

## MINUTES

### CABINET

28 JUNE 2016

**Present:**

**Members:**

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

<b>Officers:</b>	Mark Brookes	Solicitor to the Council and Monitoring Officer
	Sally Marshall	Chief Executive
	James Deane	Corporate Director - Finance and Operations
	Mark Gaynor	Corporate Director - Housing & Regeneration
	James Doe	Assistant Director - Planning and Regeneration
	Jim Doyle	Group Manager - Democratic Services
	Robert Smyth	Assistant Director - Performance, People and Innovation
	Chris Baker	Group Manager - Revenues, Benefits & Fraud
	Matt Rawdon	Group Manager - People
	Barbara Lisgarten	Legal Governance Team Leader
	Katie Mogan	Member Support Officer
	Andrew Marsh	Innovation and Improvement Officer

The meeting began at 7.30 pm

**CA/55/15    MINUTES**

The minutes of the meeting held on 24 May 2016 were agreed by the members present and signed by the Chairman.

**CA/56/15    APOLOGIES FOR ABSENCE**

None received

**CA/57/15     DECLARATIONS OF INTEREST**

None received

**CA/58/15     PUBLIC PARTICIPATION**

None received

**CA/59/15     REFERRALS TO CABINET**

None received

**CA/60/15     CABINET FORWARD PLAN**

**That the Cabinet Forward Plan be noted, subject to the following amendments:**  
The relocation of the Athletics Track to be added to the September agenda

**CA/61/15     AUTHORISATION OF VIREMENTS**

**Decision**

That the Virements as detailed on the attached Form A to the Cabinet report be approved.

**Reason for Decision**

To seek Cabinet approval to proposed virements

**Implications**

Financial

The Scheme of Virements is part of the Council's financial management.

**Risk Management**

There are no risk implications.

**Corporate Objectives**

Delivering an efficient and modern Council.

**Monitoring Officer/S.151 Officer Comments**

**Monitoring Officer:**

No comments to add to the report

**Deputy S.151 Officer:**

This is a Section 151 Officer report.

**Advice**

The Portfolio Holder for Finance and Resources said this was a straight forward report showing the movement and distribution of funds.

## **Voting**

None.

## **CA/62/15     STATEMENT OF COMMUNITY INVOLVEMENT**

### **Decision**

#### **Resolved to Recommend:**

- 1. the responses to comments received on the draft Statement of Community Involvement (2016); and**
- 2. the new Statement of Community Involvement to guide future consultation on planning matters as annexed in the report to Cabinet.**

#### **Reason for Decision**

That Cabinet consider consultation responses received on a new Statement of Community Involvement (2016), agree responses to comments received and recommend to Council the formal adoption of the new document.

#### Financial

There are no direct financial implications relating to the preparation of a new SCI. However, there are implications for the consultation arrangements set out within it: and the need to balance public expectations regarding the types of consultation techniques with the costs involved.

#### Value for money

The SCI sets out the range of consultation techniques that will be used within the planning process and the need to ensure that these are fit for purpose and proportionate in terms of the scale and nature of the planning issue(s) involved.

#### Legal

The production on an SCI is a legal requirement. Compliance with an up to date SCI assist the Council in defending objections and appeals against its planning decisions. Conversely, failure to comply with the standards and processes set out within the SCI could result in legal action against the Council.

#### Staff

No direct implications for staffing. However, all staff and elected Members need to be aware of the content of the SCI and follow processes and procedures within it.

#### Land

No direct implications, although the planning documents and proposals that will be subject to consultation will have implications for the future use of land.

## **Risk Implications**

Key challenges relating to consultation are set out within the SCI itself. Key risks relate to non-compliance with the SCI – resulting in legal challenges - and the need to balance public aspirations regarding consultation and involvement in planning decisions, with the limited budgets available.

