

# Minutes



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

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

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## CABINET 18 February 2019

### 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

S K Jarvis

Upon consideration of the agenda for the Cabinet meeting on 18 February 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 4 and 15b below.*

*At the invitation of the Leader of the Council as Chairman, Cabinet agreed to vary the order of business and agreed to take Agenda items 15a and 15b, **To Support Hertfordshire LEP to become an Independent Corporation In line with HM Government Policy**, as the last item for the meeting, in the interests of the effective conduct of the business. (The Minute on this item of business is set out below in original agenda order).*

### PART I ('OPEN') BUSINESS

#### 1. MINUTES

- 1.1 The Minutes of the Cabinet meeting held on 21 January 2019 were confirmed as a correct record and signed by the Chairman.

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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. INTEGRATED PLAN 2019/20 - 2022/23**

**4(i) COMMENTS AND CONCLUSIONS OF THE COUNCIL'S CABINET PANELS ON THE INTEGRATED PLAN PROPOSALS 2019/20 – 2022/23**  
[Forward Plan Ref: A088/18]

**4(ii) SCRUTINY OF THE INTEGRATED PLAN 2019/20-2022/23: REPORT OF THE OVERVIEW & SCRUTINY COMMITTEE**  
[Forward Plan Ref: A087/18]

**4(iii) INTEGRATED PLAN 2019/20 - 2022/23**  
**[Forward Plan Ref: A084/18]**

4.1 Members were reminded that Section 106 of the Local Government Finance Act 1992 provides that if a Member is in arrears of council tax for two months or more and they are present at a meeting where the Council's budget or the precept is being considered then they should declare this and 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 apply even if there is an arrangement to pay off the arrears.

4.2 It was noted that all Members who had a disclosable pecuniary interest arising from 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 debate and vote on the Integrated Plan.

4.3 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 is within the administrative area of Hertfordshire or a licence (alone or jointly) to occupy such land.

4.4 D A Ashley declared a Disclosable Pecuniary Interest in item 4 as he received an allowance from the Lee Valley Regional Park Authority; the dispensation referred to in paragraph 4.2 above applies to this interest.

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4.5 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 a board member of Groundwork which derives part of its income from the County Council.

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

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.

### **Decisions**

#### **4.6 Comments and Conclusions of the Council's Cabinet Panels**

Cabinet noted the comments and conclusions of the Council's Cabinet Panels on the Integrated Plan proposals 2019/20 – 2022/23.

#### **4.7 Scrutiny of the Integrated Plan Proposals**

Cabinet noted the recommendations of the Scrutiny Committee.

#### **4.8 Integrated Plan 2019/20 - 2022/23**

Cabinet:-

- (a) approved 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) recommended to the County Council that the Integrated Plan for 2019/20 - 2022/23 (as amended above) be adopted, 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 the 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
<b>D</b>	<b>£1,224.67</b>	<b>£95.79</b>	<b>£1,320.46</b>	<b>£1,264.15</b>	<b>£95.79</b>	<b>£1,359.94</b>
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
<b>TOTAL</b>	<b>447,049.95</b>	<b>607,961,109.00</b>

- (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;

- (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.

**Reasons for the decision**

- 4.9 Cabinet’s recommendation to Council was reached having considered feedback on the draft Integrated Plan from the Council’s Cabinet Panels, the Overview and Scrutiny Committee, and the public engagement and consultation report (item 4(i) on the 21 January 2019 Cabinet agenda).
- 4.10 County Council will consider Cabinet’s recommendation and the Council’s budget 2019/20 – 2022/23 at its meeting on 19 February 2019.

**Any alternative options considered and rejected**

None.

**5. HIGHWAYS 2019/20 INTEGRATED WORKS AND PROCUREMENT ROUTES AND THE 2020/21 FORWARD WORKS PROGRAMME**  
 [Forward Plan Ref: A008/19]

**Decision**

- 5.1 Cabinet:
  - i. approved the proposed 2019/20 Integrated Works Programme, including procurement routes which will be subject to amendment; and
  - ii. noted the progress on the first draft of the proposed 2020/21 Forward Works Programme.

