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10 April 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the COUNCIL held on Monday 10 April 2017 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors P.Mabbott (Mayor)
L.Sparks (Deputy Mayor)

R.Basch, H.Beckett, D.Bell, D.Bennett, M.Birleson,
J.Boulton, S.Boulton, H.Bower, L.Brandon, J.Broach,
H.Bromley, N.Chapman, A.Chesterman,
L.Chesterman, M.Cook, M.Cowan, J.Cragg, I.Dean,
J.Dean, B.Fitzsimon, G.Hayes, M.Holloway, K.Holman,
S.Johnston, T.Kingsbury, M.Larkins, S.Markiewicz,
G.Michaelides, N.Pace, M.Perkins, S.Roberts,
B.Sarson, P.Shah, N.Taylor, F.Thomson, K.Thorpe,
R.Trigg, J.Weston, P.Zukowskyj

OFFICIALS Chief Executive (M.Saminden)
PRESENT: Executive Director (Public Protection, Planning and Governance) (N.Long)
Executive Director (Resources, Environment and Cultural Services) (K.Ng)
Executive Director (Housing and Communities) (S.Russell)
Governance Services Manager (G.Seal)
Governance Services Officer (S.Hulks)
Communications Officer (C.Bishop)

54. COUNCILLOR HOWARD MORGAN:

At the start of the meeting the Mayor said how sad and shocking it was to hear of Howard Morgan's sudden death on 9 April 2017.

As a hardworking Councillor and Mayor he was a community spirited man who never said no if he could give assistance whenever he was asked. He would be greatly missed and the Council's thoughts were with his wife, Virginia and their family at this difficult time.

Councillors also spoke about Howard.

The Council then stood to observe a minute's silence.

55. APOLOGIES:

Apologies for absence were received from Councillors T.Bailey, J.Beckerman, J.Fitzpatrick, C.Gillett and H.Quenet.

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56. MINUTES:

The Minutes of the special meeting held on 20 March 2017 were confirmed as a correct record and signed by the Mayor.

57. QUESTIONS FROM THE PUBLIC:

There were two questions from the public on the Submission Local Plan carried over from the Cabinet Housing and Planning Panel meeting on 16 March.

57.1. Question from W.Davis

"The Local Plan is now almost three years behind schedule according to the Council's own timeline set out in 2012. The Council's own figures show just under 3,500 responses were submitted to the 2012 consultation on the subject. The 2015 consultation later yielded almost 5,500 responses. But, you now state that the 2016 consultation attracted only 2,191 responses to the draft Local Plan, well under half the number for 2015. The figures speak for themselves, clearly not enough has been done to engage local residents in this process, as I've been saying for some years now. You also state there were only 1,245 individuals and groups submitting all those responses in 2016. This represents barely one percent of the Borough's population. Does such a paltry figure demonstrate community involvement in the process?

Personally I don't think so. Your new appendices documents are also telling. In them you address every set of objections raised by that one per cent. Your written response to each objection ends with just two words: No Change. I counted 'No Change' repeated 811 times throughout the appendices, by comparison I saw not a single instance of 'will change' or 'change'. How can this be remotely described as listening to local communities? You achieve a very poor one per cent response rate, you then you go on to dismiss practically every one of those responses.

I would really like to hear how you justify all of this? No doubt you will vote tonight to carry on regardless, and agree to submit this flawed Local Plan to the Independent Inspector anyway. On the grounds that it's so overdue now, that you have to submit something, with collective fingers crossed. Is there anything you can say to stop me feeling that most of the Borough's residents have been shortchanged all along in this process? Ultimately it's us who will pay the price for this plan, long after most of the decision makers here have moved on or retired."

Answer

The question was answered by Councillor M.Perkins (Executive Member, Planning, Housing and Community).

