

CABINET

23 JULY 2014

Present: Mayor (Chair)
Councillors D Scudder, K Crout, S Johnson and I Sharpe

Also present: Councillors N Bell, J Connal, M Mills and P Taylor

Officers: Managing Director
Legal and Democratic Section Head
Shared Director of Finance
Democratic Services Manager
Head of Community and Customer Services
Culture and Community Section Head
Head of Corporate Strategy and Client Services
Section Head - Parks and Open Spaces
Traffic Engineer
Senior Planner (Urban Design & Conservation)
Committee and Scrutiny Support Officer (JK)
Corporate and External Communications Section Head

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Watkin, Portfolio Holder for Democracy and Governance.

Apologies had also been received from Councillor Khan, Chair of Budget Panel, who would have usually attended this meeting to present the Budget Panel's comments on item 14.

2 DISCLOSURE OF INTEREST (IF ANY)

There were no disclosures of interest.

3 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 10 March 2014 were submitted and signed.

4 CONDUCT OF MEETING

Councillor Bell spoke on behalf of the Labour Group at this meeting. Cabinet agreed some changes to the agenda order.

5

AUTHORITY FOR COUNCIL TO ENTER INTO S. 106 AGREEMENT IN RESPECT OF THE HEALTH CAMPUS PLANNING APPLICATIONS

Cabinet received a report on the Watford Health Campus Partnership LLP (Local Asset Backed Vehicle - LABV) submission of two planning applications for the Watford Health Campus. It would be a requirement of the Council, as local planning authority, that a s106 obligation would be needed to comply with the Council's planning policies to secure financial contributions towards local infrastructure, education and community facilities, affordable housing and other site specific mitigation.

The Managing Director explained that as the Council was both Landowner and Local Planning Authority, it could not legally enter into a s106 agreement with itself. However, there was an agreement with Hertfordshire County Council who were also the Local Planning Authority that in such circumstances they enter the agreement as Local Planning Authority.

Approval was sought from Cabinet to negotiate a s106 agreement and also to delegate to the Portfolio Holder for Property authority to agree future s106 negotiations.

Following questions from Councillor Bell, the Managing Director explained that the LABV was a partnership with the Council and Kier and as such had become a single entity with its own status. Therefore it would be liable if it did not carry out its obligations under s106. However, the Mayor commented that it was very unlikely that a Council would renege on its obligations.

RESOLVED

that Cabinet:

1. approves the Council entering into a s106 Agreement in relation to the planning applications for the Health Campus
2. delegates to the Portfolio Holder for Property authority to agree to enter into any subsequent planning obligations under s106 of the Town and Country Planning Act 1990 as amended, necessary in relation to any future planning applications for the Health Campus site, where the Council is landowner.

6

GRAND UNION CANAL TOW PATH REFURBISHMENT PHASE 3, CONTRACT RULES EXEMPTION

Councillor Sharpe introduced the report to Cabinet. In 2013 the Council entered into a partnership project with Hertfordshire County Council (HCC), Three Rivers District Council (TRDC) and the Canal and River Trust (CRT) for the refurbishment of the Grand Union Canal Tow Path, Phases 1 and 2. Watford

Borough Council was the lead Authority for the project and undertook the procurement and supervisory roles.

A full procurement exercise had been undertaken. The contract was won by Balfour Beatty following a competitive tendering exercise and had been awarded in April 2013. Works were carried out over the Summer and were completed in September 2013.

A further phase, split into 3 sections had been identified by the Partners. However delays in securing the necessary funding from the Partners had left insufficient time for a full competitive tendering exercise to be completed to enable the work to be carried out during the Summer months. The CRT required works of this nature to be completed between April and September when ground conditions allow and the risk to the stability of the canal bank arising from wet conditions was at its lowest.

The Council's Contract Procedure Rules allowed for exemptions to the Procurement Procedures in defined circumstances. In view of the above, an application for exemption was made to the Managing Director and approved on 15 May 2014 seeking approval to award the Phase 3 works to Balfour Beatty based on their tendered rates from Phases 1 and 2 with suitable adjustments for RPI and efficiency savings. In line with the Procedures, the approval was being reported to Cabinet.

Councillor Sharpe explained that it had been a good example of partnership working and that the towpath was an asset. It would be cost effective to continue to use Balfour Beatty given the timings involved. The Mayor commented that it was important that the work was completed by a contractor that had already done a good job.

RESOLVED

that Cabinet notes the Approved Exemption to the Council's Procurement Procedures in relation to Phase 3 of the Grand Union Canal Tow Path refurbishment works.

7

THE CHARTER PLACE REDEVELOPMENT BY INTU

The Managing Director introduced the report and stated that Cabinet had agreed at its meeting of the 10 March 2014 to approve a Compulsory Purchase Order to acquire land in order to implement the Charter Place redevelopment. It also agreed to appropriate a number of identified plots of land using the Council's powers under Section 122(1) of the Local Government Act 1972 and Section 237 of the Town and Country Planning Act 1990 as amended.

Subsequent to the Cabinet meeting and prior to the formal making of the Compulsory Purchase Order a final check of the plots revealed that there were three plots of land which were omitted from the appropriation schedule.

In response to questions from Councillor Bell, the Managing Director explained that the omission of three plots would not affect the process as the hearing would not take place until later in the year. The complexities of ownerships within Charter Place meant that sometimes not every legal interest was immediately identified.

The Mayor commented that some of the market stallholders have taken the opportunity to move from the market into empty shops e.g., on Queens Road and Market Street and had been very successful which was positive for local business. The Mayor identified that there were still some empty shops at the top of the High Street and explained that these were owned by pension companies; the Council was engaged in ongoing work to persuade them to improve the condition of the shops to make them attractive to local businesses.

RESOLVED

that Cabinet authorises the appropriation of the land included in Plots listed below 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
Ground Floor	G/20, G/36, G/38

8

ASBESTOS REMOVAL WORKS UNDER HSE CONTROL OF ASBESTOS REGULATIONS 2012

A report of the Section Head of Resilience and Facilities Management asked Cabinet to note that an exemption to the Contract Procedure Rules has been agreed by the Managing Director and the Head of Democracy and Governance in relation to the procurement of a contractor to undertake asbestos removal work at the Town Hall and Wiggshall Depot.

The Managing Director introduced the report and reassured members that there was no health risk to staff or visitors but that once asbestos had been identified it was important to address it swiftly.

RESOLVED

that Cabinet notes that an exemption to the Contract Procedure Rules has been given.

9

TO NOTE THE PROGRESS ON THE ALLOTMENTS INVESTMENT PROGRAMME AND FARM TERRACE UPDATE

Cabinet received a report from the Environmental Services Client Manager (Parks and Streets) which provided an update on a range of allotment issues:

- Progress made in relocating existing Farm Terrace allotment holders;

- A proposed compensation package for displaced allotment holders at Farm Terrace
- Progress made in the development of a replacement site at Paddock Road
- Approval to serve notice on Farm Terrace tenants
- Progress made in relation to the allotments investment programme
- Progress in relation to self management ballot at Callowland Allotments

The report was introduced by Councillor Scudder who outlined that, depending on the outcome of the Judicial Review, the report was presented to Cabinet in order to provide completeness on the matter. Therefore, once the outcome of the Judicial Review was known the Council was in a position to act rapidly.

Councillor Scudder explained that the update on the allotment investment programme showed a high level of investment of £810,000 which was to be welcomed. With regards to the Callowland Allotments self management, Councillor Scudder reported that the Council was working with allotment holders to form a committee to take over the management.

Following a request by the Mayor the Environmental Services Client Manager (Parks and Streets) explained that the Allotment Act 1922 had outlined the bare minimum for notice and compensation. The Council had been approached by a number of tenants who were asking to move from their allotment. The Council would be funding the move and had been providing new sheds, paths, plants etc. If allotment holders gave up their plots then this would allow the Council to promote vacant plots elsewhere. Early notice of a high number plot holders wanting to relocate would also mean economies of scale for the Council in making the new provision.

The Mayor commented that there was a cost to the Council to move the allotment holders. Therefore, the compensation recognised that some holders may wish to give up their plots and those costs would then not be incurred. The Mayor felt that the Council was being fair and reasonable.

Councillor Bell asked for more detail on the specific numbers of allotment holders who had approached the Council. The Environmental Services Client Manager (Parks and Streets) responded that 8-10 people had given up their plots, 2-3 people had expressed an interest to move to an alternative location e.g., Holywell or Brightwell.

In response to questions from Councillor Bell about the Council's actions following the Judicial Review, the Mayor answered that the Council would wait to see the outcome first.

RESOLVED

1. to agree the compensation package as outlined in paragraphs 3.2 and 3.3 of the report

2. to agree to serve 12 months notice on existing Farm Terrace tenants in line with the 1922 Allotments Act with a view to closing Farm Terrace in September 2015.
3. to note the progress in relation to Paddock Road development
4. to note the progress in relation to the allotment investment programme and self management progress at Callowland allotments.

10

ST ALBANS ROAD PARKING STUDY: DECISIONS ARE SOUGHT FROM CABINET ON WHAT ACTIONS IF ARE TO BE TAKEN WITH REGARD TO PARKING CONTROLS IN THE STUDY AREA IN THE LIGHT OF THE RESULTS OF THE STAGE 2 CONSULTATION.

Cabinet received a report on the results of the stage 2 consultation along with recommendations for further work. The objective of the second stage of the study was to engage with residents and businesses and get their opinions on the initial design in order to:

- Understand if there was support in principle from residents and businesses for the implementation of such a scheme
- Understand if residents were in favour of the initial design of the scheme
- Identify suggestions regarding possible amendments to the scheme
- To better understand local parking issues and what could be done to alleviate problems.

Councillor Iain Sharpe introduced the report; he stated that it was inevitable in this area of Watford that there were going to be parking problems. Residents parking schemes worked where they were dealing with commuter parking and lack of space for residents. He explained that the Council had been approached through the then Callowland Ward Councillors with support from the Members representing Leggatts Ward to engage in the process by carrying out a parking study. There had been a lively debate and as a result there were a small number of roads identified close to Watford Junction station where support from residents indicated that permit parking might be a solution. However, overall the scheme was not supported. Therefore it was felt right that it could not go ahead. If a parking permit scheme was applied to such a narrow area it could push the problem into other roads whose residents would then feel obliged to come into the scheme. Councillor Sharpe felt that following the parking study it should be treated as having been determined for the immediate practical future. The report stated that this should be a time period of five years, and Councillor Sharpe explained that the current administration had no intention of re-opening the process.

Councillor Sharpe highlighted to Cabinet that there were a number of recommendations with other possibilities that might be worth investigating.

The Traffic Engineer commented that once residents had seen the detail of the proposed scheme they felt the solution would be worse than the current problem. There was support however for a review of existing parking controls and with a view to making a few minor adjustments where benefits to local businesses and residents could be identified.

Councillor Bell welcomed the consultation and engagement with residents and congratulated officers on their work.

The Mayor explained there was a proposal to speak to Hertfordshire County Council about introducing more one-way streets into the area. The Mayor also thanked officers for their work.

RESOLVED

1. that in light of the responses to the stage 2 Public Consultation, proposals for a Residents Permit Parking Scheme in the St Albans Road Residents Parking Scheme study area be abandoned.
2. that in view of the lack of community support demonstrated through the stage 2 consultation of the St Albans Road Parking Study, proposals for area wide parking controls are not considered in the Callowland area for a minimum of 5 years.
3. that a review of existing waiting restrictions within the study area be undertaken in consultation with affected residents and businesses to determine where amendment to current controls can be made subject to visibility and traffic flow considerations to allow an increase in on-street parking capacity.
4. that specific instances of obstructive parking raised by consultees be investigated to determine if additional parking controls to secure access to premises are necessary.
5. that existing limited waiting parking provision and loading bays in the study be reviewed in consultation with local businesses to identify opportunities to amend the controls to better meet the needs of local businesses.
6. that the current parking controls on Leavesden Road between its junctions with Copsewood Road and Lowestoft Road be reviewed to identify whether they can be amended to provide additional parking opportunities for local residents during the working day.
7. that Hertfordshire County Council be requested to consider the benefits of introducing one way streets within the study area to reduce traffic conflicts.

11

BUILDING CONTROL

A report on the future of the Building Control Service was taken to Cabinet in July 2013. Cabinet agreed to set up a Joint Venture Company with the Norse Group to deliver the Building Control function. However, following negotiations it became clear that the Council's objectives could not be achieved with the Norse Group.

As an alternative strategy, Local Authority Building Control (LABC) were commissioned to undertake a review of the options for the service and came up with a series of recommendations to improve the efficiency of the service as a first step. A project group was established to implement these recommendations and consider the longer term future for the service. The project group's objectives were:

- reducing costs and increasing efficiency
- improving the resilience of the service; and
- increasing market share through improved service delivery, marketing and promotion

Councillor Sharpe introduced the report and explained that the original move to use Norse had included Dacorum Borough Council. However, Dacorum changed their plans which affected the overall business case and therefore it was decided to improve the Council's own services.

The Managing Director commented on the importance of Building Control's work and that the in-house staff were excited to have more control over the way that their service would be delivered. The improvements recommended by the consultants would drive up standards and improve competitiveness.

Following comments by Councillor Bell, the Mayor and Councillor Scudder explained that the outsourcing through the Veolia contract was a very different situation and set of circumstances. Each case for outsourcing would be considered on its own merits and was about achieving the best value for the Council.

RESOLVED

1. that Cabinet notes that a delivery partnership with the Norse Group is not to be proceeded with
2. that Cabinet agrees that the Building Control Function should continue to be delivered as an in-house service at this time and that LABC's recommendations are implemented, where possible, and that a further review of the service is carried out thereafter.
3. that Cabinet endorse LABC's recommendation that where possible the in-house Building Control Service is used for Council projects and schemes

12

APPROVAL OF THE RESIDENTIAL DESIGN GUIDE

The Planning Policy Team had produced a revised Residential Design Guide for the Borough of Watford. This document provided information on acceptable standards of design for altering existing residential properties or designing new ones. The document formed part of a suite of documents on design, alongside the existing Shopfront Design Guide and Streetscape Design Guide.

The document provided detail on how residential development should be designed, from house extensions to entire new neighbourhoods. There was a mixture of diagrams, pictures and text to demonstrate acceptable approaches to design, while the document included updated space standards for internal spaces (rooms) and private amenity spaces (gardens). A draft version of the document had been out for a public consultation between 4th November and 16th December 2013 and the responses received helped to shape the final version.

The Mayor congratulated officers on excellent work. Councillor Sharpe commented that it was another example of professionalism and a positive piece

of work. He welcomed the dwelling size standards and how it would bring Watford in line with London. It would encourage the design of quality living spaces.

Councillor Sharpe referred to a recent seminar for Members on design and being clear about what was expected. He felt it would help developers not to submit unsuitable schemes. It was important that the Council was active in making clear what it expects from developments.

The Senior Planner (Urban Design and Conservation) showed Cabinet that, following work by the Council's Graphic Designer, the guide had been reduced from 177 pages to 38, therefore, making it more attractive to developers and residents. He stated that the guide would help to speed up processes and make them more efficient.

Councillor Johnson commented that all members of the Development Control Committee should be aware of the document as it would provide the committee with more tools when considering applications. He suggested that a copy of the guide should be sent to all Councillors.

Action: Senior Planner (Urban Design and Conservation)

Councillor Sharpe explained that guidance was not the same as rules. However, the more proactively the Council used the document the more impact it would have as a result.

Councillor Bell welcomed the guide and commented on the dwelling size standards and suggested it should be noted by Development Control Committee.

RESOLVED

that Cabinet

1. adopts the Watford Residential Design Guide.
2. agrees that the Residential Design Guides: Volume 1: Building New Homes & Volume 2: Extending Your Home (2008) and Supplementary Planning Guidance 6: Internal Space Standards (2004), which are replaced by the aforementioned document, be deleted.

13

BIG EVENTS PROGRAMME

Cabinet received a report from the Section Head – Culture and Play regarding the Big Events Programme. This would be the biggest cultural events programme ever staged in Watford and was designed so that there would be something for everyone to enjoy.

As agreed during the budget setting for 2014/15 the events programme was currently subsidised from Council reserves for a period of three years. The

report outlined what would be required to support the programme once the initial funding expired.

The report was introduced by Councillor Crout who stated that although the programme had only been running for a short time it had already exceeded expectations. He also gave examples of the numbers of people who had attended the Imagine Watford festival, the Big Dance and the Family Sports Day. He commented that the Sports Day held recently had received incredible input from volunteers, local businesses, SLM and clinical commissioning groups. Officers working on the Borough event strategy had a co-ordinated approach to the events and they were planned effectively. He offered his congratulations to everyone involved.

The Section Head – Culture and Play said that the programme was a credit to the cultural leaders, arts and community groups within the Town along with Council officers. Everyone was committed to making it a success and it would be helping to revitalise the Town Centre and inspire business confidence.

Councillor Sharpe referred to the visit by Mary Portas to the town and her comments that a diversity of offerings was important in order to achieve success. These included holding events in attractive spaces. The Council had received positive comments in the national media regarding Imagine Watford.

The Mayor commented on the success of Watford Live to showcase local talent.

Councillor Bell questioned whether residents were aware of the Big Events taking place in the town.

The Corporate and External Communications Section Head explained that there had been a large amount of marking activity and gave examples of posters in train stations and bus stops, local press coverage, a dedicated Big Events website and extensive use of social media. The Mayor commented that word of mouth would be important to promote the events and Councillor Crout suggested that Councillors could help promote them through their social media outlets.

The Head of Community and Customer Services undertook to speak to the planning officers regarding banners in the town centre to promote the events. He stated that members could have information to promote the events in a variety of formats e.g., electronic, posters or leaflets and that members should contact him with their requirements.

Action: Head of Community and Customer Services

Councillor Bell asked whether Watford Live was being forgotten as it took place at the same time as Imagine Watford. He also commented that only a Diwali celebration was taking place in the Big Events space and asked whether other cultural groups would be included.

The Mayor responded that there was a large diversity of people who watched the events that had taken place. The Palace Theatre led the work with groups from different parts of the community and had offered the opportunity to all to use the events space. So far only one group had expressed an interest, the others wished to continue to hold their events inside at the Palace Theatre. If these groups saw that the events space was successful they may be encouraged in future years. The Mayor went onto comment that Watford Live had chosen their own timings for their event and that they had increased numbers attending this year.

RESOLVED

that Cabinet:

1. notes the events programme objectives
2. endorses and supports the continued development of the Big Events programme and the use of the new events spaces as opportunities for cultural activities.
3. notes the selection of Stage Electrics to provide the ice rink as an exemption under the Council's procurement code.

14

TO CONSIDER THE 2013/14 FINANCIAL OUTTURN FOR THE AUTHORITY

The Director of Finance presented a report which informed Cabinet of the revenue and capital outturns for 2013/14.

The report had also been considered by Budget Panel at its meeting on the 9th July and the minutes were circulated at the meeting.

The Director of Finance explained that it appeared as though the reserves had increased significantly. However, this was mainly due to a government grant which was given to the Council in the previous financial year but would be spent in the current financial year.

The Mayor thanked Budget Panel for their work.

RESOLVED

that Cabinet:

- notes the revenue outturn as summarised at Appendix 1A of the report and supplementary notices at Appendices 1B to 1F and to note the year end position, which includes the carry forwards as shown in paragraph 2.2 of the report.
- approves the unspent service budgets from 2013/14 to be carried forward into 2014/15 totalling £338,950 as detailed in Appendix 1E
- notes the Reserves statement at Appendix 1F and notes that the overall level of reserves has increased by £7.263m. However, it is anticipated that the majority of this will be used to fund expenditure in 2014/15. This

includes approx £4.000m in relation to business rates and New Homes Bonus funding to support capital expenditure in future years

- notes the capital outturn as summarised in Appendix 2. This showed the original budget of £21.586m (which included £8.087m rephased from 2012/13) and the outturn of £12.552m. The majority of the variance had occurred from the rephasing of large scale projects to 2014/15.