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**Reasons for the decision**

- 5.2 The 2019/20 Integrated Works Programme (IWP) and Forward Works Programme (FWP) for 2020/21 have been developed over the past year to deliver key targets for the maintenance and improvement of the highway network. They have been developed as part of the annual process and in line with the County Council’s Transport Asset Management Plan (TAMP) and the Local Transport Plan (LTP).
- 5.3 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**

None.

**6. REVIEW OF HERTFORDSHIRE’S LOCAL FLOOD RISK MANAGEMENT STRATEGY – FINAL STRATEGY**  
[Forward Plan Ref: A093/18]

**Decision**

- 6.1 Cabinet agreed to adopt the revised Local Flood Risk Management Strategy, as annexed to the Report.

**Reasons for the decision**

- 6.2 As Lead Local Flood Authority (LLFA), the County Council has a statutory duty to develop, maintain, apply and monitor a Local Flood Risk Management Strategy (LFRMS) for the county. The LFRMS is how the LLFA will aim to discharge its general statutory duty to provide leadership in managing local flood risk and helps to provide a focal point for identifying and promoting a range of flood risk related activity across Hertfordshire.
- 6.3 In reaching its decision, Cabinet considered the above, together with the results from the consultation draft of LFRMS2; the financial implications; the equalities implications; and the recommendations of the Highways & Environment Cabinet Panel.

**Any alternative options considered and rejected**

None.

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**7. ACTION PLAN TO ADDRESS 'AREAS OF IMPROVEMENT' IDENTIFIED IN HER MAJESTY'S INSPECTORATE OF CONSTABULARY AND FIRE & RESCUE SERVICES (HMICFRS) INSPECTION REPORT IN TO HERTFORDSHIRE FIRE AND RESCUE SERVICE**  
[Forward Plan Ref: A006/19]

**Decision**

7.1 Cabinet:

- i. approved the draft letter attached at Appendix 1 to the report, as amended, as the Council's response to the report from Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services on Hertfordshire Fire and Rescue Service dated 20 December 2018 (the 'Report') and the Director of Community Protection and Chief Fire Officer was authorised to sign the letter. In finalising the letter the Chief Fire Officer, in consultation with the Executive Member for Community Safety and Waste Management, may make minor amendments as appropriate.
- ii. approved the plan, attached at Appendix 2 to the report, as an appropriate action plan to meet the 'Areas for Improvement' identified within the Report.
- iii. agreed that progress on the action plan is monitored through regular reports to the Community Safety and Waste Management Cabinet Panel.

**Reasons for the decision**

7.2 Under Section 28 of the Fire and Rescue Services Act 2004, the Chief Inspector of Fire and Rescue Services in England must prepare a framework setting out what inspections of fire and rescue authorities are proposed. The Home Secretary must approve that framework before inspectors can carry it out.

7.3 Fire and Rescue services have, since the removal of the previous Fire Service Inspectorate, invited officers and members from other authorities to undertake peer reviews under the umbrella of the Local Government Association. With the reintroduction of formal inspections and the expansion of the HMIC to become HMICFRS, HFRS was inspected in summer 2018 as part of Tranche 1 of the current framework and these inspections, following an initial pilot of three FRS, are the first for over a decade.

7.4 The full inspection report, which was published on 20 December 2018, can be found on the HMICFRS website here:  
<https://www.justiceinspectrates.gov.uk/hmicfrs/wp->

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- 7.5 In reaching its decision, Cabinet considered the above, together with the inspection report; the financial implications; the equalities implications; and the recommendations of the Community, Safety & Waste Management Cabinet Panel.

**Any alternative options considered and rejected**

None.

**8. PROPOSAL TO AMEND HERTFORDSHIRE COUNTY COUNCIL'S PUBLIC LIBRARY BYELAWS**

[Forward Plan Ref: A001/19]

**Decision**

- 8.1 Cabinet recommended to County Council that County Council adopts the revised Public Library Byelaws, attached at Appendix B to the report.

