

Cabinet
2 August 2016

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the CABINET held on Tuesday 2 August 2016 at 7.30 pm in the Council Chamber, The Campus, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors J.W.Dean (Leader of the Council) (Chairman)

D Bell (Executive Member, Resources)
H Bromley (Executive Member, Environment)
T Kingsbury (Executive Member, Policy and Culture)
M Perkins (Executive Member, Planning, Housing and Community)
B Sarson (Executive Member, Business, Partnerships and Public Health)

ALSO
PRESENT: M.Cowan (for items 34-39.2)

OFFICIALS Chief Executive (M.Saminaden)
PRESENT: Director (Finance and Operations) (P.Kettle)
Head of Law and Administration (M.Martinus)
Head of Planning (C.Haigh)
Governance Services Manager (G.R.Seal)
Senior Communications Officer (L.Bertram)

34. APOLOGIES:

An apology for absence was received from Councillor R.Trigg (Executive Member, Governance, Community Safety, Police and Crime Commissioner and Corporate Property).

35. PUBLIC QUESTION TIME AND PETITIONS:

Notice of two questions had been received. The members of public submitting the questions did not attend the meeting. The following written answers would be given:-

35.1. Neil Bedford, Bradmore Lane, Water End - Local Plan Submission

“At Policy SADM 33 the Submission Local Plan, regarding BrP4 to the west of the East Coast Mainline Railway, states:

“A technical solution for a new pedestrian and cyclist bridge over the railway has been agreed and the necessary legal and financial provisions are in place to deliver that solution”.

Cabinet
2 August 2016

At paragraph 21.4 of the Submission Local Plan it states:

“In line with advice from the Highway and Fire and Rescue Authorities, there will be a single point of access for site HS22 (BrP4). A secondary access using Bradmore Lane will be resisted as it would need to be widened and upgraded which would change its rural character”.

There is no information in the Housing Sites Selection Background Paper (as presented to the Cabinet Housing and Planning Panel on 13 June 2016), or in the Submission Local Plan, to show how the single point of access will be achieved and no information to show how Bradmore Lane would be protected from traffic using that lane and Warrengate Road as the most convenient route from BrP4 to Swanland Road, the A1M, the M25 and all points west of Water End. This information is vital to the public’s understanding of BrP4 and must be made available, now, by the Council in order for the public consultation to be fair and transparent.

Bradmore Lane has its junction with Station Road adjacent to BrP4. Unless the Borough Council and the County Council intend to close Bradmore Lane to all traffic, there will be no practical or legal remedy to prevent traffic from BrP4 using Bradmore Lane, with the consequent devastation to Water End. Bradmore Lane and Warrengate Road will therefore, quite obviously, need to be widened and upgraded to accommodate the additional traffic caused by BrP4. To assume otherwise, would be foolish and/or disingenuous. The Submission Local Plan is therefore misleading and the Council is failing to be objective or transparent about these critical issues.

Would the Cabinet please confirm that the traffic and highway issues on BrP4 have all be assessed in sufficient detail to support the allocation of BrP4 in preference to the other more suitable sites in Brookmans Park in the Submission Local Plan.

Assuming the required information is available within the Council, would the Cabinet please instruct the Planning Officers to include all of the relevant traffic and highway information in the Submission Local Plan before public consultation commences.

Conversely, if this information is not presently available to the Council, then BrP4 should be removed from the Submission Local Plan because it is clearly not suitable or deliverable in accordance with the limitations stated in paragraph 21.4 of the Submission Local Plan.

Answer

“With regard to Policy SP 22 in the Submission Local Plan, the volume of sand and gravel reserves contained under HAT1 (SDS5) is presently unknown and will be subject to investigation. It is important however that any reserves present are extracted appropriately in advance of development otherwise the possibility of their use will be lost.

Cabinet
2 August 2016

Both national planning policy in the National Planning Policy Framework and the adopted policies of the County Council as minerals planning authority require prior extraction of minerals where feasible from locations where known reserves exist and development is anticipated.

