

Council
13 March 2024

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD BOROUGH COUNCIL held on Wednesday 13 March 2024 at 7.30 pm in the Council Chamber, Campus East, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors P.Shah (Chair)

M.Birleson, S.Bonfante, S.Boulton, J.Broach,
L.Chesterman, J.Cragg, L.Crofton, H.Goldwater,
R.Grewal, A.Hellyer, M.Holloway, D.Jones, S.Kasumu,
T.Kingsbury, J.Lake, R.Lass, F.Marsh, S.McNamara,
G.Michaelides, T.Mitchinson, G.Moore, L.Musk, A.Nix,
D.Panter, R.Platt, J.Quinton, T.Rowse, B.Sarson,
A.Scott, M.Siewniak, J.Skoczylas, P.Smith,
C.Stanbury, S.Thusu, F.Thomson, R.Trigg, S.Tunstall,
F.Wachuku, C.Watson, J.Weston and P.Zukowskyj

OFFICIALS K.Ng, Chief Executive
PRESENT: R.Baker, Executive Director (Finance & Transformation)
C Barnes, Executive Director (Place)
S.McDaid, Executive Director (Resident Services and Climate Change)
C.Cade, Governance Services Manager
K Roberts, Assistant Director (Customer Services and Transformation)
S Saunders, Legal Services Manager

71. MINUTES

The minutes of the meetings held on the 5th and 21st February 2024 were approved as a correct record.

72. APOLOGIES

Apologies for absence were received from Councillors Smith, S Goldwater, Thorpe, Ganney, Bond, and Pace.

73. PETITIONS

No petitions were received.

74. QUESTIONS FROM THE PUBLIC

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No questions from the public were received.

75. DECLARATIONS OF INTERESTS BY MEMBERS

The following councillors declared an interest as members of Hertfordshire County Council:

S Boulton
T Kingsbury
F Thomson
S Thusu
P Zukowskyj.

Councillor Kingsbury declared an disclosable pecuniary interest in agenda item 8a and explained he would leave the meeting for the discussion and not take part in the vote.

76. ANNOUNCEMENTS

Mayor:

"Thank you to those who attended my last charity event on Friday, the Mayor's Gala Dinner. It was a great success and in total we raised £2,414 for two extremely worthy local charities, Hatfield Foodbank and the New Zion Christian Fellowship Foodbank. I hope that those who attended the Mayor's Gala charity on Friday enjoyed themselves as much as I did.

Recently we held the first ever One Welwyn Hatfield Community Awards ceremony on 28 February. The event was a major success and recognised all the achievements of individuals, sports clubs, community organisations and businesses in the borough. Thank you to those Members who attended; for the members that could not attend on that night, here are some of the highlights that we would like to share with you."

At this point in the meeting, Full Council was shown a video highlighting the success of the community awards.

"As you are aware, tonight will be our last Council meeting of the mayoral year. I would like to sincerely thank you all for the help and the support that I have received as Mayor. I would also like to thank all of the councillors who are standing down for their services within the Council, and all the best to those who are up for election on 2nd May 2024."

Executive Member for Environment:

"The 2024 grass cutting season began earlier this month. As many of you know, there have been issues with grass cutting over the previous years that I've been keen to rectify. During the last year, I have had several meetings with our contractors to discuss and help solve these issues. Effective communication is a cornerstone of this administration and I would like to thank Continental Landscapes Limited on their cooperative and clear communication they have

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displayed throughout this past year. We have worked together to help solve these issues regarding staff as well as machine maintenance. While I am confident we will see a significant improvement in our grass cutting services this year, I ask all councillors to provide me with feedback on the service in their ward during this season.

This winter's street tree planting has been completed with over 300 trees being planted in urban areas across the borough. A significant planted project has been completed in Lyles Lane in Welwyn Garden City; this involves a tree, shrub and proposed planting adjacent to the public footway and cyclepath which replaces the large poplar trees which were removed due to concerns about the condition, as well as their proximity to railway lines. The new planting will enhance biodiversity as well as improve the landscaping in the area.

Our winter woodland work is coming to a close; these large scale woodland works are undertaken to improve the structure of the woodland. This work was carried out in Sherrardspark Woods, Mardley Heath and Northaw Great Wood, and I would like to thank all involved for their hard work.

Last Thursday the Council held a thank you event for its woodland and green space volunteers. The event held at Oaklands College was attended by over 40 volunteers from a wide range of volunteer groups. The Mayor and I attended and were inspired by the passion and dedication of our volunteers. Over the last year the work that volunteer undertook amounted to over 660 days at a value of £46,000. This is truly a remarkable figure and highlights how valuable these groups are. Thank you."

