



Minutes
of the
Meeting of the
County Council
on
Tuesday, 19 February 2019

1. Agenda

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HERTFORDSHIRE COUNTY COUNCIL

MINUTES of the Meeting of the County Council held at County Hall, Hertford, on Tuesday, 19 February 2019

MEMBERS IN ATTENDANCE

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

Upon consideration of the agenda for the Meeting of the County Council held on 19 February 2019, as circulated, action was taken or decisions were reached as follows:-

1. MINUTES

- 1.1 The Minutes of the meeting of the Council held on 27 November 2018 were confirmed as a correct record and were signed by the Chairman.

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2. CHAIRMAN'S ANNOUNCEMENTS

(a) WEBCASTING

The Chairman advised that this meeting of the Council would be webcast live on the internet; that it would also be recorded and published on the Council's website and may also be published in other formats.

Any members of the press and public present were asked to note that if they were in the Council Chamber at any time during the meeting they acknowledged that they would be included in the webcast and recording; all parts of the room can be seen or heard by the camera or microphones so any members of the press or public in attendance that did not wish to be recorded should leave the Chamber.

(b) NEW YEAR'S HONOURS LIST 2019

The Chairman informed Council that in the New Year Honours list seven of the Council's firefighters were recognised for their extreme bravery in the face of significant challenge. Each of these firefighters were awarded the Queens Gallantry Medal for repeatedly entering a care home fire in Cheshunt where 35 residents were living, all bar one of whom were immobile. These firefighters kept going back into the property whilst the roof was collapsing as they knew that, had they not, many lives would have been lost. Using their own bodies to shield the old people from flaming debris these firefighters, repeatedly returned to the building until all rooms that could be searched were searched and all saveable life saved. In total 33 residents were rescued by Hertfordshire Fire and Rescue Service crews.

Council congratulated Wayne Ansell, Simon Best, Daniel Cooper, Ricky Davis, Christopher Meadows, Radoslaw Pejka and Simon Waddington.

**(c) EXCELLENCE IN FIRE AND EMERGENCY AWARDS 2018:
UNsung HERO AWARD**

Council congratulated Den Wickham, who has served Hertfordshire for over 50 years firstly as a firefighter and for the last 14 years as a

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member of the Herts Home Safety Service, on winning the 2018
Unsung Hero Award.

**(d) EXCELLENCE IN FIRE AND EMERGENCY AWARDS 2018: FIT,
FED AND READ INITIATIVE**

Council congratulated all those involved in delivering the Fit, Fed and Read initiative which won the Excellence in Fire and Emergency Award 2018 for Partnership of the Year. The initiative responds to the inequalities of holiday hunger, isolation and inactivity by offering high quality holiday activity programme - including support with literacy - in Hertfordshire's most disadvantaged neighbourhoods, with a nutritious meal every day, free of charge. Led by Hertfordshire Sports Partnership the scheme also involved Fire and Rescue and Herts Catering, and took place in fire stations in Cheshunt, Hatfield, Borehamwood, Watford, Hemel Hempstead and Stevenage. During 4 weeks, groups of children could take part in physical activities, get a hot meal and learn about nutrition, and have some fun book-related sessions. The library service was able to get involved in this project thanks to all the staff who provided fun literacy sessions for children, enabling us to engage with children and in some cases parents who would particularly benefit from the free services the library has to offer.

**(e) HERTFORDSHIRE ADULT AND FAMILY LEARNING SERVICE
(HAFLS)**

The Chairman announced that HAFLS has hosted guests from the Department of Alternative Education in Myanmar and Voluntary Service Overseas who visited to learn about Hertfordshire's approach to community learning. Officers provided an overview of how HAFLS runs before then addressing the complexities of the HAFLS service, including protocols and best practice. The visitors were taken to Greenfield Family Centre in Waltham Cross where a mixed-levels English literacy lesson was in progress. After the lesson, the tutors held a Q&A session with our Myanmar guests. The day concluded with a visit to the Waltham Cross East Herts and Broxbourne CVS Community Hub. Here our guests met with HAFLS's Health & Wellbeing and Family Learning tutor before meeting some of HAFLS' valued partners.

With first-hand experience of a lesson and a discussion with our valued partners, it is hoped that the principles presented by HAFLS can be incorporated into Myanmar's vision for the future of adult education.

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3. MEMBERSHIP AND CHAIRMANSHIP OF THE HERTFORDSHIRE HEALTH AND WELLBEING BOARD

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

“That Council:-

- 1. Appoints T R Hutchings, Executive Member for Public Health and Prevention, to the Hertfordshire Health and Wellbeing Board.*
- 2. Appoints R M Roberts, Executive Member for Adult Care and Health, as the Chairman of the Hertfordshire Health and Wellbeing Board.”*

4. PUBLIC QUESTIONS – STANDING ORDER 8(10)

4.1 There were no public questions.

5. PUBLIC PETITIONS – STANDING ORDER 15

5.1 There were no public petitions.

6. OFFICER REPORTS RELEVANT TO EXECUTIVE PORTFOLIOS

Notes:

1. Members were reminded that Section 106 of the Local Government Finance Act 1992 provided that if a Member was in arrears of council tax for two months or more and they were present at a meeting where the Council’s budget or the precept was being considered then they should declare this, and that any such Member must not vote on any matter relating to the setting of the Council’s budget or the precept; the provisions of S106 of the Local Government Finance Act 1992 applied even if there was an arrangement to pay off the arrears.

No declarations in this regard were made at the meeting.

2. All Members who had a disclosable pecuniary interest arising from

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an allowance from the County Council, another local authority in Hertfordshire, or a body to whom they had been appointed by the County Council, had received a dispensation to allow them to participate in the debate and vote on the Integrated Plan.

All Members had been granted a dispensation to participate in debate and vote in any business of the County Council relating to setting the council tax or precept when they would otherwise be prevented from doing so in consequence of having a beneficial interest in land which was within the administrative area of Hertfordshire or a licence (alone or jointly) to occupy such land.

Specific dispensations granted to individual Members in respect of Disclosable Pecuniary Interests, together with those who declared Declarable Interests under the County Council's Code of Conduct for Members, in Item 6A are set out below:-

Disclosable Pecuniary Interests

D A Ashley - as he receives an allowance from the Lee Valley Regional Park Authority; the dispensation referred to in Note 2 above applies to this interest.

D J Barnard– as he is a County Council appointee on the Chiltern's Conservation Board which receives a grant from the Council; as an appointee he receives an allowance from the Board; the dispensation referred to in Note 2 above applies to this interest.

S Gordon - by virtue of her having a beneficial freehold interest in the premises of her former veterinary practice and contiguous land lying south of Tilekiln Farm, Standon Road, Little Hadham. She had been granted a dispensation by the Standards Committee to participate, debate and vote in business in which this Disclosable Pecuniary Interest is mentioned provided that the business to be considered did not directly affect her financial position; which she considered it did not.

M B J Mills–Bishop – by virtue of his wife being employed as a teacher in Hertfordshire. He had been granted a dispensation by the Standards Committee to participate, debate and vote in business in which this Disclosable Pecuniary Interest is mentioned provided that the business to be considered did not directly affect his financial position or that of his wife; which he considered it did not.

I M Reay – as he is a County Council appointee on the Chiltern's Conservation Board which receives a grant from the Council; as an appointee he receives an allowance from the Board; the

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dispensation referred to in Note 2 above applies to this interest.

