

CABINET AGENDA



TUESDAY 26 JUNE 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 Marshall
Councillor Griffiths (Deputy Leader)	Councillor G Sutton
Councillor Elliot	Councillor D Collins
Councillor Harden	

For further information, please contact Member Support on 01442 228209

AGENDA

1. MINUTES (Pages 3 - 7)

To confirm the minutes of the meeting held on 22 May 2018.

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 are no referrals to Cabinet for consideration.

6. CABINET FORWARD PLAN (Pages 8 - 9)

7. AUTHORISATION OF VIREMENTS (Pages 10 - 14)

8. Q4 RISK REGISTER UPDATE (Pages 15 - 33)

9. CONSTITUTION & PETITION SCHEME REVIEW & UPDATE (Pages 34 - 53)

10. COUNCIL NEW BUILD HOUSING PROGRAMME UPDATE (Pages 54 - 66)

11. 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.

MINUTES

CABINET

22 MAY 2018

Present:

Members:

Councillors: Williams (Leader)
Griffiths (Deputy
Leader)
Elliot
Harden
Marshall
G Sutton

Also attend: Cllrs Tindall & Birnie

Officers:	S Marshall	Chief Executive
	M Gaynor	Corporate Director (Housing & Regeneration)
	M Brookes	Solicitor to the Council and Monitoring Officer
	J Deane	Corporate Director (Finance & Operations)
	J Doe	Assistant Director (Planning, Development & Regeneration)
	M Rawdon	Group Manager People & Performance
	C Gaunt	Legal Governance Team Leader
	K Soley	Communication & Consultation Team Leader
	C O'Neil	Corporate Support Team Leader

The meeting began at 7.30 pm

CA/52/18 MINUTES

Minutes of the meetings held on 24 April 2018 were agreed by Members present and signed by the Chair.

CA/53/18 APOLOGIES FOR ABSENCE

Cllr D Collins

CA/54/18 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA/55/18 PUBLIC PARTICIPATION

There was no public participation.

CA/56/18 REFERRALS TO CABINET

There were no referrals to Cabinet.

CA/57/18 CABINET FORWARD PLAN

The Forward Plan was noted and agreed, with following comments/amendments;

Cllr Sutton referenced Item 2 and advised he is pre warning there may be slippage on The Bury, may have to come to July Cabinet, but will not affect bid to HLF.

Cllr Sutton requested an addition to June meeting; HH Town Centre Parking Access & Movement.

CA/58/18 FINANCIAL OUT TURN 2017/18

Decision

RESOLVED TO RECOMMEND;

That Council;

- 1. Approve the carry forward of unspent reserve funded budgets from 2017/18 to 2018/19 (see Appendix D of the report to Cabinet, £315k slippage into 2018/19)**

- 2. Approve the use of the Housing Revenue Account surplus to fund an increased Revenue Contribution to Capital**

Reason for decision

To agree details of the provisional outturn position for the:

- General Fund
- Housing Revenue Account
- Capital Programme

Corporate objectives

Delivering an efficient and modern council

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

No further comments to add.

S.151 Officer:

This is a S.151 Officer report.

Advice

Cllr Elliot introduced the report and expressed his view that we are getting better at managing and forecasting, also recognised the challenges ahead of us to meet future saving targets.

JDeane added that this year we finished within 0.4% of budget, commenting that there are some positives to be drawn on accuracy and forecasting and adding that with expected reductions in government funding over next few years we will see a more challenging budgetary environment.

Cllr Sutton referred to the £240k generated by volume of planning applications. JDoe confirmed it was a good year for income.

Cllr Williams commented that we have made quite significant savings and have better financial control in terms of coming in on budget and producing our budget. Emphasising that the saving requirements referred to are going to be significant in terms of challenge.

Cllr Tindall referred to the £1.2m mentioned in the report as retained for upgrade fire safety work, advising he read somewhere that central government will pay for replacement of panels for remedial work arising from Grenfell fallout. He asked, is it the intention that this fire safety work will be panel replacement? In which case, if read correctly, the government will be funding it?

MGaynor advised we do not have any buildings where we could apply for funding, this upgrade work is to ensure we are doing the upmost to ensure all our tenants and leaseholders are safe in all of our buildings.

Cllr Griffiths advised there was some panelling on a new build, which was changed, but would not have qualified for funding due to building height. There was also another build still in the planning stages where there was intention to use panels, for which the plans were changed.

Recommendations agreed.

Voting

None.

CA/59/18 EQUALITY & DIVERSITY

Decision

Cabinet approved the new Workforce Equality and Diversity Strategy.

Reason for decision

To approve the new Workforce Equality and Diversity Strategy.

Corporate objectives

Modern and Efficient Council – Having a diverse workforce will improve productivity and morale and ensure that we are better able to represent and support our local communities.

It will also contribute to improve retention rates and ensure that we build and develop institutional knowledge and capability.

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

The strategy will help to ensure that the Council meets its statutory equality obligations and ensure that the Council does not discriminate against any person, and is therefore recommended for approval.

S.151 Officer:

No direct financial implications.

Advice

Cllr Harden advised this is part of the Corporate People Strategy, to develop support and promote equality across Council. There are 5 commitments within Strategy, as set out in report.

There were no questions.

Recommendations agreed

Voting

None.

CA/60/18 AMENDMENTS TO STAFF TERMS & CONDITIONS

Decision

RESOLVED TO RECOMMEND;

That Council approves the changes to the redundancy multiplier as set out in paragraph 3.2 of the report.

Reason for Decision

For Cabinet to approve the changes to the redundancy multiplier and recommend to Council that these are implemented.

Corporate objectives

Delivering a modern and efficient Council – To ensure our existing terms and conditions are modern and attractive for staff whilst also offering value for residents.

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

This report was not on the Council's forward plan and therefore the consent of the chairman of the Finance and Resources Overview and scrutiny committee was obtained to treat this matter as an urgent report.

S.151 Officer:

All redundancy cases are assessed on a case by case basis and the business case to justify any decision has to provide value for money.

Redundancies will only be approved if the financial business case is positive, hence there should be no direct financial impact on the existing budget, but future redundancy business cases will provide less savings to the council.

Advice

Cllr Williams advised this follows some dispute over T&C changes to redundancy, which lead to further negotiation with the result that we have amended our original decision, as set out in report. Recommendation is to ask Full Council to approve the revised proposal.

Recommendations agreed.

Voting

None.

CA/61/18 EXCLUSION OF THE PUBLIC

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 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 this item, there would be disclosure to them of exempt information relating to the financial and business affairs of the Council and third party companies/organisations and also contains legal advice which may be subject to a claim for legal privilege. (Minute CA/125/17)

Local Government Act 1972, Schedule 12A, Part 1, paragraph 3 and 5.

CA/62/18 JELLCOE WATER GARDENS PROJECT

Details can be found in the Part II minutes.

The Meeting ended at 8.00 pm

Agenda Item 6

18 June 2018

CABINET FORWARD PLAN

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/ S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
1.	31/07/18	Medium Term Financial Strategy		12/07/18	James Deane, Corporate Director Finance & Operations 01442 228278 james.deane@dacorum.gov.uk	To approve the Council's updated Medium Term Financial Strategy
2.	31/07/18	Dacorum Borough Local Plan		12/07/18	James Doe, Assistant Director Planning, Development & Regeneration 01442 228583 James.doe@dacorum.gov.uk Chris Taylor, Group Manager Strategic Planning & Regeneration 01442 228000 Chris.taylor@dacorum.gov.uk	To consider next steps and timetable in an updated Local Development Scheme for the production of the Local Plan
3.	31/07/18	Private Sector Housing update		12/07/18	Natasha Beresford Group Manager, Strategic Housing Natasha.beresford@dacorum.gov.uk 01442 228840	several policies (HMO Licensing, Adoption of Civil Penalties and Enforcement) that will need considering
4.	31/07/18	Development Company Update		12/07/18	James Deane, Corporate Director Finance & Operations 01442 228278 james.deane@dacorum.gov.uk	To be provided
5.	31/07/18	The Bury - Approval of Stage 1 Bid to Lottery Fund		12/07/18	James Doe, Assistant Director Planning, Development & Regeneration 01442 228583 James.doe@dacorum.gov.uk Chris Taylor, Group Manager Strategic Planning & Regeneration 01442 228000 Chris.taylor@dacorum.gov.uk Nathalie Bateman, Team Leader Infrastructure & Project Delivery 01442 228592 Nathalie.bateman@dacorum.gov.uk	To consider proposals for establishing a heritage based visitor facility at The Bury, Hemel Hempstead and the content of a bid for funding to the Heritage Lottery Fund
6.	31/07/18	Council Tax Support scheme 2019/20		12/07/18	Chris Baker, Group Manager (Revenues, Benefits & Fraud) chris.baker@dacorum.gov.uk	To consider whether to revise or replace the existing Council Tax Support scheme for the 2019/20 billing year, and if so, to approve options for consultation.
7.	31/07/18	Enterprise Zone – business rates relief		12/07/18	Chris Baker, Group Manager (Revenues, Benefits & Fraud) chris.baker@dacorum.gov.uk	To approve the policy for business rates relief within the Enviro-Tech Enterprise Zone
8.	18/09/18	Vehicle Repair Shop		30/08/18	David Austin, Assistant Director Neighbourhood Delivery, 01442 228355 david.austin@dacorum.gov.uk	To approve the maintenance and repair of equipment used by the Clean Safe and Green service being brought back in house

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/ S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
9.	18/09/18	Longdean Leisure Services (Pt 2)		30/08/18		To be provided
10.	18/09/18	Hemel Hempstead Town Centre Parking Access and Movement Strategy		30/08/18	James Doe, Assistant Director Planning, Development & Regeneration 01442 228583 James.doe@dacorum.gov.uk	To be provided
11.	16/10/18			27/09/18		
12.	13/11/18			25/10/18		

