

**SUMMONS**

**MEETING OF THE COUNCIL**

**WEDNESDAY, 9 JULY 2014**

**COUNCIL CHAMBER, DACORUM CIVIC CENTRE, HEMEL HEMPSTEAD**

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You are hereby summoned to a meeting of the Dacorum Borough Council in the County of Hertfordshire to be held in the Council Chamber, Dacorum Civic Centre, Hemel Hempstead on Wednesday, 9 July 2014 at 7.30 pm to transact the business set out below.

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**SALLY MARSHALL  
CHIEF EXECUTIVE**

**TO ALL MEMBERS OF THE COUNCIL**

**Contact: Jim Doyle ext 2222  
Pauline Bowles ext 2221**

## AGENDA

### 1. MINUTES

To confirm the minutes of the meeting of the Council on 28 May 2014 (Appendix A Pages 5 - 12)

### 2. DECLARATIONS OF INTEREST

To receive any declarations of interest.

### 3. PUBLIC PARTICIPATION

To consider questions (if any) by members of the public of which the appropriate notice has been given to the Assistant Director (Chief Executive's Unit).

### 4. ANNOUNCEMENTS

To receive announcements and business brought forward by the Mayor, Leader, and Members of the Cabinet or the Chief Executive.

4.1 By the Mayor:

4.2 By the Chief Executive:

4.3 By the Group Leaders: Any apologies for absence

4.4 Council Leader and Members of the Cabinet:

Councillor Williams	Leader, Community Leadership, Planning & Regeneration
Councillor Mrs Griffiths	Housing
Councillor Tiley	Finance & Resources
Councillor Harden	Residents & Regulatory Services
Councillor Mrs Laws	Environmental Services & Sustainability

### 5. QUESTIONS

To consider questions (if any) by members of the Council of which the appropriate notice has been given to the Head of Legal Services.

## 6. NOTICE OF MOTION

To consider the following motion from Councillor Williams given in accordance with Standing Orders:

“That before the Council meeting on 24 September 2014 a Special Meeting of the Council be convened to pass the following resolutions:

“That the Council in pursuance of the powers conferred upon them by statute admit to being an Honorary Freeman of the Borough of Dacorum (the most honourable distinction which it is their privilege to bestow),

- Heather Allen
- David Furnell
- Daniel Zammit

In appreciation and acknowledgement of the eminent public service they have each rendered over many years to the local community in the interests of the inhabitants of the Borough of Dacorum.

That the Council direct that the Common Seal of the Dacorum Borough Council be affixed to framed copies of this Resolution and presented to each of them.”

This is in addition to the resolution agreed at the Council meeting on 23 April 2014 to bestow Freedom of Entry to the Borough of Dacorum on The Royal Anglian Regiment which will also take place on 24 September 2014.

## 7. BUSINESS FROM THE LAST COUNCIL MEETING

To consider any business referred from the previous meeting.

## 8. CABINET REFERRALS

To consider the following referrals from Cabinet:

<b>Minute No.</b>	<b>Date</b>	<b>Title</b>	<b>Yellow Pages</b>
8.1 CA/051/14	29 April 2014	Additional Funding For Sportspace 2014/15.	13
8.2 CA/052/14	29 April 2014	Community Infrastructure Levy (CIL) - Submission.	15
8.3 CA/059/14	29 May 2014	Revised Web and Customer Access Strategy.	18
8.4 CA/060/14	29 May 2014	Health and Wellbeing Policy Statement.	19
8.5 CA/061/14	29 May 2014	Provisional Outturn 2013/14.	21
8.6 CA/071/14	24 June 2014	Civic Centre Occupation and Disposal and Update on Financial Implications of the Public Service Quarter and Gade Zone Regeneration Procurement.	22

8.7 CA/072/14	24 June 2014	Hemel Evolution: Marlowes Shopping Zone and Bank Court, Bus Interchange and Market Square, and Water Gardens Projects.	24
8.8 CA/076/14	24 June 2014	Financial Regulations.	30
8.9 CA/077/14	24 June 2014	Commissioning and Procurement Review	31
8.10 CA/080/14	24 June 2014	Dacorum Local Planning Framework: Pre-Submission Site Allocations.	34
8.11 CA/085/14	24 June 2014	Council New Build – Queen Street, Tring. (Part 2 referral see page 41)	40

## 9. OVERVIEW AND SCRUTINY REFERRALS

None.

## 10. CHANGE IN COMMITTEE MEMBERSHIP

To consider the following amendment and any other proposals for changes to committee membership:

### **Strategic Planning and Environment OSC**

Appointment of Councillor Bateman as a full member in place of Councillor Wood.

Appointment of Councillor Wood as a substitute member in place of Councillor Bateman.

## 11. CHANGE IN COMMITTEE DATES

To consider any proposals for changes to committee dates.

## 12. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under section 100A(4) of the Local Government Act 1972, the public be excluded during the item in Part 2 of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information). Minute CA/085/14.

Local Government Finance Act 1972, Part VA, Schedule 12A. paragraph 3.

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**DACORUM BOROUGH COUNCIL**

**ANNUAL MEETING OF THE COUNCIL**

**28 MAY 2014**

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Present -

**MEMBERS:**

Councillor Lawson (Mayor); Councillors, Adeleke, Adshead, Mrs Bassadone, Bateman, B Chapman, Mrs G Chapman, Clark, Conway, Doole, Douris, Elliot, Fantham, Flint, Mrs Green, Griffiths, Mrs Guest, Harden, Harris, Hearn N Hollinghurst, R Hollinghurst, Killen, Laws, Lawson, Link, Mahmood, Marshall, McKay, McLean, Organ, Peter, Mrs Rance, Reay, Ryan, Sutton, Taylor, Tindall, Tiley, Whitman, Williams, C Wyatt-Lowe and W Wyatt-Lowe (43).

**OFFICERS:**

The Chief Executive, The Corporate Director (Finance & Operations), The Corporate Director (Housing & Regeneration), Group Manager (Legal Governance), Assistant Director (Chief Executive's Unit), The Group Manager (Democratic Services), L Fuller, L Smith, M Anderson and P Bowles.

The meeting began at 7.30 pm.

**1. THE MAYOR**

Councillor Penny Hearn made a speech in relation to her year as Mayor.

Councillor Penny Hearn asked for nominations for the election of a Mayor to hold office until the appointment of a successor at the Annual Meeting of the Council 2015.

It was moved by Councillor W Wyatt-Lowe, seconded by Councillor Taylor and

Resolved:

That Councillor Allan Lawson be appointed Mayor to the Borough of Dacorum until the appointment of a successor at the Annual Meeting of the Council 2015.

Councillor Penny Hearn vacated the chair which was taken by Councillor Allan Lawson who made his declaration of acceptance of office.

## **2. COUNCILLOR PENNY HEARN**

The Mayor referred to the duties carried out by Councillor Penny Hearn as Mayor of the Borough of Dacorum during the previous year.

It was moved by the Mayor, seconded by Councillor Williams and unanimously

### Resolved:

That the Council tender to Councillor Penny Hearn their most cordial thanks for the admirable manner in which she has discharged the duties of the office of Mayor of the Borough of Dacorum during the past year and place on record their appreciation of the energy and sound judgement which distinguished her actions during that period: That the Seal of the Council be affixed to a copy of this resolution: and that it be presented to her in recognition of her services as Mayor of the Borough of Dacorum.

## **3. DEPUTY MAYOR**

The Mayor asked for nominations for the appointment of the Deputy Mayor to hold office until the appointment of a successor at the Annual Meeting of the Council in 2015.

It was moved by Councillor C Wyatt-Lowe, seconded by Councillor Guest and

### Resolved:

That Councillor Gbola Adeleke be appointed Deputy Mayor of the Borough of Dacorum until the appointment of a successor at the Annual Meeting of the Council 2015.

Councillor Gbola Adeleke made and subscribed to his declaration of acceptance of office.

Councillor Harden arrived at 7.55pm

## **4. MINUTES**

The minutes of the meeting held on 23 April 2014 were agreed by the Members present and were then signed by the Mayor.

## **5. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Anderson, Ayling, Bhinder, Collins, Macdonald, Wood and Townsend.

## **6. DECLARATIONS OF INTEREST**

No declarations of interest were made.

## **7. CABINET, OVERVIEW & SCRUTINY AND REGULATORY COMMITTEES 2014/15**

Proposals for the Cabinet, Chairmen and Vice-Chairs, Members and substitute Members to serve on the Standing Committees until the Annual Meeting of the Council in 2015 were circulated.

It was moved by Councillor Williams, duly seconded and

### Resolved:

1. That five Members of the Cabinet (Leader and four Portfolio Holder's) and their respective Portfolios be appointed and in addition to the Cabinet offices and the one existing Cabinet Support Member (with responsibility for Policy Development and with focusing on ICT and Shared and Outsourced Services), a new office of Cabinet Support Member be appointed to assist the Leader with his Portfolio for Community Leadership, Planning and Regeneration.
2. It is also recommend that the additional office of Cabinet Support Member should receive a Special Responsibility Allowance amounting to £4,951 (1 x the Basic Allowance), and that the Council's Scheme of Members' Allowances be amended accordingly.
3. That the persons shown in Annex A to these minutes be appointed Members, Substitutes, Chairman and Vice Chairman of the standing committees until the Annual Meeting of the Council 2015, subject to the Local Government Act 1972 and the Council's Constitution.

The meeting ended at 8.03 pm.

**MEMBERSHIP OF CABINET, OVERVIEW & SCRUTINY COMMITTEES, POLICY DEVELOPMENT PANELS AND STANDARDS COMMITTEE 2014/15**

**CABINET**

<b>Cabinet Portfolio Holder</b>	<b>Conservative</b>
Leader & Community Leadership, Planning and Regeneration	Cllr Williams
Finance & Resources	Cllr Tiley
Housing	Cllr Mrs Griffiths (Deputy Leader)
Environmental Services & Sustainability	Cllr Mrs Laws
Residents & Regulatory Services.	Cllr Harden

Cabinet Support Member (with responsibility for Policy Development and with focusing on ICT and Shared and Outsourced Services).	Cllr Ayling
Cabinet Support Member (to assist the Leader with his Portfolio for Community Leadership, Planning and Regeneration).	Cllr McKay

**OVERVIEW & SCRUTINY COMMITTEES**

**HOUSING AND COMMUNITY (10:1:1)**

<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>
Adeleke	N Hollinghurst	Flint
Adshead		
Mrs Bassadone		
Conway		
Hearn		
Killen		
Mahmood (Vice-Chairman)		
Marshall (Chairman)		
McLean		
R Sutton		
Substitutes		
Clark	Harris	
Wixted	Rance	
Mrs G Chapman		



### FINANCE AND RESOURCES (10:2:0)

Conservative	Liberal Democrat	Labour
Adeleke	Townsend (Vice-Chairman)	None
Ayling	N Hollinghurst	
B Chapman (Chairman)		
Clark		
Collins		
Doole		
Marshall		
Organ		
Taylor		
W Wyatt-Lowe		
<b>Substitutes</b>		
Anderson	Harris	
Elliot	Tindall	
McKay		

### STRATEGIC PLANNING AND ENVIRONMENT (11:2:0) \*As from 9 July 2014

Conservative	Liberal Democrat	Labour
Adshead	Harris	None
Anderson (Chairman)	Tindall	
*Bateman		
Bhinder		
Collins		
Elliot		
Guest (Vice-Chairman)		
McKay		
Reay		
Wixted		
C Wyatt-Lowe		
<b>Substitutes</b>		
Marshall	Mrs Rance	
G Sutton	R Hollinghurst	
*Wood		

### HEALTH IN DACORUM COMMITTEE (6:1)

Conservative	Liberal Democrat	Labour
Adeleke	Link	
Guest		
G Sutton		
R Sutton		
<b>Whitman</b>		
<b>W Wyatt-Lowe</b>		
<b>Substitutes</b>		
Wood	R Hollinghurst	

### AUDIT COMMITTEE (6:1)

<b>Conservative</b>	<b>Liberal Democrat</b>
Adshead	Harris
Doole	
Douris	
Elliot	
<b><u>Taylor (Chairman)</u></b>	
<b><u>W Wyatt-Lowe</u></b>	
<b><u>Substitutes</u></b>	
Anderson	Townsend
Marshall	N Hollinghurst
McKay	

### DEVELOPMENT CONTROL, APPEALS, LICENSING AND HEALTH AND SAFETY ENFORCEMENT

#### Development Control (13 members = 11:2)

<b>Conservative (11)</b>	<b>Liberal Democrat (2)</b>
G Chapman	R Hollinghurst
Clark	Rance
Collins	
Conway	
Guest	
Killen	
MacDonald	
Reay (Vice-Chairman)	
G Sutton (Chairman)	
Whitman	
C Wyatt-Lowe	
<b><u>Substitutes</u></b>	
Mrs Bassadone	Harris
Elliott	Tindall
Hearn	
Peter	
Organ	
R Sutton	

#### Appeals (5 members = 4:1)

<b>Conservative</b>	<b>Liberal Democrat</b>
Mrs Bassadone (Chair)	Link
Mrs G Chapman	R Hollinghurst
Conway	
Fantham	
Mrs Green	
Hearn (Vice-Chairman)	
Killen	
Ryan	
Taylor	

**Licensing and Health and Safety Enforcement Committee (12 members = 11:1)**

<b>Conservative</b>	<b>Liberal Democrat</b>
Bhinder	Link
Mrs G Chapman	
Conway	
Fantham	
Mrs Green (Chairman)	
Hearn (Vice-Chairman)	
Peter	
Ryan	
G Sutton	
Taylor	
Whitman	
<b>Substitutes</b>	
Mrs Bassadone	R Hollinghurst
R Sutton	

**Licensing and Health and Safety Enforcement Sub-Committee**

<b>Conservative</b>	<b>Liberal Democrat</b>
Mrs G Chapman	Link
Conway	
Fantham	
Mrs Green (Chairman)	
Hearn (Vice-Chairman)	
G Sutton	
<b>Substitutes</b>	
Mrs Bassadone	
Bhinder	R Hollinghurst
Ryan	
R Sutton	

**Licensing of Alcohol & Gambling Sub-Committee**

**This Committee consists of a Panel of 3 Members who are picked from the Members of the Licensing of Alcohol & Gambling Sub-Committee. Only Members who have had training on the Licensing of Alcohol & Gambling Sub-Committee can sit on this Panel.**

<b>Conservative</b>	<b>Liberal Democrat</b>
Bhinder	Link
Mrs G Chapman	Mrs Rance
Conway	R Hollinghurst
Fantham	
Mrs Green (Chairman)	
Hearn (Vice-Chairman)	
Peter	
Ryan	
G Sutton	
Taylor	
Whitman	

## STANDARDS COMMITTEE

<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>
Ayling	Rance	Flint
Mrs Green		
Wood		
<b>Substitutes</b>		
C Wyatt-Lowe	Harris	

## APPOINTMENTS (7 members 5:1:1)

<b>Conservative (5)</b>	<b>Liberal Democrats (1)</b>	<b>Labour (1)</b>
Mrs Bassadone	Rance	Flint
Griffiths		
Reay		
Tiley		
Williams		
<b>Substitutes</b>		
Laws	R Hollinghurst	
G Sutton		

## Electoral Review Committee

<b>Conservative (5)</b>	<b>Liberal Democrats (1)</b>	<b>Labour (1)</b>
Anderson	Harris	Flint
Harden		
Laws		
Williams (Chairman)		
C Wyatt-Lowe		
<b>Substitutes</b>		
Marshall	Rance	

## OTHERS

### JNC (Joint Negotiating Committee)

<b>Conservative</b>	<b>Liberal Democrat</b>
Adeleke	Rance
B Chapman	Tindall (Sub)
Harden (non-voting)	
McLean	
G Sutton (Chairman)	
Whitman	

## Member Development Steering Group

<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour</b>
Adshead	Rance	Flint
Conway	Link (Sub)	
Douris		
Hearn		
G Sutton		
Taylor		

## REFERRALS FROM CABINET

29 APRIL 2014

### 8.1 ADDITIONAL FUNDING FOR SPORTSPACE 2014/15 (CA/051/14)

#### Decision

1. **That Council be recommended to approve a supplementary estimate to be financed from the Management of Change reserve to provide a further revenue contribution of £100k for the financial year 2014/15 to support Sportspace for one year only, contingent upon the development of a delivery plan as outlined in the report.**
2. That authority be delegated to the Corporate Director (Finance and Operations), in consultation with the Portfolio Holder for Finance and Resources and the Portfolio Holder for Residents and Regulatory Services, to consider and, where it is considered appropriate to do so, to give approval to the Council acting as guarantor for Sportspace in relation to such loans and/or lease arrangements which Sportspace may wish to enter into for the purpose of developing or improving sports facilities across the Borough.

#### Reason for Decision

To approve a further revenue contribution of £100k for the financial year 2014/15 to support Dacorum Sports Trust (trading as Sportspace).

#### Implications

##### Financial

The additional £100k grant for 2014/15 can be funded from the Council's Management of Change Reserve; any additional risk exposure in the event of the Council agreeing to act as guarantor for loans/leases the Trust may enter into would be considered within the overall mandate of the Council's Treasury Management Strategy, which was agreed by Council in February.

##### Value for Money

The additional grant proposed would be contingent on the development of performance indicators outlined in this report, ensuring that the additional funds provide good value for money.

#### Risk Implications

As stated above (in the Financial Implications section), the risk exposure from acting as guarantor to the Trust would be evaluated in the context of the Council's Treasury Management Strategy.

#### Corporate Objectives

The recommendations support the Council's commitment to maintain and develop leisure and recreation for the communities it serves.

## Advice

The Portfolio Holder for Finance and Resources introduced the report and said Sportspace had given a presentation to the Finance and Resources Overview and Scrutiny Committee. A high level meeting had then been held with them and they explained the severe financial situation they were facing for the current year. There was a shortfall of £100k and as a charity they could not budget for a loss. The Council felt things were not moving forward with the sports offer.

The Council agreed that for a one-off period of one year they would increase their grant to Sportspace by £100k on the basis that, during that year, they improved their performance in terms of finance and on delivery of what they were doing for sports within the borough. These two caveats were detailed within the report.

The Portfolio Holder for Environment and Sustainability expressed concern that the Council still needed to put funding into this. There were great resources available that were obviously not being used to their full potential. The Council needed to be strong about ensuring Sportspace met their targets and that they had the expertise within their Trustees to deliver these. They would get more footfall and they would prosper.

The Corporate Director (Finance and Operations) said now that there was a more evidence based approach, the Council needed to see delivery against participation and expansion. Sportspace had been saying they needed investment in new equipment and in the Little Hay golf course. This would increase their income and increase their offer. The Council would look at the possibility of becoming a guarantor.

Sportspace had got themselves into difficulties and did not want to take the level of risk to undertake the expansion the Council wished for. The extra £100k would help them through this.

Sportspace had a new Director of Finance. The year would be monitored in real time to ensure they carried out the actions as detailed in the business plan. They had a twelve month window.

The Portfolio Holder for Environment and Sustainability said the Council needed to ensure Sportspace promoted these facilities to draw people in to use them.

The Corporate Director (Finance and Operations) said if Sportspace could deliver on the expansion of Little Hay golf course and provide a new low cost gym, this should bring in more footfall and more income to solve their funding problems.

The Leader of the Council reassured members that the conversations with Sportspace had been robust and that there had been a very clear understanding.

The Portfolio Holder for Residents and Regulatory Services asked what the negativity was for the Council if the loans did not work.

The Corporate Director (Finance and Operations) said if this was not successful, Sportspace would be wound up. The Council, as guarantor, would be liable for the loans but would get back the assets currently being operated by Sportspace.

The Portfolio Holder for Finance and Resources said the Council would be putting money into facilities owned by them freehold. There would not be too much risk involved. Their business assessment was cautious and they were risk averse.

The Leader of the Council said the business case had been looked at very carefully.

The Assistant Director (Chief Executive's Unit) advised the Council held the assets under leases and, if Sportspace went into bankruptcy, the leases would revert to Dacorum Borough Council.

Options and Why Options Rejected

No alternative options were considered.

### **Consultation**

Consultation took place with:

Portfolio Holders;  
Chief Officers' Group;  
Sportspace.

### **Voting**

None.

## **8.2 COMMUNITY INFRASTRUCTURE LEVY (CIL) - SUBMISSION CA/052/14**

### **Decision**

**That Council be recommended to approve:**

- 1. The response to the comments made on the Draft Charging Schedule (DCS).**
- 2. The proposed modifications to the DCS and associated policy documents.**
- 3. The Statement of Compliance with the CIL Regulations and Guidance.**
- 4. The submission of the DCS, a Statement of Compliance with the CIL Regulations and associated policy documents on Discretionary Charitable Relief, Exceptional Circumstances Relief, Instalments and Payments in Kind (Land) and supporting evidence to the Planning Inspectorate for Examination together with any representations on our proposed modifications.**
5. That authority is delegated to the Assistant Director (Planning, Development and Regeneration) to submit further evidence to the CIL examiner where necessary to support the DCS.

All documents can be viewed on the following link:

<http://www.dacorum.gov.uk/home/council-democracy/meetings-minutes-and-agendas/events/2014/07/09/full-council/full-council>

**Please note that these documents have been updated since they were referred to Cabinet to reflect changes in the CIL timetable**

## **Reason for Decision**

To enable the CIL Charging Schedule and associated policies to be submitted to the Planning Inspector for examination.

## **Implications**

### Financial

The Planning Inspectorate charges £993+VAT for each day the Examiner spends on the examination of the Charging Schedule plus the Examiners travel and subsistence costs in accordance with the PINS travel and subsistence policy. It is anticipated that the examination of the CIL Charging Schedule will take only one day.

The Council will require the support of BNP Paribas Real Estate at the CIL examination. The costs associated with the preparation of evidence and attendance at the CIL examination by Anthony Lee, Senior Director, BNP Paribas Real Estate are £200 per hour (exclusive of VAT and expenses) and Sacha Winfield-Ferreira, Associate Director, BNP Paribas Real Estate are £175 per hour (exclusive of VAT and Expenses).

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. This secondment has recently been extended until March 2015, in order to cover the period of examination and early implementation. Any additional staff needs will be considered as the project develops and affect the Development Management, Legal and Financial teams.

### 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 will be submitted as evidence.



## **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.

The risk of the Charging Schedule being rejected was considered to be unlikely, but such a rejection would have significant financial consequences for the funding of infrastructure by the Council and infrastructure providers. It is noted that a number of recent Charging Schedules have been amended at the direction of their CIL examiner.

## **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**

The Assistant Director (Planning, Development and Regeneration) said the report was looking at the charging schedule and the associated policies and was seeking authorisation for these to go to the Planning Inspector.

The draft charging schedule had gone out to consultation in January and March of this year. Representations received were summarised in an appendix of the report. The report explained the key issues.

The Assistant Director said there was one change to be made to the report. Page 14, paragraph 5.7 of the report explained that this needed Council approval to move

forward but, instead of the report going to Annual Council on 28 May 2014 as detailed in the report, it would be going to Council for approval on 9 July. This would change the programme slightly.

The Portfolio Holder for Environment and Sustainability asked what a CIL buffer was.

The Assistant Director (Planning, Development and Regeneration) said it was a technical term and was to do with the viability assessment of developments in different areas. This was explained in paragraph 3.5 of the report.

The consultants indicated developments would be more viable in Berkhamsted and less viable in Hemel Hempstead. The Council needed to ensure the rates were set at an appropriate level and did not dissuade development. Developers still needed to make a profit after paying CIL. The Council recommended the charge for Berkhamsted should be £250.00 per square metre which was felt to be fair. Once CIL rates were set there could be no negotiation with developers.

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

No alternative options were considered.

### **Consultation**

Consultation took place with:

CIL Task and Finish Group;  
CIL Officer Working Group;  
Officers at Hertfordshire County Council;  
Key landowners of strategic housing sites and Local Allocations; and  
Statutory consultees under the CIL Regulations.

### **Voting**

None.

**29 MAY 2014**

## **8.3 REVISED WEB AND CUSTOMER ACCESS STRATEGY (CA/059/14)**

### **Decision**

**That Council be recommended to approve that the revised strategy and appendix be approved.**

### **Reason for Decision**

To enable the revised Web and Customer Access Strategy to be implemented.

### **Implications**

#### Financial

The initiatives included in the strategy have been incorporated into existing budgets. This revision has no new financial implications.

### Value for Money

Face to face contact has been estimated to be 21 times more expensive than access through digital channels. Where information can be provided by digital means or simple transactions completed without the need for face-to-face contact this can reduce costs to the council and/or ensure that capacity is transferred into dealing more fully with those who require face to face contact, thereby improving the customer experience. Achieving these gains is dependent, however, on maintaining the right balance of resources as existing channels are replaced with digital ones.

### **Risk Implications**

Risk Assessment completed as part of the Northgate contract negotiations and reviewed monthly at operational Board meetings

### **Corporate Objectives**

The strategy supports all five of the Council's strategic objectives by increasing access to Council services. It has a particular relevance to:

- Building Community Capacity through the digital inclusion initiative; and
- Dacorum Delivers through the use of technology solutions to promote efficient ways of working

### **Advice**

The Portfolio Holder for Residents and Regulatory Services introduce the report and said this was a revised strategy taking into account the relationship with Northgate. Pages 1 – 33 of the report detailed Northgate's views of how the strategy would work.

The Assistant Director (Performance and Projects) said this was an update of the strategy that was approved in September 2011 to incorporate changes made by Northgate being commissioned by the Council.

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

No alternative options were considered.

### **Consultation**

There was no consultation.

### **Voting**

None.

## **8.4 HEALTH AND WELLBEING POLICY STATEMENT (CA/060/14)**

### **Decision**

**That Council be recommended to approve that the Health and Wellbeing Policy Statement, as set out in the report, be adopted.**

### **Reason for Decision**

To enable the Health and Wellbeing Policy Statement to be implemented.

## **Implications**

### Financial

Work to implement the policy statement would take place within business as usual, but it does have potential implications for the future use of resources (see value for money).

### Value for Money

The policy statement indicates a direction of travel which would aim to maximise the use of resources by helping the Council target its services more efficiently and by supporting effective ways of joint working to solve problems.

## **Risk Implications**

None.

## **Corporate Objectives**

**Building Community Capacity:** The policy statement proposes an approach for the Council which will improve health outcomes for Dacorum's communities and mitigate some aspects of deprivation.

**Dacorum Delivers:** The policy statement proposes an approach which will improve service delivery by helping the Council work more effectively both internally and with its partners.

## **Advice**

The Portfolio Holder for Residents and Regulatory Services introduced the report. Central Government and Hertfordshire County Council were leading on health and wellbeing and the Council needed to have a policy in place.

The Portfolio Holder drew attention to the referral to Cabinet from the Health in Dacorum Committee who overwhelmingly endorsed the policy. The policy was also endorsed by the Dacorum Health and Wellbeing Partnership made up of various stakeholders, including Dacorum Borough Council.

The Assistant Director (Chief Executive's Unit) said the statement reflected the fact that the duty to achieve public health sat with Hertfordshire County Council. The Council's role was to support the County Council's health organisation in the district. The Council would focus on the work in Dacorum.

## **Options and Why Options Rejected**

No alternative options were considered.

## **Consultation**

Consultation took place with:

Councillor Neil Harden, Portfolio Holder for Residents and Regulatory Services;  
Councillor Graham Sutton, Chairman of the Health in Dacorum Committee;  
Health in Dacorum Committee meeting held on 2 April 2014; and

The Health and Wellbeing Corporate Working Group.

### **Voting**

None.

### **8.5 PROVISIONAL OUTTURN 2013/14 CA/061/14**

#### **Decision**

1. That the provisional outturn position for each of the above accounts be approved; and,
2. **That Council be recommended to approve the reserve movements listed in paragraph 9.1 of the report.**

#### **Reason for Decision**

To approve the provisional outturn position for the:

- General Fund
- Housing Revenue Account
- Capital Programme

and to recommend Council to approve reserve movements.

#### **Implications**

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

#### **Risk Implications**

Risk implications are included within the body of the report.

#### **Corporate Objectives**

Corporate Governance.

#### **Advice**

The Portfolio Holder for Finance and Resources introduced the report and advised that, because the Council was not now decanting into 39 – 41 Marlowes, the money spent in that development would now be in revenue rather than capital. That has had an adverse effect of £120k on the last quarter's results. The Council was still coming close to the original revised forecast and this was not a serious issue for concern.

The Corporate Director (Finance and Operations) said the Council had been able to identify a large amount of money to put into the pension fund to reduce liability.

Because of the decant not taking place, there had been a big hit on revenue. 2013/14 performance was very solid compared with other districts in Hertfordshire. The Council needed to prepare for 2015/16 which would be a lot more difficult.

The Portfolio Holder for Environment and Sustainability expressed concern about the over budget figures in premises and asked if this was because of extreme weather conditions.

The Corporate Director (Finance and Operations) confirmed this was to do with rain and flooding.

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

No alternative options were considered.

### **Consultation**

Consultation took place with budget managers.

### **Voting**

None.

**24 JUNE 2014**

### **8.6 CIVIC CENTRE OCCUPATION AND DISPOSAL AND UPDATE ON FINANCIAL IMPLICATIONS OF THE PUBLIC SERVICE QUARTER AND GADE ZONE REGENERATION PROCUREMENT (CA/071/14).**

#### **Decision**

1. That the Civic Centre site be jointly marketed alongside the College site with the freedom for either party to opt for an individual solution and for this to be on the basis of an open market sale with any decision to be made subject to a future Cabinet report.
2. That the proposed uses and occupation of the Civic Centre, as set out in section 3 of the report, be approved.
3. **That Council be recommended to increase the PSQ budget by £1.75M to take account of the received tender prices, contingency, furnishing, technical support and the impact of continuing build cost inflation.**
4. **That Council be recommended to approve a £200k budget, to be funded from the PSQ reserve, to facilitate the marketing and disposal of the Civic Centre site and delivery of the Gade Zone Regeneration and associated land disposals.**

#### **Reason for Decision**

To make recommendations on:

- The disposal of the Civic Centre site and the potential of linking with the college land disposal.
- Making best use of the Civic Centre prior to disposal.
- Budget requirements for the Public Service Quarter (PSQ) following receipt of tenders.

## Implications

### Financial

The indicative financial implications are set out in the report.

### Value for Money

The indicative estimates of the likely running costs of the new PSQ for the Council are that a saving of around £300K per annum resulting from a reduction in space and therefore National Non Domestic Rates (NNDR), from lower energy consumption, and from lower ongoing repair and maintenance costs (the Group Manager Commercial Assets and property Development has confirmed that these include expensive replacement of heating and ventilation equipment and capital repairs required in the next five years if the Council continued to occupy the Civic Centre of between £2 – 3M). By moving out of the Civic Centre therefore substantial capital investment that would otherwise have been required is avoided.

The Council will ensure that best value is received for the sale by marketing the land on the open market.

### **Risk Implications**

With regard to PSQ and Gade Zone Regeneration a new risk assessment and management plan will be agreed with the successful development partner following selection which will set out key risks and mitigation. A separate internal risk register will be developed alongside this. To date risks have been managed through the projects exiting risk register.

### **Corporate Objectives**

**Dacorum Delivers: Maximising the value of Council Assets and providing Value for Money.** The use of the Civic Centre will avoid decant costs and consolidation of use of the space will reduce running costs. The PSQ will be a more cost efficient building to operate than the Civic Centre.

**Regeneration.** The Gade Zone Regeneration project is aimed primarily to deliver significant regeneration in the town centre. It facilitates the creation of a new community focused building housing public sector and voluntary sector partners, a new commercial leisure facility developing more family friendly and evening attractions into the town centre and much needed new homes. Subsequent development of the Civic Centre and college sites will bring further new investment into the town centre, most likely for new housing.

**Affordable Housing.** New housing created will include affordable housing at 35%.

**Safe and Clean Environment.** The PSQ will be built to 'BREEAM excellent' standard and the design of all new town centre development will be guided by the Town Centre Masterplan which sets out high sustainability requirements

### **Advice**

The Assistant Director Planning, Development and Regeneration summarised the report which was about the future of the site as a result of Morrisons not proceeding

with their development. An increase in the PSQ budget was required to take account of information received from tendering.

The college was keen to progress on their site and this offered the opportunity for the combined asset to be offered as one, but there was also the option for each site to proceed independently.

The Portfolio Holder for Housing said she was pleased the Council was moving on after the disappointment of the Morrisons withdrawal. The proposals were very exciting and the Council would deliver on the project.

The Leader of the Council said the Council would need to be in the current Civic Centre until 2017. The college was likely to be able to proceed earlier which could lead to a separate procurement process for the two sites.

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

No alternative options were considered.

### **Consultation**

Consultation took place with:

The Monitoring Officer;  
The S 151 Officer;  
James Doe, Assistant Director Planning and Regeneration;  
James Deane, Assistant Director Finance and Resource;  
Ben Hosier, Group Manager Commissioning, Procurement and Compliance;  
Mike Evans, Group Manager Commercial Assets and Property Development;  
Mark Brookes, Group Manager Legal Governance.

### **Voting**

None.

## **8.7 HEMEL EVOLUTION: MARLOWES SHOPPING ZONE AND BANK COURT, BUS INTERCHANGE AND MARKET SQUARE, AND WATER GARDENS PROJECTS (CA/072/14).**

### **Decision**

#### **Marlowes Shopping Zone and Bank Court**

1. That the revised design for the Marlowes Shopping Zone food court improvements be approved, including the provision of replacement toilet facilities with the option to deliver a ticketing facility for the Bus Interchange.
2. That delegated authority is given to the Assistant Director (Planning, Development and Regeneration), in consultation with Portfolio Holder for Planning and Regeneration, to approve further design, planning and implementation decisions on recommendation 1 above.
3. **That Council be recommended to approve £500,000 additional capital budget for the regeneration of Marlowes Shopping Zone and Bank Court.**



4. That the virement of £120,000 from the Bus Interchange budget to the Marlowes Shopping Zone budget be approved to provide replacement toilet facilities and a ticketing facility for the Bus Interchange as part of the Marlowes Shopping Zone improvement works.
5. That the merging of Marlowes Shopping Zone and Bank Court cost centres (BP009 and BP027) be approved as the projects are being delivered as a single project by the same contractor.

### **Water Gardens**

- 6 That the commencement of the Access and Movement Improvement combined project as outlined in this report, with a feasibility study into the works, be approved.
- 7 That the joint delivery of the Access and Movement Improvement Project with the planned capital works to the decked Water Gardens (North) car park be approved.
- 8 That authority be delegated to the Portfolio Holder for Planning and Regeneration and Portfolio Holder for Finance and Resources to progress improvements to the Water Gardens car park combined project following completion of the feasibility work and development of options.
- 9 That authority be delegated to the Assistant Director Planning, Development and Regeneration and the Assistant Director Finance and Resources to appoint consultants to undertake feasibility work for the combined project and design to RIBA E, with the option of continuing through to delivery.
- 10 That the improvement works be tendered with the procurement of the main contractor for the Water Gardens restoration (subject to the outcome of the Stage 2 bid), provided that this does not impede the delivery of the Water Gardens project.
- 11 **That Council be recommended to approve that the budget for the Water Gardens (North) capital works be brought forward from 17/18 to support feasibility work in 14/15 with construction to follow.**

### **Bus Interchange and Market Square**

- 12 That progress on the Bus Interchange and Market Square project be noted.
- 13 That authority be delegated to the Assistant Director Planning, Development and Regeneration, in consultation with the Portfolio Holder for Planning and Regeneration, to conclude matters regarding the TRO consultations and approve the completion of the TROs noted in paragraph 43 of the background to the report.
- 14 That, following the completion of the TROs consultation, as per recommendation 13, works on the project can progress.

### **Reason for Decision**

To enable the projects to move forward.

## **Implications**

### Financial

#### **Marlowes Shopping Zone and Bank Court**

##### **Additional budget for the Marlowes and Bank Court Improvements**

There is currently a combined budget of £3.38million (£2.84 million Marlowes Shopping Zone (BP009) and £539,000 Bank Court (BP027) available for the Marlowes Shopping Zone improvements including Bank Court.

Approximately £270,000 of this budget is required for associated costs including design fees, fees for cost manager, employer's agent, solicitor fees, CDM Coordinator and Design Monitors fees, planning, licenses and other statutory consents and communications.

Therefore the available overall budget for construction is approximately £3.11million.

Following a two stage tender process (PQQ and ITT) for the appointment of the main construction contractor for the Marlowes Shopping Zone and Bank Court improvements, two tender responses were received both of which were significantly over the currently available budget.

Whilst the Landscape Architects designed the scheme and monitored costs up to January 2014 with the advice of their Cost Managers to fit within our available budget, there has been a recent spike in construction costs linked to an increase in demand for contractors combined with a lack of supply of labour and materials.

Officers in liaison with the Portfolio Holder for Planning and Regeneration have considered and adopted a number of value engineering options to reduce the costs. By doing this we have reduced the cost of the tenders significantly to approximately £3.323million. However there is still a shortfall of £213,000 and any further value engineering is likely to compromise both the design and quality of the scheme significantly.

There are likely to be unforeseen problems such as utility issues, sub-base issues etc. Therefore in addition to the above shortfall, we recommend the allocation of a contingency budget of 8% of the construction and associated cost (£287,000) towards this scheme. Members will note that the original budget included a contingency estimate, but that this amount has been fully utilised by the higher than expected tendered costs. The Council's appointed Cost Managers have advised that 8% is an appropriate level of contingency subject to the Client not making any changes to the scheme.

A total additional budget of £500,000 (£213,000 towards construction and £287,000 towards a contingency budget) is sought for the Marlowes Shopping Zone and Bank Court improvement project. All figures have been rounded off to the nearest thousand.

##### **Budget for replacement toilets and replacement ticketing facility**

Due to the planned redevelopment of Market Square, the existing public toilets in Market Square will no longer be available. Similarly, the existing bus ticketing facility

will no longer be available. Both facilities need to be provided close to the new Bus Interchange facility.

Whilst these facilities will support the new Bus Interchange, their location falls within the Marlowes Shopping Zone. Therefore it is recommended that these works are undertaken with the Marlowes Shopping Zone improvements to minimise disruption and deliver value for money.

We have received initial quotes which indicate that the cost of this facility will be £100,000. We also recommend a contingency of 20%, equating to £20,000. A contingency level of higher than the norm is recommended for these works because plans for the toilets are at a very early stage and the quotes received are initial estimates. We therefore recommend a virement of £120,000 from the Bus Interchange budget to the Marlowes Shopping Zone budget to undertake these works as part of the Marlowes Shopping Zone improvements.

### **Merging Marlowes Shopping Zone and Bank Court Cost Centres**

A budget of £539,000 was approved under the Capital Programme for the regeneration of Bank Court. This budget is currently held in its own cost centre BP027. Bank Court is being delivered as part of the Marlowes Shopping Zone improvements by the same contractor in order to deliver a seamless scheme and value for money. Therefore many of the costs incurred including fees, expenses and materials cover both projects and are invoiced together. In order to reduce administrative complications and additional staff time resolving such complications, it is recommended that the Marlowes Shopping Zone (BP009) and Bank Court (BP027) cost centres are merged.

### Value for Money

#### **Marlowes Shopping Zone, Bank Court**

The proposed designs for the Marlowes Shopping Zone reflects significant value for money by delivering improvements that will make a distinctive, creative, visual and practical improvement to Hemel Hempstead town centre. The scheme has been value engineered and alternative options considered to reduce costs without impacting on the quality of the scheme.

We have strived to achieve further value for money by considering the installation of the public toilet and bus ticketing facility as part of the Marlowes Shopping Zone improvements to avoid additional costs and inconvenience that would be incurred if construction is done as part of the Bus Interchange works instead.

Further, savings are expected due to more efficient use of resources for the cleaning and maintenance of the new toilets.

Value for money has also been achieved through the procurement process for the Marlowes Shopping Zone with value engineering being part of the selection process.

The schemes are being delivered in conjunction with wider regeneration in the town centre to maximise the scope for economic growth and increased footfall.

## **Water Gardens**

In October 2013 Capital Strategy Steering Group approved £560,000 to deliver the Access and Movement Improvement Project, which was considered by Cabinet as part of the draft capital programme in February 2014.

The capital programme also includes provision for a car park refurbishment programme, with funding of £280,000 in 2014/15 and £100,000 per annum for four years from 2015/16. A separate figure of £400,000 is allocated for improvement works to Water Gardens decked car park in 17/18, which will require bringing forward to support project delivery.

Combining the Access and Movement Improvement Project with the proposed capital works to the Water Gardens (North) car park would ensure a co-ordinated approach to all works associated with the car parks through the design process. In order to minimise disruption to visitors during the construction phase and benefit from any economies of scale, it is intended that these works be added to the Water Gardens contract, provided that this does not impede the delivery of the Water Gardens project.

Members will note that this work is entirely separate from the recent bid made to the Heritage Lottery Fund/Big Lottery Fund for the Water Gardens restoration.

## **Bus Interchange and Market Square**

Following approval from Members and HCC that no Public Inquiry is required, savings will be made as the cost of the Inquiry would have impacted on this projects' budget and delivery.

As mentioned above we have strived to achieve further value for money by considering the installation of the public toilet and bus ticketing facility as part of the Marlowes Shopping Zone improvements to avoid additional costs and inconvenience that would be incurred if construction is done as part of the Bus Interchange works instead.

## **Risk Implications**

Risk Assessment included as part of the PID for Marlowes Shopping Zone, Market Square and Bus Station Regeneration and Water Gardens projects.

## **Corporate Objectives**

The Hemel Hempstead Town Centre Masterplan supports the Council's vision and in particular the corporate objective of Regeneration.

## **Advice**

The Assistant Director of Planning, Development and Regeneration summarised the report. The Council was close to agreeing the contractor for the Marlowes shopping centre. Modifications had been made to the food court area as detailed in appendix 1 of the report, including a new public toilet facility and a kiosk for a ticketing facility for the bus interchange.

Regarding Marlowes shopping zone and Bank Court, there had been a rise in the cost of the scheme and £500k extra funding was required towards the regeneration project. There would be a virement to help with this.

The Leader of the Council said the modifications were sensible and would bring the project forward.

The Assistant Director of Planning, Development and Regeneration referred to page 12 of the report regarding the combined Water Gardens car park and the access and movement project which were two important pieces of work in the town centre. There would be public consultation. There would be a public announcement on the outcome of the Heritage Lottery Funding budget on 7 July. The report made clear the benefits of linking the access and car park improvement. There will be a green screen put in to shield the car park from the gardens.

The Portfolio Holder for Residents and Regulatory Services said the residents of Cotterells would be sure to engage with the consultation on the access and movement project.

Regarding the bus interchange and Market Square project, the Assistant Director of Planning, Development and Regeneration referred to the virement of £120k as detailed in the S151 officer's comments.

In terms of latest costings, it was likely the full budget set for the bus interchange project would be required. There was significant cost price inflation in the construction industry.

The key issue was around the recent consultation carried out for TROs to support implementation of the bus interchange and these were detailed in the appendices to the report. One objection had been raised regarding the provision of disabled parking. Advice received from Hertfordshire County Council and legal officers was that this was not sufficient to merit a public inquiry and Hertfordshire County Council had said Dacorum Borough Council was free to make the TRO.

The Leader of the Council said this was significant progress for the regeneration scheme and it was an exciting time for the town. The Leader of the Council hoped to get a good result on 7 July regarding Heritage Lottery Funding.

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

No alternative options were considered.

### **Consultation**

Consultation took place with:

James Stammers, Transformation Programme Manager for DBC, V4 Services; James Deane, Assistant Director, Finance and Resources, DBC; Yaqubul Islam, Senior Accountant, DBC; Mike Evans, Group Manager Commercial Assets and Property Development, DBC; Steven Barnes, Lead Officer Parking Policy, DBC.

### **Voting**

None.

## **8.8 FINANCIAL REGULATIONS (CA/076/14).**

### **Decision**

**That Council be recommended to approve the amendments to the Financial Regulations, as outlined in the report.**

### **Reason for Decision**

To enable the proposed changes to the Council's Financial Regulations to be implemented.

### **Implications**

#### Financial

Robust and relevant Financial Regulations underpin the Council's ability to function effectively both financially and operationally.

#### Value for Money

See above.

### **Risk Implications**

There were no risk implications.

### **Corporate Objectives**

The efficacy of the Financial Regulations supports all of the Council's objectives.

### **Advice**

The Corporate Director Finance and Operations introduced the report and said the proposed version of the Financial Regulations was available to view in full via the following link:

<http://www.dacorum.gov.uk/docs/default-source/council-democracy/resources-14-06-04-item-12--financial-regulations-appendix-a.pdf?sfvrsn=0>

The report set out the proposed amendments.

- Paragraph 7 of the report proposed postholder grades be given set authorisation levels.
- Paragraph 8 of the report referred to virements. It was proposed to adjust the amount of transfer through virements that need Cabinet approval to over £50k or 10% of the transferring budget.
- Paragraph 9 of the report clarified when a purchase order was required.

The Portfolio Holder for Housing asked how virements under £50k would be controlled.

The Corporate Director Finance and Operations said he as Corporate Director Finance and Operations would agree those. Any particularly challenging or high profile transfers would be brought to Cabinet as a point of reference.

The Leader of the Council said virements currently came to Cabinet with one line of description and he was happy to rely on officers' advice on these.

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

No alternative options were considered.

### **Consultation**

Consultation took place with:

The Corporate Management Team;  
Finance and Resources Overview and Scrutiny Committee (4 June 2014);  
Audit Committee (17 June 2014).

### **Voting**

None.

## **8.9 COMMISSIONING AND PROCUREMENT REVIEW (CA/077/14)**

### **Decision**

1. **That Council be recommended to approve:**
2. **The recommended changes identified in the report in relation to the approach the Council takes when undertaking commissioning and procurement activities.**
3. **The adoption of the Commissioning and Procurement Strategy (appendix 1 of the report) that provides clear strategic direction and support to the Council's Corporate Plan.**
4. **The amendments to the Commissioning and Procurement Standing Orders (appendix 2 of the report) that form part of the Council's Constitution.**
5. **A budget of £75k, to be funded from the Management of Change Reserve, for the appointment of V4 Services to support the implementation of category management across the Council.**

### **Reason for Decision**

To recommend Council to approve changes to the approach the Council takes when undertaking commissioning and procurement activities.

### **Implications**

#### Financial

There will be some financial cost to the Council for these recommendations, in particular with the support with the implementation of Category Management, it is envisaged that the cost of any changes will be recovered from the savings that these recommendations will generate.

