

Dacorum Borough Council

Strategic Planning and Environment Overview and Scrutiny Committee

06 July 2022

Present:

Councillors

Neil Harden (Chair)
Mark Rogers (Vice-Chair)
Nigel Taylor
Anne Foster
Garrick Stevens
Adrian England
Penny Hearn
Stewart Riddick
Sheron Wilkie

Alan Anderson

Officers

Alex Robinson – Assistant Director Planning
Richard LeBrun – Assistant Director Neighbourhood Delivery
Philip Stanley – Head of Development Management
Fiona Jump - Head of Finance
Laura Wood – Joint Strategic Lead
Chris Outtersides – Joint Strategic Plan Director

APOLOGIES:

Cllr Sutton
Cllr Beauchamp
Cllr Timmis
Cllr Wyatt-Lowe

Meeting start: 19:30

1. Minutes of the last meeting

Cllr England noted that he had raised some points regarding accuracy and requested that the Chair consider the minutes as not accurate.

Cllr Harden commented that the minutes were a summary of the discussion and if Cllr England was concerned that information to him from officers was not accurate then this could be looked into, but that he was comfortable with how the minutes were recorded.

Cllr England stated that his concerns were not semantic and that a report of the meeting should accurately reflect the meeting. Cllr England accepted that the minutes did not need to be verbatim and that he had outlined in an email how it was not accurate.

Cllr Harden confirmed that he would discuss this further with Cllr England, with colleague support, regarding his concerns separately.

Cllr England stated that they could not approve the minutes until they had been discussed as his concerns were substantive. It was noted that a point was amended regarding CThorpe's comment on the grass cutting time, that 8 weeks was mentioned and that it was updated to note that they do not often go over 6 weeks.

Cllr Harden advised that the confirmation of the minutes would be held until a further discussion had been held with Cllr England to clarify his concerns. The minutes would then be approved at the next meeting.

2. Apologies for absence

Apologies were noted from Cllrs Sutton, Beauchamp, Wyatt-Lowe & Timmis.

3. Declarations of interest

There were no declarations of interest.

4. Public participation

There was no public participation.

5. Consideration of any matter referred to the Committee in relation to Call-In

No matters had been referred.

6. South West Herts Joint Strategic Plan

ARobinson began by introducing COuttersides and LWood and noted that the report was to consider (1) the statement of community involvement and (2) the regulation 18 consultation document. ARobinson took the report as read and highlighted some items of note. ARobinson advised that a briefing session was held last week where LWood took members through the background of the JSP. ARobinson confirmed that the

Committee was being asked to inform Cabinet of its views on the 2 documents and that, due to timescales, the report will go to Cabinet on 12th July. ARobinson asked to capture feedback of the Committee to then report back to Cabinet next week.

COuttersides commented on the papers and summarised some key issues. The 2 reports have also gone through the other Hertfordshire authorities in parallel with 16 consecutive meetings that commenced 3 months ago, and the reports and recommendations are going through all other partner authorities. COuttersides added that the Regulation 18 plan is a high-level visions and objectives plan and is not looking at growth scenarios, housing options or green belt at this stage. A detailed engagement plan has been set up to supplement the consultation to ensure there is clear messaging on what the JSP is and isn't.

Cllr England stated that he supported the JSP as it was a move out of silos. Cllr England commented that it's important that some level of the local plan process should look at the dynamic of being located next to London as this affects areas such as housing numbers and employment. Cllr England described the area as a town of two cities given that they have people who live in the area who work in London and then others who live and work in the local area who earn less. ARobinson acknowledged the comments, noting that the JSP gives them an opportunity to step back and look holistically across the area and recognise that London is next to the wider JSP boundary. ARobinson confirmed that looking at this is part of the JSP's broader horizon and won't be lost in either this or future consultations. COuttersides added that the JSP will allow them to speak to the GLA as a group of authorities and will give them a bigger voice in discussions. Cllr Anderson advised that the Chair of the Hertfordshire Infrastructure Planning Partnership is taking part in London planning meetings and representing Hertfordshire.

