

## **MINUTES**

### **CABINET**

**25 APRIL 2023**

**Present:**

**Members:**

**Councillors:** Williams (Leader)  
Griffiths (Deputy  
Leader)  
Anderson  
Banks  
Barrett

|                  |                  |  |
|------------------|------------------|--|
| <b>Officers:</b> | Mark Brookes     | Assistant Director - Legal and Democratic<br>Services (Monitoring Officer) |
|                  | David Barrett    | Head of Development  |
|                  | Oliver Donohoe   | Housing Development Officer  |
|                  | Fiona Jump       | Head of Financial Services (Deputy S151)                                   |
|                  | Adelle Stapleton | Legal  |
|                  | Darren Welsh     | Chief Housing Officer  |

**Also Attendance:** Cllr Tindall & Cllr Douris

The meeting began at 7.30 pm

#### **CA/40/21 MINUTES**

The minutes of the meeting held on 22 March were agreed by Members present and signed by the Chair.

#### **CA/41/21 APOLOGIES FOR ABSENCE**

There were apologies from Cllr Elliot

#### **CA/42/21 DECLARATIONS OF INTEREST**

There were There was no public participationno declarations of interest.

#### **CA/43/21 PUBLIC PARTICIPATION**

There were no referrals to Cabinet.

#### **CA/44/21 REFERRALS TO CABINET**

There were no referrals to Cabinet.

**CA/45/21     CABINET FORWARD PLAN**

Cllr Anderson requested the Herts prosperity fund and the release of CIL funds go to the June Cabinet.

**CA/46/21     APPOINTMENT OF CONTRACTOR PARADISE DEPOT**

**Decision**

To be read in conjunction with Part II.

1. To seek approval to award the main contract and appoint a Principal Contractor to construct 56 flats and a stand-alone commercial building at Paradise Depot.
2. To provide delegated authority to the Council's Assistant Director (Legal & Democratic Services) to execute and complete all legal agreements ancillary to the JCT Design & Build Contract 2016 and/or reasonably required to complete the Project, including (but not limited to):
  - a. all professional appointments;
  - b. collateral warranties; and
  - c. Agreements under
    - S.38, & S.278, of the Highways Act 1980;
    - S.247, Part III of the Town and Country Planning Act 1990;
    - S.104 of the Water Industry Act 1991, and
    - S.50 of the New Roads and Street Works Act 1991.

**Corporate Priorities**

A clean, safe and enjoyable environment  
Building strong and vibrant communities  
Ensuring economic growth and prosperity  
Providing good quality affordable homes, in particular for those most in need  
Ensuring efficient, effective and modern service delivery  
Climate and ecological emergency

**Statutory Officer Comments:**

**Monitoring Officer:**

The appropriation powers have been set out in the body of the report. The use of appropriation power needs to be justified by a clear 'public interest' case that overrides the individual rights of potential affected third party owners and occupiers of nearby properties.

The report explains the rationale for the public interest test and it is concluded the relevant tests are met.

The procurement of the contractor has followed an open market tender process which should ensure that the Council obtains value for money.

**Deputy S151 Officer:**

The appropriation of General Fund property and land to the HRA requires a technical adjustment to reduce the Capital Financing Requirement (CFR) of the General Fund and adjustment to increase the CFR of the HRA by the market value of the transfer. The CFR is an indication of the Council's underlying need to borrow as a result of capital investment, and hence this ensures the GF and HRA CFRs are correct.

**Advice**

Cllr Griffiths introduced the report and was happy to take questions.

Cllr Williams mentioned there was a part 2 item and if anyone wished to discuss that they could move into part 2.

Cllr Griffiths mentioned that she felt this was great that this was moving forward. Dens moved out last summer and they are struggling for space and the quicker we can get them back in to this facility.

**CA/47/21      EXCLUSION OF THE PUBLIC**

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 7.40 pm