



Minutes

of the
Meeting of the
County Council
on
Tuesday, 27 November 2018

2. Agenda

3 - 32

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, 27 November 2018.

MEMBERS IN ATTENDANCE

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

Upon consideration of the agenda for the Meeting of the County Council held on 27 November 2018, 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 17 July 2018 were confirmed as a correct record and were signed by the Chairman.
- 1.2 The Minutes of the Extraordinary Meeting of the Council held on 25 October 2018 were confirmed as a correct record and were signed by the Chairman.

2. CHAIRMAN'S ANNOUNCEMENTS

(a) Phil Williams – Newly Elected Member For Three Rivers Rural

On behalf of Council, the Chairman welcomed Phil Williams, newly elected Member for Three Rivers Rural, to the Council.

(b) UK Public Sector Communications Excellence Award

The Chairman announced that the County Council has just won a Public Sector Communications Excellence Award for its #JustTalk mental health campaign for boys and school age children. Council congratulated all involved.

(c) Strengthening Partnership Working to Fight Modern Slavery

Council was advised that Hertfordshire's Safe and Well Visits, which have been ongoing since May 2017, have been recognised as an example of outstanding partnership working. The visits use the knowledge, powers and expertise of a wide variety of partners across Hertfordshire to attend premises where there could be a potential case of modern slavery; support is offered to potential victims while gaining vital information about potential perpetrators. Members congratulated to those involved with the project.

(d) OFSTED Inspection of Children's Social Care Services

Council was advised that after a week of data and evidence submission, Children's Services had been subject to an Ofsted Inspection of Children's Social Care Services between 15 and 19 October. Members were pleased to learn that the findings of the

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Inspection were that the overall effectiveness of services was judged to be 'Good'; the impact of leaders on social work practice with children and families was judged to be 'Outstanding'; the experiences and progress of children who need help and protection were judged to be 'Good'; the experiences and progress of children in care and care leavers were judged to be 'Good'. Inspectors noted the 'tangible commitment to continuous improvement', that the 'the local authority's approach to 'Think Family' is 'mature and well developed' and that 'Hertfordshire is a 'good corporate parent'. Throughout the week inspectors noted that children and their families were at the heart of all services and that workers knew their children well. The full inspection report can be found on line at <https://files.api.ofsted.gov.uk/v1/file/50038887>.

(e) National Young People Awards – 'Who Not What Project'

The Chairman was pleased to announce that the 'Who Not What Project' run by YC Herts was a finalist at the National Young People Awards the previous week.

YC Hertfordshire started the Who Not What project in 2014 to help develop and shape services for LGBTQ young people in Hertfordshire. The young people look at services and education available throughout Hertfordshire and conduct regular consultations to hear the views and opinions of other young LGBTQ people aged 11–25 who live, work or are educated in the county. YC Hertfordshire has now developed 14 local and weekly LGBTQ projects and a further 5 projects for Transgender young people; the projects offer a supportive, relaxed and non-judgemental space for young people to be themselves, access information, signposting and support. Council congratulated all those involved in the project.

(f) Formula One Grand Prix Win for Lewis Hamilton

Council congratulated former Hertfordshire resident Lewis Hamilton on winning the Abu Dhabi Grand Prix securing his fifth World Championship.

(e) Webcasting of Council Meetings and Electronic Voting

Webcasting: Council was advised that a trial of the Council's new webcasting facility would be undertaken at this meeting, which would be recorded but not broadcast; it was intended that webcasting will commence with the February 2019 Council meeting.

Electronic Voting: The Chairman requested that Members stay after the

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meeting had concluded so that a few practice votes could be taken using the new electronic voting system prior to its use at formal meetings.

(f) John Wood, Chief Executive: Retirement

The Chairman advised Council that the November Council meeting would be John Wood's last County Council as Chief Executive.

After 27 years at Hertfordshire County Council, including over 6 years as the Council's extremely effective and highly-regarded Chief Executive, John Wood had decided to retire and would be leaving the Authority at the end of the year.

In total John Wood has been in local government for 39 years. He joined the County Council in 1991 as Principal Transport Engineer later becoming Assistant Director of Environment and then in 2003 Director of Environment. He took on wider responsibilities, including Deputy Chief Executive in 2009 and was appointed to the role of Chief Executive in 2012 whilst still retaining the role of Director of Environment.

John Wood has made an invaluable contribution during his career at the County Council and particularly in his time as Chief Executive; leading the Council to its current position of strength which was acknowledged in the recent Local Government Association Peer Review, which concluded that the Council is 'rock solid' and well placed to meet the challenges in front of it and Local Government generally. The assessors paid tribute to the role that both John Wood and Robert Gordon played in getting the County Council to this position.

He would be a hard act to follow, but the Chairman was confident that Hertfordshire County Council will continue to thrive, thanks in no small part to his dedication to this organisation and to the people of Hertfordshire.

On behalf of the Council the Chairman offered his best wishes to John for a healthy and long retirement.

David Williams, Paul Zukowskyj (on behalf of the Leader of the Liberal Democrat Group) and Nigel Bell (on behalf of the Leader of the Labour Group) paid tribute to the service John Wood has given to the Council.

ORDER OF BUSINESS

At the invitation of the Chairman the Council agreed to vary the order of

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business and take agenda item 3 'Review of Political Proportionality' after item 11 'Changes to the Arrangements for Reviewing Implementation of Scrutiny Recommendations' in the interests of the effective conduct of business.

(The Minute of this item of business is set out below in original agenda order).

