

MINUTES

CABINET

20 OCTOBER 2020

Councillors: Williams (Leader)
Griffiths (Deputy
Leader)
Elliot
G Sutton
Anderson
Banks

| | | |
|------------------|-----------------|---|
| Officers: | Mark Brookes | Assistant Director - Corporate and Contracted Services |
| | James Deane | Corporate Director - Finance and Operations |
| | James Doe | Assistant Director - Planning, Development and Regeneration |
| | Mark Gaynor | Corporate Director - Housing & Regeneration |
| | Farida Hussain | Group Manager (Legal & Corporate Services) |
| | Nathan March | Licensing Team Leader |
| | Sally Marshall | Chief Executive |
| | Stephen Mendham | Strategic Planning and Regeneration Officer |
| | Katie Mogan | Corporate and Democratic Support Lead Officer |
| | Alex Robinson | |

Also Attendance:

Councillor John Birnie
Councillor Terry Douris
Councillor Fiona Guest
Councillor Ron Tindall

The meeting began at 7.30 pm

CA/81/20 MINUTES

Minutes of the meeting held on 22 September 2020 were agreed by Members present and signed by the Chair.

CA/82/20 APOLOGIES FOR ABSENCE

There were no apologies for absence.

CA/83/20 DECLARATIONS OF INTEREST

There were no declarations of interest

CA/84/20 PUBLIC PARTICIPATION

There was no public participation.

CA/85/20 REFERRALS TO CABINET

There were no referrals to Cabinet.

CA/86/20 CABINET FORWARD PLAN

The forward plan was noted with the following changes:

- Add Hemel Hempstead Garden Communities vision to January
- Add Dacorum Strategic Sites Design Guide to January

CA/87/20 TREASURY MANAGEMENT REPORT

Decision

RESOLVED TO RECOMMEND

The acceptance of the report on Treasury Management performance in 2019/20 and the Prudential Indicators for 2019/20.

Corporate objectives

Optimising investment income for General Fund and Housing Revenue budgets whilst managing investment risk is fundamental to achieving the corporate objective of ensuring efficient and modern service delivery.

Monitoring Officer

No comments to add to the report.

Deputy Section 151 officer

This is a Deputy S151 Officer report.

Advice

Councillor Elliot introduced the item to members. This report is a statutory requirement for the Council to provide an annual performance report on treasury management activities, and this report fulfils that requirement. The report outlines the financial performance of DBC's treasury management function for 2019/20, covering the borrowing and investment performance. The report is self-explanatory, but a key point worth highlighting is that during 2019/20 the council achieved an average rate of return of 0.81%, which represented a year-on-year improvement of 0.12% which equated to an average increase in the rate of return of 17%.

There were no questions.

Recommendations agreed.

CA/88/20 MEDIUM TERM FINANCIAL STRATEGY

Decision

RESOLVED TO RECOMMEND

The approval of the revised Medium Term Financial Strategy for the period 2020/21 – 2024/25, including the recommendations at Section 2 of the Strategy.

Corporate objectives

The Medium Term Financial Strategy supports the delivery of all five of the Corporate Objectives.

Section 151 Officer

This is a S151 Officer report.

Deputy Monitoring Officer

No comments to add to the report.

Advice

Councillor Elliot introduced the report to members. The MTFFS has been much more challenging to pull together this year than in previous years due to the unprecedented economic uncertainty caused by Covid. Assumptions are an inherent part of forecasting, but the unknown severity and duration of the expected recession means that all the forecasts in this report are subject to potentially significant change over the coming months. The detail behind the forecasts and the rationale behind them are outlined in the report, but key points to note are that the underlying savings requirement to deliver a sustainable council into the medium-term remains the same as it was last year at £1.8m over the 4 years. The financial impact of Covid based on available evidence and the assumptions in the report is currently estimated to be £10m between the current year and 2024/25. The fundamental element of the recommended strategy is that the Council separates out the underlying savings requirement from the Covid impact. It's recommended that the Council continue to seek efficiencies to deliver the underlying requirement of £1.8m, and treats the Covid pressure as a time limited pressure that can be funded from one-off sources, i.e. reserves. It is planned that MTFFS updates to Members be increased in frequency over the coming months to effectively monitor both the forecasts and the robustness of the recommended strategy.

Councillor Birnie referred to page 32, paragraph 6.3 and sought clarification on the revenue support grant.

