

# CABINET AGENDA



**TUESDAY 25 APRIL 2023 AT 7.30 PM**  
**COUNCIL CHAMBER, THE FORUM**

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

#### Membership

Councillor Williams (Leader)	Councillor Anderson
Councillor Griffiths (Deputy Leader)	Councillor Banks
Councillor Elliot	Councillor Barrett

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

## AGENDA

**1. MINUTES** (Pages 3 - 11)

To confirm the minutes of the meeting held on 21<sup>st</sup> March 2023

**2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

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

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

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

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

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

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

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

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

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

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

There were no referrals to Cabinet

#### **6. CABINET FORWARD PLAN (Pages 12 - 13)**

#### **7. APPOINTMENT OF CONTRACTOR PARADISE DEPOT (Pages 14 - 120)**

#### **8. 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

21 MARCH 2023

**Present:**

**Members:**

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

**Officers:**

C Hamilton	Chief Executive
J Doe	Strategic Director (Place)
D Welsh	Chief Housing Officer
M Brookes	Assistant Director Legal and Democratic
A Wilkie	Strategic Director People and Transformation
L Fowell	Corporate and Democratic Support Officer

**Also Attendance:** Cllr Tindall and Cllr Douris

The meeting began at 7.30 pm

**CA/28/21 MINUTES**

The minutes of the meeting held on 14 February were agreed by Members present and signed by the Chair.

**CA/29/21 APOLOGIES FOR ABSENCE**

There were apologies from Cllr Barratt

**CA/30/21 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**CA/31/21 PUBLIC PARTICIPATION**

There was no public participation

**CA/32/21 REFERRALS TO CABINET**

There were no referrals to Cabinet.

**CA/33/21     CABINET FORWARD PLAN**

The forward plan was noted

**CA/34/21     EMPLOYEE CODE OF CONDUCT**

**Decision**

1. That Cabinet recommends that Council approves the Employee Code of Conduct

**Corporate Priorities**

A clean, safe and enjoyable environment  
Building strong and vibrant communities  
Ensuring economic growth and prosperity  
Providing good quality affordable homes, in particular for those most in need  
Ensuring efficient, effective and modern service delivery  
Climate and ecological emergency

**Statutory Officer Comments:**

**Monitoring Officer:**

This is a Monitoring Officer report

**Deputy S151 Officer:**

Maintaining an accurate and robust Code of Conduct that is enforced and adhered to supports good fiscal management. The code in particular supports the delivery of good value for money, financial probity and reduces the risk of fraudulent activity.

**Advice**

Cllr Elliot introduced the report as published.

There were no questions.

**Recommendation agreed**

**CA/35/21     FINANCIAL REGULATIONS AND CONSTITUTION REVIEW**

**Decision**

1. That Cabinet recommends that Council agree to the change to the Scheme of Delegation as set out in paragraph 2 of the report.
2. That Cabinet recommends that Council agree to the change to the Financial Regulations as set out in paragraph 3 of the report.

### **Corporate Priorities**

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### **Statutory Officer Comments:**

#### **Monitoring Officer:**

The proposed changes will ensure that the Constitution remains up to date and reflects relevant statutory requirements.

#### **S151 Officer:**

The proposed changes will provide increased consistency and oversight of the housing contracts overseen by the Chief Housing Officer.

### **Advice**

Cllr Elliot introduced the report as published.

Cllr Tindall asked in reference to the voter ID, he said that he was concerned about the staff with the possibility of people getting irate when challenged about ID. He asked if there was a system with assistance from the police so they could get the police to the polling station.

C Hamilton said that they were mindful of the changes and the impact that it could have on staff. They had been in contact with Jason Keane who is the borough commander. He has identified a single point of contact within his team to work with them on Election Day; he will have two roving police cars, one driving around the borough and the other to be on call for any issues. They would also be available at the start of the count to support the opening of the count. There would be a designated number for presiding officers to call if they have any issues that would go straight through to the tasking team to get support at a polling station.

Cllr Anderson asked what the plans were for member's computers after the election.

A Wilkie said that there thinking was that they had plans to issue new and better laptops, however he would come back when they have more details.

Cllr Douris asked if the level of support from the police would extend to the tellers that maybe outside the polling stations.

CHamilton said that anything that happens inside the polling station was the responsibility of the presiding officer and they have the authority to call the police if there is anything that they are concerned about. She said that anyone working at a polling station would undergo training that was longer and more detailed; it would include practical training to test out some of the potential changes in people appearance in relation to ID and what is acceptable.

Cllr Tindall asked if they were planning to give an information sheet to the tellers/party workers across the board who may be in the polling stations.

CHamilton said that this was a good suggestion and they would issue something through the agents

## **RECOMMENDATIONS AGREED**

### **CA/36/21     HRA BUSINESS PLAN**

#### **Decision**

That Cabinet recommends the adoption of the HRA Business Plan to Council.

#### **Corporate Priorities**

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#### **Statutory Officer Comments:**

##### **Monitoring Officer:**

The HRA business plan is not in itself a statutory requirement but will enable the Council to plan the Housing Service to ensure that relevant statutory requirements are met and appropriately funded.

