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NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH, HERTS, SG6 3JF
ON TUESDAY, 9TH JULY, 2024 AT 7.30 PM**

MINUTES

Present: *Councillors: Daniel Allen (Chair), Val Bryant (Vice-Chair), Ian Albert, Amy Allen, Mick Debenham and Dave Winstanley.*

In Attendance: *Ian Couper (Service Director - Resources), Jo Doggett (Service Director - Housing & Environmental Health), Ian Fullstone (Service Director - Regulatory), Chloe Hipwood (Service Manager), Sarah Kingsley (Service Director - Place), Martin Lawrence (Strategic Housing Manager), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Anthony Roche (Managing Director), Nigel Smith (Strategic Planning Manager) and Jeanette Thompson (Service Director - Legal and Community).*

Also Present: *At the commencement of the meeting approximately 3 members of the public, including registered speakers.*

Councillor Matt Barnes was in attendance as Chair of the Overview and Scrutiny Committee.

29 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 26 seconds

Apologies for absence were received from Councillor Tamsin Thomas.

The Chair advised the Councillor Chris Hinchliff had been appointed as MP for North East Hertfordshire and would therefore no longer be a Member of Cabinet.

30 NOTIFICATION OF OTHER BUSINESS

Audio recording – 1 minute 58 seconds

There was no other business notified.

31 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes and 4 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair reminded Members that the Council had declared both a Climate Emergency and an Ecological Emergency. These are serious decisions, and mean 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 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.
- (4) The Chair advised for the purposes of clarification that 4.8.23(a) of the Constitution did not apply to this meeting.
- (5) The Chair advised that there was a change in the order of the published Agenda and Agenda Item 7 would now take place following Agenda Item 12, followed by Agenda Items 13, 14 and 15.

32 PUBLIC PARTICIPATION

Audio recording – 3 minutes 35 seconds

There was no public participation at the meeting.

33 ITEMS REFERRED FROM OTHER COMMITTEES

Audio recording – 3 minutes 41 seconds

The Chair advised that items referred from the Overview and Scrutiny Committee would be taken with their respective items on the agenda.

34 PRODUCTIVITY PLANS

Audio recording – 4 minutes 22 seconds

The Chair invited Councillor Matt Barnes, as Chair of the Overview and Scrutiny Committee, to present the referral on this item. Councillor Barnes advised that:

- A Productivity Plan was a requirement of Ministry of Housing, Communities and Local Government (MHCLG).
- Providing more statistics would help to support the decisions made.
- After some debate, the Overview and Scrutiny Committee agreed to support the report and voted in favour Recommendation 2.2.

The Leader of the Council presented the report entitled 'Productivity Plans' and expressed his thanks to the Overview and Scrutiny Committee for their work and debate over the choice of two Recommendations. However, as no further proposed additions or amendments had been received, the Plan was ready to be submitted, as outlined under Recommendation 2.1.

Councillor Ian Albert advised that Hertfordshire County Council had adopted a similar Productivity Plan and that he supported this Productivity Plan.

The Managing Director advised that the Department for Levelling Up, Housing and Communities (DLUHC) had been renamed as the Ministry of Housing Communities and Local Government (MHCLG) and should therefore be reflected as this in the wording.

Councillor Ian Albert proposed and Councillor Mick Debenham seconded and, following a vote, it was:

RESOLVED: That Cabinet approved the Productivity Plan attached at Appendix B for submission to MHCLG.

REASON FOR DECISION: The recommendations are to ensure that the Council complies with the requirements set out by MHCLG to produce a Productivity Plan.

35 CORPORATE STATEMENT OF ENFORCEMENT POLICY

Audio recording – 47 minutes 48 seconds

The Chair invited the Service Director – Legal and Community to present the report entitled ‘Corporate Statement of Enforcement Policy’. The Service Director – Legal and Community advised:

- It was good practice for the Council to have this policy which was last updated in January 2022.
- A summary of the proposed updates to the policy were set out in paragraph 8.6 of the report.
- Details of which Appendices had been updated were set out in paragraph 8.7 of the report.
- Following an audit held last week on houses with multiple occupation (HMO) which could result in amendments to the policy, a second recommendation was proposed.

In response to a question from Councillor Ian Albert, the Service Director – Legal and Community advised that:

- Officers had not had time to see the draft audit report as it had only been received last week.
- Once finalised, the report would go the Finance, Audit and Risk Committee for approval and any other committees as required.
- Agreed recommendations following an audit would become part of an action plan.

Councillor Ian Albert proposed and Councillor Dave Winstanley seconded and, following a vote, it was:

RESOLVED: That Cabinet:

- (1) Approved the amended Policy at Appendix A.
- (2) Delegated to the Service Director Legal & Community in consultation with the Leader, authority to make any amendments required to the Policy, following the finalised HMO audit.