M A Watkin – by virtue of his wife being employed as a part-time teacher in the music service in Hertfordshire. He had been granted a dispensation by the Standards Committee to participate, debate and vote in business in which this Disclosable Pecuniary Interest is mentioned provided that the business to be considered did not directly affect his financial position or that of his wife; which he considered it did not.

Declarable Interests

The following Members declared Declarable Interests under the County Council's Code of Conduct for Members:-

D A Ashley – as he is Chairman of Hitchin Educational Foundation, a charity which derives part of its income from leasing a property to the County Council; and he is a Board member of Groundwork which derives part of its income from the County Council.

E H Buckmaster – as he is a Board Member of the Hailey Centre in Bell Street, Sawbridgeworth, which receives funding from Hertfordshire County Council towards its operational costs; his wife is Chairman of Bullfields, Sawbridgeworth Young Peoples Recreation Centre, which is booked by YC for sessions; his wife is a volunteer at Sawbridgeworth Library; and his daughter works at Bishops Stortford Library.

F Button – as she is a trustee of Watford Workshop which derives part of its income from funds received from the County Council.

T L F Douris – as he is a trustee of the Hertfordshire Community Foundation which contracts with the County Council for the delivery of training and also for the distribution of the Hertfordshire Community Funds scheme.

S B A F H Giles-Medhurst – as he is one of the Council's representatives on the Crouchfield Trust.

T C Heritage – as she is a member of the Oaklands Corporation (the Further Education College) which derives part of its income from funds received from the County Council.

F R G Hill – as she is the Council's representative on the Old Barnes Day Centre which receives funding from the County Council and is also one of the Council's representative on Hertfordshire Adult and Family Learning Service (HAFLS) and the Crouchfield

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R M Roberts – as he is a Trustee of Community Action Dacorum.

R G Tindall – as he is involved with the Hertfordshire Domestic Abuse helpline which receives funding from the County Council and a member of the management committee of Dacorum Education Support Centre.

6A. INTEGRATED PLAN 2019/20 – 2022/23

6.1 The following motion was proposed by **R G Sangster** and duly seconded by **J D Williams**):-

“That Council:-

(a) approves the final version of the Integrated Plan as set out in the report and confirmed in the appended tables; noting that amendments to the budget may be required once any outstanding grants have been announced by the Government; and

(b) adopts the Integrated Plan for 2019/20 - 2022/23 (as amended above) and specifically that:

In respect of all Parts:

(i) the Director of Resources, in consultation with the Executive Member for Resources & Performance, be authorised to make any necessary amendments to ensure the plan is in line with decisions taken by the County Council before final confirmation;

In respect of Parts A & B:

(ii) a Revenue Budget of £818.743m and a Council Tax Requirement of £607.961m be agreed as per the updated Revenue Budget Statements included as an appendix to this report.

(iii) a Band D Council Tax of £1,264.15 plus a Band D Social Care precept of £95.79 be agreed for the County Council in 2019/20, and that the amount of tax calculated for all bands be as follows:

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Table 1: Proposed HCC Council Tax for 2019/20 by band

Band	2018/19 Council Tax			2019/20 Council Tax		
	Basic	ASC Precept	Total	Basic	ASC Precept	Total
A	£816.46	£63.85	£880.31	£842.78	£63.85	£906.63
B	£952.51	£74.51	£1,027.02	£983.22	£74.51	£1,057.73
C	£1,088.60	£85.14	£1,173.74	£1,123.70	£85.14	£1,208.84
D	£1,224.67	£95.79	£1,320.46	£1,264.15	£95.79	£1,359.94
E	£1,496.83	£117.07	£1,613.90	£1,545.08	£117.07	£1,662.15
F	£1,768.96	£138.37	£1,907.33	£1,825.99	£138.37	£1,964.36
G	£2,041.13	£159.64	£2,200.77	£2,106.93	£159.64	£2,266.57
H	£2,449.34	£191.58	£2,640.92	£2,528.30	£191.58	£2,719.88

(iv) *the precept amount of £607,961,109.00 be required from the district and borough councils as follows:*

Table 2: Analysis of HCC 2019/20 precept amount by district and borough

District	Taxbase	Precept Amount £
Borough of Broxbourne	35,026.00	47,633,258.44
Dacorum Borough Council	57,270.20	77,884,035.79
East Hertfordshire District Council	60,721.90	82,578,140.69
Hertsmere Borough Council	41,274.00	56,130,163.56
North Hertfordshire District Council	49,498.40	67,314,854.10
St Albans District Council	62,107.25	84,462,133.56
Stevenage Borough Council	27,329.90	37,167,024.21
Three Rivers District Council	39,092.10	53,162,910.47
Watford Borough Council	32,840.60	44,661,245.56
Welwyn Hatfield Council	41,889.60	56,967,342.62
TOTAL	447,049.95	607,961,109.00

(v) *the Chief Executive, in consultation with the Leader of the Council, be authorised to issue the Council Tax Information in accordance with demand notice regulations;*

(vi) *the schools budget be agreed at the level of the Dedicated Schools Grant (DSG) including any use of carried forward DSG. The total amount is currently estimated at £965m - IP p213 - less deductions in respect of academies and post-16 high needs places; and that the Director of Resources in consultation*

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with the Director of Children's Services, the relevant Executive Members and the Schools Forum, be authorised to amend the schools budget to match any changes to the Dedicated Schools Grant and the planned approach to balancing the schools budget in future years of the Integrated Plan;

- (vii) the Director of Resources, and the relevant service Chief Officer, be authorised to determine the use of any other non-ringingfenced grants not yet allocated to services;*
- (viii) the Director of Resources in consultation with the Executive Member for Resources & Performance, be authorised to make such arrangements as are necessary to enable the Hertfordshire 75% Business Rates Retention Pilot to be set up, noting the role of the Council as accountable body for this pilot and the ongoing work to confirm the necessary changes to accommodate this (including treatment of s31 compensation amounts);*
- (ix) the Director of Resources in consultation with the Executive Member for Resources & Performance be authorised to determine the allocation of budget from the £1m Corporate Transformation fund;*
- (x) that, in the light of the requirement for delivery of further savings in future years, Chief Officers be commissioned to work with Executive Members and their Cabinet Panels to develop options at the earliest possible opportunity for the delivery of substantial additional savings;*

In respect of Part C:

- (xi) based on the information available at the time of preparing the IP, that a capital programme totalling £857.508m for the period 2019/20 to 2022/23 be agreed and financed as set out in the Integrated Plan Part A, p19, and also in part C. Any changes to these proposals would be required to go through separate decision-making processes in accordance with the Council's financial regulations;*
- (xii) the Director of Resources be authorised to vary the capital programme during the year to include additional schemes that are wholly funded by grants or third party contributions and to vary existing schemes to match any changes in funding from grants or third party contributions, in accordance with the Council's financial regulations;*

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- (xiii) the Capital Strategy, as amended by Appendix B to the report, including the Investment Strategy (included as Appendix E to Part C and also as amended by Appendix B to the report) are approved in line with updated requirements and guidance set out at p215 and p248;
- (xiv) the Minimum Revenue Provision policy and capital expenditure prudential indicators be approved (IP Part C);
- (xv) that the £6.4m that will be realised from the policy approved as part of the 2017/18 IP regarding Minimum Revenue Provision is used as previously agreed and as set out in the current IP (part C appendix C - namely that transfer of one off savings from the revised MRP policy into the Investment Reserve which was then set aside to support the capital financing, borrowing and investment plans);

In respect of Part D:

- (xvi) the Treasury Management Strategy, including the Borrowing, Lending and Financial Derivative policies (included as part of revised guidance and set out at p274) , the introduction of the (new) financial instruments statement and the treasury management prudential indicators (p 286) be approved.”

