

## **MINUTES**

### **CABINET**

**30 JUNE 2009**

**Present:**

**Members:**

**Councillors:**

Margaret Griffiths (Chairman)	Portfolio Holder for Housing
Herbert Chapman	Portfolio Holder for Environment and Sustainability
Ian Reay	Portfolio Holder for Planning and Regeneration
Colette Wyatt-Lowe	Portfolio Holder for Finance and Resources Portfolio Holder for Community Services and Public Protection

Councillors Bhinder, Douris and Mrs Ryan also attended.

<b>Officers:</b>	Mike Peters	Director of Environment & Regeneration
	Steven Baker	Head of Legal Services
	Sally Marshall	Director of Finance and Resources
	Louise Miller	Director of Improvement
	James Doe	Head of Planning and Regeneration
	David Martin	Head of Resources
	David Gill	Senior Manager Corporate Policy
	Elizabeth Savage	Environment and Sustainability Officer
	Karen Winser	Senior Human Resources Manager
	Chris Gordon	ID Programme Manager
	Heather Weller	Project Manager
	Chris Taylor	Senior Manager Hemel 2020
	Pam Halliwell	Key Projects Officer
	Peter Hamilton	Valuations and Estate Manager
	Leida Smith	Communications Officer
	Jim Doyle	Senior Manager, Member Support

The meeting began at 7.30 pm.

#### **CA/270/09 MINUTES**

The minutes of the meeting held on 6 June 2009 were agreed by the members present and signed by the Chairman.

#### **CA/271/09 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors B Ayling, N Tiley and A Williams. Apologies were also submitted on behalf of the Chief Executive and the Director of Communities, Customers and Housing.

## **CA/272/09      DECLARATIONS OF INTEREST**

Councillor C Wyatt-Lowe declared a Personal interest in agenda Item 8 (Min CA/274/09) Affordable Housing Development – Land to the rear of Ninian Road and Argyle Road, Hemel Hempstead – as she is the County Councillor for the area.

## **CA/273/09      PUBLIC PARTICIPATION**

Public Participation was taken up by seven residents of Ninian and Argyle Roads, Hemel Hempstead who spoke during consideration of agenda Item 8 (Min CA/274/09) Affordable Housing Development – Land to the rear of Ninian Road and Argyle Road, Hemel Hempstead.

Councillors Bhinder, Douris and Mrs Ryan also spoke during this item in their role as Ward Councillors.

## **CA/274/09      AFFORDABLE HOUSING DEVELOPMENT – LAND TO THE REAR OF NINIAN ROAD AND ARGYLE ROAD, HEMEL HEMPSTEAD**

### **Decisions**

- 1 That a decision on the transfer of the site at the rear of Ninian Road and Argyll Road to Hightown Praetorian and Churches Housing Association at nil cost to enable the provision of 11 new affordable homes for social rent, subject to planning consent being granted, be delegated to the Leader of the Council, the Deputy leader of the Council and the Portfolio holder for Resources after due consideration of the purchase offer made by an interested individual.
- 2 That subject to satisfactory resolution of 1 above, the capital accounting entries relating to a “non-money receipt” be made to reflect the disposal of the site at nil value for affordable housing purposes

(Voting: For 3, Against 1 and 0 Abstentions)

### **Reason for Decision**

To consider the transfer of land to the rear of Ninian Road and Argyll Road.

### **Implications**

#### **Financial**

The site could be sold on the open market and provide the Council with a Capital Receipt of £16,787 based on a valuation by Brasier Freeth, Chartered Surveyors, on the assumption that the freehold site would receive full conditional planning permission to construct 11 affordable homes. This has been rejected for the following reasons:

- The Council needs to make the most of the current land resource and continue to pursue opportunities on its own land in order to help meet housing need.
- The site has been specifically allocated in the Local Plan for affordable housing only.

- One of the Council's key visions is the delivery of affordable housing while protecting green space; the redevelopment of this site would support this vision.

### Value for Money

The report sought approval for the disposal of Council owned land at nil cost. Generally, a local authority may not dispose of land other than for the best consideration which can be reasonably obtained unless it has first obtained the consent of the Secretary of State. However, for the purposes of this disposal, the Council can rely on the provisions of the 'General Consent Order' given by the Secretary of State under Section 25 of the Local Government Act 1988 for the disposal of land to Registered Social Landlords 2005'. Paragraphs 1.5 and 1.6 of the Background of the report explain the nomination rights which will be secured by the Council if the proposed disposal receives approval. Nomination rights are valuable to the Council in that they are a means of discharging its responsibilities as a housing authority.

The value for money implications section above identifies that disposal may be made to a Registered Social Landlord under S25 of the Local Government Act 1988 at less than best consideration.

The map attached at Annex 3 of the report to the Cabinet, shows the site of disposal. The site is made up of predominantly General Fund land which was acquired under Physical Training and Recreational Act powers but also includes elements of HRA land. A valuation has been received from Brasier Freeth, Chartered Surveyors based on the free hold sale of the site for affordable housing.

Should the site have been sold for housing development the HRA elements of land would have been subject to 'pooling rights' under the Local Authorities (Capital Financing and Accounting) (England) Regulations 2003 (S 3146). Whereas if the site is provided for affordable housing the non-money receipt is effectively the Council's contribution to affordable housing and not subject to pooling as it would be treated as a capital allowance. Therefore, the disposal of the asset at nil value for affordable housing purposes will need to be treated as a "non money receipt" for capital accounting purposes and should be noted in the capital programme.

### **Risk Implications**

Failure to achieve planning permission could delay the delivery of the project and put additional pressure on staff resources

### **Corporate Objectives**

This scheme supports the Council's vision of "Providing Affordable Housing while Protecting Green Space".

### **Advice**

Seven residents of Ninian and Argyle Road, Hemel Hempstead spoke in opposition to the proposed Affordable Housing Development on land to the rear of Ninian Road and Argyle Road, Hemel Hempstead. The seven speakers made various points regarding the proposals under the following general headings:

- Lynnette Hobday: dealt with the effect on the change to existing views of the proposals and also their environmental impact.

- Mrs H Reed: outlined the detrimental impact she considered the proposals to the local community and their apparent conflict with the Council's stated aims for community safety and strategy.
- Chris Lews: Informed the meeting of the local feeling that not enough consultation took place on the de-classification of H-39 from Green Belt.
- Steve Heron: expressed the residents "disappointment" with the conservative administration at DBC who they elected with a view to protecting the Green Belt and in particular this parcel of land.
- Emilee Gibbs: Expressed concerns regarding the information provided by DBC as part of 'local searches' carried out by their solicitors when they were buying their houses as the information fails to mention possible planning for the site. The speakers provided evidence in the form of some recent searches.
- Philip Reed: Suggested alternative sites for affordable housing and commented on the apparent contradiction of the Council's key vision 'delivery of affordable housing while protecting green space' by developing this particular site.
- Sarah Myall: Produced statistics to show that this development is part of a trend that will destroy all the local green space, and implied that building 11 houses on this site is not environmentally or economically viable.

They presented written copies of their speeches and supporting documents to the Cabinet members.

Councillor Douris spoke (as a ward councillor) against the proposal to develop this land. He was at pains to point out that the local opposition is not simple 'nimby-ism' but a concern for the local environment and community. He suggested that the consultation which took place in 2004 was flawed and if carried out today this development would never have gotten off the ground. He maintains that the proposed development is a poor use of resources and that the destruction of the local community and the hurt it will cause will far outweigh any benefit. He reiterated the point that this development is not 'value for money'. He requested the Cabinet reject the proposal and leave the land in the care of Grovehill residents.

Councillor Mrs Ryan spoke (as a ward councillor) against the proposal to develop this land. As a former member of the planning committee she understands how restrictive the planning process can be. For this reason she would prefer the Cabinet to reject the transfer of land and prevent this site ever coming up for development.

Councillor Bhinder spoke (as a ward councillor) against the proposal to develop this land. He referred to the letter from an interested member of the public who is offering to buy the land to compensate the council for not building on it.

He then moved on to make points about the alleged lack of consultation which took place when the land was designated for development - i.e Only nine letters despatched to residents, Dacorum Digest not a high profile enough publication for an issue such as this. He asserted that we may have done the statutory minimum but that this was not enough in this case. He also asserted that the Government guidelines caused confusion and that this affordable initiative is simply an attempt to "tick a statutory guidelines box".

This site is of immense benefit to those surrounding it and could be seen as a social asset, the use of which, could prevent anti-social behaviour in the future. Cllr Bhinder reiterated the point that there are more suitable alternative sites in the locality.

He then went on to expand the points raised by some speakers regarding, the issue of inadequate land searches, and the disappointment they had expressed with the current conservative administrations approach – he agreed that they should be

protecting the green belt, opposing government interference and supporting local people.

The Chairman thanked the speakers and sought clarification from the officers – particularly on: conflicting objectives; the status of the area in question in the Area Plan; the need to go through the planning process and the extent of the consultation that took place before the area was re-designated.

The officers present explained the need to balance conflicting needs such as protecting the Green Belt and addressing the pressing need for affordable housing. This particular area had been re-designated in 2004 after extensive consultation and a Public Inquiry.

Cllr C Wyatt-Lowe recollected the strength of public feeling on this issue during recent campaigning. She thanked the speakers for the clear and cogent arguments they presented particularly the points made about the abundance of alternative options; the costs and the danger to the green belt and said she would be supporting them.

Cllr Reay expressed his sympathy with the residents but drew attention to our requirement to provide affordable housing and that this site was identified for such in the 2004 Local Plan after the Planning Inspector had reserved it in 2000/1. We have difficult housing targets to meet in the next few years and these houses will be a valuable contribution.

Cllr Mrs Griffiths requested a report to a future meeting on the information provided for land searches. As the Portfolio Holder for Housing she stressed the difference that 11 properties would make to the council meeting its target for affordable housing and to providing homes for tenants who are currently homeless or living in overcrowded conditions. The land has been re-designated for housing and the Council has the option to sell it on the open market or transfer it to a housing association for development.

She acknowledged the significance of the offer from an interested third party to buy the land and felt that this issue should be given due consideration and dealt with first. For this reason she proposed that deliberation of the issue be delegated to the Leader of the Council, the Deputy leader of the Council and the Portfolio holder for Resources before any further action takes place.

### **Options and Why Options Rejected**

No alternative options were considered.

### **Consultation**

The following people groups were consulted during the compilation of the report: the Director of Communities, Customers and Housing, the Head of Housing and Community Services, the Head of Planning and Regeneration, the Corporate Assets Group, the Affordable Housing Working Group, Hightown Praetorian and Churches Housing Association, the Ward Councillors and Residents of Argyll Road and Ninian Road.

### **Voting**

(For 3, Against 1 and 0 Abstentions)

## **CA/275/09      REFERRALS TO CABINET**

Strategic Planning and Regeneration Overview and Scrutiny Committee – 18 June 2009

OS/134/09      MAYLANDS PARTNERSHIP.

That the referral be considered with item 13 on the agenda (minute CA/281/09).

## **CA/276/09      CABINET FOUR MONTH WORK PROGRAMME**

### **Decision**

That the Cabinet Four-Month Work Programme be noted, subject to the following amendments:

28 July 2009

Report on London Road Site - Redevelopment.

28 July 2009

Defer the Re-worked Waterhouse Square Redevelopment Scheme and Associated Financial Appraisal to the October Meeting

## **CA/277/09      AUTHORISATION OF VIREMENTS**

### **Decision**

That the virement from the Service Areas listed below as detailed in the report be approved:

1. Environmental Services.
2. Finance (Accountancy)
3. Public conveniences
4. Community Buildings
5. Occupational Health
6. Housing Asset Maintenance Team
7. Dacorum Card
8. Customer Consultation
9. Planning
10. Various Council-wide

### **Reason for Decision**

To secure the virement for the purpose specified in the Form (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**

None

### **Options and Why Options Rejected**

No alternative options were considered.

### **Consultation**

There was no consultation.

### **Voting**

None.

## **CA/278/09    INTEGRATING SUSTAINABLE DEVELOPMENT**

### **Decision**

**That Council be recommended to approve the Annual Sustainability Report for publication.**

### **Reason for Decision**

To present the progress of the Corporate Sustainability Group and the Sustainability programme and to approve the Annual Sustainability Report.

### **Implications**

#### Financial

This report is for information only and therefore no financial implications arise as a result. Individual projects and plans mentioned within the report which will require additional funding over and above the current approved budget will need to be the subject of future reports to be submitted to Members for authorisation

#### Value for Money

The report brings together the work the Council is doing across the organisation towards sustainable development, joining work up and avoiding repetition.

### **Risk Implications**

There is a risk that actions identified within the sustainability improvement programme will not be delivered leading to a lack of improvement. Through continual monitoring

by the Corporate Sustainability Group, the risk of failure to deliver improvement will be reduced.

### **Corporate Objectives**

The Corporate Sustainability Programme is supportive of the Council's Corporate objectives and will aid delivery of the following:

- Committing to Excellence
- Promoting Civic Pride and an Active Community
- Creating a Clean, Tidy and Safe Environment
- Providing Affordable Housing while Protecting Green Space
- Ensuring a Sustainable Local Economy & Jobs

### **Advice**

The item was introduced by Councillor Chapman, Portfolio Holder for Environment & Sustainability who commended the programme attached to the report to the Cabinet for recommendation on to Council. The Environment & Sustainability Officer then took the Cabinet through the main points of the Programme.

Councillor Reay also commended the proposed programme and suggested that it showed that Dacorum Borough Council is actually involved a good many Sustainable Development activities which are not publicised enough and the programme might help address this shortfall. The Environment & Sustainability Officer concurred with this view and outlined plans to extend some of the pages on the DBC website to promote this activity.

### **Options and Why Options Rejected**

No alternative options were considered.

### **Consultation**

Consultation took place with the Corporate Sustainability Group, the Portfolio Holder for Environment & Sustainability and the Environment Overview & Scrutiny Committee.

### **Voting**

None.

### **CA/279/09 REVISED WORKING TIME POLICY**

### **Decision**

**That Council be recommended to adopt the Revised Working Time Policy.**

### **Reason for Decision**

To request approval for the revised Working Time Policy.

### **Implications**

#### **Financial**

None



### Value for Money

The policy will support the Council in achieving a high performing, well-motivated workforce.

### **Risk Implications**

The risks of not complying with the Working Time Regulations are that employees will not take designated rest periods and/or employees will work excessive hours

### **Corporate Objectives**

To ensure that the Council complies with the Working Time Regulations

### **Advice**

The item was introduced by the Senior Human Resources Manager. She began by outlining the benefits of the revised Working Time Policy. She went on to describe the numbers staff that would immediately be affected by the implementation of the policy and then those who had elected by agreement with the unions to delay its application to them until April next year.

Councillor Mrs Griffiths enquired why this policy was not applied across the board to all staff at the same time. Both the Senior Human Resources Manager and Councillor Chapman explained that the implementation of the policy entailed the phasing out of some current practices that had been in operation for a significant length of time, to allow time for the re-skilling of those who would in future be multi-tasking to cover the services affected by those practices.

Councillor Reay sought confirmation that there are no increased financial implications for DBC as a result of the implementation of this policy. He was assured that the aim is to manage the introduction of the practices in such a way that they will be cost-neutral or result in a saving.

### **Options and Why Options Rejected**

All recognised Trade Unions have been consulted and no alternative options were suggested.

### **Consultation**

The Corporate Management Team, Heads of Service and All recognised Trade Unions were consulted.

### **Voting**

None.

**CA/280/09      LOCAL AREA AGREEMENT ARRANGEMENTS IN DACORUM AND  
SUPPLEMENTARY BUDGET REQUIREMENT**

**Decision**

1. Note that the Council's share of Hertfordshire's LAA performance reward grant (LAA PRG) is anticipated to be in the region of £225k, subject to the audit of the LLA PRG and subsequent notification of the grant receivable.
2. That, **subject to receipt of the grant award, Council be recommended to approve a supplementary revenue budget in 2009/10 for the amount of grant income received and an equivalent amount of expenditure available for use by the Dacorum Partnership Board**
3. That, subject to formal notification in relation to 1 + 2 above, an earmarked "Dacorum Partnership Reserve", be created to ring-fence the use in future years of any remaining balance at the end of the current financial year for partnership working that is approved by Dacorum Partnership board
4. That the appointment of the Partnership Development Officer be underwritten for six months, with a view to the remainder being financed from the performance reward grant for two years at a cost of £30,000 per year (with a part year cost in 2009/10 of £18,000)

**Reason for Decision**

To update the Council on progress with the Hertfordshire Local Area Agreement and seek approval for a supplementary budget to deal with LAA performance reward grant (PRG) funding.

**Implications**

**Financial**

A supplementary ring-fenced income and expenditure budget up to a maximum of £225,000 capital and revenue will be needed in 2009/10. PRG expenditure is not time bound and therefore it is likely that any remaining balance at the end of the financial year may need to be contributed to a newly created earmarked reserve. This will be addressed as part of the closure of accounts process for 2009/10.

The appointment of the Partnership Development Officer role will incur costs of £18,000 during the 2009/10 financial year which will be recouped from PRG. In 2010/11 full year costs will be in the region of £30,000 which will be recouped from the PRG

In considering the request for supplementary estimate of income and expenditure, members should be mindful that until the Audit of LAA Performance Reward Grant has taken place, the actual amount of grant receivable from the Government (via HCC) will not be known. Therefore any expenditure against this budget should be limited, as if the final amount of grant is lower, then the Council may be required to underwrite any expenditure for which grant is not forthcoming.

**Value for Money**

Partnership working adds value through working together on shared issues.

## **Risk Implications**

There is a risk that until the final audit of the LAA performance reward grant has taken place, the amount of payment of grant will not be known. Therefore, to mitigate the impact of this risk, spending against the supplementary estimate should be limited to avoid exposure to the Council.

## **Corporate Objectives**

LAA1 contained a range of targets for improvement agreed between HCC and Government. The targets covered four main areas and involved Dacorum Borough Council in specific work which contributed to the Council's Corporate Objectives.

The proposals contained within the report to Cabinet relate specifically to 'Committing to Excellence' through the Dacorum Partnership improvement plan and the process relating to management of performance reward grant (PRG)

## **Advice**

The Senior Manager, Corporate Policy and Innovation introduced this item, explaining how the funding arrangements had been arrived at and the initial advance funding this required of DBC.

DBC will receive its share of 50% of the stretch funding attained by Herts County Council. DBC will be the accountable body for securing this Capital Revenue funding for the Local Strategic partnership. In anticipation of receiving these monies, it is proposed that work begin on the project and advance of this grant being paid it is suggested that the council underwrite of the creation of the Partnership Development Officer post for appointment immediately, this will be recouped from the performance reward grant when it is received. On the advice of the Director of Finance it was suggested that any advance should be limited to we were sure that the grant was forthcoming. Members were a little apprehensive about committing this money with assurances it could be recouped later. It was suggested that DBC would be prepared to commit to the part year funding of this post but not to funding the full two year term of the contract without the monies being forthcoming.

## **Options and Why Options Rejected**

None

## **Consultation**

Consultation took place with the Director of Finance, Dacorum Partnership Board and Support Group and the Chief Executive Dacorum Borough Council.

## **Voting**

None.

## **Decisions**

1. That the Council's main focus of activity in relation to Maylands Business Park be confirmed as directed towards implementing the approved Maylands Masterplan;
2. That the capital assets and residual revenue funds from Maylands Partnership Ltd. be received by the Council subject to the outstanding governance and financial issues being resolved to the satisfaction of the Monitoring Officer and Section 151 Officer.
3. That (Subject to 2 above) the residual funds be used for purposes relating to the ongoing development and regeneration of Maylands as set out in the Masterplan in accordance with the Council's Constitution and Financial Regulation.
4. That (further to 2 above) the Head of Planning and Regeneration be authorised, in consultation with and to the satisfaction of the Head of Legal Services and Director of Finance and Corporate Services, to conclude a Memorandum of Understanding with Maylands Partnership for the use of the transferred funds referred to, to be based on measures to both implement the Masterplan and to meet ongoing costs in relation to the Maylands Partnership;
5. That proposals for a future Business Improvement District campaign and ballot be kept under review.

## **Reason for Decision**

To provide an update and agree actions in relation to the outcome of the vote in Maylands for the Business Improvement District

## **Implications**

### Financial

Continued facilitation of Maylands Partnership will have the effect of annual costs of around £1000 per annum, which can be met from the transferred resource for a limited period. Ongoing funding will need to be met from either existing economic development budgets or external sources to be secured.

### Value for Money:

The BID would have allowed for additional resources to be raised for the area of Maylands through a business rates additional levy. The transfer of funds to Dacorum Borough Council will enable the residual resource held by the Maylands Partnership to be used to assist in the delivery of the Maylands Masterplan.

There are still some outstanding issues relating to the governance arrangements and financial issues to be resolved by the service, as the company has not yet been wound up or accounts presented. This work will need to be done in consultation with Legal Services and Financial Services. To reduce the risk of any liabilities for the Council these will need to be resolved to the satisfaction of the Monitoring Officer and the Section 151 Officer prior to the transfer of assets and funds.

The Memorandum of Understanding will also need to be prepared to the satisfaction of the Statutory Officers.

Once these issues have been addressed and the funds received the use of the funds will need to be in accordance with the Council's financial regulations and budget processes, therefore a further report will be presented to Cabinet to incorporate these funds within the Council's budgets once the funds are received.

### **Risk Implications**

A Risk Assessment was completed by the Maylands Partnership during 2008

### **Corporate Objectives**

The proposals support the key objectives of Ensuring a Sustainable Local Economy and Jobs and Creating a Clean, Tidy and Safe Environment. They are a Key outcome of community engagement.

### **Advice**

The recommendations of the Strategic Planning and Regeneration Overview and Scrutiny Committee held on 18 June 2009 were considered as part of this item.

Cllr Reay, Portfolio Holder for Planning and Regeneration introduced the item by referring to the recent ballot of businesses in Maylands on the future of the partnership. As a result of the decision not to go further with the Business Improvement District the residual monies currently remaining from the Maylands partnership need to be returned to DBC for use in further long list of projects for the benefit of the Maylands district. J Doe, Head of Planning outlined for the Cabinet what some of these initiatives entailed. C Taylor, Senior Manager Hemel 2020, expressed the need for the council to continue to engage with the local business community in order to maintain its Leadership credibility.

The Solicitor to the Council advised caution during the wind up of the Partnership to avoid the council taking on any unnecessary encumbrances that could arise.

### **Options and Why Options Rejected**

None

### **Consultation**

Maylands Partnership; Strategic Planning and Regeneration Overview and Scrutiny Committee – 18 June 2009.

### **Voting**

None.

### **CA/282/09 HEMEL 2020 UPDATE REPORT**

### **Decision**

That progress on the projects within the Hemel 2020 vision be noted.

## **Reason for Decision**

To update members on progress in delivery of Hemel 2020 since the previous update report dated 31<sup>st</sup> March 2009

## **Implications**

### Financial

There are no financial implications arising directly out of the update report. However, as these projects are more fully developed relevant authorisations will be required in accordance with the Financial Regulations, and the Medium Term Financial Strategy will need to be kept under review

### Value for Money

Hemel 2020 as a vision document and its launch in February 2006 was developed in partnership and has been part funded by English Partnerships and East of England Development Agency. Individual project funding will be considered at appropriate times while Hemel 2020 itself will seek to make best use of Council resources through partnership working and by accessing external funding sources.

As proposals in the vision are progressed there is the possibility of significant Council match funding being required, in the form of assets, use of Capital receipts, or potentially prudential borrowing. In addition to the revenue implications that could arise from the use of these funding sources a number of projects are likely to have direct revenue implications in the medium to long term. All of these issues will need to be recognised and incorporated into the next revision of the Medium Term Financial Strategy

## **Risk Implications**

Failure to implement the Risk Management Strategy could have serious consequences for the Council leading to increased costs, wasted resources, prosecution and criticism under external assessments.

## **Corporate Objectives**

Hemel 2020 provides a Vision or framework for the delivery of regeneration objectives and projects for Hemel Hempstead, reflecting its special characteristics, opportunities and needs. It will inform key strategies and plans such as the Local Development Framework and Community Plan. The vision and its projects cover the full range of Council key objectives.

## **Advice**

P Halliwell, Key Projects Officer took the Cabinet through the main matters on the report.

Arrangements are being made for a meeting towards the middle of July with the Leader of the Council, Councillor Nick Tiley, Councillor Ian Reay and Corporate Management Team to explore the revised ideas being put forward by Thornfield.

The Urban Park working group has completed work on the brief to enable a feasibility study to be undertaken which will also include outline proposals for the site as part of the Green Space initiative.

### **Options and Why Options Rejected**

None

### **Consultation**

Consultation took place with the Lead Officers delivering Hemel 2020 projects.

### **Voting**

None.

## **CA/283/09 MAYLANDS RENEWABLE ENERGY – LOW CARBON DEVELOPMENT INITIATIVE (LCDI)**

### **Decisions**

1. That the Statutory Officers be satisfied as to the robustness of the proposed governance arrangements, the arrangements for managing the risks in relation to this project and confirmation that allocated Growth Area Funding (GAF) can be utilised to fund Dacorum Borough Council's contribution.
2. That 'in principle' approval be given to the preparation of a contract with Renewable East for the establishment of a renewable energy generation centre in Maylands and that authority be delegated to the Portfolio Holder for Planning and Regeneration in consultation with the Director of Environment and Regeneration, Director of Finance and Corporate Services and Head of Legal Services to conclude the contract.
3. That the nature of the risks contained within this project be identified and accepted and the steps in place to mitigate that risk acknowledged.
4. That the means of the funding for the project be agreed subject to the Capital Strategy Steering Group evaluating the proposed scheme in light of feedback from Department for Communities & Local Government regarding the use of GAF to finance the Council's contribution..

### **Reason for Decision**

To make Cabinet aware of the potential risks surrounding this innovative project and to seek Cabinet approval to move forward and complete a legal agreement to commit to the delivery of the project. To underline the nature of the funding for this project – taken from the GAF Capital funding

### **Implications**

#### **Financial**

The proposal contained in this report is for a £300,000 contribution to be made by the Council to the Maylands Renewable Energy – Low Carbon Development Initiative. It is proposed the Council's contribution is funded by GAF grant but at this stage

confirmation from the DCLG is still being sought that this will be an appropriate use of the grant. It is also necessary to establish that the Council's contribution will be able to be treated as capital expenditure.

At this stage, finance staff are still trying to establish whether or not the proposal can be treated as capital expenditure and therefore funded from available GAF grant. Capital investment also needs to be in accordance with the Council's financial regulations, Capital Strategy and Medium Term Financial Strategy. Therefore, in line with these documents, the details of the proposal will need to be evaluated by the Capital Strategy Steering Group prior to inclusion of the project within the Capital Programme

#### Value for Money

ERDF maximising use of DBC funding through delivery of a key Maylands Masterplan project, supported by external funding  
Possible return on investment in the long term

#### Legal

Due to the potential complexity of the proposed contractual and governance arrangements, together with the risk to the Council that the project may never achieve completion, it would be advisable for Cabinet to make an 'in principle' decision at this stage to enable the Statutory Officers to examine these aspects of the project in more detail.

#### **Risk Implications**

These were set out in Annex 2 of the report to the Cabinet.

#### **Corporate Objectives**

To be an excellent authority by ensuring sustainable local economy and jobs and creating a clean tidy & safe environment.

#### **Advice**

James Doe, Head of Planning and Regeneration introduced the item by describing the proposals to enter into a partnership with Cambridgeshire Horizons to run a Green Energy Centre which has the potential to make much of Maylands energy needs Carbon Neutral. One of the benefits of this is that it encourages private sector involvement in Green Energy provision.

Both the Monitoring Officer and the s.151 Officer set out the conditions they feel need to be met before any partnership is entered into, particularly around the governance arrangements for the partnership and recommended 'in principal' agreement at this point in time.

Cllr Reay, Portfolio Holder for Planning and Regeneration assured the meeting that every possible guarantee would be examined to protect the Council. He went on to say that the negotiations with the DCLG over the GAF funding were mainly to try and have any grant treated as capital.

Cllr Chapman voiced some concerns about the vagueness of Cambridgeshire Horizons bid/involvement and sought assurances that more detailed definitions of their



role would be forthcoming. He was advised that the proposed governance documentation would strictly define this and make it clear.

### **Options and Why Options Rejected**

None

### **Consultation**

Maylands Partnership and Maylands Businesses through the Masterplanning Consultation.

### **Voting**

None.

## **CA/284/09 CORPORATE PROCUREMENT**

### **Decision**

1. **Procurement Standing Orders**  
**That Council be recommended to adopt the amendment to Procurement Standing Orders as set out in Appendix One of the report to the Cabinet.**
2. Corporate Procurement update  
That the Council's recent procurement activities be noted

### **Reason for Decision**

To seek a minor amendment to Procurement Standing Orders and to update on the Council's procurement activities as required by Financial Regulations.

### **Implications**

#### Financial

There are no financial implications directly arising from this report. Any budgetary permissions that are required within any of the procurement exercises detailed in the report will be subject to separate authorities and approvals.

#### Procurement

Any procurement that is undertaken needs to comply with both the Council's Procurement Standing Orders and EU Procurement Law.

The minor amendment to Procurement Standing Orders will deliver a clearer interpretation of two tendering exception definitions.

#### Legal

Financial Regulations and Procurement Standing Orders are key Council governance documents and their adoption is the preserve of full Council.