**Reasons for the decision**

- 8.2 Under section 19 of the *Public Libraries and Museums Act 1964* ("the Act"), local authorities may make byelaws regulating the use of library facilities run by each authority under the Act. The Secretary of State for the Department for Digital, Culture, Media and Sport (DCMS) is required to confirm such byelaws before they can have effect.
- 8.3 The DCMS has produced model byelaws for the regulation of public libraries in England, for adoption by local authorities. These model byelaws have been updated from time to time to reflect changing public library practice. Hertfordshire's current byelaws were last updated in 1996. In 2017, the DCMS issued revised model byelaws for public libraries, drawn up in consultation with The Society of Chief Librarians, to reflect changes in how people use libraries whilst maintaining suitable protections.
- 8.4 In reaching its decision, Cabinet considered the above, together with the DCMS revised model byelaws; the financial implications; the equalities implications; and the recommendations of the Education, Libraries & Localism Cabinet Panel.

**Any alternative options considered and rejected**

None.

**9. JOINT COMMISSIONING STRATEGY FOR LEARNING DISABILITIES  
2019 – 2024 – THE BIG PLAN**

[Forward Plan Ref: A091/18]

**Decision**

- 9.1 Cabinet agreed that the Council implement the new Learning Disability Joint Commissioning Strategy April 2019 – March 2024 across Hertfordshire in partnership with both East & North Herts Clinical Commissioning Group and Herts Valleys Clinical Commissioning Group.

**Reasons for the decision**

- 9.2 The current Joint Commissioning Strategy ends in March 2019. The new strategy has been arrived at through key partnership working with stakeholders including people with learning disabilities; their families; officers of the Council and Clinical Commissioning Groups (CCG's), service providers and the wider community culminating in a 12 week public consultation which ended on the 9 November 2018. The strategy is high level and in line with Council, CCG and national strategic direction.
- 9.3 In reaching its decision, Cabinet considered the above, together with the consultation feedback; the financial implications; the risk implications; the equalities implications; and the recommendations of the Adult Care & Health Cabinet Panel.
- 9.4 Cabinet also commended officers for the excellent work carried out in the implementation of this Strategy.

**Any alternative options considered and rejected**

None.

**10. HERTFORDSHIRE MULTI-AGENCY SERIOUS VIOLENCE STRATEGY**

[Forward Plan Ref: A003/19]

**Decision**

- 10.1 Cabinet agreed to adopt the Serious Violence Strategy, attached at Appendix A to the report for Hertfordshire and alongside Partners, implement the next steps, including the priority outcomes detailed in the Serious Violence Delivery Plan.

**Reasons for the decision**

- 10.2 In April 2018, the Home Office published the [Serious Violence Strategy 2018](#) in

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response to increases in serious violent crime - namely a rise in knife and gun crime nationally alongside increases in county lines and gang related criminality. The national strategy is framed on 4 key themes; early intervention and prevention, tackling county lines and the misuse of drugs, supporting communities and partnerships, and an effective law enforcement and criminal justice response.

- 10.3 Since 2015, knife crime has increased year on year in Hertfordshire, however, the majority of this crime has not resulted in injury and is not considered to be gang or county lines related. However, there is a risk of increased gang affiliation, county lines activity and serious violence due to the county's proximity to neighbouring areas where increases have occurred such as north London Boroughs.
- 10.4 In response to these risks and increases in knife crime, the County Council's Community Safety Unit was tasked by countywide boards to develop a Hertfordshire Serious Violence Strategy. A multi-agency steering group with representation from Children's Services, Schools, Public Health, Adult Care, office of the Police & Crime Commissioner, Herts Police, Probation Services, District Councils and Community Safety Partnerships has provided a consultation process for and supported the production of the assessment, including the formulation of the key findings and recommendations, and the development of the strategy.
- 10.5 In reaching its decision, Cabinet considered the above, together with the key findings and data provided; the delivery plan; the financial implications; the equalities implications; and the recommendations of the Children, Young People & Families Cabinet Panel.
- 10.6 Cabinet praised officers for the work carried out in bringing this strategy together.

