

EXECUTIVE MEETING ON 3 SEPTEMBER 2024



DECISION SHEETS

Record of decisions made by the Executive pursuant to Regulation 12 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of publication: 4 September 2024

** Executive decisions will not be implemented until the expiry of 5 working days to take account of the Call-In procedure.*

<u>No.</u>	<u>Item</u>	<u>Decision</u>	<u>Reasons for the Decision</u>	<u>Details of alternative options considered and rejected at a meeting</u>	<u>Any declarations of conflict of interest and/or dispensations granted</u>
5	Financial Management 2024/25 - Q1 Forecast to year end	(a) The reasons for the net revenue budget end of year projected overspend of £1.1m be considered; (b) The capital	Section 28 of the Local Government Act 2003 requires the council to monitor the budget and monitor and assess the adequacy of reserves and balances during the year. East Herts council's	Not applicable.	

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		programme forecast outturn of £50k be considered.	<p>financial management framework requires quarterly reports to Audit and Governance Committee and the Executive with forecasts to year end.</p> <p>The Executive is required to consider the budget forecasts and ensure that action is taken in relation to any expenditure overspends or any underachievement of income so that the Council's financial resources are not exceeded.</p>		
6	Advertising and Sponsorship Policy	Approve the Advertising, Sponsorship and	To maximise income from assets.	Recommended – adopt the policy to ensure consistency	

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		Donations Policy as shown at Appendix A.	<p>To ensure consistency across the council.</p> <p>To prevent VAT penalties by ensuring that sponsorship and donations are correctly identified, and the correct VAT rate applied.</p> <p>To ensure democratic oversight of the commercial exemptions for alcohol put in place a requirement to maintain a register of all commercial exemptions that must be reported to Executive at least annually</p>	<p>and that the council does not allow adverts for anything that would hamper delivery of the corporate plan or cause reputational damage.</p> <p>Not recommended - not having a policy would preclude an income stream built into the budget and MTFP as no advertising on assets could be undertaken without a policy in place. There would be inconsistencies with Service Teams</p>	

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				making different decisions about adverts. The council might be in danger of accepting unsuitable advertising causing offence to certain groups. The council may accept advertising which is directly in conflict with its stated aims and objectives and particularly with the declared Climate Emergency.	
7	East Herts Complaints Process and Changes to the LGSCO Code of	That the self-assessment against the LGSCO Code is agreed (Appendix A) and updated annually			

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	Practice				
9	Ward Freman Pool Update	To approve Option 1 as described in para 4.1, continue to facilitate discussions with Ward Freman community pool group and Hertfordshire County Council, therefore continuing with the joint use agreement and remove the management of Ward Freman Pool from the Council's contract with Sport and Leisure Management Ltd.	There are legal and financial implications that effect East Herts Council in relation to current practice and the future of Ward Freman Pool. These are described under the options section.	Option 1 – Facilitation – RECOMMENDED a. Continue to facilitate the working relationship with the WFCPG and HCC on the basis that the business plan is yet to be accepted by HCC and the outcome of external funding is unknown. However, should external funding not be sought by March 2025, this position will be reviewed. b. Formally remove the management of	

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				<p>Ward Freman Pool from the EHDC and the SLM contract and install hoarding to secure the building.</p> <p>c. Continue with the Joint Use agreement with HCC</p> <p>Since the closure of pool in December 2023, the Council is incurring costs of approximately £26,000 for January to June 2024, paying SLM to maintain the building from water flushing, checking alarm systems and other demobilisation</p>	

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				<p>costs. Further pressures will cease with this option from September 2024. HCC will be charged 40% of these costs. The annual impact on the contract is £138,838 saving – this needs to be agreed in order to see the benefit on the leisure revenue budget. Further to this corporate support costs will be reduced by approximately £20,000, though this is not a cashable saving. The hoarding will cost</p>	

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				<p>approximately £16,000.</p> <p>The Council would cease to receive approximately £70,000 from HCC as their contribution for managing the facilities. However, any ongoing costs such as security checks and building insurance will be shared with HCC. The net financial position would be approximately £46,000 saving for 2024 based on the information presented to date.</p>	

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				<p>In terms of legal implications, The Everyone Active contract will need to be formally varied to remove Ward Freman Pool. The Contract is subject to procurement rules and any variation needs to be compliant with those rules. The removal of Ward Freman Pool is compliant. The closure of the pool (or variation) has resulted in redundancies, the Council is liable for any associated</p>	

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				<p>redundancy costs, these have been incorporated in the demobilisation costs. This included pension liabilities.</p> <p>The Council will continue to bear responsibility under the joint use agreement for maintenance of the facility unless a variation is agreed. This approach sits in line with the majority of the corporate priorities: • Listening, open and transparent • Acting with the community •</p>	

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				<p>Fair and inclusive</p> <p>Option 2 – Cease a. Cease working relationship with all parties on the basis that external funding position is unknown and to date a business plan is yet to be accepted/lease provided by HCC. b. Formally remove the management of Ward Freman Pool from the Everyone Active contract c. Formally agree to disband the Joint Use agreement with HCC. The financial</p>	

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				<p>implications for this are the same as para 4.2 and 4.3</p> <p>Regarding legal implications of this option, these are as described in para 4.4 and 4.5. In addition, it is important to note Termination of the joint use agreement will require the approval of both the Council and HCC. HCC have stated mutual agreement will not be provided at this current time.</p> <p>This option is less</p>	

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				<p>favourable when aligned with the corporate priorities however it does seek to reduce the Council's ongoing liabilities with the contractor.</p> <p>Option 3 – Do Nothing a. Continue with existing arrangements until a time where a third party wishes to take over the operating of the swimming pool or an external factor impacts the future of the pool or we reach the end of the joint use agreement, or</p>	

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				<p>there is willingness from HCC to mutually terminate the agreement.</p> <p>This is an untenable position for the contractor from an insurance and security perspective. The contractor's insurers have advised that the building needs to be hoarded from a security perspective. The council could continue to pay Everyone active to carry out checks on the building, but this will be billed</p>	

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				<p>quarterly.</p> <p>If this option is approved, the Contract would need to be formally varied to reflect the Council's ongoing requirements. This could result in the contractor seeking assurances and indemnities in relation to the condition of the property and potential liabilities arising out of the same. This could increase the Council's exposure to risk.</p>	