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Chairman and Members of the
Council

Your contact: Martin Ibrahim
Ext: 2173
Date: 29 February
2016

cc. All other recipients of the Council
agenda

Dear Councillor

COUNCIL - 2 MARCH 2016: SUPPLEMENTARY AGENDA NO 1

Please find attached the following reports which were marked “to follow” on the agenda for the above meeting:

5. Public Questions (Pages 3 - 4)

To receive any public questions.

8. Environment Scrutiny Committee: Minutes - 23 February 2016 (Pages 5 - 12)

Chairman: Councillor J Wyllie

9. Human Resources Committee: Minutes - 24 February 2016 (Pages 13 - 16)

Chairman: Councillor C Woodward

To consider recommendations on the following matter:

(A) Pay Policy Statement 2016/17

Minute 597 refers

10. Development Management Committee: Minutes - 24 February 2016
(Pages 17 - 28)

Chairman: Councillor D Andrews

11. Council Tax 2016/17 (Pages 29 - 38)

To consider a report of the Executive Member for Finance and Support Services.

12. Review of the Allocation of Seats on Committees (Pages 39 - 44)

To consider a report of the Head of Democratic and Legal Support Services.

Members are also asked to note that the Chairman has agreed to accept onto the agenda as an urgent matter the item below, on the grounds that, if agreed, implementation will not be unduly delayed.

14. Revised Environmental Crime Policy and Public Space Protection Orders
(Pages 45 - 100)

To consider a report of the Executive Member for Environment & the Public Space

Please bring these papers with you to the meeting next Wednesday.

Yours faithfully

Martin Ibrahim
Democratic Services Team Leader
Democratic Services
martin.ibrahim@eastherts.gov.uk

MEETING : COUNCIL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 2 MARCH 2016
TIME : 7.00 PM

COUNCIL – 2 MARCH 2016

PUBLIC QUESTION

Question 1

Mrs Mione Goldspink to ask the Executive Member for Health and Wellbeing:

What plans does this Council have to address the shortfall in affordable, rented housing across the District?

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MINUTES OF A MEETING OF THE
ENVIRONMENT SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY
23 FEBRUARY 2016, AT 7.00 PM

PRESENT: Councillor J Wyllie (Chairman)
Councillors K Crofton, H Drake, M Freeman
and T Page.

ALSO PRESENT:

Councillors D Andrews, G Jones, L Haysey,
G McAndrew, P Moore, P Ruffles, S Rutland-
Barsby and G Williamson

OFFICERS IN ATTENDANCE:

David Allen	- Waste Services Manager
Lorraine Blackburn	- Democratic Services Officer
Cliff Cardoza	- Head of Environmental Services and Leisure
Karl Chui	- Performance Monitoring Officer
Marian Langley	- Scrutiny Officer
Sally Millett	- NGDP Graduate Trainee
Andrew Pulham	- Parking Manager
Kevin Steptoe	- Head of Planning and Building Control Services
Liz Watts	- Chief Executive

588 APOLOGIES

Apologies for absence were submitted from Councillors P
Ballam, K Brush, P Phillips and S Reed.

589 MINUTES

RESOLVED – that the Minutes of the meeting held on 10 November 2015 be confirmed as a correct record and signed by the Chairman.

590 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that this was the last meeting of Environment Scrutiny Committee for this civic year. He thanked Officers and Members for their continuing support and hoped that the experience had been enjoyable.

591 ENVIRONMENT SCRUTINY HEALTHCHECK OCTOBER TO DECEMBER 2015

The Director of Finance and Support Services submitted a report on the performance of key indicators for Environment Scrutiny Committee for the period October to December 2015.

The Performance Monitoring Officer summarised the report and explained that 10 out of the 15 Environment Scrutiny Committee performance indicators were either on target or had exceeded their targets as at December 2015. The remaining five performance indicators were trends only. Additionally, in terms of the short term trend, six indicators out of 15 indicators had shown an improvement in performance compared to the previous period. Two indicators had maintained the same level of performance and seven had declined but were still within target.

Councillor H Drake sought clarification on the timescales around issuing Penalty Charge Notices (PCN). The Parking Manager explained the process and confirmed that no motorist was disadvantaged for challenging a PCN.

Councillor Drake sought and was provided with clarification on the impact of performance indicators on incidences such as fly tipping and how this was monitored.

Councillor K Crofton raised the issue of fly tipping on private land and asked whether fly tips occurred on certain days and whether there was any connection between this and the change in opening times of household waste recycling centres. The Head of Environmental Services and Leisure explained that some caution needed to be exercised on drawing conclusions on this as fly tips occurred for a range of reasons. Officers were currently analysing trends by day and geographical location to see if there was a link. He stated that Officers would report back on this issue as part of a report to the June meeting of Environment Scrutiny Committee.

Councillor K Crofton sought and was provided with clarification on declining trends in relation to EHPI 2.6 (Percentage of residual waste (refuse) sent for disposal). In relation to a question about EHPI204, the Head of Planning and Building Control explained the volatility of planning appeals and how these affected declining trends.

The Committee received the report.

RESOLVED – that the reported performance for the period October to December 2015 be approved.

592 FOOTWAY AND GRASSED VERGE PARKING ENFORCEMENT POLICY

The Executive Member for Economic Development submitted a report on the possible implementation and enforcement of a footway and grassed verge parking ban in East Herts. The Parking Manager provided a summary of the report and the options available to the Council and the separate role of the Police, to prevent obstruction by cars parked illegally.

Members thanked the Officers for the research undertaken in providing a clear and concise report and vigorously debated the advantages and disadvantages of each of the options contained within the report as detailed.

The list of criteria for identifying priorities was discussed and specifically, whether bullet point four within paragraph 2.8

should be included. The Chief Executive explained that the rationale behind the criteria, as detailed, was for Members to identify “hot spots” as the “eyes” of their respective wards so that resources could be more appropriately targeted. Having been put to the vote, the Committee agreed that bullet point four should stand as it would only be used by Officers to prioritise and target “hot spots” nominated by Members

The Committee supported a targeted local ban approach for the control of footway and grassed verge parking and the criteria for the evaluation of requests for footway and grassed verge controls as detailed. The Committee also agreed that this be promoted on the basis of an experimental Traffic Regulation Order.

Councillor K Crofton did not support the approach being implemented on the basis of an experimental Traffic Regulation Order and requested that his contrary view be recorded.

RESOLVED – that the Executive be advised that (A) a targeted local ban for the implementation of footway and grassed verge parking be supported;

(B) the criteria for evaluating requests for footway and grassed verge controls, as detailed, be supported; and

(C) the targeted ban for the implementation of footway and grassed verge parking be promoted on the basis of an experimental Traffic Regulation Order.

593 CAR PARKING FEES AND CHARGES 2016/17

The Executive Member for Economic Development submitted a report on the results of the two year trial of new car park charges which had begun in September 2014. In response to a query from the Chairman regarding the implications of motorists being offered a free parking hour, the Parking Manager explained that no modelling had been carried out on that option. Councillor M Freeman suggested that this should be reviewed again in another year.

The Committee noted the outcomes of the trial car park charges and agreed that the current charges be extended until the end of March 2017.

RESOLVED – that (A) that the outcome of the trial of new car park charges be noted; and

(B) current trial charges be extended until the end of March 2017.

594 PLANNING AND ENFORCEMENT REVIEW

The Chairman of the Planning Enforcement Review Task and Finish Group submitted a report following the outcome of their review of Planning Enforcement Policy. The Head of Planning and Building Control summarised the report.

In response to a query from Councillor K Crofton regarding monitoring the service of enforcement and related notices, the Head of Planning and Building Control explained how the process would work. Councillors L Haysey and S Rutland-Barsby thanked the Chairman of the Panel, Councillor T Page and Officers for their thorough and helpful review of the process.

Councillor K Crofton queried how matters reported anonymously were treated and suggested deleting Parish/Town Councils from the process. Councillor D Andrews also expressed concern regarding the inclusion of Parish Councils in the process on the basis that they might be “too close” to the case and some, were not duly elected. The Head of Planning and Building Control explained that such situations occurred infrequently and why it was important to include Parish/Town Councils when matters of concern were reported anonymously.

The Committee received the report and supported the recommendation now detailed.

RESOLVED – that the Executive be advised that (A) the revised Planning Enforcement Policy be supported;

(B) Officers' delegated powers in relation to the service of enforcement and related notices be changed;

(C) performance indicators dealing with initial site inspections be changed so that 100% of all urgent cases should be dealt with within two days and 90% of all other cases should be dealt with within 15 working days; and

(D) a business case be submitted to the Executive if necessary, to enable the implementation of pro-active site monitoring.

595 WASTE AND STREET CLEANSING CONTRACT – FUTURE SERVICE CONSIDERATIONS

The Executive Member for Environment and the Public Space submitted a report seeking the establishment of a Task and Finish Group which would advise on the future objectives and outcomes expected from the Waste and Street Cleansing Contract. The Head of Environmental Services and Leisure provided a summary of the report.

The Chairman explained the composition of the Task and Finish Group and asked that expressions of interest be forwarded to the Scrutiny Officer who would co-ordinate matters.

The Committee agreed the recommendation, as detailed.

RESOLVED – that a Task and Finish Group comprising of 5 or 6 Members be set up to consider the future objectives and strategic outcomes for the next waste and street cleansing contract.

596 EVALUATION OF SCRUTINY AND WORK PROGRAMME FOR 2016/17

The Chairman of Environment Scrutiny Committee submitted a report evaluating the progress made in relation to the work

programme over 2015/16 and detailed what actions needed to be carried forward to the 2016/17 Environment Scrutiny Work Programme.

The Scrutiny Officer stated that she would be forwarding to Members an evaluation sheet for their individual comments on work achieved during the past civic year. She asked Members to return the document by the deadline specified.

The Committee received the report and supported the recommendation, as now detailed.

RESOLVED – that (A) Members' comments be collated as part of the evaluation exercise and used to frame the draft 2015/16 Overview and Scrutiny Annual report; and

(B) the work programme be approved.

The meeting closed at 8.35 pm

Chairman

Date

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HR

HR

MINUTES OF A MEETING OF THE
HUMAN RESOURCES COMMITTEE HELD
IN THE ROOM 27, WALLFIELDS,
HERTFORD ON WEDNESDAY 24
FEBRUARY 2016, AT 4.40 PM

PRESENT: Councillor C Woodward (Chairman)
Councillors S Cousins, I Devonshire,
J Goodeve, P Ruffles and M Stevenson

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Emma Freeman	- Head of Human Resources and Organisational Development
Liz Watts	- Chief Executive

597 **PAY POLICY STATEMENT 2016/17**

The Head of People and Organisational Services submitted a report on the Pay Policy Statement 2016/17 which needed to be annually approved and published under Sections 38 to 43 of the Localism Act 2011. She provided a summary of the report now detailed.

Members were advised that the report had been considered and supported by the Local Joint Panel at its meeting on 24 February 2016.

In response to a query, the Head of People and Organisational Services provided clarification in relation to the definition of “allowances” and reimbursement of “expenses” incurred by employees.

The Committee supported the report and recommended to Council, approval of the report as detailed.

RECOMMENDED – that the Pay Policy Statement

for 2016/17 as detailed, be approved.

(see also Minute 600)

598 MINUTES

RESOLVED - that the Minutes of the Meeting held on 13 January 2016 be confirmed as a correct record and signed by the Chairman.

599 CHAIRMAN'S ANNOUNCEMENTS

The Chairman explained that it had been necessary to convene an additional meeting of Human Resources Committee in order to consider the verbal recommendations of the Local Joint Panel in relation to the Senior Management Pay Proposals and the Pay Policy Statement 2016/17. The Chairman stated that the Pay Policy Statement 2016/17 needed annual approval by Council.

600 LOCAL JOINT PANEL - MINUTES OF THE MEETING:

The Chairman explained that as the meeting of the Local Joint Panel had taken place in advance of this Human Resources Committee, Officers would be reporting verbally on the recommendations of that Panel.

It was noted that the Minutes of the Local Joint Panel held on 24 February 2016 would be formally reported to HR Committee on 24 April 2016.

(see also Minutes 597 and 601)

601 SENIOR MANAGEMENT PAY PROPOSALS

The Head of People and Organisational Services submitted a report on senior management pay proposals following a senior management restructure.

The Committee considered and approved the verbal recommendations made at the Local Joint Panel meeting held on 24 February 2016.

RESOLVED – that (A) the pay scales for Grade 12 be approved and pay increments for Grade 13 and Directors be made on the basis of performance rather than time-served increments;

(B) the Council's S151 Officer, Monitoring Officer and the Head of Paid Service be given a payment of £5,000 per year; and

(C) Officers on Grade 13 and above be restricted from participating in the Flexi-time scheme.

(see also Minute 600)

The meeting closed at 4.42 pm

Chairman

Date

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MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 24 FEBRUARY 2016, AT 7.00
PM

PRESENT: Councillor D Andrews (Chairman).
Councillors M Allen, K Brush, S Bull,
M Casey, B Deering, M Freeman, J Jones,
J Kaye, D Oldridge, T Page and K Warnell.

ALSO PRESENT:

Councillors P Ballam, R Brunton, J Goodeve,
L Haysey, P Moore, M Pope, S Rutland-
Barsby, R Standley and M Stevenson.

