

MINUTES OF A MEETING OF THE  
EXECUTIVE HELD AS A VIRTUAL MEETING  
ON TUESDAY 7 JULY 2020, AT 7.00 PM

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PRESENT: Councillor (Chairman/Leader)  
Councillors L Haysey, P Boylan,  
E Buckmaster, G Cutting, J Goodeve,  
G McAndrew, S Rutland-Barsby and  
G Williamson.

ALSO PRESENT:

Councillors J Jones, Pope, C Redfern,  
J Wyllie, D Hollebon, R Bolton, M Goldspink,  
A Huggins, M McMullen, T Page and  
P Ruffles.

OFFICERS IN ATTENDANCE:

Richard Cassidy	- Chief Executive
Helen Standen	- Deputy Chief Executive
Rebecca Dobson	- Democratic Services Manager
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Bob Palmer	- Interim Head of Strategic Finance and Property
Jonathan Geall	- Head of Housing and Health
Jess Khanom- Metaman	- Head of Operations

Sara Saunders	- Head of Planning and Building Control
William Troop	- Democratic Services Officer
Emily Coulter	- Project Manager
Paul Thomas-Jones	- Environmental Health Manager – Commercial

## 61 LEADER'S ANNOUNCEMENTS

The Leader welcomed all those who were present, and also those watching the proceedings online. She said that in the interests of ensuring transparency so that all those viewing were clear as to how Members voted, for the confirmation of approval of each item, she would ask each Executive Member in turn to confirm their assent.

## 62 MINUTES – 2 JUNE 2020

The Leader proposed and Councillor Williamson seconded, a motion that the Minutes of the meeting held on 2 June 2020 be approved as a correct record and signed by the Leader. The motion, on being put to the meeting and a vote taken, was declared CARRIED.

**RESOLVED** – that the Minutes of the meeting held on 2 June 2020, be approved as a correct record and signed by the Leader.

## 63 DECLARATIONS OF INTEREST

There were no declarations of interest.

64 UPDATE FROM AUDIT AND GOVERNANCE COMMITTEE

Councillor Pope, the Chairman of the Audit and Governance Committee, confirmed that as the Committee had not met since the last meeting of the Executive, there were no matters to report. He said the Committee would meet next on 28 July 2020.

The Leader thanked Councillor Pope for attending the meeting.

65 UPDATE FROM OVERVIEW AND SCRUTINY COMMITTEE

Councillor Wyllie, the Chairman of the Overview and Scrutiny Committee, referred Members to the report he had submitted, setting out the items the Committee had considered at its meeting on 16 June 2020. Councillor Wyllie invited Executive Members to ask questions.

There being no questions, the Leader thanked Councillor Wyllie for his report.

66 CONTRACT WAIVER – ARCHAEOLOGICAL EXCAVATION

Councillor Buckmaster, the Executive Member for Wellbeing, submitted a report advising the Executive of the increased contract value of the contract exemption in place for archaeological works at Grange Paddocks Leisure Centre (GPLC).

Councillor Buckmaster said additional excavation work had been necessary due to the discovery of a significant number of Roman artefacts, the volume of

which had not been foreseen. In order to avoid delay and in the interests of achieving value for money, the additional work had been arranged outside the Council's usual tendering process. However, five quotations had been sought to ensure the cost represented good value for money.

Councillor Buckmaster said more time on site had been needed due to the discoveries, and therefore the price of the contract exception previously noted by the Executive had risen from £82,417 to £264,683. Whilst this was an increase, the excavation work had now concluded. He said that no further delays were foreseen and the cost was accounted for in the overall budget for GPLC. The original contract exemption had been noted at the Executive meeting of 8 October 2019. The costs were accounted for in the budget for this project, and there was no further impact. The report asked Members to note the further increase.

The Leader said the project was progressing well. It was encouraging to see that the excavation period had concluded and that construction had begun.

Councillor Goldspink said the increase in the contract exception was enormous. She asked whether it was correct that the Executive had previously given approval for the Chief Executive Officer of the Council to increase spending without first reporting back, as she could not recall this. She asked how the increased costs would affect the overall project.

Councillor Buckmaster said this process had been discussed and approved by the Executive in October 2019. These costs would not impact the cost of the

project overall, and the increase still fell within the total allotted budget. The work had now been completed in any case, and the report was solely for noting.

