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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### CABINET

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERNON ROAD

ON TUESDAY, 21ST JUNE, 2022 AT 7.30 PM

### MINUTES

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

**In Attendance:**

*Anthony Roche (Managing Director), Ian Fullstone (Service Director – Regulatory) Steve Crowley (Service Director – Commercial), Johanne Dufficy (Service Director – Customers), Martin Lawrence (Strategic Housing Manager), Helen Flage (Principal Strategic Planning and Implementation Officer), Antonio Ciampa (Accountancy Manager), Isabelle Allajooz (Legal Commercial Team Manager), Nurainatta Katevu (Legal Regulatory Team Manager), James Lovegrove (Committee Member and Scrutiny Officer) and Louis Mutter (Committee, Member and Scrutiny Officer)*

**Also Present:**

*At the commencement of the meeting approximately 4 members of the public, including registered speakers.*

#### 88 APOLOGIES FOR ABSENCE

*Audio recording – 2:10*

Apologies for absence were received from Councillors Judi Billing and Tom Plater.

The Chair informed Cabinet that Councillor Chris Lucas was going to be filling in for Councillor Judi Billing as her Deputy Executive, but could not vote.

#### 89 MINUTES - 22 March 2022

*Audio Recording – 6:40*

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 22 March 2022 be approved as a true record of the proceedings and be signed by the Chair.

#### 90 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 7:24*

There was no other business notified.

#### 91 CHAIR'S ANNOUNCEMENTS

*Audio recording: 7:25 (N.B. The Chair spoke on the passing of Councillor Gary Grindal at 2:40)*

- (1) The Chair made a statement regarding the passing of the former Executive Member for Housing and Environmental Health Councillor Gary Grindal and invited Members to speak. The Chair then held a minute's silence;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (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) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and 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;
- (5) The Chair informed the Committee that items 15 and 16 would be taken prior to item 14.

## **92 PUBLIC PARTICIPATION**

*Audio recording – 8:10*

The Chair invited Ms. Carolyn Cottier to address the Committee.

Ms. Cottier thanked the Chair for the opportunity to address the Committee and gave a verbal presentation related to item 8 Strategic Planning Matters, this included:

- This information is urgent and must be relayed no later than the 21<sup>st</sup> June 2022, since it affects tonight's agenda;
- Findings related to the missing representations from the Local Plan Examination in Public, wherein hundreds of Regulation 19 participants submissions were discovered to have been lost;
- An audit has been conducted on 2750 individual participant responses;
- The latest still missing status stands at 475 lost documents;
- The Inspectors Final Draft Report for the Local Plan Examination has been released. ED243 on the website;
- ED243 was dated the 6<sup>th</sup> of June 2022, but was only published after an unfair delay. The 10<sup>th</sup> of June was when it was first publicly disclosed;
- The Department of Levelling Up's Quality Assurance team would need to guarantee legal compliance; meaning all participatory submissions must be fully present at the time;
- The breakdown of the missing evidence by area is: 195 against East of Luton sites, 113 Breachwood Green KW1 sites, 20 against Codicote, 33 Knebworth, 20 Baldock, 8 Barkway and 56 missing from a range of other areas.

The Chair invited Ms. Cheryl Peers to address the Committee.

Ms. Peers thanked the Chair for the opportunity to address the Committee and gave a verbal presentation related to item 8 Strategic Planning Matters, which included:

- 3 representations sent via email in response to the Further Main Modifications Consultation held in May to July 2021 remain actively obstructed;
- A senior planning officer has claimed they are solely responsible;

- Ms. Peers read out an email exchange between a member of public and the senior planning officer;
- The obstruction of these 3 representations was established due to an improvised and unauthorised decision.

The Chair then invited Mr. David Cook to address the Committee.

Mr. Cook thanked the Chair for the opportunity to address the Committee and gave a verbal presentation related to item 9 Conservation Area Reviews, which included:

- Wanted to speak on the Ashwell Conservation Area and not on specific recommendations;
- The reasons for recommendations provided in the agenda pack on item 9 are 'to appropriately assess conservation areas'
- The recommendations were fed by a Consultant's report which was provided by Ashwell Parish Council's submissions and suggestions;
- Sharing extracts from a Freedom of Information request which have been obtained to seek transparency on the process that went into the Parish Council's submission;
- The Parish Council's Chair and Vice-Chairman set up and sat on a working group to consider these matters, then as Chair and VC they endorsed their own actions and sent the findings to North Herts Council's consultant;
- Mr. Cook then read extracts from emails he had received from the Freedom of Information request;
- Some of the areas included in the Parish Council's submission did not have sound reasons for doing so.

### **93 ITEMS REFERRED FROM OTHER COMMITTEES**

*Audio recording – 30:00*

The Chair informed the Committee that the referrals from other Committees would be taken with their respective items on the agenda.

