

Minutes



To: All Members of the Council
Chief Executive, Chief Officers

From: Legal, Democratic & Statutory Services
Ask for: Elaine Shell
Ext: 25565

MINUTES of the Meeting of the County Council held at County Hall, Hertford, on Tuesday, 21 November 2017.

MEMBERS IN ATTENDANCE

D Andrews	F Guest	A Plancey
D A Ashley	J S Hale	S Quilty
D J Barnard	D Hart	N A Quinton
S Bedford	K M Hastrick	I M Reay
N Bell	C M Hayward	R M Roberts
J Bennett Lovell	M S Hearn	A F Rowlands
P Bibby	T C Heritage	R Sangster
J Billing	D J Hewitt	R H Smith
S N Bloxham	F R G Hill	A Stevenson
S J Boulton	C K Hogg	S J Taylor
A P Brewster	N A Hollinghurst	R A C Thake (Chairman)
S Brown	T W Hone	R G Tindall
E H Buckmaster	T Howard	A S B Walkington
F Button	T R Hutchings	M A Watkin
L A Chesterman	S K Jarvis	J A West
C Clapper	J R Jones	C J White
H K Crofton	J S Kaye	A D Williams
R C Deering	A K Khan	J D Williams
T L F Douris	J G L King	T J Williams
D S Drury	P V Mason	C B Woodward
M A Eames-Petersen	M B J Mills-Bishop	C B Wyatt-Lowe
S J Featherstone	A J S Mitchell	W J Wyatt-Lowe
B A Gibson	M D M Muir	J F Wyllie
S B A F H Giles-Medhurst	R G Parker	P M Zukowskyj
S Gordon		

Upon consideration of the agenda for the Meeting of the County Council held on 21 November 2017, as circulated, action was taken or decisions were reached as follows:-

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1. MINUTES

- 1.1 The Minutes of the Meeting of the Council held on 18 July 2017 were confirmed as a correct record and were signed by the Chairman.

2. CHAIRMAN'S ANNOUNCEMENTS

- (a) **DEATH OF SERVING LEADER OF THE COUNCIL, FORMER MEMBERS OF THE COUNTY COUNCIL – ROBERT GORDON, JOHN USHER AND DEREK HILLS – AND OF FORMER DIRECTOR OF SOCIAL SERVICES, IAN WHITE**

Ian White

The Chairman advised that Council had received the sad news that Ian White CBE, former Director of Social Services for Hertfordshire from 1995 to 2000, had passed away on 17 October.

Ian had developed a national reputation as a leading figure in Social Services during a long and distinguished career. Known for his strategic approach to service and managerial challenges, Ian played an important part in developing much of the legislation under which social care services now operate. He was President of the Association of Directors of Social Services in 1991/1992 and had been a trustee of the Princess Royale Trust for Carers since 1992. He was awarded a CBE in 1995 for his service to public services.

C J White and R H Smith spoke in tribute.

Derek Hills

The Chairman advised that Council had been informed just the previous day that former County Councillor Derek Hills had passed away. Derek served as the Conservative County Councillor for St Albans Rural from 1997 to 2009. Derek was a long serving member of the Council's Health Scrutiny Committee and took an active role in its topic groups and those of the Overview and Scrutiny Committee. In addition to serving on the County Council, Derek was also a long time member of Wheathampstead Parish Council serving as its Chairman for several years.

S Quilty and C J White spoke in tribute.

John Usher

Council had also received the sad news that former County Councillor

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John Usher had passed away on 14 November 2017. John had first been elected to the County Council in 1997 as the Conservative representative for Potters Bar South West, and served as the representative for Potters Bar West and Shenley from 2001 - 2013. During his time as a County Councillor he was a member of a number of committees and panels including the Development Control Committee, on which he also served as Vice-Chairman, the Community Information and Protection Select Committee, the Environment Scrutiny Committee, the Health Scrutiny Committee, and the Environment, Economy and Community Safety Cabinet Panel.

As well as serving as a County Councillor, John also served for a number of years as a Hertsmere Borough Councillor, where he also served as a Deputy Mayor. Outside of his service as a local and county councillor, John was a school governor at Dame Alice Owen's School and at Wroxham Primary School. He was also actively involved in his local Rotary Club, where he was given the Paul Harris Award for his charity work with the organisation – the highest accolade a Rotarian can achieve for services to the community.

The County Council had appointed John as an Honorary Alderman of Hertfordshire in May 2013.

S Quilty, S B A F H Giles-Medhurst and N Bell spoke in tribute.

Robert Gordon CBE, DL, FRSA

Council remembered Robert Gordon, Leader of the Council, who had passed away on 6 October 2017.

Robert Gordon had first been elected to the County Council in 1989 and served until 1997 and then again from 2001 until 2017; representing Nascot Park from 1989 – 1997 and from 2001- 2009; and representing Goffs Oak and Bury Park from 2009. He had been Leader of the County Council since 2007 and was Chairman of the countywide Local Strategic Partnership, *Hertfordshire Forward*. Before becoming Leader, he held the portfolios of Education, Children's Services and Resources and Performance.

Robert Gordon's local government roles extended to both regional and national stages, having been Deputy Chairman of the Local Government Association, Chairman of the County Councils Network, Chairman of the East of England Local Government Association, Chairman of the East of England Strategic Authority Leaders, Vice-Chairman of the Improvement & Development Agency, Chairman of the National Employers Organisation for School Teachers and a member of the Workforce Agreement Monitoring Group and the General Teaching Council for England (until its abolition in March 2012). In 2011, he was ranked by the Local Government Chronicle as

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the 44th most influential voice in local government.

Robert Gordon was the first Chairman of the Hertfordshire Police Authority (from 1995 – 1997) and served as Chairman of its Audit Committee until the Authority was abolished in November 2012. He also served as an NHS non-executive director.

In 2015, Robert Gordon was appointed a full member of the Committee of the Regions, the European Union's assembly of local and regional representatives that provides sub-national authorities with a direct voice within the EU's institutional framework.

