

MINUTES

CABINET

15 SEPTEMBER 2015

Present:

Members:

Councillors: Williams (Leader)
Elliot
Griffiths
Harden
Marshall
Sutton

Officers:

Cabinet Support Members

The meeting began at 7.30 pm

CA/25/15 MINUTES

The minutes of the meeting held on 15 July 2015 were agreed by the members present and signed by the Chairman

CA/26/15 PART 1 CABINET DECISION SHEET

CA/27/15 PART 2 CABINET DECISION SHEET

CA/28/15 APOLOGIES FOR ABSENCE

There were no apologies for absence

CA/29/15 PUBLIC PARTICIPATION

There was no public participation

CA/30/15 DECLARATIONS OF INTEREST

There were no declarations of interest

CA/31/15 REFERRALS TO CABINET

There were no referrals to Cabinet.

CA/32/15 CABINET FORWARD PLAN

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

Add to 20 October

- **Apprenticeship scheme**
- Maylands Business Centre Extension
- Review of Sports Services

Add to 24 November

- **The Dacorum Compact**

CA/33/15 RISK MANAGEMENT PROCESS - Q4

That consideration of this item be deferred to the October meeting of the Cabinet.

**CA/34/15 BUDGET MONITORING AND PERFORMANCE REPORT QUARTER
1**

Decision

1. That the budget monitoring position for each of the detailed accounts be approved; and,
2. **That Council be recommended to approve: the supplementary budgets set out below. Details for these supplementary budgets are set out in the body of the Cabinet report and have a net nil impact on the General Fund Working Balance:**
 - Increase Revenues and Benefits Agency Budget by £70k
 - Increase Other Government Grants Budget by £70k
 - Decrease the Performance and Projects Employees Budget by £10k
 - Decrease use of the Technology Reserve by £10k
 - Increase Office Accommodation Budget by £52,500
 - Increase use of The Forum Reserve by £52,500
 - Decrease the LDF Consultancy budget by £50k
 - Decrease use of the LDF reserve by £50k

Reason for Decision

To provide details of the projected outturn for 2015/16 as at Quarter 1 for the:

- ***General Fund***

- **Housing Revenue Account**
- **Capital Programme**

Implications

Financial

Financial and Value for Money implications are included within the body of the report.

Risk Implications

Risk implications are included within the body of the report

Equalities Implications

None identified.

Health And Safety Implications

None identified.

Corporate Objectives

Dacorum Delivers

Advice

The Portfolio Holder for Finance and Resources was disappointed about the performance for quarter 1. He noted that there had been an underspend in previous years. He hoped that the overspend forecast would focus managers minds and help them meet targets.

The Assistant Director for Finance and Resources recognised that there were significant variances but the intention is to produce clear action plans to improve this. He highlighted that there was slippage on the capital spend for the waste fleet replacement, however there was no good reason against procuring these vehicles at present.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services referred to the overspend in Waste Services. She explained that this was work in progress which should improve in the near future; a garden refuse round had already been deleted due to a reorganisation.

It was confirmed that the third party overspend for facilities, set out in paragraph 3.3, page 5 of the agenda did relate to the contract with Serco.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services asked if it was, in part, because Serco would make a repair and then the council would have to pay them the costs. She asked if any checks were made on the charges, to ensure they were reasonable.

The Corporate Director for Finance and Operations confirmed the charges were checked and scrutinised.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services referred to paragraph 7.3 on page 10 of the agenda and asked if the council budgeted for s106 agreements for other more recent new builds.,.

The Corporate Director Housing and Regeneration confirmed this was the case, but he was unsure as to why it had not been included. He added that the council would take account of predicted s106 agreements in the budget.

The Portfolio Holder for Housing asked if the council had taken this planning permission over from another body.

The Corporate Director Housing and Regeneration confirmed this was the case and reiterated that the s106 agreements will be included the within the budget.

Consultation

Consultation took place with:

- Budget Managers

Voting

None.

CA/35/15 TREASURY MANAGEMENT OUTTURN AND PERFORMANCE INDICATORS

CA/074/15 TREASURY MANAGEMENT OUTTURN AND PERFORMANCE INDICATORS

Decision

That Council be recommended to approve the acceptance of the report on Treasury Management performance in 2014/15 and the Prudential Indicators for 2014/15 actuals.