3. REVIEW OF POLITICAL PROPORTIONALITY

3.1 Council was informed that for the motion at 3.2 to be agreed required no Member to vote against it.

3.2 The following motion proposed by **J D Williams** and duly seconded by **T C Heritage** was CARRIED with no Member voting against:-

"1. That Council confirms the scheme of proportionality as set out in the Appendix to the Report

2. That in respect of Overview & Scrutiny Committee and Health Scrutiny Committee and any topic group or sub-committee of Overview & Scrutiny Committee or Health Scrutiny Committee, the Council waives the requirements for proportionality so as to agree the arrangements set out in Part B of the Appendix to the Report for Overview & Scrutiny Committee and Health Scrutiny Committee provided that the Leader of any of the three largest political groups on the Council can request at any time a review of political proportionality in respect of Overview & Scrutiny Committee and Health Scrutiny Committee."

4. PUBLIC QUESTIONS – STANDING ORDER 8 (10)

4A. QUESTION FROM MR J MEADOWS

4.1 Mr J Meadows, a resident of Royston, asked D A Ashley, Executive Member for Growth, Infrastructure, Planning and the Economy, the following question:-

"I hope that Councillor Ashley is aware of proposals from Cambridgeshire County Council and the Greater Cambridge Partnership to construct a safe cycle route between Royston in Hertfordshire and Melbourn in Cambridgeshire, which includes a bridge over the A505 Royston bypass into Hertfordshire for cyclists,

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pedestrians and mobility scooters.

Could he please indicate what commitments have been made to this project by Hertfordshire County Council in terms of officer time for feasibility studies and design work, and future funding for construction and maintenance of this bridge?"

4.2 D A Ashley, Executive Member for Growth, Infrastructure, Planning and the Economy replied:-

"Before I answer the question, can I thank Mr Meadows for actually asking the question which I think is quite timely and can I also thank Councillor Fiona Hill who's spoken to me on several occasions since I took over this portfolio and her efforts behind the scenes to try and bring this project to fruition.

The A10/A505 Royston cycle and pedestrian bridge is a project that both Hertfordshire County Council and Cambridgeshire County Council would like to see delivered. It is hoped the proposed cycle bridge project over the A505 will act as a catalyst for further works in the town, particularly in relation to improved links to the industrial area. A detailed feasibility study by Hertfordshire County Council has been undertaken but further design work and public consultation would need to be carried out before this scheme could be put in a programme for delivery. Hertfordshire County Council has agreed in principle to maintain the bridge once it's been built; however, Hertfordshire would also want to ensure that the bridge be connected into a network which would mean construction of the A10 path at least between Melbourne and the A505 Royston and improvements to the network in Royston itself.

A bid is to be submitted to Herts LEP [Local Enterprise Partnership] by Hertfordshire County Council with a commitment of £625,000 from future LTP [Local Transport Plan] funding allocations and existing section 106 contributions, seeking match funding from the LEP towards the project development and delivery stages. It was originally expected that Cambridgeshire would then commit funding to a level to enable delivery, however, recent discussions in the last few weeks with Cambridgeshire combined authority, have raised doubts over their commitment of funding support for the project in its entirety. Although the bridge element is critical to Cambridgeshire's Melbourne to Royston greenway project being realised, further discussions are to take place in the near future to see if an agreement can be reached in respect to fund delivery arrangements and, just to say, the project does remain an aspiration for us and continued funding will be sought via developer contributions and other funding opportunities as they may arise. Now having said all of that, Councillor Hill has asked me to arrange a meeting between myself and opposite numbers in

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Cambridge County Council and Officers from this County Council to see if we can actually jumpstart this and find a way forward so we have got some idea and some commitment from all parties involved here to see if we can move this forward. I'm very happy to organise that meeting."

4.3 Mr J Meadows thanked **D A Ashley, Executive Member for Growth, Infrastructure, Planning and the Economy**, for his comprehensive answer and the commitment given to progressing the project and confirmed that he did not have a supplementary question.

4B. QUESTION FROM MR R TAYLOR

4.4 Mr R Taylor, a resident from Royston, asked **P Bibby, Executive Member for Highways and Environment**, the following question:-

"Is Councillor Bibby aware of the 2010 Royston Urban Transport Plan and if he is, now that the town has a underpass for pedestrians and cyclists under the railway, can he please indicate what plans there are to develop a cycle network within the town as indicated in Section 6.0 Local Targets and Improvements, and specifically in Section 6.2 Table 6.1 ref 3 and Section 7.8 Table 7.3 CM05 which appertains to cyclists?"

4.5 P Bibby, Executive Member for Highways and Environment replied:-

"Thank you for your question Mr Taylor, delighted to answer.

Yes, I am aware of the Plan and yes, works have already been carried out on the cycle network in Royston including improvements to the cycle route along Burns Road and the introduction of a Toucan crossing on Old North Road.

The County Council's major product group working with funding partners Sustrans through a national lottery Connect Two funding package has provided several network links including the Royston Rail Crossing referred to. Many of the connecting cycle links were delivered through partnership working with North Herts District Council and Settle. This plan obviously compliments our revised local transport plan [LTP4 for short] so it's very timely and there are other emerging plans from around the County of a similar nature. I would encourage continued dialogue from all districts to the County Council or between the County Council, all districts and developers to improve the network. It's important that developers are made aware of our infrastructure

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requirements so that developments are designed properly and section 106 contributions are sought as an important source of funding.”

4.6 Mr R Taylor asked P Bibby, Executive Member for Highways and Environment, the following supplementary question:-

“As 2018 is Hertfordshire’s year of physical activity, is he aware of the work of Sustrans, who are responsible for building the National Cycle Network and, as such, this will mean that once the bridge is in place at Royston, it will lead the way for a dedicated London to Cambridge bike route which will go via Hertford and Royston?”

