

MINUTES

CABINET

27 NOVEMBER 2012

Present:

Members:

Councillors:

Terry Douris	Portfolio Holder for Planning and Regeneration
Nick Tiley	Portfolio Holder for Finance and Resources
Andrew Williams (Chairman)	Leader of the Council

Officers:

Daniel Zammit	Chief Executive
Sally Marshall	Corporate Director (Finance and Governance)
Louise Miller	Corporate Director (Performance, Improvement and Transformation)
James Doe	Assistant Director (Planning, Development and Regeneration)
Shane Flynn	Assistant Director (Project Governance)
Mark Brookes	Group Manager (Legal Governance)
Jim Doyle	Group Manager (Democratic Services)
Linda Dargue	Insurance & Risk Manager
Pat Duff	Member Support Officer
Leida Smith	Communications Officer

The meeting began at 7.30 pm.

In accordance with paragraph 5(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, agreement had been obtained from the Mayor that the following item was urgent and could not reasonably be deferred:

Highbarns Chalk Mine Remediation Works (CA/138/12).

CA/125/12 MINUTES

The minutes of the meeting held on 23 October 2012 were agreed by the members present and signed by the Chairman.

CA/12612 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Griffiths, Harden and Laws.

CA/12712 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA/12812 PUBLIC PARTICIPATION

There was no public participation.

CA/12912 REFERRALS TO CABINET

1. Strategic Planning and Environment Overview and Scrutiny Committee – 22 November 2012

OS/244/12 – Hemel Hempstead Town Centre Masterplan

That the referral be considered with item 9 on the agenda (minute CA/133/12).

2. Strategic Planning and Environment Overview and Scrutiny Committee – 22 November 2012

OS/242/12 – Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule

That the referral be considered with item 11 on the agenda (minute CA/135/12).

CA/130/12 CABINET FORWARD PLAN

Decision

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

11 December 2012

1. Affordable Housing Supplementary Planning Document – deferred to the 22 January meeting.
2. Localism of Council Tax Support Scheme – deferred to an extra Cabinet meeting to be held on 8 January 2013.
3. Budget Update and Tax Base Approvals – deferred to an extra Cabinet meeting to be held on 8 January 2013.

22 January 2013

4. Outcome of the Stage 1 Application to the Heritage Lottery Fund for the Bid for the Water Gardens Restoration – new report.
5. Implications of the Public Services (Social Value) Act 2012 – new report.

CA/131/12 AUTHORISATION OF VIREMENTS

Decision

That the virements from the Service Areas listed below as detailed in the report be approved:

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

1. Performance, Policy and Projects (2).
2. Housing Landlord.
3. Finance and Governance.

Reason for Decision

To secure the approval of virements for the purposes specified in the Forms (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 and said the virements would cause no overall effects to the Council.

Options and Why Options Rejected

No alternative options were considered.

Consultation

There was no consultation.

Voting

None.

CA/132/12 RISK MANAGEMENT REPORT Q2 2012-2013

Decision

1. That the progress to date for the Quarter 2 report on the Strategic Risk Register be noted.
2. That the progress to date for the Quarter 2 report on the Operational Risk Registers be noted.

Reason for Decision

To enable progress on the Strategic Risk Register and the Operational Risk Registers to be monitored.

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 2011/12 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 had nothing to add.

The Insurance and Risk Manager highlighted the fact that there were no changes in risk scores from quarter 1. The report had been well received by the Finance and Resources Overview and Scrutiny Committee and strategic risk was continuing to be managed. The Strategic Risk Register could be looked at in the light of the new Corporate Plan.

Options and Why Options Rejected

No alternative options were considered.

Consultation

There was no consultation.

Voting

None.

CA/133/12 HEMEL HEMPSTEAD TOWN CENTRE REGENERATION – HEMEL HEMPSTEAD TOWN CENTRE MASTERPLAN

Decision

1. That the amended Hemel Hempstead Town Centre Masterplan Supplementary Planning Document be approved.
2. **That Council be recommended to approve and adopt the Hemel Hempstead Town Centre Masterplan Supplementary Planning Document.**

Reason for Decision

To recommend Council to approve and adopt the Hemel Hempstead Town Centre Masterplan Supplementary Planning Document.

