

## MINUTES

### CABINET

15 NOVEMBER 2022

**Present:**

**Members:**

**Councillors:** Williams (Leader)  
Griffiths (Deputy  
Leader)  
Elliot  
Anderson  
Banks  
Barrett

**Officers:**

|            |   |
|------------|---|
| C Hamilton | Chief Executive   |
| A Wilkie   | Strategic Director People and Transformation            |
| J Doe      | Strategic Director Place                                |
| M Brookes  | Assistant Director Legal & Democratic                   |
| N Howcutt  | Chief Finance Officer                                   |
| R LeBrun   | Assistant Director Neighbourhood Delivery               |
| T Pugh     | Interim Assistant Director Neighbourhood Delivery       |
| A Robinson | Assistant Director Planning                             |
| R Leydon   | Strategic Planning & Regeneration Assistant Team Leader |
| L Fowell   | Corporate & Democratic Support Lead Officer (minutes)   |

**Also Attendance:** Cllr Douris and Cllr Tindall

The meeting began at 7.30 pm

**CA/89/21**     **MINUTES**

Cllr Williams introduced the meeting and advised that Item 12 (Chilterns Beechwoods Special Area Of Conservation: Publication Of Mitigation Strategy) would be taken immediately after Item 6 (Forward Plan) as there are participants joining the meeting, both in person and online with an interest in that item.

The minutes of the meeting held on 18th October 2022 were agreed.

**CA/90/21**     **APOLOGIES FOR ABSENCE**

None

**CA/91/21     DECLARATIONS OF INTEREST**

None

**CA/92/21     PUBLIC PARTICIPATION**

Cllr Ken France, Chair of Whipsnade Parish Council (Central Bedfordshire) attended and addressed the Cabinet in relation to Item 12 of the agenda (Chilterns Beechwoods Special Area Of Conservation: Publication Of Mitigation Strategy).

**CA/93/21     REFERRALS TO CABINET**

None

**CA/94/21     CABINET FORWARD PLAN**

None

**CA/95/21     CUSTOMER STRATEGY COMPLAINTS POLICY**

**Decision**

1. Cabinet agreed the proposed Complaints Policy as described in this report and annexed as appendix 1.
2. Cabinet delegated authority to the Strategic Director (People and Transformation) to make any further changes to the policy following feedback from the Overview and Scrutiny Committees.

**Corporate Priorities**

Ensuring efficient, effective and modern service delivery.

**Statutory Officer Comments:**

**Monitoring Officer:**

The revised policy provides an appropriate framework to ensure that Customer Complaints are responded to in a timely manner at an appropriate level within the organisation. This should help to ensure the resolution of complaints and minimise further complaints to the Local Government Ombudsman.

**S151 Officer:**

The proposed complaint policy changes are not expected to have a financial impact on the Council, but they form a part of the wider customer strategy changes that are expected to deliver £200k of efficiencies as part of the current Medium Term Financial Strategy.

**Advice**

Cllr Elliot introduced the report and welcomed any questions.

Cllr Banks expressed appreciation for the paper but expressed some concern that the policy contains only links to submit complaints via website and email, it does not include 'if you would like to write to us' detail?

AWilkie responded and advised they have received some similar feedback so are already looking at inserting an address to add to our approach.

Cllr Tindall queried his presumption that the policy applies to our corporate partners, where we engage them to deliver services on our behalf and queried, in that case, is there any distinct note or obligation that any complaint that goes to contractor first is automatically referred to Council and included in the process?

AWilkie responded that we work with a variety of partners and have spoken to them about how we can ensure there is swift communication around that, highlighting that it is the beauty of this approach as it is more rigorous to the performance of contractors, allowing us to identify where there are delays in this process and to then tackle those areas.

Cllr Tindall noted he didn't see anything specific about the obligation for contractors to refer those complaints to us to log in our system.

Cllr Williams commented that if you have a policy that instructed partners to report those matters to Council it would need to be in the contract. If a customer complained directly to the contractor and they resolved that, there would be no need to refer it to us.

Cllr Tindall expressed he feels there is a gap to be closed.

AWilkie confirmed this would be a contractual issue and this policy would not be the correct place to resolve that, but what we are doing is speaking with contractors so we are aware earlier of potential issues and creating a log of conversation so that we already have that information if a complaint crosses our desks. That plus a greater understanding of the data and what the accumulation of complaints is telling us will allow us to tackle that. If there is an issue highlighted with a particular contractor we can review that.

