

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### MINUTES

Meeting of the Cabinet held in the Council Chambers, District Council Offices, Gernon Road,  
Letchworth Garden City, SG6 3JF  
on Tuesday, 14th March, 2023 at 7.30 pm

**PRESENT:** Councillors: Councillor Elizabeth Dennis-Harburg (Chair), (Vice-Chair), Ruth Brown, Ian Albert, Keith Hoskins, Amy Allen, Steve Jarvis and Alistair Willoughby

**IN ATTENDANCE:** Sarah Kingsley (Service Director - Place), James Lovegrove (Committee, Member and Scrutiny Manager), Anthony Roche (Managing Director), Ian Fullstone (Service Director - Regulatory), Jeanette Thompson (Service Director - Legal and Community), Ian Couper (Service Director - Resources), Deborah Coates (Principle Strategic Planning Officer), Clare Skeels (Senior Planning Officer) and Sjanel Wickenden (Committee, Member and Scrutiny Officer)

**ALSO PRESENT:** At the commencement of the meeting approximately 0 members of the public, including registered speakers.

#### 169 APOLOGIES FOR ABSENCE

*Audio recording – 4 minutes 3 seconds*

The Chair led a Minute's silence in memory of former Councillor John Bishop.

Apologies for absence were received from Councillor Sean Prendergast.

#### 170 MINUTES - 31 JANUARY 2023

*Audio Recording – 4 minutes 27 seconds*

The Chair invited Councillor Alistair Willoughby, as Deputy Executive for Housing and Environmental Health, to provide the Cabinet with an update on Local Authority Homeless Funding.

The Chair thanked the Executive Member and Deputy, as well as Officers, for their effort in acquiring funding.

Councillor Elizabeth Dennis-Harburg, as Chair, proposed and Councillor Ruth Brown seconded and following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 31 January 2023 be approved as a true record of the proceedings and be signed by the Chair.

#### 171 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 6 minutes 55 seconds*

There was no other business notified.

#### 172 CHAIR'S ANNOUNCEMENTS

*Audio recording – 6 minutes 59 seconds*

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (2) The Chair reminded that this Members that the 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.
- (3) The Chair reminded Members 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.
- (4) The Chair advised that for the purposes of clarification, Clause – 4.8.23(a) of the Constitution does not apply to this meeting.

### **173 PUBLIC PARTICIPATION**

*Audio recording – 8 minutes 5 seconds*

There was no public participation at this meeting.

### **174 ITEMS REFERRED FROM OTHER COMMITTEES**

*Audio recording – 8 minutes 9 seconds*

The Chair advised that each referral would be considered under the relevant agenda item.

### **175 SUSTAINABILITY SPD**

*Audio recording – 8 minutes 36 seconds*

The Chair invited Councillor Ruth Brown, Executive Member for Planning and Transport to present the report entitled 'Draft Sustainability SPD' and advised of the following:

- This report was an overview of what details might be included in the Supplementary Planning Document.
- The Cabinet Panel on Environment had reviewed the outline proposals and their comments were included at 5.1 in the report.

In response to a question from Councillor Steve Jarvis, the Principle Strategic Planning Officer confirmed that the materials referred to in point 8.1 of the report was regarding building materials and that the final proposals would be brought back to the Cabinet Panel for further comments.

Councillor Ruth Brown proposed, and Councillor Steve Jarvis seconded, and following a vote, it was:

#### **RESOLVED:**

- (1) That the proposed structure and breadth of the draft Sustainability SPD was approved.
- (2) That the issues and points raised by the Cabinet Panel on the Environment were noted.
- (3) That, for the purposes of developing the draft SPD, Cabinet endorsed the principles of:

- A tiered approach to assessing the sustainability of new buildings in terms of both built fabric and operational efficiency; and
- Investigation of the application of parking standards, both residential and non-residential, with a view to reducing or offsetting them where appropriate.

**REASON FOR DECISION:** To allow the Sustainability SPD to be progressed so that it may be publicly consulted upon with a view to being adopted.

## 176 STATEMENT OF COMMUNITY INVOLVEMENT - DRAFT FOR PUBLIC CONSULTATION

*Audio recording – 12 minutes 54 seconds*

The Chair invited Councillor Ruth Brown, Executive Member for Planning and Transport to present the report entitled 'Statement of Community Involvement' and advised of the following:

- This was an update to the existing Statement of Community Involvement, following the material changes in situation following the adoption of the Local Plan.
- There had been a change of emphasis, the Local Plan was now at the back of the document and the master planning section had been given higher priority.
- This draft would be presented for public consultation.