REASON FOR DECISIONS: To bring the Council’s Corporate Enforcement Policy up to date.

36 STRATEGIC PLANNING MATTERS

Audio recording – 11 minutes 48 seconds

The Leader of the Council presented the report entitled ‘Strategic Planning Matters’ and advised that this report identified the latest position on the key planning and transport issues that affected the district.

The following Members asked questions:

- Councillor Ian Albert
- Councillor Amy Allen

In response to questions, the Service Director – Regulatory advised:

- A stakeholder workshop was held in June 2024 which provided feedback on the consultants report regarding the Town Centre Strategy.

- The views of Councillors could be taken into account in the future following the formation of any new Town Councils.

The Managing Director advised that a paper entitled 'Community Governance Terms of Reference' was on the agenda for the meeting of Full Council on 11 July 2024. If this paper was approved, it would result in consultations with Town, Parish and Community Councils across the district and research into whether any new Town Councils were required.

Councillor Amy Allen proposed and Councillor Ian Albert seconded and, following a vote, it was:

RESOLVED: That the report on strategic planning matters was noted.

REASON FOR DECISION: To keep Cabinet informed of recent developments on strategic planning matters.

37 NORTH STEVENAGE STRATEGIC MASTERPLAN FRAMEWORK

Audio recording 17 minutes 13 seconds

The Leader of the Council presented the report entitled 'North Stevenage Strategic Masterplan Framework' and advised:

- Cabinet were being asked to positively recommend approval of this Strategic Masterplan Framework to Full Council.
- This site was allocated in the Local Plan for development as a strategic site for approximately 900 homes.
- The policies of the Local Plan required the preparation of a Masterplan.
- This Masterplan had been produced following approved guidance and the draft Masterplan had been subject to public consultation.

The following Members asked questions:

- Councillor Ian Albert
- Councillor Daniel Allen

In response to questions, the Strategic Planning Manager, advised that:

- A statement of community involvement had been published on the website.
- Key issues raised were around traffic impacts arising from the site, some objections to the general principles of the site and any impact on ecology.
- Highways at Hertfordshire County Council had participated as part of the Council project team and their specialists were content with the movement framework set out in the Masterplan.

The following Members took part in a debate:

- Councillor Daniel Allen
- Councillor Dave Winstanley

Points raised in a debate included:

- In line with the Housing Strategy, the Council must ensure the Local Plan was effective by building any housing developments that had already been approved as allocated sites.
- To be mindful that any future housing developments were constructed to a high level of sustainability to ensure futureproofing of these sites.

Councillor Mick Debenham proposed and Councillor Val Bryant Albert seconded and, following a vote, it was:

RECOMMENDED TO COUNCIL: That the Strategic Masterplan Framework for North Stevenage, attached at Appendix A, is approved and adopted as a material planning consideration for relevant planning decisions relating to the site.

REASON FOR DECISION: To facilitate the delivery of a strategic site within the Council's adopted Local Plan. To accord with policy requirements of the Local Plan.

38 LAND TO THE NORTH OF THE GRANGE (LG1) - STRATEGIC MASTERPLAN FRAMEWORK

Audio recording 23 minutes 59 seconds

The Leader of the Council presented the report entitled 'Land to the North of the Grange (LG1) - Strategic Masterplan Framework' and advised:

- Cabinet were being asked to positively recommend approval of this Strategic Masterplan Framework to Full Council.
- This site was allocated in the Local Plan for development as a strategic site for approximately 900 homes with supporting infrastructure.
- A Masterplan provided an appropriate future framework for development of the site.
- Policies of the Local Plan required the preparation of a Masterplan.
- This Masterplan had been produced following approved guidance and the draft Masterplan had been subject to public consultation.

The Leader of the Council advised that he had attended several of the public consultation meetings held by the Letchworth City Heritage Foundation regarding this site in his role as Ward Councillor but was not predetermined and he had made no comments on the plans.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Mick Debenham
- Councillor Daniel Allen

In response to questions, the Strategic Planning Manager, advised that:

- There would be integration of this site with the existing Grange Estate.
- A workstream was being run by the Council on the Grange to produce a design vision for the area to allow cohesion between the two sites.
- There was provision in the Masterplan for a primary school to be built in the long term.
- The provision in the Masterplan was that the vehicular access would be connected to the existing estate, but a further exit would be created from the site to the north on to Norton Road.

Councillor Mick Debenham proposed and Councillor Dave Winstanley seconded and, following a vote, it was:

RECOMMENDED TO COUNCIL: That the Strategic Masterplan Framework for Land to the North of the Grange (LG1), attached at Appendix A, is approved and adopted as a material planning consideration for relevant planning decisions relating to the site.