##### **S151 Officer:**

The HRA business plan details the medium and long-term financial planning required to deliver the housing strategy, the nature of the required horizon scanning over the

next 30 years, results in a plan that is likely to evolve over time with significant scope for policy change in that period.

As would be expected with a 30 year plan this plan contains a significant amount of assumptions in regard to; spending commitments, economic outlook, funding assumptions and government policy, hence, will be considered a live plan and reviewed as required, but annually as a minimum.

This HRA business plan, outlined in the attached document, assumes that over the next 10 years the HRA will achieve an income of circa £736m, to fund £363m of ongoing management and maintenance and £370m of capital financing, this represents a balanced financial position over that period.

As part of the ongoing planned maintenance and development of the HRA housing stock the business plan invests £369m in planned maintenance and new build over the first 10 years of the HRA business plan, utilising multiple internal and external funding streams including an additional £111m of borrowing.

The HRA 30-year business plan is financially sustainable but assumes government support going forward to support new government policies and initiatives, such as the decarbonisation agenda. This plan also outlines the need to increase borrowing to support the ambitious capital programme, this leaves little scope based on current projections for additional future borrowing to support the HRA without reviewing the existing medium-term plans.

### **Advice**

Cllr Griffiths introduced the report as published.

Cllr Douris highlighted that there were no Stat comments on this report.

MBrookes said that he would take this up.

CHamilton said there would never be a report without stat comments and that this must be an error.

MBrookes reassured the committee that there were no concerns in the stat comments that he has read.

### **RECOMMENDATIONS AGREED**

#### **CA/37/21 PARADISE DESIGN CODE**

#### **Decision**

1. That Cabinet recommends to Council that the Paradise Design Code Supplementary Planning Document be adopted.

2. That authority to make any changes to the SPD documents, including any necessary to reflect the Cabinet or Council discussion and decision, be delegated to the Strategic Director for Place in consultation with the Portfolio Holder for Place.

### **Corporate Priorities**

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### **Statutory Officer Comments:**

#### **Monitoring Officer:**

All relevant legal implications are set out in the report

#### **Deputy S151 Officer:**

There are no direct financial consequences of the adoption of these supplementary planning documents.

### **Advice**

Cllr Anderson introduced the report as published. He praised the officers for the amount of work that got the council to this point.

JDoe added that it had been a useful exercise. This had come off the back of some funding that they were able to bid, apply and were successful in obtaining from central government as part of their national model design code. This was the direction in which the government were seeking to roll design policies locally. There had been some good lessons learnt and this provides a good platform for further such initiatives in the field of urban design elsewhere in the borough for the future.

Cllr Griffiths said she remembered going out with other councillors to help feed their views into this design and it was interesting as it was so new. She appreciated a lot of work must have gone into this and thanked the officers for their work.

## **RECOMMENDATIONS AGREED**

**CA/38/21     SENIOR OFFICER PAY POLICY**

### **Decision**



(1) That Cabinet recommends to Council that it adopt the Pay Policy for 2023/24 as set out in appendix 1 to this report.

(2) That Cabinet agrees that any amendments to the Pay Policy throughout the financial year 2023/2024, which may be required as a result of legislative changes, can be approved by the Chief Executive in conjunction with the Council's Monitoring Officer

### **Corporate Priorities**

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### **Statutory Officer Comments:**

#### **Monitoring Officer:**

No comments to add to the report

#### **S151 Officer:**

No further comments to add to this report.

### **Advice**

Cllr Williams introduced the report as published.

There were no questions.

**RECOMMENDATIONS AGREED.**

**CA/39/21      EXCLUSION OF THE PUBLIC**

**CA/40/21      COMMERCIAL UPDATE**

This item is part 2, please see restricted Minutes

The Meeting ended at 8.18 pm

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

## CABINET FORWARD PLAN

DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/ S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
23/05/23	Quarterly Strategic Risk Register		04/05/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
23/05/23	Contract award – Marchmont affordable housing development.		04/05/23	Darren Welsh <a href="mailto:Darren.welsh@dacorum.gov.uk">Darren.welsh@dacorum.gov.uk</a>	
20/06/23	Provisional Outturn Report		01/06/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
20/06/23	Financial Monitoring Report		01/06/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
18/07/23			29/06/23		
12/09/23	Mid Term Financial Strategy		24/08/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
12/09/23	Financial Monitoring Report		24/08/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
12/09/23	PRS Policies		24/08/23	Natasha Beresford - Assistant Director – Housing Operations & Safe Communities <a href="mailto:Natasha.beresford@dacorum.gov.uk">Natasha.beresford@dacorum.gov.uk</a>	
12/09/23	Quarterly Strategic Risk Register		24/08/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
17/10/23	Annual Treasury Report		28/09/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
21/11/23	Financial Monitoring Report		02/11/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
21/11/23	Quarterly Strategic Risk Register		02/11/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
12/12/23	Budget		23/11/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
12/12/23	Council Tax Base Report		23/11/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
30/01/24	Committee Dairy		11/01/24	Mark Brookes – Assistant Director Legal and Democratic <a href="mailto:Mark.brookes@dacorum.gov.uk">Mark.brookes@dacorum.gov.uk</a>	
30/01/24	Treasury Management Mid-Year Review		11/01/24	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
13/02/24	Budget		08/02/24	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
19/03/24	Financial Monitoring Report		29/02/24	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/ S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
	19/03/24	Annual AI programme approval		29/02/24	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
	19/03/24	Quarterly Strategic Risk Register		29/02/24	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
	23/04/24			04/04/24		