6.2 The following amendment was proposed by **P M Zukowskyj** and duly seconded by **S B A F H Giles-Medhurst**:-

“Amend the revenue budget as follows:

Additional expenditure:

<i>Modification Description</i>		<i>2019/20</i>	<i>2020/21</i>	<i>2021/22</i>
		<i>£000</i>	<i>£000</i>	<i>£000</i>
<i>RS1 (x- ref CS1)</i>	<i>Increase Member Highway Locality Budget to £102.8k per member for an initial year, including additions to enable: 1. A scheme for member discretionary reversal of Part-Night Lighting officers will be instructed to design 2. Providing additional support for maintenance of Highway trees, including pollarding where appropriate 3. Properly maintaining ditches and culverts to an acceptable standard as well as gulleys 4. Improved disability access especially on footways</i>	<i>200 (revenue component ONLY x-ref CS1)</i>	<i>200</i>	<i>200</i>

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RS2	Provide support for socially required bus routes and on-demand services delivered through innovative schemes	1,000	1,000	1,000
RS3	Raise pay for the lowest paid Social Care staff, especially those paid under £10 per hour, by up to £1000 per year, the trajectory being all paid at least the Real Living Wage for Hertfordshire. Included in this is reversal of proposed cuts EE13 and EE15.	3,600	3,600	3,600
RS4	Reverse/taper Government cuts to Public Health, directing HCC resources to: 1. Weight management for children 2. Sexual health services 3. School Nurses for Mental Health *Taper only if Government determines to cut Business Rates Retention below current levels	1,400	1,000*	400*
RS5	Reverse the planned price increase and extend the saver card for young people for an additional age year, including publicity for this	380	380	380
RS6	School Uniform Subsidy for low income/FSM recipients	200	200	200
Total		£6,780	£6,380	£5,780

Funded from:

Saving Description		2019/20	2020/21	2021/22
		£000	£000	£000
RI 1	Redirect funding from the Invest To Transform fund/reserve	2,920	4,720	2,120
RI 2	Business Rates Pilot & Business Rates Levy Account redistribution *Assumes further government cuts to LG funding – reducing Business Rates Retention below pilot scheme levels – see RS4 for alternative use should funding be maintained	3,200	0*	0*
RI 3	Reduction in corporate publications, publicity and staff, replacing with bought space in lower tier local council publications	500	500	500
RI 4	Reduction in security costs for empty and unused buildings and facilities, alongside more effective use of HCC building stock	150	150	150
RI 5	Revenue Income from HLL	0	1,000	3,000
RI 6	Modify dimming and trimming lighting policy in line with previous Lib Dem proposals	10	10	10
Total		£6,780	£6,380	£5,780

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Amend the 2019/20 capital budget as follows:

Additional expenditure:

<i>Modification Description</i>		<i>£000</i>
<i>CS1</i>	<i>Increase Member Highway Locality Budget to £102.8k per member for an initial year, including additions to enable:</i> <ol style="list-style-type: none"> <i>1. A scheme for member discretionary reversal of Part-Night Lighting officers will be instructed to design</i> <i>2. Providing additional support for maintenance of Highway trees, including pollarding where appropriate</i> <i>3. Properly maintaining ditches and culverts to an acceptable standard as well as gulleys</i> <i>4. Improved disability access especially on footways</i> 	<i>800</i>
<i>CS2</i>	<i>Increase Highways investment and repairs to provide appropriate infrastructure for continued economic development. Programme should include enhanced spending on footways and improved cycle way maintenance, alongside highway repairs.</i>	<i>700</i>
<i>Total</i>		<i>£1,500</i>

Funded From:

<i>Saving Description</i>		<i>£000</i>
<i>CI1</i>	<i>Increase capital receipts targets</i>	<i>1,500</i>
<i>Total</i>		<i>£1,500</i>

”

6.3 The following amendment was proposed by **S K Jarvis** and duly seconded by **B A Gibson**:-

“Amend the revenue budget as follows:

RS5 Reverse the planned price increase of the saver card for young : £30,000 in 2019/20, £60,000 in all years after that

Funded from

Reduction in corporate publications, publicity £30,000 in 2019/20, £60,000 in all years after that.”

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6.4 The following amendment was proposed by **S J Taylor** and duly seconded by **N Bell**:-

“This Council believes that that government’s continuing failure to recognise the extreme pressures on the vitally important services delivered at local level to local people has now got to breaking point and is negligent.

We note the pressures on this year’s Hertfordshire budget which show overspends of £3.5m in Adult Care Services and over £5m in Children’s Services. Although this gap has been plugged for this year, the solutions are simply not sustainable in the longer term and we believe that cross-party representation should now be made to government to highlight the disproportionate and devastating impact this has on those who are most vulnerable in our community. We also condemn the fact that little recognition is given to the fact that the support given to people by the funding delivered through local government services, prevents the higher expenditure in acute services that occurs when these services are restricted.

Council recognises the need to support and encourage the young people in our county with meaningful leisure activity, positive training opportunities and apprenticeships, support with their mental health need, encouragement to use public transport and particularly to help ‘looked after’ young people to make the best start in their adult lives.

We welcome the inclusion of Hertfordshire in the Business Rates Pilot scheme and urge that consideration be given to using some of the financial benefits of this pilot to be used to support our young people to gain the skills they need to participate fully in the opportunities that Hertfordshire’s employers have to offer.

We therefore propose the budget amendments set out below which we believe recognise the significant shortfall in government funding for the vital services our community need at the same time as recommending some re-prioritising of funding which we believe will benefit particularly our more vulnerable residents and young people in our county.

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	2019/20	2020/21	2021/22	2022/23	Notes
	£K	£K	£K	£K	
Proposals with cost implications					
Council tax discounts for care leavers	55	97	132	155	The County Council agreed to give consideration to this at last year’s

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					budget but to date we have not seen it implemented. As a County, and as corporate parents we should be doing all we can to help those in our care as they begin their adult lives. Current estimate is for Council tax exemption from 18-21 (rising 18's i.e those eligible each year, rather than all in the 18-21 age range from day 1)
Reverse proposed cuts to Youth service and youth connexions	829	829	829	829	This saving is reversed to at least provide some further support to youth services in county and using this additional capacity to give consideration to more effective ways of delivering youth services in our neighbourhoods
Feasibility on all ASC services returning in-house	100				Undertake feasibility study to assess implications of returning all ASC services in-house
reinstate supported housing budgets	300	300	300	300	We believe that returning this supported people funding to local authorities with their own housing in Hertfordshire would be an invest to Transform initiative which would help with the future years savings in relation to Adult Care Services. Therefore we would like to allocate £300k x 4 (£1.2m) from the ITT fund for this purpose.
Travel savings for young people - reverse savercard	30	60	60	60	Take out savings in current IP. We should be promoting the use of public transport to our young people to encourage them not to get into the habit of using and needing cars. The additional mobility provided by subsidised travel for young people helps them to seek and retain good training and employment opportunities.
Highways - increase locality budget up to £100k capital per year	133	173	213	253	Current split of the £90k Highways locality budget is an average of £13k Revenue and £77k Capital Proposal to Increase to £14k revenue and £86k capital - £100k in total per member. Targeted local spend on highways is more effective and efficient than some of the county-wide programmes
HWRC - open 7 days a week	1,000	1,000	1,000	1,000	We have serious concerns that the closure of HWRCs on two days a week has led to increases in fly-tipping

