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SUMMONS

MEETING OF THE COUNCIL

Wednesday 15 November 2017

Council Chamber, The Forum

You are hereby summoned to a meeting of the Dacorum Borough Council in the County of Hertfordshire to be held in the Council Chamber, The Forum on Wednesday 15 November 2017 at 7.30 pm to transact the business set out below.

A handwritten signature in black ink, appearing to read 'Sally Marshall'.

**SALLY MARSHALL
CHIEF EXECUTIVE**

TO ALL MEMBERS OF THE COUNCIL

Contact: Jim Doyle

ext 2222

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting of the council held on 27 September 2017.

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 Solicitor to the Council.

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

Councillor Marshall

Councillor Elliot

Councillor Mrs Griffiths

Councillor Harden

Councillor G Sutton

Leader of the Council

Environmental, Sustainability and Regulatory Services

Finance & Resources

Housing

Residents & Corporate Services

Planning and Regeneration

5. QUESTIONS

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

6. BUSINESS FROM THE LAST COUNCIL MEETING

To consider any business referred from the previous meeting

7. NOTICE OF MOTION

To consider the following motion from Councillor Tindall:

Proposed Public Space Protection Order

1. This Council notes that the Cabinet is concerned about the level of anti-social behaviour and it is clear from the number of responses to public consultation (which ended 13th October) that residents of Dacorum have been engaged both with the subject and the proposed remedy.
2. The members of Dacorum Council, having debated the issue of anti-social behaviour and the proposed remedy, request that before the Cabinet makes its decision on the introduction of a Public Space Protection Order (PSPO) in Dacorum they :-
 - a. have regard to the opinions and comments of council members expressed in the debate on 15th November, and
 - b. take note that :-
 - i. the proposed PSPO addresses some behaviours which are already covered by existing criminal legislation and as such fall under the proper remit of the police,
 - ii. the PSPO plans would need to be evaluated based upon actual implementation plans for enforcement, including who will do the enforcement and what training will be given and what powers would be used,
 - iii. In addition to enforcement of the PSPO, the practicality of using fines or court summonses to individuals with no means and no fixed abode, and the times of day when enforcement will take place
 - iv. a PSPO should not be used when there are alternative steps that could be taken to address the behaviours disapproved of, some of which are clearly the result of seven years of austerity
3. The PSPO, when drafted, would need to identify the issues that it was aiming to restrict. There is a general principle that where an Act criminalises an activity the scope of the activity must be clearly defined. The proposals cannot therefore actually be judged on their proportionality and practicality until the draft PSPO is available.
4. Therefore, this council requests that a further consultation process is carried out once the draft PSPO is publicly available and that the outcomes of that consultation and the proposal to adopt the draft PSPO is brought to full Council for approval or otherwise.

8. CABINET REFERRALS (Pages 5 - 8)

To consider the following referrals from Cabinet:

8.1	CA/104/17	17 October 2017	Brownfield Land Register
8.2	CA/105/17	17 October 2017	Member Employee Code of Practice and Planning Code of Practice

9. OVERVIEW AND SCRUTINY REFERRALS

10. CHANGES TO COMMITTEE MEMBERSHIP

To consider any proposals for changes to committee membership

11. CHANGE TO 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 s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the items in Part 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 those items, there would be disclosure to them of exempt information relating to the financial and business affairs of the Council and third party companies/organisations.

Local Government Act 1972, Schedule 12A, Part 1, paragraph 3.

13. CALL-IN & URGENCY PROCEDURE (Pages 9 - 10)

CABINET REFERRALS

17 October 2017

8.1 CA/104/17 BROWNFIELD LAND REGISTER

Decision

Resolved to recommend:

1. To approve the sites listed in Part 1 of the Brownfield Land Register (BLR) as drafted in Appendix 1 of the report to Cabinet and delegate authority to the Assistant Director (Planning, Development and Regeneration) to finalise the site specific information before publication noting that there will be no sites in Part 2 on first publication.
2. Delegate authority to the Solicitor to the Council to amend the constitution to give effect to the following procedures and authorisations for administering the BLR:
 - (a) "That the Assistant Director (Planning, Development and Regeneration) will be responsible for considering which sites go onto the BLR (Part 1 and 2) for consultation, carrying out required consultation, and reporting the BLR to Cabinet and Council for final approval.
 - (b) That applications for Technical Details Consent be dealt with in accordance with the existing scheme of delegation for all planning applications."

Reason for decision

To consider the content of the first Brownfield Land Register for the Borough of Dacorum and set out proposed changes to the Constitution for its preparation and implementation.

