HERSTMERE BOROUGH COUNCIL

MEETING OF THE COUNCIL
HELD IN THE COUNCIL CHAMBER
CIVIC OFFICES, ELSTREE WAY, BOREHAMWOOD

22 November 2017

Present:

Councillors Goldstein (Mayor), Batten (Deputy Mayor), Barker, Bright, Brown, Butler, Choudhury, Clapper, Dr Cohen, Davis, Donne, Eni, Heywood, P Hodgson-Jones, S Hodgson-Jones, Keates, Kelly, Knell, Lyon, Merchant, Newmark, Morris, Plancey, Quilty, Rutledge, A Sachdev, M Sachdev, G Silver, L Silver, Spencer, Swerling, Turner, Vince, Wayne, West and Worster

Officers:

D Graham Chief Executive
S Bijle Corporate Director
H Patterson Head of Legal and Democratic Services
P Hughes Democratic Services Manager
W Rehill Principal Democratic Services Officer

310. **PRAYERS**

Rabbi Jonathon Hughes said prayers.

311. **COMMUNICATIONS AND APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Graham and Lambert.

312. **DECLARATIONS OF INTEREST (IF ANY)**

No Member declared an interest in any of the items of business on the agenda.

313. **MINUTES**

**RESOLVED** that the minutes of the Council meeting held on 27th September 2017 were approved and signed as a correct record.

314. **ANNOUNCEMENTS BY THE MAYOR**

The Mayor extended his congratulations to the newly elected Councillor for the Borehamwood Kenilworth Ward, Councillor Newmark, and welcomed him to his first meeting of Council.
The Mayor reported that Councillor Newmark was the new Leader of the Labour Group.

On 29th October the Civic Service had taken place at Radlett United Synagogue, and the Mayor was very pleased to report that it had been a very enjoyable occasion. He said the choir and cantor were outstanding and contributed to a memorable service. Over 180 people had attended and were treated to a sumptuous reception after the service. The Mayor said he was pleased to see so many of his colleagues there.

The Mayor then thanked all those councillors who had participated in the Remembrance Sunday events held across the Borough on Sunday, 12 November. This important event was always well supported by Hertsmere and the Mayor said this was appreciated by local people.

On a sad note, the Mayor reported that former Hertsmere and County Councillor John Usher had passed away last week. Councillor Usher served 22 years on Hertsmere as a Councillor for Potters Bar West and then 16 years as a County Councillor, firstly for Potters Bar South West and then Potters Bar West and Shenley. The Mayor said he was a true public servant and that he would attend his funeral on 28th November. Councillor Quilty added his condolences.

The Mayor said he sadly had to report another death, that of the Leader of Hertfordshire County Council, Robert Gordon. He was aware that the Leader of the Council, Councillor Bright knew Robert Gordon well and that he would speak about Councillor Gordon later.

On a happier note, the Mayor said that he was very pleased to report that a British Community Honours Award for services to the communities within British Society had been presented to Councillor Morris Bright in recognition of his outstanding contribution and services to the communities of Hertsmere. The award was made at the House of Lords on 20th October. The Mayor said that this recognition was well deserved and, on behalf of the Council, offered congratulations to Councillor Bright.

315. **QUESTIONS FROM MEMBERS OF THE PUBLIC**
The Council had received notice of eight questions from members of the public.

(1) The first question was from Ms Shaw of Borehamwood to the Leader and concerned the Council’s relationship with Elstree Studios.

“Please could the Leader and/or relevant Portfolio Holder explain:

1. The formal relationship between HBC and the Studios, how this is governed and how potential conflicts of interest are managed?

2. How many Borough Councillors currently sit as Director of the Studios (and any linked companies); upon what basis are they appointed, for what terms of office and what benefits/remuneration they receive in that capacity (including fees, salaries, parking spaces, use of office facilities and suchlike).

3. When Councillors serve as Directors of the Studios, to what extent are they obliged to put the interests of the Council above those of the company; what are their reporting arrangements on their work as Studio Directors and how often are these positions reviewed?

4. Is it the case that the Council only appoints officers and Councillors to these Director roles, and if so why are they not opened up to local residents with appropriate skills?”

Before commencing his reply the Leader, Councillor Bright, declared an interest in Elstree Studios as a Council appointed Director of the Studios. He then replied to the four parts of the question as follows;

To the first part of the question he said the Council was the sole shareholder of Elstree Film Studios Limited (EFS) and as such was identified at Companies House as the only person with significant control over the company. Historically, EFS had managed the studios as agents of the Council with responsibility for finding and agreeing commercial terms with television and film production companies and allied service providers, who would then conclude the consequential legal arrangements with the Council as owner, normally via the grant of fixed term non-business protected leases or, in some cases, short term licence agreements. As a result the Council received all the rental and licence fee income, less a deduction sufficient to meet the corporate and operational costs of EFS.

However, the Council had concluded a governance review of EFS in September 2016, when the Council agreed to grant EFS a 35 year lease of the studios site, excluding, in the short term, the vacant back-lot on which the Council intended to develop additional studio and ancillary space, following which the back-lot would be incorporated in the lease to EFS and the rent reviewed accordingly. The intention was
that by carrying vacancy risk, EFS would become more entrepreneurial in maintaining current above industry average occupation rates. In return, the Council would benefit financially from a reliable rental income stream, as well as dividend income on company profits.

The risks to the Council of giving EFS more entrepreneurial freedom and a leasehold interest in the studios site were managed by restrictions on disposal and mortgaging, restrictions on the issue by the company of share capital and debentures, strengthened provisions on the management of conflicts of interest and improved accountability and reporting arrangements, including a clearer exposition of the matters and decisions the Board cannot take without the prior approval of the Council as shareholder. All of these restrictions and requirements were contained in either the revised Governance Agreement, amended Articles of Association or the draft lease approved by Council.

So far as conflicts of interest were concerned, the Leader said that the Monitoring Officer had given written advice to the Board Members on the steps required to manage potential conflicts between the interests of the company and the interests of the Council. So, for example, when the Council considered funding the development of the studios back-lot, none of the Councillor Board Members remained in the Council Chamber meeting during the consideration of that item except for the Leader of the Council, who, as EFS Chairman, had been given a dispensation by the Chief Executive to remain in the meeting and speak in order to explain to Council why the Board considered that the development of the back-lot would beneficial to the company - but not to vote on the item. In addition, the Council had appointed the Chief Executive to represent the interest of the Council as shareholder at General Meetings of the Company and the express consent of the Executive or the Council was required to a range of potential Board decisions. Moreover, no councillor director would be permitted to vote on such a decision.

Potential conflicts of interest between the company and individual councillor directors were managed in accordance with the requirements of the Companies Act 2006 and the Articles of Association of the Company. All the directors, of EFS whether in an executive or non-executive capacity, were under a legal duty to avoid conflicts of interest with the company but should any arise they have to be declared at Board Meetings, recorded in the minutes of the meeting and the director concerned was not permitted to vote on the item of business in respect of which they have declared a conflict of interest. In fact the most recent amendments to the Articles of Association approved by the Council also required directors to leave the Board meeting when decisions are taken in respect of any matter in respect of any item of business in which they have declared a conflict of interest.
IN reply to the second question, the leader said that there were a total of 6 Directors on the Board of Elstree Film Studios Ltd. One Executive director who was the Managing Director and five non-executive directors comprising four elected members of the council and a senior Borough council officer. He said that Council-appointed Non-Executive Directors were appointed by Full Council for a four year term.