The Council must comply with legislation and best practice with regard to its procurement arrangements.

A supplementary ring-fenced income and expenditure budget up to a maximum of £225,000 capital and revenue will be needed in 2009/10. PRG expenditure is not time

bound and therefore it is likely that any remaining balance at the end of the financial year may need to be contributed to a newly created earmarked reserve. This will be addressed as part of the closure of accounts process for 2009/10.

The appointment of the Partnership Development Officer role will incur costs of £18,000 during the 2009/10 financial year which will be recouped from PRG. In 2010/11 full year costs will be in the region of £30,000 which will be recouped from the PRG

#### Value for Money

None.

#### **Risk Implications**

The Council's governance framework details the arrangements for the effective procurement of services, supplies and works. The correct observance of it is, in itself, a risk mitigation process.

Any risks relating to specific procurement activities should be identified and recorded in relation to that project.

#### **Corporate Objectives**

To be an excellent Council.

#### **Advice**

The Head of Resources explained that this item had been brought forward as there was a need for Council to update the Procurement Standing Orders to prevent an ambiguity arising around the definitions of 'items' and 'services' and to ensure that the PSO's applied equally to services and items.

In addition he felt it was a good opportunity to draw the Council's attention to the phenomenal amount of work carried out over the last few months by the Procurement section, as set out in the appendix to the report to the Cabinet.

#### **Options and Why Options Rejected**

None

#### **Consultation**

Consultation took place with the Head of Legal Services and the Corporate Procurement Manager.

#### **Voting**

None.

#### **CA/285/09 BENEFIT SERVICE IMPROVEMENTS PLAN**

#### **Decision**

1. That the need for Benefit Service Improvements Plan be acknowledged

2. That the recommendations set out in the Benefits Service Improvement Plan be approved thereby allowing the Service to adopt the Plan as a working document.
3. **That the Council be recommended to approve a supplementary estimate of income and expenditure of £50,391 being the amount of additional Benefits Administration Grant notified following the approval of the budget for 2009/10**

### **Reason for Decision**

To highlight to Council the potential for Service Improvement and detail the Service Improvement Plan outlined for the Housing/Council Tax Benefit Service.

### **Implications**

#### Financial

The majority of Service Improvements outlined may be sourced from existing budgets and staffing resources. However, there may be occasions, as outlined where further representations need to be made to members, depending on the effect of the current economic downturn

### **Risk Implications**

The improved plan will help mitigate any risk of service failure.

### **Corporate Objectives**

As set out in the Plan.

### **Advice**

A new manager for the service was appointed in autumn 2008. The new manager was specifically requested to critically examine the service and suggest improvements. The managers conclusions have helped inform the new Plan.

An Audit Inspection is planned for mid July, which will be undertaken by two audit commission employees and a tenant/claimant specialist. They will examine how the Council performs, customer services, customer take-up, awareness of our services, etc – information which will be useful across the council. The Improvement Plan will contribute to an increased 'prospects for improvements score' for the review.

There has been an increase in case load, which reflects the downturn in the economy however to help compensate for this we will receive an recently announced additional grant from the government.

### **Options and Why Options Rejected**

None.

### **Consultation**

Not applicable.

## **Voting**

None.

## **CA/286/09 MEDIUM TERM FINANCIAL STRATEGY**

### **Decision**

1. That the revised Medium Term Financial Strategy be approved as a consultation document.
2. That stakeholders be consulted on the updated strategy, including any work done to refine the underlying assumptions before the most up to date version is ratified by Council.
3. That the results of the consultation process form the basis of a further report to the Cabinet

### **Reason for Decision**

The revised Medium Term Financial Strategy requires approval for consultation.

### **Implications**

#### Financial

Contained within the body of the strategy.

### **Risk Implications**

The updated strategy will reduce the risk that forward projections do not remain relevant in the current economic climate.

### **Corporate Objectives**

Balancing the books.

### **Advice**

The Director of Finance and Resources presented the latest version of the strategy as relevant to the current figures and financial conditions. The Strategy is considered as part of the consultations that will contribute to our Use of Resources assessment and score. A revised Strategy will be produced for further consideration before August so what is being presented is the working document.

This consultation draft will form part of the basis of negotiations with the Dept of CLG scheduled to take place the following week, to consider Housing Revenue Account matters. The results of these deliberations and any further updates will be reported back to Cabinet in August.

### **Options and Why Options Rejected**

None

## **Consultation**

The following were consulted: Corporate Management Team; Senior Managers; Community and Public; and Staff.

## **Voting**

None.

## **CA/287/09 LITTLE HAY GOLF COURSE – REINSTATEMENT OF CLUBHOUSE**

## **Decisions**

1. That the current position with regard to progress on the reinstatement of Little Hay Golf Course Clubhouse be noted.
2. That Dacorum Sports Trust's (Sportspace) proposals in respect of reconfiguring the clubhouse footprint to maximise its operational return be recognised.
3. To reserve any future changes to the Little Hay Golf Course land assembly to a future Cabinet report.
4. To authorise the Head of Resources to award contracts relating to any insurance claim to reinstate the clubhouse building in satisfaction of agreements reached with the Loss Adjuster.
5. To request the Capital Strategy Steering Group to prepare an amendment for the capital programme for approval by Council once details of the rebuild costs and insurance claim have been agreed with the Loss Adjuster, this will enable the Capital Accounting issues to be dealt with.
6. To note that the rebuild of the new clubhouse will be at zero cost to the Council. If any additional costs are requested this would be subject to a future Cabinet report

## **Reason for Decision**

To provide an update to Members on proposals following the extensive fire at Little Hay Golf Course and to set out the current proposals of Dacorum Sports Trust (Sportspace) in relation to the site.

## **Implications**

### **Financial**

The costs relating to the reinstatement of the Clubhouse are due to be met from the insurance claim and have no current implications on the budget.

The report to cabinet identifies that the costs relating to the reinstatement of the Clubhouse are due to be met from the insurance claim. However, once settlement has been agreed with the Loss Adjuster the cost of rebuild and associated income from insurers will need to be included within the Capital Programme to enable capital accounting issues to be dealt with and enable management of the capital project to be monitored in accordance with the Council's capital processes

### Value for Money

The Council will be the freeholder of a brand new asset meeting current day standards whilst offering flexibility for future uses.

### **Risk Implications**

Difficulties could arise if planning permission is not granted and the Trust then may wish to withdraw from the Golf Course operation.

### **Corporate Objectives**

None

### **Advice**

The Head of Resources updated the Cabinet on the current position at Little Hay Golf course after the fire which destroyed much of the facilities. The insurance will cover complete reinstatement of the former facilities. Any changes to the land assembly would be reported to a future meeting of the Cabinet, who were assured that any additional betterment of the buildings will be met by Sportspace.

Cllr Mrs Griffiths sought clarification on who is responsible for any 'excess' which has to be paid. Officers agreed to investigate the matter fully and respond to the Cabinet members.

### **Options and Why Options Rejected**

None

### **Consultation**

The following were consulted: Corporate Assets Group; Dacorum Sports Trust (Sportspace); and Head of Public Protection.

### **Voting**

None.

### **CA/288/09 EXCLUSION OF THE PUBLIC**

### **Decision**

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the items in Part II of the Agenda for the meeting, because it was likely, in view of the nature of the business to be transacted, that, if members of the public were present during those items, there would be disclosure to them of exempt information relating to the financial or business affairs of particular organisations including the Council itself; and

Information which reveals that the authority proposes to:

- (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) To make an order or direction under any enactment

(Local Govt Act 1972, Schedule 12A, part 1, paragraph 3; and Local Government Finance Act 1972, Part VA, Schedule 12A. paragraph 6– minute nos. CA/289/09, CA/290/09, CA/291/09)

**CA/289/09 FUTURE SERVICE DELIVERY OPTIONS FOR THE MEALS ON WHEELS AND LUNCH CLUB SERVICE**

**Decision**

That the recommendations as detailed in the report be agreed.

Full details are in the Part 2 minute.

**Reason for Decision**

To update Cabinet on the procurement process for the meals on wheels and lunch club service and to advise on the options available to the Council.

**Implications**

Full details are in the Part 2 minute.

**Risk Implications**

Full details are in the Part 2 minute.

**Corporate Objectives**

Committing to Excellence and Design & Delivery.

**Advice**

Full details are in the Part II minute.

**Options and Why Options Rejected**

Various alternative options were considered.

**Consultation**

Consultation took place with Customers, the Independent Living Manager, Herts Community Meals, and North Herts District Council.

**Voting**

None.

**CA/290/09 LITTLE HAY GOLF COURSE – REINSTATEMENT OF CLUBHOUSE**

**Decision**

That the programme for the Reinstatement of the Clubhouse at Little Hay Golf Course be noted.

A spreadsheet setting out the programme for the Reinstatement of the Clubhouse was circulated in Part II.

**CA/291/09    IMPROVEMENT TO THIRD PARTY OWNED LAND IN AN AREA OF  
THE BOROUGH**

**Decision**

That the recommendations as detailed in the report be agreed.

Full details are in the Part II minute.

**Reason for Decision**

To update Cabinet on the serious public order and anti-social behaviour issues that are associated with third party owned land in an area of the Borough and to take steps to bring about a significant improvement to the site and reduce the risk of further incidents.

**Implications**

Full details are in the Part 2 minute.

**Risk Implications**

Full details are in the Part 2 minute.

**Corporate Objectives**

To be an excellent Council  
To promote public safety  
To exercise its wellbeing powers  
To do all it reasonably can to prevent crime and disorder  
To fulfil the policy objectives contained in the Sustainable Community Strategy to create a clean and healthy environment, rejuvenate the area and reduce crime to create a safer Dacorum.

**Advice**

Full details are in the Part II minute.

**Options and Why Options Rejected**

No alternative options were considered.

**Consultation**

Consultation took place with the Corporate Management Team.

**Voting**

None.

The meeting ended at 10.10 pm.