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CAMHS	250	250	250	Whilst we accept that the NHS through the CCGs are the statutory and main provider, the Labour Group wish to increase the current annual contribution to CAMHS of £1.5million by £250,000 a year. We would like to see this used as a 'queue buster' to give further priority to the most urgent cases
Proposals with no net cost implication				
£8m local roads money				Allow flexibility for footpaths and cycleways works to be included
Apprenticeship programme				HCC bid to the county-wide £2.3m pot resulting from the business rates pilot was focussed on expanding the apprenticeships programme. This seeks to ensure even more apprenticeships and training places are available
Discretionary use of Member £10k Locality Budget to support reintroduction of bus subsidies				<p>We understand that members are able to use their discretionary locality funding to support short-term pump-priming of bus service subsidies for example where the withdrawal of a bus subsidy threatens the existence of the service so that members and community need time to promote a 'use it or lose it' campaign. We therefore request that members have this option at local level and are able to use their locality budgets to support any officer work needed to implement they changes they wish to see in their Divisions.</p> <p>We feel the time has come for a complete review of the bus subsidy system in order that it better reflects the LTP4 objectives of modal shift.</p>
Discretionary use of Member £10k Locality Budget to support street lighting				We note that the introduction of part night lighting, while welcome in some parts of the county particularly rural areas, remains deeply unpopular in others notably our more urban towns. Since the part night lighting project commenced developments in technology mean we have been able to trial 'dimming and trimming' of newly installed LED street lights. This means, at no extra cost, the lights can remain on longer at night time in a dimmed fashion thereby reducing the

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					hours of full darkness. We therefore request that members have this option at local level and are able to use their locality budgets to support any officer work needed to implement they changes they wish to see in their Divisions.
TOTAL COST	2,697	2,709	2,784	2,597	

Funding Sources

	2019/20	2020/21	2021/22	2022/23	Notes
	£K	£K	£K	£K	
Management review		1,726	1,726	1,726	top 100 managers review - 120 managers at £8.6m. 20% reduction - 24 posts
ITT	2,347	633	708	521	£4.2m of ITT used
Reduce Comms Budget	350	350	350	350	
TOTAL FUNDING	2,697	2,709	2,784	2,597	

6.5 A K Khan requested confirmation that the figures in Table 1 of the motion at 6.1 were correct.

6.6 The Chairman requested that officers advise Council accordingly.

6.7 Following consultation with the Council's (Interim) Director of Resources, the Chief Executive confirmed to Council that the figures in Table 1 of the motion at 6.1 were correct.

6.8 The Chairman reminded Council that, in accordance with Standing Orders 13 (5) and 13 (6), recorded votes would be taken on all decisions relating to this item of business.

6.9 The amendment at 6.4 was then voted upon and LOST, the recorded vote being:-

Those in favour of the amendment (25)

S Bedford
N Bell
J Bennett-Lovell

J S Hale
K M Hastrick
N A Hollinghurst

S J Taylor
R G Tindall
A S B Walkington

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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	P T Williams
B A Gibson	R G Parker	T J Williams
S B A F H Giles-Medhurst	A F Rowlands	P M Zukowskyj
E M Gordon		

Those against the amendment (49):-

D Andrews	L Greensmyth	M D M Muir
D A Ashley	F Guest	A Plancey
D J Barnard	D Hart	S Quilty
P Bibby	M S Hearn	I M Reay
S N Bloxham	T C Heritage	R M Roberts
S J Boulton	D J Hewitt	R Sangster
A P Brewster	F R G Hill	R H Smith
M Bright	T W Hone	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
H K Crofton	J S Kaye	J D Williams
R C Deering	P V Mason	C B Woodward
T L F Douris	G McAndrew	C B Wyatt-Lowe
S J Featherstone	M B J Mills-Bishop	W J Wyatt-Lowe
S Gordon	A J S Mitchell	J F Wyllie
J M Graham		

Those abstaining (0):-

6.10 The amendment at 6.2 was then voted upon and LOST, the recorded vote being:-

Those in favour of the amendment (25)

S Bedford	J S Hale	S J Taylor
N Bell	K M Hastrick	R G Tindall
J Bennett-Lovell	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	P T Williams
B A Gibson	R G Parker	T J Williams
S B A F H Giles-Medhurst	A F Rowlands	P M Zukowskyj
E M Gordon		

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Those against the amendment (49):-

D Andrews	L Greensmyth	M D M Muir
D A Ashley	F Guest	A Plancey
D J Barnard	D Hart	S Quilty
P Bibby	M S Hearn	I M Reay
S N Bloxham	T C Heritage	R M Roberts
S J Boulton	D J Hewitt	R Sangster
A P Brewster	F R G Hill	R H Smith
M Bright	T W Hone	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
H K Crofton	J S Kaye	J D Williams
R C Deering	P V Mason	C B Woodward
T L F Douris	G McAndrew	C B Wyatt-Lowe
S J Featherstone	M B J Mills-Bishop	W J Wyatt-Lowe
S Gordon	A J S Mitchell	J F Wyllie
J M Graham		

Those abstaining (0):-

6.11 The amendment at 6.3 was then voted upon and LOST, the recorded vote being:-

Those in favour of the amendment (25)

S Bedford	J S Hale	S J Taylor
N Bell	K M Hastrick	R G Tindall
J Bennett-Lovell	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	P T Williams
B A Gibson	R G Parker	T J Williams
S B A F H Giles-Medhurst	A F Rowlands	P M Zukowskyj
E M Gordon		

Those against the amendment (49):-

D Andrews	L Greensmyth	M D M Muir
D A Ashley	F Guest	A Plancey
D J Barnard	D Hart	S Quilty
P Bibby	M S Hearn	I M Reay
S N Bloxham	T C Heritage	R M Roberts
S J Boulton	D J Hewitt	R Sangster

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A P Brewster
M Bright
S Brown
E H Buckmaster
F Button
H K Crofton
R C Deering
T L F Douris
S J Featherstone
S Gordon
J M Graham

F R G Hill
T W Hone
T Howard
T R Hutchings
J R Jones
J S Kaye
P V Mason
G McAndrew
M B J Mills-Bishop
A J S Mitchell

R H Smith
A Stevenson
R A C Thake
J A West
A D Williams
J D Williams
C B Woodward
C B Wyatt-Lowe
W J Wyatt-Lowe
J F Wyllie

Those abstaining (0):-

6.12 The substantive motion at 6.1 was then voted upon and CARRIED as follows, the recorded vote being:-

Those in favour of the substantive motion (49)

D Andrews
D A Ashley
D J Barnard
P Bibby
S N Bloxham
S J Boulton
A P Brewster
M Bright
S Brown
E H Buckmaster
F Button
H K Crofton
R C Deering
T L F Douris
S J Featherstone
S Gordon
J M Graham

L Greensmyth
F Guest
D Hart
M S Hearn
T C Heritage
D J Hewitt
F R G Hill
T W Hone
T Howard
T R Hutchings
J R Jones
J S Kaye
P V Mason
G McAndrew
M B J Mills-Bishop
A J S Mitchell

M D M Muir
A Plancey
S Quilty
I M Reay
R M Roberts
R Sangster
R H Smith
A Stevenson
R A C Thake
J A West
A D Williams
J D Williams
C B Woodward
C B Wyatt-Lowe
W J Wyatt-Lowe
J F Wyllie

Those against the substantive motion (25)

