

## MINUTES

### STRATEGIC PLANNING & ENVIRONMENT OVERVIEW & SCRUTINY

21 NOVEMBER 2017

**Councillors:** Anderson (Chairman)  
Barrett  
Birnie  
Fisher  
Howard (Vice-Chairman)  
Ransley  
Riddick  
Timmis  
C Wyatt-Lowe

<b>Officers:</b>	James Doe	Assistant Director - Planning, Development and Regeneration
	Katie Mogan	Member Support Officer
	Danielle Newnham	Scientific Officer
	David Skinner	Assistant Director - Finance & Resources
	Craig Thorpe	Group Manager - Environmental Services
	Emma Walker	Food Safety and Health and Safety Team Leader

**Also In Attendance:**

Duncan Jones	Partnership Development Manager
Councillor Janice Marshall	
Councillor Graham Sutton	

The meeting began at 19.30pm

**144**            **MINUTES**

The minutes of the Strategic Planning and Environment Overview and Scrutiny Committee meeting held on 10 October 2017 were confirmed by the members present and signed by the Chairman.

**145**            **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors S Hearn, Hicks and Matthews.

**146**                    **DECLARATIONS OF INTEREST**

There were no declarations of interest.

**147**                    **PUBLIC PARTICIPATION**

There was no public participation.

**148**                    **CONSIDERATION OF ANY MATTER REFERRED TO THE  
COMMITTEE IN RELATION TO CALL-IN**

None.

**149**                    **FLY TIPPING**

D Jones, Partnership Development Manager – Hertfordshire Waste Partnership gave a presentation to members regarding fly-tipping in Hertfordshire. The main points of the presentation were as follows:

- In 2016/17, there were 15,216 recorded incidents of fly-tipping across Hertfordshire which cost £1.1 million.
- The Hertfordshire Fly Tipping Group have been working closely with the Police and Crime Commissioner and have been able to access the nuisance fund which is worth £100,000 per annum. In 2016/17, the Hertfordshire Fly Tipping Group received £82,266 of this money and £50,000 in 2017/18.
- The group found that there was little publicity about enforcement action and this has now been included on the work programme.
- Small fines in the Magistrates Court are not acting as a deterrent so the group have produced a report for the Magistrates Association to explain the costs of fly tipping on local authorities.
- A common definition of fly tipping has been agreed so cases can now be compared like for like across the county.
- 60% of fly tipping in Hertfordshire is domestic in nature
- In 2016/17, there were 36 prosecutions and 31 Fixed Penalty Notices. In 2017/18 so far, there have been 18 prosecutions and 64 Fixed Penalty Notices. Before the Fixed Penalty Notices, all cases had to go to court.

Councillor Timmis said in her ward, fly tipping has become endemic. It is a largely rural area so it is hard to catch the offenders. The fines are not enough to deter fly tippers and £300 could buy you skip. She said she had spoken to farmers who are fed up of fly tipping on their land, it costs them £1000 each time to clear it up. Councillor Timmis felt that not enough was being done and a Keep Britain Tidy survey found that 40% didn't think fly tipping was a crime and 11% had admitted they had done it.

D Jones said he agreed that catching the offenders was the most difficult part. Currently, offenders feel the risk is worth it but the punishments are changing. CCTV cameras can now be mobile and wildlife cameras have been used but they have to be in the right place at the right time to catch fly tippers. In 2014, new sentencing guidelines were introduced for environmental issues and the group are working with local authorities to ensure they properly document the costs of fly tipping. In relation to farmers, it has been an on going debate but there is not an easy solution.

Councillor Timmis said that most of the fly tipping is from builders coming up from London. If there is evidence of the source and the homeowner has paid for removal then the onus should be on them.

D Jones said that residents have a duty of care to dispose of their waste legally. They can be fined or sent to prison but this is not commonly known. The Environment Agency have a website where waste removal licences can be checked.

Councillor Birnie asked about the fines and if £300 was a statutory fine or discretionary.

D Jones said it was a function of local government.

J Birnie asked about the court fines.

D Jones said they are down to the magistrates and is dependant on many factors such as sentencing guidelines and the size of the fly tip. This is why it is important for local authorities to document the costs.

Councillor Anderson said he was interested in the idea of creating one legal service at a county level and it would be good to have more details.

