Services to clean a number of sites and the current contract ended in December 2023. A new procurement process was undertaken as well as a benchmarking exercise to deliver the service directly. After an advertisement, 18 applications were received, 7 were invited to tender and 3 bids were received; their scores were shown in paragraph 3.5 of the report. The Cabinet Member was grateful to officers for exploring the inhouse option; she would like to explore opportunities to provide services inhouse where possible and this would be factored into the timeline before existing contracts expired. Members noted that bringing services back under the Council's control would help ensure service continuity, address poor performance and would pave the way for a more accountable local service, although that was not feasible for this current contract which was why it was appropriate to award the contract to Birkin.

Cabinet noted the Part 2 report contained details of the three bidders, their scores and the financial implications of inhouse options.

RESOLVED:

That a three year contract with a possible further one year extension was awarded to Birkin Cleaning Services (Birkin), commencing 1 January 2024.

160. ITEMS OF AN EXEMPT NATURE REQUIRING KEY DECISION NOT IN THE FORWARD PLAN

160.1. AWARD OF ESTATE MANAGEMENT CONTRACT

The Council had a complex range of property assets which required specialist resource and technical expertise to manage. Whilst a number of colleagues provided this service inhouse, there was also a need for external expertise to provide additional support and maintenance. The first part of this item was the award of the specialist advice lot to Brazier Freeth for a three-year period, with the option of a one year extension. This would enable the service to rely upon the advice of external experts to ensure a good standard of service was delivered to residents. Overall, agreeing this item would enable the Council to continue to deliver across its varied and extensive estates portfolio.

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RESOLVED:

Cabinet agreed:

- (a) Lot 1 (Professional Services for Estates) was awarded to Brasier Freeth LLP for a three year period with a possible one year extension at an estimated contract value of £540,000.
- (b) that it is to the advantage of the Council that Contract Procedure Rules be waived to allow the award of a contract for Lot 2 (Block Management) to Brasier Freeth LLP for a contract period of 6 months; and
- (c) to waive Contract Procedure Rules, accordingly and to approve the award of a 6-month contract to Brasier Freeth LLP for Lot 2 (Block Management) at an estimated contract value of £30,000.

Meeting ended at 7.18 pm