S Bedford
N Bell
J Bennett-Lovell
L A Chesterman
D S Drury
M A Eames-Petersen
B A Gibson

J S Hale
K M Hastrick
N A Hollinghurst
S K Jarvis
A K Khan
J G L King
R G Parker

S J Taylor
R G Tindall
A S B Walkington
M A Watkin
C J White
P T Williams
T J Williams

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Those abstaining (0):-

“That Council:-

- (a) *approves the final version of the Integrated Plan as set out in the report and confirmed in the appended tables; noting that amendments to the budget may be required once any outstanding grants have been announced by the Government; and*
- (b) *adopts the Integrated Plan for 2019/20 - 2022/23 (as amended above) and specifically that:*

In respect of all Parts:

- (i) *the Director of Resources, in consultation with the Executive Member for Resources & Performance, be authorised to make any necessary amendments to ensure the plan is in line with decisions taken by the County Council before final confirmation;*

In respect of Parts A & B:

- (ii) *a Revenue Budget of £818.743m and a Council Tax Requirement of £607.961m be agreed as per the updated Revenue Budget Statements included as an appendix to this report.*
- (iii) *a Band D Council Tax of £1,264.15 plus a Band D Social Care precept of £95.79 be agreed for the County Council in 2019/20, and that the amount of tax calculated for all bands be as follows:*

Table 1: Proposed HCC Council Tax for 2019/20 by band

Band	2018/19 Council Tax			2019/20 Council Tax		
	Basic	ASC Precept	Total	Basic	ASC Precept	Total
A	£816.46	£63.85	£880.31	£842.78	£63.85	£906.63
B	£952.51	£74.51	£1,027.02	£983.22	£74.51	£1,057.73
C	£1,088.60	£85.14	£1,173.74	£1,123.70	£85.14	£1,208.84
D	£1,224.67	£95.79	£1,320.46	£1,264.15	£95.79	£1,359.94
E	£1,496.83	£117.07	£1,613.90	£1,545.08	£117.07	£1,662.15
F	£1,768.96	£138.37	£1,907.33	£1,825.99	£138.37	£1,964.36

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Band	2018/19 Council Tax			2019/20 Council Tax		
	Basic	ASC Precept	Total	Basic	ASC Precept	Total
G	£2,041.13	£159.64	£2,200.77	£2,106.93	£159.64	£2,266.57
H	£2,449.34	£191.58	£2,640.92	£2,528.30	£191.58	£2,719.88

(iv) the precept amount of £607,961,109.00 be required from the district and borough councils as follows:

Table 2: Analysis of HCC 2019/20 precept amount by district and borough

District	Taxbase	Precept Amount £
Borough of Broxbourne	35,026.00	47,633,258.44
Dacorum Borough Council	57,270.20	77,884,035.79
East Hertfordshire District Council	60,721.90	82,578,140.69
Hertsmere Borough Council	41,274.00	56,130,163.56
North Hertfordshire District Council	49,498.40	67,314,854.10
St Albans District Council	62,107.25	84,462,133.56
Stevenage Borough Council	27,329.90	37,167,024.21
Three Rivers District Council	39,092.10	53,162,910.47
Watford Borough Council	32,840.60	44,661,245.56
Welwyn Hatfield Council	41,889.60	56,967,342.62
TOTAL	447,049.95	607,961,109.00

- (v) the Chief Executive, in consultation with the Leader of the Council, be authorised to issue the Council Tax Information in accordance with demand notice regulations;
- (vi) the schools budget be agreed at the level of the Dedicated Schools Grant (DSG) including any use of carried forward DSG. The total amount is currently estimated at £965m - IP p213 - less deductions in respect of academies and post-16 high needs places; and that the Director of Resources in consultation with the Director of Children's Services, the relevant Executive Members and the Schools Forum, be authorised to amend the schools budget to match any changes to the Dedicated Schools Grant and the planned approach to balancing the schools budget in future years of the Integrated Plan;

- (vii) *the Director of Resources, and the relevant service Chief Officer, be authorised to determine the use of any other non-ringfenced grants not yet allocated to services;*
- (viii) *the Director of Resources in consultation with the Executive Member for Resources & Performance, be authorised to make such arrangements as are necessary to enable the Hertfordshire 75% Business Rates Retention Pilot to be set up, noting the role of the Council as accountable body for this pilot and the ongoing work to confirm the necessary changes to accommodate this (including treatment of s31 compensation amounts);*
- (ix) *the Director of Resources in consultation with the Executive Member for Resources & Performance be authorised to determine the allocation of budget from the £1m Corporate Transformation fund;*
- (x) *that, in the light of the requirement for delivery of further savings in future years, Chief Officers be commissioned to work with Executive Members and their Cabinet Panels to develop options at the earliest possible opportunity for the delivery of substantial additional savings;*

In respect of Part C:

- (xi) *based on the information available at the time of preparing the IP, that a capital programme totalling £857.508m for the period 2019/20 to 2022/23 be agreed and financed as set out in the Integrated Plan Part A, p19, and also in part C. Any changes to these proposals would be required to go through separate decision-making processes in accordance with the Council's financial regulations;*
- (xii) *the Director of Resources be authorised to vary the capital programme during the year to include additional schemes that are wholly funded by grants or third party contributions and to vary existing schemes to match any changes in funding from grants or third party contributions, in accordance with the Council's financial regulations;*
- (xiii) *the Capital Strategy, as amended by Appendix B to the report, including the Investment Strategy (included as Appendix E to Part C and also as amended by Appendix B to the report) are approved in line with updated requirements and guidance set out at p215 and p248;*

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(xiv) *the Minimum Revenue Provision policy and capital expenditure prudential indicators be approved (IP Part C);*

(xv) *that the £6.4m that will be realised from the policy approved as part of the 2017/18 IP regarding Minimum Revenue Provision is used as previously agreed and as set out in the current IP (part C appendix C - namely that transfer of one off savings from the revised MRP policy into the Investment Reserve which was then set aside to support the capital financing, borrowing and investment plans);*

In respect of Part D:

(xvi) *the Treasury Management Strategy, including the Borrowing, Lending and Financial Derivative policies (included as part of revised guidance and set out at p274) , the introduction of the (new) financial instruments statement and the treasury management prudential indicators (p 286) be approved.”*

6B. MEMBERS' ALLOWANCES 2019/20 – Report of the Independent Panel on Members' Allowances

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

"(1.) *That the Council approves a Scheme for Members' Allowances for 2019/20 which adopts all the recommendations of the Independent Allowances Panel.*

(2.) *That the Chief Legal Officer be authorised to make a Scheme in accordance with (1.) above to commence on 1 April 2019."*

7. QUESTIONS TO EXECUTIVE MEMBERS

7.1 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. [Questions and responses are listed by portfolio and can be viewed on the webcast of this meeting here [Webcast - Council Meeting 190219](#)].

