

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

MEETING HELD AS A VIRTUAL MEETING ON TUESDAY, 23RD JUNE, 2020 AT 7.30 PM

MINUTES

Present: *Councillors: Martin Stears-Handscomb (Chair), Paul Clark (Vice-Chair), Ian Albert, Judi Billing, Elizabeth Dennis-Harburg, Gary Grindal, Keith Hoskins and Steve Jarvis.*

Deputy Executive Members Councillors Ian Mantle and Carol Stanier

In Attendance: *David Scholes (Chief Executive), Anthony Roche (Deputy Chief Executive), Jeanette Thompson (Service Director - Legal and Community), Ian Couper (Service Director - Resources), Ian Fullstone (Service Director - Regulatory), Vaughan Watson (Service Director - Place), Sarah Kingsley (Communications Manager), Nigel Smith (Strategic Planning Manager), Chloe Hipwood (Service Manager - Waste and Recycling) and Hilary Dineen (Committee, Member and Scrutiny Manager)*

1 WELCOME AND INTRODUCTION

Audio Recording – 22 seconds

The Chair welcomed everyone to this virtual meeting of Cabinet that was being conducted with Members and Officers at various locations, communicating via audio/video and online and advised that there was the opportunity for the public and press to listen and view proceedings.

Attendance

A roll call of Members and Officers was undertaken to ensure that they could hear and be heard.

Live Streaming

The meeting was being streamed live on the Council's You Tube channel. If live streaming failed the meeting would adjourn. If the live stream was unable to be restored within a reasonable period then the remaining business would be considered at later date.

If for any reason the meeting was not quorate an Officer would notify attendees by interjecting the meeting. The meeting would adjourn immediately. Once the meeting was quorate the meeting would resume. If connection could not be restored within a reasonable period, then the remaining business would be considered at a later date.

Only Members present for the entire debate and consideration of an item were entitled to vote.

If technology fails for a Member during the debate and they rejoined the meeting, they would not be able to vote on that item.

If a Member dropped out of the meeting and was unable to connect an email had been sent to each Member with telephone options,

Noise interference

Electronic devices should be muted and all present should have the mute button on their tablet or computer activated when not speaking.

Rules of Debate

The raise hand button (located under participants) should be used to alert the Chair that you wish to speak. Please wait for the Chair to invite you to speak before doing so.

Voting

Voting would be undertaken using the Green tick for "Yes", Red Cross for "No" and Blue Raise Hand for "abstain", located in the participants section at the bottom of the screen. To enable the votes to be counted, votes should not be cleared until requested to do so.

Details of how Members voted would not be kept or minuted unless a Recorded Vote was requested or an individual requested that their vote be recorded, and it will not be heard or seen on the audio and YouTube recordings of the meeting.

Part 2 Items

There were Part 2 papers on the agenda. When the Committee had resolved to move into Part 2 the host would ask the Committee Members and relevant officers to join a Break Out Room where the Part 2 discussions would be held.

Once the Part 2 discussions had concluded Members would need to move back into the public part of the meeting.

Whilst the part 2 discussions were taking place the live stream of the meeting would not cease. The YouTube channel would remain live with a holding message.

The Chair, Councillor Martin Stears-Handscorn started the meeting proper.

2 APOLOGIES FOR ABSENCE

Audio Recording – 6 minutes 39 seconds

Apologies for absence were received from Councillors Ruth Brown and Sean Prendergast (Deputy Executive Members),

Councillor Kate Aspinwall (Chair Finance, Audit and Risk Committee) sent her apologies for absence.

3 NOTIFICATION OF OTHER BUSINESS

Audio recording – 7 minutes 22 seconds

There was no other business notified.

4 CHAIR'S ANNOUNCEMENTS

Audio Recording – 7 minutes 26 seconds

(1) The Chairs welcomed everyone to the first Cabinet meeting in the 2020/21 Civic Year.