OFFICERS IN ATTENDANCE:

Paul Dean	- Principal Planning Enforcement Officer
Tim Hagyard	- Development Team Manager (West)
Nurainatta Katevu	- Property and Planning Lawyer
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

602 APOLOGY

An apology for absence was submitted on behalf of
Councillor P Ruffles. It was noted that Councillor B
Deering was substituting for Councillor P Ruffles.

603 MINUTES – 3 FEBRUARY 2016

RESOLVED – that the Minutes of the meeting held on 3 February 2016 be confirmed as a correct record and signed by the Chairman.

604 3/15/2217/OUT – OUTLINE APPLICATION FOR THE DEMOLITION OF 30 WICKLANDS ROAD AND THE ERECTION OF 14 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS AND LAYOUT AT HUNSDON LODGE FARM, DRURY LANE, HUNSDON SG12 8NU FOR CHASE GREEN DEVELOPMENTS LIMITED

Mr Reid addressed the Committee in objection to the application. Miss Cass spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2217/OUT, subject to the signing of the Section 106 legal agreement detailed in the report, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor R Brunton, as the local ward Member, addressed the Committee regarding a number of local issues and concerns. He referred to the poor access and drainage as well as the history of flooding. He urged Members to refuse the application or apply the conditions suggested by Hunsdon Parish Council if they were minded to approve the scheme.

The Head of Planning and Building Control summarised the application and detailed the relevant policy background to the proposed development. He advised that Members should approve planning permission unless the adverse impacts of an application clearly outweighed the benefits. The Head reiterated the lack of a 5 year housing land supply and stressed that there were no relevant changes to policy or material planning considerations since the application had been refused at

the October 2015 meeting of the Committee.

The Head detailed the change to the proposed drainage solution and the robust position of Hertfordshire Highways in that there was some capacity on the local roads and the National Planning Policy Framework (NPPF) was explicit in stating that this impact had to be severe before an application could be refused on highways grounds.

The Head advised Councillor T Page that Members did not need to revisit the issues that had been addressed when the application had been previously considered unless there had been any changes in circumstances. Officers were not aware of any changes and Members should focus the debate on the issues on which they had based their previous decision to refuse.

Councillor T Page was advised that Officers had not been able to establish whether the financial contribution towards health care facilities was required and this had not therefore been included in the Section 106 legal agreement. Councillor K Warnell expressed a number of concerns regarding drainage and the maintenance of the proposed underground storage. He also expressed concerns regarding the highways issues relevant to the application.

The Head of Planning and Building Control advised that the applicant remained willing to undertake works offsite to mitigate existing drainage problems. He advised that the scheme would not increase the pressure on the drainage system beyond the status quo with the existing greenfield site.

The Head commented that the provision of a piped drainage solution with underground storage tanks did not represent as sustainable a strategy as was proposed in the previously refused application but was nevertheless an acceptable drainage solution. He advised that the parking survey had been conducted solely to ascertain how much road space was available for residents'

parking. He detailed the conditions that were being sought by Hunsdon Parish Council.

The Head of Planning and Building Control responded to a number of further queries and concerns from Members regarding the proposed development and the planning conditions. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/2217/OUT, subject to the signing of the Section 106 legal agreement detailed in the report, planning permission be granted subject to the conditions detailed in the report now submitted.

605 3/15/2502/VAR – VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING REF. NO. 3/14/1766/FP TO PROVIDE 2NO ADDITIONAL GROUND FLOOR APARTMENTS RESULTING IN THE DEMOLITION OF THE EXISTING BUILDINGS AND THE CREATION OF 51NO. TWO, THREE AND FOUR BEDROOM HOUSES AND APARTMENTS, PLUS ASSOCIATED ROADS, CAR PARKING AND LANDSCAPING AT LAND WEST OF HERTFORD REGIONAL COLLEGE, LONDON ROAD, WARE FOR MR CHARLES CHURCH

Mr Dawes addressed the Committee in objection to the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2502/VAR, subject to the signing of the Section 106 legal agreement detailed in the report, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Pope, as the local ward Member, addressed the Committee regarding a number of concerns in respect of overdevelopment and inadequate car parking provision. He also referred to the inadequate level of

affordable housing proposed by the applicant. He concluded by supporting the comments of Hertfordshire Highways regarding parking and a green travel plan.

The Head detailed the nature of the application and advised Members that one of the two additional units was designated as affordable. The overall level of affordable housing had increased to 27.5% and this weighed in favour of the scheme.

Members were advised that the parking provision remained at 70 spaces and the additional pressure of two extra units was acceptable given the comments of an appeal inspector that this was a highly sustainable location. Members were reminded that there would be no severe impact in terms of parking or highway safety.

The Head responded to a query from the Chairman by summarising what was covered by the lifetime homes standard as regards car parking spaces. Councillor J Kaye commented that parking problems in East Herts town centres would become more prevalent if applications such as this were approved.

Councillor D Oldridge proposed and Councillor K Brush seconded a motion that the application be approved subject to an additional condition that prior to commencement of above ground works, a detailed scheme of parking allocation and measures to prevent unauthorised access to the parking provision shall be submitted to and agreed in writing by the local planning authority.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/2502/OUT, subject to the signing of the Section 106 legal agreement detailed in the report,

planning permission be granted subject to the conditions detailed in the report now submitted and the following additional condition:

21. Prior to commencement of above ground works a detailed scheme of parking allocation and measures to prevent unauthorised access to the parking provision shall be submitted to and agreed in writing by the LPA. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure adequate provision of off-street parking in accordance with policy TR7 of East Herts Local Plan Second Review April 2007.

606 3/15/1118/FUL – REDEVELOPMENT OF THE SITE TO PROVIDE 34NO. DWELLINGS (8 NO. 1 BED FLATS, 18 NO.2 BED FLATS AND 8 NO. 4 BED TOWNHOUSES) TOGETHER WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT 356-364 WARE ROAD, HERTFORD, SG13 7ER FOR TAYLOR WIMPEY NORTH THAMES

The Head of Planning and Building Control recommended that in respect of application 3/15/1118/FUL, subject to the signing of the Section 106 legal agreement detailed in the report, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Stevenson, as the local ward Member, addressed the Committee in respect of a number of matters relevant to the application. The Head explained that this was a brownfield site in an urban area where the former use had been a car show room. He referred to a number of issues that Members should consider when determining the application.

The Head responded to concerns from Councillor J Kaye regarding parking standards and insufficient provision by stating that the proposed provision allowed for at least one space per unit and two spaces for some of the larger

housing units. The parking provision was one space below the maximum standards detailed in the current adopted plan.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/1118/FUL, subject to the signing of the Section 106 legal agreement detailed in the report, planning permission be granted subject to the conditions detailed in the report now submitted.

607 3/15/2395/FUL – ERECTION OF NEW CARE HOME FOLLOWING THE DEMOLITION OF EXISTING CARE HOME INCLUDING, ACCESS, PARKING, TREES AND LANDSCAPING AT HILLVIEW RESIDENTIAL CARE HOME, 17 COLLETT ROAD, WARE, SG12 7LY FOR B AND M CARE

The Head of Planning and Building Control recommended that in respect of application 3/15/2395/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Ballam, as the local ward Member, addressed the Committee in respect of the concerns of local residents. She urged the Committee to take these into account when determining the application.

The Head summarised the application and stated that there was no in principle objection to the proposed development. Members were advised that the Conservation Officer had not objected to the application. The Head highlighted a number of material planning considerations and referred Members to the additional representations summary. Members were referred in particular, to conditions 11 and 15 regarding unexpected contamination and construction traffic.

The Head assured the Chairman that the final bullet point of condition 15 could be amended to include a reference to areas for loading and unloading and the storage of materials. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/2395/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

- 608 3/15/2405/VAR – VARIATION OF CONDITIONS 13 (ACCESS) AND 15 (LANDSCAPING) OF PLANNING PERMISSION 3/13/1721/FP (ALLOWED ON APPEAL) TO ENABLE A PHASED COMPLETION OF PARKING AND ACCESS AREAS AND LANDSCAPING AND TO ENABLE PHASED OCCUPATION OF THE DEVELOPMENT OF 2NO. TWO/THREE STOREY BUILDINGS COMPRISING 26 AFFORDABLE FLATS AND 2NO. TWO STOREY BUILDINGS COMPRISING 8 AFFORDABLE FLATS, PARKING ,GARDENS AND LANDSCAPING AT 102-124 COZENS ROAD, WARE, SG12 7HW FOR BUGLER DEVELOPMENTS LTD
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The Head of Planning and Building Control recommended that in respect of application 3/15/2405/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/2405/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

609 3/15/2408/FUL – DETACHED DWELLING WITH NEW
VEHICULAR ACCESS AND PEDESTRIAN ACCESS AND
RELATED LANDSCAPE WORKS AT LAND ADJACENT TO
CHERRY TREE HALL, 19 DATCHWORTH GREEN,
DATCHWORTH. SG3 6TL FOR MR AND MRS C AND J
HUGHES

Parish Councillor Wilkins addressed the Committee in objection to the application. Mr Cunliffe spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2408/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the policy position with particular reference to Local Plan policy OSV2 regarding infilling and the forthcoming District Plan. He assured Members that they could make decisions prior to this plan being finalised and they should approve planning permission unless the application would cause significant and demonstrable harm.

The Head referred to the Section 52 legal agreement between the Authority and the landowner which was an agreement in the 1980s restricting development on this land based on the planning policies in place at that time. He emphasised that it was appropriate for Members to reach another judgement this evening based on the planning policies that applied now.

The Property and Planning Lawyer responded to queries from Councillors J Jones and K Warnell by stating that the Section 52 legal agreement was still enforceable. She commented however, that it was for the Local Planning Authority to decide whether enforcement was required. She concluded that Members could approve the application and it would then be for the applicant to discharge the Section 52 agreement before commencing the development.

The Property and Planning Lawyer commented that the only legal challenge could come from someone who felt aggrieved that the Section 52 agreement had not been enforced. She advised that the Council could seek to discharge the benefit of the Section 52 by agreement or via the lands tribunal.

The Head of Planning and Building Control responded to queries from Members by stating that the location remained unchanged in the emerging District Plan and Datchworth was not currently provided with a settlement boundary. He advised that Local Plan policy OSV2 allowed for development to take place within the built up area. He advised that the policy definition of infill was the insertion of 5 small dwellings within the built up area of the village. He concluded that the emerging District Plan would define the village boundaries across East Herts.

The Head replied to a comment from the Chairman by stating that a single large dwelling would have less impact than a collection of 5 smaller dwellings in what was a significant sized plot providing that there was no long lasting damage to the appearance of the locality. A single larger dwelling also ensured that there remained space for landscaping that would not be possible with multiple housing units.

The Head concluded that there was a mix of development already in place in that the existing properties around the village green were of varied sizes and design and Members had to reach a judgement on the impact of the proposed development. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/2408/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

610 3/15/2462/SV – REMOVAL OF SECTION 106 PLANNING
OBLIGATION RELATING TO PLANNING PERMISSION
3/95/0461/FP AT BLACKFIELD FARM, MANGROVE LANE,
HERTFORD, SG13 8QH FOR MR D WHITLOW

The Head of Planning and Building Control recommended that in respect of application 3/15/2462/SV, planning permission be granted for the removal of the Section 106 Legal Agreement associated with planning permission 3/95/0461/FP.

The Head advised that the Section 106 Legal Agreement was redundant as the annexe on this site had been granted a certificate of lawfulness for use as an independent residential dwelling. The Head responded to a query from Councillor M Freeman by explaining how this situation had arisen. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/2462/SV, planning permission be granted for the removal of the Section 106 Legal Agreement associated with planning permission 3/95/0461/FP.

611 E/14/0422/A – UNAUTHORISED CREATION OF ACCESS
TRACK ON SITE TO THE NORTH OF WASTE TRANSFER
DEPOT, FILLETS FARM, HUNSDON, SG12 8QA

The Head of Planning and Building Control recommended that in respect of the site relating to E/14/0422/A, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Head of Planning and Building Control's recommendation for enforcement action to be authorised in respect of the site relating to E/14/0422/A on the basis now detailed.

RESOLVED – that in respect of E/14/0422/A, the Head of Planning and Building Control, in conjunction with the Head of Democratic and Legal Support Services, be authorised to take enforcement action on the basis now detailed.

612 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged; and
- (C) Planning Appeals: Inquiry and Informal Hearing dates.

The meeting closed at 9.32 pm

Chairman

Date

EAST HERTS COUNCIL

COUNCIL - 2 MARCH 2016

REPORT BY EXECUTIVE MEMBER FOR FINANCE AND SUPPORT SERVICES

COUNCIL TAX 2016/17 – FORMAL RESOLUTION

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To set the council tax for 2016/17

<u>RECOMMENDATIONS FOR COUNCIL:</u> that:	
(A)	the Council Tax resolution, as now submitted, be approved;
(B)	the local precepts as set out at Essential Reference Paper 'C' be noted; and
(C)	the Hertfordshire County Council and Hertfordshire Police Authority precepts be noted.

1 Background

- 1.1 This Council is the council tax billing and collection authority within its area.
- 1.2 The Council must set the council tax in respect of each part of its area no later than 11 March prior to the start of the year in respect of which the tax is set.
- 1.3 The council tax calculation sets the tax in respect of this council and the aggregate council tax inclusive of the County Council and Police Authority precepts and of each town and parish's precept.
- 1.4 The County Council's Finance Director and Chief Finance Officer for the Police and Crime Commissioner have advised that the

County Council and Police Authority precepts for 2016/17 as they affect East Hertfordshire District Council taxpayers will total £76,356,279.74. This is made up of £67,939,809.44 for the County Council and £8,416,470.30 for the Police Authority. This gives Band D equivalents of £1,186.62 and £147.00 respectively.

1.5 The total parish precept is £3,669,357.00.

1.6 The County Council, Police Authority and Parish precepts contribute to the setting of the Council Tax

2 Report

2.1 The council tax resolution is set out at **Essential Reference Paper B.**

2.2 The calculations set out in the resolution are prescribed in the Local Government Finance Act 1992 as amended. The Localism Act 2011 made minor amendments to the required calculation. The Council has no discretion in undertaking these calculations beyond determining any special expenses within the Council's own budget applicable to part of its area. The Council has not determined any special expenses.

2.3 The precepts by each parish are set out as attached at **Essential Reference Paper 'C'**

3 The Required Calculations

3.1 Section 1: this confirms that this Council's previously agreed Tax base is used in the calculation.

3.2 Section 2: this sets out the Council's council tax requirement for its own purposes (excluding parish precepts) for 2016/17.

3.3 Section 3:

(a) The Council's gross expenditure + transfers to reserves + the total of parish precepts

(b) The Council's gross income including grants + transfers from reserves

(c) Is (a) – (b)

(d) Is (c) divided by the tax base. This is this Council's band D

council tax rate + the average rate for all parishes

(e) Is the total of parish precepts

(f) Is this Council's band D council tax rate

(g) Is a table of Band D Council plus Parish rate

(h) This is the same as (g) but showing the council tax by each valuation band

3.4 Section 4: this is the equivalent amounts to those at 3(h) for the County and Police Authority precepts

3.5 Section 5: this is the total council tax for each valuation band for each parish

3.6 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

4.0 Implications/Consultations

4.1 Information on any corporate issues and consultation associated with this report can be found at **Essential Reference Paper 'A'**.

Background papers

Hertfordshire County Council Precept Demand 2016/17

Hertfordshire Police Authority Precept Demand 2016/17

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	<p>The income from council tax supports all priorities</p> <p><i>People – Fair and accessible services for those that use them and opportunities for everyone to contribute</i></p> <p>Delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.</p> <p><i>Place – Safe and Clean</i></p> <p>Focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p><i>Prosperity – Improving the economic and social opportunities available to our communities</i></p> <p>Safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
Consultation:	None
Legal:	The setting of the council tax must be in accordance with the Local Government Finance Act 1992 as amended
Financial:	As set out in the report
Human Resource:	None
Risk Management:	Risks were considered in setting the Council's budget.
Health and wellbeing – issues and impacts:	None

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EAST HERTFORDSHIRE DISTRICT COUNCIL

RESOLUTION

RECOMMENDED

1 That it be noted that at its meeting on 16 December 2015 the Council calculated the Council Tax Base 2016/17

- a) for the whole Council area as 57,254.88 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
- b) for dwellings in those parts of its area to which a Parish precept relates as shown below.

Parish/Town Council of:-	2016/17 Tax Base	For information only	
		Precept £	Parish Band D £
Albury	275.24	6,900.00	25.07
Anstey	161.81	3,800.00	23.48
Ardeley	204.62	4,000.00	19.55
Aspenden	122.43	2,250.00	18.38
Aston	420.85	12,020.00	28.56
Bayford	222.93	4,510.00	20.23
Bengeo	284.27	7,550.00	26.56
Benington	388.60	17,365.00	44.69
Bishop's Stortford	14,672.11	993,140.00	67.69
Bramfield	108.21	2,041.00	18.86
Braughing	597.56	39,026.00	65.31
Brent Pelham/Meesden	144.23	2,400.00	16.64
Brickendon	296.35	10,000.00	33.74
Buckland	119.06	3,897.00	32.73
Buntingford	2,161.75	213,362.00	98.70
Cottered	308.59	8,000.00	25.92
Datchworth	717.49	25,709.00	35.83
Eastwick and Gilston	305.11	4,900.00	16.06
Furneux Pelham	248.71	3,000.00	12.06
Great Amwell	955.54	13,500.00	14.13
Great Munden	141.16	4,810.00	34.07
Hertford	11,429.55	1,076,800.00	94.21
Hertford Heath	928.00	28,500.00	30.71
Hertingfordbury	312.57	12,240.00	39.16
High Wych	320.88	7,700.00	24.00
Hormead	325.30	16,500.00	50.72
Hunsdon	472.60	14,933.00	31.60
Little Berkhamsted	261.71	8,640.00	33.01
Little Hadham	519.45	13,043.00	25.11
Little Munden	400.92	9,430.00	23.52
Much Hadham	892.10	36,770.00	41.22
Sacombe	86.16	0.00	0.00
Sawbridgeworth	3,649.06	248,065.00	67.98
Standon	1,774.98	76,875.00	43.31
Stanstead Abbots	679.53	35,000.00	51.51
Stanstead St Margarets	688.02	7,250.00	10.54
Stapleford	252.64	4,796.00	18.98
Stocking Pelham	77.48	1,600.00	20.65
Tewin	839.22	29,000.00	34.56
Thorley	298.74	2,700.00	9.04
Thundridge	622.20	10,465.00	16.82
Walkern	602.18	26,265.00	43.62
Ware	7,177.59	568,115.00	79.15
Wareside	298.11	5,730.00	19.22
Watton at Stone	1,035.54	32,810.00	31.68
Westmill	157.48	4,700.00	29.85
Widford	223.85	9,250.00	41.32
Wyddial	72.40	0.00	0.00
	57,254.88	3,669,357.00	

2 Calculate that the Council Tax requirement for the Council's own purposes for 2016/17 (excluding Parish precepts) is
£ 8,930,090.00

3 That the following amounts be now calculated by the Council for the year 2016/17 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:-

- a) £ 96,693,688.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act taking into account all the precepts issued to it by Parish Councils
- b) £ 84,094,241.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act
- c) £ 12,599,447.00 being the amount by which the aggregate at 3 (a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31 A(4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act)
- d) £ 220.06 being the amount at 3(c) above (Item R), all divided by item T (1(a) above), calculated by the Council, in accordance with Section 31 B of the Act, as the basic amount of its Council Tax for the year. (including Parish precepts)
- e) £ 3,669,357.00 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act, as detailed above.
- f) £ 155.97 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates

g) Parts of the Council's Area

Band D	
District plus Parish	
Parish/Town Council of:-	£
Albury	181.04
Anstey	179.45
Ardeley	175.52
Aspenden	174.35
Aston	184.53
Bayford	176.20
Bengeo Rural	182.53
Benington	200.66
Bishop's Stortford	223.66
Bramfield	174.83
Braughing	221.28
Brent Pelham/Meesden	172.61
Brickendon Liberty	189.71
Buckland	188.70
Buntingford	254.67
Cottered	181.89
Datchworth	191.80
Eastwick and Gilston	172.03
Furneux Pelham	168.03
Great Amwell	170.10
Great Munden	190.04
Hertford	250.18
Hertford Heath	186.68
Hertingfordbury	195.13
High Wych	179.97
Hormead	206.69
Hunsdon	187.57
Little Berkhamsted	188.98
Little Hadham	181.08
Little Munden	179.49
Much Hadham	197.19
Sacombe	155.97
Sawbridgeworth	223.95
Standon	199.28
Stanstead Abbots	207.48
Stanstead St Margarets	166.51
Stapleford	174.95
Stocking Pelham	176.62
Tewin	190.53
Thorley	165.01
Thundridge	172.79
Walkern	199.59
Ware	235.12
Wareside	175.19
Watton at Stone	187.65
Westmill	185.82
Widford	197.29
Wyddial	155.97

being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount in 1(b) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

h) Parts of the Council's Area

Parish/Town Councils of:-	COUNCIL TAX VALUATION BANDS DISTRICT plus PARISH							
	A £	B £	C £	D £	E £	F £	G £	H £
Albury	120.69	140.81	160.92	181.04	221.27	261.50	301.73	362.08
Anstey	119.63	139.57	159.51	179.45	219.33	259.21	299.08	358.90
Ardeley	117.01	136.52	156.02	175.52	214.52	253.53	292.53	351.04
Aspenden	116.23	135.61	154.98	174.35	213.09	251.84	290.58	348.70
Aston	123.02	143.52	164.03	184.53	225.54	266.54	307.55	369.06
Bayford	117.47	137.04	156.62	176.20	215.36	254.51	293.67	352.40
Bengeo	121.69	141.97	162.25	182.53	223.09	263.65	304.22	365.06
Benington	133.77	156.07	178.36	200.66	245.25	289.84	334.43	401.32
Bishops Stortford	149.11	173.96	198.81	223.66	273.36	323.06	372.77	447.32
Bramfield	116.55	135.98	155.40	174.83	213.68	252.53	291.38	349.66
Braughing	147.52	172.11	196.69	221.28	270.45	319.63	368.80	442.56
Brent Pelham/Meesden	115.07	134.25	153.43	172.61	210.97	249.33	287.68	345.22
Brickendon Liberty	126.47	147.55	168.63	189.71	231.87	274.03	316.18	379.42
Buckland	125.80	146.77	167.73	188.70	230.63	272.57	314.50	377.40
Buntingford	169.78	198.08	226.37	254.67	311.26	367.86	424.45	509.34
Cottered	121.26	141.47	161.68	181.89	222.31	262.73	303.15	363.78
Datchworth	127.87	149.18	170.49	191.80	234.42	277.04	319.67	383.60
Eastwick & Gilston	114.69	133.80	152.92	172.03	210.26	248.49	286.72	344.06
Furneux Pelham	112.02	130.69	149.36	168.03	205.37	242.71	280.05	336.06
Great Amwell	113.40	132.30	151.20	170.10	207.90	245.70	283.50	340.20
Great Munden	126.69	147.81	168.92	190.04	232.27	274.50	316.73	380.08
Hertford	166.79	194.58	222.38	250.18	305.78	361.37	416.97	500.36
Hertford Heath	124.45	145.20	165.94	186.68	228.16	269.65	311.13	373.36
Hertingfordbury	130.09	151.77	173.45	195.13	238.49	281.85	325.22	390.26
High Wych	119.98	139.98	159.97	179.97	219.96	259.96	299.95	359.94
Hormead	137.79	160.76	183.72	206.69	252.62	298.55	344.48	413.38
Hunsdon	125.05	145.89	166.73	187.57	229.25	270.93	312.62	375.14
Little Berkhamsted	125.99	146.98	167.98	188.98	230.98	272.97	314.97	377.96
Little Hadham	120.72	140.84	160.96	181.08	221.32	261.56	301.80	362.16
Little Munden	119.66	139.60	159.55	179.49	219.38	259.26	299.15	358.98
Much Hadham	131.46	153.37	175.28	197.19	241.01	284.83	328.65	394.38
Sacombe	103.98	121.31	138.64	155.97	190.63	225.29	259.95	311.94
Sawbridgeworth	149.30	174.18	199.07	223.95	273.72	323.48	373.25	447.90
Standon	132.85	155.00	177.14	199.28	243.56	287.85	332.13	398.56
Stanstead Abbots	138.32	161.37	184.43	207.48	253.59	299.69	345.80	414.96
Stanstead St Margarets	111.01	129.51	148.01	166.51	203.51	240.51	277.52	333.02
Stapleford	116.63	136.07	155.51	174.95	213.83	252.71	291.58	349.90
Stocking Pelham	117.75	137.37	157.00	176.62	215.87	255.12	294.37	353.24
Tewin	127.02	148.19	169.36	190.53	232.87	275.21	317.55	381.06
Thorley	110.01	128.34	146.68	165.01	201.68	238.35	275.02	330.02
Thundridge	115.19	134.39	153.59	172.79	211.19	249.59	287.98	345.58
Walkern	133.06	155.24	177.41	199.59	243.94	288.30	332.65	399.18
Ware	156.75	182.87	209.00	235.12	287.37	339.62	391.87	470.24
Wareside	116.79	136.26	155.72	175.19	214.12	253.05	291.98	350.38
Watton at Stone	125.10	145.95	166.80	187.65	229.35	271.05	312.75	375.30
Westmill	123.88	144.53	165.17	185.82	227.11	268.41	309.70	371.64
Widford	131.53	153.45	175.37	197.29	241.13	284.97	328.82	394.58
Wyddial	103.98	121.31	138.64	155.97	190.63	225.29	259.95	311.94

being the amounts given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- 4 That it be noted that for the year 2016/17 the Hertfordshire County Council and the Hertfordshire Police Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

Precepting Authority	A £	B £	C £	D £	E £	F £	G £	H £
Hertfordshire County Council	791.08	922.93	1,054.77	1,186.62	1,450.31	1,714.01	1,977.70	2,373.24
Hertfordshire Police Authority	98.00	114.33	130.67	147.00	179.67	212.33	245.00	294.00

5 That the Council, in accordance with sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amount of Council Tax for 2016-17 for each part of its area and for each of the categories of dwellings.

Parish/Town Council of:-	COUNCIL TAX VALUATION BANDS							
	HCC plus POLICE AUTHORITY plus DISTRICT plus PARISH							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Albury	1,009.77	1,178.07	1,346.36	1,514.66	1,851.25	2,187.84	2,524.43	3,029.32
Anstey	1,008.71	1,176.83	1,344.95	1,513.07	1,849.31	2,185.55	2,521.78	3,026.14
Ardeley	1,006.09	1,173.78	1,341.46	1,509.14	1,844.50	2,179.87	2,515.23	3,018.28
Aspenden	1,005.31	1,172.87	1,340.42	1,507.97	1,843.07	2,178.18	2,513.28	3,015.94
Aston	1,012.10	1,180.78	1,349.47	1,518.15	1,855.52	2,192.88	2,530.25	3,036.30
Bayford	1,006.55	1,174.30	1,342.06	1,509.82	1,845.34	2,180.85	2,516.37	3,019.64
Bengeo	1,010.77	1,179.23	1,347.69	1,516.15	1,853.07	2,189.99	2,526.92	3,032.30
Benington	1,022.85	1,193.33	1,363.80	1,534.28	1,875.23	2,216.18	2,557.13	3,068.56
Bishops Stortford	1,038.19	1,211.22	1,384.25	1,557.28	1,903.34	2,249.40	2,595.47	3,114.56
Bramfield	1,005.63	1,173.24	1,340.84	1,508.45	1,843.66	2,178.87	2,514.08	3,016.90
Braughing	1,036.60	1,209.37	1,382.13	1,554.90	1,900.43	2,245.97	2,591.50	3,109.80
Brent Pelham/Meesden	1,004.15	1,171.51	1,338.87	1,506.23	1,840.95	2,175.67	2,510.38	3,012.46
Brickendon Liberty	1,015.55	1,184.81	1,354.07	1,523.33	1,861.85	2,200.37	2,538.88	3,046.66
Buckland	1,014.88	1,184.03	1,353.17	1,522.32	1,860.61	2,198.91	2,537.20	3,044.64
Buntingford	1,058.86	1,235.34	1,411.81	1,588.29	1,941.24	2,294.20	2,647.15	3,176.58
Cottered	1,010.34	1,178.73	1,347.12	1,515.51	1,852.29	2,189.07	2,525.85	3,031.02
Datchworth	1,016.95	1,186.44	1,355.93	1,525.42	1,864.40	2,203.38	2,542.37	3,050.84
Eastwick & Gilston	1,003.77	1,171.06	1,338.36	1,505.65	1,840.24	2,174.83	2,509.42	3,011.30
Furneux Pelham	1,001.10	1,167.95	1,334.80	1,501.65	1,835.35	2,169.05	2,502.75	3,003.30
Great Amwell	1,002.48	1,169.56	1,336.64	1,503.72	1,837.88	2,172.04	2,506.20	3,007.44
Great Munden	1,015.77	1,185.07	1,354.36	1,523.66	1,862.25	2,200.84	2,539.43	3,047.32
Hertford	1,055.87	1,231.84	1,407.82	1,583.80	1,935.76	2,287.71	2,639.67	3,167.60
Hertford Heath	1,013.53	1,182.46	1,351.38	1,520.30	1,858.14	2,195.99	2,533.83	3,040.60
Hertingfordbury	1,019.17	1,189.03	1,358.89	1,528.75	1,868.47	2,208.19	2,547.92	3,057.50
High Wych	1,009.06	1,177.24	1,345.41	1,513.59	1,849.94	2,186.30	2,522.65	3,027.18
Hormead	1,026.87	1,198.02	1,369.16	1,540.31	1,882.60	2,224.89	2,567.18	3,080.62
Hunsdon	1,014.13	1,183.15	1,352.17	1,521.19	1,859.23	2,197.27	2,535.32	3,042.38
Little Berkhamsted	1,015.07	1,184.24	1,353.42	1,522.60	1,860.96	2,199.31	2,537.67	3,045.20
Little Hadham	1,009.80	1,178.10	1,346.40	1,514.70	1,851.30	2,187.90	2,524.50	3,029.40
Little Munden	1,008.74	1,176.86	1,344.99	1,513.11	1,849.36	2,185.60	2,521.85	3,026.22
Much Hadham	1,020.54	1,190.63	1,360.72	1,530.81	1,870.99	2,211.17	2,551.35	3,061.62
Sacombe	993.06	1,158.57	1,324.08	1,489.59	1,820.61	2,151.63	2,482.65	2,979.18
Sawbridgeworth	1,038.38	1,211.44	1,384.51	1,557.57	1,903.70	2,249.82	2,595.95	3,115.14
Standon	1,021.93	1,192.26	1,362.58	1,532.90	1,873.54	2,214.19	2,554.83	3,065.80
Stanstead Abbots	1,027.40	1,198.63	1,369.87	1,541.10	1,883.57	2,226.03	2,568.50	3,082.20
Stanstead St Margarets	1,000.09	1,166.77	1,333.45	1,500.13	1,833.49	2,166.85	2,500.22	3,000.26
Stapleford	1,005.71	1,173.33	1,340.95	1,508.57	1,843.81	2,179.05	2,514.28	3,017.14
Stocking Pelham	1,006.83	1,174.63	1,342.44	1,510.24	1,845.85	2,181.46	2,517.07	3,020.48
Tewin	1,016.10	1,185.45	1,354.80	1,524.15	1,862.85	2,201.55	2,540.25	3,048.30
Thorley	999.09	1,165.60	1,332.12	1,498.63	1,831.66	2,164.69	2,497.72	2,997.26
Thundridge	1,004.27	1,171.65	1,339.03	1,506.41	1,841.17	2,175.93	2,510.68	3,012.82
Walkern	1,022.14	1,192.50	1,362.85	1,533.21	1,873.92	2,214.64	2,555.35	3,066.42
Ware	1,045.83	1,220.13	1,394.44	1,568.74	1,917.35	2,265.96	2,614.57	3,137.48
Wareside	1,005.87	1,173.52	1,341.16	1,508.81	1,844.10	2,179.39	2,514.68	3,017.62
Watton at Stone	1,014.18	1,183.21	1,352.24	1,521.27	1,859.33	2,197.39	2,535.45	3,042.54
Westmill	1,012.96	1,181.79	1,350.61	1,519.44	1,857.09	2,194.75	2,532.40	3,038.88
Widford	1,020.61	1,190.71	1,360.81	1,530.91	1,871.11	2,211.31	2,551.52	3,061.82
Wyddial	993.06	1,158.57	1,324.08	1,489.59	1,820.61	2,151.63	2,482.65	2,979.18

EAST HERTS COUNCIL

COUNCIL – 2 MARCH 2016

REPORT BY HEAD OF DEMOCRATIC AND LEGAL SUPPORT SERVICES

REVIEW OF THE ALLOCATION OF SEATS ON COMMITTEES

WARD(S) AFFECTED: All

Purpose/Summary of Report

- To review the Council's allocation of seats on committees following the resignation of a Member from the Conservative Group.

<u>RECOMMENDATION FOR DECISION:</u> That:	
(A)	the allocation of the number of seats on committees be as set out in Table Two below.

1.0 Background

1.1 Council, at its Annual meeting in May 2015, approved the decision-making arrangements for the discharge of functions for the 2015/16 Civic Year.

1.2 A resignation from the Conservative Group by Councillor J Cartwright means that the Authority needs to review the allocation of seats on its committees.

2.0 Committees of the Council

2.1 The following committees were constituted by Council in May 2015, comprising the following number of Members:

Table One

Committee	Number of seats
Community Scrutiny	10
Corporate Business Scrutiny	10
Environment Scrutiny	10
Health and Wellbeing	10
Development Management	12
Licensing	15
Human Resources	7
Audit	7
Standards	5
Chief Officer Recruitment	5
East Herts Council and Stevenage Borough Council Joint Revenues and Benefits Committee (3 from East Herts and 3 from Stevenage)	3
TOTAL	94

3.0 Political Groups

- 3.1 Where Members of the Council are divided into political groups, the provisions of the Local Government and Housing Act (LGHA) 1989 place a duty on the Council to review the allocation between those groups of seats on its Committees according to certain principles. The aim is to ensure that the political composition of the Committees, etc, reflects the composition of the Council. The rules of proportionality do not apply to the Executive. Nor do they apply to Full Council, which all elected Members are entitled to attend as a voting member.
- 3.2 There remains one political group constituted within East Herts Council. The Local Government (Committees and Political Groups) Regulations 1990 has a number of requirements as to what may be considered a political group, not least of which is that it must have at least two members (regulation 8(2)). The rules relating to proportionality in the LGHA 1989 specifically refer to political proportionality between political groups. Therefore a sole independent Member, such as Councillor J Cartwright, has **no entitlement to any seats** under the rules of proportionality.

- 3.3 Section 17 of the LGHA allows for the rules of proportionality to be waived should the Council vote in favour of this arrangement “without any member of the authority...voting against them”. However Councillor Cartwright has indicated that he does not wish for this rule to be waived and the Conservative Group will therefore be asked to nominate Councillors to take seats on the Corporate Business Scrutiny and Audit Committees to fill the vacancies created by Councillor Cartwright. Under article 4 of the Constitution, paragraph 4.2, Full Council exercises the function of “agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them”. The new allocation of seats is set out in Table Two below.

Table Two

<u>Committee</u>	<u>Seats</u>	<u>Conservative Group</u>
Community Scrutiny	10	10
Corporate Business Scrutiny	10	10
Environment Scrutiny	10	10
Health and Wellbeing	10	10
Development Management	12	12
Licensing	15	15
Human Resources	7	7
Audit	7	7
Standards	5	5
Chief Officer Recruitment	5	5
East Herts Council and Stevenage Borough Council Joint Revenues and Benefits Committee (3 from East Herts and 3 from Stevenage)	3	3
TOTAL	94	94

4.0 Implications/Consultations

- 4.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper ‘A’**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	The proposals set out in this report will support all of the Council's corporate objectives.
Consultation:	Consultation has taken place with Councillor J Cartwright and the Conservative Group Leader.
Legal:	The proposals set out in this report accord with the statutory provisions for reviewing the Council's decision-making structure.
Financial:	None
Human Resource:	None
Risk Management:	The Council needs to establish a robust and clear decision-making structure to enable it to function effectively and make decisions in an expeditious manner which is accountable to the electorate.
Health and Wellbeing:	None

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EAST HERTS COUNCIL

COUNCIL – 2 MARCH 2016

REPORT BY EXECUTIVE MEMBER FOR ENVIRONMENT & THE PUBLIC SPACE

REVISED ENVIRONMENTAL CRIME POLICY & PUBLIC SPACE PROTECTION ORDER

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To approve the revised Environmental Crime Enforcement Policy.
- To replace the existing dog control powers and alcohol restriction areas with a Public Spaces Protection Order. This will provide officers with new and enhanced powers to tackle dog fouling and other forms of anti-social behaviour.
- This report has been submitted to this Council meeting as a matter of urgency, in order to allow implementation by 1st May 2016.

<u>RECOMMENDATIONS FOR COUNCIL:</u> that:	
(A)	the Environmental Crime Enforcement Policy, as set out in Essential Reference Paper 'B', be approved; and
(B)	having regard to the conditions within s.59 of the Antisocial Behaviour, Crime and Policing Act 2014, the Public Spaces Protection Order (Essential Reference Paper 'C') be made, to provide new and enhanced powers to tackle dog fouling and other forms of anti-social behaviour.

1 Background

- 1.1 The Council's original Environmental Crime Policy was adopted in 2006. The policy covers the enforcement of activities that affect the streetscene and visual amenity of the environment. New powers given to Councils and the Police under The Anti-social Behaviour, Crime and Policing Act 2014 resulted in the Environmental Crime Policy requiring updating as some powers had been repealed and were replaced by new ones with a wider

remit.

- 1.2 On 6th October 2015 the Executive approved the commencement of the consultation process on a proposed Public Spaces Protection Order (PSPO) and the draft Environmental Crime Policy. The proposed PSPO consolidates powers contained in existing Dog Control Orders (DCO's), The Dog (Fouling of Land) Act 1996, Designated Public Place Orders (DPPO) and provides new powers to deal with dog fouling and emerging anti-social behaviour issues.
- 1.3 The consultation process for the proposed PSPOs ran from 9th November 2015 to the 24th January 2016 and for the draft Environmental Crime Policy from 14th December to the 24th January 2016. The results of the consultation have informed the development of the PSPO which is provided in **Essential Reference Paper 'C'**. The consultation findings are summarised in **Essential Reference Paper 'D'**. Approval is now sought to bring the PSPO into force with effect from 1st May 2016.

2 Report

- 2.1 The Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create a Public Spaces Protection Order (PSPO) where they are satisfied that activities carried on in a public place
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.
- 2.2 The Council's three existing DCO's were introduced in 2007 and made it an offence to allow your dog off a lead at Hertford Castle Grounds, Bishops Stortford Castle Gardens, and all Council owned allotments; to allow your dog in designated East Herts children's play areas, games areas, bowling greens and marked playing pitches when there is a match in play; for one person to take more than 4 dogs on to any East Herts land at any one time. The Dogs (Fouling of Land) Act 1996 made it an offence to fail to pick up dog faeces. Offences are dealt with by the issue of a fixed penalty notice (FPN) requiring a £50 payment. Alternatively, and in cases of non-payment, the matter is taken to court where a fine of up to £1000 may be imposed on summary conviction.

