

MINUTES

CABINET

29 JANUARY 2019

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

Officers:	Mark Brookes	Assistant Director - Corporate and Contracted Services
	David Austin James Deane	Assistant Director - Neighbourhood Delivery Corporate Director - Finance and Operations
	James Doe	Assistant Director - Planning, Development and Regeneration
	Mark Gaynor	Corporate Director - Housing & Regeneration
	Sally Marshall Nigel Howcutt	Chief Executive Assistant Director - Finance and Resources
	Fiona Williamson David Barrett	Assistant Director - Housing Group Manager - Housing Development
	Natasha Beresford Sam Bramley	Group Manager - Strategic Housing Housing Development Lead Officer
	Suzy Donaldson	Communications and Consultation Lead Officer
	Katie Mogan	Corporate and Democratic Support Lead Officer

Also Attendance:

Councillor John Birnie
Councillor Terry Douris
Councillor Ron Tindall

The meeting began at 7.30 pm

CA/1/18 MINUTES

CA/2/18 APOLOGIES FOR ABSENCE

There were no apologies for absence.

CA/3/18 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA/4/18 PUBLIC PARTICIPATION

There was no public participation.

CA/5/18 REFERRALS TO CABINET

There were no referrals to Cabinet.

CA/6/18 CABINET FORWARD PLAN

Councillor G Sutton asked to defer Item 5 until further notice.

The forward plan was noted.

CA/7/18 STATEMENT OF COMMUNITY INVOLVEMENT UPDATE

Decision

That

1. the draft revised SCI for focussed consultation be agreed;
2. authority be delegated to the Assistant Director – Planning, Development and Regeneration (in consultation with the Planning and Regeneration Portfolio Holder) to agree the arrangements for focussed consultation on the draft SCI; and
3. authority be delegated to the Assistant Director – Planning, Development and Regeneration (in consultation with the Planning and Regeneration Portfolio Holder) to make any additional minor modifications required to the SCI prior to consultation (i.e. to ensure the text of the plan is up-to-date)

Corporate objectives

The Council's Local Plan (which the SCI forms one of the documents of) helps support all 5 corporate objectives:

- *Safe and clean environment*: e.g. contains policies relating to the design and layout of new development that promote security and safe access;

- *Community Capacity*: e.g. provide a framework for local communities to prepare area-specific guidance such as Neighbourhood Plans, Town / Village Plans etc.;
- *Affordable housing*: e.g. sets the Borough's overall housing target and the proportion of new homes that must be affordable;
- *Dacorum delivers*: e.g. provides a clear framework upon which planning decisions can be made; and

Regeneration: e.g. sets the planning framework for key regeneration projects, such as Hemel Hempstead town centre and the Maylands Business Park.

Monitoring Officer/S.151 Officer comments

Deputy Monitoring Officer

As pointed out in the implications section of this report, a SCI is a legal requirement resulting from various pieces of legislation.

Since adoption, legislation has moved on, not least in the area of data protection, so a review at this stage is sensible

Deputy Section 151 Officer

There are no direct financial consequences of this report.

Advice

Councillor G Sutton introduced the item. It is a legal requirement to produce and update this plan. Its aim is to give guidance to the Local Plan, Neighbourhood Plans and planning applications.

Councillor Tindall referred to paragraph 4.2 in the report. He asked about the focused consultation – town and parish councils are mentioned but was concerned that as Hemel Hempstead was an unparished area, there would be little representation from this area in the consultation as there has been a gradual decline in Neighbourhood Association meetings. He asked how the council were planning to replace the democratic consultation process in wards that are not parished and asked if ward councillors will be asked to consult with their residents.

Councillor G Sutton said there would be a six week formal consultation process over February and March and it will be going to Cabinet and Council. It will be widely publicised.

Councillor Tindall asked if the administration had any ideas on how to consult a large proportion of the borough.

Councillor Marshall referred again to paragraph 4.2. She said it needs to be clear that borough councillors are individually consulted, not through the scrutiny process but

as individuals. Most queries councillors receive do relate to planning issues and each councillor has a view on this.

Councillor Williams said it was a requirement to consult town and parish councils. Hemel Hempstead is not missing out. He said that he didn't feel that Neighbourhood Associations would have filled that gap as it isn't the same process.

Councillor Tindall argued that areas that have a Town or Parish Council get three representations: the parish council, the borough councillors and residents groups. He asked if it could be specified that in non-parish areas, borough councillors will be consulted.

Councillor Williams said he was happy to include this. He didn't think it was appropriate to differentiate between those in parish and un-parished areas.

M Gaynor clarified that the consultation on the Local Plan would be open to all residents. He also stated that this consultation was only concerning the Statement of Community Involvement; the Local Plan consultation will go further than this.

J Doe said that they consult with a wide range of residents and community groups and an extensive database has been built up over the years. This is an update to the old statement and brings in legislative requirements to create a more effective document.

Councillor Marshall referred to paragraph 4.5 on page 18. She said the consultation is seeking views on modifications to the statement but cannot see the track changes on the agenda. She then referred to page 67 about statutory DBC publicity requirements. This is a debate that has been had before and the need to use the notification notices more widely. Some are too narrow especially when it is a high profile planning application. Councillor Marshall then asked why there was no requirement for a neighbourhood consultation letter for TPOs.

J Doe said that had always been the case for TPOs – they have a shorter determination period so it is not always possible to consult directly with residents. He said he would take Councillor Marshall's point away.

Councillor Birnie asked about the consultation process.

Councillor Williams said all planning applications are listed on the website and that six weeks was the standard consultation time.

Voting

None

CA/8/18 NEW BUILD UPDATE

Decision

That the contract to Site Sales Property Group to undertake the Sales and Marketing services for Martindale be awarded.

Corporate objectives

Delivering Market Sale and Affordable Housing

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

Officers must ensure that a contract is in place prior to commencement of the service.

Deputy S.151 Officer

The successful bid from Site Sales property group, undertook a comprehensive procurement process in line with Dacorum Borough Council procurement and standing orders regulations.

The value of their bid is within approved budgeted levels.

Martindale be awarded

CA/9/18 CEMETERY EXPANSION AND CREMATORIUM

Decision

That:

1. The Bunkers Park Phase 1 cemetery development plans be noted.
2. DBC proceeds with further due diligence in partnership with West Herts Consortium to develop plans for a crematorium at Bunkers Park.

Corporate objectives

Building Strong and Vibrant Communities.

Delivering an Efficient and Modern Council.

Monitoring Officer/S.151 Officer comments

Deputy Monitoring Officer:

No comments to add to report

Deputy S.151 Officer

A deputy 151 report with comments included within the body of the report.

Advice

Councillor Elliot introduced the report that was an update on cemetery services. DBC have been approached by the West Herts Crematorium Joint Committee about building a crematorium on the Bunkers Park site. Three options were explored and this report recommends that WHC build the crematorium on DBC land and receive the income from it.

Councillor Birnie referred to paragraph 21a and asked if DBC are going to lend WHC the £8 million to build the crematorium.

Councillor Elliot said that WHC have significant reserves but DBC believe it will cost £8 million to build. We are awaiting the business plan to see what is required. DBC will receive interest on the loan but this has been looked at as part of due diligence.

Councillor Birnie asked if was correct that the profit from this will be £150k per annum and this is expected from year one as opposed to year three.

Councillor Elliot confirmed this was correct.

Councillor Harden questioned the loss of the community park.

Councillor G Sutton reassured members that the planned development is not physically in Bunkers Park itself. DBC have acquired land from Homes England that has previously been used for grazing.

Voting

None.

CA/10/18 HMO LICENSING FEES

Decision

That the fee schedule for the licensing of Houses in Multiple Occupation and associated activities, as set out in the report and Appendices, be approved.

Corporate objectives

The Strategic Housing Service's responsibilities and activity in relation to the Private Rented Sector contributes to the following corporate objectives:

Clean Safe and enjoyable environment

Building Strong and vibrant communities

Monitoring Officer/S.151 Officer comments

Deputy Monitoring Officer:

No comments to add to report

Deputy S.151 Officer:

The recommended fees and charges have been calculated based on the criteria highlighted in the Treasury's paper on Managing Public Money and also reflecting on Counsel advice and recent case law guidance.

The charges, are based on estimates of the time and costs incurred by the council to deliver these services. These services are new to the council and hence the costs to deliver these services may change as the service develops so they will need to be monitored going forward to ensure they meet with current legislation and achieve best value for the council and its clients.

Advice

Councillor Griffiths introduced the report. It was a long and extensive report which explains what a local authority can and can't charge. The current fees are incorrect and need to be changed.

N Beresford said that reviewing the fees is necessary due to a High Court ruling in April 2018 which amended the way in which local authorities are able to charge license fees on application.

Councillor Griffiths highlighted to members that this had been to the Housing and Community Overview and Scrutiny Committee.

Councillor Birnie said he believed there was some doubt about how many HMOs there are. He asked if this report was recommending officers be increased to cope with demand.

Councillor Williams highlighted that was about the budget which will be discussed at next week's Joint Budget meeting. This report is to discuss the fees.

N Beresford highlighted that 41 properties are currently licensed as HMOs with 65 applications pending. Each application takes about 90 days to assess. There is a six month grace period for landlords to approach the local authority – they will be subject to enforcement action if they fail to do so.

Councillor Birnie asked about the five year license fee and questioned if the ongoing management fee was to be divided over the five years or if it was an annual charge.

N Beresford said it was an initial fee for a full assessment of the property. The second tier fee applies if the house is deemed suitable. It is a one off payment for monitoring properties.

Voting

None.

CA/11/18 FOOD WASTE FOR FLATS

Decision

1. That the results of the food waste trial for flats be considered.
2. That the introduction of food waste collections from flats on a phased basis for completion by March 2020 be approved.

Corporate objectives

To provide a clean, safe and green environment

Monitoring Officer/S.151 Officer comments**Monitoring Officer:**

No comments to add to this report.

Deputy S.151 Officer

The ongoing revenue and capital funding requirement for the roll out of food waste collection from flats in 2019/20 has been included in the 2019/20 budget proposals, seeking council approval in February 2019.

The 2019/20 revenue budget proposes funding the one off £61k implementation costs from the management of change reserve, as this project meets the criteria for these funds.

The additional £7k in 2020/21 will be included in the 2019 Medium Term financial strategy.

Advice

Councillor Marshall introduced the report which is recommending the introduction of food waste collection from flats from April. A Task & Finish Group worked on this for a couple of years with the aim to improve recycling facilities in flats. They determined that dry recycling facilities should be rolled out throughout the borough and this is due to be completed next month. They were also eager to see food waste collections implemented and householders have had this facility since 2014. There were a number of practicalities that needed to be considered like ensuring the bins were accessible for both residents and the refuse crew. There was a three month trial with 12 collections taking place between July and September in Berkhamsted, Grove Hill and Pelham Court. This totalled 1540 flats which represented 15% of flats in the borough. Letters and information were delivered to residents along with kitchen caddies and caddy liners. Stickers were placed on communal bins reminding residents what could and could not be put into the bins. One tonne of food waste was collected a week which equalled 0.5kg per flat per week. The food waste was checked for contamination and it was found to be low. There was 6% contamination in Berkhamsted and 13% in Grovehill and Pelham Court. Food processors will take up to 20% contamination so this is lower. There was a 95% participation rate in Berkhamsted and 88% in Grovehill and Pelham Court. The purchase of caddies and putting on extra crews totalled £16,600. If this is to be rolled out, the revenue cost will be £61k. SPAE OSC have considered the results and are wholly supportive.

D Austin added that the government have put a clear and strong emphasis on separate food waste collections due to the significant environmental benefits.

Councillor Elliot asked if the food waste caddies would be left inside the flats.

Councillor Marshall said yes. The flat dweller would then take the bin to the larger wheeled bin to empty it.

Councillor Griffiths said she felt it was important to roll this out to flats and they shouldn't be treated differently to households.

Councillor Williams commented that the trial was popular and there is a push from government to ensure all councils are providing this service.

Voting

None.

CA/12/18 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 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.

The Meeting ended at 8.25 pm