Future Cabinet Dates **2018:** 11 December

2019: 29 January
12 February
19 March
23 April
21 May

Future Items:

Enterprise and Investment Plan
Authority Monitoring Report
The Private Sector Housing Strategy (after Nov OSC)

Agenda Item 7



**AGENDA ITEM:
SUMMARY**

Report for:	Cabinet
Date of meeting:	26 June 2018
PART:	1
If Part II, reason:	

Title of report:	AUTHORISATION OF VIREMENTS
Contact:	Councillor G Elliot, Portfolio Holder for Finance and Resources Nigel Howcutt, Assistant Director (Finance & Resources)
Purpose of report:	To seek Cabinet approval for the proposed virements: <ol style="list-style-type: none"> 1) Virement to realign the revenue budgets for The Forum to the required subjective codes 2) Virement for the purpose of setting up budgets in Environmental Services for an in-house Dog Waste service following the transfer of the service from Environmental and Community Protection 3) Virement for the purpose of creating a salaries budget for the member of staff seconded to manage The Elms homeless hostel and setting up an individual budget for income on The Elms
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: Value For Money Implications	<u>Financial</u> 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	Monitoring Officer:

Officer Comments	No comments to add to the report. S.151 Officer This is a S151 Officer report.
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 purpose of re-aligning the revenue budgets for The Forum to the required subjective codes**

Expenditure type	Service Area(s)	Submitted by	Date
Revenue	Property Management and Office Accommodation	Lucy Tash	15/05/2018

Account Code	Cost Centre	Account code description	Cost Centre description	TO (DEBIT AMOUNT) £	FROM (CREDIT AMOUNT) £	REASON
2050	DZ500	General Building Improvements and Maintenance	The Forum	20,000		Create appropriate budget for building maintenance
2250	DZ500	Building Repairs & Maintenance - Service Contracts	The Forum	10,000		Create appropriate budget for service contracts
2400	DZ500	Electricity	The Forum		126,640	Reduce the budget for electricity to the required level
2410	DZ500	Gas	The Forum	21,180		Increase budget for gas
2450	DZ500	Water and Sewerage Charges	The Forum		2,290	Reduce the budget for water to the required level
2510	DZ500	Business Rates	The Forum		76,060	Reduce the budget for Business Rates to the required level
3000	DZ500	Equipment - General	The Forum	5,000		Increase budget for expenses
3250	DZ500	Catering and Hospitality	The Forum	500		Increase budget for expenses
3370	DZ500	General Office Expenses	The Forum	1,500		Increase budget for expenses
4070	DZ500	Services (Refuse)	The Forum		7,000	Reduce budget for refuse collection
3460	DZ500	Telephones, Broadband & Internet	The Forum	4,560		Increase budget for expenses
4191	DZ500	Contracted Services	The Forum	72,800		Increase budget for expenses
5070	DZ500	Sales/Other income	The Forum		3,000	Increase budget for income
5701	DZ500	Rental Income	The Forum		10,600	Increase budget for income
5721	DZ500	Service Charges & Ground Rents Income	The Forum		13,100	Increase budget for income
5721	DZ500	Service Charges & Ground Rents Income	The Forum	103,150		Reduce budget for income recovered from Herts CC following lower cost base

Total

238,690

238,690

Virement(s) requiring Cabinet authorisation

Virement for the purpose of setting up budgets in Environmental Services for an in-house Dog Waste service following the transfer of the service from Environmental and Community Protection

Expenditure type	Service Area(s)	Submitted by	Date
Revenue	Animal and Public Health	Lucy Tash	16/05/2018

Account Code	Cost Centre	Account code description	Cost Centre description	TO (DEBIT AMOUNT) £	FROM (CREDIT AMOUNT) £	REASON
1010	ED720	Salaries (Permanent Employees)	Dog Waste	28,000		Create appropriate budget for employee costs
3000	ED720	Equipment - General	Dog Waste	20,800		Create appropriate budget for equipment
3460	ED720	Telephones, Broadband & Internet	Dog Waste	200		Create appropriate budget for telephone
4460	ED720	Fuel	Dog Waste	3,000		Create appropriate budget for fuel
4110	ED400	Services (Environmental)	Dog Warden		52,000	Re-allocate budget for the dog waste contract

Total	52,000	52,000
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Virement(s) requiring Cabinet authorisation

Virement for the purpose of creating a salaries budget for the member of staff seconded to manage The Elms homeless hostel and setting up an individual budget for income on The Elms

Expenditure type	Service Area(s)	Submitted by	Date
Revenue	Strategic Housing	Kesh Naidoo	05/06/2018

Account Code	Cost Centre	Account code description	Cost Centre description	TO (DEBIT AMOUNT) £	FROM (CREDIT AMOUNT) £	REASON
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1010	GE103	Salaries (Permanent Employees)	The Elms	50,510		Create appropriate budget for The Elms manager
1060	GE103	Car Leasing	The Elms	2,550		Create appropriate budget for The Elms manager
6050	GE103	Services Income (exempt VAT)	The Elms		53,060	Salary costs recovered from Dens for the Elms Manager
6062	GE103	Services Income (exempt VAT)	The Elms		72,030	Set up a separate budget for The Elms to record income from Service Level Agreement between DBC and Dens
6050	GE101	Other Miscellaneous contributions Received	GRF Hostels & Temporary Accommodation	72,030		Set up a separate budget for The Elms to record income from Service Level Agreement between DBC and Dens
2400	GE101	Electricity	GRF Hostels & Temporary Accommodation		15,000	Transfer of Budget for Electricity for The Elms
2410	GE101	Gas	GRF Hostels & Temporary Accommodation		20,000	Transfer of Budget for Gas for The Elms
2400	GE103	Electricity	The Elms	20,000		Transfer of Budget for Electricity for The Elms
2410	GE103	Gas	The Elms	15,000		Transfer of Budget for Gas for The Elms

Total

160,090	160,090
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Report for:	Cabinet
Date of meeting:	26 June 2018
Part:	1
If Part II, reason:	

Title of report:	Strategic Risk Register Quarter 4 , 2017/18
Contact:	Cllr Graeme Elliot, Portfolio Holder Finance & Resources James Deane, Corporate Director (Finance & Operations) Linda Dargue, Lead Officer, Insurance & Risk
Purpose of report:	1. To provide the Quarter 4 update on the Strategic Risk Register for 2017/18
Recommendations	1. That the content of this report is noted
Period for post policy/project review	Not applicable
Corporate objectives:	Dacorum Delivers – Risk management is an essential part of ensuring that the Council meets all of its objectives
Implications: 'Value for money' implications	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 these minimum balances are secured. Budget exercises for 2017/18 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
Community Impact Assessment	Community Impact Assessment reviewed/carried out* Not Applicable
Health and safety Implications	Not applicable
Monitoring Officer/S.151 Officer Comments	Monitoring Officer: No comments to add to the report. Deputy S.151 Officer This is a S151 officer report.
Consultees:	Chief Officer Group Audit Committee
Background papers:	Cabinet, October 2014, Agenda Item 10 Audit Committee Report 31 May 2018
Glossary of acronyms and any other abbreviations used in this report:	

BACKGROUND

1. The revised Strategic Risk register showing the position at the end of Q4 2017/18 is attached at Appendix A.
2. In line with the Council's approved Risk management Strategy, the 2017/18 Quarter 4 position for the Strategic Risk Register was considered by the Audit Committee, at its meeting on 31 May 2018.
3. For this quarter a change was made to the score for Risk F6 :

Risk F6 – Changes to legislation could negatively affect the medium to long term viability of the HRA Business Plan – the risk score has been reduced from 12 to 9. This is as a result of the recent confirmation from government of the rent regime from 2020 onwards.

4. For the remainder the risk scores have remained unchanged; however the narrative has been reviewed and amended as appropriate to reflect the present position.
5. There were no material concerns to report back to Cabinet. The Minutes of the Audit Committee discussion will be available shortly on the Council's website.
<https://democracy.dacorum.gov.uk/ieListMeetings.aspx?CId=160&Year=0>

STRATEGIC RISK REGISTER

March 2018



C5 - The Council fails to comply with the regulatory framework within which it must operate.					
Category:	Corporate Priority:	Risk Owner:	Portfolio Holder:	Tolerance:	
Legal & Regulatory	Dacorum Delivers	James Deane	Graeme Elliot	Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
4 Very Likely	4 Severe	16 Red	3 Likely	2 Medium	6 Amber
Consequences		Current Controls		Assurance	
<p>As a public sector organisation, there a number of regulatory frameworks which govern the way in which the Council must operate both on a day-to-day basis and in the discharging of one-off duties or actions.</p> <p>Generally, compliance with these frameworks is considered an operational risk and is monitored and managed through a combination of the Operational Risk Register and Performance Indicators which are reported to the relevant Overview and Scrutiny Committees.</p> <p>However, there is a risk that in some circumstances failure to comply with regulations could result in a number of consequences for the Council that are sufficiently negative and high profile in nature to become, for a short time, strategic in nature.</p> <p>For example, failure to follow the correct protocols prescribed under the data protection legislation could result in the following consequences for the Council:</p>		<p>The Council has a number of strategies and policies in place which aim to provide clarity in the way Council Members and staff should operate.</p> <p>These documents are reviewed and updated periodically by Officers who are experts in the field and are frequently the subject of Internal Audit reviews in order to provide Members with independent, third-party assurance.</p> <p>These processes mitigate the likelihood of this risk crystallising and have resulted in my reducing the inherent risk score from '4', Very Likely, to '2', Unlikely.</p> <p>Data Protection policy & procedures Health & Safety policy & procedures Risk Management framework Safeguarding policy & procedures Financial Regulations Procurement Standing Orders Constitution</p>		<p>The Financial Regulations (Main Accounting) and Emergency Plan were audited by Mazars, the Council's Internal Auditors in 2014/15 and achieved a FULL level of assurance.</p> <p>The Risk Management framework and Procurement Standing Orders were audited in 2014/15 and achieved a SUBSTANTIAL level of assurance.</p>	

STRATEGIC RISK REGISTER

March 2018



1. Disclosure of personal information causing harm to a resident
2. High profile negative publicity regarding the way the Council operates
3. Significant financial penalty imposed by the Information Commissioner

This risk has been included on the Strategic Risk Register to ensure that there is scope to escalate an operational risk for Cabinet consideration and Audit Committee scrutiny should there be a period of intensified risk in a specific regulatory area.

