

CABINET AGENDA



**TUESDAY 30 JANUARY 2018 AT 7.30 PM
CONFERENCE ROOM 2 - THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Williams (Leader)	Councillor Harden
Councillor Griffiths (Deputy Leader)	Councillor Marshall
Councillor Elliot	Councillor G Sutton

For further information, please contact Member Support/Cassy O'Neil

AGENDA

1. MINUTES

To confirm the minutes of the meeting held on 12 December 2017

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

(ii) may not participate in any discussion or vote on the matter (and must withdraw

to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct for Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements and ask questions in accordance with the rules as to Public Participation.

5. REFERRALS TO CABINET

There were no referrals to Cabinet

6. CABINET FORWARD PLAN (Pages 3 - 4)

7. AUTHORISATION OF VIREMENTS (Pages 5 - 7)

8. UPDATE OF DISCRETIONARY RATE RELIEF POLICY (Pages 8 - 15)

9. LICENSING - STATUTORY CONTROLS AND BYELAWS (Pages 16 - 28)

10. COMMITTEE TIMETABLE 2018/19 (Pages 29 - 32)

11. APPROVAL OF 1 FOR 1 GRANT ALLOCATION FOR AFFORDABLE HOUSING (Pages 33 - 39)

12. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

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.

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

CABINET FORWARD PLAN

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/S.15 1 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
1.	30/01/18	Update of Discretionary Rate Relief Policy		11/01/18	James Deane, Corporate Director Finance and Operations 01442 228278 James.deane@dacorum.gov.uk Chris Baker, Group Manager – (Revenues, Benefits and Fraud) Chris.baker@dacorum.gov.uk	To consider adjustments to the existing discretionary rate relief policy
2.	30/01/18	Licensing - Statutory controls and byelaws		11/01/18	Ross Hill, Licensing Team Leader 01442 228654 Ross.hill@dacorum.gov.uk Mark Brookes, Solicitor to the Council 01442 228236 mark.brookes@dacorum.gov.uk	To adopt revised statutory controls for the regulation of cosmetic body piercing, and to adopt new byelaws to govern the hygiene requirements for registered providers of tattooing, skin piercing, acupuncture and electrolysis.
3.	30/01/18	Committee Timetable 2018/19		11/01/18	Mark Brookes, Solicitor to the Council 01442 228236 mark.brookes@dacorum.gov.uk	To agree the committee timetable for 2018/19
4.	30/01/18	Approval of 1 for 1 grant allocation for Affordable Housing		11/01/18	Elliott Brooks, Assistant Director Housing 01442 228615 elliott.brooks@dacorum.gov.uk David Barrett, Group Manager Housing Development 01442 228252 david.barrett@dacorum.gov.uk	To approve the award of various grants to RSL's as a contribution through the 1 for 1 scheme for delivery of affordable housing in the borough
5.	13/02/18	Review of HRA Business Plan		25/01/18	Elliott Brooks, Assistant Director Housing 01442 228615 elliott.brooks@dacorum.gov.uk	To approve the 2018/19 Housing Revenue Account Business Plan
6.	13/02/18	Budget Report		25/01/18	James Deane, Corporate Director Finance and Operations 01442 228278 James.deane@dacorum.gov.uk	To recommend the 2018/19 Budget
7.	13/02/18	Management of Tring Swimming Pool		25/01/18	Robert Smyth, Assistant Director Performance & Projects, 01442 228979 robert.smyth@dacorum.gov.uk	A review of operating responsibility in the delivery of leisure services at Tring School
8.	27/03/18	Two Waters Master Plan		08/03/18	James Doe, Assistant Director Planning, Development & Regeneration 01442 228583 James.doe@dacorum.gov.uk Chris Taylor, Group Manager Strategic Planning & Regeneration 01442 228405 chris.taylor@dacorum.gov.uk Nathalie Bateman, Strategic Planning & Regeneration Team Leader 01442 228592 nathalie.bateman@dacorum.gov.uk	To consider responses on the draft Masterplan issued for public consultation and confirmation of the final masterplan to be approved by Council
9.	27/03/18	Senior Pay Policy		08/03/18	Robert Smyth, Assistant Director Performance & Projects, 01442 228979 robert.smyth@dacorum.gov.uk Matt Rawdon, Group Manager – People and Performance	To be provided

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/S.15 1 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
10	24/04/18	Public Space Protection Orders		25/01/18	Mark Brookes, Solicitor to the Council 01442 228236 mark.brookes@dacorum.gov.uk	For the Council to consider the introduction of a PSPO for the town centre.

Future Cabinet Dates 2018: 22 May

Future Items:

The Bury – Approval of Stage 1 Bid to Lottery Fund - JDoe (June)
 Enterprise and Investment Plan
 Hemel Hempstead Town Centre Parking Access and Movement Strategy
 Authority Management Report
 Dacorum Borough Local Plan
 Health & Safety Policies - DAustin



Report for:	Cabinet
Date of meeting:	30 January 2018
PART:	1
If Part II, reason:	

Title of report:	AUTHORISATION OF VIREMENTS
Contact:	Councillor G Elliot, Portfolio Holder for Finance and Resources James Deane, Corporate Director (Finance & Operations)
Purpose of report:	To seek Cabinet approval for the proposed virements: <ul style="list-style-type: none"> 1) To reduce the Dwelling Rent line by £1.1m and increase the Tenant Service Charge line to accurately budget for service charge income following the de-pooling of service charges from rents; 2) To decrease Dwelling Rents by £250k and increase Supervision and Management to allow for rent payable to the General Fund for GRF properties being used for social rent. This had previously been budgeted as a cost in Supervision and Management but should be shown as a reduction in rental income.
Recommendations	That the virements as detailed on the attached Form A be approved.
Corporate objectives:	To standardise documentation and authorisation requirements for all virements.
Implications:	<u>Financial</u>
Value For Money Implications	The Scheme of Virements is part of the Council's financial management as included within Financial Regulations.