Cllr Tindall suggested that from now moving forward any new contract has a point to pick this up, so that all contractors are subject to this policy.

Cllr Williams advised that would be a change to Council policy.

Cllr Tindall stressed he would like to see the Council address contractor complaints correctly and bring contractors in line with the Council's policies.

Cllr Griffiths commented that no matter where the complaint is received, be that Council or contractor, it is important that the person receiving that takes ownership and gets it resolved, it is a service that is being delivered through DBC and therefore we take responsibility for that complaint if it comes in to our offices. In regards to complaints going in to the contractor delivering work for us, which should be reviewed as part of the contract management, it should form part of that management that data is seen on a monthly basis and integrated.

Cllr Tindall requested that a review of contracts is carried out to ensure that the approach aligns with this policy.

CHamilton suggested there are opportunities to build the new approach to complaints into future contracts, in terms of it being a manageable task, and we could review some of our key tasks around areas such as leisure, as part of the implementation of the complaints policy we can ensure that interface is right and working correctly. However it is not in our capacity to review all contracts immediately. Responsibility should be on the contractor to manage complaints appropriately and report back to us as part of contract management.

Cllr Williams confirmed that he would not want to revisit contracts that are not up for renewal and renegotiate, not practical.

Cllr Douris advised this policy came to Finance & Resources Overview & Scrutiny (OSC) last week where he raised a point around receipt and response; not aware any change has been made to the policy in response to that. Cllr Douris expressed concern about potential mismatch for receipt of complaints made online which is immediate response and those made by letter. Suggested that perhaps in a years' time when the policy comes for review to see how it working, perhaps it could be forward planned to look at the mismatch then?

AWilkie confirmed the point was logged as OSC, but the submission of this report predated the comments at scrutiny, hence in not being reflected this evening. He advised will review after a couple of months of operation and if this does appear to be an issue, there will be a need to come up with a revised approach to deal with that point.

### **Recommendation Agreed**

#### **CA/96/21 FINANCIAL MONITORING REPORT**

#### **Decision**

1. Cabinet noted the financial outturn position for the General Fund and Housing Revenue account as forecast at Quarter 2. The revenue outturn forecast is a deficit of £0.111m for the General Fund and a deficit of £0.538m for the Housing Revenue Account. The Council's capital programme is forecast on budget, with additional slippage of £3.387m on General Fund schemes and slippage of £17.278m for the HRA.
2. Cabinet **RESOLVED TO RECOMMEND** to Council the approval of the draw down of £870k from the Dacorum Development Reserve to fund the 2022/23 employee pay award and reallocation of £270k of the HRA revenue contribution to capital.

#### **Corporate Priorities**

A clean, safe and enjoyable environment; Building strong and vibrant communities; Ensuring economic growth and prosperity; Providing good quality affordable homes,

in particular for those most in need; Ensuring efficient, effective and modern service delivery; Climate and ecological emergency.

**Statutory Officer Comments:**

**Monitoring Officer:**

The report is part of the Council's continual budget monitoring and provides members with the required oversight of the Council's financial position at quarter 2.

**S151 Officer:**

This report is a S151 Officer report.

**Advice**

Cllr Elliot introduced the report and recommendations, there were no questions.

**Recommendations agreed**

**CA/97/21 GREEN WASTE**

**Decision**

1. Cabinet agreed that a charging subscription scheme be introduced from January 2023 for the commencement of garden waste collection from 27 February 2023.
2. Cabinet agreed the annual subscription scheme and the charges for garden waste collection as set out in paragraph 2.4.1.4 of the published report.

**Corporate Priorities**

A clean, safe and enjoyable environment; Ensuring efficient, effective and modern service delivery.

**Statutory Officer Comments:**

**Monitoring Officer:**

The proposed scheme represents a balanced approach and enables the Council to continue to fund this discretionary service whilst ensuring that only residents receiving the service are liable for payment. The detailed legal implications of this report are covered in section 6.

**Deputy S151 Officer:**

Green waste is a discretionary service that councils are able to charge residents who choose to purchase the service. The Council has a statutory requirement to provide a balanced budget year on year, and the current financial pressures on the Council, brought about by the reduction in government funding and increasing cost pressures, has meant that the Council has had to review all service decisions regarding discretionary services.

The current green waste service costs the Council in excess of £1m per year. The proposed concessionary charge for this service will provide circa £630k of additional revenue to support the Council's medium term financial efficiencies.

### **Advice**

Cllr Barrett introduced the report.

Cllr Williams commented this will bring us in line with our colleague authorities who charge for this service (with the exception of 2 authorities who co mingle their food waste with green waste so cannot charge).

Cllr Griffiths commented this will be a choice, if residents do not feel they need the service, they have a choice to not subscribe; most of our other charges are not choice based.

Cllr Anderson commented that as a Council we held out for as long as we could but we cannot any further. This may encourage composting, personally stopped using green waste bin some time ago. It may not be popular but it is a fair way of doing things.

Cllr Williams agreed, it is an optional charge for an optional service and this approach will mean the burden of that service does not fall on those residents who do not use it.

### **Recommendations agreed**

## **CA/98/21     INFRASTRUCTURE FUNDING STATEMENT**

### **Decision**

Cabinet noted the information provided in the IFS in Appendix 1 and approved its publication.

### **Corporate Priorities**

A clean, safe and enjoyable environment; Building strong and vibrant communities; Ensuring economic growth and prosperity; Providing good quality affordable homes, in particular for those most in need; Ensuring efficient, effective and modern service delivery; Climate and ecological emergency.

### **Statutory Officer Comments:**

**Monitoring Officer:**

This report is a statutory requirement and meets the Council's legal obligations in accordance with the Community Infrastructure Levy Regulations 2010.

**S151 Officer:**

No additional comments to add to those in the body of the report.

**Advice**

Cllr Anderson introduced the report. There were no questions.

**Recommendations agreed**

**CA/99/21 PSPO REVIEW OUTCOMES**

**Decision**

Cabinet agreed to extend the contract with District Enforcement Limited for the enforcement of the Council's PSPO and littering offences for a further 48 months.

**Corporate Priorities**

A clean, safe and enjoyable environment; Ensuring efficient, effective and modern service delivery.

**Statutory Officer Comments:**

**Monitoring Officer:**

The Council has a lawful basis for issuing fixed penalty notices pursuant to the powers highlighted in the report. Utilising a private contractor to enforce environmental offences has proven to be an effective means to enforce and prevent the reoccurrence of anti-social behaviour in the relevant areas and it is therefore appropriate that the contract be extended.

**S151 Officer:**

The proposal to award a longer term contract to an external contractor to facilitate the enforcement of the Council's PSPOs and littering offences, would be the most cost-effective option to maintain the current service provision. The proposal to fund the PSPO enforcement through utilising the FPN income is sustainable and in line with the medium term financial planning for this service.

**Advice**

Cllr Banks introduced the report and invited questions.

Cllr Elliot referred to page 88 and the figure of 1553 abandoned vehicles and asked, is that our responsibility or DVLA?

RLebrun advised it is dependant on the reason for abandonment, if they are taxed and insured and abandoned, it is us. If it is not taxed it is the DVLA.

Cllr Elliot asked does that have to be on our land?

RLebrun advised it has to be on open land, if the land owner gives permission we can deal with the issue even if it is not on our land.

Cllr Griffiths asked, if it is taxed and insured, how is it abandoned?

RLebrun advised it depends on the state of the car, if it is unsafe/burnt out etc we can view that as abandoned. However we cannot consider a vehicle abandoned just because someone is unhappy about where a car has been left parked.

Cllr Tindall referred to the notices you sometimes see on windscreen that obscures driver from driving away and asked; are we in a position, if all the indications are it is potentially an abandoned vehicle, to put a sticker on the vehicle and then after a set number days remove the vehicle? Cllr Tindall also queried; when does a vehicle that is parked become potential fly tipping?

RLebrun advised yes a notice could be placed, it depends on if we deem the car to represent immediate harm. If we assess a vehicle as safe but potentially abandoned, we attempt to contact the owner, there is a period to be satisfied before the vehicle can be removed. Under the environmental protection act, a car parked in a legal way would not class as a fly tip.

Cllr Tindall suggested if it is on the pavement it would not be legal?

RLebrun advised if it is not parked legally you can pursue under legality of the parking, but it would not necessarily be considered a fly tip.

Cllr Griffiths commented that the information in the report is fascinating and it has been very useful to see the information broken down by ward.

Cllr Elliot referred to Page 89; the breakdown of challenges and representation, noting the number of challenges accepted amounted to 25% and asked; are we able to benchmark against other authorities to ascertain if this is a normal figure?

RLebrun advised he does not have a benchmark with other authorities but advised that in his own experience, that percentage is common. There can be various reasons such as the age of the offender, not being able to confirm the details of the offender etc, so a number of reasons why a penalty might be withdrawn.

### **Recommendations agreed**

**CA/100/21 SAC MITIGATION STRATEGY**

**Decision**

1. Cabinet approved the Chilterns Beechwoods Special Area Conservation (SAC) Mitigation Strategy (Appendix A) and the Bunkers Park and Chipperfield Common SANG Management Plans (Appendix C) and delegates authority to the Strategic Director (Place), in consultation with the Portfolio Holder for Place to keep the approved documents under review and amend as required to ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended)
2. Cabinet delegated authority to the Strategic Director (Place), in consultation with the Portfolio Holder for Place, to agree and complete any further governance documents between the partner authorities to facilitate the effective implementation and administration of the Mitigation Strategy and Management Plans referred to in recommendation 1 above.

### **Corporate Priorities**

Building strong and vibrant communities; Ensuring economic growth and prosperity; Climate and ecological emergency.

### **Statutory Officer Comments**

#### **Monitoring Officer:**

The Habitats Regulations are a mandatory consideration and compliance with them is a legal obligation. The Mitigation Strategy will become a material consideration in the determination of planning applications and will offer important guidance to applicants as to how their applications will be dealt with in accordance with the Regulations. The Strategy will help to assist both applicants and the Council and ensure fair and consistent decision making.

#### **S151 Officer:**

The direct financial impact of this strategy is considered limited in the short term, with the costs of implementing and administering this strategy funded through the tariffs proposed.

The role of the Council in regard to the SAMM's tariff is to ensure that we collect these funds from developers and pass them onto the National Trust to ensure they can invest these funds to deliver the agreed mitigation strategy and outcomes. There is no financial impact on the Council as the SAMM tariff includes the Council officer time and cost of administering this process.

The role of the Council in regard to SANG is more complex. The tariff that has been set, in relation to the Council's SANG sites at Bunkers, Chipperfield and Gadebridge, is based on the projected costs of developing and maintaining these sites going forward, to give the Council the option to provide essential alternative areas of natural green space to facilitate new housing developments in these geographical areas.

The SANG tariff has been developed collectively across the Council, with a significant amount of horizon scanning resulting in a large volume of assumptions. At

the present time, these assumptions are considered prudent but, as with any long term 80 year investment projection, there is a risk that costs could change in the medium to longer term.

The SAMMS and SANG tariffs will be collected from developers in line with the agreed strategy and utilising existing approved processes utilised for S106 and CIL collection. These are considered robust.

### **Advice**

Cllr Anderson introduced the report and asked colleagues to ensure they have seen the amendments to the recommendations (Cllr Anderson read out the revised recommendations for clarity).

Cllr Anderson went on to advise that after 8 months of considerable effort, the Council has produced this comprehensive strategy to allow us to remove the moratorium from areas including Hemel Hempstead. It has been a very complex issue without any clear answers or previous precedents. It is a fluid situation with minor issues still to be resolved. What the Council has had to do is effectively set up another Community Infrastructure Levy (CIL), to duplicate that on our own without any precedent and that is one of the reasons I want to pay tribute to the effort officers have put in to get us to the situation we are in now, they have had to stop other work streams to complete this. Cllr Anderson gave praise Alex Robinson, Ronan Leydon and the rest of the team for the work they have put in to get us to this point.

Cllr Anderson advised he wished to address some criticisms that have been made at scrutiny; comment has been made that Ashridge is such a beautiful location, how can we want to take people away from that. The purpose of this is not to take everyone away, or attempt to, but to reduce the pressure and reduce the damage that is occurring at that site.

Cllr Anderson advised that in the last couple of days the Council has received a handful of criticisms about what is happening this evening. He responded to this to advise that we are happy that our proposal satisfies our legal requirements. SANG tariff legal advice has been followed relating to bedrooms and dwellings and we are happy we are taking the most sustainable approach. There isn't a right or wrong and we have done the best we can do.