**Any alternative options considered and rejected**

None.

**11. HERTFORDSHIRE COUNTY COUNCIL ADMISSION ARRANGEMENTS  
2020/2021**  
[Forward Plan Ref: A086/18]

**Decision**

- 11.1 Cabinet agreed that:-
- (i) the definition of "rule 2 – exceptional social and medical reasons to attend a specific school" is amended to include children previously looked after abroad (outside England);
  - (ii) the scheme of coordination is amended to clarify the process for

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- late applications and continuing interest;
- (iii) the published admission number at Shepherd Primary School, Mill End is reduced to 30;
- (iv) the published admission number at Margaret Wix Primary School, St Albans is reduced to 30;
- (v) the published admission number at Holywell Primary School, Watford is reduced to 60;
- (vi) the published admission number at Jenyns First School, Braughing is reduced to 15; and
- (vii) the remainder of the County Council's admission arrangements and schemes of coordination are retained for 2020/21, save as mentioned above.

### **Reasons for the decision**

- 11.2 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 amendments are amended or the published admission number of any school is reduced. The consultation took place between 19 November 2018 and 6 January 2019. The proposal to adjust the PANs of the 4 Schools detailed within the report will take into account the demographic pressures within the areas.
- 11.3 With regards to Rule 2 '*exceptional social and medical reasons to attend a particular school*'; this will give children who are cared for outside of England increased priority, without significantly changing the County Council's current admission arrangements or adding another oversubscription criterion.
- 11.4 Hertfordshire's schemes of coordination have remained the same for a number of years and have simply been updated to take into account legislative or policy changes. To ensure clarity and transparency for all schools, consultation was undertaken and amendment made on the schemes of coordination to provide more detail on the countywide process for late applications and continuing interest.
- 11.5 Cabinet considered the above, together with the outcomes of the consultations; the financial implications; the equalities implications; and the recommendations of the Education, Libraries and Localism Cabinet Panel, in arriving at its decision above.

### **Any alternative options considered and rejected**

None.

## **12. FINANCE BUDGET MONITOR – QUARTER 3** [Forward Plan Ref: A009/19]

**Decision**

12. 1 Cabinet noted the updates in the Q3 Budget Monitor.

**13. CAPITAL SPENDING – BRANDING AND SIGNAGE POLICY**

[Forward Plan Ref: A092/18]

**Decision**

13.1 Cabinet approved the Capital Spending – Branding & Signage Policy as set out in the report, subject to any temporary signs being removed within a suitable timeframe.

**Reasons for the decision**

13.2 The County Council invests significant sums of public money in buildings and infrastructure across the county to improve, maintain and provide new services. Currently, the Council does not have a consistent approach or policy for promoting capital projects or schemes through on-site signage, which means the Council’s involvement and investment is often not recognised by residents.

13.3 This new corporate policy details how the Council can raise public awareness on capital spend on a consistent basis, through prominent branding and signage at key sites. This is likely to improve residents’ perceptions around value for money, which will in turn have a strong link to overall satisfaction with the County Council.

13.4 Cabinet considered the above, together with the financial implications; the equalities implications; and the recommendations of the Resources and Performance Cabinet Panel, in arriving at its decision above.

**Any alternative options considered and rejected**

None.

**14. LOCAL GOVERNMENT ASSOCIATION CORPORATE PEER CHALLENGE REPORT**

[Forward Plan Ref: A010/19]

**Decision**

14.1 Cabinet accepted the recommendations, detailed in section 6 of the Report and noted the proposed next steps (section 7).

**Reasons for the decision**

14.2 The County Council invited the Local Government Association to complete its first Corporate Peer Challenge of Hertfordshire which took place in October 2018. The aim is to support improvement in councils and fire and rescue and is a key part of the Sector-Led Improvement offer which is based on the key

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principles of councils being responsible for their own performance; stronger local accountability leads for further improvement; and councils having a sense of collective responsibility for performance in the sector as a whole.