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Executive Member	Questioner	Subject
Leader of the Council	C J White	Brexit – confidence in the Hertfordshire Local Resilience Forum’s arrangements, areas of concern, and ‘settled’ status arrangements for Council staff and those of suppliers (particularly in the care sector) ^{1 2}
	N Bell	Publication date for the Social Care Green Paper and update on associated financing provision for local government ¹
Adult Care and Health	A F Rowlands	Deprivation of Liberty safeguards; calls from social care organisations to halt the Parliamentary process of the Bill in its current form and seeking an undertaking from the Executive Member that a report on this will be presented to the Adult Care and Health Cabinet Panel once the Bill is passed and guidance on its implementation has been received by the Council ¹
	E M Gordon	Spend on food and drink in elderly residential care homes in Hertfordshire
	J R Jones	Requesting information on the Falls Service provided by the East of England Ambulance Service, particularly in the east and north Herts area
Children, Young People and Families	M A Watkin	Continuing 5 year contract with Hertfordshire Partnership Foundation Trust for services, including CAMHS (children and adolescent mental health service), and requesting reassurance regarding the quality of future service provision ¹
	N Bell	Action being taken by the Executive Member to obtain funding for projects that assist in reducing NEET (not in education,

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		employment or training) and 'lost contact' rates amongst 16 – 19 year olds, particularly those in vulnerable groups in the county
	A J S Mitchell	Requesting information on conversations the Executive Member has had with district and borough councils regarding council tax exemption
Community Safety and Waste Management	J S Hale	Action taken by the Executive Member with district and borough councils to collect food waste separately to assist in meeting the government's ambition to achieve zero food waste to landfill by 2030
	J Bennett-Lovell	HMICFRS (Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services) report findings: Action plans to improve ratings for those categories rated as 'requiring improvement'; role of the workforce strategy in improving recruitment and retention levels and the number of fire safety home checks and fire safety audits that can be undertaken to bring the Service in line with national averages ¹
Education, Libraries and Localism	M A Watkin	Hertfordshire education performance compared with statistical neighbours and national results – need to continue to improve standards ¹
	S J Taylor	Nature and process of the academisation of Barclay School in Stevenage and protection of land around the School ¹
	M D M Muir	Opportunity for Hertfordshire Armed Force Veterans to participate in events in Normandy in June to commemorate the 75 th anniversary of the D-Day landings
Growth, Infrastructure, Planning and the	S K Jarvis	Objectives of the 'Growth' agenda in Hertfordshire and importance

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Economy		of focussing on the quality of jobs (rather than just the number of jobs) in progressing that agenda ¹
	M A Eames-Petersen	Potassium bromate leak from an industrial source in Harpenden Rural and consequential need to defer any proposals for quarrying near the site until a full investigation has been completed ^{1 2}
Highways and Environment	S B A F H Giles-Medhurst	Brexit – what measures are in place (a) to ensure that the minerals and building materials supply for road, pavement and high street repairs and building, currently imported from the EU, continue to be available (b) to ensure that equipment hired from the EU will remain available to sub-contractors (c) to ensure there is continuity of service from highways contractors' workforce and (d) impact on the integrated works programme ¹
	J G L King	Consultation arrangements with residents and bus companies prior to a permit for a road closure being granted ¹
	F Button	Devolution of the highways discretionary budget to local county council members
Public Health and Prevention	B A Gibson	Homelessness and health inclusiveness in Hertfordshire; requesting that the Executive Member lead on addressing this issue by working with partners and in his role on the Health and Wellbeing Board ¹
	L A Chesterman	Collection of data from contracted service providers – what plans are being made to ensure data is also collected from the voluntary sector and other providers to inform future contract awards
	D J Hewitt	What action is the County Council taking to support young people in

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		Hertfordshire who are suffering from poor mental health
Resources and Performance	P M Zukowskyj	Whether the cost of Brexit to the Hertfordshire economy will be covered by the dividend set aside for it ¹
	S J Taylor	Whether cross-party representation can be made to the Secretary of State regarding the serious funding issues faced by the Council for adult care and children's services ¹
	D Andrews	The Council's management of its finances and its current financial status given the financial pressures faced by local government in recent years ¹

Questions answered by the Deputy Executive Member

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

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

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

8. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE

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

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

9. REPORT OF THE HEALTH SCRUTINY COMMITTEE

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

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

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10. APPOINTMENT OF DIRECTOR OF RESOURCES (CHIEF FINANCE OFFICER)

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

“That Council:

- 1. Notes the appointment of Scott Crudgington to the post of Director of Resources (Chief Finance Officer) for the Council, such postholder being responsible for the proper administration of the Council’s financial affairs under Section 151 of the Local Government Act 1972.*
- 2. Confirms that pending Scott Crudgington commencing employment with the Council the Interim Director of Resources remains the Council’s Chief Finance Officer with all functions of the Director of Resources delegated to him.”*

11. APPOINTMENT OF CHIEF LEGAL OFFICER (MONITORING OFFICER AND RETURNING OFFICER)

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

“That Council:

- 1. Subject as mentioned in 2. below, appoints Quentin Baker to the post of Chief Legal Officer and confirms the post holder as the Monitoring Officer for the Council under Section 5 of the Local Government and Housing Act 1989 and the Returning Officer for County Council elections under Section 35 of the Representation of the People Act 1983.*
- 2. Agrees that the appointment referred to in 1. above shall take effect from the date that the current Chief Legal Officer leaves the Council’s employment or, if later, the date that Quentin Baker commences employment with the Council.”*

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12. PROGRAMME OF MEETINGS SEPTEMBER 2019 – JULY 2020

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

“That Council agrees:-

- (a) the programme for Council and Cabinet meetings for September 2019 to July 2020; and*
- (b) the indicative programme for Committees and Cabinet Panel meetings for September 2019 to July 2020.”*

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

There were no motions under Standing Order 9 (6).

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

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WRITTEN QUESTIONS TO EXECUTIVE MEMBERS – STANDING ORDER 8

1. **Written question from Anthony Rowlands to Richard Roberts, Executive Member for Adult Care and Health**

“Changes to mental capacity safeguards are currently being considered in Parliament during the passage of the Mental Capacity Amendment Bill. The Portfolio Holder will be aware of the widespread concern that the proposed legislation will undermine independent scrutiny of the monitoring process which ensures that individuals are not subjected to excessive restrictions. The background to the Bill is the steady accumulation of an immense backlog of uncompleted applications for Deprivation of Liberty Safeguards (DoLS) assessments which means that nationwide an estimated 125,000 vulnerable individuals aged over 16 are potentially being detained unlawfully.

There is concern that the Bill's proposals may sacrifice individuals' rights in an attempt to reduce costs, with a shift of responsibility to involve the care provider in carrying out DoLS assessments. This raises concerns not just of the potential conflict of interests for a care provider but also the risk of them transferring the cost of their involvement in this statutory process to the service user and/or their carer as well as the implications of up-skilling care home managers. Care home managers are already experiencing unprecedented pressures to deliver high quality care due to increasing numbers of people with highly complex physical, mental, psychological and emotional needs, with no extra resources to enable them due to the continued underfunding of social care.

1. *What is the backlog in DoLS assessments in Hertfordshire?*
2. *What is the current waiting time for individuals?*
3. *How many Best Interests Assessors are available to undertake the work?*
4. *What does he envisage will be the impact of the new legislation on vulnerable individuals and their carers in the County?”*

Richard Roberts has replied:

“Background Information on Mental Capacity Law

The Final Report of the Law Commission on Mental Capacity and Deprivation of Liberty was published on 13 March 2017. The purpose of the project was to review the Deprivation of Liberty Safeguards (DoLS) and consider how the law should protect people who need to be deprived of their liberty in order to receive care or treatment and lack the capacity to consent to this.

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DoLS have been subject to heavy criticism since their inception. The House of Lords Select Committee on the Mental Capacity Act found that the DoLS were “frequently not used when they should be, leaving individuals without the safeguards Parliament intended” and care providers “vulnerable to legal challenge”. It concluded that “the legislation is not fit for purpose” and proposed it should be replaced. In 2014 a decision of the Supreme Court (commonly referred to as “Cheshire West”) gave a significantly wider interpretation of deprivation of liberty than had been previously applied. This increased considerably the number of people who need to be recognised as being deprived of liberty and requiring safeguards. The implications for the public sector have been significant.