Emergency Plan
Human Resources terms & conditions

Sign Off and Comments

Sign Off Complete

The General Data Protection Regulation (GDPR), an EU law relating to data protection, comes into force from 25 May 2018. GDPR has implications for the way in which councils manage the data they hold, and increases the penalties they face for breaching those regulations.

DBC employs an Information Security Team Leader within the Legal Governance Team who has been leading on the GDPR implementation project.

An Internal Audit of the new processes is scheduled to take place over the next few weeks, which will focus on the Council's compliance with the new requirements. The Audit Report will be reported to The Audit Committee at its meeting in July 2018.

STRATEGIC RISK REGISTER

March 2018



C6 - The Council does not attract and retain the skill sets within its workforce that will enable it to maximise opportunities for delivering its services more efficiently through increased partnership working.

Category: People/Employees		Corporate Priority: Dacorum Delivers		Risk Owner: Sally Marshall	Portfolio Holder: Neil Harden	Tolerance: Treating
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score	
4 Very Likely	4 Severe	16 Red	2 Unlikely	4 Severe	8 Amber	
Consequences		Current Controls		Assurance		
<p>The quality of service delivery is likely to be adversely affected due to a lack of resources and/or skills to effectively deliver services through increased partnership working.</p> <ul style="list-style-type: none"> • There is likely to be a reduction in efficiency savings due to inability to create more effective partnerships. • There is also likely to be a negative impact on any proposals for devolved powers. • A failure to create more examples of effective partnership working will result in a higher likelihood of back office and front line services being reduced as the financial constraints on the Council's budget continue to tighten. 		<ul style="list-style-type: none"> - Leading in Dacorum continues to be delivered (all courses stated in risk register) - People strategy has been implemented which will cover issues including graduate scheme, apprenticeship scheme, succession planning, reviewing T&Cs etc. - Continuation 		<ul style="list-style-type: none"> • The projected annual turnover rate (as calculated in Q2) is 14%. While this has increased slightly, it is comparable to the wider business average of 15% and only just above the local government average (12%). • Opportunities for collaboration and shared services are being actively considered across Hertfordshire in relation to Legal, HR, Information Management, Insurance and Payroll Services. • Recruitment for leadership posts is generally competitive with a good number of applications being received from suitably qualified candidates for vacant posts. 		
Sign Off and Comments						
Sign Off Complete						

STRATEGIC RISK REGISTER

March 2018



We have a well-established and effective approach to recruiting staff, although there are some areas in which it is more difficult to attract candidates.

We use a range of media to advertise and operate up-to-date recruitment policies and practices. However, following a review we have begun to implement changes, which will make the Council more attractive to prospective recruits. This includes a new recruitment website, easier forms and using the power of LinkedIn and other social media sites to better target suitable candidates.

We have also implemented proposals to modernise our terms and conditions, which includes car salary sacrifice, holiday trading and a new staff recognition scheme, which will form part of the overall recruitment package.

A project to review our approach to training and development is underway which will ensure our corporate training fulfils the workforce needs and that the service training budgets are consistently split across the teams.

We are also continuing to provide a dedicated management-training programme (Leading in Dacorum) that focuses on service planning, innovation, efficiencies and workforce planning, as well as a comprehensive mandatory training programme to ensure staff have the right skills to carry out their roles.

Controls do not develop at a sufficient pace to keep track with the continually emerging data protection risks

Category: Corporate	Corporate Priority: Dacorum Delivers	Risk Owner: Sally Marshall	Portfolio Holder: Neil Harden	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
3 Likely	4 Severe	12 Red	2 Unlikely	3 High	6 Amber
Consequences		Current Controls		Assurance	
Cause of Risk - The Council is reliant on vast amounts of good quality data and information to determine sound decisions and plans, conduct operations and deliver services. It is also required by the Data Protection Act and Government's Public Sector Network (PSN) Code of Connection (CoCo) to maintain confidentiality, integrity,		Information Security Officer appointed responsibilities include: • the Council's Corporate Information Assurance specialist • the custodian, owner and updater of ICT Security and Information Governance strategy, policy and procedure ensuring that the Council complies with the latest legislation in terms of ICT Security standards and		- Information Security Officer appointed - Various ICT policies and procedures in place - Compulsory training for staff on Data Security - PSN Compliance	

STRATEGIC RISK REGISTER

March 2018



availability and appropriately authorised use of the data.

With the Government's 'Open' agenda, increased flexible working patterns of staff, and increased partnership working and use of multiple information storage sources, controls on data management and security have become complex and important.

Consequences of Risk –

1. Poor decision making due to ineffective use of or insufficient availability of data and information sharing.
2. Loss, misrepresentation or unauthorised disclosure of sensitive data, DBC has the potential to be susceptible to cyber-attacks or sabotage.
3. Under performance. Breach of Data Protection Act leading to legal actions, fines, adverse publicity, and additional remedial and data protection costs.
4. Significant interruption of vital services leading to failure to meet duties and to protect people, finances and assets.
5. Potential damage to DBC's reputation.

compliance.

- To ensure that the Council's policies and procedures regarding ICT Security and Information governance are adhered to across all the Council's services.
 - To keep informed of relevant technical innovation and changes to technological, infrastructure, telecom and software systems in relation to Information Security.
 - To be the custodian and owner of Information Security and Governance Standards.
 - To manage Information Security and Governance strategies and to support the Council in the future development of Information Security, Governance and Business Continuity.
 - To train Council Staff, Members on Information Security, Data Protection Act and Freedom of Information Acts.
- Compulsory training for staff on Data Security
- PSN Compliance
- Audit of data protection approach

Sign Off and Comments

Sign Off Complete

STRATEGIC RISK REGISTER

March 2018



We have a robust approach to managing data security and protection. This includes a range of technical security measures such as anti-virus software, automated software patching, corporate firewalls and various multiple factor authentication processes.

New staff also have to review and sign a number of Information Security / Management Policies (Including data protection) and all suppliers working with our data are required to complete an 'accreditation form'.

Overall systems availability in Q4 was above target at 99.7% and our PSN reaccreditation was renewed in January following extensive third party scrutiny and testing. We have also implemented the findings from a successful independent cyber security audit.

We are in the process of refreshing both desktop and data centre hardware and software, further strengthening our resilience, and we are continuing to work with BT to progress delivery of resilient lines.

Quarterly training courses and refreshers on the Data Protection Act have now been merged with an extensive GDPR (mandatory) training schedule. A GDPR 12 point action plan was presented to CMT and is being implemented.

F6 - Changes to legislation could negatively affect the medium to long term viability of the HRA Business Plan.

Category: Financial	Corporate Priority: Affordable Housing	Risk Owner: Mark Gaynor	Portfolio Holder: Margaret Patricia Griffiths	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
4 Very Likely	4 Severe	16 Red	3 Likely	3 High	9 Amber
Consequences		Current Controls		Assurance	
Since the 'once and for all' settlement with government on the self financing of the HRA there have been major legislative and policy changes which, overall, have impacted detrimentally on the HRA Business Plan: • The re-invigoration of the RTB which has increased		Elements of the changes are yet to apply (the rent changes start from April 2016) and the current controls – proper business planning, the disciplines of the MTFs, project and programme management arrangements, effective contract management, annual efficiency		A remodelling of the HRA Business Plan has been made to take account of the impact of the changes which will be considered by Cabinet (initially in November 2015 and periodically thereafter). This has demonstrated that the current new build programme can be completed.	

STRATEGIC RISK REGISTER

March 2018



sales from around 15-20 per year to well over 100

- The parallel introduction of the RTB 'one for one' replacement scheme where the Council can use receipts to build new homes but only to pay for 30% of costs (leaving the other 70% to be sourced)
- A change to national rent policy which moved from RPI + 0.5% to CPI + 1% and ending the process of reaching target rents (leaving 60% of DBC properties below target)

The government now propose two further changes which, if enacted, will further constrain the capacity of the HRA Business Plan viability:

- A rent reduction of 1% per year for four years and a complete inability to make any progress towards convergence to target rents (a reduction of income of £30M over the first four years and over £500M over the lifetime of the HRA Business Plan)
- Enforced sales of 'high value' council homes as they become vacant to fund Housing Association RTB

The first of these changes is already in draft legislation and the assumption must be that it will happen. The consequences are very significant, and even with mitigation will continue to be so:

The financial viability of the HRA to meet its current business plan objectives in full cannot be made due to loss of income and economies of scale as stock numbers diminish.

Services to tenants will have to reduce, including proposed investment in the existing stock, to deal with the scale of resource reduction.

programmes and so on – reflect on the existing position and could provide sufficient mitigation to the long term business plan. The controls proposed for the new changes – if the proposed legislation is enacted – will only mitigate the impact to an extent as the scale of change, compounded with previous changes, are so significant. The controls are as follows:

A complete review of the HRA Business Plan to spread the impacts over activities and over time. Initially, in order to deliver the current new build programme, this will be focused on a slowing down of the investment into current stock.

Reducing the costs of running the service through efficiency and service redesign (in partnership with tenants and leaseholders).

Improved procurement of services and renegotiation of existing contracts (though these have been procured within the last year or so and will restrict potential). This would include seeking shared services with other partners and models of operation which reduce the overheads of the HRA.

Maximising the income to the HRA by altering use of parts of the stock (increased use of HRA stock for temporary accommodation and provision of low level care as part of a tenancy where rent controls do not apply).

