

## MINUTES

### STRATEGIC PLANNING & ENVIRONMENT OVERVIEW & SCRUTINY

23 MARCH 2021

**Present:**

**Members:**

**Councillors:** Banks  
Beauchamp  
Birnie (Chairman)  
Adrian England  
P Hearn  
Hobson  
Peter  
Ransley  
Riddick  
Rogers  
Silwal (Vice-  
Chairman)  
Stevens  
Taylor  
Timmis

<b>Officers:</b>	James Doe	Assistant Director - Planning, Development and Regeneration
	Layla Fowell	Corporate & Democratic Support Officer
	Mark Gaynor	Corporate Director - Housing & Regeneration
	Fiona Jump	Group Manager - Financial Services
	Marsha Kange	
	Melanie Parr	Climate Emergency and Sustainability Programme Lead
	Ben Stevens	ASB Officer
	Emma Walker	Group Manager - Environmental and Community Protection

**Also Attendance:**

The meeting began at 6.30 pm

**16**                      **MINUTES**

Action points from the meeting dated 2<sup>nd</sup> February

The minutes from the meeting of 2<sup>nd</sup> February were agreed by the members present to be signed by the Chairman at the next available opportunity.

JDoe confirmed that he had sent information to Cllr McDowell.

## **17                    APOLOGIES FOR ABSENCE**

Apologies were received from Cllr McDowell (Cllr England substitute) & Cllr Barrett (Cllr Peter as a substitute)

## **18                    DECLARATIONS OF INTEREST**

## **19                    PUBLIC PARTICIPATION**

Jan Rook – Climate Report

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

Portfolio Holder decision call in - Littering and PSPO enforcement private contractor Pilot Scheme

**Cllr Birnie** invited Cllr Freeman and Cllr Allen to speak for 5 minutes each regarding the matter which they had called in.

**Cllr Freeman** wished to raise a number of concerns and to justify why he felt strongly that this action needs to be called in to the scrutiny committee and why it was too momentous to be a unilateral portfolio holder decision.

Firstly, the goals and objectives of the decision were unclear and contentious and the Council should be clear what the objectives were. If the objectives were to reduce the instances of antisocial behaviour then it first needed to consider the body of evidence that shows that privatising enforcement leads to an increase in antisocial behaviour as well as an escalation in the seriousness of the offending. Using a private contractor incentivises anti-social behaviour. If any were genuinely observed, the contractor's initial reaction would be to issue a fine. Contrast this with a policeman or a council employee whose initial action is going to be to discourage the behaviour from happening or from recurring. If a contractor observes possible anti-social behaviour he is more likely to treat it as an infringement and to issue a fine rather than be sure an actual infringement has occurred. Finally, even if the contractor is successful in reducing one type of anti-social behaviour, he is likely to increase occurrences of other types of anti-social behaviour in order to safeguard the levels of fines that can be issued. This would almost definitely have an effect of front loading the contract. Even if his concerns were incorrect and the initiative was successful, the contractor would issue more fines at the beginning of the contract causing a reduction in offending. This means the contractor would then be operating at a loss. Would the Council then be trapped into paying for the shortfall in the fines that were being issued? These points need to be addressed by very clear target levels and periods of review. At what point can it be stated that the problem has reduced such

that an external contractor was no longer required? Despite many examples of how problems grow rather than reduce when incentivised, the Council needed targets so what the contractors were challenged to achieve was clear and if the Council were doing this purely to generate additional revenue from residents then it needed to be honest and upfront about that.

His second concern was that of reasonableness. It is unreasonable to predict that antisocial behaviour would reduce by imposing fines. Advice from police is consistent that engagement is better than enforcement. Evidence obtained from Bedford indicated that enforcement officers were universally despised and this reflected on the Council. Using a warden service that engaged residents and discouraging anti-social behaviour would be more effective and much more reasonable. An employed warden service would be seen as accountable whereas a plastic police force would not. The more street-savvy offenders would know that a contractor lacks any real enforcement power and are likely to give false information. This means that the financial burden of this proposal was much more likely to fall on the more civic minded people who just happened to have a sandwich wrapper blown out of their hands by the wind while the contractor was watching, than people who regularly torment shoppers on their bikes in the Marlowes.

There needed to be a trusted appeals process. Private parking enforcement companies have been accused of using premium rate phone lines, so if someone wishes to dispute a ticket they often need to pay more than the ticket value just to submit an appeal. Also the company is obviously incentivised to deny such appeals, leading to a further lack of trust.

The final point was that financial disincentives to people below the breadline have been proven countless times to be counterproductive. If you had somebody struggling to make ends meet and no immediate prospect of improvement or getting out of debt, the financial disincentive means absolutely nothing to them. Fines on people with no capacity to pay was not a reasonable solution. A broader base of responses was needed and a warden service would have a much broader based approach. Cllr Freeman also had issues with the proportionality of this proposal which he could not address in the time remaining to him.

**Cllr Allen** said he was essentially in favour of addressing litter & antisocial behaviour problems. However he was concerned that this scheme would not work effectively in reality.

There had been talk about it being based on sound research yet only a list of Councils that have followed similar approaches had been presented and there was an absence of detailed evidence on how the DBC scheme would avoid the pitfalls of many of these schemes as councillor Freedman had outlined.

In terms of proportionality it is easy to target the vulnerable, the mistaken, the usually compliant and not to necessarily deal with the serious breaches involving large groups, drunkenness or potentially violent or dangerous situations at the times of the day when enforcement officers were likely to be more vulnerable, such as dusk and after darkness. These were situations and times when a lot of antisocial behaviour happens, for example a lot of dog poo not being cleaned up happens after dark in the winter, as people feel they can get away with it. He asked how, in reality, were the

enforcement officers going to address this problem. A lot of antisocial behaviour similarly happens in large groups that are difficult to confront. It would be easy for a contract driven approach to shy away from these difficult situations. The Bedford experience with enforcement officers being universally hated came from a climate in which there are high levels of complaints and confrontations. This involved a loss of public trust because the enforcement instead of engagement approach led people to feel challenged and challenged people will often react badly.

There is also a loss of public trust if easy targets become lent on and the more serious problems are not addressed. Bedford is 75% urban and he wondered what the strategy was for dealing with the rural areas of Dacorum and for the times like dusk and weekends, when offences were most likely to occur.

It needed to be questioned whether it was reasonable to introduce a scheme if it risked being disproportionate. There was evidence that these schemes can often lead to heavy handedness. It was necessary to know to what extent the Borough Council would have control on that and if the Borough Council would be involved in the complaints process of a commercial enterprise to make sure the residents were protected. He queried to what extent the Council would have flexibility to address the contract in the middle of the term, to respond to imbalances or emerging situations. This really came down to a point of accountability. It was unlikely that a contracting company was going to take the community engagement approach if it was under pressure to reach the level of income required for viability. The evidence that he understood from Bedford was that accountability had been an issue.

He said going back to what evidence they could draw from other schemes, it would be good if there was more evidence that they could draw from to check that this could be a successful scheme. In Bedford they were on their second contractor and the person from whom he got his information said the jury was out. DBC may want to question why.

**Cllr Banks** responded that crucially this Portfolio Holder decision involves only a pilot enforcement provision designed to meet a number of public concerns. She stressed that this pilot is borough-wide and related to littering offences and it was expected that around 80% of the activity would concern littering, with a smaller proportion around the dog control Public Spaces Protection Order and the third and smaller proportion would be the enforcement of the town centre Public Space Protection Order, which included spitting, urinating, defecating as well as the riding of bikes in a prohibited area.

This decision was based on feedback from residents and officers and reports, to some degree testimonies, from other Councils. Bedford had been mentioned by Lib Dem councillors and it was interesting that it was the Lib Dem portfolio holder for Environment, Councillor Charles Roydon, who advised that this allowed Bedford to carry out enforcement activities against unwelcome and anti-social behaviour.

This approach was similar to parking enforcement services delivered by Sabre Parking UK and would be useful to inform decision making that members will make next year about the future of their PSPO's. These would be informed decisions based on evidence. DBC along with policy partners must be able to demonstrate whether

the enforcement option of using a contractor was suitable. They would be able to use this data to understand how best to enforce PSPO's.

The previous portfolio holder Janice Marshall presented the relevant PSPO's to the Housing and Communities Overview & Scrutiny committee and to this committee and the minutes reported that there did not seem to be budgets for enforcement nor that the Council had availability of staff resources. This was likely to be the remedy for that very point.

These problems were challenging to enforce, however the effects of these offences were seen across the borough. The Gadebridge gleaners and street cleaners often shared their disappointment and frustration at the amount of litter and the Boxmoor Trust had been on social media this month complaining about the irresponsible dog owners leaving the moor covered in dog poo. With numerous complaints of littering, dog mess and antisocial cycling being received by the Council these problems were difficult to address and remedy and made the peaceful enjoyment of Dacorum an issue for residents and visitors.

The pilot was an attempt to tackle this so that they could see if this approach had a positive impact on reducing littering and dog waste complaints. If the Council did not try then we would not know if it would work as well as it had in other areas up and down the country.

Addressing Cllr Freeman's and Cllr Allen's concerns she said the Environmental and Community Protection team would closely monitor the quality of this enforcement pilot. In addition to the checks and balances, there would remain the facility for those fined to appeal directly to Dacorum Borough Council if they received a fixed penalty notice. It would not be in the interest of a contractor to serve notices that would not stand up to challenge and scrutiny, as they would not receive payment for unpaid tickets.

Finally and addressing Cllr Freeman's point, this pilot had the added benefit of educational support, supporting community projects such as litter pick days, which would aid the behavioural change that we were all looking for as well as providing an enforcement deterrent.

**Cllr Taylor** commented that, although the Chairman had mentioned that this was a Lib Dem call in, it was not and was not a party issue. He asked what the aims & objectives of this policy were.

**Cllr Banks** said making Dacorum a cleaner tidier place for us all to enjoy would be her personal objective

**Cllr Taylor** asked what level of reduction of litter Cllr Banks hoped to achieve from this decision.

**Cllr Banks** said she did not have a target at this stage, but that would come as a result of the pilot.

**Cllr Taylor** said he had hoped the Portfolio Holder would have some idea of what they may achieve by doing this. If the pilot scheme was not going to reduce it then he felt there was not much point.

**Cllr Banks** said that she absolutely agreed with him if they were introducing a scheme as a contract. However, this was what the pilot hopes to achieve, it will be analysed as a result of that.

**Cllr Taylor** asked whether we felt that a reduction will be sustained throughout the pilot and ongoing afterwards

**Cllr Banks** said she believed it would.

**Cllr Taylor** asked if a Police Community Support officer would have been a better way of enforcing and getting people to follow the law.

**Cllr Banks** said that the Council did not have a budget to part fund or fund officers and this was at no cost to the DBC. If this could be set up as other local authorities had done, she was keen to see if it worked for the residents of Dacorum.

**Cllr Birnie** intervened to say that this was not the appropriate time for questions about costs. After the pilot was complete it would come back to SPAE for discussion, amongst other matters, of budget costs.

**Cllr Silwal** said this 12 month pilot at no cost should be supported. Other authorities were using it and they needed to support the trial to see if it worked or not.

**Cllr Timmis** asked whether the PH would agree that anti-social behaviour was on the increase and becoming a huge nuisance and stress for local people, not just in the town but also in villages. Playgrounds were being spoilt with dog poo, parks with litter, in fact in Watling ward they have had 258 fly tips in one year. What was happening at the moment was not sufficient, so surely we needed to do something to let people know they could not behave in this way. She struggled to believe that even people who struggle to make ends meet would use it as an excuse to throw litter. She would also like to know from the Cllrs who had called this in, what their suggestions would be to tackle these problems.

**Cllr Banks** agreed with Cllr Timmis that anti-social behaviour, litter and dog poo were on the increase. She felt it evident that it was a few people spoiling it for everybody. The Council had 4 enforcement days a year, had issued leaflets and given advice, joined the Keep Britain Tidy campaign, organised street champions and been in schools and open spaces where litter was a problem, but it was a small minority that does not care for our environment and so she felt that enforcement had a role to play. Part of this pilot would be educational support and it will be about informing & advising, but enforcement must be one of the tools in the box.

**Cllr Ransley** was interested in how this pilot would be operating events such as tidy days and talking about education, but it would have been nice to have heard this from the environmental team and Ben. Rather than 4 litter pick days in the year, one a month should be considered and more time should be spent educating people.

**Cllr Beauchamp** was concerned that we consider our duty of care to staff, especially in the water gardens, where there were regular instances of people defecating in bushes, not at night, but in the day. This presented a real health and safety hazard to staff, whose efforts were essential in implementing this proposal.

**Cllr England** asked for clarification of the amount of enforcement that would be related to litter, since Ben Stevens had quoted 70% of the enforcement and Cllr Banks 80%..

**Cllr Banks** said that 80% was correct.

**Cllr England** asked if Ben had estimates of absolute enforcement numbers expected from the pilot.

**BStevens** replied that some of the estimates projected 3,000 enforcements annually

**Cllr England** asked if this excluded fly tipping

**BStevens** agreed that it did.

**Cllr England** asked if there was a correlation found between fixed penalties being issued for litter and the absence of a litter bin and whether that will trigger the installation of a litter bin.

**BStevens** said he would be unable to answer that.

**EWalker** said that when they have completed the pilot they can look at that and any other outcomes that come through. It would be silly to ignore evidence where there was more littering and no litter bins and it is likely that this would be something Craig Thorpe's team would be keen to see.

**Cllr Birnie** said questions like these would be better left until after the pilot.

**Cllr England** said that, although he does not agree with the PH decision, he was trying to engage constructively with it, as a Councillor who had on several occasions requested more bin coverage to deal with this problem. This PH decision had unclear implications for residents who should be advised of the KPI's and in his view, the whole matter should be referred to Full Council for further consideration.

**Cllr Birnie** ruled that Cllr England could request KPI data, but he could not demand that this matter to be put to Council. At the end of the debate, the committee will decide what it wished to do and where, if anywhere, it wished to refer the matter.

**Cllr England** said that what he had meant to say was that he requested that, instead of making a decision, the committee should put it to the Council.

**Cllr Birnie** responded that Cllr England's opinion was just one opinion of many at this stage and this would no doubt be tested by this committee at the end of the discussion.

**Cllr England** stated that he had eight points for Cllr Banks to answer. First, although it was claimed that this decision was based on sound research and engagement with other local authorities into alternative methods of influencing against litter, dog fouling and other PSPO breaches and that due process had been followed, in an email dated 2<sup>nd</sup> February 21 (which he had copied to the Chairman) Cllr Banks had stated that, rather than studying other local authorities, officer research had been based on the contracts and services provided by the four main contractors in the area and the local authorities that have entered into contracts and pilots with them. He demanded to know which of these accounts was accurate..

Secondly, officers had found all of these companies provided a similar service with the offer of extra benefits on top of the enforcement on an income share basis, which indicated that this project was fundamentally money led and not outcome led.

Thirdly, Bedford Council had been using contractors for their PSPO's for several years and had been through two tender processes, which suggested that the first private enforcement contract did not work.

Fourthly, the introductory report on this item made it clear that this PH decision covered enforcement not only of the town centre PSPO's, but also the dog control PSPO'S and littering offences and he asked how the resource would cover all areas profitably or whether most areas will be short changed in order for the contractor to meet KPI's and he demanded details of these KPI's.

**Cllr Birnie** said that the last point concerning the viability of covering so many enforcement areas would be revealed as a result of the pilot, and it was unfair to expect the answers to that at this stage. He then asked Cllr Banks to respond to the other points made.

**Cllr Banks** said she stood by what she had said in both her email correspondence and in the presentation that this was a pilot which had come about through best practise in other areas and in other local authorities. Discussing the success or failures in other areas was almost irrelevant, but a good way to use the time of officers was to see what was available in the market place and whether they could run a pilot and to see if it worked for Dacorum.

