

## MINUTES

### CABINET

25 MARCH 2015

**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

<b>Officers:</b>	Sally Marshall	Chief Executive
	James Deane	Corporate Director Finance and Operations
	David Austin	Assistant Director Neighbourhood Delivery
	Elliott Brooks	Assistant Director Housing
	James Doe	Assistant Director Planning, Development and Regeneration
	Mark Brookes	Group Manager Legal Governance
	Jim Doyle	Group Manager Democratic Services
	Matt Rawdon	Group Manager People
	Neil Brown	Team Leader Programme and Procurement
	Anne Stunell	Human Resources Team Leader
	Pat Duff	Member Support Officer

Councillors Ayling, McKay and Sutton also attended.

The meeting began at 7.30 pm.

#### **CA/025/15 MINUTES**

The minutes of the meeting held on 10 February 2015 were agreed by the members present and signed by the Chairman.

#### **CA/026/15 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **CA/027/15 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **CA/028/15 PUBLIC PARTICIPATION**

There was no public participation.

## **CA/029/15 REFERRALS TO CABINET**

Housing and Communities Overview and Scrutiny Committee - 18 March 2015

OS/083/15 – Homeless Review Procedure

That the comments made at the Housing and Communities Overview and Scrutiny Committee be reported orally and considered with item 16 on the agenda (minute CA/040/15).

## **CA/030/15 CABINET FORWARD PLAN**

### **Decision**

That the Cabinet Forward Plan be noted.

The Leader of the Council advised that it was unlikely the meeting scheduled for 21 April 2015 would go ahead unless there were any urgent items put forward.

## **CA/031/15 RISK MANAGEMENT REPORT QUARTER 3 2014/15**

### **Decision**

That the content of the report, together with any associated comments, be noted.

### **Reason for Decision**

1. To provide the Quarter 3 update on the Strategic Risk Register.
2. To provide the Quarter 3 update on the Operational Risk Registers.

### **Implications**

#### Financial

None identified.

#### Value for Money

Risk management is closely linked to the Council's commitment to ensure that all resources are used efficiently and forms part of effective financial planning. The Council also needs to ensure that adequate provisions are in place to address anticipated risks but that these are no greater than necessary so that maximum resources are applied to services as required. To this end the Council sets minimum target working balances for both the general fund and HRA and at the date of this report this minimum balances are secured. Budget exercises for 2012/13 have ensured that the minimum balance requirements will also be met for the next financial year.

## **Risk Implications**

Effective risk management is an important factor in all policy making, planning and decision making.

Failure to manage risk effectively could have serious consequences for the Council leading to increased costs, wasted resources, prosecution and criticism under external assessments.

## **Corporate Objectives**

Dacorum Delivers – Risk management is an essential part of ensuring that the Council meets all of its objectives.

## **Advice**

The Portfolio Holder for Finance and Resources had nothing to add to the report.

The Corporate Director Finance and Operations said all changes were highlighted in the report.

The Portfolio Holder for Finance and Resources referred to Risk C1 which was an opportunity. Risks and opportunities were now being profiled and C1 referred to current plans for Council housing builds, not general housing builds over the next 5 years and the opportunities the Council might find to exceed expectations.

The Leader of the Council expressed concern at the lack of information on some items.

The Corporate Director Finance and Operations said this would be supplied for the next report. The Corporate Director also confirmed to the Portfolio Holder for Residents and Regulatory Services that R4 was a new risk.

## **Options and Why Options Rejected**

No alternative options were considered.

## **Consultation**

None.

## **Voting**

None.

## **CA/032/15 AFFORDABLE HOUSING CLARIFICATION NOTE**

### **Decision**

**That Council be recommended to approve:**

- 1. That the Affordable Housing Clarification Note be adopted as a material planning consideration in relevant planning decisions and for use in the preparation of future planning documents; and**
- 2. That authority be delegated to the Assistant Director, Planning, Development and Regeneration to make minor editorial changes to the Clarification Note, prior to its final publication.**

### **Reason for Decision**

To agree the content of a clarification note setting out how the Council will apply the changes to national affordable housing policy set out in the recent Ministerial Statement and accompanying changes to the national Planning Practice Guidance (PPG).

