

MINUTES

CABINET

26 NOVEMBER 2013

Present:

Members:

Councillors:

Margaret Griffiths	Portfolio Holder for Housing
Neil Harden	Portfolio Holder for Residents and Regulatory Services
Julie Laws	Portfolio Holder for Environmental Services and Sustainability
Nick Tiley	Portfolio Holder for Finance and Resources
Andrew Williams (Chairman)	Leader of the Council/Portfolio Holder for Planning and Regeneration

Officers:

Sally Marshall	Chief Executive
Mark Gaynor	Corporate Director (Housing and Regeneration)
Martin Hone	Corporate Director (Finance and Operations)
Elliott Brooks	Assistant Director (Housing)
James Doe	Assistant Director (Planning, Development and Regeneration)
Shane Flynn	Assistant Director (Performance and Projects)
Mark Brookes	Group Manager (Legal Governance)
Julia Hedger	Group Manager (Strategic Housing)
Jack Burnham	Team Leader (Strategy and Development)
Linda Dargue	Insurance and Risk Manager
Claire McKnight	Consultation Officer
Pat Duff	Member Support Officer

The meeting began at 7.30 pm.

Councillor Williams advised that, bearing in mind the comments made by the Housing and Community Overview and Scrutiny Committee regarding the impending change to the process, agenda item 12, Homeless Review Process, would be deferred until it had been back to the Overview and Scrutiny Committee for further consideration.

CA/148/13 MINUTES

The minutes of the meeting held on 22 October 2013 were agreed by the members present and signed by the Chairman.

CA/149/13 APOLOGIES FOR ABSENCE

There were no apologies for absence.

CA/150/13 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA/151/13 PUBLIC PARTICIPATION

There was no public participation.

CA/152/13 REFERRALS TO CABINET

Housing and Community Overview and Scrutiny Committee – 13 November 2013

OS/242/03 – Homelessness Strategy and Service Review 2013 – 2018

That the referral be considered with agenda item 11 (agenda Item 12 was deferred).
Minute CA/158/13.

CA/153/13 CABINET FORWARD PLAN

Decision

That the Cabinet Forward Plan be noted, subject to the following amendment:

17 December 2013

Waste Strategy – report to be moved to the January meeting.

CA/154/13 AUTHORISATION OF VIREMENTS

Decision

That the virements from the Service Areas as listed below and detailed in the report be noted:

1. Clean, Safe and Green.
2. Regulatory Services/Performance and Projects/Member Services/Corporate Policy and Innovations.
3. Development Management and Planning and Strategic Planning and Regeneration.
4. Housing General Fund and Housing Revenue Account.

Reason for Decision

To secure the approval of virements for the purposes specified in the Forms (A), as appended to the report.

Implications

Financial

The Scheme of Virements is part of the Council's financial management.

Risk Implications

There are no risk implications.

Corporate Objectives

To standardise documentation and authorisation requirements for all virements.

Advice

The Portfolio Holder for Finance and Resources introduced the report which he said was self-explanatory.

Options and Why Options Rejected

No alternative options were considered.

Consultation

There was no consultation.

Voting

None.

CA/155/13 RISK MANAGEMENT REPORT QUARTER 2 2013/14

Decision

That the report be noted.

Reason for Decision

To monitor the Quarter 2 report on the Strategic Risk Register and the Quarter 2 report on the Operational Risk Registers.

Implications

Financial

None identified.

Value for Money

Risk management is closely linked to the Council's commitment to ensure that all resources are used efficiently and forms part of effective financial planning. The Council also needs to ensure that adequate provisions are in place to address anticipated risks but that these are no greater than necessary so that maximum resources are applied to services as required. To this end the Council sets minimum target working balances for both the general fund and HRA and at the date of this report this minimum balances are secured.

Risk Implications

Effective risk management is an important factor in all policy making, planning and decision making.

Failure to manage risk effectively could have serious consequences for the Council leading to increased costs, wasted resources, prosecution and criticism under external assessments

Corporate Objectives

None.

Advice

The Portfolio Holder for Finance and Resources introduced the report and had nothing further to add.

Options and Why Options Rejected

No alternative options were considered.

Consultation

Consultation took place with the Corporate Management Team and the Resources Overview and Scrutiny Committee.

Voting

None.

CA/156/13 HOUSING DEVELOPMENT STRATEGY

Decision

1. That "Building for the Future – Dacorum Borough Council's strategy for new council homes 2013-20" be approved.
2. That the land swap and £70,000 compensation payment to UK Power Networks to relocate the substation at London Road, Apsley, be approved.

Reason for Decision

To approve "Building for the future – Dacorum Borough Council's strategy for new Council homes 2013-20" as the Council's development strategy for new Housing Revenue Account (HRA) homes until 2020.

Implications

Financial

The HRA Business Plan currently has the capacity to deliver the aims of this strategy.

Value for Money

The Housing Development Strategy 2013-20 sets out the vision and strategic long-term plan for new council homes that will provide high quality housing at an affordable cost to the Housing Revenue Account. The resources required to deliver the homes in this strategy are available in the HRA business plan.

Risk Implications

Risk Assessment completed within the New Build PID.

Corporate Objectives

Affordable Housing

Advice

The Portfolio Holder for Housing introduced the report and said the strategy was regarding building Council homes in 2013 – 2020. The report had been to the Tenant and Leaseholder Committee and to the Housing and Community Overview and Scrutiny Committee and was well received by each.

Options and Why Options Rejected

No alternative options were considered.

Consultation

Consultation took place with the New Build Project Group, including:

Corporate Director (Housing and Regeneration)
Assistant Director (Finance and Operations)
Assistant Director (Housing)
Group Manager (Strategic Housing)
Group Manager (Commissioning Procurement and Compliance)
Group Manager (Commercial Assets and Property)
Group Manager (Estates)
Team Leader (Commissioning Procurement and Compliance)
Lead Officer (Housing Development and Delivery)
Housing Revenue Account Accountant

Voting

CA/157/13 COMMUNITY INFRASTRUCTURE LEVY (CIL) UPDATE

Decision

1. That the progress and programme for the development of a CIL for Dacorum be noted.
2. **That Council be recommended to approve the content of the Draft Charging Schedule and policies on Discretionary Relief, Exceptional Circumstances Relief from CIL, Instalments, Payments in Kind and Regulation 123 List for public consultation.**

Reason for Decision

To seek approval for public consultation on a Draft Charging Schedule and associated policies.

Implications

Financial

The cost of developing and implementing CIL is being borne by the Local Development Framework (LDF) budget, and may be repaid from future CIL receipts. Once implemented, up to 5% of CIL receipts may be used for its administration. The project is therefore expected to be cost-neutral in the long term.

Once CIL is in place the Council will be responsible for collecting and allocating significant sums of money.

Value for money

Where possible, technical work that supports the CIL has been jointly commissioned with adjoining authorities to ensure value for money. Also, see above regarding the project ultimately being cost neutral.

Legal

CIL should reduce the need for involvement of the Council's planning solicitor, as it will reduce the role of s106 agreements. The Council's legal department may need to become involved in cases where liable parties do not pay CIL.

Human Resources

A member of the Strategic Planning and Regeneration team has taken over the role of leading CIL development and associated infrastructure planning work, for an initial two year period. Any additional staff needs will be considered as the project develops. It is likely that the current secondment which ends in early 2014 will need to be extended to cover the CIL examination and the early implementation of CIL.

Land

Once in place, CIL will be payable for any chargeable development on Council owned land. The opportunity also exists for the Council to accumulate land for the delivery of infrastructure in lieu of CIL payment in accordance with Regulation 73 of the CIL Regulations. A draft policy on Payments in Kind is included at Appendix 6 of the report.

Risk Implications

The Project Initiation Document (PID) was updated in February 2013 and sets out full details of the risks associated with the introduction of a CIL. They include insufficient buy-in from infrastructure providers and key stakeholders, changes in Government policy and team capacity.

Corporate Objectives

Preparation and implementation of a CIL contributes to all of the corporate objectives.

Affordable Housing

Affordable housing will be exempt from paying CIL, and the CIL revenues cannot currently be used for provision of Affordable Housing, which will continue to be provided via S106. Officers from the Strategic Housing service are involved in developing the CIL charging schedule, for which affordable housing requirements will be a key consideration. If CIL is set too high then developers may not be able to meet the affordable housing policy requirements.

Safe and Clean Environment

The infrastructure provided through CIL monies is likely to include open space and urban realm improvements to support the development of the borough, both of which contribute to a safe and clean environment.

Building Community Capacity

CIL revenues may be used to social enterprise and local community infrastructure which supports those in the most deprived areas.

Regeneration

CIL will be used in combination with S106 to support the delivery of the key regeneration priorities for the Council.

Dacorum Delivers

Developing the CIL represents Value for Money as it will become cost-neutral once it is up and running as explained below. It will lead to the delivery of infrastructure required to support new development so will improve the reputation of the Council.

Advice

Councillor Williams introduced the report and said a question had been asked at the last Council meeting seeking assurance that the charging of the Community Infrastructure Levy would be carried out with the interests of the community in mind rather than those of the developers.

Councillor Williams had confirmed this was not developer friendly but struck the best balance to allow schemes to be sufficiently viable to enable them to go ahead for the benefit of new and existing residents.

Since being considered by the Finance and Resources Overview and Scrutiny Committee it had been modified. Land at LA5 (Tring) had been re-modelled to fit into the CIL charging strategy.

The charging mechanism struck a fair balance.

The Assistant Director (Planning, Development and Regeneration) said the purpose of the report was to gain approval for the charging schedule with the associated policies. An amended appendix A had been circulated which included the missing maps. The setting of the CIL rates had been subject to public scrutiny and work carried out by the viability consultant.

Paragraph 2.15 of the report referred to two sites that should be subject to a nil CIL charge because of the amount of infrastructure required (primary schools, new roads, surgery). S106 agreements would be used instead.

Section 4 of the report dealt with supporting policies. These would cover chargeable relief, instalments and payments in kind.

Section 5 of the report dealt with the timescale. The public consultation would be held in January, the examination in June with a view to the Council adopting CIL in January 2015.

The Portfolio Holder for Residents and Regulatory Services asked for clarification on the collection of CIL and if Dacorum Borough Council (DBC) made the spending decisions, in consultation with others.

The Assistant Director (Planning, Development and Regulation) advised that a report would be going to Cabinet regarding CIL governance. DBC was the charging and collecting authority. The Council was required to consult with Hertfordshire County Council (HCC) who would be a major partner in spending a lot of the receipts.

The Portfolio Holder for Residents and Regulatory Services expressed concern that HCC would want to use the money for its projects.

The Assistant Director (Planning, Development and Regulation) said the main items were in the regulation 123 list. There would be plenty of opportunities to influence the content of the list.

The Corporate Director (Housing and Regeneration) said an additional element was the local level which would (in parished areas) go to parishes. The rate was variable, between 15 – 25%, depending if there was a Neighbourhood Plan. In many parishes the rate would be zero. Berkhamsted and Tring could receive a sizeable sum. There could be concerns about on-going revenue consequences of projects and this should be considered.

The Leader of the Council said hopefully the implications would be considered when the money was spent.

The Portfolio Holder for Environment and Sustainability said Berkhamsted had already started doing a lot of work and the position had been made clear by the Strategic Planning and Regeneration Officer. The Portfolio Holder asked if the CIL charge would apply to strategic sites even if planning permission had been given before January 2015.

The Assistant Director (Planning, Development and Regulation) said the answer was no as CIL could only be charged once the policy was in place. For developments that were in the pipeline, developers would have made assumptions from pre-application discussions and would be charged whatever rates applied at the time.

The Portfolio Holder for Environment and Sustainability referred to the map of Zone 1 and asked if Northchurch should be in the title rather than 'Berkhamsted and Surrounding Areas'.

The Assistant Director (Planning, Development and Regulation) agreed this could be mentioned.

The Portfolio Holder for Environment and Sustainability referred to the Exceptional Circumstances Relief Policy and asked if it was correct that both S106 and CIL could be applied in most cases.

The Assistant Director (Planning, Development and Regulation) said the policy made it clear that the S106 payment had to exceed the CIL charge that would apply. It was not a way of avoiding the liability. The Council may decide that it would be more appropriate to take a S106 payment. This would be exceptional. The benefit of CIL was that it was straightforward and transparent.

Options and Why Options Rejected

No alternative options were considered.

Consultation

The CIL Task and Finish Group have discussed the programme for the introduction of CIL and draft versions of the Instalments policy and the Regulation 123 List.

The supporting CIL policies have been circulated to members of the CIL Task and Finish Group and members of the CIL Working Group by email.

The County Council have been regularly consulted over the content of all CIL documents. Their comments and advice received is reflected in this report.

Voting

None.

CA/158/13 HOMELESSNESS STRATEGY 2013 - 2018

Decision

That the new Homelessness Strategy 2013 - 2018 be approved for adoption.

Reason for Decision

To enable implementation of the new Homelessness Strategy 2013 – 2018.

Implications

New proposed staff structure to commence from January 2014

The second stage of the homelessness service review provided the Council with the opportunity to carefully scrutinise its service delivery, informed by the key areas for investment and improvement already identified from the first stage of the review, which used a broad range of existing evidence about the service and its performance.

The result of this service review was a proposal for a restructure of staff within the Strategic Housing service (the new structure is now within the main strategy document, 5.2, p.22). The Council is confident that the proposed changes will assist the Council to achieve its strategic objectives set out in the Homelessness Strategy 2013 – 2018.

Budgets for this structure to commence in January 2014 and for the financial year 2014/15 have been agreed.

Partnerships

In response to the consultation the strategy has now further highlighted some of the plans and aspirations of partners. The Council welcomes the recognition from partners of the strong role that can be played by successful partnerships.

In addition to this, the strategy now also reflects the Council's recent commitment to the 'joint front door' model for 16 and 17 year olds, in partnership with Hertfordshire County Council's Targeted Youth Support and the charity Herts Young Homeless.

Risk Implications

Implementing new ways of working

The service changes that have been proposed as a result of the two stage service review will require staff across the Council's Strategic Housing service to embrace new ways of working in order to implement a team structure that can:

- successfully prevent homelessness,
- improve outcomes for households who become homeless, and
- provide suitable housing options and advice.

Officers across the service have been fully involved in developing the plans for the new service. From 1 May until 16 September 2013 a number of whole team and individual team strategy meetings and other events were held (for the full timescale and event details, please see Appendix 2).

Embedding these new ways of working will now need the full commitment of all officers. A communications programme to officers in other frontline teams (Customer Service Unit, Tenants and Leaseholders, Property and Place, and Housing Benefit) and external partners has been underway over October 2013. In addition, press releases and articles for Dacorum Digest and News and Views have been prepared for the public.

The Council is confident that the proposed structure will assist the Council to achieve its strategic objectives set out in the Homelessness Strategy 2013 – 2018, and that staff are committed to and understand the reasons behind these changes.

Corporate Objectives

Affordable Housing.

Advice

The Portfolio Holder for Housing introduced the report and referred to agenda item 5, the Housing and Community Overview and Scrutiny Committee referral.

Consultation on this had taken place throughout the summer and it had been to the Tenants and Leaseholders' Committee and to the Housing and Community Overview and Scrutiny Committee. A review of the department had been carried out at the same time and resources had been redistributed. The purpose was not only to

help the homeless but to be pro-active and prevent them becoming homeless in the first place. This was a very good review.

The Portfolio Holder for Residents and Regulatory Services asked what a crash pad was.

The Group Manager (Strategic Housing) said a crash pad was accommodation available for that night. The Council had some availability and, as part of the no second night approach, needed more. The office at The Chilterns was being made into a crash pad and there would be more crash pad availability at the new hostel for emergency accommodation.

The Portfolio Holder for Residents and Regulatory Services said he would be visiting DENS and could pass on any issues to them.

The Group Manager (Strategic Housing) said there were no issues working with DENS as it was a good partnership. DENS would like more properties from Estates once they were void as the three they had were working very well.

Options and Why Options Rejected

No alternative options were considered.

Consultation

Consultation took place with:

Councillor Margaret Griffiths, Portfolio Holder for Housing;
Dacorum Borough Council Housing and Communities Overview and Scrutiny Committee;
Tenants and Leaseholders' Committee;
Mark Gaynor, Corporate Director (Housing and Regeneration);
Elliott Brooks, Assistant Director (Housing);
Andy Vincent, Group Manager for Tenants and Leaseholders;
Natasha Brathwaite, Housing Advice and Homelessness Team Leader;
Teresa Wood, Housing Options Team Leader; and
Jack Burnham, Development Manager.

Voting

None.

CA/159/13 HOMELESS REVIEW PROCESS

This item was deferred until it has been reconsidered by the Housing and Community Overview and Scrutiny Committee.

CA/160/13 PERFORMANCE AND BUDGET MONITORING REPORT – QUARTER 2

Decision

1. That the Quarter 2 report on targets and performance and progress towards the achievement of the Council's Priorities and Vision be noted.
2. That the forecast outturn position be noted.

Reason for Decision

To monitor the various types of performance and the forecast outturn position as at the end of Quarter 2 2013/14.

Implications

Financial

A summary of the Council's financial position for quarter 2 2013/14 is included at Part B.

Value for Money

In order to achieve 'value for money' services must demonstrate economy, efficiency and effectiveness. Performance information enables members to review how effectively services are performing.