- (2) The Chair advised that, in accordance with Council policy this meeting was being audio recorded as well as filmed. The audio recordings would be available to view on Mod.gov and the film recording via the NHDC YouTube channel.
- (3) Members were reminded that this Council had declared a Climate Emergency. This was a serious decision and meant that, as this was an emergency, all of us, officers and Members had that in mind as we carried out our various roles and tasks for the benefit of our District.
- (4) Members were reminded to make declarations of interest before an item, the detailed reminder about this and speaking rights is set out under Chair's Announcements on the agenda.
- (5) The Chair advised that Item 8 – Hitchin Market – New Contract had been withdrawn from the agenda. Negotiations continued and this item would be brought to Cabinet as soon as possible.
- (6) The Chair advised that he would take the agenda in the order published, with both Part 2 Items – Business continuity Update and Commercial Waste Collection Service Impacts of Covid-19 being heard together. The meeting would then return to Part 1 to take Part 1 decisions on both items at the end of the meeting.

5 PUBLIC PARTICIPATION

Audio recording – 9 minutes 2 seconds

There were no presentations by members of the public.

6 ITEMS REFERRED FROM OTHER COMMITTEES

Audio recording – 9 minutes 6 seconds

There were 7 referrals from Finance, Audit and Risk Committee and Overview and Scrutiny Committee. These would be taken with the relevant items on the agenda.

7 STRATEGIC PLANNING MATTERS

Audio Recording – 9 minutes 19 seconds

Councillor Paul Clark, Executive Member for Planning and Transport, presented the report entitled Strategic Planning Matters together with the following appendices:

- Appendix A – Response to Welwyn Hatfield Local Plan consultation.
- Appendix B – Letter to Secretary of State re. Local Plan Examination.
- Appendix C - Response to Baldock, Bygrave & Clothall Neighbourhood Plan consultation.
- Appendix D – Response to Hertfordshire Rail Strategy.
- Appendix E – Response to Hertfordshire CC North Central Growth & Transport Plan.

The following Members asked questions and took part in the debate:

- Councillor Martin Stears-Handscorn;
- Councillor Ian Albert.

Members comments included:

- That, although it was important to reinvigorate town centres, free car parking wasn't a panacea and that there was a need to get people to walk and cycle into towns;
- That the Council was facing a significant budget deficit due to the Covid-19 pandemic.

RESOLVED:

- (1) That the report on strategic planning matters be noted.
- (2) That the submissions in Appendices A to E be noted and endorsed.

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

8 DISTRICT WIDE SURVEY 2019 - KEY FINDINGS

Audio Recording – 16 minutes 50 seconds

Councillor Martin Stears-Handscomb, Leader of the Council, presented the report entitled District Wide Survey 2019 – Key Findings.

The recommendations from the Overview and Scrutiny Committee were considered as follows:

- (1) That Cabinet comment on and note the key findings and observations from the District Wide Survey.
- (2) That Cabinet note that the results will be considered by Senior Management Team in conjunction with Executive Members, to inform the service planning process and future consultation activity.

Following the vote it was:

RESOLVED:

- (1) That the key findings and observations from the District Wide Survey be noted:
- (2) That Cabinet note that the results are being considered by Senior Management Team in conjunction with Executive Members, to inform the service planning process and future consultation activity.

REASON FOR DECISIONS: To ensure that Cabinet is aware of the results and any trends from previous surveys and how the results will be used to inform future service delivery.

9 HITCHIN MARKET - NEW CONTRACT

The Chair had previously advised that this item had been withdrawn from the agenda.

10 CORPORATE PEER CHALLENGE ACTION PLAN

Audio Recording – 21 minutes 31 seconds

Councillor Martin Stears-Handscomb, Leader of the Council, presented the report entitled Corporate Peer Challenge Action Plan together with the associated appendix:

- Appendix A – Draft Corporate Peer Challenge Action Plan.

Councillor David Levett, Chair of the Overview and Scrutiny Committee, advised that the Committee felt that all Members should receive planning training and therefore had agreed an additional recommendation. The Committee had made the following recommendations to Cabinet:

- (1) That the draft Action Plan at Appendix A be approved.
- (2) That agreeing the timescales for the actions within the Action Plan be delegated to the Leader, Deputy Leader and Managing Director.
- (3) That Cabinet recommend to Full Council that the Special Reserve be used to fund a small transformation team for a period of 18 months from October 2020, with an estimated total cost of £150k (£50k in 2020/21 and £100k in 2021/22).
- (4) That agreeing the specification for, and intended outcomes of, the transformation programme be delegated to the Leader, Deputy Leader, Executive Member for Finance and IT, Managing Director and Service Director Resources.
- (5) That Cabinet consider making Planning training compulsory for all Members.