Reason for Decision

To report upon the performance outturn for treasury management in 2014/15

Financial Implications

In accordance with Central Government Guidance on Local Government Investments, and the CIPFA Treasury Management Code of Practice, the order of the Council's investment priorities is 1. Security; 2. Liquidity; and, 3. Return. This may result in the Council achieving a lower rate of return than an organisation operating a more aggressive investment strategy in a less regulated sector.

Risk Implications

Good corporate governance encompasses risk management and making sure that the Council makes decisions with the full knowledge of the associated risks and opportunities. The risk of not reviewing and updating our corporate governance arrangements have been addressed by this report

Equalities Implications

None identified.

Health And Safety Implications

None identified.

Corporate Objectives

Dacorum Delivers - Optimising investment income for General Fund and Housing Revenue budgets whilst managing investment risk is fundamental to achieving the corporate objectives.

Advice

The Portfolio Holder for Finance and Resources explained there were no rates increases until the summer of 2016. It was therefore difficult to see investment returns based on a 0% increase.

The Assistant Director for Finance and Resources added that there was a statutory return, and therefore included in the cycle of reports.

Consultation

Consultation took place with:

- Capita Treasury Advisors

Voting

None.

CA/36/15 ENFORCEMENT POLICY

CA/075/15 ENFORCEMENT POLICY

Decision

That Dacorum Borough Council's Enforcement Policy as detailed in Appendix A of the report to Cabinet be approved.

That Cabinet wish to see a list of the enforcement policies for each department which would sit under this overarching Enforcement Policy.

Reason for Decision

To provide an opportunity for Members to comment on the Dacorum Borough Council's Enforcement Policy.

That Cabinet wish to see a list of the enforcement policies for each department which would sit under this overarching Enforcement Policy.

Implications

Financial

This policy sets out the council's approach to enforcement. There are no expected financial implications relating to this report. All officers costs associated with delivering the enforcement actions should be achieved within existing resources.

Value for Money

The Enforcement Policy should help to target action against those who decide to flout the law and minimise action against good businesses. This should help good/compliant businesses to thrive.

Risk Implications

Dacorum Council has a statutory requirement to develop an Enforcement Policy and a requirement to comply with the Regulators Code. Failure to comply with this requirement could leave this authority open to legal challenge

Equalities Implications

None identified.

Health And Safety Implications

None identified.

Corporate Objectives

To produce an Enforcement Policy in line with current best practice and one that provides value for money and most economical use of resources

Advice

The Portfolio Holder for Environmental, Sustainability & Regulatory Services introduced the report and highlighted that this had been drawn up in light of the government regulators' code. It had previously been considered by the council's enforcement group and it went to the Housing and Community Overview and Scrutiny Committee in July, who suggested some improvements, for example attaching the relevant appendices (enforcement strategies for each department).

The policy was designed to be the overarching policy for the council and then there would be subsequent policies for each department.

The Group Manager for Regulatory Services added that this set out the principles of the policy but would not go into the detail.

The Leader of the Council asked if the scrutiny committees could look at the department policies within their remit.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services confirmed this would be possible.

The Portfolio Holder for Housing asked how this differed to a working document and did the scrutiny committee ask for each department to have its own policy.

The Group Manager for Regulatory Services explained that the working document would not be publicised, but it would contain the principles from the overarching policy.

He said that anyone involved in enforcement, should have a department policy.

The Leader of the Council felt that all enforcement policies should conform to the principles of the overarching policy.

The Group Manager for Regulatory Services felt the policy acted as a useful guidance for those departments currently without written guidance.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services asked if the Portfolio Holders would be responsible for ensuring the relevant departments within their remit had their own enforcement policy.

This was confirmed.

That Cabinet wish to see a list of the enforcement policies for each department which would sit under this overarching Enforcement Policy.

Consultation

Consultation took place with:

- Councillor Janice Marshall - Portfolio Holder for Environmental, Sustainability and Regulatory Services
- Housing and Community Overview and Scrutiny Committee
- All relevant Dacorum Borough Council Departments

Voting

None.

CA/37/15 FINANCIAL REGULATIONS REVIEW

CA/076/15 FINANCIAL REGULATIONS REVIEW

Decision

That the amendments detailed in paragraphs 4 and 9 of the report to the Cabinet be endorsed, and that Council be recommended to approve the revised Financial Regulations.

Reason for Decision

To seek Cabinet approval of the recommended changes to the Financial Regulations 2015.

Implications

Financial

Contained within the body of the report.

