

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

## CABINET

MEETING HELD IN THE FOUNDATION HOUSE, ICKNIELD WAY, LETCHWORTH  
GARDEN CITY ON TUESDAY, 21ST NOVEMBER, 2017 AT 7.30 PM

## MINUTES

**Present:** *Councillor Lynda Needham (Chairman), Councillor Julian Cunningham (Vice-Chairman), Jane Gray, Tony Hunter, David Levett, Bernard Lovewell and Ray Shakespeare-Smith.*

**In Attendance:**

*David Scholes (Chief Executive), Anthony Roche (Deputy Chief Executive), Ian Couper (Head of Finance, Performance and Asset Management), Ian Fullstone (Head of Development and Building Control), Jeanette Thompson (Acting Corporate Legal Manager) and Ian Gourlay (Committee and Member Services Manager)*

**Also Present:**

*1 member of the public.*

### 50 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Michael Weeks.

### 51 MINUTES - 26 SEPTEMBER 2017

**RESOLVED:** That the Minutes of the meeting of Cabinet held on 26 September 2017 be approved as a true record of the proceedings and signed by the Chairman.

### 52 NOTIFICATION OF OTHER BUSINESS

There was no notification of other business.

### 53 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or do a sound recording of the meeting, but she asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices. In addition, the Chairman had arranged for the sound at this particular meeting to be recorded;
- (2) The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question; and
- (3) The Chairman asked that, for the benefit of any members of the public present at the meeting, Officers announce their name and their designation to the meeting when invited to speak.

### 54 PUBLIC PARTICIPATION

There was no public participation.

**55 ITEMS REFERRED FROM OTHER COMMITTEES**

There were no item referred from other committees.

**56 STRATEGIC PLANNING MATTERS**

The Executive Member for Planning and Enterprise presented the report of the Head of Development and Building Control informing Members of the current position regarding the Duty to Co-operate with neighbouring authorities; Other Local Plans and Examinations; North Hertfordshire Local Plan; Neighbourhood Plans; Government announcements; and Ongoing Policy work.

The Executive Member for Planning and Enterprise updated the Cabinet as follows:

- Duty to Co-operate - a Statement of Common Ground had been signed with Aylesbury Vale District Council; the Statement of Common Ground signed with Luton Borough Council in October 2017 now formed part of the documentation now being considered at the NHDC Local Plan examination;
- Other Local Plans and Examinations – Central Bedfordshire Council was aiming to carry out consultation on its Submission Local Plan in January/February 2018, and a duty to Co-operate meeting with NHDC had been arranged for Mid December 2017; Luton Borough Council had adopted its Local Plan; the East Herts District Council Examination sessions were ongoing; Welwyn Hatfield Borough Council was awaiting the next steps following the conclusion of their initial Examination sessions; and as Stevenage Borough Council was in the process of adopting its Local Plan, the Secretary for State for Communities and Local Government (following an approach from the Stevenage MP regarding development in the centre of the town) had issued a letter placing their Local Plan on hold, pending a meeting between the Council and DCLG;
- Neighbourhood Plans – The Council and Pirton Parish Council had addressed the questions raised by the examination Inspector; Wyomondley Parish Council had requested that their plan be submitted for examination; and
- Government Announcements – NHDC had responded to the Government's 'Planning for the right homes in the right places' consultation; The Secretary of State for Communities and Local Government had made a recent statement in the House of Commons, followed up by a written statement, in respect of Local Plans. The statement referred to 15 Local Authorities (including St. Albans City and District Council) which had failed to make progress on producing a Local Plan. The Secretary of State's letter spoke of commencing the formal process of intervention. These Local Authorities would be given an opportunity to put forward a statement of exceptional circumstances by 31 January 2018 in order to justify their failure to produce a Local Plan.

