

## **MINUTES**

### **CABINET**

**25 JUNE 2019**

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

<b>Officers:</b>	Mark Brookes	Assistant Director - Corporate and Contracted Services
	David Barrett	Group Manager - Housing Development
	James Deane	Corporate Director - Finance and Operations
	James Doe	Assistant Director - Planning, Development and Regeneration
	Farida Hussain	Group Manager (Legal & Corporate Services)
	Sally Marshall	Chief Executive
	Katie Mogan	Corporate and Democratic Support Lead Officer
	Emma Walker	Group Manager - Environmental and Community Protection

The meeting began at 7.30 pm

#### **CA/49/19    MINUTES**

Minutes of the meeting held on 21 May 2019 were agreed by Members present and signed by the Chair.

#### **CA/50/19    APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillor Anderson.

#### **CA/51/19    DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **CA/52/19    PUBLIC PARTICIPATION**

There was no public participation.

#### **CA/53/19    REFERRALS TO CABINET**

The following motion was referred from the Health in Dacorum Committee on 12 June 2019:

“This council believes that the only option to provide the future emergency specialist hospital provision required for the growing population of West Hertfordshire is a new purpose built central hospital on a clear site suitable for the 21<sup>st</sup> century healthcare delivery. The council believes that there must also be a full range of diagnostic services at the three main towns of West Hertfordshire. This council does not support the proposals to focus the majority of services and investment on the Watford site as we believe this will not provide an acceptable level of provision for the residents of Dacorum which we feel would be better served by a new build as would the needs of the wider West Herts population.”

Councillor Williams said it was important that the council gives its endorsement to this motion at a senior level before the final decision meeting regarding future health provision. Dependant on the outcome of the meeting on 11 July, it is possible the council might have something further to say at its meeting on 17 July. The refurbishment of the Watford site option would mean that Watford would receive 90% of the funding and the Hemel Hempstead just 3%. Councillor Williams confirmed the authority’s view that Dacorum is not best served by the preferred option. He endorsed the motion and would forward this to the health authority ahead of 11 July.

Councillor Griffiths also endorsed this motion. She thanked Ron and Edie Glatter for their hard work with the Hospital Action Group over the years. Councillor Griffiths said that Ron’s research had been impeccable and again gave her thanks for all the work they have done on behalf of residents.

R Glatter said he had forward a public opinion survey as he did not feel that the CCG and Hospital trust have consulted the public. From the survey, 97% of respondents believed a new hospital was needed.

Cabinet agreed and endorsed the motion.

#### **CA/54/19      CABINET FORWARD PLAN**

The forward plan was noted with the following changes:

1. Add ‘Local Plan update’ to the September meeting

#### **CA/55/19      CAR PARKING SUPPLEMENTARY DOCUMENT**

##### **Decision**

1. That the Draft Parking Standards Supplementary Planning Document for public consultation purposes be approved.
2. That authority be delegated to the Assistant Director – Planning, Development and Regeneration (in consultation with the Portfolio Holder for Planning and infrastructure) to agree the arrangements for public consultation on the Draft SPD.

3. That authority be delegated to the Assistant Director – Planning, Development and Regeneration (in consultation with the Portfolio Holder for Planning and Infrastructure) to make minor modifications to the Draft SPD prior to consultation.

### **Corporate objectives**

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

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

### **Monitoring Officer:**

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

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

The cost of creating and consulting on the SPD will be met from within existing approved service budgets.

### **Advice**

Councillor Sutton introduced the report to members and said it had been previously discussed at SPAE OSC. Despite the feedback received from the committee, it was decided that the plan should go forward for consultation in its present form on the basis that a) it has a five year life before it needs to be reviewed and b) there are so many documents in the background that feed into this such as the local plan that the report will take on a different complexion as time goes on. He noted there needed to be a change to recommendation one from Cabinet to approve the draft plan to Cabinet agree the draft plan.

J Doe said this draft plan is different from current policy as it sets minimum requirements for parking spaces which had been a concern in the past for members that the council were working off an old policy. SPAE OSC had concerns about the numbers being generated by the evidence but will have to see what comes out of the consultation. We will have to pay attention to what Herts County Council's local transport plan says about modal shift but the council recognises that Dacorum has a high level of car ownership which needs to be accommodated.

Councillor Tindall asked for clarification on paragraph 6.1 on page 51 where it stated that all parking demand should be accommodated on site and any departure from that standard needs appropriate evidence. He suggested that members of the

Development Management Committee could find decision making a struggle unless there is guidance as to what is appropriate evidence.

J Doe said it is covered in the document. If a developer has a good cause for a lower standard, they must work up and submit a parking stress survey. This would be at the developers expense and assessed by DBC alongside the planning application.

Councillor Tindall asked about public transport provision. He asked if the accessibility of public transport should be included in the officer presentation when it is brought to DMC.

J Doe said this is addressed through the accessibility zones in Hemel Hempstead and Berkhamsted contained in the agenda. This takes into account the walking distances from the town centres and the bus frequency.

Councillor Williams confirmed that after the change to the wording in the recommendation, Cabinet were being asked to agree that the document can go out to consultation and recognise that there are some concerns with the current draft document.

## **CA/56/19     AIR QUALITY ACTION PLAN**

### **Decision**

1. That the draft Air Quality Action Plan for 2019 – 2024 be approved.
2. That authority be delegated to the Portfolio Holder for Community and Regulatory Services to approve implementation of any of the measures noted in the Air Quality Action Plan following further feasibility and consultation where appropriate.

### **Corporate objectives**

- A clean, safe and enjoyable environment
- Building strong and vibrant communities
- Ensuring economic growth and prosperity

### **Monitoring Officer:**

The Air Quality Action Plan will ensure that the Council meets its statutory duties as set out in the Environment Act 1995 to regularly review and assess air quality in its area.

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

The revised air quality action plan has no immediate financial requirements. Funding for any future approved measures required, outside of the approved budget, will be submitted for formal approval.

### **Advice**

Councillor Banks introduced the report. In 2012, the council declared three AQMAs in the borough due to exceeding limits of nitrogen dioxide. These were in Lawn Lane, London Road and High Street, Northchurch. Following this, the council had a duty to produce an air quality action plan. That plan has expired and this report is the updated plan to run from 2019 – 2024 and it covers 12 major measures that will directly affect air quality. The completion of a draft action plan comes under DBC's responsibility but enforcement is the responsibility of HCC and the split of responsibilities is highlighted in the report.

Councillor Griffiths said it was frustrating that we must develop the policy but it is under the control of HCC. She said it would be interesting to see what comes out but do need to have conversations with our county colleagues.

Councillor England asked to clarify the date the action plan would be implemented and questioned whether this would be affected by the Lib Dem motion to council about electric charging points.

E Walker said if the plan was approved by Cabinet, it would come into effect immediately. One of the measures in the plan is to look at electric charging infrastructure.

J Doe said electric charging infrastructure is a feature of some parking policies too and this would also feed into strategy.

Councillor Tindall said he was pleased to see categorical statements that ensure there is no way out for developers to provide the infrastructure. He said it was good news and was pleased to see positive measures.

Councillor England queried page 109, he said the report looked incomplete.

E Walker said the red text is to be added.

### **CA/57/19     NEW BUILD UPDATE**

#### **Decision**

1. That the appropriation by the Housing Revenue Account of the General Fund land, set out in part II the report, for council house new build purposes be approved.
2. That the process set out in the report for market sales on Council new build developments be approved

3. That, in order to act sufficiently quickly, authority to approve offers in line with the Sales Strategy be delegated to the officers noted in the authorisation matrix at paragraph 4.3 of the report
4. To amend the existing Housing Disposals Policy to include the sale of new build properties as set out in Appendix 2

### **Corporate objectives**

Delivering Affordable Housing

#### **Monitoring Officer:**

The Council has power under S122 of The Local Government Act 1972 to appropriate land from one statutory purpose to another where:

(i) The land is no longer required for the purpose for which it is currently held: and

(ii) The purpose for which the land is to be appropriated is one for which the authority is empowered to acquire land by agreement.

The land meets the requirements as it is now no longer needed for its current purpose as garages.

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

The General Fund land to be acquired by the HRA is land that is no longer in operational use and the sale value agreed is based on independent professional valuations, to ensure that the true value of the councils assets are being realised.

The delegated authority proposed in section 5.3 of this report ensures that there is a transparent and robust process for authorising sales that ensures both the budget holder and finance opinion is required prior to house sales. This sales approval process protects council assets and prevents the sales consultants from approving sales of council assets.

#### **Advice**

Councillor Griffiths introduced the report and said it highlighted the good work currently happening.

D Barrett said the report highlighted the completed schemes to date and those that are now on site. Four sites are under construction and progressing well. Martindale will have 65 units, 21 of which will be for market sale and the rest for social rent. Magenta Court will have 29 flats and are due to be completed in Spring 2020. There are two garage sites which will both have six units. They will be used as temporary

accommodation and should be ready in March 2020. Corn Mill Court should be completed by the end of July 2019.

## **CA/58/19     BUILDING CONTROL SERVICE**

### **Decision**

1. That Cabinet agrees, in principle, the proposals set out in this report for the transfer of the Council's Building Control Services to Hertfordshire Building Control Ltd.
2. That further work is carried out by Officers to complete the technical, contractual and administrative arrangements for the transfer of the Council's Building Control Services to Hertfordshire Building Control Ltd.
3. That, once the due diligence and work outlined in recommendation 2 above is completed, the final proposals are referred to Cabinet and Council with the recommendation to transfer of the Council's Building Control Services to Hertfordshire Building Control Ltd.

### **Corporate objectives**

The report supports the corporate objectives of:

**A clean, safe and enjoyable environment** – a sustainable and well-functioning Building Control service in the long term will continue to ensure that new buildings are constructed to safe standards in compliance with the national Building Regulations, and that an effective service to deal with the public safety issues of dangerous structures as they arise can continue to be provided and delivered effectively

**Delivering an efficient and modern Council** – The proposals aim to provide a resilient Building Control service in the public interest and offer the best available value for money to the local tax payer.

### **Monitoring Officer:**

Hertfordshire Building Control Ltd has been set up as a "Teckal" company under regulation 12 of the Public Contract Regulations 2015, which means that it can benefit from contracts for works, services or supply from its controlling Contracting Authority (or Authorities) without having to go through a competitive tender process,

In order to qualify as a Teckal company the following circumstances must exist:

- The Contracting Authority/ies must exercise a control which is similar to that which it exercises over its/their own departments – this means it/they must exercise a decisive influence over both strategic objectives and significant decisions of the controlled company either itself or through another subsidiary; and
- More than 80% of the activities of the company must be carried out in the performance of tasks entrusted to it by the controlling Contracting Authority/ies.

Therefore as long as the above circumstances continue to exist then Dacorum can lawfully join this company and this will be checked and approved at the next stage of due diligence.

The existing governance structure, liability and indemnity provisions will also need to be carefully scrutinised before the final decision to join is confirmed.

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

At present there are no requests for additional funding for the building control service.

Further due diligence is being undertaken to fully appreciate the costs incurred and this will be detailed in future reports to cabinet. The financial impact projections are detailed in the part II report.

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### **Advice**

Full discussion in part 2 minutes.

## **CA/59/19      LOCAL PLAN UPDATE**

### **Decision**

1. That the progress on preparing Dacorum's Local Plan as set out in the report be noted.
2. That the revised timetable for the Local Plan and other updates to the Local Development Scheme appended to this report be agreed and delegate authority to the Assistant Director, Planning, Development and Regeneration to make any final minor editorial and typographical revisions to the document including any necessary to reflect the Cabinet's discussions and decision

### **Corporate objectives**

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



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

**Monitoring Officer:**

No comments to add to the report.

**Deputy S.151 Officer**

No comments to add to the report.

**Advice**

Councillor Sutton introduced the report and said Cabinet would be receiving regular updates about the progress of the Local Plan.

J Doe said the key things members were being asked to consider is the amended local development scheme appendix to the report. This foresees the work ongoing for the rest of the year into 2020 resulting in a public consultation in May 2021 ideally before if possible. This will seek the views of the general public, developers, land owners, consultees and stakeholders. J Doe informed the members that he had received a letter from Savilles who were concerned about the lack of progress with the Local Plan which has been circulated to Cabinet members The speed at which the plan progresses is a matter for the council, if the plan isn't up to date issues will arise from its validity.

Councillor Williams clarified that the main point to note from the report was the local plan timeline.

**CA/60/19      EXCLUSION OF THE PUBLIC**

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.

**CA/61/19     BUILDING CONTROL SERVICE**

Full details in part 2 minutes.

**CA/62/19     NEW BUILD UPDATE**

Full details in part 2 minutes.

The Meeting ended at 8.10 pm