

MINUTES

CABINET

26 JULY 2016

Present:

Members:

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

Officers:	Sally Marshall	Chief Executive
	Mark Gaynor	Corporate Director - Housing & Regeneration
	James Deane	Corporate Director - Finance and Operations
	Mark Brookes	Solicitor to the Council and Monitoring Officer
	Elliott Brooks	Assistant Director - Housing
	David Skinner	Assistant Director - Finance & Resources
	Robert Smyth	Assistant Director - Performance, People and Innovation
	Barbara Lisgarten	Legal Governance Team Leader

The meeting began at 7.30 pm

CA/67/15 **MINUTES**

The minutes of the meeting held on 28 June 2016 were agreed by the members present and signed by the Chairman.

CA/68/15 **APOLOGIES FOR ABSENCE**

An apology was received from Councillor Elliot

CA/69/15 **DECLARATIONS OF INTEREST**

None received

CA/70/15 **PUBLIC PARTICIPATION**

None received

CA/71/15 REFERRALS TO CABINET

None received

CA/72/15 CABINET FORWARD PLAN

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

- An extra Cabinet meeting be held at the end of August to discuss the item: 'To award contract for the Developer for Wood House Park' – Part 2 report
- Defer 'Hemel Hempstead Town Centre Parking Access and Movement Strategy' to the November meeting.
- Defer the 'Enterprise Zone' report to the October meeting.
- Defer the 'Impact of Housing and Planning Act' report to the November meeting.
- Add a report on the 'Award of the Community Alarm Monitoring Contract' to the December meeting. Procurement Report annexed to the report to be Part 2.

CA/73/15 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 as included within Financial Regulations.

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

None.

Voting

None.

CA/74/15 RISK MANAGEMENT QUARTER 4

Decision

That the content of the report to Cabinet is noted

Reason for Decision

To provide the Quarter 4 update on the Strategic Risk Register

Financial

None identified

Value for Money

Risk management is closely linked to the Council's commitment to ensure that all resources are used efficiently and forms part of effective financial planning. The Council also needs to ensure that adequate provisions are in place to address anticipated risks but that these are no greater than necessary so that maximum resources are applied to services as required. To this end the Council sets minimum target working balances for both the general fund and HRA and at the date of this report this minimum balances are secured. Budget exercises for 2014/15 have ensured that the minimum balance requirements will also be met for the next financial year.

Risk Implications

Effective risk management is an important factor in all policymaking, planning and decision making.

Failure to manage risk effectively could have serious consequences for the Council leading to increased costs, wasted resources, prosecution and criticism under external assessments

Equalities Implications

Not applicable

Health & Safety Implications

Not applicable

Corporate Objectives

Dacorum Delivers – Risk management is an essential part of ensuring that the Council meets all of its objectives

Monitoring Officer/S.151 Officer Comments

Monitoring Officer:

No comments to add to the report.

S.151 Officer

This is Section 151 Officer report.

Advice

The Portfolio Holder for Environmental, Sustainability and Regulatory Services noted that the Peer review had made comments on risk management and she therefore asked if there could be greater member involvement and maybe the Overview & Scrutiny Committees (OSC) could look at it.

The Corporate Director for Finance and Operations said they would look at the peer review report once it was received. Any changes required would go through the original risk setting process as well as be reported to the Audit Committee. The Chief Executive added that members would have a chance to see the final report.

Voting

None.

CA/75/15 COMPLAINTS REPORT

Decision

That the suggested changes to the proposed '*Compliments, Comments and Complaints Policy and Procedure as set out in paragraph 2 of the Cabinet report*' be approved.

Reason for Decision

For Cabinet to review and approve the three suggested changes to the complaints '*Compliments, Comments and Complaints Policy and Procedure*' following review at the previous Cabinet meeting (28th June 2016).

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

No risks are expected as this approach will improve the way we manage complaints.

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.

Deputy S.151 Officer

There are no direct financial implications of this decision.

