

MINUTES

CABINET

29 JUNE 2015

Present:

Members:

Councillors:

Graeme Elliot	Portfolio Holder for Finance & Resources
Neil Harden	Portfolio Holder for Residents & Corporate Services
Graham Sutton	Portfolio Holder for Planning & Regeneration
Andrew Williams (Chairman)	Leader of the Council

Officers:

Sally Marshall	Chief Executive
James Deane	Corporate Director Finance and Operations
Mark Gaynor	Corporate Director Housing and Regeneration
Rebecca Oblein	Team Leader, Economic Wellbeing Team
Jim Doyle	Group Manager, Democratic Services
Catriona Lawson	Team Leader Democratic Services

The meeting began at 7.30 pm.

CA/042/15 MINUTES

The minutes of the meeting held on 26 May 2015 were agreed by the members present and signed by the Chairman.

CA/043/15 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Marshall.

CA/044/15 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA/045/15 PUBLIC PARTICIPATION

There was no public participation.

CA/046/15 REFERRALS TO CABINET

There were no referrals to Cabinet.

CA/047/15 CABINET FORWARD PLAN

Decision

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

21 July 2015

16. Town Centre Management update including the Business Improvement District and the Outdoor Trading areas be moved to September.

15 September 2015

Councillor Harden requested an additional item be added titled Strategic Partner Commissioning.

Councillor Sutton requested additional Part 1 & 2 reports on The Forum internal & external design sign off be added.

CA/048/15 AMENDMENT OF STANDING ORDERS REGARDING DISCIPLINARY ACTION

Decision

That Cabinet recommend Council to amend Part 4 of the Constitution 'Officer Employment Procedure Rules' as set out in the Appendix to this report pursuant to the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Reason for Decision

To advise Members of the Cabinet of the requirement of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 to amend Standing Orders relating to the procedure to be followed before the Council can dismiss or discipline its Head of Paid Service, Chief Finance Officer or Monitoring Officer.

Implications

Financial

There are no financial implications arising from this report.

Value for Money

There are no value for money implications arising from this report.

Risk Implications

A risk assessment is not required.

Corporate Objectives

This report does not have implications for the Council's objectives.

Steve Baker introduced the report advising that the purpose of the report was to advise Members of the need to amend the Council's standing orders insofar as they relate to taking disciplinary action including dismissal against the Head of Paid Services, Chief Finance Officer and Monitoring Officer (collectively referred to as the statutory officers). He went on to advise that new regulations came into force in May of this year which amend the process for disciplining or dismissing a statutory officer. Under the previous regulations the Council could not take disciplinary action against a statutory officer except in accordance with the recommendation in a report prepared by a designated independent person (commonly referred to as a DIP). Also, under the previous regulations the dismissal of the HOPS had to have the final approval of Council, whereas the dismissal of the CFO or MO could be delegated to a committee or sub-committee. The new regulations firstly remove the requirement to appoint a DIP and replace the DIP process with a new procedure and secondly the decision to dismiss a statutory officer, including the CFO and MO can only be taken by full Council.

Under the new procedure, the Council must appoint at least two independent persons to the committee which is advising the Council on matters relating to the dismissal of one of its statutory officers. These must be the independent person or persons appointed by the Council under the Localism Act for the purposes of dealing with standards complaints against members. Where the Council has only appointed one IP under the Localism Act it must appoint an IP from another authority to the committee. Before Council can take a vote on whether to approve the dismissal of a statutory officer it must first take into account (but not necessarily follow) the advice, views or recommendations of the committee together with the conclusions of any investigation and any representations made by the statutory officer concerned.

The new regulations require Council's standing orders to be amended so as to incorporate these new provisions as set out in the schedule to the regulations.

He concluded by adding that he would like to add a second recommendation, as the whole of the Constitution has not yet been reviewed in detail to see whether any other changes are necessary as a result of these new regulations. He suggested that the additional recommendation should read – "That the Monitoring Officer be authorised by the Council to make any consequential amendments to the Constitution as may be necessary to give effect to the regulations referred to in recommendation 1 above".

Councillor Elliot asked if other Councils have similar Standing orders

Steve Baker advised that the previous regulations prescribed the DIP process and all local authorities had to incorporate that DIP process in their Standing Orders, so every local authority has to go through the same process and noted that the County Council were currently receiving a similar report. He went on to advise that the regulations go

on to say that the changes have to be adopted at the first ordinary meeting of the Council following the election, so they would need to go to Council in July for adoption.

Councillor Williams asked for confirmation that this is a statutory requirement and not discretionary.

Steve Baker confirmed this was the case and that we have to adopt the prescribed wording and went on to say that it is slightly controversial and has attracted some criticism from the LGA and also from ALACE as there are some gaps, for example it talks about inviting the independent person to be a member of the committee, but does not go on to say what happens if they refuse to take part. It also refers to the Council taking into account any investigation that has been carried out, but does not state that an investigation has to be carried out, just that if there has been one it has to be taken into consideration.

Councillor Griffiths enquired if Steve Baker would recommend that when we next go out for an independent person that we actually go out for independent persons, or if it would be good to go for the one from another local authority.

Steve Baker advised that when we go out again, that it would be prudent to appoint, if we can, 2 independent persons. He went on to say that the other criticism of the process that has been raised is that the independent person has been appointed to play a role in standards complaints against Councillors, under the Code of Conduct, so they have not necessarily got the expertise for this type of role. So in future when we are recruiting an independent person we would also need to take into account this new role.

The recommendation and the additional recommendation were agreed.

Consultation

There was no consultation.

Voting

None.

CA/049/15 RISK MANAGEMENT PROCESS QUARTER 4

Decision

That the content of this report is noted

Reason for Decision

- 1.To provide the Quarter 4 update on the Strategic Risk Register
2. To provide the Quarter 4 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 2014/15 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

James Deane introduced the report advising that this would be the last report in this format, as following the report that came to Cabinet in October last year and that in the next six weeks or so there will be a facilitated workshop with MAZARS, Cabinet, Leader of the Opposition and Chief Officer Group to repopulate the strategic risk register for the year ahead, following which the monitoring of that will be done by Audit Committee.

Councillor Griffiths enquired that if there were any challenges anywhere and it wasn't brought to Cabinet by the Chief Finance Officer, how would they know about it.

Sally Marshall advised that Audit Committee would be providing the function of scrutiny of risk management (and that that was all that had changed) and it would then be presented to Cabinet. Risk management is an executive function and therefore is the responsibility of Cabinet.

Councillor Williams enquired as to whether they do that now.

James Deane advised that it was currently being done by the Finance & Resources Overview & Scrutiny.

Councillor Griffiths confirmed that they were looking to get this completed within the next 6 weeks.

James Deane advised that this was correct and that the issue was trying to get everyone together, he further added that they had looked at potentially the next Cabinet meeting or the next Portfolio Holder / COG, but that Councillor Tindall would need to be contacted to check on his availability.

Councillor G Sutton noted that C3 & M1 duplicate each other and enquired if this was something that would be looked at and addressed at the workshop.

Mark Gaynor advised that one was to do with failure to get the required amount of regeneration and the other is ensuring we make full use of the £30 million that we have made available, and that in due course these could be brought together in a single updated risk.

James Deane confirmed that was exactly what the workshop would be for.

Councillor Harden commented that at Scrutiny there doesn't appear to be many questions asked around the risk register, and went on to enquire that apart from the conversation at the workshop that will be had, is this going to try and make this a more user friendly document, that will encourage Scrutiny to ask more questions.

James Deane advised that he hoped the lack of scrutiny will be addressed by moving it to the Audit committee and went on to say that in terms of scrutiny of the operational risks, there is marginally more questioning. He went on to add that there is more Officers can do to stimulate further scrutiny, further adding that there is to be a meeting next week with the Assistant Directors who manage the Operational Risk Registers, and that he intends to go through the template with them and how they should be populating it to best effect.

For example, establishing the thread between Service objectives, the risks on the register which threaten delivery of those objectives, how the controls put in place by officers reduce those risks, and how performance indicators that show how successful we have been with the risk prevention that we have put in place. Once this is in place, then officers can present the risk registers more thoroughly, which will hopefully encourage more scrutiny.

Councillor Griffiths suggested that this needs to be part of the training schedule for new Councillors.

James Deane confirmed it would be.

The report was noted by Cabinet.

Consultation

There was no consultation.

Voting

None

CA/050/15 HEMEL HEMPSTEAD AMBASSADORS – START-UP FUNDING

Decision

That Cabinet recommend Council to approve a supplementary estimate of £140,000, funded from the Dacorum Development Reserve, in order to finance the Ambassadors programme for two years

Reason for Decision

To request £140k to support the Hemel Hempstead Ambassadors initiative for a 2 year period. The Ambassadors is a continuation of the reputational work to raise the profile of the area to potential investors. The aim is that after the initial 2 year period the Ambassadors will be self-financing through its membership scheme.

Implications

Financial

Funding of £140,000 to cover the start up costs and the employment of a 'Place Manager' for 2 years, to support the development of the Hemel Hempstead Ambassadors

Value for Money

Numerous economic and reputational benefits at low additional cost to the council. It is the intention that the Ambassadors will self-fund after the initial 2 year period

Risk Implications

Reputational – Failure to get the scheme to self-fund after the 2 years seed funding.

The Council would become a member of the company (limited by guarantee) being established to run the initiative and would appoint a minority of the Directors of the company but would have no ongoing liability. A report will be brought to a future Cabinet meeting to seek authority for this.

Corporate Objectives

The Ambassadors programmes supports the corporate objectives of Regeneration and Community Capacity through its purpose; to raise the profile of and to promote Hemel Hempstead, and by association the rest of Dacorum, as a great place to invest, to attract businesses, developers and talent (among others) into the area resulting in a thriving local economy.

Rebecca Oblein introduced the report advising that the ambassadors programme will continue the reputational work that was started in the last 2 years through the Dacorum Look No Further programme, for which funding finished in March of this year. She went on to advise that the ambassadors scheme is about place making and place shaping, so in essence about raising the reputation and profile of Hemel Hempstead as a place to invest, as a place to bring your business and to come and live and to come and visit. It's a membership scheme, so the business community will be paying in to the scheme, and so we are looking for a 2 year underwriting by the Council, at the end of which we are hoping that the scheme will fund itself, so the report is requesting 2 years of funding, to pay for a place manager to run the scheme and to provide it with some seed funding to provide some of the up-front marketing materials we need whilst we are building the membership with aim of it being self-funding by year 3.

Councillor Griffiths enquired as to what Rebecca Oblein thought the chances were of finding someone who will understand that role.

Rebecca Oblein advised that these schemes are currently running in about 10 places around the country and that they have been working closely with the place manager for Coventry & Warwick. We have understood what makes the right kind of place manager and it is someone who is really good at partnership working, who can sell a bit but has a passion for the place and the area. She further added that one of the essential criteria on the Person Specification, is a passion for Hemel Hempstead and a passion for this area. She went on to advise that what has been seen happening in other areas is that once they have started, the ball starts rolling and people actually approach us to join the club, rather than having to sell it, and then the managers role is to work with the place board, use the funding that is coming in to take part in things like MIPIN UK to promote the area or to go and hold an investors conference in London, or whatever the place board think is the best way to invest the money to raise the profile.

Councillor Harden enquired as to whether they would be an employee of the Council.

Rebecca Oblein advised that they are going to be employed by the Council as we have the procedures and processes for employment in place, but that the aim is to set up a company that will run the ambassadors scheme, so it will be its own separate entity. The businesses didn't want to be paying their money over to Dacorum Borough Council. They want it to be paid into the Hemel Hempstead Ambassadors Scheme. However following discussions at the last meeting regarding the fact that a company hasn't been set up yet, it was agreed that the Council would employ the place manager but that the employee would be working at arms-length from the Council.

Councillor Harden enquired as to whether they would be employed for the whole 2 year period.

Rebecca Oblein advised that they are looking to offer a 2 year contract and then after that time when we have a clearer understanding of the viability of the scheme and the funding position, we hope to transfer that position into the new company.

Councillor Harden referred to the risk implications and asked if there were any concerns regarding businesses not buying into it.

Rebecca Oblein advised that the businesses they have been working with can all see benefits of being involved. She went on to say that the bigger businesses will be

paying £3,500 per year to be a part of this and there have been conversations with some of the bigger businesses that are on the board and they can see the benefits as basically they are investing in the future of their economy by attracting more investment and businesses here. They can also see the benefit of the advertising in regard to recruitment, so by getting the high quality marketing materials that will be being put together that will be something that will be part of their recruitment packs and if that helps them to recruit then they have saved their £3,500 in one recruitment. So far there has been a very positive response from the businesses that we have spoken to.

Councillor Griffiths enquired as to who the line manager would be.

Rebecca Oblein advised that that needs to be bottomed out and as they were initially a part of the Council there would probably be a dotted line into the Economic Wellbeing team, as it is part of their inward investment set of tools, but there are conversations with the place board, which has senior members from the business community, including the HR director of Bourne Leisure who is going to help with the recruitment process.

Councillor Griffiths advised that she was more concerned in the case of something going wrong and who would be monitoring that they are doing what they are meant to be doing.

Rebecca Oblein advised that that would be picked up by Strategic Housing.

Councillor G Sutton enquired as to whether the interest could be quantified.

Rebecca Oblein advised that if the companies who are on the board paid in, they would secure approximately £18k, but added that it is all about those businesses selling it as well.

Councillor G Sutton referred to the map on Page 82 and enquired if that was the area we hope to capture.

Rebecca Oblein advised that Hemel Hempstead was to be the 'economic hero' and that there was a 10 mile radius which becomes a zone of influence. However administrative boundaries are not being taken into account and advised that Warner Brothers Harry Potter World is an asset that would be claimed. She further added that there are businesses from Tring and Berkhamsted on the board who can all see that by Hemel Hempstead being successful it works well for them as feeders.

The recommendations were noted and agreed.

Councillor Sutton wished to congratulate the team on the press coverage in the Gazette this week as it had been very positive.

Consultation

There was no consultation.

Voting

None

CA/051/15 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 is 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 and business affairs of the Council and third party companies/organisations.

The meeting ended at 7.57PM