<b>Report for:</b>	Cabinet
<b>Title of report:</b>	<b>Appointment of a Principal Contractor for Paradise Depot &amp; Appropriation of Paradise Depot site for Planning Purposes</b>
<b>Date:</b>	25 April 2023
<b>Report on behalf of:</b>	Councillor Margaret Griffiths, Portfolio Holder for Housing
<b>Part:</b>	Part I with Part II procurement report annexed
<b>If Part II, reason:</b>	
<b>Appendices:</b>	Appendix A – Proposed Development Plan Appendix B – Site Plan Appendix C – Community Impact Assessment
<b>Background papers:</b>	
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	DMC – Development Management Committee GF – General Fund HRA – Housing Revenue Account ITT – Invitation to Tender JCT – Joint Contracts Tribunal

<b>Report Author / Responsible Officer</b>	
Ian Johnson, Head of Investment & Delivery <a href="mailto:Ian.Johnson@dacorum.gov.uk">Ian.Johnson@dacorum.gov.uk</a>	
Oliver Donohoe, Lead Officer, Housing Development <a href="mailto:Oliver.Donohoe@dacorum.gov.uk">Oliver.Donohoe@dacorum.gov.uk</a>	

<b>Corporate Priorities</b>	<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>• Providing good quality affordable homes, in particular, for those most in need</li> <li>• Ensuring efficient, effective and modern service delivery</li> <li>• Climate and ecological emergency</li> </ul>
<b>Wards affected</b>	Hemel Hempstead Town
<b>Purpose of the report:</b>	<p>To be read in conjunction with Part II.</p> <ol style="list-style-type: none"> <li>1. To seek approval to award the main contract and appoint a Principal Contractor to construct 56 flats and a stand-alone commercial building at Paradise Depot.</li> <li>2. To provide delegated authority to the Council's Assistant Director (Legal &amp; Democratic Services) to execute and complete all legal agreements ancillary to the JCT Design &amp; Build Contract 2016 and/or reasonably required to complete the Project, including (but not limited to): <ol style="list-style-type: none"> <li>a. all professional appointments;</li> <li>b. collateral warranties; and</li> <li>c. Agreements under <ul style="list-style-type: none"> <li>S.38, &amp; S.278, of the Highways Act 1980;</li> <li>S.247, Part III of the Town and Country Planning Act 1990;</li> <li>S.104 of the Water Industry Act 1991, and</li> <li>S.50 of the New Roads and Street Works Act 1991.</li> </ul> </li> </ol> </li> </ol>
<b>Recommendation (s) to the decision maker (s):</b>	<p><b>Principal Contractor Appointment</b></p> <p>That Cabinet:</p> <ol style="list-style-type: none"> <li>1. Agrees to award the main contract to construct 56 social rented homes and a stand-alone commercial building to ARJ Construction Ltd.</li> <li>2. Delegates authority to the Assistant Director (Legal &amp; Democratic Services) to execute and complete all legal agreements ancillary to the JCT Design &amp; Build Contract 2016 and/or reasonably required to complete the Project, including (but not limited to): <ol style="list-style-type: none"> <li>a. all professional appointments;</li> </ol> </li> </ol>

	<p>b. collateral warranties; and  c. Agreements under S.38, &amp; S.278, of the Highways Act 1980; S.247, Part III of the Town and Country Planning Act 1990; S.104 of the Water Industry Act 1991, and S.50 of the New Roads and Street Works Act 1991.</p> <p><b>Land Appropriation</b></p> <p>That Cabinet:</p> <p>3. Confirms that Paradise Depot is no longer required for its current purpose.</p> <p>4. Agrees to delegate authority to the Chief Housing Officer to apply for consent, pursuant to section 19 Housing Act 1985, to the Secretary of State for Levelling Up, Housing and Communities (or equivalent successor title) to appropriate the Site.</p> <p>5. Agrees to delegate authority to the Chief Housing Officer to take all necessary steps to appropriate the HRA Land from the Housing Revenue Account for planning purposes and the garages held within the General Fund within the Site for planning purposes, pursuant to Section 122 of the Local Government Act 1972 and Section 227 of the Town and Country Planning Act 1990.</p> <p>6. Agrees to delegate authority to the Chief Housing Officer to use the powers to over-ride third party rights under section 203 of the Housing and Planning Act 2016 according to the principles set out at paragraph 10.15 in this report.</p> <p>7. Agrees to appropriate the Site at Paradise Depot for planning purposes for the construction of the new build 56 Council houses as set out in Part II of the report.</p>
<p><b>Period for post policy/project review:</b></p>	<p>There will be a 12-month defect liability period after practical completion. A 2-year review period is therefore recommended for this project.</p>

## 1 Introduction/Background:

Since 2013, the Council has delivered 356 new Council homes in the Borough.