- 2.3 The five existing Designated Public Place Orders (DPPOs) restrict the consumption of alcohol in the five designated zones in the main town centres; Bishops Stortford, Buntingford, Hertford, Sawbridgeworth and Ware. It is not an offence to consume alcohol in a designated area but to failing to give up drinking and surrender alcohol, at the request of an officer, can result in a penalty notice of £50 or if the matter is taken to court a fine of up to £500.
- 2.4 The proposed PSPO will cover:
1. Dog fouling
 2. Dogs on leads when directed
 3. Dogs on leads in specified areas
 4. Dog exclusion in specified areas
 5. Walking more than four (4) dogs on East Herts owned land
 6. Failing to produce a receptacle for picking up dog faeces
 7. Using a mechanically propelled vehicle in a disorderly or anti-social manner
 8. Requirement to surrender possession when asked of any new psychoactive substances
 9. Prohibition of alcohol consumption in five (5) designated areas (replacing the current DPPO)
 10. Expanding the Ware DPPO to a wider area
 11. Shouting, swearing, screaming or making unnecessary noise where alcohol restrictions are in place.
- 2.5 Measures 1, 2, 6, 7 and 8 of the PSPO apply to any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (s 74(1) of the Act). This means that the dog fouling measures will also apply to agricultural land.
- 2.6 The new PSPO will replace the existing DCO's. The PSPO will expire after 3 years; however, that period can be extended for a further 3 years if it continues to be necessary.
- 2.7 The measures do not apply to assistance dogs used by the blind or by persons who lack the physical ability to comply with the requirements of the PSPO.
- 2.8 The consultation resulted in 327 responses (314 online and 13 paper questionnaires). Overall the majority of the responses were supportive.
- 2.9 The results obtained for the consultation are as follows:

Offence	% of All Consultees who agree
To allow your dog to foul and then fail to pick up after it	87.8%
To fail to put your dog on a lead in a specified area	87.5%
To allow your dog into specified area	93.9%
Walking more than four (4) dogs	82%
To fail to put an out of control dog on a lead when directed to do so	91.4%
To fail to provide a receptacle for dog faeces upon request	87.5%
Using a mechanically propelled vehicle in a disorderly or anti-social manner	91.6%
Fail to surrender possession when asked of any new psychoactive substances	91%
To fail to surrender alcohol when asked in a designated area	91.6%
To extend the DPPO in Ware	74.2%
Shouting, swearing, screaming or making unnecessary noise where alcohol restrictions are in place.	91%

- 2.10 The results show support for the retention of the four existing dog control offences and the introduction of the offences of not being able to produce the means to pick up and to put a dog on a lead when directed to do so.
- 2.11 Over 90% of respondents gave support for the majority of the other ASB related offences. The proportion of consultees who gave positive responses for the extension of the DPPO in Ware were lower as 21.4% did not express an opinion either way , as this is a localised issue for Ware only.
- 2.12 155 detailed responses were received as part of the consultation including Hertfordshire Police Commissioner, Town Councils, the Kennel Club and the Hertford & Stortford Labour Party.

- 2.13 The Hertfordshire Police Commissioner's response was that 'where there is a concern voiced by local people, clear evidence of a specific problem and support from the Constabulary, then the Commissioner would support the creation of an appropriate order'.
- 2.14 Sawbridgeworth Town Council requested that its 2 play areas and 4 allotment gardens could be added to the dog exclusion order.
- 2.15 Buntingford Town Council supports the proposals.
- 2.16 Hertford Town Council largely approved of the proposals, but also added that restrictions on drones in public spaces should be added. It also requested that Pinehurst Playing Field be added to the order. Officers have met with the Police and although Drones aren't specifically mentioned they are defined as an 'unmanned aerial vehicle' and therefore this power could be applied to persistent nuisance caused by drones where this is clearly demonstrated as being a problem.
- 2.17 Some Town and Parish Councils have requested for us to include their own assets such as play areas and allotments in the order. While it is theoretically possible for East Herts Council to extend the powers to this land, it does not do this for other functions and significant additional resources would be required to inspect and enforce.
- 2.18 The Kennel Club provided a detailed response to the dog control measures. In summary it supports the dog fouling measures and the restrictions on dog access to areas such as children's playgrounds as long as alternate provisions are made nearby. They support proactive measures by the Council to reduce dog fouling but have concerns over the plans to introduce an offence of 'not having the means to pick up'. Their concerns are that dog owners may be unfairly penalised if approached at the end of walk having already used the bags for their own dog or given their last spare bag to another dog owner. They add that in theory dog walkers may be forced into a decision of whether to use their last bag and risk being caught without means to pick up should they be stopped later on in their walk or risk not picking up the poo, to ensure that they can comply with the new restriction. Some of these concerns are also echoed by several of the other responses to the consultation. They also have some concerns regarding the wording of the proposed offence as it doesn't define whether the person in charge of the dog has to have the 'means' on his or her person, or whether a bag held or provided by someone walking

with them or another dog walker in the vicinity will suffice.

- 2.19** They request that an appropriately worded exemption for working dogs should be included within the Order as the PSPO guidance document states “PSPOs are not intended to restrict the normal activities of working dogs and these activities are not envisaged to meet the threshold for the making of a PSPO”. Our response is that the PSPO contains the clause that “having a reasonable excuse is a defence for failing to comply with a PSPO”; which allows for any genuine activities of working dogs.
- 2.20** They are supportive of dogs on leads restrictions when used in a proportionate and evidence based way. They add that dog owners are required to provide their dogs with appropriate daily exercise such as ‘walk and run’ and in many case off the lead, in line with the code of practice under the Animal Welfare Act 2006. The Dogs on Leads by Direction measure follows their preferred approach which is a more flexible and targeted rather than a blanket restriction which they would not support. They concluded that it is also important that that appropriate signage is installed making it clear where the order will be enforced.
- 2.21** We note the concerns of the Kennel Club and therefore will be ensuring that an effective communication campaign will take place so people are aware of the plans and have an excess supply of bags on them. At the start of the campaign a warning will be given on the first occasion to a dog walker that fails to have the means to pick up. This proposal is supplementary to the existing dog fouling measure and not meant to replace it, so officers will using this as an additional tool where we have dog fouling problem areas and catching the perpetrators is a problem. In these areas additional signage will be installed regarding the means to pick up warning dog owners of the increased patrols.
- 2.22** Hertford & Stortford Labour Party also raised concerns about the application of the order in particular the measures regarding producing the means to pick up and surrendering possession when asked of any new psychoactive substances.
- 2.23** They have concerns about who the authorised officers will be and that innocent people will be stopped and searched. Additionally they wanted clarification on the definition of new psychoactive substances.
- 2.24** Our response is that these powers are not intended to be used as a stop and search mechanism. This report clarifies the application

of the 'means to pick up' measure in paragraph 2.21. Only trained authorised officers will be using the powers in an appropriate way, and it is intended that not all officers will have all the powers. The term 'new psycho active substances' is in line with Home Office and local guidance. There are nicknames for legal highs however we do not want to list these as it will not include any new terms or drugs that are introduced to the market.

- 2.25 Other comments arising from the consultation process have been analysed and responses provided where necessary – a summary of these is shown in **Essential Reference Paper 'D'**.
- 2.26 54 responses also had concerns that whether the Council had enough resources to employ these measures, in particular issuing fixed penalty notices for dog fouling and litter. Currently the Council has 8 officers employed who are authorised to issue FPNs as very small part of their role, resulting in on average 10 FPNs for litter issued per year. Should members wish to increase this a further report into the options available would be required. It should be noted, however, that the answer to dog fouling is community support and intelligence allowing targeted interventions. In a large rural district random patrols are highly unlikely to be effective.
- 2.27 If the Executive authorises the proposed PSPO, there is a further requirement for publicity within the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations. These state that where a Local Authority has made a PSPO, they must publish it on its website and erect such notices as it considers sufficient to advise members of the public that the PSPO has been made and the effect of such an order.
- 2.28 For a period of three months after the introduction of the PSPO officers will use their discretion and adopt an informal/educational approach to the enforcement of the new legislation. During this period a campaign will run aimed at alerting the public to the new laws and to engage with the parishes, particularly on the issue of replacement signage and patrolling of hotspots.
- 2.29 A revised Environmental Crime Policy is provided at **Essential Reference Paper 'B'**, with some minor amendments following the consultation. Nine comments were received during the consultation period. Most of these were about specific issues or areas outside of the Policy. Both Hertford and Ware Town Council's supported the policy provided that it is enforced and that there is a reporting mechanism to monitor its effectiveness put in

place.

- 2.30 FPN charges will be set by the Council and subject to variation by appropriate Head of Service in consultation with the Portfolio Holder. A full list of FPNs for Environmental Crime and the discounted payments can be found in **Essential Reference Paper 'E'**.

3 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	<p>Place – Safe and Clean</p> <p>This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p>
Consultation:	<p>Internal departments and officers affected by the Environmental Crime Policy changes have been consulted.</p> <p>A consultation has been carried out with residents, partners and appropriate community representatives as per the requirements of the legislation.</p>
Legal:	<p>No statutory requirements but certain parts of existing legislation have been repealed and new powers have been brought in to replace them.</p>
Financial:	<p>It is not anticipated to increase resource levels on enforcement as policy changes relate only to new powers for existing offences. The new offences proposed for PSPOs should help officers carry out enforcement more effectively rather than generate increased workload.</p> <p>However if members wish to extend enforcement on litter and dog fouling enforcement then additional options and costs could be investigated.</p> <p>The income level from fines and fixed penalty notices are not anticipated to be large as the majority of people respond to informal action (typically under £500 per annum). Any income is used to support the street cleansing service.</p>
Human Resource:	<p>The updated policy impacts primarily upon the work of the Environmental Inspection Team.</p> <p>The new legislation places an emphasis on the police, councils and social landlords to work together to deal</p>

	<p>with problems more quickly. Partnership working, information sharing and early and informal interventions are key to successfully dealing with anti-social behaviour.</p> <p>The policy promotes greater partnership working particularly with the police, housing associations and Town and Parish Councils. It is proposed that these partnerships should help support the work of the Council's Inspection Team particularly regarding dog issues, litter and dog fouling.</p>
Risk Management:	<p>The updated policy provided officers with clear guidance on dealing with Environmental Crime to minimise risks and ensure that officer decisions are fair and proportionate.</p> <p>Failure to implement new powers removes an important tool and seriously limits the opportunity to improve public satisfaction with these services.</p>
Health and wellbeing – issues and impacts:	<p>The revised policy provides some additional tools to help local authorities address problems with the local environment and persistent offenders to improve quality of life.</p>



ESSENTIAL REFERENCE PAPER 'B'

Environmental Crime Enforcement Policy April 2016

1 Scope

1.1 This policy covers enforcement activities in support of the Council's duties and responsibilities for maintenance of 'streetscene' and the visual amenity of the local environment for:

- Street cleansing, control of litter and dog fouling.
- Sites which are detrimental to the amenity of a neighbourhood.
- Graffiti and flyposting.
- Proper management and disposal of domestic and commercial waste.
- Nuisance & abandoned vehicles.
- Stray dogs and nuisance dogs.

1.2 These functions are normally carried out by the Council's Environmental Services Team and the Development Management Service and where relevant in consultation with the Community Safety Team.

2 Objectives

2.1 The quality of the local environment has a significant impact on people's perceptions of wellbeing and quality of life. It also supports the work of the East Herts Community Safety Partnership, to keep East Herts a safe place to live, work and visit. The Council is committed to improving standards of neighbourhood management and to tackling environmental crime and anti-social behaviour. This policy sets out the approaches and issues that are considered when employing enforcement measures.

3 Other Relevant Policies

3.1 This policy conforms with the Council's 'Enforcement Policy for East Herts District Council'.

3.2 Enforcement action taken by Council officers on matters other than those covered in 1.1 above are covered by separate enforcement policies that

reflect specific legislative requirements and the nature of the activity.
Examples of other Council Enforcement Policies are:

- Environmental Health Enforcement Policy, which includes action the Council will take in relation to environmental health and other statutory nuisances.
- Planning Enforcement Plan, which deals with enforcement action against breaches in planning matters.

4 Key Legislation

The main legislation and guidance to which this policy relates (with reference to the scope in 1.1), but not exclusively so, is:

- Anti-social behaviour, Crime and Policing Act (2014)
- Town and Country Planning(Control of Advertisements) (England) Regulations 2007 (as amended)
- Clean Neighbourhoods and Environment Act (2005)
- Anti-social Behaviour Act (2003)
- Dog Fouling of Land Act (1995)
- Environmental Protection Act (1990)
- Control of Pollution (Amendment) Act (1989)
- Refuse Amenity Act (1978)
- Local Government Act (1972)

5 East Herts Council's Enforcement Policy

- 5.1** The Council has an overarching 'Enforcement Policy for East Herts District Council' which lays down the rules and principles adopted when undertaking enforcement action to secure compliance with the law. It is based upon the 'Central and Local Government Concordat on Good Enforcement'. This is a nationally recognised standard for promoting best practice enforcement. A key aim is to ensure that all enforcement is proportionate, equitable and practicable and is delivered in a constant manner.
- 5.2** The Environmental Crime Enforcement Policy sits beneath the Council's Enforcement Policy and reflects these principles.

6 Shared Enforcement

- 6.1** East Herts Council will work in partnership with other enforcement agencies with a shared enforcement role under legislation such as the

Police, Environment Agency, housing associations and other central and local government authorities and agencies. The Council is committed to partnership working to address Community Safety, Crime and Disorder and Environmental Crime issues. Where appropriate, particularly on emerging or more serious issues, we will liaise with other internal departments and/or partners, or through the Community Safety Partnership to ensure consistency and communication in enforcement action.

- 6.2** Where appropriate, enforcement matters will be referred to another body or agency. In these circumstances, officers will advise the complainant and/or the perpetrator where doing so will not compromise future enforcement action by the Council or another agency.

7 Authorised Officers

- 7.1** The Council's responsible officer, as laid down in the Council's Constitution (Scheme of Delegations) will authorise officers in writing, specifying the limits of their authorisation. Persons other than East Herts Council employees may also be authorised, where it is legally permissible to do so, and the responsible officer considers that the Council's objectives, policies and procedures will be applied. Enforcement action will only be carried out by authorised officers who have received appropriate training and sufficient experience. The Council will also work with the Police through the Community Accreditation Scheme to designate powers to officers where relevant to the job role.
- 7.2** The designations of person(s) who may authorise a prosecution, enforcement notice or a formal caution within the scope of this policy are the Head of Operations, Head of Housing & Health and the Head of Planning & Building Control in consultation with the Head of Democratic & Legal Services. .

8 Enforcement Approach

- 8.1** In accordance with the Council's Policy and the 'Enforcement Concordat' authorised officers will seek to ensure that all enforcement is fair and proportionate and gives due regard to the legal rights of others.
- 8.2** Where appropriate, enforcement investigations will be conducted at times of the day which minimise inconvenience to business and traders whilst ensuring that fair and representative evidence is obtained relating to any alleged offence.
- 8.3** Prior notification of an impending enforcement inspection will not be made where such notification would defeat the purpose for which the inspection was being undertaken.

- 8.4** Authorised officers will have due regard to individuals legal rights and will conform to the Council's Diversity and Equalities Policy when conducting enforcement action, considering, for example, language and access difficulties.
- 8.5** In making an enforcement decision, officers will consider the following:
- seriousness and prevalence of offence;
 - the quality of available evidence and probability of the enforcement action under consideration being successful;
 - the perpetrator's past history and likelihood of re-offending;
 - the likely effectiveness of the deterrent that successful enforcement action would achieve;
 - the impact on the community (or part of).
- 8.6** Where there are failures to comply with the law, this Authority has a number of informal and formal approaches to secure compliance:
- to take no action (e.g. refer the matter to another agency or service, or where further action is not expedient);
 - to take informal action;
 - to issue a formal warning;
 - to use statutory enforcement notices;
 - to carry out work in default;
 - to use formal cautions;
 - issue fixed penalty notices;
 - to prosecute.
- 8.7** Informal approaches are the preferred method of enforcement for minor offences in the first instance, and particularly when dealing with vulnerable persons, the elderly and the young (persons under 16 years of age). The Council will aim to work in partnership with stakeholders such as businesses and landowners, and to seek joint approaches to resolving environmental crime problems, preferably through early and information interventions where possible, such as Community Protection Warning letters (see 11.4).

Informal Action - Verbal Observation or Warning

- 8.8** This is to be used for minor contraventions especially when they are isolated incidents that are remedied immediately with the full co-operation of the person responsible. All verbal observations or warnings will be recorded.

Environmental Crime Incident Tickets

- 8.9** When an offence has been committed, but a warning needs to be issued on site, authorised officers may issue an Environmental Crime Incident Ticket.

These tickets will not in themselves be a Fixed Penalty or other notice, but will be used to record and check information and allow the offender to understand the actions to be taken. On checking the evidence and any previous logged offences in the office, officers can then decide if further action should be taken such as a fixed penalty notice to be issued.

Written Observation or Formal Warning

- 8.10** This is appropriate for offences which are more serious, where it is not possible to issue a verbal observation or warning or where informal action has not been complied with satisfactorily. The written warning will include details of the offence, the relevant legislation, remedial action required, timescales for compliance, and the consequences of non-compliance. It could also be in the format of a voluntary agreement between the issuing organisation (Police/Council) and the individual.

Enforcement Notice

- 8.11** This will be used where informal action has been unsuccessful in that there has been a failure to comply or resolve the matter relating to the offence, commitments given have not been honoured or timescales have been exceeded, or where the authorised officer believes that informal action is inappropriate. The Notice will also indicate how and to whom representations can be made.

Carry out Works in Default

- 8.12** Certain legislation gives powers for the Council to carry out works in default when a Notice has not been complied with, for example, Community Protection Notices. The decision to carry out works in default will be made by the Head of Service. The officer will follow up such action by investigating the recovery of costs where the legislation allows this.

Formal Cautions

- 8.13** These will be considered for prosecutable offences when the criteria in the Home Office Guidance are met. Typically, the reason for choosing this option would be that in considering prosecution, the public interest test is not fully met (see 'Prosecution' below), that the offence did not result in real harm or that there was full co-operation. A formal caution will not be used simply because the evidence is insufficient to give a reasonable prospect of prosecution success. If a formal caution is refused, prosecution will normally follow. The decision to issue a formal caution will be taken by the Head of Service in consultation with the Legal Services Manager.

Fixed Penalty Notices

- 8.14** Fixed penalty notices (FPNs), offers offenders the option of paying a penalty charge to avoid being prosecuted for certain offences. Authorised officers will not issue a fixed penalty notice unless:
- The offence justifies prosecution.
 - It is believed by the authorised officer, at the time of issuing the Fixed Penalty Notice, that there is sufficient evidence to achieve a successful prosecution.
 - It will act as a sufficient deterrent against re-offending.
- 8.15** If any fixed penalty notice remains unpaid after expiry of the payment period, the file will be passed to the Legal Services Manager who will consider prosecution.
- 8.16** Enforcement action taken against young people will be carried out with due regard to the requirements of the Children's Act 2004 and to Defra Guidance "Issuing Fixed Penalty Notices to Juveniles" 2006.
- 8.17** The name, address, age and date of birth of the offender will be obtained together with the name and address of the parent or legal guardian. The offender will be advised that this information will be shared with the local Youth Offending Team.
- 8.18** Notices may be issued to 16 and 17 year olds using the same procedures as Adults. However, authorised officers will consider whether a written warning is appropriate for a first offence, depending upon the nature and seriousness of the offence.
- 8.19** In most circumstances a written warning will be issued to the parents of a child under the age of 16 in the first instance. If the offence occurs in school hours or in school uniform, an advisory letter will be sent to the Head Teacher.
- 8.20** If the child continues to offend despite this intervention, enforcement action, (including a Fixed Penalty Notice), may be taken following discussions with the Community Safety Team or relevant local agencies responsible for law enforcement and children's services (e.g. Police, Youth Service, Youth Offending Team). The Council will consult with partners to determine whether an FPN is the most appropriate measure for a person under 16 or if other measures (e.g. warnings, Acceptable Behaviour Contracts) are more appropriate.
- 8.21** In all circumstances the parent or legal guardian will be advised as soon as possible. Where a fixed penalty notice is to be served on a person aged 10 – 15, this should be done with the parent or legal guardian present.

Prosecution

- 8.22** The Council recognises that most people wish to comply with the law and prosecution will generally be restricted to those who flout the law.
- 8.23** The Head of Service will authorise that prosecution is warranted and in these circumstances, an evidence file will be submitted to the Legal Services Manager who will determine whether the case will proceed to prosecution based upon standard evidential and public interest tests.

9 Diversity

- 9.1** The Council is committed to equality of access to its services and has adopted a 'Comprehensive Equality Policy'. This policy will be followed by officers when carrying out their duties.
- 9.2** In respect of race equality, the Council has adopted the McPherson's definition of a racist incident 'a racial incident is any incident which is perceived to be racist by the victim or any other person'.
- 9.3** The Council follows the Codes of Practice of the Commission for Racial Equality and Equal Opportunity Commission, and it is committed to achieving the Equality Standard for local government.
- 9.4** We believe in the need to eliminate unlawful discrimination and to promote equality of opportunity in all that we do. We recognise the rich diversity of East Hertfordshire's population as a strength, and we aim to treat all people with dignity and respect, whilst recognising the value of each individual and the positive contribution they make to the diverse community and workforce.

10 Review

- 10.1** It is recommended that this policy will be reviewed on an annual basis and in light of any changes in legislation, Codes of Practice or centrally issued guidance.

Policy officially adopted May 2006.

Reviewed and updated February 2016.

11 List of Core Offences and Officers Guidance

11.1 Nuisance Parking Offences

Section 3 of the CNEA 2005 aims to prevent the selling of vehicles on the road. It is intended to target those people who run a business selling motor vehicles and use the road as a mock showroom. It is not intended to target individual private sellers of single vehicles, but the nuisance that is caused by the presence of numbers of vehicles being offered for sale by the same person or business.

The offence may only be committed where there are two or more vehicles being offered for sale for the purposes of a business. The vehicles must be within 500 metres of each other.

Section 4 of the CNEA 2005 is aimed primarily at those that act irresponsibly as part of a business and who are attempting to use the road as a mock workshop. It is not intended to target private individuals who are carrying out minor work to their vehicles (unless the repairs cause annoyance to persons in the vicinity), or those who carry out necessary work to vehicles by the side of the road in order to get them moving again after a breakdown or accident (such as breakdown organisations and mobile mechanics), provided the work is completed within 72 hours.

These offences apply to any highway or road to which the public have access. This includes roads through housing estates owned by Housing Associations. It covers both the carriageway and the footpath but not car parks.

- Hertfordshire County Council's Trading Standards Department may take action under the Trade Descriptions Act in some circumstances.
- The Town and Country Planning Acts can also be used where it can be demonstrated that there is a change in the use of the land. This can be very difficult as these activities are typically transient in nature.
- Where there is an obstruction of the Highway, the Highway Authority may also take action under the Highways Acts or, where there is an issue of highway safety, the Police can take action.
- In response to complaints the Environmental Health Service may ask people to move vehicles where it is considered that they are 'trading without consent' under the Local Government (Miscellaneous Provisions) Act 1982.

East Herts Policy

- The Council will investigate these incidences and generally the first occasion will be dealt with informally.
- Authorised officers may issue fixed penalty notices to offenders as an alternative to prosecution.
- The Council will work with Trading Standards to undertake enforcement action against offenders who persistently sell vehicles on the highway.

11.2 Abandoned Vehicles

The Refuse Disposal Amenity Act 1978 lays down that it is a criminal offence to abandon a motor vehicle or anything that has formed part of a motor vehicle on any land in the open air or on any other land forming part of a highway.

There is no legal definition of an abandoned vehicle. However, statutory guidance suggests the following characteristics are generally common to abandoned vehicles and one or a combination of the following could assist a local authority officer in making a decision on abandonment:

- (a) Untaxed, **with**
- (b) No registered owner
- (c) Stationary for a significant amount of time
- (d) Significantly damaged, run down or un-roadworthy
- (e) Burned out
- (f) Lacking one or more of its number plates
- (g) Containing waste

This is not an exhaustive list and a vehicle would not have to be displaying the full list to be abandoned.

The Guidance states that a vehicle should not be considered abandoned solely on the grounds that it is untaxed (as checked on the DVLA website).

The CNEA 2005 removed the need to place a 24 hour notice on the vehicle in some circumstances. All abandoned vehicles can be removed immediately, however, councils must be reasonably satisfied that the vehicle **has been abandoned**. Vehicles cannot be removed if they are just untaxed under this legislation.

For certain types of abandoned vehicles, local authorities must take steps to trace the owner of a vehicle and, if successful, give them **7 days written notice** that the authority intends to dispose of the vehicle if it is not collected within that time. If the owner is traced, the local authority has the option to serve a fixed penalty notice as an alternative to prosecution. The success of this measure depends upon the ability to prove ownership. Local authorities can destroy vehicles at any time after collection if in very poor condition or if they are untaxed **and** have no number plates without there being a requirement to trace the owner.

Under current legislation owners can recover vehicles or proceeds from their sale (less collection, storage and disposal costs) up to a year after a vehicle is sold. The Council can also recover costs from owners where they are identified,

however nearly all vehicles collected are of a very low value, ownership cannot be proved and it is rarely possible to recover costs.

East Herts Policy

- The Council aims to inspect vehicles reported as abandoned within 24 hours.
- Officers make enquires with the DVLA and local residents and carry out an HPI check where appropriate to identify an owner.
- Authorised officers will give instructions to the Council's contractor for the immediate removal of vehicles which are hazardous or in poor condition. (Note that this does not include vehicles that present a traffic hazard or obstruction by way of position on the highway. This is the responsibility of the Police.)
- Authorised officers will give instructions to the Council's contractor for the removal and destruction of vehicles that have no tax **and** no registration plates, or no tax **and** no current keeper on the DVLA database.
- Where a vehicle appears to be abandoned but not dangerous a white 'is this your vehicle' notice is attached and the Council writes to the last registered keeper to ascertain the status of the vehicle. If there is no response from the last registered keeper within 7 days, a second letter is sent proposing the removal date before the vehicle is removed for destruction.
- Where a vehicle is on land that is occupied, the Council is required to give the land owner 15 days notice that they propose to remove the vehicle. Officers work closely with housing associations to progress the removal of abandoned vehicles from their land.
- Vehicles that are burned out or in very poor condition are destroyed within 24 hours. Officers will also contact the Police to determine if the vehicle was stolen.
- Other vehicles are stored by the council's contractor until such time as it is deemed that they are abandoned and are then either destroyed or sold at auction.
- Officers liaise with the Fire Service on potentially abandoned vehicles with a view to immediate removal of vehicles likely to pose a fire hazard or where it is considered that there is an imminent danger of an arson attack upon the vehicle.
- Under the current arrangement for dealing with abandoned vehicles, officers comply with the criteria laid down in legislation to determine whether or not a vehicle has actually been abandoned. This ensures that the Council is not drawn into vexatious complaints or neighbour disputes over parking spaces.

- The responsibility for dealing with untaxed vehicles that are not abandoned rests with the DVLA. East Herts has chosen not to adopt DVLA powers as there is a low level of abandoned vehicles in the district and the effect on costs and staff resources would be disproportionate to the problem.
- Fixed penalty notices for abandoned vehicles may be used by authorised officers but are considered to be of limited use.

11.3 Litter

Under Section 87 of the Environmental Protection Act (1990) it is an offence to drop and leave litter. The CNEA 2005 makes it an offence to drop litter anywhere in the open air including private land and on water. It also clarifies the EPA (1990) such that 'litter' includes cigarette butts and chewing gum.

A litter offence can be prosecuted through a magistrates' court and carries with it a maximum fine of level four on the standard scale (currently £2,500).

Fixed Penalty Notices (FPNs) can be used as an alternative to prosecution for dropping litter. It is an offence not to provide, or to give a false name and address to an authorised officer.

East Herts Policy

- East Herts has a low level litter problem compared with many areas and a relatively high standard of measured cleanliness. The Council will take action where littering has been witnessed or there is other firm evidence and the presumption will be to issue the FPN in lieu of prosecution.
- The Council will undertake campaign based exercises with the Police which included the use of FPNs for littering as part of targeted public education and awareness campaign work and subject to the offence being sufficient to warrant prosecution.
- The Council will continue to work with the Police to develop the range of skills of East Herts Accredited Staff and Police Community Support Officers including allowing both to issue Fixed Penalty Notices for litter offences.
- On a case by case basis, authorised officers may, in accordance with the principles of the Enforcement Policy choose to consider the placing of bags of rubbish (where evidence can be found) as littering.
- Generally, offences may be seen by officers on overt patrol or in vehicles whilst following other road users during the course of their normal duties. The Council will also accept witness statements from members of the public or officers for investigation. Offences observed on overt CCTV will be pursued where identity can be obtained.
- Where littering from vehicles takes place, accredited officers will seek to identify registered vehicle details from the police, and will write to the vehicle owner.

- When passed by the Secretary of State, the Council will adopt new powers under s88 of the EPA 1990 where the registered keeper can be issued with a FPN as a result of litter being deposited from a vehicle.

11.4 Community Protection Notices

The Anti-social Behaviour, Crime and Policing Act 2014 introduced **Community Protection Notices** as a means to tackle a wide range of ongoing problems or nuisances which negatively affect a community's quality of life.

As a result of the introduction of CPNs the following powers were repealed:

- Litter Clearing Notices
- Litter Abatement Notices
- Street Litter Control Notices
- Defacement Removal Notices for graffiti and flyposting

CPNs have been introduced to simplify legislation and have fewer restrictions than the legislation that they replace. They are useful in dealing with ongoing problems especially where there is more than one issue that need resolving.

A CPN can be issued where we are satisfied that the behaviour -

- a) is having a **detrimental effect on the quality of life of those in the locality**
- b) is persistent and **continuing** in nature
- c) is **unreasonable**

A written warning must be issued first given a reasonable timescale to remove.

The Notice can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.

A fixed penalty notice can be issued of up to £100 if appropriate. Breach is a criminal offence with a £2,500 fine for individuals or £20,000 for businesses. CPNs can allow the council to carry out works in default on behalf of a perpetrator.

CPNs do not discharge the Council from its duty to issue Abatement Notices where the behaviours constitute a statutory nuisance under EPA 1990, however the Council will consider using all relevant powers in tandem before reaching a decision. Before issuing a CPN advice should be taken from other relevant council departments to ensure that the restrictions or requirement imposed do not conflict with any other notice, permit etc.

Section 215 under the Town and Country Planning Act 1990 could be used as an alternative to a CPN. They can be used to deal with land owners who allow land to become unsightly in such a way that it has an effect on public amenity.

Detail on the use of these powers in relation to dogs can be found in section 11.7.

East Herts Policy

- Where possible informal action will be undertaken in the first instance with residents and businesses to prevent ongoing environmental problems.
- Where graffiti is on Council property it will be removed on a programmed basis. We aim to remove or obscure offensive or racist graffiti within 24 hours.
- Where there are high concentrations of graffiti in areas where it may encourage further anti-social behaviour specific initiatives will be undertaken with partners. Agencies that are responsible for street furniture are notified of graffiti on their property.
- Prior to graffiti removal on private land an indemnity form must be completed by the landowner or managing agent to protect the Council from litigation and claims for any 'damage' caused as a result of removal.
- The Planning Enforcement Section deal with fly posting. The current approach is to remove posters or placards or to request the perpetrator to remove them (backed up by the threat of prosecution under the Town and Country Planning Act).
- CPNs deal with a wider range of behaviours than the legislation that they replace. The types of behaviour that East Herts would use this for are:
 - accumulations of litter on private land or land belonging to a statutory body
 - a large amount of graffiti on private premises
 - litter left on land as a result of the operations of a business
 - irresponsible dog ownership such as dogs strayingNB: List is non exhaustive and for example only but behaviours must meet the tests above.
- The Council would only use these for areas where we have existing responsibility and will not be taking on issues which could be classed as neighbour disputes.
- Before considering using a CPN process, the case will be discussed with the Community Safety team and logged on SafetyNet, which is a web based case management system that Police, Housing Associations and East Herts have access to.

11.5 Distribution of free literature

The CNEA (2005) amended the EPA (1990) to give local authorities the power to control distribution by designating areas of their own land or highways where distribution is only allowed with their consent. Doing so without consent is an offence. Distribution of materials for political, charitable or religious purposes is exempt. It does not include material put through letter boxes.

Local authorities may charge a fee for granting consent, may impose conditions on the distribution and may seize materials that are being distributed without consent.

Fixed Penalty Notices may be issued as an alternative to prosecution for distributing without consent.

East Herts Policy

- East Herts owned car parks, open spaces and shopping centres in the five main town centres are designated as areas where consent must be sought to distribute free literature to help reduce littering. Maps of the areas are available from the Council's website.
- The Head of Housing, Community Safety and Health is authorised to consider requests for consent, applying appropriate conditions to prevent litter e.g. that discarded materials be collected within 100m of the distribution point on the same day or where distributors are mobile, the whole town centre.
- The Council will charge a fee to cover administration costs of authorising distribution. This fee may be waived for 'not-for-profit' organisations at the discretion of the Head of Housing, Community Safety and Health.
- The Head of Operations is authorised to take enforcement action for non-compliance. Authorised officers are permitted to issue Fixed Penalty Notices and seize material being distributed without consent.

11.6 Deposit and Disposal of Waste

There is no specific definition of fly tipping other than that set out in section 33 of the Environmental Protection Act (EPA) 1990, which says it is an offence in general terms, to treat, keep or dispose of controlled waste other than in accordance with an environmental permit or in a manner likely to cause pollution of the environment or harm to human health. The maximum penalties for the illegal disposal of waste are £50,000 and/or 1 year imprisonment.

Householders have a 'Duty of Care' to ensure that their waste is passed on to an 'authorised person', and can be prosecuted with a fine of up to £5,000 if they cannot prove that they took reasonable steps to prevent their waste being fly tipped.

It is an offence for anyone who is not a registered carrier of controlled waste to transport such waste to or from any place in Great Britain in the course of any business of his or otherwise with a view to profit. Fixed Penalty Notices can be used for failure to provide evidence that they are a licensed waste carrier.

Under the EPA (1990), section 46 & 47 Notices can be served on householders and businesses specifying, for example, that they must put their waste receptacles in a certain place to facilitate waste collection. Noncompliance with section 46 is a

civil penalty with a FPN of £80, while section 47 is a criminal offence with a maximum fine of £1,000.

East Herts Policy

- The Council takes action against anyone found to be fly tipping on public highways or 'relevant land' with a view to prosecution. We may also investigate instances of fly tipping on private land but it will be the responsibility of the landowner to remove the waste. Officers utilise witness statements, investigate sources of illegal dumping and carry out covert surveillance. The Council will deal with fly tips up to one tipper load. Larger tips and those resulting from organised crime tend to be dealt with by the Environment Agency.
- East Herts Council regularly conduct stop and search exercises to ensure that vehicles that carry waste are aware of the law, subject to support from partner agencies (Police, DVLA, VOSA, Trading Standards, Environment Agency, Dept. of Works & Pensions).
- FPNs may be used where residents and businesses put out waste at the wrong time or in the wrong place which cause a nuisance or is detrimental to the amenity of the locality. The objective is to prevent obstructions or unsightly waste being left on the street which attracts vermin and causes litter. They would be used primarily for persistent offenders who have failed to respond to informal action.

11.7 Dogs

There are a range of measures that can be used to encourage responsible dog ownership and deal with irresponsible dog owners failing to pick up after their dogs, letting their dog stray or causing a nuisance.

Under the ASB, Crime and Policing Act (2014), Community Protection Notices (CPNs) and Public Space Protection Orders (PSPOs) can be used for a range of dog related problems.

The ASB, Crime and Policing Act (2014) amended the Dangerous Dogs Act (1991) to extend the offence of dangerously out of control to all places including private property.

The Council has a duty under the EPA1990 to appoint an officer "for the purpose of discharging the functions for dealing with stray dogs found in the area of the authority". The CNEA 2005 removed the responsibility for stray dogs from the police placing this solely with the local authority. This means that outside office hours local authorities will be expected, where practicable, to provide a place to accept stray dogs.

The Microchipping of Dogs (England) Regulations will come into effect from 6th April 2016. From this date all dogs over 8 weeks must be microchipped and keepers details be up to date. The only exemption is where a veterinary surgeon

certifies, on a form approved by the Secretary of State, that a dog should not be microchipped for reasons of the animal's health.

An authorised officer may serve a notice on the keeper of a dog to have the dog microchipped within 21 days. Failure to comply with the notice could mean a fine.

Community Protection Notices provide a statutory tool that can be used in cases of irresponsible dog ownership. They can be used where an Acceptable Behaviour Contract, or other non-enforcement measures, has not worked or where the threshold had been met but a statutory notice is more appropriate. They can address behaviour that has a negative effect on anyone in the community. For example dogs out of control in a park, alarming visitors to the home, straying and causing damage or even a dog that causes distress or injure other animals.

A written warning must be issued first providing the opportunity to rectify behaviour.

Public Space Protection Orders specify an area where activities are taking place that are or may likely be detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people using that area.

The council can make a PSPO if it believes the activities are detrimental to the local community's life and that the negative impact is so much to make the restrictions reasonable.

However the behaviour being restricted has to:

- be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;
- be persistent or continuing nature; and
- be unreasonable.

Breach is a criminal offence punishable by a fine of up to £1,000. Alternatively a fixed penalty notice can be issued of up to £100.

East Herts Policy

The Council will use the above legislation to encourage responsible dog ownership working with partners through early engagement and education work to prevent problems becoming more serious. This may include early intervention measures such as letters, joint visits and Acceptable Behaviour Contracts.

Where an incident relates to a dog that is identified as being dangerously out of control this matter will be referred to Police.

Officers will use CPNs after liaison with the Community Safety team where the appropriate tests are met.

PSPOs will be used when the tests are met and following consultation which will be carried out in conjunction with the Community Safety team and the Police.

The PSPOs will make it an offence to:

- allow your dog off a lead at places designated in the order;
- to allow your dog in designated East Herts children's play areas, games areas, bowling greens and marked playing pitches when there is a match in play;
- for one person to take more than 4 dogs on to any East Herts land at any one time;
- failing to place a dog on a lead when requested to do so;
- failing to pick up after your dog;
- failing to have the means to pick up after your dog.

Where the offence of failing to have the means to pick up after your dog takes place officers would approach dog owners and request them to produce bags, containers or other means by which they will pick up after their dogs. If the owner fails to produce this on request then provided the offence is on designated land and the offender is not exempted, by for instance being registered blind, an offence is committed for which a fixed penalty fine of up to £100 may be issued. Failure to pay the fine may result in legal proceedings with a potential fine of up to £1,000 in the Magistrates' Court.

Enforcement on dog fouling can be difficult as offences often take place at night or early in the morning. Action taken by the Council will try and highlight the problem to residents of the area, and encourage them to provide information to help officers target patrols and catch the offenders.

Where the Council receives a report of dog fouling it may undertake all or some of the following actions (depending on the severity of the problem):

- Increase education and awareness through putting up various signs
- Highlighting the issue through spray painting and stencils on the ground
- Encourage reporting of offenders through leafleting park users and nearby residents
- Encourage community involvement through parish newsletters, press release and social media
- Carry out patrols based on evidence given by residents

Action taken will be in proportion to the amount of fouling, the use of the area and the number of complaints. For example, dog fouling outside a primary school will therefore take priority over a rural footpath.