**Cllr England** commented that, in the remainder of Cllr Banks's email in February, she had made reference to other councils in Hertfordshire which think the same way as Dacorum and had the same problems, yet she had just said this was not relevant.

**Cllr Banks** said that it was not relevant to the success of this pilot, but what was critical was that it did work in some areas, especially if it was going to address the issues raised about disproportionate amounts of littering and dog fouling. She said she did not think every field was covered in litter but at the end of the summer, if people had been out in the park people were not taking responsibility for their own littering. If they can get it to the park they can get it home again and they should not rely on litter bins.

**Cllr Birnie** invited Cllr Rogers to speak and said he would go back to Cllr England later.

**Cllr Rogers** said we do have a problem and so something needed to be tried and he welcomed this initiative. After 12 months the data with the facts and figures behind them could be discussed logically. If it did not work in 12 months' time, those who did not wish to implement this PH decision could give themselves a pat on the back. The focus should be on what this was actually trying to achieve for the people in the borough for a better quality of life. The public supported this as members would find if they spoke to their residents and voters because it was aimed at creating the exemplary standards that they expected in the towns and villages of the borough.



**Cllr Taylor** referred to Cllr Timmis' question about what else could be done and his answer would be to put more police on the street. He went on to ask Cllr Banks how the enforcement contractors would deal with littering from motorists.

**Cllr Birnie** ruled that this was not a matter for present discussion because this would be a completely different type of enforcement.

**Cllr England** was then allowed to continue with the fifth of his criticisms and stated that Cllr Banks was looking to get into a 12 month no cost pilot and not a contract, so evaluation could be made post pilot on whether it was appropriate or beneficial to commit to a long term pilot. However if the pilot were to be evidenced as rational or reasonable it ought to be able to be judged on its performance and not be a free trial where there were benefits to the council. It seemed obvious that the trial would be a huge success because it was being offered as a loss leader in order to get a longer contract.

His sixth criticism was that Cllr Banks had said that other local authorities were turning to partnership working with private contractors where problems were being identified with over 20 authorities who were in long term contracts or pilot scheme partnerships and this was increasing. But he pointed out that 20 out of 300 local authorities was not an endorsement in itself and it was not a reasonable or rational situation because 23 trials did not imply any evidence at all suggesting confidence in the outcome. It was not known how many of those 12 month trials were still progressing, so there was not much data from that statement so that statement was not relevant.

The seventh point of criticism was that Cllr Banks had said that the 12 month pilot would be at zero costs to the Council, with the operational expense and risk incurred by the contractor. The Council would not pay for this service and would be guaranteed 5 to 10 % of the income. The pilot was based on four officers to provide seven day borough wide coverage and the vast majority of FPN's would concern littering offences. The company must know that it would stand to do well to offer such a resource for free or in fact not free, but to pay the Council to do this. He was not sure that the PH was rationally viewing the idea of a pilot and that was obvious that it would be a success. So either it was a pilot or an inducement. There would be benefits to the Council and if these sweeteners were included how was the evaluation going to be unbiased?

The final point was that the PH had said the process of making the decision had been open and unambiguous in demonstrating that the overarching aim and desired outcome was to bring a reduction in littering, dog fouling, PSPO's and other related complaints in the borough and the decision to implement a 12 months trial to deliver a visible, consistent deterrent was the most appropriate of the various options available to the authority in achieving the same. Within that statement, reduction was definitely promised and he wanted to know what objective metric was being employed to be able to make the claim that there would actually be a reduction and whether there was a survey that showed how much litter was presently out there.

**Cllr Banks** responded that a number of his points had already been covered by the officer and in her opening statement. As far as she was concerned there was a problem with littering, dog fouling and town centre PSPO's. There were over 30

examples of districts and local authorities who had contracts for which it was working and she was keen to see if it would work for Dacorum. Once the pilot had been completed Officers would have an opportunity to gather evidence, and information and prove that either it was working or that Cllr England was right, but there was huge value in pushing through a pilot that would raise standards across Dacorum as Cllr Rogers had said. She said that concerning the metrics that had been referred to, she was not sure whether Officers had actually got any background information specifically or whether that will be revealed by the pilot.

**Cllr Birnie** intervened to state that the figures exist because the committee received quarterly reports from Clean Safe & Green which stated the weight of rubbish of different kinds that was collected in the borough. Therefore, the pilot simply needed to achieve a reduction in these figures in order to dispose of that particular criticism.

**Cllr Allen** responded to Cllr Timmis's earlier question about what alternative would be suggested by those that called this in. Following last year's litter explosion after the summer a group was formed of local volunteer residents who were training for Youth Connections and who engaged with young people on Boxmoor with litter bags. As a result of ongoing nightly contact with the young people, they had developed a relationship in which they had started using the bins more as well as the bags that they had been left. The issue was dealt with in a civil and reasonable way. He claimed he had not said this to highlight the difference between Boxmoor and other areas but more to suggest that each young person often had a reason for his or her behaviour and engaging with them and building a relationship could be a very successful way of addressing the problem.

**Cllr Birnie** suggested that that would fall under education that had been mentioned as a necessary support for the pilot.

**Cllr Banks** agreed and said that she herself worked closely with a local young people's charity and they regularly litter pick in Grovehill and Adeyfield. However it had not solved the problem and enforcement to manage this was still needed.

**Cllr England** asked if the PH if the criteria for the success or failure of the pilot would be published and asked whether she agreed with him that a pilot for one year cannot reveal the long term effects of the creeping corruption in enforcement.

**Cllr Banks** responded that, there was no contract so there was no corruption and she felt that Cllr England was looking at the pilot very negatively. These organisations were professional and business-like and she had no doubt that the results would be objectively presented by Officers and carefully examined in the scrutiny process.

**Cllr Birnie** asked, given the depredations caused by the pandemic, whether the Council could afford the 4 officers which he understood would be required in the policing aspect of this proposal.

**Cllr Banks** confirmed that there was not a budget for this currently.

**Cllr Birnie** referred to other outsourced services, for example parking controls and noted that he had not noticed any huge corruption in that particular area and asked

whether it was true that this PH decision would allow the Council control on the validity of any fines issued.

**Cllr Banks** responded that there would always be a right of appeal and appeals would come to DBC Officers for a decision, so any overzealous issuing of fixed penalty notices would be addressed immediately.

**Cllr Birnie** therefore concluded that it was reasonable if this pilot were implemented to expect at the end of it to see accurate figures on the number of fines issued, what they were for and the result of any appeals.

**Cllr Banks** replied that she would make note of that and ensure that the information was available and included in her final draft.

**Cllr Birnie** was happy at this stage to go to a vote and proposed that the committee approved the PH decision and would so inform cabinet. He made the point that if cabinet so wished, they could then pass the matter on to Council for further discussion.

**Cllr England** proposed an amendment that this PH decision be referred to Full Council for a decision.

**Cllr Birnie** allowed Cllr England's proposal and asked him to confirm his full proposal.

**Cllr England** confirmed his proposal was as follows;

"That more numbers are put into this report as to the expectation of the pilot and it goes to cabinet, alternatively that the whole thing goes to Full Council for further discussion as the proposal is not ready".

**Cllr Birnie** responded that the proposal not being ready was an opinion with which he could not agree as it had now been before this committee twice. However, he was prepared to accept a less contentious motion from Cllr England as an amendment to his motion.

**Cllr England** confirmed his motion would be to refer this proposal to Full Council.

**Cllr Banks** asked if Cllr Birnie was first calling members to make the decision on accepting her decision.

**Cllr Birnie** said that was the correct procedure and he was prepared to compromise with Cllr England. His suggestion would be that the committee approved of the PH decision and will so inform cabinet rather than seeking to pass the matter on to Council and he asked whether that would satisfy Cllr England.

**Cllr England** said that usually the Chairman would enable discussion until that is curtailed by a decision of the committee, which is why he is suggesting they vote on going to Full Council.