Implications

Financial

Expenditure to date

Project	Expenditure
Access and Movement Study	Stage 1 : £ 6,633 Stage 2 : £13,671 Stage 3 : £ 4,522
Major Land Use Study	£26,174
Draft Heritage Improvement Study	£20,833 (costs include conservation area report)
Charette Workshop and Report 2011	N/A, Funded by DC CABE
Stakeholder Workshop and Report 2012	£4,465.82

Water Gardens Study, Hemel Hempstead – Report by Allies and Morrison Urban Practitioners and The Landscape Partnership, October 2011	£19,742.50
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Value for Money

The efficient use of public resources is being managed in the following ways:

Town Centre Masterplan – in-house production using establishment officer resource and selective use of expert consultancy input only where necessary.

Risk Implications

Risk Assessment completed as part of the Hemel Hempstead Town Centre Regeneration Project Implementation Document.

Corporate Objectives

The project to regenerate Hemel Hempstead Town Centre has been identified as a priority for the Council.

Advice

The Leader of the Council asked that the comments from the Strategic Planning and Environment Overview and Scrutiny Committee be considered with the report.

The Portfolio Holder for Planning and Regeneration introduced the report and said that the Overview and Scrutiny Committee had considered this and their comments were contained in the Cabinet referral.

The Masterplan came to Cabinet in July this year. This report set the long term plan following the recent consultation. It reflected the outcome of the consultation and how it impacted on the seven character zones, all of which feature in the Masterplan.

The advice that the Strategic Planning and Environment Overview and Scrutiny Committee communicated to Cabinet was that it was content with the Hemel Hempstead Town Centre Masterplan final report. The list of recommended qualifications could be found in table 1 of the report.

The Leader of the Council said the report was an update since the consultation.

The Portfolio Holder for Planning and Regeneration advised of an amendment to table 1 of the report:

‘It also outlines that extensive liaison will be carried out with *Hertfordshire County Council Highways* and key public transport operators ... ‘

Options and Why Options Rejected

No alternative options were considered.

Consultation

Consultation took place with:

David Austin, Assistant Director, Neighbourhood Delivery;
Alex Chrusciak, Group Manager Development Management and Planning;
Chris Taylor, Group Manager Strategic Planning and Regeneration;
Mike Evans, Group Manager, Commercial Property and Assets;
Fiona Webb, Assistant Team Leader, Development Management (Conservation and Design);
Matt Wood, Property Service, HCC;
Sanjay Patel, Jenny Applestone and James Dale, Highways HCC;
Steve Barnes, Vinci Parking, DBC;
Guy Brigden, HCC;
Paul Newton, Team Leader, Development Management and Planning; and
Cllr Terry Douris, Portfolio Holder for Planning and Regeneration

Voting

None.

CA/134/12 CORPORATE PLAN 2012 - 2015

Decision

- 1. That the Corporate Plan 2012-15 be finalised, that Council be recommended to adopt and publish the Corporate Plan 2012-15, as amended, and that the Monitoring Officer and Chief Finance Officer be given delegated authority to make the consequential changes to the Council's Constitution, including the Procurement Standing Orders and Financial Regulations.**
- 2. That Council be recommended to adopt the Policy on Disposals of Land at Less Than Best Consideration (Annex A2 of the report), in conjunction with the Corporate Plan, as the Council's approach to asset disposal in cases where 'less than best consideration' presents a significant economic well-being opportunity.**
3. That progress on the priorities and delivery arrangements set out in the Plan be reported to Cabinet and Council in November 2013.

Reason for Decision

To agree the content and text of the Council's Corporate plan 2012 – 2015, for finalisation and publication, setting out the vision, priorities and delivery arrangements.

Implications

Financial

The cost of producing the Corporate Plan is absorbed within budget.

Delivery of the priorities and programmes set out in the plan will be integral to the Council's budget processes

Value for Money

Value for money and efficiency is a priority within the Plan.

Risk Implications

The Corporate Plan sets out the council's priorities and aims. Delivery on these is underpinned by associated work programmes. Success on stated outcomes will enhance the Council's reputation as Leaders of place.

Corporate Objectives

The Corporate Plan clarifies the Council's Corporate objectives.

Advice

The Leader of the Council introduced the report and said it followed on from priorities and visions members were familiar with.