Value for Money

Contained within the body of the report.

Risk Implications

Equalities Implications

None identified.

Health And Safety Implications

None identified.

Corporate Objectives

The efficacy of the Financial Regulations supports all of the Council's objectives

Advice

The Portfolio Holder for Finance & Resources explained that this report tidied - up the financial regulations, therefore making the council more efficient.

Consultation

Consultation took place with:

- Finance & Resources Overview & Scrutiny Committee, June 2015
- Audit Committee (July 2015)

Voting

None.

CA/38/15 THE FORUM

CA/078/15 THE FORUM: Category B fit out, internal layout and strategies for Information Technology, Audio Visual technology, Facilities Management and Customer services

Decision

- 1 That the Category A elements as set out in the report to Cabinet are noted.
- 2 That the Category B elements as set out in the report to the Cabinet are agreed, with the decision on the final colour schemes for laminates and glazing delegated to the Corporate Director Housing and Regeneration in consultation with the Leader of the Council
- 3 **That Council be recommended to approve an additional budget of £400,000, to be drawn down from The Forum Reserve, in order to fund the final Category B elements identified in the Cabinet report**

- 4 That the proposed strategies for Information Communication Technology (ICT), Audio/Visual equipment and capability, Facilities Management and Customer services be noted.

Reason for Decision

This report is to seek approval for the Category B fit out of the Forum, to note the internal layouts and to consider the strategies for those elements which will be crucial to the operation of the building, specifically Information Technology, Audio Visual technology, Facilities Management and Customer services

Implications

Financial

The running costs of the Forum are estimated to be at least £300,000 per annum less than they were for the Civic Centre. These arise from the energy efficiency of the building, its smaller scale and economies of scale through sharing costs with partners.

The development agreement was tendered through the Official Journal of the European Union (OJEU) process and the build price for the Forum is now largely fixed. The outstanding elements are utilities and Category B. The Category B assumptions were based on a formula of £35 per square foot which could only be fully tested once the operation and requirements of the building were better developed. Following a process of challenge, value engineering and ensuring that the building will work in the way desired the final costs are £400,000 above this position. The contractor has tendered for the prices in Category B to ensure good value for money.

Value for Money

As indicated above

Risk Implications

A risk register has been developed as an integral part of the project management arrangements.

Equalities Implications

None identified.

Health And Safety Implications

Health and Safety requirements are built into the construction process of the Forum and the design and fit out will ensure a safe working environment.

Corporate Objectives

Regeneration.

The overall Gade Zone Regeneration project is aimed primarily to deliver significant regeneration in the town centre. The Forum element facilitates the creation of a new community focused building housing public sector and voluntary sector partners. A new commercial leisure facility will develop more family friendly and evening attractions into the town centre. Much needed new homes will be delivered on the former Health Centre, Magistrates Court and Police Stations sites. Subsequent development of the Civic Centre and college sites will bring further new investment into the town centre, most likely for new housing. The new college campus has planning permission and construction will start soon.

Affordable Housing. New housing created will include affordable housing at 35%.

Advice

The Corporate Director for Housing and Regeneration explained that the report was seeking approval for the Category B fit out of the Forum, to note the internal layouts and to consider the strategies for those elements which would be crucial to the operation of the building, specifically Information Technology, Audio Visual technology, Facilities Management and Customer services.

He added that there had been quite a degree of consultation with those involved and therefore there should not be anything unexpected in the report.

The Portfolio Holder for Planning & Regeneration said they had been through an interesting process recently. He felt that the finished forum will be something to be proud of and he was glad to have been part of the process.

Consultation

Consultation took place with:

- Monitoring Officer
- S 151 Officer
- James Doe, Assistant Director Planning and Regeneration
- James Deane, Corporate Director (Finance & Operations)
- Nick Brown, Group Manager Commercial Assets and Property Development
- Mark Brookes, Group Manager, Legal Governance

Voting

None.

CA/39/15 REVOCATION OF THE AFFORDABLE HOUSING CLARIFICATION NOTE

CA/077/15 REVOCATION OF THE AFFORDABLE HOUSING POLICY CLARIFICATION NOTE

Decision

That Council be recommended to approve:

- (a) Revocation of the Affordable Housing Clarification Note (March 2015) and cease to apply it as a material planning consideration in relevant**

planning decisions and for use in the preparation of future planning documents; and

- (b) The publication on the Council's website of the statement attached as Appendix 1 of the report to Cabinet to explain the reasons for this decision.

Reason for Decision

To seek Cabinet's approval to revoke the Affordable Housing Clarification Note (March 2015) and revert to the adopted policy position set out in the Core Strategy and associated Affordable Housing Supplementary Planning Document (SPD).

Implications

Financial

Reverting to our adopted policy (as set out in the Core Strategy and associated Affordable Housing Supplementary Planning document) will allow higher levels of contributions towards affordable housing to be sought and therefore help deliver a key corporate objective.

Value for Money

Providing clarity on the Council's affordable housing policies will ensure that contributions are successfully secured from appropriate developments and there are no undue delays to the processing of planning applications. It will also minimise the risk of applicants appealing planning decisions.

Risk Implications

The Government has stated that they intend to appeal the judgement. There is therefore a risk that the previous approach could be reinstated. If this does occur, then Cabinet and Council will be asked to reinstate the Clarification Note for use in Development Management decisions from the date of the appeal decision. Officers consider that it would be a much greater risk to continue to implement an approach to calculating affordable housing contributions based on a Ministerial Statement which a High Court Judge has clearly stated should not be referred to as a material planning consideration, and to sections of the Planning Practice Guidance that have been deleted by Government.

A full Risk Assessment has been prepared for the Local Planning Framework (of which the Core Strategy is part). This is updated monthly as part of CORVU monitoring processes.

Equalities Implications

None identified.

Health And Safety Implications

There are no health and safety implications relating to this decision.

Corporate Objectives

The Council's affordable housing policies support the 'Dacorum Delivers' and 'Affordable Housing' objectives. They improve efficiency and effectiveness of services by enabling planning decisions to be approved within agreed time scales and through the provision of upfront and clear advice on the provision of affordable housing within new development. The Affordable Housing Clarification Note was prepared to update the Council's approach to the provision of affordable housing in the light of changes to Government policy. Following a High Court decision this policy change has been reversed and the Clarification Note is no longer applicable. Higher levels of affordable housing (both on-site and via commuted sums) will be delivered through the reversion to the Council's adopted policy position.

Advice

The Team Leader for Strategic Planning & Regeneration introduced the report by saying that the Council's affordable housing policy was set out in the adopted Core Strategy, with further guidance in an associated supplementary planning document. In November last year a ministerial Statement was issued which set out a number of changes the Government were introducing to national affordable housing policy. These were set out in its Planning Practice Guidance document.

In simple terms, the impact of these changes was to reduce what Councils could collect in terms of both the on-site provision of affordable units and financial contributions, with the aim of stimulating the house building industry.

As a result of this announcement, the Council adopted an 'Affordable Housing Clarification Note' which set out how this revised approach would operate in the Borough. This was agreed by Cabinet in March.

However, the Ministerial Statement and changes to the PPG have recently been challenged in the High Court by two Councils.

The judge found in favour of these Councils and his judgement states that the Governments revised approach should not be applied as it was not lawful.

Cabinet are therefore asked to agree the recommendations set out in the report.

The decision would allow the Council to revert back to using its original adopted policies, which gives the ability to collect both higher numbers and levels of affordable housing contributions.

The Leader of the Council asked at what point the legal figure applied. He said when this was introduced by the government there was a committee decision, but had not yet been implemented. He felt that there must be some applications in the pipeline where this may now apply.

The Team Leader for Strategic Planning & Regeneration said the cut off was the date when the high court notice was issued. Any planning decision from that date would be incorporated. The council had applied a degree of concession for those applications made prior to the cut-off date.

It was confirmed that applications already submitted but not yet had a decision could be asked for a contribution.

Consultation

Consultation took place with:

- Director of Housing and Regeneration
- Assistant Director – Planning, Development and Regeneration
- Group Manager – Legal Governance
- Group Manager – Strategic Planning and Regeneration
- Group Manager – Strategic Housing
- Officers from Strategic Planning and Regeneration, Strategic Housing and Development Management teams.

Voting

None.

CA/40/15 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 was likely, in view of the nature of the business to be transacted, that, if members of the public were present during that item, there would be disclosure to them of exempt information relating to information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Local Government Act 1975, Part V, Schedule 12A, Paragraph 5. Minute CA/079/15).

CA/41/15 HOMELESSNESS REVIEW PROCEDURE

The Meeting ended at 8.25 pm