Responses to the more recent Law Commission consultation paper described the current regime as “an administrative and bureaucratic nightmare”. A number of responses from families described the DoLS process as confusing and that the language adopted by the DoLS as, at best, unhelpful, and felt that the DoLS were out of kilter with the empowering philosophy of the Mental Capacity Act.

Many responses (particularly from NHS bodies and local authorities) also pointed to the practical and financial impact of Cheshire West, such as the increasing backlog of cases.

The Law Commission found that there is widespread agreement that the DoLS are overly technical and legalistic and are not capable of dealing with the increased numbers of people considered to be deprived of their liberty following Cheshire West.

In light of this the Law Commission proposed the LiPs regime, which is mentioned in the formal response below.

1 What is the backlog in DoLS assessments in Hertfordshire?

Currently the backlog is approximately 5,000 assessments and we continue to receive between 80-120 applications per week. This is not atypical for a large county with a high number of care homes. In Hertfordshire we use a triage tool, based on the ADASS suggested priority for managing DoLS. This ensures that the cases triggered as high priority are assessed quickly ensuring that the most vulnerable people are protected. In addition, senior management within the Adults with Disabilities Service and the Supervisory Body meet with Legal Colleagues with input from Insurance and Audit regularly to discuss issues that arise from managing the backlog.

2 What is the current waiting time for individuals?

Waiting times are different for specific situations and dependent on the

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nature and degree of restrictions reported on applications. For example, non-urgent cases are currently assessing from October 2014. However, for urgent cases there can be very little waiting time with cases being allocated in less than 1 week of receipt of application to up to several weeks. For psychiatric units we are currently assessing those applications that came in in November 2018 and for covert medication and those with only a paid Representative to support them we are assessing at December 2018.

3 How many Best Interests Assessors are available to undertake the work?

There are five Best interests Assessors (BIAs) who work within the team, they undertake assessments on a weekly basis on average between the five workers six assessments per week depending on other tasks that need completing (Scrutiny, mentoring new BIAs, responding to duty calls etc). We have 30 rota BIAs who are employed by the LA, HPFT and the hospital trusts they complete one assessment every four weeks for the DoLS team. We have seven trainee BIAs who have all passed their training but are currently shadowing assessments, they are expected to be on the rota by April 2019. We have a pool of nine independent BIAs who complete 45 assessments for Herts every 4 weeks. We also use out of county assessors where possible for assessments that are a distance away from Herts.

4 What does he envisage will be the impact of the new legislation on vulnerable individuals and their carers in the County?

The details of the new proposals are still being set out and without the code of practice it is difficult to quantify the impact to both vulnerable individuals and their carers however:

- LiPS will apply to anyone over 16 deprived of their liberty under the new definition including those in the community. It removes need for Court of Protection in community cases.*
- LiPS emphasises the requirement for Mental Capacity Assessments and Best interests Decisions.*
- Under LiPS the manager of the provider service will be responsible for providing evidence to the Responsible body (i.e. the Local Authority, CCG, NHS Trust or private hospital) and arranging some assessments completed under the scheme.*
- Removes need for Mental Health Assessment (to determine the impairment of the functioning of mind or brain) unless there is no diagnosis (No extra funding provided for this). This is currently required at least yearly.*
- For private hospitals an Advanced Mental Capacity Practitioner (AMCP) will always be required however they can be employed by the*

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- *private hospital.*
- *Most assessment will be completed by members of staff within the establishment where the person is placed. These no longer need to be professionals or have LPS training. These assessments will be undertaken by a minimum of two assessors who are independent of each other. Their assessments will then be reviewed by an independent reviewer (who can also be someone employed by the responsible body) who will decide whether the conditions have been met.*
- *Independent review – an independent review will be carried out in all cases in order to confirm that the conditions for an authorisation are met or, in certain cases to refer the matter to an AMCP. Given that in many cases the three LPS assessments will be undertaken by members of the team responsible for the person’s care and treatment, this new role of ‘independent reviewer’ is intended to ensure that those involved in the person’s day-to-day care and treatment do not have the final say on whether that person should be deprived of their liberty. Consequently, the independent reviewer must not have any direct involvement in the person’s care or treatment and neither must they be the person’s AMCP.*
- *AMCPs will only assess where it is identified that the person is objecting, or the restrictions are not proportionate. These will be determined by the Establishment where the person is detained*
- *IMCA/ Advocacy will only be appointed if the person is un-befriended. Currently with DoLS there is a statutory duty to appoint however under LPS there is no statutory duty and this will be determined by those caring for the person.*
- *The duty to inform the person of their rights has been reduced in LPS.”*

2. Written question from Tim Williams to Derrick Ashley, Executive Member for Growth, Infrastructure, Planning and the Economy

“In the South West Herts Growth & Transport Plan improvements in regards to the M1 Junctions number 8, number 6a, number 6 and number 5 are listed, as well as an additional junction near Hemel Hempstead. Improvements at these junctions/interchanges would be of great benefit to Watford, St Albans, Hemel Hempstead and motorists - taking traffic off local roads and reducing congestion and pollution. How can the County Council ensure that the land in and around these junctions, that would be required for these improvements, remains available to complete these improvements to these interchanges?”

Derrick Ashley has replied:

“The South West Herts Growth and Transport Plan once adopted will be a recognised supporting document to the Local Transport Plan 4 which is itself

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a policy document for the County Council.

As such it enables the local Planning Authorities and other statutory bodies such as Highways England to cite it in responses to planning applications ensuring areas are safeguarded to enable future infrastructure improvements. In respect to the potential changes at Hemel Hempstead, we have been working closely with the Planning Authorities to ensure that the strategic planning for the area takes these issues into account.”

3. Written question from Stephen Giles-Medhurst to Derrick Ashley, Executive Member for Growth, Infrastructure, Planning and the Economy

“Can the Executive Member please outline what actions are being taken to avoid constant poor service and cancellations by bus operators especially Arriva on Route 8 on which there are now almost weekly if not more frequent complaints of which are known to the County Council?”

Derrick Ashley has replied:

“I am aware of the various reliability concerns and issues with Arriva services. I met with them last year to discuss these and other matters and the company highlighted the problems caused by driver shortages, due to on-going difficulties in recruitment and retention, and also congestion as the main contributory factors that impact on reliable service provision. They run their own driver training centre in Hertfordshire and via the Intalink Partnership and the emerging Enhanced Partnership Scheme ideas and strategies to help mitigate congestion impacts are considered. But neither of these operational issues are problems that are quickly or readily solvable. It is disappointing though, and improvements need to be made especially as the LTP4 rightly identifies a reliable public transport network as a critical ambition in achieving a more sustainable and effective approach to transport provision in the county.

The 8 service is mostly a commercial operation with a small number of trips at the end of the day run on a contract basis. The reliability issues for this service are associated with the commercial element of the route over which the County Council has no direct control or influence. We have alerted the local Drive and Vehicle Standards Agency (DVSA) inspectors the concerns that users have raised. The Agency are able to carry out checks on services and if they think it’s appropriate they can refer an operator to the Traffic Commissioner who is directly responsible for issuing licences.”