4.7 P Bibby, Executive Member for Highways and Environment replied:-

“I must confess, I wasn’t aware of that particular issue in 2018 with Sustrans but I will suggest that’s good news and it shows that we are all moving forwards to actually look at your plan and try and develop it as much as we can. My colleague in front of me is all about Prevention and Health and Wellbeing so I’m sure he will be very interested in that project. Thank you.”

5. PUBLIC PETITIONS – STANDING ORDER 15

5A. 5.1 Janet Charles, representing Sopwell Residents Association, presented a petition with more than 1,000 signatures in the following terms:-

“Save Our Crossing! Keep Cottonmill Railway Crossing open for public use

We the undersigned petition the County Council to Work with local residents to stop the much used Cottonmill Railway crossing from being closed and instead require Network Rail to put in place all possible and appropriate safety measures and procedures including flashing lights and self-locking gates and ensure that train drivers use their horns as promised. Help to ensure that Network Rail explore all possible safety procedures in order to fulfil their own obligations. This route predates the construction of the railway and continues to be a vital link for local residents to access schools, shops and businesses. It is also part of the heavily promoted the Green Ring route around the centre of St Albans, used by thousands of cyclists and walkers each week. This Public Right of Way MUST be maintained whilst being kept safe for all users.

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THE NEGATIVE IMPACT IF THIS CROSSING WERE TO BE CLOSED:

At least 1000 people are using this crossing on average every day. If Network Rail succeeded in closing this crossing, there are major negative impacts as follows:-

- 1) It will cut the Sopwell community in two.*
- 2) It will force pedestrians and other users to use alternative unsafe routes in order to reach their destinations (e.g. Cottonmill Lane/ Prospect Road). Many residents avoid Cottonmill Lane because it is a fast road and at various points has limited pedestrian side walks.*
- 3) It will add 30-40 minutes walking time for those accessing many local schools and shops (on potentially unsafe roads – see point 2 above)*
- 4) This will inevitably put more cars on the road in an already congested city.*
- 5) Those who don't drive and who are not able to do long walks will lose this vital link and be severely disadvantaged as a result. Sopwell is already identified as the St Albans ward with the highest number of non-car owning households.*
- 6) The elderly and parents with young children are hugely reliant on this route to get to the local shops and will be massively disadvantaged by the closure of this crossing.*
- 7) School children are reliant on using this crossing to safely get to and from school every day. Many cycle to school and would have no choice but to cycle on main roads such as Cottonmill which are far less suitable and unsafe (see Point 2)."*

5.2 The petition was received by **P Bibby, Executive Member for Highways and Environment.**

5.3 The Chairman reminded Council that the debate on the motion at 5.4 would be in accordance with Standing Orders 11(11) – 11(15).

5.4 The following motion proposed by **A S B Walkington** and duly seconded by **J S Hale** was CARRIED:-

"This Council congratulates the Sopwell Residents Association for bringing to the Council this petition against the closure of the right of way across the Cottonmill railway crossing and thanks the Council's Countryside & Rights of Way team for their hard work and advice on this issue.

This Council believes that on current evidence closing this heavily used

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crossing is wholly disproportionate and therefore resolves to write to Network Rail calling on them to:

- 1. Halt any current plans to close the crossing, pending a full risk analysis of the health and safety issues associated with any proposed alternative measures and routes, as well as a full equalities assessment;*
- 2. Commit to installing additional safety measures such as warning lights in addition to the already proposed modifications; and*
- 3. Give time for the efficacy of such safety improvements to be thoroughly assessed before any application is made to close the crossing.”*

6. OFFICER REPORTS RELEVANT TO EXECUTIVE PORTFOLIOS

6A. ADOPTION OF THE REVISED MINERALS AND WASTE DEVELOPMENT SCHEME

6.1 The following motion proposed by **D A Ashley** and duly seconded by **R H Smith** was CARRIED:-

“That Council:-

- (i) adopts the revised Minerals and Waste Development Scheme, attached as Appendix 1 to the report; and*
- (ii) approves the revised timetable for document production, attached as Appendix 2 to the report.”*

6B. MINERALS LOCAL PLAN REVIEW – PUBLICATION OF SUBMISSION DOCUMENT

6.2 The following motion proposed by **D A Ashley** and duly seconded by **R H Smith** was CARRIED:-

“That, subject to any further minor changes required as a consequence of the Sustainability Appraisal/Strategic Environmental Assessment or minor editorial changes, to be agreed by the Director of Environment and Infrastructure in consultation with the Executive member for Growth, Infrastructure, Planning and the Environment, Council approves:-

- (a) the Submission Minerals Local Plan, attached as Appendix 1 to the report for publication for a period of ten weeks in accordance with*

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Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 prior to formal submission to the Secretary of State for Independent Examination; and

(b) the Omission Sites document and agrees that it be subject to a parallel consultation process.”

7. THE EXECUTIVE REPORT

7A. LEADER OF THE COUNCIL – EXECUTIVE REPORT

7.1 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.”

7B. MOTIONS ARISING FROM THE EXECUTIVE REPORT IN THE ORDER IN WHICH THEY WERE RECEIVED

7B(i) 7.2 The following motion proposed by **S K Jarvis** and duly seconded by **C J White** was LOST:-

“This Council notes the recent research document from the Local Enterprise Partnership regarding the potential effect of Brexit on Hertfordshire which states that 50,000-75,000 jobs in Hertfordshire could be at risk from Brexit. It also notes that has been a drop in the numbers of National Insurance Registrations being made by EU citizens in Herts (from 10,400 in March 2016 to 7,469 in March 2018).

Furthermore Council notes that every district of Hertfordshire will be hit by a either a hard or soft Brexit with reduced GVA (growth) of between -3.4 % and -2.4% with Watford and East Herts most affected by a hard Brexit.