The following Members took part in the debate:

- Councillor Martin Stears-Handscomb;
- Councillor Paul Clark;
- Councillor Ian Albert;
- Councillor Steve Jarvis;
- Councillor Judi Billing.

Comments from Members included:

- That all Members should receive Planning training and a way forward was needed;
- The take up of training by Members was extremely low and Group Leaders needed to encourage take up of essential training;
- There was an opportunity to consider new ways of providing training such as Zoom.

Councillor Martin Stears-Handscomb proposed and Councillor Judi Billing seconded that:

“That the Learning and Development Champions be requested to investigate various methods of training delivery for Members”

Councillor Martin Stears-Handscomb propose, Councillor Paul Clark seconded and it was:

RESOLVED:

- (1) That the draft Action Plan at Appendix A be approved.
- (2) That agreeing the timescales for the actions within the Action Plan be delegated to the Leader, Deputy Leader and Managing Director.
- (3) That the Learning and Development Champions be requested to investigate various methods of training delivery for Members.

RECOMMENDED TO COUNCIL:

- (1) That the Special Reserve be used to fund a small transformation team for a period of 18 months from October 2020, with an estimated total cost of £150k (£50k in 2020/21 and £100k in 2021/22);

- (2) That agreeing the specification for, and intended outcomes of, the transformation programme be delegated to the Leader, Deputy Leader, Executive Member for Finance and IT, Managing Director and Service Director Resources.

REASON FOR DECISIONS: To ensure that the Council responds to the matters identified within the CPC report, ensuring that the benefits of the CPC process are realised.

11 SHAPING OUR FUTURE - ORGANISATIONAL DEVELOPMENT

Audio Recording 39 minutes 8 seconds

Councillor Martin Stears-Handscomb, Leader of the Council, introduced the report entitled Shaping our Future – Organisational Development together with the following appendix:

- Appendix A – Draft Terms of Reference ‘Shaping our Future’ Working Group.

The Deputy Chief Executive drew attention to the main issues in the report.

The following Members asked questions and took part in the debate:

- Councillor Steve Jarvis.

The Deputy Chief Executive made the following comment in response to questions:

- That a budget had been agreed for a Service Director-Transformation.
- That the Membership of the Working Group should be reconsidered.

RESOLVED:

- (1) That Cabinet endorse the outcomes set out at paragraph 8.2 of this report for the Shaping Our Future Programme, to be implemented by the Head of Paid Service.
- (2) That Cabinet endorse the terms of reference for a working group, attached at Appendix A, to be implemented by the Head of Paid Service.
- (3) The Membership of the Working Group be reconsidered.

REASONS FOR DECISIONS:

- (1) These recommendations are based on a need to create clarity about the purpose and need for Organisational Development and to clearly link this to the Council's Priorities and the Corporate Peer Challenge Action Plan.
- (2) The recommendations recognise that whilst much of the activity encompassed in the Shaping Our Future Programme is to do with the Management of the organisation and therefore focuses on officers it must be in line with the Council's Priorities. It is also important that values and behaviours are understood and demonstrated consistently by both officers and Members and that Members support and engage with the Shaping Our Future programme where it relates to them.
- (3) A working group will provide a focal point for ‘Shaping our Future’ and act to steer and facilitate actions that work towards the outcomes.

12 HOUSING DELIVERY TEST ACTION PLAN

Audio Recording – 47 minutes 15 seconds

Councillor Paul Clark, Executive Members for Planning and Transport presented the report entitled Housing Delivery Test Action Plan together with the following appendix:

- Appendix A – Housing Delivery Test Action Plan 2020.

RESOLVED:

- (1) That the HDT Action Plan, attached as Appendix 1, be approved for publication and implementation.
- (2) That the key messages and actions contained in the HDT Action Plan are incorporated as appropriate in actions and measures arising from implementation of the Corporate Peer Challenge Action Plan.

