

MINUTES

CABINET

19 MARCH 2019

Councillors: Williams (Leader)
Griffiths (Deputy
Leader)
Elliot
Harden
Marshall
G Sutton
D Collins

Officers:	Mark Brookes	Assistant Director - Corporate and Contracted Services
	James Deane	Corporate Director - Finance and Operations
	Mark Gaynor	Corporate Director - Housing & Regeneration
	Sally Marshall	Chief Executive
	Katie Mogan	Corporate and Democratic Support Lead Officer
	David Austin	Assistant Director - Neighbourhood Delivery
	Dawn Rhoden	Regulatory Services Operations Team Leader

Also Attendance:

Councillor John Birnie
Councillor Ron Tindall

The meeting began at 7.30 pm

CA/28/19 MINUTES

The minutes of the meeting held on 12 February 2019 were agreed by Members present and signed by the Chair.

CA/29/19 APOLOGIES FOR ABSENCE

There were no apologies of absence.

CA/30/19 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA/31/19 PUBLIC PARTICIPATION

There was no public participation

CA/32/19 REFERRALS TO CABINET

There were no referrals to Cabinet.

CA/33/19 CABINET FORWARD PLAN

The forward plan was noted with the following changes:

- Remove Leisure Action Plan from May agenda
- Add Car Parking Supplementary to May agenda

CA/34/19 DOG PSPO

Decision

1. That the implementation of a Public Space Protection Order under the Anti-Social Behaviour, Crime and Policing Act 2014 with restrictions relating to the control of dogs Borough wide as set out in paragraph 4 of the report from 1st July 2019 be approved with the addition that Order 5 is extended to include “within 3 metres of play equipment in unfenced children’s play areas”
2. That £75 is set as the sum payable for a fixed penalty notice.

Corporate objectives

Safe and Clean Environment

Maintain a clean and safe environment

Monitoring Officer/S.151 Officer Comments

Monitoring Officer:

The PSPO will assist with the prevention of anti-social behaviour in the borough. There will need to be a proportionate approach to enforcement particularly where the order is being breached by young and vulnerable persons.

Deputy S.151 Officer

The implementation of this recommendation will be funded through existing approved budgets.

Advice

Councillor Harden introduced the report to members. The consultation had been positively received and this report contains the final wording to be included in the PSPO.

Councillor Marshall said she was delighted to see these PSPOs and referred to the revised Schedule 1 and said she assumed this was to ensure new playgrounds would be covered. She was concerned that open playgrounds were not included and therefore unprotected. PSPOs were to be used as necessary and are an advantage and an aid to officers. Unfenced areas should not be left unprotected like the new play area in Gadebridge Park and The Moor in Berkhamsted. Councillor Marshall proposed an addition to Order 5 to say that PSPOs will be effective within three metres of play areas.

M Brookes said this could be workable from an enforcement perspective.

D Rhoden said that the only concern is that this could be easily challenged by members of the public.

Councillor Harden said there could be issues about proving the distance.

M Brookes suggested that this be further clarified to state that the PSPOs are effective within three metres of play equipment as it gives a physical structure to measure against.

Councillor Elliot said this was clearly a welcome development but wanted to clarify that the council is not attacking people who want to walk their dogs.

Councillor Harden said this was about challenging irresponsible dog owners with enforcement back up from the council.

Councillor Birnie asked if this covered all areas under council ownership and questioned if it could cover sport fields etc.

M Brookes said it had to be an open space accessible to the public.

Councillor G Sutton said he supported the comments from both Councillor Marshall and Harden. He said his main concern was dog walkers that have multiple dogs that are off the lead. They cannot control all the dogs and this causes problems.

Councillor Griffiths said this was not just about play areas, this covered all open spaces and land.

Councillor Marshall asked if this would cover Boxmoor Trust land.

D Rhoden said yes. National Trust land wanted to be excluded from the dog fouling order as they have their own preferred method for disposing of dog excrement. They are keen to join but not regarding enforcement action.

Cabinet agreed to the PSPOs with the addition to Order 5 about enforcing PSPOs within three metres of any play equipment.

Voting

None

CA/35/19 STRATEGIC RISK REGISTER

Decision

1. That the position on the Strategic Risk Register as at the end of Quarter 3, 2018/19 be noted; and,
2. The recommended approach to the further integration of the Strategic Risk Register, Corporate Plan, and Key Performance Indicators be approved.

Corporate objectives

Delivering an Efficient and Modern Council – risk management is an essential part of ensuring that the Council meets all of its objectives.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer

No comments to add to the report.

S.151 Officer

This is a S151 Officer report.

Advice

Councillor Elliot introduced the report which shows the position of the risk register at the end of quarter three. There are some changes resulting from a review of the register from Mazaars, Cabinet, Leader of the Opposition and the Chief Officers Group. The updated risks are substantially the same with an additional risk included relating to Brexit. The updated report has gone to Audit who have no further comments to make. The next review will take place following an update of the Council's corporate priorities in 2020.

Voting

None

CA/36/19 SAFEGUARDING & DOMESTIC ABUSE POLICIES

Decision

That the following policies be agreed:

1. Children, Young People & Adult at risk Safeguarding Policy and Procedures with amendments agreed by Cabinet.
2. Domestic Abuse Policy

Corporate objectives

Building strong and vibrant communities

Monitoring Officer/S.151 Officer Comments

Monitoring Officer

The updated policies will help to ensure that the Council complies with the latest statutory framework, guidance and best practice.

Deputy S.151 Officer

There are no direct financial impact of the implementation of these policies.

Advice

Councillor Harden introduced the report which contained the reviewed policies relating to safeguarding and domestic abuse to ensure they are up to date with legislation.

J Chapman added that it was about making safeguarding personal and there was the ability to include feedback from the adult safeguarding audit.

Councillor Tindall asked if this new policy took into account the government's draft legislation on domestic abuse from January.

J Chapman said it had been taken into account but not included because the legislation is not due to pass for another six to nine months so it will be incorporated then and amended when necessary.

Councillor Tindall asked that Cabinet reconsider the wording in the domestic abuse policy at paragraph 1.1 and suggested the removal of the words 'where it occurs' to make the statement stronger.

Councillor Griffiths asked if there were any plans to provide safeguarding training to all members.

J Chapman thought it was fair to say that there is an opportunity to improve on member attendance for safeguarding training. The take up previously has not been as high as necessary. He believed there were plans to include this training in the Member Development programme for 2019/20.

Councillor Griffiths asked how often members and staff should be trained.

J Chapman said every three years would be appropriate.

S Marshall confirmed that safeguarding training would be mandatory for all councillors in 2019/20.

Councillor Harden sought clarification that J Chapman was the designated officer for the entire council.

J Chapman said he was the lead officer. The policy highlights a number of officers designated as safeguarding officers who tend to be Group Managers and Team Leaders. They are the first port of call. It is important to remember that safeguarding is the role of everybody and not down to one person.

Councillor G Sutton said the report was very thorough and passed his congratulations to the team.

Councillor Tindall agreed that this was a big improvement and congratulated J Chapman. He pointed out one same error – paragraph 2.2 had been repeated.

The recommendations were agreed with the minor changes suggested by Councillor Tindall.

Voting

None.

CA/37/19 MEMBER DEVELOPMENT PROGRAMME

Decision

1. That the Member Development Programme as set out in Appendix A to the report be approved.

RESOLVED TO RECOMMEND:

2. That Cabinet recommend Council agree a new paragraph 9 to Part I of the Code of Conduct for Members to read:

“9. Training

To enable Members to fully take part in Council business Members are encouraged to attend all training, which forms part of the Member Development Programme.

Council have adopted a requirement for a mandatory training programme for Members, which will be approved annually by Cabinet following consultation with the Member Development Steering Group

and the Council's statutory officers. Members must attend all mandatory training in accordance with the Council's requirement."

3. That the list of mandatory courses as set out in paragraph 2.2 of the report be agreed.

Corporate objectives

The creation of a Member Development Programme ensures that Councillors are fully-trained and up-to-date with latest Council and legislative developments in order to deliver a modern and efficient Council.

The role of Councillors as Community Leaders means that they will have the tools to build strong and vibrant communities.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer

Member training and development is essential to ensure that members are given the knowledge and skills to perform their roles effectively. The training will also ensure that members are up to date with all relevant legislation and guidance, which should help minimise the risk of complaint or legal challenge.

S.151 Officer

No further comments to add to the report.

Advice

Councillor D Collins introduced the report which sets out the proposals for the 2019/20 Member Development programme. Members should be provided with the knowledge and skills required to perform their roles and this plan incorporates many of the points covered by MDSG. The report also covers mandatory training for most important areas and continued failure to attend this training comes with sanctions. This is a two stage process. Initial failure to attend will be reported to the Group Leaders and a continued failure will constitute a breach of the code of conduct and referred to the Standards committee. Officers will continue to work with MDSG to finalise training dates.

M Brookes added that MDSG have been consulted on this report and were broadly supportive of the recommendations.

Councillor Griffiths reiterated her point regarding safeguarding training. This was extremely important and also a legal requirement. Currently, members do not treat training with the importance it should have and said she was totally supportive of what was being proposed.

Voting

None.

CA/38/19 BREXIT PREPARATIONS

Decision

That the work undertaken by officers in preparedness for Brexit be noted.

Corporate objectives

Modern and Efficient Council

Monitoring Officer/S.151 Officer comments

Monitoring Officer

The Council's preparations for Brexit are being continually monitored. Potential impacts and mitigations are being assessed at a service and strategic level and this will continue as progress is made towards the withdrawal date.

S.151 Officer

The council is continually monitoring the progress towards a final Brexit agreement. The potential financial impact is being assessed at a strategic and operational level with mitigations implemented if required.

The MHCLG grant for Brexit preparation is available to fund any mitigating actions required as a result of the final withdrawal agreement.

Advice

S Marshall introduced the report which sets out the council preparations for Brexit. There has been a lot of work ongoing behind the scenes with CMT and liaising with partners regionally and nationally. A 'No Deal' scenario and an extension of Article 50 remains a strong possibility. S Marshall said she was receiving daily updates from colleagues. The council have raised a number of questions and attached in the report is a response to the checklist provided by the Secretary of State and this is reviewed on a fortnightly basis by CMT. Officers have trawled the supply chains to highlight any risks and business continuity plans have been refreshed and updated. The council have a civil contingency approach to work with partners in the event of any civil unrest.

Councillor D Collins said one question being asked of him was, if the Article 50 deadline is extended for two years, the UK might need to participate in European Parliament elections. He said some have mentioned the possibility of the local elections being postponed to 23 May and run both elections on one day.

S Marshall said the process for the local elections starts on 26th March. There is due to be a lot of activity over the next week with the EU and it is a question that has

been asked of the Cabinet office. It is still an outstanding issue but as a council, we are preparing to have elections as normal on 2nd May. A delay to the local elections would cause many issues and would have a knock on impact on the calendar of meetings, for example, Annual Council. She said the team are preparing to run both elections together but hoping for some clarification from the government.

Councillor Tindall said he believed that the EU are looking at possibly working on the premise that providing a short extension would mean accepting the current MEPs to sit until an exit or asking the UK parliament to nominate people to fill the seats which would avoid a rushed election.

S Marshall said she believed this would cause of range of issues that would probably be tested in the courts. We are looking at extra resources if needed and our primary role is to deliver sound elections.

Councillor Harden asked if the UK did have to have EU elections, would the election process begin before 2nd May?

M Brookes said yes, it begins about six weeks prior.

Voting

None

CA/39/19 BERKHAMSTED SPORTS CENTRE

Decision

That Cabinet agree for officers to carry out further feasibility work and develop a scheme proposal for consideration and public consultation based on Option 3: New Build

RESOLVED TO RECOMMEND;

That Cabinet recommend Council agree a sum of £55,000 for consultancy and professional fees to develop a scheme proposal for further approval and public consultation.

Corporate objectives

Clean, Safe and Enjoyable Environment – Leisure provision is central to delivering a borough that people can enjoy. Improvement of the facility will help to ensure that it continues to meet the needs of current and future residents.

Monitoring Officer/S.151 Officer comments

Monitoring Officer

There are no legal issues to highlight at this stage as the report is recommending further feasibility work be carried out. The outcome of that feasibility work on the preferred option should be reported back to Cabinet for further consideration in due course.

S.151 Officer

The £55k cost of the feasibility study could be funded from the Dacorum Development Reserve in 2019/20.

Advice

Councillor D Collins introduced the report. The council are committed to providing high quality leisure facilities aimed at encouraging people to exercise and play. In 2016, the council commissioned a review of facilities across the borough and a detailed review into Berkhamsted Sports Centre was carried out in 2018. There were four options to consider: a minor refurbishment, a major refurbishment, a new facility or a mega facility shared across the borough. The fourth option has not been pursued as it was felt important to continue providing facilities in both Hemel Hempstead and Berkhamsted. Cabinet are asked to agree an option to pursue. The overall objective is to secure a modern leisure facility in Berkhamsted.

The discussion moved into part 2. Full details are in the part 2 minutes.

CA/40/19 CONTRACT AWARD FOR REFUSE COLLECTION VEHICLES

Decision

1. That Cabinet approve the award of contract for the supply of the vehicle replacement programme for the period 2019/20 – 2025/26 to the company named in the Part 2 report.
2. Delegate authority to extend the contract to cover the next vehicle replacement programme for the period 2026/27 – 2032/33 to the Assistant Director Neighbourhood Delivery in consultation with the Director Finance & Operations and Portfolio Holder Environmental Services.

Corporate objectives

Maintain a clean, safe and enjoyable environment.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer

The proposed award of contract follows a competitive and compliant procurement process and will ensure that the council receives value for money for the vehicles.

Officers must ensure that an appropriate supply contract is agreed prior to accepting delivery of the vehicles.

S.151 Officer

This procurement has been undertaken in accordance with the Council's Procurement Standing Orders.

Advice

Councillor Marshall introduced the report which recommends a contractor to provide new refuse vehicles. It has been a very long and complicated tender involving a lot of analysis.

The discussion moved into part 2. Full details in the part 2 minutes.

CA/41/19 EXCLUSION OF THE PUBLIC

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the items in Part 2 of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that, if members of the public were present during those items, there would be disclosure to them of exempt information relating to the financial and business affairs of the Council and third party companies/organisations.

Local Government Act 1972, Schedule 12A, Part 1, paragraph 3

The Meeting ended at 8.20 pm