Given these findings this Council resolves to request HM Government to agree to a “Peoples Vote” on the any final deal with an option to remain in the EU and so agrees to write to all of Hertfordshire MPs to that effect.”

7B(ii) 7.3 The following motion was proposed by **N Bell** and duly seconded by **R Mills**:-

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“This Council notes the SEND (Special Educational Needs and Disability Strategy 2018 – 2023) and the refreshed SEND Strategy at Appendix 1 of the Report to Cabinet.

This Council fully supports the ideal of the 5 agreed outcomes monitoring progress of SEND, in particular “All school Early Years Settings, Colleges and services provide quality provision that meets the needs of children and young people with SEND locally.”

To achieve this ideal this Council resolves to prioritise that ALL special schools in our County are properly resourced as well as mainstream schools to enable our young people with SEND to attend their nearest school.”

7.4 The following amendment was proposed by **T C Heritage** and duly seconded by **G McAndrew**:-

“Delete the words ‘the ideal of the 5 agreed outcomes monitoring progress of SEND in particular’; insert ‘the following five broad strategic outcomes for its SEND Strategy: 1.’ in their place; after the word ‘locally’ insert

- ‘2. Short and long-term outcomes for children and young people with SEND are improved and there is evidence of their achievements and progress socially, emotionally and academically*
- 3. Communication between the local authority, parents, children and young people, and schools, early years settings, colleges and services is good, engendering trust, confidence, respect and constructive partnership working*
- 4. Available resources are managed through a transparent approach that is fair, meets local needs and achieves best value for money*
- 5. The local authority works proactively and collaboratively with parents, young people, schools, early years settings, colleges and other partners using co- production to improve service planning, design, delivery and review.’*

After ‘To’ insert ‘support’; delete ‘achieve’ and replace with ‘achievement of these outcomes and given the financial context for the council and for schools’; delete ‘this ideal this Council resolves to prioritise that ALL special schools in our County are properly resourced as well as mainstream schools to enable our young people with SEND to attend their nearest school.’ and replace with ‘ensure that Schools Forum is able to evaluate and make recommendations relating to the high needs funding provided to the authority through the high needs block of the dedicated schools grant to safeguard an approach that is fair and makes the best use of resources.’

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The amended motion to read:-

“This Council notes the SEND (Special Educational Needs and Disability Strategy 2018 – 2023) and the refreshed SEND Strategy at Appendix 1 of the Report to Cabinet.

This Council fully supports the following five broad strategic outcomes for its SEND Strategy:

- 1. All school Early Years Settings, Colleges and services provide quality provision that meets the needs of children and young people with SEND locally.*
- 2. Short and long-term outcomes for children and young people with SEND are improved and there is evidence of their achievements and progress socially, emotionally and academically*
- 3. Communication between the local authority, parents, children and young people, and schools, early years settings, colleges and services is good, engendering trust, confidence, respect and constructive partnership working*
- 4. Available resources are managed through a transparent approach that is fair, meets local needs and achieves best value for money*
- 5. The local authority works proactively and collaboratively with parents, young people, schools, early years settings, colleges and other partners using co- production to improve service planning, design, delivery and review.*

To support achievement of these outcomes and given the financial context for the Council and for schools, Council resolves to ensure that Schools Forum is able to evaluate and make recommendations relating to the high needs funding provided to the authority through the high needs block of the dedicated schools grant to safeguard an approach that is fair and makes the best use of resources.””

7.5 The amendment at 7.4 was then voted upon and CARRIED.

7.6 The substantive motion at 7.4 was then voted upon and CARRIED as follows:-

“This Council notes the SEND (Special Educational Needs and Disability Strategy 2018 – 2023) and the refreshed SEND Strategy at Appendix 1 of the Report to Cabinet.

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This Council fully supports the following five broad strategic outcomes for its SEND Strategy:

- 1. All school Early Years Settings, Colleges and services provide quality provision that meets the needs of children and young people with SEND locally.*
- 2. Short and long-term outcomes for children and young people with SEND are improved and there is evidence of their achievements and progress socially, emotionally and academically*
- 3. Communication between the local authority, parents, children and young people, and schools, early years settings, colleges and services is good, engendering trust, confidence, respect and constructive partnership working*
- 4. Available resources are managed through a transparent approach that is fair, meets local needs and achieves best value for money*
- 5. The local authority works proactively and collaboratively with parents, young people, schools, early years settings, colleges and other partners using co- production to improve service planning, design, delivery and review.*

To support achievement of these outcomes and given the financial context for the Council and for schools, Council resolves to ensure that Schools Forum is able to evaluate and make recommendations relating to the high needs funding provided to the authority through the high needs block of the dedicated schools grant to safeguard an approach that is fair and makes the best use of resources.”

7B(iii) 7.7 The following motion proposed by **S K Jarvis** and duly seconded by **N A Quinton** was LOST:-

“In view of the fact, established by county officers, that it is possible to save additional revenue and retain LED lights being illuminated till 2am in the morning that this county council requests that the Cabinet review its decision to turn the lights off at 1am and allows for local discretion to retain them in lighting until 2am.”

8. QUESTIONS TO EXECUTIVE MEMBERS

8.1 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

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[Questions to Executive Members](#)

[Questions are listed by portfolio (in alphabetical order)].

