

Minutes



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

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

CABINET **19 October 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

A P Brewster, E Buckmaster, F Button, M Eames-Peterson, M Mills-Bishop, S Quilty

Upon consideration of the agenda for the Cabinet meeting on 19 October 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 19 September 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.

3. PUBLIC PETITIONS

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3.1 There were no public petitions.

The full Cabinet Meeting can be viewed here: [Cabinet - 19 October 2020](#).

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

[Forward Plan Ref: A035/20]

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 1 October 2020, which can be viewed here: [watchcouncilmeetings](#). Further updates since the publication of the report are as follows:

4.3 Hertfordshire's recovery phase is being led by the Hertfordshire Recovery Coordination Group (RCG) and is Chaired by the Chief Executive of Welwyn Hatfield District Council. The RCG is responsible for coordinating the strategic activities needed to transition to normality and to enable the restoration of disrupted services at the earliest opportunity. This includes engaging the business community to support economic resilience and community leaders to provide public leadership and reassurance.

4.4 On 28 August 2020, the Hertfordshire LEP published its Economic Recovery Plan, Unlocking Hertfordshire. With the purpose of charting a clear route through the short-medium term economic effects of the pandemic, it aims to accelerate recovery over the next 6-18 months, but also seeks to position Hertfordshire for sustained and good economic growth in the years thereafter.

4.5 Early years, schools and further education colleges have worked incredibly hard in partnership with the County Council to prepare for the start of term. Over the summer, major work was completed on preparing schools for a full reopening at the start of the current term. Advice was provided on safe operations and infection control to supplement that issued by the Department for Education. During the second week of term 87% of primary and 90% of secondary children were in attendance against the national average of 88%.

4.6 The Council understands that there is a balance to be struck between supporting the local economy and keeping the population safe. Through the proactive action of the LEP, the funding released by the Government is being channelled to those sectors of the local economy that need it the most. Through the district councils, support is being provided to the most vulnerable in our society. The Council has been able to maintain its existing services other than when required to suspend them nationally and introduce new ones.

- 4.7 Billions of pounds have been provided by Central Government to support local government services. An example of how these funds have been used is within Adult Social Care (ACS); working with finance colleagues they have underpinned the care sector with the support required. Due to the trusting relationship with our valued care providers, a system has been provided which provides support at the right time for the additional costs they are incurring. Hertfordshire has been singled out by the national representative of the centre as an exemplar Council for this financial support role.
- 4.8 On 4 September 2020, all contracted care providers were written to confirming the Council's intention to continue to cover the additional costs they are incurring as a result of the pandemic associated with Personal Protective Equipment (PPE) and additional staffing costs over and above business as usual. It was further approved at Cabinet on 21 September 2020 to extend this guarantee for contracted providers to the end of December 2020. There will be a further report for review of this extension until end of March 2021.
- 4.9 Since the last Covid-19 update report, details have been received regarding income support funding guidance. This leads the Council to believe that a sum of approximately £6/7m will be forthcoming over the autumn/winter period. Also, an additional announcement that a further £1bn funding package was to be released from Government, however, Hertfordshire was still awaiting to hear of the contribution share it was to receive.
- 4.10 The Council have stood up a call centre to support the track and tracing process. This is for calls following the national test and trace service after 24 hours to contact Hertfordshire residents; this data is handed off to local call centres to make contact with individuals that may have come into contact with a potential case. If the contact centre are unable to reach the residents then the calls are passed to the local environmental health officer to deal with.
- 4.11 Government has also introduced an approach to areas of the country 3 tier system. Hertfordshire is currently at tier level 1. However, London has been moved to high alert level 2, as has most of Essex. The pattern of the virus is being closely scrutinised and if the residents of Hertfordshire want to establish the very latest data for cases and incidents across the county, this can be viewed [here](#).
- 4.12 Cabinet noted that the Council had been recognised by the World Health Organisation for the work carried out in our communications for our reassurance to the public. It was mentioned that the Director of Public Health, along with the Leader of the Council wrote an open letter to the residents of Hertfordshire highlighting that at this time there was a real concern the residents of Hertfordshire are complacent, the virus has not gone away and how very infectious it is. Whether in the workplace, the community or our homes, the virus can run rife through colleagues, friends and residents. The importance of hand washing, face covering and social distancing was paramount.
- 4.13 Cabinet noted that it would normally be at this time of year parents would be

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visiting secondary schools in advance of their children transferring next year. Thanks went to all the schools, academies and education colleges who had provided excellent facilities to accommodate families online. Herts for Learning have worked tirelessly to develop an online facility for any children that have to remain and learn at home. The excellent cooperation between the Education, Admissions and Public Transport teams was mentioned in organising 65 additional buses to take children to school on the public services routes. More children were now seen to be walking or cycling to school.