### **Implications**

#### Financial

There are no direct financial implications for the Council in relation to this guidance note, although there will be a limited number of cases where the revised approach to affordable housing may reduce the ability to secure either on-site provision or commuted payments.

The application of the Clarification Note will however assist in the efficient determination of planning applications within the statutory decision periods, which will assist with the overall financial efficiency of the planning service. It will also reduce the risk of the Council having to defend appeals which may have occurred should measures not have been taken to bring the Council's approach in-line with revised national planning policies.

#### Value for Money

Up-to-date guidance on affordable housing will ensure the Council secures contributions from development where appropriate, but does not spend unnecessary time and money fighting appeals where there is a mis-match between the policies within the adopted Core Strategy and revised national guidance.

### **Risk Implications**

There are no direct risk implications related to this guidance note. The note provides detailed guidance to support the application of policies within the adopted Core Strategy and Affordable Housing SPD. A separate Risk Assessment has been prepared for the Local Planning Framework (of which the Core Strategy is part). This is updated monthly as part of CORVU monitoring processes.

## **Corporate Objectives**

The Affordable Housing Clarification Note supports the 'Dacorum Delivers' and 'Affordable Housing' objectives. It will improve efficiency and effectiveness of services by enabling planning decisions to be approved within agreed time scales and through the provision of upfront and clear advice on the provision of affordable housing within new development. It also demonstrates that the Council is able to respond to changes in national policy in a prompt and effective manner.

## **Advice**

The Assistant Director Planning, Development and Regeneration said the Clarification Note was necessary because of a recent Government announcement regarding the Local Planning Authority taking financial contributions for small developments. Page 5 of the report referred to the main towns. They will no longer be able to secure affordable housing or financial contributions for 10 units or less.

There was recognition from Government about incentivising developers and the Clarification Note sets out how the Council would define the newly introduced 'Vacant Building Credit.' This was a holding position and the Council wanted to get the Core Strategy in place by 2018.

The Portfolio Holder for Finance and Resources said that whilst the Council would not be able to require those infill developments to have affordable developments, the Council was still in a position to negotiate affordable housing if a willing seller could be found.

The Assistant Director Planning, Development and Regeneration said rural exception sites were not governed by this. It would be fine if there was a developer willing to part with the land at a low price. The Council's negotiating position was not particularly strong now. There was a legal challenge taking place currently and this would be reported back.

The Portfolio Holder for Finance and Resources said there was a local land owner who might be willing to sell land at a reasonable price which could be used for affordable homes and commercial use. Potten End needed between 6 – 8 affordable homes and that scheme might supply that.

The Leader of the Council said that, given the ministerial comments, the Council needed to accept the revised guidance.

## **Options and Why Options Rejected**

No alternative options were considered.

## **Consultation**

Consultation took place with:

- Development Management (Alex Chrusciak, Paul Newton, Fiona Bogle)
- Strategic Housing (Julia Hedger, Sarah Pickering)

- Strategic Planning and regeneration (Francis Whittaker, Heather Overhead, Rob Freeman)
- Legal Governance (Neil Weeks).

### **Voting**

None.

## **CA/033/15 TREES AND WOODLANDS POLICY**

### **Decision**

That the Trees and Woodlands Policy be approved.

### **Reason for Decision**

To enable the Trees and Woodlands Policy to be implemented.

### **Implications**

#### Financial

There are no additional resource implications in respect of the adoption of this policy.

#### Value for Money

Following a procurement exercise, two Hertfordshire based companies have been awarded contracts for tree work in the Borough.

### **Risk Implications**

Falling trees, or parts of trees, present an unavoidable hazard but they are a manageable risk. This policy outlines the robust arrangements that are in place for tree inspections and tree safety management.

### **Corporate Objectives**

Clean and safe environment;  
Community capacity;  
Dacorum delivers.

### **Advice**

The Portfolio Holder for Environment and Sustainability commended the new Policy which had been scrutinised twice. It was a positive document which would protect trees in Dacorum.

The Portfolio Holder for Residents and Regulatory Services said this was a positive policy. Some 50 year old trees were now inappropriate for their current settings. This policy would deal with these situations sensitively.