The report was noted by the Executive.

**RESOLVED** – that the report be noted.

67 EAST HERTS LOCAL DEVELOPMENT SCHEME - UPDATE JULY 2020

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The Leader submitted a report presenting an updated Local Development Scheme (LDS). She said this document was the schedule and work programme that set out the timeline for preparation of any emerging Local Development Documents. It replaced the previous LDS dated March 2019.

There being no comments, Councillor Haysey proposed and Councillor Goodeve seconded, a motion to support the recommendations in the report. The motion, on being put to the meeting, and a vote taken, was declared CARRIED.

**RESOLVED** – to recommend to Council that the Local Development Scheme July 2020, as detailed at Appendix A to the report, be approved to take effect from July 2020.

68 STREET TRADING CONSENT POLICY

Councillor Buckmaster, the Executive Member for Wellbeing, submitted a report on a revision to the Council's Street Trading Consent Policy. He said the proposed changes had been considered by the

Overview and Scrutiny Committee. The Committee had made a number of recommendations, including an extension to the list of prohibited goods to include sky lanterns, helium balloons and fireworks; that any existing traders affected by the new policy be treated with the maximum consideration to avoid any adverse impact on existing businesses; and that the new policy should discourage any street trading within an Air Quality Management Area.

In respect of the restriction on sale of the items identified by the Committee, Councillor Buckmaster said he had no objection, and it was the Council's aim to prohibit sale or use of these items on its land. However, it should be noted that these items could be bought elsewhere.

Councillor Haysey welcomed the comments of the Overview and Scrutiny Committee.

Councillor Wyllie said, in relation to sky lanterns, that their attractive appearance was outweighed by their disadvantages in terms of fire risk and danger caused by metal parts to wildlife. He thanked the Executive for taking account of the Committee's comments.

The Service Manager (Environmental Health) confirmed the additional recommendations of the Overview and Scrutiny Committee could be implemented.

**RESOLVED** – that (A) the Proposed Revised Street Trading Consent Policy be considered, and that suggested amendments, additions, deletions and/or clarifications raised by the

Executive be considered by the Executive Member for Wellbeing and the Head of Housing and Health prior to drafting the final proposed version, and accompanying report, for determination by Council; and

(B) the recommendations put forward by the Overview and Scrutiny Committee be considered by the Executive and any amendments to the policy be made before being determined by Council.

69 REVISED REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY AND USE OF SOCIAL MEDIA IN INVESTIGATIONS POLICY

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Councillor Cutting, the Executive Member for Corporate Services, submitted a report proposing that the council's existing Regulation of Investigatory Powers Act (RIPA) Policy, which had not been reviewed since 2010, be revised and that a new Use of Social Media in Investigations Policy be adopted.

Councillor Cutting referred to the inspection of the Council's policies and procedures which the Investigatory Powers Commissioner's Officer had undertaken in November 2019. The Council's policy document under the relevant legislation had not been updated since 2010, and did not therefore reflect more recent legislative changes.

In response to a question from the Leader, the Head of Legal and Democratic Services said he would review the policies annually and report to Members quarterly on their use.

**RESOLVED** – (A) the revised Regulation of Investigatory Powers Act Policy at Appendix A of the report be adopted; and

(B) the new Use of Social Media in Investigations Policy at Appendix B be adopted.

## 70 REVENUE AND CAPITAL OUTTURN

Councillor Williamson, Deputy Leader and the Executive Member for Financial Sustainability, submitted a report on the underspend of £16K on General Fund revenue outturn, and on financing arrangements for the 2019/20 Capital Outturn.

Councillor Williamson said the General Fund underspend was a good indication that the Council's financial management throughout the year had been strong, and in this report he proposed that the £16K underspend be transferred to the General Reserve.

Councillor Williamson drew Members' attention to the main areas of variance, which were an underspend in the total net cost of services; additional income achieved in corporate budgets; and a significant contribution to reserves.

In relation to the funding sources, he referred Members to the breakdown provided in the report. He drew Members' attention in particular to the Non-Domestic Rating Section 31 income, which was a major contributor to additional funding, due to timing differences between when the council set its budget and statutory returns submitted to government, which



determined funding for the year. He said there had also been growth in business rates income due to the fact that the Council was part of a 75% Business Rate Retention pilot, for which the predicted budget was for no gain since other participating authorities' performance could not be predicted with confidence. This was a one-off situation, as East Herts was not in the pool for 2020/21.

