

\*\*\*\*\*

**DACORUM BOROUGH COUNCIL**

**MEETING OF THE COUNCIL**

**17 APRIL 2019**

\*\*\*\*\*

Present:

**MEMBERS:**

Councillor R Sutton (Mayor), Adeleke, Anderson, Armytage, Mrs Bassadone, Birnie, Herbert Chapman, D Collins, Conway, Douris, Elliot, England, Fethney, Fisher, Griffiths, Guest, Harden, P Hearn, S Hearn, Hicks, Howard, Imarni, Link, Maddern, Mahmood, Marshall, Mills, Pringle, Ransley, Riddick, Ritchie, Silwal, G Sutton, Taylor, Tindall, Williams, C Wyatt-Lowe and W Wyatt-Lowe

**OFFICERS:**

The Chief Executive, Corporate Director (Housing and Regeneration), Assistant Director (Corporate and Contracted Services), Group Manager (Financial Services), J Doyle, (Elections Team Leader), K Soley (Communications and Consultation Team Leader), T Angel (Minutes)

Before the meeting commenced, a one minute silence was held in remembrance of former Councillor and Honorary Alderman Anne Janes, former Mayor Janette Dunbavand and Honorary Freeman June Street OBE.

The meeting began at 7.30 pm

**1 MINUTES**

The minutes of the meeting held on 20 February 2019 were agreed by the Members present and then signed by the Mayor.

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3 PUBLIC PARTICIPATION**

The following question was asked by a member of the public:

"Concerning the housing development at the old Martindale School site, why, after giving less than 24 hours' notice to local residents, did DBC order the removal of two ancient oak trees, the second of which contained an active bird's nest and was cut down on 1st March, thus contravening the Wildlife and Countryside Act 1981, which does not permit interference with trees or bushes containing nesting birds during the nesting season."

The following response was given by Councillor Griffiths, Portfolio Holder for Housing:

“The former Martindale primary school site was purchased from Hertfordshire County Council in December 2014. A comprehensive set of supporting documentation and due diligence surveys were provided as part of the sale, one of which included an Arboricultural survey dated March 2013. At the time, letters of reliance were provided to offer assurances and reliability of the findings. DBC used this information as part of the planning application in 2017. The original Arboricultural survey categorised the condition of the trees in question that were eventually removed as Category B (moderate quality) and C (low quality). Although there were no Tree Preservation Orders on any trees on the site, the Council initially wanted to retain as many trees as possible.

Bugler Developments were appointed as the council’s building contractors at Cabinet in May 2018. Once on site, the Trees and Woodlands Officer visited site and produced an updated Arboricultural survey in December 2018, which highlighted that the trees in question were now in an extremely poor condition and had to be removed. This natural and significant deterioration had occurred in the 4 years since site acquisition. The findings discovered a large split in the stem and an old fungal bracket at the base of the largest tree. This Oak was re-categorised as a U (cannot be retained) with removal the only option recommended by the Trees and Woodlands Officer. The other trees had also regressed in quality since 2013 with poor form, extensive dead wood and growth defects. Following the advice of the Trees and Woodlands Officer it was accepted that they must be removed to reduce the risk of injury or damage.

The completed development will include smaller, more suitable trees in their location and at no point have DBC tried to increase the scale of development by removing trees. It will deliver the number of homes as in the planning permission.

An application was submitted to the Planning Department through a Non-Material Amendment to remove these trees, the process of which does not involve public consultation. This was approved in February 2019. Our contractor issued a letter to residents towards the end of February 2019, approximately 48 hours before removal works commenced on the 27<sup>th</sup> February. At the time of felling the trees, the tree surgeon did not spot any visible signs of nesting and the trees were extremely sparse with no leaves. We had no evidence of active birds nest within the trees and therefore do not believe we have contravened the Wildlife and Countryside Act 1981.

Moving forward, it is worthwhile to note that alongside the extensive replanting measures which will be implemented, there remain a number of existing Oak trees on site - including a Category A tree (high quality) given its condition and future potential - which are being protected and retained throughout the course of the development and will remain for years to come.”

#### **4 ANNOUNCEMENTS**

#### **4.1 By the Mayor:**

None.

