

MINUTES

CABINET

25 NOVEMBER 2014

Present:

Members:

Councillors:

Margaret Griffiths	Portfolio Holder for Housing
Neil Harden	Portfolio Holder for Residents and Regulatory Services
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)
Steven Baker	Assistant Director (Chief Executive's Unit)
James Deane	Assistant Director (Finance and Resources)
James Doe	Assistant Director (Planning, Development and Regeneration)
Julia Hedger	Group Manager (Strategic Housing)
Pat Duff	Member Support Officer

Cabinet Support Members:

Councillor McKay
Councillor G Sutton

The meeting began at 7.30 pm.

CA/131/14 MINUTES

The minutes of the meeting held on 21 October 2014 were agreed by the members present and signed by the Chairman.

CA/132/14 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor J Laws.

CA/133/14 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA/134/14 PUBLIC PARTICIPATION

There was no public participation.

CA/135/14 REFERRALS TO CABINET

There were no referrals to Cabinet.

CA/136/14 CABINET FORWARD PLAN

Decision

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

10 February 2015

Review of the Council's Senior Officers' Pay Policy - new report.

CA/137/14 RISK MANAGEMENT REPORT QUARTER 2 2014/15

Decision

That the content of the report be noted.

Reason for Decision

To monitor the Strategic Risk Register and 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 2013/14 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 policymaking, 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 introduced the report and drew members' attention to paragraph 3 of the report. In the future Assistant Directors would explain the reason for the reduced scores under the 'Current Controls' section more explicitly.

The Assistant Director Finance and Resources advised that the Quarter 3 report would capture the new strategic risks as agreed at the October Cabinet.

Options and Why Options Rejected

No alternative options were considered.

Consultation

Consultation took place with the Corporate Management Team and with the Finance and Resources Overview and Scrutiny Committee.

Voting

None.

CA/138/14 GOVERNANCE ARRANGEMENTS FO THE COMMUNITY INFRASTRUCTURE LEVY (CIL)

Decision

1. That the favourable outcome of the Community Infrastructure Levy (CIL) examination and the recommendation of the examiner's report to approve the Charging Schedule be noted and that the Charging Schedule and associated policies and documents will be brought to Cabinet and Full Council for final approval in early 2015.
2. That the draft governance structure diagram be approved as a basis for progressing discussions with the County Council and other bodies.
3. That the Infrastructure Advisory Group be formed and the key principles of the structure as outlined in section 3 (paras 3.10-3.18) of the report be approved and that the Chairman of the Dacorum Borough Council Strategic Planning and Environment Overview and Scrutiny Committee be included as a member of the group.
4. That the draft guidance notes for town and parish councils and ward councillors on the use and administration of CIL be approved for circulation to the parish clerks and ward councillors.
5. That full use of the 5% allowance of CIL receipts for administration be approved.

Reason for Decision

To enable progress towards CIL governance.

Implications

Financial

The cost of developing and implementing the Council's CIL Policies and Procedures is being borne by the Local Development Framework (LDF) budget, and may be repaid from future CIL receipts. Once implemented, up to 5% of CIL receipts may be used for its ongoing administration. The Council will not be able to charge for the monitoring of S.106 agreements with an associated loss in income. The project is expected to be cost-neutral in the long term.

Once CIL is in place the Council will be responsible for collecting and allocating significant sums of money to the delivery of infrastructure.

Value for money

Where possible, technical work that supports the CIL has been jointly commissioned with adjoining authorities to ensure value for money. The Council will be responsible for allocating CIL money for spend, and thus will have a responsibility to ensure efficient use of funds.

Risk Implications

The Project Initiation Document (PID) was updated in February 2013 and sets out full details of the risks associated with the introduction of a CIL. They include insufficient buy-in from infrastructure providers and key stakeholders, changes in Government policy and team capacity.

Corporate Objectives

Preparation and implementation of a CIL contributes to all of the corporate objectives.