**Cllr Birnie** asked for a seconder for this motion.

**Cllr Taylor** seconded the motion.

**VOTE:** to refer the PH Decision to Full Council

**YES – 4**

Cllr England

Cllr Ransley

Cllr Stevens

Cllr Taylor

**NO – 7**

Cllr Peter

Cllr Silwal

Cllr Rogers

Cllr Beauchamp

Cllr Hearn

Cllr Riddick

Cllr Timmis

**ABSTAIN – 2**

Cllr Hobson

Cllr Birnie

**Alternative:** This Committee approves of the portfolio decision and will so inform cabinet

**VOTE:**

**YES -7**

Cllr Silwal

Cllr Beauchamp

Cllr Hearn

Cllr Timmis

Cllr Peter

Cllr Riddick

Cllr Rogers

**NO- 4**

Cllr Ransley

Cllr England

Cllr Hobson

Cllr Stevens

**ABSTAIN – 2**

Cllr Birnie

Cllr Taylor

The motion was approved.

## **21**                    **BUDGET MONITORING**

**FJump** presented the report, noting that this report presented the position for the council as forecast at the end of December. The Committee would see the report forecasted an overall pressure for the council of 3.2 million, but this had been superseded by the Covid update report that had gone to Cabinet earlier in the current month and the figure reported there was around 2.4 million. So in terms of the overall position of the council the 2.4 million was the pressure that the Members should bear in mind. The nature and the value of the pressures that were identified for this particular scrutiny committee area still apply so the information provided was still very much applicable and the position was being driven largely by pressure in waste services against employee transportation costs and a shortfall against income targets on the capital side. For schemes relating to this scrutiny committee's area an outturn was forecast that was broadly on budget for the end of the financial year, with a relatively small overspend.

**Cllr Silwal** referred to page 24 point 4.2 and maintenance costs. He asked if the total should be 280k. He asked how long the maintenance costs would take for the vehicles.

**FJump** said he was correct that the total should be 280k. Also the offset underspend was not included in the narrative so where there was a total of 280k pressure another 30k underspend could be expected. She referred to the vehicle maintenance costs and explained that the Council was incurring maintenance costs as they phase out the aging fleet. This had been happening over a fair period, but those costs should reduce as they move to full implementation of the new vehicles. She could not give a time scale but would ask the service to provide an absolute timescale.

**Action Point:** FJump to provide the committee with timetables for maintenance costs.

**Cllr Birnie** referred to core funding 3.6 covering additional funding which was mainly government grants and asked how the finance department treated this kind of income. He assumed that it went into the general budget and was not apportioned between the different departments as some offsetting of overspends in our area would otherwise be seen.

**FJump** confirmed that this was correct. The aim was to present the full picture of the pressures within the service, but additional funding was presented separately and not offset.

**Cllr Stevens** referred to paragraph 3.4 which noted that additional funding was expected under the Government's income guarantee scheme and asked when this funding could be expected or whether it had already arrived.

**FJump** responded that it had already started to arrive in instalments but not the full amount as yet, which would come at the end of the financial year.

**Cllr Timmis** referred to page 24 item 4.3 which talked about contractors having raised costs during Covid and asked whether they would go down post Covid.

**FJump** said that her expectation would be that they would but she would like to have the service confirm.

**Action Point:** FJump to send a response to the committee re the higher costs due to Covid.

The report was noted

## **22** PLANNING, DEVELOPMENT AND REGENERATION PERFORMANCE

**JDoe** summarised some of the items in the report. He referred to paragraphs 3 to 7 of the report, noting that planning fees income had picked up quite considerably over the remainder of the year and was almost breaking even and there had been a substantial rise in the number of planning applications. However, income targets for land charges had always been a challenge, but there was a sustained level of property searches coming in as the property market remained buoyant. This would need to be monitored closely to see whether the strong performance of the market continued, particularly since the stamp duty holiday had been extended in the recent budget.

Turning to Development Management performance from paragraph 8 onwards, performance in turning around planning applications was generally high, the main exception in the quarterly outturn being the appeals. These were running at only a 50% success rate for the 12 cases in this quarter. The department monitors appeals quite closely and the latest appeals update that went to the Development Management Committee was included in the report. The department was also sending out details of the appeal decisions with Members News so members could be appraised early of appeal outcomes. There was a common thread in the 6 appeals around the size of new buildings and extensions and these may have been cases where the inspector had taken a different view to the Council as it could be a subjective opinion. However those particular trends would continue to be monitored to see whether it was just peculiar to this quarter or whether was something which needed to be addressed through the way appeals were handled.

Finally, he addressed enforcement, where the turnaround time to get out to site was down and was likely to remain down for some time because of the different lockdowns which had restricted the ability of officers to get to site in a timely way. Coupled with a rising level in the enforcement caseload, a backlog had built up. The department had put in processes to tackle this on a geographical basis and he

wanted to reassure Members that top priority cases would be prioritised in a review that was just about to start on reducing the backlog.

**Cllr Timmis** referred to page 30, PE02 and the site visits and the inability to complete them and commented that it would have been helpful for a visit to have taken place. Also in LC04 on page 30, the report mentioned the effect of stamp duty in 2021, but this holiday only lasts until Sept 2021. Thirdly it mentioned on page 31 a rise in the number of planning applications and Cllr Timmis wondered if this could be related to the decrease in the number of houses being proposed for the new local plan.

**JDoe** Responded to the first point on indicator PE02, commenting that these visits were purely for planning enforcement as opposed to planning applications. They were very different. The enforcement mentioned does require an officer actually to go on site to make investigations to establish what's happening at a point in time and not necessarily at the applicant's or developer's convenience. Managing such site visits during a pandemic is problematic. However, with planning applications actual site visits were not usually necessary because the applicants were able to send in pictures or electronic searches can be made through Google Earth and other remote sources. If more information was needed, the planning Officer could also go back to the applicant and ask for further photographs.

He said in terms of the land charges, Cllr Timmis was absolutely correct, the stamp duty holiday had been extended and that was included in the covering report. It will continue through to June on the £500,000 purchase price threshold and will then drop down to a threshold of £250,000 and then by October it will go back to the rate it was previously, which was £125,000, so tapering out.

In response to Cllr Timmis's final point, there had certainly been a very large number of householder applications for extension works to domestic properties, which may just be reflective of the fact the housing market was still strong and so people were taking the opportunity to improve their properties. The volume of planning applications was often directly linked to the national and local economy and as such the economic picture both locally and nationally over the next few months must be monitored closely.

**Cllr Stevens** referred to page 29 and asked for details of current judicial reviews

**JDoe** said there had been two recent judicial reviews. One involved a small supermarket proposal in Markyate, where one of the businesses on the high-street launched a judicial review that was successful and on which the Council has had to pay costs. He said that he would have to get back to the committee with details of the other one.

**Cllr Birnie** asked if we had to pay costs on the second one.

**JDoe** confirmed that this was the case and it was in the region of £40,000.

**Cllr Birnie** commented that it was not just individual appeals that involved losses but judicial review costs related to the council's decisions.

**JDoe** confirmed that it was not the legal basis of the planning decision that this related to, but the process and lessons had been learned about delaying sending

applications to committee until the statutory deadlines for consultation had expired. In the case of Markyate, Officers had to re-consult and they took the report to committee to ask it to delegate the application with a view to approve, pending the expiration of the consultation period. This did not sit well with the court, so now Officers did not bring reports to committee while there was an open consultation period.

**Action Point:** J.Doe to provide the committee with details, including costs, of both judicial reviews.

**Cllr Riddick** welcomed the increased fee income but regretted situations that took up the time of Officers but did not attract an income, one being appeals and the other where an applicant can return an application within 6 months free of charge.

**Cllr Birnie** added that he had read in the report that this loss of income will apply unless we can prevent new plans being submitted when the officer was minded to refuse or possibly after refusal and in his response to Cllr Riddick, he would like clarification from James Doe.