Altering the tenure mix of the current new build programme to include shared ownership and market sale in order to cross subsidise new rented provision. This could incorporate an element of affordable rent to

The ability to extend this further will depend on the success of the mitigations above.

STRATEGIC RISK REGISTER

March 2018



The new build programme at its proposed scale will have to reduce, and possibly cease, in order to provide services to tenants and balance the books. That resources provided through RTB one for one replacement will be unused and lost to the Borough as it is returned to the Treasury as a result of the Council's inability to provide the 70% match funding and as Housing Associations reduce their supply of new affordable homes (as a result of the same legislative changes impacting on the Council). The Council's housing stock will progressively reduce through RTB, enforced sales and reduction in new build which will reduce its ability to meet the housing needs in the Borough and achieving the strategic objective of increasing the supply of affordable homes.

increase revenue.
Development of a partnership approach to use of RTB one for one replacement funding with local Housing Associations in order to minimise losses of resource to the Borough and to increase supply of new homes.
Fully exploring the potential of a Local Housing Company to improve the cost of delivery of new homes alongside the benefits to the General Fund.
Lobbying of government regarding the disproportionately severe impacts of the changes, though historical reasons, on DBC seeking some local amelioration.
Ensuring that our intelligence on the changing position and on developments within the sector are fully up to date through membership of ARCH, liaison with CIH and other key bodies.
The following controls are in place already with regard to the financial and strategic management of the HRA Business Plan:

- An annual refresh of the HRA Business Plan reported both to CMT and to Cabinet
- Monthly meeting between budget holders and accountants monitoring progress against original timeframes and costs
- Regular meetings of the Corporate New Build Group considering performance and new schemes
- CMT receive a fortnightly update on the new build programme
- Performance Board comprising Chief Officers and cabinet members receive a report on progress before

STRATEGIC RISK REGISTER

March 2018



	<p>each cabinet meeting</p> <ul style="list-style-type: none"> • Reports on HRA performance go the Overview and Scrutiny every quarter • The HRA is reported as part of the overall corporate financial reporting process 	
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Sign Off and Comments

Sign Off Complete

Whilst there remains significant risk the confirmation of the rent regime from 2020 onwards allows the probability of the risk to be reduced. This will have to be reviewed again once it is clearer about the government's proposals on the enforced sale of 'higher value' council homes to fund the right to buy for housing associations which could push this back into a red risk

F7 - Funding and income is not sufficient to deliver the Council's corporate objectives

Category: Financial	Corporate Priority: Dacorum Delivers	Risk Owner: James Deane	Portfolio Holder: Graeme Elliot	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
4 Very Likely	4 Severe	16 Red	3 Likely	3 High	9 Amber
Consequences		Current Controls		Assurance	
<p>The government's austerity programme has led to reduced Local Authority funding over the last seven years, resulting in the Council's need to find savings of £7m since 2010/11. Further funding reductions in excess of £3m are forecast over the next four years, which increases the risk of the Council being unable to deliver its vision for the borough, as detailed in the Corporate Plan. (http://www.dacorum.gov.uk/docs/default-</p>		<p>The Council's Medium Term Financial Strategy and the HRA Business Plan are controls that mitigate the likelihood of this risk crystallising through the effective modelling of the future financial environment, which allows for more effective forward planning. These controls are detailed below, and have resulted in my reducing the inherent risk score from '4', Very Likely, to '3', Likely.</p>		<p>In May 2018, the Council was audited by Mazars on 'Budgetary Control', focusing on the control processes in place to both set and manage the Council's annual budgets, and secured a 'FULL' level of assurance.</p> <p>Also in May 2018, the Council's medium-term financial monitoring and savings control programme was audited by Mazars under the umbrella of 'Benefits and Savings Realisation'. This audit also received a 'FULL' level of</p>	

STRATEGIC RISK REGISTER

March 2018



source/council-democracy/dacorum_corporateplan_web.pdf?sfvrsn=2)

Sustained funding reductions of this magnitude are not only a risk to the Council's capacity to grow and enhance the community, but more fundamentally they are a risk to the continued provision of high quality frontline services to residents.

If the Council is unable to deliver its vision or to protect its frontline service provision, it risks the following consequences:

Increased community hardship as the services provided to the most vulnerable residents in the borough are impacted, leading to delays in their accessing financial and residential help.

The impact of reducing standards of environmental services across the borough could lead to a less attractive environment and a loss of community identity and civic pride for residents.

Reputational damage as residents become dissatisfied with their experience of interacting with the Council. This risk is exacerbated by the growth of social media and the ability of residents to share their experiences with large numbers of people instantaneously.

The Council's Medium Term Financial Strategy (MTFS) details the financial implications of the Corporate Plan over a five-year period. It ensures that the Council is able to forecast likely income pressures in the medium-term, and optimise the balance between its financial resources and the delivery of its priorities. The MTFS is reviewed at least annually and is approved by Full Council, thereby providing the opportunity for Members to make informed amendments to the Corporate Plan on the basis of likely funding constraints. The current version is accessible via the following link:

<http://www.dacorum.gov.uk/docs/default-source/council-democracy/mtfs-july-cabinet-2015.pdf?sfvrsn=0>

The Council's Housing Revenue Account (HRA) Business Plan maps planned income and expenditure over a thirty-year period. Government legislation that can affect the Council's delivery of social housing is incorporated within the plan and forms the basis for informed strategic decision-making.

The Council's reviewing of its Corporate Plan together with its Communications Strategy mitigate the impact of this risk, should it occur, by keeping residents informed of the pressures faced by the Council, and consequently by managing aspiration and expectation (detail below). On this basis, I have reduced the Impact score from '4', Severe, to '3', High.

assurance.

The external auditors, Grant Thornton, gave the following 'value for money' opinion within the 2016/17 year end audit of the Council: 'based on the work we performed to address the significant risk, we concluded that [the Council] had proper arrangements in place in all significant respects to ensure it delivered value for money in its use of resources.'

These audit opinions provide assurance that the Council is effectively controlling the processes that will enable it to derive value for money from its available resources, and therefore to maximise the opportunity for delivering its corporate objectives.

STRATEGIC RISK REGISTER

March 2018



	<p>The Council reviews its Corporate Plan periodically to ensure that the vision for the borough remains relevant and realistic within the financial constraints outlined within the MTFS and the HRA plan. The aspirations of the Council and the community are managed through the Council's Communications Strategy both through social media, the local press and Digest.</p>	
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Sign Off and Comments

Page 28 of 28

Sign Off Complete

The General Fund position on the Council's Provisional Outturn for 2017/18 shows an overall underspend of £90k, which equates to 0.4% variance on an annual budget of £22.4m.

Although subject to further work throughout the completion of the year-end accounting position, a £90k year-end variance is significantly less than in previous years, and indicates that continued government funding reductions are posing an ever-increasing risk to the Council's ability to deliver its services within the available financial envelope.

The Council's primary financial planning document is the MTFS, of which an updated version will be reported to Cabinet in July 2018. The recent audits referred to in the 'Assurance' section of this risk provide assurance that the Council's approach to financial planning is robust. However, the draft MTFS position is likely to show a significant savings requirement over the medium term, largely due to continued uncertainty around government funding for local authorities, which will bring increased political risk for the Council as Members face ever-more challenging political decisions around the prioritisation and funding of the services it provides.

I3 - The Borough does not secure sufficient investment in infrastructure to ensure that housing delivery and economic and community growth is sustainable in the longer term.

Category: Infrastructure	Corporate Priority: Affordable Housing	Risk Owner: Mark Gaynor	Portfolio Holder: Graham Sutton	Tolerance: Treating
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STRATEGIC RISK REGISTER

March 2018



Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
4 Very Likely	4 Severe	16 Red	4 Very Likely	3 High	12 Red
Consequences		Current Controls		Assurance	
<p>The provision of infrastructure such as schools, health, transport and other facilities is crucial to sustainability of the local community and economy. Its funding, however, is increasingly complex and difficult as central government moves away from direct provision and expects the development process and local partnerships to deliver it. Failure to provide this infrastructure will have a number of damaging consequences:</p> <ul style="list-style-type: none"> A reduction in the quality of life and opportunities for people in the Borough A serious constraint to economic growth with the impact on the contribution to service provision through Business Rates growth Increased community opposition to new developments, particularly housing, on the grounds that existing infrastructure will not cope Damage to the image of the area, worsening of community pride and social cohesion and reputational damage to the Council 		<p>Infrastructure is provided through the development process (s106 and Community Infrastructure Levy) and elements of funding which comes from central government (increasingly through the LEP, bidding and HCC). The responsibility for some infrastructure elements is through privatised arrangements (utilities) or arms-length government agencies such as Network Rail. The ability of the Council to control these processes is limited.</p> <p>The Council is able to promote the quantum, nature and timing of growth making it more likely that the infrastructure will be delivered. It is also able to promote partnerships and use its asset base and influence to stimulate desired development. Current controls include:</p> <p>Ensuring that the Local Plan (and its component elements such as the Core Strategy, site allocations, supporting policies and so on on) is up to date and sets out very clearly the requirements of proposed development. This promotes sustainable development by design, access and movement, materials. Use of masterplanning supports what is required to be delivered to produce sustainability on larger sites.</p> <p>The approved Council's Community Infrastructure Levy Policy and schedule (CIL) provides for the levels of</p>		<p>The process for setting out development delivered is through the Authority Monitoring Report. The agreed process for CIL will see an annual report setting out income due, achieved and expenditure made on agreed infrastructure.</p> <p>Regular reports are made as set out above in controls.</p>	

STRATEGIC RISK REGISTER

March 2018



Page 30

contributions that must be made by developers and the purpose for which they will be spent. This also includes an element of CIL which can be spent by local communities and act to link growth directly with infrastructure provision local people want.

Operating a 'open for business' approach to how the Council deals with potential development with a presumption of making acceptable development easier to deliver by proactive advice through the planning process. Allied to this is ensuring that the development management service is capable of achieving decision making within required time limits.