The Chief Executive drew attention to the Policy on Disposals of Land at Less than Best Consideration. This was not a policy that would become the Council's default position but would enable the Council to give due consideration of broader benefits when disposing of assets (creation of jobs, use of land etc.). It would give broader economic and social benefits but would not preclude the accounting safeguards normally associated with these decisions. The Policy aimed to capture all aims and ambitions into one plan and provided some context for members of the public and other interested parties on what the Council was attempting to achieve during this administration.

The Chief Executive thanked Keith Shepherd on behalf of the Corporate Management Team for his hard work in pulling it together.

The Leader of the Council asked if the Council would require dispensation when considering disposals under best consideration for community benefit.

The Chief Executive advised that Annex 1, paragraph 3 of the report set out the formal position. This policy could be referred to in the future as a form of security.

The Corporate Director (Finance and Resources) said the Financial Regulations set out the requirements and by annexing this policy to the Financial Regulations, this policy could be referred to. The only time the Council would need to apply to the Secretary of State would be if the aggregate of "under value" exceeded £2m.

Each case would be looked at on its own merits and it would be brought back to Cabinet.

The Corporate Director highlighted an error under the S.151 Officer comments:

'Financial Regulation D, paragraphs 23 to 24 and Annex F, govern the disposals of Council assets which will require consequential amendments *once* the policy is adopted.'

The Leader of the Council said it would strengthen discussions with auditors around disposals.

The Portfolio Holder for Planning and Regeneration suggested amended wording to the draft Corporate Plan (Annex B of the report, page 7):

- Improve the ~~entertainment~~ *recreation and leisure* offer in the Borough.

This was agreed.

Options and Why Options Rejected

No alternative options were considered.

Consultation

The vision and priorities were agreed in 2010 following extensive consultation.

Voting

None.

CA/135/12 COMMUNITY INFRASTRUCTURE LEVY (CIL) PRELIMINARY DRAFT CHARGING SCHEDULE

Decision

1. That the Community Infrastructure Levy rates for inclusion in the Preliminary Draft Charging Schedule (PDCS) be agreed.
2. That the structure of the PDCS be agreed for public consultation, with delegated powers to the Assistant Director (Planning, Development and Regeneration), in consultation with the Portfolio Holder for Planning and Regeneration, to finalise its content.
3. That the timescales outlined in the report be noted.
4. That the Charging Schedule be reviewed in 2016 unless market conditions are unchanged.

Reason for Decision

To agree Community Infrastructure Levy (CIL) charges for inclusion in a Preliminary Draft Charging Schedule (PDCS) for public consultation.

Implications

Financial

The cost of developing and implementing CIL 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 administration. The project is therefore 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.

Value for money

Where possible, technical work that supports the CIL has been jointly commissioned with adjoining authorities to ensure value for money. Also, see above regarding the project ultimately being cost neutral.

Legal

CIL should reduce the need for involvement of the Council's planning solicitor, as it will reduce the role of s106 agreements. The Council's legal department may need to become involved in cases where liable parties do not pay CIL.

Human Resources

A member of the Strategic Planning and Regeneration team has taken over the role of leading CIL development and associated infrastructure planning work, for an initial two year period. Any additional staff needs will be considered as the project develops.

Land

Once in place, CIL will be payable for any chargeable development on Council owned land.

Risk Implications

Key risks are identified in the Project Initiation Document (PID), which was attached to the June Cabinet report on CIL. They include insufficient buy-in from infrastructure providers and key stakeholders, changes in Government policy and team capacity.

Corporate Objectives

Consultation on the PDCS is the first step in the preparation (and implementation) of a CIL, which ultimately contributes to all 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, which will continue to be provided via S106. 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 our affordable housing policy requirements.

Safe and Clean Environment

The infrastructure provided through CIL monies is likely to include open space and urban realm improvements to support the development of the borough, both of which 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.

Regeneration

CIL will be used in combination with S106 to deliver 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 Leader of the Council asked that the comments made by the Finance and Resources Overview and Scrutiny Committee held on 22 November 2012 be considered with the report.

The Portfolio Holder for Planning and Regeneration introduced the report and said that this had been discussed by the Finance and Resources Overview and Scrutiny Committee and by a Task and Finish Group which engaged in analysis and the expert advice from BNP Paribas and interrogated them with regard to viability.

Significant questions were raised at this point and the impact of the CIL charging proposals on the attractiveness of Dacorum as an area for development and business and the effect that the proposed rates would have.