At Hertsmere there was a wide and mixed range of very skilled and knowledgeable people from different backgrounds. The Leader believed that one of the reasons that the Studios was more financially successful now than at any time since the council took back ownership of the site in 1996 was because the Council ensured that firstly, councillors did not actually run the business – there were professional industry people to do that for the Council, but that the Council not only remained the guardian and custodian of the site for residents but also exercised oversight and strategic direction.

In order to do that, as Leader said he had recommended to council appointments of members who he believed could bring something to the table.

For example, he said that Councillor Paul Morris had received an OBE for his work on business regeneration in Islington. Councillor Morris was a successful businessman and had proved invaluable in helping the studios develop ideas to keep the site fit for purpose now and for the future.

Cllr Caroline Clapper had a background in television and media promotion and had proved equally invaluable in bringing together recent high profile events for the studios 90th anniversary and the pride that goes with it, to ensure the Elstree brand remains strong and relevant – not just paying homage to the past but being quite literally set for the future.

Cllr Charles Goldstein, our current mayor, was an accountant who oversaw matters relating to the finances of the business. This helped ensure that this council was not faced with the sorts of financial issues faced for several years in the early 2000s under a previous company structure set up by a previous administration.

When Councillor Bright became Chairman of the Board before he became Leader of the Council the two roles did not need to be intertwined. With his experience as a broadcast journalist in the 1990s, having written a reasonable number of books on film and television and having been involved in documentary production for different tv channels as well as having an office at Pinewood for 14 years, the Council felt he should be company chairman.
In addition the Borough Council’s Director of Resources, Sajida Bijle, was the final non-executive director, ensuring even more council oversight, transparency and accountability.

Formerly Councillor Choudhury was on the board who with his knowledge and expertise in all things computers and technology-wise helped lift the technological offer at the Studios for the good of tenants and the studios business alike.

Previously the former Labour group leader Councillor Ann Harrison sat on the board for seven years until she lost her seat in 2015 and with her expertise on matters relating to staff and employment she was extremely helpful with interviews of staff, staff appraisals and so on.

So even though council could appoint anyone it wishes, the Leader said he had always felt that that where possible it was important to tap in to people’s skills.

Council appointed Non-Executive Directors did not and may not receive a salary from the Studios Company. They were entitled to an allowance which was determined by an Independent Remuneration Panel, the same panel that decided on all Hertsmere allowances, such as the basic allowance for all councillors, executive members, leader of the council, leaders of other political groups, committee chairs and so on.

As chairman of the Board, the Leader had a parking space at the Studio at his disposal although when the Studios was busy they called him to ask if they could use it and then he parked at the Civic Offices and walk to the Studios.

All Board members had the use of an office for meetings and for any work they do for the Studios. It was not a dedicated office and had to be shared with anyone who needs it. Clients always came first and the leader said directors sat and worked wherever space allowed.

One of the directors of the company, Councillor Paul Morris OBE had his own parking space but that was because his company was a tenant there and he paid rent for an office.

In response to the third part of the question, the Leader said all Board Members including the councillor directors were required by law to place the interests of the company above any actual or perceived competing interest of the Council. This was partly because the directors were also under a legal duty to promote the success of EFS as a going concern for the benefit of all the shareholders, not just a majority shareholder. However, because the only shareholder of the Company at present was the Council, the Board only had to consider the benefits to the Council of its corporate and operational decisions and therefore, conflicts between the interests of the company and the interests of the Council rarely arose in practice. However, should such a conflict arise
in relation to a decision which was of strategic importance to the Council, the Council had reserved the right to direct the Board to take the decision in the Council's best interests even though that may not necessarily be in the best interests of the Company.

As to reporting arrangements, because the Board of Directors took decisions collectively at Board meetings, it would not be appropriate for councillor/ directors to report to the Council individually on their contributions to collective Board decision making. Instead the Executive received a quarterly report on the financial performance of EFS measured against its approved Annual Budget Forecast. These reports were prepared by the Chief Executive as the shareholder representative following consultation with the EFS Managing Director and the report was presented to the Executive by Councillor John Graham in his capacity as Deputy Leader and Portfolio Holder for Property and Finance.

The Leader addressed the question of the review of appointments to the Board in his answer to the next question.

In response of the fourth part of the question the Leader said the decision to appoint a non-executive director to the Board of any Council owned company, regardless of whether they were a councillor, officer or indeed other suitably qualified person, was reserved to full Council. As the Council had the power to appoint it followed that it also had the power to disappoint - and therefore, subject to the right of a director to resign at any time and to the statutory rules relating to the disqualification of directors, the removal of a director was also a decision for the Council as a whole. As it happened, the current non-executive Chairman of EFS and the other non-executive directors were all serving councillors and given the current financial success of EFS and the contribution that it was making to the Council's general fund to support essential public services and contain Council Tax growth, the Leader said it would be churlish and unfair to criticise a demonstrably successful Board simply because the majority were councillors. It would also in his view be a mistake for Council to regularly rotate councillor/ directors so that just as they had developed the familiarity and skills to make the best possible contribution to the promotion of the success of the Company, they were removed from the Board and replaced, in all likelihood, with a much less experienced councillor.

That was not to say that the corporate governance of EFS could not be improved and both the Council and the Board recognised, in accordance with the UK Code of Corporate Governance, the contribution that one or more independent non-executive directors could make to the good governance and profitability of EFS – and the Leader had no doubt that were many suitably qualified local residents who could perform that role.
However, any such appointment was a decision for the Council and would have to be on merit following a fair and rigorous selection process in the course of which the Council was completely assured that any potential non-executive director was: of good standing; suitably qualified; genuinely independent, meaning politically neutral and free of any overriding conflicts of interest between their personal and professional lives and the interests of the EFS; and able to respect and maintain commercial confidences.

(2) The second question was also from Ms Shaw of Borehamwood to the Planning and Localism Portfolio Holder, Councillor Cohen, and concerned the green belt.

“Can the Planning and Localism Portfolio Holder explain how the Council can justify going against the provisions of national planning policy, particularly section 9 of the National Planning Policy Framework, with its plans to build thousands of new homes on greenbelt land around Shenley, Radlett and Potters Bar.

If the argument is that these are government imposed targets, then why is the Council not taking the government to task - and to court – for acting ultra vires - (over-reaching its powers)?”?

The Planning and Localism Portfolio Holder, Councillor Cohen, replied that although the Council had embarked on a review of its Local Plan, at this point there were no proposals to build on any specific areas of land anywhere in the borough. The Council was simply being clear about the scale of growth needed in Hertsmere and the different ways this growth could be achieved. The Council’s ‘areas of search’ were just that – areas which had been identified as potentially suitable for development. They were not allocated sites, but were just on a list of possible places where homes and jobs could be located. The Portfolio Holder said that other locations were not excluded from consideration simply because they are not within one of these areas.

