

Minutes



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

From: Legal, Democratic & Statutory Services
Ask for: Deborah Jeffery
Ext: 25563

CABINET 16 DECEMBER 2019

ATTENDANCE

MEMBERS OF THE CABINET

D A Ashley, P Bibby, T L F Douris, T C Heritage, T R Hutchings, R Sangster, J D Williams
(Leader of the Council)

Deputy Executive Members attending on behalf of an Executive Member

F R G Hill (Deputy Executive Member for Adult Care & Health) attending on behalf of R M Roberts, C B Woodward (Deputy Executive Member for Community Safety & Waste Management) attending on behalf of T W Hone

Other Members in Attendance

M B J Mills-Bishops, E H Buckmaster, A J S Mitchell,

Upon consideration of the agenda for the Cabinet meeting on 16 December 2019 as circulated, copy annexed, conclusions were reached and are recorded below:

Note: Interests declared by Members of the Cabinet in relation to the matters on which conclusions were reached at this meeting are recorded at item 6 below.

PART I ('OPEN') BUSINESS

1. MINUTES

- 1.1 The Minutes of the Cabinet meeting held on 25 November 2019 were confirmed as a correct record and signed by the Chairman.

CHAIRMAN'S INITIALS

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2. QUESTIONS FROM MEMBERS OF THE COUNCIL TO EXECUTIVE MEMBERS

2.1 There were no questions from Members of the Council to Executive Members.

3. PUBLIC PETITIONS

3.1 There were no public petitions.

4. CAPITAL WORKS TO SPECIAL SCHOOLS - BREAKSPEARE COMMUNITY SPECIAL SCHOOL, ABBOTTS LANGLEY, FALCONER COMMUNITY SPECIAL SCHOOL, BUSHEY, THE COLLETT FOUNDATION SPECIAL SCHOOL, HEMEL HEMPSTEAD
[Forward Plan Ref: A077/19]

Decision

4.1 Cabinet approved funding for improvements and/or additional accommodation, as detailed in section 6 of the report for the following special schools:-

- Breakspeare Community Special School, Abbots Langley
- Falconer Community Special School, Bushey
- The Collett Foundation Special School, Hemel Hempstead

Reasons for the decision

4.2 On 28 November 2018, Cabinet approved the draft refreshed SEND Strategy 2018-2023:
<https://democracy.hertfordshire.gov.uk/documents/s4216/181126%2005%20SEND%20Strategy.pdf>

4.3 A rising demand for special school places has meant that existing special schools are at capacity. Analysis of need, location, condition, and site suitability has been undertaken and has identified a number of special schools where capital expenditure will be required to either maintain existing pupil places and/or to add places to meet local demand. These capital projects will ensure that children whose Education, Health and Care Plans have identified the need for a special school place are appropriately met.

4.4 The capital projects are much needed in the context of considerable demand for special school places and the need to provide quality local provision wherever possible to meet the SEND Strategic vision. These projects will create additional local school places for children resulting in less children being educated out of county.

CHAIRMAN'S INITIALS

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4.5 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications; and the recommendations of the Education, Libraries & Localism Cabinet Panel.

Any alternative options considered and rejected

4.6 None.

5. ASTLEY COOPER SCHOOL BUILDING MAINTENANCE AND REPLACEMENT

[Forward Plan Ref: A097/19]

Decision

5.2 Cabinet agreed to make a contribution of £860,000 towards the cost of replacement of the Astley Cooper school swimming pool as part of building refurbishment and replacement works at the school to be undertaken by the ESFA.

Reasons for the decision

5.3 The Astley Cooper School is included within the DfE's Priority School Building Programme to address the condition needs of a number of the existing school buildings. The ESFA is concluding the feasibility stage of the project and have determined that the block within the school that contains the swimming pool is in such poor condition that a new build would offer better value for money than refurbishment. However, the PSBP policy is that existing swimming pools will not be rebuilt and re-provided, even where the remainder of the school is being rebuilt to address condition need.