In terms of Capital Outturn, there had been a significant degree of slippage in progressing projects in line with initial expectations, resulting in an underspend of £30.91m. The majority of this amount, £19.03m, related to the construction of the new Northgate End Car Park, which had commenced in 2020/21.

Councillor Williamson said the recommendation he proposed in the report was that £30.898m of budgets be carried forward to the 2020/21 capital programme in relation to schemes that had either been re-timetabled for that year, or schemes which were started during 2019/20 but could not be completed at March 2020. He thanked the Interim Head of Strategic Finance and Property Services for the excellent work he and his team had done.

Councillor Pope asked how the Executive could be sure the money would be spent on the projects for which it had been earmarked.

Councillor Williamson said the money would be used for the purposes for which it had been intended.

Councillor Pope referred to the use of the priority

reserve and asked what the money had been spent on. The Interim Head of Strategic Finance and Property Services said whilst he did not have details of the expenditure to hand, he would provide a full analysis to be circulated to Members in the next Bulletin.

Councillor Williamson proposed and Councillor McAndrew seconded, a motion to support the recommendations in the report. The motion was put to the meeting, and a vote taken. It was declared CARRIED.

**RESOLVED** – that (A) the transfer of the General Fund revenue outturn of £16k underspend to the General Reserve be approved; and

(B) capital budgets of £30.898m be carried forward to 2020/21 to fund ongoing capital schemes.

## 71 CAPITAL CONTINGENCY

Councillor Williamson, Deputy Leader and the Executive Member for Financial Sustainability, submitted a report on a recommendation to Council that an additional general capital contingency be established. He referred to the main points detailed in the report, and said that this measure would assist the completion of capital schemes which could otherwise be delayed for reasons which could not have been anticipated, and in particular as a result of the impact of Covid 19. The Council's four year capital programme was over £122 million, and the capital

contingency amount proposed was £2.5 million.

Councillor Pope said this sum, representing 2% of the capital programme, was a prudent provision. He asked whether there might be a need to make further provisions in future.

Councillor Williamson said a contingency of 2% seemed reasonable, considering this amount would apply across the whole capital programme. If any further contingency were needed, a report would be brought to Council.

Councillor Redfern said the report referred not only to the impact of Covid 19 on costs, but also to Brexit. There was risk of increased construction costs for Old River Lane and other projects as a result of Brexit. She asked whether a risk assessment on the impact on projects of increased costs due to Brexit should be carried out.

Councillor Williamson said the aim of this recommendation was to cover risks affecting the projects which were already underway, such as Old River Lane and the Grange Paddocks Leisure Centre.

Councillor Redfern questioned whether approval for spending could be a matter for the Executive as a whole, and not only the Chief Executive.

Councillor Williamson said it was necessary to avoid delays leading to works stopping on a project in order to seek approval at a meeting for use of the capital contingency.

Councillor Redfern said it was better that the decisions were taken by the Executive as a group, rather than by an individual.

The Leader said there was a need to react quickly, so the delegation provided for the expenditure to be authorised by the Chief Executive in consultation with the Executive Member. She asked the Section 151 Officer to give assurance on the validity of these arrangements.

The Interim Head of Strategic Finance and Property Services, as Section 151 Officer, confirmed that the control process was appropriate. He said expenditure would be reported back to the Executive.

Councillor Goldspink said she supported the establishing of this contingency fund. She asked that Members be informed immediately, perhaps via the Members' Information Bulletin, of any expenditure authorised under these arrangements.

The Leader thanked Councillor Goldspink for her suggestion, and agreed that the information on such expenditure under delegation would be provided in this way.

Councillor Williamson proposed and Councillor Rutland-Barsby seconded, a motion to support the recommendations in the report. The motion being put to the meeting, and a vote taken, it was declared CARRIED.

**RESOLVED** – to recommend that (A) Council approve a capital supplementary estimate of

£2.5 million is established as a general capital contingency; and

(B) the use of the capital contingency be delegated to the Chief Executive in consultation with the Executive Member for Financial Sustainability and that use of the contingency be reported to the next meeting of the Executive.