The Portfolio Holder said that there were two important factors that meant Hertsmere needed to change the manner in which it accommodated growth in the borough. Firstly, current studies show that Hertsmere needed to plan for a far greater number of homes, in particular, to meet local needs. Secondly, there were now very limited opportunities to accommodate more development within existing towns and villages.

The meeting noted that Hertsmere was an authority whose area was almost 80% Green Belt and if it was to meet the needs and aspirations of those who lived and worked in the borough for homes, jobs and community infrastructure, then a small amount of land within the Green Belt would need to be built on. The alternative was to see local communities become dormitory towns with ageing populations, where
young people were priced out of the area. The Portfolio Holder said that the fastest growing part of Hertsmere’s population was the 75+ age group.

The council was not going against national planning policy in seeking views on how best to meet the identified needs for growth in the borough. Government policy required local authorities to promote growth – to “positively seek opportunities to meet the development needs of their area”. It made it clear that councils were expected to fully meet the objectively assessed need for market and affordable housing within their area, as far as was consistent with the policies in the Framework.

The NPPF allowed for Green Belt boundaries to be altered “in exceptional circumstances, through preparation or review of the Local Plan.” The need for housing or employment land need could be an exceptional circumstance to justify a review of Green Belt boundaries and the Council had estimated that to meet its needs over the next 15 years would require only around 5% of the area currently designated as Green Belt. Importantly, planning beyond the boundary of existing built up areas would enable infrastructure to be delivered from the outset, rather than trying to ‘retro-fit’ it into existing towns.

The Portfolio Holder said that it was important that Hertsmere undertook an objective assessment was required of how land performed against the purposes of including land in the Green Belt. The Green Belt in Hertsmere had not been comprehensively reviewed since it was first designated in the 1950s. The Council had carried out a Stage 1 Green Belt Assessment, which looked at how large areas of the borough performed against the Green Belt purposes, but further and more detailed work was required before any specific sites for development could be considered.

The meeting noted that any changes to Hertsmere’s Green Belt boundaries would ultimately need to be tested at examination which would consider whether a robust approach to this issue had been taken in preparing the new Local Plan. The Portfolio Holder said that an important part of the process leading up to the examination was public consultation and much of the feedback already received acknowledged the scale of the challenge facing Hertsmere. The Portfolio Holder said that comments on local plan Issues and Options report were welcome from anyone who lived or worked in the borough or nearby. He added that Hertsmere was in the process of holding roadshows and workshops throughout the Borough.

(3) The third question was from Mr Clayden of Borehamwood to the Planning and Localism Portfolio Holder, Councillor Cohen, and concerned the development of a field off Potters Lane.
“I attended the public meeting at Allum Hall on October 25th, where a number of proposals for the potential future development of Borehamwood and Elstree were exhibited and discussed. During the course of my conversation with Cllr. Dr Harvey Cohen, and in the presence of both Cllr. Bright and Cllr Vince, I was given an assurance that there were no plans to develop the field in Potters Lane, at the end of Alexandra Road. Moreover, Cllr. Cohen gave me the impression that Hertsmere Council was fully committed to preserving this Green Belt site.

My question is – What is the reason for this sudden apparent change of direction?”

The Planning and Localism Portfolio Holder said that there were no plans to develop the field in Potters Lane at the end of Alexandra Road. For clarity, he then made the following points.

Firstly, the wider area to the north east of Borehamwood, of which this field was part, formed one of a number of ‘areas of search’ which the Council had identified as potentially suitable for development as part of the work currently being undertaken in preparation for the drawing up of the new Local Plan for Hertsmere. These areas of search were included in the council’s current Issues and Options consultation on which the Council was seeking the views of members of our communities.

The Portfolio Holder said that the areas of search were just that – they were not allocated sites or firm proposals. They were just on a list of possible places where homes and jobs could be located. There was no assumption that inclusion of land in an area of search would result in it being allocated by the council as a site for development or in proposals for development which might come forward from a landowner or developer being granted planning permission.

Secondly, the Portfolio Holder said that a proposal has been put forward by landowners Wrotham Park Estate for residential development on land north of Potters Lane together with, and to enable, the provision of a new primary school to the north of the existing Hertswood Academy on Cowley Hill. Members and local residents may be aware of the exhibition of the proposals held recently by Wrotham Park’s agents at the Aberford Community Centre. The Portfolio Holder raised this in the context of the question asked in order to clarify that the area off Potters Lane proposed for residential development by the owners immediately adjoined the Hertswood Academy site (further to the west) and was not the field opposite the end of Alexandra Road referred to in the question. This proposal was expected to be the subject of a planning application from the landowner and would be subject to the normal consultation and assessment processes prior to determination by the council.
In a supplemental question, Mr. Clayden said that he was aware that a pre-planning application had been submitted by Wrotham Park Estate for development of some 58 properties at a site adjacent to the land he had identified in his question. He said that that application was a done deal, and asked if the Planning and Localism Portfolio Holder or the Leader would give an assurance that no further development of green belt land in that area would take place. The Planning and Localism Portfolio Holder said he was concerned at the use of the words ‘done deal’ as there was no such thing. He stressed that the Council had a very open and transparent process. In this case there had been a pre-planning meeting, then an open meeting to which all councilors and members of the public had been invited. If a planning application was submitted then it would be put before the Planning Committee, which was webcast and any member of the public could attend. Eleven members of the Committee would hear the facts and evidence with an open mind and then vote on the application. The Council did not own the site and it was open to local land owners in a free world to bring forward sites. If they did the application would be considered in accordance with due process and according to the law.

(4) The fourth question was from Ms. Hunter of Borehamwood to the Housing Portfolio Holder, Councillor Heywood, and concerned the space provided for homeless persons;

“In what way is it preferable to move people back into the borough to be housed in a container unit with minimum floor space/no disabled access/no pushchair access or outside storage

1 bedroom, 1 person dwellings should have a minimum of 38m² of floor space, rising to 50m² where a bedroom is shared by 2 people. The 1 bedroom containers in this scheme would have only 27m².

2 bedroom dwellings should have a minimum of 61m² of floor space. The 2 bedroom containers would have only 41m²; a third less space than stipulated by central Government.

These are an unsuitable environment for children where there will be no green space to play and assuming that everyone who is homeless doesn’t drive or come with a works vehicle is very presumptuous, this will over spill into neighbouring streets that are already at capacity for vehicles.

You only need to look at Shenwood Courts car park to see how full that is early in the morning as a bench mark for a homeless hostel where the tenants drive. 28 container homes with 22 parking spaces isn’t fulfilling your own policy of 1.5 spaces for a 1 bed (10 of) and 2 spaces for a 2 bed property (18 of) 51 spaces in total 29 spaces short and that’s without any consideration for visitors.”
The Housing Portfolio Holder, Councillor Heywood, made clear that there were no proposals to house people in containers. The council’s proposals were to build prefabricated modular units to provide Hertsmere residents in need with safe, warm comfortable accommodation, whilst affording levels of privacy and security not available in shared accommodation and B&B.