Paradise Depot is situated on Paradise Industrial Estate, approximately 0.2km to the east of Hemel Hempstead town centre. The site extends 0/4HA and currently accommodates a food bank, used by DENS, and a car repair workshop, dealership and associated parking. There are established trees running along the north and west boundary.

The existing buildings will be demolished and replaced with a mixed-used development comprising a 2 storey commercial building, with a food bank, bike workshop, office space and café area for DENS and a 7-storey residential building providing 56 x 1 and 2 bed apartments for social rent.

A full planning application was submitted in October 2021 and was recommended for approval at committee in July 2022. Formal approval was issued on Thursday 30<sup>th</sup> March 2023, having been delayed due to the Chilterns Beechwood Moratorium and approval of the associated legal agreements.

The building names 'Eden Court' (Residential Building) and 'East of Eden' (Commercial Building) have been agreed with The Council's Address Management Team.

See Appendix A for a proposed site layout of the scheme.

## 2 Proposals:

### Principal Contractor Appointment

In October 2022, an Invitation to Tender (ITT) was advertised on the Supply Hertfordshire Portal, Find a Tender Service and Contracts Finder. Four submissions were received and evaluated in line with the methodology set out in the tender documentation.

The scoring methodology, to adjudicate tenders, relates to quality and technical merit (equating to 70% of the overall marks available) and the pricing element (equating to 30% of the overall marks available).

The adjudication process was completed by the Housing Development Team and the Council's Employers Agent, BPM Project Management Ltd. Following a robust scoring process of the qualitative responses, it was recommended that two of the four bidders would be invited for a final tender clarification interview.

The highest scoring bid, after the interview stage, was from ARJ Construction Ltd. Therefore, the recommendation is to appoint ARJ Construction Ltd as the Principal Contractor on Paradise Depot.

### Programme

The programme for the development of the scheme is:

- Planning Approval – Approved 30<sup>th</sup> March 2023
- Principal Contractor – Appointment: April 2023, and in contract June 2023
- Site Possession – July 2023
- Start on Site – October 2023
- Delivery of DENS Building – June 2025
- Practical Completion – December 2025



### Land Appropriation

In order to ensure a continued pipeline of the future affordable housing development sites, this report also seeks approval to consider the appropriation of General Fund land, as shown as Appendix B, for planning purposes and then the subsequent appropriation of the site from planning purposes to housing to be held under the HRA at market value.

A red book valuation was carried out by Brasier Freeth in August 2020.

### **3 Consultation:**

A list of consultees for this decision are as follows:

- Portfolio Holder for Housing
- Chief Housing Officer
- Chief Finance Officer
- Assistant Director – Legal and Democratic Services
- Assistant Director – Strategic Housing and Delivery
- Procurement Lead Officer, Commissioning, Procurement & Compliance

### **4 Financial and value for money implications:**

The overall HRA development budget is reviewed strategically as part of the annual review of the Housing Revenue Account Business Plan. Each individual scheme, following contract award, is subject to close financial monitoring with any variances agreed formally through a change control methodology.

The lifting of the HRA borrowing cap has provided the opportunity to take out additional borrowing, through the Public Works Loan Board, enabling the expansion of the new build programme in a sustainable and affordable way.

This has been achieved through a successful procurement programme involving an open tender process managed by the Council's Procurement Team.

Land purchases / appropriations are in line with Red Book valuations to ensure value for money. Cabinet agreed to the transfer of the site from the General Fund into the Housing Revenue Account (HRA) on the 21<sup>st</sup> September 2021 for a figure in accordance with the Red Book valuation completed by Brasier Freeth in 2020.

Full financial appraisals are undertaken prior to contract award, including financial analysis of recently published accounts. An assessment of the bidder's financial standing was carried out by the Council's Finance Department based on the bidders' set of accounts in the last 3 financial years and a credit reference report. The recommended successful bidder passed this financial evaluation.

The Council also uses external financial analysis services from Dun and Bradstreet to help assess risk and creditworthiness associated with contractors. As part of this we receive regular updates on the financial status of our key contactors.

### **5 Legal Implications:**

#### Land Appropriation

The purpose for which the local authority is appropriating the land must be authorised by statute. Further to section 17(1)(a) of the Housing Act 1985, a local housing authority may acquire land for development purposes.

Section 203 of the Housing and Planning Act 2016 provides that, where land has been appropriated for planning purposes, then existing rights, which could prevent the development from being carried out in accordance with the planning permission, can be overridden, subject to payment of compensation to the affected parties. By virtue of appropriating under section 122 LGA, section 203 will be enabled.

Pursuant to section 120 of the Local Government Act 1972 ("LGA"), the Council has the power to acquire land for the purposes of (a) any of the Council's functions under the Local Government Act or (b) for the benefit, improvement or development of the area. The report sets out how these requirements are met.