D Jones said one or two legal services in the county have good, slick processes and internal standards for getting cases and documents to court. The idea is to take this best practice and make it county wide which in turn would help generate savings.

Councillor G Sutton asked how vigorously are travellers pursued.

D Jones said it varies and some boroughs are better than others. There has been some success – in Stevenage, the travelling community worked alongside the Gypsy Liaison Department at Herts County Council to clear the fly tipping problem in that area.

Councillor Marshall said she was in favour of useful cooperation between local authorities. The combined legal service is certainly attractive and is something to pursue.

### **Outcome**

Councillor Anderson asked the Portfolio Holder for Environment, Sustainability and Regulatory Services to participate in working with other authorities to improve the

success in decreasing fly tipping. Also, the Chairman asked if fly tipping statistics could be produced for members by ward. The committee thanked D Jones for his interesting and informative presentation. The Strategic Planning and Environment Overview and Scrutiny Committee approved the report.

## **150**                    **BUDGET MONITORING Q2**

D Skinner introduced the item to members and ran through the main highlights of the report:

- In paragraph 3.4, the forecast for Investment Income is showing a deficit of £115k. However, since the report was written, the Bank of England raised interest rates so this will be updated for the next quarter and will have a positive impact on the Medium Term Financial Strategy.
- The report mainly contains a continuation of areas explored in previous quarters.
- There are still vacancies in Building Control and these are being filled by agency staff.
- A pressure of £75k has arisen in Strategic Planning and Regeneration from initial feasibility work on the proposed conversion of The Bury into a museum and this cannot be treated as capital expenditure.
- There is an overachievement in income with planning fees which has picked up after the uncertainty caused by Brexit. This will need to be monitored in the future.
- There is also an overachievement in income from the Alternative Financial Model and reflects the good work undertaken by the department.

Councillor Riddick referred to paragraph 4.3 and asked if the increase in planning fee income was due to the scale of applications or the volume.

J Doe said it was the scale and there have been a large number of major applications submitted recently.

Councillor Barrett referred to the decrease in commercial waste income and asked if it was a current trend.

D Skinner said this decrease was not over one quarter. Measures have been taken to review and optimise the round structure to ensure that collection is taking place in the most effective way.

### **Outcome**

Councillor Anderson thanked D Skinner for all his hard work on the committee. The Strategic Planning and Environment Overview and Scrutiny Committee approved the report.

C Thorpe introduced the report to members and ran through the highlights and key achievements.

- Environmental awareness has had a very busy quarter with new initiatives. The Love Parks campaign was more successful than expected.
- The Community Champion awards were held at The Marchmont Arms and awards were given to individuals and local groups.
- The department's bid for help tackling fly tipping was successful and information leaflets will be distributed raising key messages.
- A lead gardener for the Water Gardens is now in post and the Tree and Woodlands Officer post has been filled.
- Members asked for analysis on reasons for sickness day and the report shows the majority of them are gastrointestinal which is to be expected as staff work in crews of 3-7 and any illness will spread quickly. Musculoskeletal issues are second on the list. Incidences of mental health absence have increased but these mean staff are often off for a longer period of time.
- Number of accidents in this quarter are included in the report, there were 19 vehicle accidents but these were mostly knocking off wing mirrors which is to be expected when crews are visiting every road in the borough.
- Regarding the performance indicators, the department is over target on collections which is impressive as they collect 1.2 million bins in each quarter.

Councillor C Wyatt-Lowe complimented C Thorpe and his team on the Water Gardens. She was pleased to see the smaller islands had been cleared of rubbish but the geese seem to have made a comeback and are pecking holes in the grass. Secondly, the new Swallowdale estate does not seem to have any general litter bins or dog waste bins installed and she asked if they were due to be.

C Thorpe said the dog waste bin contract did not fall under his remit. He was unsure about the situation regarding litter bins and said he would come back to Councillor C Wyatt-Lowe with an answer after the meeting. The geese have had an impact on the maintenance of the gardens. The team are working with others to come up with some solutions. One that has been suggested is to not cut the grass on the edge of the banks so it is difficult for them to get out the water.

Councillor Birnie asked what was the difference between litter and detritus.

C Thorpe said litter was rubbish dropped like crisp packets and detritus was dirt, earth and weeds.

