

## MINUTES

### CABINET

16 DECEMBER 2014

**Present:**

**Members:**

**Councillors:**

Margaret Griffiths	Portfolio Holder for Housing
Neil Harden	Portfolio Holder for Residents and Regulatory Services
Julie Laws	Portfolio Holder for Environmental Services and Sustainability
Nick Tiley	Portfolio Holder for Finance and Resources
Andrew Williams (Chairman)	Leader of the Council/Portfolio Holder for Planning and Regeneration

**Officers:**

Sally Marshall	Chief Executive
Mark Gaynor	Corporate Director (Housing and Regeneration)
James Deane	Assistant Director (Finance and Resources)
James Doe	Assistant Director (Planning, Development and Regeneration)
Mark Brookes	Group Manager (Legal Governance)
Jim Doyle	Group Manager (Democratic Services)
Richard Baker	Group Manager Financial Services
Nicholas Egerton	Team Leader (Environmental Protection and Housing)
Sarah Hamilton	Team Leader (Communications and Consultation)
Kate Norval	Communications and Consultation Officer
Pat Duff	Member Support Officer

**Others:**

Cllr B Ayling	Cabinet Support Member
Cllr G Sutton	Cabinet Support Member

The meeting began at 7.30 pm.

**CA/144/14 MINUTES**

The minutes of the meeting held on 25 November 2014 were agreed by the members present and signed by the Chairman.

**CA/145/14 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **CA/146/14 DECLARATIONS OF INTEREST**

Councillor J Laws declared a personal interest in agenda item 13, Treasury Management Mid-Year Performance Report. Councillor Laws has a family connection with Standard Chartered Bank.

### **CA/147/14 PUBLIC PARTICIPATION**

There was no public participation.

### **CA/148/14 REFERRALS TO CABINET**

There were no referrals to Cabinet.

### **CA/149/14 CABINET FORWARD PLAN**

#### **Decision**

That the Cabinet Forward Plan be noted, subject to the following amendments:

#### 20 January 2015

1. Revised Waste Storage Guidance Note – move to 10 February.
2. Member IT Support – deferred from December 2014.

#### 10 February 2015

3. Future Use of 39 – 41 Marlowes – new report.
4. Senior Officer Pay Policy – new report.
5. Land Assembly Gade Zone – new part 2 report.

#### 24 March 2015

6. Anti-Social Behaviour Policy and Procedures – new report.
7. Shared Parental Leave Policy – new report.

### **CA/150/14 AUTHORISATION OF VIREMENTS**

#### **Decision**

That the virements from the Service Area as listed below and detailed in the report be noted:

Community Partnerships.

#### **Reason for Decision**

To secure the approval of virement(s) for the purposes specified in the Form(s) (A), as appended to the report.

## **Implications**

### Financial

The Scheme of Virements is part of the Council's financial management.

## **Risk Implications**

There are no risk implications.

## **Corporate Objectives**

To standardise documentation and authorisation requirements for all virements.

## **Advice**

The Portfolio Holder for Finance and Resources introduced the report which he said was self-explanatory.

## **Options and Why Options Rejected**

No alternative options were considered.

## **Consultation**

There was no consultation.

## **Voting**

None.

## **CA/151/14 THE ANNUAL MONITORING REPORT AND LOCAL PLANNING FRAMEWORK UPDATE**

## **Decision**

1. That the headline results from the forthcoming Annual Monitoring Report 2013/14 with regard to housing, employment and retail be noted.
2. That progress on the Local Planning Framework be noted.

## **Reason for Decision**

To note the Annual Monitoring Report.

## **Implications**

### Financial

Funding is provided from the LDF reserve. A budget has been agreed for 2014/15. The 2015/16 budget is currently being reviewed as part of the annual budget cycle.

### Value for Money

Every effort has been made to secure external funding – most recently through the New Homes Bonus, to reduce the impact on the Council's budget. Where possible, evidence base work is undertaken jointly with other authorities to ensure cost is optimised (through economies of scale). Collaborative working with landowner consultants will continue to help extend the resources available to the Council and avoid the duplication of site specific technical information.

### **Risk Implications**

A risk assessment has been carried out as part of the PID / CORVU monitoring process. The Local Development Scheme also contains its own risk assessment. The key concern is that the (new) development plan must be sound, and delivers what is needed expeditiously. Risk is reduced by ensuring processes and the evidence base is robust. Sufficient financial resources are essential to achieve that. Certain elements of the process have explicit statutory requirements such as consultation, publication, examination and presentation of the adopted Development Plan Document. The Annual Monitoring Report reviews the risks inherent in preparing the Local Planning Framework. Monitoring of development is a source of information which, properly used, can assist risk reduction – i.e. it checks whether progress and control of development has been successful and can indicate where change (in policy or process) may be beneficial.

### **Corporate Objectives**

The Annual Monitoring Report looks at the effectiveness of current planning policies – for example the achievement of the overall housing target and protection of green space/wildlife sites – and progress towards planning policy review (i.e. targets set out in the Local Development Scheme). It therefore provides a good summary of how the Council's planning policies are supporting delivery of corporate objectives – especially those relating to affordable housing; safe and clean environment and regeneration. As the policies within the Core Strategy and other planning documents are aimed at enabling growth, it also provides an indication of how the 'Dacorum Delivers' objective is being supported.

### **Advice**

The Assistant Director of Finance and Resources introduced the report which covered 2013 – 2014. Headline results were summarised in the report.

### **Options and Why Options Rejected**

No alternative options were considered.

### **Consultation**

Consultation took place with:

- Assistant Director Planning, Development and Regeneration.
- Group Manager, Strategic Planning and Regeneration.
- Corporate Management Team.

## **Voting**

None.

## **CA/152/14 AIR QUALITY ACTION PLAN**

### **Decision**

1. That the contents of the Regulatory Services – Air Quality Action Plan as detailed in Appendix A of the report be noted.
2. That the Air Quality Action Plan as detailed in Appendix A to the report be approved.

Please note the Air Quality Action Plan is available to view on the Dacorum Borough Council website via the following link:

[http://www.dacorum.gov.uk/docs/default-source/council-democracy/appendix-a---action-plan-\(pdf-2-37-kb\).pdf?sfvrsn=0](http://www.dacorum.gov.uk/docs/default-source/council-democracy/appendix-a---action-plan-(pdf-2-37-kb).pdf?sfvrsn=0)

### **Reason for Decision**

To approve the Air Quality Action Plan.

### **Implications**

#### Financial

There are limited financial implications relating to this report. The actions that are proposed have been reviewed and prioritised so only those that can be funded from existing resources or external funding opportunities (such as DEFRA) will be progressed. All officers costs associated with delivering the actions will be achieved within existing resources.

#### Value for Money

Improvements in air quality in the borough will increase the health of the population, reduce sickness and reduce the cost of avoidable treatments. When options/actions have been considered we have assessed the total benefits and costs of a project, thereby allowing their direct comparison to see if the benefit exceed the costs and is used as a measure to assess value for money.

### **Risk Implications**

Dacorum Council has a duty to develop an Air Quality Action Plan following the identification and declaration of Air Quality Management Areas. Failure to comply with this requirement could leave this authority open to legal action and potential fines.

### **Corporate Objectives**

To produce an Air Quality Action Plan in line with current best practice and one that provides value for money and most economical use of resources.

### Safe and Clean Environment

Improvements made to improve the air quality within the borough will enable people to live longer and healthier. Reductions in nitrogen dioxide emissions are also likely to have a positive effect on other associated emissions.

### **Advice**

The Portfolio Holder for Residents and Regulatory Services introduced the report and said there were three areas within the borough that were over the air quality limit. This was an action plan to reduce the amount of bad air and increase the amount of good air in those areas.

The Chairman of the Housing and Community Overview and Scrutiny Committee had sent comments made at their meeting.

The Team Leader Environmental Protection and Housing said all the comments had been taken on board. In the new version of the action plan, dates had been put on all actions. That was the main query raised.

Regarding another query regarding taxis, changes had been made to the text for that action. All questions had been addressed.

The Portfolio Holder for Housing said the Chairman of the Housing and Community Overview and Scrutiny Committee had suggested there should be member involvement at both county and borough level.

The Scientific Officer said she had given a presentation to Northchurch and Berkhamsted Parish/Town Councils and written representations had been received from both as part of the consultation. A representative from Berkhamsted Town Council was present at a workshop event in October. A report had also gone to the Environmental Working Group. All responses received from these had been taken into account and added in.

The Leader of the Council said some of this was difficult for the Council to control on its own.

The Team Leader Environmental Protection agreed it relied on partnerships.

### **Options and Why Options Rejected**

No alternatives were considered.

### **Consultation**

Consultation took place with:

- Councillor Neil Harden, Portfolio Holder for Residents and Regulatory Services
- Mark Gaynor, Corporate Director (Housing and Regeneration)
- All properties within the Air Quality Management Areas
- All relevant Town and Parish Council Members
- All relevant Dacorum Borough Council Departments
- Dacorum Borough Council consultation email group

- All neighbouring Borough and District Councils
- Hertfordshire County Council
- Defra
- Local Chamber of Commerce
- Bus Operators in Dacorum
- Highways Agency
- Environment Agency
- Natural England
- Dacorum Borough Council website for general public access.

The comments received were considered and where appropriate included.

### **Voting**

None.

### **CA/153/14 HEMEL EVOLUTION: MARLOWES SHOPPING ZONE – BANK COURT REGENERATION PROPOSALS**

### **Decision**

1. That progress on the Bank Court phase of the Marlowes Shopping Zone improvements project be noted.
2. That the responses to the consultation analysis provided following the Bank Court TRO consultation 1 Oct - 24 Oct 2014 be approved (appendix A of the report).
3. That the project be progressed by making and sealing of the Borough of Dacorum (Bank Court, Hemel Hempstead) (Pedestrian Zone) Order 2014 at the completion of the works (appendix B of the report).

### **Reason for Decision**

To enable removal of the disabled parking bays from Bank Court as part of the project's design.

### **Implications**

None.

### **Risk Implications**

None.

### **Corporate Objectives**

None.

## Advice

The Portfolio Holder for Planning and Regeneration said there had been two objections, neither of which would necessitate a public inquiry.

## Options and Why Options Rejected

No alternative options were considered.

## Consultation

Consultation took place with:

Harry Cole, Transformation Programme Manager for DBC, V4 Services;  
Steven Barnes, Lead Officer Parking Policy, DBC;  
Terry Curtis, Principal TRO Officer, HCC.

## Voting

None.

## CA/154/14 COUNCIL TAX BASE

### Decision

1. That the Collection Fund surplus estimate of £589,504.66 as at 31 March 2015 be approved.
2. That the calculation of the Council's tax base for the year 2015/16 incorporating an estimated collection rate of 99.4% be approved.
3. That, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount calculated by the Council as its tax base for the year 2015/16 shall be 54,637.70 and its constituent elements shall be:

<b>Part of Area - Parished and Non Parished</b>	<b>100% Tax base</b>	<b>99.4% Tax base</b>
Hemel Hempstead	28,820.0	28,647.1
Aldbury	453.0	450.3
Berkhamsted	8,202.9	8,153.7
Bovingdon	2,049.2	2,036.9
Chipperfield	842.4	837.3
Flamstead	619.2	615.5
Flaunden	175.4	174.3
Great Gaddesden	443.3	440.6
Kings Langley	2,281.2	2,267.5
Little Gaddesden	636.6	632.8
Markyate	1,233.5	1,226.1
Nash Mills	979.2	973.3
Nettleden with Potten End	794.1	789.3
Northchurch	1,275.5	1,267.8
Tring Rural	615.3	611.6
Tring Town	4,871.1	4,841.9
Wigginton	675.8	671.7
<b>Total</b>	<b>54,967.7</b>	<b>54,637.7</b>



## **Reason for Decision**

1. To agree the estimated Collection Fund surplus as at 31/03/2015
2. To determine the Council Tax Base for 2015/16

## **Implications**

### Financial

Providing details of the Collection Fund surplus estimated as at 31 March 2015 assists the Council and other precepting authorities in the setting of their Council Tax for 2015/16.

The recommended Council Tax Base shows an increase on the previous year which is due to additional Band D equivalent dwellings in the Borough.

### Legal

Cabinet has delegated authority to set the Council Tax Base by virtue of Section 67 Local Government Finance Act 1992 (as amended) and the resolution of Council dated 19 January 2005.

## **Risk Implications**

None.

## **Corporate Objectives**

None.

## **Advice**

The Portfolio Holder for Finance and Resources introduced the report and advised that the Council was required to set the annual tax base each year.

## **Options and Why Options Rejected**

No alternative options were considered.

## **Consultation**

Not applicable.

## **Voting**

None.

## **CA/155/14 PAYROLL UPDATE**

### **Decision**

That authority be delegated to the Assistant Director Finance and Resources to terminate the agency arrangement with Aylesbury Vale District Council for the provision of the Council's Payroll Services.

### **Reason for Decision**

To give delegated authority for the termination of the current Payroll contract in order to enable a business-effective transition between providers, should it be required in the future.

### **Implications**

#### Financial

Any savings arising from a change of service providers would support the Council in meeting its overall savings targets.

#### Value for Money

Information provided by Procurement consultants appointed by the Council, together with independent benchmarking data provided by CIPFA, has indicated that the Council may not be achieving best value for money from its existing Payroll contract. If approved, the recommendation in this report will support Officers to ensure that this issue is effectively addressed.

### **Risk Implications**

In order to mitigate the risk of the Council entering into an unfavourable contract with an alternative provider, any decision to change providers will be based on a robust business case and will comply with Procurement Standing Orders.

In order to mitigate the risk of disruption to the Payroll function if a change in provider does take place, there will be robust processes in place throughout the transition period.

### **Corporate Objectives**

Dacorum Delivers.

### **Advice**

The Portfolio Holder for Finance and Resources introduced the report. It had been indicated that the Council could save money by tendering for payroll services.

The Assistant Director Finance and Resources said due diligence still needed to be completed. This was to ensure that, should due diligence show the Council had a better option, this could be taken up.

The Portfolio Holder for Finance and Resources asked if Aylesbury Vale would be included in the tendering process.

The Assistant Director Finance and Resources said the Council had given them several opportunities over the past four years and they had not addressed the Council's concerns satisfactorily. Four service providers had been looked at, not including Aylesbury Vale.

### **Options and Why Options Rejected**

No alternative options were considered.

### **Consultation**

Consultation took place with:

V4 Services;  
Richard Baker, Group Manager Financial Services;  
Ben Hosier, Group Manager Procurement & Commissioning;  
Mark Brookes, Group Manager Legal Governance;  
Glenda Braggins, Payroll Manager.

### **Voting**

None.

## **CA/156/14 TREASURY MANAGEMENT MID-YEAR PERFORMANCE REPORT**

### **Decision**

That the half-year report on targets and performance, in Sections 4 – 7 of the report, be agreed.

### **Reason for Decision**

To agree the mid-year information on Treasury Management performance.

### **Implications**

#### Financial

A summary of performance against the Council's budgeted investment income is included in Section 5 of the report.

#### Value for Money

The Council is required to invest surplus funds to ensure that it maximises the benefit of cash flows.

### **Risk Implications**

Failures in the banking sector have increased the risk of investment being lost. A prudent approach to investment is required to minimise the risk to the Council of investment losses. Currently all DBC investments are in prime UK banks or in UK Government bodies; such as the DMO and other local authorities.

## **Corporate Objectives**

Dacorum Delivers.

## **Advice**

The Portfolio Holder for Finance and Resources introduced the report.

The Group Manager Finance and Resources said this was an update on the Treasury Management Strategy. It had been decided to leave the Co-Op Bank and after re-tendering for a provider the Royal Bank of Scotland was the successful bidder.

Councillor Laws pointed out that on page 9 of the report, there was no table to indicate what each sector colour was.

The Group Manager Finance and Resources said he would circulate the table. The colours represented the length of time the Council could invest in the various banks and institutions.

## **Options and Why Options Rejected**

No alternative options were considered.

## **Consultation**

Consultation took place with:

Capita Asset Services.

## **Voting**

None.

## **CA/157/14 LOCAL AUTHORITY MORTGAGE SCHEME UPDATE**

### **Decision**

That an amendment to the Local Authority Mortgage Scheme (LAMS) to increase the maximum loan size from £190,000 to £250,000 be approved.

### **Reason for Decision**

To increase the maximum loan size from £190,000 to £250,000.

### **Implications**

#### Financial

Contained within the body of the report.

#### Value for Money

Contained within the body of the report.

## **Risk Implications**

Contained within the report; paragraphs 18 – 20.

## **Corporate Objectives**

None.

## **Advice**

The Assistant Director Finance and Resources advised that the scheme was launched in November 2012. The Council partnered two mortgage lenders, Lloyds Bank and Leeds Building Society. Lloyds had been more successful than Leeds. Sector had reviewed the county-wide scheme and cited increasing house prices for Leeds' poor performance. Sector had confirmed a deal with Countryside Estate Agents to act on behalf of the Council to launch the scheme to open it up to a lot more people. This should get the scheme moving again.

## **Options and Why Options Rejected**

No alternative options were considered.

## **Consultation**

Consultation took place with:

Sector Services;  
Hertfordshire County Council;  
Leeds Building Society.

## **Voting**

None.

## **CA/158/14 HOMELESSNESS REVIEW PROCEDURE**

### **Decision**

- 1. That Council be recommended to approve that the delegation to the Appeals Committee to determine section 202 homelessness reviews be amended so that this power is delegated on an interim basis to the Assistant Director Housing or the Group Manager (Strategic Housing) or Strategic Housing Team Leader (Property).**
2. That the interim delegation in recommendation 1 above shall continue until full Council has received Counsel's opinion regarding the lawfulness of the Appeals Committee determining section 202 reviews and the Council has made a decision as to how these reviews are to be conducted in the future.
3. That a further report be brought back to Cabinet and Council when Counsel's opinion has been received.

## **Reason for Decision**

To make interim delegation arrangements for the determination of reviews under section 202 of the Housing Act 1996.

## **Implications**

### Financial

Minimal impact as the report recommends an interim change to the constitution pending further consideration by Cabinet and Council.

### Value for Money

As above.

## **Risk Implications**

If the constitution remains unamended, legal proceedings have already been threatened by an applicant so this is a real risk which needs to be eliminated.

## **Corporate Objectives**

No specific links.

## **Advice**

The Group Manager Legal Governance summarised the report. The situation came out of a court case heard last week and approval for interim delegation arrangements was being sought as a result of this case.

The case challenged the Council's current arrangements for considering homeless reviews and found the Council's constitution did not provide for the Appeals Committee to properly determine these reviews.

The Council was proposing to get Counsel's opinion about the lawfulness of the committee's decisions as a whole. As an interim measure the Council needed to ensure officers have delegated powers to deal with this.

A further report will be brought back to Cabinet followed by a report to Council for a final decision.

The Leader of the Council said he understood there was an appeal pending in January.

The Group Manager Legal Governance said Council was on 14 January. Housing could still determine outstanding appeals before that decision was made.

## **Options and Why Options Rejected**

No alternative options were considered.

## **Consultation**

There was no consultation.

## **Voting**

None.

The meeting ended at 7.50 pm.