Ms. Hunter had referred to space and car parking standards for permanent accommodation, which were not applicable to accommodation of this nature. The Portfolio Holder had assumed the question related to the proposed development at Crown Road for which the planning application was currently under consideration and was to be put before the Planning Committee in January 2018. The matters raised will be addressed in the relevant planning committee report and the determination of the application will be made with full consideration of up to date national and local policies and any other material consideration.

The Portfolio Holder said her report on temporary accommodation later on this agenda showed, the number of homeless applications had been rising over a number of years, with over 60% of the applications coming from Borehamwood. The council had had to resort to placing households in accommodation outside of the borough.

People find themselves homeless for a variety of reasons, said Councillor Heywood, and the council had a duty to secure accommodation for those who were unintentionally homeless and who had a priority need. The provision of purpose built temporary accommodation units would enable families to stay within the borough, to maintain access to local services, schools and support networks until suitable settled accommodation could be secured.

In a supplemental question Ms. Hunter asked why feasibility study had not been carried out on a four and a half acre area of land near Shenwood Court with a view to building brick built dwellings. She also asked why had this matter become suddenly urgent when planning literature barely mentioned homelessness. The Portfolio Holder replied that she would have to seek an opinion from Council officers on the suggested site but did point out that the construction of brick built properties could take some 18/24 months. With the proposed modular purpose built accommodation, units could be up and running in twelve weeks.

(5) The fifth question was from Mr. Kramer of Borehamwood to the Planning and Localism Portfolio Holder, Councillor Cohen, and concerned the proposal to build modular homes at Crown Road;

“In regards to the proposal to build modular housing on the Crown Road garages site (17/1950/FUL), does the Council think it an appropriate
use of time, money and resources to pursue a proposal that breaches no fewer than 10 of Hertsmere’s own planning policies, as well as the Government’s own prescribed standards on minimum living space? If not as many as 10, what is the number of policy violations required for a scheme to be considered unviable by this council?”

The Portfolio Holder replied that this question referred to planning policies and that his reply was short. The application for the Crown Road site was currently under consideration and would be heard at Planning Committee in January 2018. All the matters raised by Mr. Kramer would be addressed in the relevant planning committee report and will be and are now being considered by Planning Officers.

In a supplemental question Mr. Kramer asked that it be noted that his research had found no exemption for temporary accommodation versus permanent accommodation in planning policy, as asserted by the Housing Portfolio Holder. Mr. Kramer went on to say that there had been two previous planning applications for the use of this site, one in 2003 and one in 2014 both of which had been refused. The grounds for these refusals included loss of privacy; not safe and convenient access for those with disabilities; awkward, cramped and incongruous with the surroundings; separation distances between boundaries, and that it would set an undesirable precedent for back land development in the area. He asked why the proposal was being put to the Planning Committee in view of these known breaches and suggested to do so was a waste of time money and resources?

In his reply, the Portfolio Holder said that the matters referred to regarding previous applications formed part of the planning history of the site and would be reported to the Planning Committee in January 2018. He pointed out that planning policy both at the national and local level had significantly changed since 2001 and therefore the decision of the local planning authority at that time would have less significance on a decision made in 2017. The determination of the current application 17/1950/FUL would be made with full consideration of up to date national and local policies and any other material consideration and all of the considerations raised by Mr. Kramer.

(6) The sixth question was from Ms. Hoy of Borehamwood to the Housing Portfolio Holder, Councillor Heywood, and concerned the proposed development at Crown Road;

“Can the leader of the council explain why they agree that housing vulnerable people, on a temporary basis, in an area of deprivation is a good idea? Does he not think that this is a “sticking plaster” on the housing crisis that the council have allowed to “spiral” out of control?
What is the council doing to ensure that these vulnerable tenants would not be kept indefinitely in these containers and what length of time does the council class as “temporary?”

The Housing Portfolio Holder replied that, as she had said in reply to an earlier question, the majority of homeless applicants came from Borehamwood and providing temporary accommodation in Borehamwood would enable those individuals and families to maintain access to local services, schools and their support networks until suitable settled accommodation could be found.

She added that the council was working with housing associations to secure nominations to accommodation for those who were on the Council’s register, and through the planning processes was seeking to ensure a range of affordable accommodation was provided. The length of time people stayed in temporary accommodation varied depending on their individual circumstances but once a homeless application had been accepted the applicant would be placed on the housing register and was able to bid for accommodation through the council’s Choice based lettings system.

In a supplemental question Ms. Hoy said that the Portfolio Holder had not answered her question about the length of time homeless people would remain in temporary accommodation. She asked how long these people would remain in temporary accommodation and then where would they be rehoused.

The Portfolio Holder said she took exception to people describing the temporary accommodation as containers, they were not. The temporary accommodation was purpose built and could not by any means be described as containers. She went on to say that there was no answer to the length of time homeless people would remain in temporary accommodation. Hertsmere did not own a stock of housing so could not say how long someone would be in temporary accommodation. She said it could be weeks, months or a couple of years. There was a national housing crisis across the country and Hertsmere was not the only local authority to ask about this type of temporary accommodation, Lewisham, Reading, Ealing and Brent Councils had all used them.

(7) The seventh question was from Ms. Wilson of Borehamwood to the Housing Portfolio Holder, Councillor Heywood, and concerned the proposed development at Crown Road;

“Can the Council confirm when the following reports will be completed and published: the ground contamination report; the ecology report and the biodiversity report?”

The Housing Portfolio Holder replied that all surveys and technical reports would be commissioned and completed in accordance with the
requirements of the planning application and statutory consultees. Where they are required prior to the application being determined, they will be submitted as part of the planning application process and where they form part of a condition they will be submitted as required within the timeframe for the individual condition.

In a supplemental question, Ms. Wilson asked if an environmental health assessment on noise at the proposed site had been requested. She pointed out that there would be twenty eight external air conditioning units running constantly and twenty two vehicles accommodated on site. There would be no vegetation to absorb sound and said the new site would be much noisier than today. Ms. Wilson also asked whether a report had been requested from UK Power networks. This was because the stacked accommodation at the entrance would be some 15 feet away from a power cable and she asked if that was acceptable?

In reply the Portfolio Holder said that good points had been raised and that she would have these questions put to the planning officers dealing with the Crown Road application. They would respond in due course as to what statutory requirements had been requested and were being prepared. She added that the planning application and related information for Crown Road would be available on line and the public was welcome to attend the Planning Committee in January.

(8) The eighth question was from Ms. Wilson of Borehamwood to the Housing Portfolio Holder, Councillor Heywood, and concerned the proposed development at Crown Road;

“How is the Council planning to manage the drainage system on the new development, with the required interceptor tanks, to prevent deluge into the existing draining (storm and probably foul) and where are these catered for?”

The Housing Portfolio Holder replied that as part of the planning application process a drainage strategy included a proposal for the management of surface water from the development and would have to be approved with HCC as the Lead Local Flood Authority. The drainage strategy would include:

• A drainage strategy which included providing appropriate sustainable urban drainage systems (SuDS) in line with the non-statutory national standards, industry best practice and HCC Guidance for SuDS.