REASONS FOR DECISIONS:

- (1) To meet the requirements of national planning policy.
- (2) To ensure that measures are developed and implemented consistently and in an integrated fashion across the organisation.

13 REGULATION OF INVESTIGATORY POWERS ACT ('RIPA') UPDATE AND ANNUAL REVIEW

Audio Recording – 49 minutes 45 seconds

Councillor Martin Stears-Handscomb, Leader of the Council, presented the report entitled Regulation of Investigatory Powers Act (RIPA) Update and Annual Report together with the following appendices:

- Appendix A – IPCO Inspection Report;
- Appendix B – RIPA Policy amended draft showing tracked changes;
- Appendix C – RIPA Social Media Policy amended showing tracked changes.

The recommendation of the Overview and Scrutiny Committee was considered as follows:

That the RIPA Policy and Social Media in Investigations Policy as amended (in Appendices B-C) be approved.

It was noted that the Overview and Scrutiny Committee had suggested that Tik Tok be added to the list of popular social media in the Social Media Policy.

RESOLVED:

- (1) That Tik Tok be added to the list of current examples of popular forms of social media at Paragraph 3.3 of the Use of Social Media in Investigations Policy and Procedure.
- (2) That the content of this and the Investigatory Powers Commissioner's Office Inspection report (Appendix A) be noted.
- (3) That the RIPA Policy and Social Media in Investigations Policy as amended (Appendices B-C) be approved.

REASON FOR DECISIONS: To comply with the Inspector's recommendations and best practice.

14 REVENUE BUDGET OUTTURN 2019/20

Audio Recording – 51 minutes 50 seconds

Councillor Ian Albert, Executive Members for Finance and IT presented the report entitled Revenue Budget Outturn 2019/20.

He drew attention to the significant impact of Covid-19 on the Council's finances and that not all of these impacts would necessarily be covered by central Government.

The recommendation from the Finance, Audit and Risk Committee were considered as follows:

- (1) That the report be noted;
- (2) That a decrease of £129k in the 2019/20 net General Fund expenditure, as identified in table 3 and paragraph 8.1, to a total of £14.692 million be approved;
- (3) That the changes to the 2020/21 General Fund budget, as identified in table 3 and paragraph 8.2, a total £344k increase in net expenditure, be approved;
- (4) That the transfer, as referred to in paragraph 8.3, of £59k from the underspend on the General Fund to the strategic Priority fund to enable the Leadership Team to undertake invest to save and/or continuous improvement projects be approved.

That Cabinet recommend to Council:

- (1) The net transfer to earmarked reserves of £2.161million be approved.

It was proposed by Councillor Ian Albert, Seconded by Councillor Martin Stears-Handscomb and:

RESOLVED:

- (1) That the report entitled Revenue Budget Outturn 2019/20 be noted.
- (2) That a decrease of £129k in the 2019/20 net General Fund expenditure, as identified in table 3 and paragraph 8.1, to a total of £14.692million be approved.
- (3) That the changes to the 2020/21 General Fund budget, as identified in table 3 and paragraph 8.2, a total £344k increase in net expenditure be approved.
- (4) That, as referred to in paragraph 8.3, the transfer of £59k from the underspend on the General Fund to the Strategic Priority fund to enable the Leadership Team to undertake invest to save and/or continuous improvement projects be approved.

RECOMMENDED TO COUNCIL: That the net transfer to earmarked reserves, as identified in table 8, of £2.161million be approved.

REASONS FOR DECISIONS:

- (1) Members are able to monitor, make adjustments within the overall budgetary framework and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process.
- (2) Changes to the Council's balances are monitored and approved.

15 INVESTMENT STRATEGY (CAPITAL AND TREASURY) END OF YEAR REVIEW 2019/20

Audio Recording - 58 minutes 35 seconds

Councillor Ian Albert, Executive Member for Finance and IT presented the report entitled Investment Strategy (Capital and Treasury) End of Year Review 2019/20 together with the following appendices:

- Appendix A - Capital Programme Detail including Funding 2019/20 onwards;
- Appendix B - Treasury Management Annual Review.