## **Equalities Implications**

Equalities issues are considered through the Sustainability Appraisal process that all planning policy documents are subject to. The SCI itself also considers the most appropriate consultation techniques to reach different types of consultees. There may also be indirect implications for the SCI i.e. relating to the choice of venues for public consultation events and the need to ensure these are DDA compliant.

## **Health & Safety Implications**

No direct implications. There may be indirect implications relating to different types of consultation techniques and the choice of event venues.

## **Corporate Objectives**

The SCI sets out how the Council will consult on its planning policy documents and on planning applications. It therefore directly supports the 'Community Capacity' and 'Dacorum Delivers,' and indirectly supports all other objectives via the plans and developments that arise through the planning process.

## **Monitoring Officer/S.151 Officer Comments**

### Monitoring Officer

No comments to add to the report.

### Section 151 Officer

There are no direct financial consequences of the proposed recommendation. Any resource requirements for delivering consultations in line with the proposed Statement of Community involvement will have to be met from approved existing budgets

## **Advice**

The Portfolio Holder for Planning and Regeneration introduced the report and said this process was started in 2006 and has already been brought to Cabinet this year but this report has a few changes.

The Assistant Director for Planning, Development and Regeneration said the report highlights the principal changes. On page 24, the report shows the alignment with new legislation and the role of social media in the consultation process.

The Portfolio Holder for Environmental, Sustainability and Regulatory Services said that the newsletter was a brilliant idea. The Portfolio Holder mentioned this had been discussed at the Cabinet meeting in December and referred to page 84 of the report. The Portfolio Holder appreciated that this was a draft statement and so asked if the third column heading on page 84 could be changed to “site notice and/or neighbour notification letter” and this would allow for flexibility.

The Assistant Director for Planning, development and Regeneration said this was a helpful suggestion and sometimes it was appropriate to have both a site notice and neighbour notification letter.

### **Voting**

None.

## **CA/63/15     COMPLAINTS**

### **Decision**

That the implementation of a new ‘Compliments, Comments and Complaints Policy and Procedure’ be approved subject to an amendment to Change 5 (page 92) so that residents remain the primary point of contact for complaints and the amended report to return to a future Cabinet meeting.

### **Reason for Decision**

For Cabinet to review and approve the implementation of a new ‘Compliments, Comments and Complaints Policy and Procedure’.

### **Implications**

#### Financial

Managing complaints ensures that we improve the quality of services and target our resources in the most effective way.

#### Operational

The failure to properly address issues raised in complaints (and to learn lessons) could lead to operational service issues.

#### Value for Money

Effective management of complaints supports the achievement of value for money in the pursuit of the Council’s objectives

### **Risk Implications**

A robust Asset Management Strategy (AMS) mitigates the risk of the Council not being able to deliver the benefits described above.

## **Health & Safety Implications**

None

## **Corporate Objectives**

Modern and Efficient Council – The effective management of complaints is vital to ensure that we deliver services which respond to the needs of residents.

## **Monitoring Officer/S.151 Officer Comments**

### **Monitoring Officer:**

This policy will ensure that residents have a right to request that decisions, actions or omissions of the Council are reviewed at an appropriately level of management within the Council. The policy balances that right with the need to manage complaints in an efficient manner.

### **S.151 Officer**

There are no direct financial implications of this decision.

## **Advice**

The Portfolio Holder for Residents and Corporate Services introduced the item and said the change in policy was needed to manage and learn from complaints. In 2014/15, the Council received 1248 complaints and significant time and resources were used to solve complaints. The Innovation and Improvement team have identified issues in the current system and have incorporated this into the new process. It is hoped that the new system will allow for a more robust reply. The Portfolio Holder summarised the changes to the procedure:

- There will be a time limit of 90 days from the incident whereas previously there was no limit.
- We have introduced a clear policy for dealing with inappropriate, unreasonable or vexatious complainers. We currently have no formal policy on this issue.
- We have reduced the number of complaints steps from three to two. This is in line with LGO guidance and it streamlines our approach in line with many other local authorities. As we have reduced the process we have also revised down time allowed for Stage 1 from 20 days to 15 days.
- At present if anyone is unhappy, for any reason, they can ask for progression to Stage 2 and Stage 3. This is not an effective use of resources and it means we are likely to spend disproportionate amounts of time dealing with unreasonable demands and expectations.
- We can often receive the same complaint from a resident and an MP, if they have chosen to send details of their issue to multiple parties. This makes it time consuming and difficult to manage, because in effect we are handling (and responding to) the same complaint twice. It can also delay the process.

The Portfolio Holder for Housing objected to the change regarding dealing with just an MP complaint. The Portfolio Holder felt it was rude to not continue with a resident's complaint unless they have specifically stated that they have handed over the complaint for the MP to deal with.

The Assistant Director for Performance, People and Innovation said that currently, complaints are dealt directly with the resident and with the MP and it is recorded. With the new procedure, we can deal with one complaint in one manner and therefore we will not be dealing with two points of contact. This also prevents the risk of inconsistencies.

The Portfolio Holder for Environmental, Sustainability and Regulatory Services supported the comments from the Portfolio Holder for Housing. The Portfolio Holder said it was totally wrong to drop the resident's complaint. It would be more sensible to copy the MP into any correspondence, not make the MP the principal complainant.

The Portfolio Holder for Residents and Corporate Services understood the concerns raised. If the resident has enacted the MP as their representative then they will be the main point of contact. The MPs serving Dacorum have not yet been consulted.

The Portfolio Holder for Housing asked who would get priority if the same complaint was raised by a resident, a councillor and a MP.

The Assistant Director for Performance, People and Innovation said it would depend on the circumstance but Councillors and MPs would both be involved. The Assistant Director said the aim here was to have a single point of contact. If Cabinet would like to change the resident to the single point of contact then that can be changed in the procedure.

The Leader of the Council said that if the answer should be the same for both the resident and MP and the Council should not need to change their response due to pressure from an MP. The resident should be the primary point of contact and the MP notified. The Leader said himself or the Chief Executive should raise this personally with the local MPs.

The Portfolio Holder for Environmental, Sustainability and Regulatory Services questioned the 90 day time limit. The 90 days from the incident may be inappropriate in cases where houses have had work done to them and if the work is of a poor standard, then this may not be apparent for some time. Can the policy be tweaked for exceptions? The Portfolio Holder was also concerned with the changes regarding refusing resident's progress to stage 2 and the involvement of the Local Ombudsman.

The Assistant Director for Performance, People and Innovation said that the 90 day limit is from when a resident becomes aware of an issue and that the complainant can pursue the matter with the Local Ombudsman even if the Stage 2 process is refused by the Council on a complaint. He said he would amend the wording in the Policy to clarify this.

The Leader of the Council suggested that the feedback from Cabinet be implemented and then brought back to Cabinet to discuss and show changes.

## **Voting**

None.

## **CA/64/15     NATIONAL GRADUATE DEVELOPMENT PROGRAMME**

### **Decision**

1. That the recruitment of a graduate in 2016 from the National Graduate Development Programme be approved.

### **Resolved to Recommend:**

2. **Approval for drawing down £72,800 from the Management of Change reserve.**

### **Reason for Decision**

To recommend to Cabinet that the Council participate in the National Graduate Development Programme (NGDP) for 2016 (Cohort 18).

### **Implications**

#### Financial

Overall costs = £72,800 for the entire programme, funded by the management of change reserve

#### Value for Money

No implications due to the scheme being nationally recognised and is the only one of its type.

### **Risk Implications**

Any associated risks will be covered by staff inductions and training, as per any other member of staff.

### **Health & Safety Implications**

The Council's Health and Safety policies would apply to this post.

### **Corporate Objectives**

#### **Dacorum Delivers:**

Building an efficient, effective modern Council means having the right workforce in place, which includes employing 'young people' with fresh and current ideas.

This programme also supports succession planning by assisting the Council in growing leaders for the future.