4.14 Cabinet thanked everyone playing their parts in keeping Hertfordshire safe.

Any alternative options considered and rejected

None.

5. HERTFORDSHIRE COUNTY COUNCIL'S ADMISSION ARRANGEMENTS FOR 2022/23

[Forward Plan Ref: A036/20]

Decision

5.1 Cabinet agreed that: -

- i. county wide consultation is undertaken on proposals to:
 - amend the definition of “nearest” school for schools in the primary sector, as detailed at 4.6 of the report
 - clarify practice regarding the allocation of places to twins/multiple births, as detailed at 4.16 of the report
- ii. consultation is undertaken in the local Relevant Area to reduce the published admission number at Markyate Village School, Nr St. Albans.
- iii. the remainder of the County Council's existing admission arrangements, including PANs, Relevant Areas and schemes of coordination are retained for 2022/23.

Reasons for the decision

5.1 The County Council must determine on an annual basis the admission arrangements and published admission number for all community and voluntary schools in Hertfordshire; and the coordinated schemes of admission to all maintained schools and academies in the county. The School Admission Code requires consultation before admission arrangements are amended (except where the PAN of a school is increased). A formal 6-week consultation will take place between 26 October 2020 and 6 December 2020 to consult on the proposals to amend the definition of ‘nearest’ school; clarify practice

regarding the allocation of places to twins/multiple births; and on reducing the PAN at Markyate Village School, Nr St. Albans.

- 5.2 Cabinet considered the above, together with the outcome of the equalities impact assessment on the admission proposals and the recommendations of the Education, Libraries and Localism Cabinet Panel, in arriving at its decision above.

Any alternative options considered and rejected

- 5.3 None.

6. RETURNING OFFICER AND DEPUTY RETURNING OFFICERS - INDEMNITY

[Forward Plan Ref: A050/20]

Decision

- 6.1 Cabinet recommended to full Council that it agrees to grant an indemnity to the Chief Legal Officer acting as the Returning Officer, together with any Deputy Returning Officers appointed by the Returning Officer, for any personal liability arising from their appointment by the Council as Returning Officer or Deputy Returning Officers for the County Council elections in 2021 and thereafter; the terms of any such indemnity to be agreed by the Chief Executive with the initial proposed terms being attached at Appendix A to the report.

Reasons for the decision

- 6.2 The Returning Officer for County Council elections is the Chief Legal Officer. In order to assist in the administration and running of County Council elections the Returning Officer appoints Deputy Returning Officers. When undertaking the role of Returning Officer or Deputy Returning Officer the individuals are personally responsible for the legality of the election and matters associated with the election. The Council does have power to enter into an indemnity in respect of any potential liability.

- 6.3 Cabinet's recommendation will be considered by the County Council at its meeting on 20 October 2020.

Any alternative options considered and rejected

- 6.4 None.

7. THE INCLUSION OF ADDITIONAL PARAGRAPH/S ON CLIMATE CHANGE AND SUSTAINABILITY IMPLICATIONS IN ALL DECISION REPORTS

[Forward Plan Ref: A056/20]

Decision

- 7.1 Cabinet agreed that an additional paragraph/s on climate change and sustainability implications be inserted into all decision related Cabinet Panel reports and be reviewed after 12 months.

Reasons for the decision

- 7.2 The County Council's declaration of a Climate Emergency received unanimous support in July 2019, the proposal for a new section to be added to council reports was requested as an appropriate mechanism to ensure Cabinet Panels were made aware of any implications relating to that declaration.
- 7.3 The papers of most relevance to addressing the Climate Emergency would need to be based on robust evidence with a comprehensive examination of the possible options in terms of time, cost, benefit and effort. They would need to assess cross-cutting issues, trade-offs or synergies of options, prioritise adaptation options and justify the recommendation of a preferred approach before seeking support and approval.
- 7.4 It is anticipated that the majority of other reports will cover subject areas that are not relevant and/or will have limited climate implications. Therefore, the additional requirement for a specific climate implications section is considered necessary only for reports which are seeking views on a decision. The proposal is for a trial period of 12 months and in particular in relation to meeting the requirements set out in the Sustainable Hertfordshire Strategy.
- 7.5 Cabinet's decisions were reached following consideration of the financial implications; the equalities implications; and the recommendations of the Highways and Environment Cabinet Panel.