#### **4.2 By the Chief Executive:**

None.

#### **4.3 By the Group Leaders:**

Councillor Williams confirmed that apologies had been received from Councillors Banks, Bhinder, Clark, E Collins, Matthews, Mclean, Peter, Timmis and Whitman.

#### **4.4 Council Leader and Members of the Cabinet:**

##### **Councillor Williams, Leader of the Council and Portfolio Holder for Community Leadership**

The Portfolio Holder advised there was nothing to report on this item of the agenda but was happy to take questions.

There were no questions.

##### **Councillor Griffiths, Portfolio Holder for Housing**

The Portfolio Holder presented her update as follows;

##### **Tenant & Leaseholder Services**

- A new system for supported housing, InForm, has been successfully commissioned and the successful migration of data completed. The new system is more reliable, functional and will allow staff members to record more relevant information about the tenants that we support and provides an outcome focused reporting tool.
- There has been the arrival of two new Syrian refugee families, making the total of families resettled 8 to date. Initial support will be intensive but good progress has been made and they have already been registered for schools, health appointments and English classes. We will help them to integrate with local communities and will support them to transfer existing skills through training to find employment.
- A further 3 Sheltered Schemes have been upgraded with new community alarm systems and improved fire alarms. Tenants have received new pendants and new speech modules in their flat. Despite the work required to achieve this there has been minimal disruption to the tenants at each scheme and will increase security for residents.

##### **Strategic Housing**

Strategic Housing have continued to work in collaboration with local statutory and voluntary partners to achieve positive outcomes in service delivery, this has led to:

- Successful bid to central government for RSI (Rough Sleeper Initiative Funding) of £200,000

- Engagement with CCG to improve current outcomes for those homeless and entrenched clients with dual diagnosis, this has led to improved pathways and contract arrangements
- Representation for the service at the upcoming TPAS conference to showcase delivery in respect of resident engagement
- Prevention of an illegal private sector eviction

### **Housing Development**

- Swing Gate Lane (Corn Mill Court) – Project delayed until June 2019 and extension of time awarded. Party Wall requires rebuilding and is subject to potential legal issue
- Martindale, Stationers Place, Northend and Westerdale progressing well on site
- St Margaret's Way – On Hold awaiting brief clarification
- Gaddesden Row – Submitted for planning pre application
- Eastwick Row - Submitted for planning pre application
- Paradise Fields – Purchase of site ongoing with Homes England
- Resource – Awaiting instructions regarding additional resource required to meet programme demands.

### **Property & Place**

#### **Compliance Update**

- **Gas Contract - Sun Realm** 100% gas safety servicing compliance achieved in March
- **Asbestos – From April** DBC will commission all asbestos surveys directly to enable a more comprehensive asbestos register and direct access for contractors. 5 officers underwent enhanced P405 Asbestos management training to support this key area.
- **Legionella** - 2 officers completed Legionella Responsible Person course to support the new Corporate legionella management plan

#### **Osborne**

- **The Electrical Testing programme** - to domestic properties and communal areas is over 85% complete, with the remaining properties being programmes for the forthcoming months
- In the 2018-19 financial year, over 1300 properties had planned upgrade work carried out, with customer satisfaction levels consistently above 97%.
- Osborne delivered a community investment project at the Waterside Centre, to assist with the groundworks for a new allotment, to enable their service users to work it and grow their own food. The Centre are constantly striving to encourage exercise and healthy eating amongst our service users, and the allotment will help them to achieve this.

The Portfolio Holder invited questions.

#### **Questions:**

Councillor England congratulated the award winning housing team for Dacorum in winning the funding for rough sleeping and for adding a pro-active homelessness strategy. He said he saw a DBC press release on 2 April which said a joint bid against a £200k grant to tackle rough sleeping as a headline, but went on to talk about something else as well. He asked if the Portfolio Holder agreed that it was plainly

wrong for a press release to misrepresent the purpose of the grant and to publicly perpetuate under evidenced ideas of the growing number of street beggars who already have a home of their own, since these by definition would not be housed by such a grant. He asked if the Portfolio Holder would release a correction.

Councillor Griffiths advised that the grant was a joint bid with St Albans for rough sleepers funding. She said until an investigation is done you have no idea what an individual's situation is so she certainly wouldn't say that everyone is our town centre was a professional beggar but she may have misunderstood the point and apologised if she did.

Councillor England clarified that he didn't think it was necessary to draw an indication that some people being helped do actually have homes. He said it was unnecessary to put that in the press release and felt it should be corrected.

Councillor Griffiths said no statement had been made that couldn't be backed up.

### **Councillor D Collins, Portfolio Holder for Corporate and Contracted Services**

The Portfolio Holder presented his update as follows;

Work on utility diversions at Berkhamsted Car Park are ongoing. Pleased to announce that Huber have good communication links with Waitrose (the neighbouring supermarket) subject to no unexpected delays I believe we are on course to complete this project this year.

Tring sports centre refurbishment is in its final stages and nearing completion. There was an unforeseen delay however these have now been rectified and an opening date of early May is targeted. Everyone Active will take over the interim running of the sports centre until Tring School completes its ESFA process.

Council asked at the last meeting about price structure at Everyone Active, I can confirm that clause 10.3 of the contract states that core prices will be reviewed annually and may be increased with the rate of inflation as measured by CPI or 4%, whichever is greater.

The resident portal My Dacorum is now up to 1500 users. Residents can now view planning applications on there and other improvements are being reviewed.

The CCG moved in to the Forum on 29 March and were fully operational from 1 April as planned. I would like to register my thanks to everybody involved in making that successful.

Finally I can confirm that the Borough Elections in May that all is in place. Just to give you some idea of what's involved all staffing (over 450) have been allocated and the Polling Stations confirmed. Around 25,000 postal votes have been issued and the team have processed them. The count will take place on the same evening on 2 May. I can also confirm that preparations are underway to meet our obligations if required in the European Parliamentary Election.

The Portfolio Holder invited questions.

Questions:

Councillor Pringle said at the previous meeting the Portfolio Holder acknowledged there would have been some loss of revenue to DBC due to the temporary car park not being fit for purpose causing it to be unused for several weeks. She asked if the Portfolio Holder could update the residents on what progress has been made in recovering the lost revenue from the contractor. Councillor Collins advised that trying to forecast lost revenue is a very difficult thing to do. He said he could assure her that in his view very little revenue was lost but was pleased to report that the car park was now working well.

Councillor Tindall said he was astounded that the contract would allow Everyone Active for the foreseeable future to charge 2% above inflation. He found that appalling and said he would hope that urgent talks were taken so that we can get to grips with this, as a contractor shouldn't be allowed to charge double the amount of inflation. Councillor Collins said we should consider that no contractor will price themselves out as it is a very competitive market, all it does is set a possible scenario and it is up to the contractor to make that decision. He believed that the contract offered wonderful value to the borough, and would generate in the region of £6M for the total length of the contract.

Councillor Tindall asked if that was justification for the contractor to charge double the rate of inflation year on year so that the council can generate £6M. He highlighted that the Government restricts us from increasing council tax without a need for a referendum but he believed he could guess the answer of the public if we was to have a referendum on this matter. Councillor Collins said he disagreed and felt the residents would be very pleased that the contract makes a contribution to services within the community and that this contract will deliver things to the community that the previous contract perhaps didn't.

Councillor Pringle asked the Portfolio Holder for reassurance that the swimming facilities for the new sports centre in Berkhamsted will be delivered at least of the same standard as before by which she meant a swimming pool that was at least 20 metres in length. Councillor Collins advised this was a matter that was coming up later on in the agenda.

Councillor England asked if the Portfolio Holder was aware that the spreadsheet had been posted publically detailing considerably expenditure by DBC for 2018/19 with £600k worth of payments made to SLM which himself and his colleagues couldn't find any record for. He asked if the Portfolio Holder would ensure that a detailed report and presentation was given to the Finance and Resources Overview and Scrutiny Committee and also an overview for the Housing and Community Overview and Scrutiny Committee. Councillor Collins confirmed the figures will come before the Finance and Resources Overview and Scrutiny Committee.