Councillor Birnie said the department had been removing dog waste bins in his ward to see if it was cost effective. He asked if any conclusions could be drawn yet.

C Thorpe said there will be a report to this committee in January about dog waste bins. If dog waste bins are not able to be repaired then they are removed if there is a general litter bin nearby. There haven't been any complaints as yet.

Councillor Birnie asked if any publicity had been promoted to tell residents that dog waste could go in general litter bins.

C Thorpe said no but he was in contact with colleagues at the Hertfordshire Waste Partnership to see how they have promoted it. Some councils have placed stickers on bins.

Councillor Riddick asked if there was a contribution from the organisers of the Tour of Britain to cover the clean up costs.

C Thorpe said the Clean, Safe and Green team have a budget to clean the borough 365 days a year and this does cover any events in the borough.

Councillor Timmis raised several points. Firstly, she referred back to the dog waste bins. She said she thought putting dog waste into general bins was unhygienic. Secondly, she asked if the sickness rate was comparable to other departments. Thirdly, she asked why the commercial waste round so not offer a recycling service.

C Thorpe replied to these points. Firstly, he said that a draft report would be coming to this committee in January but he had been speaking to other authorities to see what they did about dog waste bins. Secondly, the sickness record in Clean, Safe and Green is sometimes better than those in office departments. Staff do not have the flexibility to work from home and C Thorpe said he was very proud of the sickness record. Thirdly, in relation to the commercial waste collection, he said that the council do offer a cardboard and paper recycling service but recycling materials do not have any value.

Councillor Birnie asked if glass was worthless.

C Thorpe said that the department used to receive £35 a tonne for glass but now they pay £15 a tonne to dispose of it.

Councillor Anderson said the committee had previously discussed the drop off in business but questioned the reasons why a recycling service couldn't be offered.

C Thorpe said other waste contractors do not see collecting recyclables as useful.

Councillor Anderson hoped that the council would not miss out on an opportunity to generate income. He then referred to a recent decision for a contract to maintain the trees in the borough, he asked if this was to replace the in house service or as an addition.

C Thorpe said it was an addition to the in house team. There have been some vacancies in the team which have not been filled and this is an opportunity to look at a restructure of the team.

Councillor Timmis referred back to the commercial waste collections. She said the decision should not solely rest on costs but it is also an environmental issue and the council should be encouraging recycling.

C Thorpe agreed and said every decision was made in relation to its economic and environmental viability.

Councillor Ransley said that a few trees were blown over in the storm in her ward and although they were removed from the road, they have just been left on the side of the road and over streams. Residents are concerned that the trees could block the stream and damage the land underneath.

C Thorpe asked Councillor Ransley to send him the locations and he would look into this.

Councillor Birnie asked if the vacancies in the tree department affected the tree expert that advised members on planning applications at the Development Management Committee.

C Thorpe said the vacancy was on the operational side.

Councillor Marshall referred to the problem with the geese in the Water Gardens. Prior to the hand over to Clean, Safe and Green, the Strategic Planning department were looking after the gardens. Lots of work has been done to try and resolve the issue but it is an on going battle and might take some trial and error.

### **Outcome**

That the Strategic Planning and Environment Overview and Scrutiny Committee approve the report.

## **152                    REGULATORY SERVICES Q2 PERFORMANCE REPORT**

E Walker introduced the item to members and ran through the key points:

- A-C food inspections have dropped off significantly in this quarter. This is due to staff sickness but all staff have now returned to work so this is expected to pick up in the next quarter.
- A corporate health and safety training session was delivered to members with positive feedback. Members requested accident data to be included in the quarterly update. There have been 33 accidents across the whole Council in Q2 (including vehicle accidents). Three of these accidents were RIDDOR reportable to the Health and Safety Executive. Two were over 7 day injuries, arising from a slip, trip or fall. The other was a member of the public taken straight to hospital arising from a slip, trip or fall.

- There has been a significant increase in food poisoning cases but this has not been linked to a common cause and the department have been working closely with Public Health England.
- There were two warrants to enter premises in Northend due to noise complaints. Equipment was seized and the Environmental Health Officer was called to court to give evidence and a closure order was granted,
- The Stray Dog Service has maintained its Gold RSPCA award. Communications spent the day with the dog warden and promoted “The Day in the Life of the Dog Warden” on social media.

Councillor Anderson thanked E Walker for including the accident data in the report as requested.

Councillor Birnie asked what progress was being made on the noise complaints on Bovingdon Airfield.

E Walker said she believed it was still with the planning department who are working to reach a resolution.

Councillor Riddick said that staff turnover in the department seems to high.

E Walker said there was a national shortage of qualified staff and only two universities in the country offer the course needed.

Councillor Riddick referred to paragraph 3.1 and the number of accidents. He asked if the member of the public would be likely to claim against the council.

E Walker said the incident involved a child jumping of a swing and breaking their wrist. It was unlikely to come back against the council.

Councillor Riddick asked how staff were able to train at the University of Birmingham – do they get day release or is it distance taught?

E Walker said it was a mixture of both. University of Birmingham provides the masters course and University of Middlesex provide an undergraduate degree.

Councillor Riddick referred to the ASB noise order and asked what happened to the tenants.

E Walker said she was unsure but would come back to Councillor Riddick on that point.

Councillor Timmis congratulated the dog warden on the Gold Award.

Councillor Anderson thanked the department for all their hard work despite the staff vacancies and issues faced.

## **Outcome**



That the Strategic Planning and Environment Overview and Scrutiny Committee approve the report.

**153**                    **PLANNING, DEVELOPMENT AND REGENERATION Q2**  
**PERFORMANCE REPORT**

J Doe introduced the report to members and ran through the key highlights:

- There has been a 100% success rate in appeals
- All major applications have been determined on time
- The validation of applications is still proving difficult. There is a backlog which has been exacerbated by staff sickness and complex cases. The department has received assistance from the performance team and the average wait time for validating applications is down to 7 days.
- There is an issue with recruitment and retention of staff especially in building control as the pay is better in the private sector.
- The missing measures on the performance report are the planning enforcement figures. These are: 100% for priority 1 cases, 83% for priority 2 cases and 96% on priority 3 cases.

Councillor Birnie highlighted that there had been a lot of resignations in the department and asked how many staff were left.

J Doe said that there was an admin team, three trainees and one agency staff member. The Team Leader left due to personal circumstances and the Assistant Team Leader moved to the private sector for better pay.

Councillor Birnie asked if bonuses had been addressed to retain staff.

J Doe said the council had previously paid market forces supplements but this was phased out due to budget pressures. Retention of staff is becoming a growing problem and currently, the council's pay policy does not include market force supplements. The only current option is to use agency staff which are expensive. J Doe assured members that different options and interim management assistance are being explored.

Councillor Birnie referred to the 100% success rate in appeals.

J Doe said this indicator varies from quarter to quarter and shows that there is good decision making from both members and officers. It also shows that the council has good, robust planning policies.

Councillor Birnie said he was unsure on the call-in process if an application is in a different ward.

J Doe said ward councillors have a 28 day period from when an application has been validated to call it in and give valid reasons why. Senior officers also have the ability to refer an application to the Development Management Committee if there is deemed to be a high level of public interest. Also, any application that a Town or Parish Council does not agree with the recommendation, and then this is automatically referred to the committee.

Councillor Birnie referred to the recent application for a Mosque in Nash Mills and said he had received 97 emails from residents raising concerns. Would this constitute enough public interest to go to the committee?

J Doe said that unless it was subject to a member call-in then he would be referring it to the committee.

Councillor Anderson said this point flags up the importance of members taking the time to read the constitution.

Councillor Fisher said that recently, the Development Management Committee were faced with applications that had been approved but a second had been submitted with a greater number of dwellings on the site. Is this an ongoing trend?

J Doe said it isn't necessarily a trend but it is not uncommon. He highlighted that every application must be treated on its own merits.

Councillor Timmis said that information regarding the new local plan was difficult to find on the website.

J Doe said he was working closely with Communications to try and promote the consultation. He would take the point away and try and see if anything can be flagged on the council's homepage.

### **Outcome**

That the Strategic Planning and Environment Overview and Scrutiny Committee approve the report.

