

# CABINET AGENDA



**TUESDAY 21 JULY 2020 AT 6.30 PM  
MICROSOFT TEAMS**

**\* This meeting of Cabinet will be held remotely via the Microsoft Teams application.  
Should any members of the public wish to join this meeting, please contact the  
Assistant Director (Corporate & Contracted Services) at [member.support@dacorum.gov.uk](mailto:member.support@dacorum.gov.uk) by  
5pm on Friday 17<sup>th</sup> July.**

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 Griffiths (Deputy Leader)  
Councillor Elliot

Councillor G Sutton  
Councillor Anderson  
Councillor Banks

For further information, please contact Corporate and Democratic Support or 01442 228209

## **AGENDA**

**1. MINUTES (Pages 3 - 13)**

To confirm the minutes of the meeting held on 23 June 2020.

**2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

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

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

and, if the interest is a disclosable pecuniary interest, or a personal interest

which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

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

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

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

#### **4. PUBLIC PARTICIPATION**

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

#### **5. REFERRALS TO CABINET**

There were no referrals to Cabinet

#### **6. CABINET FORWARD PLAN (Page 14)**

#### **7. GARAGE PROGRAMME UPDATE (Pages 15 - 19)**

#### **8. PRIVATE SECTOR ASSISTANCE POLICY (Pages 20 - 35)**

#### **9. LOCAL DEVELOPMENT SCHEME (Pages 36 - 63)**

#### **10. PAVEMENT LICENSING (Pages 64 - 75)**

#### **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

23 JUNE 2020

**Councillors:** Williams (Leader)  
Griffiths (Deputy  
Leader)  
Elliot  
G Sutton  
Anderson  
Banks

<b>Officers:</b>	Natasha Beresford	Group Manager - Strategic Housing
	Mark Brookes	Assistant Director - Corporate and Contracted Services
	James Deane	Corporate Director - Finance and Operations
	Mark Gaynor	Corporate Director - Housing & Regeneration
	Sally Marshall	Chief Executive
	Katie Mogan	Corporate and Democratic Support Lead Officer
	Fiona Williamson	Assistant Director - Housing

### Also in attendance:

Councillor John Birnie  
Councillor Terry Douris  
Councillor Adrian England  
Councillor Nigel Taylor  
Councillor Jane Timmis  
Councillor Ron Tindall

The meeting began at 6.30 pm

### **CA/50/20**    **MINUTES**

Minutes of the meeting held on 19 May 2020 were agreed by Members present.

### **CA/51/20**    **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **CA/52/20**    **DECLARATIONS OF INTEREST**

There were no declarations of interest

**CA/53/20     PUBLIC PARTICIPATION**

There was no public participation

**CA/54/20     REFERRALS TO CABINET**

There were no referrals to Cabinet.

**CA/55/20     CABINET FORWARD PLAN**

The forward plan was noted with the following change:

- Add Herts Growth Board for Hemel Garden Communities to the July meeting

**CA/56/20     HOMELESS STRATEGY**

**Decision**

That the 2020-24 Homelessness & Rough Sleeper Policy be approved.

**Corporate objectives**

Providing good quality affordable homes, in particular for those in most need.

**Deputy Monitoring officer comments:**

Further to Section 2 of the HA, local housing authorities are required to review homelessness in their district and formulate a strategy based on the result of the review. A new strategy is required every four years.

The proposed strategy meets the statutory duties under the HA.

**Deputy S151 Officer comments:**

There are no direct financial implications as a result of this strategy.

**Advice**

Councillor Griffiths introduced the report to members and said it had been to Housing & Community Overview and Scrutiny Committee. She said the housing team had been under a lot of pressures due to Covid-19 and said they had coped admirably. The strategy has been updated in line with the latest legislation and legal requirements.

N Beresford said it replaces the 2016-2020 strategy and it is a legal requirement to have an up to date strategy. There is a change in the title which is a requirement from the Ministry of Housing, Communities & Local Government (MHCLG) to include 'rough sleeper'. The strategy outlines the five key commitments the team believes

are relevant to prevent homelessness. The report also includes the key challenges for the service, including the impact from Covid-19.

#### Recommendations agreed

### **CA/57/20 PRIVATE SECTOR HOUSING STRATEGY 2020**

#### **Decision**

That the Private Sector Housing Strategy 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:

- A clean, safe and enjoyable environment
- Building strong and vibrant communities

#### **Deputy Monitoring Officer comments**

Local authorities are under various statutory obligations in relation to the provision of, and standard of, accommodation in its district. The attached Strategy sets out how Dacorum will meet its obligations to ensure that accommodation in the private sector is maintained to the appropriate standard.

#### **Deputy S151 Officer Comments**

No direct financial requirements as a result of this strategy paper.

#### **Advice**

Councillor Griffiths introduced the report to members. The Private Sector Housing team moved under Housing two years ago and have been slowly developing new initiatives and policies. This strategy has been to Housing and Community Overview and Scrutiny Committee.

N Beresford said this strategy outlines the council's commitment to improving private sector housing standards in the borough. It focusses primarily on private sector accommodation but also have to have regard to registered providers and owner occupier accommodation. There is no legal requirement to adopt this strategy but after the service moved under the housing remit, it was felt that it was a good idea to have a strategy in place to outline the key priorities in addressing private sector housing standards. It has been informed by recent BRE stock model report undertaken earlier this year and is reflective of current housing condition in the borough.

Councillor Birnie referred to the 1148 HMOs in the borough of which 234 need to be licenced. He asked what evidence that was based on.

N Beresford said the information provided by the BRE is made up of data from a range of sources including DBC's information. The BRE compiled data from trading standards, revenue and benefits department, EPC data, energy companies and the electoral roll which provides detail overview of the stock within Dacorum and indicates high level of occupancy in properties. Only 234 HMOs require mandatory licensing which is set out in the regulations and governed by MHCLG. 100 have already been licenced, 32 in the process and the remainder are still to come forward and submit an application. The team will be prioritising the landlords that are yet to come forward.

Recommendations agreed.

## **CA/58/20      COVID-19 IMPACT REPORT**

### **Decision**

1. That:
  - (a) The projected financial impact of Covid-19 for 2020/21 as set out in section 1 and;
  - (b) The proposed recovery framework as set out in section 2 be noted.
2. That the extension of the voluntary sector contracts as set out in paragraphs 3.2 – 3.5 and the new one year contract to DENS as highlighted in paragraph 3.7 be agreed.
3. That the Covid-19 Strategic Risk annexed to the report be agreed.

### **Corporate objectives**

The financial impact and the Council's response to Covid-19 will impact all of the Council's Corporate Objectives.

### **Monitoring**

#### **Officer**

#### **comments**

The Monitoring Officer continues to monitor the key issues raised by legislative changes and relevant government guidance and ensure that effective policies and procedures are in place to assist services to continue to deliver during the pandemic and subsequent recovery phase.

### **S151**

#### **Officer**

#### **comments**

The Financial Implications section of the report have been written by the S151 officer and will continue to be monitored as actual costs become clearer. Members will be regularly updated on the financial implications of Covid-19 as they develop.

### **Advice**

Councillor Williams introduced the report to members and wanted to place on record his thanks to the whole organisation for the way it has dealt with the current crises and how well all the staff have stepped up to meet the challenge. He said the report contains a number of sections and the impact of Covid-19. The financial implications are still speculation at this stage and a number of measures have been put in place to help businesses, vulnerable people and other organisations. This report is comprehensive in outlining the challenges faced and will continue to face.

S Marshall echoed the thanks to staff who have been working under extreme circumstances and thanked members for their support. This situation is unprecedented and the report identifies the impact on services and identifies the governance for the officer recovery team to work on the programme and this is linked and in line with broader work across Hertfordshire through the resilience forum and the chief executive group. The key recommendations are extending the voluntary sector contracts to give them greater financial security and the sector needs certainty to receive more financial support to continue services at a difficult time. The community grant scheme will be widened to include Covid-19 related projects and there has been a lot of support for local businesses and S Marshall gave credit to the finance and economic development teams for processing grant payments so quickly and effectively. It was also highlighted that the homelessness team had gone from 95 people presenting as homeless pre-pandemic to 185 and this has been done with existing resources. There have been some new services provided to the community such as the food parcels being delivered to vulnerable residents in partnership with the county council. The plans to return to The Forum are flexible dependant on government guidance on public buildings and are currently preparing the building with a 2m distance and there is scope to change to 1m if necessary. Work has been carried out with the town centre businesses and BID partners to help retail businesses to reopen. S Marshall highlighted to members the recommendation to include a new risk to be entered in the strategic risk register that will be reviewed on an ongoing basis, the Incident Management Team are meeting three times a week and members will be updated.

Councillor Tindall also added his thanks to all staff for their efforts over this period that came with very little warning. He asked if there was a date for a return to The Forum or if it would be judged on circumstances.

S Marshall said the building was in the final stages of work; access doors changed to limit touching of door handles and work has started this week on adding screens between the banks of desks and at the customer service unit. Once this has been completed and subject to government advice on public buildings, it is hoped that it will be open for limited access in July. Staff and members will be given a briefing in the next couple of weeks via a webinar.

Councillor Birnie asked why there was no member involvement on the Incident Management Team.

S Marshall said this was in line with normal arrangements for emergency planning and recovery, it is officer led and any decisions that need to be made are done through portfolio holder decisions or reports back to Cabinet. There will be an opportunity to review everything through the overview and scrutiny committees. The decisions made normally have an operational impact rather than strategic.

J Deane ran through the financial aspects of the report. There is clearly a significant risk from a financial perspective in the current year and moving forward. The general fund will be significantly more affected than the housing revenue account. There is a predicted pressure of £5million for the General Fund which represents a third of the net cost of services and is driven largely by a reduced income rather than increased expenditure. These are high level estimates based on how an anticipated recession may unfold and its effect on the council's income streams. Referring to page 96, this gives some background on the figures and shows the key income streams for the council showing the council may potentially lose up to £6 million of budgeted income in the current year. This will be monitored on a monthly basis, some of these are intense and short bursts of loss of income suppressed, for example car parking which has had almost no income over the short term during the lockdown but hopefully it could recover quite quickly similarly, there are those that haven't been affected in the short term but could decrease moving forward, for example garages which could be at risk if there is a recession as household incomes become stretched. It is expected that there will not any more help from central government, the council have been given a grant of £1.6 million but this has been included in the net pressure. The council is part of groups lobbying the government for more funding, including the Local Government Association and the District Councils Network. For future years, there are questions around council tax collection. Although Council Tax collection rates are likely to be down, due to the technicalities of the Council Tax system, there will not be an impact on council tax funding this year. There are some disturbing trends in collection rates emerging— council tax collection was down 1.5% in the second month but take these figures with caution, as approximately 2,500 residents took the opportunity to move from 12 month instalments to 10 months and deferred the first payment until June. Business rates risk is in next year and the big unknown is how this is going to fit into the new government funding scheme. Both council tax collections and future government funding are being worked into a Medium Term Financial Strategy planning to bring to Cabinet in July but this could be delayed as need good quality analysis on June council tax collections. The Housing Revenue Account is forecasting a pressure of £500k and currently down 5% on rents and significant numbers of tenants have switched to Universal Credit. The pressure has been offset by a hold on spending due to restrictions in place and inability to access tenants houses.

Councillor Tindall asked if J Deane was aware of what was likely to happen with the new homes bonus. He said he had heard that the government are going to continue to roll it out.

J Deane said they are providing monthly returns to central government and they are drilling down more and more into local government finances to understand how they can deal with the pressures they are going to be under.

Councillor Elliot asked about the percentage of government funding that has been paid out

J Deane said it is about 90% given out to retail, leisure and hospitality businesses. Not going to see a full take up of the grant as some businesses in Dacorum won't be able to claim because they are claiming elsewhere and might get hit by state aid rules. At the end of the first two weeks of the Discretionary Fund, approximately a third (£500k) has been allocated and paid out.

Councillor Williams noted that the scheme is going to be extended this week which may encourage more applications.

J Deane said the premises overheads threshold will be lowered to 3,000 from 7,500 and we will be paying £2,000 grants to those organisations.

Councillor Birnie noted that it appears most impact will be coming in the next year rather than this year given the amount of slippage involved. He asked if the council was well covered with its reserves.

J Deane said there is a real pressure in the current year and can guess more accurately what the impact might be in the current year. The impact on future years depends on council tax collections and the severity of any recession. The council's reserves are earmarked for specific projects which will benefit the borough or deliver on efficiency savings. The reserves can only be used once and cannot be recovered. J Deane said he takes the view that the council needs to push hard for additional funding from government and use reserves as a last case scenario.

Councillor Williams said he has spoken to the MP for Hemel Hempstead and made the point that the reserves are not just sitting there, they have been allocated. Many councils will not survive without further government expenditure and is of the view that Dacorum should also get support.

J Deane supported this comment and said councils in a position of good financial health should not lose out to those in trouble that have taken greater risks. This fairness debate is going through the sector and conversations between central and local government.

Recommendations agreed.