Stimulating required growth through the Council's own regeneration activity, including Hemel Evolution, Gade Zone and Heart of Maylands resulting in inward investment being more likely.

Increasing inward investment through initiatives such as Dacorum Look no Further, Ambassadors, direct provision of business advice and a supportive approach to new development.

Good market intelligence through regular liaison with local employers, landowners, developers, institutional investors and land agents regarding demand and expected assistance.

Partnership with the LEP as the main route for additional funding for infrastructure through influencing the Strategic Growth Plan (in which Hemel Hempstead and the M1 corridor is a priority) and bidding for resources for infrastructure (such as the £5M achieved for West Herts College)

STRATEGIC RISK REGISTER

March 2018



Page 31	<p>Working to create key partnerships to bring forward development capable of funding major infrastructure (such as Gorhambury)</p> <p>These controls are exercised within the following:</p> <ul style="list-style-type: none"> • Monthly reporting to Hemel Evolution Board and Corporate Regeneration Group • Fortnightly reporting on key projects to CMT • Reporting to Performance Board before each Cabinet Meeting • A clear programme for the Local Development Framework and CIL • Quarterly reporting to Overview and Scrutiny • Regular reporting to Cabinet • Adherence to the agreed performance and project management processes 	
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Sign Off and Comments

Sign Off Complete
No significant change

R5 - The Council does not embrace the increased use of social media as a tool for social engagement and increased community engagement.

Category: Reputational	Corporate Priority: Dacorum Delivers	Risk Owner: Sally Marshall	Portfolio Holder: Neil Harden	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
3 Likely	3 High	9 Amber	2 Unlikely	3 High	6 Amber
Consequences		Current Controls		Assurance	
The risk of not using social media		In order to mitigate these risks we have put in place a		o Corporate Information Security Management Policy	

STRATEGIC RISK REGISTER

March 2018



<p>- This will mean that our approach to engagement (i.e. letters, workshops, printed magazines) is likely to exclude key demographic groups including younger residents and those who are more technologically minded.</p> <p>- We will not be able to respond to negative posts or views which could cause significant reputational damage or risk.</p> <p>- We will have less opportunity to influence Government and media through the use of targeted campaigns and communications.</p> <p>- The organisation may not be viewed as 'technologically forward thinking' which could lead to reputational risks. This includes more difficulty in attracting hi-tech investment or exclusion from innovation pilots.</p> <p>Managing the risk of social media</p> <p>- Members of the public can use DBC's profile to raise negative or incorrect statements that damage the reputation of DBC.</p> <p>- Employees may breach data security rules regarding the management of private or confidential information.</p> <p>- Inappropriate or unacceptable content posted by</p>	<p>number of controls:</p> <p>The risk of not using social media</p> <p>- Our social media strategy sets out how we will proactively engage with residents through Twitter, Facebook, Linked In, Instagram and using online videos.</p> <p>- We have 18 social media accounts covering corporate and operational services including from the CSU.</p> <p>- We regularly use social media to actively promote campaigns, events and messages.</p> <p>- We interact with partners and other third parties (eg HCC) to promote joint initiatives via social media</p> <p>- We generate reports and analysis on scale and content of Facebook and Twitter posts.</p> <p>Managing the risk of social media</p> <p>- We employ the Crowd Control system to enable the Communications team to manage and authorise services posts and tweets.</p> <p>- The Crowd Control system also enables the Communications team to monitor and respond to any negative posts.</p>	<ul style="list-style-type: none"> o Corporate Information Technology Security Policy o Data Protection Act Policy o Freedom of Information Policy o PSN/Government Connect (GSx) Acceptable Usage Policy o Information Security Incident Procedure o Social Media Strategy o Facebook and Twitter accounts o Social Media Management System o Dedicated communications specialists
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STRATEGIC RISK REGISTER

March 2018



<p>employees</p> <ul style="list-style-type: none"> - Our social media accounts are 'identity jacked' which occurs when fake accounts are set up to look like those of DBC. This is a risk because the fake accounts can post incorrect or inappropriate information which is then associated with DBC. - Weak authentication in the use of social media accounts can lead to them being hacked. The hacked accounts are then used to post inappropriate, derogatory or libellous comments. - The use of social media can make it easier for 'pressure groups' to generate support behind negative campaigns. 	<ul style="list-style-type: none"> - Our system provides automatic moderation of abusive messages. - We provide in-house training for all staff posting on DBC social media accounts. - We use a subscription service that manages and secures accounts. - All staff are required to read and sign-up to a range of policies including: <ul style="list-style-type: none"> Corporate Information Security Management Policy Corporate Information Technology Security Policy Data Protection Act Policy Freedom of Information Policy PSN/Government Connect (GSx) Acceptable Usage Policy Information Security Incident Procedure 	
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Sign Off and Comments

Sign Off Complete

R5 - We continue to operate a proactive and engaged social media programme, which is managed by a Communications Team with significant social media experience. In Q4 we posted over 1000 outbound messages across our 15 social media accounts, received over 500 direct messages which were responded to in accordance with our social media policy and guidance,. The success of our social media work is reflected in the local government ranking which regularly places Dacorum Borough Council as one of the highest ranked (of the 10 borough councils in Hertfordshire). Our online Digital Digest now has over 14,000 subscribers and continues to grow.



AGENDA ITEM:

SUMMARY

Report for:	Cabinet
Date of meeting:	26th June 2018
Part:	1
If Part II, reason:	

Title of report:	Constitution and Petition Scheme review and update
Contact:	<p>Cllr Andrew Williams, Leader of the Council</p> <p>Author/Responsible Officer:</p> <p>Mark Brookes, Solicitor to the Council and Monitoring Officer</p>
Purpose of report:	<ol style="list-style-type: none"> 1. To seek approval to amend the Constitution to reflect changes to staffing structures, operational changes and new legislation. 2. To consider proposed amendments to the Council's Petition Scheme
Recommendations	<ol style="list-style-type: none"> 1. That Cabinet approve the changes to the Constitution as set out in paragraphs 5 and 7 of the report 2. That Cabinet recommend Council to approve the changes to the Petition Scheme as shown in tracked changes at Appendix 1 of the report and adopt the amended Petition Scheme as annexed at Appendix 1A.
Corporate Objectives:	The Constitution and the Council's Financial Regulations support all of the Council's Corporate Objectives as they provide the governance framework for all decisions, strategic and operational.
Implications:	<p><u>Financial</u></p> <p>There are no financial implications arising from this report</p> <p><u>Value for Money</u></p>
'Value For Money Implications'	There are no implications arising from this report.

Risk Implications	Failure to have an up to date and accurate Constitution could lead to legal challenge and operational, reputational and financial costs may follow if the challenge was successful.
Community Impact Assessment	There are no community impacts which require assessing resulting from this report.
Health And Safety Implications	There are no Health and Safety implications connected to this report.
Monitoring Officer/S.151 Officer Comments	<p>Monitoring Officer:</p> <p>This is a Monitoring Officer report.</p> <p>S.151 Officer No direct financial implications as a result of the recommendations requested.</p>
Consultees:	<p>Cabinet Members</p> <p>Sally Marshall, Chief Executive</p> <p>Assistant Director (Neighbourhood Delivery)</p> <p>Assistant Director (Housing)</p>
Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	None

Background

1. The Monitoring Officer is under a continuous duty to review the Constitution to ensure that it is up to date and provides an appropriate governance framework for all Council decision making.
2. Proposals for change may be prompted not only by formal internal reviews, but also by the Monitoring Officer, the Cabinet, other Members or officers and by public opinion.
3. Changes to the Scheme of Delegation relating to Executive functions may be approved by Cabinet.
4. The proposals for amendment to the Constitution follow recent changes to legislation, changes to the operational management of private sector housing and changes required following the Leader of the Council's decision to introduce a new portfolio.

Legislative Changes

5. The Housing and Planning Act 2016 has introduced a range of measures to help local authorities tackle rogue landlords and property agents and drive up standards in the private rented sector. The measures include:
 - (a) A requirement to update a national database of rogue landlords. Local authorities must update the register for a person or organisation who has received a banning order or received two or more financial penalties in respect of a banning order offence over a 12 month period.
 - (b) Banning orders: a local housing authority can apply for a banning order for a minimum period of 12 months (no maximum) to ban a landlord from letting housing, engaging in letting agency work or engaging in property management work.
 - (c) Management orders – A management order enables a local housing authority to take over the management of a privately rented property for up to 12 months in order to protect the health and safety of occupiers
 - (d) Civil penalties – This gives local housing authorities the ability to impose civil penalties up to £30,000 as an alternative to prosecution for certain housing offences and breaches for banning orders.
 - (e) Rent repayment orders - This gives local housing authorities the ability to apply to the First Tier Tribunal for a rent repayment order which requires the landlord to repay a specified amount of rent (capped at 12 months) either to the Council if rent was paid through Housing Benefit or to the tenant if paid by the tenant. A rent repayment order can be applied for failure to comply with

an improvement notice, failure to comply with a prohibition order, breach of a banning order, using violence to secure entry to a property or for illegal eviction or harassment of occupiers.