77. QUESTIONS BY MEMBERS

Question to the Executive Member for Environment

"In the recent budget statement, provision was given to allow free parking for carers. A question raised by myself at the budget scrutiny OSC was which carers would eligible for this - private companies or individual such as family members. At the time officers indicated that this was yet to be determined. Would the portfolio holder be able to now further elaborate on which groups would receive free carers parking?"

Answer

"I can confirm that the permits are granted to organisations registered with the Care Quality Commission. They can apply for a permit for an individual vehicle on the basis that the person using that vehicle is conducting home medical visits within on-street resident permit schemes with a maximum parking duration of 2 hours. The permits are renewed annually. I am very pleased to be able to remove the charge for this scheme and benefit some of the people in the borough who are supporting our most vulnerable residents."

Supplementary Question

"With regards to companies that are CQC regulated, so that could be anywhere from a GP practice to a private company that provides their services, roughly

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how much do you think this will cost over the duration of say 1 year? I know that you have budgeted for it, but you may not use all of the budget so what's anticipated you'd use on the whole year?"

Answer:

"I don't have that number in front of me right now but I'll make sure I come back to you with that as soon as possible."

Question to the Executive Member for Resources

"In last year's election commitments were made by those now in the joint administration to enhance support for our high streets and local shops, including a comprehensive package aimed at increasing footfall and aiding local businesses. However, aside from one weekend of free parking and the introduction of free Sunday parking starting in April—more than offset by higher parking fees on Saturdays and especially weekdays—it's unclear what concrete actions the Council has taken to fulfil these promises. Additionally, there was an intention of developing an economic strategy. Could you provide an update on the status of both these linked initiatives?"

Answer

"It is disappointing that my fellow Councillor has not noticed or chosen to ignore the vast number of events and initiatives that the joint administration has overseen, bringing a renewed focus on economic development, which was sadly lacking under the previous administration.

In respect of the free parking days introduced by this administration, we have received excellent feedback from local traders and businesses, including some who have fed back directly to the Mayor. In Hatfield we've seen a bigger and better than ever Christmas lights switch on, supported a new Diwali event, held an Easter Fun Day, and two board games days with Arts and Crafts schools, carried out a children's cycling safety event and two farmers' market cooking demonstrations. In Welwyn Garden City, as well as supporting the BID, for example, working quickly with them to ensure that women's football was screened live, we've held children's storytime carried out Lego builders and retro arcade games events, developed a treasure map trail and celebrated purple Tuesday. All of this has resulted in three units in the Howard Centre having been filled with another on the way in the former Next unit. In addition, shops have opened up in Frithend Road and Howardsgate.

We do continue to develop the economic development strategy, but we have needed to review the scope of interventions given the financial challenges we have inherited and the continued underfunding from central government. Ramping up economic development is difficult in the uncertain times this national government has delivered. Officers are presently working on a draft strategy, I await the outcome of that work and we will do everything we can to deliver for our communities. I hope that comprehensively answers your question."

Supplementary Question

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“That was a very comprehensive answer and I was aware of some of that, but I wouldn't admit to knowing all of it. Some very fine window dressing to try and attract footfall in the town. What I was rather hoping to hear was something of a more concrete measure of actually working with businesses. Stevenage Town has a town centre manager who liaises directly with the actual retailers, I wonder if this was a model that your administration might investigate.”

Answer:

“We've looked at that. They would have to pay a salary and of course in these straitened times we've had to think very hard and carefully about that, but for the minute, as I said, we are looking at a draft of economic development rather than doing that, we might come back to it later, but this is going to take a little while as you can imagine, given all the other things we have to do in date.”

Question to the Leader of the Council

“During a recent CPPP meeting, the Leader of the Council put forward the idea of a borough-wide verge protection order. Irrespective if this is a good action to pursue or not, it was a suggestion not included in the papers for the meeting. This raises the question of whether there were prior consultations with the portfolio holder, other cabinet members or officers. Can he confirm if this was discussed in advance and does he agree that if it was, and as it was being proposed by the administration, and specifically the Leader of the Council, for transparency this proposal would have been better documented and shared in advance to facilitate thorough discussion among all members, rather than being introduced unexpectedly during the meeting?”

Answer

“For the benefit of all Members, I just wanted to be very clear that what I suggested at CPPP in February was simply to ask the panel whether or not we as a panel should ask the officers to scope a borough wide verge protection order, not implement one. I definitely did not ask the panel to commit to implementing one. CPPP is the only formal cross-party group that discusses parking issues. I thought it was a good opportunity to raise this in order to gauge members' initial views before asking officers to do the exploratory work. My Cabinet colleagues and I are also fully aware of how busy our parking officers are, as are the panel members We don't want to both overburden them by asking them to produce a document that would not progress further if the panel was unhappy with the fundamental concept.

I am happy to confirm that the portfolio holder and officers were fully aware that I would be raising it at CPPP. Whilst in theory I could simply ask officers to do the exploratory work without raising it at CPPP, I wanted to be transparent and seek engagement from all at and on CPPP. I'm very keen for panels and committees to be places for discussion, challenge and consensus, not rubber stamping, and I introduced this discussion item with that in mind. However, if the leader of the opposition doesn't think that openness, transparency, challenging consensus-building is for him and his party, perhaps he needs to contemplate advancement to his party's national government because I'm sure that would fit right in.”

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Supplementary Question

"We agreed it is good to debate that item but it was thrown in at the last minute and obviously we didn't have time to think about it. It would have been useful, even if not a paper, to have had that as a recommendation for consideration in the meeting, and the concern was what was budgeted and what was in the parking programme and whether it impacted on the parking programme, so the question: does the Leader still not think a very brief note in the report would have been useful for that meeting?"

Answer

"I think, with hindsight, putting a note in like that might have been useful and informative, and I will attempt to do that sort of thing in in future if that reassures the councillor."

Question to the Leader of the Council

"It has been over two months since Mr Bates vs the Post Office was first broadcast, shocking the nation as they learnt about the injustice that 100s of postmasters experienced.

Of course, it has been many more months, and years, that those postmasters, and their relatives, have spent fighting for justice. Politicians from across the political divide have found the decency to apologise for any way that they may have contributed to this tragic situation - but one has chosen not to do so.

Ed Davey was the business minister responsible for the Post Office between 2010 and 2012. He has been asked to apologise on many occasions. Previous ministers have done so. We know of postmasters in our district that were affected by the scandal.

Can the Leader of the Council confirm that he will write to the Leader of the Liberal Democrats, Ed Davey, to express this Council's disappointment in Mr Davey still refusing to genuinely apologise and to urge him to do the decent thing and say sorry?"

Answer

"Before I set out to answer your question, I feel it's important that we stand united as councillors of this borough to express our deepest concerns about the hundreds of sub-postmasters and mistresses that were wrongly prosecuted by the Post Office due to the faults in the Horizon accounting system. I am sure I speak for all here when I say we would urge the government to fully compensate all the victims as quickly as possible.

As for the question I would make three points. First, I don't know whether Councillor Kasumu is aware, but Sir Ed Davey has already apologised on this matter. Sir Ed Davey wrote a piece in the Guardian back in February, which very clearly included an apology for believing the lies the Post Office told him while he was Minister back in 2010 to 2012. I appreciate the Guardian is perhaps not a

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paper that regularly read by Councillor Kasumu; maybe the Express is more to his taste.

Second, I'm informed that eight Conservative ministers have populated his position since 2012. I note that none of those are mentioned, except in passing; perhaps their party affiliation, is something to do with that. And thirdly, it's really apparent that the opposition have put a lot of effort in trying to castigate Sir Ed Davey on this, but I don't hear any calls for Boris Johnson to apologise for allowing Paula Vennells to be awarded a CBE in 2019, despite clear evidence of Post Office lies being peddled to ministers after the court cases in 2015, and subsequently. The party opposite appears to want to others to be held accountable to standards that they repeatedly failed to meet themselves. The Conservative government, I believe, should stop throwing a stream of dead cats on the table and instead consider some of their own record since 2012 which, of course, includes choosing a prime minister that lied to Parliament and the Queen, choosing a prime minister who crashed the economy and was outlived by a lettuce, overseeing a cost of living crisis that has seen millions dropping below the breadline and plunging the country into a recession. I could go on in that vein for a very long time, couldn't I? I would suggest that voters who are watching this should take the advice of your own Minister, the right honourable Greg Hands, and judge this government on their record. I certainly do."