• A drainage plan including location of all the drainage features and feasible discharge mechanism for surface water off the site.
• Detailed calculations of existing/proposed surface water storage volumes and flows with initial post development calculations in relation to surface water for all rainfall events up to and including the 1 in 100 year including a 40% allowance for climate change.

• Details relating to the management of overland flow routes.

In a supplemental question, Ms. Wilson asked if the Council was aware of any issues in Crown Road relating to sewers or drainage. The Portfolio Holder said she was not aware of any issues but would ask Asset Management to respond to Ms. Wilson.

The Mayor said that a written response to each of the questions would be sent to the questioner.

316. URGENT DECISIONS EXEMPT FROM CALL-IN

Noted that no decisions had been taken with the approval of the Mayor as matters of urgency in accordance with the provisions of the Constitution.

317. SPECIAL URGENCY DECISIONS QUARTERLY REPORT

The Leader reported that, in the last quarter, no key decisions had been taken in circumstances of Special Urgency, as set out in Rule 16 of the Constitution’s Access to Information rules.

318. REPORT OF THE LEADER OF THE COUNCIL AND OTHER COMMITTEE CHAIRMAN

Leader’s Report

The Leader spoke on the following list of topics, which had been circulated to Members prior to the meeting. The following five items; Temporary Accommodation Demands; Crown Road Development Site; Leisure Management Contract; Disaster Recovery and Business Continuity and the Statement of Community Involvement were covered separately at the meeting and were not discussed under this item. Discussion ensued on the other items and the Leader and Executive Members responded to Members’ questions.

Executive

The Executive had met twice since the last Leader’s report. The major areas discussed were as follows:
18 October 2017

Business Rates Pooling and 100% Rates Retention for 2018/19

The Leader reported that the Executive had given consideration to forming an agreement with other like-minded Hertfordshire authorities with the aim of achieving the optimum business rates retention across the County.

It had been agreed to submit an application to the Department of Communities and Local Government (DCLG) to establish a 100% Rates Retention Pilot Scheme for Hertfordshire, the membership to consist of all 10 district councils and the County Council. The deadline for the application was 27 October. At the same time, Hertsmere submitted an application to form a business rates pool made up of 5 district councils, including this Council and the County, in the event that the pilot bid was unsuccessful.

It was suggested that Hertsmere should remain in a partnership arrangement only so long as that partnership was beneficial to Hertsmere.

Parking Services Partnership with Three Rivers District Council

The Executive approved the establishment of a new Parking Services Partnership with Three Rivers District Council which will have mutual benefits for both authorities. For this Council, the new arrangement will give it service resilience as well as providing cost savings.

Planning and Economic Development Staffing Restructure

The Executive had approved the financial implications of the ongoing staffing restructure of the Planning and Economic Development department. These implications will be recommended to the full Council in February 2018 as part of the budget framework. The restructure was long overdue and would enable the Council to meet the growing needs of the Borough, particularly in relation to delivering our emerging new local plan.

The initial financial outlay will be offset by reducing reliance on costly agency staff and provide a strong position for the service going forward. The restructure would allow focused planning and development of staff which would help to create a more resilient service long term.

The Leader said it was important to note that decisions were ‘in principle’ at this point because they were subject to the outcome of formal consultation of staff affected which was still ongoing. The Leader understood that the Personnel Committee would receive an update on the change management process at its meeting on 6 December but the formal consultation would close a week after that.
Engineering Services and Asset Management Staffing Restructure

The Executive also approved the financial implications of a smaller staffing restructure of the Engineering and Asset Management Services section. The restructure would deploy existing staff resources more effectively; encourage more cross working between the four different sections in the service area and allow focus on succession planning.

Crown Road Development Site

This item was considered later in the meeting.

Leisure Management Contract – Various Matters

The Executive considered a confidential report outlining a number of issues in connection with Hertsmere’s leisure management contract and agreed to work with Hertsmere Leisure Trust to take the combined proposals. A key element of the proposals was to be considered later on this evening.

15 November 2017

Update on the Statement of Community Involvement

This item was considered later in the meeting.

Improvement Plans for Meadow Park, Borehamwood

The Executive approved a comprehensive range of proposed improvements to Meadow Park in Cowley Hill Ward. This formed part of the Council’s ongoing programme of parks improvements.

Extensive consultation was carried out of local groups, including the football club and the Town Council. The Executive welcomed this massive investment in play facilities in the Cowley Hill Ward which would have a positive impact on health and wellbeing generally and would be particularly good news for the area’s youth. The funding came from section 106 agreements arising out of the substantial local development that has taken place in the area. The Executive was delighted to see that this investment was being made in Borehamwood.

Disaster Recovery and Business Continuity

This item was considered later in the meeting.

Temporary Accommodation Demands

This item was considered later in the meeting.
2020 Vision Performance Report for Quarter 2 of 2017/18

The Executive received the performance statistics for Quarter 2 of 2017/18 for the period from July to September 2017. This was the second report under the new Performance Management Framework, which supported the implementation of the 2020 Vision and Corporate Action Plan and aimed to reduce duplication and to focus on key areas. The Executive noted that 71.42% of the indicators were classed as green (target met or exceeded), 21.42% as red (target not met) and just over 7% as amber (target just missed).

Highway Verge Management Arrangements/Grounds Maintenance Contract

Following the outcomes of Hertsmere’s most recent budget participatory exercise in late 2016, it had been agreed to transfer responsibility back to the County Council for verge management arrangements and extend existing contracts for grounds maintenance at the same time.

Extending the contract to 2024 would bring it into alignment with the County Council’s own contract which would not only provide flexibility but would help to offset any loss of works by the incumbent contractor.

The Cannon Public House, Thirsk Road, Borehamwood

The Executive gave its approval to a sum, negotiated with and accepted by the existing tenant, for acquisition of the leasehold of this property, with the funding from the Innovation and Investment Fund reserve. The Executive was informed that Officers were also progressing various commercial ‘meanwhile uses’ and funding for that would be met from the Central Contingency budget. The Executive understood that several approaches had been received but that the property would not continue as a public house. As the funding for the acquisition was subject to Council approval, a report would be presented to the Council meeting on 24 January 2018.

• More Than A Walk In The Park

The Leader reported that some strange metal structures had been found in one of Hertsmere’s Borehamwood parks. A new six basket disc golf course had been installed in Aberford Park, which officially opened earlier this month.

Disc golf could be enjoyed by people of all ages and physical ability. It was just like normal golf but played by throwing a flying disc into a metal target instead of hitting a ball into a hole. Mapped score cards and discs/Frisbees could be obtained from Aberford Restaurant with a £5 deposit or you can use your own.
Players would be outside in natural surroundings, which the Leader said helped reduce stress and tension, and explore one of Hertsmere’s Green Flag parks while getting fit.

- **A Simple Change has made a difference**

The Leader reported that Hertsmere’s food recycling awareness campaign had been launched in June when “no food waste” stickers were placed on 40,000 black bins to encourage people to use their green recycling bins for food waste instead. This was after an audit revealed that over half of all waste thrown in the residual black bin, around 5,786 tonnes, was food waste – all of which can be recycled.

Since the changes had taken place, the tonnages of green waste from July to September had increased by 92 tonnes compared with the same period last year and refuse tonnages are down by 123 tonnes.

The Leader was delighted that green bin recycling had increased through Hertsmere’s household recycling collections and thanked everyone who had made the change. The aim of the Council was to increase the amount of food waste recycled in Hertsmere and to reduce the amount sent to landfill, where it rots and produces methane, a greenhouse gas 25 times stronger than CO2.

The Leader he would keep the Council informed on Hertsmere’s recycling service.

- **Newberries Car Park Development Consultative Group**

On 19 October 2017, the Leader reported that he attended a TRACKS executive committee meeting with the Council's Head of Legal Services, to discuss the terms of reference of the Newberries Car Park Development Consultative Group. TRACKS had sought reassurance from the Leader on several issues.

The first issue was a concern that the terms of reference of the new Consultative Group, provided that the Council would proceed with the current approved Scheme for a hotel and retail food store in the event that the Consultative Group was unable to develop an alternative scheme that generated a similar return on investment as the current proposed one.

The Head of Legal Services advised that the terms of reference only referred to the financial performance of the current proposed scheme as a financial benchmark for alternative schemes. In any event, the decision to proceed with any scheme at Newberries would be a matter for the Council as a whole to consider, having full regard to the recommendations of the Consultative Group.
The second issue related to the composition of the Consultative Group which some members of TRACKS considered to be loaded in favour of the Council, consisting as it did, of four Borough Councillors, two Aldenham Parish Councillors, four residents and a local business representative.

The Leader said he was concerned with this characterisation of the Consultative Group. With the exception of the Chairman, three of the four Borough Councillors were local ward members who not only had a democratic mandate but were themselves residents and the very idea that they might potentially actively work against the interests of the community whom they serve and represent, troubled the Leader.

As to the Chairman of the Consultative Group, the Leader had chosen Councillor Paul Morris not only because of his expertise in regeneration, for which he was awarded an OBE, but also because as a Bushey ward councillor without a vested interest in Radlett, he could seek to keep all groups together and in that way help to ensure that the recommendations of the Consultative Group were realistic and achievable and had a solid base of support in Radlett.

As to the two Aldenham Parish Councillors, the Leader had reminded the Committee that some members of Aldenham Parish Council had been vocal critics of the current approved scheme and the Parish Council had independently made their own nominations to the Consultative Group. So, again, the Leader could not accept the suggestion that because they were Parish Councillors they were somehow automatically aligned to the perceived interests of the Borough Council.

Consequently, the Leader did not feel that the Consultative Group was a "packed jury". Indeed it was the Leader who suggested the "two thirds rule" which meant any decisions or recommendations taken or made by the Consultative Group must be passed by no less than two thirds of those present.

That stopped any notion of six councillors being able to "gang up" against all the others on the Group. Indeed with a final Group membership of 11 as it now stands, if all attended a meeting, it would take some 8 members to vote in favour or against a matter, in order for the vote to be valid.

The third issue of concern raised by the Committee was unwillingness from Hertsmere to give an absolute assurance that the current approved scheme would not proceed, come what may. Apart from the fact that the Leader did not have the authority to singlehandedly overturn a decision made by the Council as a whole, the fact was that Council officers had been in negotiation with two commercial operators who, as a consequence, had expended time and resource in working up their proposals for the Newberries site. Consequently, if Councillor
Bright as Leader of the Council were to have made the public pronouncements requested by TRACKS, the Council could have found itself liable to the commercial operators for their 'wasted' costs, something that as a steward of the public purse he could not countenance.

However, the Leader did offer to TRACKS his personal opinion that he did not consider that the proposed redevelopment of Newberries Car Park for a hotel and food retail outlet would proceed. He also assured TRACKS that whatever final recommendations and/or ideas the Consultative Group came forward with or proposed as their preferred choices to be considered by Hertsmere Borough Council, that a meaningful, open and transparent consultation with Radlett must take place. No pieces of paper stuck on lampposts or a few lines in the local paper would be good enough, the Leader said it must be proper and meaningful consultation. He reiterated that commitment here.

The Leader said that one thing was clear and that was that any development at Newberries needed to be part of a bigger look at Radlett’s town centre. They need to dovetail each other so as to benefit both via additional footfall and spending, thereby improving the longevity of the high street.

The Leader had seen in the news recently that the much-lauded Mary Portas “Save the High Street” Scheme in towns across the country had failed, with over 1,000 shops closing. A fresh approach was needed and no town centre was immune from the effects of the continuing creep of online shopping. He said there had to be a way to keep people shopping locally.

The Leader believed, as he knew Councillor Paul Morris did, that any new offer for Radlett via Newberries must be part of a solution, not part of the problem. He wanted all to be working for together, moving forward to secure a Radlett town centre fit and thriving for now and beyond.

Councillor Morris updated that meeting with the news that TRACKS had agreed to have their own focus group and that, of the many people he had spoken to about the development, only two wanted no change at the car park.

• Primary School Provision, Borehamwood.

The Leader reported that there had been much talk in recent years about the need for additional primary school provision in Borehamwood especially with plans to build along the Elstree Way corridor. County had for some time identified Maxwell Park Community Centre as a potential site for a new school. It was pointed out that all sides of the chamber had condemned this idea as the site was not considered a suitable site for such a school. The Leader said it was no good
expressing anger at such a proposal if you do not come up with other ideas.

The Planning and Localism Portfolio Holder and the Leader made it clear that they would not sit around and hope that other ideas came forward and tasked officers to work to find a way forward here. A proposal for a new primary school, not at Maxwell Park CC, may well be coming forward for consideration by planning in the not too distant future and so the Leader did not wish to say anything more at this time other than whether it proceeds or not, residents would know that this authority would continue to do all it could to save and protect the future of Maxwell Park Community Centre.

• **Borehamwood Football Club**

The Leader had extended Hertsmere’s best wishes and congratulations to Boreham Wood FC on reaching the 2nd round of the FA Cup. The Football Club continued to be one of the jewels in the local area crown and to see Borehamwood and its team all over the recent news broadcast was a great boost for Civic Pride. The Leader expressed his thanks Mr. Danny Hunter and all at the club.

• **Late County Council Leader, Robert Gordon CBE**

The Leader said that his mantra was “leave a place in a better condition than that in which you found it” and it was one he had always felt very strongly about. Some councillors will be content serving their residents. Others will aspire to rising through the ranks to have a larger say, a bigger influence. A few will achieve great things for their areas. One or two will leave a lasting legacy.

One such person was the late Hertfordshire County Council Leader, Robert Gordon CBE who died last month. The Leader drew attention to the cross party comments made since his passing just how highly regarded he was, seeking wherever possible to rule by consent, working with others and never opposing ideas for opposition’s sake.

The Leader said that Robert had become Leader of the County Council in the same year as he became Leader of Hertsmere. He said that, at first, he found him a little daunting, as he was a big experienced figure in local government. Those nerves quickly turned to feelings of respect and then, as the years passed and the Leader got to know him better, admiration.