Cllr Foster requested that the report be provided in a printer-friendly version, to which COuttersides confirmed they would be producing both PDF and hard copies of the report. Cllr Foster noted the use of social media and asked which platforms would be used and how they would intend to reach audiences that don't follow the council or JSP. COuttersides noted previous engagement work in South West Herts in 2020 using Facebook and Instagram to reach 18-25 year olds and hard-to-reach groups, which was particularly successful. The aim was to make questions more attractive to people who didn't have enough time to respond to questions and they managed to reach 15k people across South West Herts. Similar work will also be done as part of the new engagement. The Regulation 18 consultation will be run on the website alongside more targeted engagement to engage the 18-25 and harder-to-reach demographics, using both social media and simplified versions of the consultation questions to then feed back into the consultation. A youth forum of around 15-20 18- to 25-year-olds has also been set up to test ideas, questions, imagery and videos to ensure that they are successful in reaching this group.

Cllr Foster asked if a text-only version of the document would be available. COuttersides stated that this should be possible.

Cllr Stevens requested that documents be circulated further in advance in future to allow councillors more time to read and prepare for discussions. Cllr Harden agreed, adding that they could wait for the body of the report, but that any associated documents would be appreciated in advance. ARobinson confirmed that they would release information sooner where possible, adding that the local plan was provided in advance. ARobinson

continued that they had used the member briefing to break down the information and that he recognised there was a lot of information to digest so would therefore look to provide this at least 2 weeks in advance in future.

Cllr Riddick referred to the risk implications under points 19.1 and 19.2 of the report, noting that it states that the Council or another participating council not approving the statement of the community of involvement or the JSP realising its potential is cited as one of the main risks. Cllr Riddick asked if this meant that one council could hold everyone back or if they would take a majority. COuttersides advised that if one council says no then they won't go to consultation with the success of the JSP relying on each individual authority giving their approval in accordance. Should Dacorum, or any other council, decide not to support the JSP then it won't go to consultation. COuttersides noted that this was a large risk and that councils have the ultimate veto at any stage of the process. Cllr Riddick summarised that complete unanimity was required.

Cllr Harden asked if any concerns had been raised from any other scrutiny committees. LWood confirmed that Dacorum is the only scrutiny they have been through, though similar questions as those raised tonight have been raised at other council briefings. LWood advised that all other councils so far have agreed with the JSP.

Cllr Anderson noted that around 35 revisions have taken place so far and he highlighted the work that had gone into creating a balanced document.

Cllr Wilkie thanked the team for the work put into creating the document, stating that she broadly commended the JSP and model of working across the individual parties. Cllr Wilkie referred to pages 55 and 56 of the report, noting that it says the consultation will be web and social media based, and asked what plans have been made for the older demographic. Cllr Wilkie agreed with comments on the document size, stating that this supports the need to bring the task group back as this would allow the Committee to see some documents as the report was put together. COuttersides first addressed the question on communication, stating that the social media element is a separate part of the consultation and that the majority of the consultation will be run through the website alongside virtual briefings and the preparation of packs for constituent authorities to hold in-person sessions if required. COuttersides also noted that the consultation dates have been updated and have been delayed to commence from the beginning of September, so as not to coincide with the school summer holidays, and will still run for 8 weeks.

Cllr England commented on community involvement and asked if they could get this part of the document into schools. Cllr England also asked how non-parish areas would be involved, and what number of responses they were targeting as a successful response. On schools, COuttersides confirmed he would be meeting with King Langley Primary School next week and that they are happy to reach out to as many schools as possible as this is a key part of their engagement, adding that he was looking to get some people from King Langley as part of the youth group going forward. On non-parish areas, COuttersides confirmed that they are working with all comms teams to highlight which groups need to be consulted and that the comms engagement plan could be shared, and virtual briefings can also be used to reach as many people as possible. On the question regarding responses, ARobinson commented that response rates tends to be higher with virtual consultations compared to more traditional consultations, and that they hoped the approach would ensure a wider reach across the communities.