5.4 The ESFA have produced an indicative site layout of their latest proposals showing a new pool within a new dedicated sports block to the north of the site, which is a development on the proposals agreed with the school. In order to deliver a project which replaces what is currently on site but also complies with DfE policy, they have proposed that the DfE funds the cost of the substructure and superstructure of the swimming pool block as well as the gross internal floor area of the non-swimming pool accommodation in the new block and the changing rooms, however, have requested that the County Council funds the cost of the new swimming pool, as well as the extra-over cost of the mechanical and electrical services infrastructure and the substructure to support the swimming pool.

5.5 The existing swimming pool is used by six primary schools, the local Education Support Centre, three special needs schools, six clubs and a Muslim ladies' group. It is open all year apart from the Christmas holidays and three weeks of the Summer holidays. There is a shortage of swimming opportunities in this part of Hemel Hempstead. The school is keen that the needed refurbishment of its buildings should not lead to the loss of a valued

**CHAIRMAN'S
INITIALS**

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amenity and is happy to guarantee its long-term availability for other users.

- 5.6 Cabinet considered the above, together with the risks and uncertainties; the equalities implications, the financial implications and the recommendations of the Education, Libraries and Localism Cabinet Panel, in arriving at its decision above.

Any alternative options considered and rejected

- 5.7 None.

6. HERTFORDSHIRE GROWTH BOARD MEMORANDUM OF UNDERSTANDING

[Forward Plan Ref: A073/19]

J D Williams declared a declarable personal interest in this item of business as he is Chairman of the Hertfordshire Growth Board. He remained in the room for the debate and vote.

Decision

- 6.1 Cabinet agreed to the Memorandum of Understanding attached at Appendix 1 to the report.

Reasons for the decision

- 6.2 Since the formation of the Hertfordshire Growth Board in September 2018, Leaders and Chief Executives of the eleven Hertfordshire Councils and the Local Enterprise Partnership have worked together to develop a Place Leadership model for Hertfordshire. In March 2019, the Growth Board development programme was commissioned. This six-month supported programme has explored how issues relating to housing, infrastructure, and funding can be jointly addressed in future. The programme reached a major milestone at the September Growth Board meeting where an ambitious forward work programme was approved and the transition into an implementation phase was started.
- 6.3 At the September meeting Leaders also agreed to develop a Memorandum of Understanding to signal their intent to work collaboratively on place-based issues to Central Government, partners, and Hertfordshire residents. This document would help set out the objectives of the work to be undertaken through the Hertfordshire Growth Board, the principles which the parties will apply to their work and to working with each other and what is, and what is not, within its scope.
- 6.4 Cabinet considered the above in reaching its decision, together with the financial implications; the equalities implications and the recommendations of the Growth, Infrastructure, Planning & the Economy Cabinet Panel.

CHAIRMAN'S INITIALS

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Any alternative options considered and rejected

None.

7. ALTERNATIVE VERGE MAINTENANCE

[Forward Plan Ref: A079/19]

Decision

7.1 Cabinet agreed the alternative verge maintenance approach during the 2020 maintenance season.

Reasons for the decision

7.2 Hertfordshire County Council has a vast area of roadside verge that has the potential to yield wildflowers that feed the local pollinators. By cutting selective verges less often, at the right time and removing the grass cuttings, it is thought that wild flowers would naturally flourish, or would have a better opportunity of doing so. A trial is proposed to determine the true costs of the proposed alternative maintenance, in particular the cost of collection and disposal of cuttings from verges that would benefit from enhanced maintenance.

7.3 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications and the recommendations of the Highways & Environment Cabinet Panel.

Any alternative options considered and rejected

7.4 None.

8. LED STREET LIGHTING ILLUMINATION STRATEGY

[Forward Plan Ref: A058/19]

Decision

8.1 Cabinet:

- i) approved the amendment of the LED street lighting illumination strategy for Part Night Lighting, to extend the lighting hours from 01.00 to 02.00 and to dim the lighting between 05.00 and 06.00 within the Part Night Lighting Regime, where there is a local justification for doing so for a particular street, route or area within an urban or rural area; and
- ii) delegated authority to the Director of Environment & Infrastructure, in consultation with the Executive Member for

**CHAIRMAN'S
INITIALS**

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Highways & Environment, to determine the process and criteria to be applied in determining requests to extend the lighting hours from 01.00 to 02.00 in a particular street, route or area, such process and criteria to be referred to the Highways & Environment Cabinet Panel in May 2020.