Risk Implications	There are no risk implications.
Monitoring Officer / Deputy S.151 Officer Comments	<p>Monitoring Officer:</p> <p>No comments to add to the report.</p> <p>S.151 Officer</p> <p>This is a S151 Officer report.</p>
Consultees:	
Background papers:	Form A

BACKGROUND

1. The Council is required to establish standard documentation and authorisation requirements for all virements.
2. Financial regulations determine the scheme of virement and its application. The regulations state that the scheme covers

“all transfers of budget, of any value and for any reason including for reason of organisational restructure”.

This will remain in force until such time as the regulations are reviewed. The regulations make clear that no virement can be carried out without the approval of the Corporate Director of Finance & Operations (or his/her nominated delegate), who will also be the final arbiter in any dispute. Additionally, the Director may override any authorisation and determine that approval is required by a higher level of authority.

Virement(s) requiring Cabinet authorisation**Virement for the purposes of:**

- 1) To reduce the Dwelling Rent line by £1.1m and increase the Tenant Service Charge line to accurately budget for service charge income following the de-pooling of service charges from rents;**
2) To decrease Dwelling Rents by £250k and increase Supervision and Management to allow for rent payable to the General Fund for GRF properties being used for social rent. This had previously been budgeted as a cost in Supervision and Management but should be shown as a reduction in rental income.

Expenditure type	Service Area(s)	Submitted by	Date
Revenue	Tenants and Leaseholders	Kesh Naidoo	16/01/2018

Account Code	Cost Centre	Account code description	Cost Centre description	TO (DEBIT AMOUNT) £	FROM (CREDIT AMOUNT) £	REASON
5703	JA100	Rental income(Housing Rents)	HRA Dwellings Rental Income	1,100,000		
6008	JC100	Reimbursements Received	Charges for Services and Facilities		1,100,000	
7100	HC100	Directorate recharges(Supplies and Services)	Housing Landlord Management		250,000	
7100	JA100	Directorate recharges(Supplies and Services)	HRA Dwellings Rental Income	250,000		
Total				1,350,000	1,350,000	



Report for:	Cabinet
Date of meeting:	30 January 2018
Part:	1
If Part II, reason:	

Title of report:	Update of discretionary rate relief policy
Contact:	Graeme Elliot, Portfolio Holder for Finance & Resources Author/Responsible Officer James Deane, Corporate Director (Finance & Operations) Chris Baker, Group Manager (Revenues, Benefits & Fraud)
Purpose of report:	To consider adjustments to the existing discretionary rate relief policy
Recommendations	That Cabinet approves the adoption of the updated discretionary rate relief policy (annex A)
Corporate Objectives:	These reliefs will support the corporate objectives of Ensuring economic growth and prosperity and Building strong and vibrant communities
Implications:	<u>Financial</u> This report does not suggest any significant changes to the scheme which would result in major differences to the rate relief awards granted, and so there is not likely to be a financial impact.
'Value For Money Implications'	
Risk Implications	There is a risk of confusion to ratepayers if we continue using the existing policy without updates.
Community Impact Assessment	There are no specific equalities implications arising from the report.
Health And Safety Implications	There are no health and safety implications arising from this report.
Monitoring Officer/S.151 Officer Comments	Monitoring Officer: No comments to add to the report S.151 Officer

	The recommended changes to the policy are not expected to have significant financial implications for the Council.
Consultees:	Appeals committee (business rates)
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	<p>DBC – Dacorum Borough Council DRR – discretionary rate relief LGFA – Local Government Finance Act 2015 policy – the current discretionary rate relief policy</p>

1. Background

- 1.1. The legislation controlling business rates reliefs is found in the Local Government Finance Act (LGFA) 1988.
- 1.2. This Act contains powers enabling billing authorities to introduce discretionary rate reliefs (DRR) (in section 47 of LGFA 1988).
- 1.3. The Council's current DRR policy was agreed by Cabinet in February 2015 (item CA/020/015).
- 1.4. Currently, there are about 80 organisations receiving DRR under this policy, and the value of the relief granted for 2017/18 is about £260,000.

2. Updates

- 2.1. The DRR policy needs to be updated to reflect other policy changes of the Council.
- 2.2. The first of these is the move away from the strategic partnership programme to the commissioning of community contracts. There is a direct reference to strategic partners automatically receiving 100% DRR in the 2015 policy, and the suggested change removes this reference.
- 2.3. Second, when the tender for the re-letting of the leisure contract was published, potential bidders were informed that they should assume they would not receive DRR. The 2015 policy includes a direct reference to Dacorum Sports Trust automatically receiving 100% DRR, and the suggested change removes this reference.
- 2.4. This not does mean that the former strategic partners and Dacorum Sports Trust cannot receive DRR, but simply removes the stated preferential treatment for these organisations, which can still apply and be considered under the same terms as others. Indeed, all of the former strategic partners have currently been awarded DRR.

3. Other amendments

- 3.1. The guidance on "what will be taken into account" has been revised to help clarify to national or regional organisations that in order to receive DRR, they will need to demonstrate the link between the use of the specific premises and benefits to the residents of Dacorum.
- 3.2. The updated policy also removes some references to financial values – both in respect of how a charitable organisation's turnover may restrict the percentage of relief they are awarded, and also about the rateable value of the premises. In place of this, the guidance has been updated to advise ratepayers that the size, rateable value and requirement to use a particular property will be considered when the decision is made.

4. Consultation

- 4.1. These changes have been discussed with the Appeals Committee (business rates), and the committee members indicated their support for the proposals.

5. Recommendation

- 5.1. That Cabinet approves the adoption of the updated discretionary rate relief policy (annex A)

Dacorum Borough Council - Discretionary Rate Relief

Background and legislation

Rate relief is part of the national non-domestic rates (business rates) scheme, and can reduce the amount of business rates payable by certain organisations.