The period of extraction and completion date are not known at this stage, and would be subject to a planning application determined by the minerals planning authority. No such application has yet been made, so it is not possible to say when it might be approved. We would expect that pre-application discussion will take place between the landowners and the minerals planning authority to explore these issues. Such discussions would also take into account any existing planning permissions for extraction of sand and gravel within Hertfordshire, particularly in the vicinity of HAT1 and the surrounding area.

Mineral extraction at HAT1 will take into account the existence of the bromate plume and both the Environment Agency and the public health authorities at the County Council and this Council will be consulted to ensure that mineral excavation does not give rise to any additional risks to groundwater or to human health. The form and period of landfill and restoration of the site following completion of extraction of minerals will again be a matter for control by the minerals planning authority through the planning permission for mineral extraction. That authority will consult with this Council and other relevant parties concerning the mineral extraction operations and restoration arrangements, including the management of HGV movements. The number of HGV movements expected will not be known until a minerals planning application is submitted, and the proportion of mineral reserves to be used for development on the site will similarly not be known until both the minerals application and the housing proposals are more advanced.

At present the expectation is that new homes on HAT1 will start to come forward in 2020/21 and continue to be developed throughout the remainder of the plan period to 2032. Residential development will follow mineral working across the site, in accordance with a phasing plan. Each phase of mineral extraction will be subject to conditions under the planning consent to ensure proper safeguards for residents of the new development from effects of the mineral working on adjoining phases.

The selection of the site HAT1 as one of the sites suitable for housing has been based on a detailed evidence base, site selection methodology and sustainability appraisal, as reported to Cabinet Housing and Planning Panel meetings on 13 June and 20 July 2016. The Council, taking into account its own existing technical evidence and evidence supplied by the landowners, holds the view that the amount of housing indicated in the Submission Local Plan (1,650 dwellings) can be delivered during the plan period.

The public will have a further opportunity to comment on the selection of HAT1, and any planning issues associated with its future development, as part of the consultation commencing on 30 August and running until 24 October this year.”

Cabinet
2 August 2016

35.2. Dr. Richard Dickinson, Hatfield - Local Plan Submission

“With regard to Policy SP 22 in the Submission Local Plan, would the Cabinet please state what volume of sand and gravel reserves are contained under HAT1 (SDS5) and when those mineral reserves will be extracted, over what period will the sand and gravel be extracted and when will the extraction be completed?”

Has Hertfordshire County Council, as the Mineral Planning Authority, approved the extraction of the sand and gravel reserves at HAT1 and, if not, when does the Council anticipate that such approval will be forthcoming, especially in the light of existing planning permissions for extraction of sand and gravel, which will meet all market needs for the next ten to fifteen years?

How will the Council manage the bromate plume, which is trapped in the mineral deposits at HAT1, which might contaminate the ground water in the Hatfield and Welwyn Garden City aquifers?

How will the Council manage the landfill operation when the sand and gravel has been extracted? How long will that take and what type of landfill will be used?

How many HGV movements are calculated for the duration of the sand and gravel extraction and the subsequent landfill?

Paragraph 15.36 of the Submission Local Plan states that some of the sand and gravel on HAT1 will be “opportunistically used for development within the site”. Would the Council please state what tiny proportion of the sand and gravel reserves under HAT1 might be used in this way?

When will any new homes be built on HAT1 and what assurances will the Council give to those residents and their children, in terms of health and safety, who will be living on a landfill site with a bromate plume in close proximity?

Why does the Submission Local Plan not provide all of the information necessary for the public to consider the suitability of HAT1, the sand and gravel extraction, its potential health risks and the timing of its delivery?

Will the Cabinet please confirm whether or not HAT1 is deliverable within the Plan Period and, if so, why does it believe that to be the case, against all of the conflicting evidence?”

Answer

“Table 17 of the Draft Local Plan Proposed Submission as set out in the Agenda to the 20 July meeting of the Cabinet Panel makes it clear that a site-specific consideration for the development of HS21 would be the realignment of Station Road to provide safe access to the site. This is backed up by evidence contained in the Council’s Housing and Employment Land Availability Assessment (HELAA), posted on the Council’s website, which states that access

Cabinet
2 August 2016

to the site would have to be from Station Road and that highway improvements to Station Road would be required to improve visibility and safety of the bend leading to the railway bridge. Bradmore Lane is considered too narrow to serve as a major access, as per the highway authority's design standards, without significant highway upgrades along the full length of the road which would change its character from a rural country lane to a suburban road.