Any alternative options considered and rejected

- 7.5 None.

8. DRAFT WASTE LOCAL PLAN (AND DESIGN GUIDE) – REGULATION 18 - PUBLIC CONSULTATION

[Forward Plan Ref: A055/20]

Decision

- 8.1 That subject to any further minor changes, in consultation with the Director of Environment and Infrastructure and Executive Member, as a consequence of the Sustainability Appraisal /Strategic Environmental assessment or editorial changes, Cabinet recommended to County Council that County Council approves the ten week period of public consultation commencing on 11 January 2021 to 19 March 2021, in accordance with Regulation 18 of the Town

and Country Planning (Local Planning) (England) Regulations 2012 and in line with the County Council's adopted Statement of Community Involvement (2018).

Reasons for the decision

- 8.2 As the Waste Planning Authority for Hertfordshire, the County Council has a statutory responsibility to prepare, implement and review a Waste Local Plan as part of the development plan and in line with national policy and regulations.
- 8.3 The existing Waste Local Plan (WLP), which consists of two documents; the Waste Core Strategy and Development Management Policies document (adopted November 2012) and the Waste Sites Allocations document (adopted July 2014), requires a formal process of review to ensure that the waste planning policy framework in the county remains up to date, reflects the most recent policy and guidance and takes account of new information and changing circumstances.
- 8.4 The proposed consultation will invite interested parties to make representations on the content of the Draft Waste Local Plan, attached at Appendix 1 of the report. The ten-week period of public consultation will commence on 11 January 2021 to 19 March 2021.
- 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. APPROVAL OF THE ESTABLISHMENT OF THE HERTFORDSHIRE GROWTH BOARD AND CREATION OF THE ASSOCIATED SCRUTINY COMMITTEE AS FORMAL JOINT COMMITTEES OF THE COUNCIL
[Forward Plan Ref: A054/20]

Decision

- 9.1 Cabinet recommended to County Council that County Council agrees the proposed establishment of the Growth Board Joint Committees and the adoption of the Integrated Governance Framework into the County Council's Constitution, as set out in the recommendations in the attached covering report at section 5.1.

Reasons for the decision

- 9.2 Hertfordshire County Council has been a founder member of the Hertfordshire Growth Board since its establishment in 2018. The Growth Board has now evolved its role and purpose to a point where formal governance and increased

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transparency and openness about its work is needed. The County Council, along with the 10 other local authorities forming the Growth Board are now asked to exercise their functions to establish the Growth Board as a statutory joint committee and set up an associated Growth Board Scrutiny Committee.

- 9.3 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

- 9.6 None.

10. LED STREET LIGHTING ILLUMINATION STRATEGY

[Forward Plan Ref: A049/20]

Decision

- 10.1 Cabinet:

1. noted that the dimming of all part night lighting across the county (i.e. all lights are dimmed by 50% between 05.00 and 06.00) is feasible and will result in net savings / reductions in both CO² emissions and cost (at current energy provider rates).
2. noted that the LED street lighting illumination strategy (including 1 above) is to be included as part of the response to the Council's Climate Emergency Declaration and to support the delivery of the Sustainable Hertfordshire Strategy.

Reasons for the decision

- 10.2 Phase 4 of the LED lighting project was substantially completed at the end of March 2020 with the majority of Hertfordshire's street lighting converted to LED and under Central Management System (CMS) control.
- 10.3 Dimming all the lights in the county by 50% between 05:00 and 06:00 will reduce carbon emissions and reduce costs. The proposal is likely to yield savings of £24.7k and 40 tonnes of CO² from the current annual street lighting energy costs and CO² emissions of circa £3 million and 6,100 tonnes respectively. That is 0.8% of total street lighting costs and 0.7% of CO² emissions.
- 10.4 Cabinet's decisions were reached following consideration of the above; the financial implications; the equalities implications; and the recommendations of the Highways & Environment Cabinet Panel.

Any alternative options considered and rejected

10.5 None.

11. FINANCE BUDGET MONITOR – QUARTER 1 2020-21

[Forward Plan Ref: A037/20]

Decision

11.1 Cabinet approved the requests for the following capital elements:

- i. agreed the proposed approach to funding the cost pressures arising from Covid-19, as set out in section 3.5, subject to the pressures not being able to be met within existing budgets. They will be kept under continual review and any changes in approach will be reported in future monitors;
- ii. approval of £1.1m Street Lighting Refurbishment & Replacement budget, as detailed in section 3.6;
- iii. £108,123m to be reprogrammed into future years outlined in Section 3.1, Table 2.