Section 43 of the Local Government Finance Act 1988 (LGFA 1988) requires rate relief to be given in the following circumstances:

- charities and amateur community sports clubs can get relief of 80% (mandatory charitable rate relief);
- if they are the only one within a small rural community, village shops, post offices, pubs or petrol stations can get relief of 50%, as long as the rateable value of the property falls under certain thresholds. (mandatory rural rate relief).

Discretionary rate relief (DRR) enables Dacorum Borough Council to:

- increase the level of charitable rate relief to up to 100%;
- increase the level of rural rate relief to up to 100%;
- give relief to other rural retail businesses of up to 100%, as long as the rateable value of the property falls under a threshold.

This power is contained in section 47 of LGFA 1988.

The cost of discretionary rate relief forms part of the business rate retention scheme. This effectively means that the Council contributes 20% of the value of DRR, with the remainder coming from Herts County Council (10%) and central government (70%).

Applications for DRR will be considered in line with this policy and relevant guidance provided by the Ministry of Housing, Communities and Local Government.

What is discretionary rate relief?

DRR provides charities and other organisations with benefit to the local community with further financial assistance by reducing the amount of business rates they have to pay.

How will Dacorum Borough Council use discretionary rate relief?

We will use DRR to support the Council's key priorities, in particular **Building Community Capacity**.

We recognise that certain charities and other organisations support the Council's priorities and deliver outcomes that would otherwise be the responsibility of the Council.

Claiming a discretionary rate relief

All applications must be made in writing using the DRR application form by the ratepayer or someone authorised to act on their behalf. The application form is available by contacting the business rates team. The form must be sent in with appropriate supporting evidence. The evidence needed will vary according to the type of DRR requested, but the form will tell the ratepayer what they need to provide.

Who will make the decision, and how long will it take?

Most requests will be decided by the Group Manager (Revenues, Benefits and Fraud) and the Revenues Team Leader. We will aim to make these decisions within four weeks of receiving all the information needed.

The application will be considered by the appeals committee in the following circumstances:

- the organisation has an annual turnover over £250,000, and the annual value of the relief sought is over £1,000; or
- the application is for discretionary rural rate relief but there is no entitlement to mandatory rural rate relief.

In these cases it is likely to take about two months to make the decision, counting from the date we receive all the information needed.

What will be taken into account when the decision is made?

Each application will be considered on its own individual merits and the benefits that the organisation provides to the residents of Dacorum. The following will be considered:

- the organisation's links to the Council's priorities and to what extent its activities support these priorities;
- membership being open to all sections of the community and the extent to which the membership is made up of residents of Dacorum;
- the organisation meeting a local need in the community and providing a valuable service to the community;
- whether the organisation provides access to facilities which indirectly relieve the Council of the need to do so;
- where the organisation is national or regional, the extent to which services provided from the premises are focussed on supporting residents of Dacorum;
- the size and rateable value of the premises, and the reasons why the organisation is occupying that particular property.

How much discretionary rate relief will be awarded, and how long will the relief last?

Awards will be made for fixed periods of no longer than four financial years. This means that all awards will be reviewed regularly.

The amount of DRR will be considered in line with the following table, depending on the nature of the request.

Type of organisation	Other information	Annual turnover	Maximum relief
Youth organisations	Premises occupied by youth clubs and organisations such as the Scouts etc. The organisation must be able to demonstrate that the premises is used solely or mainly by them or other non profit making organisations for the benefit of the community	-	Up to 100%
Village halls & community centres		-	Up to 100%
Schools	Voluntary aided, voluntary controlled or grant aided and academy schools	-	Nil
Nursery schools	Voluntary nurseries which are registered charities	-	Up to 100%
Sports & recreation	Premises run by sports clubs and recreational societies that are not set up or run for profit	No bar	Up to 50%
		With bar: up to £24,999	Up to 50%
		With bar: £25,000 – £49,999	Up to 25%
		With bar: over £50,000	Nil
Charities providing a public benefit	If the work is primarily carried out by unpaid voluntary workers for the benefit of the elderly, sick or injured, disabled or other vulnerable groups. Paid workers are only used to provide specialised care. (This excludes national or regional offices unless wholly for the benefit of Dacorum residents)	-	Up to 100%
Charity shops (this means a shop selling goods donated to a charity)	Local charities primarily benefiting the local area (This excludes national charities unless wholly for the benefit of Dacorum residents)	-	Up to 100%

When will an award of discretionary rate relief start?

Any award will normally be from the date we receive the application.

In exceptional circumstances, we will consider starting from an earlier date in the same financial year (1 April to 31 March).

How will discretionary rate relief be paid?

We will apply the DRR to the business rates account, and issue a new business rates bill.

How will ratepayers be notified about discretionary rate relief decisions?

We will write to the ratepayer to tell them whether an award has been granted and the amount and period of that award.

What will happen if a ratepayer is not happy with the decision?

If the ratepayer is not happy with an officer decision, they can request a review of that decision by the appeals committee. This request must be made in writing and received within four weeks of the notification of the original decision. A decision of the appeals committee is final.

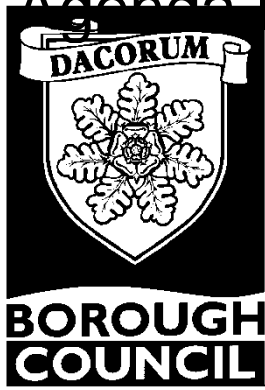
Responsibilities of customers receiving discretionary rate relief

Ratepayers have the responsibility to inform the business rates team of any change in their circumstances while they are receiving a DRR.

If a change in circumstance takes place and this means the ratepayer has been awarded too much DRR, this will be recovered by adjusting their business rates account.

What happens when an award of discretionary rate relief ends?

If a ratepayer wants a further award of DRR they must make a further application. This will be considered in line with the agreed DRR policy at that time.