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“The Local Plan has over the course of its preparation been subject to a number of consultation events. Each of those consultations has demonstrated that there is a lack of consensus on what the plan should contain in particular with regard to the allocation of housing sites. The overriding requirement for the Local Plan is that it is sound. This means that it has to above all be justified by evidence, be effective in delivering a strategy, be consistent with national policy, and be ‘positively prepared’ and meet identified needs for development. Responses to each consultation have been carefully considered and changes have been made where possible as for example in response to the large numbers of people who wished to see a more even distribution of development around the Borough.

Consultation on the Local Plan is not a referendum. Nevertheless it is worth noting that the number of respondents to the latest consultation has in fact increased from the number in 2015 (1,964 vs 1,603). This compares to around 320 respondents to St Albans’ 2015 Local Plan consultation, 2,472 respondents to the East Herts 2016 Local Plan consultation and 330 respondents to Broxbourne Borough Council’s 2016 Local Plan consultation.

Finally, it is not correct to say that no changes are proposed following the most recent consultation. The schedule of modifications (Appendix B) recommends 148 minor amendments to the Local Plan, many of which have been suggested by respondents to the consultation.”

57.2. Question from T.Darwall-Smith

"In carrying out sustainability appraisal the law requires the Council to take into account the objectives of the Local Plan, which include maintaining the existing settlement pattern by directing new development to the main towns and limited development to the excluded villages. A new village at Symondshyde is clearly contrary to this objective as although it is classified as an excluded village the allocation of 1,130 new homes and its recognition as a strategic site cannot reasonably constitute limited development.

The law also requires that the sustainability appraisal assesses reasonable alternatives to any proposed allocation. Tables 6.15 and 6.16 of the sustainability appraisal assess the proposed HAT1 allocation against its reasonable alternatives in and around Hatfield being sites HAT2, 5, 11, 19 and HS12. However, even though the sustainability appraisal states that these sites in and around Hatfield could be also considered as reasonable alternatives to Symondshyde no direct assessment between Symondshyde and these sites was undertaken, which is unlawful.

You will be aware that the Cabinet Housing and Planning Panel is divided on whether the Plan is ready for submission and even some, if not all, of those that support its submission say its 'the least bad position' and recognise the strength of local feeling that late changes to the Plan are being rushed through.

Of course, much of the pressure to submit the plan for examination has come from the threat of the Secretary of State to intervene in delayed Plan making,

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however, this is ill founded as the Planning Minister issued a statement on 16 March that the Government is highly unlikely to intervene in Plan making until the revisions to the National Planning Policy Framework are in place.

Consequently, the Council does not need to act in such haste and I ask whether it would be better for the Council to delay the submission of the Local Plan and reconsult on modifications that properly assess the suitability of Symondshyde against other already identified alternatives, including HAT2, which incidentally could also accommodate a secondary school and this must be taken into account”?

Answer

The question was answered by Councillor M.Perkins (Executive Member, Planning, Housing and Community).

“The Sustainability Appraisal has taken into account the objectives of the Local Plan. The specific issue of retaining the existing settlement pattern was addressed in criteria 4.4 of the Sustainability Appraisal, where it was considered that the allocation of Symondshyde would have a minor negative effect. This is reported in paragraph 6.410.

The Sustainability Appraisal provides an assessment of all allocations and reasonable alternatives to the same level of detail and is set out in Annex 1 and reported in the Sustainability Appraisal Report. In respect of Symondshyde the Report states at Para 6.405 that “No reasonable alternative sites for a new village were identified by the Council for the purposes of the Sustainability Appraisal. However, the other reasonable alternative sites within or adjacent to Welwyn Garden City, Hatfield and the named villages could all be considered to be reasonable alternatives in their own right. The likely effects of developing these reasonable alternatives are reported earlier in Chapter 6 of this Sustainability Appraisal Report”. This shows that Symondshyde has been assessed in the Sustainability Appraisal against reasonable alternatives.

The Sustainability Appraisal Report also includes at Appendix 5 a statement of reasons why sites have been allocated and others have not.

The report therefore complies with the Regulations as set in Table 1.1 of the Sustainability Appraisal Report.

The Council is debating tonight whether or not the Plan should be submitted but there is no reason to delay its submission on account of the Sustainability Appraisal.”

58. DECLARATIONS OF INTERESTS BY MEMBERS:

Councillors M.Cook, L.Chesterman, M.Cowan, S.Johnston and P.Zukowskyj declared non-pecuniary interests in items on the Agenda as appropriate as Members of Hertfordshire County Council.

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Councillor S.Boulton declared a non-pecuniary interest in 61.1 Submission Local Plan as a Member of North Mymms Parish Council.

59. ANNOUNCEMENTS:

59.1. Retirement of Chief Executive

The Mayor announced that this would be Michel Saminaden's last Council meeting before his retirement on 18 May 2017.

Michel joined the Council in 1989 serving as Director of Finance and Director of Corporate Services and then as Chief Executive since 1996.

Councillors joined the Mayor in thanking Michel for his service and wishing him a long and happy retirement. In response Michel thanked Councillors for their kind words.

60. QUESTIONS BY MEMBERS:

One question by a Member had been received.

60.1. Question to the Leader from Councillor M.Cowan

"During this year's budget debate, I mentioned a pile of broken glass in Welwyn Garden City town centre that I first saw before Xmas. As of last week, it was still there. Does this suggest the current arrangements in the town centre are less effective than they should be?"

Answer

The question was answered by Councillor H.Bromley (Executive Member, Environment).

"I believe Councillor Cowan is referring to broken glass underneath the recycling banks in Sainsburys' car park.

It is important to note that in order to allow clearance to be done, the banks need to be lifted at the same time the cleansing crew attends the site. This is additional work to the routine cleansing schedule and Serco is currently arranging for this work to be completed as soon as possible.

Fly tipping is continually removed from around our recycling banks and they are emptied on schedule.

I strongly believe that the current cleansing arrangements in the town centre are effective. They comprise a number of activities, including daily litter picking and litter bin emptying alongside street sweeping. Additional litter picking also occurs prior to grass cutting and planting of bedding and maintenance of shrubs."

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Councillor M.Cowan said that he was not referring to this and in a follow up question asked if, with the transfer of town centre management staff to the Business Improvement District, arrangements needed a re-think so that routine matters such as clearing litter and emptying litter bins were still carried out?

Councillor H.Bromley replied that a diligent and daily service was provided and if Councillor Cowan gave her specific examples she would look into them and get back to him.

61. MATTER ARISING FROM THE CABINET:

The Council considered recommendations from the Cabinet meeting on 4 April 2017:-

61.1. Submission Local Plan

The Cabinet had considered recommendations from the meeting of the Cabinet Housing and Planning Panel on 16 March 2017 on the submission of the Local Plan to the Secretary of State for public examination.

Appendix A to the report of the Executive Director (Public Protection, Planning and Governance) to the Panel set out summaries of the main issues raised by consultees at the recent Draft Local Plan Proposed Submission consultation. Since that time a respondent had identified that one of their three representations was not summarised in Appendix A and did not appear on the online consultation portal. This was set out in an Addendum and was also considered by the Cabinet.

The Cabinet had agreed:-

- (1) That the Head of Planning, in consultation with the Executive Director (Public Protection, Planning and Governance) and the Executive Member (Planning, Housing and Community), be given delegated powers to continue to agree Memorandums of Understanding and Statements of Common Ground with adjoining authorities and other duty to co-operate bodies as appropriate all the way up until submission in order to secure the best outcome for the public examination.
- (2) That the Head of Planning, in consultation with the Executive Director (Public Protection, Planning and Governance) and the Executive Member (Planning, Housing and Community), be given delegated authority to prepare a Statement of Duty to Co-operate which explains the outcome of on-going duty to co-operate meetings with adjoining authorities and other duty to co-operate bodies, to be submitted to the Secretary of State alongside the Submission Local Plan.

Following discussion, it was moved by Councillor M.Perkins and seconded by J.Dean that the Cabinet's recommendations be approved and it was

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RESOLVED:
(24 Voting For and 17 Against)

- (1) That the Local Plan, Policies Map and associated submission documents identified in paragraph 4.59 of the report of the Executive Director (Public Protection, Planning and Governance) should be submitted with minor modifications as set out in the report, to the Secretary of State for public examination.
- (2) That the Head of Planning, in consultation with the Executive Director (Public Protection, Planning and Governance) and the Executive Member (Planning, Housing and Community), be given delegated authority to add to, amend and/or delete items from the Schedule of Minor Modifications that may arise as a result of on-going meetings with adjoining authorities and other duty to co-operate bodies and to update the Infrastructure Delivery Plan, all the way up until the point of submission.
- (3) That the Head of Planning and Planning Policy and Implementation Manager, in consultation with the Executive Director (Public Protection, Planning and Governance) and the Executive Member (Planning, Housing and Community) and with regular reporting back to the Cabinet Planning and Housing Panel, be authorised to advocate the Submission Local Plan at the public examination and seek to secure the best outcome for the Borough if the Inspector wishes to discuss possible changes, additions or deletions to the Plan.
- (4) That the inclusion of the omitted comment in Main Issues summary, as set out in the Addendum to Appendix A of the report of the Executive Director (Public Protection, Planning and Governance), be noted and no change be made to the Draft Local Plan Proposed Submission or Policies Map as a result of the representation.

62. MATTER ARISING FROM COMMITTEE:

The Council considered recommendations from the Environment Overview and Scrutiny Committee meeting on 30 January 2017:-

62.1. Additional Street Trading Consents

The Council had considered legalising street trading in certain areas of Hatfield Town Centre. This would enable the Town Centre Manager to invite traders to attend appropriate events to enhance the ambience, increase footfall and benefit businesses in Hatfield. It would be necessary for the Council to change the designation of these areas from “prohibited streets” to “consent streets”.

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It was moved by Councillor R.Trigg and seconded by J.Dean that the Committee's recommendations be approved and it was

RESOLVED:

- (1) That street trading in the areas of Hatfield Town Centre, as detailed in the report of the Executive Director (Public Protection, Planning and Governance) to the meeting of the Environment Overview and Scrutiny Committee on 30 January 2017, be adopted.
- (2) That the areas marked with a red boundary on the location map at Appendix A in the Officer report which were currently "prohibited streets" for the purpose of street trading be designated as "consent streets".
- (3) That the suggested fees for these consents be £20-£25 per trader per day with an annual maximum payable for the entire consent of £1,155 per annum to Public Health and Protection.
- (4) That the street trading consent conditions include those items related to food safety as set out in section 6 of the Officer report.

63. PLANNING APPLICATION FEES:

Report of the Executive Director (Public Protection, Planning and Governance) explaining that the Department for Communities and Local Government had recently written to the Council asking for confirmation of its intention to increase nationally set planning application fees by 20%, as proposed in the recent Housing White Paper.

The letter asked that the Council's Section 151 Officer respond by 13 March 2017 to confirm this intent (or not) and to provide a commitment and information to demonstrate that the additional fee income would be spent on planning services.

It was moved by Councillor M.Perkins, seconded by J.Dean and

RESOLVED:

That the action taken by the Council's Section 151 Officer to respond to the Department for Communities and Local Government to confirm the Council's intention to increase nationally set planning application fees by 20% and to provide a commitment and information to demonstrate that the additional fee income would be spent on planning services be approved.

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64. SYRIAN VULNERABLE PERSONS RELOCATION SCHEME UPDATE:

Report of the Director (Housing and Communities) giving an update on the resettlement of Syrian refugees into the Borough under the terms approved by the Cabinet.

It was moved by Councillor M.Perkins, seconded by J.Dean and

RESOLVED:

That the update on the resettlement of Syrian refugees into the Borough be noted.

Meeting ended at 9.20pm
GS

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