

MINUTES

CABINET

26 JUNE 2018

Councillors:	Williams (Leader) Griffiths (Deputy Leader) Elliot	Harden Marshall G Sutton D Collins
Officers:	Mark Brookes David Barrett Jo Deacon James Deane Jim Doyle Sally Marshall Sam Bramley Oliver Donohoe	Solicitor to the Council and Monitoring Officer Group Manager - Housing Development Housing Development Team Leader Corporate Director - Finance and Operations Group Manager - Democratic Services Chief Executive Housing Development Lead Officer Housing Development Officer

The meeting began at 7.30 pm

CA/63/18 MINUTES

Minutes of the meetings held on 22 May 2018 were agreed by Members present and signed by the Chair.

CA/64/18 APOLOGIES FOR ABSENCE

None

CA/65/18 DECLARATIONS OF INTEREST

There were no declarations of interest

CA/66/18 PUBLIC PARTICIPATION

There was no public participation

CA/67/18 REFERRALS TO CABINET

There were no referrals to Cabinet.

CA/68/18 CABINET FORWARD PLAN

The Forward Plan was noted and agreed, with the following comment/amendment;

Cllr Sutton requested that a Brownfield Land Register update item be added to the September meeting.

Cllr Williams requested that a report on car parking standards for grant funded schemes be added to the July meeting

CA/69/18 AUTHORISATION OF VIREMENTS

Decision

Cabinet approved the virements as detailed on Form A, attached to the Cabinet agenda.

Reason for decision

1. Virement to realign the revenue budgets for The Forum to the required subjective codes.
2. Virement for the purpose of setting up budgets in Environmental Services for an in-house Dog Waste service following the transfer of the service from Environmental and Community Protection.
3. Virement for the purpose of creating a salaries budget for the member of staff seconded to manage The Elms homeless hostel and setting up an individual budget for income on The Elms.

Corporate objectives

To standardise documentation and authorisation requirements for all virements.

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

No further comments to add.

S.151 Officer:

This is a S.151 Officer report.

Advice

Cllr Elliott introduced the recommendations set out in the report.

Recommendations agreed.

Voting

None.

CA/70/18 Q4 RISK REGISTER UPDATE

Decision

Cabinet noted the content of the report.

Reason for decision

To provide the Quarter 4 update on the Strategic Risk Register for 2017/18.

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 further comments to add.

S.151 Officer:

This is a S.151 Officer report.

Advice

Cllr Elliot introduced the report and advised that it has been considered by the Overview & Scrutiny Committees.

JDeane flagged up a change around the Housing Revenue Account Business Plan; from 2020 we have confirmation from MHCLG that we can set rents at CPR + 1% rather than the 1% reduction we have seen over last 4 years.

Cllr Williams queried if next year will be a 1% reduction as the final of 4 years? JDeane confirmed, that is the final year. After that it will be CPR +1% for 5 years.

Recommendations noted.

Voting

None.

CA/71/18 CONSTITUTION & PETITION SCHEME REVIEW & UPDATE

Decision

RESOLVED TO RECOMMEND;

1. That Council adopt the amended Petition Scheme as annexed at Appendix 1A of the Cabinet report; and include a change in paragraph 5 (The word 'ago' be replaced with 'previously').

Resolved

2. That the Constitution be amended as set out in paragraphs 5, 7, 9 and 10 to reflect changes to staffing structures, operational changes and new legislation.

Reason for Decision

1. To seek approval to amend the Constitution to reflect changes to staffing structures, operational changes and new legislation.
2. To consider proposed amendments to the Council's Petition Scheme

Corporate objectives

The Constitution and the Council's Financial Regulations support all of the Council's Corporate Objectives as they provide the governance framework for all decisions, strategic and operational.

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

This is a Monitoring Officer report.

S.151 Officer:

No direct financial implications as a result of the recommendations requested.

Advice

Cllr Williams introduced the report which includes changes to the petition scheme and updates the Constitution, primarily following the changes to Portfolio Holders as announced at Annual Council.

MBrookes advised one small change to recommendation 1; that Cabinet approves the changes to the constitution set out in paragraphs 5 & 7 and makes reference to paragraphs 9 & 10 in the background report to take account to the changes to Portfolio Holders.

Cllr Harden said that his understanding is that government changed its mind over the 2 year window, from encouraging petitions through the Localism Act, to not to require petitions, is that correct? MBrookes confirmed that yes, they were quite prescriptive in the original rules but they have withdrawn those and it is now for councils to decide. Most Councils still have a petition scheme and he was suggesting that we retain an amended version of ours.

Cllr Harden asked for clarification around online petitions and the difficulties identifying and validating those individuals who work, study or live in the area.

MBrookes advised that we are asking that email addresses are appended to any petition so that we can go back and ask for evidence of local connection; if they ignore the inquiry we may have to look at discounting that particular petitioner. He suggested that the number involved it is unlikely to make a big difference. He drew attention to the need to ensure petitioners Data is protected.

Cllr Marshall, following on from Cllr Harden's question, accepted it would be impossible to check out every petitioner but it would be nice to include a simple tick box to identify whether they are resident, work or study in this area so that when they sign up they pause and consider their connection to Dacorum.

MBrookes responded it would be nice to have, but we would have to have our own online petition system which would be quite expensive to purchase and maintain, we are trying to encourage people to use the readily available, free online systems.

Cllr Marshall referred to the top of pg. 51 under paragraph 7 of section c and the need to avoid publishing email addresses on the website, and confirmed that only names would appear on the website.

MBrookes took the point on board and advised would he would re-look at wording and amend if necessary; he clarified that we would not be publishing email addresses.

Cllr Tindall referred to pg. 39, first paragraph that reads 'remove references to local democracy and economic development', does that mean that we won't accept petitions on those subjects in future?

MBrookes responded that the original Act that brought in the requirement for petitions has been repealed and no longer exists, so the references to it have been removed.

Cllr Tindall was concerned that it could be read as the Council is trying to deny petitions on local democracy and he suggested rewording that paragraph.

Cllr Tindall referred to pg.40, second paragraph read extend circumstances under which a petition be deemed invalid to include 'or otherwise inappropriate'; does this give scope for the Council to pick and choose what petitions it accepts?

MBrookes responded that was not the intention, what we are trying to do is give a bit of discretion about how the policy is applied but it would be in very prescriptive circumstances that we would refuse to consider a petition.

Cllr Tindall commented that again, it does not read well in print and might be amended.

MBrookes advised that one of the areas we would apply this discretion would be where there has been repeated debate already on the matter.

- a. £2,003,686 to Hightown Housing Association for a development known as Top Car Site, Wood Lane, Hemel Hempstead subject to the site providing car parking at a ratio of one space per residential unit.
 - b. To approve an increase to the grant funding payment from £3,270,169 to £3,512,080 (increase of £241,911) to Hightown Housing Association for a development known as Viking House, Maylands Avenue, Hemel Hempstead.
 - c. In addition that authorisation is given to a +/- 5% adjustment to the stated cost figures above as a contingency sum should the Housing Association revise their cost data as these are based on current estimates which could adjust as the project develops.
4. That a further report be brought back to the next Cabinet to agree guidelines for grant funding in relation to car parking standards.

Reason for decision

To be read in collaboration with the Part II financial details included in the agenda.

1. To seek approval to award the main contract to construct 65 housing units at Martindale School Site, Hemel Hempstead.
2. To seek approval to obtain delegated authority to award the main contract to construct 6 flats at Northend garage site and 6 flats at Westerdale garage site.
3. To seek approval for the payment of “one for one” grant funding to Housing Associations (Registered Providers) delivering affordable housing schemes in the Borough.

Corporate objectives

Delivering Affordable Housing.

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

The proposed contract awards have followed competitive procurement processes to ensure that the Council is receiving value for money. It is noted from the report that the model JCT Design and Build contract as approved by the Council's external solicitors will be used and this must be completed prior to commencement of any work on site.

The funding awards will also be made subject to completion of the Funding Agreement which has been drafted by the Council's legal team and ensures the funding is utilised within agreed timeframes.

S.151 Officer:

The resulting tender process for both future developments has provided bids that are within existing approved capital budgets.

The S.151 officer should be consulted prior to the award of the Northend and Westerdale contract if the final award decision results in the development costs exceeding the existing approved capital budget.

The award of these grants can be met from the 1-4-1 receipts and will be reported on the pooling return to MHCLG which is audited on an annual basis by DBC's appointed external auditors.

The grant agreements signed by Hightown protects the council from any potential payment of any interest penalties charged for late delivery of schemes

Advice

Cllr Griffiths introduced the update, which is a report that comes to Cabinet periodically as an update on the New Build Programme.

DBarrett addressed the meeting and gave a summary of the recommendations and content of the report.

Cllr Williams suggested that discussion will be split into two parts, deal with the Martindale, Westerdale, Northend New Build process first, then there is a Part 2 recommendation to move to with regard the funding.

Cllr Williams referred to the funding requests; The Wood Lane site is to develop 44 properties with in the region of 60 bedrooms, but is proposing only 37 car parking spaces. He informed the meeting that he had advised the Director of Housing via email last week that he could not support that ratio. In his view we ought not to provide financial support to schemes that do not achieve a minimum of 1:1 parking.

Cllr Williams referred to the Council adopting a more general principal and sought the Solicitor to the Council's view; that Cabinet, subject to discussion, put down, a marker as a guide to officers, that we will not in future consider any application for 1:1

funding where a minimum level of 1:1 parking has not be achieved. He suggested this ought to be the benchmark on all new applications. He queried if it is sufficient for Cabinet to give that sort of guidance to Officers for future parking requirements on funded residential schemes, or if it would be better to have the Council consider creating a policy on the matter.

DBarrett advised that his role, and that of his team, is to facilitate grant funding, which is based on achieving a scheme that is compliant with planning approval and he suggested that a similar message would need to go to Building Control as they are responsible for approving that scheme.

Cllr Williams stressed that Cabinet are looking at this as the grant funding body and not as planners: it is not for Cabinet to dictate rules for the Development Management process, but we are entitled to set our own requirements around funding. They might achieve planning permission, but do not come to us to fund it if it does not meet our funding requirement for parking.

Cllr Marshall agreed with Cllr Williams comments, adding that she would like to see something in paper that we can refer Housing Associations to, if they are coming to us for money, we can say look we have this policy decision on parking irrespective of what the Planning Department or Development Management Committee agree.

Cllr Griffiths added her support; agreeing that we have the right to add our conditions when we are providing funding. In reference to the Wood Lane End site; she would like to keep the green space they have come up with, using the under croft parking proposed, which would achieve both the parking and green space requirement.

DBarrett suggested that it is possible to amend the recommendation to the request is approved '... subject to achieving 1:1 parking...'? Cllr Griffiths responded that in her view it would be possible to approve subject to achieving the 1:1 parking.

MBrookes commented that, moving forward, if this is the approach Cabinet wish to take in terms of funding (not in terms of planning as obviously they are subject to separate process) then it would be best to bring a report back just to make sure the issues are being considered and to see what the impact of this approach has on developers.

Cllr Griffiths added that we could also amend the scheme of delegation, for this type of scheme.

Cllr Marshall sought clarification, the policy on parking report could come back, but could we reach an agreement on Wood Lane End tonight?

Cllr Williams and MBrookes confirmed it is in order for the Cabinet to amend the recommendation to approve funding tonight subject to achieving 1:1 parking and bring a report on the general policy to the next meeting.

Cllr Sutton commented this falls very much in line with parking standards review, so that should coincide with this policy.

DBarrett referred to the second request, for Viking House, do we need to do anything regarding parking on that as it is already approved. Cllr Williams confirmed he is not

suggesting a change to recommendation on this scheme, which has already been approved.

Cllr Griffiths clarified that, if they should come back with a changed application for Viking House, then the 1:1 will apply, but as they have already had grant funding, that application stands as is.

Recommendations agreed.

Voting

None.

The item then moved to a Part 2 discussion (full details can be found in Part 2 minutes).

CA/73/18 EXCLUSION OF THE PUBLIC

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 item 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 this item, there would be disclosure to them of exempt information relating to the financial and business affairs of the Council and third party companies/organisations. (Minute CA/072/18)

Local Government Act 1972, Schedule 12A, Part 1, paragraph 3 and 5

The Meeting ended at 8.01 pm