In respect of the North Hertfordshire Local Plan Examination currently taking place at the Icknield Centre in Letchworth Garden City, the Executive Member for Planning and Enterprise updated Members as follows:

- There had been 4 hearing days during the week commencing 13/11/17. Day 1 had covered Duty to Co-operate, legal requirements and the Sustainable Development Hierarchy (following discussion on that matter, the Inspector had asked officers to prepare an additional paper on how the Council had assessed this hierarchy); Day 2 had covered the Housing Strategy Including housing numbers; Day 3 had covered the supply of land; and Day 4 had covered deliverability (this was unfinished and would be completed on one of the reserve days);
- For the week commencing 20/11/17, Day 1 had covered Countryside and the Green Belt (approximately a third of this had been completed, with the remaining discussion now scheduled for another of the reserve days, before the Examination moved on to site specific proposals);
- At the conclusion of the 20/11/17 session, the Inspector was looking to the inclusion of a further two weeks, one at the end of January 2018 and the other in early March 2018;

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- The 22/11/17 session would be covering the Housing Strategy (affordable housing mix, supported housing, sheltered an older persons' housing); and
- The 23/11/17 session would cover the spatial distribution of new housing and the basis for housing allocations (type and mix).

The Executive Member for Planning and Enterprise commented that at most sessions there had been a considerable number of representees in attendance asking to speak, and the Inspector had been very understanding in this respect by allowing everybody to have their say.

The Executive Member for Planning and Enterprise stated that the sessions had been long days, finishing well after 6pm on each day. Officers were also putting in a huge amount of work outside of the formal sessions in responding to matters raised by the Inspector and in preparation for subsequent sessions. He thanked them for their time, devotion and dedication to this task.

**RESOLVED:** That the report on Strategic Planning Matters be noted.

**REASON FOR DECISION:** To keep the Cabinet informed of recent developments on strategic planning matters and progress on the North Hertfordshire Local Plan.

## **57 SECOND QUARTER REVENUE MONITORING 2017/18**

The Executive Member for Finance and IT presented the report of the Head of Finance, Performance and Asset Management in respect of the Second Quarter Revenue Budget Monitoring 2017/18.

The Executive Member for Finance and IT referred to Table 2 of the report and highlighted the major variances, namely the £200,000 increased income projection for Housing Benefit overpayments and the £100,000 reduction in projected income from car parking fees (as elements of the Car Parking Strategy programmed for 2017/18 would now be implemented in 2018/19). This latter item was also reflected in Table 3, which now showed Car Parking Fees at red status in the list of corporate financial health indicators.

**RESOLVED:**

- (1) That the report be noted;
- (2) That the changes to the 2017/18 General Fund Budget, as identified in Table 2 and Paragraph 8.2 of the report, and involving a decrease in net expenditure of £131,000, be approved; and
- (3) That the changes to the 2018/19 General Fund Budget, as identified in Table 2 and Paragraph 8.2 of the report, and involving an increase in net expenditure of £13,000, be noted, and that these be incorporated into the draft Revenue Budget for 2018/19.

**REASON FOR DECISION:** To monitor and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process; and to ensure that changes to the Council's balances are monitored and approved.

## **58 TREASURY MANAGEMENT SECOND QUARTER 2017/18**

The Executive Member for Finance and IT presented a report of the Head of Finance, Performance and Asset Management in respect of the Second Quarter Treasury Management Monitoring 2017/18.

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The Executive Member for Finance and IT referred to the recent small increase in the Bank of England base interest rate, but commented that this had been anticipated by the Market, and hence there was unlikely to be any increase in borrowing rates in the near future.

It was noted that the current forecast was that the amount of investment interest expected to be generated during the year was £0.320Million. This was a decrease of £7,000 on the figure reported at first quarter.

**RESOLVED:** That the position of Treasury Management activity as at the end of September 2017, as set out in the report, be noted.

**REASON FOR DECISION:** To ensure the Council's continued compliance with CIPFA's Code of Practice on Treasury Management and the Local Government Act 2003, and to ensure the Council manages its exposure to interest and capital risk.

## **59 SECOND QUARTER CAPITAL MONITORING 2017/18**

The Executive Member for Finance and IT presented the report of the Head of Finance, Performance and Asset Management in respect of the Second Quarter Capital Programme Monitoring 2017/18. The following appendices were submitted with the report:

Appendix A – Capital Programme Summary 2017/18 onwards; and  
Appendix B – Capital Programme Detail including Funding 2017/18 onwards.

The Executive Member for Finance and IT referred to the major scheme timetable revisions set out in Table 2 of the report, including the John Barker Place development and various property improvements. Table 3 showed the changes to Capital schemes commencing in 2017/18, including the purchase of new cardio and resistance equipment for the Hitchin and Royston leisure facilities, as approved by the Council in August 2017.

Members were pleased to note the promising progress on the Walsworth Common Access Bridge scheme, and that the successful bid for these works had come in at a lower cost than anticipated in the budget.

**RESOLVED:**

- (1) That the forecast expenditure of £14.520million in 2017/18 on the Capital programme, as set out in Paragraph 8.2 of the report, be noted, and the changes detailed in Table 3 of the report, which resulted in a net decrease of the working estimate of £0.304million, be approved;
- (2) That the changes to the Capital Programme for 2018/19 and onwards as a result of the revised timetable of schemes detailed in Table 2 of the report, increasing the estimated spend in 2018/19 by £0.923million (re-profiled from 2017/18), be noted, and that these be incorporated into the draft Capital Programme for 2018/19 onwards; and
- (3) That the position of the availability of capital resources, as detailed in Table 4 of the report, and the requirement to keep the Capital Programme under review for affordability, be noted.

**REASON FOR DECISION:** To approve revisions to the Capital Programme, and to ensure that the Capital Programme is fully funded.

## **60 BUILDING CONTROL COLLABORATIVE ARRANGEMENTS**

The Executive Member for Planning and Enterprise presented a report of the Chief Executive in respect of the Building Control Collaborative arrangements.

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The Executive Member for Planning and Enterprise advised that, at its meeting held on 15 December 2015, Cabinet agreed that any material changes to the existing Business Case be reported back to it for consideration.

The Executive Member for Planning and Enterprise referred to the key changes to the Business Case set out in Section 8 of the report. He drew particular attention to the part of the Business Case within which it was envisaged that a single authority (referred to as LA1) would take on responsibility for Building Control functions, which could not be lawfully delegated to Hertfordshire Building Company (HBC) Ltd., on behalf of all 7 authorities.

The Executive Member for Planning and Enterprise stated that the Business Case had also proposed that the LA1 authority would be staffed by a Building Control professional. It was now proposed that the LA1 Contract Manager (a non-Building Control professional) would actively consider the recommendations from HBC before issuing any decision.

The Executive Member for Planning and Enterprise explained that work was continuing on updating the signed Services Agreement which related to the services to be procured and delivered by HBC and preliminary work on a new Inter Authority Agreement (IAA) (in anticipation of the delegation of authority for decisions from 6 of the authorities to LA1 - proposed, in the first instance, to be Three Rivers District Council).

**RESOLVED:**

- (1) That the material changes to the Building Control Business Case be noted;
- (2) That the Building Control Statutory Delegated Functions be delegated to LA1 (in the first instance, to be Three Rivers District Council); and
- (3) That authority be delegated to the Chief Executive and Corporate Legal Manager to enter into a proposed Inter Authority Agreement and continue with the project in accordance with the principles of the Business Case (as amended and detailed in the report).

**REASON FOR DECISION:** To enable the Building Control project to continue to the next phase.

**61 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act.

**62 BUILDING CONTROL COLLABORATIVE ARRANGEMENTS**

[Note: Prior to the consideration of this item, the Head of Development & Building Control (Ian Fullstone) withdrew from the room for the remainder of the meeting, in view of his role as a Director of the Hertfordshire Building Company Ltd.]

The Executive Member for Planning and Enterprise presented a Part 2 report of the Chief Executive in respect of a financial update regarding the Building Control Collaborative arrangements. The following appendix was submitted with the report:

Appendix A – Business Case update (previously reported to Cabinet on 15 December 2017).

**RESOLVED:** That the financial update regarding the Building Control Collaborative arrangements be noted.

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**REASON FOR DECISION:** To enable the Building Control project to continue to the next phase.

The meeting closed at 8.28 pm

Chairman