AGENDA ITEM:

SUMMARY

Report for:	Cabinet
Date of meeting:	30 January 2018
Part:	1
If Part II, reason:	

Title of report:	Regulation of cosmetic body piercing and skin colouring
Contact:	<p>Cllr Janice Marshall, Portfolio Holder for Environmental, Sustainability and Regulatory Services</p> <p>Author/Responsible Officer: Sally McDonald, Lead Licensing Officer</p>
Purpose of report:	<ol style="list-style-type: none"> 1. To adopt extended statutory controls for the regulation of all forms of cosmetic skin piercing, and of semi-permanent skin colouring; and 2. To update byelaws governing the conduct of all piercing, tattooing, acupuncture and electrolysis treatments.
Recommendations	<p>That Cabinet recommend Council resolve:</p> <ol style="list-style-type: none"> a) To apply sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 120 of the Local Government Act 2003, throughout the Borough of Dacorum, so as to require persons carrying on the practice of acupuncture; or the business of tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis to be registered with the authority; and b) To make byelaws under section 14(7) and 15(7) of the 1982 Act in connection with such registered persons and premises, to replace and update existing byelaws in respect of acupuncture; tattooing; and ear piercing and electrolysis.
Corporate Objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment

<p>Implications:</p> <p>‘Value For Money Implications’</p>	<p><u>Financial</u> Public notice of the application of these provisions must be given in a local newspaper in two consecutive weeks. Existing registered premises would also need to be notified of any change in byelaws affecting their operations. It is envisaged that these costs would be met from existing budget.</p> <p><u>Value for Money</u> Businesses and practitioners performing ear piercing and tattooing are already required to register with the Council, this proposal will simply extend the range of procedures they carry out which are regulated under byelaws.</p>
<p>Risk Implications</p>	<p><u>Risk Implications</u> The procedures regulated under the provisions outlined in this report carry significant potential health risks, if operators do not have the required skill or expertise to carry out a treatment, or if the treatment is carried out in unhygienic conditions or with improper or non-sterile equipment. Appropriate regulation of these activities is seen as necessary to minimise such risks.</p> <p>Any byelaws made by the Council could potentially be refused approval by central Government. This risk is considered minimal, as the draft byelaws are consistent with a national model.</p>
<p>Community Impact Assessment</p>	<p>No impact anticipated.</p>
<p>Health And Safety Implications</p>	<p>Inspections of registered piercing/tattooing premises are already carried out, and a risk assessment has been undertaken for staff performing these inspections. This document will remain under periodic review, although it is not envisaged that any further risks will arise from the additional categories of regulated premises.</p>
<p>Monitoring Officer/S.151 Officer Comments</p>	<p>Monitoring Officer:</p> <p>The proposed byelaws will ensure that appropriate standards are imposed on those carrying out the regulated activities which will be to the benefit of those providing the services and users of the services.</p> <p>S.151 Officer</p> <p>The costs associated with the implementation of this decision can be covered from within existing budgetary provision.</p>
<p>Consultees:</p>	<p>Public notice must be given of the adoption of revised requirements and/or new Byelaws.</p>
<p>Background papers:</p>	<p>Draft Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis (appended)</p>
<p>Glossary of</p>	

acronyms and any other abbreviations used in this report:	
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1. BACKGROUND

- 1.1. Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 created an adoptive framework for the regulation of **ear piercing, tattooing, electrolysis** and **acupuncture** activities. In areas where the provisions have been adopted, both premises at which such activities are carried on and operators carrying out such treatments must have registered with the local Council, before any treatments may lawfully be carried out. Councils may also make byelaws governing the conduct of these activities, in respect of cleanliness and hygiene provisions.
- 1.2. Dacorum Borough Council adopted controls for these activities on 12 October 1983, and passed three sets of byelaws under the legislation, containing separate (albeit similar) measures for ensuring hygiene and prevention of infection for tattooing, acupuncture, and ear piercing / electrolysis respectively. These byelaws are available to view on the [Council's website](#).
- 1.3. Section 120 of the Local Government Act 2003 amended the 1982 Act to provide additional controls for new piercing treatments which had become more prevalent since the original Act was passed – specifically, **cosmetic skin piercing** (of any part of the body, including the ears), and **semi-permanent skin colouring** (also known as micropigmentation, semi-permanent makeup or temporary tattooing). These additional controls require a further adoption decision to be made by Councils, and though this appears to have been considered by Dacorum in the 2000's, no formal adoption decision has been located.
- 1.4. Licensing officers are currently reviewing registration details, as it appears that a number of historic registrations were not transferred from paper records to computer databases in the 1990's/2000's. At present, 40 premises in Dacorum are registered for skin piercing activities, of which:
 - 18 may carry out acupuncture
 - 13 may carry out ear piercing
 - 9 may carry out electrolysis
 - 13 may carry out tattooing

N.B. Some premises are registered for multiple activities
- 1.5. Registrations are persistent – a business is only required to register when it first begins offering treatments of the above types, and the registration is henceforth valid indefinitely (although any new staff carrying out treatments at the premises must register separately). Registrations may be cancelled or suspended by the courts upon conviction for an offence under the Act, including for a breach of byelaws made by the Council.

2. PROPOSALS

- 2.1. Body modifications such as tattoos and body piercings continue to increase in popularity, while emerging trends for semi-permanent make-up and skin tinting which currently fall outside the treatments which the Council regulates, are also seeing these treatments becoming increasingly common. As these

all involve the piercing of the skin with needles, objects and dyes/colourings, these treatments are subject to similar public health concerns as the activities which are currently regulated, in respect of the hygiene and cleanliness of premises where procedures are carried out and the equipment and materials used, prevention of transmission of infectious diseases, and competency of persons carrying out such treatments.