An important project for the Council, as the collecting authority, was the new way of collecting developer contributions. The report set the charging scene and was the first step in the process. The next stage was the governance arrangements and this would encompass how the contributions were distributed and this was referred to in paragraphs 2.11 – 2.14 of the report.

The Portfolio Holder drew attention to table 3.1 of the report which demonstrated the funding gap which had been identified in the Core Strategy over the period 2011 – 2031. This was important as, without the demonstration of a funding gap, CIL could not be charged.

Table 3.3 of the report showed rates of development and this gave an indication of what might be achieved. It showed the three zone approach as favoured by the Task and Finish Group gave the best income.

Table 3.4 of the report detailed the proposed charging schedule for consultation next month.

The Leader of the Council asked for clarification regarding the relationship between Section 106 and CIL.

The Assistant Director (Planning, Development and Regeneration) said the Council currently set out a supplementary planning document which applied charges for development – a flat rate to cover the costs of services such as libraries, open space, Police etc. From 1 April 2014 the law will not allow the Council to get this contribution because CIL will be in force. In the future S106 will only be able to be used for specific things e.g. primary school or road access for a large development. Generic infrastructure would be supplied under CIL. A school could not be provided from more than 5 separate S106 agreements.

The Leader of the Council asked for clarification regarding the assumptions detailed in paragraph 3.15 of the report.

The Assistant Director (Planning, Development and Regeneration) said that table 3.3 of the report was looking at an average delivery rate but this would vary from year to year and the estimated annual income would have to be treated with caution. CIL would not be payable until 60 days after work commenced on site.

The Portfolio Holder for Planning and Regeneration said CIL was only chargeable on the net increase in floor space of the development.

Options and Why Options Rejected

No alternative options were considered.

Consultation

The rates in the PDCS have been set following discussion with the CIL Task and Finish Group. A draft of this report has previously been considered by Corporate Management Team and a similar report is due to be considered by SPEOSC on 22nd November 2012. Key issues have been discussed at the Officer Working Group whose membership is outlined in the June 2012 Cabinet report.

Voting

None.

CA/136/12 PERFORMANCE AND BUDGET MONITORING QUARTERLY REPORT – QUARTER 2 – 2012-2013

Decision

1. That the quarter two report on targets and performance and progress towards the achievement of the Council's Priorities and Vision be noted.
2. That the forecast outturn position be noted.

Reason for Decision

To enable performance and details of the forecast outturn position to be monitored.

Implications

Financial

A summary of the Council's financial position for quarter 2, 2012/13 is included as Part B of the report.

Value for Money

In order to achieve 'value for money', services must demonstrate economy, efficiency and effectiveness. Performance information enables Members to review how effectively services are performing.

Risk Implications

Failure to meet corporate objectives and performance targets would have an adverse effect on the Council's performance management objectives and the Council's reputation.

Corporate Objectives

Effective service and financial performance supports all five of the Council's Strategic Objectives

Advice

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

The Corporate Director (Performance, Improvement and Transformation) said the overall performance had dropped slightly but was still ahead of the Council's optimum position. A more detailed Environmental Performance Report had been included and there would be more information in the next quarter to drive the Council's sustainability targets.

It was agreed that future Environmental Performance Reports would be supplied to Cabinet members in colour.

Options and Why Options Rejected

No alternative options were considered.

Consultation

Consultation took place with:

Portfolio Holder for Residents and Regulatory Services;
Portfolio Holder for Finance and Resources;
Chief Executive, Directors, Assistant Directors and Group Managers; and
Budget Holders.

Voting

None.

CA/137/12 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 item in Part 2 of the agenda for the 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 that item, 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). Minute CA/138/12.

CA/138/12 Highbarns Chalk Mine

Decision

That the recommendation as detailed in the report be approved.

Full details are in the Part 2 decision sheet.

Reason for Decision

Full details are in the Part 2 minutes.

Implications

Full details are in the Part 2 minutes.

Risk Implications

A Risk Assessment was reviewed on 22 November 2012.

Corporate Objectives

Building Community Capacity.

Advice

The Leader of the Council said the inclusion of this report was agreed under the Council's Urgency Regulations.

The Portfolio Holder for Finance and Resources introduced the report.

Full details are in the Part 2 minutes.

Options and Why Options Rejected

No alternative options were considered.

Consultation

Consultation took place with:

The Highbarns Steering Group; and
The Highbarns Residents Group.

Voting

None.

The meeting ended at 8.05pm.