J Deane responded by saying the report shows the change from the previous MTFS. When the four year deal came out in 2016, it was scheduled to end in 2020 and another multi-year deal was supposed to replace it. There was a roll over because the government's new deal was not ready in time so we had already planned to have a reduction in funding over that period so as we managed to increase our efficiencies and the government funding was kept the same, this has created a gap and we are going to get more than we thought we would.

Recommendations agreed.

CA/89/20 LOCAL PLAN CONSULTATION DRAFT

Decision

RESOLVED TO RECOMMEND

- 1. That the Emerging Strategy for Growth (Appendix 1) is published for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).**
2. That Cabinet consider the views of Strategic Planning and Environment Overview and Scrutiny Committee and officer response (Appendix 5) and to set out any changes to be made to the consultation document.
3. That the temporary changes needed to the Statement of Community Involvement (SCI) (Appendix 2) be approved to ensure the consultation can take place in accordance with the approved Local Development Scheme.
- 4. That authority is delegated to make changes to the Emerging Strategy for Growth , including any necessary to reflect the Cabinet's and/or Council discussions and decision, to the Assistant Director Planning, Development and Infrastructure in consultation with the Portfolio Holder for Planning and Infrastructure.**

Corporate objectives

The Council's Local Plan helps support all 5 corporate objectives:

- *Safe and clean environment:* e.g. contains policies relating to the design and layout of new development that promote security and safe access;

- *Community Capacity*: e.g. provide a framework for local communities to prepare area-specific guidance such as Neighbourhood Plans, Town / Village Plans etc.;
- *Affordable housing*: e.g. sets the Borough's overall housing target and the proportion of new homes that must be affordable;
- *Dacorum delivers*: e.g. provides a clear framework upon which planning decisions can be made; and
- *Regeneration*: e.g. sets the planning framework for key regeneration projects, such as Hemel Hempstead Town centre, Two Waters, Hemel Hempstead and the Maylands Business Park.

Deputy Monitoring Officer:

The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements and statutory procedural arrangements for preparing Local Plans, which include the requirements to consult.

The recommendations in this report comply with statutory requirements and procedures under the Councils Constitution.

Deputy S.151 Officer

There are no direct financial implications as a result of consulting on the proposed Dacorum Plan.

Advice

Councillor G Sutton introduced the report to members. This report was a culmination of a great deal of work by members and officers to set out the draft proposals in the Local Plan. If agreed by Cabinet, the report will be recommended to council to approve the draft plan to go out to public consultation under regulation 18. The draft plan has been considered in depth by the Strategic Planning and Environment Overview and Scrutiny Committee and their recommendations are detailed in appendix 5 of the report. Councillor G Sutton thanked the committee and the work of the members on the Task and Finish group to help guide and shape the content of the plan and its proposals. This draft plan is the most ambitious and challenging that Dacorum has faced and there has been a major step change in the provision of new housing and development required by central government but the challenge is to also protect the green belt and a high quality environment. The plan allows for a further 16,000 homes between 2020-2038 with a major expansion of Hemel Hempstead planned and a complete transformation of the town as part of the Hemel Garden Community plans. Major developments are also planned in Berkhamsted and Tring with smaller development in the surrounding villages. The council have engaged extensively with adjacent and nearby councils under the duty to cooperate. The plan

is in draft form for consultation with residents, developers, land owners and other stakeholders. The consultation will begin at the end of November through to January and has been extended by two weeks to take account of the Christmas and New Year period. After the consultation has closed, the team will take into account the views expressed and move onto the publication stage and for the public to comment on the final plan in June 2021. It will then be submitted to the Secretary of State to conduct a public examination. He explained that the consultation will look different this year due to covid-19 but the team are doing everything possible to make sure it is accessible in a covid secure way.

Councillor Birnie was concerned that some of the evidence base behind the plan are not yet published and asked if there was a timeline for when these would be available. He also referred to paragraph 3.8 about the Infrastructure Delivery Plan and asked what would happen if it is not delivered in time.

J Doe responded that the draft Local Plan is complete. There may be some changes through refinements before it goes out to consultation which is allowed for in recommendation four. He said what is important is that the evidence base is complete when the plan is published. The Infrastructure Delivery Plan is a piece of work that is ongoing with Herts County Council and a range of other infrastructure providers. The plan is highly advanced but there are some gaps that need to be filled and the team are meeting with Herts County Council every month to work on these. He said it was essential that this plan is available when the local plan has been submitted and said he was confident this would be ready.