Traffic and highway issues have been assessed in detail. The highway implications of development proposals for Brookmans Park, including at HS21 (BrP4), have been assessed by Hertfordshire County Council as highway authority. Their analysis indicates potential areas of concern in the network at junctions that are already congestion hotspots on the A1000.

It would not be practical for all relevant traffic and highway background information for every housing site in the borough to be included in the Draft Local Plan Proposed Submission as it would make the document very large. However, the County Council's analysis of the highway implications of development proposals will be posted on the Council's website as part of the evidence base for the Draft Local Plan before public consultation starts."

36. MINUTES:

The Minutes of the meeting held on 12 July 2016 were approved as a correct record and signed by the Chairman.

37. ACTIONS STATUS REPORT:

The status of actions agreed at the Cabinet meeting on 12 July 2016 in the report of the Director (Governance) was noted.

38. ITEMS RELATING TO THE BUDGET AND POLICY FRAMEWORK FOR RECOMMENDATION TO COUNCIL:

The following item was considered:-

38.1. Revised Application Pack and Handbook for Hackney Carriage and Private Hire Drivers

Recommendation from the meeting of the Environment Overview and Scrutiny Committee on 4 July 2016 on a proposed updated driver application pack and handbook for applicants and hackney carriage and private hire licence holders, following consultation.

RESOLVED:

- (1) That the results of the consultation process on the revised application pack and handbook be noted.

Cabinet
2 August 2016

- (2) That the results of the consultation exercise and the revised Driver Application Pack and Handbook be agreed and recommended to the Council for adoption.

39. ITEMS REQUIRING KEY DECISION:

The following items for decision in the current Forward Plan were considered:-

39.1. Welwyn Hatfield Draft Local Plan Submission 2016 and Green Corridor Strategic Framework - Stage 1 Report (Forward Plan Reference FP752)

Recommendations from the meeting of the Cabinet Housing and Planning Panel on 20 July 2016 on the presentation of the Proposed Submission Local Plan, Policies Maps, Sustainability Appraisal and Infrastructure Delivery Plan for agreement to publish for public consultation, together with the Green Corridor Strategic Framework – Stage 1 Report alongside the draft Local Plan for informal consultation.

The Cabinet noted that a number of landowners had contacted the Council subsequent to the Cabinet Housing and Planning Panel site selection papers being published to claim that the evidence was incorrect or could be resolved such that their sites should now be included in the draft Plan.

- Goodman considered that the existing Section 106 could be varied to allow HAT2 West Hatfield to be developed whilst retaining land for meaningful country park use
- A landowner had queried whether further dialogue would take place with Hertfordshire County Council for more village school capacity to favour their sites in north-west Welwyn
- A landowner in Welwyn had asserted that work could be done to overcome highway and access concerns along School Lane, Welwyn associated with their site
- Landowners of sites in south and south-west Welham Green were co-ordinating their efforts to offer a new primary school for the village alongside new housing
- The landowner of BrP12 had pointed out that the Council had a duty to meet its objective housing need in full, had commissioned education evidence which asserted that their site could come forward within the capacity of the existing primary school and therefore requested that it be included for allocation in the consultation document. A copy of their agent's letter had been circulated for the Cabinet's information

Officers had advised them all that their comments should be made as representations as part of the consultation period.