6. Operationally, enforcement for private sector housing has been transferred to the Housing Department and it is therefore recommended that all Council responsibilities and powers in this area are delegated to the Assistant Director Housing and Group Manager (Strategic Housing).
7. There are also other powers contained in legislation that is linked to private sector housing which will also transfer to the Housing Department and therefore require changes to the Scheme of Delegation to include reference to the following legislation:

Smoke and Carbon Monoxide Alarm (England) Regulations (2015)

Energy Efficiency (Private Rented Property) (England and Wales) Regulations (2015)

Enterprise and Regulatory Reform Act 2013 (Tenancy Redress Schemes s.83-88)

Section 43 – Community Protection Notice

Sections, 59, 60,62, 64,65,66,76,78, 84, 93, 95,96, 99 Building Act 1984

Sections, 60,61, 62, 91, 92, 93 Control of Pollution Act 1974

Energy Efficiency (Private Rented Property) (England and Wales) Regulations

Sections, 6,7,8,9,10,11,13,14, 19(2), 22(2), 22(4), 33, 59, 78b(3), 78c, 78e, 78m 78n, 80(i) 80(ii), 81, 88, 92A, 92C(3), 94A, 94B, S.149 Environmental Protection Act 1990

Sections, 5, 6,9 Food Safety Act

Sections 19,20,21, 22, 25,38,39, Health and Safety at Work Act 1974

Section 9(1), 10(5) and Schedule 2 Health Act 2006

Sections 331 (2) (c), 335, 336, 337, 338, 340, 600 Housing Act 1985

Housing Grants Construction and Regeneration Act 1996, Regulatory Reform Act 2001, Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

Section 16, 20(5), 33, 35, Local Government (Misc Provision) Act 1976

Part II Section 2 and Schedule 3 – Local Government (Misc Provisions) Act 1982

Para 8 Part II Section 2 and Schedule 3 – Local Government (Misc Provisions) Act 1982

Para 25(3) and 25(4) Part II Section 2 and Schedule 3 – Local Government (Misc Provisions) Act 1982

Para 29 Part II Section 2 and Schedule 3 – Local Government (Misc Provisions) Act 1982

Part VIII section 13-17 Local Government (Misc Provisions) Act 1982

Sections, 4,5, 6, 22 Prevention of Damage by Pests Act 1949

Sections 45, 48, 50, 79, 83, 84, 85, 140, 141, 259, 264, 275, 287, 290 Public Health Act 1936

Sections, 17, 34, 36, 37, 74, Public Health Act 1961

Public Health (Control of Disease) Act 1984

Protection from Eviction Act 1977

Clean Neighbourhood Act 2005

Sunbed Regulations 2010

8. All powers under the above acts and regulations will be delegated to the the Assistant Director (Housing) and Group Manager (Strategic Housing) either solely or jointly with the Assistant Director (Neighbourhood Delivery) where appropriate.

Portfolio Changes

9. At Annual Council on 16th May, the Leader of the Council announced a new portfolio of Corporate and Contracted Services. This will necessitate some changes to the constitution to ensure that the Scheme of Delegation is aligned with the new portfolio and consequential changes to the other portfolios. The Solicitor to the Council will action this to ensure that the Constitution is up to date in this regard. The remit of each portfolio is set out in the attached Portfolio Chart.
10. The Head of Paid Service, acting under delegated powers, has approved a small number changes to the existing Leadership Team to ensure that the new Portfolio Holder is appropriately supported at officer level. The Group Manager (Commissioning, Procurement and Compliance) will be renamed to Group Manager (Procurement and Contracted Services) and will be moved to the Chief Executive's Unit and will fall under the line management of a new post entitled Assistant Director (Corporate and Contracted Services). This post will be created from the existing Solicitor to the Council role that will be deleted from

the structure. All costs of the changes will be met within existing service budgets.

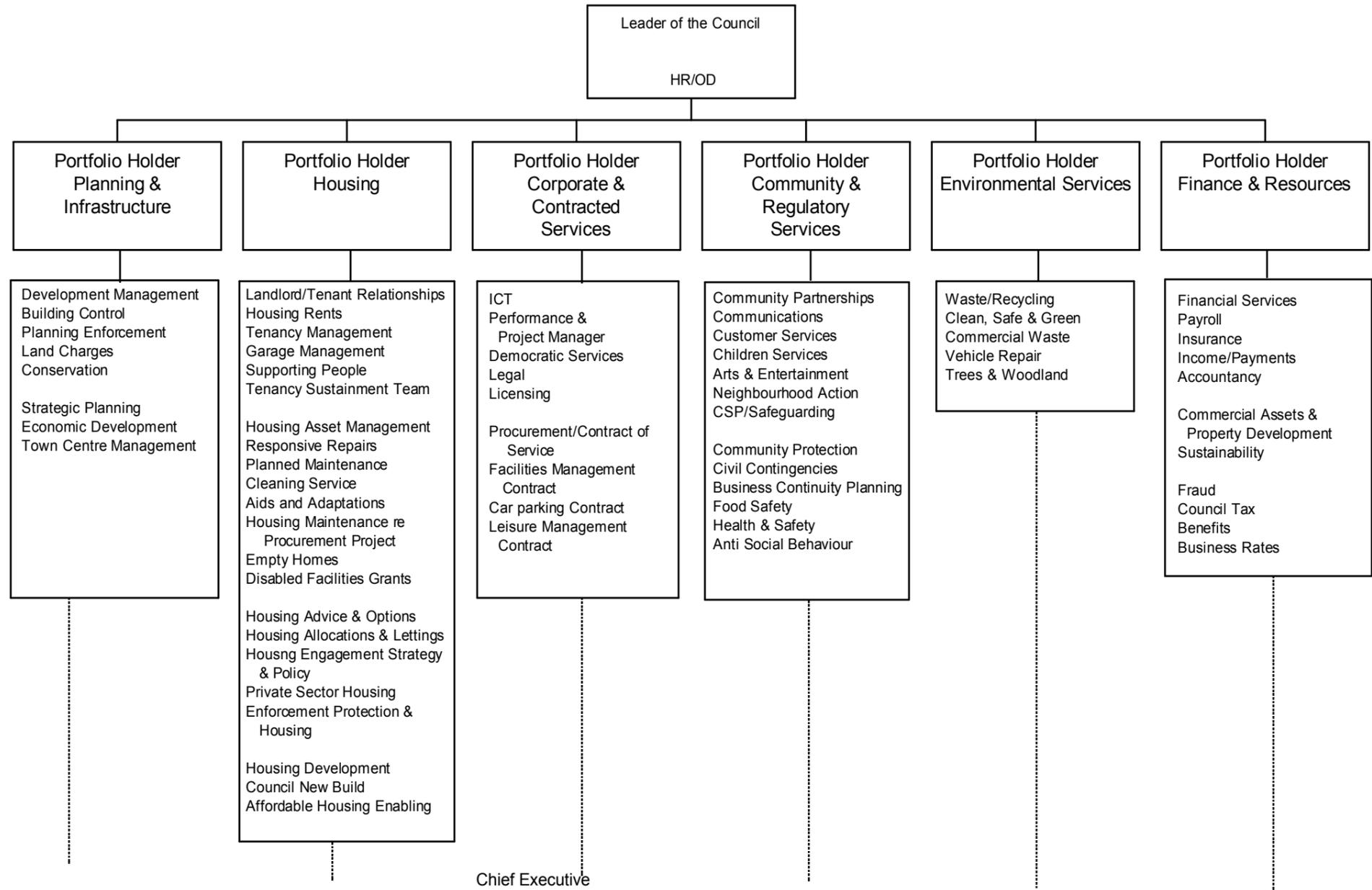
Petition Scheme

11. The Council's Petition Scheme was adopted in 2010 as a statutory requirement under the provisions of Section 11 (1) of the Local Democracy, Economic Development and Constructions Act 2009.
12. It is no longer a statutory requirement for councils to make, publish and comply with a scheme for the handling of petitions, and provide a facility for e-petitions. This report proposes that the Council retains a Petition Scheme but sets out some proposals for amending the current scheme to ensure that it remains fit for purpose.
13. The submission of petitions are an important way for the public to communicate their concerns about issues in their local area, and with the expanding use of social media and on-line petitions it is inevitable that petitions will continue to be submitted to the Council. It is therefore important that the Council retains a scheme so that there is a documented process for submitting and considering petitions.
14. However, recent experience of the scheme suggests that it would benefit from some amendments so that the public are clear on the process that the Council will follow once a petition has been submitted and ensure that the scheme operates in a way which is not unduly bureaucratic.
15. Set out below are the suggested principal amendments to the Council's Petition Scheme. A full tracked changes version showing all the proposed amendments is annexed to this report.

Proposed amendment	Scheme paragraph ref	Reason
Remove references to Local Democracy, Economic Development and Construction Act 2009	Section A paragraph 1, 4	Petition requirements were repealed by the Localism Act 2011
Remove the right to request a review	Section E, paragraph 1 & 2	The Council's processing of a petition is reviewed by the Monitoring Officer throughout to ensure that the response is appropriate. All petitions submitted to the Council to date have been considered by full council as they have had over 1,000 signatures and therefore it

		is inappropriate for officers or a committee to review that decision. The public will have a right to complain to the ombudsman if they are not satisfied with the outcome of the petition.
Extend the circumstances in which a petition may be deemed invalid	Section C paragraph 6	The paragraph on vexatious, abusive petitions has been extended to include “or otherwise inappropriate” to give some flexibility to cover a range of petitions depending on the circumstances. An example is referenced for a petition where there has been significant public debate already before the petition was submitted and allowing the petition would involve repetitious debates.
Opened up the Scheme so that most on-line Petition programmes can be used to submit petitions as long as a valid email address is provided.	Section C paragraph 6 & 7.	The amendment still requires petitioners to live, work or study in the area to sign a valid petition; however, most on-line petition systems do not require full addresses and this would not cover the work, study criteria in any event. The Council still reserves the right to verify the details of petitioners if required.
Remove the ability for Petitioners to request that a senior officer be required to appear and give evidence on an issue	Section D paragraph 5,6 & 7	This has never to date been requested in any petition. The Council will determine what the most appropriate forum for considering the petition is (unless 1,000 signatures triggers a council debate) and this will be supported by officers of appropriate seniority. This provision is therefore not required.

