

CABINET REFERRALS

23 May 2017

7.1 CA/052/17 Provisional Outturn 2016/17

Decision

Resolved to recommend:

1. Approval of the reserve movements outlined in Section 10 of the Cabinet report

Reason for Decision

To provide details of the provisional outturn position for the:

- General Fund
- Housing Revenue Account
- Capital Programme

To provide details of the proposed transfers to and from earmarked reserves.

Corporate Objectives

Delivering an efficient and modern council

Monitoring Officer/S.151 Officer Comments

Monitoring Officer

No further comments to add.

S.151 Officer

The S151 Officer has recommended reserve movements that will most appropriately assist the Council to deliver its stated objectives in the medium term.

The Finance Team will work closely with Service Managers throughout the budget-setting process for 2018/19 to ensure that income forecasts are not overly prudent, and that expenditure budgets, where appropriate, are set to reflect underspends in 2016/17.

Advice

Councillor Elliot introduced the report and noted that paragraph 1.1 incorrectly referred to paragraph 2.5 and stated £1.109m which should read £1.158m. He added that the report showed a good outturn and resulted in having a surplus. The increase in garage income was a result of hard work from a new member of staff and the improvements made.

Councillor Williams congratulated the Officer who worked on the garage income. He said there had been significant changes across the council and this surplus would ease the situation.

Councillor Marshall recognised that it helped to be pro-active and actively marketing garages to help increase the income received.

Councillor Griffiths extended the thanks to all staff across all services as everyone had helped to get to this position.

Voting

None.

23 May 2017

7.2 CA/053/17 Development Company update

Decision

Resolved to recommend:

- 1. the approval of a budget of £200k to progress Recommendation 1 of this report. This will cover the finalisation of design work, the finalisation of the business case, and consequent legal advice on the most appropriate tax and governance arrangements on creation of a Development Company.**

Reason for Decision

To update Cabinet on work undertaken to date on the viability of the Council establishing a Development Company to develop the Civic centre site.

Corporate Objectives

This project aligns with all of the Council's corporate objectives, as approved by Council in February 2016.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer:

The Council has the power to establish a Development Company pursuant to provisions contained in the Local Government Act 1972, Local Government Act 2003 and the Localism Act 2011.

As highlighted in the report, detailed legal advice will be obtained in relation to the governance arrangements, which will operate between the Council and the Development Company, the applicability of 'State Aid' rules (EU rules in place to prevent members states distorting cross boundary competition), and the Council's requirement to achieve 'best consideration' for any disposal/transfer of land to the Development Company. This further advice will be reported in forthcoming reports."

S.151 Officer

My comments are included in the body of the report.

Advice

J Deane introduced the report and explained that it had been based on a feasibility study. He explained that following a procurement exercise, Capita Asset Services was appointed to produce a report on the viability of several Council-owned sites. This report identified the Civic Centre site as the most viable development opportunity. Cushman Wakefield (CW) was appointed to undertake this detailed modelling based on previous knowledge of the site gained from a Feasibility Study they produced in 2016.

Of the 5 development options, Option 3b would be the preferred options with headlines based on currently modelled assumptions:

- 180 units – 60 sold as affordable; 60 sold private market; 60 rental units retained
- Net revenue stream – c£300k in first full year; inflationary increase up to c£400k by year 12
- Interest premium for Council lending to Devco not yet factored in (subject to legal advice)
- Debt profile (c£6.5m outstanding after sales) – interest only repayments
- Model assumes sale of units/refinancing in year 30

Some of the key risks and mitigations associated with Option 3b were summarised in section 7 of the Cabinet report.

He added that it is likely that the primary source of funding for the Devco will be via the Council borrowing from PWLB and then on-lending to the Devco. This will require the Council to meet financing costs on its borrowing for a likely period of 2-3 years until the Devco is able to generate a capital receipt from those units earmarked for sale, and to generate a return on rental units.

He concluded that following the outcome of the CW report, it is recommended that Members approve officers to begin the following workstreams to run concurrently:

- a. Procurement of more detailed designs in conjunction with Planning officers and in consultation with Cabinet Members;
- b. Procurement of legal advice to establish and the most appropriate governance and tax structures for the delivery of this specific model;
- c. Contingent on the progress of the above two points, to create a Devco for the development of the Civic Centre site

Councillor Griffiths agreed with the recommendations and that the council should move onto the next stage. She recognised that this would not stop the possibility of other options but it would be good to explore all.

Councillor Harden endorsed the recommendations. He was keen to have a revenue stream and this would guarantee that.

Councillor Marshall asked if this work would just look at the Civic Centre site or would it branch out further.

Councillor Williams said that currently it would just be the Civic Centre site as it was a sufficient size for the project.

J Deane added that the size of the site could be looked at once it was set up.

Councillor Tindall said that if the government decided to introduce steps which affected this, the council could still sell the site to a developer; without making a profit or a loss.

J Deane said that the council needed to commit at some point. He assured members that each stage would be phased to minimise the risk and this would be monitored.

Voting

None.

27 June 2017

7.3 CA/063/17 Council tax support scheme 2018/19

Decision

Resolved to recommend:

- 1. Not to revise or replace the current Council Tax Support scheme for 2018/19.**

Reason for Decision

To consider whether to revise or replace the existing Council Tax Support scheme for the 2018/19 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 2018/19.

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 be made.

If Cabinet or Council does require revision or replacement of the scheme following consideration of this report further consultation will be required.

Deputy S.151 Officer

This is a S151 Officer report.

Advice

D Skinner explained that the scheme was working well but if it was going to be changed then now would be the best time to go to consultation so it would fit into the overall budget process.

Voting

None.

27 June 2017

7.4 CA/064/17 Proposal to build a new Athletics Track and Pavilion at Longdean School

Decision

Resolved to recommend:

1. a supplementary estimate as set out in Paragraph 2.1 of Appendix 1 of the report to Cabinet

Reason for Decision

For Cabinet to review and approve the design and recommendations for building a new athletics track and pavilion at Longdean school.

Corporate Objectives

Clean, Safe and Enjoyable Environment – Having good quality, athletics provision is vital to improving participation and ensuring that residents can enjoy the borough and boost their health and wellbeing.

This review will therefore, ensure our approach to athletics continues to meet the needs of current and future residents.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer:

Responsibilities for the ongoing management and maintenance of the site together with agreement on the allocation of financial receipts will need to be documented in a Dual Use agreement prior to commencement of the works. Furthermore, a building licence will also need to be agreed with the school prior to commencement of works.

Deputy S.151 Officer

To note the contents of the Part 2 report containing the revised and more detailed costings that have been received following consultation with partners.

The detailed range of costs contained within the report still meet the principles agreed by Cabinet for the project to be self-financing from anticipated receipt and will be refined once tenders have been submitted.

Advice

Councillor Harden introduced the report and highlighted the following points:

- Investing in our sporting infrastructure is vital if we are going to deliver the Council's commitment to health and wellbeing.

- A desktop review (by Labo Sport) has identified Longdean School as a potential site for a new athletics track and pavilion, and in September Cabinet approved a budget for more detailed design and costing work.
- Over the last few months Officers have been working with a range of stakeholders including Longdean school, the Athletics Club, Sportspace, Sport England, England Athletics and the FA on the potential design.
- The report therefore provides the proposed design (with costs) for a modern, flexible, user friendly pavilion and a track which could hold high quality athletics events.
- If approved, the timeline for delivering the project is 15 months. The reason for this is to take account of planning and that the track can only be laid when the weather is more mild.

Councillor Elliot felt that the current location is not right for the track and therefore looks forward to this development at Longdean school. He raised concern and sought clarification that the new site is built and open before the old one is knocked down.

D Skinner added that the council were not anticipating any receipts before the new one is fully operational and there was a planning condition to this effect.

Councillor Marshall noted that the contract costs have so far been estimated and therefore asked what would happen if the bids are higher than the budget allocated.

D Skinner said this would need to be reported back to Cabinet for them to make the decision.

R Smyth explained that the estimates have been based on professional guidance and also included extra provisional costs for contingency.

Councillor Sutton was pleased with the work so far and said we needed to move forward with this as soon as possible.

Councillor Griffiths said the new site was a very good idea. The old track had served its purpose and it was time to move on.

Voting

None.

27 June 2017

7.5 CA/066/17 Dacorum Borough Site Allocations Development Plan Document & Local Allocations Master Plan

Decision

Resolved to recommend:

- 1. That the key issues raised through consultation on the Main Modifications to the Site Allocations DPD, and associated changes to the Policies Map, set out in the Report of Representations (Annex 1 of the report to Cabinet) be noted.**
- 2. That the content of the final Report received from the Planning Inspector into the Site Allocations DPD examination (Annex 2 of the report to Cabinet) be noted.**

3. that the Pre-Submission Site Allocations DPD (Written Statement and Map Book) incorporating Focused Changes (January 2016), as amended by main and minor modifications (Annex 3(a) and (b) of this report, in accordance with Regulation 26 of the Town and Country Planning (Local Planning) Regulations 2012) be adopted;
4. that an updated version of the Policies Map to reflect (3) above be published
5. that the Assistant Director - Planning, Development and Regeneration to authorise:
 - (a) any necessary minor and non-consequential changes to the Site Allocations (Written Statement and Map Book) and associated Policies Map prior to publication;
 - (b) the Adoption Statement for the Site Allocations in accordance with the planning regulations be published; and
 - (c) the final version of the Sustainability Appraisal Adoption Statement (Annex 4 of this report), in accordance with environmental protection legislation be agreed.
6. That the finalised master plans for the six Local Allocations (Annexes 5(a) to (f) of this report), as Supplementary Planning Documents and authorise the Assistant Director - Planning, Development and Regeneration to make any necessary minor and non-consequential changes to these documents prior to publication be adopted

That the Policy Advice Note (May 2017) (Annex 6 of this report) be agreed for publication on the Council's website, and the Assistant Director – Planning, Development and Regeneration be authorised to update and amend this Note as necessary and to reflect discussion at Cabinet.

Reason for Decision

To agree adoption of the Site Allocations Development Plan Document and the master plans supporting the Local Allocations of land, together with other updates, in order to provide a clear and up-to-date basis upon which to make planning decisions within the Borough.

Corporate Objectives

The scope of the Site Allocations DPD (and associated Local Allocations master plans) means that it helps support all 5 corporate objectives:

- *A clean, safe and enjoyable environment:* contains requirements relating to the design and layout of new development sites that help promote security and safe access.
- *Building strong and vibrant communities:* - provides a framework for local communities to prepare area-specific guidance such as Neighbourhood Plans, etc.
- *Ensuring economic growth and prosperity:*- allocates and protects land for uses that provide employment opportunities.
- *Providing good quality affordable homes:* - sets out how the Borough's overall housing target will be met, together with requirements for affordable homes.
- *Delivering an efficient and modern Council* – by helping to provide a clear framework upon which planning decisions can be made.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer:

The Site Allocations DPD will provide a framework for development across the borough, support consistent decision making and reduce speculative applications in locations which may be unsuitable for development.

The Inspector has advised that the Site Allocation DPD provides an appropriate basis for planning in the area and, subject to the Main Modifications being made, is satisfied for the plan to be adopted.

The Monitoring Officer is content that the Site Allocations DPD, Masterplans and Policy Advice Note meet the statutory requirements and can be adopted.

Deputy S.151 Officer:

No further comments to add to the report.

Advice

J Doe acknowledged that the report was very long; however they were now in the final stages of the planning process. He explained that this added detail to the 2013 Core Strategy. It has been consulted on and the inspector last year was satisfied that it met the required criteria.

In response to the points raised by Mr Royal he said that there had been a master plan for the site and public consultation and involvement of the local community had taken place. The inspector has used this as an example of best practice. With regards to the number of units being developed, it had previously been capped at 900 units, however the inspector has advised there be no upper limit and therefore the developer has requested 1100 units on the LA3 site.

With regards to the gypsy and traveller site, there would be further details and time scales included in the planning application, which will look at when key road infrastructure and schools would need to be completed. Discussions are currently underway with HCC for the development and timeframes for schooling.

J Doe gave reassurance that DBC would carry out public consultation once the planning application has been received.

He highlighted that recommendation 7 referred to the Policy Advice Note which was a separate piece of work from the Site Allocations document and was just a check to see how they complied with those listed in annex 6 of the report.

Councillor Harden sought clarification for the increase of units from 900-1100. He understood it that the original development stated 900 however the inspector allowed this to be changed. He asked what controls were in place to ensure that the figure didn't raise again.

J Doe said that the original 900 units were not changing. They needed to be conservative with the estimate and it is the developer who is asking for 1100 units. Therefore the control would be down to the Development Management Committee at the planning application stage. If the application were to exceed 1500 units for example, then the council would look at appropriate building height, density and infrastructure in detail.

Councillor Elliot spoke as ward councillor for Chaulden and Warners End. He noted that he had always been opposed to the development of LA3. He felt that the 1100 proposed units should not be allowed and the Gypsy and Traveller site was inappropriate. He said he would abstain from any vote.

Councillor Marshall was grateful for the clarification of annex 6 as she was concerned that a number of important core strategies were being put to one side. She was concerned that CS12 was used quite frequently by the Development Management Committee to reject applications as it covered a vast amount of areas. She was concerned that if Cabinet approve recommendation 7 then this would overrule the use of CS12.

J Doe confirmed that CS12 was used extensively and was very important. He said that he would work with the Portfolio Holder and Councillor Marshall, to update the section in appendix 2 'Schedule of Policies from the Core Strategy 2006-2031' to explain the strategic policy column and the use of the tick and cross in order to clarify its purpose. He assured members that if changes were made to any policies, they would have to go through extensive consultation.

Councillor Marshall asked how the parking standards would work, which were currently included in the Two Waters master plan consultation.

J Doe replied that this was a separate matter to consider. They were at the very early stages of updating the parking standards and this would feed into the Local Plan review.

Councillor Sutton explained that he had been in discussions with J Doe and his team. He respected and heard the concerns raised, but he was convinced the professional team would put community requirements and concerns at the forefront.

Councillor Griffiths asked that the consultation for such a major application would be advertised accordingly.

J Doe confirmed that for such a large application there would be wider consultation rather than the standard. He said this was a very long way ahead and therefore would include it in the consultation plan. It would certainly be advertised well.

Councillor Griffiths assured Mr Royal that the Cabinet meetings were scheduled a year in advance and therefore it was down to the developers scheduling, for holding their meeting tonight.

Mr Royal added that the community were not opposed to the Gypsy and Traveller site, they just felt that the site location was incorrect. He wondered why no-one had asked why the development was coming forward 2 years.

J Doe said that the developer had decided to submit their application. There is a high need for more housing in the area so this could be why its come forward. Due to the detailed delivery timeframe they would still be approaching 2021 before works carried out.

Voting

The Committee agreed the recommendations; however Councillor Elliot abstained from this.

Decision

Resolved to recommend:

- 1. Officers defer requesting project submissions for the use of CIL funding until April 2018.**
- 2. Officers request expressions of interest for the use of CIL funds from July 2017.**
- 3. the amendments to the CIL submission timetable as set out in Table 2 of the report to Cabinet are agreed.**
- 4. authority is delegated to the Assistant Director (Planning, Development and Regeneration) to adjust the timetable for CIL submissions on an annual basis in consultation with the Portfolio Holder for Planning and Regeneration as the need may arise.**

Reason for Decision

The report seeks authorisation to amend the governance arrangements for the Community Infrastructure Levy (CIL)

Corporate Objectives

Affordable Housing

Affordable Housing is not considered to be infrastructure under the CIL Regulations 2010 (as amended) and as such does not directly benefit from CIL funding. CIL funds can however be utilised on supporting infrastructure which would facilitate the delivery of housing sites within the Core Strategy and Site Allocations DPD including those providing affordable homes.

Building Community Capacity

As CIL revenues are not restricted by geography they can be targeted in areas where there are existing deficiencies and/or where needs are most acute. CIL revenues may be used on social enterprise and local community infrastructure which supports those in the most deprived areas. Local communities should feel empowered to carry out improvements within their neighbourhood by the distribution of a proportion of CIL funding to them under Regulation 59 of the CIL Regulations 2010 (as amended).

Delivering an Efficient and Modern Council

The amount of CIL funding is limited and needs to be targeted in order to maximise the infrastructure benefits to those working and living within the Borough. A clear and precise Infrastructure Business Plan will enable the long term planning of infrastructure improvements and facilitate the efficient delivery of infrastructure projects by the Council. The funds will enable the provision of modern facilities for the enjoyment of those living and working in the Borough.

Ensuring Economic Growth and Prosperity

Despite the majority of commercial developments not being liable to CIL payments, the development of the key employment area at Maylands and the Enterprise Zone is a corporate priority to which CIL funding may be allocated. It is anticipated that significant CIL

funds will be committed to the development of supporting transport and ICT infrastructure to enable this area to thrive thereby increasing the prosperity of the area.

A Safe, Clean and Enjoyable Environment

CIL receipts may be allocated to the improvement of infrastructure which supports a safe, clean and enjoyable environment.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer:

The recommendation to defer bid submissions until 2018 is appropriate noting the amount of CIL collected to date and will give clarity to infrastructure providers to enable bids to be prepared for April 2018.

Deputy S.151 Officer

The financial implications of this decision appear prudent basing the decision to limit potential funding to amounts that have already been collected and can therefore be utilised. The degree of uncertainty concerning utilising sums billed but not collected is prudent. The decision to therefore defer requesting project submissions and align the process with the budget timetable for 2018/19 will help to maximise the opportunities to target the funding at the most appropriate projects.

Advice

Councillor Sutton introduced the report and added that recommending Officers defer requesting project submissions for the use of CIL funding until April 2018 was important.

J Doe explained that Cabinet had considered this in November 2016. The level of receipts had not been as expected therefore they would like to delay some projects to allow the CIL contributions to increase.

Councillor Marshall noted that the CIL money received would not effect the local CIL payments to town and parish council's. J Doe confirmed this.

Councillor Marshall highlighted that residents in Berkhamsted feel that the level of CIL money spent is much higher in Hemel Hempstead compared to Berkhamsted. She felt that the council needed to communicate better with those residents and see why they have that view.

Councillor Griffiths noted that no CIL money had been spent anywhere yet.

D Skinner confirmed that there was a note in the Statement of Accounts setting out the amount we billed for and the amount we received, which were significantly different. Therefore the residents were based on perception as no money had been spent yet.

Voting

None.