

ITEM 8 – REFERRALS FROM CABINET

24 MAY 2016

8.1 CA/053/16 PROPOSALS FOR A DEVELOPMENT COMPANY

Decision

1. The procurement of specialist technical advice to progress work on the creation of a Development Company be approved;
2. The primary objectives of the Development Company, as detailed in paragraph 7 of the Cabinet report be approved and,
3. The development sites identified in paragraph 12 to form the initial pipeline for the Development Company be approved,

Resolved to Recommend:

A draw down of £100k from the Invest to Save reserve, in order to fund the procurement of advice associated with the creation of a Development Company and further associated costs.

Reason for Decision

To gain Cabinet approval for the overarching principles of a Council-owned Development Company, ahead of procuring specialist, technical advice.

Implications

Financial

The financial implications are included within the body of the report.

Value for Money

The procurement exercise will be governed by the Council's Procurement Standing Orders, designed to ensure fair competition and maximise value for money.

Risk Implications

There are limited risks associated with the recommended procurement at this stage of the project. The risks inherent with the actual creation of a company will be reported back to Cabinet to consider later in the year, before the next steps are taken.

Health & Safety Implications

None.

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.

Comprehensive advice on all of the above issues will be provided in future reports to Cabinet in due course.

S.151 Officer

This is a Section 151 Officer report.

Advice

The Portfolio Holder for Finance & Resources explained that the purpose of the report was to seek approval for a development company to provide and secure investment income for the future. The report had suggested a budget of £100k and this was to ensure no risks were taken with potentially having a short fall and having to return to Cabinet with a further budget request.

The Portfolio Holder for Residents & Corporate Services asked what the differences were between what the council currently did and how this would change.

The Corporate Director of Finance & Operations explained that currently this was affecting the Housing Revenue Account (HRA), however in the future the hope would be to maximise revenue income to support the provision of General Fund services. Furthermore, currently developments were subject to right to buy and therefore not guaranteed long term income. The development company proposal would help ensure long term viable income. He highlighted the importance of needing clear objectives for the development company.

The Corporate Director for Housing and Regeneration said they must help to protect the council's position. He added that there wouldn't be many differences to the process.

The Portfolio Holder for Housing sought clarification that this duty would form part of the General Fund as opposed to the HRA.

The Corporate Director for Housing and Regeneration confirmed that they could charge rents to the General Fund in order to help support the council's objectives.

The Chief Executive added that there were a number of council's already doing this.

The Portfolio Holder for Residents & Corporate Services asked how the figure of £100k being requested was calculated.

The Corporate Director of Finance & Operations explained that many other council's budgets had been in the region of £60-70k and he did not want to have to return to Cabinet requesting further funds due to there being a shortfall in the budget. He assured members of the Cabinet that they would be carrying out the required tendering process.

The Portfolio Holder for Housing recommended that recommendation (4) be broadened to read 'A draw down of £100k from the Invest to Save reserve, in order to fund the procurement of advice associated with the creation of a Development Company and further associated costs.'

The Portfolio Holder for Environmental, Sustainability & Regulatory Services asked if during the tendering process they would be looking for ideas for the use of a development company and would they be able to embrace many areas or would they be limited to just Housing.

The Corporate Director of Finance & Operations explained that the report listed the key objectives. They didn't want to create a complex process as it needed to get started. The Corporate Director for Housing and Regeneration felt that it would be likely that a development company would be able to cover broader areas.

The Chief Executive said that this was explained in paragraph 8 of the report and by including some key objectives, meant that there would be a more focussed discussion. The Corporate Director of Finance & Operations added that they did not want to prohibit the scope of the company and therefore a further report would be presented to Cabinet to look into these aspects.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services asked which other council's did things this way.

The Chief Executive replied that virtually all the Eastern Region councils were looking to do it if they weren't already doing so.

The Portfolio Holder for Residents & Corporate Services asked if bidders through the tendering process will be asked to provide examples as a way of evidencing their experiences.

The Corporate Director for Housing and Regeneration confirmed this would be the case and said that many of those making a bid will have had experience with other council's.

Voting

None.

8.2 CA/054/16 CONSTITUTION UPDATE

Decision

Resolved to Recommend:

- 1. the changes to the Constitution as set out in paragraphs 9, 10, 14, 16 and 21 of the Cabinet report**
- 2. the changes to the Financial Regulations as set out in paragraphs 22 and 26 of the Cabinet report**

Reason for Decision

To seek approval to amend the Constitution and Financial Regulations to reflect changes to staffing structures, operational changes and new legislation.

Implications

Financial

There are no financial implications arising from this report

Value for Money

There are no implications arising from this report.

Failure to have an up to date and accurate Constitution could lead to legal challenge and operational, reputational and financial costs may follow if the challenge was successful.

Community Impact Assessment

There are no community impacts which require assessing resulting from this report.

Health & Safety Implications

There are no Health and Safety implications connected to this report.

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 further comments to add to the report.

Advice

The leader of the Council explained that this was a simple report bringing everything together following the recent structure changes.

The Solicitor to the Council and Monitoring Officer explained that there would be regular reports to Cabinet in the future in order to reflect ongoing changes.

The Leader of the Council felt it would be good to see it regularly.

The Portfolio Holder for Environmental, Sustainability & Regulatory Services asked if Members would see the amendments before the Constitution is published.

The Solicitor to the Council and Monitoring Officer said there would be a thorough review of the Constitution and the amendments would be published in full. The report highlighted the key principles of the changes.

He noted that a copy of the changes could be circulated to the members of Cabinet before publication.

The existing version on the council's website and on Modern Gov will be replaced.

Voting

None.

8.3 CA/062/16 STATEMENT OF COMMUNITY INVOLVEMENT

Decision

Resolved to Recommend:

- 1. the responses to comments received on the draft Statement of Community Involvement (2016); and**
- 2. the new Statement of Community Involvement to guide future consultation on planning matters as annexed in the report to Cabinet.**

Reason for Decision

That Cabinet consider consultation responses received on a new Statement of Community Involvement (2016), agree responses to comments received and recommend to Council the formal adoption of the new document.

Financial

There are no direct financial implications relating to the preparation of a new SCI. However, there are implications for the consultation arrangements set out within it: and the need to balance public expectations regarding the types of consultation techniques with the costs involved.

Value for money

The SCI sets out the range of consultation techniques that will be used within the planning process and the need to ensure that these are fit for purpose and proportionate in terms of the scale and nature of the planning issue(s) involved.

Legal

The production on an SCI is a legal requirement. Compliance with an up to date SCI assist the Council in defending objections and appeals against its planning decisions. Conversely, failure to comply with the standards and processes set out within the SCI could result in legal action against the Council.

Staff

No direct implications for staffing. However, all staff and elected Members need to be aware of the content of the SCI and follow processes and procedures within it.

Land

No direct implications, although the planning documents and proposals that will be subject to consultation will have implications for the future use of land.

Risk Implications

Key challenges relating to consultation are set out within the SCI itself. Key risks relate to non-compliance with the SCI – resulting in legal challenges - and the need to balance public aspirations regarding consultation and involvement in planning decisions, with the limited budgets available.

Equalities Implications

Equalities issues are considered through the Sustainability Appraisal process that all planning policy documents are subject to. The SCI itself also considers the most appropriate consultation techniques to reach different types of consultees. There may also be indirect implications for the SCI i.e. relating to the choice of venues for public consultation events and the need to ensure these are DDA compliant.

Health & Safety Implications

No direct implications. There may be indirect implications relating to different types of consultation techniques and the choice of event venues.

Corporate Objectives

The SCI sets out how the Council will consult on its planning policy documents and on planning applications. It therefore directly supports the 'Community Capacity' and 'Dacorum Delivers,' and indirectly supports all other objectives via the plans and developments that arise through the planning process.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer

No comments to add to the report.

Section 151 Officer

There are no direct financial consequences of the proposed recommendation. Any resource requirements for delivering consultations in line with the proposed Statement of Community involvement will have to be met from approved existing budgets

Advice

The Portfolio Holder for Planning and Regeneration introduced the report and said this process was started in 2006 and has already been brought to Cabinet this year but this report has a few changes.

The Assistant Director for Planning, Development and Regeneration said the report highlights the principle changes. On page 24, the report shows the alignment with new legislation and the role of social media in the consultation process.

The Portfolio Holder for Environmental, Sustainability and Regulatory Services said that the newsletter was a brilliant idea. The Portfolio Holder mentioned this had been discussed at the Cabinet meeting in December and referred to page 84 of the report. The Portfolio Holder appreciated that this was a draft statement and so asked if the third column heading on page

84 could be changed to “site notice and/or neighbour notification letter” and this would allow for flexibility.

The Assistant Director for Planning, development and Regeneration said this was a helpful suggestion and sometimes it was appropriate to have both a site notice and neighbour notification letter.

Voting

None.

8.4 CA/064/16 NATIONAL GRADUATE DEVELOPMENT PROGRAMME

Decision

1. That the recruitment of a graduate in 2016 from the National Graduate Development Programme be approved.

Resolved to Recommend:

- 2. Approval for drawing down £72,800 from the Management of Change reserve.**

Reason for Decision

To recommend to Cabinet that the Council participate in the National Graduate Development Programme (NGDP) for 2016 (Cohort 18).

Implications

Financial

Overall costs = £72,800 for the entire programme, funded by the management of change reserve

Value for Money

No implications due to the scheme being nationally recognised and is the only one of its type.

Risk Implications

Any associated risks will be covered by staff inductions and training, as per any other member of staff.

Health & Safety Implications

The Council's Health and Safety policies would apply to this post.

Corporate Objectives

Dacorum Delivers:

Building an efficient, effective modern Council means having the right workforce in place, which includes employing 'young people' with fresh and current ideas.

This programme also supports succession planning by assisting the Council in growing leaders for the future.

Monitoring Officer/S.151 Officer Comments

Monitoring Officer:

No comments to add to the report

S.151 Officer

Following approval by Council the required amount (£72,800 in total) can be met from the Management of Change reserve to be drawn down over 2016/17 and 2017/18.

Advice

The Portfolio Holder for Residents and Corporate Services introduced the item regarding a two year graduate post from the Local Government Association. The Council have previously had eight graduates and all have gone on to permanent senior positions.

The Portfolio Holder for Housing supported this scheme and said she was proud of all the graduates that had worked at the Council.

Voting

None.

8.5 CA/066/16 COUNCIL TAX SUPPORT TEAM REVIEW

Decision

Resolved to Recommend:

- 1. not to revise or replace the current Council Tax Support scheme for 2017/18.**
- 2. Approval of the proposed minor technical changes to the 2017/18 Council Tax Support scheme as laid out in paragraphs 22 and 23 of the report.**

Reason for Decision

To consider whether to revise or replace the existing Council Tax Support scheme for the 2017/18 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 2017/18. To consider the recommendation to uprate the calculation amounts for working age people within the scheme and to adjust the scheme to introduce a rule to automatically do this in future years. To consider the recommendation to make an adjustment to the rule defining disability for the purpose of classing a taxpayer as vulnerable within the scheme.

Implications

Financial

There are no direct financial implications arising if Cabinet agree with the recommendations made by this report, as the assumptions in the MTFS about council tax income are based on the continuation of the current scheme. The potential impacts of other choices are explained in the body of this report.

Community Impact Assessment

An Equality Impact Assessment (EIA) was undertaken on the 2013 Council Tax Support scheme. There have been no changes since that date which have required an update to that assessment. If revision or replacement of the scheme is being considered, then an updated Community Impact Assessment will be developed in order to form part of the consultation process.

Health & Safety Implications

There are no health and safety implications arising from this report.

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 revise or replace its Council Tax Support Scheme.

This report satisfies that requirement and recommends no revision or replacement to the current scheme other than the minor technical changes noted. If Cabinet or Council does require revision or replacement of the scheme following consideration of this report further consultation will be required.

S.151 Officer

This is a S151 Officer report.

Advice

The Portfolio Holder for Finance and Resources said that the Council was required, under law, to review or replace the Council Tax Support Scheme. The Portfolio Holder said that there were a couple of minor technical changes to support residents.

The Group Manager for Revenues, Benefits and Fraud said that there were a few minor amendments due to catching up with new welfare legislation.

Voting

None.