On a personal basis the Leader was very grateful to him for his guidance and help. As a resident of Hertfordshire he was also indebted to him for everything he did to make the County the very best it could be, especially in very difficult financial times. Here was one person who definitely left a place in a better condition than that in which he found it.
• **Licensing Committee**

The Chairman of the Licensing Committee said that the Committee had met on 1st November 2017 to consider the classification of a film called "The Women's Balcony" which was due to be shown at a local cinema. Classification by the local authority was required because the film had not been classified by the British Board of Film Classification. The Committee viewed the film and awarded it a 12A certificate.

The Committee met again on 6th November 2017 to view a film called "A bag of marbles" but the meeting had to be adjourned because a copy of the film had not arrived. The Committee re-convened on 20th November for a private showing at a local cinema but was only able to view half the film due to a fault. The Committee then decided to delegate authority to classify the film to officers, in consultation with the Chairman of the Licensing Committee. The remainder of the film was viewed this morning and awarded a 12A classification.

319. **REPORT OF THE CHAIRMAN OF THE OPERATION REVIEW COMMITTEE**

The Chairman of the Operations Review Committee gave an oral report on the work of that Committee and the Policy Review Committee at two meetings since the last meeting of Council.

The Chairman began by welcoming Councillor Newmark to his first meeting of Council. He then said that the Policy Review Committee had met on 2 October 2017, but a number of members were absent as the date clashed a political conference. The Chairman hoped this would not happen next year. The Committee heard about the progress of the review of the Local Council Tax Support Scheme. The proposed changes would align with the national housing benefit scheme and there were no changes planned for the current protected group. The Committee also received a presentation on Economic Development and Inward Investment. One of the challenges locally was that 60% of the workforce commuted to London, so incidental expenditure (on lunches etc.) was being spent outside of Hertsmere. Another challenge was to stop any over-reduction of commercial premises. Officers advised that Article 4 could be used to remove permitted development rights within a specific geographical area to stop office-to-residential conversions, for example. The Committee flagged up the poor cross-Borough transport infrastructure and suggested that support for bus routes could be written into the development application process. Officers confirmed that Essex and London councils tied-in developments to sustainable transport. In terms of the creative sector, the Committee was advised that broadband provision must improve locally because post-production companies needed such facilities to flourish. Officers were working with Creative England on such issues. Lastly the Committee suggested that manufacturing could be encouraged, as it generated jobs and supported local spend.
The Operations Review Committee met on 17 October 2017 to hear the annual presentation from the Portfolio Holder for Finance, Property and Economic Development. There had been a number of successes within Finance, e.g. £283k favourable year-end and a £738k one-off gain via Business Rates Pooling. Legal Services also had key Council initiatives underway, such as setting up the legal framework for Hertsmere Development Limited and establishing Hertsmere Homes Limited, as well as successfully delivering regular work streams. The Committee was told that the Council’s property portfolio was performing well and generated £4.8m – i.e. 37% of Council income - plus, there had been a phased programme of rent reviews/renewals of old leases leading to relets at market-value. Within Economic Development, a key strength of the borough was a strong retail base which generated local spend, employment, rates and business growth. However, Hertsmere also had a large number of homeworkers, and a priority was to identify what their requirements were and how to encourage them to spend locally. Another priority was to develop a creative and technical sector but to do so the local infrastructure for fibre optics, Wi-Fi and utility provision needed improvement. The Committee asked the Portfolio Holder whether, in light of Brexit, the Council should also look to develop small-scale manufacturing. The Portfolio Holder commented that whilst the Council had a good understanding on how to invest in the residential market it did not have the background to invest money in industry.

The Committee received an informative overview of the Council’s formal and informal partnership arrangements. It was pleased to note the governance arrangements in place, given the number and range of partnerships. The Committee agreed to explore this topic in greater detail in a future work programme.

Lastly, the Committee refocused the terms of reference for the Physical Security Review to a narrower remit, which would still be useful but at the same time would not generate too many queries for Officers. The Committee noted the role of a scrutiny review was to ascertain the issues, communicate any concerns arising and, where possible, suggest solutions. The Chairman said that, under his guidance, the Committee had done just that.

TEMPORARY ACCOMMODATION DEMANDS

The Head of Partnerships and Community Engagement reported to Council on the increasing costs of temporary accommodation associated with the increase in homelessness and the numbers of households placed in temporary accommodation. The forecast for the end of the financial year was a net deficit of £100,000. The meeting was asked to approve the utilisation of reserve funding to offset the anticipated overspend with respect to temporary accommodation costs
in 2017/18 and to agree additional provision in the 2018/19 revenue budget.

RESOLVED that

(1) one off funding of £100,000 from the Homeless Reserve to fund the anticipated overspend in the housing revenue budget 2017/18 with respect to temporary accommodation costs, be approved.

(2) an additional £100,000 be included within the housing revenue budget for 2018/19.

321. **CROWN ROAD DEVELOPMENT SITE, BOREHAMWOOD**

The meeting was informed that housing costs in the southeast region had escalated and more and more people were approaching local authorities as homeless. In 2016/17 Hertsmere had received 244 homeless applications but in the first five months of 2017/18 there had already been 177. The situation at Hertsmere was worsened by it being on the boundary of three London boroughs that placed some of their homeless families in Hertsmere as accommodation here was cheaper than in London.

Hertsmere had a statutory obligation to assist with temporary accommodation as part of its homelessness duties and, as it did not hold its own housing stock, had to rely on accommodation in the private sector to meet that obligation. This type of accommodation was not under the Council’s control, was often outside of the borough, was expensive and an unsustainable way of meeting its housing requirements in the longer term.

The Council had considered how best to respond to this situation and one solution was to purchase professionally designed, bespoke, modular specialist temporary accommodation, constructed in a factory to quality standards. This solution was quicker and cheaper to build than brick built properties and would provide much needed temporary accommodation facilities for homeless families within the borough. This would allow families currently housed outside the borough to return to their families, friends, schools and support networks in Borehamwood.

The Council had identified a proposed site in Crown Road which was presently occupied by two blocks of garages. Adjacent to the garage site was an area of amenity space which was part grassed and the rest overgrown. The site was surrounded by two storey brick estate housing on three sides with the ends of the garden forming the boundary. This location was central within Borehamwood, and Council officers had concluded that the site would be an appropriate location for the siting of modular temporary accommodation.
A planning application had been submitted for the installation of 18 two bed and 10 one bed units of accommodation. This would meet an immediate need for short term in borough accommodation for those with an urgent housing need. It was anticipated that the life expectancy of the units was in the region of 40 years.

During discussion of this item, a request for a recorded vote was made, supported by the required number of Councillors. In response to this, the members of the Planning Committee who were present, declared their intention to abstain from the vote on the grounds that the public perception of their participation in this vote might lead to a belief that they did not have an open mind when considering the planning application at the Planning Committee on 11th January 2018.

**RESOLVED** that

(1) capital funding of £2.2m for the Crown Road development project be approved, subject to the planning application for this proposal gaining the necessary planning consent.

(2) authority be delegated to the Chief Finance Officer in consultation with the Finance, Property and Economic Development Portfolio Holder to decide the most appropriate source of funding at the relevant time, as explained in paragraph 7.2. of Report C/17/35.

The voting on this matter was as follows;

Councillors Barker, Batten, Bright, Choudhury, Clapper, Cohen, Davis, Donne, Goldstein, Heywood, Paul Hodgson-Jones, Sarah Hodgson-Jones, Keates, Knell, Eni, Morris, Plancey, Rutledge, Abhishek Sachdev, Meenal Sachdev, Swerling, and Wayne (22) voted in favour of the above decision.

Councillors Butler, Newmark and Vince (3) voted against the above decision, and

Councillors Brown, Kelly, Lyon, Merchant, Quilty, Gary Silver, Linda Silver, Spencer, Turner, West and Worster (11) abstained from the vote on the above decision.

322. **HERTSMERE LEISURE TRUST (HLT) LOAN FUNDING**

The meeting was reminded that Hertsmere Leisure Trust had operated the Borough’s leisure facilities since the establishment of the Trust in 2002. In 2011 the council undertook a Leisure Facilities Management procurement process. Hertsmere leisure Trust was successful in bidding for the contract, which was awarded for a ten year period
commencing in February 2012 to 31 January 2022 with an option for a further 5 year extension.

When the council shortlisted successful bidders in 2012, it offered all the perspective bidders a loan facility to ensure that the council owned leisure facilities were kept in good working condition. Hertsmere Leisure Trust has now called upon this offer and provided a sound business case in support. It was noted that without on-going investment into these facilities, the council would inherit an aged leisure portfolio at the end of the contract term, which would then require significant investment.

The Executive on 18 October 2017 approved proposals by Hertsmere Leisure Trust for investment in the Hertsmere owned leisure facilities and noted that this investment would ensure that the facilities were maintained and updated so that customer expectations continued to be met and the financial sustainability of the council’s assets was retained.

RESOLVED that a loan funding facility of up to £5m to Hertsmere Leisure Trust to invest in Hertsmere owned leisure facilities be approved and that authority be delegated to the Chief Finance Officer in consultation with the Finance, Property and Economic Development Portfolio holder to agree loan repayment terms and conditions.

323. DISASTER RECOVERY AND BUSINESS CONTINUITY

Council was informed that Hertsmere’s current Disaster Recovery and Business Continuity arrangements were approved by the Executive in 2012 and were delivered via a reciprocal arrangement with Broxbourne Borough Council. Broxbourne has now decided to enter into a shared service agreement with Welwyn and Hatfield District Council, and have approached Hertsmere requesting the termination of the present agreement. This Council had agreed to terminate the agreement on the condition that Hertsmere continue to use Broxbourne’s server room for disaster recovery until an alternative solution was found.

Officers had reviewed various options for the provision of disaster recovery services from both the private and public sectors. Partnering with a private sector disaster recovery specialist had not proved financially viable. Partners from the public sector were unable to meet Hertsmere’s requirements and their solutions were not flexible enough to future proof the investment.

As a consequence the Waste Depot at the Cranbourne Industrial Estate, Potters Bar had been identified as a potential location and the Head of Street Scene has developed plans for a first floor extension that would accommodate the requirements for a business continuity suite.
RESOLVED that one-off funding of £373,000 for the provision of a public cloud disaster recovery solution and business continuity facilities at the Waste depot, Cranbourne Industrial Estate, Potters Bar be approved, and funded from the Innovation and Investment Fund and the IT Replacement Reserve.

324. UPDATE ON THE STATEMENT OF COMMUNITY INVOLVEMENT

The meeting was informed that an update of Hertsmere’s Statement of Community Involvement has been prepared. This was a periodic review of the Statement carried out every three years to ensure that it was kept up to date following the introduction of new legislation, policy and procedures.

The Statement of Community Involvement was first adopted in 2006 and updated most recently in 2014. The main role of this document was to set out the Council’s approach for involving the community, both in preparing and revising planning policy documents and in the assessment of planning applications. The requirements for preparing such a Statement was set out in Section 18 of the Planning and Compulsory Purchase Act 2004.

Hertsmere had carried out public consultation on the revised Statement, which ended in September 2017, and having considered the responses to the consultation and amended the document accordingly, the document was now proposed for adoption.

RESOLVED that the updated Statement of Community Involvement be adopted, subject to any minor amendments to be agreed by the Head of Planning and Economic Development in consultation with the Portfolio Holder for Planning and Localism.

325. APPOINTMENT OF MEMBERS

The meeting noted that on 25th August 2017, former Councillor Thomas Ash resigned as a Conservative Councillor representing the Borehamwood Kenilworth Ward on Hertsmere Council with immediate effect. At the by-election for the vacancy, Councillor Newmark was elected as a Labour Party representative. This change altered the political proportionality on the Council with the result that the Conservative Group now had 35 members and was entitled to 62 seats [89.74%], while the Labour Group with 3 members was entitled to 5 seats [7.69%] of the total population of 69 seats on relevant Committees.

To bring about compliance with the new proportionality figures, Council made a number of appointments as follows.

326. **FORMAL COMPLAINTS BY THE COUNCIL’S CUSTOMERS - 2016/17**

A report was before Council which set out the number of complaints about this authority made to the Local Government Ombudsman during the year 1 April 2016 to 31 March 2017. It also provided information on complaints dealt with under the Council’s own complaints procedure for the same period.

As it was after 10.30 p.m. when the meeting reached this report, consideration of it was referred to the next ordinary meeting of Council.

RESOLVED that consideration of this report take place at the next ordinary meeting of Council.

327. **SCHEDULE OF MEETINGS 2018/19**

This report asked Council to consider and approve the draft Schedule of Meetings for the period August 2018 to July 2019.

As it was after 10.30 p.m. when the meeting reached this report, consideration of it was referred to the next ordinary meeting of Council.

RESOLVED that consideration of this report take place at the next ordinary meeting of Council.

328. **UPDATES FROM OUTSIDE BODIES**

Updates were to be provided from certain Members serving as representatives of the Council on outside bodies.

As it was after 10.30 p.m. when the meeting reached this item, consideration of it was referred to the next ordinary meeting of Council.

RESOLVED that consideration of this report take place at the next ordinary meeting of Council.
329. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

Questions from Councillors were to be answered under this item. As it was after 10.30 p.m. when the meeting reached this item, consideration of it was referred to the next ordinary meeting of Council.

**RESOLVED** that consideration of this report take place at the next ordinary meeting of Council.

330. **NOTICES OF MOTION**

Two motions from Members had been received. As it was after 10.30 p.m. when the meeting reached this item, consideration of it was referred to the next ordinary meeting of Council.

Councillor Newmark asked that his regret at not being able to discuss either of the motions or hear a response to the questions be noted.

**RESOLVED** that consideration of this report take place at the next ordinary meeting of Council.

331. **ANY OTHER URGENT BUSINESS**

None

332. **DATE OF NEXT MEETING**

Noted that the next meeting of the Council would take place at 7.30 p.m. on Wednesday, 24th January 2017.

**CLOSURE:** 8.32 pm

MAYOR