

ITEM 7 – REFERRALS FROM CABINET

24 NOVEMBER 2015

7.1 CA/102/15 BUDGET MONITORING QUARTER 2 2015/16

Decision

That Cabinet:

RESOLVED TO RECOMMEND

1. That the supplementary budgets set out below be agreed. Details for these supplementary budgets are set out in the body of the report to cabinet and have a net nil impact on the General Fund Working Balance:

- Increase Electoral Registration Budget by £42k**
- Increase Other Government Grants Budget by £42k**
- Decrease the budget for Conducting Elections by £30k**
- Decrease use of the Elections Reserve by £30k**
- Approve the recommended virement of underspends set out in Section 6 of the report to cabinet.**

Reason for Decision

To provide details of the projected outturn for 2015/16 as at Quarter 2 for the:

- General Fund
- Housing Revenue Account
- Capital Programme

Implications

Financial

Financial and Value for Money implications are included within the body of the report.

Risk Implications

Risk implications are included within the body of the report.

Equalities Implications

There are no equality implications

Health And Safety Implications

There are no health and safety implications

Corporate Objectives

Dacorum Delivers

Advice

The Portfolio Holder for Finance & Resources explained that this report incorporated performance for quarter 2 of 2015/16 and Cabinet were asked to agree the small adjustments listed in the recommendations. Overall the projected overspend had reduced from £785k to £274k, the challenge was to reduce this to zero over the next 6 months. In addition, the outcome of the unknown chancellor's statement would also be a challenge.

Consultation

Consultation took place with:

- Budget Managers

Voting

None.

7.2 CA/104/15 ANNUAL REVIEW OF HOUSING REVENUE ACCOUNT BUSINESS PLAN 2015/16

Decision

RESOLVED TO RECOMMEND

- 1. That the updated HRA Business Plan be approved.**
- 2. That the revised development programme budgets as set out in the Part II appendix to the report to Cabinet be approved.**

Reason for Decision

To update Cabinet on the Annual Review of the Council's Housing Revenue Account Business Plan.

Financial

Regular review of the Council's HRA Business Plan is essential to ensure short, medium and long term viability of the plan.

Value for Money

All contracts and services are tendered in line with the Council's procurement procedures to ensure VFM. The Landlord Service also compares costs annually with other social landlords through 'Housemark' benchmarking data.

Risk Implications

Monitoring of the HRA Business Plan has been identified as a Key Risk of the Housing Service and is reported to the Council's Housing & Communities Overview & Scrutiny Committee on a quarterly basis.

Community Impact Assessment

The Housing Revenue Account is a 'ring fenced' account for the income and expenditure solely related to the Council's housing stock, tenants and leaseholders.

Health And Safety Implications

Health & Safety is identified as a Key Service Risk for Housing and therefore reported to the Council's Housing & Community Overview & Scrutiny Committee on a quarterly basis.

Corporate Objectives

Affordable Housing.

Advice

The Portfolio Holder for Housing said the plan had been updated with the latest information and felt that this was a sensible way forward.

The Assistant Director for Housing noted that the document had been through Overview and Scrutiny and the Tenant and Leaseholder Committee. He added that even if there were no imminent changes it would still need a robust annual review. He was unsure how the policy would look after four years as the future had to include sales of certain properties of certain types and right to buy.

The Overview & Scrutiny Committee were unsure how there could be a business plan with so many unknowns and therefore felt that it may have to be looked at more frequently than an annual review.

He explained that a development document was included within the business plan, which set out that there would be no new build after 2020. There had been a proposal to include 30 properties per year for the last few years; however this had been pulled out due to financial reasons.

The Portfolio Holder for Housing added that the team had worked well to produce the business plan which had both positives and negatives.

The Leader of the Council felt that the plan was subject to a degree of guess work. He asked if the Tenant and Leaseholder committee expressed any feelings towards loss of stock or on rent reductions.

The Assistant Director for Housing replied that they felt it was too good to be true. They had never thought about rent levels as they are keen for the council to achieve its needs. They were happy to protect rent rates and increase new homes.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services questioned the appendix to the report and the review of the new build programme. It was confirmed that all of the figures included, were accurate and correct.