Councillor Ruth Brown proposed, and Councillor Ian Albert seconded, and following a vote, it was:

### **RESOLVED:**

- (1) That the Council's current Statement of Community Involvement should be revised and replaced having regard to the factors outlined in this report.
- (2) That subject to recommendation 2.1, the revised draft Statement of Community Involvement (SCI) as attached as Appendix A to this report, be noted and approved for a six week public consultation.

**REASONS FOR DECISIONS:** Officers consider that the SCI should be updated to reflect the change in emphasis from preparing the local plan to implementation, particularly through masterplanning.

## 177 THIRD QUARTER 2022/23 INVESTMENT STRATEGY (CAPITAL AND TREASURY)

*Audio recording – 14 minutes 21 seconds*

The Chair invited Councillor Ian Albert, Executive Member for Finance and IT, to present 'Third Quarter Strategy (Capital and Treasury) Review 2022-2023' and advised of the following:

- The Executive Summary and Table 2 in the report provided updates on the timing and delivery of capital projects, including those that have been delayed to 2023-24.
- The North Herts Museum Platform Lift project has been resolved and the previously allocated budget could be released.
- Treasury management had benefited from the increase of interest rates, and changes to these were being monitored, but investments were still being made in line with strategies and prudential indicators.

Councillor Ian Albert proposed, and Councillor Keith Hoskins seconded, and following a vote, it was:

**RESOLVED:** That Cabinet:

- (1) Noted the forecast expenditure of £8.370M in 2022/23 on the capital programme, paragraph 8.3 refers.
- (2) Approved the adjustments to the capital programme for 2022/23 onwards, as a result of the revised timetable of schemes detailed in table 2 and 3, increasing the estimated spend in 2023/24 by £1.554M.
- (3) Noted 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.
- (4) Considered the position of Treasury Management activity as at the end of December 2022.

**REASONS 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.

**178 THIRD QUARTER REVENUE BUDGET MONITORING 2022/23**

*Audio recording – 18 minutes 12 seconds*

The Chair invited Councillor Ian Albert, Executive Member for Finance and IT, to present 'Third Quarter Revenue Budget Monitoring 2022-2023' and advised of the following:

- Table 2 in the report detailed the changes in forecast, with the biggest area of movement being staffing underspends and recycled material costs.
- The change in recycled material cost had reversed the changes seen earlier in the year and reflected the volatility of the market.
- The Council had experienced difficulties in recruiting to some posts with a proposal to have funding carried over for use over the next 2 years, with an aim to address some of the resourcing issues.
- Table 6 highlights the overall forecast impact on the General Fund balance, and highlights the forecast increase compared to the budget but it was noted that expenditure still exceeds funding by £850K, therefore the increase would be met by transfer from other reserves.
- Recommendation 2.3 sought to increase spending by £549K which was expected to soften some of the increased balance.
- Resourcing issues had been raised at the Overview and Scrutiny Committee meeting on 9 March 2023.

Councillor Ian Albert proposed, and Councillor Keith Hoskins seconded, and following a vote, it was:

**RESOLVED:** That Cabinet:

- (1) Noted the report.
- (2) Approved the changes to the 2022/23 General Fund budget, as identified in table 3 and paragraph 8.3, a £1.060million decrease in net expenditure.

- (3) Approved the changes to the 2023/24 General Fund budget, as identified in table 3 and paragraph 8.3, a total £532k increase in net expenditure.
- (4) Approved the use of £140k of salary budget carry-forward for additional Service Director capacity for an 18- month period, and that the allocation of the remainder (if needed) will be delegated to the Managing Director (as Head of Paid Service), in consultation with the Leader, Deputy Leader and Executive Member for Finance and IT.

**REASONS FOR DECISIONS:** 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.

## 179 Q3 UPDATE ON COUNCIL DELIVERY PLAN

*Audio recording – 22 minutes 4 seconds*

The Chair invited Councillor Ian Albert, Executive Member for Finance and It, to present 'Third Quarter Update on Council Delivery Plan Strategy' and stated the following:

- This was a key document used by Cabinet, Finance Audit and Risk, and the Overview and Scrutiny Committees as well as Executive Members for monitoring.
- This was the first year of this plan being presented and been broadly successful.
- The update provided details on several completed projects as well as some where milestones have been updated.

