

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

**MEETING HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, GERON ROAD,
LETCWORTH GARDEN CITY ON TUESDAY, 29TH JANUARY, 2019 AT 7.30 PM**

MINUTES

Present: *Councillors Councillor Lynda Needham (Chairman), Councillor Julian Cunningham (Vice-Chairman), David Barnard, Tony Hunter, David Levett, Bernard Lovewell and Michael Weeks*

In Attendance: *Anthony Roche (Deputy Chief Executive), Ian Fullstone (Service Director – Regulatory), Ian Couper (Service Director – Resources) Melanie Stimpson, (Democratic Services Manager), Louise Symes (Strategic Infrastructure & Projects Manager) , Nigel Smith (Strategic Planning Manager) and Marie Lowe (Committee Services Officer)*

95 APOLOGIES FOR ABSENCE

Audio Recording – Start time of item - 16 seconds

There were no apologies for absence received from Councillors.

96 MINUTES - 20 NOVEMBER 2018

Audio Recording – Start time of Item - 22 seconds

RESOLVED: That the Minutes of the Meeting of the Cabinet held on 20 November 2018 be approved as a true record of the proceedings and be signed by the Chairman.

97 MINUTES - 10 DECEMBER 2018

Audio Recording – Start time of Item – 48 seconds

RESOLVED: That the Minutes of the Meeting of the Cabinet held on 10 December 2018 be approved as a true record of the proceedings and be signed by the Chairman.

98 MINUTES - 18 DECEMBER 2018

Audio Recording - Start time of Item – 1 minute 28 seconds

RESOLVED: That the Minutes of the Meeting of the Cabinet held on 18 December 2018 be approved as a true record of the proceedings and be signed by the Chairman.

99 NOTIFICATION OF OTHER BUSINESS

Audio Recording – Start time of Item – 3 minutes 53 seconds

Subsequent to Minute No. 84, the Deputy Chief Executive provided a verbal update regarding North Hertfordshire Museum and Hitchin Town Hall - acquisition of 14/15 Brand Street.

100 CHAIRMAN'S ANNOUNCEMENTS

Audio Recording – Start time of Item – 4 minutes 0 seconds

- (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;
- (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.

The Chairman reminded Members that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and were required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

101 PUBLIC PARTICIPATION

Audio recording – Start time of Item – 6 minutes 2 seconds

There was no public participation at the meeting.

102 ITEMS REFERRED FROM OTHER COMMITTEES

Audio Recording – Start time of Item – 6 minutes 11 seconds

ITEM REFERRED FROM THE OVERVIEW AND SCRUTINY COMMITTEE: 22 JANUARY 2019 - COMMERCIAL STRATEGY.

RESOLVED: That consideration of this referral is considered with agenda item 11 (Commercial Strategy).

103 STRATEGIC PLANNING MATTERS

Audio recording – Start time of Item – 10 minutes 25 seconds

Councillor Levett the Executive Member for Planning, Enterprise and Transport presented the report of the Services Director – Regulatory informing Members of the current positions regarding strategic planning matters.

Upon the vote it was

RESOLVED:

- i. That the report on strategic planning matters be noted.
- ii. That the submission in Appendix A is noted and endorsed by Cabinet.

REASONS FOR DECISION:

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

104 MAKING OF AN ARTICLE 4 DIRECTION FOR THE DISTRICT'S KEY EMPLOYMENT AREAS

Audio recording – Start time of Item – 16 minutes 20 seconds

Councillor Levett the Executive Member for Planning, Enterprise and Transport the report of the Service Director – Regulatory seeks Cabinet approval to introduce a non-immediate Article 4 Direction that would withdraw these rights across a defined area.

RESOLVED

- i. That Cabinet approve the making of, and consultation on, a non-immediate Article 4 Direction for the District's defined employment areas.
- ii. That delegated powers be conditionally granted to the Service Director – Regulatory in consultation with the Executive Member for Planning, Enterprise and Transport to confirm the Non Immediate Article 4 Direction following consultation subject to no, or only minor, amendments being necessary.

REASONS FOR RECOMMENDATIONS

Policy SP3 of the emerging Local Plan states that the Council will proactively encourage sustainable economic growth, support new and existing businesses and seek to build on the District's strengths, location and offer. The Council intends to do this through numerous policies.