Consultation

Consultation took place with:

- Mark Gaynor – Corporate Director, Housing & Regeneration

- James Deane – Corporate Director Corporate Director (Finance & Operations)
- David Skinner – Assistant Director – Finance & Resources
- Fiona Williamson – Group Manager Property & Place
- Andy Vincent – Group Manager Tenants & Leaseholders
- Julia Hedger – Group Manager Housing Development
- Richard Baker – Group Manager Financial Services
- DBC Tenants & Leaseholders Committee
- DBC Housing & Communities Overview & Scrutiny Committee

Voting

None.

7.3 CA/107/15 TWO WATERS REGENERATION FRAMEWORK

RESOLVED TO RECOMMEND

- 1. That the Two Waters Strategic Framework, as attached at Appendix 1 of the report to Cabinet, be used as a material planning consideration in the determination of planning applications and guide future strategic planning in the area.**

Reason for Decision

To recommend Council to agree the strategic framework for the Two Waters area of Hemel Hempstead to guide future planning policy and planning applications within the Two Waters area.

Implications

Financial

No implication is this report

Value for Money

The study will highlight areas within the plan that will allow for future growth and investment into the area

Risk Implications

None arising from this report

Equalities Implications

An Equality Impact Assessment has been carried out prior to this document coming to cabinet.

No adverse issues have been identified as part of this assessment

Health And Safety Implications

Not applicable in this report

Corporate Objectives

Delivery of housing particularly affordable housing and economic growth for the area.

Attracting investment into Dacorum and improving the quality and identity of the Two Waters area.

Advice

The Portfolio Holder for Planning & Regeneration introduced the report and noted that it had previously been to Cabinet, following the workshops. He felt that the framework provided a very interesting platform for future development.

He had recently attended a workshop on this which he found to be very refreshing to see the discussions and hear the ideas. This would be a good base for the future.

The Assistant Director for Planning, Development & Regeneration felt that this would be a good platform to go forward and further work would be carried out on transport and viability.

The Portfolio Holder for Residents & Corporate Services referred to the taller buildings section of the report and asked if the wording was robust enough to protect the council when considering planning applications for tall buildings.

The Assistant Director for Planning, Development & Regeneration said there would be a rise in developments in certain locations and the developers could argue for reasons to develop there.

The Portfolio Holder for Residents & Corporate Services raised concern that by endorsing this framework, councillors were endorsing all future high rise storeys.

The Assistant Director for Planning, Development & Regeneration reassured councillors that they were being asked to acknowledge this section and not to endorse all future tall developments.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services noted that she had received many emails from concerned residents and she noted that many people could be reading the document with a limited understanding. She felt therefore that it would be beneficial to include in the document a phrase such as 'to be sympathetic to the open Boxmoor Trust views'.

The Assistant Director for Planning, Development & Regeneration said that the Boxmoor Trust featured very strongly in the document and the document included reassurances, similar to those being requested.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services felt that scenarios differed depending on their locations, for example developments around the train station would be viewed differently to those at the A41.

The Assistant Director for Planning, Development & Regeneration explained that they were looking to help regenerate the area around the train station and to help meet housing need. The details of this could be resolved at a later date.

The Leader of the Council was happy to endorse the section on taller buildings.

The Portfolio Holder for Residents & Corporate Services pointed out that the comment assigned to him in the feedback was on behalf of all the Boxmoor Ward councillors and not him as an individual.

Officers would amend this accordingly.

The Leader of the Council felt that the document strengthened and clarified those opposing and supporting documents. He preferred to have it, than not.

The Assistant Director for Planning, Development & Regeneration concluded that they were aware of the pressures surrounding this issue and provided a good reason to have the document in place.

Consultation

Consultation took place with:

Some residents (including local ward councillors), businesses and stakeholders within the Two Waters area were invited to attend the two workshops held in May and June 2015. All those who were invited to the workshops were sent the draft report as part of the consultation. A full list of consultees is included in the attached document.

Voting

None.

7.4 CA/109/15 REVIEW OF SCRUTINY & PORTFOLIO HOLDER ROLES AND RESPONSIBILITIES

Decision

RESOLVED TO RECOMMEND

- **That the amendment of the Council's Constitution to adopt the new roles and responsibilities for individual Overview and Scrutiny Committees as set out in appendix B of the report to Cabinet be approved.**

Reason for Decision

To review the roles and responsibilities of individual Overview and Scrutiny Committees to improve the alignment of member and officer structures.

Implications

Financial

No financial implications arising from this report.

Value for Money

The alignment of roles and responsibilities of the Member and Officer structures would enable more efficient use of officer and member time and increase the focus of scrutiny.

Risk Implications

Good corporate governance encompasses risk management and making sure that the Council makes decisions with the full knowledge of the associated risks and opportunities.

The risk of not reviewing and updating our corporate governance arrangements have been addressed by this report.

Community Impact Assessment

A detailed Community Impact Assessment review has not been undertaken. The purpose of the proposed amendments to the Council's Constitution is to improve the focus of scrutiny undertaken by the Council's Overview and Scrutiny Committees when scrutinising the delivery of the Council's policies and services functions.

Health And Safety Implications

None arising from this report.

Corporate Objectives

Dacorum Delivers

Advice

The Leader of the council explained that the report had been through the Overview & Scrutiny Committee Chairs (OSC's) and colleagues and had been supported. The aim was to link the OSC's and the Portfolio Holders as much as possible. This was seen to be an improvement on the existing process.

Minor amendments to names and Portfolio titles were noted and would be made to the final published document.

Consultation

Consultation took place with:

- Cabinet
- Overview and Scrutiny Committee Chairs
- Chief Officer Group
- Corporate Management Team

Voting

None.

15 DECEMBER 2015

7.5 CA/120/15 CONSIDERATION OF RESPONSES TO PRE-SUBMISSION FOCUSED CHANGES AND SUBMISSION OF SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD)

Decision

1. **RESOLVED TO RECOMMEND COUNCIL:**

- a) that the changes set out in Table 4 of the Report of Representations are made to the Pre-Submission Site Allocations DPD as a result of representations received; and
 - b) that the Site Allocations DPD incorporating Focused Change, together with other appropriate supporting documents is submitted to the Planning Inspectorate.
2. That the issues arising from representations received to the Focused Changes to the Pre-Submission Site Allocations Development Plan Document (DPD) and the impact of new advice be noted.
 3. That authority is delegated to the Portfolio Holder for Planning and Regeneration to approve any further minor wording changes to the Site Allocations document prior to consideration by Full Council.
 4. That authority is delegated to the Assistant Director (Planning, Development and Regeneration) to:
 - (a) Finalise the Report of Representations and other Submission documents; and
 - (b) Agree any further minor changes arising during the course of the Examination.

Reason for Decision

To consider the significant new issues raised through representations on the Focused Changes to the Pre-Submission Site Allocations DPD; and Agree the process for submitting the Site Allocations DPD to the Planning Inspectorate.

Implications

Financial

Budget provision for the next stages of the statutory process i.e. Submission and Examination are made in the 2015/16 and 2016/17 LDF budget.

Having an up-to-date planning framework helps reduce the incidence of planning appeals (and hence costs associated with these). It will be the most effective way of ensuring the optimum level of developer contributions to infrastructure and in mitigation of development impacts can be achieved. This process will be further improved and simplified through the implementation of the Community Infrastructure Levy (CIL).

Value for money

Where possible, technical work that supports the Site Allocations has been jointly commissioned with adjoining authorities to ensure value for money.

Legal

Jameson and Hill have been retained to provide external legal support for the Site Allocations. The same advisers acted for the Council through the Core Strategy Examination process and subsequent (unsuccessful) legal challenge to this document. They will provide the Council with any advice required regarding the implication of new Government advice; assist with responding to key representations; advise on the production of any additional evidence and support Officers through the Examination process itself.

Staff

It is critical that the Strategic Planning and Regeneration team is fully staffed to enable the agreed LDF timetable to be delivered. A Programme Officer will need to be appointed by the Council to provide administrative support to the Inspector and act as a single, independent point of contact for all parties throughout the Examination process.

Land

The Site Allocations supports delivery of the Council's adopted Core Strategy which will play an important role in decisions regarding future land uses within the Borough. The Council has specific land ownership interest in two of the Local Allocations - LA1 (Marchmont Farm) and LA2 (Old Town).