Born and educated in Hertfordshire, his higher education was at the University of Sussex, the College of Law and City University. He was formerly a solicitor in private practice; sometime Director of the Society of Genealogists; a former Member and Chairman of Watford Borough Council; was a Deputy Lieutenant of Hertfordshire and Clerk to the Watford Grammar Schools Foundation. He was appointed a Governor of the University of Hertfordshire in September 2010 and was awarded CBE for his services to local government in the Queen's Jubilee Honours list in 2012.

J D Williams, F Button, S Quilty, D A Ashley, C M Hayward, S B A F H Giles-Medhurst, C J White, M A Watkin, J Billing and S J Taylor spoke in tribute.

Council stood in memory of Robert Gordon, John Usher, Derek Hills and Ian White.

(b) MORRIS BRIGHT – COMMUNITY AWARD

Council congratulated County Councillor Morris Bright on being awarded a British Community Honours Award for services to the communities within British Society. The award had been given “in recognition of his outstanding contribution and services to the communities of Hertsmere” and was presented to Morris at the House of Lords on 20 October 2017.

(c) MINISTRY OF DEFENCE - SILVER AWARD EMPLOYER RECOGNITION SCHEME

The Council was pleased to be advised that its Silver Award Employer Recognition Scheme had been revalidated by the Ministry of Defence.

The award recognised that the Council was an armed forces friendly organisation and was open to employing reservists, armed forces veterans, cadet instructors and military spouses/partners; it also

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recognised how the County Council demonstrated its general support to the armed forces communities. The award ceremony would take place on 23 November.

(d) EAST OF ENGLAND LOCAL AUTHORITY CHALLENGE

The Chairman advised Members that a team from the County Council had won the Local Authority Challenge, beating over twenty other competing teams from local authorities across the East of England. The all-day event was hosted in Cambridgeshire and provided an opportunity for teams to participate in a challenge that saw them act as the senior management team of a fictional council. In addition to winning the overall prize, the team also picked up the award for 'Best Residents Magazine' which showcased some of the proposed changes the team had put forward. Council congratulated all involved.

(e) LEWIS HAMILTON

Council congratulated former Hertfordshire resident Lewis Hamilton on establishing himself as Britain's most successful racing driver by securing his fourth formula one championship at the Mexican Grand Prix.

3. APPOINTMENT OF THE LEADER OF THE COUNCIL

3.1 The **Chairman** called for nominations.

3.2 **J D Williams** was nominated by **T C Heritage** and this was seconded.

3.3 There being no other nominations, **J D Williams** was elected Executive Leader of the Council in accordance with Section 7 of the Constitution, to hold office for the period ending on the day of the Annual Meeting of the Council following the next ordinary election of County Councillors in 2021.

3.4 **J D Williams** addressed Council and confirmed **T C Heritage** appointed as Deputy Leader of the Council.

3.5 **J D Williams** advised Council that he would retain responsibility for the Resources, Property and the Economy portfolio and confirmed Executive Members and Executive Member Portfolios as follows:-

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Executive Member	Portfolio
D A Ashley	Environment, Planning and Transport
T L F Douris	Education, Libraries and Localism
T C Heritage	Children's Services
T W Hone	Community Safety and Waste Management
R M Roberts	Public Health, Prevention and Performance
R Sangster	Highways
C B Wyatt-Lowe	Adult Care and Health

3.6 S B A F H Giles-Medhurst, Leader of the Liberal Democrat Group and J Billing, Leader of the Labour Group, congratulated J D Williams and T C Heritage on their appointments.

3A. APPOINTMENT OF A CONSERVATIVE MEMBER OF THE EMPLOYMENT COMMITTEE AND APPOINTMENT OF CHAIRMAN TO THE COMMITTEE

3.7 Council was invited to appoint one Conservative Member to serve on the Council's Employment Committee to fill the vacancy on this Committee and to appoint its Chairman.

3.8 The following motion proposed by **J D Williams** and duly seconded was CARRIED:-

*"That **T C Heritage** is appointed to the Council's Employment Committee until the Annual Meeting of the Council next following."*

3.9 The following motion proposed by **T C Heritage** and duly seconded was CARRIED:-

*"That **J D Williams** is appointed as Chairman of the Council's Employment Committee until the Annual Meeting of the Council next following."*

4. LOCAL GOVERNMENT ACT 1972 – SECTION 85

4.1 Council was invited to consider applications received under Section 85 of the Local Government Act 1972 which provides that if a Member of a local authority fails throughout a period of 6 consecutive months to attend a meeting of the Authority, as defined in the Act, they cease to be a Member, unless the failure is due to a reason approved by the Authority before the expiry of the 6 month period.

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- 4.2 The following motion proposed by **J Billing** and duly seconded was CARRIED:-

*“That, in accordance with Section 85(1) of the Local Government Act 1972, Council approves the non-attendance on the grounds of ill-health at meetings of the Authority of **E M Gordon**”*

5. PUBLIC QUESTIONS – STANDING ORDER 8 (10)

- 5.1 There were no public questions.

6. PUBLIC PETITIONS – STANDING ORDER 15

- 6.1 There were no public petitions.

7. OFFICER REPORTS RELEVANT TO EXECUTIVE PORTFOLIOS

7A. APPROVAL TO UNDERTAKE A PUBLIC CONSULTATION ON THE DRAFT MINERALS LOCAL PLAN 2016 – 2031 INCLUDING POLICIES AND PROPOSED SPECIFIC SITES, PREFERRED AND/OR AREAS OF SEARCH FOR MINERAL EXTRACTION

- 7.1 The following motion proposed by **D A Ashley** and duly seconded was CARRIED:-

“That County Council approves the Draft Minerals Local Plan, attached at Appendix 1 to the report, for a ten week period of public consultation from 4 December 2017 to 9 February 2018, in accordance with Regulation 18 Town and Country Planning (Local Planning) (England) Regulations 2012.”

7B. APPROVAL TO UNDERTAKE AN INITIAL CONSULTATION ON THE REVIEW OF THE WASTE LOCAL PLAN

- 7.2 The following motion proposed by **D A Ashley** and duly seconded was CARRIED:-

“That County Council approves the Waste Local Plan draft Initial Consultation document, attached as Appendix 1 to the report, for a six week period of public consultation commencing in February 2018, in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012.”

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7C. YOUTH JUSTICE STRATEGIC PLAN

7.3 Council was reminded that the Equalities Impact Assessment for this item of business had been circulated under separate cover to all Members of the Council.

7.4 The following motion proposed by **T C Heritage** and duly seconded was CARRIED:-

“That Council approves the Hertfordshire Youth Justice Strategic Plan 2015 – 2018, 2017 update, attached as Appendix A to the report.”

8. THE EXECUTIVE REPORT

8A. LEADER OF THE COUNCIL – EXECUTIVE REPORT

8.1 The following motion proposed by **J D Williams** was CARRIED:-

“That the report of the Executive (being the report under Standing Order 7) be received and that the position of Key Decisions in the decision-making process shown in the current edition of the Forward Plan referred to in the report be noted.”

8B. MOTIONS ARISING FROM THE EXECUTIVE REPORT IN THE ORDER IN WHICH THEY WERE RECEIVED

8B(i) 8.2 The following motion was proposed by **S B A F H Giles-Medhurst** and duly seconded:-

“This Council does not believe the case for extension to the current Ringway contract has been satisfactorily made as Cabinet is being asked to agree the extension without details of how the required service improvements will be achieved.”

8.3 In accordance with Standing Order 11(6) the Chairman determined that the motion at 8.2 be debated with the motion **8B(iv)** set out in 8.4.

8.4 The following motion was proposed by **J G L King** and duly seconded:-

“This Council believes the current Highways Contractor, Ringway, has failed abysmally to provide a first class service to our residents across the County and that rather than rewarding them with an extension of

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their contract, the Conservative administration should have initiated a proper tendering process to invite other companies to bid to fix the state of our Roads.”

8.5 In accordance with Standing Order 13(4) a recorded vote was required on the motion at 8.2 above.

8.6 The motion at 8.2 was then voted upon and LOST, the recorded vote being:-

Those in favour of the motion (26):-

S Bedford	J S Hale	A F Rowlands
N Bell	K M Hastrick	S J Taylor
J Bennett-Lovell	C K Hogg	R G Tindall
J Billing	N A Hollinghurst	A S B Walkington
L A Chesterman	S K Jarvis	M A Watkin
D S Drury	A K Khan	C J White
M A Eames-Petersen	J G L King	T J Williams
B A Gibson	R G Parker	P M Zukowskyj
S B A F H Giles-Medhurst	N A Quinton	

Those against the motion (46):-

D Andrews	F Guest	A Plancey
D A Ashley	D Hart	S Quilty
D J Barnard	C M Hayward	I M Reay
P Bibby	M S Hearn	R M Roberts
S N Bloxham	T C Heritage	R Sangster
S J Boulton	D J Hewitt	R H Smith
A P Brewster	F R G Hill	A Stevenson
S Brown	T Howard	R A C Thake
E H Buckmaster	T R Hutchings	J A West
F Button	J R Jones	A D Williams
C Clapper	J S Kaye	J D Williams
H K Crofton	P V Mason	C B Woodward
R C Deering	M B J Mills-Bishop	C B Wyatt-Lowe
T L F Douris	A J S Mitchell	W J Wyatt-Lowe
S J Featherstone	M D M Muir	J F Wyllie
S Gordon		

Those abstaining (0):-

8.7 In accordance with Standing Order 13(4) a recorded vote was required on the motion at 8.4 above.

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8.8 The motion at 8.4 was then voted upon and LOST, the recorded vote being:-

Those in favour of the motion (26):-

S Bedford	J S Hale	A F Rowlands
N Bell	K M Hastrick	S J Taylor
J Bennett-Lovell	C K Hogg	R G Tindall
J Billing	N A Hollinghurst	A S B Walkington
L A Chesterman	S K Jarvis	M A Watkin
D S Drury	A K Khan	C J White
M A Eames-Petersen	J G L King	T J Williams
B A Gibson	R G Parker	P M Zukowskyj
S B A F H Giles-Medhurst	N A Quinton	

Those against the motion (46):-

D Andrews	F Guest	A Plancey
D A Ashley	D Hart	S Quilty
D J Barnard	C M Hayward	I M Reay
P Bibby	M S Hearn	R M Roberts
S N Bloxham	T C Heritage	R Sangster
S J Boulton	D J Hewitt	R H Smith
A P Brewster	F R G Hill	A Stevenson
S Brown	T Howard	R A C Thake
E H Buckmaster	T R Hutchings	J A West
F Button	J R Jones	A D Williams
C Clapper	J S Kaye	J D Williams
H K Crofton	P V Mason	C B Woodward
R C Deering	M B J Mills-Bishop	C B Wyatt-Lowe
T L F Douris	A J S Mitchell	W J Wyatt-Lowe
S J Featherstone	M D M Muir	J F Wyllie
S Gordon		

Those abstaining (0):-

8B(ii) 8.9 The following motion was proposed by **N Bell** and duly seconded:-

“This Council notes the cynical decision yet again by the Herts Valleys Clinical Commissioning Group on the 16th November to withdraw funding from the Nascot Lawn children’s respite centre without the full and proper consultation with parents as required by the Law.

This Council, therefore, calls on the Administration here to reassure all those affected parents, including any future users of Nascot Lawn, that the County Council will properly fulfil its duty to provide a respite care service and a short breaks service in the County by making sure that

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full and adequate resources are made available to fully fund all the centres that are needed.

This Council further calls on the Chief Executive and Leader of the Council to write to all 11 Conservative MPs in our County and urges them to demand from senior NHS managers and their own government the extra finance that is urgently needed to enable Nascot Lawn to continue to provide the vital health care for some of our most vulnerable children and their families.”

8.10 In accordance with Standing Order 10(3)(d) the Leaders of all of the political groups represented on the Council agreed that the amendment at 8.11 be moved without such notice as otherwise required having been given.

8.11 The following amendment was proposed by **S B A F H Giles-Medhurst** and duly seconded:-

“That the words ‘of Nascot Lawn’ in paragraph 2 be deleted; and that the words ‘Nascot Lawn’ be deleted from paragraph 3 and replaced with the word ‘them’.

The amended motion to read:-

“This Council notes the cynical decision yet again by the Herts Valleys Clinical Commissioning Group on the 16th November to withdraw funding from the Nascot Lawn children’s respite centre without the full and proper consultation with parents as required by the Law.

This Council, therefore, calls on the Administration here to reassure all those affected parents, including any future users, that the County Council will properly fulfil its duty to provide a respite care service and a short breaks service in the County by making sure that full and adequate resources are made available to fully fund all the centres that are needed.

This Council further calls on the Chief Executive and Leader of the Council to write to all 11 Conservative MPs in our County and urges them to demand from senior NHS managers and their own government the extra finance that is urgently needed to enable them to continue to provide the vital health care for some of our most vulnerable children and their families.”

8.12 The amendment at 8.11 was then voted upon and UNANIMOUSLY CARRIED.

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8.13 The substantive motion at 8.11 was then voted upon and UNANIMOUSLY CARRIED as follows:-

“This Council notes the cynical decision yet again by the Herts Valleys Clinical Commissioning Group on the 16th November to withdraw funding from the Nascot Lawn children’s respite centre without the full and proper consultation with parents as required by the Law.

This Council, therefore, calls on the Administration here to reassure all those affected parents, including any future users, that the County Council will properly fulfil its duty to provide a respite care service and a short breaks service in the County by making sure that full and adequate resources are made available to fully fund all the centres that are needed.

This Council further calls on the Chief Executive and Leader of the Council to write to all 11 Conservative MPs in our County and urges them to demand from senior NHS managers and their own government the extra finance that is urgently needed to enable them to continue to provide the vital health care for some of our most vulnerable children and their families.”

8B(iii) 8.14 The following proposed by **S B A F H Giles-Medhurst** and duly seconded was LOST:-

“In light of the fact that the Council had failed to fulfil its obligations under the lease at the Cuffley Camp Outdoor Centre, Council requests that the relevant Executive Member(s) bring urgent report(s) to the applicable panel(s) detailing all lease arrangements held by the County and its obligations under them.”

9. QUESTIONS TO EXECUTIVE MEMBERS

9.1 During the period for questions to Executive Members under SO(8)(7)(c) the following Members asked questions (and, where indicated, supplementary questions) of the Executive Member or their Deputy as stated [the audio recording of this item of business can be found here [Questions to Executive Members](#)].
[Questions are listed by portfolio].

Executive Member	Questioner	Subject
Leader of the Council	S B A F H Giles-Medhurst	The Council’s non-adherence to the lease arrangements relating to Cuffley Camp Outdoor Centre ¹
	J Billing	The Council’s ‘tweet’ relating to the reporting of council tax fraud ¹

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	T L F Douris	Update on Metropolitan (Rail) Line extension in view of housing development proposed for the local area (at Riverwell, Watford)
Adult Care & Health	R G Tindall	Update on the consultation on social care charging proposals currently underway and the domestic abuse prevention agenda ¹
	L A Chesterman	The Council's non-achievement of targets relating to direct payments made to carers ¹
Children's Services	M A Watkin	Proposed reorganisation of Youth Services (Youth Connexions) and associated public/stakeholder consultation ¹
	N Bell	Increase in the number of children subject to a child protection plan ¹²
Community Safety & Waste Management [Note: Responses were provided by the Deputy Executive Member in the absence of the Executive Member]	P M Zukowskyj	Update on, and publication of, the anticipated financial benefits of the proposed long term residual waste treatment plant for Hertfordshire (the 'Energy Recovery Facility' proposed for Hoddesdon) ¹²
	S Gordon	Update on the status of the Police and Crime Commissioner's business case application to the Home Secretary to take over responsibility for the Hertfordshire Fire and Rescue Service ¹
Education, Libraries and Localism	S K Jarvis	Fairness and appropriateness of charges levied for school bus tickets for those children not entitled to free home to school transport ¹
	J Billing	Inspiring Libraries Programme and evaluation of pilots currently underway ¹
Environment, Planning and Transport	S K Jarvis	Ensuring that the County Council has sufficient input into the planning process for strategic developments across the County ¹
	A K Khan	Bus usage this year as a percentage compared to last year and potential impact on usage of the increase in the cost of

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		Savercards ¹²
	T R Hutchings	Conclusions of recent conference jointly commissioned by the County Council and the Hertfordshire Infrastructure and Planning Partnership on the viability and funding of infrastructure
Highways	S B A F H Giles-Medhurst	Need for a review of vehicle cross-overs and granting of permission for construction of crossovers which involve shingle driveways ¹²
	J G L King	Maintenance of the trees on Hertfordshire's highways for which the Council is responsible ¹
	F Button	Use of Members' Highways Locality Budgets to ensure that necessary tree work on the highways is undertaken
Public Health, Prevention and Performance	N A Hollinghurst	Update on a proposal that 'prevention' be included as a standard theme applied to policy development and included in Cabinet Panel/Cabinet reports
	L A Chesterman	The recent Public Health Peer Group Review and strategies being employed to ensure the Council's continued engagement with the NHS ¹
Resources, Property and the Economy	P M Zukowskyj	Legal obligations and associated costs under lease arrangements in relation to Cuffley Camp Outdoor Centre and impacts on the County's school children ¹
	J Billing	The County Council's participation in a Corporate Peer Review ¹
	M B J Mills-Bishop	The Government's review of Local Enterprise Partnerships and the resilience of Hertfordshire's LEP in relation to that review

Notes: 1 - denotes that a supplementary question was also asked
2 – denotes that a written reply will be given

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9.2 Written questions to Executive Members – Standing Order 8(9)

- 9.2.1** Written questions to Executive Members and responses are set out in the attached Annex.

10. REPORT FROM THE OVERVIEW AND SCRUTINY COMMITTEE

- 10.1** The following motion proposed by **D Andrews** and duly seconded was CARRIED:-

“That the report from the Overview and Scrutiny Committee be received.”

11. REPORT FROM THE HEALTH SCRUTINY COMMITTEE

- 11.1** The following motion proposed by **S Quilty** and duly seconded was CARRIED:-

“That the report from the Health Scrutiny Committee be received.”

12. REVIEW OF THE COUNTY COUNCIL’S FINANCIAL REGULATIONS

- 12.1** The following motion proposed by **J D Williams** and duly seconded was CARRIED:-

“That the revised Financial Regulations, attached as Appendix A to the report, be approved, and that the Chief Legal Officer be authorised to make any amendments necessary to ensure that this decision is reflected consistently throughout the Constitution.”

13. CHANGES TO THE COUNTY COUNCIL’S CONSTITUTION

- 13.1** The following motion proposed by **J D Williams** and duly seconded was CARRIED:-

“That Council:

- (a) agrees the changes to the Council’s Constitution as set out in paragraph 2.8 the Report;*
- (b) authorises the Chief Legal Officer to amend Annex 3 to the Constitution to give effect to the decision at (a) above.”*

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14. REPRESENTATION ON THE LOCAL GOVERNMENT ASSOCIATION AND COUNTY COUNCIL'S NETWORK

14.1 The following motion proposed by **J D Williams** and duly seconded was CARRIED:-

*“That **T C Heritage** is appointed to serve as a representative of the County Council on the Local Government Association General Assembly and on the Council of County Councils’ Network until the Annual Meeting of the Council next following.”*

15. NOTICES OF MOTION – STANDING ORDER 9(6)

15A. 15.1 The following motion was proposed by **J Billing** and duly seconded:-

“Hertfordshire County Council recognises and values the work of its employees, school workers and those across the public sector.

It acknowledges that the Government’s imposition over many years of a pay freeze and public sector pay cap of 1% has resulted in wages in the public sector falling considerably behind both price inflation and the rise in earnings in the private sector. This has meant a real terms pay cut for our employees, causing some families to live in increasing poverty. It has also led to difficulties in recruitment and made public sector employees feel undervalued.

This Council urges Government to scrap the public sector pay cap. We also urge the Government to adequately fund councils to pay their staff a decent pay rise in line with the cost of living.”

15.2 In accordance with Standing Order 9(8), the Chairman advised Council that the motion stood referred to the Resources, Property and the Economy Cabinet Panel for consideration.

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

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WRITTEN QUESTIONS TO EXECUTIVE MEMBERS – STANDING ORDER 8

1. Written question from B A Gibson to J D Williams, Executive Member for Resources, Property and the Economy

“Given what Members of the Children’s Services and Resources Cabinet Panels have learned in the last week about the long-term wilful neglect in the oversight and management of Cuffley Camp Outdoor Centre, which included more than a decade of failure to comply with the terms of the lease, can Members be given any assurance that the same is not true in other contracts or leases? And if not, how many county leases or contracts are we currently in breach of?”

J D Williams has replied:

“The Council’s Property Services team operates a Corporate Property Database that holds data on all leases taken out by the Council. This includes key dates such as Break Options, lease expiries and rent reviews to support the identification of work required such as the negotiation of terms for dilapidations or repair issues, typically approaching the expiry date of leases.

Officers will also consider reactive responses to address matters that are brought to the Council’s attention either by the occupying Service or the Landlord.

Leased properties are managed in the main by the Council’s Property team but additional work can be directed to the Council’s Managing Property Agent – currently Lambert Smith Hampton - to support the Council in the discharge of its responsibilities.

To boost the Council’s oversight of lease conditions, as part of the work currently underway to let a new Property Management Contract, the new arrangements will include an explicit responsibility for proactive management of all lease conditions.

The Property Services team is not aware of any other leases where the Council is not complying with the relevant terms. The Director of Resources has commissioned a review, to be performed as part of the work to re-let the Property Managing Agent contract, to provide specific assurance regarding compliance with relevant conditions.”

2. Written question from B A Gibson to J D Williams, Executive Member for Resources, Property and the Economy

“When was the situation at Cuffley Camp Outdoor Centre first brought to your attention or that of your predecessor?”

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J D Williams has replied:

“I was first notified of this situation at a briefing in November 2014 in my capacity as Deputy Executive Member - Policy, Resources and Transformation.”

3. Written question from B A Gibson to J D Williams, Executive Member for Resources, Property and the Economy

“Has a full review of the Cuffley Camp Outdoor Centre operation and finances over the past decade been conducted?”

J D Williams has replied:

“Officers within the Council’s Children’s Services and Property Services teams have reviewed operating costs, income and potential investment requirements at several points in the last few years.

A draft capital business case was developed by officers for possible inclusion within the 2016/17 – 2018/19 capital programme during 2015. The potential options identified a £1.5m cost to exit the lease or a £1.8m investment to satisfy the obligations under the lease and undertake condition related repairs. This was included within all the potential bids that formed part of the development of the overall capital programme within the draft Integrated Plan but was not included in the final proposed capital programme due to uncertainties related to the future use of the site.

Additional work was subsequently performed to consider options for the future of the site, including further discussions with the Landlord and the Big Lottery Fund. This work concluded with the revised financial options covered in the Part II paper considered by Cabinet Panels and Cabinet in November 2017 and the decision by Cabinet to withdraw from the lease.”

4. Written question from B A Gibson to J D Williams, Executive Member for Resources, Property and the Economy

“Given that the costs relating to dilapidation must be paid whether the lease is terminated or not, what would be the additional costs of delaying this decision until a thorough review of alternative usage and operations can be carried out and Members’ questions answered?”

J D Williams has replied:

“The additional costs would be annual betterment (in line with the lease) of £25k plus £5k of back rent (the Landlord has not implemented the previous rent reviews). The service would also continue to have to fund the operating

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deficit including rent and essential health and safety maintenance (estimated £38k).

In addition, the Council would incur further dilapidation costs over time as the condition of the site further deteriorates.

In addition, the potential exit costs included in the Part II Cabinet Panel Papers in November 2017 have been identified following a drawn out series of discussions with the Landlord and the Big Lottery fund. Additional delay may lead to a change in these costs.”

5. Written question from S B A F H Giles-Medhurst to J D Williams, Executive Member for Resources, Property and the Economy

“Given that the Equalities Impact Assessment on the above is dated May 2016 and had a proposed objective of "seek to exit the lease and close. Cuffley Camp", why were Members, other than the Executive Members (and other possible Members of the Administration), not made aware of this proposal until the published papers for the latest Children’s Services Cabinet Panel in November 2017?”

J D Williams has replied:

“The EQIA was initially prepared in 2016 as part of ongoing work to gather information about the financial situation at the Camp, review potential options and to continue the engagement with the Landlord and the Big Lottery Fund to establish the likely costs related to these options. This work concluded with the bringing forward of a proposal to the relevant cabinet panels in November 2017. The EQIA should have been updated – this was corrected following the action agreed at the Resources, Property and the Economy Panel on 9 November 2017.”

6. Written question from S B A F H Giles-Medhurst to J D Williams, Executive Member for Resources, Property and the Economy

“What negotiations and on what dates have the officers or Executive Members met with Gascoyne Holdings Limited in relation to decisions regarding the contractual conditions of the County Council lease and its continued use of the site?”

J D Williams has replied:

“Negotiations with the Landlord have been performed under the Council’s Managing Agent contract by our property agents Lambert Smith Hampton (LSH) under a delegated officer instruction. In April 2006 LSH were instructed to negotiate the terms of the revised lease by the Corporate Director (People & Property). LSH’s subsequent role has been to both advise the Council of its

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obligations and to ensure any liabilities are minimised within the overall terms of the lease. Subsequent dialogue with the Landlord has included the following key activities:

- *2011: Responding to receipt of an initial notice from the Landlord about the breach of lease conditions;*
- *2014: Engaging with the Landlord to inform future options including the potential for an early surrender of the lease;*
- *2016: Reviewing an interim schedule of dilapidations and responding to the subsequent notice of dilapidations;*
- *2017: Concluding engagement to identify likely terms related to future options including the early surrender of the lease.”*

7. Written question from S B A F H Giles-Medhurst to J D Williams, Executive Member for Resources, Property and the Economy

“Given that the County Council "owes" Gascoyne Holdings Limited just short of £300,000 (representing 11 years non-payment on the covenanted investment) under the lease and that these non-payments were brought, we were told at Resources Panel, to the attention of the County Council as far back as January 2016 (or even earlier) why has this information been withheld from Members (apart from the Executive Member and others in the Administration) until November 2017?”

J D Williams has replied:

“The service has been seeking to make Cuffley Camp self-financing and officers have been continuing negotiations with the Landlord to ensure its future sustainability including terms for an early surrender. The recommendation of the service to withdraw represents a policy decision that was reliant on the outcome of these negotiations and therefore has been delayed until now.”

8. Written question from S B A F H Giles-Medhurst to J D Williams, Executive Member for Resources, Property and the Economy

“In relation to the non-payment of the covenanted amounts due under the lease which were made aware to at least the Executive Member as far back as January 2016, what actions were taken, if any, to resolve these and make good the payments, and why were these non-payments not included in the budget monitoring reports or audited accounts and not included in the budget as "debtors" in the financial years since these outstanding amounts have been known?”

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J D Williams has replied:

“The amount referred to in the lease reflects a commitment on behalf of the Council to invest in the property and is not an annual payment to the Landlord. The sum is defined as being for ‘the improvement of the buildings and services on the site’ and is in addition to general maintenance expenditure. The specific term in the lease states:

“The Tenant must repair the Premises and keep them in the state and repair and condition they are at [sic] the date of this Lease and in complying with this covenant the Tenant must....commit at least £ 25,000 in each year of the term to the improvement of the buildings [etc]....increased in every fifth year anniversary of the date of this Lease [in line with RPI].”

As the amount is not recorded as a commitment or actual expenditure it would not be shown in the budget monitoring report. Awareness of the failure to make these payments, and the realisation that the site was not proving able to operate on a financially self-sufficient basis, contributed to the ongoing work to assess potential options for the future of the site. These options included the engagement with the Landlord to identify the likely costs of withdrawing from the lease and the likely investment costs required under the investment option.”

9. Written question from S B A F H Giles-Medhurst to J D Williams, Executive Member for Resources, Property and the Economy

“Who took the decision after the non-payments under the covenanted lease were made known to officers to still not make any payments?”

J D Williams has replied:

“The £25k pa is an investment commitment in the site by the Council each year. It is not a cash payment due to the Landlord. As such LSH have been acting on the Councils’ behalf. There has, for example, been ongoing debate with the landlord as to whether some monies expended on works could be properly regarded as ‘investment’, improvements or maintenance e.g. high ropes installation.”

10. Written question from B A Gibson to T C Heritage, Executive Member for Children’s Services

“Who made the decision(s) to allow the Cuffley Camp Outdoor Centre not to fulfil the conditions of its lease when this was brought to the attention of officers and thus allow for its continued dilapidation?”

T C Heritage has replied:-

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“The service has been aware of the requirements of the lease since it was first agreed. No additional money was ever set aside for this purpose as it was expected that the facility would generate sufficient surplus. A number of potential capital bids have been put together to address the shortfall but these were not included in the relevant proposed Integrated Plans. The most recent was in 2015 and this was withdrawn pending a review of the future use of the site.”

11. Written question from B A Gibson to T C Heritage, Executive Member for Children’s Services

“When was the situation at Cuffley Camp Outdoor Centre first brought to your attention or that of your predecessor?”

T C Heritage has replied:-

“The then Executive Member for Children’s Services was first notified of this situation at a briefing in November 2014.”

12. Written question from B A Gibson to T C Heritage, Executive Member for Children’s Services

“Why was the decision rushed through at the Panel’s last meeting without the full information and additional information on usage now being made available to Members of that Panel which would have given a complete picture on which to make sound decisions?”

T C Heritage has replied:-

“The recommendation to surrender the lease primarily related to the costs of continuing to operate the site, the condition of the property and the financial implications associated in investing in the venue to bring it to a market standard.

The recommendation recognised that the council has been unable to make the centre operate on a financially self-sufficient basis and is related to the lack of available funds to invest as required under the lease. As a non-statutory service, the County Council needed to assess whether it was value for money to fund the required investment when it has become clear that provision for these sorts of outdoor activity and education centres is significantly greater and more varied than in the past.

The additional figures on usage that have been provided to members were not inconsistent with this recommendation.”

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13. Written question from P M Zukowskyj to T W Hone, Executive Member for Community Safety and Waste Management

“Does the Executive Member believe it is right and proper for the Police and Crime Commissioner for Hertfordshire, David Lloyd, to employ an additional 20-30 administrative staff instead of funding more front line police posts?”

T W Hone has replied:-

“This is a question that should be directed to the Police and Crime Commissioner for Hertfordshire.”

14. Written question from J Hale to T W Hone, Executive Member for Community Safety and Waste Management

“Whilst recent years have seen a reduction in Household Waste per household, the forecast increase in the number of households in the County means additional spending will be required on Waste Management infrastructure over the coming years:

(i) As those costs will be due largely to new developments, what steps are being taken to obtain contributions from developers towards the costs of waste management?

(ii) How much money has been generated from such contributions over the last three years?”

T W Hone has replied:-

“(i) As is the case with other service providing sections of the Authority, the Waste Disposal Authority liaises with colleagues in the County’s property function on all significant development proposals. Working within the constraints of the current system and dependent on the scale and nature of the proposals, the impact of the proposals on the services being provided is assessed and a contribution sought where considered demonstrable and appropriate. The recent consideration, by the Community Safety & Waste Management Cabinet Panel on 8th November, of a Local Authority Collected Waste Spatial Strategy Household Waste Recycling Centre Annex provides a more formal articulation and guiding document for local planning authorities to better understand the needs of the County Council with respect to future waste infrastructure. It is hoped that this will add weight to the consideration of appropriate contributions for waste infrastructure from developers when they are sought.

(ii) Within the last three years, there have been 2 applications for funding successfully awarded. These were both in respect of developments to the Bishops Stortford Household Waste Recycling Centre and total a

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contribution of £67,404.”

15. Written question from S B A F H Giles-Medhurst to T W Hone, Executive Member for Community Safety and Waste Management

“Is the Executive Member aware of any change in Hertfordshire Policing policy and that of the Police and Crime Commissioner with regard to Cannabis under the Misuse of Drugs Act 1971 where it is listed as a "Class B" drug?”

T W Hone has replied:-

“This is a question that should be directed to the Police and Crime Commissioner for Hertfordshire.”

16. Written question from S Jarvis to T L F Douris, Executive Member for Education, Libraries and Localism

“What is the total number of seats on school transport services sold to students not qualifying for free home to school transport in each term of the 2016-17 school year and what was the total income generated from these?”

T L F Douris has replied:-

“As can be seen from the below table the total income generated from the sale of “spare seats” last year was just over £67,000, this equates to a total of 188 seats sold.

2016/17 term	Number of seats sold	Income generated
Autumn	55	£18,157.00
Spring	56	£17,590.46
Summer	42	£13,107.00
Annually purchased ticket	35	£18,328.28
Total	188	£67,182.74

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17. Written question from S Jarvis to R Sangster, Executive Member for Highways

“How many town and parish councils have participated in the Highways Together scheme over the last three years and what was the total number of projects or work packages delivered under the scheme?”

R Sangster has replied:-

“The whole essence of the Highways Together (HT) scheme is to enable town and parish councils (T&PCs) to do work on the highway (where it is safe to do so) without needing to seek permission from the County Council each time they wish to act. So as a result, the Highways service hasn't devoted its resources towards maintaining a list of all the individual projects or works packages delivered under the scheme.

However, since the launch of the HT scheme in June 2015, we are aware of 4 T&PCs that have carried out work under the scheme as follows:

- Harpenden Town Council has been given Highway Locality Budget grants to enable them to carry out various works including sign cleaning and vegetation clearance. £11.6k in 15/16, £2.5k in 16/17 and £7.2k 17/18;*
- Hertford Town Council has been given Highway Locality Budget grants in 2016/17 totalling £5k, to enable them to carry out planting, vegetation clearance and bollard painting;*
- Wheathampstead Parish Council carried out some vegetation clearance in March 2016;*
- Little Gaddesden Parish Council carried out some drainage work in Nov 2015.*

Since the launch of the scheme in June 2015, the Highways service has provided on-going support for the scheme in the form of Health & Safety training sessions as follows;

- 4 further sessions provided;*
- Attended by 54 T&PCs representatives;*
- Representing 25 T&PCs.”*

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18. Written question from J Hale to R Sangster, Executive Member for Highways

“What plans are there to address the backlog of the large number of blocked ditches across the County? These are not covered by the Gully Emptying and Cleaning Service and represent a flooding risk. Since becoming a Councillor in May I have been advised of instances of ditches that have not been cleared for four or five years. There appears to be no enforced policy with Ringway for the inspection and maintenance of these important flood control assets. Why?”

R Sangster has replied:-

“The Council is responsible for approximately 600km of highway drainage ditches across the County.

Since 2015/16 the Authority has invested over £300k to clear approximately 30km of ditches and grips through the restoration project and category 2 works.

Ringway assess each reported site in accordance with our defect management approach taking into account factors such as the cause of the problem, the condition of the asset, the number of flood incidents and ditches in flood zones and prioritised works based on budgets and the safe and operational needs of the service.

It is proposed to maintain the current level of investment (£100k per annum) in ditches and grips for 2018/19.

