

## **CABINET**

**10 MARCH 2014**

Present: Mayor (Chair)

Councillors D Scudder, K Crout, I Sharpe and M Watkin

Also present: Councillors N Bell

Officers: Managing Director  
Shared Director of Finance  
Head of Democracy and Governance  
Property Manager  
Democratic Services Manager  
Member Development and Civic Officer

### **58 APOLOGIES FOR ABSENCE**

There were no apologies for absence

### **59 DISCLOSURE OF INTEREST (IF ANY)**

There were no disclosures of interest.

### **60 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 20 January 2014 were submitted and signed.

### **61 CONDUCT OF MEETING**

Councillor Bell spoke on behalf of the Labour Group at this meeting.

### **62 REVIEWED AND UPDATED CORPORATE PLAN**

Cabinet received a report presenting the Council's draft Corporate Plan 2014-18. The Plan articulated the Council's strategic direction in the medium-term and outlined how it would achieve its vision and priorities over the next four years.

As the Plan was being recommended to Council on 19<sup>th</sup> March it was agreed that any discussion could take place at that meeting.

RESOLVED

that Cabinet

1. notes the current draft of the Corporate Plan 2014 -18 and **recommends it to Council**
2. notes the key performance indicators identified to support the monitoring of the Corporate Plan and ensures it contributes to the Council's aim of continuous development and improvement
3. notes the current progress update for the work identified in the Corporate Plan 2013 -17. This will be finalised following the end of the financial year.

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## **CHARTER PLACE DEVELOPMENT - ACQUISITION OF LAND**

Cabinet received a report seeking approval for the Council to acquire by means of a compulsory purchase order (CPO), land, existing rights and interests together with the creation of new rights where agreement could not be reached in order to implement the Charter Place redevelopment. In addition, approval was being sought to appropriate the land in the Council's ownership within the scheme for planning purposes so as to override third party rights.

The report also sought approval for the Managing Director to agree compensation and acquisition payments where this would avoid the need to compulsorily purchase interests.

Cabinet had also been advised by way of an addendum report that, further to the publication of the initial report to Cabinet, informal comments had been received from the Department for Communities and Local Government (DCLG) on the form of the proposed compulsory purchase order. One particular comment DCLG had mentioned in its initial views was in relation to the nature of some of the new rights sought

In considering whether to include the areas where these rights applied as part of the land to be compulsory acquired, the Council's advisors had considered whether the works required could be carried out by obtaining a lesser interest in the land by way of a new right over third party land rather than a freehold interest, which would reduce the impact on third parties. The approach adopted had been used in other schemes confirmed by the Secretary of State. The Council's advisors were continuing discussions with the DCLG.

Taking into account the current comments of DCLG, a number of changes had been made to the original Cabinet report. Details of the changes and their impact were outlined in the addendum report. Relevant plans were on display at the meeting.

The Head of Democracy and Governance introduced the report and outlined the key issues. She also advised Cabinet of a further correction: The Cabinet report (para.4.1) and addendum report (para.2.2) referred to the areas to be acquired and over which new rights were sought. The total areas referred to in the addendum provided by Persona were incorrect and needed updating as follows:

Area to be acquired (Pink Land on the map) to be updated from 74,702 sq m to 74,895 sq m; the area over which new rights were sought (Blue Land on the map) to be updated from 16,637 sq m to 16,444 sq m. The total area remained unchanged at

91,399 sq m.

The Managing Director emphasised the importance of this scheme for both the town and Intu. He assured Members that the process being followed in respect of acquiring the land either through CPO or acquiring through agreement was in line with Government guidance.

Councillor Sharpe endorsed the Managing Director's comments and commented on the importance of achieving the right transformational scheme ultimately resulting in a good mix of facilities and infrastructure. He hoped that the Council's aspirations could finally become a reality.

Councillor Bell referred to the comments made by DCLG and asked whether this was usual and whether it was likely to result in a delay.

The Head of Democracy and Governance responded that their advisors had found this to be quite an unusual response and that they were continuing negotiations with DCLG. It would not, however, hold up the process.

Councillor Bell asked a further question regarding negotiations with interested parties and how many had been resolved.. It was agreed that the Property Manager would get back to the councillor with this information.

The Head of Democracy & Governance explained that discussions were taking place with all those who had a legal interest to attempt to come to terms before moving to CPO. She added that, across the board, retailers had different objectives.

The Mayor said that retailers would have to decide whether they wished to be part of the new scheme or whether they wished to move out of Charter Place. Retailers who moved out into the High Street would enhance the provision in that area creating a "ripple" effect which would also be beneficial.

She advised that residents were very keen to see the scheme finished; she recognised the importance of ensuring that the process was legally sound and thanked all those involved in bringing it together.

#### RESOLVED

- 1.1 that having given consideration to all the provisions of this report and taking account the addendum report and replacement documents, Cabinet agrees:
  - 1.1.1 to make a Compulsory Purchase Order(s) to acquire compulsorily all or part of the land shown edged red coloured pink on the plans (**Order Lands**) attached at Appendix A entitled Map referred to in the Watford Borough Council (Land at Charter Place and High Street, Watford) Compulsory Purchase Order 2014 Plans 1 to 7 of 7 (the **CPO Map**), all rights and interests affecting that land and new rights in respect of all or part of the areas coloured blue on the CPO Map in order to enable the implementation of the Charter Place redevelopment.
  - 1.1.2 To delegate to the Managing Director:
    - (a) to agree the wording of the Compulsory Purchase Order(s) and CPO

Map, including the Statement of Reasons and to take all steps necessary to make and confirm the Order(s); and

(b) to take all steps to seek to acquire the necessary interests in land by agreement or by utilising compulsory acquisition powers.

1.1.3 If the Secretary of State authorises the Council to do so, confirm any Compulsory Purchase Order(s) made.

1.1.4 To authorise the appropriation of the land included in the Plots listed below and shown on the CPO Map under the provisions of Section 122(1) of the Local Government Act 1972 for planning purposes to enable the Council to override third party rights and easements pursuant to Section 237 of the Town and Country Planning Act 1990 as amended:

Level	Plots
Basement	B/1; B/3-B/5; B/7; B/9 –B/25
Mezzanine	M/1
Ground Floor	G/1-G/5; G/7-G/13; G/16-G/18; G/24-G/31; G/39-G/41; G/44-G/58; G/61–G/69; G/85-G/88
1 <sup>st</sup> Floor	1/2-1/10; 1/12; 1/14-1/34
2 <sup>nd</sup> Floor	2/1-2/7
3 <sup>rd</sup> Floor	3/1-3/3
4 <sup>th</sup> Floor	4/1-4/3
5 <sup>th</sup> Floor	5/1-5/5

1.1.5 To utilise, where appropriate, either the general vesting declaration procedure under the Compulsory Purchase (Vesting Declarations) Act 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965 in respect of confirmed compulsory purchase order(s).

1.1.6 To give authority under Section 6(4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of areas of land where the Council is satisfied that it has not been possible following proper enquiry to establish the ownership of the land in question and for the service of notices in the manner set out in Section 6(4) of the Acquisition of

Land Act 1981.

- 1.1.7 That in doing so the Cabinet has considered the provisions of the Human Rights Act 1998 contained in section 12 of this report so far as they might be applicable in deciding whether or not to make the Compulsory Purchase Order(s) and all other statutory powers that the Council seeks to exercise and resolves the following:
- (a) With regard to Article 8 it is considered that in balancing the rights of the individuals who are affected by the Order(s) against the benefit to the community of proceeding with the Order(s), the making of the Order resulting in the interference with the individuals rights is justified in the interests of improving the economic, environmental and social well-being of the centre of Watford.
  - (b) With regard to Article 1 Protocol 1, it is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the Scheme particularly taking into account the fact that there is a legal right to compensation for the property taken and any rights extinguished under the Order(s).

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## **MOVING SHARED SERVICES TO A LEAD AUTHORITY MODEL**

Cabinet received a report on the proposed Lead Authority Model Agreement including Service Specifications

Watford and Three Rivers Councils formally established a shared service for undertaking their Finance, Revenues and Benefits, Human Resources and IT services in 2008. The services were overseen by a Joint Committee of the two councils and managed by a Shared Services Management Board made up of the Heads of Service plus the Director of Finance for Three Rivers District Council and Executive Director Resources (initially) then Head of Strategic Finance Watford Borough Council. Both Councils had now appointed a Shared Director of Finance.

In January and February 2013 reports went to each respective full council meeting seeking approval to move toward a lead authority model for the continued operation of the shared services.

The legal agreement was based on the premise that for each of the shared services there would be one council who was the lead council whilst the other was the client. The lead council would have complete responsibility for all staff in the service. Anyone? currently employed by the client would be TUPE'd over on the start date and the lead council would deliver the service in line with the service specification to the client for a fee.

It was proposed that Watford Borough Council would be the lead council for Human Resources and IT: Three Rivers District Council would be the lead council for Finance and Revenues and Benefits.

Councillor Watkin introduced the report. He commented that when the Shared Services arrangement was first set up no-one knew how it would work out. It had, however, been appropriate at the time and had helped in creating a framework in which to develop further close working.

He drew Members' attention to the section in the report on the sharing of expertise on procurement and contract management. Watford Borough Council had a Procurement Manager and was working towards setting up a centre of excellence approach to contract management in the light of the number and variety of external relationships it had for service delivery. The proposal was that Watford would be the Lead Authority in any shared arrangement for these services on the basis of a service specification and charge.

He also referred specifically to the governance arrangements as outlined in the report including the role of the Executive Board and arrangements for scrutiny. He commented that this was a good basis for future joint work.

The Mayor said that the key issue was about responsibility and that this would be much clearer. She added that, with the increasing pressures on budgets, more and more councils would be looking at arrangements such as these; Watford was ahead of the game. The fact that the original shared services arrangement had been re-visited enabling weaker areas to be strengthened demonstrated a healthy and forward looking approach.

Councillor Bell commented that his Group had expressed some initial concerns around the continued ability to scrutinise and whether individual councillors would still be able to approach officers regarding issues such as revenues and benefits. He also asked whether the Boards would report back to everyone.

The Managing Director responded that the Executive Board was purely an operational body which already met and monitored services. Accountability for the new arrangements was very clear: Cabinet for Watford, the appropriate committee for Three Rivers and the Outsourced Services Scrutiny Panel whose terms of reference were to be extended to include each of the shared services.

The Mayor endorsed the Managing Director's points and added that any councillor could request a briefing with officers. Other scrutiny committees such as Overview & Scrutiny and Budget Panel also provided a means for councillors to question and challenge issues of concern.

Councillor Sharpe concluded the discussion by commenting on the accountability and transparency of the proposed arrangements. He added that it was a pioneering exercise in respect of a different form of governance. There had been problems with the Shared Services arrangement in terms of accountability as the services responsibility was to the joint committee which only met every three months. As well as Cabinet/Executive Board and Members being able to raise matters with their respective officers on the Executive Board there would now be provision for Portfolio Holders/lead Members to have direct

access to the Heads of Shared Services, regardless of which council was their direct employer

RESOLVED

**To recommend to Council:**

that, subject to Three Rivers District Council also agreeing to recommendations 1 and 2 below before 31 March 2014:-

1. the Joint Committee Agreement for Shared Services with Three Rivers District Council dated 26 August 2008 terminate with effect from midnight 31 March 2014.
2. that Council enters into the Shared Services Agreement with Three Rivers District Council attached at appendix 1 to the report with effect from 1 April 2014.
3. that Council agrees to the addition of Procurement including sharing best practice on contract management to the services in the Agreement with Watford Borough Council being the Lead Authority
4. that the Shared Director of Finance be given delegated authority to agree any minor amendments to the agreement as may be necessary, including the service specification and charges for Procurement.
5. that the Shared Director of Finance be given delegated authority to agree any minor amendments to the agreement as may be necessary prior to the meeting of Council on 19 March 2014.

Mayor

The Meeting started at 7.00 pm  
and finished at 7.30 pm