Risk Implications

Failure to meet corporate objectives and performance targets would have an adverse effect on the Council's performance management objectives and the Council's reputation.

Corporate Objectives

Effective service and financial performance supports all five of the Council's strategic objectives.

Advice

The Portfolio Holder for Finance and Resources introduced the report and said things were going well.

The Corporate Director (Finance and Operations) said the revenue budgets were slightly under and the revenue account slightly over. The concern was with the General Fund capital programme where there was slippage. The Council was working on the spend being less than £17m.

When the report referred to slippage, the main cause was poor profiling of some schemes. The Council spend £10m - £12m a year on an average in capital.

The Portfolio Holder for Finance and Resources said it was good to see how well the different facets of the Council were cooperating with each other. The Council was much more effective with different sections supporting each other.

The Leader of the Council said in the General Fund Capital Budget there were some slippages made for conscious reasons.

The Corporate Director (Finance and Operations) said the profiling had to be reviewed to enable the Council to recognise when the cash flows were going to happen.

Options and Why Options Rejected

No alternative options were considered.

Consultation

Consultation took place with:

The Portfolio Holder for Residents and Regulatory Services;
The Portfolio Holder for Finance and Resources; and
The Chief Executive, Directors, Assistant Directors, Group Managers and Budget Holders.

Voting

None.

CA/161/13 CORPORATE PLAN ANNUAL REVIEW

Decision

That the draft 2013/14 version of the 2012-2015 Corporate Plan be approved.

Reason for Decision

To enable the 2012-2015 Corporate Plan to be implemented.

Implications

Financial:

There are no direct financial implications but advanced corporate planning should improve budgeting processes, thereby helping the Council to achieve the financial targets set out in the Medium Term Financial Strategy

Value for Money:

Putting service planning at the start of the budgeting cycle will provide opportunities for service departments to identify alternative approaches and efficiencies that can feed into the budget setting process. This is an alternative to a process whereby budgets are set and then activities become 'business as usual'.

Risk Implications

No risk assessment has been undertaken in respect of the Corporate Plan. The strategic risk register needs to be reviewed to ensure that it reflects the key risks inherent in delivering the Council's strategic objectives. This review is scheduled for later in 2013/14 as part of a wider review of risk management within the Council.

Corporate Objectives

Corporate planning supports all five of the Council's strategic objectives by setting the overall direction for achieving the desired outcomes and in particular supports the aims of 'Dacorum Delivers'.

Advice

The Portfolio Holder for Residents and Regulatory Services introduced the report and had nothing to add.

The Assistant Director (Performance and Projects) said it was a simplified version of what was agreed in November 2012. The report now showed proposed actions as well as what had been done against indicators.

The Portfolio Holder for Finance and Resources pointed out some errors in the report and suggested future reports should be proof read.

The Assistant Director (Performance and Projects) said, following the Overview and Scrutiny meeting, the next stage was for Communications to turn it into a better looking document that would be published primarily on the website.

The Portfolio Holder for Finance and Resources expressed concern that some residents of the borough (mainly elderly) would be excluded from seeing the document if it was web based and asked that the Council think about how to get it to the widest number of members of the community.

The Assistant Director (Performance and Projects) said this would be considered at the next Portfolio Holder meeting.

The Portfolio for Finance and Resources said the review was getting more meaningful to the committee and to the public. The targets were being specified and the results would be published.

The Chief Executive suggested using an abridged version for the Dacorum Digest.

The Corporate Director (Finance and Operations) confirmed that printed versions would be available to members of the public on request.

The Corporate Director (Housing and Regeneration) said tenant surveys had indicated less than 50% of residents had access to the internet at home. Nationally a survey showed 25% of people had never used the internet. It was important that the abridged information was made available. Printing was not an issue.

The Assistant Director (Performance and Projects) said the results for 2011/12 were published in the annual report. The key elements had already been published.

The Portfolio Holder for Environment and Sustainability asked where the targets had come from.

The Assistant Director (Performance and Projects) said a range of targets had been specified and departments had been asked which ones were attainable. They were then reviewed corporately to see if they matched the organisation's vision.

The 2015/16 planning cycle would be more advanced and would be feeding into the Corporate Plan. The performance management process should line up with the budget process. This had to be done in co-operation with services.

Options and Why Options Rejected

No alternative options were considered.

Consultation

The draft corporate plan was approved by Cabinet in November 2012. Extensive consultations have taken place at Corporate Director and Assistant Director level in the development of the draft final version.

Voting

None.

The meeting ended at 8.05 pm.