Reasons for the decision

11.2 As above. The proposed approach to funding Covid-19 pressures are set out in section 3.5 of the budget monitor which will continue to be monitored and reviewed throughout the year.

11.3 Cabinet noted that £5m of the £6.1m budget in the Integrated Plan has been approved by the Director of Resources under the delegation of approvals in the financial regulations for the request of Street Lighting Refurbishment and Replacement. The remaining £1.1m is required to complete the remaining programme of works. The increased bid reflects the additional investment required following structural testing of the current asset base and to avoid the cost for emergency make safe responses.

11.4 The request of £108,123m to be reprogrammed into futures years relates to the capital monitor; full details can be found in section 3.1 of the monitor.

Any alternative options considered and rejected

11.5 None.

12. APPROVE THE RE-DEVELOPMENT OF HERTFORD FIRE & AMBULANCE STATION

[Forward Plan Ref: A037/20]

Decision

12.1 Cabinet approved:

- i. the commissioning of capital spend for the design and feasibility work from the £3.31m budget set in the 2020/21 Integrated Plan; to support a planning application for the redevelopment of Hertford Fire and Ambulance Station, re-provision of a new fire and ambulance station and development of the remainder of the site for other purposes;
- ii. delegated authority be given to the Director of Resources, in consultation with the Director of Community Protection & Chief Fire Officer, the Executive Member for Resources & Performance and the Executive Member for Community Safety & Waste Management, to approve the redevelopment scheme in respect of the re-provision of the Fire Station and Ambulance Station;
- iii. that the Director of Resources in consultation with the Executive Member for Resources & Performance be given delegated authority to finalise and approve the business case for the scheme and the terms and conditions of a development agreement with Chalkdene Developments LLP or other delivery route, subject to the capital spend not exceeding the remaining £3.31m limit after allowing for the cost of the design work set out in (ii) above;
- iv. that the Director of Resources in consultation with the Executive Member for Resources & Performance be given delegated authority to declare those parts of the site no longer required for operational purposes surplus and to be disposed of under delegated authority.

Reasons for the decision

- 12.2 The Hertford Fire and Ambulance Station is an operational property owned by the County Council dating from the 1950s. The buildings on site are in a poor condition and in urgent need of attention to ensure the ongoing delivery of emergency response services in Hertford.
- 12.3 In the absence of satisfactory alternative solutions, the Council's joint venture partner Chalkdene Developments LLP (CDL) have prepared designs and proposals which would bring about an early, permanent and cost-effective solution while minimising disturbance to emergency service provision in the area.
- 12.4 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 Community Safety & Waste Management and Resources & Performance Cabinet Panels.

Any alternative options considered and rejected

12.5 As detailed at section 5 of the report.

13. INCREASE IN THE EXECUTIVE MEMBER BOARD DELEGATED APPROVAL LIMIT FOR HERTS LIVING LTD SMALL SITE LOANS

[Forward Plan Ref: A041/20]

Decision

13.1 Cabinet:

- i. approved an increase in the rolling limit of the loan facility to Herts Living Ltd to £20m, in order to continue to support the strategy to dispose and develop surplus small sites owned by the Council, from within the Capital Investments budget set in the 2020/21 Integrated Plan;
- ii. delegated to the Director of Resources, in consultation with the Executive Member for Resources and Performance, authority to finalise the terms, security and sum of individual loan facilities to support the small sites strategy, subject to the £20m limit set out in (i) above.

Reasons for the decision

13.2 Herts Living Ltd (HLL) is the Council's wholly owned property development and investment company; its principal remit is to ensure the Council receives a greater share of the development potential of the sites that it is designated, surplus to its requirements. HLL, through its joint venture with Morgan Sindall, undertakes the development of those sites which formerly have been sold and captures a share of the profits for the benefit of the Council. The joint venture however is limited in the economic site of the development and sites of less than 20 to 30 units are not a viable option business model.

13.3 In July 2019, Cabinet approved the proposed strategy for disposal of small surplus sites directly to HLL for development and sale on the open market. The increase in the number of opportunities presenting themselves to HLL has prompted the need to increase activity and suggesting a rolling limit of £20m on the loan facility, however, each development will still be subject to a business case for approval before commencement. Cabinet noted that at a time when the local government is under continued financial strain, every opportunity must be undertaken to ensure it generates best value from its assets. This facility will ensure that HLL is able to take on a greater number of small site developments thereby capturing and retaining the profits for the Council which would otherwise be lost.

13.4 Cabinet's decisions were reached following consideration of the above; 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

13.5 None.

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CHIEF LEGAL OFFICER**

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