- 14.3 Cabinet noted that overall, the Corporate Peer Challenge team found the County Council's delivery and performance to be robust and consistent, resulting in the provision of quality services and achievement of good outcomes for Hertfordshire residents; which had been delivered through a challenging backdrop of reduced resources at the same time as demand for services had continued to increase.
- 14.4 Cabinet considered the above, the equalities implications; the financial implications and the recommendations of the Resources and Performance Cabinet Panel, in arriving at its decision above.

#### **Any alternative options considered and rejected**

None.

- 15a. TO SUPPORT HERTFORDSHIRE LEP TO BECOME AN INDEPENDENT CORPORATION IN LINE WITH HM GOVERNMENT POLICY**  
[Forward Plan Ref: A089/18]

#### **Decision**

- 15.1 Cabinet:
- (i) Noted the decision of the Hertfordshire LEP to become a company limited by guarantee incorporated no later than 1 April 2019;
  - (ii) In principle, subject to (iii) below, approve that the Council:
  - (iii) will become a Member of the Incorporated LEP Company;
  - (iv) will act as the Accountable Body for the LEP after incorporation;
  - (v) Authorised the (Interim) Director of Resources, in consultation with the Executive Member for Resources and Performance, to take such further decisions as required arising as a consequence of, and to ensure compliance with, Government guidance on LEP incorporation, and to agree such documents and arrangements and to take such actions as are appropriate to ensure the smooth transition of those arrangements to the Incorporated LEP.

#### **Reasons for the decision**

- 15.2 In July 2018, the Ministry of Housing, Communities and Local Government published "Strengthened Local Enterprise Partnerships" (the **Guidance**) requiring all unincorporated Local Enterprise Partnerships to acquire a "legal

personality”.

15.3 The final structure of the Company has yet to be finalised, however it is proposed that the new structure closely mirrors the current arrangements as set out in the Hertfordshire LEP Local Assurance Framework<sup>1</sup>. The Council will, therefore, become a Member of the LEP Company with a right to nominate a Director. It was proposed that David Williams be nominated to act as Director on behalf of the Council on incorporation.

15.4 The Council currently acts as the Accountable Body for the LEP and it is proposed that it will continue to do so after incorporation. As Accountable Body the Council will be responsible for overseeing the proper administration of financial affairs, relating to public funds, within the LEP; the role of the Council’s section 151 Officer<sup>2</sup> will be extended for this purpose.

**15b. TO SUPPORT HERTFORDSHIRE LEP TO BECOME AN INDEPENDENT CORPORATION IN LINE WITH HM GOVERNMENT POLICY**  
[Forward Plan Ref: A089/18]

The Leader of the Council left the meeting prior to consideration of this item of business. The Deputy Leader of the Council took the Chair for consideration of this item.

**Decision**

15.5 Cabinet:

- (i) nominated David Williams (acting as Leader of the Council) to be the Council’s Director subject to the terms of the Company’s Articles.
- (ii) agreed to provide an indemnity, or equivalent insurance,<sup>3</sup> for the Council’s Nominated Director to the extent that the Incorporated Company’s indemnity insurance does not provide sufficient cover, and delegates to the Chief Legal Officer the power to finalise and issue this indemnity.

**Reasons for the decisions**

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

**Any alternative options considered and rejected**

None.

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<sup>1</sup> <https://www.hertfordshirelep.com/media/6773/current-assurance-framework-sept-2018-v7.pdf>

<sup>2</sup> Section 151 Local Government Act 1972

<sup>3</sup> pursuant to the Local Authorities (Indemnities for Members and Officers) Order 2004

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**16. PROVISION OF MENTAL HEALTH AND LEARNING DISABILITY SERVICES FOR HERTFORDSHIRE**  
[Forward Plan Ref: A002/19]