- 2.2. It is therefore proposed to expand the list of piercing activities which the Council regulates to include those covered by the 2003 amendment. The mechanism for this would be a resolution made by Full Council, essentially readopting the full list of piercing activities.
- 2.3. Schedule 6 of the 2003 Act provides some transitional measures, essentially ensuring that existing registrations remain in force for the previously-regulated activities only. As some documents issued by the Council from 2007 onwards implied that the additional activities were already regulated, it is proposed to offer additional transitional provisions for existing registered premises, allowing them to amend their registrations to include the new activities, where they have already been safely and effectively carrying these out.
- 2.4. As the current byelaws are specific to the original list of regulated activities, it will be necessary to update these to include the new activities. At the same time, it is intended to consolidate the byelaws into a single set which apply to all activities. As there is significant common ground between the hygiene measures necessary regardless of the treatment type undertaken, this is seen as a logical step to take, and will reduce the potential for confusion, particularly at premises approved to carry out multiple treatments. Draft new byelaws are attached at Annex A, these are taken from a model provided by the Department of Health through the Chartered Institute of Environmental Health.
- 2.5. These proposals were considered and endorsed by the Licensing, Health & Safety and Enforcement Committee at a meeting on 28 February 2017, with a resolution to refer to Full Council via Cabinet.

3. RECOMMENDATION

- 3.1. That Cabinet recommend Council resolve:
 - a) To apply sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 120 of the Local Government Act 2003, throughout the Borough of Dacorum, so as to require persons carrying on the practice of acupuncture; or the business of tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis to be registered with the authority; and
 - b) To make byelaws under section 14(7) and 15(7) of the 1982 Act in connection with such registered persons and premises, to replace and update existing byelaws in respect of acupuncture; tattooing; and ear piercing and electrolysis.

Annex A
**Draft Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin
Colouring, Cosmetic Piercing and Electrolysis**
(see following document)

Dacorum Borough Council

**BYELAWS FOR ACUPUNCTURE, TATTOOING,
SEMI-PERMANENT SKIN-COLOURING,
COSMETIC PIERCING AND ELECTROLYSIS**

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by the Dacorum Borough Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“the Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

Cleanliness and cleansing

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

(a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;

(b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;

(e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—

(i) immediately after use; and

(ii) at the end of each working day.

(f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;

(g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3. For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

(a) an operator shall ensure that—

(i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—

(aa) is clean and in good repair and, so far as is appropriate, is sterile;

(bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

(ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;

(iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;

(iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;

(v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b) a proprietor shall provide—

(i) adequate facilities and equipment for—

(aa) cleansing; and

(bb) sterilization, unless only pre-sterilized items are used.

(ii) sufficient and safe gas points and electrical socket outlets;

(iii) an adequate and constant supply of clean hot and cold water on the premises;

(iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

(i) keeps his hands and nails clean and his nails short;

(ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;

(iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);

(iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;

(v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

(i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and

(ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

(a) the client is bleeding or has an open lesion on an exposed part of his body; or

(b) the client is known to be infected with a blood-borne virus; or

(c) the operator has an open lesion on his hand; or

(d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

Revocation

6.—(1) The byelaws relating to Acupuncture that were made by the Dacorum Borough Council on the 24th day of November 1983 and were confirmed by the Secretary of State for Social Services on 19 March 1984 are revoked.

(2) The byelaws relating to Ear Piercing and Electrolysis that were made by the Dacorum Borough Council on the 24th day of November 1983 and were confirmed by the Secretary of State for Social Services on 19 March 1984 are revoked.

(3) The byelaws relating to Tattooing that were made by the Dacorum Borough Council on the 24th day of November 1983 and were confirmed by the Secretary of State for Social Services on 19 March 1984 are revoked.

THE COMMON SEAL of the DACORUM BOROUGH COUNCIL was hereunto affixed this Xxxx day of XXXXXXXXXXXX 20XX in the presence of:

XXXXXX XXXXXXXX

XXXXXX XXXXXXXX

The foregoing byelaws are hereby confirmed by the Secretary of State for Health on XX XXXXXX 20XX and shall come into operation on XX XXXXXX 20XX.

Member of the Senior Civil Service
Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring,***

cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.

The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.

The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) apply to tattooing and semi-permanent skin-colouring.

The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).

The provisions of paragraph 4(2) in relation to washing facilities apply to cosmetic piercing using only a hygienic piercing instrument.

The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist applies only to acupuncture (see section 14(8) of the Act).



Report for:	Cabinet
Date of meeting:	30 January 2018
PART:	1
If Part II, reason:	

Title of report:	Committee Timetable 2018/19
Contact:	Councillor Harden, Portfolio Holder for Residents and Corporate Services Author/Responsible Officer: Jim Doyle, Group Manager (Democratic Services), ext. 2222 Katie Mogan, Member Support Officer ext. 2221
Purpose of report:	To seek approval of the Meeting Timetable for 2018/19
Recommendations:	That Cabinet recommends Council approve the Meeting Timetable for 2018/19 as set out in Annex A to this report.
Corporate objectives:	The various meetings of the Council, Cabinet and Committees support the achievement of the Council's Corporate Objectives.
Implications: 'Value For Money Implications:'	Approval of the Meeting Timetable enables Members and Officers to manage forward decision making planning.
Risk Implications	Not applicable.
Community Impact Assessment	Not applicable.
Health And Safety Implications	Not applicable.
Monitoring Officer/ S.151 Officer	Monitoring Officer:

Comments	No comments to add to the report. Deputy S.151 Officer: There are no direct financial implications arising from the content of this report.
Consultees:	The Leader of the Council and Corporate Management Team.
Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	None

BACKGROUND

1. Attached at Annex A is a draft timetable showing the proposed dates for the meetings of the full Council, the Cabinet, the Overview and Scrutiny Committees and the regulatory Committees for the municipal year 2018/19.
2. The timetable includes dates for the regular cycle of meetings for Council, the Cabinet, the Overview and Scrutiny Committees and the regulatory Committees such as: Development Management, Standards and Licensing.
3. Appeals have not been scheduled on the timetable. These used to be scheduled on a Monday but due to the small number of Appeals that happen throughout the year, these are arranged by Member Support when required and subject to officer and member availability.
4. The three main Overview and Scrutiny Committees have been scheduled seven meetings in the year. In addition, a number of "Call-in Contingency" dates have been set aside for call-ins arising from any of the Committees.
5. Monday evenings are mostly left free to enable those Members who are also Parish or Town Councillors to attend Town or Parish Council meetings which are traditionally held on Mondays.
6. School holidays are shaded and meetings are kept to a minimum during that time.
7. Considerations made when compiling the timetable include:
 - the Dacorum Community Safety Partnership (DCSP) has to meet when it does due to them considering end of financial year statistics, therefore should meet in May and October
 - the timetable starting point is organised around DMC and Full Council
 - needing to align O&S committees with the Quarterly Performance reporting schedule
 - budget setting process
 - Audit regime - Audit of Accounts
 - date of Annual Council
 - same day of the week for ease/consistency