**CA/59/20      CLIMATE CHANGE**

**Decision**

1. That the approach to the development and delivery of the Climate Emergency Strategy and Action plan as set out in the report be approved.
2. That the Climate Emergency Statement in Appendix 4 be approved

**Resolved to recommend:**

3. **The creation of a budget for the Climate Emergency of £75,000 in 2020/21 and authority be delegated for its expenditure be made to the Corporate Director Housing and Regeneration and the Assistant Director Corporate and Contracted Services in consultation with the Leader be approved**
4. That an annual review of the progress of the Strategy and Action Plan be made to Cabinet each year and an update be provided to Cabinet in September 2020 on initial progress
5. That a training and development programme for both staff and Members be delivered in 2020/21
6. That a 'Climate Emergency impact statement' be incorporated into Cabinet and Overview and Scrutiny reports

**Corporate**

**objectives**

The Council's Climate Change Strategy and Action Plan will help to support all 5 corporate objectives:

- *Safe and clean environment:* e.g. contains actions relating to the quality of existing environments and design and layout of new development that promote security and safe access;
- *Community Capacity:* e.g. provide a framework for local communities to be better informed and involved in climate emergency mitigation.;
- *New and Affordable housing:* through both direct delivery and setting improved sustainability requirements in new homes would help to reduce both the cost of energy and water and the carbon dioxide (CO<sub>2</sub>) emissions the homes would produce;
- *Dacorum delivers:* fulfilling the zero carbon pledge will make a huge contribution to local sustainability and assist in the national target to reach zero carbon as a nation by 2050;

- *Regeneration*: the strategy and action plan will provide improvements to air quality, biodiversity, opportunities for cycling and walking as well as major economic potential for 'green' businesses.

### **Monitoring Officer comments**

The Strategy and Action Plan will require continual review against the baseline data in order to measure the effectiveness of the agreed actions.

### **S151 Officer comments**

The recommended £75k budget can be funded through draw down from the Climate Change and Sustainability Reserve.

Whilst the Council remains ambitious in the delivery of its Climate Change Action Plan, it should be acknowledged that there may be occasions when financial restrictions prevent the implementation of desirable service changes in the future.

Future recommendations to Members will need to be presented within the context of the Council's broader financial position in order to support evidence-based decision-making.

### **Advice**

Councillor Williams introduced the report and asked for feedback from cabinet members about the comments from overview and scrutiny about their service areas.

Councillor Griffiths said she had concerns over the recommendation from SPAE OSC about increasing rents. This recommendation has not been discussed by H&C OSC and was not happy with the suggestion. The council needs to bring people along and some tenants are already in fuel poverty so increasing rents or forcing them to go all electric in their homes which is often more expensive than gas is not the right thing to do. There are government guidelines on rent increase, there has been a 1% decrease in the last four years which has now finished so the new guideline is the CPI plus 1%. She would not be supporting that recommendation.

Councillor Birnie said that he had some sympathy with what Councillor Griffiths said but said he was guided by the members on his committee. He said he would like to make the point that was brought up Councillor Timmis who is the borough's representative on the London Luton Airport Committee. There is no reference in the strategy about the massive expansion planned at the airport. 70% of western bound flights fly over Dacorum and there would be an increase in road pollution, noise pollution and fuel pollution from aircraft.

Councillor Elliot agreed with the comments made by Councillor Griffiths. He referred to the points about electric charging points and said it was quite costly to install these and the technology is always changing.

Councillor Anderson also agreed with the comments made by Councillor Griffiths. He stated that the council shouldn't get hung up on detail in this strategy or rule ideas either in or out. It is important to look at ideas where possible and the measures the council implements as part of this policy should be realistic, effective, proportionate and cost effective. He said he did not feel that a full on approach to installing electric charging vehicles fit in to that criteria. The council needs to have a flexible strategy to respond to emerging technology. It is important to consult the public but must avoid the mistakes of other authorities whereby people begin to passionately raise ideas that are not realistic. The report as a whole is excellent, and contains generalities under which the council can move forward.

Councillor Banks added support to comments made by the Cabinet and on a well-produced strategy and action plan. She noted that air quality was part of the plan but not specifically London Luton airport. She accepted that communication with residents and empowering them to take steps themselves is a critical part to delivering this strategy.

Councillor Timmis added to Councillor Birnie's point about London Luton airport. The airport's intention is to continue with applying for an expansion which would double its current passenger numbers and generate a significant amount of traffic. Luton airport continue to say that people will travel by train but at the same time, have built massive car parks. This will have a major impact on climate change and hopes that the council will raise its objections against the current application.

Councillor Sutton agreed with previous comments about rent and the electric charging points which he also believed was too early to make a decision on at this stage as the motor industry are working on different options for power. He also raised concerns that if every vehicle was electric whether there would be enough lithium to supply them. The council are using the Local Plan to include ways of making new homes and developments carbon neutral.

M Gaynor said London Luton airport did not feature in the strategy because the council already has a position of opposing the airport expansion. The strategy can be used to look at external factors which may have an effect on climate change inside the borough. There may be an impact from Covid-19 affecting the appetite for the air industry to expand. The electric charging points is not for the borough council to decide on its expansion, the technology falls to the county council and mainly relies on a push from the private sector. There is a requirement in the Local Plan that future developments must provide electric charging points.

Councillor Williams said that the airport had paused their application but didn't doubt that it would be paused forever but Dacorum and Herts County Council have objections against it. He said there was a huge difference between using electricity at home and electricity to power a car. For example, a house uses 7000kwh a year to power and driving 20,000 miles in a car would use 6000kwh so approximately 80% of electricity used in a house would have to be generated again. In some properties, it would be impractical to own an electric vehicle like in flat developments. He said some ideas like more tree planting and solar panels are more realistic.

Recommendations agreed.

The Meeting ended at 7.30 pm

CABINET FORWARD PLAN

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/ S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
1.	22/09/20	Appointment of a Principal Contractor for Eastwick Row Development, Hemel Hempstead.		03/09/20	Fiona Williamson, Assistant Director Housing 01442 228855 <a href="mailto:Fiona.williamson@dacorum.gov.uk">Fiona.williamson@dacorum.gov.uk</a> David Barrett, Group Manager Housing Development 01442 228252 <a href="mailto:David.barrett@dacorum.gov.uk">David.barrett@dacorum.gov.uk</a>	To seek approval to award the main contract and appoint a Principle Contractor to construct 10 Units at Coniston Road
2.	22/09/20	Appointment of a Principal Contractor for Coniston Road Development, Kings Langley.		03/09/20	Fiona Williamson, Assistant Director Housing 01442 228855 <a href="mailto:Fiona.williamson@dacorum.gov.uk">Fiona.williamson@dacorum.gov.uk</a> David Barrett, Group Manager Housing Development 01442 228252 <a href="mailto:David.barrett@dacorum.gov.uk">David.barrett@dacorum.gov.uk</a>	To seek approval to award the main contract and appoint a Principle Contractor to construct 10 Units at Coniston Road
3.	22/09/20	Q1 Financial Report		03/09/20	Nigel Howcutt, Assistant Director Finance & Resources 01442 228662 <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	A first quarter (April-June) review of the council's financial performance.
4.	22/09/20	Climate Change		03/09/20	Mark Gaynor, Corporate Director Housing & Regeneration 01442 228575 <a href="mailto:Mark.gaynor@dacorum.gov.uk">Mark.gaynor@dacorum.gov.uk</a>	To be provided
5.	22/09/20	Covid-19 Update		03/09/20	Sally Marshall, Chief Executive 01442 228213 <a href="mailto:sally.marshall@dacorum.gov.uk">sally.marshall@dacorum.gov.uk</a>	To be provided
6.	20/10/20	Treasury Management Report		01/10/20	Nigel Howcutt, Assistant Director Finance & Resources 01442 228662 <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	A report on the 2019/20 treasury management performance.
7.	20/10/20	Local Plan Consultation Draft		01/10/20	James Doe, Assistant Director Planning, Development and Regeneration 01442 228583 <a href="mailto:james.doe@dacorum.gov.uk">james.doe@dacorum.gov.uk</a>	To be provided
8.	24/11/20	Garage Investment Strategy		05/11/20	Linda Roberts, Assistant Director of People, Performance & Innovation 01442 228979 <a href="mailto:Linda.roberts@dacorum.gov.uk">Linda.roberts@dacorum.gov.uk</a>	To be provided

**Future Items:**

- South West Herts Joint Strategic Plan (J Doe)
- The Bury museum project (J Doe) - To update Cabinet on progress on options for delivering a new museum at The Bury, and seek agreement on the next stages of the project.
- Drug and Alcohol Support Commissioning (L Roberts & M Rawdon)
- Car parking supplementary planning document (J Doe)
- Constitution Update/Protocol on filming (M Brookes)
- Berkhamsted Sports Centre (M Brookes)



<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>21 July 2020</b>
<b>Part:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Garage Programme Update</b>
<b>Contact:</b>	<ul style="list-style-type: none"> <li>• Andrew Williams, Portfolio Holder for Corporate and Contracted Services</li> <li>• Linda Roberts, AD People, Performance and Innovation, Author/Responsible Officer</li> <li>• James Deane, Corporate Director (Finance and Operations), Garage Programme Sponsor</li> </ul>
<b>Purpose of report:</b>	The purpose of this report is to update members on the progress of the Garage Programme review.
<b>Recommendations</b>	Note the progress of the programme and the impact of COVID-19 on this programme.
<b>Period for post policy/project review</b>	Propose another update with proposed investment strategy in November 2020
<b>Corporate objectives:</b>	<ul style="list-style-type: none"> <li>• Building strong and vibrant communities</li> <li>• Ensuring economic growth and prosperity</li> </ul>
<b>Implications:</b>  <b>'Value for money' implications</b>	<p><u>Financial</u> The review is essential to ensure the garage asset maximises revenue and is appropriately aligned to demand, so that alternative use options can be considered for the generation of capital receipts or alternative revenue streams. The review is being funded from reserves on the basis of spend to save.</p> <p><u>Value for money</u> The review is being undertaken at market rates for this nature of professional services support.</p>
<b>Risk implications</b>	<p>There is an active risk register for this programme review which is managed by the Programme Board.</p> <p>The main risk for the Council relating to Garages is without any intervention they will be a continued decline of revenue. There</p>

	is a reputational risk to the Council for the perceived poor management of the garage stock.
Community Impact Assessment	Community Impact Assessment carried out on 7 <sup>th</sup> January 2020.
Health and safety Implications	There are no specific H&S concerns in this review as such. However Health and Safety implications will be full considered as part of the recommendations that will be developed once the review is complete.
Monitoring Officer/ S.151 Officer Comments	<p><b>Deputy Monitoring Officer comments:</b></p> <p>There are no legal implications to this report.</p> <p><b>Deputy S151 Officer comments:</b></p> <p>There are no financial implications to this report.</p>
Consultees:	<ul style="list-style-type: none"> <li>• Contacts from within Housing <ul style="list-style-type: none"> <li>• Lesley Jugoo, Empty Homes Team Leader</li> <li>• Theresa Miles, Garage Management Officer</li> </ul> </li> <li>• Lucy Tash, Accountant: Housing, DBC (for budgets)</li> <li>• Ben Trueman, GM - Technology &amp; Digital Transformation, DBC (for ICT systems)</li> <li>• Charlotte Courtney, Project Manager, Orchard Systems</li> </ul>
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

## Executive Summary

1. The Garage Programme review commenced in November 2019 with the appointment of an external Programme Manager to lead the review and implement improvements.
2. The COVID-19 pandemic has had a significant impact on the completion of the development of a mobile tool to collect garage survey data. This is due to the supplier furloughing staff until the beginning of June and the Council's priorities were focused on the transition to remote working and the immediate response to the lockdown and new ways of working. Due to the availability of Orchard staff to work on this development the upgrade work will not be completed until it is done over the weekend 4<sup>th</sup> and 5<sup>th</sup> July
3. Tenders were sent out to known external surveyors and the successful bidder was Aitchison Rafferty. They too had been severely impacted by the lockdown restrictions but will be able to start this work w/c 6<sup>th</sup> July. Based on

the numbers of surveys to be done (6,855) they expect this week to be completed by 20<sup>th</sup> August.

4. The Garages team continues to process garage applications and returns whilst this work is being done. This will also help inform on the demand for garages and if this changes as a result of the impact on the local economy of COVID-19. During this period (April to first two weeks in June) there has been 263 e-form enquiries, 93 offers made, 60 commencements with 56 terminations. The DBC surveyors who have been unable to go into tenant buildings have carried out 756 inspections.
5. Once the surveys are completed and the data mapped against demand this will inform and shape a garage investment strategy proposals and priorities.
6. It is planned to present this investment strategy for scrutiny and to Cabinet in November 2020.

## **Introduction**

7. There have been a number of issues with the rental and management of Garage assets in Dacorum. Constructed around 1950/1960 a lot of the stock requires maintenance and investment, but it has not been known where this should be best spent. Although the garages as assets belong to the General Fund, they have been historically managed by the Housing directorate of the Council.
8. The Garage Programme review commenced in November 2019 with the appointment of an external Programme Manager to lead the review and implement improvements.

## **Progress**

9. The approach and progress of the review was presented at the joint scrutiny meeting in February 2020. This report is an update of progress since February and shows the impact of the COVID-19 pandemic has had on this project.
10. The main focus of the programme at the time of the outbreak of COVID-19 was:
  1. Completing the development of an IT tool to collect garage survey data and feed it directly in the ProMaster system (part of the Housing system Orchard).
  2. Send out a tender to known external surveying firms to enable the surveys to be done much more quickly than just relying on our internal surveying capability.
  3. Continue to process applications and returns of garages and setup new rental agreements.

## **Development of a mobile applications to capture garage survey data**

11. The Council's contract Project Manager had instructed the software supplier (Orchard) in February 2020 about the changes that were required to enable the mobile application to work for DBC. In early March Orchard informed DBC that the tool would require an upgrade of the underlying database. The first part of this work was done w/c 23<sup>rd</sup> March but this coincided with the introduction of lockdown restrictions.
12. The Council's contract Project Manager was stood down on 30<sup>th</sup> March and at this time Orchard furloughed staff as we received emails with out of office message referring to them being unavailable until 1<sup>st</sup> June 2020. We had no consultation with Orchard in regard to this and so the work was put on hold, as their staff were unable to work if furloughed. In addition Orchard was in the final stages of an acquisition by a US company MRI, which was announced on 31<sup>st</sup> March, so they were unlikely to make any adverse information in respect of the COVID impact public at that stage.
13. In addition to Orchard's availability the Council's priorities were focused on the transition to remote working and the immediate response to the lockdown and new ways of working. There was a need to suspend any development work to ensure that all IT was focused on the support of the current environment to ensure that wholesale homeworking and necessary resilience was delivered.
14. At the end of May (27<sup>th</sup> May) we resumed contact with Orchard as this coincided with their planned to return to work. At this point there was still much work to be done to complete the upgrade. We received an email with a planned return date of 22<sup>nd</sup> July due to limited capacity for the upgrade team which we replied was unacceptable. We have now had this scheduled for over the weekend of the 4<sup>th</sup> and 5<sup>th</sup> July. This coincides with the wholesale survey work being starting w/c 6<sup>th</sup> July.

## **Tendering for external surveying capability**

15. At the end of March a tender was sent out to three known firms of surveyors for them to bid to survey the garages on the Council's behalf. Surveying had continued with the internal team but it had made slow progress due to their other housing work commitments.
16. The tenders were reviewed in May as during April the Councils was focused on the transition to remote working and the immediate response to the lockdown and new ways of working.
17. Aitchison Rafferty (were successful with their tender and in consultation with them and the return of their staff to work it was agreed that the survey work would start w/c 6<sup>th</sup> July with an aim to complete all the garage stock that had not been updated (6,855 garages) by our internal team by the end of August.

It was confirmed that this work can be done whilst maintaining COVID-19 guidelines.

### **Continue to process applications and returns of garages and setup new rental agreements**

18. Although the development of the mobile tool was suspended during lockdown the Council's Garages Team continued to process garage applications and make garages available for rental. During this period (April to first two weeks in June) there has been 263 e-form enquiries, 93 offers made, 60 commencements with 56 terminations. The DBC surveyors who have been unable to go into tenant buildings have carried out 756 inspections.
19. This is a good performance from the team that they have managed to respond to residents requests. However depending on the severity of the recession, there is a risk that garages may represent an early cost saving for a household in financial difficulties. Garages relinquished now could have a medium-term financial impact on the Council as they may prove challenging to re-let. This will be factored into the ongoing garage programme and subsequent investment strategy.

### **Next steps**

20. A meeting was held on 22 June between Orchard and DBC to finalise the arrangements for the work to be done on the upgrade and completion of the mobile tool. This will be closely monitored during the next couple of weeks to ensure that it completed on time.
21. There are plans for Aitchison Rafferty surveyors to come to The Forum to receive training in the mobile application before they commence with their surveys.
22. Once the surveys are completed and the data mapped against demand this will inform and shape a garage investment strategy proposals and priorities.
23. It is planned to present this investment strategy for scrutiny and to Cabinet in November 2020.

# Agenda Item 8



<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>21<sup>st</sup> July 2020</b>
<b>Part:</b>	<b>1</b>
If Part II, reason:	

Title of report:	<b>Private Sector Assistance Policy</b>
Contact:	Councillor Margaret Griffiths, Portfolio Holder for Housing Fiona Williamson, Assistant Director Housing
Purpose of report:	To present to Members for consideration the Private Sector Housing Assistance Policy
Recommendations	That the draft Private Sector Housing Assistance Policy as set out in the Appendix to this report be approved.
Period for post policy/project review	The policy will be reviewed biennially, or if there is a change to legislation that impacts the application of the policy.
Corporate objectives:	The Private Sector assistance policy contributes to following corporate objectives: <ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment</li> <li>• Providing good quality affordable homes, in particular for those most in need</li> <li>• Delivering an efficient modern council</li> </ul>
Implications:	<u>Financial</u>  All grant payments will be subject to assessment using defined criteria and will only be considered if there is available and the grant satisfies the wider strategic objective to maximise the opportunities to assist with pressures on social care.
'Value for money' implications	<u>Value for money</u>  Any discretionary grant payments will be awarded following the assessment of alternative options and consideration of the

	costs of each, so that a demonstration of value for money can be ascertained.
Risk implications	The majority of the grant funding will be allocated through Disabled Facilities Grants and adherence to the procedure and policy will minimise risks.
Community Impact Assessment	A Community Impact Assessment has been undertaken and is attached in Appendix B
Health and safety Implications	All discretionary grant awards will be made in line with health and safety legislation appropriate to the use of the funding.
Monitoring Officer/ S.151 Officer Comments	<p><b>Deputy Monitoring Officer comments:</b></p> <p>The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 provides that that local authorities may for the purpose of improving living conditions provide to its residents any form of assistance, either directly or indirectly, to enable them to improve their homes.</p> <p>In order to use these powers, local housing authorities must have adopted a policy setting out the assistance to be provided.</p> <p><b>Deputy S151 Officer comments:</b></p> <p>This policy is funded through the disabled facilities grant and hence the criteria is outlined in the grant conditions.</p>
Consultees:	<p>Corporate Management Team  David Barrett – Group Manager Housing Development  Natasha Beresford, Group Manager Strategic Housing  Jason Grace, Group Manager Property and Place  Layna Warden, Group Manager Tenants and Leaseholders  Gillian Malcolm Herfordshire County Council, Team Manager,  Dacorum Older Persons Team  Edward Knowles, Assistant Director, Health Integration (Herts Valleys)  Oliver Jackson Team Leader  Housing and Communities Overview and Scrutiny Committee</p>
Background papers:	<p>Appendix A The Private Sector Assistance Policy  Appendix B Community Impact Assessment</p>
Glossary of acronyms and any other abbreviations used in this report:	<p>Disabled Facilities Grant (DFG)  Clinical Commissioning Group (CCG)  Regulatory Reform Order (RRO)  Ministry For Housing Communities and Local Government (MHCLG)</p>

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## **1.0 Introduction**

- 1.1 The Private Sector Housing Assistance Policy sets out the types of assistance available to private occupants to improve their living conditions and enable independent living. The Policy replaces the current policy which was approved by Cabinet in March 2013, which due to reductions in various forms of central government funding, is now out of date.
- 1.2 Private occupants are owner occupiers that have either bought their home outright, with a mortgage or own a share in their property (Shared Ownership), and those that rent from a private landlord. Responsibility for maintaining and adapting privately owned homes rests first and foremost with their owners but some targeted assistance may be available from local authorities and agencies, to pay or contribute towards adaptations or other measures to enable independent living.
- 1.3 In addition the Discretionary Disabled Facilities Grant (DFG) Top up Grant is available to tenants of Private Registered Providers of Social Housing, as these tenants are eligible for DFG adaptations. Further the Disabled Person's Equipment and Assistive Technology Assistance, is available to all disabled people in the borough regardless of housing tenure.
- 1.4 The Policy has been developed to support the objectives of the Better Care Fund, of which the mandatory DFG funding forms the majority of the allocation to the Borough, but this policy extends the scope to include discretionary grant payment, as detailed in the policy.
- 1.5 It is important to note that the majority of any funding available will be used for the mandatory DFG funding and therefore the ability of the Council to provide any discretionary support will be dependent on the availability of any remaining funding, or through any new specialist funding streams, designed to support climate emergency or to stimulate economic recovery post Covid 19.

## **2.0 Statutory Context**

- 2.1 This Policy has regards to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO), the Housing Grants, Construction and Regeneration Act 1996...
- 2.2 The power enables local authorities to give assistance to persons directly, or to provide assistance through a third party. Assistance can be given to pay for any fees and charges associated with the assisted works. Assistance given under the general power may be unconditional or subject to conditions, for example the requirement to repay a grant if the property is sold within five years.
- 2.3 The RRO also provides local authorities with a degree of flexibility in devising both its strategy for dealing with poor housing conditions and the policy tools available.

- 2.4 In order to use the powers provided in the RRO the Council must adopt a policy for the provision of the assistance. The Policy complies with that requirement.
- 2.5 Housing Grants, Construction and Regeneration Act 1996 - much of this Act was been repealed by the RRO. The remaining legislative framework contained within this Act provides the basis for the provision of Disabled Facilities Grants (DFG), which are financial grants to help with the cost of adapting a property to meet the needs of a disabled occupant.

### **3.0 Consultation**

- 3.1 The Council have developed this policy in consultation with Hertfordshire County Council, Adult Care Services and The Clinical Commissioning Group for the Herts Valley Region, to consider the mechanism for referrals and how cases would be assessed in respect of priority need.
- 3.2 It is envisaged that the discretionary grants will be limited in number due to the majority of the annual funding from MHCLG being allocated for mandatory DFG works.
- 3.3 The policy enables the discretionary funding to ensure that residents in the private sector are able to live in properties suitable for their long term health needs and to ensure hospital beds are only used for those in need of clinical support, by providing options for ensuring hospital discharge to the private sector accommodation
- 3.4 The discretionary funding will be allocated based upon the assessment of each case and means assessed as the expectation is that where possible the costs will be borne by the owner. If the necessary adaptations involve specialist medical equipment this will be provided by HCC and is not covered in the scope of this policy.

### **4.0 Recommendation**

- 4.1 The recommendation is that Cabinet members approve the policy and Community Impact Assessment, as set out in Appendices A and B.



# Private Sector Housing Assistance Policy

July 2020

# 1.0 Private Sector Housing Assistance Policy overview

This policy is managed and adhered to by the housing service. This policy will be reviewed regularly to ensure compliance with government legislation, guidance and good practice.

## Contents

### 1.0 Policy overview

- 1.1 Introduction
- 1.2 Aim(s) of the policy
- 1.3 Links to the Council's corporate aims
- 1.4 Equality and diversity
- 1.5 Policy statement

### 2.0 Private Sector Housing Support Policy detail

- 2.1 Mandatory Assistance Disabled Facilities Grant
- 2.2 Better Care Fund – Discretionary Funding (DFG allocation)

### 3.0 Links to other corporate strategies and policies

### 4.0 Legislation

### 5.0 Supporting procedures

#### 1.1 Introduction

There have been significant changes to the way housing assistance is funded. The introduction of the Better care priorities of both national government and Dacorum Borough Council, this new Housing Support Policy has been developed to provide greater flexibility in the use of grant funding to support those in the private sector to maintain independent lives.

#### 1.2 Aim(s) of the policy:

The aims of this policy are to;

- Comply with all relevant legislation and regulatory guidance
- Provide clear guidance for Officers to enable them to carry out their roles with the team
- Provide details for residents to explain the discretionary financial assistance available to residents to reside safely in their own or privately rented homes.

#### 1.3 Links to Council's corporate aims:

This policy supports the council's corporate priorities which are set out in ['Delivering for Dacorum – Corporate Plan 2020-2025'](#).

This Policy relates to the following Corporate aims

- A clean, safe and enjoyable environment
- Providing good quality affordable homes, in particular for those most in need
- Delivering an efficient modern council

#### 1.4 Equality and diversity

The council is committed to promoting equality of opportunity in all services and has procedures in place to ensure that all Applicants and Tenants are treated fairly and without unlawful discrimination. A Community Impact Assessment has been undertaken which outlines the approach.

#### 1.5 Policy Statements

We will assess all applications in line with the appropriate legislation and details as set out in this policy.

We will ensure a test of resources is undertaken for Disabled Facilities Grants

We will prioritise applications in line with clinical need and assess cases with a similar level of need in chronological order

We will work with other agencies to review discretionary funding through the Better Care Fund

We will undertake all necessary checks to validate the efficacy of any grant award

We can provide a management service to procure and oversee works for a fee

We will operate an appeals procedure for cases where a grant is not awarded

We will arrange for the management of repayment facilities, for cases where any grant conditions require a repayment of part or all of the grant

# 2.0 Private Sector Housing Assistance Policy detail

## 2.0 Private Sector Housing Assistance Policy

### 2.1 Mandatory Assistance – Disabled Facilities Grant (DFG)

Such grants are available to owners or tenants over 18 years to provide appropriate adaptations to enable access essential facilities within their home and allow better independent living.

This is a statutory grant and administrative process as set out in the Housing Grants, Construction and Regeneration Act 1996 and associated guidance. The maximum amount of grant is £30,000 (Disabled Facilities Grant Maximum Amounts and Additional Purposes) (England) Order 2008)

To be eligible for assistance an assessment must be undertaken by a suitably qualified Occupational Therapist. An assessment by the Council must also be satisfied that the works are “necessary and appropriate” and “reasonable and practicable” bearing in mind the layout and condition of the property

Renewal Grants (Amendment) (England) Regulations 2008.

2.1.2 For each application a test of resources will be undertaken in line with the requirements of the Housing Renewal grants Regulations 1996 and in the Housing

2.2.2 Calculations are based upon the regulations entitlement to housing benefit and council tax support. The income and capital of each relevant person (the disabled applicant and their spouse or partner) is taken into account in the assessment of financial resources.

2.1.3 In the case of families with a disabled child or young person under the age of 18 there is no means test and 100% grant is awarded up to the maximum limit.

Where all relevant persons are in receipt of pass ported benefit then 100% grant is awarded.

2.1.4 Repayment conditions are applicable to every DFG over £5000 under the Housing Grants, Construction and Regeneration Act 1996 and Disabled Facilities Grant (conditions relating to approval or payment of grant) General Consent 2008. Appendix A provides specific details.

### 2.2 Better Care Fund (BCF) Sourced Discretionary Funding (DFG allocation)

The Department of Health have stated that DFG funding will continue to be included within the BCF to “encourage areas to think strategically about the use of home/aids/adaptations, use of technologies to support people in their own homes and to take a joined up approach to improving outcomes across health, social care and housing”

This has allowed greater flexibility for the use of the grant funding but all expenditure must be based on the requirements of the BCF and will achieve at least one or more of the core principles:

- Reducing or eliminating hospital admissions
- Allowing speedier discharge from hospital
- Considering the long term needs of individuals and reductions in associated treatments and social care costs; and
- Undertaking works, adaptations or provision of equipment that is not provided by another service.

2.2.1 Discretionary Disabled Facility Grant (DDFG) funding will be available for three specific areas

- Funding adaptations over the £30,000 maximum
- Relocation funding

DDFG funding is available to applicants who meet the eligibility criteria for a mandatory DFG and who require additional funding in order to pay for the adaptations or to move to another property more suited to adaptation (or already adapted)

Assistance may be refused in cases where an applicant is found to have an outstanding debt with the Council of any kind.

Appendix B & D detail the repayment conditions associated with all DDFG's.

# 2.0 Private Sector Housing Assistance Policy detail

**2.2.2 Top up Funding** For adaptations over the maximum £30,000, top-up assistance is solely for the necessary and appropriate and reasonable and practicable adaptations. If any higher specification is sought by the applicants this will not be covered by this assistance. The maximum top up assistance will be £30,000.

DDFG discretionary funding will not be able to be used for the purposes of an offset grant. An offset grant is one where Dacorum Borough Council agree a scheme but the applicant wishes to undertake a different more expensive or extensive scheme.

Tenants may be eligible for top up assistance but cases will be assessed on a number of factors such as the impact on rent ability, length of tenancy and agreement of the landlord.

Registered social landlords are able to apply for DDFG but any discretionary funding awarded would be on the basis of match funding by their registered social landlord.

All applications for top up assistance will be means tested, using the same criteria and methodology used for mandatory DFG's.

Any top up funding provided by this route will be repayable on disposal or transfer of the property to which it relates. A charge will be placed with land registry and local land charges. No charge can be put on a property owned by a RLS. An applicant will not normally be eligible for top up assistance where a relocation grant has previously been provided by the Council as any new property would have to be deemed appropriate for the disabled person's needs.

**2.2.3 Relocation Funding** This is available when a proposed adaptation via the mandatory route has been assessed by the Occupational Therapist and the Council and is not considered reasonable and practicable because of either cost and or extent of works involved. Funding will provide financial assistance towards the costs of moving to a more suitable property for the needs of the disabled applicant.

The suitability of the property will need to be confirmed by an Occupational Therapist and can be outside of the District.

The maximum amount will be £10,000 and can be obtained for the following:

- Estate agents fees (limited to 1.5% of the property value)
- Solicitors fees
- Valuation fees
- Stamp Duty (limited to the amount for a property valued at 15% of the value of the property being sold)
- Mortgage arrangement fees
- Removal costs

There is no repayment requirement linked to this discretionary funding

## 2.2.4 Accelerated Funding Grant (AFG)

Maximum grant of £7500 with repayment being considered between £5,000 and £7,500. The AFG will be considered for adaptations recommended by an Occupational Therapist that cost under £7500. Applicants must be owner occupiers, private sector tenants or RSL tenants, be registered or registerable disabled. No means test will be applicable for this grant.

Such a grant is appropriate in situations where low cost or urgently needed adaptations are required, that if not carried out, could directly affect the occupant's health, safety and welfare, or the health safety and welfare of the disabled applicant's carer.

The grant will only require one estimate and be limited to a maximum of £7,500. Any grant liable to exceed this amount will be required to apply for a mandatory DFG. A charge will be applied to such grants between £5,000 and £7,500 and will be those stated in legislation.

See appendix B for conditions appropriate for an AFG

## 2.2.5 Hospital Discharge Grant (HDG)

This grant is solely to provide support for any individual being discharged from hospital and has a maximum value of £3,000.

Applicants for a HDG must be in hospital at the time of referral and awaiting discharge. Owner occupiers and private sector tenants are able to make an application for this grant and are not required to go through a means test.

The exact nature of works is not specified, however all works associated with the grant must be essential to enable the individual to be discharged from hospital back to their home. The works can include minor works, boiler repairs, deep cleaning or decluttering, purchasing of furniture, such as single beds can be considered for funding if this is preventing hospital discharge.

# 2.0 Private Sector Housing Assistance Policy Detail

An application form will need to be completed along with confirmation of ownership, or tenancy, confirmation from a member of the clinical team stating the work is required to enable hospital discharge.

## 2.2.6 Safe and Secure grant (SSG)

The maximum grant will be £1000 and is available to owners and private sector tenants with no repayment criteria being applied.

The Safe and Secure grant is designed to reduce admissions into hospital and promote independence. The grant can be used to undertake minor repairs or alterations to the security of the home and could include:

- Additional handrails to stairs
- Repairs or modifications to flooring
- Provision of additional security or modifications to a property for customers with a specific disability, diagnosed condition, including dementia or Alzheimer's, to improve the safety or security of their home.

Links with other agencies will enable referrals for the grant to be made by Community Care agencies, charities and family carers.

The grant is not subject to a means test and will require a written confirmation of the ill health diagnosis from a medical professional.

## 2.2.7 Enablement Grant for social inclusion

This grant is only available in instances where top up funding is received from government and can be accessed by organisations and institutions that deliver services in the community for vulnerable older people.

The maximum grant will be £1000

The grant is designed to provide financial support to enable organisations who support vulnerable and older people to improve their wellbeing by enhancing their social and community inclusion.

The exact nature of works is not specified, however all works associated with the grant must be essential to enable service users to access services provided by these organisations and can include minor works, purchasing of suitable furniture, such as higher or wider chairs or other options which increase the number of vulnerable or older people that can use the services provided.

These institutions and organisations may have links with will other agencies but will not be for-profit and the services they provide must be directly linked with the wellbeing agenda. Referrals can be made directly by the organisation or through links with other agencies such as Community Care agencies, charities and family carers.

### 3.0 Links to other corporate documents

This policy links to and should be read in conjunction with the following policies and strategies:

### 4.0 Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- The Housing Act, 1985 and 1996
- The Housing Grants Construction and Regeneration Act 1996
- The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- The Localism Act, 2011
- Housing Grants, Construction and Regeneration Act 1996 and associated guidance. (Disabled Facilities Grant Maximum Amounts and Additional Purposes) (England) Order 2008)
- The Care Act 2014

### 5.0 Appendices

The appendices listed below form part of this policy:

- Appendix A Repayment conditions – Disabled Facilities Grants

# Dacorum BC Community Impact Assessment (CIA)

Policy / service / decision

Private Sector Housing Assistance Policy

## Description of what is being impact assessed

*What are the aims of the service, proposal, project? What outcomes do you want to achieve? What are the reasons for the proposal or change? Do you need to reference/consider any related projects?*

*Stakeholders; Who will be affected? Which protected characteristics is it most relevant to? Consider the public, service users, partners, staff, Members, etc*

*It is advisable to involve at least one colleague in the preparation of the assessment, dependent on likely level of impact*

The aims of this policy is to improve the use of the Disabled Facilities Grant, Better Care Fund, by widening the scope to include access to grant funding, or adaptations to enable individuals to live independently in their own homes for longer and to reduce the impact on other social care services.

The policy will provide increased opportunities for individuals who require adaptations, alternative housing or support through grant funding, through a range of options available to service users and health care professionals.

The need to ensure the grant funding is allocated in accordance with the policy conditions will require some additional training or resource for those staff responsible for administration of the grant.

The policy will require approval from members and will be taken through the scrutiny and Cabinet approval process.

## Evidence

### What data/information have you used to assess how this policy/service/decision might impact on protected groups?

*(include relevant national/local data, research, monitoring information, service user feedback, complaints, audits, consultations, CIAs from other projects or other local authorities, etc.). You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

Legislation consultation papers, detail from Foundations a charitable organisation which works to improve lives of those with disabilities, details from officers within the housing service in respect of the widening of scope for the grant, data from the CCG and Adult social care and community interest groups.

Refusals reasons from clients applying for DFG grant due to means assessment.

By widening the scope of the grant it is aimed to provide more opportunities for those individuals who have vulnerabilities or disabilities as it requires engagement with health professionals or carers to facilitate improved access to the grant funding available.

**Who have you consulted with to assess possible impact on protected groups?** *If you have not consulted other people, please explain why? You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

Housing Aids and Adaptations surveyors, Group Manager Property and Place, Assistant Director Finance and Resources, Housing Senior management team.

Portfolio Holder for housing, Cllr Margaret Griffiths.

Additionally CCG and Adult Social Care, current clients and those awaiting adaptations, or who have refused adaptations in the past due to the contribution requirements, Other Local government districts that have developed similar policies

## Analysis of impact on protected groups (and others)

The Public Sector Equality Duty requires Dacorum BC to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service/decision will achieve these aims. Using the table below, detail what considerations and potential impacts against each of these using the evidence that you have collated and your own understanding. Based on this information, make an assessment of the likely outcome, **before** you have implemented any mitigation.

- The PCs of *Marriage and Civil Partnership* and *Pregnancy and Maternity* should be added if their inclusion is relevant for impact assessment.
- Use “insert below” menu layout option to insert extra rows where relevant (e.g. extra rows for different impairments within Disability).

Summary of impact		Negative impact / outcome	Neutral impact / outcome	Positive impact / outcome
Protected group	<i>What do you know? What do people tell you? Summary of data and feedback about service users and the wider community/ public. Who uses / will use the service? Who doesn't / can't and why? Feedback/complaints?</i>			
<b>Age</b>	D.o.B is recorded on any occupational health referral, but is only for identification purposes. The widening of scope will address some age related conditions such as frailty.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Disability (physical, intellectual, mental)</b>  <i>Refer to CIA Guidance Notes and Mental Illness &amp; Learning Disability Guide</i>	All cases will be assessed and the policies overarching purpose is to improve the accessibility of the grant funding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Gender reassignment</b>	The conditions for the grant being awarded are assessed on a case by case basis and with the input of medical professionals or carers to support those who may have elected for a gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Race and ethnicity</b>	The conditions for the grant being awarded are assessed on a case by case basis and with the input of medical professionals or carers to support those who may have elected for a gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Religion or belief</b>	Where requirements for religious reasons are requested i.e.need for a female chaperone, the service will accommodate such requests and ensure staff have appropriate awareness training so they can be aware of potential adjustments to the service.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sex</b>	There are similar numbers of male and female applicants for the DFG grants and it is anticipated that through the widening of the scope of the grant that this is likely to continue.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sexual orientation</b>	Staff all receive Equalities and Diversity training and there is no detrimental impact on this protected group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Not protected characteristics but consider other factors, e.g. carers, veterans, homeless, low income, loneliness, rurality etc.</b>	The aim of the policy is to consider the opportunity to use the grant funding to support the overall wellbeing agenda. In so doing consideration has been given to issues such as social isolation and frailty. Carers will also be able to make applications for grant funding to assist with their caring responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Negative impacts / outcomes action plan**

Where you have ascertained that there will potentially be negative impacts / outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

<b>Action taken/to be taken</b> <i>(copy &amp; paste the negative impact / outcome then detail action)</i>	<b>Date</b>	<b>Person responsible</b>	<b>Action complete</b>
	Select date		<input type="checkbox"/>
	Select date		<input type="checkbox"/>
	Select date		<input type="checkbox"/>
	Select date		<input type="checkbox"/>
	Select date		<input type="checkbox"/>
	Select date		<input type="checkbox"/>
	Select date		<input type="checkbox"/>
	Select date		<input type="checkbox"/>

**If negative impacts / outcomes remain, please provide an explanation below.**

**Completed by (all involved in CIA)**

**Date**

**Signed off by** *(AD from different Directorate if being presented to CMT / Cabinet)*

**Date**

**Entered onto CIA database - date**

**To be reviewed by** (officer name)

**Review date**



Report for:	Cabinet
Date of meeting:	21 July 2020
Part:	1
If Part II, reason:	

	<b>DACORUM BOROUGH LOCAL PLAN 2018-2036: REVIEW OF THE LOCAL DEVELOPMENT SCHEME</b>
Contact:	<p>Cllr Graham Sutton: Portfolio Holder for Planning &amp; Regeneration</p> <p>Author/Responsible Officers:                  James Doe: Assistant Director, Planning, Development and Regeneration                  Chris Taylor: Group Manager Strategic Planning and Regeneration                  Alex Robinson: Strategic Planning Manager</p>
Purpose of report:	To seek Cabinet's agreement to a revised Local Development Scheme including an updated timetable for the preparation of the Local Plan.
Recommendations	That Cabinet note the justification for an additional consultation under Regulation 18, and approve it being incorporated into the revised timetable for the Local Plan and other updates to the Local Development Scheme appended to this report and delegate authority to the Assistant Director- Planning, Development and Regeneration to make any final minor editorial and typographical revisions to the document including any necessary to reflect the Cabinet's discussions and decision.
Corporate Objectives:	<p>The Council's Local Plan helps support all 5 corporate objectives:</p> <ul style="list-style-type: none"> <li>• <i>Safe and clean environment:</i> e.g. contains policies relating to the design and layout of new development that promote security and safe access;</li> <li>• <i>Community Capacity:</i> e.g. provide a framework for local communities to prepare area-specific guidance such as Neighbourhood Plans, Town / Village Plans etc.;</li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Affordable housing</i>: e.g. sets the Borough’s overall housing target and the proportion of new homes that must be affordable;</li> <li>• <i>Dacorum delivers</i>: e.g. provides a clear framework upon which planning decisions can be made; and</li> <li>• <i>Regeneration</i>: e.g. sets the planning framework for key regeneration projects, such as Hemel Hempstead town centre and the Maylands Business Park.</li> </ul>
<p>Implications:</p> <p>‘Value For Money Implications’</p>	<p><u>Financial Background</u>  Funding to prepare the new Dacorum Local Plan is provided from existing base budgets, however in order to allow for peaks in expenditure in the periods of high activity, pre and post examination, expenditure in excess of the base budget will be funded from a drawdown from the Local Development Framework (LDF) reserve. The budget for 2020/21 has been set at required levels, partly funded from a drawdown from the LDF reserve. Any expenditure over the base budget position in 2021/22 will be reviewed and budget approval agreed.</p> <p><u>Value for Money</u>  Where possible, evidence base work is undertaken jointly with other authorities to ensure cost is optimised (through economies of scale). Collaborative working with landowner consultants will continue to help extend the resources available to the Council and avoid the duplication of site specific technical information.</p>
<p>Risk Implications</p>	<p>The Local Plan has its own detailed risk assessment.</p> <p>The key risk is that the new Local Plan is found ‘unsound’ by an Inspector at Public Examination. To avoid this, the Council must ensure that the Plan complies with Government policy and is founded on robust evidence, particularly on infrastructure, and follow all statutory and local requirements, including on public consultation.</p> <p>If a plan is submitted prematurely and not fully supported and justified by evidence then the Plan will not be found sound and the Council would have to restart plan making, incurring further time and cost to the process. The most significant risks emerging from recent examinations include insufficient evidence demonstrating the delivery of infrastructure to support growth and Councils not satisfying requirements under the Duty to Cooperate. Therefore, the Council considers it prudent to undertake further work in these areas prior to Publishing its Local Plan.</p> <p>The Local Plan is critical to evidencing there is a five-year supply of housing land which is important to ensure that Council is able to control development appropriately and the planning decisions are plan-led.</p> <p>Following adoption of the Local Plan by the Council, the key risk is that the Plan does not deliver as planned. At that stage, continued close working with local communities, developers and</p>

	infrastructure providers, along with consistent decision making, helps to ensure sustainable development takes place in a timely fashion.
Community Impact Assessment	A full Sustainability Appraisal (SA) must be carried out as part of the Local Plan process. The SA looks at social, environmental and economic impacts in detail and is scrutinised at the Local Plan examination by an independent inspector. The Council will also undertake a Community Impact Assessment (EIA) which is appended to this report
Health And Safety Implications	No implications as a result of this report.
Monitoring Officer/ Deputy S.151 Officer Comments	<p><b>Deputy Monitoring Officer:</b></p> <p>Further to section 15 of the Planning and Compulsory Purchase Act 2004 local planning authorities must prepare and maintain a Local Development Scheme which must set out the documents that the Council will prepare as local development documents and the timetable for their preparation. Publishing a revised LDS as proposed in this report will satisfy this duty.</p> <p><b>Deputy S.151 Officer</b></p> <p>The changes to the local plan completion proposed are not expected to have a financial implication, and the local plan will be delivered within the existing funding envelope provided.</p>
Consultees:	<p>Mark Gaynor, Corporate Director, Housing and Regeneration</p> <p>Consultation on the new Local Plan and other policy documents will be carried out in accordance with the council's adopted Statement of Community Involvement (SCI).</p>
Background papers:	<ul style="list-style-type: none"> <li>• Adopted Local Development Scheme (July 2019)</li> <li>• Adopted Core Strategy (September 2013)</li> <li>• Adopted Site Allocations DPD (July 2017)</li> <li>• Dacorum Borough Local Plan 1991 – 2011 (April 2004)</li> <li>• Authority Monitoring Report 2016/17</li> <li>• National Planning Policy Framework (NPPF)</li> <li>• Planning and Compulsory Purchase Act 2004.</li> <li>• Planning Act 2008</li> <li>• Town and Country Planning (Local Planning) (England) Regulations 2012.</li> </ul>
Glossary of acronyms and any other abbreviations used in this report:	<p>AMR: Authority Monitoring Report  DTC: Duty to Cooperate  LDS: Local Development Scheme  SCI: Statement of Community Involvement  SPD: Supplementary Planning Document  NPPF: National Planning Policy Framework  PPG: National Planning Policy Guidance  SHMA: Strategic Housing Market Assessment now called the  LHNA: Local Housing Need Assessment</p>

	<p>ENS: Employment Needs Study IDP: Infrastructure Delivery Plan JSP: Joint Strategic Plan <i>(for SW Herts)</i> LDS: Local Development Scheme LEP: Local Economic Partnership <i>(for Hertfordshire)</i> PINS: The Planning Inspectorate SoCG: Statement of Common Ground SA: Sustainability Appraisal EIA: Equalities Impact Assessment HRA: Habitat Regulations Assessment SPEOSC: Strategic Planning &amp; Environment Overview &amp; Scrutiny Committee</p>
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## Background

1. The Council has a statutory duty to prepare a Local Plan; failure to produce and adopt a Local Plan can leave the Council open to direct intervention and loss of control over the plan making process. The new local plan proposed for Dacorum will replace saved policies in the adopted 2004 Local Plan, 2013 Dacorum Core Strategy, and 2017 Site Allocations DPD and update a range of existing documents. The timetable for the production of the new Local Plan is set out in the Local Development Scheme (LDS) which was approved, in updated form at the July 2019 meeting of the Cabinet.
2. This report is provided to update Members on the progress with drafting the Local Plan against the adopted LDS and seek agreement to a revision to the timetable with short extension to the timetable to reflect the need to undertake further infrastructure planning discussions with key stakeholders and to conclude discussions with landowners, developers and site promoters to ensure that the Council's policy objectives will be delivered. The extension will also allow the proposed consultation to take place during a period where, hopefully, there will be fewer restrictions on public gatherings and the movement of people, due to the COVID-19 crisis, allowing fuller public participation in the process.

## Key Dates and Milestones

3. The current LDS contains the following key milestones and dates in plan preparation:
  - Pre-Submission (draft plan) consultation November 2020
  - Submission of plan to Secretary of State May 2021
  - Examination in Public July 2021
  - Adoption June 2022
4. Significant progress has been made on the Local Plan against the current LDS with Plan drafting having reached an advanced stage. Officers are honing in on a preferred spatial strategy with the policies and proposals to support this coming into focus. The Plan will be structured as follows: a) the overarching spatial strategy, including growth requirements and key locations, b) settlement focused delivery strategies, including site specific policies, c) detailed implementation (development management) policies.
5. Officers have been working closely with the Local Plan Task and Finish Group which is a cross party panel of Members that has provided both high level guidance and detailed scrutiny of the emerging plan, its policies and proposals.
6. Officers have also been working across the wider Planning Team and with other key departments within the Council to shape the emerging Plan. This work has been complemented by continuing discussions with adjoining authorities and other stakeholders under the Duty to Cooperate. This work has helped to shape and refine the emerging plan and delivered changes and revisions to take in recommendations and address concerns and issues raised.
7. However, since the adoption of the revised LDS in April 2020 several Local Plans have run into difficulty at Examination in Public; these include St. Albans,

Uttlesford, Chiltern and South Bucks, Brentwood and the North Essex Joint Strategic Plan. The reasons for these Plans running into difficulties vary but in most cases Inspectors have found insufficient evidence to demonstrate how the Duty to Co-operate has been satisfied and/or that the Plans contained enough detail on infrastructure planning/delivery.

8. Officers have taken Leading Planning Counsel advice and have concluded that to ensure the issues identified in Paragraph 7 above can be satisfactorily resolved there is a need to undertake a further consultation under Regulation 18 before publishing its Plan under Regulation 19.
9. Officers advise that key pieces of evidence are either complete or at an advanced stage and several of these have been commissioned on a joint South West Hertfordshire basis or in partnership with one or more other Councils within the grouping.
10. Work on the Infrastructure Delivery Plan (IDP) is progressing well, though there are some aspects of infrastructure planning that require further evidence collection and clarification. Officers consider it necessary to undertake further focused technical assessments and to allow sufficient time to conclude discussions with key stakeholders on settlement specific funding and delivery strategies. Officers also need time to obtain satisfactory commitments from site promoters that the required infrastructure will be included as part of proposals. In some instances this has not been forthcoming, requiring Officers to consider alternative spatial options. To ensure these crucial areas of plan making can be finalised the Council is not in a position to publish its Plan under regulation 19 in November 2020 as was intended in the current LDS.
11. Without further information on infrastructure delivery and without bringing the wider Duty to Co-operate discussions to a satisfactory conclusion it will not be possible to demonstrate that the Plan can be delivered and is sound. The question of 'soundness' is a key part of the regulation 19 consultation and fundamental to the examination process. Without sufficient evidence to demonstrate the plan is sound this is likely to result in a delay to the examination process whilst the Council gather this evidence, or that the Plan is found to be unsound and Plan drafting has to restart.

### **LDS and timescales**

12. A revised LDS is therefore proposed which commits to an additional Regulation 18 consultation before the Publication of the Local Plan (Regulation 19). A draft revised LDS is appended to this report.
13. The recommendation has knock-on implications for other elements of the programme, the key dates in the draft revised LDS are:

Action/Milestone	Date
Consultation (Regulation 18)	November 2020
Publication of the Plan (Regulation 19)	June 2021
Submission of Plan to Planning Inspectorate (PINS)	October 2021
Public Examination	December 2021
Plan Adopted	November 2022

14. Officers consider that the timetable remains challenging but it is deliverable. Once the plan has been submitted to PINS, the timing of the Public Examination and the production of the Inspector's report is in the gift of PINS and the Council can only have limited influence on this part of the process. The timetable set out in the LDS (and above) takes account of the latest timetabling information from PINS but assumes no significant backlog at PINS.
15. The revised timetable assumes that restrictions associated with COVID-19 have eased sufficiently to allow the Council to conduct appropriate engagement on the Plan as currently intended. The Council will monitor the situation closely over the coming weeks and months and take necessary action, including putting in place appropriate measures to ensure public participation during forthcoming consultations and access to Council officers and documentation. The Council is committed to consulting on a Regulation 19 Plan and submitting it for examination at the earliest opportunity to ensure it has an up to date and effective suite of policies and proposals to deliver future housing and economic development across the Borough.

### **Conclusion**

16. The Local Plan is a vital statutory document setting the future vision and direction of the Borough. The delivery of the Plan is challenging and requires gathering extensive evidence and further consultation with the public, Town and Parish Councils and a very wide range of other bodies and organisations.
17. Whilst major progress has been made on the drafting of the plan there are key issues around infrastructure and delivery that require additional time to satisfactorily resolve to ensure that the chances of the plan being found sound are maximised.
18. Members are requested to agree the revised timetable set out in the updated LDS appended to this report.

## **Appendix 1**

### **Evidence documents to support the Dacorum Local Plan 2018-2036 and current progress**

Appropriate Assessment under the Habitats Regulations Assessment – *underway*

Sustainability Appraisal/Strategic Environmental Assessment – *underway*

Green Belt Review (Stage 3) and Landscape Assessment – *underway and nearing completion*

Urban Capacity Study – *underway and nearing completion*

Gypsy and Travellers Study – *complete*

Greenfield Site Assessment Study – *underway and nearing completion*

COMET (traffic) Modelling – *underway and nearing completion*

Air Quality Modelling – *underway and nearing completion*

Local Plan Viability Assessment – *underway*

Local Plan Strategic Sites Viability Modelling – *underway*

Infrastructure Delivery Plan – *underway*

Herts water cycle study part 1 – *complete*

Herts water cycle study part 2 – *underway and nearing completion*

SW Herts Strategic Flood risk Assessment - SFRA 1 – *complete*

Dacorum Strategic Flood risk Assessment - SFRA 2 – *underway and nearing completion*

Open Space, indoor leisure and playing pitch study – *underway and nearing completion*

Green Infrastructure Strategy – *underway*

Economy Study – *underway and nearing completion*

Employment Land Study – *Complete*

Retail and leisure study – *Complete*

Local Housing Needs Assessment – *underway and nearing completion*



## Local Development Scheme 2018-2022

July 2020



## Contents

	Page
<b>1. Introduction</b>	<b>1</b>
<b>2. Overview of the Development Plans System</b>	<b>2</b>
<b>(a) The current Development Plan</b>	
– Core Strategy	
– Site Allocations	
– Dacorum Borough Local Plan 1991-2011	
– Neighbourhood Plans	
<b>(b) The emerging Development Plan</b>	
– New Dacorum Local Plan	
– South West Herts Joint Strategic Plan	
<b>3. Additional Guidance</b>	<b>6</b>
<b>4. Evidence, Resources and Risks</b>	<b>8</b>
<b>(a) Evidence</b>	
<b>(b) Resources</b>	
<b>(c) Risk</b>	
<b>5. Contact Information</b>	<b>10</b>
<b>Appendix 1</b>	<b>11</b>
Summary of expected plan content and governance arrangements	
<b>Appendix 2</b>	<b>12</b>
Risk Assessment	

## 1. Introduction

- 1.1. The Borough Council, as local planning authority, is required to prepare a Local Development Scheme (LDS) under the provisions of the Planning and Compulsory Purchase Act 2004.
- 1.2 The main role of the LDS is to describe the documents that Dacorum Borough Council is preparing, or has already prepared, as part of its Local Plan. It explains the role of the individual documents, how they relate to one another and the timetable for their preparation – highlighting the stages at which public consultation will take place. It also summarises the evidence, resources and risks associated with this review process.
- 1.3 This LDS supersedes the previous version dated April 2020. It will continue to be reviewed on a regular basis, with any necessary adjustments made to the timetable in Chart A through the Council’s Authority Monitoring Report (AMR) process.
- 1.4 In terms of managing the Local Plan process, this LDS is supported by a number of other key documents, including the Authority Monitoring Report (AMR) and the Statement of Community Involvement (SCI).
- 1.5 The Authority Monitoring Report (AMR) assesses the implementation of the LDS itself and the extent to which planning policies are being achieved. It also provides a mechanism through which to keep ‘saved’ policies, schedules and guidance under review and delete any parts the Council no longer considers appropriate or relevant.
- 1.6 The Council’s Statement of Community Involvement (SCI) was adopted in July 2019. It sets out arrangements for public consultation in the connection with both the Local Plan and planning applications.

## 2. Overview of the Development Plan System

- 2.1 The Planning and Compulsory Purchase Act 2004 and The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing a development plan for the Borough.
- 2.2 The development plan is essentially a document, or series of documents, containing the planning policies that the local planning authority will take into account when determining planning applications. The Borough Council is responsible for preparing most, but not all, documents that comprise the development plan.

### **(a) The current Development Plan**

- 2.3 The current development plan for Dacorum Borough Council is made up of the following:

- Dacorum Borough's Local Planning Framework Core Strategy (adopted September 2013);
- Dacorum Site Allocations DPD (adopted July 2017);
- 'Saved' policies from the Dacorum Borough Local Plan 1991-2011 (adopted April 2004), not superseded by the above;
- Grovehill Neighbourhood Plan (May 2018)

and

- Hertfordshire Minerals Local Plan Review 2002-2016 (adopted March 2007);
- Hertfordshire Waste Core Strategy and Development Management Policies (adopted November 2012); and
- Hertfordshire Waste Site Allocations Document (adopted July 2014).

- 2.4 The preparation of Minerals and Waste Plans is the responsibility of Hertfordshire County Council, although the Borough Council is an important consultee. For further detail please refer to the County Council's website:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-and-waste-planning.aspx>

- 2.5 All Development Plan Documents (DPDs) are the subject of an independent examination (or inquiry) by an Inspector. As part of the examination an Inspector will examine the "soundness" of the document(s): i.e. whether the proper procedures have been followed; how the document(s) relate to national/strategic planning policy or other relevant strategic advice; whether the document(s) are coherent and stem from a credible evidence base; and whether the policies in the document(s) are effective and deliverable. Whilst the Inspector's report is not formally binding, the Council cannot adopt a DPD unless it has been found 'sound.'

## **Core Strategy**

- 2.6 The Core Strategy<sup>1</sup> sets out the planning framework for the Borough to 2031. Its aim is to deliver sustainable development i.e. new homes, facilities and businesses, whilst maintaining the quality of the environment. It provides a basis for planning for and securing new infrastructure provision, which should be aligned with new development.

## **Site Allocations**

- 2.7 The principal role of the Site Allocations DPD<sup>2</sup> is to set the Council's detailed proposals and requirements for particular sites and areas in order to assist in the delivery of the levels of growth set out in the Core Strategy. It:
- Allocates sites for future development in the Borough;
  - Defines the boundaries of planning designations; and
  - Ensures appropriate infrastructure is identified and delivered alongside new development.
- 2.8 All designations and allocations are illustrated on a Policies Map.

## **Dacorum Borough Local Plan 1991-2011**

- 2.9 All policies of the Dacorum Borough Local Plan 1991-2011 (DBLP), except Policy 27 relating to Gypsies and Travellers, were 'saved' in 2007 under transitional arrangements. Some DBLP policies have now been superseded by the Core Strategy and Site Allocations DPDs. The remainder will be replaced through the new Dacorum Local Plan, or via the preparation of new supplementary planning documents (SPDs). For a full list of existing policies and replacement arrangements see:

<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/policy-advice-note.pdf?sfvrsn=8>

## **Neighbourhood Plans**

- 2.10 The Localism Act 2011 allows for Town and Parish Councils, and established 'Neighbourhood Forums' to prepare Neighbourhood Plans for their areas. Provided these conform with the strategic planning policies<sup>3</sup> for the area and gain a majority vote in a local referendum, these plans will be adopted as part of the Development Plan for Dacorum.

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<sup>1</sup> <http://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/local-planning-framework/core-strategy/core-strategy-adopted-sept-2013>

<sup>2</sup> [www.dacorum.gov.uk/siteallocations](http://www.dacorum.gov.uk/siteallocations)

<sup>3</sup> Definition of Strategic Policies available at: <http://www.dacorum.gov.uk/docs/default-source/strategic-planning/policy-advice-note.pdf?sfvrsn=8>

- 2.11 A Neighbourhood Plan for the Grovehill neighbourhood in Hemel Hempstead was supported at a local referendum on 15<sup>th</sup> February 2018, and Made (adopted) by Dacorum Borough Council on 16<sup>th</sup> May 2018. It now forms part of the area's statutory development plan. It is available at:

<http://www.dacorum.gov.uk/home/regeneration/grovehill-future-project/neighbourhood-planning> or via:  
[http://www.dacorum.gov.uk/docs/default-source/regeneration/grovehill-future-neighbourhood-plan---examination-version-\(pdf\).pdf?sfvrsn=0](http://www.dacorum.gov.uk/docs/default-source/regeneration/grovehill-future-neighbourhood-plan---examination-version-(pdf).pdf?sfvrsn=0)

## **(b) The emerging Development Plan**

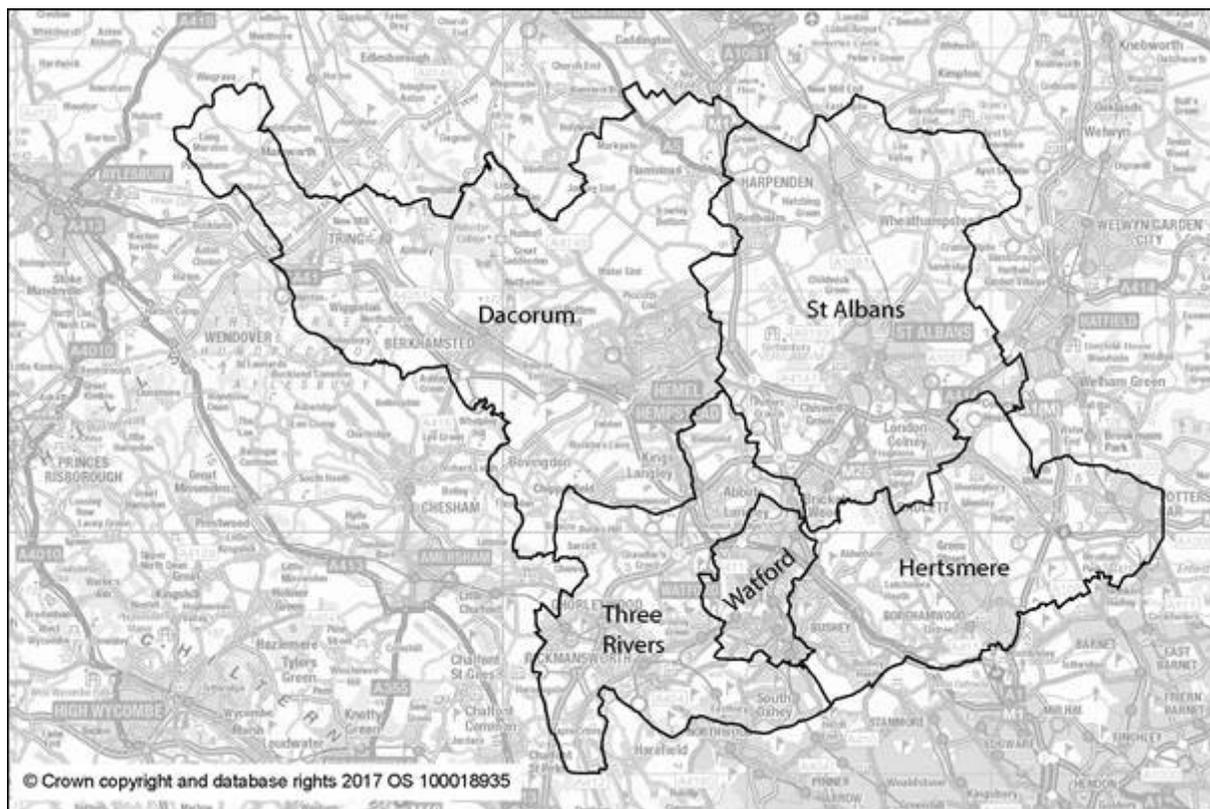
### **New Dacorum Local Plan**

- 2.12 The Council has made significant progress on its new Local Plan, beginning with an Issues and Options document published for consultation in November/December 2017. Following detailed consideration of the responses to that consultation and the completion of further evidential work to inform preparation of the Local Plan, the Council is working towards a Pre-Submission Draft Consultation commencing in late 2020. When completed, the new Dacorum Local Plan will comprise a single document, containing site allocations and development management policies in addition to strategic policies covering the development of the Borough of Dacorum. Existing policies and designations will be reviewed and updated as appropriate, taking into account new evidence and the outcome of discussions under the duty to co-operate.
- 2.13 It is envisaged that the new Dacorum Local Plan will cover a 17-year timeframe (2020-2037) to reflect the guidance of the National Planning Policy Framework (NPPF). A summary of expected plan content and governance arrangements for the Local Plan is set out in Appendix 1.

### **Joint Strategic Plan**

- 2.14 Neighbouring authorities are increasingly being encouraged by Government to work together to provide the homes, jobs and infrastructure where people want to live.
- 2.15 In Spring 2018, Dacorum, Hertsmere, St Albans, Three Rivers, and Watford Councils gave formal endorsement to begin work on a Joint Strategic Plan (JSP) for South West Hertfordshire (see Figure 1 below). Work on the JSP will progress aligned to an agreed Statement of Common Ground (SoCG), which is currently being prepared by the joint authorities.

**Figure 1: Extent of South West Hertfordshire Joint Strategic Plan Area**



2.16 Each council will still be responsible for preparing its own Local Plan, but the JSP will provide the platform to consider how the challenges of growth in the wider South West Hertfordshire area can be addressed longer term (i.e. to 2050). Figure 2 below illustrates how these two key planning documents will fit together. A summary of expected plan content and governance arrangements is set out in Appendix 1.

**Figure 2: Relationship between the JSP and the Local Plan**



- 2.17 By working together, the South West Herts Councils will also be in a stronger position to deliver, and better fund essential local transport links, health services and educational facilities that local people want to see alongside new homes and jobs.
- 2.18 Preparation of the Joint Strategic Plan will take place alongside the local plans being undertaken by each respective council and will provide a platform to consider the growth challenges in the wider South West Hertfordshire area can be addressed in the long term.
- 2.18 Chart A (below) sets out the expected programme for production of the Dacorum Local Plan.

### **3. Additional Guidance**

- 2.19 A range of Supplementary Planning Documents (SPD), Supplementary Planning Guidance (SPG) and Advice Notes has been prepared to support policies and proposals within the existing Development Plan. A full list is available online at:

[http://www.dacorum.gov.uk/home%5Cplanning-development/planning-strategic-planning/supplementary-planning-documents-\(spds\)](http://www.dacorum.gov.uk/home%5Cplanning-development/planning-strategic-planning/supplementary-planning-documents-(spds))

- 2.20 New Supplementary Planning Documents and other supporting documents will be developed to support the new Plan. These documents will replace the existing suit of documents, however, there may be a transition period between adoption of the new plan and completion of the supporting documents where weight will still be given to the older documents where they are not in conflict with the up to date policy framework in the NPPF and Local Plan 2020-2037.



## 4. Evidence, Resources and Risks

### (a) Evidence

- 3.1 A range of technical studies have been prepared, or are being prepared, to use as the evidence base to support production of the Local Plan, Joint Strategic Plan and Supplementary Planning Documents (SPDs):

<http://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/new-single-local-plan/technical-work-for-the-early-partial-review>

- 3.2 Land Position Statements for employment and housing are prepared annually. They, together with other sources of information, are used to prepare the Council's Authority Monitoring Report. The most recent report is available online at:

<http://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/monitoring-reports-and-land-position-statements>

Historic reports can also be found using the link.

- 3.3 If the timetable within this LDS is revised as part of the AMR process, the revised timetable will supersede that contained in Chart A of this LDS and will provide the most up-to-date work programme.

### (b) Resources

- 3.4 The Council attaches high priority to the expeditious delivery of both the Dacorum Local Plan and SW Herts Joint Strategic Plan process, and despite financial stringency is maintaining the necessary mainstream funding. Budgets will continue to be reviewed on an annual basis and appropriate provision made. Where necessary some of the Local Plan budget will be used to bring in additional temporary staff resources, or consultancy support. Opportunities for additional funding sources such as grants from the Government's Planning Delivery Fund will also continue to be pursued.
- 3.5 Some 'pump-priming' funding has also been secured from Government to help take forward the Joint Strategic Plan, with a most recent award in March 2020. This is initially funding a Project Director, but further funding will be required in due course from both Government and Council budgets to support the completion of the JSP through to adoption.

**(c) Risk**

- 3.6 The timetable for the production of the new Dacorum Local Plan has been modified to take account of progress to date. The programmes has also had regard to the emerging indicative programme being established for production of the new South West Herts Joint Strategic Plan. It will continue to be managed to ensure that it remains both realistic and achievable, with the most recent update being made in July 2020. The Authority's Monitoring Report (AMR) will track performance and highlight any amendments required to the work programme set out in this LDS. This will be supported through monthly reporting on milestones via the Council's in-house project management software (Rocket).
- 3.7 There are however a number of sources of risk that could impact upon the delivery of the work programme set out within Chart A. These risks, together with appropriate mitigation measures are set out in Appendix 1.

## 5. Contact information

For further information regarding planning policy matters please contact:

**Email:** [Strategic.Planning@dacorum.gov.uk](mailto:Strategic.Planning@dacorum.gov.uk)

**Phone:** 01442 228660

**Address:** The Forum  
Marlowes  
Hemel Hempstead  
Hertfordshire  
HP1 1DN

## Appendix 1

### Summary of DPD content and governance arrangements

<b>Title</b>		<b>Dacorum Local Plan</b>
<b>Description</b>	Single composite plan incorporating the early partial review of the Core Strategy, together with the Site Allocations and updated development management policies (currently within the 'saved' Dacorum Borough Local Plan 1991-2011).	
<b>Area Covered</b>	Borough wide, with some site specific elements.	
<b>Status</b>	DPD	
<b>Chain of Conformity</b>	In general conformity with the NPPF	
<b>Priority</b>	High	
<b>Key milestones</b>		
<b>Issues and options consultation</b>	<ol style="list-style-type: none"> <li>1. November/December 2017</li> <li>2. November 2020 – January 2021</li> </ol>	
<b>Publication</b>	June 2021	
<b>Submission</b>	October 2021	
<b>Examination</b>	December 2021	
<b>Adoption</b>	November 2022	
<b>Arrangements for Production</b>		
<b>Lead</b>	Strategic Planning Team	
<b>Management arrangements</b>	Corporate Growth and Infrastructure Group, Strategic Planning and Environment Overview and Scrutiny Committee, Cabinet and Council. Corporate Management Team.	
<b>Studies/evidence required</b>	To include update of key technical studies relating to housing, employment, retail, Green Belt, infrastructure, open space, leisure and site assessment matters.	
<b>Resources required</b>	See section 3.	
<b>Stakeholder/community involvement</b>	To comply with adopted Statement of Community Involvement. Strong emphasis on close liaison with adjoining local planning authorities and others regarding strategic planning matters, as required under the duty to co-operate.	
<b>Monitoring and Review Arrangements</b>		
Review of policy performance carried out as part of Authority Monitoring Report (AMR) process.		

## Appendix 2

### Risk Assessment

#### Key

**Red** = high impact / likelihood

**Amber** = medium impact / likelihood

**Green** = low impact / likelihood

	Risk	Comment	Likelihood	Impact	Mitigation Measures
Page 59	Preparation of Local Plan fails to meet key project milestones.		Green	Red	Programme and individual Project management and monitoring of progress against the detailed Local Plan Project Plan and key milestones in the Local Development Scheme. Progress discussed regularly and action taken as necessary. Progress on LDS timetable reported as part of Authority Monitoring Report and any necessary changes made to timetable.
2	Changes in national policy and regulations which require a significant alteration to emerging plan content.	A White Paper looking at a comprehensive review of all aspects of the Planning system is anticipated in Summer 2020. Whilst not expected to have immediate implications for this Plan it is possible that short term changes the National Planning Policy Framework (NPPF) are	Amber	Red	The programme set out within this LDS takes account of the latest iteration of the National Planning Policy Framework. If any further significant changes are introduced mid-way through the plan production process, depending on their implications for the plan this might require significant amendment to the plan and a further stage of consultation.  Advice from the Planning Officers' Society (POS) who are providing support to the process as a critical friend will be taken to help mitigate these risks.

	Risk	Comment	Likelihood	Impact	Mitigation Measures
		made. These will need to be reflected when preparing the new Local Plan.			
3	Delays to decision making process	In the short term decision making could be delayed as a result of the COVID-19 outbreak.			Regular Task and Finish Group meetings have been programmed to ensure ongoing engagement/review/challenge of the Plan. The Group includes senior Councillors including: Portfolio Holder for Planning, Chair of the Strategic Planning Overview and Scrutiny Committee and Leader of the opposition. The membership is politically balanced and geographically spread to cover urban and rural parts of the Borough. Officers are exploring ways for the Group to continue to be fully engaged over the short term in the absence of face-to-face meetings.
	Failure to agree critical cross boundary strategic planning issues with prescribed Duty to Co-operate bodies.				<p>A comprehensive programme of Duty to Cooperate meetings are underway to discuss strategic issues for plan making. These meetings have identified key issues and potential opportunities and solutions to address the issues identified.</p> <p>Risks relating to how these issues will be addressed will be reduced through the production of a Statement of Common Ground with adjoining authorities. Regular meetings with other DtC bodies will help minimise any wider issues arising, or enable them to be addressed early on in the plan-making process.</p>
5	Pressure on financial resources				Budgetary provision has been made for plan-making work, however the length of public examinations and cost of defending any subsequent legal challenges could add significantly to the amount required. New Homes Bonus

	Risk	Comment	Likelihood	Impact	Mitigation Measures
					and 'Additional Burdens' payments from Government may help to mitigate any shortfall, although due to financial pressures this money may not all be available to support the Council's planning functions.
6	Capacity of Planning Inspectorate (PINs) and other statutory consultees	The capacity of the Planning Inspectorate is finite and is outside the Council's control. In recent weeks PINs have cancelled or postponed existing examinations in response to COVID-19 and there is uncertainty around the length of disruption this may cause.			Public examinations could take longer than anticipated or be delayed against the PINS indicative timetables. This will be mitigated through ensuring appropriate evidence is prepared and submitted and there is close liaison with the Programme Officer.  Critical Friend and Legal Support has been retained to ensure that any issues or gaps in the plan coverage, evidence base or legal challenge are mitigated prior to submission of the plan to ensure that the Examination can be rapid and any delays minimised.
	Failure of external parties to meet project deadlines	There is a need to bring in specialist skills and for some work relating to the Local Plan. Such work is carried out by external consultancies and/or organisations			Work quality and project work timetables will be controlled through normal procurement processes and contract conditions. This will be supplemented by Project/Programme management and close working with the specialist organisations and individual team member
8	Local Plan found 'unsound'	Local Plans must be underpinned by detailed evidence. This evidence will face detailed scrutiny from the Planning Inspector and other stakeholders during the independent examination process.			Evidence has been commissioned jointly across South West Hertfordshire and between two or more of the SW Herts authorities to ensure that wider impacts are acknowledged and addressed. This will ensure that evidence is robust and consistent across the wider area. The Council is also commissioning further work to mitigate this risk.

	Risk	Comment	Likelihood	Impact	Mitigation Measures
					Specialist external legal advice will be taken as and when necessary to help guide key decision-making.
9	Legal challenge	This would result in financial costs, and if successful, could result in all or part of the plan being quashed.			<p>The likelihood of a successful legal challenge is substantially reduced where the Local Plan is prepared in accordance with relevant regulations, is strongly aligned to the conclusions of the evidence that underpins it and the plan-making authority can demonstrate it has met the necessary 'tests of soundness'.</p> <p>Specialist external legal advice will be taken at key stages and if any threats of challenge are made through the plan-making process.</p>
10	Infrastructure Planning	<p>The Council considers that further evidence is required in specific areas in order for the information to satisfy a Local Plan Inspector.</p> <p>Any delays by infrastructure providers and other key stakeholders in completing their assessments and delays to decision making from key stakeholders could delay the Plan or leave gaps in the evidence.</p>			Discussions with key stakeholders are ongoing through the Duty to Cooperate process to ensure that third parties are aware of Local Plan Deadlines and identify strategies to ensure targets to be met.

	<b>Risk</b>	<b>Comment</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation Measures</b>
11	Developer negotiations	Prior to completing the Plan the Council needs to obtain commitments from developers on certain policy requirements and infrastructure. If this process is delayed or sites are not able to deliver essential infrastructure then the Council may need to reconsider its strategy.			Discussions are underway with landowners and developers to set out and agree the precise requirements they need to include on their sites (inc. affordable housing numbers, schools, highways improvements, climate change mitigation).  Officers do require sufficient time to ensure all of the site requirements are known and can be agreed with individual developers. A comprehensive engagement programme with developers and infrastructure providers is in place and is being adapted to be carried out remotely.
12	COVID-19 Virus	The UK has entered a period of unprecedented uncertainty as it responds to the COVID-19 global health emergency. Significant restrictions are in place to reduce the spread of the virus and (at the time of writing) it is currently not clear when these may be eased. This will impact the Local Plan timetable if the current situation continues for a significant period of time.			Officers are continuing with Plan drafting, evidence gathering and engagement wherever possible through home working and virtual meetings and electronic communications. Officers are also looking to continue to engage with the Task and Finish Group on the Plan to minimise delays and disruption.

# Agenda Item 10



<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>21 July 2020</b>
<b>Part:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Pavement Licences and Licensing for Pubs and Restaurants</b>
<b>Contact:</b>	Councillor Andrew Williams, Portfolio Holder for Corporate and Contracted Services  Responsible officers: – Farida Hussain, Group Manager, Legal and Corporate Services, Nathan March, Licensing Team Leader
<b>Purpose of report:</b>	<ol style="list-style-type: none"> <li>1. To brief Cabinet on new legislation giving powers requiring the Council to determine Pavement Licences</li> <li>2. To agree officer delegations required for the determination and enforcement of licences , and fees</li> </ol>
<b>Recommendations</b>	<p>That Cabinet:</p> <ol style="list-style-type: none"> <li>1. Delegate responsibility for granting, refusal and revocation of licences, including the setting of conditions, to the Assistant Director – Corporate and Contracted Services and the Group Manager, Legal and Corporate Services</li> <li>2. Agree that fees will be set at the maximum permitted level of £100 in order to recover as much of the cost of issuing licences as possible.</li> <li>3. Agree that the duration of licences will be to 30<sup>th</sup> September 2021, unless revoked.</li> </ol>
<b>Period for post policy/project review</b>	In advance of 30 <sup>th</sup> September 2021, when powers are currently due to come to an end, in case of any transitional requirements or similar.

Corporate objectives:	<ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment</li> <li>• Building strong and vibrant communities</li> <li>• Ensuring economic growth and prosperity</li> <li>• Delivering an efficient and modern council</li> </ul>
Implications:  'Value for money' implications	<p><u>Financial</u></p> <p>Maximum fee permitted is £100, which will not cover the cost of the process for determining each licence, however the work will be covered within existing staff resources. The most appropriate option is to set the licences at the highest level, and set the duration for the longest period permitted, to save repeating the process.</p> <p><u>Value for money</u></p> <p>Charging the maximum fee, and issuing for the longest duration available is best value for money approach</p>
Risk implications	<p>Licences are deemed to be granted if not approved or refused within the 14 days period, Failure to have a process in place, and seeking to prevent such licences being issued or controlled by condition could lead to reputational damage to the Council and allow premises to operate without sufficient controls in place.</p>
Community Impact Assessment	<p>Community Impact Assessment carried out 30 June 2020 Attached as Appendix 1</p>
Health and safety Implications	<p>Potential spread of coronavirus if rejected, or if granted, dependent on management of the relevant premises.</p> <p>Damage to health of local residents if granting licences leads to significant nuisance that is not then dealt with effectively</p> <p>Risk to safety of patrons and other highway users if highway is obstructed increasing risk of incident as a result of other highway users.</p> <p>There is a power to revoke which safeguards against these risks.</p>
Monitoring Officer/S.151 Officer Comments	<p><b>Deputy Monitoring Officer Comments</b></p> <p>The Business and Planning Bill 2020 introduces a new legal framework for issuing pavement licences by local authorities. The framework supersedes the existing framework for pavement licensing set out in the Highways Act 1980.</p>

	<p><b>Deputy S151 Officer Comments</b></p> <p>There are no direct financial consequences of this policy change.</p>
Consultees:	Environmental Health, Planning (short consultation due to timeframe)
Background papers:	<p>Business and Planning Bill</p> <p>NEXSTART Business and Planning Bill 2019-21 Pavement Licences</p> <p>Briefing Note: Business and Planning Bill: Considerations for District Councils</p>
Glossary of acronyms and any other abbreviations used in this report:	

## 1. Introduction:

1.1. The Business and Planning Bill 2020 is expected to obtain Royal Assent by the end of July and is likely to become an Act of Parliament with immediate effect at that point. The contents of this report are subject to potential alteration given that at the time of writing the Bill is yet to be debated in the House of Lords and changes may be made during that process.

1.2. The timeline for the Bill has now been confirmed as follows:

- Second Reading – 6 July
- Committee – 13 July
- Report & Third Reading – 20 July

1.3. The Bill introduces a number of powers and requirements on local authorities that affect how they deal with a variety of issues, with the aim of supporting local businesses and helping economic recovery as the restrictions put in place by Government continue to be eased. These powers are temporary, remaining in place until 30th September 2021.

1.4. Two of the most significant proposals within the Bill are:

1.5. The change in approach to outdoor furniture provision for relevant businesses (as defined in the Bill) to enable them to increase their trading space 'pavement licences'.

## 2. Relaxation of off sales of alcohol for licensed premises

- 2.1. The changes include requiring pavement licences to be dealt with by District Councils rather than County Councils, despite the County Councils having responsibility for Highways matters in normal circumstances. As a result of this, the Council needs to ensure that everything is in place in order to allow such applications to be made, consulted upon and determined within a short timescale.
- 2.2. This report will explain the proposed requirements for the Council, and what needs to be put in place urgently in order to meet these requirements. The Council has control over some aspects of the licensing process, and these are outlined, with recommended approaches for each aspect which it is considered provide best value for customers and the Council, as well as protecting other members of the public from potential implications of such licences being granted.

### **3. Pavement licensing requirements**

3.1. The Bill requires that 'Pavement Licences' are issued by District Councils, and also introduces other important changes to the way that these are dealt with.

3.2. The key requirements of pavement licensing are as follows:

- Any business selling and/or serving food or drink may apply for a pavement licence to have tables and chairs and other street furniture such as patio heaters placed on the highway adjacent to their premises for the benefit of their customers – if the land is not a highway and is privately owned land separate consent of the landowner is required.
- Licences will be considered granted unless the Council rejects them within a set statutory period.
- The Council has 14 days to determine an application, with half of that forming a public consultation, and the other half being the time permitted for the consultations received to be considered and a decision made.
- A maximum fee of £100 can be charged for applications.
- Licences can last for a maximum of the full period that the legislation will have effect i.e. 30<sup>th</sup> September 2021, with the shortest duration being no less than three months.

### **4. Conditions**

4.1. The Secretary of State for Department for Business, Energy and Industrial Strategy may impose statutory conditions for pavement licences, and the Council can also attach conditions to licences. There is a proposed national condition and the Council should also consider a set of standard conditions and conditions specific to certain premises as required.

4.2. The national condition will be:

- It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the

recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility (<https://www.gov.uk/government/publications/inclusive-mobility>).

- 4.3. The Council will be developing local conditions to ensure practices are in place that help to protect the public in terms of safety and prevention of nuisance for example conditions similar to:
- 4.4. The Licence holder shall not permit persons to cause a public nuisance or anti-social behaviour.
- 4.5. The Licence holder shall maintain the permitted area and the immediately adjacent area in a clean and tidy condition during the permitted hours and shall provide litterbins or similar receptacles for the disposal of rubbish
- 4.6. The Licence holder shall remove all furniture or equipment litterbins or other articles placed on the highway pursuant to this Licence at the expiry, surrender or revocation of the Licence and shall leave the highway in a neat and tidy condition.

## **5. Enforcement**

- 5.1. The Council is being given enforcement powers for use to rectify licence related problems including the power to revoke if necessary. The Council will work with the Highways department at Hertfordshire County Council, where they continue to be responsible for other aspects of enforcement such as businesses who fail to obtain a licence when required.

## **6. Licensing Act 2003 relaxation to off-sales of alcohol**

- 6.1. Licensed premises such as pubs and restaurants may have licences that allow only for provision of alcohol to be consumed on the premises (known as an on-licence), or they can also have an off-licence facility included too, which allows them to sell alcohol for consumption away from the premises.
- 6.2. Often, where an establishment such as a pub has an off-licence, there may be conditions attached such as a requirement for the drink to be sold in sealed containers if it is being sold to be taken away from the premises. There is no definition of what constitutes a 'sealed container', but the aim of such condition is to prevent alcohol being decanted into a wine glass, pint glass or similar glassware for immediate consumption.
- 6.3. As part of the Business and Planning Bill 2020, all premises with on-licences will automatically be permitted to sell alcohol to be taken away as if they have a licence permitting off-sales, and any restrictive conditions normally in place will also cease to have effect.
- 6.4. These relaxations apply to all the relevant licensed premises unless they have had a 'disqualifying event' in the preceding 3 years of this section of the act coming into force, and this is not the case for any premises in Dacorum.
- 6.5. Disqualifying events are defined in the Bill as premises where:

- the relevant licensing authority refused to grant a premises licence in respect of the licensed premises authorising off-sales,
- the relevant licensing authority refused to vary the premises licence so as to authorise off-sales, or
- the premises licence was varied or modified so as to exclude off-sales from the scope of the licence.

6.6. This means that it is possible that customers may buy alcohol from any premises and leave the premises, and take the alcohol anywhere they wish to drink it. This includes glassware, which could create various public safety concerns. In most cases it is unlikely that this will be an issue as the businesses will not want to lose their glassware, but those businesses with green spaces adjacent to their premises may be willing for customers to take glassware further away than would usually be permitted under their licence. If such issues start to arise, officers will look to resolve them by working with the relevant premises, and could seek to review the licence to add controls through conditions if necessary.

6.7. There are powers being introduced to review these relaxations where issues arise, but this will be on a case by case basis and will have to be considered by a sub-committee. In line with the more regular Licensing Act reviews, issues arising would generally have to be occurring in the vicinity of the premises to justify any restrictions being applied/reapplied to the relevant licensed premises.

## **7. Conclusions:**

### **7.1. Pavement Licences**

The Council must have a process in place in order to accept and determine applications for pavement licences, and to deal with any issues arising with licensees. An application fee and duration for licences issued needs to be agreed, and appropriate delegations need to be in place.

### **7.2. Relaxations for licensed premises**

Restrictions on off-sales of alcohol from licensed premises pubs will be removed. The Council has no power to prevent this, but has powers to review premises licences where evidence of issues arise, although this is likely to only be the case where the issues occur within the vicinity of the premises.

## **8. Recommendations:**

8.1. Members are asked to consider the recommendations at the start of the report, in order that application fees and duration of these licences are set, and so that officers may be delegated the relevant powers to ensure that applications can be determined, and enforcement action taken against licensees when necessary.

# Dacorum BC Community Impact Assessment (CIA) Template

**Policy / service / decision**

**Pavement Licensing (Tables and Chairs)**

## **Description of what is being impact assessed**

*What are the aims of the service, proposal, project? What outcomes do you want to achieve? What are the reasons for the proposal or change? Do you need to reference/consider any related projects?*

*Stakeholders; Who will be affected? Which protected characteristics is it most relevant to? Consider the public, service users, partners, staff, Members, etc*

*It is advisable to involve at least one colleague in the preparation of the assessment, dependent on likely level of impact*

The Business and Planning Act 2020 is giving the Council temporary powers and responsibilities for the grant or refusal of 'Pavement Licences' until 30th September 2021. The Council will wish to support businesses as part of the economic recovery following the restrictions imposed on freedoms during the height of the Covid-19 Pandemic. However, this support needs to be provided in balance with consideration of the potential negative impacts for the public more generally such as risks to public safety, potential public nuisance and general obstruction that could be caused if licences are granted inappropriately.

## **Evidence**

### **What data/information have you used to assess how this policy/service/decision might impact on protected groups?**

*(include relevant national/local data, research, monitoring information, service user feedback, complaints, audits, consultations, CIAs from other projects or other local authorities, etc.). You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

Advice from Highways, information from Government as to what must be considered. Each application will be subject to consultation, and consultees have been suggested that will understand the locality, and have expertise in Highways issues, nuisance, crime and disorder.

**Who have you consulted with to assess possible impact on protected groups?** *If you have not consulted other people, please explain why? You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

Consultation will take place when individual applications are considered. Highways are expected to be best positioned to understand the use of the highway generally, including their use by vulnerable groups. It is not possible to do a wide consultation on each application due to the short statutory timescales involved and the nature of the process being that licences are automatically granted unless formally refused.

**Analysis of impact on protected groups (and others)**

The Public Sector Equality Duty requires Dacorum BC to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service/decision will achieve these aims. Using the table below, detail what considerations and potential impacts against each of these using the evidence that you have collated and your own understanding. Based on this information, make an assessment of the likely outcome, **before** you have implemented any mitigation.

- *The PCs of Marriage and Civil Partnership and Pregnancy and Maternity should be added if their inclusion is relevant for impact assessment.*
- *Use “insert below” menu layout option to insert extra rows where relevant (e.g. extra rows for different impairments within Disability).*

Summary of impact		Negative impact / outcome	Neutral impact / outcome	Positive impact / outcome
Protected group	<i>What do you know? What do people tell you? Summary of data and feedback about service users and the wider community/public. Who uses / will use the service? Who doesn't / can't and why? Feedback/complaints?</i>			
Age	Young children in prams and people of age where likely to have parental responsibility, as well as elderly individuals more likely to have age related mobility concerns. No concerns if licences only granted where sufficient space is left for other users of the highway	□	⊗	□

<b>Disability (physical, intellectual, mental)</b>  <i>Refer to CIA Guidance Notes and Mental Illness &amp; Learning Disability Guide</i>	<p>Any individual with an impairment that affects their mobility, particularly where they use something to provide assistance (wheelchairs, mobility scooters, walking frames etc)</p> <p>No concerns if licences only granted where sufficient space is left for other users of the highway</p>	□	⊗	□
<b>Gender reassignment</b>	<p>No concerns</p>	□	⊗	□
<b>Race and ethnicity</b>	<p>No concerns</p>	□	⊗	□
<b>Religion or belief</b>	<p>No concerns</p>	□	⊗	□
<b>Sex</b>	<p>Mothers of young children may be more likely to be affected more often by obstructed highway, but this is covered in the Age protected group more comprehensively</p>	□	⊗	□
<b>Sexual orientation</b>	<p>No concerns</p>	□	⊗	□

<p><b>Not protected characteristics but consider other factors, e.g. carers, veterans, homeless, low income, loneliness, rurality etc.</b></p>	<p>No concerns</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Negative impacts / outcomes action plan**

Where you have ascertained that there will potentially be negative impacts / outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

<p><b>Action taken/to be taken</b> <i>(copy &amp; paste the negative impact / outcome then detail action)</i></p>	<p><b>Date</b></p>	<p><b>Person responsible</b></p>	<p><b>Action complete</b></p>
<p>N/A</p>	<p>Select date</p>		<input type="checkbox"/>
	<p>Select date</p>		<input type="checkbox"/>
	<p>Select date</p>		<input type="checkbox"/>
	<p>Select date</p>		<input type="checkbox"/>
	<p>Select date</p>		<input type="checkbox"/>

	Select date		<input type="checkbox"/>
	Select date		<input type="checkbox"/>
	Select date		<input type="checkbox"/>
<b>If negative impacts / outcomes remain, please provide an explanation below.</b>			
N/A			
<b>Completed by (all involved in CIA)</b>	<b>Nathan March, Licensing Team leader</b>		
<b>Date</b>	<b>30<sup>th</sup> June 2020</b>		
<b>Signed off by</b> ( <i>AD from different Directorate if being presented to CMT / Cabinet</i> )			
<b>Date</b>			
<b>Entered onto CIA database - date</b>			
<b>To be reviewed by</b> (officer name)	<b>Nathan March, Licensing Team Leader</b>		

<b>Review date</b>	<b>January 2021</b>
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