Cabinet
2 August 2016

(1) The Decision Taken

RESOLVED:

- (1) That, subject to the amendments recommended by the Cabinet Housing and Planning Panel at its meeting on 20 July 2016 in relation to the Panshanger site, to the Hatfield Fire Station site and the Welwyn Garden City Fire Station site and the timetable for public consultation, the Proposed Submission Local Plan, Policies Map, Sustainability Appraisal and Infrastructure Delivery Plan be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.
- (2) That the Local Development Scheme be updated and presented to a future Cabinet Housing and Planning Panel meeting and Cabinet meeting for agreement in line with the programme set out in the report of the Director (Governance) to the Panel meeting on 20 July 2016.
- (3) That authority be delegated to the Head of Planning, in consultation with the Executive Member for Planning, Housing and Community to make minor non-material spelling, formatting, mapping and other amendments to the consultation documents where they do not alter the intent of the plan.
- (4) That the content of the Stage 1 Green Corridor document, as set out at Appendix A to the report of the Director (Governance) to the Cabinet Housing and Planning Panel meeting on 20 July 2016 be approved for consultation alongside the Proposed Submission Local Plan, with a view to proceeding to Stage 2 of the Green Corridor proposals, once any responses to the consultation had been taken into account.

(2) Reasons for the Decision

The United Kingdom had a plan-led planning system and the Council had a duty to prepare a Local Plan.

The Local Plan covered the period 2013-2032 and contained strategic policies, site allocations and development management policies, accompanied by policies maps, a sustainability appraisal and an infrastructure delivery plan.

Once adopted, planning applications must be determined in accordance with Local Plan policies, unless material considerations indicated otherwise.

Cabinet
2 August 2016

The National Planning Policy Framework expected Local Plans to deliver sustainable development and seek to meet objectively assessed need for development, in co-operation with adjoining authorities and other statutory bodies.

Responses to previous rounds of consultation had favoured growth being more fairly distributed around towns and villages, raised concerns about the impact of growth on green belt and infrastructure, warned against the risk of settlements merging, and queried the scope for new settlement.

Officers had advised and the Cabinet Housing and Planning Panel had agreed that exceptional circumstances existed to release land from the green belt as there was a significant shortfall against the objectively assessed need for development from just building on brownfield sites in towns/villages and socio-economic impacts of not meeting housing needs and not creating new jobs.

The Local Plan development strategy sought to:

- maximise opportunities on brownfield sites in towns and villages
- release green belt land in the form of large urban extensions around Welwyn Garden City and Hatfield and more limited sites around villages to protect their character and identity
- reinforce the unique garden city heritage of Welwyn Garden City
- encourage a pioneering and entrepreneurial spirit for Hatfield
- protect urban open land in towns and villages
- maintain a green corridor between Welwyn Garden City and Hatfield
- protect land retained as green belt
- deliver supporting infrastructure, transport and services/facilities

The objectively assessed need for employment land was 5.4 hectares or 138,000 square metres and the Local Plan identified sites for 116,400 square metres of employment on urban and green belt land.

The objectively assessed need for housing was 12,616 to 13,433 homes over the plan period and proposed changes to the Panshanger policy meant that the Local Plan identified sites for 12,007 homes on urban and green belt land.

Advice from a practicing Planning Inspector was that:-

- inspectors aimed to find local plans sound wherever possible and preferred to adjourn examinations rather than dismiss a plan where elements of it needed further attention
- plans should seek to comply with national guidance
- any local variations should be clearly justified
- the Strategic Housing Market Assessment was a robust piece of work and there was an argument for selecting a target that met the lower end of the objective assessment of need

Cabinet
2 August 2016

- if the Plan did not meet the objective assessment of need, there should be clear reasons why sites had been selected and why sites had been rejected
- the Council should consider housing provision beyond the plan period
- there was comfort with the policy intent to protect existing employment areas and to identify new land at Marshmoor
- there was comfort with the Plan only making retail floorspace provision to 2026, given the long-term uncertainty about shopping patterns and the future of town centres
- it was not felt that there were any notable omissions in the evidence base
- it was considered that the plan had a logical structure and policies on all obvious topics

A note of the Inspector's visit would be made available on the evidence webpage on the Council's website.

(Note: There were no declarations of interests by a Member(s) in respect of the matter decided.)

39.2. Welwyn Garden City Estate Management Scheme (Forward Plan Reference FP700)

Report of the Director (Governance) seeking agreement to public consultation on alternative options for the future of the Scheme.

Councillor M.Cowan spoke in support of the proposal to replace the scheme with an Article 4 Direction and hoped that there would be an aim to rationalise the boundaries in line with Conservation areas for the Centenary of Welwyn Garden City.

In response to a question about Member involvement, the Leader indicated that a Member task and finish group would be appointed.

(1) The Decision Taken

RESOLVED:

- (1) That an eight week period of public consultation on alternative options for the future of the Welwyn Garden City Estate Management Scheme be agreed to take the form of a letter to all residents within the Scheme area, a slightly different letter to all other residents who lived in Welwyn Garden City but were not within the Scheme area and less targeted consultation via the Council's website and other communication channels such as newspaper adverts to other residents and bodies who might have an interest in the Scheme with agreement of the consultation letter(s) with Counsel to mitigate any later challenges.

Cabinet
2 August 2016

- (2) That a future report be made to the Cabinet setting out the responses to the public consultation and recommending a preferred way forward as a consequence of those responses.

(2) Reasons for the Decision

The Cabinet considered a report in July 2015 which sought to resolve ongoing problems with the administration and enforcement of Welwyn Garden City Estate Management Scheme. It proposed to replace the Scheme with an Article 4 Direction and to apply to the High Court Tribunal to vary or terminate the Scheme.

The Officers had followed up various issues since then, including legal advice on the merits of the intended way forward. This highlighted a number of issues, namely that an Article 4 Direction needed to provide at least the equivalent protection as the existing Scheme, that issues that could not be satisfactorily covered by an Article 4 Direction should be retained as part of the Scheme and that the Council should publicly consult on this and alternative options before proceeding with any preferred option.

The current Scheme had many challenges, often as a result of different tenures:

There were strong policies to guide the determination of applications, but a weak enforcement regime.

The Council could take enforcement action against freehold properties by negotiating on an informal basis, referring the matter to arbitration (at a cost of £2,500 per case) and finally taking action through the Courts.

However, the Council must take enforcement action against leasehold properties through the Law of Property Act 1925 by writing to its tenants to ask for a breach to be remedied, seeking compensation for damage to the value of the estate or forfeiture of the lease (eviction).

Housing Trust properties were subject to their own covenants and action was taken by the Trust.

Costs:

- The planning service handled approximately 600 Scheme applications per year, but there was no fee
- The Scheme cost £80-90,000 per year to administer, less any enforcement costs
- It would cost £15,000 to write to all properties in Welwyn Garden City and place newspaper adverts

Cabinet
2 August 2016

- The total cost of an Article 4 Direction, if that option was pursued, was estimated to be £132,000 including legal advice to apply to the High Court Tribunal

Options:

- Maintain status quo - retain current challenges
- Find another body to administer the Scheme - would need to be constituted and funded
- Terminate without alternative controls - impact on the amenities and values of Welwyn Garden City
- Article 4 Direction - brings aims within mainstream planning and enforcement system
- Other - as may be proposed as part of public consultation

(Note: There were no declarations of interests by a Member(s) in respect of the matter decided.)

39.3. Medium Term Financial Strategy Review (Forward Plan Reference FP758)

Report of the Director (Finance and Operations) reviewing the Strategy for 2016/17 to 2018/19.

This year's update was provided at a time of great uncertainty for local government and it was questionable whether there had ever been more unknowns.

The Government had announced consultations on changes to the business rates retention scheme and the new homes bonus scheme. The outcome of both of these could have significant impacts on the Council's finances over the medium term and whilst the headline of "100% of business rates retained locally" might sound very positive, it was clear that for this scheme to be cost neutral across the County not all the Business Rates collected in the Borough would be retained in the Borough.

The budget changes to welfare and 1% reduction in social housing rents over forthcoming years would be significant. There was a commitment to achieve an annual £500,000 savings target each year until a total of £2M was achieved to cover the direct cash impact of the 1% reduction in rents alone.

The Secretary of State had offered a four year funding settlement for authorities applying by 14 October 2016 with a satisfactory efficiency plan. A longer settlement might provide some protection from future changes in local government funding but there was no guarantee of this.

Cabinet
2 August 2016

(1) The Decision Taken

RESOLVED:

- (1) That the review and in particular the principles to be adopted for the 2017/18 budget setting process and beyond be noted.
- (2) That it be noted that the 2017/18 budget setting process would need to address a budget gap of £560,000 in 2017/18 and also continue the longer term planning to address a budget gap of £2M by 2019/20.
- (3) That delegated authority be given to the Section 151 Officer, in consultation with the Executive Member, Resources, to apply for the Government's offer of a multi-year settlement by the deadline of 14 October 2016, if deemed appropriate to do so in light of the facts available at the time.

(2) Reasons for the Decision

The Council's Medium Term Financial Strategy was last approved by the Council in February 2016. An update was provided at this time of year to reflect the outturn figures from the previous financial year and a refresh of key assumptions given the latest available information. The Strategy covered key categories of spend for the authority on General Fund Services, Capital and the Housing Revenue Account.

(Note: There were no declarations of interests by a Member(s) in respect of the matter decided.)

39.4. Value for Money Strategy 2016-19 (Forward Plan Reference FP760)

Report of the Director (Finance and Operations) submitting an updated Strategy for adoption.

(1) The Decision Taken

RESOLVED:

That the Value for Money Strategy for 2016-19 be adopted and the Action Plan activities noted.

(2) Reasons for the Decision

The drive for value for money had always been a priority for the Council which had a proven track record on delivering efficiency savings whilst safeguarding essential frontline services. The Strategy set out the approach to make sure resources were used to best effect and these principles were adhered to when setting service budgets and targets.

Cabinet
2 August 2016

(Note: There were no declarations of interests by a Member(s) in respect of the matter decided.)

40. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY COMMITTEES:

The following item was considered:

40.1. Hertfordshire County Council Air Quality Alert Scheme

Recommendation from the meeting of the Environment Overview and Scrutiny Committee on 4 July 2016 that the Council join the proposed Hertfordshire air quality alert scheme. This service was offered by Hertfordshire County Council for free to members of the Hertfordshire and Bedfordshire air quality group, of which this Council was a member.

Currently members of the public were relied on to visit the group's website of their own accord to find out local pollution levels. This alert scheme would allow the Council to make contact with members of the public through various social media channels so they could be proactively informed of the air quality in their area.

RESOLVED:

That the Committee's recommendation that the Council join Hertfordshire County Council's air quality alert scheme be approved.

41. RECOMMENDATIONS FROM CABINET PANELS:

Recommendations from the meeting of the Cabinet Housing and Planning Panel on 30 June 2016 on road traffic regulation schemes.

41.1. Arm and Sword Lane, Hatfield - Residents Permit Parking Scheme - to consider objections and decide on the scheme

The Panel had considered the results of the informal consultation, the formal consultation and the recommended course of action in relation to residents' parking as part of the redevelopment of Salisbury Square, Hatfield.

The landowners, Gascoyne Holdings Ltd (Hatfield Park Estate) had requested the Council to consult the occupiers of a newly completed residential development in Arm and Sword Lane, Hatfield on new waiting restrictions, the purpose of which was to prevent long term parking by non-residents. Three letters of objection to the formal consultation had been received and the reasons for these were considered by the Cabinet.

The Panel had noted that a whole area approach on a Ward by Ward basis was being taken currently to address parking issues rather than looking at individual streets.

Cabinet
2 August 2016

The Cabinet noted that the people most likely to benefit from these proposals were the residents and that it was standard procedure to monitor new parking restrictions for the first six months after they were implemented so that during this period any reports of safety issues or parking displacement could be recorded and any significant issues dealt with as part of this process which lead to further consultation or amendments to the existing parking restrictions.

The primary objective of this scheme was to reduce the number of commuters parked on the road and thereby ease parking pressure for the residents.

RESOLVED:

That, having considered the proposal and the objections, the Panel's recommendation to proceed with the creation of the "Borough Of Welwyn Hatfield (Arm And Sword Lane, Hatfield) (Restriction Of Waiting Permit Parking Zone) Order 2016" be approved for the reasons set out by the Panel.