The Assistant Director Neighbourhood Delivery said the policy would strike a balance between the protection of trees and the ability to deal with trees that were unacceptable to neighbours.

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

No alternative options were considered.

### **Consultation**

Consultation took place with:

- Strategic Planning and Environment and Overview Scrutiny Committee
- Corporate Management Team

### **Voting**

None.

## **CA/034/15 SHARED PARENTAL LEAVE POLICY**

### **Decision**

**That Council be recommended to approve the Shared Parental Leave Policy.**

### **Reason for Decision**

To recommend Council to approve the Shared Parental Leave Policy.

### **Implications**

#### Financial

It is difficult to predict the take up of shared parental leave and pay. The present paternity policy allows the father to take additional leave and statutory pay at present; to date nobody has taken this up.

We are planning to pay statutory pay to the father under the shared parental leave policy, and do not expect the take up to be high, therefore the costs will be minimal

#### Value for Money

There is no value for money implications as we are legally required to make this change to our employment policies.

### **Risk Implications**

The risks are that if more employees take up the policy than expected, we will have to pay statutory pay to them.

The risk of not implementing the policy is that we would be open to legal challenge.

## **Corporate Objectives**

To comply with legislation and therefore avoid the risk of non-compliance.

## **Advice**

The Portfolio Holder for Residents and Regulatory Services introduced the report and said the policy would ensure the Council complied legally with national policy.

The Portfolio Holder for Environment and Sustainability asked if the Council would be paying statutory or enhanced pay as referred to in paragraph 4 of the report.

The Group Manager People advised that it was proposed to pay the statutory amount of pay which was written in the policy. This was similar to other organisations, although some in Hertfordshire were paying the enhanced rate.

## **Options and Why Options Rejected**

No alternative options were considered.

## **Consultation**

Consultation took place with:

- Corporate Management Team
- Unison and Unite
- Human Resources

## **Voting**

None.

## **CA/035/15 REVIEW OF CHILDREN AND YOUNG PEOPLE SAFEGUARDING POLICY AND PROCEDURES**

## **Decision**

**That Council be recommended to approve the revised Safeguarding Children and Young People Policy and Procedures.**

## **Reason for Decision**

To recommend Council to the revised Safeguarding Children and Young People Policy and Procedures.

## **Implications**

### Financial

Within existing budgets.

### Value for Money

None relating to this report.



## **Risk Implications**

The intention of this report is to comply with legislation and to ensure therefore that children and young people are safeguarded and protected from abuse when they are engaged in services organised and provided by, or on behalf of, the Council.

## **Corporate Objectives**

- Clean and safe environment
- Community capacity
- Dacorum delivers.

## **Advice**

The Portfolio Holder for Residents and Regulatory Services said the Council was not a Children's Services Authority but did have a statutory duty to work with Hertfordshire County Council and Hertfordshire Safeguarding Children's Board under section 11 of the Children Act 2004.

The Leader of the Council said this seemed to come up for review very often.

The Assistant Director Neighbourhood Delivery said this should be reviewed annually. Only the headline statements would be reviewed. The policy would be reviewed again in early 2016 and then annually.

## **Options and Why Options Rejected**

No alternative options were considered.

## **Consultation**

None.

## **Voting**

None.

## **CA/036/15 CORPORATE HEALTH AND SAFETY POLICY**

## **Decision**

That the Corporate Health and Safety Policy as set out in Appendix A of the report be approved.

## **Reason for Decision**

To enable the Corporate Health and Safety Policy to be implemented.

## **Implications**

### Financial

There are no additional resource implications with respect to the adoption of this policy.

### Value for Money

Not applicable.

## **Risk Implications**

Failure to approve the Corporate Health and Safety Policy 2015 will result in the Council not complying with the requirements of Section 2 of the Health and Safety at Work Act 1974.

## **Corporate Objectives**

Dacorum delivers.

## **Advice**

The Portfolio Holder for Residents and Regulatory Services said the Corporate Health and Safety Policy was required under Section 2 of the Health and Safety at Work Act 1974.

## **Options and Why Options Rejected**

No alternative options were considered.