In addition to the above power, further to section 9 of the Housing Act 1985, a local authority may provide housing accommodation by erecting houses or converting buildings into houses on land acquired by them.

Pursuant to section 122 (1) of the LGA, a local authority may appropriate land for any purpose for which it is authorised to acquire land, when the land is no longer required for the purposes for which it is held. In reaching this decision, the Council must consider the public need within the area for the existing use. The proposed scheme of 56 new units will provide much needed social housing which would outweigh the public need for the current use of the Site.

The purpose for which the local authority is appropriating the land must be authorised by statute. Further to section 17(1) (a) of the Housing Act 1985, a local housing authority may acquire land for housing purposes. Section 19 of the Housing Act 1985 prevents a local authority from appropriating land held in the Housing Revenue Account consisting of a house or part of a house without the consent of the Secretary of State for Levelling Up, Housing and Communities.

Section 227 of the Town and Country Planning Act 1990 authorises a local authority to acquire land by agreement for a purpose for which the local authority may be authorised to acquire land under section 226 Town and Country Planning Act 1990. As a result, the appropriation of the Site to planning purposes must be made pursuant to section 122 Local Government Act 1972 and section 227 Town and Country Planning Act 1990.

Section 226 of the Town and Country Planning Act 1990 ("1990 Act") provides authorisation for the appropriation of land for planning purposes. Section 226 states that that a local authority (subject to the authorisation of the Secretary of State) has the power to compulsorily acquire any land in their area, if it considers that this will facilitate the carrying out of a development, redevelopment, or improvement on or in relation to the land, or is required for a purpose which is necessary to achieve in the interests of the proper planning of an area.

By virtue of s 226(1A) TCPA a local authority must not exercise the power granted under s226(1)(a) unless the development, redevelopment or improvement on or in relation to the land is likely, they think, to contribute to the achievement, the promotion or improvement of any one of more of the following objectives - the economic, the social and/or the environmental wellbeing of the area.

Under Section 226(1A) of the 1990 Act, a local authority may not acquire land compulsorily, for the purpose facilitating the carrying out of development, unless they consider that the development is likely to contribute to the achievement of one or more of the following objectives:

- a) the promotion or improvement of the economic well-being of their area;
- b) the promotion or improvement of the social well-being of their area;
- c) the promotion or improvement of the environmental well-being of their area.

A resolution to grant planning permission has been secured for the redevelopment of the Site (with planning reference) 21/04352/MFA. It is considered that the redevelopment would result in the improvement of the economic, social and environmental well-being of the area, by sustainably providing a significant number and mix of high quality Council-built homes, which would contribute to the Council's identified affordable housing need. The redevelopment of the Site will provide local people with high-quality, affordable accommodation, improvements to local infrastructure and potential employment opportunities from the construction process. Accordingly in the Council's view, the redevelopment would contribute to the economic and social well-being of the area, fulfilling the requirements of section 226(1A) of the 1990 Act.

Section 203 of the Housing and Planning Act 2016 ("2016 Act") provides that where land has been appropriated for planning purposes then existing rights, which could prevent the development of that land from being carried out in accordance with the planning permission can be overridden, Any third party claiming the benefit of a third party right is prevented from taking injunctive action against the Council thus preventing development. There remains however a right to compensation for loss of the right, calculated in accordance with the statutory compensation code based on the diminution in value of the land affected as a result of the loss or injury to the third party.

Reliance on s203 of the Housing and Planning Act 2016 to override the rights of adjoining Owners, and any other property rights on an appropriation of land for planning purposes is dependent, upon the requirements in s226 Town and Country Planning Act 1990 (TCPA).

For section 203 to be utilised or relied upon, the development must receive planning permission and the Council must hold an appropriate interest in the land. The Council will also need to be satisfied that the requirements set out in section 226(1A) of the 1990 Act are met, and would need to consider whether an interference with the rights of third parties would be justified.

The use of section 203 powers would have the effect of ensuring that previously unknown interests do not frustrate the process of development, and is considered necessary in order to facilitate the proposed scheme of development.

The enabling provisions in s203 (1) and (4) of the Housing and Planning Act 2016 are required for the construction, maintenance and use of the redevelopment, to the extent that this will interfere with private rights of adjoining owners. Several adjoining private landowners enjoy rights of lights ("Dominant Owners") which will be affected by the new development. The operative provisions in section 203-207 are necessary in order to override these rights as well as to override other property rights, including any unknown rights that may impede the construction or use of the units in the Paradise Depot redevelopment.

The Council has carried out a report on title that has not identified specific private rights or any beneficiaries of private rights that affect the Site but, given the previous use of the Site, it is considered prudent to appropriate the Site for planning purposes to engage the powers within Section 203 to override any third party rights and convert them into a right to claim compensation.

As set out above, the Council considers that the redevelopment would result in the improvement of the economic, social and environmental well-being of the area. There may be a minor impact or infringement of the rights of as-yet-unknown persons, but the Council considers that, on balance, an interference with those rights would be in the public interest and would be justified in the context of the benefits of the proposed redevelopment.