### **94 INFORMATION NOTE: UPDATE ON THE DEMAND FOR ACCOMMODATION AND SUPPORT SERVICES FOR SINGLE HOMELESS PEOPLE**

*Audio Recording – 30:30*

Councillor Sean Prendergast presented the report entitled Update on the Demand for Accommodation and Support Services for Single Homeless People including:

- Important that Members and the public are aware of the demand for accommodation and support services for single homeless people in the district;
- Large increase in demand since the start of the pandemic;
- Requirement on all local authorities to provide emergency accommodation for those approaching as homeless or are a priority need;
- The pandemic saw everyone in including those at risk of rough-sleeping; a large number of those were placed in hotels due to a lack of capacity in purpose built accommodation;
- Over the last two years there has been a cost to the Council of over £400,000 and there are still a high level of people in hotels, which is not sustainable;
- Over 60% have two or more support needs with poor mental health being the most common;
- Still a high hotel use and gaps in provision, which highlights the importance in continuing to support homelessness services.

The following Members took part in the debate:

- Councillor Ian Albert
- Councillor Elizabeth Dennis-Harburg

**RESOLVED:** That the Information Note entitled Update on the Demand for Accommodation and Support Services for Single Homeless People be noted.

## 95 STRATEGIC PLANNING MATTERS

*Audio Recording – 36:21*

Councillor Ruth Brown presented the report entitled Strategic Planning Matters and highlighted the following points:

- Paragraph 8.6 – The Strategic Sites Project Board has agreed some guidance on an approval process for master plans and a design review protocol and some sustainability principles;
- The Knebworth Neighbourhood Plan has been approved through the referendum that took place in May 2022. It now formally forms part of the plan in decision-making around planning applications;
- Paragraph 8.14 – There have been some amendments to the building regulations that the government has introduced; quite a substantial change. From June 2023 the Council will need to be implementing these;
- Paragraph 8.21 – The Luton Airport proposal to increase from 18 to 19 million passengers was called in by the Secretary of State; the Council has sent written representations along with other Districts and Boroughs that are affected by these proposals;
- Paragraph 8.24 – The Local Cycling and Walking Infrastructure Plan – was supposed to go to consultation over the summer. The Council has decided that this won't encourage the widest possible participation so it is being delayed until the 5<sup>th</sup> of September;
- Working with the County Council to identify more opportunities for people that don't have garages and off-street parking to charge their electric cars;
- Have identified one carpark in each of the major towns where new and updated electrical charging points will be implemented.

In response to a question from Councillor Steve Jarvis, the Service Director – Regulatory advised that the changes to Building Regulations that came in on the 15<sup>th</sup> June only relate to the fabric & heating and the use of the building; it doesn't cover the construction aspect that Councillor Jarvis referred to.

In response to questions from Councillor Ian Albert, Councillor Ruth Brown advised that:

- Have changed the consultation period to make sure that it can come to Area Committees;
- Central Growth and Transport Plan – Officers are finalising a report at the moment which will be presented to officers and Members at some stage; around the Dunstable to Baldock corridor;
- Master Planning is something Councillors should be informed on so could be included in a Member's Information Note going forward.

**RESOLVED:**

(1) That the report on strategic planning matters be noted;

(2) That the correspondence and information in Appendices A to E are noted and endorsed by the Cabinet.

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

## 96 CONSERVATION AREA REVIEWS

*Audio Recording – 48:00*

Councillor Ruth Brown presented the report entitled Conservation Area Reviews and highlighted the following points:

- It has been a long time since the conservation areas were first designated. In 2019 the Council appointed some consultants to have a look at those. It was decided that Ashwell and Pirton needed a full review so the Council employed a consultant to do that. There have been some areas added in Ashwell and some added and taken away in Pirton;
- These reports are seeking further consultation.

### **RESOLVED:**

(1) That the draft CAAMPs for Ashwell and Pirton are noted;

(2) That approval is given for public consultation to take place on the draft Conservation Area Appraisals and Management Plans and the proposed amendments to the conservation area boundaries at Ashwell and Pirton.

**REASON FOR DECISION:** To ensure that the conservation areas and historic assets within North Hertfordshire are appropriately assessed and designated to inform decision making for planning applications and in the preparation of local and neighbourhood plans.

## 97 REVENUE BUDGET OUTTURN 2021/22

*Audio Recording – 51:10*

Councillor Ian Albert presented the report entitled Revenue Budget Outturn 2021/22 along with Appendix A – 2021/22 Significant Revenue Budget Variances and highlighted the following key points:

- No formal comments from the Finance, Audit and Risk Committee;
- The Outturn spend, which is subject to the final conclusion of the audit, was just under £16.9 million; about £600,000 down on the Quarter 3 report and £1.5million down on the original budget;
- The overall year position is fully detailed in Appendix A and movements this quarter in table 4;
- Table 4 also details the carry-forward of £172,000 of requests of specific activities that will now take place in 2022/23;
- This will reduce the medium-term impact on the General Fund down to around an £800,000 underspend;
- Paragraphs 8.16 to 8.18 detail the various impacts of COVID; gross impact of about £1.65 million;
- Table 7 shows an increase of the general fund balance of £1.7 million; most of this is through the release of other specific reserves;
- Service spending in 2021/22 is £1.8 million above the Council's core funding;
- Table 9 highlights the earmarked reserves which will need to be approved at Full Council.