It would be appropriate to pursue an Article 4 Direction in these areas in order to require planning permission for the change of use from various employment uses to residential use in order to protect designated employment land within the District. The Council would apply the direction in Employment Areas and the Employment Allocations defined by Policy ETC1 in the new Local Plan (as proposed to be modified).

105 COMMERCIAL STRATEGY

Audio recording – Start time of Item – 32 minutes 56 seconds

Councillor Henry, as Chairman, presented the concerns of the Overview and Scrutiny Committee regarding the proposed adoption of the Commercial Strategy and governance issues and how this would be monitored.

Councillor Cunningham the Executive Member for Finance and IT introduced the report of the Service Director – Commercial asked Cabinet to consider and adopt the proposed North Hertfordshire District Council Commercial Strategy 2019-23, which sets out the strategic direction for the Council's commercial services over the next five years.

RESOLVED:

- i. That Cabinet adopts the proposed North Hertfordshire District Council Commercial Strategy 2019-23, subject to the inclusion of the following paragraph to section 4 page 17 of the Commercial Strategy:

'As set out in paragraph 2.2 of Section 3 above, all new initiatives will be fully explored and robustly challenged and if the outline business case demonstrates the initiative is worth pursuing a detailed business case will be produced. The business case will be presented to the relevant committee to seek approval (Cabinet or the Shareholder Sub-Cabinet) and will have clear timeframes and outputs. If the proposal is approved, these outputs will be measured against and reported to Members, either through the quarterly financial updates or through regular monitoring against the business plan as set out in the Council's Constitution.'

- ii. That the Executive Member for Finance and IT work with the Chairman of Overview and Scrutiny to ensure the areas of concern regarding governance are addressed.
- iii. That a meeting be arranged between the Service Director – Commercial, the Chairman of Overview and Scrutiny, Executive Member for Finance and IT and Legal Services to discuss the concerns of the Overview and Scrutiny Committee.
- iv. That the Leader of Council ensure that there is a clear reference within the Corporate Plan to commercialisation.

REASON FOR DECISION:

To ensure there is a clear strategy that identifies how the Council understands commercialisation and what it is doing to embed a commercial culture.

106 NHDC PARKING STRATEGY REVIEW

Audio recording – Start time of Item – 56 minutes 20 seconds

Councillor Levett the Executive Member for Planning, Enterprise and Transport introduced the report of the Service Director – Regulatory which sought approval of the Council's Parking Strategy 2019-2031, and the agreement of the associated Strategic Action Plan attached at Appendix A and B respectively.

RESOLVED:

- i. That Cabinet adopt the North Hertfordshire District Council Parking Strategy 2019-2031 attached as Appendix A of the submitted report.
- ii. That Cabinet agree the Strategic Action Plan attached as Appendix B of the submitted report.
- iii. That Cabinet note the summary of comments on the draft Strategy and officer responses attached as Appendix C of the submitted report.
- iv. That Cabinet recommends that delegated authority is given to the Service Director - Regulatory to approve minor amendments and format changes to the NHDC Parking Strategy and to agree updates to its associated Strategic Action Plan as required in consultation with the Executive Member for Planning, Enterprise and Transport.
- v. That officers proceed with the work associated with the key projects listed in the Strategic Action Plan including the preparation of the NHDC Operational Guidelines and the more detailed town-wide action plans to be agreed and prioritised with the Area Committees.

- vi. That following consultation with the Area Committees, the final version of the Parking Operational Guidelines are returned to Cabinet for approval.
- vii. That Cabinet recommends that delegated authority is given to the Service Director - Regulatory to review and agree updates/amendments to the NHDC Parking Operational Guidelines as required in consultation with the Executive Member for Planning, Enterprise and Transport.
- viii. That Cabinet, subject to available resources, agree the following inclusion to the Strategic Action Plan attached at Appendix B of the submitted report under the short term actions (1-3 yrs.)

‘PS11 Preparation of an electric vehicle parking strategy’.

REASONS FOR DECISION: The revised Parking Strategy will provide the necessary policy framework for managing parking across the District in a most cost efficient way that accords with the Council’s Corporate Objectives and its Medium Term Financial Strategy. The Strategic Action Plan identifies a number of key projects to deliver the objectives and various initiatives contained in the Strategy.