**Decision**

16.1 Discussion took place on this item in Part I.

**17. PROPOSAL TO ENLARGE AND RELOCATE WESTFIELD COMMUNITY PRIMARY SCHOOL**  
[Forward Plan Ref: A090/18]

17.1 Discussion took place on this item in Part I.

**18. ADDITIONAL SCHOOL PLACES; INFORMATION ABOUT THE NEXT PROPOSED PRIMARY EXPANSION IN CODICOTE; SEEKING APPROVALS TO A SECONDARY EXPANSION IN WATFORD; AN ADDITIONAL ACCOMMODATION SCHEME IN ST ALBANS; AND THE APPLICATION OF S106 FUNDS**  
[Forward Plan Ref: A004/19]

18.1 Discussion took place on this item in Part I.

**19. HERTS FULLSTOP – COLLABORATION**  
[Forward Plan Ref: A005/19]

19.1 Discussion took place on this item in Part I.

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

20.1 Cabinet then decided to move into Part II ('closed' session') and passed the decisions at paragraphs 20.2 below.

20.2 That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 5 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.

20.3 Following discussion on the Part II Reports on the items referred to at 16, 17, 18 and 19 above and Recommendations, Cabinet moved back into Part I (open session) and considered the Part I Recommendations and made the decisions at 21.1, 22.1 and 23.1. below. The decision at 24.1 below is a summary of the

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decision made in Part II.

## **21. PROVISION OF MENTAL HEALTH AND LEARNING DISABILITY SERVICES FOR HERTFORDSHIRE**

[Forward Plan Ref: A002/19]

### **DECISION:-**

21.1 Cabinet agreed that:

- (i) subject as mentioned in (ii) below, the Council enter into a five year contract, with the option to extend for a further two years, with Hertfordshire Partnership University NHS Foundation Trust from 1 April 2019, for the provision of a range of NHS and social care services for people with mental ill health and learning disabilities across Hertfordshire; and
- (ii) the Director of Adult Care Services in consultation with Executive Member for Adult Care Services, the Executive Member for Children, Young People and Families and the Director of Children's Services be authorised to complete the negotiations and finalise the terms of the contract.

### **Reasons for the decision**

21.2 Hertfordshire Partnership University NHS Foundation Trust (HPFT) has an existing three year contract which is due to end 31 March 2019. This contract is part of the pooled budget and integrated commissioning arrangements that are managed by the Integrated Health and Care Commissioning Team on behalf of the Council, East and North Herts Clinical Commissioning Group, Herts Valleys Clinical Commissioning Group and Cambridge & Peterborough Clinical Commissioning Group.

21.3 The Council is the contract lead for the National Health Service (NHS) Standard Contract with Hertfordshire Partnership University NHS Foundation Trust (HPFT) on behalf of the three CCGs. The current contract is an integrated (i.e. health and social care) 'block' contract which means HPFT receive a fixed amount of funding based on an agreed level of activity, based on the previous year's actual activity. Value for money and quality is tested through scrutiny of activity and performance against key performance indicators.

21.4 The contract will be an NHS standard contract augmented with Section 75 agreements which allow for joint commissioning and pooled budgets between the council, East and North Herts CCG and Herts Valleys CCG to underpin the joint contract with HPFT; and the Council to delegate social care responsibility to HPFT for adults with mental ill health.

21.5 The Section 75 arrangements for adult social care responsibilities (under the Care Act) is currently being reviewed; there is no specific delegation of children

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and young peoples' social care responsibilities to HPFT at this time.

- 21.6 The period of the contract has been agreed in principle through consultation with commissioning partners, service users, carers and clinical leads and aligns with the Government announcement of the five year revenue budget settlement for the NHS covering the period from 2019/20 to 2023/24.
- 21.7 In reaching its decisions, Cabinet considered the above, together with the information contained within the Part II report; the financial implications; the equalities implications; and the recommendations of the Adult Care & Health and Children, Young People & Families Cabinet Panels.

**Any alternative options considered and rejected**

None.