4. Written question from Stephen Giles-Medhurst to Phil Bibby, Executive

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Member for Highways and the Environment

“What actions are being taken by the County Council to ensure the Section 278 Legal Agreement for a new roundabout on the A412 for the Reach School is now fulfilled given that a condition of the planning consent for the school was that the roundabout be completed and operational before the school opened on 1 September 2018? Given that you said by email on the 14th January you were waiting for the S278 Agreement to be signed and you had had no commitment to any timescale/deadline, what actions have you and the County Council taken since given the level of disruption caused to the road network by the failure of the school to fulfil this obligation?”

Phil Bibby has replied:

“Our Development Management Implementation Team gave the roundabout design Technical Approval in November and the developer has had a s278 agreement to sign since December. We understand that the applicants are reviewing their options in relation to the roundabout works with Three Rivers District Council who granted the scheme permission in 2016 and subsequently allowed use of the temporary access to be extended to this August. HCC has not been involved in those discussions to date.

Any further extension of time request would have to be made as a further planning application which the highway authority would be consulted on. You have made reference to disruption in the area. I have checked with the Highways team and although it is acknowledged there is congestion in the morning and evening peaks around the junction of the Denham Way with Uxbridge Road we do not believe that the current school access arrangements have had a significant additional impact on that.

If the developer were to submit a new application to change the roundabout or the timing of its delivery we would, of course, require them to thoroughly analyse traffic behaviour now and to make robust assessments of its likely impacts in the future to safeguard the free and safe operation of the local network for all users.”

5. Written question from Stephen Giles-Medhurst to Phil Bibby, Executive Member for Highways and the Environment

*“How many planning/highways obligations under Section 278 are yet to be
1) signed by the Council and developers
2) fully complied with as at 1st February 2019 and
3) how many agreed Section 278s have still not been complied with and have been outstanding for more than 3 months?”*

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Phil Bibby has replied:

"1) *How many planning/highways obligations under Section 278 are yet to be signed by the Council and developers?*

There are currently 29 schemes where the section 278 agreements are yet to be signed by developers and the Council, and formally completed and sealed. This number does not include old schemes, pre-2012, and does not include schemes where the applications for section 278 have subsequently been withdrawn.

2) *How many planning/highways obligations under Section 278 are yet to be fully complied with as at 1st February 2019 and*

There are currently no obligations under section 278 that are yet to be fully complied with. By "fully complied with", this is to say that there are no current live section 278 agreements where the developer has refused to do the works as described in the agreement (see (3) below)

3) *How many agreed Section 278s have still not been complied with and have been outstanding for more than 3 months?"*

Outstanding section 278 agreements are either being progressed at review/legal stage or being implemented on-site in terms of completion of works or maintenance. There are no section 278 agreements (for the period – 2015 to date) that are not in progress.

Outstanding:

There are five (5) section 278 agreements originating from between 2012 and 2014 that have not been completed. There are fifteen (15) section 278 agreements that are not signed off (applications from before 2014). For these twenty (20) section 278 agreements, the works have been done on site but a review of final compliance is needed to enable them to be signed off and completed."

6. Written question from Stephen Giles-Medhurst to Phil Bibby, Executive Member for Highways and the Environment

"Can the Executive Member please confirm that it is still County Council policy that roads with traffic calming features that are required to be illuminated under Department for Transport guidelines i.e. road humps or tables and that the street lights that illuminate such features will not be turned off at 1am or be dimmed?"

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Phil Bibby has replied:

“Part night lighting has been in place across Hertfordshire for a number of years and was implemented to combat rising energy prices and reduce carbon emissions. (Part night lighting means the lights are ‘switched off’ between 12midnight and 6am).

During the initial development of the part night lighting strategy, a number of exceptions were considered and subsequently implemented to ensure lighting was maintained throughout the hours of darkness. One such exception was to keep columns in light within the vicinity of traffic calming measures to maintain the visibility of the traffic calming feature.

This follows the guidance and risk based approach set out in the Well-Managed Highway Infrastructure document.

Developments in technology mean we have been able to trial ‘dimming’ of new LED street lights. This means the lights can remain on for longer at night time in a dimmed fashion thereby reducing the hours of full darkness (the dimming results in no extra costs to the authority). The change in these timings will only apply to lights that currently operate on a part night basis.

All lights which satisfy the exception criteria, i.e. they remain on during the hours of darkness, are dimmed by 25% between 11pm and 6am when traffic and pedestrian flows are low, an approach that aligns to national standards.

At locations where dimming has occurred, and feedback to Highways highlights consequential concerns with highway users safety, consideration can be given to increasing the lighting levels.”

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R Sangster has replied:

“Our approach is to work with residents and businesses to secure compliance through education, co-operation and persuasion. Responding to reports received on a reactive basis the Licensing and Enforcement team are achieving around a 55% compliance rate where people have applied formally for a vehicle crossover, having previously driven across the footway to access their property without one. The service is working to increase this compliance rate across the County by intensifying their informal approaches. However, it is recognised that there will always be a minority that do not comply and so the serving of S184 notices (Highways Act 1980) is being considered whereby the authority can construct a crossover and recharge the costs of so doing. This is not a quick process as residents could appeal. In taking this approach forward the authority needs to balance the property owners common law right of access from the highway with the risk presented at any given location and the resources available to enforce.

The Licensing and Enforcement team are currently pursuing the reinstatement of 3 crossovers constructed without lawful authority and are seeking to recover costs from the property owners.”

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

“When will the first test case of enforcement against illegal driving across footways and verges take place and why has this question now dragged on for over two years since being raised at Highways Panel?”

R Sangster has replied:

“Following recent legal advice, there wasn’t any progress made on the first test case of enforcement against illegal driving across footways and verges.

The Police, not the County Council, have the powers to issue fixed penalty notices or take prosecutions with regard to people driving along footways, verges or footpaths. The difficulty in enforcing is a Police Officer needs to witness the offence at the time.

The County Council can consider prosecuting if the highway is damaged from people driving on the footway or verge. Once again the difficulty is obtaining the evidence to prove beyond a reasonable doubt that a particular person / vehicle caused the damage.

The County Council can serve a S184 notice to construct a vehicle crossover in default and recharge costs as set out in response to question 3 above.”

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

“How many new street trees have been planted in the last two financial years and, if available, this year to date by this Council outside of Locality or Highways Locality Budgets?”

R Sangster has replied:

“Numbers of trees planted as follows:

*15/16 130
16/17 453
17/18 380”*

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

“Can the Executive Member inform Council how many insurance claims relating to highways and footways defects have been paid in each of the last three financial years and the year to date, and the total amount in each year, and the year to date?”

R Sangster has replied:

“A Summary of Highway Related Public Liability claims between 1 April 2014 to 12 Feb 2018 is set out in the table below:-

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**Official Indemnity claims and Tree claims
are not included
Report generated
13 Feb 2018**

Financial year	Personal Injury				Property Damage			
	Claim Count	Paid Total	Outstanding Reserve Total	Incurred Total	Claim Count	Paid Total	Outstanding Reserve Total	Incurred Total
2014/15	422	£709,353	£868,336	£1,577,689	1,011	£79,202	£0	£79,202
2015/16	318	£440,073	£1,317,788	£1,757,861	1,354	£115,533	£472,714	£588,248
2016/17	313	£201,737	£886,177	£1,087,914	1,388	£93,558	£11,668	£105,225
2017/18 up to 12/02/2017	202	£17,771	£1,125,016	£1,142,787	884	£22,578	£54,805	£77,383
Grand Total	1,255	£1,368,933	£4,197,318	£5,566,251	4,637	£310,871	£539,187	£850,058

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