### **Monitoring Officer/S.151 Officer Comments**

#### **Monitoring Officer:**

No comments to add to the report

### **S.151 Officer**

Following approval by Council the required amount (£72,800 in total) can be met from the Management of Change reserve to be drawn down over 2016/17 and 2017/18.

### **Advice**

The Portfolio Holder for Residents and Corporate Services introduced the item regarding a two year graduate post from the Local Government Association. The Council have previously had eight graduates and all have gone on to permanent senior positions.

The Portfolio Holder for Housing supported this scheme and said she was proud of all the graduates that had worked at the Council.

### **Voting**

None.

## **CA/65/15 PARKING ARRANGEMENTS FROM JANUARY 2017 AND ASSOCIATED TRAFFIC REGULATION ORDERS**

### **Decision**

That the following be approved:

1. The parking arrangements, following the move to the Forum in January 2017, as set out in paragraph 2.2 of the Cabinet report;
2. The groups of designated users who will be entitled to apply for a parking permit as set out in paragraph 5.3;
3. The charge for permits as set out in paragraph 5.4;
4. The commencement of a formal consultation for a Traffic Regulation Order (Borough of Dacorum (Off-Street Parking Places) (Hemel Hempstead) Order 2016) to amend current parking arrangements within the Watergardens North and South car parks, Moor End Road and Wood Lane End car parks as set out in paragraphs 4.4 and 9.1-9.4 of the report;
5. Delegating authority to the Portfolio Holder for Finance and Resources to consider the consultation responses received pursuant to recommendation 4, and to decide whether to make the Traffic Regulation Order or discontinue the order; and,

Revoking the relevant parts of the existing Dacorum off-street Traffic Regulation Order.

### **Reason for Decision**

To seek authority to formally consult upon proposals to make a new Traffic Regulation Order to facilitate changes to parking following the move to The Forum in January 2017, and to approve proposed changes to parking regulations in Moor End Road and Wood Lane End car parks.

### **Implications**

Not implementing this Traffic Regulation Order could cause displacement parking on roads around the town centre. Failure to provide parking could impact upon the Council's ability to recruit and retain staff.

Implementing this Traffic Regulation Order should not cause any displacement of the public. The resurfacing works have been brought forward to make the necessary work less disruptive, they do not add any additional cost.

These works are necessary, and will be awarded on the basis of a competitive tendering process.

### **Health & Safety Implications**

There will be an increased number of people walking from the Water Gardens North car park across Combe Street to the Forum but this does not raise any particular health and safety concerns as adequate crossing points are available

Occasional use of the Water Gardens North car park during the evening. Additional lighting and CCTV will be installed to address the safety concerns around increased evening use.

### **Corporate Objectives**

Providing this parking will keep Hemel Hempstead town centre a clean, safe and enjoyable environment by preventing increased on-street parking following the loss of spaces around the Civic Centre.

These changes will contribute to a modern and efficient Council by ensuring that key users are able to access the Forum building as required, essential car users returning from off-site visits are able to find parking, and the Council is able to recruit and retain the staff it needs to provide a high quality service to residents.

### **Monitoring Officer/S.151 Officer Comments**

#### **Monitoring Officer:**

Comments have been incorporated into the report.

#### **S.151 Officer**

Based on the count data within the report, the proposal to create a permit area for designated users within the Water Gardens North car park will not displace public parking and will not therefore result in a loss of income for the Council.

#### **Advice**

The Portfolio Holder for Finance and Resources introduced the item and said the report was to deal with the move to The Forum and to accommodate council staff

and members without causing more congestion or costs. Using the Water Gardens North car park will be a more effective use of the space available. There will be a £25 permit for a year and the Portfolio Holder would like to thank the Innovation and Improvement Officer for all his hard work on this project.

The Portfolio Holder for Housing said that this was a good scheme and members that do not come to the Council during the day will be able to make use of the free parking in the evenings and not have to buy a permit.

The Portfolio Holder for Environmental, Sustainability and Regulatory Services asked if the Forum had designated disabled bays. The Portfolio Holder was concerned about people with mobility problems that might not necessarily qualify for a blue badge. There is no lift in the Water Gardens car park and it is a fair distance to walk.

The Corporate Director for Housing and Regeneration said that the lower floor in the Forum has designated disabled bays so blue badge holders can park there. The Corporate Director said that only 4 or 5 staff fit in that category at the moment but Assistant Directors and Group Managers are currently collecting information from staff members to identify any issues.

The Leader of the Council asked if there was any short term flexibility for on-site parking.

The Corporate Director for Housing and Regeneration said that there will be a limited number of dedicated spaces and there will be no reserved spaces. However, a criteria for staff needing a space on site for the short term is something that could be looked at.

The Portfolio Holder for Planning and Regeneration said that he had recently visited Luton Borough Council and the nearest available parking was 25 minutes away on foot. The Portfolio Holder said that the Council are very fortunate to have available space nearby.

The Leader of Council advised Cabinet that the Council had taken the opportunity to deal with the other car parks in the town at the same time. There will be an improvement in the availability of short stay parking with a 2 hour maximum time limit in the Water Gardens South. Also, there will be a four hour tariff in the Moor End Road car park, not just an all day one. This car park is not big enough to introduce short stay parking. He also said that he hoped for better technology with different ways to pay for parking with a new car parking contract in the future.

### **Voting**

None.

### **CA/66/15 COUNCIL TAX SUPPORT SCHEME REVIEW**

### **Decision**

**Resolved to Recommend:**

- 1. not to revise or replace the current Council Tax Support scheme for 2017/18.**
- 2. Approval of the proposed minor technical changes to the 2017/18 Council Tax Support scheme as laid out in paragraphs 22 and 23 of the report.**

### **Reason for Decision**

To consider whether to revise or replace the existing Council Tax Support scheme for the 2017/18 billing year, and if so, to approve options for consultation.

To note the requirement to consider revision or replacement of the Council Tax Support scheme for 2017/18. To consider the recommendation to uprate the calculation amounts for working age people within the scheme and to adjust the scheme to introduce a rule to automatically do this in future years. To consider the recommendation to make an adjustment to the rule defining disability for the purpose of classing a taxpayer as vulnerable within the scheme.

### **Implications**

#### Financial

There are no direct financial implications arising if Cabinet agree with the recommendations made by this report, as the assumptions in the MTFS about council tax income are based on the continuation of the current scheme. The potential impacts of other choices are explained in the body of this report.

### **Community Impact Assessment**

An Equality Impact Assessment (EIA) was undertaken on the 2013 Council Tax Support scheme. There have been no changes since that date which have required an update to that assessment. If revision or replacement of the scheme is being considered, then an updated Community Impact Assessment will be developed in order to form part of the consultation process.

### **Health & Safety Implications**

There are no health and safety implications arising from this report.

### **Corporate Objectives**

Effective management of the Council's finances supports the Council's vision and all five of its corporate objectives.

### **Monitoring Officer/S.151 Officer Comments**

#### **Monitoring Officer:**

Schedule 1A of the Local Governance Finance Act 1992 (as amended) requires that a billing authority (this Council) considers each financial year whether to whether to revise or replace its Council Tax Support Scheme.

This report satisfies that requirement and recommends no revision or replacement to the current scheme other than the minor technical changes noted. If Cabinet or Council does require revision or replacement of the scheme following consideration of this report further consultation will be required.

### **S.151 Officer**

This is a S151 Officer report.

### **Advice**

The Portfolio Holder for Finance and Resources said that the Council was required, under law, to review or replace the Council Tax Support Scheme. The Portfolio Holder said that there were a couple of minor technical changes to support residents.

The Group Manager for Revenues, Benefits and Fraud said that there were a few minor amendments due to catching up with new welfare legislation.

### **Voting**

None.

The Meeting ended at 8.10 pm