A Robinson referred to the list of items at appendix three and said a majority of these have reached an advanced stage in draft form. The studies that are complete will be published but there will be studies that will continue beyond this upcoming consultation but they will be finalised at regulation 19 stage.

Councillor Anderson paid tribute to the efforts of officers to get the plan to this stage. He said he supported the plan going out to consultation but under the heading we do so because we have to. He asked for clarification about the local plan's position on requiring developers to replace trees lost as it seems the plan contradicts itself. Also he hoped that as a result of the consultation, we could be in a better position to require more sustainability and referred to the issue of allow proposals for solar farms to come forward where land is protected.

A Robinson said the local plan sets out requirements for tree planting and will result in a net increase of tree coverage. In developments that are proposing a loss of trees, the plan requires developers to plant additional trees above and beyond the original provision. He confirmed he would check the document to make sure this is clear. In relation to sustainability, the local plan takes into account the council's climate change resolution and the policy set out in the plan seeks to ensure developments come forward and deliver net reductions in emissions, prioritising a fabric first approach. In order to reach the overall targets, it is inevitable that onsite renewable energy will be required in specific sites. The policy is drafted so that

standalone energy schemes are encouraged in appropriate locations and balanced with the wider objectives alongside the protection of wider landscapes.

Councillor Birnie referred to appendix five and the officers reply to the recommendations made by SPAE OSC on point 1 and 2 about developments on green belt sites after 2038.

A Robinson clarified the Local Plan's position. The north Hemel Hempstead site (Phase 2) is to be removed from the Green Belt and safeguarded to meet longer term needs, beyond 2038.

Councillor Birnie asked about the officer's response to point 3 and what was meant by community engagement.

J Doe said once masterplans had been produced in draft form, they will come to Cabinet for approval. There are a range of consultation measures which can include members and the future of the task and finish group needs to be considered.

Councillor Williams confirmed that supplementary planning documents are subject to Full Council approval. He said this plan places significant challenges on the borough and if housing targets were not imposed by central government, the plan could have followed a different route. He highlighted that these housing targets could change over the consultation period.

Recommendations agreed.

CA/90/20 CLIMATE CHANGE STRATEGY

Decision

That Cabinet note and approve:

1. The progress on actions and approach to key issues as set out in the report with the inclusion of any changes and additions that Cabinet are minded to accept following the feedback from the September 29 Strategic Planning and Environment Overview and Scrutiny meeting (shown as Appendix 1).
2. That a further progress report be submitted to Cabinet in February 2021.
3. That the proposal to establish a Green Community Grant scheme, as set out in paragraph 6.3.3 of the report, be approved to be funded from the £75,000 Climate budget already established.

Corporate objectives

The Council's Climate Change Strategy and Action Plan will help to support all 5 corporate objectives:

- *Safe and clean environment:* e.g. contains actions relating to the quality of existing environments and design and layout of new development that promote security and safe access;
- *Community Capacity:* e.g. provide a framework for local communities to be better informed and involved in climate emergency mitigation;
- *New and Affordable housing:* through both direct delivery and setting improved sustainability requirements in new homes would help to reduce both the cost of energy and water and the carbon dioxide (CO₂) emissions the homes would produce;
- *Dacorum delivers:* fulfilling the zero carbon pledge will make a huge contribution to local sustainability and assist in the national target to reach zero carbon as a nation by 2050;
- *Regeneration:* the strategy and action plan will provide improvements to air quality, biodiversity, and opportunities for cycling and walking as well as major economic potential for 'green' businesses.

Monitoring Officer

No comments to add to the report.

S151 Officer

The initiatives recommended within this report can be met through existing budgets.

Advice

Councillor Williams introduced the report to members. This report has been to the relevant overview and scrutiny committee and was well received. It is positive in taking forward and establishing policies to deal with our own emission and meeting targets by 2030.

M Gaynor added that the report covers the progress already made and what is being worked towards. The climate change strategy stretches across the whole council but there will need to be an aspect of involving the community and wider borough as the motion agreed by council concerned council activity but there is also a national target to reach of zero carbon emissions by 2050. This is a challenging target but making rapid progress.

There were no questions.

Recommendations agreed.

CA/91/20 CAR PARKING SUPPLEMENTARY PLANNING DOCUMENT

Decision

RESOLVED TO RECOMMEND

- 1. That the draft SPD is adopted.**
2. That authority to make changes to the documents, including any necessary to reflect the Cabinet's discussions and decision, be delegated to the Assistant Director Planning, Development and Infrastructure in consultation with the Portfolio Holder for Planning and Infrastructure.