## 72 ANNUAL REPORT 2019 - 20

The Leader submitted the Council's annual report for 2019/20. She said the report set out a summary of key achievements for the year, and an update giving more detail on the key actions and performance indicators underpinning the Council's Corporate Strategic Plan.

Councillor Haysey said the report next year would refer to "SEED", the concept chosen by the Council to represent its priorities for sustainability, enabling communities, encouraging economic growth, and being digital by design. She said that even in the context of global pandemics, place shaping would continue. This report was a timely reminder that the council was delivering a broad range of services. She applauded the increase in various interactions via social media.

Councillor Cutting said that the increase in various interactions by social media channels was to be applauded.

Councillor Buckmaster said one of the projects delayed by the Covid 19 situation was Hartham Common Play

Area. He was delighted to say that the Playground Alliance had raised £28,500 through crowdfunding. He commended this achievement.

Councillor Rutland-Barsby said Covid- 19 had led to one good outcome, in that there was increased community spirit. She reminded Members of the new small grants for fledgling organisations.

Councillor McAndrew said this was also the opportunity to mention the work of the Environmental and Climate Change Forum held in January 2020. He trusted it would be possible to hold a further meeting of the Forum in the not too distant future, subject to the Covid 19 situation.

Councillor Goodeve highlighted the resource of the Launchpad facilities in Bishop's Stortford and Ware. The facilities enabled use of desk space for enterprises, such as those which had been forced to downsize due to the Covid situation, or where working from home was impractical.

Councillor Boylan said that in relation to domestic abuse, the council had agreed a new enhanced service to help victims, Survivors Against Domestic Abuse. He thanked all those involved in helping to make a real difference to people's lives.

The Leader proposed and Councillor Buckmaster seconded, a motion to support the recommendation in the report. The motion, on being put to the meeting and a vote taken, was declared CARRIED.

**RESOLVED** – that the Executive notes the

content of the Annual Report 2019-20.

73 URGENT KEY DECISION - PAVEMENT LICENCE POLICY AND PROCEDURE

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The Leader said that in accordance with the urgency notice circulated last week, with the consent of the Chairman of the Overview and Scrutiny Committee, an urgent key decision item would be considered. She invited the Executive Member for Neighbourhoods to present the report which was set out in the supplementary agenda pack on Pavement Licence Policy and Procedure.

Councillor Boylan, the Executive Member for Neighbourhoods, submitted a report seeking approval of a policy and procedure for determining pavement licence applications received by East Herts Council using new powers to be conferred on the council by the anticipated Business and Planning Act 2020. The report contained a number of recommendations which set out the main elements of the policy and procedures, including duration of licences and fees, and which also provided for delegated authority to be given to the Head of Housing and Health to establish standard conditions to licences.

Councillor Haysey said she was grateful to the Chairman of the Overview and Scrutiny Committee for allowing this item to be dealt with in an expedited manner, as clearly it was important that the council should implement the measures as soon as possible.

Councillor Wyllie said he welcomed the legislation and this report, which would help smaller businesses. He

thanked officers for acting quickly and for working closely with the Police on how the new rules would be implemented, particularly in view of the important of keeping people safe from the Covid virus.

In response from a question from Councillor Jones, Councillor Boylan confirmed that pavement licensing fell within the jurisdiction of the Licensing Committee, and that the Housing and Health Service would be responsible for enforcement.

Councillor Boylan proposed and Councillor Cutting seconded, a motion to support the recommendations in the report. The motion, on being put to the meeting, and a vote taken, was declared CARRIED.

**RESOLVED** – that (A) the approach to determining applications for pavement licences, laid out in section 3 of the report, be approved;

(B) the duration for a pavement licence shall be seven months;

(C) authority to establish a schedule of standard conditions to attach to licences be delegated to the Head of Housing and Health;

(D) responsibility for determining and, if required, revoking, pavement licences be delegated to the Head of Housing and Health;

(E) fees be set at the maximum permitted level of £100 in order to, at least in part, recover the cost of issuing licences; and



(F) the making of any minor amendments to the policy and procedure be delegated to the Head of Housing and Health acting in consultation with the Executive Member for Neighbourhoods.

The meeting closed at 7.52 pm