## **Consultation**

Consultation took place with:

- Health and Safety Committee (December 3<sup>rd</sup> 2014)
- Corporate Management Team

## **Voting**

None.

## **CA/037/15 EXCLUSION OF THE PUBLIC**

## **Decision**

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

1. the financial and business affairs of the Council and third party companies/organisations (minutes CA/038/15 and CA/039/15).
2. information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (minute CA/040/15).

## **CA/038/15 LAND ASSEMBLY GADE ZONE HEMEL HEMPSTEAD**

### **Decision**

That the recommendations as set out in the report be agreed.

Full details are in the part 2 minute.

### **Reason for Decision**

Full details are in the part 2 minute.

### **Implications**

Full details are in the part 2 minute.

### **Risk Implications**

Full details are in the part 2 minute.

### **Corporate Objectives**

#### **Regeneration.**

The Gade Zone Regeneration project is aimed primarily to deliver significant regeneration in the town centre. It facilitates the creation of a new community focused building housing public sector and voluntary sector partners, a new commercial leisure facility developing more family friendly and evening attractions into the town centre and much needed new homes. Subsequent development of the Civic Centre and college sites will bring further new investment into the town centre, most likely for new housing.

#### **Advice**

The Assistant Director Planning, Development and Regeneration introduced the report.

Full details are in the part 2 minute.

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

No alternative options were considered.

## **Consultation**

Consultation took place with:

- Monitoring Officer
- S 151 Officer
- James Doe, Assistant Director Planning and Regeneration
- Nick Brown, Group Manager Commercial assets and Property Development
- Mark Brookes, Group Manager, Legal Governance

## **Voting**

None.

## **CA/039/15    PROCUREMENT OF SPECIALIST MECHANICAL AND ELECTRICAL SERVICES TO COUNCIL PROPERTIES**

### **Decision**

That the recommendations, as amended, be agreed.

Full details are in the part 2 minute.

### **Reason for Decision**

Full details are in the part 2 minute.

### **Implications**

Full details are in the part 2 minute.

### **Risk Implications**

Risk Assessment was reviewed on 2/03/15.

### **Corporate Objectives**

To ensure investment in the maintenance and improvement of the Housing and corporate buildings portfolio is delivered in line with the performance requirements of the contract and provides a high quality, customer focused service that provides value for money.

### **Advice**

The Portfolio Holder for Housing introduced the report.

Full details are in the part 2 minute.

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

No alternative options were considered.

## **Consultation**

Consultation took place with:

- Councillor Margaret Griffiths, Portfolio Holder Housing,
- Housing and Communities Overview and scrutiny committee
- Tenant Representatives
- Ben Hosier, Group Manager Procurement, Commissioning and Compliance.
- Mark Brookes, Group Manager Legal Governance.
- Richard Baker, Regulatory & Financial Accounting Team Leader.
- Elliott Brookes, Assistant Director Housing
- Fiona Williamson , Group Manager Property and place

## **Voting**

None.

## **CA/040/15 HOMELESSNESS REVIEW PROCEDURE**

### **Decision**

That the recommendations, as amended, be agreed.

Full details are in the part 2 minute.

### **Reason for Decision**

To determine how future section 202 reviews are carried out.

### **Implications**

Full details are in the part 2 minute.

### **Risk Implications**

Full details are in the part 2 minute.

### **Corporate Objectives**

No specific links.

### **Advice**

The Portfolio Holder for Residents and Regulatory Services introduced the report.

Full details are in the part 2 minute.

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

Full details are in the part 2 minute.

## **Consultation**

Consultation took place with:

- Portfolio Holders
- Chief Executive
- Corporate Director (Housing and Regeneration)
- Assistant Director (Housing)
- Group Manager (Strategic Housing)
- Housing and Community Overview and Scrutiny Committee (18th March 2015)

## **Voting**

None.

The Portfolio Holder for Finance and Resources noted that this could be the last Cabinet meeting before the local elections. The Portfolio Holder said how much he had enjoyed working with Cabinet members and officers.

The Leader of the Council thanked everyone for their help and support over the last four years and wished good luck to those hoping to come back, as well as to those who were retiring.

The meeting ended at 8.15 pm.