Corporate objectives

A clean, safe and enjoyable environment, Building strong and vibrant communities; Ensuring economic growth and prosperity; Providing good quality affordable homes; Delivering an efficient and modern council;

The Brownfield Register will assist in more housing led sites becoming available for development (within 5 years of being eligible for Part 2 of the Brownfield Land Register). This will provide more local housing, improved communities and economic growth.

The reduction in the number of council own cases presented to committee will make the meeting a more efficient process.

Monitoring Officer/S.151 Officer comments

Monitoring Officer: The Council is required to publish a Brownfield Land Register by 31st December 2017 and therefore agreement of this report will enable the Council to achieve that deadline. Statutory guidance for the matters which must be included in the BLR, including all consultation requirements, is set out in The Town and Country Planning (Brownfield Land Register) Regulations 2017 and officers must ensure that they follow these regulations when publishing future registers.

S.151 Officer: No further comments to add to this report.

Advice

Councillor Sutton introduced the item and informed the Cabinet that he has signed-off a press release advising the public that this is their opportunity to identify likely brownfield sites for potential development. J Doe, Assistant Director (Planning, Development & Regeneration) advised the Cabinet that the creation and maintenance of a Brownfield Site Register is a statutory duty and part of the current Government Strategy to address housing issues. J Doe then took the meeting through the recommendations and pointed out that part of their function is to delegate to the Solicitor to the Council authority to amend the Scheme of Delegation and attendant sections of the Council's Constitution accordingly.

Councillor Marshall sought and was given clarification on the process for inclusion of sites on the Part 1 and Part 2 schedules of the Brownfield Register. J Doe explained that inclusion in Part 1 would primarily result from consultation with the landowner. However Part 2 sites require high level planning consent and so will demand liaison with local stakeholders such as Parish Councils, etc. and necessitate extensive consultation. Councillor Williams pointed out that additional scrutiny will be that a site must have been on the Part 1 list before it can be considered for the Part 2 list. Councillor Marshall concluded by stressing that no site or piece of land will go on the Register unless it is approved by Cabinet and at Council.

Councillors Marshall then moved on to the issue of keeping members of the Council informed. She was particularly concerned that they are informed on all sites included in Part 2 of the Register and how they would be kept up to date on any additions to Part 2. J Doe informed the meeting that the full list of Part 2 sites would be reported to Cabinet and Council. Councillors will be consulted directly on any site in their particular ward or adjacent wards. Sites will be brought to committee on an annual basis with reports containing officer insights and opinion.

Councillor Marshall suggested that any Part 2 additions be notified in the weekly list of planning applications distributed to councillors. J Doe added that a full list would be produced for Cabinet and all additions reported to Cabinet on an annual basis. Councillor Williams pointed out that in order to move into Part 2 a site would first have to go through Part 1. Councillor Marshall concluded that the inclusion of a piece of land will not be approved until it has first gone through Cabinet and Council.

Councillor Birnie enquired if inclusion in Part 2 assumed planning permission had been granted. J Doe confirmed the councillor's view and added that no site would be included in Part 2 without first having gone through Part 1.

Councillor Griffiths asked if a site had to be available to build on before it is included in the Part 1 list. She foresaw the danger of Cabinet becoming the Planning Committee. J Doe confirmed that any brownfield site currently in use could not be included on the development lists. Councillor Griffiths pressed – would all councillors have to be trained in planning issue and practice. M Brookes, Solicitor to the Council advised that the Cabinet would not be the determining body and would deal with much less detail than the Development Management Committee. Councillor Griffiths expressed concern that current employment land could be

moved into the brownfield register and end up as housing development. J Doe reassured the councillor that this type of site and the process involved are the result of a loosening of planning rules but reclassifying this sort of site would be subject to thorough examination.

Councillor Williams felt Cabinet would be more concerned with the nature of the intended development.

Voting

None.

17 October 2017

8.2 CA/105/17 MEMBER EMPLOYEE CODE OF PRACTICE AND PLANNING CODE OF PRACTICE

Decision

Resolved to recommend:

1. to approve the Planning Code of Practice.
2. to approve the Protocol for Member Officer Relations.

Reason for decision

To seek approval to the amended and updated Planning Code of Practice and the Protocol for Member/Officer Relations to reflect changes to staffing structures, operational changes and new legislation.

Corporate objectives

The Constitution, which includes the codes of practice and protocols, support all of the Council's Corporate Objectives as they provide the governance and standards framework for all decisions, strategic and operational.

Monitoring Officer/S.151 Officer comments

Monitoring Officer: This is a Monitoring Officer report.

S.151 Officer: No further comments to add to this report.

Advice

There were no additional comments on the report and the Cabinet approved the recommendations.

Voting

None.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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