Executive Member	Questioner	Subject
Leader of the Council	N A Quinton	Engagement undertaken by officers with the train operating companies following the implementation of new rail timetables earlier this year to ensure services in Hertfordshire are returned to previous levels ¹
	N Bell	The Memorandum of Understanding between the County Council and the Police and Crime Commissioner, arrangements for greater collaboration between the police and fire and rescue services, and the composition of the Emergency Services Collaboration Board ¹
Adult Care & Health	R G Tindall	The need for sustainable funding for adult care services and the timeframe for publishing the White Paper providing solutions to address current issues ¹
	E M Gordon	Whether the option of bringing adult care services back 'in-house' will be left open and dialogue being undertaken with other local authorities about the potential benefits of doing so ¹
	S Gordon	Assurance that arrangements are in place for the 500 adult social care users affected by the financial collapse of Allied Healthcare
Children, Young People & Families	M A Watkin	NHS England's response to the Chairman of the Health Scrutiny Committee's letter and the timeframe for resuming normal allocation of, and resourcing for, respite breaks for former users of the Nascot Lawn Respite Care Centre ^{1 2}
	N Bell	Requesting that the Council's draft Serious Violent Needs Assessment Action Plan, currently out for consultation, be sent to all Members once finalised ¹

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Community Safety & Waste Management	B A Gibson	Terms of Reference for the Emergency Services Collaboration Board and whether Members or the public will be able to attend its meetings ¹
	J Bennett-Lovell	Whether proposals in the Council's Risk Management Plan to increase flexible contracts for fire fighters will contravene the requirements of the working time directive ¹
	R H Smith	Whether Hertfordshire Fire and Rescue Service is permitted to charge a fee for attending road traffic collisions/accidents and any limitations in that regard ¹
Education, Libraries and Localism	M A Watkin	Additional funding for the Hertfordshire Music Service and the period over which match funding from the Government will be provided and what (if any) conditions are attached to its use ^{1 2}
	A Khan	Trends of library service usage over last 2-3 years and assurances over proposals for potentially delivering these services via a public service mutual ¹
	P V Mason	Congratulating Sheredes Primary School in its recent attainment in Key Stage 2 moving from 208 th to 14 th in the national league tables and other schools improving their attainment levels across the County ¹
Growth, Infrastructure, Planning & the Economy	S K Jarvis	Appropriateness of contributions towards highway capacity and sustainable transport being sought by Highways Development Management responses to major development planning applications ¹
	A Khan	Lobbying of Government in relation to developer contributions towards infrastructure costs and the County Council's role in assisting in the provision of social housing in the County ¹
Highways & Environment	J S Hale	Contingency plans undertaken in conjunction with contractors to ensure the 2019/20 work plan can

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		be delivered and to ensure Hertfordshire's highways are maintained to a safe operational standard
	J G L King	Whether the Council has sufficient supply of grit and salt to meet requirements for Hertfordshire's road network given the forecast for a bad 2018/19 winter
Public Health and Prevention	N A Quinton	Action planned to extend uptake of the 'Daily Mile' challenge to all primary schools in the future and targets set for achieving this ¹
	L A Chesterman	Work undertaken by the Council with the NHS to ensure the NHS plays a full role in achieving the objectives of the Prevention Agenda and funding for prevention initiatives ¹
Resources and Performance	S K Jarvis	Whether the Council is exploring opportunities to generate income from solar farms on Council owned land and arrangements for consulting with Local Members when potential sites are identified ¹
	S J Taylor	Following the Prime Minister's announcement that 'Austerity' is over, whether (and when) the Executive Member will be writing to Government setting out the finance needed by the Authority for reparation of public services ¹
	D Andrews	Seeking assurance of Council's positive financial status and stability ¹

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

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

8.2.1 Written questions to Executive Members and responses are set out in the attached Annex.

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9. REPORT FROM THE OVERVIEW AND SCRUTINY COMMITTEE

- 9.1** The following motion proposed by **D Andrews** and duly seconded by **R Mills** was CARRIED:-

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

10. REPORT FROM THE HEALTH SCRUTINY COMMITTEE

- 10.1** The following motion proposed by **S Quilty** and duly seconded by **C J White** was CARRIED:-

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

11. CHANGES TO THE ARRANGEMENTS FOR REVIEWING IMPLEMENTATION OF SCRUTINY RECOMMENDATIONS

- 11.1** The following motion proposed by **D Andrews** and duly seconded by **K M Hastrick** was CARRIED:-

“1. That Council approves the proposals set out in section 4 of the report and that the Chief Legal Officer be authorised to make any changes to the Constitution necessary to implement the proposals and otherwise to bring them into effect.

2. (i) That K M Hastrick, R Mills, I M Reay, R H Smith and J A West be appointed to the Impact of Scrutiny Advisory Committee; and

(ii) That I M Reay be appointed as Chairman of the Committee.”

12. REPORT OF THE HERTFORDSHIRE COUNTY COUNCIL AUDIT COMMITTEE FOR THE PERIOD 1 APRIL 2017 TO 30 SEPTEMBER 2018

- 12.1** The following motion proposed by **F Button** and duly seconded by **W J Wyatt-Lowe** was CARRIED:-

“That Council notes the Report of the Audit Committee attached as Appendix 1 to the report.”

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13. DESIGNATION OF CHIEF FINANCE OFFICER (S151 OFFICER)

13.1 The following motion proposed by **R G Sangster** and duly seconded by **B Deering** was CARRIED UNANIMOUSLY:-

- “1. That, as from 1 January 2019 pending recruitment on a permanent basis to the post of Director of Resources, the post of Interim Director Resources is designated as Chief Finance Officer (s151 Officer) for the Council.*
- 2. That pending recruitment on a permanent basis to the post of Director of Resources all delegations by Council to the Director of Resources be amended by the substitution of delegations in like form to the Interim Director of Resources.*
- 3. The Chief Legal Officer be authorised to make any changes to the Constitution as appropriate arising from the decisions mentioned in 1. and 2. above.”*

14. APPOINTMENT TO THE INDEPENDENT PANEL ON MEMBERS' ALLOWANCES

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

“That Council endorses the actions of the Chief Legal Officer in seeking to fill the vacancy on the Hertfordshire Independent Panel on Members' Allowances and agrees to the appointment of Stephen Vinall to that Panel.”