REASON FOR DECISION: To facilitate the delivery of a strategic site within the Council's adopted Local Plan. To accord with policy requirements of the Local Plan.

39 ADOPTION OF A NEW TENANCY STRATEGY (2024-2029)

Audio recording – 30 minutes 46 seconds

The Executive Member for Housing and Environmental Health presented the report entitled 'Adoption of a New Tenancy Strategy (2024-2029)' and advised:

- As a local housing authority, the Council was legally required to publish this strategy which lasted for four years.
- This strategy detailed the objectives that housing providers in the district must have regard to when forming policies.
- The report had been updated to show housing requirements and complimented the Housing Strategy which was adopted by the Council in March 2024.
- Key ongoing expectation for affordable rent could be found in paragraph 8.2.
- The general affordable rent level of 80% of market value was still unaffordable to some residents.
- Homeless prevention provision with fixed term tenancies was highlighted in paragraph 5.11 of the report.
- There was guidance on the use of fixed term tenancies to prevent homelessness of vulnerable groups.
- The pressures of local housing markets, affordability and local needs were detailed in Sections 3 and 4.

The following Members took part in a debate:

- Councillor Amy Allen
- Councillor Daniel Allen

Points raised in a debate included:

- The importance of the security that social housing provided to vulnerable people in the district.
- Registered housing providers must, legally, have due regard to local authority tenancy strategies as set out in paragraph 8.4 of the report.

Councillor Ian Albert proposed and Councillor Val Bryant seconded and, following a vote, it was:

RESOLVED: That Cabinet approved the adoption of the Council's Tenancy Strategy (2024-2029).

REASON FOR DECISION: It is now timely to update the current Tenancy Strategy to accompany the Council's new Housing Strategy (2024-2029) and to incorporate the latest evidence on local housing needs.

40 ADOPTION OF A TEMPORARY ACCOMMODATION PLACEMENT POLICY

Audio recording – 38 minutes 6 seconds

The Executive Member for Housing and Environmental Health presented the report entitled 'Adoption of a Temporary Accommodation Placement Policy' and advised:

- The Council had a statutory responsibility to secure accommodation for specific groups of homeless households.
- The report detailed where the accommodation would be provided and included provisions that were in line with legislation.
- It was good practice for the Council to have this policy, but it was not a statutory requirement.
- The key objective was to provide temporary accommodation within the district, or to ensure any out of area placements were minimised and were as near to the district as possible.
- Last year 2,500 households registered to bid for affordable houses, but only 400 lets were met, as highlighted in paragraph 3.2 of the policy.
- Details of the priority groups that qualified for temporary accommodation could be found in paragraphs 6.4-6.8 of the policy.

The following Members asked questions:

- Councillor Ian Albert
- Councillor Daniel Allen

In response to questions the Strategic Housing Manager advised:

- Since March 2020, as a result of Covid, there had been an increase in nightly paid temporary accommodation, which had resulted in a cost of £1 million to the Council in four years.
- Most household placements were for single persons and not families.
- Key placements were provided in hotels which were all in adjacent areas with good transport links.
- There was a need for a functioning pathway in the district to reduce the need for hotel placements.

The following Members took part in a debate:

- Councillor Ian Albert
- Councillor Dave Winstanley
- Councillor Daniel Allen

Points raised in a debate included:

- It would be beneficial for Members to have a briefing on housing policies to provide guidance when communicating with residents.
- It was useful that the policy specified the groups that were prioritised for accommodation.

Councillor Amy Allen proposed and Councillor Val Bryant seconded and, following a vote, it was:

RESOLVED: That Cabinet approved the adoption of the proposed temporary accommodation placement policy.

REASONS FOR DECISION:

- (1) Adoption of a temporary accommodation placement policy, whilst not a statutory requirement, is sector good practice as it provides transparency and context to the Council's approach to accommodating homeless households.
- (2) The Council is seeing increasing legal challenge of its homelessness decisions and case law suggests that authorities with temporary accommodation placement policies are more resilient to legal challenge, particularly with regard to out of area placements.

41 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 55 minutes 39 seconds

Councillor Daniel Allen, as Chair, proposed and Councillor Mick Debenham 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 Paragraph 3 and 5 of Part 1 of Schedule 12A of the said Act (as amended).

42 WASTE RECYCLING AND STREET CLEANSING CONTRACT AWARD - PART 2

N.B. This item was considered in restricted session and therefore no recordings were available.

Details of decisions taken on this item are restricted due to the disclosure of exempt information as defined in Paragraph 3 and 5 of Part 1 of Schedule 12A of Section 200A(4) of the Local Government Act 1972.