- Member availability – e.g. SPAE and F&R Chairmen cannot do first Tuesday of the month
- dates of Elections
- dates of School Holidays

Dacorum Borough Council – Meeting Timetable 2018/2019

	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	
MON						1						1		MON
TUES	1					2			1 BANK HOLIDAY			2		TUES
WEDS	2			1		3 MDSG			2			3	1	WEDS
THUR	3			2		4	1 Member Development		3			4	2 ELECTION	THUR
FRI	4	1		3		5	2		4	1	1	5	3	FRI
SAT	5	2		4	1	6	3	1	5	2	2	6	4	SAT
SUN	6	3	1	5	2	7	4	2	6	3	3	7	5	SUN
MON	7 BANK HOLIDAY	4 JNC	2	6	3	8	5	3 JNC	7	4	4 JNC	8	6 BANK HOLIDAY	MON
TUES	8	5 Call-in contingency	3	7	4 Health in Dacorum	9 F&R OSC	6 F&R OSC	4 Joint Budget	8 F&R OSC	5 Joint Budget	5 Call-in contingency	9	7	TUES
WEDS	9	6 MDSG	4 H&C OSC	8	5 H&C OSC	10 H&C OSC	7 H&C OSC	5 MDSG	9	6 Audit	6 H&C OSC	10	8	WEDS
THUR	10	7	5	9	6 Member Development	11 Call-in contingency	8	6 Standards	10	7	7	11	9	THUR
FRI	11	8	6	10	7	12	9	7	11	8	8	12	10	FRI
SAT	12	9	7	11	8	13	10	8	12	9	9	13	11	SAT
SUN	13	10	8	12	9	14	11	9	13	10	10	14	12	SUN
MON	14	11	9	13	10	15	12	10	14	11	11	15	13	MON
TUES	15 Group meetings	12 F&R OSC	10 Group meetings	14	11 F&R OSC	16 Cabinet Licensing	13 Cabinet Licensing	11 Cabinet Licensing	15 Group meetings	12 Cabinet	12 SPAE OSC	16 Group meetings	14 Group meetings	TUES
WEDS	16 Annual Council	13 H&C OSC	11 Council	15	12 Audit	17	14	12 Health in Dacorum	16 Council	13	13 MDSG	17 Council	15 Annual Council	WEDS
THUR	17	14 DMC	12 DMC	16 DMC	13 DMC	18 DMC	15 DMC	13 DMC	17 DMC	14 DMC	14 DMC	18 DMC	16	THUR
FRI	18	15	13	17	14	19	16	14	18	15	15	19 BANK HOLIDAY	17	FRI
SAT	19	16	14	18	15	20	17	15	19	16	16	20	18	SAT
SUN	20	17	15	19	16	21	18	16	20	17	17	21	19	SUN
MON	21	18	16	20	17 JNC	22	19	17	21	18	18	22 BANK HOLIDAY	20	MON
TUES	22 Cabinet Licensing	19 SPAE OSC	17 F&R OSC	21 Licensing	18 Cabinet Licensing	23 SPAE OSC	20 SPAE OSC	18 Call-in contingency	22 SPAE OSC	19 Group meetings	19 Cabinet Licensing	23 Cabinet Licensing	21 Cabinet Licensing	TUES
WEDS	23 DCSP	20 Health in Dacorum	18	22	19 SPAE OSC	24 DCSP	21 Audit	19	23 H&C OSC	20 Council	20 Health in Dacorum	24	22 DCSP	WEDS
THUR	24 DMC	21 Standards	19	23	20 Standards	25	22	20	24 Member Development	21	21 Standards	25	23 DMC	THUR
FRI	25	22	20	24	21	26	23	21	25	22	22	26	24	FRI
SAT	26	23	21	25	22	27	24	22	26	23	23	27	25	SAT
SUN	27	24	22	26	23	28	25	23	27	24	24	28	26	SUN
MON	28 BANK HOLIDAY	25	23	27 BANK HOLIDAY	24	29	26	24	28	25	25	29	27 BANK HOLIDAY	MON
TUES	29	26 Cabinet Licensing	24 SPAE OSC	28	25 Group meetings	30	27 Group meetings	25 CHRISTMAS DAY	29 Cabinet Licensing	26 Licensing	26 F&R OSC	30	28	TUES
WEDS	30 Audit	27	25 Audit	29	26 Council	31	28 Council	26 BOXING DAY	30	27	27 Audit		29	WEDS
THUR	31	28 Member Development	26 Member Development	30	27		29	27	31	28 Member Development	28 Member Development		30	THUR
FRI		29	27	31	28		30	28			29		31	FRI
SAT		30	28		29			29			30			SAT
SUN			29		30			30			31			SUN
MON			30					31						MON
TUES			31 Cabinet Licensing											TUES

DCSP = Dacorum Community Safety Partnership
 JNC = Joint Negotiating Committee
 DMC = Development Management Committee

H & C OSC = Housing & Community Overview & Scrutiny Committee
 SPAE OSC = Strategic Planning & Environment Overview & Scrutiny Committee
 F & R OSC = Finance & Resources Overview & Scrutiny Committee

School holiday dates are shaded



Report for:	Cabinet
Date of meeting:	30 January 2018
Part:	Part I
If Part II, reason:	n/a

Title of report:	Use of right to buy one for one replacement funding
Contact:	<p>Cllr Margaret Griffiths, Portfolio Holder for Housing</p> <p>Elliott Brooks, Assistant Director for Housing</p> <p>David Barrett, Group Manager for Housing Development</p>
Purpose of report:	To seek approval for the payment of “one for one” grant funding to Housing Associations (Registered Providers) delivering affordable housing schemes in the Borough.
Recommendations	<p>That Cabinet approves the following grant funding payments for affordable housing developments in the Borough:</p> <ol style="list-style-type: none"> 1. £3,270,169 to Hightown Housing Association for a development known as Viking House, Swallowdale Lane, Hemel Hempstead. 2. £2,264,854 to Hightown Housing Association for a development known as 66 Books, Wood Lane End, Hemel Hempstead. 3. £1,335,000 to Thrive Homes for 5 No Garage Sites in Hemel Hempstead known as Futherground, Great Heart, Leys Road, Micklefield Road and Middleknights. 4. £720,000 to Thrive Homes for a development known as Spencer’s Park, Hemel Hempstead. 5. £2,950,000 to Thrive Homes for a development known as Hempstead House, Hemel Hempstead. 6. In addition, this recommendation authorises a +/- 5% adjustment to the stated cost figures as a contingency sum should the Housing Association revise their cost data as these are based on current

	<p>estimates which could adjust as the project develops.</p> <p>7. That Cabinet recommends to Council supplementary Capital budgets funded by “one for one” receipts for the Affordable Housing Development fund as follows:</p> <table border="0"> <tr> <td>2017/18</td> <td>£3,375,000</td> </tr> <tr> <td>2018/19</td> <td>£4,870,000</td> </tr> <tr> <td>2019/20</td> <td>£1,629,000</td> </tr> <tr> <td>2020/21</td> <td>£625,000</td> </tr> <tr> <td>2021/22</td> <td>£42,000</td> </tr> </table>	2017/18	£3,375,000	2018/19	£4,870,000	2019/20	£1,629,000	2020/21	£625,000	2021/22	£42,000
2017/18	£3,375,000										
2018/19	£4,870,000										
2019/20	£1,629,000										
2020/21	£625,000										
2021/22	£42,000										
Corporate Objectives:	Delivering Affordable Housing										
Implications:	<p><u>Financial</u></p> <p>This approach to supporting other organisations developing affordable housing in the Borough will enable us to allocate the funding before the deadline to spend expires.</p>										
Value For Money Implications	<p><u>Value for Money</u></p> <p>“One for one” receipts paid to Housing Associations by way of a grant provides the means to increase the provision of affordable homes within the Borough at no cost to the Council and assist in avoiding the costs of homelessness by increasing supply.</p>										
Risk Implications	If the Council is unable to spend its “one for one” receipts they must be returned to the Government. Should the Council retain receipts and then be unable to spend them within a three year period then interest becomes payable. The recommended model agreement passes this risk onto the receiving Housing Association.										
Community Impact Assessment	<p>Community Impact Assessment reviewed/carried out</p> <p>n/a</p>										
Health And Safety Implications	Health & Safety is identified as a key risk of the Housing Service and is reported to the Council’s Housing & Communities Overview & Scrutiny Committee on a quarterly basis.										
Monitoring Officer/S.151 Officer Comments	<p>Deputy Monitoring Officer:</p> <p>Under the scheme introduced in 2012 investment in new affordable housing can be made by the Council itself or through grant funding registered providers.</p> <p>This decision proposes the funding of several developments by Hightown Housing Association and Thrive Homes.</p> <p>Officers should ensure that each grant going forward is covered by the grant agreement (referred to in para 7 below) to ensure that the Council’s position is protected and enable it to meet audit requirements.</p> <p>Deputy S.151 Officer</p>										

	These grant payments can be met from 1-4-1 receipts.
Consultees:	Mark Gaynor, Corporate Director of Housing & Regeneration James Deane, Corporate Director Finance & Operations Caroline Souto, Financial Planning & Analysis Team Leader, Financial Services David Barrett, Group Manager, Housing Development Oliver Donohoe, Housing Development Officer, Housing Development
Background papers:	n/a
Glossary of acronyms and any other abbreviations used in this report:	n/a

1. Background

- 1.1 The Council signed up to an agreement with the Department for Communities and Local Government, following the government's major increase in the level of potential discount for Right to Buy, which allowed the Council to use the receipts to part fund new affordable homes – the one for one replacement scheme.
- 1.2 The funding has some restrictions:
- It can only cover 30% of the total costs of the development (meaning that the Council or Housing Association has to have available the 70% match)
 - It cannot be used on the cost of land where this is already in the Council or Housing Association's ownership (thus omitting around 25-30% of costs that it can be applied to)
 - It cannot be used on any schemes that are either affordable homes within a s106 agreement or which have received Homes and Communities Agency funding (thus ruling out around 50% of Housing Association affordable homes delivery)
 - It must be spent within three years of receipt
- 1.3 Initially the intention was to use the entirety of these receipts to help fund the Council's own new build programme. Following decisions made by the Government in the Welfare Reform and Work Act 2016, one being a reduction in Council rents by 1% per year for four years, there has been a significant reduction in the available resources within the Housing Revenue Account to directly fund new Council homes.
- 1.4 Funding not spent within the three year window dictated by the government must be returned however the one for one regulations allow for it to be spent

on delivery of additional affordable homes by Housing Associations. It is proposed to avoid having to pay money back. The Council works closely with Housing Associations in the area to fund suitable affordable housing developments which can then be allocated to local people. This is in addition to the spending on the Council's own new build programme.