Affordable Housing

Affordable housing will be exempt from paying CIL and the CIL revenues cannot currently be used for provision of Affordable Housing. We will continue to secure Affordable Housing through the completion of planning obligations under S106 of the Town and Country Planning Act 1990 (as amended). Officers from the Strategic Housing service are involved in developing the CIL charging schedule, for which affordable housing requirements will be a key consideration. If CIL is set too high then developers may not be able to meet the affordable housing policy requirements identified in the Core Strategy. A number of CIL Charging Schedules have been either amended or rejected for not adequately considering the implications of the Charging Schedule on delivery of Affordable Homes.

Safe and Clean Environment

Open space and green infrastructure improvements have been identified as possible recipients of CIL funding within the Council's Draft Regulation 123 List. Such works would contribute to a safe and clean environment.

Building Community Capacity

CIL revenues may be used to social enterprise and local community infrastructure which supports those in the most deprived areas. Local communities should feel empowered to carry out improvements within their neighbourhood by the delegated of a proportion of CIL funding to them under Regulation 59 of the CIL Regulations.

Regeneration

CIL will be used in combination with S106 to support the delivery of the key regeneration priorities for the Council.

Dacorum Delivers

Developing the CIL represents Value for Money as it will become cost-neutral once it is up and running as explained below. It will lead to the delivery of infrastructure required to support new development so will improve the reputation of the Council.

Advice

The Assistant Director Planning, Development and Regeneration introduced the report that had been to all three Overview and Scrutiny Committees. The CIL Charging Schedule had been through examination and had been found to be fair and proportionate.

Regarding governance, the most significant stakeholder was Hertfordshire County Council. The issues raised by the Overview and Scrutiny Committees were:

Finance and Resources OSC

- Training for Ward Councillors – this would be provided as appropriate.
- Predictions of likely income for Town and Parish Councils – this could not be provided at the moment.

Strategic Planning and Environment OSC

- There was a new feature brought in by the Government about capping the amount that Town and Parish Councils or Neighbourhoods could receive from CIL on an annual basis – this has been clarified as an annual limit applied per area based on the value of £100 per dwelling that already exists within that area. A spreadsheet of the maximum capped amount for each Town and Parish Council area had been prepared by Officers and this will be circulated to Members. The likelihood of the annual capped limits being reached would be very low as it would need a large amount of development to achieve that.

The Leader of the Council referred to contributions to un-parished areas and asked if Hemel Hempstead would be dealt with as a single area or as single wards.

The Assistant Director Planning, Development and Regeneration said in draft guidance it was set out as a locality budget but did allow for pooling of resources as members agreed. This would be checked but it was likely to be done on a ward area basis. On the spreadsheet circulated to members, no figures had been provided for Hemel Hempstead and more research was required.

The Portfolio Holder for Housing asked if Neighbourhood Areas referred to Council areas or areas such as Bennetts End.

The Assistant Director Planning, Development and Regeneration said it referred to electoral wards, except for Grovehill where there was a defined Neighbourhood Plan. Where there was a defined area, that would benefit from a 25% level of CIL receipts rather than the 15% at ward level. Another question to be looked at would be if Town and Parish Councils could borrow against future CIL receipts. This would be clarified.

The Leader of the Council said if Town and Parish Council wanted to take a risk against borrowing against unclarified income, they would need to take that decision as an independent body, not Dacorum Borough Council.

Housing and Community OSC

- Membership of the Infrastructure Advisory Group – they felt there should be greater member involvement and proposed the Chairman of the Strategic Planning and Environment Overview and Scrutiny Committee should be a member of the Infrastructure Advisory Group.

Regarding recommendation 5, approval of full use of the 5% allowance of CIL receipts for administration. This was going to be essential in the early years. If costs were less than 5%, any balance would be returned to the main CIL fund.

Options and Why Options Rejected

No alternative options were considered.

Consultation

The CIL Task and Finish Group have discussed the programme for the introduction of CIL and draft versions of the Regulation 123 List. They also discussed the CIL Governance proposals in July 2013.