15

INCREASE IN BUDGET TO FUND ICT ROADMAP EXPENDITURE

A report from the ICT Client Head and Director of Finance stated that additional Capital funds were required in order to meet the ICT improvements required. The report proposed to initiate a programme of ICT improvements. A detailed version of the roadmap proposal was approved at Joint Leadership team on 3 February 2014.

The Council outsourced the ICT Service to Capita SIS in May 2013. Since outsourcing a number of problems raised during due diligence had been addressed either through specific and chargeable projects using existing budgets or through the managed service contract.

Despite some areas of improvement over the past few months there was still a recognition that the issues identified within due diligence posed a risk to the Council and that users were experiencing impaired performance in a variety of ways.

Therefore, project areas had been defined as an overall programme of ICT technical improvements from Capita SIS.

The Director of Finance commented that the Council needed to put in investment in order to make improvements due to the aging IT estate. This had also been brought about by the government's requirements for new security arrangements.

Councillor Bell questioned whether further investment would be needed on top of what the report was requesting.

The Mayor responded that investment would continue to be needed to bring the service up to standard. The Director of Finance commented that the investment would have been needed whether the Council had outsourced the service or not.

RESOLVED

That Cabinet agrees to the additional capital budget required to complete the ICT improvements outlined in this report and **recommends that Council approves the necessary increase to the capital programme.**

MUNICIPAL BONDS AGENCY

Cabinet received a report from the Director of Finance: the Local Government Association (LGA) was developing a proposal to establish a Municipals Bonds Agency. The benefits of doing this would be that local authorities should have access to cheaper rates of borrowing than may otherwise be the case.

The LGA were looking for authorities who may wish to invest in the Agency. This was in response to the LGA's view that the Public Works Loans Board (PWLB), currently the source of the majority of local authority borrowing, rates had become very expensive and inflexible.

The Director of Finance explained that the LGA needed to accumulate £8-10m in securities to go to Market, in order to get good rates and bond issue. If agreed, Watford would be supporting the agency through an investment of £20,000. The Director went on to explain that there was a risk the Council could lose the investment, however, there was good experience elsewhere and the prospect of a good return.

In response to a question from Councillor Bell, the Director of Finance commented that Stevenage Borough Council were also participating in the scheme and Birmingham City Council were contributing £200,000. Those Councils who were not investing were waiting to see what happened first; they did not have any specific issues with the scheme. The LGA now had enough investment to go forward with the first piece of work.

RESOLVED

that Cabinet **recommends to Council that it**

- agrees to support the Local Government Agency in developing a Municipal Bonds Agency
- agrees to invest £20,000 into the Agency subject to approval of the final terms and conditions.

EXCLUSION OF PRESS & PUBLIC

RESOLVED

that, under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of the item there would be disclosure to them of exempt information as defined in Section 100(1) Schedule 12A of the Act for the reasons stated in the report.

AWARD OF CONTRACT FOR PROVISION OF A HOMELESSNESS REVIEW SERVICE

Cabinet received a report from the Housing Section Head regarding the award of a contract for the provision of homelessness reviews service. A procurement exercise had been carried out in order to select a provider.

The Managing Director presented the report and responded to Members' questions.

Councillor Bell requested figures of the number of cases dealt with over a year

Action: Housing Section Head

RESOLVED

That Cabinet note that the correct procurement procedures have been followed in line with the Council's Contract Procedure Rules and Constitution .

That Cabinet approves award of contract to the provider selected through the procurement process and:-

- Ratifies the authorisation of the delegation and/or contracting out of homelessness reviews as part of the Council's Part 7 functions to Housing Reviews Limited (and in so far as is necessary to Minos Perdios), pursuant to ss.69 and 70 Deregulation and Contracting Out Act 1994, regulation 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and all other necessary powers. The authorisation is to be for a maximum period of 5 years from 11 August 2014 which is the date of the commencement of the contract between the Council and HRL] (the "Contract");
- Ratifies the Council's entry into the Contract as forming part of the management of processes relating to the Council's duties under the Housing Acts and in particular those duties relating to homelessness determinations

Mayor

The Meeting started at 7.00 pm
and finished at 8.20 pm