Advice

The Portfolio Holder for Residents and Corporate Services noted that the report incorporated the comments made at the previous Cabinet meeting.

The Portfolio Holder for Environmental, Sustainability and Regulatory Services thanked the officers and Portfolio Holder for listening to the comments previously made.

Voting

None.

CA/76/15 HOUSING ASSET MANAGEMENT STRATEGY

Decision

That the Homes for the Future - Asset Management Strategy 2016-2020 be approved.

Reason for Decision

To seek Cabinet approval to the Homes for the Future - Asset Management Strategy 2016-2020.

Implications

Financial

The Council will be required to deliver the Asset Management Strategy in line with the available budgets derived from revenue income and in line with the Housing Revenue Account Business plan.

Value for Money

The assessment to determine the optimal use of any of the assets will ensure that value for money is one of the criteria applied when considering a change of designation, remodelling or disposal.

Risk Implications

The Asset Management Strategy is essential as it will supplement the Business Plan and provide the framework for decision making to ensure the housing stock is viable and fit for purpose both now and in the future.

The risks associated with not developing an Asset Management Strategy are that investment is not targeted appropriately and the long term financial viability of the business model is undermined.

Health & Safety Implications

Failure to adequately maintain the properties in a good state of repair and compliant with statutory requirements has health and safety implications.

Health and Safety will be one of the key themes of the Asset Management Strategy and individual Health & Safety plans will be developed for each project as required.

Community Impact Assessment

Community Impact Assessment for the delivery of the service has been carried out.

Corporate Objectives

Providing good quality affordable homes for those most in need, the asset management strategy will:

Ensure the management and maintenance of the housing portfolio is undertaken in accordance with best practice and is appropriate for the type, age and use of the stock.

Consider national and local factors that could influence the optimal use of the housing stock in terms of value for money, the most economical use of resources and are reflective of the demand.

Promote tenant involvement in deciding the priorities within the Asset Management Strategy.

Provide assets of a consistent standard, allowing for differences in type of construction or archetype.

Enable the delivery of new affordable homes, where individual sites are identified.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer:

The strategy provides a sound and sensible basis for the management and maintenance of the Council's housing portfolio. No further comments to add to the report.

S.151 Officer

The HRA Asset Management Strategy must be delivered within the constraints of approved budgets, and therefore there are no budgetary implications arising directly from the recommendations within this report.

Advice

The Portfolio Holder for Housing explained that the strategy set out the plan for the next four years, where the council intended to go and how they intended to get there. The relevant service plans would also link to it and strive towards the same aims.

The Assistant Director for Housing explained that the strategy was an overarching document and the details would be included in the plans. The strategy had been put together and written in a way which meant everybody could understand it.

He added that in changing times with Housing policies, the strategy would be delivered based on the resources available.

He concluded to note that the Tenants & Leaseholders had been involved in developing the strategy, as had the Housing & Community Overview & Scrutiny Committee (OSC).

The Portfolio Holder for Environmental, Sustainability and Regulatory Services asked what the views were from the OSC.

The Assistant Director for Housing said they were pleased with the strategy and liked that it was very easy to understand, they did however request further detail on some aspects and this would be provided.

The Portfolio Holder for Environmental, Sustainability and Regulatory Services agreed that the document was very readable and easy to understand and she agreed with the Scrutiny Committee's request for further detail. She supported the plan to de-pool the service charges but questioned whether the wording in the strategy was clear.

The Assistant Director for Housing explained that, whilst leaseholders' service charges are clearly identifiable, tenants are currently charged with rent and service charges as one charge that is not broken down. The intention is to separate the rent and service charge and show this on their annual rent letters.

He confirmed that a separate report on de-pooling would be taken to the Council's Housing & Community Overview & Scrutiny Committee later in the year.

The Corporate Director for Housing said that members would have a fuller picture if they looked at the strategy, the annual budget process and the Business Plan in November.

Voting

None.

