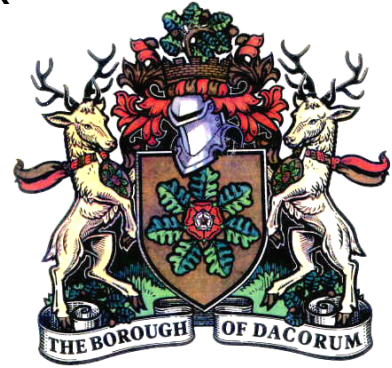


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## **SUMMONS**

### **MEETING OF THE COUNCIL**

**Wednesday 22 February 2017**

### **DBC Council Chamber - The Forum**

You are hereby summoned to a meeting of the Dacorum Borough Council in the County of Hertfordshire to be held in the DBC Council Chamber - The Forum on Wednesday 22 February 2017 at 7.30 pm to transact the business set out below.

A handwritten signature in black ink, appearing to read "Sally Marshall".

**SALLY MARSHALL  
CHIEF EXECUTIVE**

**TO ALL MEMBERS OF THE COUNCIL**

**Contact: Jim Doyle**

**ext 2222**

# AGENDA

## 1. MINUTES

To confirm the minutes of the previous meeting of the council

## 2. DECLARATIONS OF INTEREST

To receive any declarations of interest

## 3. PUBLIC PARTICIPATION

To consider questions (if any) by members of the public of which the appropriate notice has been given to the Solicitor to the Council.

## 4. ANNOUNCEMENTS

To receive announcements and business brought forward by the Mayor, Leader, and Members of the Cabinet or the Chief Executive.

4.1 By the Mayor:

4.2 By the Chief Executive:

4.3 By the Group Leaders: Any apologies for absence

4.4 Council Leader and Members of the Cabinet:

Councillor Williams

Councillor Elliot

Councillor Mrs Griffiths

Councillor Harden

Councillor G Sutton

Councillor Marshall

Leader of the Council

Finance & Resources

Housing

Residents & Corporate Services

Planning and Regeneration

Environmental, Sustainability and Regulatory Services

## 5. QUESTIONS

To consider questions (if any) by members of the Council of which the appropriate notice has been given to the Solicitor to the Council.

## 6. BUSINESS FROM THE LAST COUNCIL MEETING

To consider any business referred from the previous meeting

## 7. CABINET REFERRALS (Pages 4 - 8)

To consider the following referrals from Cabinet:

**7.1** CA/007/17 24 January 2017 Byelaws for selected parks and open spaces within Dacorum.

**7.2** CA/008/17 24 January 2017 Senior Officer Pay Policy

**8. RECOMMENDED CHANGES TO DEVELOPMENT CONTROL COMMITTEE** (Pages 9 - 13)

**9. OVERVIEW AND SCRUTINY REFERRALS**

None.

**10. CHANGES TO COMMITTEE MEMBERSHIP**

To consider any proposals for changes to committee membership

**11. CHANGE TO COMMITTEE DATES** (Page 14)

See Development Control Report Item 8

Member Development moved from 14<sup>th</sup> September to 7<sup>th</sup> September 2017.

Remove the MDSG meetings on 14<sup>th</sup> June and 6<sup>th</sup> December 2017

**12. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the items in Part 2 of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that, if members of the public were present during those items, there would be disclosure to them of exempt information relating to the financial and business affairs of the Council and third party companies/organisations.

Local Government Act 1972, Schedule 12A, Part 1, paragraph 3.

# Agenda Item 7

## CABINET REFERRALS

24 January 2017

7.1 CA/007/17 BYELAWS FOR SELECTED PARKS AND OPEN SPACES  
WITHIN DACORUM

Decision

Resolved to Recommend:

- (1) the Draft Byelaw to Council as attached as Appendix A of the Cabinet report for the Parks and Open Spaces in the Borough listed in paragraph 11 of the report and further draft byelaws to be drafted for consideration and consultation to prevent the feeding of wildfowl and wild animals, and permit model powered boats where appropriate.
- (2) authority be delegated to the Assistant Director (Neighbourhood Delivery) in consultation with the Portfolio Holder for Environmental, Sustainability and Regulatory Services to carry out the required impact assessment, consultation, agree the 'scheme' noted under paragraph 7 of the Cabinet report and submit the application to the Department of Communities and Local Government.
- (3) authority be delegated to the Assistant Director (Neighbourhood Delivery) to determine which areas within the Parks and Open Spaces listed in paragraph 11 of the Cabinet report shall be permitted or designated for relevant activities
- (4) authority be delegated to the Assistant Director (Neighbourhood Delivery) to authorise officers to issue fixed notices and/or commence prosecution proceedings to enforce breaches of the Byelaws.
- (5) authority be delegated to the Assistant Director (Neighbourhood Delivery) in consultation with the Assistant Director (Finance and Resources) to agree fee levels for any chargeable activity permissible by the Byelaws.
- (6) the revocation of the byelaws listed in paragraph 13 of the Cabinet report.

### **Reason for Decision**

To consider new byelaws for selected parks and open spaces within the Borough and detail the steps required for them to be approved by the Secretary of State.

### **Corporate Objectives**

The Byelaws will help promote a Clean, Safe and Enjoyable Environment

### **Monitoring Officer/S.151 Officer Comments**

#### **Monitoring Officer**

The draft byelaw, and the process by which the Council is seeking to bring it into force, is in accordance with The Byelaws (Alternative Procedure) (England) Regulations 2016 and sections 235-238 of the Local Government Act 1972 (as amended).

There must be a full assessment of the impact on those persons affected by the proposed byelaw, and the council from a regulatory perspective, before the byelaw is submitted to the Secretary of State and this should include appropriate consultation.

### **Deputy S151 Officer**

Any costs incurred will need to be contained within existing budgets. Any additional income generated will need to be factored into the budget setting framework once it can be known with a degree of certainty.

### **Advice**

Councillor Marshall introduced the report she explained that byelaws for the Council's Parks & Open Spaces had been drawn up to deal with unacceptable behaviour which could damage the open space &/or spoil other users' enjoyment and where the issue is not addressed through current legislation.

The Byelaws are intended to be in DBC's "back pocket", to use when unsuitable or unreasonable behaviour does not cease despite requests to do so. The byelaws are an instrument of last resort, not first resort.

DBC has some old byelaws, which do not cover all the major open areas & do not address current usages, which potentially damage the parks – like boot camps, (commercially run fitness activities), model aeroplanes, etc. The new "activities" covered are listed in paragraph 15 of the report.

The process of making byelaws was made easier in February last year. Standard model byelaws have been published by the DCLG, but nevertheless, to have byelaws approved, one has to be clear in the objectives – in the **local** problems sought to be overcome, be clear that existing legislation does not already provide the remedies sought and that the byelaw is a proportionate tool to deal with the problems. Having assessed that and consulted, application is made to the Secretary of State for permission to make the byelaw.

This matter has been to both Strategic Planning & Environment OSC and Housing & Community OSC. Initially, the proposal was to have the byelaws just cover those 7 open spaces which have green flags but it was realised that really we should widen the scope. Strategic Planning & Environment OSC recommended having the byelaws cover the whole Borough, but that would unlikely to be acceptable to the Secretary of State as being too unspecific in its scope.

Housing & Community OSC recommended that all the major open spaces be included and the list at paragraph 11 of the report, does I think do that.

The addresses on the list need to be more specific – such as Warners End is not meant to be the whole ward but the area bounded by Warners End Road, Spring Lane and Gadebridge Road and Galley Hill/Polehanger Lane. Jocketts is Shrubhill Common.

This is not a money-raising exercise but there is scope in the proposed byelaws to charge for organised events, such as commercially run fitness activities, in the form of a licence. The licence would also deal with issues of insurance, risk assessment of the activity and the extent of the activity.

I am asking Cabinet that it agrees to seek the Council's approval to start the process of introducing and implementing these byelaws but you may wish to consider whether the areas listed at paragraph 11 are appropriate and the activities covered are appropriate.

Should there be modifications to these model byelaws, bear in mind that DBC will have to justify the making of these byelaws to DCLG.

I suggest consideration of prohibiting the feeding of wildfowl and wild animals, particularly when thinking of the Water Gardens. Clearly enforcing such a byelaw would only be very much the last resort and the Government might balk at that – but the damage done by Canadian geese and the fact that the food also attracts rats needs to be taken into account. A possible way round is to put 2 versions of the byelaws to DCLG – one with feeding wildfowl/animals and one without.

Should we include prohibition on drones? On fundraising and soliciting or gathering money? Maybe such activity should be licenced by DBC?

Byelaw 33 on page 41 of the report prohibits power-driven model boats on any waterway. Thinking of the Water Gardens, and its proposed use for model boating, there could be conflict between the operators of powered and non-powered boats. But is it too draconian to prohibit power-driven model boats?

I recommend the Cabinet amend the printed recommendations to include (1) to consult & to apply for permission to DCLG and (2) to include prohibition on feeding wildfowl/wild animals

Councillor Elliot supported the byelaw for prohibition for feeding wild fowl; however felt that if there was a byelaw for restricting boats, this would restrict leisure activity within the area too.

Councillor Harden also supported the byelaw for prohibition for feeding wild fowl; however he too disagreed with restricting boat usage to clubs because this would not encourage other individuals who were not part of a club.

Councillor Tindall felt that if individuals were encouraged to use the waterways then safety measures would need to be in place. It would be easier if it was restricted to clubs as the safety measures would be easier to manage.

Councillor Williams asked why a byelaw had to be introduced for the use of boats and model boats.

B Lisgarten explained that the parks and open spaces officer had reported problems with people tearing up the waterways with power boats. If it was restricted to clubs, it would encourage the introduction of local rules and ways to regulate it.

Councillor Sutton asked how other local authorities approached this along with encouraging people to their town.

B Lisgarten said that she was unaware of how others approached this however a draft list of byelaws for Dacorum could be put forward for consultation which would raise people's views and opinions.

Councillor Williams noted that there was a new boating platform and therefore could the wording of the byelaw set out restrictions to certain defined areas of the waterways. He added that the regeneration board had been discussing the area and they too felt that it was not appropriate to feed wild fowl.

Councillor Sutton noted that the government were looking into stronger byelaws for the use of drones and therefore felt that DBC should wait to see what is introduced.

Councillor Williams asked if DBC had a byelaw, would government legislation overpower it. B Lisgarten confirmed that if legislation existed then DBC could not have a byelaw for the same thing.

Councillor Williams said that he would support the use of drones in parks and open spaces only as this would avoid privacy rules near private property. He felt that this should be put out to consultation.

Councillor Harden agreed and said the council should wait to see what legislation the government introduces for the use of drones.

D Austin explained that the use of the drone code could be used as a way forward to promote the code.

It was discussed and agreed that members were not keen on introducing byelaws for fundraising.

### **Voting**

None.

## **7.2 CA/008/17 SENIOR OFFICER PAY POLICY**

### **Decision**

#### **Resolved to Recommend:**

- 1. to adopt the Pay Policy for 2017/18 as set out in appendix 1 to this report.**

#### **Reason for Decision**

To set the Council's pay policy for the financial year 2017/18, as required by Section 38 of the Localism Act 2011.

#### **Corporate Objectives**

The Council's policies in respect of pay and terms and conditions support all five of the Council's strategic objectives as part of ensuring that services to the community can be delivered to the required standards and with due regard to economy, efficiency and effectiveness.

#### **Monitoring Officer/S.151 Officer Comments**

##### **Monitoring Officer:**

The Senior Officer Pay Policy is required by virtue of section 38 of the Localism Act 2011 and this Pay Policy complies with the statutory requirement and associated guidance.

##### **Deputy S.151 Officer:**

There are no budgetary pressures arising from the decisions in this report. Any amendments if required under recommendation 2 will need to be met from within existing approved budgets.

### **Advice**

Councillor Harden explained that Section 38 of the Localism Act 2011 ('The Act') requires local authorities in England to prepare, approve and publish a pay policy statement. The statement must detail the authority's own policies towards a range of issues relating to the pay of its workforce, particularly its senior staff ('Chief Officers', as defined in the Act) and its lowest paid employees. The pay policy statement must be prepared for each financial year.

R Smyth added that job titles have been amended and a few minor tweaks made.

Councillor Marshall asked what scope the council had in making tweaks to the pay policy and was what the council did part of the national agreement.

M Rawdon said that there were a few minor exceptions, such as for sick pay, however in the main it follows the national agreement.

### **Voting**

None.





<b>Report for:</b>	<b>Council</b>
<b>Date of meeting:</b>	<b>22 February 2017</b>
<b>PART:</b>	<b>1</b>

<b>Title of report:</b>	<b>Recommended changes to Development Control Committee</b>
<b>Contact:</b>	Graham Sutton, Portfolio Holder for Housing and Planning James Doe, Assistant Director, Planning Development and Regeneration Sara Whelan, Group Manager
<b>Purpose of report:</b>	Decision to change the constitution, scheme of delegation and committee dates
<b>Recommendations</b>	That Council <ol style="list-style-type: none"> <li>1) Agree the suggested changes and their inclusion in the wording of the constitution be delegated to the Solicitor for the Council</li> <li>2) Agrees the changes to the DCC dates from May 2017 – May 2018 as set out in Appendix 1</li> </ol>
<b>Corporate objectives:</b>	<p>A clean, safe and enjoyable environment</p> <p>Building strong and vibrant communities</p> <p>Ensuring economic growth and prosperity</p> <p>Providing good quality affordable homes</p> <p>The changes to the constitution will allow some applications to be processed quicker and should in turn enhance the built environment</p> <p>Delivering an efficient and modern council</p> <p>The reduction in the number of council own cases presented to committee and the reduction in the number of meetings will make the meeting a more efficient process</p>

Implications: 'Value For Money Implications'	<p>There are no financial implications arising directly from the recommendations in this report.</p> <p>The reduction in the number of council own cases presented to committee and the reduction in the number of meetings will make the meeting a more efficient process</p>
Risk Implications	<p>The risk of delegating the Council's own schemes (either on Council land or property, or proposed by the Council) which are not major proposals or have received no objections is considered acceptable and the ability for the Assistant Director, or Ward Member to refer a case for determination by Committee would still remain.</p>
Monitoring Officer/S.151 Officer Comments	<p>Monitoring Officer: The amendments should help the decision making process become more efficient without exposing the Council to any further risks of challenge. However, to ensure that this remains the case, officers must continue to clearly document relevant considerations and give clear reasons for decision in writing when all delegated decisions are made.</p> <p>S.151 Officer: There are no financial implications arising directly from the recommendations in this report.</p>
Consultees:	<p>Jim Doyle, Group Manager Democratic Services Mark Brookes, Solicitor to the Council, Legal Governance Management Christopher Gaunt, Team Leader, Legal Governance Management Mark Gaynor, Corporate Director, Housing and Regeneration James Doe, Assistant Director, Planning Development and Regeneration</p>
Background papers:	None

## Background

1. This report proposes changes to the running of the Development Control Committee (DCC). The changes as set out below have been agreed by the DCC on 2 February and a direct referral has been made to Council. The changes below set out some changes to the Council's constitution, scheme of Delegation for DCC and a new set of committee cycle dates for DCC.
2. The report has been written in consultation with the Chair and Vice Chair of the Development Control Committee and the Portfolio Holder for Planning and Regeneration.

## Recommended changes to constitution

3. The changes are summarised below, and have been agreed after discussion at the DCC on 2 February 2017;
  - Ward members deputation time capped to a maximum 10 minutes

- The committee meeting closes at 10pm or with a vote called by the chair a vote could be taken to carry onto 10:30pm. The meeting would absolutely close by 10:30pm and any agenda items left un heard would be deferred to the next scheduled meeting
- Development Control Committee renamed to Development Management Committee
- Remove the ability for Discharge of Condition applications to be called in to Committee as the Local Planning Authority can be penalised for delaying the determination of these applications
- Remove ability of prior notification applications to be called to Committee. These applications have a deemed consent, set out by a national grant of planning permission through legislation and strict timescales which if exceeded results in the proposal automatically benefiting from deemed consent with no input or decision from the Council. Hence, if caught up in a committee timetable may benefit from deemed consent by default
- Change to paragraph 2.3.2 (5) of the constitution to set out that only the Council's own schemes which are Major proposals (over 10 units or over 1000sqm) or applications with objections will go to DCC. Other applications may be called in by the Assistant Director of Planning Development and Regeneration, Group Manager, Development Management and Planning or the respective Ward Member.
- There is no change to the current process of Ward Members ability to call in applications 28 days from first public consultation commencement. However, the constitution should be amended to clarify that this call-in needs to be in writing. In addition, if a Ward Member considers they want to call in an application throughout a re-consultation on amended plans this would only be agreed if their concern was related to the amendments received.
- Enforcement items (2.3.3 and 2.3.4 of the constitution) should be changed so that any prosecutions, injunctions, stop notices or temporary stop notices can go ahead with sign of from the respective Group Manager or Assistant Director, rather than needed a decision at Committee. The withdrawal or variation of earlier DCC decisions would remain. A quarterly update report would be presented to the Committee. This change would expedite enforcement work and bring us more in line with other Hertfordshire authorities, six of whom already have delegated powers to prosecute.

### **Recommendation to reduce frequency of meetings**

- Paragraph 2.2.2 of the constitution sets out that the DCC shall meet in accordance of the cycle of meetings approved annually by Council. For calendar year Jan 2016 – Dec 2016 there were seventeen DCC meetings scheduled (once every three weeks). Two of these were cancelled, as there were not enough applications to make the meeting worthwhile and of the fifteen meetings that were held, four had six or less cases. The DCC has agreed to change the frequency of meetings to once every four weeks, which would allow for twelve sessions a year. If more are needed then an emergency DCC meeting could be booked in the diary as and when needed (Please see appendix A for suggested Committee dates from May 2017 – May 2018).
- It would be more efficient for Officers and Councillors to get through a similar amount of business in fewer meetings. This would save time organising an agenda, speakers and minutes etc. of the meetings. In terms of supporting this change, it is proposed that briefings for large-scale majors be arranged a week prior to committee so that details of a large-scale proposal can be

absorbed before the meeting. In addition, case officer presentations should be succinct. If cases were not heard before 10:30pm they would be deferred to the next committee.

**Recommendation and next steps**

It is recommended that the suggested changes and their inclusion in the wording of the constitution be delegated to the Solicitor for the Council and that Council agrees the changes to the DCC dates from May 2017 – May 2018 as set out in Appendix 1.

## **Appendix 1 - Suggested Committee dates May 2017 – May 2018**

2017 (Thursday 7pm start)

25 May (allows week break following 17 May Council and confirmation of Committee)

15 June

13 July

17 August

14 September (requires rescheduling of Member Development to 7 September)

12 October

16 November

14 December

2018

18 January

15 February

15 March

12 April

24 May (allows week break following 16 May Council and confirmation of Committee)

Dacorum Borough Council – Meeting Timetable 2017/2018

	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	
MON	1 BANK HOLIDAY								1 BANK HOLIDAY					MON
TUES	2			1					2				1	TUES
WEDS	3			2			1 Member Development		3				2	WEDS
THUR	4 ELECTION	1		3			2		4	1	1		3 Election	THUR
FRI	5	2		4	1		3	1	5	2	2		4	FRI
SAT	6	3	1	5	2		4	2	6	3	3		5	SAT
SUN	7	4	2	6	3	1	5	3	7	4	4	1	6	SUN
MON	8 Appeals	5 Appeals JNC	3 Appeals	7 Appeals	4 Appeals JNC	2 Appeals	6 Appeals	4 Appeals JNC	8 Appeals	5 Appeals	5 Appeals JNC	2 BANK HOLIDAY	7 BANK HOLIDAY	MON
TUES	9	6 F&R OSC	4 F&R OSC	8	5 F&R OSC	3 MDSG	7 F&R OSC	5 Joint Budget OSC	9 F&R OSC	6 Joint Budget OSC	6 F&R OSC	3	8	TUES
WEDS	10	7 H&C OSC	5 H&C OSC	9	6 H&C OSC	4 F&R OSC	8 H&C OSC	6	10	7 Audit	7 Health in Dacorum	4	9	WEDS
THUR	11	8	6 DCC	10	7 Member Development	5 Call-in contingency	9	7 Standards	11	8	8 Standards	5	10	THUR
FRI	12	9	7	11	8	6	10	8	12	9	9	6	11	FRI
SAT	13	10	8	12	9	7	11	9	13	10	10	7	12	SAT
SUN	14	11	9	13	10	8	12	10	14	11	11	8	13	SUN
MON	15	12	10	14	11	9	13	11	15	12	12	9 Appeals	14 Appeals	MON
TUES	16 Group meetings	13 Call-in contingency	11 Group meetings	15	12 SPAE OSC	10 SPAE OSC	14 Group meetings	12 Cabinet Licensing	16 Group meetings	13 Cabinet	13 Call-in contingency	10	15 Group meetings	TUES
WEDS	17 Annual Council	14	12 Council	16	13 Health in Dacorum	11 H&C OSC	15 Council	13 Health in Dacorum	17 Council	14	14 MDSG	11	16 Annual Council	WEDS
THUR	18	15 DCC	13 DCC	17 DCC	14 DCC	12 DCC	16 DCC	14 DCC	18 DCC	15 DCC	15 DCC	12 DCC	17	THUR
FRI	19	16	14	18	15	13	17	15	19	16	16	13	18	FRI
SAT	20	17	15	19	16	14	18	16	20	17	17	14	19	SAT
SUN	21	18	16	20	17	15	19	17	21	18	18	15	20	SUN
MON	22	19	17	21	18	16	20	18	22	19	19	16	21	MON
TUES	23 Cabinet Licensing	20 SPAE OSC	18 SPAE OSC	22 Licensing	19 Cabinet Licensing	17 Cabinet	21 SPAE OSC	19 Call-in contingency	23 SPAE OSC	20 Group meetings	20 SPAE OSC	17 Group meetings	22 Cabinet Licensing	TUES
WEDS	24 DCSP	21 Health in Dacorum	19 Audit	23	20 Audit	18 DCSP	22 Audit	20	24 H&C OSC	21 Council	21 H&C OSC	18 Council	23 DCSP	WEDS
THUR	25 DCC	22 Standards	20 Member Development	24	21 Standards	19	23	21	25 Member Development	22	22 Member Development	19	24 DCC	THUR
FRI	26	23	21	25	22	20	24	22	26	23	23	20	25	FRI
SAT	27	24	22	26	23	21	25	23	27	24	24	21	26	SAT
SUN	28	25	23	27	24	22	26	24	28	25	25	22	27	SUN
MON	29 BANK HOLIDAY	26	24	28 BANK HOLIDAY	25	23	27	25 CHRISTMAS DAY	29	26	26	23	28 BANK HOLIDAY	MON
TUES	30	27 Cabinet Licensing	25 Cabinet Licensing	29	26 Group meetings	24 Licensing	28 Cabinet Licensing	26 BOXING DAY	30 Cabinet Licensing	27 Licensing	27 Cabinet Licensing	24 Cabinet Licensing	29	TUES
WEDS	31	28 Audit	26	30	27 Council	25	29	27	31	28 Member Development	28 Audit	25	30	WEDS
THUR		29 Member Development	27	31	28	26	30	28			29	26	31	THUR
FRI		30	28		29	27		29			30 BANK HOLIDAY	27		FRI
SAT			29		30	28		30			31	28		SAT
SUN			30			29		31				29		SUN
MON			31			30						30		MON
TUES						31								TUES

DCSP = Dacorum Community Safety Partnership  
 JNC = Joint Negotiating Committee  
 DCC = Development Control Committee  
 School holiday dates are shaded  
 H & C OSC = Housing & Community Overview & Scrutiny Committee  
 SPAE OSC = Strategic Planning & Environment Overview & Scrutiny Committee  
 F & R OSC = Finance & Resources Overview & Scrutiny Committee