Cllr Hearn asked how many officers would be involved in the work and what the level of commitment would be. ARobinson noted that there is a separate JSP team and a wider officer group represented by all districts who provide support into the JSP process, and comms officers in Dacorum are helping assist the communication strategy. ARobinson acknowledged there would be an additional draw on officer time as the JSP continues, though the long-term benefits of the JSP outweigh the officer resource required. Whilst resources are limited, the long-term benefits justify their use.

Cllr Wilkie noted the mention of the HRA in the document and that during the local plan the need for a development exclusion zone had emerged. Cllr Wilkie asked for further clarification of this point given the impact that the HRA had. ARobinson advised that the HRA process will be followed through as the JSP develops given that pressures on the Chilterns will not go away any time soon and officers are working on a management plan. The JSP will need to take into account any pressures and any mitigation strategies will need to be reflected in the plan. ARobinson reassured members that the JSP will continue to consider the impacts on the Chilterns Beechwoods and they would ensure the appropriate mitigation measures are in place.

The Committee noted both recommendations as outlined on page 16 of the report.

7. Provisional outturn report

FJump provided an overview of the report, noting that the report was subject to final movements on the Council's reserves and is also subject to the conclusion of the external audit process, which is likely to conclude by the end of September. FJump reported a surplus of £0.565m and that a recommendation will be taken to Cabinet to transfer the surplus to a newly created reserve, and if approved, the reserve will be named 'the inflationary pressures reserve'. The purpose of the reserve is to help the Council mitigate any unexpected in-year inflationary pressures. FJump advised that the general fund positions includes a draw down from the Council's economic recovery reserve, which was set up at the start of the pandemic to cover Covid-related pressures. FJump noted an underspend of £66k and that there were more significant variances in this position, including a more favourable variance to budget from gate fees on recycling. Against strategic planning and the general fund capital budget, there has been further slippage of around £0.335m, which has been primarily driven by delays in the delivery of the fleet as part of the fleet replacement programme. There are also pressures of £0.163m on the schemes, driven largely by expenditure on wheeled bins during the year.

Cllr Wilkie agreed with the set up of the inflationary reserve fund. Cllr Wilkie noted concerns around staff shortages and wage increases and asked if the inflationary reserve fund will help with increasing salaries to attract more staff. FJump confirmed that, as part of their medium-term financial planning, salary increases have been built in, while the inflationary reserves fund may also be available to help meet these pressures. FJump stated that this could be discussed further with HR and additional updates could be provided.

The Committee noted the report.

8. Annual Planning Enforcement Report

PStanley presented the report, noting that the purpose was to provide an update on the planning enforcement service over the last 12 months and to provide an update on the March 2022 planning enforcement audit and the service's response to the control issues raised. PStanley noted the successes highlighted in the report and noted that there are now 145 fewer live enforcement cases compared to this time last year and the corporate performance for first site visits is improving, although it is failing to meet the 100% target. PStanley advised that there are a number of challenges, including staff vacancies as there is no permanent assistant team leader and they have been unable to recruit the 1-year enforcement officer position. The audit raised a number of control issues and PStanley noted the appended management action plan. The enforcement team can't deal with all cases at the same time and therefore a focus is required.

PStanley outlined the 3 areas of focus as (1) dealing with new cases and close new cases as quickly as possible, (2) to deal with older cases in a systematic way with the aim in 2022 to look at 4 calendar years to ensure that enforcement matters don't become immune to enforcement action by virtue of the passage of time, and (3) to focus on the matters causing significant harm.

Cllr Riddick referred to item 3 on page 261 of the report, noting that it suggests a more recent trend of a significant increase in live enforcement cases was being disguised and asked what is being disguised. PStanley explained that the number of enforcement cases has increased over the last 10 years, though there has been a significant decrease in the last 12 months, and that the comment was highlighting that the trend in the last 12 months doesn't negate the overall increase in cases. Cllr Riddick commented that the report notes that the amount of live cases has more than doubled since 2014 and that this suggests more cases are coming in than are being closed. PStanley confirmed that they have closed more than they have received in the last 12 months due to receiving fewer cases and the results of the 400 plan. PStanley advised that if numbers return to 2018-19 levels then there may be a return to the team being able to handle all cases if they continue at current staffing levels.