43 WASTE RECYCLING AND STREET CLEANSING CONTRACT AWARD - PART 1

Audio recording – 1 hour, 25 minutes 26 seconds

The Chair invited Councillor Matt Barnes, as Chair of the Overview and Scrutiny Committee, to present the referral on this item. Councillor Barnes advised that the committee were:

- Satisfied that a robust process was followed in the selection of the bidder.
- Happy to delegate the power to the relevant directors on the purchase of vehicles due to the urgency to make a decision once the award was granted.
- Aware of the high level of risk regarding the procurement of vehicles as detailed in Appendix 5.
- Happy to recommend that Council move forward with this contract, having had regard for legal advice, as there would be more of a financial risk with delay.

The Executive Member for Recycling and Waste Management presented the report entitled 'Waste Recycling and Street Cleansing Contract Award – Part 1' and advised:

- North Herts Council was the lead authority working in partnership with East Herts Council for this contract.
- This contract would deliver services which were financially and environmentally sustainable.
- This report was seeking a decision to award the contract to the preferred bidder on behalf of both Councils.
- A joint mobilisation project board was proposed to oversee the new contract.
- Due diligence to any guidance in the Environment Act of 2018 had been followed.

- An additional recommendation had been added to the report regarding the 3-weekly design of collection of waste.

The following Members asked questions:

- Councillor Daniel Allen
- Councillor Mick Debenham
- Councillor Dave Winstanley
- Councillor Ian Albert

In response to questions, the Service Manager Waste advised:

- There was provision built into the contract to offer larger receptacles or fortnightly collections to households with 'smelly waste' if they met defined policy criteria.
- There would be a reduction of waste going to landfill sites through extra recycling opportunities.
- The report contained a draft communications plan which would be considered by the joint mobilisation project board and then developed.

The following Members took part in a debate:

- Councillor Ian Albert
- Councillor Val Bryant
- Councillor Dave Winstanley
- Councillor Daniel Allen

Points raised in a debate included:

- The need to be mindful of how consider how circumstances for collection of waste could differ between North Herts and East Herts Council.
- The removal of soft plastics from the residual bin reduced the need for fortnightly waste collections.
- The 3-weekly service design was ready and would increase recycling opportunities.
- To be aware that the Council had declared a climate and ecological emergency and this contract was a positive way forward to address this and would be a huge benefit to residents.
- The service design offered financial savings and provided the best value for money.

Councillor Amy Allen proposed and Councillor Val Bryant seconded and, following a vote, it was:

RESOLVED: That Cabinet:

- (1) Agreed to award the waste, recycling and street cleansing contract to the preferred bidder, as identified in Part 2 of this report contingent upon the imminent completion of the Letchworth depots lease assignment from the incumbent provider to the Council.
- (2) Agreed to the delegation of powers to the Director of Resources and the Director of Place in consultation with the Executive Members for Finance and IT and Recycling and Waste Management to determine whether the Council Capital funds vehicles.
- (3) Agreed to approve the formation of a joint mobilisation project board to include the Executive Members responsible for digital transformation as well as the Executive Member covering waste, recycling and street cleansing services for both EHC and North Herts to monitor the progress of the mobilisation of the waste, recycling and street cleansing contract.

- (4) Had due regard for the draft statutory guidance in Appendix 6 and taking into account the matters set out in this Part 2 report and any Part 2 clarifications, reconfirms the decision on the 3-weekly collection frequency of residual waste collections made by Cabinet as per 7.5 and outlined that the clear reasons for the decision were that:
- Options for fortnightly collections were considered, but the proposed service design provided better opportunities for increasing recycling participation.
 - To redesign the provision of services at this late stage would be a significant waste of resources.
 - Households with 'smelly waste' meeting defined policy criteria would be allowed the opportunity for more frequent collections.
 - The service design offered financial savings and provided best value for money.

REASONS FOR DECISIONS:

- (1) An extensive procurement exercise has been undertaken for waste, recycling and street cleansing services.
- (2) The procurement including specification development has been supported by external consultants Eunomia and legal advisors from Sharpe Pritchard.
- (3) In respect of the decision relating to 3-weekly collection frequency of residual waste, Cabinet had considered the matters and legal advice provided in the Part 2 element of the meeting and had regard to that. Cabinet concluded that there were clear reasons to depart from the draft Statutory guidance that included the matters detailed in the Part 2 and then Part 1 reports. Paragraph 8.32 of the Part 1 report succinctly summarised those public matters that were relevant to the decision. Specifically, Cabinet determined that having declared a climate and an ecological emergency, there were environmental benefits of the proposed service and significant financial benefits to the Council that justified the departure.

The meeting closed at 9.16 pm

Chair