CIL Governance proposals have been developed by members of the CIL Working Group in liaison with officers at Hertfordshire County Council. The draft Memorandum of Understanding, CIL Governance Structure Diagram and Infrastructure Advisory Group Terms of Reference have been circulated to HCC for comment. Feedback from HCC is still awaited.

Officers discussed the management and use of CIL funds with the Town and Parish Clerks at their meeting of the 26th February 2014. Initial views have been incorporated within the report.

A report on CIL governance has been discussed at all 3 Overview and Scrutiny meetings this month.

Voting

None.

CA/139/14 BUDGET MONITORING QUARTER 2 2014/15

Decision

1. That the budget monitoring position for each of the following accounts be considered:
 - General Fund
 - Housing Revenue Account
 - Capital Programme

2. That Council be recommended to approve the supplementary budgets set out below. Details for these supplementary budgets are set out in the detail of the report and have a net nil impact on the General Fund Balance:

- **Increase Performance and Projects Supplies and Services by £85k**
Increase use of Management of Change Reserve by £85k

Reason for Decision

To provide details of the projected outturn for 2014/15 as at Quarter 2 for the:

- General Fund
- Housing Revenue Account
- Capital Programme

Implications

Financial and Value for Money implications are included within the body of the report.

Risk Implications

Risk implications are included within the body of the report.

Corporate Objectives

Dacorum Delivers

Advice

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

The Assistant Director Finance and Resources referred to recommendation 2 which was to cover the costs of project management funded from reserves last year. This was so hat it did not stand out as a variance every month.

Options and Why Options Rejected

No alternative options were considered.

Consultation

None.

Voting

None.

CA/140/14 MEETING TIMETABLE 2015/16

Decision

That Council be recommended to approve the Meeting Timetable for 2015/16 as set out in Annex A to the report.

Reason for Decision

To recommend Council to approve the meeting timetable for 2015/16.

Implications

Approval of the meeting timetable enables members and officers to manage forward decision making planning.

Risk Implications

Not applicable.

Corporate Objectives

The various meetings of the Council, Cabinet and committees support the achievements of the Council's corporate objectives.

Advice

None.

Options and Why Options Rejected

No alternative options were considered.

Consultation

Consultation took place with the Leader of the Council and Chief Officers.

Voting

None.

CA/141/14 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 the financial or business affairs of any particular person (including the authority holding that information), minutes CA/142/14 and CA/143/14.

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

Councillor G Sutton arrived at 7.45 pm.

CA/142/14 COUNCIL NEW BUILD DEVELOPMENT UPDATE

Decision

That the decision as detailed in the report be approved.

Full details are in the part 2 minutes.

Reason for Decision

To enable the Council to continue with the New Build Programme.

Implications

Full details are in the part 2 minute.

Risk Implications

A Risk Assessment has been completed within the New Build PID.

Corporate Objectives

Affordable housing.

Advice

The Portfolio Holder for Housing introduced the report which she said was self-explanatory.

Full details are in the part 2 minutes.

Options and Why Options Rejected

No alternative options were considered.

Consultation

Consultation took place with:

The New Build Project Group, including:

- Corporate Director Housing and Regeneration;
- Assistant Director Finance and Resources;
- Assistant Director Housing;
- Group Manager Strategic Housing;
- Group Manager Commissioning Procurement & Compliance;
- Group Manager Commercial Assets and Property;
- Group Manager Estates;
- Team Leader Commissioning Procurement and Compliance;
- Lead Officer Housing Development and Delivery;
- HRA Accountants.

Voting

None.

CA/143/14 OUTCOME OF THE COMPETITIVE TENDER PROCESS FOR THE ELMS HOMELESS HOSTEL MANAGEMENT SERVICE

Decision

That the recommendation as detailed in the report be approved.

Full details are in the part 2 decision sheet.

Reason for Decision

To award the management contract to provide management services in The Elms Homeless Hostel.

Implications

Full details are in the part 2 minute.

Risk Implications

Full details are in the part 2 minute.

Corporate Objectives

Affordable housing.

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

None.

Voting

None.

The meeting ended at 7.55 pm.