Reasons for the decision

- 8.2 Phase 4 of the LED & Central Management System (CMS) lighting project is in progress and on programme for completion by the end of March 2020. With a further dimming regime, lighting hours could be extended to 02.00 in certain areas where this can be justified.
- 8.3 The CMS enables all options to be implemented at a street, route or area level. A process will be introduced whereby the public may request, via their Local Member, that the lighting of a particular street, route or area is extended from 01.00 to 02.00 and dimmed between 05.00 and 06.00. All such requests would be considered by officers and decisions made on them in accordance with an agreed set of criteria.
- 8.4 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications and the recommendations of the Highways & Environment Cabinet Panel.

Any alternative options considered and rejected

- 8.5 None.

9. HIGHWAY INFRASTRUCTURE ASSET MANAGEMENT PLAN 2019
[Forward Plan Ref: A081/19]

Decision

- 9.1 Cabinet approved the Highway Infrastructure Asset Management Plan.

Reasons for the decision

- 9.2 The Highway Infrastructure Asset Management Plan (HIAMP) is the successor of the current Transport Asset Management Plan (TAMP). It is an evolution of the County Council's current approach, building on latest good practice and the advances the Council and others have made in this field since the publication of the TAMP. As a key daughter document to the Local Transport Plan 4 (LTP4), it is specifically intended to support the delivery of the Council's LTP4 objectives as business as usual within the highways service.
- 9.3 The updated HIAMP Policy, attached at Appendix 1 to the report, continues to emphasise the various key points agreed with Members when the initial Policy was developed in 2012, while updating it to complement LTP4

**CHAIRMAN'S
INITIALS**

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objectives.

- 9.4 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications and the recommendations of the Highways & Environment Cabinet Panel.

Any alternative options considered and rejected

None.

10. MAINTENANCE FOR ACTIVE TRAVEL STRATEGY

[Forward Plan Ref: A082/19]

Decision

- 10.1 Cabinet agreed to adopt the Maintenance for Active Travel Strategy, attached at Appendix 1 to the report.

Reasons for the decision

- 10.2 The highways service supports and improves accessibility and active travel through a number of initiatives and programmes. Whilst developing the Highway Infrastructure Asset Management Plan (HIAMP) it was decided to develop the Maintenance for Active Travel Strategy (MATS), specifically to cover how the highway maintenance service can contribute to delivering the County Council's LTP4 objectives.
- 10.3 The MATS will provide guidance for designers and engineers, especially those involved in maintenance work, on how they can be aware of issues that could be acting as barriers to active travel and consider addressing such issues as part of planned works.
- 10.4 The MATS is intended as an evolving document for the Highways Design and Maintenance teams to refer to and the imminent Active Travel Strategy to link to which will enable a better approach to minor works and has also been linked to the Local Transport Plan under the umbrella of the proposed Highways Infrastructure Asset Management Plan.
- 10.5 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications and the recommendations of the Highways & Environment Cabinet Panel.

Any alternative options considered and rejected

None.

11. TRANSPORT ASSET MANAGEMENT PLAN, ASSET PERFORMANCE REPORT 2018/19

[Forward Plan Ref: A083/19]

Decision

11.1 Cabinet agreed to endorse the Transport Asset Management Plan, Asset Performance Report 2018/19 (APR), attached at Appendix 1 to the report.

Reasons for the decision

11.2 The Transport Asset Management Plan, Asset Performance Report 2018/19 provides an annual update of the progress of transport asset management, including updates on performance, policy and strategy development in asset management that are either national issues or which cut across all of Hertfordshire's transport assets.

11.3 There are two key areas of particular importance this year; the development of the Highway Infrastructure Asset Management Plan (HIAMP), which is the successor to the current Transport Asset Management Plan (TAMP) and is an evolution of the County Council's current approach, building on latest good practice and the advances the Council and others have made in this field since the publication of the TAMP; and the development of the Maintenance for Active Travel Strategy which is the new daughter document to the asset management plan.

