

Notes of Key Decisions/Actions

Meeting: Council

Date: Wednesday, 16 September 2020

Agenda Item	Decision
1 Minutes	The minutes of the meetings held on 15 July and 5 August 2020 were agreed by the members present and will be signed by the Mayor at the next available opportunity.
2 Declarations of Interest	There were no declarations of interest.
3 Public Participation	There was no public participation.
4 Announcements	<p>4.1 By the Mayor:</p> <p>The Mayor announced the sad passing of former Dacorum Councillor and Mayor Maureen Flint. One minutes silence was held in remembrance.</p> <p>On Sunday 13 September, the Mayor attended the reef laying to commemorate the Battle of Britain and this gave the opportunity to reflect on the huge sacrifices and bravery of all those involved.</p> <p>4.2 By the Chief Executive:</p> <p>None.</p> <p>4.3 By the Group Leaders: _</p> <p>None.</p> <p>4.4 Council Leader and Members of the Cabinet:</p> <p>(Full details are in the minutes under Announcements of the Leader and Cabinet).</p>
5 Motions	<p>The following Motion was proposed by Councillor Freedman and seconded by Councillor Uttley:</p> <p>This Council resolves:</p> <ul style="list-style-type: none">• to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing

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	<p>residents to take precautions for their animals and vulnerable people</p> <ul style="list-style-type: none"> • to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people—including the precautions that can be taken to mitigate risks • to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays • to encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display. <p>A vote was held:</p> <p>17 for, 26 against, 2 abstentions,</p> <p>Therefore the motion failed.</p> <p>The following Motion was proposed by Councillor Tindall and seconded by Councillor Williams:</p> <p>The recent changes to planning law made by the Government are causing a stir across the country, removing the right of local people to have a say in the planning process.</p> <p>In protecting the public’s say in the planning process;</p> <p>A. This Council notes:</p> <ol style="list-style-type: none"> 1. The publication by Government of the White Paper, ‘Planning for the Future’ on 6 August 2020, which set out proposals on reforms to the planning process for the future. 2. That the vast majority of planning applications are given the go ahead by local authority planning committees, with permission granted to around 9 out of 10 applications. 3. That research by the Local Government Association has said that there are existing planning permissions for more than one million homes that have not yet been started. <p>B. This Council is concerned that the proposals seek to:</p> <ol style="list-style-type: none"> 1. Reduce or remove the right of residents to object to applications near them. 2. Grant automatic rights for developers to build on land identified as ‘for

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	<p>growth’.</p> <p>3. Remove the consultation role of Parish and Town Councils to comment and make recommendations on local planning applications.</p> <p>C. This Council Further Notes:</p> <p>1. The Royal Institute for British Architects called the proposals ‘shameful and which will do almost nothing to guarantee delivery of affordable, well-designed and sustainable homes’. RIBA also said that proposals could lead to the next generation of slum housing.</p> <p>2. The reforms are opposed by the all-party Local Government Association, currently led by Conservative Councillors.</p> <p>3. That the reforms remove section 106 payments for infrastructure and proposes their replacement with a national levy, paid direct to councils and non-negotiable by developers.</p> <p>D. This Council Believes:</p> <p>1. That existing planning procedures, as currently administered by our own team in Dacorum Borough Council allow for local democratic control over future development, and provides an opportunity for local people to make contributions regarding planning proposals that affect them.</p> <p>2. That proposals for automatic rights to build in ‘growth’ areas, and increased permitted development rights, risk unregulated growth and unsustainable communities.</p> <p>3. That local communities must be in the driving seat on shaping the future of their communities, and local determination of the planning framework and planning applications play an important part in this process.</p> <p>E. This Council requests that, when considering the response from Dacorum Borough Council, the Strategic Planning and Environment O&S Committee takes into account the sentiments expressed in this motion.</p> <p>A vote was held:</p> <p>42 for, 0 against, 0 abstentions,</p> <p>Therefore the motion was carried.</p>
<p>6 Questions</p>	<p>1. To Councillor Williams from Councillor Symington:</p> <p>“The government is keen to promote the roll out of 5G networks and has a</p>