41.2. Bradmore Green, Brookmans Park - Parking Places Order 2016 - to consider on objection and decide on the scheme

The Panel had considered the results of the informal consultation, the formal consultation and the recommended course of action in relation to parking places in Bradmore Green, Brookmans Park. Following scheme monitoring and further representations from businesses and residents, it was proposed that the original Order be amended to reduce the waiting restriction in six parking bays. One objection to the formal consultation had been received and the reasons for this were considered by the Cabinet.

The Cabinet noted that the proposals were in response to requests made to both local Members and also to Parking Services and the additional presence of local worker parking had also reduced capacity for the casual shopper, denying many businesses the quick vehicle turnover essential to their trade.

RESOLVED:

That, having considered the proposal and the objection, the Panel's recommendation to proceed with the creation of the "Borough Of Welwyn Hatfield (Bradmore Green, Brookmans Park, Hatfield) (Parking Places) Order 2016" be approved for the reasons set out by the Panel.

41.3. Peplins Way, Brookmans Park - Amendment to Waiting Restrictions - to proceed with changes

The Panel had considered the results of the informal consultation, the formal consultation and the recommended course of action to amend waiting restrictions subsequent to the implementation of a resident permit parking scheme, together with junction protection in Peplins Way and Bradmore Way,

Cabinet
2 August 2016

Brookmans Park and a six month period of monitoring. No objections had been received in response to the formal advertisement of these proposals and only two minor changes were now proposed to improve access.

RESOLVED:

That, having considered the proposal relating to Peplins Way, Brookmans Park to amend to waiting restrictions and noting that no objections had been received during the formal consultation period, the Panel's recommendation to proceed with the creation of the "Borough Of Welwyn Hatfield (Peplins Way, Peplins Close, Bradmore Way and Bradmore Green, Brookmans Park, Hatfield) (Restriction Of Waiting and Permit Parking Zone) Order 2014 (Amendment) Order 2016" be approved, subject only to minor changes.

41.4. Westland Drive, Oaklands Avenue, The Gardens and Bluebridge Road, Brookmans Park, Hatfield - Review of Waiting Restrictions - to consider objections and decide on the scheme

The Panel had considered the results of the informal consultation, the formal consultation and the recommended course of action in relation to proposed waiting restrictions at Westland Drive, Oaklands Avenue, The Gardens and Bluebridge Road, Brookmans Park. Ten objections to the formal consultation had been received and the Cabinet considered the reasons for these.

The Cabinet noted that the purpose of the scheme was to prevent long term parking by non-residents, but still provide a system which enabled residents to park during the restriction if needed and that the people most likely to benefit from these proposals were the residents. Only a resident parking permit scheme had the benefit of allowing residents and their visitors to park on the road during the hour(s) of the restriction.

RESOLVED:

That, having considered the proposals and objections received, the Panel's recommendation to proceed with the creation of the "Borough of Welwyn Hatfield (Westland Drive, Oaklands Avenue, The Gardens and Bluebridge Road, Brookmans Park, Hatfield) (Restriction of Waiting and Permit Parking Zone) Order 2016" be approved for the reasons set out by the Panel.

42. RECOMMENDATIONS FROM SCRUTINY SUB-COMMITTEES:

There were no recommendations from Scrutiny Sub-Committees to be considered.

Cabinet
2 August 2016

43. EUROPEAN UNION - GENERAL DATA PROTECTION REGULATIONS:

Report of the Director (Finance and Operations) bringing to the Cabinet's attention the forthcoming greater burdens which would fall on local authorities once the new data protection regulations which reflected the importance placed on data protection by the Information Commissioner's Office came into force.

RESOLVED:

That the Regulations be noted.

44. COUNCIL TAX SUPPORT - HARDSHIP RELIEF AND DISCRETIONARY HOUSING:

Report of the Director (Finance and Operations) providing an update on support for the first quarter of the current financial year.

For 2016/17 the Council continued to provide a hardship fund of £25,000 to provide short term financial help for those whose council tax support had been reduced following the changes to the benefits regime in 2013. This sum was in addition to the Discretionary Housing Payment pot of £220,000 in the General Fund.