### Value for Money

Implementing these recommendations provides clarity on the planning, delivery and monitoring of the commissioning and procurement activities of the Council which will support Corporate Objectives as indicated in the Corporate Plan as a result this will demonstrate a positive effect on Value for Money.

### **Risk Implications**

There is a risk that should the Council choose not to implement all of these recommendations then it will not be able to demonstrate its commissioning and procurement activities align with its Corporate Plan and maximise the benefits that this approach will deliver.

The Council must ensure that it complies with the Public Contract Regulations 2006 (as amended) and the principles of transparency, non-discrimination, equal treatment and proportionality when carrying out commissioning and procurement activities.

### **Corporate Objectives**

The recommendations will ensure that all commissioning and procurement activities of the Council will support the Corporate Objectives as indicated in the Corporate Plan.

### **Advice**

The Leader of the Council asked members to take into account the part 2 referral from the Finance and Resources Overview and Scrutiny Committee held on 4 June.

The Portfolio Holder for Residents and Regulatory Services introduced the report which was in response to an in depth review. This had been to the Finance and Resources Overview and Scrutiny Committee twice and they still had some concerns about it.

Councillor J Marshall, Chairman of the Housing and Communities Overview and Scrutiny Committee, had sent an email to Cabinet members raising points of concern.

The Group Manager of Commissioning, Procurement and Compliance said the Overview and Scrutiny Committee had raised two concerns:

1. Raising of the awarded levels for awarding contracts. The reason the Council has increased the level for award of contracts by officers is that over the last 16 years there has never been an award of contract called in. This demonstrated there was a robust process in place for awarding contracts. All awarding of contracts was done in line with the budget set and there was no added value in going through the current Portfolio Holder process that has a call in procedure. This would speed up the process and enable projects to move forward quicker. They will continue to go through a robust evaluation process and comments would still be received from the S151 and Monitoring Officers.
2. Social value and use of the voluntary sector. The concern was that there should be much more recognition of the voluntary sector in Commissioning Standing Orders. The Council is a public sector organisation and everyone has to be treated equally. The market approached by the Council would be a mixture of all markets. To name a market and say the Council should be moving to work more towards them would jeopardise the Council and may be perceived as the Council favouring a particular market.



The current rules were supported by a Commissioning and Procurement Strategy as demonstrated in Appendix 1 of the report, page 5 under Building Community Capacity, 'Work with the voluntary and community sector to encourage civic participation.' The Council's approach to procurement would be working with the voluntary sector without particularly spelling it out.

The Leader of the Council said he did not have concerns with the raising of the thresholds of the limits as long as those decisions were within budget and had been approved by Council.

The Council had to have a level playing field in the procurement process and should not suggest preference for a particular kind of contract in that process. Sometimes it was not easy for small organisations to access the process and it would be good to be reassured that other options would be looked at and local social enterprise options be considered. Managers and staff involved in contracting should be trained and supported to understand the Council needed to look at all options and perhaps to go to small local voluntary sector organisations and give them the opportunity to tender. The Council needed to be more proactive in evolving its vision.

The Group Manager of Commissioning, Procurement and Compliance said the Commissioning and Procurement Standing Orders were in two areas:

- Contracts up to £50k
- Contracts above £50k

For contracts up to £50k there was clear guidance and templates for officers to get quotations themselves and to use local companies where appropriate.

For contracts above £50k, each activity would be supported by a fully qualified procurement Council officer. There would be a number of questions asked and one would be around identifying the need and the market. The whole of the market including public, voluntary and private would be looked at.

Regarding awareness and training, all officers undertaking procurement below £50k would undertake training. This should increase the value of spend locally and increase the level of spend with the voluntary sector. There would be a forward plan that would be published and officers would ensure all sectors of the market will know where to get information.

The Leader of the Council said he was reassured and happy to support the recommendation.

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

No alternative options were considered.

### **Consultation**

Consultation took place with:

The Corporate Management Team;  
The Resources and Overview and Scrutiny Committee.

A consultation exercise was carried out in the latter part of 2013 on existing procurement support (including the Strategy and Procurement Standing Orders) this was with Group Managers, Team Leaders and Officers.

### **Voting**

None.

### **8.10 DACORUM LOCAL PLANNING FRAMEWORK: PRE-SUBMISSION SITE ALLOCATIONS (CA/080/14).**

#### **Decision**

1. That key issues arising from Issues and Options Consultation, the Core Strategy and new information and advice be noted.
2. That Council be recommended to approve the Site Allocations Pre-Submission documents for publication and comment.
3. That Council be recommended to delegate authority to the Assistant Director (Planning Development and Regeneration), to finalise the Report of Consultation and Sustainability Appraisal and, in consultation with the Portfolio Holder for Planning and Regeneration, to make any factual or non-substantive changes and amendments to the Pre-Submission Site Allocations and to insert the Indicative Spatial Layout plan into Policy LA3 West Hemel Hempstead prior to consultation commencing.
4. That Council be recommended to approve the Site Allocations for publication, seeking representations in accordance with the Statement of Community Involvement and relevant regulations.
5. That Council be recommended to approve the following procedure for considering future issues on the Site Allocations:
  - (a) If significant new issues are raised in the representations on the forthcoming consultation, to report to Cabinet and Council for a decision as to whether any change to the Site Allocations is justified;
  - (b) If there are no significant new issues, to delegate authority to the Assistant Director (Planning, Development and Regeneration) to:
    - (i) Submit the Site Allocations for Examination; and
    - (ii) In consultation with the Planning and Regeneration Portfolio Holder, to agree any minor changes to the Site Allocations to resolve objections and improve clarity of the document.

#### **Reason for Decision**

To agree the Pre-Submission Site Allocations document and arrangements for consultation and submission.

## Implications

The process of preparing the Site Allocations as part of the Local Planning Framework (LPF) has financial implications. The Council has created a 'Local Planning Framework' earmarked reserve to support expenditure. Money is drawn down from this reserve to provide an annual budget to support LPF-related work.

Having an up-to-date planning policy framework helps reduce the incidence of planning appeals (and thus costs associated with those). It will also be the most effective way of ensuring the optimum level of developer contributions to infrastructure and in mitigation of development impacts can be achieved.

Like the Core Strategy, the Site Allocations document, once adopted, can be subject to legal challenge and costs associated with this process.

## Risk Implications

A full risk assessment has been carried out as part of the PID for the Local Planning Framework. These risks are reviewed monthly through CORVU and reported each year through the Annual Monitoring Report (AMR). Identified risks include failure of external agencies or consultants to deliver on time, change in Government policy and team capacity. If the Council were to decide not to progress the Site Allocations DPD, significant additional risks would arise. These would relate to a lack of an up-to-date framework upon which to base planning decisions within the Borough, and the likelihood of a significant increase in speculative planning applications (and potentially appeals), particularly for housing development in the Green Belt, which would prove hard to defend. There would also be financial implications i.e. extra costs associated with planning appeals and inquiries.

## Corporate Objectives

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

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

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

## Advice

The Leader of the Council introduced the report which he said was in light of the adopted Core Strategy and was further work on the Local Allocations sites.

The Leader of the Council invited Councillor Guest to make her statement.

Councillor Guest said there were a number of public who would like to speak.

The Leader of the Council said as there had been no advance notification of public participation, this would not be allowed.

Councillor Guest made the following statement:

It was sad that in developing the Core Strategy, it was decided to release land at LA3 for development. On these sweeping vistas between Fields End and Chaulden Vale, neighbouring residents have reported seeing bats and badgers and hearing the song of the lark.

Now that decision has been made, this Council needs to ensure that what is done at LA3 is in the best interests of local people and the natural and built environment.

This report recommends that the Cabinet approve the procedure by which if significant new issues are raised during the consultation in the autumn, Cabinet and Council would make a decision as to whether a change to the Site Allocations is justified. What issues could justify LA3 or any of the other allocations being taken out of the plan?

The Site Allocations document will form part of the Council's Local Planning framework which helps to support all of the Council's five corporate objectives. One of these is a safe and clean environment. Would the loss of wildlife habitat conflict with this objective? Another objective is "Dacorum Delivers" which includes providing a clear framework in which planning decisions can be made. In making planning decisions appropriate conditions must be made and enforced. In part of Fields End it was a planning condition that the developers must provide adequate drainage. The developer breached planning conditions by not doing so, and there are properties at Fields End which are subject to flooding but it is too late to enforce the condition. Can we be confident that such a scenario will not happen at LA3?

The health and safety implications of this policy had to be considered. The report states that these are included in the planning issues relating to the Site Allocations. One of the two main accesses to LA3 will be opposite the Chaulden Adventure Playground where young children may be going unaccompanied. Have the road safety implications of this been assessed? If a Gypsy and Traveller site is located at the corner of Pouchen End Lane and Chaulden Lane, have the ability of these narrow lanes to take caravans been assessed?

The report for this item states that advice from key stakeholders such as the Local Education Authority and Highway Authority has been sought where appropriate. Has the Highway Authority's view on the road safety implications of the LA3 development been taken into account? Has the Local Education Authority's view on the need for a primary school been considered? The Parkwood Drive GP surgery does not want to open a branch surgery at LA3 but has NHS England been lobbied about persuading another GP practice to set up at LA3. Have the local infrastructure needs of LA3 been understood and considered?

It is intended that the Local Allocations will provide new homes from 2021 onwards. However the lead-in period means that planning applications will be received and determined before 2021 and construction may take place before then. That seems to be saying that buildings could be erected whilst LA3 is still Green Belt. Would this not encourage rather than deter speculative and predatory applications?

Why is the indicative spatial layout for LA3 not yet ready when it appears that the others are? This layout is being drawn up by consultants working for the developers. Will it show what is needed in the area or will it indicate the maximum number of dwellings per hectare that can be squeezed in to maximise profits for the developers, and put strain on the infrastructure that will be provided?

The section of the report on the Duty to Co-Operate refers to replies by Bedford, North Herts and Chiltern Councils. What response have we received from St. Albans, an adjoining authority which covers land at East Hemel Hempstead, and with whom the need to co-operate is most critical?

These questions need to be answered to ensure that we as a Council give the best deal possible to current residents, to future residents of the Local Allocations and to the environment in which we all live.

The Leader of the Council thanked Councillor Guest for her statement and asked that her points be addressed.

The Assistant Director of Planning, Development and Regeneration said the report sought authority to consult on the pre-submission versions of the site allocations document. The Core Strategy had been approved to 2031 and this document put the detail on that document and set out development guidance on the six allocations and on other sites. The document had been made available to members via the DBC website.

The challenge to the Core Strategy had failed. The judge supported the Council on all points of submission and this was available to view on the website.

The document provided the detail on the strategy that had been approved. The six local allocations, particularly LA3, were included at strategic level as they were critical to the Council's housing land supplies. This document did not seek to look again at the Council's housing target or the green belt boundary.

Regarding LA3, the Council was in discussion with consultants and developers seeking to bring forward this land. A lot of work had been done with the local community to bring a robust plan.

The spatial layout document was almost complete and would be circulated to members shortly and be considered by Cabinet on 22 July.

Regarding LA5, a lot of work had been done with the developer and the Task and Finish Group. The proposal was to bring this site forward to deliver prior to 2021. Early delivery of gypsy and traveller sites was key.

Consultation would start in September 2014 for 6 weeks. If no alterations were needed, there would be a formal submission in summer 2015, subject to public examination.

A lot of the questions could be addressed by members of the public and the Council would respond formally at that time.

Referring to the Duty to Co-Operate, the Team Leader for Strategic Planning and Regeneration said Chiltern District Council agreed to continue with discussion across issues and liaise with further work. There were no issues raised.

A telephone call had been received from English Heritage – they were generally happy with the document and the approach being taken and had raised no significant issues.

The NHS was looking forward to reading and commenting on some of the consultation. They were pleased to see medical provision on the LA3 site. They had given new contact details of the new Commissioning Group.

No other formal responses had been received from other authorities. On-going discussions were being held with Hertfordshire County Council, particularly with Highways and Education.

Regarding the issues raised by Councillor Guest, the Assistant Director of Planning, Development and Regeneration said these could be raised by residents when the document goes forward for consultation.

- Drainage - the Council had given a commitment that the drainage study would look not only at the surface water drainage generated by the site but also by the surrounding farmland. There had been flooding at Fields End and lessons would be learned from that.
- Sustainable urban drainage would be in the Masterplan and would need the approval of Hertfordshire County Council.
- Highway liaison - discussions were taking place with Hertfordshire County Council and these matters would be addressed in the Masterplan process.
- Adventure playgrounds - it was Hertfordshire County Council's usual practice to carry out a safety audit.
- Education – the development makes provision for a new school.
- GP surgery – the Council continues to discuss GP provision with the health authorities.
- Green belt designation – no building would take place until the formal designation of land had changed.
- Speculation and predatory applications – it was important that the Council brings forward these local allocations because if they do not it will be subject to predatory and speculative applications.
- Consultants – consultants were working for the developers. Approval of the master plan would ultimately be a matter for the Council. The Council was getting value for money that way.
- Density of development – The size of the development is 900 units. This is a matter for more future detailed design work.

The Portfolio Holder for Housing referred to the flooding issue. There had been a major problem at Kings Copse which was not a developer issue but a Thames Water issue. The system had to be upgraded. Can the Council ensure that other outside agencies do what they need to?

The Team Leader for Strategic Planning and Regeneration said the Council had been encouraging the developers to engage with Thames Water and other utilities. There was a requirement for early liaison with Thames Water and the Sustainable Drainage Approval body. The Council was dealing with Barratt and Wimpey who would be encouraged to liaise with these agencies.

The Portfolio Holder for Residents and Regulatory Services asked how much information would be available during the various consultations about gypsy and traveller sites and if people would be asked where they wanted these sites.

The Assistant Director of Planning, Development and Regeneration said it was one consultation document and gypsy and traveller sites would be in it. The Core Strategy set a minimum expectation for gypsy and traveller provision (17 pitches across the borough by 2031). The other approach in the Core Strategy was that, where possible, gypsy and traveller sites could be built into local provision. The Council would respond to residents' views.

The Portfolio Holder for Environment and Sustainability asked for confirmation that the consultation would be on LA 1 – 6 only, not the other sites being put forward in the plan.

The Team Leader for Strategic Planning and Regeneration said two consultations were being run in parallel. The Site Allocations Document had to be consulted on in order to give some certainty to residents and, to begin working with developers, the Council had decided to prepare a Masterplan and consult on those in parallel. The public can comment on the smaller sites or on the local allocations. Document were the site allocations as a whole and the Masterplan for the green belt released sites.

The Portfolio Holder for Environment and Sustainability asked where people could find that information currently.

The Team Leader for Strategic Planning and Regeneration said there was a section in the Site Allocations document. After the July Cabinet the detailed Masterplans would be published.

The Portfolio Holder for Residents and Regulatory Services asked that the Council ensure it was easy for residents to get to the relevant pages on the website.

The Team Leader for Strategic Planning and Regeneration said the Council would be ensuring it was easy to locate. If a resident typed in LA3 the website would take you straight to that page. Communications were helping with this.

The Leader of the Council said the LA sites were particularly challenging. The Council knew it was still very challenged to deliver the housing needed for the next 15 – 20 years and these sites played a very important part with that delivery.

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

No alternative options were considered.

### **Consultation**

Consultation on the Site Allocations DPD has been carried out in accordance with the Statement of Community Involvement (SCI), adopted by the Council in June 2006.

The nature and scope of this consultation is set out within the Reports of Consultation that followed the 2006 and 2008 Issues and Options Consultations.

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

The Consultation Reports relating to the Core Strategy (Volumes 1-7) are also relevant.

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

**Voting**

None.

**8.11 COUNCIL NEW BUILD – QUEEN STREET, TRING (CA/085/14)**

Part 2 Referral – see Page 41