

STRATEGIC PLANNING & ENVIRONMENT OVERVIEW & SCRUTINY MINUTES

7 JULY 2021

Present

Councillor Birnie (Chair)
Councillor Beauchamp
Councillor Freedman
Councillor Harden
Councillor Rogers
Councillor Silwal (Vice Chair)

Councillor Stevens
Councillor Taylor
Councillor Timmis
Councillor Tindall
Councillor Wyatt Lowe

Also attending:

Councillor Barrett

Officers

Richard LeBrun	Assistant Director Neighbourhood Delivery
Sara Whelan	Group Manager – Development Management & Planning
Philip Stanley	Team Leader Development Management (Specialist Services)
Layla Fowell	Corporate and Democratic Support Officer

Lizzy Kenyon	Keep Britain Tidy
Duncan Jones	Herts Waste Partnership

The meeting started at 7.00pm

1 MINUTES

The minutes from the meeting of previous meeting were agreed by the members present to be signed by the Chairman. There were no matters arising.

2 APOLOGIES FOR ABSENCE

Apologies were received from Councillors McDowell, with Cllr Tindall attending as a substitute and Cllr England with Cllr Freedman substituting.

Cllr Wilkie and Cllr Hearn also submitted apologies.

Cllr Wyatt Lowe left the meeting at 8.05pm.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 PUBLIC PARTICIPATION

There was no Public Participation

5 CONSIDERATION OF ANY MATTER SUBJECT TO CALL-IN

None.

6 ANNUAL PLANNING ENFORCEMENT REPORT

The Chair advised that he would be changing the running order of the evening to consider Item 7 first in deference to external attendees.

The Chair returned to this item when Item 7 had concluded and referred to the very well written report included with the agenda and asked Members to address any questions they may have to PStanley.

PStanley briefly introduced the report, advising it sets out to achieve a position where Officers have a manageable case load by focusing on historic cases in manageable chunks and new cases based on the potential harm they may cause.

Cllr Birnie referred to Pg. 17, Para 56, specifically reference to the case load of 600 live cases which are unresolved. In Para 4 on Pg. 1 Cllr Birnie observed that figures show the number of cases resolved in 2014-2020, suggesting that based on these figures there would be 297 unresolved cases. Therefore he was unsure where the 600 figure came from.

PStanley responded that there would have been cases left over from previous years prior to 2014, therefore the cumulative and accurate total is 600.

Cllr Birnie referred to Pg. 12, Para 28 where it details a table of how cases are dealt with. He asked the Officer to explain how you can have minus numbers in that table.

PStanley advised that in this situation, minus numbers are a good thing using the example that in February there were 21 fewer live cases at the end of the month versus the beginning of the month, stating that we would hope to have a minus figure at the end of each month throughout the financial year as it is a subtraction of cases left live. If a figure is red it demonstrates that we have more cases left at end of month, if it is a green figure it represents fewer live cases.

Cllr Harden thanked the Officer for a good and easy to follow report, going on to suggest there is an element of education required in understanding the perception of a member of the public. Cllr Harden noted from the report a change in how members of the public are to contact the service, allowing some control in how to manage a case load and how it comes in. Cllr Harden asked whether technology was being used to best advantage, especially in reducing the workload.

PStanley responded by confirming that education is a priority, explaining that it has been set as one of their priorities for this year. The Officer set out that in terms of a quick resolution point; most of the complaint emails received are where someone has failed to receive a response to an earlier notification of a perceived breach. This generally happens within a 3 month period, so if we can resolve cases more quickly, we will reduce the amount of such emails.

In terms of technology, PStanley advised that there has been investment in the system, including introducing a range of ways in which an Officer's workload can be made easier.

One example is the auto generation of communication once a decision has been reached; for example, if 'no breach' is selected for a case that action will auto generate the response to the complainant to reduce manual work load. The Officer added that they will be continually reviewing the system to identify suitable automation and template development. PStanley advised there would also be a benefit from reviewing our website, where we encourage complaints to come to us via the web form, as that provides answers to questions we need when reviewing the complaint.

SWhelan added that there have been conversations about a front facing web page as, based on customer feedback and it would be a great tool to have. Customers would log in and see what stage their enforcement issue had reached within the process.

Cllr Birnie commented that it would be useful for there to be something on the website to help residents understand the process. A monthly report for Members might be useful in the way a weekly report is generated on planning applications.

PStanley referred to Para 69 of the report and confirmed that he would be happy to increase communication with Members.

Cllr Beauchamp thanked the Officer for the comprehensive report, referring to appeals in Para 46 & 47 and commenting that the report refers to 13 appeals, but only 8 have been dealt with. He therefore queried if the other 5 are still pending.

PStanley responded that Para 46 looks at appeals that we have received or we were already processing. Para 47 looks at the appeals that have been decided. It is the case with the Planning Inspectorate that these appeals often have low priority, so we often have to wait a long time following an enforcement letter for the start notice. The number of appeals we receive will therefore not necessarily equal the number we reach a decision on within that year.

Cllr Timmis welcomed this very detailed report and voiced her appreciation of the pressure the service are under. One reference in the report is 'level of harm' which would impact the priority attached to a complaint. Cllr Timmis observed that the term 'harm' is very subjective and asked; how one would therefore define harm here.

Cllr Timmis also asked if more resources could be considered to mitigate the overwhelming workload.

Cllr Timmis also commented on the importance of acknowledging complaints so the public can see Officers were working on their issues and asked, whether acknowledgements would still take place to reassure the customer.

PStanley responded to each of the questions raised by the Cllr Timmis;

In regards to defining harm level, PStanley confirmed there is no intention to remove the priority level which relates to how quickly we visit a site in the first instance. In cases of TPO's and listed buildings, these remain priority 1 and we have to attend these within 24 hours. Priority 2 is a visit within 10 days and priority 3 is within 15 days. Once a visit has taken place, a harm level is then assigned. The 5 harm levels and the action we will take based on that harm level are listed in the report.

With regard to resources, PStanley agreed that the report emphasised efficiency measures. There are ways that processes can be changed to streamline the process. But there is a resource issue due to the accumulation of cases over time and in response to this there is an additional Officer post to be introduced on a fixed term basis. There is also the issue that

enforcement is a discretionary power; even if there is a breach we are not obliged to take action, so, again, this is a decision based on the level of harm.

SWhelan added that someone within the team had recently handed in their notice so DBC will be working quickly to try and ensure there is not a gap in full time members of staff.

Cllr Birnie referred to the temporary member of staff and asked whether this post will fulfil other functions within planning.

PStanley responded that this is a dedicated Planning Enforcement Officer post.

PStanley referred to the final question raised by Cllr Timmis and the importance of communicating with customers. The quarterly reports do not give Members details of the full scope of work carried out but he is very keen to draft and share a monthly report with Members on these matters. In terms of general updating; there is always a balance to be made between how much time we spend talking to complainants versus how much time we need to get on with the investigation. Cases can be quite lengthy and there is rarely a quick turnaround. We will advise the complainant if we receive a planning application so they can comment, or if we receive a notice. We will update them when we close the case. The difficulty arises during the investigation when customers may want to know what stage we are at. As SWhelan mentioned, if we could achieve better use of our website to signpost them to check progress it would be beneficial.

Cllr Timmis responded that a web system would help where customers can check and know their case has not been forgotten.

Cllr Birnie added that a general background note setting out how a case proceeds which was available on the website would be useful because a member of the public who had a grievance and read that, would be less likely to keep chasing for information.

PStanley advised there is a flow chart that could be pulled out and put more on a front page.

Cllr Silwal asked if site visits were currently on hold.

PStanley responded that site visits are taking place. There has to be a risk assessment prior to any visit and we are still not able to carry out unannounced visits inside site, but we are doing visits that relate to externals, subject to appropriate risk assessments.

Cllr Silwal asked for an explanation of the fast track system and how it is implemented.

PStanley advised this relates to cases of minor breaches that we consider of little or no harm and where it may not be good use of enforcement time to investigate. The enforcement Officers have dedicated time in diaries for these fast track cases where they have a day a week they attend sites and a day a week to write up the outcomes.

Cllr Tindall stated that problems with Building Control have arisen in the past and to resolve this we joined Hertfordshire Authorities Group. He asked whether, given that this is probably an issue for most planning authorities, we have given consideration to speaking to neighbouring authorities about a joint approach.

SWhelan advised that she sits on a group with the heads of development management across Hertfordshire and there has been a lot of comparing of resources etc. and how each authority has coped with the 30% increase in planning applications which impacts on enforcement. What tends to happen is that the planning application function takes up the majority amount of time and the function of enforcement varies dramatically across Hertfordshire. This is demonstrated by the number of notices issued across different

authorities. Because this is a discretionary function, not all authorities will be looking at this equally.

Cllr Tindall responded to the point of enforcement being discretionary and asked whether, given government intendeds to review planning, we are likely to see changes where the discretionary function becomes mandatory.

SWhelan advised that is not a question that she can answer, adding that she needs to manage expectations and the priority over the coming years is the 400 plan. Any consideration of digital solutions or reviews of any wider help and support would likely occur in the next financial year. It is not possible to look at everything at this time.

Cllr Stevens commented that the 400 plan is a good management tool and this is a good report. Referring to the type of reports Members might want, he expressed a wish to avoid creating work, stating that the most meaningful reports will be those that tell us that formal action has been entered into.

PStanley advised that the quarterly performance report issued for DMC fulfils that function and asked; whether Members would prefer that report monthly.

Cllr Birnie suggested this is something that could be discussed between the Officers and Portfolio Holder, adding that he would be happy to participate in those discussions and feed back to the committee.

Cllr Beauchamp referred to members of the public having access to the progress of their case, commenting that he believes the existing planning portal gives access to those things and asked, if members of the public were given their application number, should that be where they are directed?

PStanley responded that complainants are provided with an enforcement number and we can signpost them to the website. But we need to make sure that the website has the level of progress reporting that the customer would find useful.

The Chair thanked the Officers for attending and presenting such a comprehensive report, which was noted by Members.

7 WHERE DOES DACORUM'S WASTE GO?

This item was considered ahead of Item 6 due to external attendees.

LKenyon from Keep Britain Tidy attended, introducing Keep Britain Tidy as an environmental charity which is very well known for litter work but which actually has 3 main aims; to eradicate litter & reduce waste, to improve the quality of public space and to help people live more sustainably.

LKenyon stated that her area of interest is research & innovation, specialising in behavioural research to look at why people behave the way they do, for example produce too much litter, produce too much waste, fly tip. She is interested in evidence led approaches, using those insights to make more effective interventions to get to the core triggers and barriers to behaviours.

LKenyon talked the committee through the slides as presented on screen (these will be made available following the meeting).

Household Fly Tipping

KBT launched a national action plan in 2016; identifying 'fly tipping' as a catch all term. Research from 2016-2018 was focused particularly on household fly tipping and not criminal fly tipping. The presentation set out a number of reports. The 2017 report was carried out in Hertfordshire, including spending time with crews.

The report sets out why insight matters and how the public understand fly tipping, which individuals may be doing without realising their behaviour is fly tipping.

The presentation also addressed the public expectation that fly-tips will be collected quickly and without repercussion and why perpetrators might not realise the behaviour was incorrect as they do not get that feedback when an item is just removed.

There was information on intervention and the impact of fly tipping and resident perception where people perceive fly-tipping as low impact. Focus group participants were not aware of the social, environmental and financial impact this actually has.

The presentation highlighted building new narratives around the issue of domestic fly tipping and using neighbourhood level messaging to resonate with residents. It also covered interventions carried out in pilot areas and residents' perception of those interventions.

Research has found that some Council policies are unintentionally driving fly tipping, such as time banded waste collections and street sweeping where litter left on the street for some time attracts illegitimate fly tipping to those spots. There were considerations on what can be done to respond to this.

Littering

LKenyon explained that the presentation sets out what we know about littering behaviour, which is heavily influenced by lots of things, including location/context and the item being disposed of. As with fly tipping, some behaviours are viewed as more acceptable than others. It included information about addressing perceived acceptability such as how to engage businesses in anti-littering campaigns at the point where items are purchased or advising members of the public in how to manage their rubbish after a day out.

The slides included various graphics and statistics around perceptions and outcomes of pilots to address these behaviours and what positive drivers can be taken forward into campaigns and interventions to address littering concerns.

LKenyon summed up by advising that there is a whole range of publications that highlight other insights and useful findings that LKenyon or her colleagues will be happy to share.

The Chair invited questions.

Cllr Timmis thanked the speaker for a very interesting presentation and asked if any research had been done into littering by children and any link to how they have been brought up. If so, is there a way to impart messages to families?

LKenyon responded that there is no specific research on family dynamics, but there is a schools programme with a lot of engagement with primary school age groups.

Cllr Harden referred to the introduction of containers to keep commercial rubbish by the roadside and asked whether any feedback was obtained from refuse waste collectors regarding having to open doors.

LKenyon responded this was not a problem in this pilot as it focused in an area with Council collectors but it does pose a question for a larger roll out. There is a need to start a dialogue at national level and push some of this burden on to commercial contractors who collect this waste about how this can be containerised so we are not normalising that rubbish can just be placed out on the street.

Cllr Stevens commented on a great presentation with helpful insights. He referred to the fact that people are not recognising they are fly tipping and commented that in this area, we have changed the way waste recycling centres operate with them being closed 2 days a week. Cllr Stevens asked whether anything has been done to look at if there is an impact of not having that sort of facility open 7 days a week on levels of fly tipping.

LKenyon invited DJones to respond on this matter and he advised that the County Council amended the hours of Household Recycling Centres and there was an understandable perception that this would increase fly tipping. But this was not the case and by March 2020 we had driven fly tipping down to its lowest annual level in 5 years. There is no direct link between opening hours and fly tipping incidents.

Cllr Birnie referred to the suggestion that the intervention of putting stickers and notices around where individual fly tipping takes place results in a reduction and asked how long that reduction lasted for.

LKenyon responded that during the pilot they monitored for many weeks post intervention and it continued to have an impact, but acknowledged it will not last for ever. She went on to explain that during the trial interventions, the pilot Council rotated to different areas, achieving that reduction and moving on and using the interventions on a rotating basis. This seemed to work well. These interventions are suitable in some areas and not in others, so a multi angled approach is necessary.

Cllr Freedman echoed other comments regarding a good presentation well delivered. He then referred to the data collected on interventions and asked; as this seems to be site specific data, how do you tie something to a site and relate it to data? He further queried the presence of any hybrid policies. Cllr Freedman also highlighted the point about suitability of policies and how they are labelled as an issue within this area, expressing his view that some harsh hostile language is communicated at those who visit a waste centre to find it full, and who then leave the waste and get branded as fly tippers.

LKenyon responded that in terms of pilot it is very specific to the Council being worked with to define their particular target location based on what makes sense based on their local knowledge of the issues in that area. Every project will be slightly different dependent on the scale and nature of the intervention, but they try to work with what the Council was already doing in terms of existing monitoring etc. Any project starts with a baseline period, followed by an intervention period and then a post intervention period. They like to wrap the resident perception around the 'on the ground' monitoring as they are very interested in seeing how the perception changes and the actual problem reduces.

In terms of hybrid policies, LKenyon responded that she does not have any specific answer to that. Advising they have worked with some Councils who work on waste prevention i.e. how they get residents to better utilise the capacity they have to recycle properly etc. This particularly applies to those councils who consider excess waste left out next to a bin to be fly tipping.

The Chair thanked LKenyon for a very interesting presentation and encouraged her to send copies of any literature that might be of use to Member Services to be circulated.

The Chair then introduced DJones of Hertfordshire Waste Partnership (HWP) to deliver a presentation on 'Where our waste goes'.

DJones advised that HWP works jointly across all 11 waste authorities and the County Council in Hertfordshire.

DJones talked the committee through the slides as presented, which would be made available following the meeting, and introduced key background points:-

- Together, Hertfordshire authorities spend £88.35m a year on collection and disposal services
- In 2019/20 Hertfordshire recycled and composted 52.3% of waste (this is a provisional figure which may rise) and diverted 83.8% from landfill

The previous Joint Waste Strategy expired in 2012, at which point all Hertfordshire authorities signed a Herts Waste Partnership Agreement which governs the way we work together.

A new Resources & Waste Strategy (RWS) will govern how we work for next 30 to 40 years.

The presentation included graphics on upward trends in recycling and a downward trend in organics. Organic waste is garden waste and the downward trend is impacted by change in climate. Residual waste (i.e. the non-recyclable waste) is on an ongoing decline. Total household waste is reducing and DJones stressed that we need to see this reduction as there is both a financial and environmental cost to waste. As a species we need to get our consumption down by half to get in front of the climate challenge. The HWP recycling rate is on an ongoing increase; nationally, Three Rivers and St Albans both rank highly in achieving recycling rates. Dacorum falls 4th within the 11 authorities in Hertfordshire.

A graphic setting out what happens with waste collected within Hertfordshire showed;

- the vast majority of residual waste goes to the Waterdale Transfer Station within Hertfordshire. It is then transported to various energy recovery facilities in London, Buckinghamshire and Oxfordshire. Long term it will be difficult to make use of these facilities for Hertfordshire. Some of this waste still goes to landfill in Buckinghamshire.
- for organic waste, including garden waste and kerbside food waste, the ideal waste management solution, particularly from a climate change perspective, is to try to handle it as soon as it arises. In Hertfordshire some out of County facilities are used for our garden waste, but we are increasingly dealing with it within Hertfordshire borders. We have two facilities in South Mimms, one a composting facility and the other a farm where food waste goes for reprocessing for green power.

In UK as a whole in terms of end destinations for HWP recyclables, in 2019/20, 86.52% was recycled. Within that 54.7% was dealt with in the Eastern Region. Just under 13.5% of what is collected as dry recycling goes to markets across Africa, EU and the Far East. These are commercial decisions taken by private sector programmes. It is an aspiration that we do not export any of this abroad, but at present the alternative would be sending more material to landfill as we do not have the facility to process everything within the UK. Hertfordshire is one of 51 waste partnerships across the country who work together to try to encourage the private sector to move away from shipping abroad.

DJones then referred to the RWS 2018, a huge document with 3 key elements that concern Local Government;

1. Deposit Return Schemes (DRS): Government is proposing to bring such a scheme back. There are two proposals, one as an 'on the go' scheme where you purchase, consume and return packaging to a retailer to claim the deposit. The second is an 'all in' scheme applying to 'on the go' as well as kerbside materials. This scheme may encourage people to collect items from litter to claim deposits
2. Extended Producer Responsibility (EPR): At moment this is the largest cost to Local Authorities (LA's.) Under a EPR scheme, the manufacturers will have to pay money into a fund allowing LA's. to dip in to help fund the post-consumer management of all packaging, whether through recycling or disposal. This funding is likely to come with conditions. Encouraging manufacturers to step away from any form of single use packaging by significantly increasing the cost to them of using it is the main aim, intended to lead to more reusable packaging.
3. Consistency: Government is dissatisfied with LA's. reinventing collection processes across borough boundaries. Under a proposed consistency agenda; all LA's will have to collect the same range of materials. The collection methods will be determined by the individual Council, but government would prefer this to be worked at jointly across waste partnerships. From 2023 it will be mandatory for all LA's. to provide a weekly food waste collection (Dacorum already does this but 3 of the Hertfordshire LAs do not).

RWS has carried out two consultations across the county, one in 2019 the second that has just closed and Officers are putting together responses which can be available for anyone that wants to see them.

DRS responses conclude that we in Hertfordshire support an all-out approach to this, but only as part of and after EPR. This is a common viewpoint nationally. We would also like this to be extended to single use coffee cups. The HWP does not support the inclusion of glass in the deposit scheme because we already capture 92.5% in Hertfordshire. Scotland is due to launch a scheme next year and it is likely that the English scheme will follow and will be significantly influenced by the design of the Scottish scheme.

EPR responses conclude that this should fund the full net costs of dealing with post-consumer packaging. Timing of introduction of any scheme needs to be consistent. to avoid funding gaps for LA's.

The Chair thanked the presenter and invited questions.

Cllr Tindall thanked the presenter for a fascinating and very informative presentation, expressing his interest in one of the slides which indicated one of the landfill segments was starting to increase slightly, asking if there is a reason for this and if we are able to combat it. He also asked whether landfill costs will continue to rise.

DJones responded that this is due to our not having an in-county solution for our County waste. Twice Hertfordshire democratic processes have agreed permission for a local facility, but twice government has overruled that decision. Without an in-county facility we have no choice but to send residual waste to landfill and he confirmed that landfill fees will increase year on year.

Cllr Taylor referred to the purchase of plastic bottles and the usual labelling on the side that says 'widely recycled'. He asked, what moves there were to standardise that labelling.

DJones responded that a key part of national strategy is labelling. A clear instruction that an item can be recycled at kerbside or cannot is required. One thing we do not know at the

moment is whether or not that label will need to include information about the DRS and/or include smart codes. There will also need to be a system that will work across all countries of the UK.

Cllr Timmis asked if it is true that Hertfordshire has a lot of landfill waste from London.

DJones responded that there is not a lot, but that yes, we do take commercial landfill and on occasion, some small levels of household waste from London. There is a duty to cooperate.

Cllr Timmis referred to the Clean, Safe & Green Department having arranged a visit to a recycling facility some years ago and asked if it would be possible to have such a visit again.

DJones responded positively, asking Members to make contact via Officers so that he can put something together.

Cllr Birnie noted that the green garden waste goes to Suffolk, commenting that it seems to be counter to the principle of dealing with waste as near to possible to where it is generated, particularly as there is a composting facility locally.

DJones responded that there are historical contractual obligations to fulfil. But as such legacy contracts come to an end we continue to move facilities within county borders.

The Chair thanked the guest for a very interesting and informative presentation and commented that he looks forward to receiving the slides.

The Chair returned to Item 6.

8 WORK PROGRAMME

There were no items for discussion.

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The meeting ended at 9.17pm