Cllr Anderson also referred to the following complaints or comments that have been raised;

- In respect of the complaints raised about not working with other Councils, we have worked tirelessly with other Councils as a partner approach.
- In respect of the criticism that this is not an SPD; the guidance doesn't say we have to do an SPD.
- In terms of complaint presented this evening regarding proportionality; all through this process we have received advice from Natural England about what is proportional and we have to follow that advice.

- With regard footfall, again we have followed guidance and in terms of consultation we have gone to lengths to work with Central Beds and we hope to keep those discussions going.
- In respect of complaints from Chipperfield about designation of Chipperfield Commons as a site for alternate green space, Cllr Anderson addressed the need to correct the misconceptions, suggesting that there appears to be a feeling that a large amount of housing is coming to Chipperfield, which is not the case. Or that tens of thousands of people will descend all at once; that is not what this proposed mitigation strategy would cause, it would not be all at once and not that many people, it is to effectively do what we can to address the imbalances at the moments.
- Finally the detailed complaint from Kings Langley regarding the amount of detail in the strategy; we have had the most advice we can.
- Viability; Cllr Anderson advised that from the start this was a concern of his, about further load on developers but he advised he has now realised that when one compares with the other cost increases in the industry, this is very minor by comparison and we just cannot avoid it.
- There has also been a political complaint we shouldn't have embarked on the Local Plan process until this was addressed; but it was only by following the Local Plan process that this problem emerged, it was only by following the process that we are doing the best that anyone can do to resolve it.

Cllr Anderson stressed it is crucial the Council does what it can to minimise footfall on Ashridge Estate as much as we can, that is what we are proposing.

ARobinson added that it is a central issue for Local Authority is it needs to satisfy obligations under habitat, set out how Council will do this through combination of SANG and SAMM tariffs.

Cllr Barrett referred to Chipperfield Common and the phased works and asked; over what period they would be phased? Also asking for an assurance that the Parish Council would be involved in the phasing of those works along with other local stakeholders?

ARobinson advised the management of common would last for 80 years, those activities will be phased over that period of time. He offered assurance that the Council will continue to work closely with Parish Council on the habitat plan. Many of the interventions outlined are supported by Parish Council, particularly improvements to parks and increases in benches.

Cllr Barrett commented that a lot of the improvements would be welcomed and are long overdue.

Cllr Banks noted the National Trust measures they are looking to introduce to improve quality of Ashridge Park and asked; are similar actions being taken by Ashridge House who have a high footfall to their house. Where National Trust are

trying to drive down footfall, Ashridge House are not, we do not want to move pressures from one part to another.

ARobinson advised there will be an ongoing dialogue with key land owners in area and that will be kept under review. The technical point is that the house itself is outside of SSE boundary and the intervention will be inside that boundary, but we will not ignore the proximity of the house to that site. The mitigation strategy will be reviewed at least every 3 years and if there is a cause to make changes we have the opportunity to do that.

Cllr Barrett referred to the SANG, specifically 7.19 hierarchy of priority of use, where 1 is affordable housing and 2 is up to 9 dwellings, asking; how much of that capacity do you think will be used up by those first two?

ARobinson responded that the purpose of that is to manage what will be a finite supply, the two sites have a limited supply. We need to manage that supply for as long as we can. It was felt that focusing on affordable housing and 9 dwellings or fewer; looking to provide as much allocation to those dwellings where we feel it will be more difficult to provide a solution – they will find it difficult to bring forward SANG on their own so it is important to give them priority if they wish to use our SANG. We will need to monitor closely and keep under review and look at the next round of SANG sites coming forward.

Cllr Williams referred to numbers quoted in terms of capacity and confirmed that what we are talking about is releasing capacity for schemes that are in the current Local Plan, not the draft plan. These are sites that have not been able to come forward due to the need for mitigation strategy. We are not releasing sites for another 1600 homes that had not previously been spoken about; releasing sites that had not been able to move forward.

ARobinson confirmed these numbers relate to developments currently in the system that have not been able to get planning permission due to the current situation.

**Recommendations agreed as amended.**

**CA/101/21 EXCLUSION OF THE PUBLIC**

**CA/102/21 HOUSING SERVICE MANAGEMENT STRUCTURE**

Part 2 Information

Please see Part 2 minutes

The Meeting ended at 8.25 pm