107 RIPA POLICY ANNUAL REVIEW

Audio recording – Start time of Item – 1 hour 12 minutes 32 seconds

Legal Regulatory Team Manager introduced the report which reviewed the Council’s Regulation of Investigatory Powers Act (‘RIPA’) Policy (the ‘Policy’) so that the Council’s use of RIPA was compliant with the law.

RESOLVED:

That Cabinet approve the amended RIPA Policy as contained as Appendix A of the submitted report.

REASON FOR DECISION: To bring the Council’s RIPA Policy up to date.

108 REVENUE BUDGET 2019/20

Audio recording – Start time of Item – 1 hour 18 minutes 0 seconds

Councillor Cunningham the Executive Member for Finance and IT and Anthony Roche presented the report of the Service Director - Resources which sought approval to recommend to Council the budget for 2019/20 and the main factors which contribute to the determination of the North Hertfordshire district Council (NHDC) Council Tax level.

Following discussion the Leader of the Council moved the recommendations with alterations and it was

RESOLVED:

- i. That the expected Central Government funding levels be noted.
- ii. That the estimated position on the Collection Fund and how this will be funded be noted.
- iii. That the Council Tax increase for 2019/20 be in line with the Medium Term Financial Strategy.
- iv. That the position relating to the General Fund balance be noted and, that due to the risks identified, a minimum balance of £1.96 million is recommended.
- v. That the increase in the 2018/19 working budget of £116k be approved, the expected impact in 2019/20 of a £164k reduction in budget be noted.
- vi. That the requests for the carry-forward of budget of £41k from 2018/19 to 2019/20 be agreed.
- vii. That the inclusion of the efficiencies and investment be approved.
- viii. That the savings target in future years be noted.
- ix. That the Service Director – Resources reflect the following inclusions and consequential amendments into the budget to be presented to Council:
 - a. Electric Vehicle Charging Points - A sum of £15k be added to the 2019/2020 budget to engage suitable consultants in order to progress this element within the proposed action plan of the Parking Strategy.
 - b. North Hertfordshire Transport Users Forum – That a one off sum of £50k be allocated in the 2019/2020 budget to enable this Forum.
 - c. North Hertfordshire Ethnic Minority Forum – That a one off grant of £25k in 2019/20 be allocated to allow for its restructure (subject to formal confirmation of its Terms of Reference).
 - d. Regarding Appendix B of the submitted report, ‘Revenue Efficiencies and Investment Proposals’ – that funding for the ‘Area Wide Parking Reviews’ (reference E2) not be removed from the budget for 2020/2021 onwards and it be renamed to reflect that it will be used to undertake reviews of the transport implications of the town centre strategies. The saving in 2019/20 to be retained.

RECOMMENDS TO COUNCIL

That the estimated 2019/20 net expenditure of £15.2 million, as amended, and as detailed in the amended Appendix A (see addendum report) be approved.

REASON FOR DECISION:

To ensure that all relevant factors are taken into consideration when arriving at the proposed Council Tax precept for 2019/20.

To ensure that the Cabinet recommends a balanced budget to Council on 7 February 2019.

109 INVESTMENT STRATEGY (INTEGRATED CAPITAL AND TREASURY)

Audio recording – Start time of Item – 2 hours 13 minutes 51 seconds

Councillor Cunningham the Executive Member for Finance and IT and Deputy Leader presented the report of the Service Director – Resources which sought approval to recommend to Council the adoption of the Investment Strategy and the four clauses in relation to the Code of Practice on Treasury Management.

Following a vote it was

RESOLVED:

i. **RECOMMENDS TO COUNCIL:**

- i. The adoption of the Investment Strategy (as attached as Appendix A of the submitted report), including the capital programme and prudential indicators.
- ii. The adoption of the four clauses in relation to the Code of Practice on Treasury Management (as detailed in paragraphs 8.17 to 8.23 of the report).

REASON FOR DECISION:

To ensure that the capital programme meets the Council's objectives and officers can plan the implementation of the approved schemes.

To ensure the Council's compliance with CIPFA's code of practice on Treasury Management, the Local Government Act 2003, statutory guidance from the Ministry of Housing, Communities and Local Government and the CIPFA Prudential Code. As well as determining and managing the Councils risk appetite in respect of investments.

The Meeting closed at 9:55pm