**22. PROPOSAL TO ENLARGE AND RELOCATE WESTFIELD COMMUNITY PRIMARY SCHOOL**  
[Forward Plan Ref: A090/18]

**DECISION:-**

- 22.1 Cabinet approved the enlargement of Westfield Community Primary School by 1 f.e. by relocating it to a new 2 f.e. school building situated within the housing development at High Leigh, Hoddesdon from 1 September 2022, conditional upon securing the following approvals:-
- i) planning permissions for the new school building on the High Leigh site and housing on the current school site;
  - ii) consent for disposal of land used by a school (Schedule 1 of the Academies Act 2010) and; consent under Section 77 School Standards and Framework Act 1998 to dispose of the current site after the school has relocated.

**Reasons for the decision**

- 22.2 Following Cabinet approval on 18 June 2018, (<https://democracy.hertfordshire.gov.uk/CeListDocuments.aspx?Committeed=146&MeetingId=1249&DF=18%2f06%2f2018&Ver=2>) a statutory notice was published on 22 November 2018 to enlarge Westfield Community Primary School by 1 f.e. by relocating it to a new school building within the nearby High Leigh housing development, from 1 September 2022.
- 22.3 This will provide additional primary school places to meet the anticipated need from the new community arising from High Leigh and provide more sustainable provision than having two 1 f.e schools in such close proximity (less than 0.5 mile). The provision of school places within the heart of the new community will allow more children to attend a school in their locality and extend the range of

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successful preferences available to parents/carers.

- 22.4 In reaching its decision, Cabinet considered the above, together with the information contained within the Part II report; the financial implications; the equalities implications; and the recommendations of the Education, Libraries & Localism Cabinet Panels.

**Any alternative options considered and rejected**

None.

**23. ADDITIONAL SCHOOL PLACES; INFORMATION ABOUT THE NEXT PROPOSED PRIMARY EXPANSION IN CODICOTE; SEEKING APPROVALS TO A SECONDARY EXPANSION IN WATFORD; AN ADDITIONAL ACCOMMODATION SCHEME IN ST ALBANS; AND THE APPLICATION OF S106 FUNDS**

[Forward Plan Ref: A004/19]

**DECISION:-**

- 23.1 Cabinet agreed:

- (i) that the County Council enter into funding agreements with the following secondary schools, The Marlborough Science Academy, St. Albans and Watford University Technical College as identified in sections 5 and 6 of the report, on terms to be agreed by the Director of Resources, in consultation with the Director of Children's Services and the Executive Member for Resources and Performance and the Executive Member for Children, Young People & Families;
- (ii) £2.0m additional funds for temporary expansions for September 2019, where required, the amount of any such funding for any school to be determined by the Director of Resources;
- (iii) the application of S106 funds identified in Appendix A.

**Reasons for the decision**

- 23.2 Cabinet's decisions were reached following consideration of the Council's statutory responsibilities, the information set out in the Part II report; the financial implications; the equalities implications, and the recommendations of the Education, Libraries & Localism Cabinet Panel.
- 23.3 Cabinet's decisions will ensure that the Council continues to meet its statutory duty to provide sufficient primary and secondary school places as close as possible to the demand for them.

**Any alternative options considered and rejected**

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None.

**24. HERTS FULLSTOP – COLLABORATION**

[Forward Plan Ref: A005/19]

**DECISION:-**

24.1 Cabinet agreed to the recommended collaboration involving Herts Fullstop operation.

**Reasons for the decision**

24.2 Herts Fullstop (HFS) is the collective name for the externally focused trading businesses within Hertfordshire Business Services (HBS), which is a department within the Resources directorate. HFS is largely a traditional local authority stores business that has evolved out of Hertfordshire County Supplies with a trading history of over 60 years (founded in 1954); HFS is built on the premise of being a “supermarket” for educational establishments.

24.3 HFS has returned significant trading surpluses of circa £1m per annum over the last 10 years through trading with other public sector bodies, under the Local Authorities (Goods and Services) Act 1970. These surpluses are used by the County Council to help support the cost of front line services.

24.4 Approving the collaboration further supports previous decisions taken at [June 2018 Cabinet](#) that will enable delivery of the HFS business plan which is focused on growing sustainable income in the near to medium term for the County Council with a managed risk exposure.

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

**Any alternative options considered and rejected**

None.

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

**CHAIRMAN** \_\_\_\_\_

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