**JDoe** said he wanted to be clear that Cllr Birnie's point concerned where we receive an application and the plans are subsequently amended and re-sent,

**Cllr Birnie** confirmed that this was the point he was making.

**JDoe** confirmed that they were related problems. The appeal statistics in the report did show there was a rise in the rate of challenges to the Council when planning applications are refused. This was another trend that Officers are monitoring to see if it is a long term trend or not. Cllr Riddick was correct that there is a cost that the Council has to bear and it is absorbed within the service and that is why it was really important to have sound decisions so that there were fewer challenges and fewer cases lost. Referring to resubmission of an application within 6 months, the applicant did get that free of charge and to deal with that Officers encouraged applicants to get pre-application advice. This provided an opportunity to flush out any issues which may lead to refusal which would then lead to a resubmission within 6 months. It was the applicant's statutory right to do that. The department was trying to improve the efficiency of getting applications through the system in a more timely way and to reduce backlogs by dealing with applications expeditiously and not inviting amended plans where there is no prospect of being able to arrive at an acceptable scheme within the statutory time period, be that the 8 week or the 13 week period. The aim was to maintain high performance, which the government does monitor. If Officers were constantly receiving amended plans, not only was there a cost implication, but performance targets will slip.

**Cllr Hearn** made two points. Firstly, at a Tring town council meeting on Monday there were two planning applications that had already been considered by the Officers at Dacorum, but Tring had not been advised of this. She hoped that that was not going to continue. She hoped that at Town Council they would be able to consider applications before they are decided by DBC. Secondly, she was currently dealing with two matters that involved enforcement and she welcomed the statement that there was going to be a reduction of the backlog. She felt that this department did need supporting and that the Officers had been struggling for some time to keep up



with the work and with the increase in planning fees it is worth considering supporting this hard working department more than had been the case.

**JDoe** thanked Cllr Hearn for her comments and requested an email detailing the planning applications on the Tring Council agenda that she had referred to as he would like to check which type they were as sometimes Officers do not consult the parishes on minor things and some lawful development proposals are also excluded. In relation to the enforcement, this was a difficult area as enforcement cases can be very long running. However, the department was at the point of appointing a further temporary enforcement officer for the year for which it received some additional resource and he thanked committee members for their support.

**Cllr Birnie** commented that the appeals lost are still high despite a lower percentage of refusals and asked why this was.

**JDoe** responded that of the 6 that the Council lost last quarter, the prevailing theme seemed to be about the appearance or size and proportionality of the building, where the Council had taken the view that it was too large or inappropriate but the inspector had taken a different view. Overall six was a very small number so it should not be taken out of context.

**Cllr Birnie** agreed the numbers were not sufficient to make an out an out decision on but the same situation had recurred in quarterly reports. He recalled questioning whether it was because of a new DMC committee but it was thought that this was not the case. However, it needed to be closely monitored because, whilst costs are not always charged when appeals are lost, it can be a source of loss for the Council.

**JDoe** responded that the department's performance was very good and over 70% of appeals were won, but there was a trend that had persisted over a couple of quarters and Officers needed to see if this was a longer term trend.

**Cllr Birnie** said he would be grateful if James could report on this from time to time.

**Cllr Anderson** said that this indicator had been controversial for some time and Members should remember that the DMC had only had a very small amount of its decisions overturned on appeal, leaving aside whether or not the decisions deserved to be overturned on appeal. How the Development Management committee is performing was for obvious reasons always under review and he felt that this was just a blip.

The report was noted

## **23**                    **ENVIRONMENTAL            AND            COMMUNITY            PROTECTION** **PERFORMANCE REPORT**

EWalker went through the report and shared the key points. There had been a reduction in the KPI for high at risk food premises and the quarter 3 result is at 61% and the year to date at 40%. The main reasons for this were that the Officers had been diverted to Covid-19 enforcement work, the food standards agency had suspended the food inspection programme during the first lockdown and their inability to visit certain premises which had been closed during the most recent lockdown. Another reason was the precautionary reduction in visits to higher risk

settings such as care homes. However, 95% of fly tips were visited by an enforcement officer within 3 working days, which continued to be a priority. The environmental health team had been very busy with the Covid-19 outbreak plan in quarter 3 setting up test and trace for complex contact tracing, which had gone live in December and 3 staff had been recruited to this service, which is funded by the HCC contained fund. Supermarkets had also been targeted with Covid compliance checks.

**Cllr Birnie** asked EWalker to clarify “the HCC contained fund”.

**EWalker** explained that this was a fund held by the County Council or the Local Resilience Forum aimed at the containment of Covid -19. The team had made a successful bid for that fund which also covered the Covid compliance officers.

**EWalker** continued that visits had been made to high risk premises, including distribution centres, which had experienced more than one case of Covid within the workforce. This had been followed up with visits to hairdressers and barbers for Covid compliance. Joint visits had also been carried out with the police, a working group on self-isolation checks on people who should be isolating had been set up and beer mats had been provided to the licencing team to remind patrons of social distancing rules in pubs. In addition, mask compliance checks at supermarket had been carried out where 97% of 1000 people checked had been compliant and complaints by members of the public had also been followed up

The Environmental Health team had successfully prosecuted Hemel Food Centre in the Marlowes for Health and Safety offences relating to a breach of a prohibition notice. This resulted in a £30,000 fine plus £4,000 costs awarded to the Council.

The Corporate Health and Safety team had continued to support departments in drafting and redrafting Covid-19 risk assessments in line with the changing guidelines and the 400 pieces of recent legislation that had been issued regarding Covid-19.

In Q3 the operations team had issued 16 fixed penalty notices for fly tipping and 3 FPN's for duty of care offences and one littering FPN and 6 vehicles were seized and removed. The enforcement team had a significant backlog with 6 cases pending prosecution but delayed in the courts due to Covid.

She was pleased to report that Russel Ham a Team Leader had been awarded a staff award and that Colin Lee-Dade, Pest Control Officer, had won customer service star of the year and also runner up employee of the year..

**Cllr Riddick** noted that in the last 12 months a lot of businesses had moved over to takeaway services and he asked how this had impacted on the inspections workload of the teams.

**EWalker** said that the suspension of the food inspection programme for quarter 1 had a knock on effect in quarters 2 and 3. Coupled with the present lockdown this had resulted in some of the lower risk premises not being inspected. Priority work to deal with imminent risk to health issues had however continued but staff performance in food safety had slowed right down.

**Cllr Riddick** responded that a lot of people had moved into what he would call enthusiastic amateur status and they may not be aware of all the obligations in dealing with food products for the public.

**EWalker** agreed and the team has had lots of enquiries for guidance and assistance, which they had continued to provide.

**Cllr Ransley** asked about inspections in closed premises for legionella disease.

**EWalker** confirmed that this was something of particular concern and the team had written to and had been visiting the sectors that were re-opening and had put a programme in place for the week commencing the 12<sup>th</sup> April to highlight that very risk.

**Cllr Stevens** referred to clause 4.6, which mentioned staff to be provided online training for setting up a reception centre in the event that the emergency plan were activated. He asked what this meant and who evoked the emergency plan. He also suggested to the Chairman that the committee should allocate time to have a briefing on this.

**EWalker** explained that all public bodies are required to have such a plan in case there should be an emergency situation, such as a flood or explosion. District councils are required to set up reception centres if part of their community were unable to access their properties as a result of a disaster. The reason this reception centre training had been carried out now was because of the additional challenge of social distancing owing to Covid. She offered to set up some training for members if this was considered useful.

**Cllr Birnie** referred to point 4.5 and asked what the robotics programme was.

**EWalker** explained that in conjunction with the innovation team the department had been looking at the use of robotics to carry out repetitive. For example, adding information to a database in the correct place in the electronic filing cabinet.

**Cllr Birnie** said he would be interested to see how they progress with that as it seemed it could be useful across the Council. His final point referred to item 5.3 and he asked why the team had been out with the police.