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

15A. 15.1 The following motion was proposed by **B A Gibson** and duly seconded by **J S Hale**:-

“Council has previously recognised shortcomings in Hertfordshire's transport networks, and resolved to identify solutions to better support a shift to pedestrian and cycle travel. That commitment did not acknowledge the insufficient and discriminatory nature of current pedestrian footways with regards to people with mobility impairment and disabilities. Years of budget constraints and lack of prioritisation of disability access issues have resulted in a pedestrian network that is not fit for use by wheelchair and mobility scooter users, or by those with

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other visual and mobility impairments.

Council believes that safe and accessible footways are essential to enabling Hertfordshire County Council's corporate priorities, including providing residents the Opportunity to be Healthy & Safe, in particular supporting more people to live independently; and the Opportunity to Thrive.

Council therefore resolves to ask the Executive to urgently to undertake to address these issues and improve the safety and accessibility of footways across the county, by developing plans to include the following:-

- the designation of an officer responsible for advocating for disability access issues across all departments;*
- establishment of a mechanism for reporting problems and raising disability and accessibility issues;*
- a review of footways across the county to identify all barriers to access (including missing and unsafe dropped kerbs, inclines that breach guidelines, drastically uneven surfaces, overgrown vegetation and other hazards), and production of a prioritised list by Division, prioritising routes from homes to shops, schools, bus stops, GP surgeries and other vital community services;*
- investment to bring existing footways up to a minimum safe and accessible standard, either through a County-wide Invest-to-Improve programme, or through a one-time increase in Highways Locality Budgets sufficient to address all prioritised deficiencies;*
- ensuring that current policies and guidelines for construction and maintenance of highways and footways follow government guidance with regard to accessibility; and*
- ensuring that all new development meets accessibility standards."*

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

15B. 15.3 The Chairman advised Council that, in accordance with Standing Orders 9(8) and 9(9), he would allow the motion at 15.4 to be debated at the Council meeting and that normal rules of debate would apply.

15.4 The following motion proposed by **C J White** and duly seconded by

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B A Gibson was CARRIED UNANIMOUSLY:-

“This Council welcomes the recent Government clarification that in next May's local elections outside London EU citizens will retain their right to both stand and vote for next May's local elections and any EU citizens elected in May will be able to retain their seats for the duration of their term of office.

However this Council is concerned that following next spring, like everything else to do with Brexit, their rights are completely unclear. Therefore Council calls on Her Majesty's Government to issue urgent clarification as to the long term future of EU Citizens who have been resident here prior to 29th March 2019.

This Council believes that EU citizens who demonstrate their commitment to the UK by representing residents on local Councils deserve better than this and that the Government must make it clear that, with or without a deal EU citizens who are long-term resident in the UK and Hertfordshire will always be allowed to stand in Council elections.”

15.5 The Chairman advised Council that, in accordance with Standing Orders 9(8) and 9(9), he would allow the motion at 15.6 to be debated at the Council meeting and that normal rules of debate would apply.

15C. 15.6 The following motion proposed by **N A Quinton** and duly seconded by **T L F Douris** was CARRIED:-

“This Council notes that £1.8 million per year of funding for maintained nursery schools, of which there are 14 in Hertfordshire, currently has no guarantee from HM Government after March 2020. These schools provide an essential bedrock of under-fives education across the County. Without this funding they might not survive in their current form.

This Council asks that the Leader of the Council and the Executive Member for Education, Libraries and Localism write to the Secretary of State for Education and the Minister for Early Years Education to request that a commitment is given as soon as possible to the continuation of the £1.8M funding beyond 2020, rather than await next year's spending review.

This Council also asks all Hertfordshire MPs to join the All Party Parliamentary Group (APPG) Nursery Schools, who are lobbying for this commitment.”

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

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WRITTEN QUESTIONS TO EXECUTIVE MEMBERS – STANDING ORDER 8

1. **Written question from J Hale to J D Williams, Leader of the Council**

Given the response you provided in July to my question on extra funding for social care and the Government's claim to be committed to ensuring social care is sustainable for the future, has the Leader of the Council had any indication as to when the Social Care Green Paper scheduled for autumn 2018 will be published? Does he support the Local Government Association's call that national tax rises are necessary to provide long term sustainability for the vital social care services that are central to helping people to live fulfilling, independent lives?

J D Williams has replied:

Thank you for your question. Cllr Colette Wyatt-Lowe and County Council officers attended the National Social Care Conference in Manchester last week where the Care Minister, Caroline Dineage, presented on the Green Paper. She reiterated her commitment to a Green Paper on adult social care funding before Christmas and we understand this is now formally being considered by other Government Departments.

On the future funding and sustainability of adult social care, the current funding system is widely acknowledged as no longer fit for purpose. There is not one single solution that will deliver a sustainable settlement for adult social care, a range of options will be required to raise additional funding. Whichever options are pursued, it is clear that a discussion is required between the state and the public about what is the right balance of financial contribution between the individual and the state for social care. Funding a reformed care system will clearly involve additional resources from Government. My views and those of the County Councils Network (where I am the Health and Social Care spokesman) are set out in our publication Sustainable County Social Care which can be found at <https://bit.ly/2DDo1s3>

I am nevertheless very pleased that the Government has agreed to provide additional funding to the Council of £4.134m for the current financial year and £11.197m for 2019/20.

2. **Written question from J Hale to J D Williams, Leader of the Council**

What consideration has the Leader of the Council given to following the example of his Conservative colleagues in Shropshire and to close council offices from noon on Fridays? Does he consider this is an appropriate action for local councils to adopt?