Corporate objectives

Having a clear set of standards to govern parking requirements for new development will help support the following objectives:

- *Safe and clean environment:* e.g. support policies in the Local Plan that promote a safe built environment
- *Dacorum delivers:* e.g. helps provides a clear framework upon which planning decisions can be made.

Deputy S151 Officer

No further comments to add to the report.

Deputy Monitoring Officer

The SPD will ensure that the Council's standards are consistent with the latest government guidance and should assist consistent decision making and reduce the likelihood of successful challenges to planning decisions

Advice

Councillor G Sutton introduced the report to members. This report follows consultation and consideration by SPAE OSC on 28 July 2020 and this is the amended draft of the new policy reflecting the views expressed at SPAE OSC for the revision of parking spaces in new developments. The proposed policy aims to secure sufficient levels of onsite parking and marks a departure from previous government guidance on maximum standards to minimum ones and so the requirement has to be met or exceeded. There is also a provision for electric charging points.

Councillor Guest asked what the timetable was for this policy being adopted.

Councillor Williams confirmed it would go to Full Council in November and be implemented immediately.

Councillor Guest ask what the evidence base was for the accessibility zones with lower levels of parking.

A Robinson said this was linked to historical evidence from previous census reports and other aspects including the location of services in these areas.

Councillor Anderson seconded the adoption of the policy and said he asked for this issue to come before the SPAE OSC when he was chairman and has seen its progress and was pleased to see the council were moving to adopt a minimum parking standard. The impact on maximum standards has been huge.

Councillor Birnie thanked officers for taking on board the comments and views of SPAE OSC. He said he was unclear on how parking provision within industrial sites are calculated. The overspill from developments into residential areas causes problems.

A Robinson said the standard is set out in appendix three which looks at floor space requirements which stems from the accessibility zones and earlier work carried out by Markides. He said the issue of lorry parking was being addressed in the Local Plan with the inclusion of a proposal to provide additional lorry parking in the borough.

Councillor Griffiths asked if this additional lorry parking referred to HGV vehicles or smaller commercial vans.

A Robinson said it focused on larger HGV vehicles. The parking standards for small commercial vehicles tie into the SPD.

Councillor Tindall asked about controlling growth in industrial areas especially at Christmas time where additional lorries and larger vehicles are present.

A Robinson said the SPD does include guidance to cover service vehicles.

Councillor Williams said this issue should partly be addressed by having better parking provision when built, these existing buildings were constructed a while ago and it is now difficult to deal with historical issues. He thanked officers for their work and said it was a hard task trying to reach a consensus and dealing with members expectations on what could be achieved but was pleased that the council was moving to minimum standards.

Recommendations agreed.

CA/92/20 HERTS GROWTH BOARD - SECTION 101 COMMITTEE

Decision

RESOLVED TO RECOMMEND

- (1) Agree to the establishment of the Hertfordshire Growth Board Joint Committee**

and Hertfordshire Growth Board Scrutiny Joint Committee and delegate such functions to the committees as set out in the annexed Hertfordshire Growth Board - Integrated Governance Framework and annexed Terms of Reference and Standing Orders for each committee.

- (2) Adopt the Hertfordshire Growth Board - Integrated Governance Framework into the Councils own constitutional framework and delegate authority to the Assistant Director, Corporate and Contracted Services to make any required changes to the Council's constitution to give effect to the Governance Framework.**
- (3) Agree that the Council's nominated representative on the Hertfordshire Growth Board Committee shall be Councillor Andrew Williams as Leader of the Council and the approved substitute shall be Councillor Margaret Griffiths as Deputy Leader**
- (4) Delegate authority to the Leader of the Council to nominate the Council's representative on the Hertfordshire Growth Board Scrutiny Joint Committee and approved substitute.**

Corporate objectives

The proposed joint committee will support growth across Hertfordshire and will therefore help to ensure economic growth and prosperity.

Monitoring Officer

Local authorities are able to constitute joint committees with other authorities to discharge functions as set out in Sections 101 and 102 of the Local Government Act 1972; Section 9EB of the Local Government Act 2000 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

The functions proposed to be delegated to the Joint Committee are set out in section 4 of the Terms of Reference document annexed to this report but Members will note that Section 4.3 clarifies the specific statutory functions which are excluded from this delegation.