He advised that the effects of the Covid-19 pandemic meant that a full review of the Council's finances would have to be undertaken in the coming months

The recommendation from the Finance, Audit and Risk Committee were considered as follows:

- (1) That the expenditure of £1.473million on 2019/20 on the capital programme, paragraph 8.3 refers, and in particular the changes detailed in table 3 which resulted in a net decrease on the working estimate of £0.055million, be noted;
- (2) That the adjustments to the capital programme for 2020/21 as a result of the revised timetable of schemes detailed in table 2, increasing the estimated spend in 2020/21 by £0.277million (re-profiled from 2019/20), be approved;
- (3) That the position of the availability of capital resources, as detailed in table 4 paragraph 8.6 and the requirement to keep the capital programme under review for affordability, be noted;
- (4) That the application of £0.639million of capital receipts towards the 2019/20 capital programme and the drawdown of £0.397million from set aside receipts, paragraph 8.6 refers, be approved;
- (5) That the position of Treasury Management activity as at the end of March 2020 be noted.

Cabinet recommend to Council:

- (1) That the actual 2019/20 prudential and treasury indicators be approved;
- (2) That the annual Treasury Report for 2019/20 be noted.

Councillor Ian Albert proposed, Councillor Martin Stears-Handscomb second and it was:

RESOLVED:

- (1) That the expenditure of £1.473million in 2019/20 on the capital programme, paragraph 8.3 refers, and in particular the changes detailed in table 3 which resulted in a net decrease on the working estimate of £0.055million be noted.
- (2) That the adjustments to the capital programme for 2020/21 as a result of the revised timetable of schemes detailed in table 2, increasing the estimated spend in 2020/21 by £0.277million (re-profiled from 2019/20) be approved.
- (3) That the position of the availability of capital resources, as detailed in table 4 paragraph 8.6 and the requirement to keep the capital programme under review for affordability be noted.
- (4) That the application of £0.639million of capital receipts towards the 2019/20 capital programme and the drawdown of £0.397million from set aside receipts, paragraph 8.6 refers be approved.

- (5) That the position of Treasury Management activity as at the end of March 2020 be noted.

RECOMMENDED TO COUNCIL:

- (1) That the actual 2019/20 prudential and treasury indicators be approved.
- (2) That the annual Treasury Report for 2019/20 be noted.

REASON FOR DECISIONS:

- (1) Cabinet is required to approve adjustments to the capital programme and ensure the capital programme is fully funded.
- (2) To ensure the Council's continued compliance with CIPFA's code of practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

16 GARDEN WASTE COLLECTION SERVICE IMPACTS OF COVID

Audio Recording – 1 hour 3 minutes 6 seconds

Councillor Elizabeth Dennis-Harburg, Executive Member for Recycling and Waste Management, presented the report entitled Garden Waste Collection Service Impacts of Covid-19.

Councillor David Levett presented the recommendations of the Overview and Scrutiny Committee as follows:

That Council agrees an extension of the current 12 months payment period for green waste collection, for a further period of 2 months [The loss of income based on current (48%) uptake is approximately £186,000].

Councillor Levett commented that it had now been three years since this service was put in place and that the direct debit option for payment should be moved on.

The following Members took part in the debate:

- Councillor Martin Stears-Handscomb;
- Councillor Ian Albert.

Councillor Elizabeth Dennis-Harburg proposed, Councillor Martin Stears-Handscomb seconded and it was:

RESOLVED: That the Council agrees an extension of the current 12 months payment period for green waste collection, for a further period of 2 months [The loss of income based on current (48%) uptake is approximately £186,000].

REASON FOR DECISIONS: To acknowledge service disruption / suspension in our garden waste collection service and demonstrate to residents that the Council accepts the inconvenience caused during the seasonal peak of garden waste production.

17 BUSINESS CONTINUITY PLANNING UPDATE

Audio Recording – 1 hour 58 minutes 46 seconds

Once Members had returned to the Part 1 meeting, the Committee, Member and Scrutiny Manager undertook a roll call.

NB This Item was considered after the Part 2 Item (Minute 20 refers)

Councillor Martin Stears-Handscomb advised that a further recommendation had been agreed during the Part 2 deliberations.