Supplementary question

"I am both disappointed and embarrassed for the leader of this Council that he would choose to make this situation at this point very political. The Leader mentioned that the apology or the fake apology, the apology that Mr Davey made around the so-called lies from the Post Office. There is an inquiry ongoing. We don't need to talk about that, but this question was about him. Will the leader of the Council once again choose to do the right thing and ask Mr. Davey to make an apology for any role that he may have played, and not just any lies from the Post Office; I'm asking for him to apologise for involvement he may have had; other ministers have done so, and that is a fact - people that I know personally have done so."

Answer

"I will take instruction from the Mayor because I think that doing so is an appropriate thing to do in this Council Chamber, even if others appear not to. My response is that as far as I'm concerned, Sir Ed Davey has apologised, he's apologised on more than one occasion as you are fully aware, and I do not believe there is any further mileage in this particular issue. You may say that you recognise a fake apology; having been a special adviser to Boris, maybe it's because you've had a lot of practice at that."

Question to the Leader of the Council

"I am delighted that the Welwyn Hatfield Borough Council has been run for almost a year by the Joint Administration. I think that we "survived and survived well"! How do the Leader and Deputy Leader view last 12 months? Was it a failure, as some predicted, or a success story and why?"

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Answer

“Both Lynn and I are absolutely delighted with the excellent progress we've made since May 2023; there have been many success stories, and I would like to highlight a small selection. We worked hard to successfully avert a lengthy bin strike less than four weeks into our administration. We've adopted the Local Plan. We've introduced a new Council vision and underpinning priorities for the borough which reflected the views of our communities and was unanimously agreed by this Council within six months of the joint administration taking charge. Despite all the funding cuts from government, we produced and agreed a financially sound budget. We successfully delivered our first ever One Welwyn Hatfield Community Awards. We've worked on plans to improve the public realm and marketplace and received many good comments from a recent public engagement event. We received many comments back from residents who acknowledge the Council is already better at listening and responding, showing that the practical effects of our change vision and the culture it is fostering. We'll be introducing two new cabinet panels in the new municipal year to engage yet more with the public and members regarding policy directions on climate change and community policies. On climate change, we've undertaken a comprehensive review of our climate change action plan and have introduced a new climate change hub with a long list of public engagement activities, including the biodiversity photography competition that was launched last week and I'd encourage everybody to take part.

Of course, all the successes could not be achieved without the hard work of all our cabinet members and all our fantastic officers, and I'd just like to use this opportunity to thank everyone involved in this exciting journey and may it continue after the elections in May.”

78. MATTERS ARISING FROM THE CABINET

Full Council considered the following items following recommendations from the Cabinet

78.1. FP2026 Council Tax Second Homes and Empty Homes Premiums

At this point in the meeting, Councillor Kingsbury left the Chamber.

Full Council received a report on the new discretionary powers which would be available to the Council to charge an empty homes premium after 12 months and give at least one years notice before the beginning of the financial year to which it relates to charge the premium on all second homes from 1st April 2025.

It was moved and seconded by Councillors Jones and Chesterman that the recommendations in the report be approved.

A vote on this item was requested.

RESOLVED:

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(For - 31
Against - 4
Abstain - 5)

Full Council agreed that:

1. The current council tax 100% empty homes premium is applied after 12 months of a property being empty, instead of 24 months, and that this is effective from 1 April 2025. This will not be applied to the exempt categories of empty properties listed in the report.
2. One year's notice is provided to apply a 100% second homes premium, from 1 April 2025. This will not be applied to the exempt categories of empty properties listed in the report.
3. Authority be delegated to Executive Director (Finance and Transformation) in consultation with the Executive Member for Resources to make any changes to the Empty Homes and Second Homes Premiums, following Regulations being laid.

Councillor Kingsbury returned to the Chamber.

79. FP2044 WELWYN CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

Full Council received a report on the Welwyn Village Conservation Area Character Appraisal and Management Plan (CAAMP). The final version of the Conservation Area Character Appraisal and Management Plan was included in Appendix 1, a schedule of properties proposed for removal from the conservation area was included in Appendix 2, a summary of permitted development rights in conservation areas was included in Appendix 3, the CAAMP consultation report was included in Appendix 4 and a map of the proposed conservation area boundary changes was included in Appendix 5.

It was moved and seconded by Councillors Quinton and Grewal that the recommendations in the report be approved.

RESOLVED:

Full Council agreed the Welwyn Village Character Appraisal and Management Plan was adopted and the boundary of the Welwyn Village conservation area was revised as proposed, to remove areas where designation was no longer justified.