S151 Officer

There are no direct budgetary implications for DBC arising from the recommendations in this report. Any future DBC contributions to joint projects shall be subject to the Council's internal approval processes, and membership of the Growth Board does not fetter its discretion.

Advice

Councillor Williams introduced the report to members. The Herts Growth Board has been operating for the last few years and is made up of the 10 councils in Hertfordshire, represented by their Leader and Chief Executive. This report is going to all councils in Hertfordshire and requires agreement from them all for this to be effective. This committee would enhance the group's negotiating position with the government.

There were no questions.

Recommendations agreed.

CA/93/20 PUBLIC SPACE PROTECTION ORDER

Decision

1. That the consultation on the establishment of alcohol related Public Spaces Protection Orders for the areas previously covered as outline in section 2 be agreed.
2. To report the outcomes of the consultation to Cabinet to decide to whether to reinstate the PSPO.

Corporate

objectives

Safe and Clean Environment - Maintain a clean and safe environment

Deputy Monitoring Officer

Section 59 of the 2014 Act gives local authorities the powers to create PSPOs to tackle anti-social behaviour.

Further to section 72 of the 2014 Act, local authorities must consult formally through the Chief Officer of Police and the local policing body. The recommendations in this report comply with the requirements of the 2014 Act.

Deputy S.151 Officer

No additional comments to add to this report.

Advice

Councillor Williams introduced the report to members. The borough currently has a number of alcohol related public space protection orders in place, these are soon expiring and so Cabinet are being asked to agree to a consultation on new orders.

Councillor Elliot asked how widely these orders will be advertised.

Councillor Williams said signage would be in place to indicate the area was covered by a PSPO. Their purpose is to control anti-social behaviour of street drinking and they are not designed to be a punishment and would be taking a sensible approach in applying.

M Brookes confirmed a proportional approach will be taken on any enforcement action and it would be clear what areas are covered by a PSPO.

Councillor Griffiths said these have been in place for the last three years and can't see any reason why they shouldn't be reviewed.

Recommendations agreed.

CA/94/20 ANNUAL INFRASTRUCTURE FUNDING STATEMENT

Decision

That the information provided on the Infrastructure Funding Statement in Appendix 1 be noted and agrees to its publication as required under the CIL Regulations 2010 (as amended).

Corporate objectives

The Infrastructure Funding Statement shows that developer contributions are being used to support all corporate objectives, for example: -

- A clean, safe and enjoyable environment: e.g. utilising developer contributions to promote walkable neighbourhoods, accessible green infrastructure and prioritising pedestrians.
- Building strong and vibrant communities: e.g. utilising developer contributions to create a sense of place.
- Ensuring economic growth and prosperity: e.g. utilising developer contributions to facilitate sustainable transport opportunities to and from our business locations and creating a sense of place.
- Providing good quality affordable homes: e.g. using developer contributions to fund delivery of affordable housing.

Deputy Monitoring Officer

The Council has a statutory duty to prepare an Infrastructure Funding Statement further to the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 annually between 2nd to 31st December. The recommendations in this report comply with this statutory duty.

Deputy S.151 Officer

The Infrastructure funding statement outlines the CIL and S106 proceeds invoiced and the spend and allocation to date.

Advice

Councillor G Sutton introduced the report to members and said the council were required to make an annual submission on their spend of CIL. £6.7 million has been collected in CIL since the levy was introduced in 2015 and £3 million was in the pipeline. This confirms the council has amassed CIL receipts in readiness for major spend, the reason is clear, there is a pressure to provide further infrastructure with the increased growth required. The new Infrastructure Delivery Plan will set out what is needed and when and how to make best use of the money.

Councillor Tindall referred to the government white paper and said there were proposals to make changes to CIL and s.106. He asked what impact this would have on the CIL fund moving forward.

J Doe said that the government have made the point that this change shouldn't leave councils worse off. They are currently proposing to replace CIL with an infrastructure levy and there are not any details yet on how this will be set.

Councillor Williams was concerned about national levies as they are worth different amounts depending on where in the country you are.

Councillor Anderson said the white paper proposes that the levy is charged as a proportion of the value of the site instead of it being a flat rate per square metre. He said this would recreate an old issue that had been resolved by the introduction of CIL.

Recommendations agreed.

At the end of the meeting, Councillor Williams presented S Marshall with a gift from members as a thank you for her service and wished her well in her retirement.

The Meeting ended at 8.30 pm