RESOLVED:

- (1) That the further commissioning of legal services in relation to the holding company, to be agreed by the Service Director: Legal and Community, the Deputy Chief Executive [Managing Director] in consultation with the Leader and Deputy Leader be approved.
- (2) That the decision on establishment of the trading company, with business case to be presented to the Cabinet Sub-Committee as soon as possible for approval thereafter be delegated to the Deputy Chief Executive [Managing Director] in consultation with the Leader and Deputy Leader.
- (3) That Cabinet supports any additional initiatives such as the furloughed space grants suggested by the British Retail Corporation to support the economic recovery of the District, provided it is fully funded by the Government.
- (4) That Cabinet delegate authority to the Managing Director and Service Director Place to take decisions regarding services provided under the Leisure contracts, in consultation with the Executive Member for Environment and Leisure, the Service Director Resources and Executive Member for Finance and IT.

REASON FOR DECISIONS: To ensure that the Council is as prepared as it can be for contractor failure / withdrawal from major contracts.

18 COMMERCIAL WASTE COLLECTION SERVICE - IMPACTS OF COVID-19

Audio Recording – 2 hours 4 minutes 7 seconds

NB This Item was considered after the Part 2 Item (Minute 21 refers)

Councillor Elizabeth Dennis-Harburg advised that further recommendations had been agreed during the Part 2 deliberations

RESOLVED:

- (1) That the Q1 invoices for all customers who suspended their service with us and only resume charges upon the start of services be withdrawn (and reduce the invoices for those that asked for a temporary reduction in service level), leading to an estimated budget deficit of £34,000 for Q1.
- (2) That Cabinet note that for customers who are still liable to pay, where necessary, the Council will work with the customer to identify suitable alternative payment arrangements. This is in accordance with the Council's debt management processes.
- (3) That extended payment terms for Q2 to 60 days, and to 30 days for Q3 be agreed.

REASON FOR DECISIONS: To acknowledge the reduced service needs and hardship experienced by local businesses during the Covid 19 pandemic and government initiated lockdown. However at the same time there is a need to make sure that proposals are equitable and that any income lost will not be funded by local taxpayers

19 EXCLUSION OF PRESS AND PUBLIC

Audio Recording – 1 hour 13 minutes 5 seconds

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public and press 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 of the said Act.

20 BUSINESS CONTINUITY PLANNING UPDATE

NB There is no audio recording as this was a Part 2 item

The Deputy Chief Executive presented the report entitled Business Continuity Planning Update and the additional information supplied.

The Service Director – Place provided information regarding Leisure Services in the District.

The following Members took part in the debate:

- Councillor Steve Jarvis;
- Councillor Ian Albert

RESOLVED: That the content of the Part 2 report entitled Business Continuity Planning Update be noted.

REASON FOR DECISION: To ensure that the Council is as prepared as it can be for contractor failure/ withdrawal from major contracts by creating a mechanism through which currently contracted out services can be delivered through a Council company in the short term whilst alternative options are considered.

21 COMMERCIAL WASTE COLLECTION SERVICE - IMPACTS OF COVID-19

NB There is no audio recording as this was a Part 2 item

Councillor Keith Hoskins advised that for transparency he would not take part in the vote as he paid for a commercial waste collection.

Councillor Elizabeth Dennis-Harburg presented the report entitled Commercial Waste Collection Service – Impacts of Covid-19 and the addendum report of the same name.

Councillor David Levett presented the referral from the Overview and Scrutiny Committee as follows:

That Cabinet consider two options being:

- (i) The recommendation contained in the Part 2 report
- (ii) The option detailed in Paragraph 4.3 of the original Part 2 report.

The following Members took part in the debate:

- Councillor Ian Albert;
- Councillor Martin Stears-Handscorn;
- Councillor Steve Jarvis.

The Service Manager Waste, Service Director – Resources and Chief Executive answered questions from Members.

RESOLVED: That the three recommendations contained in the Part 2 report and the addendum to the Part 2 report be agreed.

REASON FOR DECISIONS: To acknowledge the reduced service needs and hardship experienced by local businesses during the Covid 19 pandemic and government initiated lockdown. However at the same time there is a need to make sure that proposals are equitable and that any income lost will not be funded by local taxpayers.

The meeting closed at 9.37 pm

Chair