## **154            AIR POLLUTION UPDATE**

D Newnham introduced the report to members and ran through the key points:

- Part IV of the Environment Act 1995 requires Local Authorities to review air quality within their area. If it appears that any air quality 'objective' prescribed in the regulations and in the National Air Quality Strategy is not likely to be achieved then the Local Authority must designate the affected areas as Air Quality Management Areas (AQMAs). The Act then requires that an Air

Quality Action Plan (AQAP) be produced for any areas designated as AQMAs, setting out the actions that the Council intend to take to achieve the air quality objectives.

- In June 2012 Dacorum Borough Council formally declared three identified areas where it was likely that the annual mean air quality objective for nitrogen dioxide (NO<sub>2</sub>) (40µg/m<sup>3</sup>) would not be met, these areas are:  
AQMA 1: Lawn Lane, Hemel Hempstead  
AQMA 2: London Road, Apsley  
AQMA 3: High Street, Northchurch
- With regards to the Lower Kings Road monitoring site, the monitoring data for 2014 to 2016 has indicated exceedances of the annual mean NO<sub>2</sub> concentration in 2014 and 2015. The annual mean NO<sub>2</sub> objective was not exceeded in 2016. In terms of the further action, Defra have advised Regulatory Services should await the results of the 2017 data before taking further action. An exceedance for 2017 would form a just cause to declare an AQMA.

Councillor Birnie referred to the 20 mitigation measures included in the report but it doesn't contain anything truly proactive and relies on the vague hope that people will give up their cars. People's health is in danger and pollution is increasing. Apsley and Lawn Lane are the most polluted areas in the borough and there is a proposal to build hundreds of new flat which is inappropriate and dangerous.

D Newnham said air quality was a material planning consideration. She said she had made comments on the Two Waters Masterplan consultation. The national planning guidance informs when to ask for an air quality assessment.

Councillor Birnie said assessments are not needed. Electric vehicles will not be common place until 2030.

D Newnham said conditions can be put on major applications if it will worsen the air quality situation.

Councillor Birnie said the council have admitted that traffic contributes to the problem yet there is constant static traffic in Apsley. The road structure is the problem.

The Chairman said the Vice-Chairman who represented Apsley and he were grateful that they were invited to participate in the workshops conducted to draft the Two Waters Masterplan. Apsley High Street was the way in to and from Hemel Hempstead for Councillor Anderson's constituents and the road had largely become impassible due to congestion. As a result of the workshops, the draft Masterplan contained a proposal for the widening of the bridge in Durrants Hill, which ultimately could be paid for by developer contributions.

Councillor Birnie said that perhaps DBC should liaise closely with HCC on the design of the roads.

D Newnham said that the DBC's responsibility is to work with Herts Highways to come up with measures. Previously, steering groups have been set up.

Councillor Marshall said it was worth bearing in mind that a Herts Transport Plan is out for consultation. It might not solve the problem but might help ease problems faced. Councillor Marshall asked Laura Wood in Strategic Planning regarding air quality and planning applications. D Newnham is consulted on an application by planning case officers and she advises on conditions to implement which reflects formal guidance from national policy. The team has discussed extending air testing networks where it is likely that new developments will happen.

Councillor Anderson said it was frustrating that the same areas keep coming up, but it was apparent that DBC was doing everything it could, and that the liability lay with the highway authority.

Councillor Riddick said he questioned the competence of Herts Highways. He said Apsley was gridlocked and congestion studies were not needed what is needed, are some solutions to improve local infrastructure.

D Newnham said that the Herts and Beds Air Quality Forum are to provide a response to the LTP4 consultation. Overall the Forum don't feel that air quality is given adequate consideration by the County Council in highways schemes.

Councillor G Sutton said that you can't look at one individual point in Apsley, the wider area needs to be looked at. The sequence of lights needs to be changed at Two Waters as traffic is held too long.

Councillor Timmis said last week, the M1 was closed and the whole of the town became gridlocked. Highways must react to the huge pressure on the roads.

Councillor Birnie said there should be no right turns out of Durrants Hill.

Councillor Anderson suggested that Councillor Howard should take this up with her county Council colleagues.

### **Outcome**

Councillor Anderson said the committee acknowledge the frustrations on the lack of progress but understand that DBC are doing all they can. The Strategic Planning and Environment Overview and Scrutiny Committee approved the report.

## **155                    WORK PROGRAMME**

The work programme was agreed.

The Meeting ended at 9.30 pm