CA/77/15 MEDIUM TERM FINANCIAL STRATEGY

Decision

Resolved to Recommend the approval of:

- 1. The revised Medium Term Financial Strategy for the period 2016/17 – 2020/21**
- 2. The financial projections within the 5-year Medium Term Financial Strategy**
- 3. A General Fund savings target of £1.33 million for the 2017/18 budget-setting process;**
- 4. A four-year General Fund savings target of £3.6 million for the duration of this Medium Term Financial Strategy;**
- 5. A review of the Housing Revenue Account base budget and savings target be undertaken as part of the review of the HRA business plan and budget preparation cycle;**
- 6. The Corporate Director (Finance & Operations) working with the Council's Corporate Management Team and Portfolio Holders to deliver options that will achieve the saving targets identified within the strategy;**
- 7. Authority be delegated to the S151 Officer, in consultation with the Budget Review Group, to consider Government's proposed four-year**

Settlement, and, subject to further guidance emerging before October, to accept the offer if appropriate;

- 8. The Financial Planning Framework to support the budget-setting process for 2017/18;**
- 9. The Corporate Director (Finance & Operations) be requested to revise the Medium Term Financial Strategy and re-present to Cabinet and Council for approval if material changes to forecasts are required following future Government announcements.**

Reason for Decision

To present to Cabinet the revised Medium Term Financial Strategy for approval.

Implications

Contained within the body of the report.

Risk Implications

The updated strategy reduces the risk of forward projections becoming out of date.

Health & Safety Implications

There are no health and safety implications.

Equality Implications

There are no Equality implications.

Corporate Objectives

The Medium Term Financial Strategy supports the delivery of all five of the Corporate Objectives.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer:

No comments to add to the report.

S.151 Officer

This is a Section 151 Officer report.

Advice

The Corporate Director for Finance and Operations explained that the Medium Term Financial Strategy (MTFS) incorporated details of the proposed Revenue Support Grant (RSG) and four year settlement.

He explained that the Secretary of State had confirmed that the four year deal would not protect against any 'unforeseen events'. He referred members to the detail of the deal available to Dacorum from the Revenue Support Grant and the Transitional Grant. He noted that it was only £225k being received in 2017/18 however he felt that

the council should still go forward with the deal. Other Local authorities all felt the same.

Members were referred to the proposed structure shown on page 96 of the report and explained that responsibilities would be split and would be discussed through the Corporate Review Group.

The Portfolio Holder for Housing noted the recommendation to Full Council but she queried the level of member involvement.

The Leader of the Council confirmed that he and the Portfolio Holder for Finance & Resources were included in the Budget Review Group.

It was highlighted that the recommendations included within the strategy would also be recommended to Full Council.

The Leader of the Council asked if the four year deal would avoid the council having a negative RSG.

The Corporate Director for Finance and Operations said that if they did not do the deal then the situation could be worse than the current state. There would not be a huge amount of certainty provided from the deal, but it was still a worthwhile option.

Voting

None.

CA/78/15 BERKHAMSTED MULTI STOREY CAR PARK

Decision

- 1) That authority is delegated to the Assistant Director (Finance & Resources) to proceed with the project and formally tender the building contract subject to obtaining conditional approval of planning permission;
- 2) Subject to contract bids falling within the budget previously approved, and detailed within the Part II element of the report to Cabinet, that authority is delegated to the Corporate Director (Finance and Operations) in consultation with the Portfolio Holder for Finance and Resources to award the building contract.

Reason for Decision

To seek authorisation to proceed and agree delegated authority for tendering and awarding the building contract and other project management issues for the multi-story car park (MSCP) subject to the receipt of Planning Permission.

Implications

Financial

Detailed specific financial costings are not available until bids are received but market assessments and soft market testing indicate that the original baseline figures supplied in the January 2014 report are still valid. The original project budget as set

out in Table2 of the Part II report is still correct. The budgetary implications of this report are detailed further in the Part II report.

Value for Money

The project will produce a return on investment for the Council consistent with the parameters agreed by Cabinet in February 2014.

Health & Safety Implications

Health and Safety issues will be considered as part of the project risk assessment for delivering the project.

Community Impact Assessment

Community Impact Assessment updated

Corporate Objectives

Building strong and vibrant communities

Ensuring economic growth and prosperity

Delivering an efficient and modern council

Monitoring Officer/S.151 Officer Comments

Monitoring Officer

Tendering for the build contract will require a formal regulated procurement process and officers will need to ensure that an appropriate construction contract is agreed with the preferred contractor in due course.

S.151 Officer

This is a Section 151 Officer report.

Advice

The Assistant Director for Finance & Resources explained that this was the final stage of a 3 stage approach. The next stages would look at the tendering process for the contract with a view to the plans being discussed in September.

The Leader of the council noted that this was a key ambition for the administration to deliver.

Voting

None.

Decision

Resolved to Recommend to:

- (a) Re-adopt the Affordable Housing Clarification Note as a material planning consideration in relevant planning decisions and for use in the preparation of future planning documents; and**
- (b) That authority is delegated to the Assistant Director, Planning, Development and Regeneration to make any necessary minor editorial changes to the current Clarification Note, prior to its re-issue.**

Reason for Decision

To agree the re-adoption of the Affordable Housing Clarification Note setting out how the Council will apply the changes to national affordable housing policy set recent changes to the national Planning Practice Guidance (PPG), and as a result of a Court of Appeal judgement.

Implications

Financial

There are no direct financial implications for the Council in relation to this guidance note, although there will be a limited number of cases where the revised approach to affordable housing may reduce the ability to secure either on-site provision or commuted payments. The requirements to apply 'vacant building credit' may also reduce CIL income.

The application of the Clarification Note will however assist in the efficient determination of planning applications within the statutory decision periods, which will assist with the overall financial efficiency of the planning service. It will also reduce the risk of the Council having to defend appeals which may have occurred should measures not have been taken to bring the Council's approach in-line with revised national planning policies.

Value for Money

Up-to-date guidance on affordable housing will ensure the Council secures contributions from development where appropriate, but does not spend unnecessary time and money fighting appeals where there is a mis-match between the policies within the adopted Core Strategy and revised national guidance.

Risk Implications

There are no direct risk implications related to this guidance note. The note provides detailed guidance to support the application of policies within the adopted Core Strategy and Affordable Housing SPD. A separate Risk Assessment has been prepared for the Local Planning Framework (of which the Core Strategy is part). This is updated monthly as part of CORVU monitoring processes.

Community Impact Assessment

Equalities Impact Assessment prepared for the Core Strategy, which this guidance note supports. This will be translated into a new Community Impact Assessment in due course.

Health & Safety Implications

There are no health and safety implications relating to this Clarification Note.

Corporate Objectives

The Affordable Housing Clarification Note supports the 'Dacorum Delivers' and 'Affordable Housing' objectives. It will improve efficiency and effectiveness of services by enabling planning decisions to be approved within agreed time scales and through the provision of upfront and clear advice on the provision of affordable housing within new development. It also demonstrates that the Council is able to respond to changes in national policy in a prompt and effective manner.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer:

The clarification note will ensure that the Council is applying the most up to date and relevant government guidance and will assist consistent decision making on planning applications.

S.151 Officer

No further comments to add.

Advice

The Portfolio Holder for Planning and Regeneration introduced the report noting that the purpose was to agree to re-adopt the Affordable Housing Clarification note and to set out how the council would apply the changes to national affordable housing policy. He added that they would not be seeking affordable housing in developments with less than 10 dwellings.

The Assistant Director for Planning and Regeneration supported what the Portfolio Holder had said, and added that the council would not also seek affordable housing for less than 5 dwellings in rural areas.

The Leader of the council said that this was part of government legislation and therefore must be applied.

Voting

None.

The Meeting ended at 8.10 pm