At the end of the first quarter just under £5,000 had been allocated from the hardship fund to 58 clients and for discretionary housing payments just under £45,000 had been allocated to 150 clients.

RESOLVED:

That the 2016/17 first quarter update on council tax support be noted.

45. EXCLUSION OF PRESS AND PUBLIC:

RESOLVED:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for items 16 and 17 (Minutes 46 and 47 refer) on the grounds that they involved the likely disclosure of confidential or exempt information as defined in Section 100A(3) and paragraphs 3 (private financial or business information) and 5 (legal and professional privilege) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it was considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Cabinet
2 August 2016

46. ITEM OF AN EXEMPT NATURE REQUIRING KEY DECISION:

The following item of an exempt nature for decision in the current Forward Plan was considered:-

46.1. Joint Building Control Service (Forward Plan Reference FP736)

Exempt report of the Director (Governance) on the full merits of creating a joint service together with the financial and legal implications.

(1) The Decision Taken

RESOLVED:

- (1) That the Cabinet agrees to this Council co-operating within the 'Hertfordshire joint service' to provide a joint building control and related service.
- (2) That the Cabinet agrees that part of this co-operation should include the formation of a Holding Company (HoldCo) with two subsidiary companies, all private limited by shares and jointly owned, directly or indirectly, by the participating councils within the 'Hertfordshire joint service'.
- (3) That the Business Case (January 2016) set out in Appendix B and the latest future cost model (July 2016) set out in Appendix A1-A4 to the exempt report of the Director (Governance) be approved.
- (4) That the Cabinet agrees that, insofar as is permitted by law, the functions carried out by this Council's building control and related services are transferred to the subsidiary companies and that any remaining statutory building control functions that cannot be passed to the new companies may be provided for by any one of the participating authorities within the 'Hertfordshire joint service'.
- (5) That delegated authority be given to Officers (the Chief Executive, Directors and Heads of Service, depending on the matter at hand) to confirm and carry out the necessary operational steps to create the joint service, in consultation with the Executive Member, Planning, Housing and Community and Executive Member, Resources and at this stage such steps were anticipated to include: the nomination of a shareholder representative, the nomination of a director, indemnification of the director, the transfer of loan funding, the transfer of live building control work and associated fees, a support services agreement to provide a second accommodation hub at Welwyn Hatfield offices for the company's administrative staff, changes to the Constitution, adding a monitoring function to the terms of reference of one of the Council's Overview and Scrutiny Committees, a 'workaround'

Cabinet
2 August 2016

so the Council could continue to sign off application decisions whilst work was carried out by the new company, etc.

- (6) That the Director (Governance) be authorised to approve and agree all the necessary legal documents to enter into this arrangement, which would include a Shareholders Agreement, a Services Agreement, an Inter-Authority Agreement and other related company documentation.
- (7) That the payment of this authority's share of the £750,000 overall loan to the shared service of £107,143 be approved to be funded from the corporate projects budget noting that there was also an outstanding payment of £45,000 for work so far undertaken by the Board to reach this point.
- (8) That the payment of this authority's unfinished building control work fees of £210,000 to the shared service be agreed.

(2) Reason for the Decision

The Cabinet had previously agreed in principle to explore the transfer of its building control and related function onto a Hertfordshire joint service. The business case identified clear potential benefits from a joint service.

47. PROPOSALS TO DEVELOP THE FORMER LITTLE MEAD GARAGE SITE, HATFIELD FOR NEW AFFORDABLE HOMES:

Exempt report of the Director (Finance and Operations) on proposals to develop this former garage site for new affordable housing as part of a range of delivery methods in the Council's Affordable Housing Programme.

RESOLVED:

- (1) That the commencement of negotiations with the leaseholder at Little Mead, Hatfield, prior to the submission of a full planning application be approved.
- (2) That options in relation to the negotiations with the leaseholder include voluntary purchase at an agreed price, re-housing within the Council's existing stock or compulsory purchase.
- (3) That the Cabinet agrees to the commencement of a consultation process with local residents and would consider the outcomes in a further detailed report.

Meeting ended at 8.20 pm
GS