**EWalker** said that the joint operation was to enforce the town centre PSPO against rogue cyclists.

The report was noted

## **24**                    **CLIMATE EMERGENCY UPDATE REPORT**

**MGaynor** noted that the report covered the national and international context including the government's 10 point plan. There was information on the survey Learning from Lockdown that had been done, and on progress with their work within the community. The addendum proposed a move away from a very outdated ISO 14001 environmental management tool to a process delivering far more by work on challenging the climate emergency.

**Cllr Birnie** considered the report to be exhaustive. However he found it difficult to follow the thread. Whoever wrote the report kept jumping backwards and forwards between different strands of the argument.

**Cllr Silwal** referred to item 5.3 and the Green Community Grant scheme where applications could be made for up to £2,000 out of a total pot of £10,000 and asked whether, if there were more demand, that would be added to the total pot.

**MGaynor** said that the proposal was to double the pot to £20,000 this year from within the existing budget, which will allow more schemes to start off. The scheme had encouraged a huge amount of interest from lots of groups and played a crucial part in getting the community to take ownership and a lot of people were desperately committed to these issues. He had the authority to double the budget for this year, which did mean a reduction in other monies available on other issues like corporate research, but if more money were needed, the team would ask for it.

**Cllr Silwal** said double is fine, but demand may go up

**MGaynor** hoped that it would.

**Cllr Birnie** asked if this concerned the Green Home Grant vouchers

**Cllr Silwal** advised that it did not.

**MGaynor** explained that this initiative encouraged community groups to bid against criteria that had been established to carry out works which would have a lasting effect and probably stimulate more action from these groups.

**Cllr Stevens** welcomed the report updating efforts to counter the climate emergency, but he needed some clarification on, for example, the current Climate Action Network on page 65 referencing a number of working groups, one of which was a Sustainable Transport group (item 6).

**MGaynor** clarified that there was a proposal to work towards establishing the Community Action Network within the community, which had nothing to do with the Council's own work. These were Council Officer subgroups working on specific themes, so the Climate Action Networks were not yet developed but were part of the plans in terms of community action. Subgroups were the particular strands aiming to ensuring we reach zero carbon by 2030.

**Cllr Stevens** said that in Berkhamstead there were also a number of subgroups looking at the same topic areas. He suggested that something should be done about liaison to avoid duplication and encourage cross fertilization.

**MGaynor** said the aim of the network was to get all of those groups communicating with each other. The Council's focus within its subgroups was to deliver the pledge that had been made specifically that the Council's activities become zero carbon, to which had been added encouraging work taking place in the community. The Network was trying to make all of the groups that did exist aware of each other and helping them perhaps to help each other.

**MParr** added that having a group or a network of the town and parish Councils was something that she was going to look at to see if there was any interest.

**Cllr Birnie** said surely these ideas should be publicised in the Dacorum Digest and the website.

**MGaynor** confirmed that would be part of the process as well as social media.

**Cllr Stevens** found the survey very helpful but he wanted to know what was being done about actually getting some electric charging points into place.

**Cllr Birnie** said that if they had read the addendum which was published today and filled in the survey then Members would be au fait with this. However, perhaps Melanie had a response.

**MParr** responded the Council was working with a number of consultants to look at where the best places for charging points were. Around a third of households did not have their own driveways so it was necessary to plan carefully where to put them, one of the barriers being the method of installation. For example, there was a company that could install them into lampposts but permission would be needed from Herts County Council, so these were the sorts of discussions that were taking place behind the scenes, although it may not appear to the public that there was any immediate action. She hoped that the survey showed that the Council was trying to get information to work out where the charge points would be best suited before putting forward a funding application.

**MGaynor** said that they were also looking at speeding up the installation of EV charging points in the car parks by which they could access £100,000 worth of grants but what had been found within the car parks was that the biggest element of expenditure was ensuring that there was sufficient power to handle the increased demand imposed by the charging points. Electricity supply problems often increased the cost of installation and that case would be made to cabinet so that the installation could hopefully move forward this year.

**Cllr Birnie** said the report mentioned the car wash site on the magic roundabout as a possible EV charging location, but it seemed that there may be a clash with residential development plans for the site.

**MGaynor** responded that it may possibly constitute part of a much bigger development site but having a rapid charging garage forecourt on this location would have a huge impact in terms of carbon reduction because it would help enable the increased take up of electric vehicles. There was interest in it from two or three larger companies that were involved in installing EV charging points. Their ideal was a location up at Breakspear to pick up traffic from the M1. But if Dacorum wanted a message of "look you're in the centre of town and there is a rapid charging point", he did not think many people would be upset.

**Cllr Timmis** had 2 questions, regarding local groups. Flamstead were setting up their own climate change group involving parish councils and local residents which were more focused on the smaller things that people can do, in other words, a change of behaviour which she felt was important. This very comprehensive report, which she thought was brilliant, contained a list of what the UK was doing including nuclear energy, greener maritime and public transport. But these were things that would not immediately influence Flamstead village or be things that the residents could have a lot of impact on. There needed to be support and encouragement for the smaller things that people can do to change behaviour generally, which will add up in the longer term to better climate change awareness.

She asked whether part of the programme was that all the planning permissions for new houses required them to have high levels of insulation and to cut carbon or be carbon neutral, with water saving and so on.

**Cllr Birnie** intervened to allow the member of the public to ask her question, saying they would return to Cllr Timmis's question afterwards.

**Janet Rook** was speaking on behalf of Tring in Transition. They welcomed the report and wished the items within it every success. Regarding the Council's ambition on building social housing and given that they understand that social housing stock was the largest source of carbon emissions, could they be assured that all new social housing would be carbon neutral and preferably be passive house standard and also that solar PV and solar thermal would be installed as standard? Although the grid was progressively being decarbonised many social housing tenants were likely to be in fuel poverty and as such solar PV and solar thermal would reduce their energy bills. For a typical social housing unit Solar PV installation was under £3,500.

**MGaynor** responded that the Council's aim was to make social housing as energy efficient as possible and some recent projects had come quite close to this goal. The passive house was one technique, but not the only technique to move towards zero carbon. But the intention where feasible and practical was that they would have solar PV and thermal. For new build in the future it would be crucial that the government in its Future Homes Standard went for the highest level possible so that homes are as close to zero carbon as they can get. One must be aware, however, that existing capacity for certain technology like air source heat pumps was quite limited in this country and it would take time for things to move forward. But a mandated standard which developers cannot go below was absolutely critical and that standard should be as close as possible to zero carbon. One of the Council's major developments in the future would be Hemel Garden Communities where the Crown Estate was committed to zero carbon across all 11,000 homes. So, gradually the Council was improving the energy efficiency of its new build Council housing. In particular those in Bulbourne were as close to zero carbon as any they had done so far.

**MParr** responding to Cllrs Timmis's earlier question said that she appreciated that community initiatives would be very important in helping to address climate emergency actions. Covid had produced a very frustrating year where she had not been able to really get out to engage with community action. However the Green Community Grants had been one way Officers had been able to invite groups to kick start initiatives but going forward she wanted to launch the Climate Action Network and have all sorts of events throughout the year with training opportunities and an active website that was full of different resources. She would be keeping everyone posted as soon as those resources were available.

**MGaynor** said they would be vastly improving the climate action elements of the Council websites. At the moment most of the work from IT had been on keeping the systems going well while people worked from home but they would have to make significant progress on sharing of information ensuring that groups were getting in touch with each other about how to take things forward and what they would like to do. It should also be the best place to go where they knew they were going to get objective, scientific and accurate advice on things to do. The community was absolutely key to any success that we would have in the future.

**Cllr Riddick** was trying to get his head around the numbers under the heading United Kingdom The 10 Point Plan For A Green Industrial Revolution. Under item 7, it stated that the intention was to make UK homes, schools and hospitals greener and more energy efficient, including a target of installing 600,000 heat pumps every year **from 2021**, implying over 4,000,000. He asked if that was going to be on new build development only and a new requirement under planning because that was going to be twice the number of the government building targets of 300,000 per year.

**MGaynor** replied that this was the government's plan which was not for him to support or defend, but given that the annual rate of installation currently of air source heat pumps was 37,000, it might be a somewhat optimistic ambition. However he thought that government needed to be optimistic in ambition to make a significant impact on achieving zero carbon. He had made a slightly rash comment that there were not additional funds put in the budget to stimulate green industries over and above the 12 billion that was already pledged by the government. There had been a House of Commons Environment Audit Committee report which indicated that the government really needed to up its game in terms of the amount of resource it thought it was going to cost to decarbonise the total housing stock and to be honest, it was not possible as it was nearer the £60 to £90 billion. He thought there was a link in Google, if Government's 10 Point Plan is typed in, you should get the report to read.

**Cllr Ransley** welcomed the fact that Officers want to work with all the different parishes and she invited them to come to Tring where they have had a climate committee for the last 2 years. What that committee would like to know was what the carbon numbers are for the town. She understood there is a Dacorum figure and members of their committee would like to know what it is for Tring. Because they had signed a pledge to reduce their carbon they needed to know what it was at the moment.

**MGaynor** said Mel would advise how easy or not that is to get hold of.

**MParr** said it was hard to get numbers because the base information that they work from was two years behind. For example, it involved so much data that even Officers did not have anything fresher than that. However, someone was sharing online a new data base that she thought was a calculator specifically designed for councils smaller than local authority level. She had it bookmarked ready to come back to and now she had some interest she would revisit it and get back to Cllr Ransley

**Cllr Birnie** asked that she get back to the whole committee.

**Cllr England** asked what the projected out turn for CO2 would be when calculating the effect of the Dacorum population increase between 20% and 30%, commensurate with the ESfG.

**MGaynor** responded that it depended very much on the nature of the new properties that were built and the example he gave about Hemel Garden Communities was one where the aim was that it would be zero carbon, certainly in the built environment and the biodiversity gain that would be achieved from the green areas. People would obviously still be using cars and some of those emissions would be offset but issues like transport could not be dealt with by a district council or even a County Council.

That would be a matter for central government where legislation should mandate a move to vehicles or fuel sources that are non-fossil fuels. So the Council could not undertake to get the whole district or even the borough down to zero carbon. In fact inevitably, with population growth, there would be an increase, but this would be minimised by reducing the impact made by the nature of the new built environment and by other mitigating measures that the Council would adopt.

**Cllr England** asked if it would be an idea for the committee to recommend that DBC writes to ministers to lobby for progress on the points Mark was raising here.

**Cllr Birnie** said that was not a decision that would be made by this committee but one that could be made at Council level.

**Cllr England** asked how unparished areas could coordinate a community response to the climate emergency: could they perhaps use adventure playgrounds or community centre as climate emergency hubs or could neighbourhood action groups be relaunched and supported by DBC to achieve this, he asked.

**MParr** felt that this was something that would fit well with the Climate Action Network that she wanted to set up. She would be happy to work with any kind of community group and look at ways that everyone could circulate information, whether amongst local schools or local faith groups, or local residents or local allotment holders. She was eager to engage in more brainstorming to identify the different ways to get information into many different areas no matter what people's interests were, or the way they engaged in society

**MGaynor** said that places that people focus on already, like community centres, were a good place to start and a lot of it would be done online, It was certainly something that should be encouraged as it would put more pressure on action. If other places in the country were doing the same it could build up a national commitment to do the right things to achieve the ends that they all sought.

**Cllr England** made a statement on behalf of Cllr McDowell and Tring in Transition. Given that the bio-diversity emergency was increasingly being recognised as even more dire than the climate emergency, he asked whether Members shared Cllr McDowell's strong concern about planting more non-native trees and the implication for bio-diversity as stated on pages 10 and 11 on the 2<sup>nd</sup> February meeting minutes. They recognised with both pleasure and interest that the paper for agenda item 9 section 8.2 page 71 stated that the 1300 trees planted in February included hazel, holly and full native species and their question was; could these native species be used instead of the non-native species in the tree policy and could progress on achieving this please be reported back to the committee?

**MGaynor** could not speak with great authority in terms of committing one of the services that he is not responsible for to do something about it.

**Cllr Birnie** asked who was responsible for it.

**MGaynor** said ultimately the Council are responsible for the tree policy, which was implemented by Clean Safe and Green under Craig Thorpe. The report showed that a lot of work had been done to determine the best approach in maximising carbon reduction and bio-diversity gain that could be achieved through both planning, new



developments and also their own tree maintenance and planting. It was important to make sure that the sites chosen for additional tree planting were ones upon which a genuine bio-diversity gain would be seen because an area which was already strong in its bio-diversity could actually be diminished in bio-diversity by planting trees. He did not have an issue with this request not to use non-native trees and said he would pass the information on to Clean Safe & Green and would report back in due course. He also mentioned his intention to suggest to Cabinet that a carbon offset policy be established as part of any local plan whereby there would be payments from developers who could not achieve the bio-diversity gain that they were supposed to.

**Cllr Birnie** asked if this was the Carbon And Bio-Diversity Offset Fund that occurs in the report.

**MGaynor** confirmed that it was

**Cllr Anderson** said technically this was Cllr Williams portfolio. However he got involved when it was his portfolio. First, he was the one that thought of turning the car wash place into a charging station as the goal here had to be to turn as many old petrol stations into new charging stations because he did not see how cables from street light columns were practical. He also thought of it in that location because it was important to target local journeys. There was still an issue over the reliability of the technology over longer distances and he thought it important to target local journeys in the middle of the town by having a high visibility brand of a very well-known oil company right in the middle of town, setting an example of the way forward in terms of trying to pioneer this conversion of petrol stations. If the parties that were interested in Breakspear went after Breakspear and the ones that were interested in the Plough roundabout went for the plough, then hopefully they could get both going. Before he left the environment portfolio he had had meetings with UK Power Networks about their plans for the future. They have also had to produce their equivalent of local plans in providing the electricity networks of the future and one thing that they were looking at was providing the infrastructure for EV hubs.

With regard to trees, this topic was discussed at the last scrutiny meeting. Cllr McDowell did speak passionately about native and non-native trees, and Cllr Anderson agreed that ideally beech, oak cherry and other native species would be preferred. But Luke, the tree Officer, was at pains to say that there was no point planting trees that were not going to survive under the likely climate change conditions because the native species were not weathering well under present conditions.

In relation to his new portfolio he wanted to follow up on earlier comments in relation to planning policy. Members would have seen from the new regulation 18 local planning consultation a policy encouraging developers to have sustainable houses built. Admittedly, the Council was reliant on whatever building control regulations come out from government, but one thing he wanted to do was to try and beef that up and actually physically require it. Planners would have a lot of developers whinging about the viability of their schemes and not every roof would be south facing and practical for Solar PV or Solar thermal but he would love to see if the Council could beef up as much as regulations allow to really ram home the message that it wanted these things to happen as part of its strategy to do something about the climate problem.

**Cllr Birnie** referred to the fact that we had to improve existing buildings to achieve carbon reduction and we also had to improve bio-diversity. Both of these aims were going to require lots and lots of money. But one of the big problems that people may have missed from the earlier part of the report, was that on most of the grants for which the team had applied to support the excellent work that was being done, they were turned down. So there seemed to be a shortage of government financial support. This report also suggested that a carbon and bio-diversity offset fund should be set up with the means to provide funding for that kind of thing. Cllr Anderson had also spoken in favour of such a fund and someone else earlier mentioned that Milton Keynes have had such a carbon offsetting fund which has raised a million pounds over 10 years. Whilst he believed that the idea of tapping up developers in this way was an entirely justifiable plan for raising funds towards zero carbon and increased bio diversity, Cllr Birnie did not feel that generating, on the evidence of Milton Keynes, only £100,000 a year in this way would go anywhere near meeting the major costs both of increasing bio-diversity and retro fitting DBC's stock of council houses

**MGaynor** explained with respect to the government grants that they tend to be in relatively small pots with a requirement to have spent them within 2 or 3 months which was not entirely helpful and they also came with all sorts of conditions. There did need to be certainty over grant funding over a longer period of time which accepted that it was not a competition between areas because there were needs to be delivered across the whole country. Additionally, it would be crucial to think about a bio-diversity offset fund. It would apply only where developers did not meet the required improvements that are set out within the local plan or within the current planning legislation.

**JDoe** added that that was correct. It came back to development viability and as members may be aware, Officers were testing that through the local plan process. The things to be looking out for are the bio-diversity net gain proposals which were going to feature in the environment bill later this year. He believed that it was an important principle that they try and meet the bio-diversity issues on site where they can, but where developers put forward high density developments where there was not much space for planting or open spaces and so on, that was where the offset fund could actually work.

**Cllr Birnie** proposed that the report be noted and the committee would like a repeat report at least annually.

**Cllr England** suggested, in view of what they have heard, the correct response from this committee would be to recommend that the council as a whole try to improve the environment they find themselves in. Mark Gaynor had set out that there were huge obstacles in achieving the objectives, that had come out as a result of scrutiny. So he felt that the correct response of this committee would be to raise that up and point out that that was what this committee recommends right now.

**Cllr Birnie** replied that he did not see the difference as his proposal meant that there would be an annual report that went to both this committee and also to Cabinet.

**Cllr England** wanted to note the report but also to recommend that the Council writes to the minister.

**Cllr Birnie** said he was not prepared to put that forward. Dacorum was a district council, not part of central government. If Cabinet or Full Council wanted to scribble letters to Ministers, then he was happy for them to do so but it was not within the competence of this committee.

**Cllr England** asked if he put down a motion would Cllr Birnie be supportive?

**Cllr Birnie** asked where he would put down the motion.

**Cllr England** responded; at full Council.

**Cllr Birnie** said that it would depend on the nature of the wording. He was not opposed to anything that can be done to improve the environment in which they live. He was very much in favour of all that the Council was trying to do to ameliorate the climate emergency. However, there were limitations which they must recognise. They were not an arm of central government to come up with new regulations around which they could base their planning policy or their strategic planning policy and also their climate policy, so he did not think he would ever agree with Cllr England that they should be trying to do the job of the central government.

**Cllr England** said he was suggesting they were a voice for their residents

**Cllr Birnie** said that the amount of material that had been discussed this evening about community involvement did show that all Members were very much in favour of trying to represent their residents. If Council decided to approach central government on the matter then he would be all in favour of it, but he did not think that it was within the competence of this committee alone to prosecute that view. Cllr Birnie then ruled that the report be noted and the committee would like a repeat report at least annually.

## **25                    WORK PROGRAMME**

**Cllr Birnie** said that the report was fairly comprehensive and asked if anyone had any additions or corrections to that programme. He added that he had heard from one of the Liberal Democrat councillors about plastics, but this item was already included in the work programme.

**Cllr Silwal** advised that this was Cllr Hobson

**Cllr Hobson** complained that she had raised this several times. She had originally raised it in response to residents writing to her about their concerns over where their plastic goes. At the time when they received training for their role as committee members, one of the sessions included the right that they have to hold an enquiry to which they can invite people. They cannot compel attendance like a select committee of central government, but they can invite people in and quiz them about where the plastic goes on behalf of residents. She had written to the Chairman and to Member Support and had brought this up on 2 or 3 occasions. But this was dismissed at the last committee saying it was already on the agenda, whereas the only thing that is on the work programme is an update from the officer who is in charge of plastics. So just because she was frankly fed up with asking for this, could they get the committee to

agree that they do not believe that they should be using their powers to hold an inquiry into where plastic goes in the next couple of years? So, in the lifetime of this council, this committee does not want to pursue on behalf of their residents a proper inquiry into where their plastic goes. She felt it would be a missed opportunity. She thought it would show that this committee had teeth. They had asked a lot of questions, they had played some great games this evening as they often did but, as she said, she felt this was a missed opportunity to show what political scrutiny can do for the residents. So her request to the Chairman was to ask the committee just to confirm that they have no interest in pursuing this in the next couple of years, then she could draw a line under it and stop asking.

**Cllr Anderson** said that this report had already been written and he felt that people were getting steamed up over something that was already in progress. He explained that the first annual report on waste analysis had stated where waste went, in particular what was sent overseas and this report went to the Herts Waste Panel earlier this year. Had there been any environment item on the agenda tonight it would have been presented. He thought that they have all been grouped together for a further meeting and had the agenda not been full it would have been dealt with tonight, so he did not think there was any need for people to get worked up about it.

**Cllr Hobson** objected that a report from the Officer on what is happening was not the same as an inquiry. She was very frustrated about being patronised by remarks about getting worked up and all the other stuff so, she asked, "could it be agreed that this committee does not want to exercise its powers?"

**Cllr Birnie** said she was getting this the wrong way round and she could not ask the committee to agree that. If what she was suggesting was a viable proposition then he would certainly stand behind it. What he was about to suggest was that she could perhaps write to him or they could sit down and discuss it.

**Cllr Hobson** said she had written to him twice already

**Cllr Birnie** said that she had written to him complaining that he had not done anything on the matter. But what was not clear to him was how they would conduct this investigation and what they would hope to achieve from it. If she could give him some more details then he would certainly take it up with the portfolio holder and probably in any event schedule it on a future occasion.

**Cllr Hobson** agreed that she would resend her first email and her second email, which may have come across as complaining, as the first email was not answered. The training that they had right at the beginning when they were new councillors was a waste of time and councillor Anderson right at the beginning in an early meeting did say that one of the roles of the committee was that they could hold inquiries and that appeared to be news to the Chairman. She concluded that she had become very frustrated and disenfranchised with her role as a councillor and did not feel she was being heard in this committee at all.

**Cllr Birnie** responded by suggesting that they pursue this outside of the committee

**JDoe** updated the committee with a reminder from MGaynor that there would be a further report on the climate emergency in the summer so they would need to see where that can be programmed. He noted that the July 7<sup>th</sup> meeting was looking very

busy and suggested that the relevant officers could liaise with Layla and the Chairman about where it could be slotted in. He also noted that Members had requested a report on infrastructure planning for water supply and sewerage provision and that report would come forward at the next meeting, where they had been able to secure a speaker from Affinity Water who will cover water supply. Unfortunately Thames Water who would deal with sewerage and sewerage disposal are not available on that date.

**Cllr Birnie** presumed that if they needed to they could approach Thames Water for another date that they would find acceptable. He said that it was the sort of thing that may not necessarily need to come to this committee, but it might be the sort of thing that interests other Councillors so could be open to a bigger forum if SPAE cannot accommodate it in its work programme.

**Cllr Stevens** referred back to the waste and plastic, thanking the Chairman for scheduling in this conversation and the presentation from Duncan Jones from Herts Waste, as he is the county's guru on waste and for East Anglia as well. He suspected that he would be able to give some information on what happens to their plastic.

**Cllr Stevens** asked JDoe if he were able to tell them how many responses they have received on the Local Plan

**JDoe** said he would be hesitant to offer a figure at this stage as Officers are still logging responses on the system. There was an online facility but inevitably a lot of people did write in or email and so on, with the result that Officers were still uploading responses and his department would get a final figure to the committee as soon as possible.

**Cllr Birnie** asked if there was even a rough indication

**JDoe** said it was in the region of 3000 certainly and may well be above that

**Cllr Ransley** said that she had residents who said that they could not find their comments. This could be as they are still being logged in, but could she ask that a notice was placed on the website to advise that this is the case so the residents know what is going on.

**JDoe** accepted the suggestion and advised that he would take it back to the team.

**Cllr England** stated that if Cllr Hobson still wanted to propose what she proposed a few minutes ago then he would be willing to second that and they could put it to bed.

**Cllr Birnie** said that he was not aware that Cllr Hobson was making any proposal but he would certainly like to find out exactly what it was that she wanted the committee to do and he intended to pursue that with her. He certainly would not let it die the death.

The Meeting ended at 9.43 pm