Subject to Cabinet approval, the implementation of an intelligence led drainage strategy will enable the Authority to reinvest cyclical maintenance funds into other areas of the drainage system, including providing additional funds for ditch clearance works. Furthermore, members can use their highways locality budgets for these type of works.”

19. Written question from S B A F H Giles-Medhurst to R Sangster, Executive Member for Highways

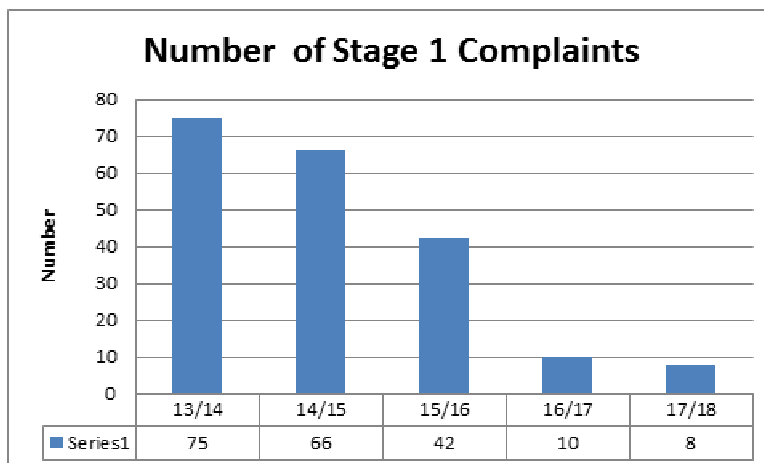
“How many formal complaints that have been raised about the performance of Ringway or its sub-contractors in the last five years have led to changes in procedures and how many procedures or policies have been changed as a result?”

R Sangster has replied:-

“The number of formal stage 1 complaints received in the past 5 years and that have been attributed to Ringway in some way are set out in the graph below, which clearly shows a reduction in complaints over that time.

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Of these 201 complaints, 33 have been identified that have influenced, in some way, a change to a procedure or wording of information on our website. These include:

*A revised dropped kerb process, providing customers with a direct contact in the service (rather than the CSC);
Closing down Low Priority CAT 2 customer reported defects after 20 working days (which reduced the repeat callers to the customer service centre from 11% to 1%);*

- Improvements to our online fault reporting tool;*
- Changes to our Defect Management approach;*
- Changes to our automated customer responses.”*

20. Written question from S B A F H Giles-Medhurst to R Sangster, Executive Member for Highways

“How many highways faults have been incorrectly closed down by Ringway as "closed" or "Fault not found" when they have in fact not been dealt with in the each of the last five years?”

R Sangster has replied:-

“It is not possible from the system data to say how many faults have been incorrectly closed down by Ringway as ‘closed’ or ‘No Fault Found’ without looking at each reported fault and checking how this was actioned and if the action was in accordance with our requirements.

However, the table below sets out how many customer reported defects (CAT 1 emergencies, CAT 1 Non-emergency, Lighting emergencies) were received and how many were closed with the response shown.

Year	No. of Defects	No. closed as 'No Fault Found'
2013	69,684	904
2014	79,169	1,111
2015	68,809	1,209
2016	70,171	684
2017	49,270	416

21. Written question from S B A F H Giles-Medhurst to R Sangster, Executive Member for Highways

“Does the Executive Member consider that a street light fault relating to a pedestrian footbridge first reported the system on 11th December 2016 should take until 6th November 2017 to be fixed and was only fixed after repeatedly being fault reported and following the intervention of the local member is acceptable?”

R Sangster has replied:-

“As I understand it, the original fault was logged against a street light located on Oxhey Road in the vicinity of the footbridge over the railway.

Oxhey Road is a ‘C’ class road (C122) and therefore classed as a trafficked route for street lighting. This means that Ringway are required to maintain 98% of lights on these routes in lighting at any one time. There is no contractual requirement for outages on these trafficked routes to be repaired within a timeframe but please also refer to my answer to question 22 below.”

22. Written question from S B A F H Giles-Medhurst to R Sangster, Executive Member for Highways

“Notwithstanding the performance percentages for Ringway does the Executive member consider such lighting faults (as per the question above), that go way beyond the agreed performance timescale, to be acceptable and, if not, what measures does he propose should Ringway be awarded an extended contract for another 5 years to ensure faults of months or longer not occur?”

R Sangster has replied:-

“Under the contract with Ringway they are required to:

Achieve 98% of lights in lighting on trafficked routes where a trafficked route is classed as an A, B or C class of road;

To repair 98% of customer reported street lighting defects on non-trafficked

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routes within 20 working days.

I recognise that whilst Ringway are achieving these targets, some lights could be out of operation for a number of months. As a consequence, and as part of the ongoing service evolution, I have been working with officers and Ringway staff to review these and to see what changes can be made to help drive further service improvements.

To simply change the figures to 100% would be impracticable and add significant cost to the service.

The agreement being reached is to keep to the 98% target as in the above with the addition of:

- 1. For street lights on trafficked routes, the agreement in principle is to revise the performance measure so the same 2% cannot be out of lighting for a continuous period and if it goes beyond this period it will attract a Failure to Deliver Event (FDE) charge, which results in a financial deduction. However, because the cost of fixing a light on a trafficked route can be disproportionately high, due to the cost of the traffic management involved, there is a need to have a number of carefully worded exceptions.*

- 2. For customer reported street lighting defects on non-trafficked routes, for the 2% or less remaining not actioned, these would attract an FDE charge for each additional month over the initial month that they were not repaired, provided the problem was not a third party issue such as a UKPN power supply problem. I.e. if in month 1 there were 1,000 street lighting defects and 985 were repaired within 20 working days. Ringway would have achieved a target of 98.5% (ie within target). As a consequence the 15 defects which were not repaired, would not attract any FDE. However, if 10 of these had not been dealt with by the end of the next 20 working day period they would each attract an FDE charge. If, after a further 20 working days, 2 had still not been repaired these would attract a further FDE charge and so on.”*

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