Cllr Harden asked that the Committee's praise be passed onto the team.

Cllr Harden noted that the 400 plan is working and that the team had also benefitted from a reduction in cases coming in, and asked if they would now be looking at a 250 or 600 plan. PStanley commented that they are optimistic that they can go to below 400 by the end of the financial year and the intention was to supplement the 400 plan with a 300 plan as a sustainable rolling caseload, though it is unpredictable as a large number of new cases or complex cases could mean the team would struggle to achieve the 300 figure.

Cllr Harden asked if performance would have improved if they had hired the staff required or if they need to review the salary costs for the role. PStanley stated that if they had an additional enforcement officer over the past 12 months then they would have completed more work. Cases have been closed due to changes in working practices and deciding to not pursue some cases when it's not in the public's interest to spend further resources. On why they have been unable to recruit, PStanley outlined the 3 reasons as (1) the salary being below market expectations, (2) a national shortage of experienced planning enforcement officers, and (3) planning enforcement has a reputation of being a negative service that only deals with breaches and complaints. When the role was promoted to existing members of the planning team, there was no interest from officers.

Cllr Foster referred to the audit and asked PStanley if he was confident that controls issues raised have now been addressed. PStanley confirmed that the management action plan has covered these points and that the issues were partly linked to staff capacity, such as on dealing with older cases where there is no apparent ongoing action. PStanley advised that other measures have been put in place, such as reiterating the importance of priority 1 cases and that the enforcement team are aware of the need to visit these sites within 24 hours of a complaint being received. On dealing with matters procedurally, PStanley explained how they look at cases that show on the system as belonging to an officer no longer at the council and that there is a system in place to ensure that cases are still monitored. It was also felt by the auditor that there was no way to recognise when the team had refused to set up an enforcement case due to being a non-planning related matter, and items passed on are now stored to ensure this can be demonstrated.

Cllr Wilkie referred to the current vacancies and acknowledged the challenges already raised. Cllr Wilkie asked how they could resolve the issue. PStanley confirmed that they have advertised 3 times for an assistant team leader, that they have advertised the role in different locations and did reword the advert, though after the third time it was felt that a materially different offer was required before spending more money on the recruitment process. Discussions have been held with HR on the banding of the post as some responsibilities are not reflected in this banding, and once this process is finished, this will result in a material increase in salary. ARobinson added that there is an issue with recruitment across enforcement and that they could look to support the service through recruitment though the longer-term solution lies in how they can work better with partners and draw on resources from other authorities as required.

Cllr Taylor asked what scrutiny is in place for decisions on not taking further enforcement action. PStanley confirmed there is no scrutiny in place and it is a delegated decision where the officer reaches a conclusion in their report and this is signed off by the head of enforcement. PStanley advised that decisions are not taken lightly and if a homeowner refuses to submit planning applications then the choices are to either take formal action or close the file as not expedient, and enforcement notices can only be served if they are confident they will win the appeal against the notice, with one of the grounds of appeal being that planning permission would be granted. When a file is closed as not expedient, a judgement is made that planning permission would be granted. Cllr Taylor understood the need to use officers' discretion and asked that these cases be reported to the relevant management committee to gain their opinion and asked that it be highlighted to the Committee if this work could be undertaken. PStanley referred to the table under paragraph 35, which highlights the 135 cases noted as not expedient, and he explained there are a number of cases where a resolution is achieved, and that it would not be practical to bring 135 cases to a management committee.

Cllr Taylor recommended that there is a review by elected members to help understand if more resources are required. PStanley advised that he should first look to break down why cases are marked as non-expedient, adding that most cases are either very minor breaches or technical breaches. Cllr Taylor asked that there be some scrutiny from councillors on the process. ARobinson acknowledged Cllr Taylor's comments and agreed that they could look at the parameters, though planning enforcement is particularly complex and it's challenging to set out a codified set of responses. ARobinson stated that the discretion they have is beneficial and that providing further

explanations would provide an 'open goal' for developers, though they could look to update guidance and parameters for members to better explain which cases they would enforce against and how this squares with the resources in place. Cllr Taylor commented that they could look to consult local members when proposing to drop an action in their ward, to provide an overview, and the councillors could then request further information, and if an agreement can't be reached then it would go to the DMC.