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J D Williams has replied:

Shropshire County Council is a unitary council that has reviewed its customer contact strategy for services such as housing advice, purchase of parking permits and concessionary travel permits available through customer service offices. In common with other organisations delivering services to customers, local authorities need to respond to service expectations, customer preferences and the implications of channel shift.

For the services provided by Hertfordshire County Council, the contact and fulfilment strategy is focused on web-based delivery using the Council's award winning website and the Customer Service Centre rather than a network of offices.

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

What steps have been taken to establish a Hertfordshire Emergency Services Collaboration Board following the signing of the Memorandum of Understanding between the County Council and the Police and Crime Commissioner? What will be the financial impact on the County Council resulting from the establishment of this Board and how will the costs be shared with other emergency services?

T Hone has replied:

Agreement has been reached on the Draft Terms of Reference for the Board which will be ratified at its first meeting on 10th January. However a programme of collaborative work has been underway via a working group of Police and Fire Officers for around 18 months and considerable progress has already been made in areas such as shared buildings, use of training facilities and support at incidents, for example the Fire and Rescue drone. The costs of establishing and running the Board have not been quantified but are expected to be relatively small in comparison with the potential savings that might be achieved through collaboration. It is expected they will, in any case, be borne jointly by both Police and Fire, whilst Ambulance have yet to commit to taking part in this.

4. Written question from J Hale to D Ashley, Executive Member for Growth, Infrastructure, Planning and the Economy

What action has the Council taken in the last five years to enforce s106 agreements against developers who have failed to honour the terms of such agreements?

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D Ashley has replied:

The County Council is a signatory to s106 Agreements in two capacities. Firstly as the Local Planning Authority for planning applications for Minerals and Waste Development. Secondly as a strategic infrastructure provider where other local planning authorities (i.e. the District and Borough Councils) are determining planning applications for development.

In terms of our role as Local Planning Authority, within the last five years the County Council has taken action in the Courts to obtain an injunction in relation to the non-implementation of a Unilateral Undertaking in connection with activities at Codicote Quarry, relating to lorry movements and the importation of waste. This action was eventually withdrawn due to parallel actions by the Environment Agency.

In relation to less formal action, there have also been letters which could be considered as the first stage in moving to formal court action relating to s106 Agreements at Water Hall site in Hertford and Panshanger.

In relation to our role as a strategic infrastructure provider, it is the District or Borough Council as the Local Planning Authority (LPA) who issues the planning consent and lead on any Section 106 Agreement which is deemed to be necessary. As such it is the duty of the LPA to monitor the implementation of that consent and ensure its compliance planning conditions and any s106.

Where the County Council is a party to the s106 Agreement, once County Council officers are made aware that a development has commenced or a payment trigger has been reached, the County Council calculates the amount of service contributions due and forwards a request for payment to the developer via email.

Commencements and/or triggers can be communicated in a number of ways; by the developer; via our local planning authorities; or from other County Council teams. A follow up email will be sent as a reminder and then a formal letter stating that legal action will be considered if payment has not been received within 14 days. Should this fail the matter is passed to the Dispute Resolution team in Legal Services.

A letter from Dispute Resolutions citing breach of contract with formal action being considered normally proves sufficient in resolving non-payment issues. We are current pursuing a case of non-payment on Oaklands College, St Albans with Dispute Resolution; this has been ongoing for some months as officers have been unable to resolve matters.

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5. Written question from S Giles-Medhurst to P Bibby, Executive Member for Highways and Environment

Does the Executive Member agree that all contractors or subcontractors of the County Council are expected to adhere to Health and Safety and just plain decent behaviour to the general public;

is it acceptable for the workforce to:

- 1. smoke in the cabs of their lorries - smoking in the place of work is not permitted*
- 2. jump onto moving vehicles, the last visit I witnessed someone jump on a ride between the lorry and the trailer*
- 3. stand outside a residents' house cleaning their teeth and spitting in the road*
- 4. not wearing appropriate clothing (No high viz) while carrying out work in the middle of the road with no cones or restricted areas*
- 5. pouring hot tar into buckets - no cones, not cordoned off*
- 6. leave hot tar in buckets unattended - very dangerous, no cones, not cordoned off, left bucket by trailer while they went down the road to wet seal the repairs*
- 7. wet sealing the repairs, the workforce were not wearing high viz jackets, there were no cones, nor cordoned off area?"*

P Bibby has replied:

I do indeed agree that all employees and contractors working for the County Council have a responsibility to look after their own health and safety and that of those around them. As I think the Member is aware, officers know of this incident and have made it clear to the contractor in question that this behaviour is totally unacceptable. The contractor has acknowledged this, apologised, and the operatives responsible have been disciplined.

6. Written question from S Giles-Medhurst to P Bibby, Executive Member for Highways and Environment

If the above answer to the question is "this is not acceptable" or similar and given such actions have been drawn the attention of senior officers what action would the Executive Member expect to be taken with a contractor or sub-contractor?

P Bibby has replied:

I would expect officers to discuss the matter with the contractor and require the contractor to take appropriate action, which has happened in this case.

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7. Written question from S Giles-Medhurst to P Bibby, Executive Member for Highways and Environment

How many highways fault replies that have said "We have not been able to locate the fault as described." have been sent in response to faults reported in the last 12 months ending 16th November 2018?

P Bibby has replied:

From 17th November 2017 to 16th November 2018, there were 81,948 customer reported defects. Of these 2,834 (3.5%) were closed with the response 'We have not been able to locate the fault as described'. 1,562 had an email response sent to the customer with this message. For the remaining 1,272 cases the customer did not leave contact details for a response to be sent.