- 1.5 The level of Right to Buy sales has grown very quickly and has remained at around 100 per year for the past 3 years – this generates a level of receipt that the Housing Revenue Account is unable to match fund in order to spend it all within the three years. The rules of the scheme mean that it can only be used to cover 30% of overall costs and the level of receipts is so high that we will have to return some of the receipt. The importance of working with Housing Associations has grown as have the grant levels to distribute. For this reason it is felt that a more formal agreement on schemes moving forward should be captured in a form of agreement that facilitates the development of the new homes whilst protecting the Council from interest costs should the grant agreed not be spent in time, transferring this risk to the Housing Association.
- 1.6 Working in partnership with Housing Associations we are looking to avoid any money going back to Government and therefore have been seeking opportunities to support affordable housing schemes in the borough. The Council has in place regular monitoring meetings on both a monthly and quarterly basis involving senior officers from Housing and Finance all to ensure there is a robust programme for allocating the receipts that have been accepted by the Council. This report seeks approval to allocate “one for one” grant funding to the following organisations that have currently submitted applications to us for funding.

2. Hightown Housing Association – Viking House, Swallowdale Lane, Hemel Hempstead - £3,270,169

Hightown Housing Association have submitted an application for £3,270,169 in grant funding for the provision of 57 Flats (26 x One Bed & 31 x Two Bed) for Affordable Housing (Affordable Rent and Intermediate Rent). This application will be drawn down as follows:

2017/2018 £471,326.00

2018/2019 £2,008,431.00

2019/2020 £726,533.00

2020/2021 £63,879.00

The cost data provided is based on the Housing Associations current estimate. An additional +/- 5% cost adjustment as a contingency sum should be included in addition to the stated figures.

3. Hightown Housing Association – 66 Books, Wood Lane End, Hemel Hempstead - £2,264,854

Hightown Housing Association have submitted an application for £2,264,854 in grant funding for the provision of 5 x Two Bed Houses, 4 x Three Bed Houses and 17 x Two Bed Flats for Affordable Housing (Affordable Rent). Hightown Housing Association proposes that this grant will be drawn down as follows:

2017/2018 £68,527.50

2018/2019 £691,405.50

2019/2020 £902,272.20

2020/2021 £560,721.30

2021/2022 £41,927.00

The cost data provided is based on the Housing Associations current estimate. An additional +/- 5% cost adjustment as a contingency sum should be included in addition to the stated figures.

4. Thrive Homes – 5 No Garage Sites in Hemel Hempstead known as Furtherground, Great Heart, Leys Road, Micklefield Road and Middleknights Road. - £1,335,000

Thrive Homes have submitted an application for £1,335,000 for grant funding for the provision of the following units on garage sites that the Council has agreed to sell to them:

Furtherground - 2 x Two Bed Houses and 2 x One Bed Flats (Rent to Homebuy)

Great Heart - 3 x Two Bed Houses and 1 x One Bed Flat (Rent to Homebuy)

Leys Road - 2 x Three Bed Houses, 4 x Two Bed Flats and 1 x One Bed Flat (Rent to Homebuy)

Micklefield Road - 3 x Two Bed Houses and 1 x One Bed Flat (Rent to Homebuy)

Middleknights Road - 2 x Three Bed Houses and 3 x Two Bed Houses (Rent to Homebuy)

Thrive Homes proposes that this grant will be drawn down as follows:

2017/2018 £585,000.00

2018/2019 £750,000.00

The cost data provided is based on the Housing Associations current estimate. An additional +/- 5% cost adjustment as a contingency sum should be included in addition to the stated figures.

5. Thrive Homes – Spencer’s Park, Hemel Hempstead - £720,000

Thrive Homes have submitted an application for £720,00 in grant funding for the provision of 9 Flats (2 x One Bed & 7 x Two Bed) for Affordable Housing (Rent to HomeBuy).

Thrive Homes proposes that this grant will be drawn down as follows:

Q3 2018/2019 £720,000.00

The cost data provided is based on the Housing Associations current estimate. An additional +/- 5% cost adjustment as a contingency sum should be included in addition to the stated figures.

6. Thrive Homes – Hempstead House, Hemel Hempstead - £2,950,000

Thrive Homes have submitted an application for £2,950,00 in grant funding for the provision of 63 x One Bed Flats for Affordable Housing (Rent to HomeBuy).

Thrive Homes proposes that this grant will be drawn down as follows:

2017/2018 £2,250,000.00

2018/2019 £700,000.00

The cost data provided is based on the Housing Associations current estimate. An additional +/- 5% cost adjustment as a contingency sum should be included in addition to the stated figures.

7. Grant funding these schemes has been agreed in principle by the Council's Finance Department and fits within the profile of receiving and using one for one receipts. A formal agreement drawn up by the Council's Legal team was agreed as a template through a recent Portfolio Holder decision signed by the Council's Portfolio Holder for Housing. Each scheme will have its own agreements which following approval will be signed by both the Council and the individual Housing Association. This agreement commits the Council to make the payments at agreed timescales and places an obligation on the Housing Association to spend the funding within specific timescales or otherwise face financial penalties.

Not paying the grant out and essentially returning funding to the Government has been rejected because it would mean that less affordable housing was available in the Borough, and retaining the grant without protecting the Council should it not be spent would incur interest payments to the Government

8. Recommendation

That individual grant agreements be made with, and payments made to, the following Housing Associations:

Hightown Housing Association for Viking House of £3,270,169 to be drawn from one for one receipts.

Hightown Housing Association for 66 Books, Wood Lane End, Hemel Hempstead of £2,264,854 be drawn from one for one receipts.

Thrive Homes for the 5 No Garage Sites in Hemel Hempstead known as Furtherground, Great Heart, Leys Road, Micklefield Road and Middleknights Road of £1,335,000 to be drawn from one for one receipts.

Thrive Homes for Spencer's Park of £720,000 to be drawn from one for one receipts.

Thrive Homes for Hempstead of £2,950,000 to be drawn from one for one receipts.

In addition, this recommendation authorises a +/- 5% adjustment to the stated cost figures as a contingency sum should the Housing Association revise their cost data as these are based on current estimates which could adjust as the project develops.

Cabinet is also requested to recommend to Council supplementary capital budgets funded from "one for one" receipts for the Affordable Housing Development Fund. The budgets will be in line with the payments detailed above, and will be as follows:

2017/18	£3,375,000
2018/19	£4,870,000
2019/20	£1,629,000
2020/21	£625,000
2021/22	£42,000