80. NOTICES OF MOTIONS UNDER PROCEDURE RULE 16

The following motion had been submitted by Councillor Thusu and was seconded by Councillor Cragg

"We call on the Council to acknowledge that the completion of a new Local Plan paves the way for numerous developments within the Borough. It is recognised that many of these new developments may incorporate a management company

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responsible for the maintenance of common areas. In some cases this could lead to potential financial burdens on residents through high or escalating fees where management companies have not been set up properly reflecting the interests of householders, a situation colloquially termed as 'fleecehold'; The growing concern over excessive and unfair leasehold charges has gained attention at both government and local levels, and it is understood that government are already addressing these concerns, underscoring the need for supportive measures to protect residents from unfair fees and charges.

Some councils have initiated actions to utilise available powers to aid residents facing these issues, and so, demonstrating a positive stance in tackling this challenge;

This Council resolves to:

Commit to a comprehensive review of all potential avenues—within the planning system or through alternative measures where legally appropriate—to support and protect residents from the adverse impacts of excessive service charges.

Ensure that the primary focus of the review encompasses: The identification of mechanisms to mitigate service charge related issues in new developments, ensuring future residents are safeguarded where possible from excessive maintenance fees.

The Investigation of what mechanisms could offer non-financial support to existing residents already affected by such agreements. This approach aims to ensure that the Council's efforts are well-informed and seeks to address the concerns of our community.

This work will culminate in a detailed report with recommendations to CPPP within a six-month timeframe.”

The following amendment to the motion was submitted by Councillor Quinton and was seconded by Councillor Grewal.

“We call on the Council to acknowledge that the completion of a new Local Plan paves the way for much needed housing in new developments within the Borough. It is recognised that many of these new developments may incorporate a management company responsible for the maintenance of common areas. In some cases this could lead to potential financial burdens on residents through high or escalating fees where management companies have not been set up properly reflecting the interests of householders, a situation colloquially termed as 'fleecehold';

The growing concern over excessive and unfair charges made under long leaseholds has gained attention at both government and local levels, and the government have started to address some of these concerns, not least in the Leasehold and Freehold reform bill 2023-2024 which implements some measures to protect residents from unfair fees and charges.

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This council acknowledges that it has very few powers to effect changes to these issues and that this must come from changes to national legislation or by new national legislation.

This Council therefore resolves to:

- a) Write to the RH Michael Gove as secretary of state for Levelling up, Housing and Communities to request that, to protect and empower homeowners, the process of replacing poorly performing management companies should be simplified.
- b) Secondly, to request that DLUHC review national building standards to understand why non-adoption of estate infrastructure and the consequent extra cost to householders has become so prevalent and plan for how these trends can be reversed.
- c) Review the council website to ensure that it signposts people correctly and informs them about their rights
- d) Write to the Executive Member for Highways at Hertfordshire County Council to request that the County Council facilitates and promotes the adoption of highways infrastructure wherever possible through the emerging Place and Movement Planning Guide.”

The procedure rules regarding amendments to motions were clarified by the Deputy Monitoring Officer.

Following the discussion the mover of the motion Councillors Thusu and Cragg agreed to withdraw the motion. The withdrawal of the motion was unanimously agreed by Full Council.

81. FP2005 STREET TRADING POLICY

Full Council received a report on the Street Trading Policy following its consideration by the Licensing Committee on the 26th February 2024. The report provided Full Council with the review of the street trading policy detailing the current practices and areas of responsibility.

It was moved and seconded by Councillor Broach and Panter.

RESOLVED:
(For – 38
Against – 0
Abstain – 0)

Full Council agreed the Street Trading Policy for the next five years.

82. CONSTITUTION UPDATES

Full Council received a report containing the new Code of Conduct for employees. The changes were discussed at the Constitution Review Group on 22 February, and it was unanimously agreed to recommend to Full Council for approval.

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It was moved and seconded by Councillor Broach and Zukowskyj.

RESOLVED:
(unanimously)

Full Council agreed the revised Code of Conduct for employees, as shown in Appendix A, be adopted in the Constitution.

83. 2024/2025 PAY STATEMENT

Full Council received the Council's Pay Policy Statement for 2024/25 in place from April 2024. Section 38(1) of the Localism Act 2011 requires English local authorities to produce a Pay Policy Statement for each financial year

It was moved and seconded by Councillor Broach and Jones.

RESOLVED:
(unanimously)

Full Council approved the Pay Policy Statement for 2024/25

84. URGENT MATTERS

There were no urgent matters to discuss.

Meeting ended at 9.08 pm