Cllr Anderson advised that most cases that are not pursued are trivial and would not be controversial or require any democratic input. Cllr Anderson noted that PStanley provides an enforcement report on a quarterly basis that is taken to the DMC, this lists all notable cases, and any member can pre-register with the Chair to raise any enforcement cases. Cllr Taylor commented that some input to the process on closing off items would be beneficial.

Cllr Harden summarised that the Committee requires more information on why particular cases are closed to allow members to then add into the discussion.

Cllr Riddick noted that the 135 non-expedient cases was 25% of the workload and asked if there was a danger that subjective decision making could encourage others to perform similarly. PStanley advised that they serve more enforcement notices than other Hertfordshire authorities and that there is a reputation that action will be taken. PStanley stated that in cases being closed due to limited harm or for being particularly minor, if there is a repeated breach then it would be equally minor and not harmful.

Cllr Riddick noted the considerable decrease in fly-posting and noted that this has been cut down considerably in parts of the borough. Cllr Riddick commented on the prosecutions issued in Two Waters for £42k plus costs had sent out a clear message. PStanley noted this as an example of taking conservative formal action on a particular area that resulted in a reduction of cases.

Cllr Foster asked if those who notify the team of an issue are told when a case is closed. PStanley confirmed that they are.

The Committee passed on their thanks to the team in working to achieve the 400 plan.

The Committee noted the report.

ACTION: PStanley to provide further details on why particular cases are closed.

9. Paradise Employment Area Design Code

ARobinson provided an overview of the draft supplementary planning document, noting that the government are putting more emphasis on the development of design codes and that Dacorum had won funding last year to pilot the new design codes. It was decided to select the Paradise area as this had been marked for mixed use development. ARobinson explained that the design code has been developed over the last year with the assistance of an external architectural practice and that they have undertaken an extensive array of consultations as the design code has developed.

ARobinson explained that the design code is structured to set out mandatory and voluntary requirements to guide development on the site going forward. The main themes are (1) movement, (2) built for, (3) identity and (4) use. It is hoped the design code will form a baseline to guide developments and can be rolled out for all strategic growth locations across the borough. ARobinson advised that they intend to consult on the document over summer and autumn, to return it to the Committee for further review before going to Cabinet and Council for adoption.

ARobinson noted that the Committee was being asked to inform Cabinet of its views on the document prior to going out to consultation.

Cllr England commended the report, noting that it is particularly strong on movement. Cllr England remarked that it was encouraging to see the vision for cyclists and pedestrians, and the only area of concern was a preference for flat roofs, which may result in an missed opportunity to optimise solar and that they should look to maximise the amount of renewable energy they get from these buildings. ARobinson responded that the design code doesn't want to frustrate innovation in sustainable development and that the comments would be taken on board so the design code doesn't stifle this type of technology. Cllr Anderson stated that he would be happy to show Cllr England around Hemel Hempstead Day Centre that has a flat roof and solar panels.

Cllr Harden commented on the views around discouraging parking and asked if this had any influence on residents who can't park their vehicles on site and what impact this would then have on surrounding areas. ARobinson advised that the design code doesn't change parking standing policy and instead looks to influence the layout and form of parking spaces. The intention is not to change any requirements for parking and instead to ensure parking is provided in a sensitive way.

Cllr Wilkie agreed that the report was particularly strong. Cllr Wilkie referred to point 11.3 and noted that the SPD would be a national material consideration determining planning applications and asked if this point would be developed further. ARobinson agreed, noting that once the code was adopted, it would become a statutory document and would need to be regarded in any planning decisions. If it is felt the document needs to be developed before being adopted, any points will be taken on board.

The Committee noted the report.

10 Annual Waste Review

Cllr Harden noted apologies from officers who would not be presenting the review as it still has to go through internal processes. It was noted that officers suggest the review be circulated via the Committee once it has been approved internally as the review was for presentation only.

11 Work Programme

Meeting closed: