

MINUTES

CABINET

12 JULY 2022

Present:

Members:

Councillors: Williams (Leader)
Griffiths (Deputy
Leader)
Banks
Barrett

Officers:	James Doe	Strategic Director - Place
	Ben Hosier	Head of Commercial Development
	Nigel Howcutt	Chief Finance Officer (S151)
	Farida Hussain	Head of Legal and Democratic Services
	Aidan Wilkie	Strategic Director People and Transformation
	Alex Robinson	Assistant Director Planning

Also Attendance:

The meeting began at 7.30 pm

CA/38/21 MINUTES

The minutes of the meeting held on 24th May were agreed by Members present and signed by the Chair.

CA/39/21 APOLOGIES FOR ABSENCE

Apologies were received from Cllr Anderson, Cllr Elliot, Claire Hamilton and Richard LeBrun

CA/40/21 DECLARATIONS OF INTEREST

None

CA/41/21 PUBLIC PARTICIPATION

None

CA/42/21 REFERRALS TO CABINET

None

CA/43/21 CABINET FORWARD PLAN

Cabinet Agreed

CA/44/21 SOUTH WEST HERTS JOINT STRATEGIC PLAN

Decision

1. That Cabinet approves the Statement of Community Involvement for adoption.
2. That Cabinet approves the Joint Strategic Plan 'Realising our Potential' Regulation 18 and associated Sustainability Scoping Report for consultation

Corporate Objectives

Building strong and vibrant communities Ensuring economic growth and prosperity
Climate and ecological emergency

Statutory Officer Comments:

Deputy Monitoring Officer:

The Council is required by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2017 (as amended) to review its Statement of Community Involvement every five years.

S151 Officer:

There are no expected financial implications for the Council in the development and implementation of this strategy.

Advice

ARobinson introduced the report and said that the report was in 2 parts, the first related to the state of community involvement which set up how they were to engage with the community on the preparation of the JSP. The second related to the approval of the regulation 18 document itself.

The council had been working with St Albans, Watford, Hertsmere and Three Rivers with the support of the County Council to produce the South West joint plan that would provide an integrated strategic planning framework to support sustainable growth up to 2050. Once adopted the JSP would be a statutory plan and would identify the overall quantum of growth across the Southwest Herts area as well as providing a strategic basis for infrastructure delivery.

The document before cabinet this evening was the first step in a very long process to preparing the JSP. The proposed consultation was badged as an issue and options

but would be focusing on establishing a clear vision and set of objectives to Southwest Herts and would not be dealing with specific proposals at this stage. It is also important to note that the JSP would not affect the current round of the Local Plan making.

The documents attached were also making their way through all the other authorities committee processes ready to be approved for consultation.

The final point was that the documents had already been through the Strategic Planning committee and the following observations were made: SPAE informs Cabinet of its support for the adoption of the statement of community involvement and for the Joint Strategic Plan. Realising out potential regulation 18 consultation to be published for consultation by us. They also noted that they would like to ensure that the consultation would be presented in an accessible format, that the appropriate methods would be adopted to maximise the reach of the consultation, particularly in schools and on social media.

Recommendation agreed

CA/45/21 PROVISIONAL OUTTURN REPORT

Decision

1. That Cabinet notes the provisional financial outturn position for 2021-22.
2. That Cabinet recommends to Council to approve the following General Fund reserve movements in respect of 2021-22:
 - £0.009m surplus Filming income to be transferred to the Dacorum Development Reserve, to be drawn down in 2022-23 for work on town centre improvements.
 - £0.216m surplus CIL admin income to be transferred to the Dacorum Development Reserve to support the costs of CIL administration in future years.
 - £0.565m overall General Fund surplus to be transferred to a new reserve- Inflationary Pressures- in order to meet unexpected inflationary pressures brought about by fluctuations in the current economy.
3. That Cabinet recommends to Council to approve the following General Fund reserve movements in respect of 2022-23:
 - £0.022m draw down from the Dacorum Development reserve to support the cost of the Armed Forces event in 2022-23.
 - £0.020m draw down from the Dacorum Development reserve to support the cost of the Queen's Baton relay event in 2022-23.
 - £0.150m reserve draw down from the Dacorum Development reserve for Berkhamsted Leisure Centre redevelopment planning.
4. That Cabinet recommends to Council to approve an HRA transfer of £0.020m to the HRA Lift sinking fund reserve.
5. That Cabinet recommends to Council to approve the following slippage on the capital programme:

- £2.777m to be slipped to 2022-23 in respect of General Fund capital schemes.
- £0.595m to be slipped to 2022-23 in respect of Housing Revenue Account capital schemes.

Corporate Objectives

A clean, safe and enjoyable environment Building strong and vibrant communities
Cabinet www.dacorum.gov.uk Ensuring economic growth and prosperity Providing
good quality affordable homes, in particular for those most in need Ensuring efficient,
effective and modern service delivery Climate and ecological emergency

Statutory Officer Comments:

Deputy Monitoring Officer:

No comments to add to the report.

Deputy S151 Officer:

.This is a Deputy s151 Officer report.

Advice

NHowcutt introduced the report and said that it had been through the Finance & Resource OSC last week and now had been added to the report. It would also be going to the various other Scrutiny committee in terms of various sections for housing and SPAE.

In summery the year-end position for 21-22 the council had a surplus of 56500k, primarily in relation to the changes at year-end in a split between the HRA and general fund costs, which meant that the general fund had a surplus at year-end. At that moment in time the paper recommended that the money be placed in to an inflation reserve, for 22-22, that was taking place feedback from Cabinet, Scrutiny group around what the council was putting in place to provide for that potential pressure as it comes about. Other recommendations in the report and one that seemed to stand out was the fact that surplus filming income was being put into a specific reserve to be drawn down in 22-23, to invest in the local community and give back to those residents that would have been impacted by some of the filming, showing that some of the commercial benches they're doing will give back to local communities and the local high-street. A positive from that perspective.

There was still some surplus in the CIL admin, so that is just about smoo9thing out the costs of CIL over multiple years, its s technical adjustment more than anything else.

In terms of capital they did have slippage in 21-22, they were slipping 2.8 million in the general fund and 0.6 million in the HRA. The capital programme was not proposed to change as it was approved previously at Council. This was around delivering it in a different financial year.

He was happy to take questions.

Cllr Barratt referred to the filming surplus was only £9000 which he said was disappointing.

NHowcutt said that that was the surplus compared to budget so it was not necessarily the problem and that there was a lot of income around parking and other areas that had been in the baseline budget for several years. This was the surplus achieved rather than just the bottom line profit. There were several 100's thousand pounds of income but also £100,000 of expenses incurred in setting that up and arranging them.

Cllr Barratt asked what the profit was.

NHowcutt said not off the top of his head but would get back to him on that. He said that one of the big things to realise with filming was that residents and businesses also make a lot of money out of it, they are paid directly for inconvenience or indirectly through the increase in terms of GDP in the local area, the attraction that comes about and the positivity created when you see Dacorum in many guises on the TV. It is about self-promotion more than anything else.

Cllr Barratt said that he thought it was fantastic which was why he was disappointed to only see £9000.

Cllr Williams said that other committee also had got quite fixated on this, as Nigel said there was a lot more to this and now they had employed an officer to look after it. He also said that people often think that you can charge a lot for using the street and things however its counties policy to encourage filming that we do not charge for using the highways so there are charges around the peripheries of blocking roads etc. He said that through the parking service he was always consulted on each of the filming requests they always make sure that as a minimum they were making up for any lost revenue and covering any costs being cut so they are not out of pocket.

NHowcutt said that as the council becomes more filming positive they would make use of the money when they use one of their assets. If they were to use the Old Town Half or a week, that is where they would make a considerable amount of income. When you block of roads that is not where they make the money but if they become more filming positive and were more open to filming, that is when they will come back and might want the Forum for example, or a cemetery site, that sort of promotion will lead too bigger revenue streams. If Parish councils are making money out of filming then that was only a positive for the local community.

Cllr Barratt understood that the filming officer was compiling a register of assets such as the memorial hall and they would be on the register that the filming companies have access too, if they could do that across the borough then that would be a useful thing.

Cllr Williams said that he discussed in another meeting that a film crew wanted a hall; they were only filming 2 hours across lunch and were paying £200 for the whole day.

NHowcutt said they they did have assets that they want to maximise the use of, such as Queen Victoria Hall, which is well located but underused at the moment, if they could find other ways of using those sites where they can potentially make more

money. He said it was in its infancy and they were developing it and will see how it goes. As part of that, they were looking at the fees.

CA/46/21 CHIEF HOUSING OFFICER

Decision

That Cabinet recommends:

1 That Council approves an additional post of Chief Housing Officer to be added to the establishment which will sit at Tier 3 within the Corporate Leadership Team

2 That Council approves a total budget for the post of up to £130,000 per annum.

Corporate Objectives

A clean, safe and enjoyable environment Building strong and vibrant communities
Ensuring economic growth and prosperity Providing good quality affordable homes,
in particular for those most in need Ensuring efficient, effective and modern service
delivery Climate and ecological emergency

Statutory Officer Comments:

Monitoring Officer

The addition of a Chief Housing Officer post will provide a clear line of accountability and help to ensure that the Council meets all of its statutory requirements.

S151 Officer:

The addition of a new Chief Housing Officer Post will require additional growth to the HRA housing management and supervision budget of up to £130k. In 2022/23 this will need to be taken from the Revenue contribution to capital as the HRA has a statutory requirement to show a self financing budget.

The impact of this role on other roles and structures in the Council will need to be carefully reviewed to ensure that this does not have an impact on general fund recharges and budgets, at this point in time this is not expected to impact on the general fund, if that changes further funding reports and decisions will be brought back to members.

The further reduction of the HRA revenue contribution to capital in 22/23 reduces the HRA's funds that are available to invest in future capital works. The ongoing baseline pressure this creates in the HRA going forward will have to be carefully assessed as part of the HRA 2023/24 budget setting and longer term 30 year HRA business plan.

Advice

Cllr Williams introduced the report and said that this was a change in the establishment looking at ongoing work with the structure of the organisation and the discussion with the service and chief exec have a view that an additional manager

that would support the housing service would be desirable. As this was outside the existing budget, it has come to Cabinet for approval.

Cllr Griffiths said that this was very much needed in the housing team, the transformation they need in housing requires that lead, someone that will focus solely on housing.

Cllr Barratt agreed that with the size of the housing stock he felt it was needed.

Recommendation Agreed

CA/47/21 PUBLIC SPACE PROTECTION ORDERS - TOWN CENTRE

Decision

1. Consider and approve the proposed Public Spaces Protection Order (Hemel Town Centre) (Dacorum Borough Council) 2022

Corporate Objectives:

A clean, safe and enjoyable environment

Statutory Officer Comments

Deputy Monitoring Officer:

Further to section 60 of the Anti-social Behaviour Crime and Policing Act 2014, a public space protection order cannot be in force for more than three years unless it is extended before its expiry. The requirement to undertake the necessary consultation in relation of the proposed extension of the Town Centre PSPO has been met and will not therefore pose a risk of legal challenge.

Deputy S151 Officer:

The financial implications of this decision are detailed at section 5 to this report. No further comments to add to the content of the report.

Advice

Cllr Banks introduced the report and said that this had been drafted to extend the current arrangements in place at the moment in the town centre PSPO and looked to extend this in prohibiting spitting, urinating and defecating, along with the prohibiting of cycling, skateboarding and the introduction of the new power to prohibit electric scooters in the town centre. Consultations with the public have been carried out and received significant support. It has been to SPAE and the report was noted.

She said they should also be aware that this order would be enforced by district enforcement as part of the pilot that is currently running.

Cllr Banks added that this was to combat the antisocial behaviours and hopefully improve the public spaces.

Recommendation agreed

CA/48/21 PUBLIC SPACE PROTECTION ORDER - DOG

Decision

1. That Cabinet approves the extension of the Dog Control Public Space Protection Order

Corporate Objectives:

A clean, safe and enjoyable environment Building strong and vibrant communities
Ensuring efficient, effective and modern service delivery

Statutory Officer Comments

Deputy Monitoring Officer:

Further to section 60 of the Anti-social Behaviour Crime and Policing Act 2014, a public space protection order cannot be in force for more than three years unless it is extended before its expiry. The requirement to undertake the necessary consultation in relation of the proposed extension of the Dog Control PSPO has been met and will not, therefore, pose a risk of legal challenge.

Deputy S151 Officer:

Enforcement of the current PSPO is carried out by a third party under a pilot scheme, who retain a proportion of income generated from fines issued. Should this arrangement cease after the pilot period has ended, any costs associated with enforcement of the PSPO would be expected to be met within the current approved resource for the service.

Advice

Cllr Banks introduced the report and said this was drafted to extend the current arrangement they had in place and looked to extend the borough wide dog control PSPO. They had consulted with members of the public and it had been well supported, it had been to SPAE and they had noted the report.

This would be enforced by the district enforcement officers as part of the pilots running to combat anti-social behaviour carried out by the few that make our public spaces difficult on occasions and to make the public spaces safe.

Recommendation agreed

CA/49/21 PMO RESERVE

Decision

1. To note the update on PMO resource
2. That Cabinet recommends that Council approves the funding of £170,000 to temporarily fund the Cabinet www.dacorum.gov.uk General Fund PMO while permanent resource is planned and implemented.
3. That Cabinet approves a one off 22/23 reallocation of £80k of funding HRA budget from the Revenue contribution to capital to the HRA HTIP programme.
4. That Cabinet retrospectively agrees to set aside the commissioning and procurement standing orders to approve the award of the temporary PMO contracts each valued above £75,000.

Corporate Objectives

Ensuring efficient, effective and modern service delivery

Statutory Officer Comments:

No comments to add to the report.

Monitoring Officer

Deputy s151 Officer:

The request for £170k General Fund, funding is a short-term solution, whilst a medium to long term sustainable PMO structure is created. Given the short-term nature of this resource requirement, the use of general fund reserves and, in particular, the Management of Change reserve is in line with the rationale for utilising this reserve up. The commitment of this £170k from the management of change reserve will result in the Management of Change reserve being almost entirely committed in 2022/23.

The reallocation of £80k of HRA budget from the revenue contribution to capital to fund the PMO resources, reduces the funds put aside for future capital developments.

Advice

Aiden Wilkie introduced the report and said that the PMO is key to their renewed approach to project delivery across the council. They had spoken about the housing transformation improvement is one example of it. There had been a lot of work over the last few months to set this project up and they were in a position where in order to make rapid progress on the housing transformation programme and the waste transformation programme they had secured temporary resource to make that happen. It was fair to say that they had seen the benefits of that resource coming through the organisation while they looked for a more permanent approach.

The recommendations were laid out in the paper, 4 total but 3 substantive.

Cllr Griffiths said that certainly from the housing perspective she had spent a lot of time, not just to finance but staff time etc in getting the H-tip to where they were now and they need help to start implementing what was in it so it could become a living working document rather than a strategy that was sitting on the shelf. She supported this and the sooner they could get on with this, the better.

Recommendation Agreed

CA/50/21 PARADISE DESIGN CODE

Decision

1. That Cabinet notes the views of Strategic Planning and Environment Overview and Scrutiny Committee.
2. That Cabinet approves the Paradise Design Code draft Supplementary Planning Document for public consultation.
3. That Cabinet delegates authority to the Strategic Director (Place) following consultation with the Portfolio Holder for Place, to agree the timing of the public consultation on the Paradise Design Code – draft Supplementary Planning Document.

Corporate Objectives

The Draft Paradise Design Code SPD promotes the achievement of all the corporate priorities as set out below:

- A clean, safe and enjoyable environment
- Building strong and vibrant communities
- Ensuring economic growth and prosperity
- Providing good quality affordable homes, in particular for those most in need
- Ensuring efficient, effective and modern service delivery
- Climate and ecological emergency

Statutory Officer Comments:

Monitoring Officer

The Town and Country Planning (Local Planning)(England) Regulations 2012 is the relevant statutory framework that governs the form and content of supplementary planning documents which includes the requirement for a twostage public consultation process. The recommendations in this report will ensure that the consultation requirements of the 2012 Regulations are met.

S151 Officer:

There are no financial implication of the implementation of the proposed design code, and government funding is expected to fund the remainder of this project through the consultation phase

Advice

Alex Robinson introduced the report and said, the government were moving towards the greater use of design codes as part of changes to the planning system, in response to that this council had prepared a design code for Paradise, to try out some of the guidance expected to come forward in the next few years, this would become a supplementary planning document.

The code itself would be made up of both mandatory and discretionary requirements across 4 themes, Movement, Built Form, identity and use. The document was presented to SPAE in May and they made the following recommendations. SPAE informs cabinet of its support for the design code and recommend it be published for consultation. The next step in preparation for the design code was public consultation following which the council will review comments made before finalising the design code and bringing it back to Cabinet for adoption.

The recommendation in the report was to seek Cabinet approval to consult on the design code, on a date, which is to be confirmed, most likely late summer.

Cllr Griffiths said she could remember last year looking around paradise and councillors giving their opinions on this which was an interesting exercise. It was now interesting to see that come full circle and would be interesting to see what the public would make of what councillors thought, officer and internal.

Cllr Williams said it would be interesting to see how much public engagement it generates as it was not in a prominent area or a major employment area and has a modest amount of residential in that area.

Recommendation Agreed

CA/51/21 CONSTITUTION AND FINANCIAL REGULATIONS

Decision

1. That Cabinet recommend Council agrees the amendments to Part 3 of the Constitution as highlighted in the report and shown in tracked changes on the attached document entitled "Constitution – Part 3 – Responsibility for Functions"
2. That Cabinet recommend Council agrees the amendments to Part 4 of the Constitution as highlighted in the report and shown in tracked changes on the attached document entitled "Constitution – Part 4 – Rules of Procedure"
3. That Cabinet recommend Council agrees the amendments to the Council's Financial Regulations as highlighted in the report and shown in tracked changes on the attached document entitled "Financial Regulations v.1.1"

4. That Cabinet recommend Council approves the proposed amendment to Commissioning and Procurement Standing Orders as set out in section 4.5 to the report.

Corporate Objectives

A clean, safe and enjoyable environment Building strong and vibrant communities
Ensuring economic growth and prosperity Providing good quality affordable homes,
in particular for those most in need Ensuring efficient, effective and modern service
delivery Climate and ecological emergency

Statutory Officer Comments:

Monitoring Officer

The scheme of delegation in Part 3 of the Constitution provides a framework for effective decision making and should ensure that officers act within their appointed delegations and therefore minimise legal challenge

Deputy s151 Officer:

The majority of minor changes made to the constitution reflect the approved Council restructure that has been undertaken at Tier 2 and Tier 3 levels in the organisation. This includes the financial regulation changes proposed at para 3.4 and 3.5, which have been proposed to bring approval limits in line with officer seniority.

The additional proposed delegations to the Chief Executive will be monitored and reported to members accordingly in line with current financial regulations.

A change in the financial assessment of proposed redundancies and retirements to a Best Value assessment from a rigid 3 year pay back criteria allows for a more analytical view of these complex decisions from a value for money perspective. As detailed in the constitution, and in line with good practice guidelines, the Chief Executive would seek advice from both the S151 and Monitoring officer's prior to making these decisions.

Advice

Farida Hussain introduced the report and said it outlined the changes that were required on the constitution following changes to the leadership team and realignment of portfolio holder areas. A more general review had also been carried out to update the constitution to reflect changes in legislation, this included special severance payments. Changes were also required to the financial standing orders and procurement standing orders, one of those changes were that officers at tier 3 could authorise payments up to £250k, there were also some extra delegations regarding interim appointments. This was all to ensure there were no delays when those things were required.

Recommendation Agreed

CA/52/21 CREMATORIUM GOVERNANCE

Decision

1. That Cabinet notes that the West Herts Crematorium Joint Committee has resolved to agree to the adoption of a Lead Authority model for the future operation of the Joint Committee
2. That Cabinet agrees that the Lead Authority model be adopted and that Three Rivers District Council be the Lead Authority.
3. That Cabinet agrees that a new Joint Committee Agreement be developed along with any other legal documents required to facilitate the new governance structure and delegates authority to the Strategic Director (Corporate and Commercial Services) in consultation with the Assistant Director, Legal and Democratic Services and the Council's nominated member of the Joint Committee to finalise and complete the new Joint Committee Agreement and any other legal documents required.

Corporate Objectives

Building strong and vibrant communities Ensuring economic growth and prosperity
Ensuring efficient, effective and modern service delivery

Statutory Officer Comments:

Monitoring Officer

The proposed governance framework is appropriate to ensure that the two crematoria can operate efficiently within a sound legal structure. The Joint Committee Agreement will be developed to ensure that each authority's obligations, liabilities and share of any surplus are clearly defined and agreed. This will be developed with support from external solicitors who will help to ensure that a balanced approach is agreed across the partnership.

Deputy s151 Officer:

The single lead authority structure should provide a clear transparent approach to operations reporting and governance, with the board overseeing key decisions making. The Joint Committee Agreement that will be developed, by the partnership, will provide greater detail of the shared financial risks and rewards and will also set out a clear reporting and performance monitoring framework.

Advice

Farida introduced the report and said that it set out different options for governing the West Herts Crematorium and approval was sought for the preferred option, which was to have a lead authority model, that lead authority would be Three Rivers Council. They had volunteered for the role so advice was sort from Anthony Collins solicitors and they did propose different options on how the West Herts Crematorium could be governed however they advised that the proposed model was the most efficient and most economically viable.

Delegation was also sought to set up a new joint committee agreement, which would be more formal than the working arrangements that they currently had, especially with the new crematorium being built at Bunkers Park this would be needed.

Cllr Williams asked if this would be on similar lines to the 5 members from the 5 councils and the appropriate support for that.

Farida said it would.

Cllr Williams asked Nigel Howcutt if anything from a financial perspective now that the new crematorium was on our land.

Nigel Howcutt said that this paper was outlining the decision for Three Rivers to be the lead authority, which made sense as they were already operating one of the 2 sites involved in the committee, this seemed logical and sensible rather than setting up a new entity in another local authority names. The next step was around those detailed legal agreements of how the new committee agreement will set out, that would require a lot more work and approval, going back to the member sits on the committee, Terry Douris and making sure that they were happy as an organisation with the new terms agreed. They do not see them being vastly different in terms of benefits, risks and liabilities but they will be nuanced in there, bringing them up to date with current legislation, legalities as well as issues around the pension schemes for the risk and liabilities. On the basis of 5 partners, equal partnership, equal involvement, equal risk and equal profit share. In terms of exactly how it would work has yet to be decided. From their perspective they were not perceiving any significant change going forward but the details were yet to be formalised or even proposed at that point in time.

Cllr Barratt asked if it would be like a business that they were 20% share of.

Nigel explained that that was essentially how it was set up at the moment and when they were having difficulties some years ago all 5 partners put money on, equal partners, equal share and equally now at the moment they all gain equal payment from the dividend from that site. What would work slightly differently would be that they would now be a land owner and Three Rivers were land owners they would get additional payments from the use of the land, which means partners will have a slightly different arrangement but reflects what they will have invested in it. Now they would have the land that the new crematorium sits on so they will get a rental income for that and some peripheral services will be used at the cemetery next door.

Cllr Barrett asked if Three Rivers would get an income from the additional crematorium site.

Nigel Howcutt said that they would get exactly the same rental agreement they Dacorum would get for ours. From that perspective there was a parity in terms of what they would put in they would get a similar return.

Cllr Barratt asked if there was a lease from the authority to the consortium as it were.

Nigel Howcutt explained that as part of the agreement they would arrange a lease, currently they have a license to build on the site and the idea was that they would

offer that up until the point there was a crematorium built on that site, then there would be a lease and they could talk about ownership, the risk of liabilities, insurance etc. That would all be dovetailed into the new agreement that will be set up. Members, via the lead member for the crematorium would be involved in those discussions and the final approvals. The West Herts Crematorium Joint Committee would then approve it but after the members from each authority have had a chance to feed into that.

Cllr Barratt asked if any surplus was to arise would that be a taxable surplus.

Nigel Howcutt responded that at this moment they were set up in a strange situation with historical nuances, their profit is put into a reserve on the bottom line, it seemed that it was a community interest, which is part of the reason having to look at this agreement and the legalities behind it. Part of the reason they have a licence on the site was because they need to have an agreement in place and the legal basis of the new agreement before they do a long-term lease. It around tidying up some of the governance arrangements that have been in place for many years, bringing it up to speed and where they want it to be with the other 4 partners also.

Cllr Williams said that now they have the facility on their own land and more stake in game it was appropriate that they have an arrangement in place.

Nigel Howcutt agreed and said that this group previously made the decision that they were going to have a partnership in the delivery of the crematorium, which meant that they have the expertise of Three Rivers, they're bringing reduced risk as they have got their partners that are sharing that risk but they were delivering a new community service to the residents of Dacorum, from that perspective they get a lot out of it. They get a lot of support and equally will have a very transparent arrangement for future profit shares. If the entity grows like they expect it too in the business case it would make profit in future years, at which point they would get a share of that profit as well as delivering an additional service to the residents. They could argue they would get slightly more out of it than other partners that do not have the crematorium on their land.

Recommendation Agreed

CA/53/21 EXCLUSION OF THE PUBLIC

CA/54/21 COMMERCIAL PROGRAMME UPDATE

Minutes can be found in Part 2

CA/55/21 HBC CONTRACT EXTENSION

Decision

1. Extend the current Services Agreement with Hertfordshire Building Control until 31st March 2023 and delegate authority to the Chief Executive in consultation with Assistant Director, Legal and Democratic Services and Chief Financial Officer to agree future extensions.

2. Delegate authority to the Chief Executive in consultation with the Assistant Director, Legal and Democratic Services and Chief Financial Officer to agree any final and outstanding legal, technical, financial and operational matters to be concluded in effecting the proposed extension of contract noted in recommendation 1 or the LA1 function.

3. Continue the appointment of Three Rivers District Council to perform the LA1 contract management function and the audit and issue of statutory notices as per the current arrangements.

4. Appoint East Hertfordshire District Council to perform the statutory notice LA1 function until 31st March 2023

5. Delegate authority to the Chief Executive, following consultation with the Portfolio Holder for Commercial Strategy and Delivery, Assistant Director, Strategic Director (Corporate and Commercial Services), Assistant Director, Legal and Democratic Services and Chief Financial Officer, to agree and finalise any future arrangements for statutory building control including the LA1 function beyond 31st March 2023.

Corporate Objectives

A clean, safe and enjoyable environment Ensuring efficient, effective and modern service delivery

Statutory Officer Comments:

Monitoring Officer

A resolution was passed on 18th September 2019 to delegate statutory Building Control functions to one of the Building Control authorities. This delegation remains in place but, for completeness, as part of the LA1 function is being changed to a different authority this report brought to Cabinet for approval. Further delegations are being proposed so that future commercial decisions on the LA1 function can be agreed by officers. To extend the current Services Agreement, a deed of variation will need to be completed to give effect of the contract extension and also to formalise any changes to the role of LA1. This report was not on the Forward Plan and is reported to Cabinet as an urgent decision without giving the usual 28 days' notice of an Executive Decision. The decision is urgent because the current Service Level Agreement ends in August and needs to be extended to ensure that the Building Control service can continue to operate. The Chairman of the Finance and Resources Overview and Scrutiny Committee has been consulted and has agreed that this report be treated as an urgent decision as it cannot reasonably be deferred to the next Cabinet meeting in September

Deputy s151 Officer:

The 22/23 budget is sufficient to fund the current LA1 service agreement. Following further negotiations if additional costs are agreed and there is not sufficient budget available in existing approved budgets the service will be required to seek member approval for growth, in line with the current Financial Regulations.

Advice

Farida Hussain explained that the current contract under which eight local authorities instruct Hertfordshire Building Control services was due to expire in August this year. Approval was sought to extend that contract to the end of the financial year and to provide delegation to the Chief Exec in consultation with various officers to agree any further extension as they were still working through some detail. Authorisation was sought to delegate the statutory sign off to East Hertfordshire Council. Up until now, Three Rivers Council had performed the role, it was not something that the Hertfordshire Building Control can do, as it was statutory, and only a local authority could perform that function.

If approval was given, any future extensions could be agreed by the Chief Exec in consultation with the portfolio holder to speed things up so that it does not have to come back through Cabinet.

Cllr Williams said that this was coming to Cabinet, as they need to have the arrangement in place for August otherwise, they would find themselves with no one administering the process.

Farida Hussain said that it would mean that the service would need to come back in house and they do not have the resource to provide this function.

Cllr Williams commented that the process of going to Hertfordshire Building Control has been successful so they do not wish to reverse that function.

Recommendation Agreed

The Meeting ended at 8.17 pm