Councillor Ian Albert proposed, and Councillor Keith Hoskins seconded, and following a vote, it was:

**RESOLVED:** That Cabinet noted the:

- (1) Progress against Council projects as set out in the Council Delivery Plan (Appendix A) including changes to milestone dates and risks.
- (2) Completion of the Business Recovery Grants, EV Charging for Council Vehicles and the Help Residents make payments at convenient Location milestones for this year.
- (3) Reduction in the Local Plan risk score from a 9, to a risk score of 6 following the end of the Judicial review period.

**REASONS FOR DECISIONS:** The Council Delivery Plan (CDP) monitoring reports provide Cabinet with an opportunity to monitor progress against the key Council projects, and understand any new issues, risks, or opportunities.

## 180 2023-24 PERFORMANCE MANAGEMENT MEASURES - COUNCIL DELIVERY PLAN

*Audio recording – 27 minutes 18 seconds*

The Chair invited Councillor Ian Albert, Executive Member for Finance and IT, to present '2023-2024 Performance Management Measures -Council Delivery Plan' and advised of the following:

- This sets out the Council Delivery Plan for 2023-2024 and identifies the key Council projects including their risks and performance indicators.
- Milestones for new project's will be added to, 'Quarter One Monitoring Report 2023-24'.
- Appendix A of the Delivery Plan highlights the 19 projects carried forward from 2022-23, with their current risk level and the 10 new projects.

- At the end of Appendix A are the stand alone performance indicator and risks, not linked to a specific project.
- Appendix B 'Summary of Projects', highlights the 11 projects that have either been completed, merged or established as Business as Usual from the Council Delivery plan 2022-23.

Councillor Ian Albert proposed, and Councillor Keith Hoskins seconded, and following a vote, it was:

**RESOLVED:** Cabinet considered and formally approved the Council Delivery Plan to be monitored throughout 2023/2024 by Overview & Scrutiny Committee.

**REASONS FOR DECISION:** An approved Council Delivery Plan provides the Cabinet with assurance that progress against achievement of the Council Plan objectives, will be monitored throughout 2023/24.

## 181 RIPA POLICY UPDATE

*Audio recording – 30 minutes 31 seconds*

Councillor Elizabeth Dennis-Harburg presented the report entitled 'Regulation of Investigatory Powers Act ('RIPA') Annual' review, including that the report highlighted potential changes required to the Policy, due to updated legislation, detailed in section 8.3 of the report.

Councillor Elizabeth Dennis-Harburg, as Chair proposed and Councillor Ian Albert seconded, and following a vote, it was:

**RESOLVED:** The Cabinet approved the RIPA Policy as amended (Appendix A).

**REASON FOR DECISION:** To comply with best practice guidance.

## 182 LEISURE MANAGEMENT CONTRACT UPDATE

*Audio recording – 31 minutes 39 seconds*

The Chair invited Councillor Steve Jarvis, Executive Member for Environment and Leisure to present the report entitled 'Leisure Management Contract Procurement' and advised of the following:

- The current Leisure Management Contracts expires at the end of March 2024.
- There was also ongoing work developing a wider Leisure Strategy to form part of this retendering process.
- The Procurement has been budgeted for, in 2022-23 and 2023-24.
- It was proposed to proceed with a competitive procedure with negotiation procurement, which would allow the Council to negotiate with bidders and enter into discussions as to how best meet the Council strategies and needs of the district.
- A project board had been established to oversee the procurement process.
- It was proposed that this would be a single Leisure Management Contract for the 3 areas of Letchworth, Hitchin and Royston with a 10 year duration, which was standard practice in this industry.
- To make the contract more desirable we will be sharing the risk of maintenance and utilities costs.

Councillor Steve Jarvis proposed, and Councillor Ian Albert seconded and following a vote, it was:

**RESOLVED:** That Cabinet approved:

- (1) A Competitive Procedure with Negotiation (CPN) procedure for the procurement of the Leisure Management contract.
- (2) The delegation of powers to the Director of Place in consultation with project board, in relation to decisions associated with the development of the procurement strategy.
- (3) The letting of a 10-year contract with an option to extend by up to 5 years.
- (4) The combining of the existing three contracts into a single contract, using the nationally recognised Sport England contract format, in order to secure economies of scale and to attract the most interest from the operator market.
- (5) That we would continue with the principle of the existing contractual shared risk approach to utilities and maintenance.

**REASON FOR DECISIONS:** The leisure management contract, expire on 31 March 2024. These recommendations ensure the procurement will be managed effectively to ensure the successful ongoing provision of leisure services in North Herts. Procurement offers an opportunity to review the existing specification and provide a clear policy position on it approach to the future delivery of sport, leisure, physical activity and wellbeing services across the district.

The meeting closed at 8.06 pm

Chair