8. Written question from S Giles-Medhurst to P Bibby, Executive Member for Highways and Environment

How many "We have not been able to locate the fault as described." Have been re-reported or revisited by officers and located in the 12 months to 16th November 2016?

P Bibby has replied:

Unfortunately it is not possible to answer this question as:

- Where we are unable to locate a fault it is either because it is an intermittent fault (normally street lighting or similar), a temporary situation (normally a drainage issue) or the description is not accurate enough to enable the fault to be located; and*
- If a fault is reported in a similar location to a previous fault it is impossible to identify whether it is a report of a previously reported fault. In addition, our system allocates the fault a unique job reference number and so it would be very difficult to cross reference.*

9. Written question from S Giles-Medhurst to P Bibby, Executive Member for Highways and Environment

How many officer hours have been sent on dealing with the failure of the County sub-contractor to correctly undertake a surface dressing scheme in Wilcot Avenue and Talbot Avenue, Oxhey and, based on the officers' salary scale, how much has this "cost" the Authority?

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P Bibby has replied:

The Officer time associated with the rectification works of this scheme, covering time spent with the contractor and on associated communications, can be estimated to be in the order of 48 hours, which equates to approximately £1,000.

10. Written question from S Giles-Medhurst to P Bibby, Executive Member for Highways and Environment

How many insurance claims have been made that relate to the work of Ringway or the term contractors regarding highways works in the last six years to date broken down by years and the amount of any successful claims?

P Bibby has replied:

We do not record claims made direct to Ringway or other contractors, we only record the claims that the County Council receives. The table below shows the information we have going back to 1st January 2015. This is for all highway claims (injury and non-injury).

Loss Date	Number of claims	NUMBER PAID	TOTAL PAID £
2015 1 Jan - 31 Dec 2015	1460	276	724,744.00
2016 1 Jan - 31 Dec 2016	1876	287	616,817.00
2017 1 Jan - 31 Dec 2017	1688	311	284,405.00
2018 1 Jan – 21 Nov 2018	2117	286	97,274.00

Note:

- 1. Figures are for the total number of claims made, we do not break these down into claims made relating to works by the Highway Term Contractor;*
- 2. claims For 2018 the figures are for the year to date;*
- 3. with respect to injury claims it can take a number of years to settle these, therefore the number of claims paid is the current number of claims where a payment has been made. However, these may not be the final figures. There are also up to 3 years to make a claim for injury and 6 years to make a claim for property damage.*

11. Written question from S Giles-Medhurst to P Bibby, Executive Member for Highways and Environment

In the last five years that surface dressing treatments (stone chippings) have been used by the County Council how many complaints have received?"

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P Bibby has replied:

The table below provides information on the number of complaints received and of these the number of complaints which reference stone chippings as a result of surface dressing:

<i>Financial Year</i>	<i>Complaints Received</i>	<i>Of these complaints referring to stone chippings</i>
<i>2013-14</i>		<i>2</i>
<i>2014-15</i>	<i>856</i>	<i>7</i>
<i>2015-16</i>	<i>812</i>	<i>5</i>
<i>2016-17</i>	<i>806</i>	<i>2</i>
<i>2017-18</i>	<i>1293</i>	<i>1</i>

The figures for complaints include formal stage 1 complaints and on line complaints. For an indication of scale there were 207 stage 1 complaints received between 2014/15 and 2017/18 inclusive.

12. Written question from S K Jarvis to P Bibby, Executive Member for Highways and Environment

“What was the total number of claims received for (a) damage and (b) injury caused by highway defects in each of the last three years and to date in the current year? How many of each of these claims was accepted and what was the total value of payments made? What analysis is made of the reasons for rejection and what were the principal reasons for rejection of claims?”

P Bibby has replied:-

The number of non-injury and injury highway claims made over the past 3 years is broken down in the tables below:-

NON-INJURY/DAMAGE

<i>Loss Date</i>	<i>Number of claims</i>	<i>NUMBER PAID</i>	<i>TOTAL PAID £</i>
<i>2015 1 Jan - 31 Dec 2015</i>	<i>1157</i>	<i>204</i>	<i>171,293.00</i>
<i>2016 1 Jan - 31 Dec 2016</i>	<i>1556</i>	<i>220</i>	<i>179,722.00</i>
<i>2017 1 Jan - 31 Dec 2017</i>	<i>1422</i>	<i>266</i>	<i>115,360.00</i>
<i>2018 1 Jan – 21 Nov 2018</i>	<i>1893</i>	<i>266</i>	<i>87,324.00</i>

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INJURY

Loss Date	Number of claims	NUMBER PAID	TOTAL PAID £
2015 1 Jan - 31 Dec 2015	303	72	553,451.00
2016 1 Jan - 31 Dec 2016	320	67	437,095.00
2017 1 Jan - 31 Dec 2017	266	45	169,045.00
2018 1 Jan – 21 Nov 2018	224	20	9,950.00

Note:

1. *Figures are for the total number of claims made, we do not break this down into claims as a result of defects or claims as a result of other activity on the highway;*
2. *claims For 2018 the figures are for the year to date;*
3. *with respect to injury claims it can take a number of years to settle these, therefore the number of claims paid is the current number of claims where a payment has been made. However, these may not be the final figures. There are also up to 3 years to make a claim for injury and 6 years to make a claim for property damage.*

The principal defence we use in dealing with Highway related insurance claims is under Section 58 of the Highways Act 1980 'Special defence in action against a highway authority for damages for non-repair of highway'. This basically means that where we can demonstrate that we have taken a reasonable approach to maintaining the highway and we have complied with this approach, that is our defence. Our Defect Management Approach sets out our approach to dealing with defects, including the timeframes to make a defect safe.

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