11.4 Cabinet considered the above in reaching its decision, together with the recommendations of the Highway & Environment Cabinet Panel.

Any alternative options considered and rejected

None.

12. CHANGES TO SERVICE MODEL FOR MENTAL HEALTH SOCIAL CARE
[Forward Plan Ref: A063/19]

Decision

12.1 Cabinet:

- i) agreed changes to the service model for care and support for people with mental health related needs to introduce the Connected Lives approach and deliver efficiencies of £3.6m per annum by 2023/24.
- ii) Agreed Invest to Transform funding of £1.654m over the three year period 2020/21 to 2022/23 to enable delivery of this transformation.

**CHAIRMAN'S
INITIALS**

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Reasons for the decision

- 12.2 The Council and Hertfordshire Partnership Foundation NHS Trust (HPFT) are partners in an agreement under section 75 of the National Health Service Act 2006 to jointly provide mental health services to persons of all ages. Under the agreement, the Council and Clinical Commissioning Groups delegate their responsibilities for mental health related care and support to HPFT; the partners agree to jointly discharge functions on each others behalf and provide appropriate facilities so that mental health services in the county can be better integrated.
- 12.3 Under its new five year delivery agreement with the Council HPFT has set out plans to introduce the Council's 'Connected Lives' adult social care model, focussing on people's recovery and life back in their local community rather than staying in accommodation designated for use by people with mental-ill health for the long term.
- 12.4 The plans will deliver efficiencies of four per cent per annum on HPFT's delegated social care budgets from 2020/21 for years two to five of its delivery contract, totalling £3.6m per annum by 2023/24.
- 12.5 In order to facilitate this change, HPFT is requesting Invest to Transform funding of £1.654m over the three year period 2020/21 to 2022/23 for commissioning, training and project management of new delivery models.
- 12.6 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications and the recommendations of the Adult Care & Health and Resources & Performance Cabinet Panels.

Any alternative options considered and rejected

- 12.7 None.

13. CHANGES TO ADULT CARE SERVICES PROPERTY STRATEGY – PRINCIPLES

[Forward Plan Ref: A064/19]

Decision

- 13.1 Cabinet:
- i) authorised officers to proceed with the disposal of mental health properties listed in the section 75 agreement between HPFT and the Council and which have been identified by Property as surplus to requirements, in line with the Council's standing orders;
 - ii) agreed priorities for an investment programme for the new Mental Health Accommodation Programme designed to better facilitate

recovery and return to the community. The Mental Health Accommodation Programme would be prioritised as follows:

- Firstly, purchase of a 14 bed unit in the South West of the County to support the expansion of Intensive Enablement;
 - Secondly, purchase or renovation of suitable properties in the East of the County for mental health provision, or make available grant funding to local housing associations to buy or build supported living in this area;
 - Thirdly, purchase or renovation of suitable properties across the county to meet specific gaps in services for individuals with a dual diagnosis, forensic histories and co-morbid physical health issues;
- iii) agreed that where a property can be re-assigned to other Council services rather than disposed of, that an equivalent allocation of resource back into the mental health property portfolio should be considered and made if necessary; and
- iv) delegated to the Director of Adult Care Services in consultation with the Executive Member for Adult Care and Health, the Director of Resources and the Executive Member for Resources and Performance, the authority to consider and implement this Programme, to approve the terms of acquisitions, grant conditions, grant agreements and tender processes, which offer greater flexibility, improved outcomes and better delivery in line with the Council's standing orders.
- v) agreed that any surplus capital funds are returned to the council on completion of the investment programme.

Reasons for the decision

13.2 The County Council and HPFT along with the CCG's are partners in an agreement under section 75 of the National Health Service Act 2006 to jointly provide mental health services to persons of all ages. Under the agreement, HPFT agrees to discharge social care functions in relation to mental health on behalf of the County Council and operate appropriate County Council facilities so that mental health services in the county can be better integrated.

13.3 The proposals will change the existing long-term care and support delivery model, which can include an element of long-term accommodation provision, by applying the Council's 'Connected Lives' adult social care operating model in a mental health context, focussing on people's recovery and life back in their local community rather than staying in mental health accommodation.

- 13.4 An important feature of the new model is the better utilisation of the accommodation stock owned by the Council and currently available to support people with mental health problems. Accommodation is needed to complement short-term interventions where people can receive the care and support they need as part of their recovery and, where possible, their return to life in the community.
- 13.5 By disposing of those properties within the Section 75 agreement which are no longer meeting the needs of mental health service users and agreeing to the capital funding to support a new Mental Health Accommodation Programme will help deliver a new intensive enablement facility whilst achieving an overall net reduction in required accommodation, whilst also address the deficit in provision in the east of the county.
- 13.6 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications and the recommendations of the Adult Care & Health and Resources & Performance Cabinet Panels.

Any alternative options considered and rejected

13.6 None.

14. TO ADOPT A POLICY BANNING THE RELEASE OF SKY LANTERNS AND BALLOONS FROM COUNTY COUNCIL LAND AND PROPERTY
[Forward Plan Ref: A050/19]

Decision

14.1 Cabinet approved the policy to ban the intentional release of Lanterns and Balloons from land or property owned and/or controlled by Hertfordshire County Council.

Reasons for the decision

14.2 The Council has led and continues to lead on a number of initiatives or strands of work associated with protecting and enhancing the environment of Hertfordshire. At a meeting of the County Council in July, the Council declared a climate emergency and committed to developing a programme to improve sustainability in Hertfordshire. A Sustainable Hertfordshire Strategy is currently being developed by the Council.

14.3 Recent Government policy, in the form of the 25 Year Environment Plan (Jan 2018), sets out intentions to improve the environment, ‘within a generation’ by protecting and improving the environment and promoting resource efficiency. Subsequent government documents seek to tackle waste issues, including litter, minimising waste and eliminating avoidable

**CHAIRMAN’S
INITIALS**

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plastic waste.

- 14.3 The Council, as a large land owner, is uniquely placed to implement a ban on actions which may result in negative impacts on flora and fauna. Such a ban can also be seen as the Council leading by example and informing and educating others to implement wider behavioural change campaigns.
- 14.4 The banning of releases is supported by the Marine Conservation Society, National Farmers Union and the Royal Society for the Prevention of Cruelty to Animals and many other national protection, prevention and industry bodies given the evidence of the harm they cause to wildlife and the aesthetic damage to the environment. The release of balloons and lanterns poses a significant threat of harm to wildlife and livestock from ingestion, entanglement, entrapment and through the panic they can cause. The flame within lanterns can also pose a fire hazard and is thought to have been the cause of several fires.
- 14.5 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications and the recommendations of the Resources & Performance Cabinet Panel.

Any alternative options considered and rejected

- 14.6 As per the options at 4.11 within the report.

15. TO ENDORSE THE NEW ENERGY STRATEGY FOR HERTFORDSHIRE COUNTY COUNCIL
[Forward Plan Ref: A067/19]

Decision

- 15.1 Cabinet approved the Energy Strategy as attached at Appendix 1 to the report.

Reasons for the decision

- 15.2 Hertfordshire County Council has systematically reduced its carbon emissions from the built environment by 41% over the past six years through reducing demand, improving efficiencies and the application of low carbon technologies. These have largely been achieved through reducing demand and improving energy efficiencies and adopting no cost and low cost measures. The new strategy is aligned with the Climate Change Emergency and the wider national targets. It has set a minimum carbon target of 80% reduction by 2025 to be achieved through adopting the following five key themes:
- Demand Reduction through energy efficiencies, application of low and zero carbon technologies
 - Procurement of green energy

- Generation including use of renewable and emerging technologies
- Communities and Partnership support on carbon reduction; and
- Infrastructure development.

15.3 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications and the recommendations of the Resources & Performance Cabinet Panel.

Any alternative options considered and rejected

None.