The Site will not be appropriated for planning purposes until:

- i. the outcome of the advertisement process required by section 122(2A) of the Local Government Act has been completed and any representations received have been properly considered; and

- ii. Consent from the Secretary of State to appropriate the HRA Land for planning purposes pursuant to Section 19 Housing Act 1985 has been granted.

## **6 Risk implications:**

A risk assessment has been completed for this project by the Project Manager and Employers Agent and will be reviewed monthly from the award of contract.

## **7 Equalities, Community Impact and Human Rights:**

A Community Impact Assessment has been completed – See Appendix C. There are no detrimental impacts.

These proposals will have a beneficial impact on low income households. Homes are developed and allocated in line with the demand for social housing and are let in accordance with the Council's Housing Allocation Policy to those households in greatest need. Improved community facilities being built as part of these plans will also have a positive impact.

There are no Human Rights implications arising from this report.

## **8 Sustainability implications (including climate change, health and wellbeing, community safety):**

The scheme has been designed with consideration to secured by design standards, and it incorporates high energy efficiency and sustainability features. The construction specification has been produced to significantly exceed building regulation requirements for environmental standards and to achieve an energy performance certificate level of B.

## **9 Council infrastructure (including Health and Safety, HR/OD, assets and other resources):**

Each new build scheme has in place a Principal Designer and Construction Design and Management Regulations (CDM) Advisor. Contractors are required to comply with the Council's Health and Safety (H&S) Policy along with Considerate Constructors requirements. Health & Safety is identified as a key risk of the Housing Service and is reported to the Council's Housing and Communities Overview and Scrutiny Committee on a quarterly basis. To ensure compliance, monthly site checks are carried out on behalf of the Council to ensure adherence to H&S procedures.

## **10 Statutory Comments**

### Land Appropriation

#### **Monitoring Officer:**

The appropriation powers have been set out in the body of the report. The use of appropriation power needs to be justified by a clear 'public interest' case that overrides the individual rights of potential affected third party owners and occupiers of nearby properties.

The report explains the rationale for the public interest test and it is concluded the relevant tests are met.

The procurement of the contractor has followed an open market tender process which should ensure that the Council obtains value for money.

#### **Deputy S151 Officer:**

The appropriation of General Fund property and land to the HRA requires a technical adjustment to reduce the Capital Financing Requirement (CFR) of the General Fund and adjustment to increase the CFR of the HRA by the market value of the transfer. The CFR is an indication of the Council's underlying need to borrow as a result of capital investment, and hence this ensures the GF and HRA CFRs are correct.

## **12 Conclusions & Recommendations**

### Appointment of Principal Contractor

After an open tender procurement process, four tenders were returned, of which after detailed evaluation and analysis, only one compliant tender was validated on both price and quality. The process included an assessment of the contractors' experience, knowledge and compliance. The highest scoring tender was returned by ARJ Construction Ltd.

The report seeks to recommend the award of the main contract to construct 56 No. social rented homes and a standalone commercial unit at Paradise Depot to ARJ Construction Ltd.

The procurement of land at Paradise Depot is contained within the agreed development budget agreed as part of the HRA business plan and is reviewed annually as part of the HRA budget setting process.

### Land Appropriation

In order to support the delivery of the Paradise Depot project this report seeks approval to consider the appropriation of General Fund Land and HRA properties for planning purposes and subsequently to the Housing Revenue Account for Housing Development purposes.

By exercising its appropriation powers, the Council will ensure that its redevelopment of the land proceeds in accordance with the planning permission already granted.



- A** Proposed Fastigiate Ornamental Tree  
To be 14-16cm girth, Extra Heavy Standard, 400-500cm high.  
E.g. Prunus 'Amanogawa'.
- B** Proposed Small Large Shrub  
Multistem shrub, 200-250cm high.  
E.g. Amelanchier lamarckii.
- C** Proposed Shrubs and Perennials  
Mix of wildlife beneficial and local plants species.
- D** Proposed Raised Planters  
Product: Raised Planter Edging by Logic or similar approved.  
Planters build from flexible, modular retaining wall system, for creating raised planting schemes.  
Material: Linier, dark grey colour  
Height: 500mm
- E** Proposed Raised Planter with Integrated Timber Seat  
Product: Raised Planter Edging by Logic or similar approved. With curved timber seating on top.  
Material: Linier, dark grey colour  
Height: 500mm