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	<p>target that the majority of the population will be covered by a 5G signal by 2027. As stated in 2017, the government ‘wants to provide world class digital connectivity that is gigabit-capable, reliable, long-lasting and widely available across the UK – and to do so at pace.’ In July 2020 the government announced it is taking forward proposals to simplify planning rules to speed up 5G rollout and improve rural mobile coverage.</p> <p>Could the portfolio holder please confirm that Dacorum Borough Council will work with stakeholders to promote and facilitate the roll-out of 5G networks to ensure the residents of Dacorum benefit at the earliest opportunity from the commercial and personal benefits of super-fast broadband connectivity?”</p> <p>Councillor Williams said the borough had always supported improved broadband facilities whether it was 5G or fibre cables across the borough we recognise the importance of both in the commercial and residential sector for maximum possible connectivity to support businesses. He wasn’t sure that the borough council had a massive role in this, the planning process for telecommunications providers had always been generous in the permissions that they’re able to implement and if the government is further relaxing that as Councillor Symington has stated it does give flexibility to telecoms providers to install the equipment and improve the network. He said there has to be a small degree of caution on that and there are some public concerns about the installation of some of this equipment and there has to be a role in the process for that. There also has to be a degree of understanding that we expect some sort of consideration from telecoms providers about where and when they install the equipment. He said the amount of power and legislation that supports the objective of delivering 5G and other forms of connectivity across the country is already very much in favour of the telecoms providers to enable them to deliver the standards of communication that Councillor Symington refers to.</p> <p>Councillor Symington felt Councillor Williams only answered part of her question. She requested that we do follow through with the work we need to do see this through.</p> <p>Councillor Williams said the powers that mobile network providers have are quite significant in planning terms, it is very few of the applications that actually come through the planning process in full. He said there were a number of 5G masts that have appeared around Hemel Hempstead over the last six months that were delivered under the powers that the operators have to install these. The vast majority of the installations do not go through a full planning process because the legislation favours the installation of this equipment and favours the fastest possible roll out of it. He said there were very few occasions when they come to a planning committee and when they do it is usually because there is a reason why they effect a particular property or neighbourhood and the process should</p>

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	<p>take place. A vast amount of equipment is installed under delegated authorities or permissions and he felt that the planning process was a positive contribution rather than a hindrance towards the improvement of the system.</p> <p>2. To Councillor G Sutton from Councillor Tindall:</p> <p>“Dacorum Borough Council rightly set a high target for the provision of affordable housing in new developments of 40% in its supplementary planning document on affordable housing dated 25/9/2013. Unlike a number of other local authorities, Dacorum Borough Council policies allow that C2 land need not contribute to affordable housing provision. As the definition of ‘extra-care’ is not defined in law, there is scope for developers to bring forward schemes which do not meet the spirit of the exemption to providing affordable housing? Would the portfolio holder consider revising the supplementary planning documents to prevent this happening by bringing Dacorum Borough Council’s policies in line with those of other local authorities?”</p> <p>Councillor G Sutton said they have been working on a new policy for affordable housing in the new local plan to address current and future issues. He said they were aware that one of the specific issues is over the provision of care facilities and the affordability of care facilities through increasing proportion of our older and less able residents. The delivery of these types of schemes has specific liability issues that may require exemptions to the normal affordable housing policies, however such matters will need careful consideration to ensure that they are genuine community needs for care are secured in perpetuity and not to the detriment of the supply of affordable properties. The local plan policy will set the basis of our approach to affordable housing generally and we will need in due course to add to this through the new affordable housing supplementary planning document to add necessary and appropriate detail.</p> <p>Councillor Tindall asked if the portfolio holder agreed that as extra care facilities were not envisaged in 2013 that an update on the policy is needed urgently in order that profiteering developers cannot take advantage of this loophole in the law which we unfortunately were unaware of until the first example recently.</p> <p>Councillor G Sutton agreed that we do need to investigate further as there are issues around this. The current proposals for site LA4 at Hanburys, Shooters Way in Berkhamsted for an extra care residential development. This application is under consideration and will be coming in due course to the development management committee for determination and is expected to be at the meeting on 15 October. Officers are currently addressing the issue of extra care housing on the site against the council’s current policies and advice from Hertfordshire County Council and this will</p>