16. FINANCE BUDGET MONITOR - QUARTER 2
[Forward Plan Ref: A068/19]

Decision

16.1 Cabinet:

- i) approved the proposed Capital Reprogramming of £7.092m outlined in Section 1.3, detailed further in Section 3 and Appendix B of the Budget Monitor Report; and
- ii) approved an increase of £85k to facilitate additional special school places at Colnbrook Special School as outlined in Section 3.7 of the Budget Monitor Report.

Reasons for the decision

16.2 As set out above.

16.3 Cabinet thanked officers for their hard work which had contributed in enabling the overspend to be reduced; not just in Children’s Services but across all service areas.

Any alternative options considered and rejected

None.

**CHAIRMAN’S
INITIALS**

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17. TO CONSIDER THE VIABILITY FOR THE DEVELOPMENT OF AN ENERGY GENERATION PROJECT IN HERTFORDSHIRE
[Forward Plan Ref: A080/19]

Decision

17.1 Cabinet:

- i) agreed that officers explore a 22 Mega Watt solar Photovoltaic farm with Battery Storage development at Smallford Pit and completion of Step 1 & 2, as outlined in paragraphs 4.9 and 4.10 of the report;
- ii) approved the initial payment of £50,000 to UKPN by 24 December 2019 to secure the grid offer; and
- iii) recommended that the Council continue to explore renewable and other distributed generation projects to support carbon mitigation and revenue generation opportunities across Hertfordshire.

Reasons for the decision

17.2 The new Energy Strategy has been developed to meet the Climate Change Emergency, the wider national targets, and the emerging 'Smart Herts' environmental strategy. This project seeks to compliment all of those agendas through the development of a capital energy generation scheme.

17.3 In the Energy Strategy, the Council has set a minimum carbon target of 80% reduction by 2025. Generation from renewable sources is one of the five key themes in the strategy. The 22MW Smallford Pit Solar Photovoltaic & Battery Storage project is one of the first large scale projects that is being explored as part of this work.

17.4 As part of its Energy Management Strategy, officers have engaged with Public Power Solutions Ltd, a specialist in renewable energy projects working with local authorities, to explore renewable generation opportunities within Hertfordshire. The site at Smallford Pit near St Albans was identified as suitable with good grid connectivity potential. Although the Energy team has explored renewable opportunities previously, the Smallford Pit PV and Battery project is one of the first viable projects.

17.5 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications and the recommendations of the Resources & Performance Cabinet Panel.

Any alternative options considered and rejected

None.

18. TO ADOPT A POLLINATOR STRATEGY AND RURAL ESTATE ACTION PLAN

[Forward Plan Ref: A056/19]

Decision

18.1 Cabinet:

- i) approved the Hertfordshire Pollinator Strategy, attached at Appendix 1 to the report;
- ii) approved the Rural Estate Pollinator Action Plan, attached at Appendix 2 to the report.

Reasons for the decision

18.2 The Government's National Pollinator Strategy is a 10 year plan published in 2014. It sets out how Government, beekeepers, conservation groups, farmers, researchers and industry can work together to improve the status of the 1500 or so pollinating insect species in England.

18.3 It is recognised that Local Authorities with their wide ranging responsibilities, services and land holdings are in a unique position to safeguard native pollinators. Opportunities exist within our work as managers of public green space and green infrastructure, and land such as schools, roadside verges, roundabouts and an 11,000 acre rural estate.

18.4 Since March 2019, work has ensued to develop a Hertfordshire Pollinator Strategy, together with a Rural Estate Pollinator Action Plan. The Rural Estate already delivers many actions that are beneficial to pollinators. This strategy looks to provide a structure to this work and an action plan to build upon the work achieved to date.

18.5 The Strategy has been drafted to serve as a Council wide strategy with the intention for individual services to develop their own Action Plans. Due to the extent and variety of both the Council's land holding and services there is a great breadth of opportunity for delivering a range of actions that will be beneficial to pollinators.

18.6 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications and the recommendations of the Resources & Performance Cabinet Panel.

Any alternative options considered and rejected

18.7 None.

19. CONSIDER THE FUTURE OF LAND AT FILBERT CLOSE, HATFIELD
[Forward Plan Ref: A084/19]

Decision

19.1 Cabinet agreed that Retained Land at the former Hazelgrove School, Filbert Close, Hatfield be declared surplus and that the land and land in hand adjoining the former Hazelgrove School, Hatfield be disposed of, on terms to be settled under the delegated authority of the Director of Resources.

Reasons for the decision

19.2 Two adjoining pieces of land at Filbert Close, Hatfield have been identified as having residential development potential, with a combined value of over £1 million; the playing field of the former Hazelgrove School now managed as Corporately Managed Property and land in hand within the Rural Estate.

19.3 The original school closed in 2005 and at its meeting on 11 July 2005, Cabinet resolved that part of the School building site be made available for Adult Care Services (ACS) use, the remainder of the School building site be sold for residential redevelopment and that the playing field element be retained. In the event, the entire built area of the School was sold in 2009 to Places for People on terms which achieved both the ACS and the residential redevelopment uses.

19.4 The playing was retained due to a perceived shortage of such facilities in some local County Council schools and of the view that the Hazelgrove playing field could be made available for these purposes. Upon more detailed investigation however, it has been established that the location of the land renders it incapable of use as a playing field for any other local school and that it is therefore surplus to that requirement.

19.5 The Land within the Rural Estate was acquired as part of a smallholding in 1920 and has latterly been held vacant as Urban Open Land. At its meeting on 28 October 2019, Cabinet declared the land surplus to the Rural Estate.

19.6 No other potential County Council service use for the land has been identified, and it is therefore considered that the land is surplus to the County Council's requirements and may be sold.

19.7 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications and the recommendations of the Resources & Performance Cabinet Panel.

Any alternative options considered and rejected

19.8 None.

20. TO APPROPRIATE STRATEGIC GROWTH AND PLANNING SITES IN HERTFORDSHIRE TO BE HELD FOR PLANNING PURPOSES OF SURPLUS ASSETS

[Forward Plan Ref: A076/19]

20.1 Discussion took place on this item in Part I.

21. RELOCATION AND EXPANSION OF THE BISHOP'S STORTFORD HIGH SCHOOL

[Forward Plan Ref: A078/19]

21.1 Discussion took place on this item in Part I.

**22. PART II ('CLOSED') AGENDA
EXCLUSION OF PRESS AND PUBLIC**

Decision

22.1 Cabinet then decided to move into Part II ('closed' session') and passed the decision at paragraph 22.2 below.

22.2 Cabinet agreed that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the Council), as defined in paragraph 3 of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

22.3 Following discussions on the Part II Reports on the items referred to at 20 and 21 above and Recommendations, Cabinet moved back into Part I (open session) and considered the Part I Recommendations and reached the decisions set out at 23 and 24 below.

PART I ('OPEN') BUSINESS

23. TO APPROPRIATE STRATEGIC GROWTH AND PLANNING SITES IN HERTFORDSHIRE TO BE HELD FOR PLANNING PURPOSES OF SURPLUS ASSETS

[Forward Plan Ref: A076/19]

Decision

- 23.1 Cabinet:
- i) approved that the Smallholdings assets listed at Appendix 1 are declared as no longer required to be held under the Smallholdings Act and appropriated to being held for Planning Purposes;
 - ii) approved that the Smallholdings assets listed at Appendix 2 are declared as no longer required to be held under the Smallholdings Act and appropriated to being held as Surplus Assets; and
 - iii) delegated to the Director of Resources in consultation with the Executive Member for Resources and Performance, authority to explore a policy of reinvestment in the remaining Estate and an acquisitions programme to seek to buy additional Smallholdings Land.

Reasons for the decision

23.2 Hertfordshire County Council holds just under 4,500 acres of land as Smallholdings across the County. A small number of assets (generally redundant barns identified for conversions and residential properties not forming part of a larger holding) have been identified in the Rural Estate Improvement Plan as no longer required for the purpose of the provision of Smallholdings under the Agriculture Act 1970. They are earmarked for disposal as part of the capital receipts programme and are to be appropriated to be held as Surplus Assets.

23.3 The Council will strive to maintain a Smallholding Estate of a similar area, and to continue to meet the duty imposed upon it as a Smallholdings Authority. In order to meet that objective, the Director of Resources, in consultation with the Executive Member for Resources & Performance, will explore a policy of reinvestment in the agricultural value of the strategic growth sites back in to the Rural Estate, both to buy additional land or where that is not practical to invest in the existing Estate in order to meet our statutory requirements and modernise the Estate.

23.4 In reaching its decision, Cabinet considered the above, together with the information within the Part II report; the financial implications; the equalities implications and the recommendations of the Resources & Performance Cabinet Panel.

Any alternative options considered and rejected

23.5 None.

24. RELOCATION AND EXPANSION OF THE BISHOP'S STORTFORD HIGH SCHOOL

[Forward Plan Ref: A078/19]

Decision

24.1 Cabinet:

- i) authorised that land at The Bishop's Stortford High School, shown marked by red hatch and cross hatch on the plan at Appendix 1 be acquired and that the land shown by blue hatch at Thorley Hill Primary School on that plan be sold, both transactions on terms to be approved by the Director of Resources in consultation with the Executive Member for Resources and Performance;
- ii) agreed the revised estimates for the scheme, as contained within the Part II report; and
- iii) recommended the County Council include in the Integrated Plan capital provision to enable construction and use of the off-site infrastructure within the Bishop's Stortford South development area to enable relocation and operation of The Bishop's Stortford High School.

Reasons for the decision

24.2 In July 2019, Cabinet approved the budget (which includes a capital grant from the Department for Education) for the Scheme for the relocation and expansion of The Bishops Stortford High School (TBSHS) and ancillary matters.

24.3 Cabinet agreed that "*The capital receipts from the sale of the existing Bishop's Stortford High School be protected by the County Council requiring that the sale be joint with the School, that a caution be placed on the titles and that no sale be agreed until the Secretary of State for Education has given consent in writing to the sale and to the sale proceeds being remitted to the County Council*".

24.4 That sale is predicated on a land exchange between the County Council and TBSHS to enable rationalisation of the site of the adjoining Thorley Hill Primary School. That exchange allows the sale (jointly by the County Council and TBSHS) of the revised TBSHS site for housing redevelopment.

24.5 In July 2016, Cabinet had authorised in principle and delegated approval of the terms for the following agreements to the Director of Resources, in consultation with the relevant Executive Members:

- the acquisition of the new site for TBSHS

- that an agreement be made with the Governing Body of Thorley Hill Primary School for the necessary reorganisation of that school's site
- that an agreement be made with the Governing Body of TBSHS for the relocation and expansion scheme

That authorisation did not specifically cover the direct acquisition and sale of land.

- 24.6 The contract of acquisition of the new site for TBSHS requires an associated Infrastructure Agreement that will either provide for the housing developer to install the main off site works or (should the developer not acquire land in sufficient time) for the School (with the support of the County Council) to do so, in which case the cost is secured as a legal charge on a part of adjoining housing land still in the ownership of the seller of the school site, pending reimbursement under that charge.
- 24.7 In July 2019, it was anticipated that the housing developer would have time to be able to commence installation of those works prior to the start of the school works, as it had received a resolution to grant planning permission in March 2019. However, negotiations of planning obligations has been lengthy and only once planning permission has been issued will it be able to exercise its option to purchase and the price for the land be negotiated or determined.
- 24.8 The scheme requires the completion of the new school works by 31 March 2022, for the timescale condition attached to the Department for Education's grant to be met. To meet the condition, the school and the County Council need to assure commencement of the infrastructure works in spring 2020, and to be able to ensure prior acquisition of the new school site in quarter 4 of 2019/20.
- 24.9 As there is uncertainty on when the housing developer will acquire land and be able to commence development, it is now necessary, as a contingency, for the County Council to be able to include the cost of the off-site infrastructure capital funding within the Integrated Plan.
- 24.10 In reaching its decision, Cabinet considered the above, together with the information within the Part II report; the financial implications; the equalities implications and the recommendations of the Resources & Performance Cabinet Panel.

Any alternative options considered and rejected

- 24.11 None.

**QUENTIN BAKER
CHIEF LEGAL OFFICER**

CHAIRMAN _____

**CHAIRMAN'S
INITIALS**

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