

MINUTES

CABINET

24 APRIL 2018

Councillors: Andrew Williams	Leader of the Council (Chairman)
Margaret Griffiths	Portfolio Holder for Housing
Graeme Elliot	Portfolio Holder for Finance and Resources
Neil Harden	Portfolio Holder for Residents and Corporate Services
Janice Marshall	Portfolio Holder for Environmental Sustainability and Regulatory Services
Graham Sutton	Portfolio Holder for Planning and Regeneration

Also attended: Councillors Tindall, Howard, Douris,

Officers: S Marshall	Chief Executive
M Gaynor	Corporate Director (Housing & Regeneration)
M Brookes	Solicitor to the Council and Monitoring Officer
J Deane	Corporate Director (Finance & Operations)
D Austin	Assistant Director (Neighbourhood Delivery)
R Smyth	Assistant Director (Performance, People & Innovation)
J Doe	Assistant Director (Planning, Development & Regeneration)
C O'Neil	Corporate Support Team Leader
C Oliveri	Communication & Consultation Officer

The meeting began at 7.30 pm.

CA/040/18 MINUTES

Minutes of the meetings held on 27 March 2018 were agreed by Members present and signed by the Chair.

CA/041/18 APOLOGIES FOR ABSENCE

None.

CA/042/18 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA/043/18 PUBLIC PARTICIPATION

There was no public participation.

CA/044/18 REFERRALS TO CABINET

There were no referrals to Cabinet.

CA/045/18 FORWARD PLAN

The Forward Plan was noted and agreed.

CA/046/18 HEALTH & SAFETY POLICIES

Decision

To approve the following policies and management plan documents, as provided as appendices to the Cabinet Report;

- Appendix 1: Working at Height Policy
- Appendix 2: The Noise at Work Policy
- Appendix 3: Whole Body Vibration
- Appendix 4, 4a and 5: The Electricity at Work Policy and Portable Appliance Testing Policy
- Appendix 6: Bonfire Policy
- Appendix 7 & 8: Corporate Asbestos Management Plan and Housing Asbestos Management Plans
- Appendix 9: Legionella Management System
- Appendix 10: Lone Working Policy
- Appendix 11: Hazardous Substances Policy

Reason for decision

To provide members with information on how Officers propose to manage Health and Safety risks across the Council.

Corporate objectives

A clean, safe and enjoyable environment

Improving safety of employees, elected members, those that work with the Council and for members of the public that are effected by the Council's work activity.

Delivering an efficient and modern council

Optimise Resources and Implement Best Practice.

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

The policies will help to ensure that the Council is meeting its statutory obligations. Training for relevant staff and ongoing compliance monitoring will be essential to ensure that the policies are properly implemented.

S.151 Officer:

The financial costs of implementing the Health and safety policies has been specifically factored into the 2018/19 budgets, with the inclusion of a £50,000 growth budget.

Advice

Cllr Marshall introduced the report, advising that following a County Audit of our H&S arrangements, the management of H&S moved from Human Resources to Regulatory Services, where there are a greater number of H&S qualified staff. A new lead officer post was created and a thorough review undertaken of all our policies during the last year.

Cllr Marshall advised that the report is asking Cabinet to approve the policies and the management plan included in report.

The Chair invited questions.

Cllr Elliot referred to 'full body vibration' and sought clarification. DAustin advised that there are two types of vibration that can be suffered; the first being hand arm from small machines and at the next step, full body, which is more likely suffered by drivers of larger grass cutting vehicles etc. DAustin explained that we are obliged to carry out monitoring of vibration during day to ensure it is not above the acceptable threshold.

Recommendations agreed.

Voting

None.

CA/047/18 PUBLIC SPACE PROTECTION ORDERS – HEMEL HEMPSTEAD TOWN CENTRE

Decision

1. To commence a statutory consultation on a proposal to introduce a Public Spaces Protection Order in accordance with the draft order and plan annexed at Appendix A, to include the following prohibitions:
 - (a) *Not to Spit (including discharge of chewing gum), urinate or defecate in a public place within the area coloured blue on order plan 1*
 - (b) *Not to cycle or skateboard within the area coloured blue on order plan 2.*
2. To delegate authority to the Portfolio Holder for Environmental, Sustainability and Regulatory Services in consultation with the Assistant Director (Neighbourhood Delivery) to consider representations made pursuant to the statutory consultation and confirm or amend the PSPO as appropriate.
3. To set £75 as the sum payable for a fixed penalty notice.
4. To note the contents of the report in respect of Designated Public Places Orders (section 2) and note that they will transfer to PSPOs and shall remain in force for a period of three years from 20 October 2017 and shall then be the subject of review.
5. To commence a non-statutory consultation on a proposal to introduce a Public Spaces Protection Order for the whole of the Borough in relation to dog fouling (specifically

owners failing to pick up dog faeces from public areas) and other activities in relation to dogs which have a detrimental effect on the quality of life of the public.

Reason for decision

To introduce a Public Spaces Protection Order to provide a means of controlling a number of activities having a detrimental effect on the quality of life for those living in, working in and visiting Hemel Hempstead town centre.

Corporate objectives

Safe and Clean Environment

Maintain a clean and safe environment

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

The PSPO will assist with the prevention of anti-social behaviour in the town centre. There will need to be a proportionate approach to enforcement particularly where the order is being breached by young and vulnerable persons.

S.151 Officer:

The implementation and enforcement of the PSPO can be delivered from within existing budgets.

Advice

Cllr Marshall introduced report and advised its purpose is to seek Cabinet agreement to implement Public Space Protection Order (PSPO) to the Marlowes, Water Gardens, and Old Town as set out in the report.

Cllr Marhsall drew attention to street encampments, street begging, consumption of alcohol and feeding of wild fowl; which are not included in this PSPO.

This PSPO relates entirely to spitting (including discharge of chewing gum), urinating and defecating in Marlowes, Water Gardens & Old Town and prohibits skateboarding and cycling along Marlowes. Both these measures received strong support in public consultation and were considered at SPAR and H&R OSC last month. Both scrutiny committees are in support, but expressed concern that there is no resource to support enforcement of these issues. PSCOs and Councils Enforcement Officers will enforce the PSPOs. If current resources need to be boosted it is a budgetary matter to be considered in due course.

Cllr Marshall referred to recommendation 4 which is seeking Cabinet approval to start work on introduction of PSPO relating to dogs & dog fouling. This PSPO is intended for use throughout the borough. Many Local Authorities are dealing with dog fouling and controlling dogs through PSPOs and the issuing of Fixed Penalty Notices (FPN) and if not paid, through the court. The Council is drawing up proposals for consultation with scrutiny and public with a view to implementing such orders.

Cllr Marshall advised that she is also asking for approval for an additional 5th recommendation; 'To commence a non-statutory consultation on a proposal to introduce a Public Spaces Protection Order for the whole of the Borough in relation to dog fouling (specifically owners failing to pick up dog faeces from public areas) and other activities in relation to dogs which have a detrimental effect on the quality of life of the public'.

The Chair invited questions.

Cllr Harden referred to vigils outside of family planning clinics and asked, can officers confirm this is not something we would use a PSPO for?

Cllr Marshall responded to advise that an organisation emailed all Cllrs last month on this subject, to which she responded and copied all Cllrs, to advise there is no current measure to put in a PSPO for limiting or prescribing gatherings of people, under which this would fall.

Cllr Williams commented that, like anything else, if it is brought to our attention that there is an issue we would take it through due process.

Cllr Williams referred to the 5th recommendation and commented that dog fouling is a borough wide problem, expressing his support in going out to consultation.

Cllr Sutton supported the measures against dog issues; most responsible dog owners would expect that. Adding that limiting the number of dogs that could be taken by dog walkers is an important factor. The other issue is that we need to be sure that the people dog walking are local, we have had a number of instances where people are coming in from North London to exercise dogs in our area, not sure if it is something we can control or not, but annoying have to put up with it. Make sure dogs are microchipped.

Cllr Marshall confirmed it is the law that dogs have to be microchipped, this Council took action not long ago against a resident of the Borough who repeatedly failed to chip their dog which was running wild. In terms of out of borough dog walkers, the only way to deal with that would be to licence dog walkers, which would be difficult. It would be difficult to stop people from outside the Borough using our public spaces.

Cllr Douris referred to recommendation 3 and asked, is there an opportunity for discount on prompt settlement of Fixed Penalty Notices?

Cllr Marshall responded that it will cost more if they don't pay as it will go to court.

MBrooks advised you can include a discount for early payment but Cabinet would have to decide what it would be reduced to, some authorities have it as a reduced figure if paid within 14 days.

Cllr Williams commented that he would be inclined to stick with the one fee.

Recommendations agreed; including additional recommendation 5.

Voting

None.

CA/048/18 HEMEL HEMPSTEAD TOWN CENTRE MARKET CONTRACT

Decision

1. To commence a procurement process for a maximum 5 year contract (3 years initial term with option to extend for a further 2 years at one year intervals subject to performance).
2. To delegate authority to agree the terms of the Contract to the Assistant Director (Planning, Development and Regeneration) in consultation with the Portfolio Holder, Planning and Regeneration.

Reason for decision

To consider issues relating to the Hemel Hempstead Town Centre market Contract which ends February 2019, and to set out proposals for future Contract arrangements.

Corporate objectives

Ensuring economic growth and prosperity

A successful and vibrant Market will bring footfall and wealth into Hemel Hempstead Town Centre supporting the local retail economy.

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

A robust contract will need to be developed to ensure that the contractor meets the council's key objectives for the service. This must include an effective performance management regime which can be monitored through the term of the contract.

The future market contract has to have SMART performance indicators that encourage the development of the market programme and incentivise an efficient delivery of the strategic objectives.

S.151 Officer:

The task and finish group will pull together the financial incentives required to fulfil this strategic requirement and the financial impact will be assessed.

Advice

Cllr Sutton introduced report advising that following expiration of the existing contract, the existing contractor agreed to continue to run market until Feb 2019, but on agreement that income to the Council was reduced by approx. £20k a year. This gives us a good basis for the tender to take place after Feb 2019. The Council met with Saunders Market (the current operator) to get their views. This tender will go out to open market but it is fair to say there are limited operators who may submit their interest.

Cllr Sutton expressed it is important to us to have a good vibrant market that caters to all our needs.

JDoe added that we now have the HH Business Improvement district, will need to get them involved in how market contract should be let. The Old Town is currently being run by

Saunders Market but with a subsidy from us. The new tender is to include weekend markets in Old Town. We may have to accept slightly lower market rental than we have experienced in past, which we will test through tendering process.

Recommendation agreed.

Voting

None.

CA/049/18 FORMALISATION OF GROVEHILL NEIGHBOURHOOD PLAN

Decision

RESOLVED TO RECOMMEND;

That Council formally 'makes' the Grovehill Future Neighbourhood Plan as part of the Local Plan following a YES vote at Referendum 15th February.

Reason for Decision

To acknowledge the 'YES' vote at Referendum on 15th March 2018 and propose that Council formally 'make' the Grovehill Future Neighbourhood Plan as a statutory planning document

Corporate objectives

The Grovehill Future Neighbourhood Plan supports the Council's vision and in particular the corporate objectives of building community capacity, regeneration and affordable housing.

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

The Localism Act states the "*Council must make a neighbourhood development plan to which the proposal relates, if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan*". The referendum result is clear and so therefore the only option available to the Council is to make the Grovehill Future Neighbourhood Plan.

S.151 Officer:

There are no direct immediate financial implications for the council. Any future plans will need to be developed within the normal council financial planning processes and be submitted for consideration as part of the Medium Term Financial planning cycle.

Advice

Cllr Sutton introduced report advising this went to a vote within Grovehill and received a yes to go forward. There are various issues for consideration around land ownership etc and this is an opportunity for us to now refine and put forward to full Council.

JDoe added the reason to put to Council is to get sign off of the plan. What the yes vote means is that the plan has to be taken into account by us when making planning decisions within the defined planning area in Grovehill.

Cllr Williams commented that it is widely assumed that the plan centres on Henry Wells Square and surrounding areas, but it is actually wider than that.

JDoe confirmed it covers the whole estate and anyone making an application within that area will have to follow the plan.

Cllr Douris recalled JDoe coming to a meeting in Henry Wells Square back in 2011, commenting that he takes great pride in seeing this coming to conclusion.

Recommendation agreed.

Voting

None.

CA/050/18 TRING SPORT CENTRE

Decision

1. Approval given for DBC to mutually agree to terminate the existing Dual Use Agreement and enter into a new Agreement, reflecting the updated conditions and requirements as set out in the report to Cabinet.
2. Final sign off of the Agreement is delegated to the Chief Executive and the Portfolio Holder for Residents and Corporate Services in consultation with the Section 151 Officer and the Monitoring Officer.

Reason for decision

To approve proposed changes to the conditions and requirements for the transfer of responsibility for Tring Sports Centre to Tring School.

Corporate objectives

Clean, Safe and Enjoyable Environment and Modern and Efficient Council

Leisure provision is central to delivering a borough that people can enjoy. This proposal will ensure that we invest and support high quality facilities for use in the community will ensuring we deliver value for money.

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

The amended terms provide for investment in the facility which will facilitate continued community use. There is a risk as highlighted in the report that the facilities will become financial unviable at some point in the future and this will enable RLP to propose closing the facilities; however, this risk is mitigated by the Council's ability to step-in and manage the facilities if it wishes to do so, subject to agreeing the precise terms of that step-in at the appropriate time.

S.151 Officer:

The termination of the Dual Use Agreement is not projected to impact on the approved capital budget, for the development of the Tring swimming pool.

Advice

Cllr Harden introduced the report and advised that following detailed discussion with Tring School we were not able to reach agreement following March Cabinet on T&Cs. These revised T&Cs will meet needs of Council and school.

Cllr Marshall referred to pg. 284 of report, paragraph 33, 3rd line, appears to be a typo, should read 'values'.

Cllr Elliot asked, who takes the decision about financial viability?

RSmyth responded it would be an open book approach, we would have a look and they would have to prove they are making a loss across the whole site, not just the swimming pool.

Recommendations agreed.

Voting

None.

CA/051/18 INVESTMENT IN ATHLETICS TRACK**Decision**

1. Cabinet approved the undertaking of consultation with local residents and key stakeholders on the potential for a new athletics track and pavilion at Cupid Green Playing Fields, Grovehill
2. Cabinet approved the undertaking of necessary due diligence to confirm that Cupid Green Playing Fields, Grovehill is a suitable site for a new athletics track and pavilion

Note that officers will bring a further report back to Cabinet with a final recommendation for the location of the new athletics track following all required due diligence and consultation with residents and stakeholders.

Reason for decision

For Cabinet to consider the potential to build the new athletics track and pavilion at Cupid Green Playing Fields, Grovehill.

Corporate objectives

Clean, Safe and Enjoyable Environment

Having good quality, athletics provision is vital to improving participation and ensuring that residents can enjoy the borough and boost their health and wellbeing.

This review will therefore, ensure our approach to athletics continues to meet the needs of current and future residents.

Monitoring Officer/S.151 Officer comments

Monitoring Officer:

A preliminary review of the legal title to the site has indicated that there are no apparent legal restrictions for the development of the site; however, there are some title documents which are not currently available at the land registry and therefore further work will be required to locate these documents before a full title report can be produced.

As indicated in the report, further planning, ground condition, design work and consultation will be required before a final report is brought back to Cabinet.

S.151 Officer:

The viability of relocating the track from its current location in Jarman Park to a new site in Grovehill will depend on the net development value of the Jarman site compared with the construction costs at the Grovehill site.

The full range of financial implications will need to be considered through the due diligence exercise, and reported back to Members in advance of a decision being made.

Advice

Cllr Harden introduced the report and referred to discussions that have taken place to relocate Jarman athletics track to Longdean School, have been unable to reach agreement. Council has identified another site in Grovehill, would like to look at feasibility and carry out a consultation on the site.

Cllr Elliot commented that he likes idea we could be creating a sports hub up near that Grovehill area and asked, do you think there will be any objections from residents about us putting a track on that open space, or will it enhance it?

Cllr Harden responded that will be the purpose of the consultation, it will make an exciting sports offer with the other facilities already available at the site. We will need to consider access and ingress to site and the impact on local residents.

RSmyth advised this will be an initial consultation and feasibility study, if following that it was proved the Council were happy with that site, we would move forward to a formal proposal.

Cllr Tindall referred to a recent meeting to discuss regeneration of that area and roads etc, and what is going to happen, asking is it advisable to get Highways to comment on traffic generation given what is likely to happen in next few years, to ensure timing is not going to negatively impact.

Cllr Williams responded that Cllr Tindall is referring to County Highways works; footpath links in that Grovehill area and provision of pedestrian crossing on the Redbourn Road, almost outside the entrance to the proposed site. There are a few bigger events the track hosts during the year but they are fairly limited in numbers. County is aiming to have completed all of its work during this financial year so most of it should be finished prior to anything potentially happening with the site.

Recommendation agreed.

Voting

None.

The meeting ended at 8.05 pm