Following a vote, it was:

### **RESOLVED:**

- (1) That Cabinet note this report;
- (2) That Cabinet approves a decrease of £592k in the 2021/22 net General Fund expenditure, as identified in table 4 and paragraph 8.1, to a total of £16.892 million;
- (3) That Cabinet approves the changes to the 2022/23 General Fund budget, as identified in table 4 and paragraph 8.3 a total of £179k increase in net expenditure.

**THAT CABINET RECOMMENDS TO COUNCIL:**

- (4) That Council approves the net transfer from earmarked reserves, as identified in table 9 of £8.123 million.

**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.

**98 INVESTMENT STRATEGY (CAPITAL AND TREASURY) END OF YEAR REVIEW 2021/22**

*Audio Recording – 57:30*

Councillor Ian Albert presented the report entitled Investment Strategy (Capital and Treasury) End of Year Review 2021/22 along with Appendix A – Capital Programme Detail including Funding 2021/22 onwards and Appendix B – Treasury Management Update and highlighted the following key points:

- The majority of the movement in quarter 4 of the Capital Programme is spend that is being moved into 2022/23 due to various delays;
- The overall reduction in the Capital Programme for 2021/22 has meant that the majority has been funded Capital Receipt Reserves;
- The sale of surplus land has increased those reserves during the year and now stand at £7.7 million;
- Paragraph 8.10 details the breach of the Treasury Strategy during the year;
- The Council continues to manage its surplus cash by prioritising security and liquidity before considering yield; the yield on investments did increase but is running significantly behind the level of inflation;
- Appendix B sets out more detail in relation to the Council's Treasury position during the year.

Following a vote it was:

**RESOLVED:**

- (1) That Cabinet notes expenditure of £1.434million in 2021/22 on the capital programme, paragraph 8.3 refers;
- (2) That Cabinet approves the adjustments to the capital programme for 2022/23 as a result of the revised timetable of schemes detailed in table 2, increasing the estimated spend in by £0.979million;
- (3) That Cabinet notes the position of the availability of capital resources, as detailed in table 3 paragraph 8.7 and the requirement to keep the capital programme under review for affordability;

(4) That Cabinet approves the application of £1.225million of capital receipts/set aside towards the 2021/22 capital programme, paragraph 8.7 refers;

(5) Cabinet is asked to note the position of Treasury Management activity as at the end of March 2022.

**RECOMMENDED TO COUNCIL:**

(6) That Council approves the actual 2021/22 prudential and treasury indicators;

(7) That Council notes the annual Treasury Report for 2021/22

**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.

**99 ANNUAL REPORT ON RISK MANAGEMENT AND QUARTERLY RISK MANAGEMENT UPDATE**

*Audio Recording: 1:00:00*

Councillor Ian Albert presented the report entitled Risk Management and Quarterly Risk Management Update, along with Appendix A – Annual Report on Risk Management and highlighted the following key points:

- Last report in this format as the Council Delivery Plan format will be used from quarter 1;
- Annual report on risk management which covers business continuity, assurance and health & safety;
- Intended to provide assurance to Cabinet and Council that risk is being managed effectively;
- The report seeks the introduction to a new corporate risk, which is in the Council Delivery Plan format, but is an overarching risk; it highlights the potential that other projects can't be achieved due to staffing or other resources not being available.

In response to a question from Councillor Steve Jarvis, Councillor Ian Albert advised that his comments would be reflected in any reviews or reports on the new corporate risk moving forward.

Following a vote, it was:

**RESOLVED:**

(1) That Cabinet introduces a new Corporate Risk relating to Council Resourcing;

(2) That Cabinet notes the report

**RECOMMENDED TO COUNCIL:**

(3) That Council notes the report

**REASONS FOR DECISIONS:**

(1) The responsibility for ensuring the management of risks is that of Cabinet.

**100 EXCLUSION OF PRESS AND PUBLIC**

*Audio recording – 1:04:10*

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

**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 of Part 1 of Schedule 12A of the said Act (as amended).

**101 CARELINE - IN-HOUSE PROVISION FOR NON-COMPLEX INSTALLATION AND MAINTENANCE**

Details of decisions taken on this item are restricted due to the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of Section 200A(4) of the Local Government Act 1972.

**102 DEBT WRITE OFF**

Details of decisions taken on this item are restricted due to the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of Section 200A(4) of the Local Government Act 1972.

**103 CARELINE - IN HOUSE SERVICE PROVISION FOR NON COMPLEX INSTALLATION AND MAINTENANCE**

Audio Recording: 1:20:00

Councillor Chris Lucas presented the report entitled Careline – In House Service Provision for non-Complex Installation and Maintenance and highlighted the following key points:

- Looking to bring the full in-house service of providing non-complex installation and maintenance to Careline customers into the Council;
- The current company is giving up the contract on the 30<sup>th</sup> September so need to act on this now;
- The plan has been fully costed and a risk assessment has been made; the benefits outweigh the risks.

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

**RESOLVED:** That Cabinet approves a full inhouse service provision being established for non-complex installations and maintenance to commence from 01 October 2022

The meeting closed at 8:52 pm

Chair