PROPOSED PORTFOLIOS



Relationship with Officers

CD (Housing & Regeneration)	CD (Housing & Regeneration)	Chief Executive	Chief Executive CD Finance & Operations	CD Finance & Operations	CD (Finance & Operations)
AD Planning & Regeneration	AD Housing	AD Performance, People & Innovation	AD Performance, People & Innovation	AD Neighbourhood Services	AD Finance & Resources
GM Development Management GM Strategic Planning	GM Tenants & Leaseholders GM Property & Place GM Strategic Housing GM Housing Development	GM Technology, Digital & Performance GM Procurement & Contracted Services GM Democratic Services	AD Neighbourhood Delivery GM People & Community Services GM Community Protection	GM Environmental Services	GM Financial Services GM Commercial Assets & Property Development GM Revenues, Benefit & Fraud

Dacorum Borough Council

Petition Scheme

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A INTRODUCTION

- 1 The scheme was approved at the full meeting of the Council on and is available to view on the Council's website at :- (www.dacorum.gov.uk.)
4. The purpose of the scheme is to establish a clear process for petitions submitted to the Council to be handled.

The scheme sets out:

- how people who live, work or study in Dacorum can organise or sign a petition and secure a statutory response
 - how specific responses can be triggered by achieving prescribed levels of signatory support
 - who will do what and to what performance standards
 - how the Council will monitor the effectiveness of the scheme
5. The Council officer responsible for the scheme, and its operation, is the Scheme Administrator, whose name and contact details are Jim Doyle, Group Manager (Democratic Services), Civic Centre, Marlowes, Hemel Hempstead, Herts, HP1 1HH.
Telephone: 01442 228222; E-mail jim.doyle@dacorum.gov.uk.
 6. The Council will encourage use of the scheme, both within the public sector and voluntary organisations who are delivering local services and also beyond in the wider community.
A summary version of the scheme, 'How to petition your Council' is obtainable in leaflet form, available to the general public.

B ABOUT PETITIONS in DACORUM.

1. The Council, and its partners recognise that petitions are one of the methods by which citizens can communicate to the Council their needs and concerns about issues in their local area. Petitions can be an effective way of expressing levels of support for various propositions and therefore the Council will encourage their use in appropriate circumstances. Council staff will provide advice and assistance to interested persons as to how best to make use of this scheme. Such advice and assistance may be provided by the different departments of the Council, but enquiries should, in the first instance be directed to the Member Support Service Unit, Civic Centre, Marlowes, Hemel Hempstead, Herts, HP1 1HH.
Telephone: 01442 228222; E-mail: Jim.Doyle@dacorum.gov.uk.

2. 'Early resolution' or 'mediation' provision.

The Council places importance on the opportunity offered by petitions, to seek solutions and agreements to issues identified by Petition Organisers. If this can be accomplished before the period set aside for the petition, then the Council may seek agreement with the Petition Organiser to withdraw the relevant petition.

3. Petitions to the Council should be about matters relating to one of its functions. However, the Council will also consider petitions relating to improvements to 'the economic, social or environmental well-being' of Dacorum, or any part of it, to which the Council or any of its partner authorities could contribute.
4. Potential Petition Organisers who need advice as to whether it would be appropriate to address a petition to the Council or to Hertfordshire County Council will be offered guidance. At first instance, the relevant contact point should be the person specified in Paragraph A5.

C SUBMISSION of PETITIONS

1. Petitions may be submitted to the Council in the following ways:-
 - On paper
 - In person
 - Electronically, through any on-line ePetition system as long as names and valid email addresses are provided.
 - Electronically by e-mail (here each sheet of signatures has to be scanned in full as an exact replica of the original copy. Original copies must be retained for one year).

2. In every case, a Petitions Organiser must identify his or her self and provide such details as will assist the Council or other service providers to make contact to discuss the petition.
If the lead signatory wishes to relinquish their role then another signatory can, and must, be elected as lead signatory
3. The Council will formally acknowledge and respond to such Petitions as meet the criteria shown in Paragraph 6 of this Section.
5. The Council will also issue a formal acknowledgement within **10 working days** of receipt of all Petitions.
In all cases, formal acknowledgements will indicate how the Council proposes to handle the issue, and where appropriate, to outline what it may be possible for the Council to do in response.
6. To be a valid petition,, a petition must:-
 - Be initiated by a Petition Organiser whose details have been supplied to the Council
 - Relates to the Council's functions or to wider economic, social or environmental issues applicable to Dacorum
 - Not be vexatious, abusive or otherwise inappropriate. This may include matters which have already been the subject to significant debate where the views of the public have been clearly expressed.
 - Not related to matters excluded from the scheme. These include any matter relating to individual planning or licensing decisions, for which other established processes exist and any other matters for which a statutory or other right of appeal or challenge is available
 - Not concern a matter which is subject to ongoing legal proceedings.
 - Obtain a minimum of 50 valid signatories, from persons who live, work or study in the Council area. Signatures from others (tourists for example) may be considered valid if relevant to the issue of the petition.
 - Not be a duplicate or near-duplicate of a similar petition received or submitted under 12 months ago.

The Scheme Administrator will be responsible for deciding if the Petition is deemed to be valid and his decision shall be final with no right of review.

In the period immediately before an election or referendum the Council may need to deal with The petition differently if this is the case we will explain the reasons and discuss the revised timescale which will apply.

7. To ensure the Council understands the level of local support for a petition, it reserves the right to seek to verify each signature appended to a petition and verify that it is from persons who live, work or study in the Council area. This can

be significant when establishing whether a petition has obtained the requisite number of signatures to trigger specific processes.

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8. As each petition is received, or created online, the Council will log each one, and publish details on its website. For any petition relating specifically to a Council Ward or Wards, the relevant elected member will be formally notified and asked for comments.

D. RESPONDING TO PETITIONS

1. Upon receipt or submission, the Council will assign the petition to a Responding Officer, who will take responsibility for investigating the issue and advise on the action to be taken by the Council.
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2. Among the actions the Council will undertake are one or more of the following:-
 - Taking the action requested in the petition
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 - Holding an inquiry
 - Commissioning relevant research
 - Organising a public meeting
 - Mounting a wider public consultation
 - Meeting with the Petition Organiser or representatives of the signatories
 - Providing a written response outlining the Council's views on the subject
 - Referring the issue to one of the Council's Overview and Scrutiny Committees, or
 - Referring the issue to one of the Council's relevant ordinary Committees
 - Consulting statutory partners and local service providers
 - Instituting discussions with the voluntary and community sectors
 - Make representations to any other external body
 - Take no further action on the matter
3. Under normal circumstances, the Council will expect to provide the Petition Organiser with a response detailing which of the actions specified in D2, or any other initiatives it intends to take, within 28 days of receipt.

4. If a Petition has, or acquires 1,000 valid signatures, the issue will be debated at a meeting of the full Council (i.e. a meeting to which all the elected members are summoned to attend).

At the full Council meeting, the Petition Organiser, or someone nominated on his or her behalf, will have the right to speak about the petition, normally for up to 2 minutes. Reasonable advance notice will be provided to ensure that any preparation can be undertaken in time.

The Mayor will decide upon the amount of time to allow for the debate on the petition, and will take account of the degree of public interest in the issue, the level of support given to the petition and the number of elected members wishing to express their views on the subject.

The Council accepts that it will not normally be sufficient for such a meeting merely to 'take note' of the petition, and that there should be a decision taken as to what other steps (including, but not restricted, to the actions specified in Paragraph D2) should also be taken as a response. When considering what steps in D2 may be appropriate it is important to note that it would not be appropriate for a committee or group containing the same members who made the original decision to consider a petition relating to that decision.

The Petitions Organiser will be formally notified in writing of the decision taken at the Council meeting. This will take place within 5 working days.

- 6.

8. References to 'threshold' numbers of signatures in paragraphs C6, D4 and D5 confer a clear entitlement under the provisions of the scheme. However, the Council accepts that there are situations where issues may be of considerable significance to a small number of stakeholders, and where the absolute number of signatures for a petition may be less appropriate a measure of relevant support.

In these circumstances the Scheme Administrator is authorised to substitute for the thresholds in the paragraphs referred to above, revised numbers that take account of the specifics of the case. When this occurs, the entitlements operate as for the rest of the scheme

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Agenda Item 10



Report for:	Cabinet
Date of meeting:	26th June 2018
Part:	Part I
If Part II, reason:	Part II procurement report is annexed

Title of report:	<p>Council New Build Housing Programme Update</p> <p>(To include, Martindale School Site, Northend and Westerdale Garage Sites and the use of right to buy one for one replacement funding)</p>
Contact:	<p>Cllr Margaret Griffiths, Portfolio Holder for Housing Mark Gaynor, Corporate Director, Housing and Regeneration Fiona Williamson, Assistant Director for Housing David Barrett, Group Manager for Housing Development</p>
Purpose of report:	<p>To be read in collaboration with the Part II report on this agenda.</p> <p>To seek approval to award the main contract to construct 65 housing units at Martindale School Site, Hemel Hempstead.</p> <p>To seek approval to obtain delegated authority to award the main contract to construct 6 flats at Northend garage site and 6 flats at Westerdale garage site.</p> <p>To seek approval for the payment of “one for one” grant funding to Housing Associations (Registered Providers) delivering affordable housing schemes in the Borough.</p>
Recommendations	<p>That Cabinet agrees:</p> <ol style="list-style-type: none"> 1) To award the main contract to Bugler Developments Ltd as Principal Contractor to construct 65 housing units at Martindale School Site, Hemel Hempstead 2) To delegate authority to the Corporate Director of (Housing & Regeneration) in consultation with the Portfolio Holder for Housing to award the main contract and appoint a Principal Contractor to construct 6 flats at Northend garage site and 6 flats at Westerdale garage site provided this is within the approved capital budget.