### **Councillor Harden, Portfolio Holder for Community and Regulatory Services**

The Portfolio Holder presented his update as follows:

#### **Environmental and Community Protection**

- Tesco Stores pleaded guilty to breaching its duties under the Health and Safety at Work Act 1974 at Luton Magistrates' Court (Monday 11 March) after an investigation by our Environmental Health Officers. Those duties required Tesco, so far as reasonably practicable; to operate and manage its stores so as to ensure

customers were not exposed to risks to their safety and to ensure the health and safety at work of its staff. – Management Hearing 23<sup>rd</sup> May

- An appeal against a CPN was dismissed by St Albans magistrates court
- Mr Khan arrested for large fly tip after warrant issued, further enquiries being made with his ex-employer and trial date set for June as he pleaded not guilty.
- New clean up event set for 24<sup>th</sup> April in Highfield and operation vertical (stopping vehicles with police) set for 17<sup>th</sup> April.
- A FPN which was issued due to non-compliance of a dog related CPN has not been paid, prosecution proceedings have begun.

The Portfolio Holder invited questions.

#### Questions:

Councillor England noted the media release for the irresponsible dog owner and asked if the Portfolio Holder could explain more about the plans and funding for enforcement. Councillor Harden advised the funding information was within the budget and if there was an additional requirement for signage it will be worked through within the budget with the relevant teams. Councillor England asked if the Portfolio Holder was unable to advise them what the budget was. Councillor Harden said he could get the figures from the relevant officers and let him know.

Councillor Tindall referred to the previous meeting where the Portfolio Holder announced the creation of a project board to supervise the sports and leisure plan. He asked if they had agreed and adopted their Terms of Reference at the last meeting and asked when the rest of the council could see it. Councillor Harden explained it was an internal board of partners and will report to the Housing and Community Overview and Scrutiny Committee.

#### **Councillor G Sutton, Portfolio Holder for Planning & Infrastructure**

The Portfolio Holder advised there was nothing to report on this item of the agenda but was happy to take questions.

#### Questions:

Councillor Pringle asked for an update on the air quality review which was due December 2018 and then pushed back to March 2019 but still hasn't happened. She said residents in Northchurch have been raising their concerns on the impact of poor air quality and pollution for elderly persons and young children in the area. Councillor Harden said it sat within his Portfolio so he could answer the question. He apologised for the delay as the report was due to go to an earlier Overview and Scrutiny Committee but the officer at Herts County Council responsible for it was unable to attend a rescheduled meeting. The report is now due to go to the SPAE Overview and Scrutiny Committee in June 2019.

#### **Councillor Marshall, Portfolio Holder for Environmental Services**

The Portfolio Holder presented her update as follows:

- The programme of installing dry recycling facilities for blocks of flats in the Borough has been completed, bar the inevitable snagging such as locality of

the bins. Work has started on planning the roll out of the food waste recycling for flats – all flats will have that facility by the end of this financial year.

- Stickers are gradually being put onto the blue lidded bins to explain what materials can be put in these bins. The contamination of our recyclable waste is lower than other boroughs but obviously could be much better and the information on the stickers should make it easier for households to recycle.
- Subscriptions to the additional Garden Waste Service is going well – 630 subscriptions received so far this season.
- The A41 litter pick at the end of March resulted in 5 tonnes being collected.
- The Great British Spring Clean – the national litter picking campaign that is currently running to 23 April has 25 litter picking groups signed up so far and more are making enquiries so the final figure is likely to be more.
- Grass cutting has started and the Splash Park will reopen on 1 May. The outdoor fitness gym in Gadebridge Park, funded by Hemel Hempstead based Henkel, is now in operation – to recap, the gym uses aluminium elements from Right Guard aerosols. It is only the 2<sup>nd</sup> gym of its kind in the country – the first being in the Olympic Park. The gym will have a variety of fitness equipment including exercise bikes weights and cross trainers.

The Portfolio Holder invited questions.

#### Questions:

Councillor Pringle raised concern on behalf of the local residents for the very mature tree stock in Shooters Way and asked for the Portfolio Holder to reassure residents that nothing will happen to any of those trees before public consultation has taken place. Councillor Marshall said great care is always taken with trees but she couldn't respond about those specific trees so she would come back to her directly.

Councillor Tindall asked if there will be a report to council on the Nicky Line refurbishment. Councillor Marshall thanked him for the reminder of the AGM and said it would be appropriate to give an update from the council at that meeting.

Councillor England referred to the 'Don't be a Tosser' campaign. He said he understood we need to tackle litter but it lowered the language and insulted people creating more problems than it resolved. He asked if the Portfolio Holder had any other plans to dumb down the vocabulary of the councils communications using more derogatory slang to further create an 'us and them' situation. Councillor Marshall accepted it had a slang meaning but in the dictionary it is an adverb to the word 'toss'. She explained the slogan had been used for years by various councils and it was an excellent campaign. She said we have used different wording in the past and littering remained a terrible problem. She added that she had no regrets about using the slogan and didn't believe it created an 'us and them' situation.

Councillor England asked if there was any resource to follow up on this campaign or if it was just a publicity stunt. Councillor Marshall advised it wasn't a one off, it is trying to bring home to those individuals that have no consideration to others that littering is wrong.



## **Councillor Elliot, Portfolio Holder for Finance and Resources**

The Portfolio Holder presented his update as follows:

### **REVENUES, BENEFITS & FRAUD**

The teams have successfully completed the annual billing process, with the issue of around 65,000 council tax bills, 4,500 business rates bills, and 7,000 housing benefit notifications for the New Year.

The issue of annual bills to all residents and businesses generates an increased volume of correspondence, and the teams are now working hard to respond to all of these.

The team are also working closely with colleagues in Finance to ensure accurate data is available to help with the final accounts process in relation to council tax and business rates collected.

### **FINANCIAL SERVICES**

The focus for Financial Services is now financial year- end and the publication of the Council's 2018/19 accounts, due by 31<sup>st</sup> May 2019. The initial external audit review of finance systems and processes has not highlighted any material issues.

The financial services Performance against all service KPIs have exceeded targets for the financial year 2018/19. As part of the key deliverable for the finance service is the approval of the budget and Council Tax declaration for 2019/20 that was agreed by Council in February.

### **COMMERCIAL ASSETS AND PROPERTY DEVELOPMENT**

#### **Ex Civic Centre**

Liaison continues with UKPN and Affinity Water on timeframes to begin Phase 2 which will involve the diversion and relocation of utilities followed by demolition of the remaining building structures.

Trenching and ducting works for the relocation of 2 UKPN substations has continued and will be followed by the construction of the new substation housing in Dacorum Way. In addition, we are liaising with Bellway Homes, who bought part of the West Herts college site for development at the western end of Dacorum Way and have agreed positioning of the substation so as not to impact on their proposed site entrance. A revised development application has been submitted accordingly and legal documentation is underway.

Please note that the utility infrastructure referred to supplies large areas of Hemel Hempstead and has to be treated appropriately. As part of this process the Environment Agency are monitoring the site closely to ensure that approved development plans and future development of these sites do not have an adverse environmental impact.

Whilst it is too early to confirm the precise date that the relocation work will be complete, it is likely to be within the next 6-9 months. This has no impact on the cost to the Council, nor will it delay the development of the site as the relocation process will run concurrently with the design and feasibility work of the proposed development, currently underway. Development plans for the old civic centre are expected to be submitted and approved in this calendar year.

## **Garage Disposals**

The sales of underutilised garages to release capital receipts for future developments are continuing with one garage site under offer at £300k to a private developer and legal work between respective solicitors currently being finalised.

The next phase of the Garage Disposal Strategy has commenced and 18 sites have been reviewed by Housing Associations initially to assess viability of the sites for purchase, to develop additional homes for the borough. Once a garage disposal timetable is finalised members will be informed of the schedule of sales.

## **Bunkers Park**

We have awarded the contract for the cemetery development at Bunkers Park with an aim of construction starting at the beginning of June, which once completed will meet the requirements of the Borough for the next 50 years, and more specifically will replace the Woodwells cemetery in 2020, once it reaches capacity.

The Portfolio Holder invited questions.

### Questions:

Councillor Taylor thanked Councillor Elliot for the work he has done during his term as Portfolio Holder and asked him to accept his gratitude for the way they have dealt with the finances over the past 12 years. He also expressed his gratitude to Fiona Jump and her finance team. Councillor Elliot thanked Councillor Taylor for his well chaired Audit Committee meetings and for his services at the council, particularly the finance side.

Councillor Tindall asked for an update on the extension at Jarman Park. Councillor Elliot said he will find out where the process is at and come back to him.

## **5 NOTICE OF MOTION**

The following motion was proposed by Councillor Tindall:

This council recognises that established manufacturers have announced launches of more than 100 new electric vehicle models by 2024. The growth of such vehicles would:

- \* reduce our dependence on fossil fuels
- \* help to remove polluting diesel and other vehicles from our roads
- \* contribute greatly to the action against climate change.

However, one of the major barriers to the mass adoption of electric vehicles is the availability of fast charging points.

With the on-going discussion on our Local Plan, and the number of developments being proposed Dacorum is ideally placed to lead the transition to cleaner vehicles on our roads. The Council therefore calls for

- \* the identification of a portfolio holder together with a senior lead officer as points of contact with the charging industry, utility companies, and the motor vehicle industries (including current petroleum companies); their responsibility being to ensure that positive discussion takes place with all parts of the sector and that the growth of fast charging points meets the needs of motorists who wish to move to cleaner vehicles.

\* in all future deliberations on the Local Plan, and the various proposed developments in and around Dacorum, the establishment of a fast charging point network is taken as a fundamental priority.

\* as a member of the South West Hertfordshire Collaboration Group, Dacorum uses its influence to encourage neighbouring and partner councils to adopt similar measures to foster this transition to cleaner vehicles.

Councillor Williams congratulated Councillor Tindall on this motion and said he was happy to support it and to accept this as part of the Local Plan process moving forward.

## **6 QUESTIONS**

None.

## **7 BUSINESS FROM THE LAST COUNCIL MEETING**

None.

## **8 CABINET REFERRALS**

The following referrals from Cabinet on 19 March 2019 were agreed:

### **8.1 CA/036/19 – Member Development Programme**

#### **Decision**

1. That Cabinet recommend Council agree a new paragraph 9 to Part I of the Code of Conduct for Members to read:

“9. Training

To enable Members to fully take part in Council business Members are encouraged to attend all training, which forms part of the Member Development Programme.

Council have adopted a requirement for a mandatory training programme for Members, which will be approved annually by Cabinet following consultation with the Member Development Steering Group and the Council’s statutory officers. Members must attend all mandatory training in accordance with the Council’s requirement.”

#### **Corporate objectives**

The creation of a Member Development Programme ensures that Councillors are fully-trained and up-to-date with latest Council and legislative developments in order to deliver a modern and efficient Council.

The role of Councillors as Community Leaders means that they will have the tools to build strong and vibrant communities.

### **8.2 CA/038/19 – Berkhamsted Sports Centre**

#### **Decision**

That Cabinet recommend Council agree a sum of £55,000 for consultancy and professional fees to develop a scheme proposal for further approval and public consultation.

### **Corporate objectives**

Clean, Safe and Enjoyable Environment – Leisure provision is central to delivering a borough that people can enjoy. Improvement of the facility will help to ensure that it continues to meet the needs of current and future residents.

## **9 OVERVIEW AND SCRUTINY ANNUAL REPORTS 2018/19**

The Chairman of the Housing & Community Overview and Scrutiny Committee, Councillor Suqlain Mahmood, introduced the Annual Reports of the Overview and Scrutiny Groups to the Council and highlighted certain aspects of the work carried out by the individual committees.

## **10 CHANGES TO COMMITTEE MEMBERSHIP**

There were no changes to committee membership.

## **11 CHANGE TO COMMITTEE DATES**

The following changes to committee dates were agreed:

Audit Committee rescheduled from Wednesday 24 July to Thursday 18 July 2019.

An additional Audit Committee meeting on Thursday 27 June 2019.

Development Management Committee rescheduled from Thursday 23 May to Tuesday 28 May 2019.

The Meeting ended at 9.02 pm