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	<p>be set out to members in the report to DMC.</p> <p>Councillor Tindall asked if the portfolio holder agreed that when presenting the report it would be good to include the detail of the various legal actions that councils have taken successfully in order to prevent this happening elsewhere and to explain why we have the loophole at present.</p> <p>Councillor G Sutton replied he would raise that with the responsible officers.</p> <p>3. To Councillor Elliot from Councillor Symington:</p> <p>“Could the portfolio holder confirm that the total payments made to Everyone Active to date amount to £825k? At the Finance and Resources Overview and Scrutiny committee meeting on 7 July 2020, it was stated: ‘in relation to Everyone Active the only supplier relief they have received at this stage was the management fee being waived for the first five months of the financial year’. However, the report to the F&R OSC meeting on 8 September 2020 states that ‘an initial support payment of £205k was made to allow EA to top up the furlough pay for their staff to 100% of salary in the first 3 months of closure. A second support payment of £320k has been agreed relating to July to September to support reopening of leisure services across Dacorum,’ in addition to the previously reported £300k management fee rebate.”</p> <p>Councillor Elliot said this question was raised at the finance and resources overview and scrutiny committee on 8 September and was responded to by Mark Brookes. He advised that the information provided was confidential and commercially sensitive and must not be disclosed to any third parties or discussed in any public forum so he was unable to discuss the matter at this meeting.</p> <p>Councillor Symington thanked Mark Brookes for his email. She said the information she quoted was taken from minutes of the finance and resources overview and scrutiny committee on the council’s website. She highlighted the in-year pressure of £2.5m and the £825k to Everyone Active and then asked if the portfolio holder recognised that is a large percentage of the pressure that we are facing as a council and our current in-year projected deficit.</p> <p>Councillor Elliot replied that St Albans and Watford had provided the same level of support and possibly at the same percentage as we have to their leisure centres. He said that we needed to provide this support to keep our leisure centres open and had no other option.</p> <p>Councillor Symington said she wasn’t commenting on what other councils were doing and whether they were right or wrong, she was interested in what we were doing with public money and that is why she was asking this</p>

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	<p>question. She felt as much information as possible should be in the public domain.</p> <p>Councillor Elliot said he couldn't answer Councillor Symington's question following advice from the council's solicitor.</p> <p>The Mayor suggested that Councillor Elliot could provide Councillor Symington with a confidential written response. Councillor Elliot agreed.</p> <p>4. To Councillor Elliot from Councillor Symington:</p> <p>"The Council is projected to suffer a £5.8m pressure on finances for the current year. In the light of this, does the portfolio holder think they could reconsider their position on turning down grants from the Football Association amounting to £200k which would enable local clubs to upgrade Dacorum Borough Council owned football pitches? "</p> <p>Councillor Elliot replied we were responsible for football pitches, particularly the health and safety aspect. He said the grant wouldn't come to us, it would be given to us on a separate entity who would be looking after the pitches but we would still be responsible for the health and safety. He felt this would be outside of our control. He said he understood from the football association that the grant would be for football pitches only and would preclude it from being an open space for general public and other uses and that is why we were not prepared to go down that route.</p> <p>Councillor Symington said it was her understanding that other authorities were able to work under this arrangement and asked what differentiates our policies to other councils that prevents us from using these funds.</p> <p>Councillor Elliot replied he was unaware of any other councils that operated in this way so he was unable to make a comparison. He suggested Councillor Symington could give him some examples and he would come back to her.</p> <p>5. To Councillor G Sutton from Councillor Symington:</p> <p>"The land at the top of Durrant's Lane, on the corner of Shootersway, was part of a S106 agreement with the developer, Taylor Wimpey and with the intention to provide a community facility in the form of football pitches and general amenity space. The land has been transferred to Hertfordshire County Council but has not been delivered up for use by the community, either in the form of amenity space or football pitches. What can the portfolio holder do to ensure that the policies of the planning department and intentions of the Council in terms of providing amenity space to the community are followed through on and that the community has access to the land set aside for its use?"</p>

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	<p>Councillor G Sutton explained the land referred to has been transferred to Hertfordshire County Council and DBC property officers were liaising with them on this matter. They have passed details over to HCC of a local sports club who is now liaising directly with them with the view of them taking on the space for local use. The delivery and management of other sports pitches and facilities is an important issue for the borough and one we are addressing within the new local plan.</p> <p>Councillor Symington asked what can we do to facilitate this and how can we actually make it happen to ensure the land is used by the people in the local community.</p> <p>Councillor G Sutton replied that the arrangements were subject to negotiations and as this was a HCC matter he was unable to make any further comment.</p> <p>Councillor Symington asked how we could link up the policies to ensure they're actually carried through. Councillor G Sutton said he would discuss the matter with the officers and let her know.</p>
<p>7 Business from the last council meeting</p>	<p>None.</p>
<p>8 Cabinet referrals</p>	<p>None.</p>
<p>9 Overview and Scrutiny referrals</p>	<p>None.</p>
<p>10 Changes to committee membership</p>	<p>None.</p>
<p>11 Change to committee dates</p>	<p>The following changes to committee dates were agreed:</p> <ul style="list-style-type: none"> ➤ Additional Strategic Planning and Environment Overview and Scrutiny Committee on 30 September.
<p>12 Any other business</p>	<p>Members expressed their gratitude and farewell wishes to Sally Marshall as this was her last Full Council meeting before retiring from her role of Chief Executive of Dacorum Borough Council.</p>

The meeting ended at 9.20 pm