	<p>3) To award the following grant funding payments for affordable housing developments in the Borough:</p> <p>a. £2,003,686 to Hightown Housing Association for a development known as Top Car Site, Wood Lane, Hemel Hempstead.</p> <p>b. To approve an increase to the grant funding payment from £3,270,169 to £3,512,080 (increase of £241,911) to Hightown Housing Association for a development known as Viking House, Maylands Avenue, Hemel Hempstead.</p> <p>c. In addition that authorisation is given to a +/- 5% adjustment to the stated cost figures above 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.</p>
Corporate Objectives:	Delivering Affordable Housing
<p>Implications:</p> <p>Value For Money Implications</p>	<p><u>Financial</u></p> <p>The overall development budget is reviewed strategically as part of the annual review of the Housing Revenue Account (HRA) Business Plan. Each individual scheme following contract award is subject to close financial monitoring with any variances agreed formally through a change control process.</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> <p><u>Value for Money</u></p> <p>This has been achieved through a successful procurement programme involving an open tender process.</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	<p>Risk Assessment completed within the New Build Project Initiation Document (PID) and updated on Project Management Office on a monthly basis.</p> <p>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.</p>
Community Impact Assessment	Equality Impact Assessment completed as part of the Development Strategy – Building for the Future which identifies positive benefits to the community in terms of increased housing supply and affordable housing.

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>Monitoring Officer:</p> <p>The proposed contract awards have followed competitive procurement processes to ensure that the Council is receiving value for money. It is noted from the report that the model JCT Design and Build contract as approved by the Council's external solicitors will be used and this must be completed prior to commencement of any work on site.</p> <p>The funding awards will also be made subject to completion of the Funding Agreement which has been drafted by the Council's legal team and ensures the funding is utilised within agreed timeframes.</p> <p>Deputy S.151 Officer</p> <p>The resulting tender process for both future developments has provided bids, that are within existing approved capital budgets.</p> <p>The S.151 officer should be consulted prior to the award of the Northend and Westerdale contract if the final award decision results in the development costs exceeding the existing approved capital budget.</p> <p>The award of these grants can be met from the 1-4-1 receipts and will be reported on the pooling return to MHCLG which is audited on an annual basis by DBC's appointed external auditors.</p> <p>The grant agreements signed by Hightown protects the council from any potential payment of any interest penalties charged for late delivery of schemes</p>
Consultees:	<p>Mark Gaynor, Corporate Director Housing & Regeneration James Deane, Corporate Director Finance & Operations Caroline Souto, Financial Planning & Analysis Team Leader, Financial Services David Barrett, Group Manager, Housing Development</p>
Background papers:	n/a
Glossary of acronyms and any other abbreviations used in this report:	n/a

1. Introduction

- 1.1 Dacorum Borough Council's Development Strategy, New Council Homes 2013-2020 'Building for the Future' was approved by Cabinet in December 2013 and sets out the Council's ambitious plans for the Council New Build Programme. So far, the Council has delivered over 90 new homes and a 41 bed homeless hostel with 91 currently under construction.

2. Martindale, Boxted Road, Hemel Hempstead

- 2.1 This report seeks approval to award the main contract and appoint a Principal Contractor for the former school site at Martindale, Hemel Hempstead.
- 2.2 The Council purchased the site from Hertfordshire County Council in May 2015.
- 2.3 Following Cabinet approval, a budget of £14,482,000 was approved by Members to progress this project.
- 2.4 A proportion of the homes will be sold on the open market to help subsidise the delivery of the Council's 'new homes build programme'.
- 2.5 After two public consultations a planning application was submitted in August 2017 comprising of 65 new homes: 31 proposed for outright sale comprising of 15 x 2 bedroom houses and 16 x 3 bedroom houses and then 34 new council homes for social rent, comprising of 19 flats (14 x 1 bedroom and 5 x 2 bedroom) and 15 houses (10 x 2 bedroom and 5 x 3 bedroom).
- 2.6 Planning permission (4/01630/17/MFA) was granted on 16th October 2017.
- 2.7 An Official Journal of the European Union compliant tender process was required. Following a procurement review, it was agreed to use an open procedure with separate pre-qualification and invitation to tender stages.
- 2.8 The pre-qualification tender documents for the appointment of the main contractor at Martindale were issued in February 2018.
- 2.9 The pre-qualification tender process received eight responses and each return was scored in line with the scoring methodology set out in by the Councils Procurement process. The scoring was completed by the Housing Development Team and the Council's Employers Agent, Welling Partnership.
- 2.10 Following adjudication five contractors were invited to tender fully for the contract in April 2018.
- 2.11 Each invitation to tender return has been again scored in line with the scoring methodology set out in by the Councils Procurement process. The scoring was completed by the Housing Development Team and the Council's Employers Agent Welling Partnership.

- 2.12 The form of contract for this appointment will be an amended Joint Contract Tribunal (JCT) 2016 Design and Build Contract, as provided by Eversheds in their capacity as legal advisers for the Council's New Build Programme.
- 2.13 A Design and Build Contract was selected as the Council are able to establish the financial commitments prior to works commencing, providing that changes are not introduced during the project.
- 2.14 A financial assessment was carried out by the Council's Finance Department in line with audit requirements. The recommended successful bidder passed this financial assessment.
- 2.15 Following the scoring, subsequent interview and clarification period to agree further contract qualifications. This report recommends the award of the main contract to construct 65 new Council homes at the development site at Martindale, Boxted Road, Hemel Hempstead to Bugler Developments Ltd as Principal Contractor is accepted.
- 2.16 The project is expected start on site in the Autumn and be completed by December 2020.

3. Northend and Westerdale, Hemel Hempstead

- 3.1 This report seeks approval to delegate authority to the Corporate Director of Housing & Regeneration in consultation with the Portfolio Holder for Housing to award the main contract and appoint a Principal Contractor to construct 6 flats at Northend garage site and 6 flats at Westerdale garage site provided the cost is within budget.
- 3.2 The Council identified Northend and Westerdale as part of the garage asset strategy for redevelopment, using General Fund resources, for new temporary accommodation housing. The properties would provide an ongoing revenue stream as well as being a valuable flexible asset.
- 3.3 After a public consultation, the schemes were submitted for planning approval in October 2017 and comprised 12 units for temporary accommodation housing – They are to be redeveloped in tandem to deliver 4x2 bedroom flats and 2x1 bedroom flats at Northend and 6x2 bedroom flats at Westerdale.
- 3.4 The tender documents for the appointment of the main contractor at Northend and Westerdale were issued in March 2018.
- 3.5 Each invite to tender return has been scored in line with the scoring methodology set out in the Invitation to Tender documentation. The scoring was completed by the Housing Development Team, John Lester Partnership Ltd our Employers Agent and John Rowan and Partners our Health and Safety consultant.

- 3.6 The form of contract for this appointment will be an amended Joint Contract Tribunal (JCT) 2016 Design and Build Contract, as provided by Eversheds in their capacity as legal adviser for the Council's New Build Programme.
- 3.7 A Design and Build Contract was selected as the Council are able to establish the financial commitments prior to works commencing, providing that changes are not introduced during the project.
- 3.8 The Council received nine tender returns. The level of tender returns received indicates that a competitive level of tendering was achieved.
- 3.9 A financial assessment is being carried out by the Council's Finance Department based on the bidder's set of accounts (last 3 financial years) and a credit reference report.
- 3.10 There are currently three preferred bidders which all are within the budget. The bids all require further analysis and clarifications and there will be subsequent interviews to ascertain which Contractor should be recommended for appointment.
- 3.11 This report recommends approval to delegate authority to the Corporate Director (Housing & Regeneration) in consultation with the Portfolio Holder for Housing to award the main contract and appoint a Principal Contractor to construct 6 flats at Northend garage site and 6 flats at Westerdale garage site provided the cost is within budget.
- 3.12 The project is expected start on site in the Autumn and be completed by December 2019.

4 141 Right to Buy Replacement Scheme – Applications for Approval

- 4.1 The Council signed up to an agreement with the Department for Communities and Local Government (now the Ministry of Housing, 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.
- 4.2 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.

5 Hightown Housing Association – Top Car Site, Wood Lane, Hemel Hempstead - £2,003,686

5.1 Hightown Housing Association have submitted an application for £2,003,686 in grant funding for the provision of 29 Flats (13 x One Bed & 16 x Two Bed) for Affordable Housing (Affordable Rent). This application will be drawn down as follows:

2018/2019 £619,562

2019/2020 £827,390

2020/2021 £531,160

2021/2022 £25,574

5.2 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 Hightown Housing Association – Viking House, Swallowdale Lane, Hemel Hempstead - Increase to the grant funding payment from £3,270,169 to £3,512,080 (increase of £241,911)

6.1 Hightown Housing Association have submitted a revised application to increase the grant funding payment of £3,270,169 to £3,512,080 for the provision of 57 Flats (26 x One Bed & 31 x Two Bed) for Affordable Housing (Affordable Rent and Intermediate Rent).

6.2 An increase of £242,111 is required for remediation works after the discovery of asbestos on site. The first application for £3,270,169 was approved by Cabinet on 30/01/2018 – CA/18/18

6.3 This revised application will be drawn down as follows:

2018/2019 £2,148,153

2019/2020 £1,300,047

2020/2021 £63,880

6.4 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 Recommendation

- 7.1 Following the ITT scoring, subsequent interview and clarification period to agree to further contract qualifications. This report recommends the award of the main contract to construct 65 new Council homes at the development site at Martindale, Boxted Road, Hemel Hempstead to Bugler Developments Ltd as Principal Contractor is accepted.
- 7.2 To delegate authority to the Corporate Director (Housing & Regeneration) in consultation with the Portfolio Holder for Housing to award the main contract and appoint a Principal Contractor to construct 6 flats at Northend garage site and 6 flats at Westerdale garage site provided the cost is within budget.
- 7.3 That individual grant agreements be made with, and payments made to, the following Housing Associations:
- 7.4 £2,003,686 to Hightown Housing Association for a development known as Top Car Site, Wood Lane, Hemel Hempstead.
- 7.5 An increase to the grant funding payment from £3,270,169 to £3,512,080 (increase of £241,911) to Hightown Housing Association for a development known as Viking House, Maylands Avenue, Hemel Hempstead.

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted