

Minutes



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

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

CABINET 21 September 2020

ATTENDANCE

MEMBERS OF THE CABINET

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

Other Members in Attendance

D Andrews, N Bell, A P Brewster, F Button, M Eames-Peterson, M Mills-Bishop, A
Mitchell, J West

Upon consideration of the agenda for the Cabinet meeting on 21 September 2020 as
circulated, copy annexed, conclusions were reached and are recorded below:

PART I ('OPEN') BUSINESS

1. MINUTES

- 1.1 The Minutes of the Cabinet meeting held on 13 July 2020 were confirmed as a
correct record.

2. QUESTIONS FROM MEMBERS OF THE COUNCIL TO EXECUTIVE MEMBERS

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

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3. PUBLIC PETITIONS

3.1 There were no public petitions.

The full Cabinet Meeting can be viewed here: [Cabinet - 21 September 2020 10.00am](#)

4. HERTFORDSHIRE COUNTY COUNCIL'S RESPONSE TO COVID-19

[Forward Plan Ref: A030/20]

Decision

4.1 Cabinet approved the content of the report, including the planned approach to dealing with the financial implications.

Reasons for the decision

4.2 The report was discussed at the Resources & Performance Cabinet Panel on 4 September 2020, which can be viewed here: [watchcouncilmeetings](#). Further updates since the publication of the report are as follows:

4.3 Since the last update report, the Hertfordshire Outbreak Plan has been established and sets out how our partners will work together to prevent, manage, reduce and suppress Covid-19 outbreaks across the county. The Plan has established regular surveillance outbreak reporting to ensure both preventative and reactive processes are used to reduce the risk of outbreaks and contain outbreaks quickly and when necessary. Cabinet noted that high risk settings have already been identified across the county and the interventions put in place have been effective in controlling and suppressing the virus.

4.4 Operation Shield formerly closed on 31 July 2020. Since work began, over 120,000 deliveries of food parcels and household essentials and over 2,500 successful prescription deliveries to those residents most in need have been achieved. To ensure that crisis support remains available, Operation Sustain will continue, which relates to the mobilisation of volunteers and the voluntary sector to support residents in need across Hertfordshire.

4.5 Cabinet noted that a monthly Covid-19 impact monitor has been produced to ensure the Council has a better understanding of the impact that Covid-19 is having on our communities, which outlines key headlines from a dashboard of indicators designed to track the impact of Covid-19 on both County Council services and the county as a whole. A Covid-19 Recovery Group has also been established to provide strategic direction and decision making on key principles for recovery of County Council operations.

4.6 With regard to the return of schools, a package of information, advice, support and guidance to schools around September 2020 opening was sent out to schools at the end of June 2020; the bulk of this activity was undertaken by

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Herts For Learning (HfL). The information provided was in addition to that which was provided by the Department for Education guidance communicated through regular bulletins to schools and via resources on the Herts Grid for Learning. An internal cross departmental group was established to manage the home to school transport challenge and was meeting weekly to manage and implement transport provision ready for schools to return in September 2020. To help fund home-school transport, the Council received two government grants; £150,000 to support planning and consultancy and £950,000 (for the first half of the autumn term) to support the provision of additional vehicles.

- 4.7 With regards to the additional funding the Council has allocated to support and address the pandemic crisis in terms of resources that the Council has allocated, Cabinet noted that the Council has now submitted its 5th return to the Ministry of Housing, Communities & Local Government and in turn arrangements have been established for local authorities to indent for the recovery of lost sales fees and charges.
- 4.8 With regards to Public Health, whilst in Hertfordshire the level of growth is not as high as some areas, since the middle of August; a rise in the virus has been seen initially more in younger people but more recently in other age ranges. With the re-opening of schools and students returning to University, concerns will increase for many residents. Anything to mitigate the risks is being done; a first-class advice service is in place; infection control staff at schools is being increased. The Executive Member for Public Health & Prevention made a plea to parents to ensure their children understood the need for social distancing in all settings.
- 4.9 Whilst testing is largely the responsibility of Central Government, the Council has been doing everything possible for testing in Hertfordshire. In addition to the existing sites, there are now new facilities coming online in Hertsmere and at the University in Hertfordshire. Unless symptomatic, people should not be asking for tests. Measures are in place, however, full co-operation from the public is required for the numbers to reduce.
- 4.10 With regard to care home settings, heartfelt thanks were given to the care staff working across care settings, both looking after those with learning disabilities in supported living and those with physical disabilities and including the elderly in care homes and nursing homes. The staff have been working their full shifts in PPE, which is a huge effort, over and above how they would normally work. As a result, infection in care homes and settings has been hugely reduced and until recently, there was very little outbreak at all. They brought families and those cared for together under difficult circumstances.
- 4.11 Cabinet noted that 98% of children had been attending school. Education, Admission and Transport teams have been working closely together to ensure at least 65 duplicate buses were running to ensure all children could get to school and as part of that, 70 observers had been deployed across the county at schools and known transport/congestion hotspots to feedback any problems or issues and agree action. As a positive outcome of a dire situation in regards to the pandemic, there has been an increase in young people walking and

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cycling to school. With regard to libraries, Cabinet noted there were now 30 out of 46 libraries open for browsing.

- 4.12 Cabinet thanked all teachers, support staff and everyone else playing their parts in keeping Hertfordshire schools safe; and thanked the Director of Public Health and the Executive Member for Public Health & Prevention for the work carried out during this period.

Any alternative options considered and rejected

None.

The Leader of the Council moved item 11 here and updated Cabinet on the latest from Government regarding the devolution agenda.

5. UPDATE ON CENTRAL GOVERNMENT'S DEVOLUTION AGENDA

Decision

Cabinet:

- i. Note the latest statements from Government in respect of devolution and local government reform.
- ii. Note the findings of the initial options appraisal conducted in Hertfordshire.

Reasons for the decision

- 5.1 Ministerial statements to date indicate that the White Paper will contain proposals for the structural reform of Local Government in England including a commitment to more Mayors and more unitary councils.
- 5.2 Following the general election in December 2019, the Government were to produce the white paper in June 2020, however, due to the pandemic this was delayed and it was expected in the Autumn. This may not be possible and due to the evidence regarding a second spike, this could cause a delay for the Government to publish it.
- 5.3 However, in November 2019, PricewaterhouseCoopers (PwC) were commissioned by the Council to undertake an initial options appraisal, initial findings detailed within the report. It is a significant opportunity and if Government does want institutions established by 2022-2023/24, then it really is important that the devolution paper is issued as soon as possible.

6. FINANCIAL SUPPORT TO CARE PROVIDERS DURING COVID PANDEMIC
[Forward Plan Ref: A046/20]

Decision

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- 6.1 Cabinet agreed to the Interim Director of Adult Care Services Intention to:
- a) support further financial provision for all commissioned care providers to meet the ongoing additional costs of Covid-19 (PPE, staffing etc, but not under-occupancy) until the end of December 2020, to be funded from the Adult Care Services Care Purchasing budget, as detailed at Recommendation #1 at 5.6.1 of the report; and
 - b) review current care market risks and set principles for supporting care providers at risk of failure arising from under-occupancy by introducing a process through which County Council commissioned providers at risk of failure be offered short-term funding to support resilience on an open-book basis, to be funded from the Adult Care Services Care Purchasing budget, as detailed at Recommendation #2 and #3, at 6.7.1 and 6.11 of the report.

Reasons for the decision

- 6.2 Covid-19 has had significant consequences for social care providers causing operational and cost pressures, e.g. Personal Protective Equipment (PPE) and additional staffing costs. The pandemic has reduced the overall number of people accessing care. These issues pose risks to the viability of local care economy and threaten the Council’s ability to satisfy its duties under the Care Act 2014 to ensure resilience and choice in the market.
- 6.3 The proposal will support current arrangements covering the period until the end of December 2020 and also looks ahead to the likelihood of supporting providers until the end of March 2021 and indicates costs for both timeframes. The funding will support with the additional costs of Covid-19, where it is suggested that the current regime is maintained and help support with sustainability, recognising the reduction in numbers of people accessing care, where the paper proposes a new approach on how providers are supported, which is designed to target the support in a sustainable manner.
- 6.4 As above. Cabinet’s decisions were reached following consideration of the financial implications; the equalities implications; and the recommendations of the Adult Care Cabinet Panel.

Any alternative options considered and rejected

- 6.5 None.

7. APPROVAL OF THE HERTFORDSHIRE COUNTY COUNCIL SMOKEFREE POLICY AND TOOLKIT
[Forward Plan Ref: A031/20]

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Decision

- 7.1 Cabinet agreed that:
- i. the ambition within the Smokefree Policy is taken forward by not allowing visitors and employees, contractors and members to smoke on any workplace premises or vehicle owned or leased by the County Council;
 - ii. where individuals from other organisations who are required to comply with the County Council's policies; Cabinet ensures that includes they are not allowed to smoke on any workplace premises or vehicle owned or leased by the County Council;
 - iii. it agrees to a number of limited exemptions to the County Council's Smokefree Policy, as detailed at Section 8 of the report;
 - iv. vaping is limited to designated areas only on any workplace premises owned or leased by the County Council; and
 - v. the Smokefree Policy is implemented as from 1 January 2021.

Reasons for the decision

- 7.2 The County Council's draft Smokefree Policy and toolkit have been revised following [Cabinet's decision in July 2019](#) to work towards becoming totally Smokefree.
- 7.3 The draft Smokefree Policy and toolkit are in line with the [County Council's Tobacco Policy Statement](#) which describes the efforts required to reduce the harm caused by tobacco on the residents of Hertfordshire. As well as describing the health inequalities, and the impact of tobacco use and second-hand smoke on the health of Hertfordshire residents, the Policy Statement addressed the impact of tobacco on the County Council's resources and the consequential burden on adult social care resources from avoidable disability. The Policy Statement also highlighted the costs, both in terms of finance and productivity to the County Council's workforce through smoking-related disease and sickness absence.
- 7.4 As above. Cabinet's decisions were reached following consideration of the financial implications; the equalities implications; and the recommendations of the Public Health & Prevention Cabinet Panel.

Any alternative options considered and rejected

- 7.5 None.

The Leader of the Council left the meeting at this point. The Deputy Leader of the Council took the Chair for consideration of the remaining items of business.

8. ADOPTION OF REVISED MINERALS & WASTE DEVELOPMENT SCHEME
[Forward Plan Ref: A014/20]

Decision

- 8.1 Cabinet recommended to County Council that County Council approves the revised Minerals and Waste Development Scheme and new timetable, attached at Appendices A and B to the report.

Reasons for the decision

- 8.2 Statutory local plan making regulations¹ require Hertfordshire County Council as Minerals and Waste Planning Authority to produce a Minerals and Waste Development Scheme (MWDS). The scheme details the planning documents the Council intends to produce, the timetable for their production and indicates opportunities for public participation. The County Council has produced a number of these schemes since 2005, which are revised when necessary.
- 8.3 The MWDS and timetable have been amended to reflect the changes as detailed within the report; the scheme covers the period 2020 to 2024. The timetable attached at Appendix B to the report sets out the estimated plan production timescale during this time and full details of all alterations can be viewed at 2.3 of the report.
- 8.4 In reaching its decision, Cabinet considered the above; together with the recommendations of the Growth, Infrastructure & Planning & Economy Cabinet Panel.
- 8.5 Cabinet's recommendation to County Council will be considered by County Council at its meeting on 20 October 2020.

Any alternative options considered and rejected

- 8.6 None.

9. WINTER SERVICE OPERATIONAL PLAN 2020/21
[Forward Plan Ref: A033/20]

Decision

- 9.1 Cabinet:

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012.

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- i. agreed the Winter Service Operational Plan 2020/2021 prior to its publication on the County Council’s website;
- ii. adopted the Winter Service Operational Plan 2020/2021; and
- iii. noted the proposed review and the programme of activities.

Reasons for the decision

- 9.2 To comply with the requirements of ‘Well-Managed Highway Infrastructure – A code of Practice’ (WMHI), the County Council started a review of its precautionary salting network in 2017. The criteria and the routes have been updated and treatment taken place as detailed within the report for the 2019/20 winter season.
- 9.3 Minor changes and operational improvements have been included in the 2020/2021 Winter Service Operational Plan (WSOP). The WSOP 2020/21 reflects the recommendations, where appropriate to the Council, from the National Winter Service Research Group (NWSRG) guidance and WMHI. The general format and content of the WSOP has been tested in court on various occasions and has found to be robust. For this reason, the format for 2020/2021 is the same as in previous years.
- 9.4 The winter service now includes a 10-year development plan which considers how the service may evolve, taking into account technology improvements, known contract changes and planned review cycles. The revised development programme is attached at Appendix 2 to the report.
- 9.5 Cabinet’s decisions were reached following consideration of the financial implications; the equalities implications; and the recommendations of the Highways & Environment Cabinet Panel.

Any alternative options considered and rejected

9.6 None.

10. PROPOSAL TO ALTER THE WAY THAT PRIMARY BEHAVIOUR SUPPORT SERVICES, INCLUDING INTENSIVE SHORT-TERM SCHOOLING PROVISION FOR PUPILS AT RISK OF EXCLUSION, ARE DELIVERED IN THE BOROUGH OF BROXBORNE

[Forward Plan Ref: A040/20]

Decision

- 10.1 Cabinet:
- (i) authorised the publication of a statutory notice to close the Primary Support Base (PSB) located at Andrews Lane Primary

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- (ii) School, Andrews Lane, Cheshunt, Hertfordshire, EN7 6LB with effect from January 2021, and conditional on the outcome of this; agreed the change in the age range of Rivers Education Support Centre (ESC);
- (iii) approved capital funding for the Education Support Centre (ESC).

Reasons for the decision

- 10.2 In Hertfordshire, specialist support for primary-age pupils with emotional and behavioural needs in mainstream schools is delivered through a range of services. They include advice and outreach to support children in mainstream schools; a small number of short-term places and 6th Day Provision for permanently excluded children; and where necessary, longer term places for pupils with particularly significant and complex emotional and behavioural needs. The aim of the primary behaviour support (PSB) service is to keep these vulnerable children in their mainstream school wherever possible.
- 10.3 The proposal is to commission a new primary behaviour support service for the area, including outreach support to mainstream schools and intensive short stay schooling, from Rivers Education Support Centre in Hoddesdon, from January 2021, for which a change in its age range is required, as well as agreed capital funding to provide appropriate accommodation, and as a consequence, close the primary support base located at Andrews Lane Primary School, in Cheshunt for which a statutory process is required.
- 10.4 Cabinet’s decisions were reached following consideration of the response to the consultation; the response from the governing body; the financial implications; the equalities implications; and the recommendations of the Education, Libraries & Localism Cabinet Panel.

Any alternative options considered and rejected

- 10.5 None.

11. WHETHER TO REBUILD THE VALLEY SCHOOL IN STEVENAGE, A COMMUNITY SPECIAL SCHOOL FOR CHILDREN WITH LEARNING DIFFICULTIES (11-16 YEARS), ON ITS CURRENT SITE
 [Forward Plan Ref: A039/20]

Decision

- 11.1 Cabinet approved a capital project to re-build The Valley School on its current site in Stevenage.

Reasons for the decision

- 11.2 The building occupied by The Valley School is at the end of its useful life and new accommodation for the school is urgently needed. Essential repairs and

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maintenance works are being undertaken until such time as a permanent solution can be found. A new building would allow the school to cater for 165 pupils.

- 11.3 Special schools for pupils with Learning Difficulty are full and without the rebuilding of the Valley School there would be insufficient places to meet forecast demand. The Valley School has an assessed capacity of 165, however, numbers on roll are currently capped at 153 pupils, due to restrictions on use of some parts of the site because of poor condition.
- 11.4 A feasibility study has concluded that the best way of resolving the issue for this school would be a complete re-build on the rear of its current site. The earliest that could be achieved is the Autumn of 2022. The re-build of the school on the existing site could also release approximately 1.2 ha (3 acres) of land for other service use or disposal.
- 11.5 The expansion and/or rebuild of existing schools provides for enhanced education opportunities and an enriched curriculum offer which has a positive impact on the whole school community. School development schemes provide positive impacts, offering the opportunity for improved facilities for disabled access in new buildings.
- 11.6 Cabinet's decisions were reached following consideration of the information within the part II report; the response from the school governing body; the financial implications; the equalities implications; and the recommendations of the Education, Libraries & Localism Cabinet Panel.

Any alternative options considered and rejected

- 11.7 None.

12. SALE OF LAND AT ASCOT ROAD, WATFORD

[Forward Plan Ref: A032/20]

Decision

- 12.1 Cabinet approved:
- i. to grant a 250-year lease of the County Council's land at Ascot Road, Watford via an Agreement for Lease to Cortland Developments Ltd, or an appropriate Special Purpose Vehicle (SPV) of the developer, with financial guarantees from Cortland Developments Ltd, to enable the development of a high-density residential scheme and thereby secure a long-term ground rent income for the County Council;
 - ii. a separate lease to the same company be granted in respect of the further land on the site, Reserve Land, to allow the council to call

upon this land if it is required for a future transport use;

- iii. a twelve-month exclusivity period to Cortland Developments Ltd to allow them to undertake due diligence and deal with the planning and legal documentation.

Reasons for the decision

- 12.2 The County Council holds surplus land at Ascot Road, Watford. There is the opportunity to sell the land to the developer of the adjacent site. As the land was to be used for a future transport initiative the proposed disposal terms safeguards any similar future proposal that may come forward. As opposed to selling the land for a capital payment, this proposal recommends the Council sells the land on a long lease and generates long term annual income.
- 12.3 The County Council owns the freehold of land at Ascot Road, often called the 'Lozenge' site. The site was originally purchased by the County Council in 2009 in advance of requirements for the proposed Croxley Rail Link, the intention being to use the land initially as a construction compound and thereafter to provide car parking facilities as part of a transport interchange. Following the cancellation of the Croxley Rail Link scheme the site is now surplus to County Council requirements.
- 12.4 There remains a possibility that an 'alternative MLX' scheme could come forward at some point in the future. The proposed transaction therefore makes provision for the land at the northern end of the site to be kept available (The Reserved Land) by way of a separate lease - in order to ensure that future transport links can access the rail corridor and/or offer space as an interchange. The developer is also incorporating building foundation capacity within their scheme to enable the addition of up to 142 extra parking spaces if the future MLX is constructed.
- 12.5 Cabinet's decisions were reached following consideration of the information within the Part II report; the financial implications; the equalities implications; and the recommendations of the Resources & Performance Cabinet Panel.

**QUENTIN BAKER
CHIEF LEGAL OFFICER**

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