

Public Document Pack

MINUTES

STRATEGIC PLANNING & ENVIRONMENT OVERVIEW & SCRUTINY

22 SEPTEMBER 2021

Present:

Members:

Councillors: Anderson
Beauchamp
Birnie (Chairman)
England
Harden
P Hearn
McDowell
Rogers
Silwal (Vice-
Chairman)
Stevens
Taylor
Wilkie
C Wyatt-Lowe

Officers:	James Doe	Assistant Director - Planning, Development and Regeneration
	Layla Fowell	Corporate & Democratic Support Officer
	Nigel Howcutt	Assistant Director - Finance and Resources
	Alex Robinson	
	Craig Thorpe	Group Manager - Environmental Services
	Emma Walker	Group Manager - Environmental and Community Protection

Also Attendance:

The meeting began at 7.30 pm

1 MINUTES

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

2 APOLOGIES FOR ABSENCE

Apologies received from councillor's Timmis and Barrett. Councillor Anderson was taking over for Cllr Barrett that evening.

3 DECLARATIONS OF INTEREST

THERE WERE NO DECLARATIONS OF INTEREST.

4 PUBLIC PARTICIPATION

There were no items of public participation

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

There were no call-in matters

6 ENVIRONMENTAL AND COMMUNITY PROTECTION Q1 PERFORMANCE REPORT

EW noted the KPI for high-risk food inspections was at 29% versus 37% at the end of last year. The outstanding 63% were not reflected in the figures. It was explained there was a high number of new premises in the borough, and officers were still diverted to covid-19 response. 96% of responses were acknowledged within 3 working days in the department, seeing a tripling of service requests against last year.

EW noted 2 incidents were reported to the HSE in q1. 10 H&S notices were served in relation to covid-19 in q1. Recruitment and retention remained an issue, with 3 vacancies in the team and a member of staff resigning.

EW stated that members were provided with H&S training in q1. There had been an increase in animal welfare cases in q1, with a large number of pet owners who had not owned an animal before lockdown, who required training from officers.

EW observed that fly tipping had reduced in q1 slightly. There were 2 prosecutions relating to recycling and non-payment of FPNS. Mr Hardy was ordered to pay £140 and a further prosecution on Mr Baptiste. There was a backlog of pending prosecution cases, with 6 cases outstanding, mostly due to the covid-19 nightingale court arrangements. 1,564 interventions had been carried out in q1.

JB congratulated the team on fly tipping achievements and invited questions from members.

RB noted point 2.1 regarding food inspections and noted there were originally 59 outstanding. RT asked how many of the 59 related to businesses that were no longer trading. EW stated there were more than 63 in the backlog, due to the previous year's inspections being outstanding. The number was fluid as businesses opened and closed quickly. RB asked for the figures for the

businesses in the town that were low category. JB also asked how many newly registered premises there were in the town.

GSi noted there had been an increase in fireworks in the community and asked how these could be stopped. EW stated they released advice every year, and normally, they did not stop fireworks but encouraged people to attend organised displays instead.

SW commended the team for their work in extraordinary circumstances and asked for clarification regarding outbreaks at school (point 3.1). EW noted the multidisciplinary incident response teams had been set up. Schools were set up to perform contact tracing. Target hardening related to other businesses in the community, e.g. A corner shop on the route home from school and schools may be encouraged to ask individuals to move on from those areas.

AE asked what the main causes and effects were with regards to recruitment and retention, per paragraph 3.2. EW responded that some roles were temporary and funded by the government relating to covid-19. These 9 posts did not offer job security, so those members of staff were looking for roles elsewhere. Additionally, there was a shortage of student posts. Dacorum was fortunate to have 2 student posts, so EW hoped that when the advert closed, there would be several applicants. EW explained this would be a longer-term solution to the recruitment problem as it takes 6 years for a student to qualify.

AE followed up by asking what was different about Dacorum compared to other authorities. EW noted there was a shortage of officers across the board, with other local authorities having vacancies in their environmental health teams. Ae asked if there was a policy to make temporary staff permanent to retain good staff. EW explained the temporary officers had a different skill set to those that were permanent in lower-level roles. The temporary staff did not have the necessary skills to fill the permanent posts.

Ae asked what the plan was to replace the air quality officer. EW replied there was an advert running and other options, including temporary staff, were being investigated.

JB asked whether there had been any further action on the 2 accidents reported to the HSE. EW stated no. JB asked whether 5.3 referred to residential premises and if they were DBC or private premises. EW stated 1 was private, 1 DBC.

NT followed up on AE's questions, and asked if posts could be created for part-qualified staff? EW stated there were 2 student officer posts. EW stated there were 2 separate issues. The temporary staff were leaving for better job security, and the qualified staff had 2 training posts, which took 6 years to qualify. There was nobody near to qualification at present; hence, the need to resort to advertising EW stated she would look into the suggestion.

There were no other questions. The report was noted by members.

CT noted the Q1 report was slightly out of date, and Q2 was closer to what was happening on the ground. Waste service operations maintained collections during COVID lockdown restrictions despite the low availability of LGV drivers. CT advised many LGV drivers had taken early retirement or left for local hauliers with significant salary increases, citing Waitrose wages of £53,000 versus £28,000 at Dacorum. It was also difficult to source agency drivers because their costs were high. CT stated some neighbouring authorities had suspended services, but Dacorum had maintained service thus far.

With regards to the Splash Park, there was a delay opening the park, as it required additional work. CT stated that an online booking system was introduced which worked well, with good feedback received from the public. Additionally, several 2- to 3-year-old trees were planted in Gadebridge Park. The Oak moth disease remains prevalent in the Borough, with spraying taking place to remedy this.

On educational awareness, CT reported that the situation was normal with some virtual school talks taking place, and food waste collections had been rolled out in classrooms. A compost giveaway had taken place, with 10 tonnes given away to 400 residents in 90 minutes. All flats had been visited to ensure they could recycle, and 90 1,100 litre bins had been given to residents in flats.

In terms of performance indicators, CT stated there was some concern around the missed bin collections, which was mainly due to the amount of agency staff employed and parked cars blocking roads due to more residents working from home. CT expected this number would come down as people returned to work.

JB appreciated that COVID had exacerbated the missed bin locations, and questioned the lack of technology in the cab, as this had been mentioned a few times, asking why the technology was not yet fitted to the cabs. CT replied that the agency staff were unfamiliar with the system and the in-cab technology is only fitted to the council's vehicles and not those hired in to cope with the additional workload. JB understood that the collection fleet was now complete, and asked whether this was a current issue or a historical one. CT confirmed this was historical in Q1.

RB returned to the subject of the high wages with the LGV drivers. CT advised that the local hauliers were implementing several incentives, including paying back the handcuff clauses imposed on the council workers. Local hauliers were able to offer incentives that the Council could not, but Cabinet had confirmed a loyalty bonus package could be implemented, which CT would investigate.

AE commended Joanna Boyd for her action and stated it was gratifying to see the amount of engagement. AE felt the Street Champion programme was seeing a new lease of life and noted Dacorum was doing better than neighbouring authorities. In the report, AE noted that grass cutting had been a struggle due to good growing conditions, but also that the growing conditions for 3-year-old trees were bad and asked how these 2 could be reconciled. CT responded that there were 20 vacancies over the summer, which caused issues with the grass cutting schedule.

AE asked what the reasons were for the shortage of labour. CT stated some people were on furlough last year, and happy to be at home on 80% pay. An apprentice programme was being investigated, as was the recruitment of prisoners due to be released. CT confirmed terms and conditions were being reviewed. JB stated that Hacro, a charity supporting prisoners, may be able to support this initiative.

MR asked a question regarding overhanging trees. There were many trees in Bennetts End which had grown enormously, which residents had to deal with even though they were public trees. MR asked how many reports had been received from this area and how residents could be helped with overhanging trees. CT agreed it had been a difficult year for overhanging trees and safety numbers were high. JB commented that a number of the public trees belonged to the County, not Dacorum. CT stated that they provided residents with suitable advice, and added 2 tree contractors had been engaged, who were struggling with the amount of work. There was a limit to the number of tree contractors.

GSt thanked CT for dealing with staff shortages. With regards to collections from congested streets, GSt understood there were narrow fire engines in Tring and asked whether the regular use of smaller vehicles had been considered. CT confirmed several smaller vehicles had been bought. The drivers for these smaller vehicles would still require LGV tests.

GSi asked for the staff sickness status. CT noted it was not particularly high, but there was a number of vacancies due to staff retiring. There had been several COVID and self-isolation cases, and cases where crews had been pinged.

SW noted that the service in Tring Central had been extraordinary and commended the teams, in particular Shaun Ross who had helped with a historical fly tipping issue. SW noted that having some smaller vehicles was welcomed. On the subject of mixed recycling vehicles, SW asked whether these were being investigated further, as particular vehicles were required. CT stated he would pass on SW's thanks. With regards to the historic problems of smaller roads, more small vehicles with rear-steer had been purchased. CT confirmed a route optimisation exercise would be undertaken over the Christmas period to better understand the fleet requirements. CT confirmed that all vehicles were capable of carrying mixed recycling.

NT asked CT to share the list of narrow roads with ward councillors to ensure a good collection service. NT asked what percentage of collection staff were non-UK nationals. CT responded that formerly 8 or 9 out of 35 drivers were Eastern European but now only 1 Polish driver remaining, as a direct result of the change of government rules, with 2 or 3 drivers leaving since Brexit.

PH asked where weed spraying took place and where it was considered to be necessary. CT confirmed this took place, but outsourced to another company. CT offered to share the round sheets with PH.

JB asked if the Arboretum being planned in Gadebridge Park would have any impact on the other plans for the park. CT confirmed it would not impact on or conflict with the Gade River project.

JB thanked CT for the report and commended the efforts that the crews were making in difficult circumstances. The report was noted and welcomed.

8

PLANNING, DEVELOPMENT AND REGENERATION PERFORMANCE Q1

JD presented the Q1 report and drew out the highlights. JD reported that the year had started strongly with regard to income. There had been a rising trend in applications, and there was an over-recovery being recorded. Land charges, e.g. property searches, were 20% ahead of budget, which had been accelerated due to the Stamp Duty holiday, which had now come to an end. JD stated they would continue to monitor this.

JD noted that all major applications had been determined within timescales, and the minor applications had returned to green status from amber. 90% of the 'others' applications had been determined within 8 weeks of receipt by the Council, representing a further increase on the previous quarter. 80% of appeals were dismissed in Q1 against the target of 70%.

JD stated there had been difficulties with validation of planning applications, due to a combination of factors including staff sickness, some COVID related, annual leave and staff being involved in election duties. JB asked for clarification on validation. JD stated this was the first task when the application was received, that all information had been included and the correct fee had been paid. This was purely an administrative function. JD confirmed there was scope to automate some of this, and it was hoped that technology could be used for this in future, which would allow as much time as possible for the officers to review the application.

JD explained that performance validation was not good in Q1, but it didn't impact the performance figures for planning applications, which was the government's indicator. Enforcement would continue to be challenging for the remainder of the year due to the backlogs that had built up over lockdown. JD added that the team was experiencing considerable staff movements which were causing difficulties. One of the Enforcement Officer vacancies had been recruited into, but this continued to be a challenging area.

On Land Charges (para 21), JD noted the numbers had exceeded the 10-day target as a consequence of the workload, which was being monitored carefully. JD invited questions from the members.

On the subject of Enforcement, PH asked how many staff were in the team versus the number for planned establishment and asked what the risks were of not enforcing. JD responded the core staff was 6 with an additional temporary officer in the team. The team leader had other responsibilities in other teams. JD referenced the 400 Plan discussed at a previous meeting, which included an assessment of the more serious cases. The enforcement risk varied from case to case. JD stated that if the Council did not take action in 4 or 10 years,

then a case would become immune to enforcement action. This did not apply to any cases currently.

GSt returned to the validation issue, noting that some applications occasionally showed as 'other' whereas some should be 'RETs'. GSt stated these should be shown correctly. JD stated he would take this point away for discussion.

MR referred to a recent development issue in Semphill Road, Bennetts End, where 82 objections were raised. The residents found out approval was given in August and stated that the application was put on the August 5th DMC agenda and nobody was informed. MR felt this was a dereliction of duty on the part of certain officers and many of the issues in the 82 objections related specifically to parking. Parking was disregarded, with many garages being lost. MR suggested a process be put in place to ensure that all parties are informed about the DMC.

JD responded he was aware of the issues but stated the current processes did not allow re-notification and added that they would investigate system changes to allow this to take place automatically. JD stated there was no workload to notify people while balancing the needs of meeting the government performance targets. JB noted that this issue repeatedly occurred, with the SP&E Committee raising the issue of members not receiving responses to their questions. JB stated it was important that residents receive a response acknowledging when they submitted information, and that this could not be ignored as a problem caused by staff shortages.

JD agreed this was a difficult area and asked members to speak to the Group Manager, Philip Stanley, or him if members were not receiving updates from officers. JD stated that the lack of acknowledgements could be looked into. All comments received on the website were recorded. JB felt it should be a simple matter to provide an automated reply.

AA said that concerning the application in Semphill Road, he did not accept that the Committee did not consider the parking issues. A lot of work was put into trying to resolve the issue, and that the case had been pulled from the previous meeting. AA did not consider that robots could consider applications, but they could handle the mundane elements. AA felt the onus was on members to keep an eye on the agenda emails for the DMCs. JB responded that when he was involved with applications, and called an item in, he did receive notification on when the item was coming up, which should be routine .

NT pointed out that 3 members of the committee were on the DMC for that item and spent considerable time challenging the officers about the parking arrangements before it was approved. NT stated it was straightforward for a good IT system to register stakeholder interest and then notify them of status changes and asked the administration to consider the requirement in a future update to systems so that those with interest or objections would be notified of each stage in the planning process. JB thanked NT for this contribution.

AE noted that public opinion of DBC was swayed by this sort of public event, so it was important to stop this from happening in future. AE noted that some projects were being brought forward due to lockdown, which should be borne in

mind, as there may be a drop in numbers in future. JD concurred, and planning was linked to economic conditions, which was being monitored closely.

PMcD requested a way be found to inform Town Councils when planning applications were being brought before the DMC. AA responded that Parish Council Clerks received notifications the week before the DMC and offered to look into this to see if this could be improved.

JB asked what the criteria were for Category 1 enforcement. JD advised Category 1 referred to listed buildings, where there could be a criminal offence by doing work on a listed building. JB asked if there had to be a complaint from the public first before action was taken. JD confirmed it was a reactionary service. JB asked what would happen after the officer's visit, specifically regarding communication. JD responded a legal test was considered first as to whether planning permission was needed. Minor cases would result in 'no further action' and the complainant would be informed accordingly. Other breaches would result in a letter to those in breach, inviting a planning application.

JD stated there was senior input in the team to make judgments. One outcome would be to go back to the person undertaking the development asking them to remove it. JD confirmed that a pragmatic approach was important before taking formal action, such as an enforcement notice and court action. JB noted that the large backlog had resulted in residents having work done in ignorance, which was unfortunate because these actions could have expensive consequences. JD advised that property owners could do a lot more without needing planning permission, but some people were not aware of this, which led to complaints and calls to the Council.

The report was noted.

9

FINANCIAL Q1 PERFORMANCE

NH summarised the financial position. The Council had an overall budget pressure of £1m, of which £0.7m was classified as COVID related, the remaining is an overall pressure to the Council. In terms of the SP&E budget, there was an overall pressure of £545,000, the majority in the Neighbourhood Delivery area, specifically the waste service, pressure relating to lack of income from the alternative funding model and reduction in commercial waste and the increasing cost of resolving fly tipping.

In terms of capital reporting, NH explained it was difficult in the construction industry with costs increasing month by month, and resource availability pushing the scheduling of capital projects. Q1 was aimed to be on budget, a good outcome. NH opened to questions from members.

JB noted point 3.4 and expressed surprise at the high cost down to temporary accommodation. NH explained this was related to the cost of repairing temporary accommodation, which had high tenant turnover and was returned by tenants in differing standards. In terms of the costs, there were more TA properties than in previous years to reduce reliance on the private sector. This

caused pressure on maintaining the stock going forward. NH hoped there would be a more efficient way to manage the stock and create greater economies of scale.

JB asked whether this accommodation was allocated to those made homeless. NH confirmed this was the case, and that Dacorum had been able to deliver good quality temporary accommodation with no reliance on the public sector. JB asked if the figures were unrelated to the Afghan settlement in the Borough. NH confirmed this and noted that they were waiting for confirmation from the Government for funding. No costs had been incurred thus far with regards to the Afghan settlement programme

10 STEWARDSHIP & OPEN SPACES POLICY INTERIM REPORT

JD noted that this was an interim report, and a supplementary planning document was being produced. The report would be presented when the document was produced, to be taken to Cabinet for public consultation purposes. JB asked whether this meant this would not be covered on 24th November. JD confirmed there may be a risk of the report not being ready.

By way of background, JD stated that there was a need to add clarity on the route that new open spaces were managed and maintained in future. Previously, there was a clear expectation by developers that the council would take on open spaces at an agreed sum. Many developers now preferred that an independent management company take on the spaces at a charge to the homeowners. JD explained the report would show a range of options to manage new open spaces.

JB asked if the Council had the power to stipulate which model would be adopted. JD advised that this was not the case, but the policy would set the Council's preferred options.

AR added that the report would be on the agenda in due course. The work was at an early stage, with data needing to be collected around the financial and legal obligations. AR stated it was too early to conclude which models were preferred by the Council, but a mixture of these might be appropriate. AR confirmed the document for members would include appropriate recommendations based on the appraisal work.

JB welcomed the report, as there had been some poor examples of developers leaving a mess after developing an area, and not maintaining such areas. JB invited questions.

PH referred to the LA5 development in Tring and stated that the open space would include a pathway and BMX track on the open space. PH asked what happens to decide what activities can take place in these open spaces. JD responded that with regards to LA5, it was in the site allocation document as to what could go in the open space. The planning application was where residents could consult. JD felt the LA5 development was unusual in terms of the amount of land. Following negotiations with the developer, this open space would be adopted by the council. The new report had the full input of Clean Safe and Green, in terms of what was appropriate.

PH responded that local councillors should know what was planned for the land. AR stated that the SPD would spell out the types of spaces the council would adopt. These decisions would be open to consultation with the public.

AA cited an example in Berkhamsted, where swings became broken in a play area, which was closed down by the Council. When the surrounding site was developed by the Wellcome Trust, nobody had gone through the exercise to establish who owned the play area. The swings did not belong to anyone as a consequence. The residents and members were angry, and the Council bought the land through a legal loophole to resolve the issue. AA reiterated this was why it was so important to establish adoption and ownership.

AA noted that developers were keen to use management companies because they did not need to pay for them. This resulted in residents and the management companies trying to keep other residents out, as they did not pay for the open space, which caused friction in the community. AA felt there was a delicate balancing act but it was important to have the policies in place to minimise these problems happening in the future.

SW welcomed the report and this discussion. There had been floods in Tring and some land wasn't registered, which had caused problems. SW was concerned about 'pseudo-public spaces' as access remains at the discretion of the landowner, who can alter the rules at will with no explanation. SW felt it important there was a charter but it would always be her preference to adopt the land. SW asked if a Task and Finish group should be involved to get the view of councillors to draw up the report. In terms of this report, SW asked whether the public would be consulted before its adoption.

NT asked whether the policy, if adopted, would be controlled through the planning system. AR confirmed that it would be mandatory, but different approaches could be applied to different sites. JB stated it would enable the Council to have these arguments before the formal DMC planning stage, with prior consultation with the developer to review the policy.

AE stated that he welcomed the possibility of a Task and Finish group to review the SPD, but he would like to make sure that NEEPS and LEAPS (ph) would be adopted by the Council and not reliant on local residents. AE asked why we could not say 'No, this is how we're going to do this.' JB pointed out that the Task and Finish group should consider all options.

NT asked when there would be an opportunity for this Committee to input into this discussion at a detailed level. JB stated the Community would have another opportunity when the policy has been defined further. If a Task and Finish group were to be established, then members of the Committee could volunteer to be part of this group. JD responded that there was a draft prepared, which required further work. JD suggested he could discuss this with AA further, as this was a local planning matter.

AA stated the purpose of the SP&E meeting was to advise members that this was happening, and the meeting in November would review the content of the report, so the comments could be considered. AA was not sure what benefits the Task and Finish group would have that would improve matters. AA agreed

to discuss this further with JD. JB felt there were matters where the members would want to input before hearing from the officers.

PMcD asked about how nuanced the details could be in the SPD report, e.g. some developments could become a burden after 25 years, whereas parks should be adopted with a public benefit with costs incurred by the Council. AR felt that the developers would test the Council as to why some developments were being adopted and some not. AR stated it was important to work through the practical requirements for each development.

JB stated that the Committee was minded to welcome the report but to add that it would be best carried forward by the early establishment of a Task and Finish group. JB requested the Portfolio Holder to note the expression of opinion and thanked JD for the contribution of the officers.

11 WORK PROGRAMME

There were no suggestions for additions or other changes.

12 GADE BRIDGE PROJECT

JB stated that the Committee's view on this project was becoming urgent because the funding had been secured. It was important to decide whether Dacorum would contribute the relatively small amount of £120K towards the project. Questions that were put to the Environment Agency had been responded to and circulated amongst members. JB stated that the Agency will go ahead, with or without Dacorum's contribution. If the contribution were not made, there would be some omissions from the scheme, including 1 of the bridges, the educational aspects and a fence down the side of Leighton Buzzard Road for the protection of children and animals, which might otherwise stray into into the road.

JB reminded members that the plan has to go to Development Control for further consideration, noting that concerns such as the river running dry can be mitigated by planning conditions.

JB proposed advising the Cabinet that the Committee was in favour of contributing to the Environment Agency's plans for the Gade River development. There were no objections.

There being no further business, the Chairman closed the meeting at 21:41

The Meeting ended at 9.41 pm