

MINUTES

STRATEGIC PLANNING & ENVIRONMENT OVERVIEW & SCRUTINY

13 JUNE 2023

Present:

Members:

Councillors: Anderson
Birnie
Bromham
Deacon (Vice-
Chairman)
England
Gale
Hobson (Chairman)
Mitchell
Patterson
Pringle
Riddick
Santamaria
Timmis
Walker
Wilkie
C Wyatt-Lowe

James Doe – Strategic Director – Place
Trevor Pugh – Assistant Director – Neighbourhood Delivery
Emma Walker – Head of Environmental and Community Protection
Diane Southam – Assistant Director Place, Communities and
Enterprise Restructure.
Simon Rowberry – Interim Assistant Director Planning
Philip Stanley – Head of Development Management
Aidan Wilkie – Strategic Director – People and Transformation

The meeting began at 7.30 pm

1 **MINUTES**

The Chair began the meeting by providing an overview of the Committee, noting that its role is to hold the Council to account on its day-to-day operations as well as scrutiny of new policy areas and take a proactive role by inviting any relevant individuals to attend meetings. The Chair noted that any concerns or ideas could be raised with her outside of the meeting.

Cllr Timmis commented on the use of acronyms and asked that all acronyms be explained within the minutes.

Cllr Birnie referred to page 5 of the minutes and the comment that 79% of completions for enforcement was achieved and that it then emerged that completion meant there were a number of cases visited for the first time rather than the case reaching a resolution. Cllr Birnie suggested that this was not a useful key performance indicator ("KPI") and that they should instead look at a different or additional KPI that will demonstrate when an enforcement is finished either by being abandoned or enforced. The Chair asked that this be addressed during the meeting when looking at current enforcements.

Cllr Santamaria commented on the Hemel Town Centre vision, as referred to in the minutes, and that business owners in the area are keen for regeneration. The Chair noted that this could be discussed further outside of the meeting. JDoe confirmed that the market square features in the new vision as a key site and the Bank Court as an area will be promoted as a new entry into the town. This will come to Cabinet next month and there will be further opportunities for scrutiny.

The minutes were formally approved as an accurate record.

2 APOLOGIES FOR ABSENCE

Apologies were received from Cllr S Hobson

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 PUBLIC PARTICIPATION

There was no public participation

5 ACTION POINTS

Cllr Timmis commented on the action regarding data being available to allow information on affordable home completion, noting that this is yet to be received. Cllr Timmis also asked for clarification on what is classed as affordable. SRowberry advised that affordability is not clearly defined in government guidance. On the action, SRowberry confirmed that the information comes from the County Council and will be provided at the end of the financial year following a review of starts and completions, and it is hoped this will be ready to be presented at the next meeting.

Cllr Timmis suggested that the County Council will have different levels of affordability, dependent on area. Cllr Timmis referred to houses built last year in Kings Langley that were deemed to be affordable and were approximately £400,000, which is not affordable.

JDoe advised that whilst officers used to collect completion data, it is now more cost effective to buy in the services that the county offer. On affordability, JDoe confirmed that he would check arrangements with the County Council, though they will report

on a range of affordable housing products and will not all be socially rented homes that are provided by the local authority or registered providers and will also include affordable rent, which is up to 80% of market rent, shared ownership and low-cost market housing.

Cllr Anderson commented that affordable housing is housing that is available socially for rent and low-cost market housing is now very rare. There is a government policy regarding starter homes, though current uptake is low across the country. Cllr Anderson advised that the term 'social housing' has been deemed as insensitive.

SRowberry referred to the government's definition of affordable housing, noting that it sets out affordable housing for rent, starter homes and discounted market sales housing, and then includes other routes for affordable home ownership. The Chair noted that the report on this will be produced at the next Committee meeting.

On the action regarding RLeBrun's team looking at green waste, it was asked if there has been any further progress. TPugh confirmed that he could look into this and provide the Committee with a further update

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

None

7 Q4 ENVIRONMENTAL SERVICES QUARTERLY REPORTS

TPugh presented the report, first noting that the household recycling rate for the quarter is 49%, giving a provisional outturn of 52% for the year. The average monthly rate for missed bins in Q4 was 85, giving a quarterly figure of 255. 105kg of residual waste was collected on average per household for the period, giving a provision outturn figure of 421kg per household. 95.38% of fly-tips were collected with the set timescale of 7 days, above the target of 95%, and 92.6% of graffiti was removed within 7 days, just under the target of 95%.

Cllr Birnie noted the reference to a new reporting exercise within section 1.4 of the report and asked for clarification of this. TPugh explained that this refers to a review and rationalisation of new KPIs undertaken last year.

Cllr Birnie commented that the KPI results don't appear to be consistent and that it would be useful to see actual kilograms against them where appropriate so they can be compared. The Chair asked if the councillor would also like to see the change in KPIs on quarter. Cllr Birnie stated that it would be beneficial to also see this.

Cllr Deacon queried if there are any targets for the first three measures within the report. TPugh confirmed that no targets were set as part of the KPI management system, and whilst there are some national targets, such as for recycling, none were set for the first three.

Cllr Gale commented on the national indicator NI 192 and N1 191 and asked for these to be explained further. TPugh advised that these are legacy from a compulsory KPI system and have persisted as valuable measures. The indicators

allow councils to benchmark performance and it shows that what is being measured at Dacorum is the same as the national indicator.

Cllr Timmis congratulated the department on the number of fly-tipping prosecutions and the number addressed and asked why some fines are so small given that the removal of them can cost up to £1,000. EWalker advised that the fines issued by the court are subject to national guidance and the fly-tipping group are lobbying government to review this guidance, though central government have stated they will not be reviewing this at this time. Since this response, an anti-social behaviour ("ASB") action plan has been released by the government to look at encouraging councils to increase fixed penalty notices that can be used for fly-tipping with the aim to reduce fly-tipping and keep fly-tippers out of court. EWalker explained that for prosecutions they follow the 'polluter pay principle' where the polluter covers the cost of removal. The court may not always grant this request, often if the defendant has limited means, though the court will often decide that the polluter must pay to clear the fly-tip.

The Chair asked that the Committee's thanks be passed onto the department regarding the action taken against fly-tipping.

Cllr Mitchell commented on the lack of provision on the industrial estate. TPugh confirmed that the Council provides a discretionary commercial waste collection service and businesses can opt into this if they wish to pay for the service. The service can include recycling and the Council currently collects from several hundred companies, though it is a competitive market and other private organisations dominate this area. Cllr Mitchell commented that a family member who has recently taken up a business is unsure of who to contact and that there is only 1 recycling bin in his area of the industrial estate.

The Chair commented that, as a business owner in the area, her experience of the Council's collection service is far superior to a private contractor she used previously.

Cllr Wyatt-Lowe asked how business owners are being encouraged to use the Council's waste collection service. TPugh agreed that promotion and marketing is required. The Chair confirmed that she would be happy to provide a quote on the strength of the service.

Cllr Birnie asked if commercial clients are given the means to differentiate between the types of waste they produce. TPugh confirmed that separate collections of recycled waste are carried out.

Cllr Santamaria asked if the missed bin collection includes those who didn't put out their bin and queried what 'justified' means in regards to this. TPugh confirmed that it includes bins put out when they were supposed to and that the bin was missed.

Cllr Santamaria noted the reference to the work undertaken to enhance staff morale within waste collection and requested further information on this. TPugh advised that a physiotherapist trial has been introduced to help with musculoskeletal issues and they are also talking to staff about increasing training and development opportunities, such as training for waste loaders to become drivers.

Cllr Patterson queried what monitoring the Council does in regards to waste is actually recycled once it leaves the depots. TPugh explained that recycling is collected at the depot in a transfer location and is collected by a contractor to be taken to a recycling facility under a contract with the County Council. Accurate data is provided on how this material is handled.

Cllr Gale referred to the garden waste subscription service and that the total number of households signed up to the scheme is 63.3% of households who previously received a free collection and asked if this refers to those who were entitled to a free service or those who put it out. TPugh stated that it should read 63.3% of households entitled to the service, noting that around 55,000 households were offered a free collection.

Cllr Anderson commented on the waste collection transformation project and asked what the three largest risks to the project are. TPugh suggested that the main risk is that residents wouldn't receive information regarding changes to the collection day, which was mitigated through a focus on communication of proposals. Each household that will see a date change will receive two letters, one alerting them to the change and another to remind them closer to the date of the change. Bin hangers will also be put on bins around a week before the change. The number of households that will have a collection date is now less than anticipated at around 10,000. The second risk is that the financial savings anticipated won't be delivered, which is being mitigated by a remodelling exercise to ensure that known constraints are taken into account and assumptions are identified so they can be monitored carefully. The third potential risk is the change to staff terms and conditions, which has not arisen as further remodelling has been conducted in consultation with staff and the change to staff terms and conditions will no longer be proposed as a result.

In response to a comment from Cllr Anderson regarding change management, TPugh advised that there will be a less stringent missed bins policy and they will look to collect as many missed bins as possible and further communications will be sent out, if necessary. Any other issues will be responded to as required.

Cllr Deacon commented on the green waste figure of 31,652 and asked if a breakdown of how many of these are lower earners and if households ordering two collections is double-counted. TPugh confirmed that he would provide this information.

Cllr Mitchell reported that she had heard that fly-tipping has increased significantly month on month, suggesting it has increased by 100%, and asked if the green waste collections has contributed to this. TPugh explained that the site is first checked for any evidence that can be used for enforcement before it is collected by Clean Safe and Green. There is currently no evidence that garden waste is a significant part and tends to be general household waste and builders' waste.

EWalker queried where Cllr Mitchell had received the figure that fly-tipping has increased by 100%. Cllr Mitchell stated that an officer had mentioned this. EWalker stated that she would be surprised if it has increased by 100%, though it has been increasing incrementally over a number of years. Cllr Mitchell asked that the figure for the increase in fly-tipping be confirmed.

Cllr Mitchell asked if fly-tipping has increased due the refuse centre now requiring ID. EWalker suggested that it has been increasing since before this was brought in and that numerous factors are likely to encourage fly-tipping.

Cllr Mitchell commented on fly-tipping around bin areas behind shops in Gadebridge is significant, noting that communal bins for flats are now outside due to fire risks and that she doesn't believe it is the residents abusing this.

Cllr Pringle suggested that someone putting a bag of waste next to a full bin is counted as fly-tipping and stated that it would be useful to have a different categorisation for this as it is an attempt to properly dispose of the waste. Cllr Pringle stated that if bins are not managed then they become dumping grounds and she recommended that the area behind Berkhamsted Sports Centre be checked, noting that the police could also be alerted to this. Cllr Pringle advised that it would be useful to have fly-tipping categorised as what is organised, a failed attempt to dispose waste correctly and random dumping. EWalker confirmed that further information could be provided.

Cllr Pringle commented that organised crime would be approached differently to someone randomly dumping an item. EWalker agreed, noting that they follow the Crown Prosecution guide when looking at enforcement action.

Cllr Wyatt-Lowe noted that she had recently used the waste reclamation sites in both Berkhamsted and Dacorum and she was not asked for ID at either site.

Cllr Wyatt-Lowe commented on DBC being one of the last to charge to collect garden waste and that concern was expressed on whether this would increase green waste fly-tipping across the county. Cllr Wyatt-Lowe advised that there has been very little impact on green waste fly-tipping, as also experienced by other councils, and that green waste will naturally decompose.

Cllr Pringle stated that they should not be encouraging the public to dump garden waste. The Chair clarified that this was not Cllr Wyatt-Lowe's suggestion.

8 Q4 ENVIRONMENTAL & COMMUNITY PROTECTION QUARTERLY REPORTS

EWalker presented the update, noting that the KPI on high-risk food hygiene inspections was at 80%. The food safety recovery plan was brought in after food hygiene inspections were temporarily paused during the pandemic to catch up with inspections. At the end of Q4, there was a small remaining backlog of low-risk premises with 19 inspections outstanding and this is aimed to be resolved by Q2. There has been an increase in food premises registrations since the pandemic with a high turnover of food businesses. The annual air quality status report for 2023 has been drafted and is currently being reviewed internally and locations for three particulate monitoring devices have been agreed with Hertfordshire County Council ("HCC") as Swing Gate School, Bennetts End Road and Lawn Lane, and these are due to be installed shortly. The capital bid to purchase a new real-time analyser was successful and will be installed in the Apsley air quality monitoring area.

EWalker noted that the team has worked with a business to voluntary surrender 30kg of ready-to-eat products and secured public safety without taking enforcement action.

For the corporate health and safety team, funding from the Contain Outbreak Management Fund was secured to plan for potential future pandemics and included resilience training and health and safety training for the corporate leadership team, which is now 85% complete. The enforcement team have been shortlisted for a Keep Britain Tidy Excellence and Enforcement Award, the team were beaten by the London Borough of Greenwich. Several prosecutions have taken place for fly-tipping during Q4. The animal welfare service achieved a Gold Standard Award by the RSPCA. 35 prosecutions were brought by the Council for littering and public space protection orders with 100% success, 33 were taken through the single justice procedure and 2 referred to the magistrates court.

Cllr Wyatt-Lowe commented on item 3.5 of the report regarding the 30kg of ready-to-eat products being surrendered and asked what actions have been taken to prevent this happening in future. EWalker advised that the issue was highlighted during a routine hygiene inspection and was a new business operator. New business operators are educated on how to run their business appropriately, though it was a serious offence and the business operator was very cooperative. The business has been followed up on and all food business operators should have a food safety management system to highlight issues so they have been supported on getting this in place.

Cllr Santamaria noted the improvement in the food inspections backlog and congratulated the team on this. Cllr Santamaria referred to the visit regarding what would happen in the event of a national power outage and asked what was discovered through this. EWalker advised that NBeresford went to a multi-agency exercise, Operation Lima, to highlight any gaps in multi-agency planning. This has resulted in action points to resolve both within the council and as part of the larger local resilience forum, which are being worked towards.

Cllr Mitchell asked if it is possible to use drones to monitor hotspot areas where wardens don't typically patrol. EWalker advised that drones could be used though there are limitations around covert surveillance and also how to identify perpetrators. EWalker commented that it is harder to identify those committing littering or envirocrime as people don't tend to do this near their homes.

Cllr Mitchell noted that there is a current littering hotspot area between Gadebridge and Warners End and that this was dealt with well by an officer, DRhoden, though it is typically residents that are clearing up after others. EWalker explained that this is being looked into as it's a concerning issue.

Cllr Mitchell asked if they have wardens in hotspot areas if drones aren't possible. EWalker advised that district enforcement enforce littering on behalf of the council and that they will deploy them to problem areas.

Cllr Birnie commented that air quality and getting figures from Defra has been an issue for a number of years. Cllr Birnie stated that he was disturbed to see the reference in item 3.3 to a report that has been made and will be passed onto Defra and asked why it had not been brought to the Committee. EWalker advised that the report was presented to members last year and that the new year's report has been drafted. The annual status reports are completed on an annual basis.

Cllr Birnie asked if quarterly air quality reports on collections are provided and suggested that a bi-annual report would be beneficial.

Cllr Anderson welcomed the continued littering enforcement activity and asked if this could be built on further given issues on slip roads on the A41, which is costing the council a lot of money to clear up. Cllr Anderson suggested that camera enforcement be used in the areas as it would help raise money given the level of littering taking place. The Chair suggested that officers discuss this with portfolio holders.

The Chair commented on air quality and asked if a short briefing could be provided to the Committee regarding the steering group. EWalker advised that 0.2 full-time equivalent ("FTE") works on air quality, amounting to 1 day per week. The Chair asked that this be provided as resources allow.

Cllr Mitchell asked how much work is being done to educate the public regarding littering. EWalker confirmed that there is an Environmental Awareness Officer as part of the Communications team, noting that it is challenging to get into schools to speak to young people.

Cllr Timmis noted that officers previously went into schools to inform them of various schemes. The Chair commented that schools are currently under pressure to meet a number of other targets. It was advised that visits do take place at primary school level and that councillors could look to approach head teachers to encourage further visits.

9 Q4 PLANNING, DEVELOPMENT AND REGENERATION QUARTERLY REPORTS

SRowberry presented the update, noting that the proportion of planning applications determined within the target period is 87% against a target of 70% and improved from 80% in Q3. On enforcement site visits 79% of priority site visits have taken place against a target of 100% due to the number of enforcement issues the team has had to deal with and a reduced team. In the last quarter, 6 enforcement notices were served, 1 breach of condition notice and 1 attempt to stop measures, as well as 6 appeals against enforcement notices, compared to 3 enforcement notices in the whole of the previous financial year.

In response to a previous question from Cllr Birnie regarding initial visits and not completion, PStanley advised that they are currently visiting 79% of enforcement cases in time as a result of choosing what enforcement to focus on, either to visit new sites quickly or deal with existing cases. There was no permanent Head of Enforcement for around 15 months, resulting in a buildup of formal enforcement cases that had to be dealt with and therefore serving enforcement notices has been prioritised over the last quarter. Enforcement notices can then appeal, putting additional pressure on resources. The team was down one enforcement officer during the quarter and a new officer has now been recruited. A triage system has been introduced where the principle planning enforcement officer will look at new cases coming in and assess which are a priority with lower priority cases held in abeyance until the new enforcement officer has joined.

Looking at KPIs, PStanley noted that the KPI is for first site visits, and whilst this should be measured, members of the public also want to know if the matter has been resolved. PStanley advised on the difficulties of defining the resolution of an enforcement case given how they vary and that it could be unfair to measure the complete closure of cases when there could be other aspects of resolution that could be incorporated into that KPI.

The Chair asked what is reported back to the Development Planning Committee, noting that the report could be shared with this Committee.

Cllr Birnie commented that interim reports on first site visits would be helpful for both the person that has made the complaint and also the member for that area. Cllr Birnie agreed that enforcement can be complex, though there are a number of valid reasons to close an enforcement case.

SRowberry advised that the annual planning enforcement report will be brought to the next meeting. This report will be more detailed and it was suggested that a further discussion take place once members have seen this. Cllr Birnie asked that the comments be considered whilst the report is being produced.

Cllr Timmis commented that planning enforcement has not delivered as it should to residents over the past year. Cllr Timmis acknowledged the efforts taking place and queried the reference to a temporary resource, stating that this is not sufficient to ensure the department can cover up to 400 outstanding cases. Cllr Timmis advised that dropping enforcement cases sends a poor message to others who may exploit this or those who have worked through planning applications. SRowberry advised that he is working on how to address issues in the longer term.

Cllr Birnie reminded officers that if they intend to respond to a member on an issue outside of the meeting then this should be sent to the whole Committee.

Cllr Gale queried the number of enforcement actions dropped by the council due to a lack of resources. JDoe advised that enforcement action is not compulsory and that the council would not drop a serious case due to a lack of resources. PStanley advised that further information on this will come out in the more detailed report where it will show when no further action was necessary, where a breach was resolved or it was considered not expedient to take action.

PStanley provided the Committee with an overview of SAC, advising that the Chiltern Beechwoods is a special area of conservation ("SAC"). There is a large amount of recreational pressure on this area and the high number of visitors to the space is degrading the area, so a pause on development has been implemented whilst a mitigation strategy is developed. The mitigation strategy has now been introduced and allows the council to grant planning permission, subject to all other planning

considerations being acceptable, provided the developers pay a contribution to onsite measures and suitable alternative natural green spaces ("SANG"). Within 500 metres of Ashridge there is an exclusion with no development currently permitted and the current SANGs of Bunkers Park and Chipperfield Common don't encompass the whole of the borough. This means that all developments above 10 units or more, unless they are in the catchment area of a SANG, will need to make their own provision. Officers have worked over the last 12-15 months to introduce the mitigation strategy and also the increased processing resulting from this.

Cllr Birnie asked if the development isn't near to a SANG then it doesn't have to contribute, stating that his understanding was that this was borough wide. PStanley confirmed that it is borough wide, though you can only contribute to a SANG if you are within a 5km catchment area. If a development falls outside of this catchment area, they have to negotiate with another landowner and make a contribution to that landowner. Cllr Birnie asked how DBC enforce this. PStanley advised that any other SANG would need to go under a thorough check with Natural England.

Cllr Birnie commented that they could potentially have more green space within developments as developers have to create their own SANGs in order to satisfy planning. JDoe confirmed this as some developers will need to provide their own SANG. A paper will go through the strategic leadership team in the coming weeks and members will receive a paper with further analysis.

10 WORK PROGRAMME

The Chair presented the items for discussion as the Local Plan, Luton Airport, Chilterns Beechwood Mitigation Strategy, Economic Development Update, Place Strategies, Maylands Master Plan, visit to Cupid Green and CCTV, Hemel Garden Communities, South West Herts Joint Strategic Plan, and air quality.

On the Local Plan, JDoe advised that officers will be meeting with Cllr Wilkie and the Leader to discuss principles and the arrangements for this. The Chair noted that a task and finish group will look at this in more detail on behalf of the Committee.

Regarding Luton Airport, the Chair noted that this will also impact air quality, noise and climate change. Cllr Timmis commented that DBC are an interested party.

Cllr Birnie asked how the items for discussion will be sequenced. The Chair confirmed that prioritisation will be considered outside of the meeting. Cllr Birnie recommended that the economic development update be a recurring agenda item. It was noted that scheduling takes place between the Chair, Vice Chair and senior officers.

The suggestion from Cllr Timmis regarding water and sewage was also added to the list of topics for consideration.

Cllr Patterson queried why there isn't always a rural place strategy. A rural plan was added to the list of topics for consideration. It was noted that the Secretary of State will be issuing changes to the national planning policy framework in respect of rural planning and this could be brought to a future meeting.

The Chair noted that previous Committees have visited Cupid Green and therefore the secretariat will be organising this for current members.

The Chair asked if some members could join officers when attending a fly-tip. EWalker agreed that this could be organised for small groups of one to three people..

Agreed actions

- To check County Council's arrangement regarding affordable housing. (JDoe)
- To follow up on action regarding green waste. (TPugh)
- To provide further information on amount of lower-income households that have ordered green waste collection and if ordering two collections is double-counted. (TPugh)
- To confirm how much fly-tipping has increased. (EWalker)
- To provide further information on fly-tipping categories. (EWalker)

There being no further business, the meeting was formally closed

The Meeting ended at 9.20 pm