Risk Implications

Key risks are identified in the Local Development Scheme and reviewed annually within the Annual Monitoring Report. They include failure of external agencies or consultants to deliver on time, changes in Government policy and team capacity. A separate risk assessment prepared for the Core Strategy Pre-Submission identifies a number of risks relating to the Examination process and particularly the soundness tests with which the Site Allocations must comply.

Equalities Implications

An Equality Impact Assessment has been carried out for the Core Strategy. Equalities issues are also picked up as part of the Sustainability Appraisal Report that accompanies the Site Allocations document.

Health And Safety Implications

Implications are included in the planning issues covered by the Core Strategy and Site Allocations DPDs.

Corporate Objectives

The Site Allocations forms part of the Council's Local Planning Framework, which as a whole helps support all 5 corporate objectives:

- *Safe and clean environment:* e.g. contains policies relating to the design and layout of new development that promote security and safe access;
- *Community Capacity:* e.g. provide a framework for local communities to prepare area-specific guidance such as Neighbourhood Plans, Town / Village Plans etc;
- *Affordable housing:* e.g. sets the Borough's overall housing target and the proportion of new homes that must be affordable;
- *Dacorum delivers:* e.g. provides a clear framework upon which planning decisions can be made; and

Regeneration: e.g. sets the planning framework for key regeneration projects, such as Hemel Hempstead town centre and the Maylands Business Park.

Advice

The Strategic Planning & Regeneration Team Leader gave the following introduction to the report

'The role of this report is to summarise the issues raised through representations on the limited 'Focused Changes consultation on the Council's Site Allocations' document, and to agree processes for submitting this Site Allocations DPD to the Planning Inspectorate for Examination. This submission requires the agreement of Full Council.

Subject to this agreement being achieved at the next Full Council in January, the Site Allocations would be submitted in early February, with the examination hearing sessions pencilled in for May 2016.

As Cabinet has previously been advised, the Site Allocations DPD is in effect the 'delivery' document of the adopted Core Strategy.

It is not an opportunity to re-open debates on issues that the Core Strategy covers – but to show how these policies and designations will be delivered on the ground.

It is a very important document in helping the Council to demonstrate that it has an up to-date plan, as required by Government and can also ensure delivery of the critical 5 year land supply.

To delay its submission and implementation therefore weakens the Council's ability to fend off speculative applications on sites it does not wish to see developed – especially those in the Green Belt.

Not unexpectedly, the most sensitive issue in the Site Allocations DPD relates to the inclusion of 3 Gypsy and Traveller sites within the largest of the six 'Local Allocations' – at LA1 (Marchmont Farm), LA3, (West Hemel), and at LA5, (Tring).

Members will also have received a letter from a local resident who is also a planning barrister regarding the LA5 site. I can respond to all his points in turn if you wish, but I have provided Councillor Sutton with a briefing note on this matter prior to the meeting and will ask him whether he wishes me to outline our response to the issues Mr Standen raises.

In summary, we do not feel that there is any need from either a technical or legal perspective to delay the Site Allocations submission until after the Housing and Planning Bill is enacted. The coverage of Gypsy and Traveller issues within this Bill is extremely limited and doesn't change the Council's obligations to assess the needs of this group or demonstrate through planning designations and policies how these needs will be met.

I would therefore ask members of Cabinet to agree the recommendations set out in the report and enable this important document to progress through the statutory process.'

Councillor Hicks spoke as a ward councillor for Tring West & Rural. He said that when he was elected he promised to oppose the gypsy and traveller site at every opportunity. He felt that the proposal process was wrong. He had not yet seen a detailed plan or an artist impression and how it would affect the gateway to Tring. He explained that they were trying to push Tring as a tourist attraction. He concluded that he believed the whole system to be flawed.

Councillor Conway, ward councillor for Tring West & Rural also wanted to see a plan. She felt that the junction at the entrance to the proposed site would be too dangerous. She wanted more information before a decision could be made as currently, in her opinion, the proposed site was in the wrong place.

The Leader of the council noted that this was not a planning meeting and the committee were making a decision on land use only and the level of detail the councillors were looking for would come later in the process.

The Assistant Director for Planning, Development & Regeneration explained that the intention had always been that the site would be included in the consultation document and that the design and detail would follow.

The Portfolio Holder for Planning & Regeneration noted that he was a member of the land allocation panel a few years ago as was a representative from Tring. All proposed gypsy and traveller sites had representatives on the panel too. He added that this report was to purely agree the settlement for the site and not detailed plans. He said that local residents would have an opportunity to make their views known, further down the line.

The Strategic Planning & Regeneration Team Leader said that all of the objections from councillors and local residents would be passed to the planning inspector. She predicted that a hearing would be held to examine the process and the council's decisions.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services sought clarification on whether or not the powers of the Development Control Committee (DCC) would be limited if this site allocation plan is approved. She also asked what would happen if DCC refused a gypsy and traveller site application.

The Assistant Director for Planning, Development & Regeneration replied that the council's role would be strengthened by a decision at Cabinet and would allow a planned and controlled approach.

The Leader of the council added that the DCC would need to be mindful of this document when considering certain applications.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services asked if DCC would have to find alternative sites if the DCC had overwhelming objections.

The Assistant Director for Planning, Development & Regeneration replied that there had already been extensive searches over the years for gypsy and traveller sites within the borough, therefore the council would be in a difficult position as no other sites had been identified.

The Portfolio Holder for Planning & Regeneration sympathised with the Tring West & Rural ward councillors and requested that they be provided with the background information from past discussions in order to bring them up to date.

The Strategic Planning & Regeneration Team Leader said that the council prepared a consultation document which was published on the website. She added that the minutes from the Task and Finish Group meetings could be circulated, which the Portfolio Holder for Planning and Regeneration agreed.

Councillor Conway asked what would happen if the government changed the policy.

The Assistant Director for Planning, Development & Regeneration said the council would need to look at the matter again; however they had sought appropriate legal advice.

Councillor Hicks noted that if the gypsy and traveller sites were removed from the plan he didn't think there would be a list of developers wanting to build these sites rather than houses.

The Leader of the Council replied that the council would not fulfil their responsibility within the plan if this were to happen.

The Portfolio Holder for Housing added that this decision would protect the council, for example some travellers had landings in Dacorum and this would stop them developing in other sites.

The Assistant Director for Planning, Development & Regeneration said that developers were not the issue but where the traveller community wished to settle was the issue.

The Leader of the Council said the provision for gypsy and traveller sites was always a challenging process. The government sets out that the council has to provide a site and the sites previously identified were thought to be the best sites.

He noted that the Core Strategy had already been approved and were currently approving subsequent proposals.

The Strategic Planning & Regeneration Team Leader noted that the council could not look at housing numbers etc. but further down the line there could be more discussion. She concluded to note that the planning inspector could not make the decision for the council but he could advise changes to be made. If this was the case there would be further consultation and report back to Full Council.

Consultation

Consultation on the Site Allocations DPD has been carried out in accordance with the Statement of Community Involvement (SCI), adopted by the Council in June 2006. The detail is set out within the Reports of Consultation that followed the 2006 and 2008 Issues and Options Consultations. A draft report of consultation for the period 2008 and 2014 has also been published.

Advice from key stakeholders, such as the Local Education Authority and Highway Authority, has been sought where appropriate. Feedback on the Council's Infrastructure Delivery Plan has also been significant in developing a clear understanding of local infrastructure needs. This advice is referred to within the relevant Background Issues paper that form part of the Site Allocations DPD evidence base. The Consultation Reports relating to the Core Strategy (Volumes 1-7) are also relevant.

In terms of internal processes, a Task and Finish Group advised on the preparation of the Site Allocations DPD, There have been reports to Cabinet at key stages in the preparation of the Local Planning Framework and the Planning and Regeneration Portfolio Holder has been kept apprised of progress.

SPEOSC also considered a progress report, which highlighted key emerging issues, on 27 January 2015.

Voting

None.

7.6 CA/121/15 LOCAL PLANNING FRAMEWORK AUTHORITY MONITORING REPORT AND LOCAL DEVELOPMENT SCHEME UPDATE

Decision

1. RESOLVED TO RECOMMEND COUNCIL:

- **The adoption of the new Local Development Scheme as set out in the report to Cabinet.**

2. That the headline results from the forthcoming Authority Monitoring Report 2014/15 with regard to housing, employment and retailing be noted;
3. That progress on the Local Planning Framework be noted

Reason for Decision

To consider:

- the Authority Monitoring Report for 2014/15;
- progress on the Local Planning Framework; and
- recommend publication of a revised Local Development Scheme to Council.

Implications

Financial

Funding is provided from the LDF reserve. A budget has been agreed for 2015/16. The 2016/17 budget is currently being reviewed as part of the annual budget cycle.

Value for Money

Every effort has been made to secure external funding – most recently through the New Homes Bonus, to reduce the impact on the Council's budget. Where possible, evidence base work is undertaken jointly with other authorities to ensure cost is optimised (through economies of scale). Collaborative working with landowner consultants will continue to help extend the resources available to the Council and avoid the duplication of site specific technical information.

Risk Implications

A risk assessment has been carried out as part of the PID / CORVU monitoring process. The Local Development Scheme also contains its own risk assessment. The key concern is that the (new) development plan must be sound, and delivers what is needed expeditiously. Risk is reduced by ensuring processes and the evidence base is robust. Sufficient financial resources are essential to achieve that: this includes maintaining a team of appropriately skilled and qualified staff. Certain elements of the plan-making process have explicit statutory requirements such as consultation, publication, examination and presentation of the adopted Development Plan Document. The Authority Monitoring Report reviews the risks inherent in preparing the Local Planning Framework. Monitoring of development is a source of information which, properly used, can assist risk reduction – i.e. it checks whether progress and control of development has been successful and can indicate where change (in policy or process) may be beneficial.

Community Impact Assessment

An Equality Impact Assessment has been carried out for the Core Strategy. This is currently being converted and updated into a broader Community Impact Assessment. An independent Sustainability Appraisal Report which accompanies the Core Strategy also considers equalities issues separately. It concludes that the Core Strategy avoids any discrimination on the basis of disability, gender or ethnic minority.

Health And Safety Implications

None

Corporate Objectives

The Authority Monitoring Report looks at the effectiveness of current planning policies – for example the achievement of the overall housing target and protection of green space/wildlife sites – and progress towards planning policy review (i.e. targets set out in the Local Development Scheme). It therefore provides a good summary of how the Council's planning policies are supporting delivery of corporate objectives – especially those relating to affordable housing; safe and clean environment and regeneration.

As the policies within the Core Strategy and other planning documents are aimed at enabling growth, it also provides an indication of how the 'Dacorum Delivers' objective is being supported.

Advice

The Strategic Planning & Regeneration Officer said that the report was to seek member's views and to recommend to Council the adoption of the new Local Development Scheme as set out in the report to Cabinet. He added that a letter had been received earlier in the day from Savills who represented GUI. They had raised concerns around the timetable for the term ending 2017/18, which they had interpreted as being the end of December 2017. However the council had intended that this would actually end March 2018. The timetable fully reflected this position.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services felt that it was appropriate to clarify the wording.

The Strategic Planning & Regeneration Team Leader said they could cross reference in the Local Development Scheme and explain the timetable would go to the end of the financial year 2017/18.

Consultation

Consultation took place with:

- Assistant Director Planning, Development and Regeneration.
- Group Manager, Strategic Planning and Regeneration.
Corporate Management Team.

Voting

None.

7.7 CA/123/15 COMMITTEE TIMETABLE 2016/17

Decision

RESOLVED TO RECOMMEND COUNCIL:

The Committee Meeting Timetable for 2016/17 as set out in Annex A to the Cabinet report.

Reason for Decision

To seek approval of the Meeting Timetable for 2016/17.

Risk Implications

Approval of the Meeting Timetable enables Members and Officers to manage forward decision making planning.

Community Impact Assessment

Not applicable

Health And Safety Implications

None

Corporate Objectives

The various meetings of the Council, Cabinet and Committees support the achievement of the Council's Corporate Objectives.

Advice

None.

Consultation

Consultation took place with:

- The Leader of the Council
- Corporate Management Team.

Voting

None.