- Proposed Tarmacadam for Road
- Proposed Permeable Tarmacadam for Parking Bays demarcated with white lines.
- Proposed Permeable Block Paving for Parking Bays  
Product: Hydropave Tegula Permeable Block Paving by Tobermore or similar approved.  
Demarcation: Tegula in Natural  
Size: 240x120x80mm  
Pattern: Herringbone  
Colour: Cedar
- Proposed Block Paving for Driveway  
Product: Tegula Block Paving by Tobermore or similar approved  
Size: 208 x 173 x 80mm  
Pattern: Herringbone  
Colour: Natural
- Proposed Block Paving for Shared Drive  
Product: Tegula Block Paving by Tobermore or similar approved  
Size: 208x173x80mm  
Pattern: Herringbone  
Colour: Cedar
- Proposed Block Paving for Pathway  
Product: Tegula Block Paving by Tobermore or similar approved  
Size: 208 x 173 x 60mm  
Pattern: Stretcher  
Colour: Cedar
- Proposed Block Paving for Patios  
Product: Tegula Block Paving by Tobermore or similar approved  
Size: 208 x 173 x 60mm  
Pattern: Stretcher  
Colour: Natural
- Proposed Resin Bound Gravel  
Product: Resin Bound Gravel by SureSet or similar approved. Paths to be edged with flexible steel edging, laid flush with surface.  
Colour: Buff
- Proposed Wet Pour Surface  
Placed under informal play equipment.  
In green colour.
- Light bollards  
Lighting design in scheme to be developed by specialist to required levels from building regulations and Secure By Design

EXTERNAL WORKS GENERAL NOTES

Refer to Landscape Specialist Drawings for information  
Existing Off-site Trees to be Retained and Protected

Drawing for tender purposes only

Client, Contractor, Structural Engineer, Civil Engineer, Mechanical & Electrical Engineer, Fire Engineer, SAP Assessor, Highways and Local Authority Building Control, Party Wall Surveyor input is required.

All drawings are to be read in conjunction with RG+P drawings, external consultants and Building Control comments.

Structural elements to SE details and design

MEP to Mechanical Engineer details and design

Drawings can be found under the following number series:

- 00 General Arrangement
- 12 Demolition
- 16 Foundation
- 21 External Walls
- 22 Internal Wall and Partitions
- 24 Stairs and Lifts
- 27 Roof
- 31 Doors and Windows
- 35 Ceilings
- 43 Wall Finishes
- 44 Floor Finishes
- 50 Drainage
- 63 Lighting
- 68 Fire Strategy
- 72 FF&E and Room Layout
- 80 Co-ordination
- 90 External Works



Project Paradise Depot, Hemel Hempstead rg+p proj reference 100-827

Status Tender

Client Dacorum Borough Council

Package 100-827 AR/ External Works

Sheet Title General Site Plan

Scale 1:200@A1

Date 29/04/2022

Drawn by RCP Checked by VTQ

Drawing reference 100-827 AR(90)001 T2 Revision T2

London | Birmingham | Leicester  
0203 827 0881 | 0121 309 6071 | 0116 204 5800  
rg-p.co.uk | design@rg-p.co.uk

Notes: All designs should be constructed in strict accordance with building regulations. In addition any materials, components and fittings must be connected to a structure should be non-combustible if the top storey of the building is above 11m.

All dimensions to be checked on site. Do not scale off this drawing for construction purposes. This drawing is the copyright of the architect, and not to be reproduced without their permission.

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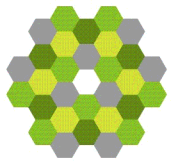
**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

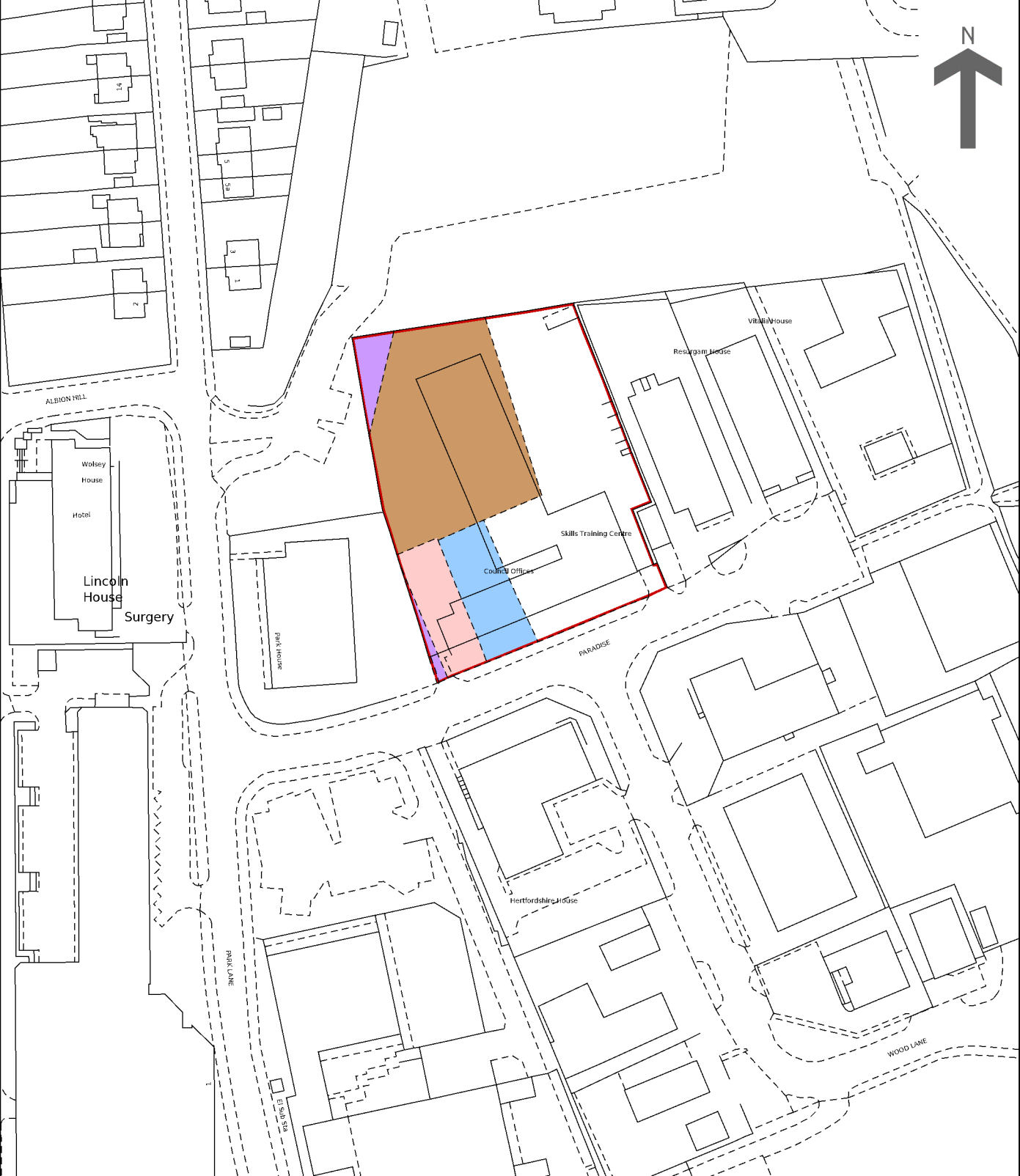
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

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This official copy is issued on 13 June 2019 shows the state of this title plan on 13 June 2019 at 11:33:45. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Leicester Office .



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# Dacorum BC Community Impact Assessment (CIA) Template

**Policy / service / decision**

**Principal Contractor Tender; Paradise Depot**

## **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 aim of this tender is to identify a suitable contractor to construct the Paradise Depot scheme

The proposal is in line with Dacorum's planning policy and recent planning approval, Housing Development's New Build Design Guide and Employers Requirements documentation, while ensuring compliance with low maintenance homes in co-operation with the Property and Place team and the Tenancy and Leasehold team.

## **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.*

- Mix of Properties identified from Dacorum Council housing waiting list and allocations and Lettings team.
- Dacorum Council Local Planning and National planning policy.
- In line with other policies such as housing allocations, wheelchair accommodation and electric vehicle requirements.
- Regular meetings with Planning service, Strategic housing and the Property Team.

**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 Needs
- Planning services,
- Property
- Tenant services
- Procurement team

**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	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?			
Age	This policy is based on Dacorum’s Housing waiting list and lettings policy and therefore follows those polices.	□	⊗	□

<p><b>Disability (physical, intellectual, mental)</b></p> <p><i>Refer to CIA Guidance Notes and Mental Illness &amp; Learning Disability Guide</i></p>	<p>This policy is based on Dacorum's Housing waiting list and lettings policy and therefore follows those policies.</p>	□	⊗	□
<p><b>Gender reassignment</b></p>	<p>This policy is based on Dacorum's Housing waiting list and lettings policy and therefore follows those policies.</p>	□	⊗	□
<p><b>Race and ethnicity</b></p>	<p>This policy is based on Dacorum's Housing waiting list and lettings policy and therefore follows those policies.</p>	□	⊗	□
<p><b>Religion or belief</b></p>	<p>This policy is based on Dacorum's Housing waiting list and lettings policy and therefore follows those policies.</p>	□	⊗	□
<p><b>Sex</b></p>	<p>This policy is based on Dacorum's Housing waiting list and lettings policy and therefore follows those policies.</p>	□	⊗	□

<p><b>Sexual orientation</b></p>	<p>This policy is based on Dacorum’s Housing waiting list and lettings policy and therefore follows those policies.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Not protected characteristics but consider other factors, e.g. carers, care leavers, veterans, homeless, low income, loneliness, rurality etc.</b></p>	<p>This development features a new commercial building which is to be used by the homelessness charity DENS as a HUB to support and empower local homeless people and others in crisis.</p> <p>The construction will allow key safe installation if required and also this policy is based on Dacorum’s Housing waiting list and lettings policy and therefore follows those policies.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Negative impacts / outcomes action plan</b> 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>
Some races or ethnic groups are more likely to have English as a second language, so may require additional help throughout the lettings process.  Consideration should be given with translation services on residents handbook	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"/>
<b>If negative impacts / outcomes remain, please provide an explanation below.</b>			
<b>Completed by (all involved in CIA)</b>	OLIVER DONOHOE (Housing Development Lead Officer)		
<b>Date</b>	16/03/2023		
<b>Signed off by</b> <i>(AD from different Directorate if being presented to SLT / Cabinet)</i>	 <span style="float: right;">Simon Rowberry</span>		
<b>Date</b>			
<b>Entered onto CIA database - date</b>			

<b>To be reviewed by</b> (officer name)	
<b>Review date</b>	

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