The Council will promote microchipping as a permanent means of identification and to make reuniting lost dogs easier. When the micro chipping regs come into effect the Council will use the powers available to ensure owners comply with the legislation. As part of this strategy all stray dogs will be microchipped before being returned to owners or rehoming.

The Council does not provide a 24hr stray dog collection service as this is not practical in a large district. In the evenings and weekends the public can take stray dogs to acceptance points at local kennels where the dog will be scanned for microchip and/or kept until the owner contacts the council.

11.8 Fixed Penalty Notices

Fixed penalty Notices (FPNs) are a way of dealing with low level environmental crime and are more cost effective than prosecutions.

East Herts Policy

- FPNs are part of a wider enforcement strategy and targeted at priority areas.
- FPNs are only issued when there is sufficient evidence to warrant a prosecution should the penalty not be paid.
- The Council will work with the Police for joint enforcement campaigns for litter and waste carrier offences and PCSOs are equipped to issue FPNs.
- FPNs are used in a responsible and proportionate manner in accordance with the Council's Enforcement Policy.

11.9 Abandoned Shopping Trolleys

Legislation

The EPA allows a local authority to seize, store and dispose of abandoned shopping and luggage trolleys found in its area. This is an adoptive Schedule under section 99. The provisions allow for costs to be recovered from the owner of the trolleys, and the CNEA (2005) has improved the ability for local authorities to reclaim these charges.

Local authorities must retain seized trolleys for a period of six weeks before selling or disposing of them.

A notice must be served on the apparent owner.

The trolley must be delivered to the owner if it is claimed within the six week period (upon payment of the charge).

Collection, storage and disposal costs may be recovered even if the trolley is not claimed provided the owner can be identified.

East Herts Policy

- East Herts has a low level of problems with the abandonment of shopping trolleys.
- On the first occasion the Council will normally advise retailers of their location and request that they are collected. Occasionally, Council inspection staff will remove trolleys if they are deemed to be causing a hazard.
- The powers to remove and recover costs for abandoned trolleys were adopted in 2006 and retailers were advised that the Council will charge for recovery, return, storage or disposal of shopping trolleys if retailers do not take appropriate measures to deal with this problem.
- Charges for recovery, and return are set at £50 per trolley; £2 per day for storage and £30 for disposal.

Officers' guidance will be automatically amended by Officers from time to time as legislation changes.

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The Anti-social Behaviour, Crime and Policing Act 2014

The Public Spaces Protection Order – (East Hertfordshire District Council) 2016

DRAFT

East Hertfordshire District Council (in this order called “the Authority”) hereby makes the following Order:

This Order comes into force on ***** for a period of 3 years.

General provisions:

1. A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014. Obligations 3 to 10 and 12 are liable to a fine on summary conviction not exceeding level 3 on the standard scale. A person who fails to surrender any alcohol under provision number 11 is liable on summary conviction not exceeding level 2 on the standard scale.

Obligations on persons with dogs:

2. Fouling

If a dog defecates at any time on land to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land immediately unless

- (a) they have reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The offence does not apply to a person who –

- (i) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (ii) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

This applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

3. Dogs on leads when directed

A person in charge of a dog on land to which this order applies must comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead unless

- (a) they have reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

This applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

4. Dogs on leads in specified areas

A person in charge of a dog must keep the dog on a lead in designated areas unless

- (a) they have reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

This applies to the designated areas of land specified in the Schedule 1 of this order.

5. Dog exclusion in specified areas

A person in charge of a dog must not take it into areas of East Herts Council owned land which has been designated to exclude dogs unless

- (a) they have reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The designated areas of land to exclude dogs are

- fenced children's playgrounds and areas which are designated and marked for children's play
- all fenced games areas e.g. tennis, ball courts, skate parks
- all bowling greens
- marked playing pitches – when in use for playing sports

This applies to the land specified in the Schedule 1 of this order

The offence does not apply to a person who –

- (i) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

- (ii) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

6. Walking more than 4 dogs

No one person may take more than four (4) dogs onto any East Herts Council owned land at one time.

This applies to the land specified in the Schedule 1 of this order.

7. Failing to produce a receptacle for picking up dog faeces

A person in charge of a dog on land to which this order applies must have with them an appropriate means to pick up dog faeces deposited by that dog unless

- (a) they have reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate receptacle to pick up dog faeces. A receptacle is defined as any object capable of holding faeces for disposal.

By way of guidance, a trouser or coat or other pocket is not such item for the purpose of this obligation. Neither is a handbag, rucksack, purse or sports bag.

The offence does not apply to a person who –

- (i) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (ii) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

This applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Other Obligations

8. Use any mechanically propelled vehicle in a disorderly or anti-social manner

No person shall use any mechanically propelled vehicle (including an electrically propelled vehicle) in a disorderly or anti-social manner on any land (public or private) within the District.

A driver, rider or person in charge of a mechanically propelled vehicle will stop on the direction of an authorised officer. They shall stop driving in the manner identified and provide their details upon request.

The offence would take place should they fail to stop and/or provide their details.

9. Failing to surrender possession when asked of any new psychoactive substances (commonly known as legal highs) or drug that is not alcohol or tobacco on any land within the District.

An authorised officer may require a person to surrender substances where it is reasonably believed that their possession or use may result in anti-social behaviour.

The offence will occur when the person fails to surrender possession of “intoxicating substances”.

“Intoxicating Substances” is given the following definition (does not include alcohol, caffeine or nicotine): Substances with the capacity to stimulate or depress the central nervous system.

Exemptions shall apply in cases where the substances are used for a valid and demonstrable business or medicinal use, given to an animal as a medicinal remedy, or are food stuffs regulated by food health and safety legislation.

10. Prohibition of alcohol consumption in designated areas

Any person who, without reasonable excuse, continues consuming alcohol in the designated area when asked not to consume alcohol by an authorised officer commits an offence.

Any person who, without reasonable excuse, fails to surrender any alcohol in their possession when asked to do so by an authorised officer commits an offence.

The designated area is the land contained within the proposed area and as shown in the associated plans detailed in Schedule 2.

11. Shouting swearing, screaming or making any unnecessary noise in a disorderly or anti-social manner where alcohol restrictions are in place

No person shall either with intent or recklessly, shout, swear, scream or act in a manner to cause annoyance, harassment, alarm or distress to any person within the designated area.

The designated area is the area where alcohol restrictions are in place (as per identified on maps). The offence occurs when the individual identified fails to stop their behaviour upon request of an authorised officer.

The test will be the view of a person of reasonable fairness.

The designated area is the land contained within the proposed area and as shown in the associated plans detailed in Schedule 2.

12. For the purpose of this order:

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a receptacle for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- “an authorised officer” means a Police Officer, Police Community Support Officer, an authorised employee, partnership agency or contractor of East Hertfordshire District Council who is authorised in writing by East Hertfordshire District Council for the purposes of giving directions under the Order.

13. Appeals

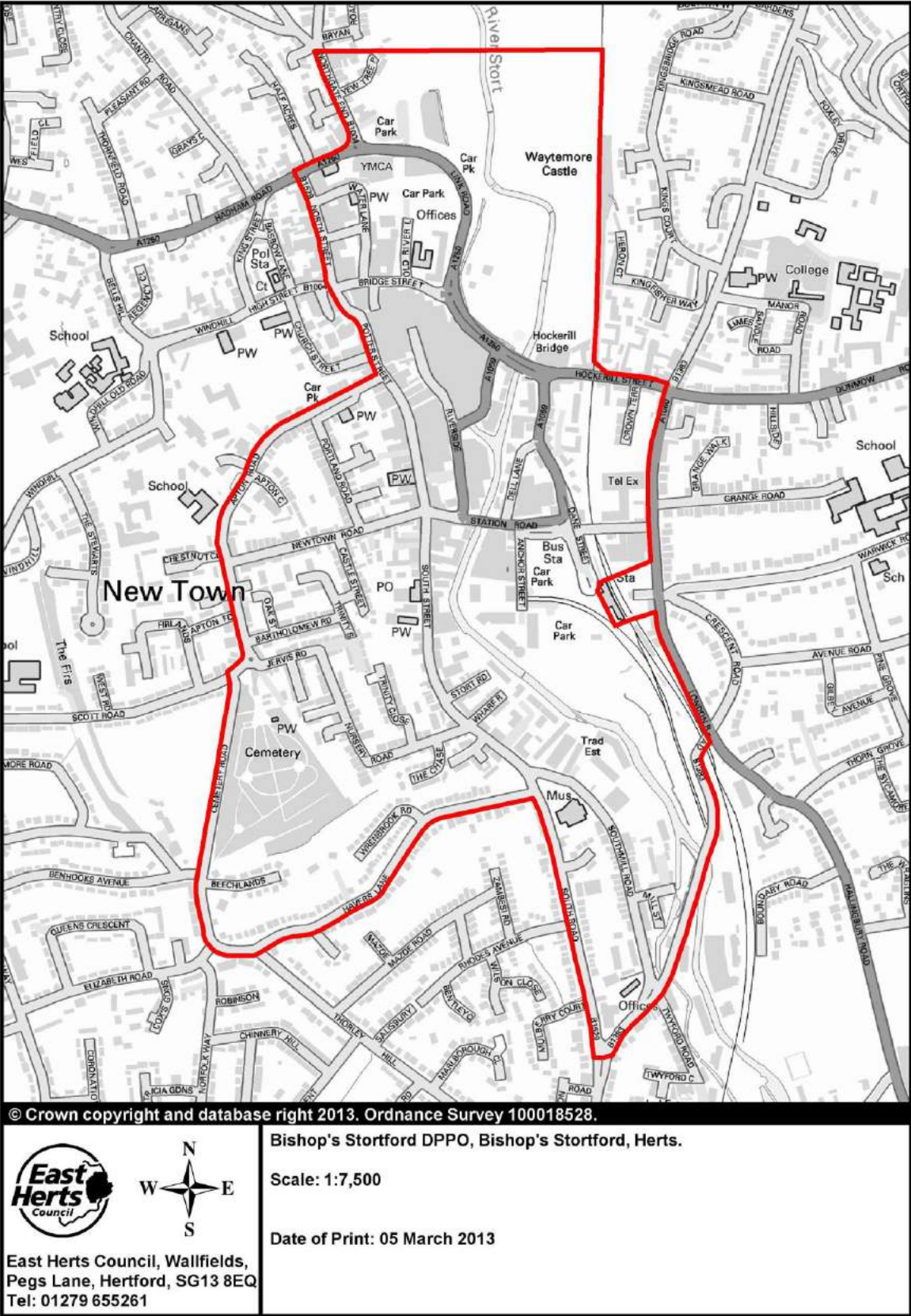
In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

Schedule 1 - List of areas for dog control measures under the proposed Public Spaces Protection Order (PSPO) - Autumn 2015				Dog Fouling (current legislation)	Dogs on lead when directed (new proposal)	Dog on leads in specified areas (replacing current order)	Dog Exculsion in specified areas (play areas, fenced games areas and bowling greens) (replacing current order)	Pitch exclusion - dogs excluded when in use for playing sports (replacing current exclusion order)	Walking More than 4 dogs (replacing current order)	Not having the means to pick up dog faeces (new proposal)
BISHOP'S STORTFORD										
Barrelsdow Road Play Area	Barrelsdow Road	Bishop's Stortford	CM23 2SY	x	x		x		x	x
Bishops Park Open Space	Woodpecker Close	Bishop's Stortford	CM23 4QA	x	x				x	x
Bishops Park - Play Area 1 - Younger	Woodpecker Close	Bishop's Stortford	CM23 4QA	x	x		x		x	x
Bishops Park - Play Area 2 - Older	Woodpecker Close	Bishop's Stortford	CM23 4QA	x	x		x		x	x
Bishop's Stortford Castle Grounds	The Causeway	Bishop's Stortford	CM23 2EQ	X	X				X	X
Burley Road Play Area	Burley Road	Bishop's Stortford	CM23 3LR	x	x		x		x	x
Cannons Close Play Area	Cannons Close	Bishop's Stortford	CM23 2BQ	x	x		x		x	x
Dimsdale Crescent Play Area	Dimsdale Crescent	Bishop's Stortford	CM23 5LJ	x	x		x		x	x
Grange Paddocks Open Space	Rye Street	Bishop's Stortford	CM23 2HH	x	x			x	x	x
Knebworth Court	Knebworth Court, Thorley	Bishop's Stortford	CM23 4HF	x	x		x		x	x
Lower Park Crescent Play Areas	Lower Park Crescent	Bishop's Stortford	CM23 3PT	x	x		x		x	x
Nightingales Play Area	Nightingales	Bishop's Stortford	CM23 5JQ	x	x		x		x	x
Northern Parkland - Play Area 1	Gt Hadham Road	Bishop's Stortford	CM23 4GF	x	x		x		x	x
Northern Parkland - Play Area 2	Gt Hadham Road	Bishop's Stortford	CM23 4GF	x	x		x		x	x
Northern Parkland Open Space	Gt Hadham Road	Bishop's Stortford	CM23 4GF	x	x				x	x
Northolt Avenue Play Area	Northolt Avenue	Bishop's Stortford	CM23 5DT	x	x		x		x	x
Parsonage Lane Play Area	Parsonage Lane	Bishop's Stortford	CM23 5AA	x	x		x		x	x
Red, White & Blue Open Space	Rye Street	Bishop's Stortford	CM23 2BN	x	x				x	x
Southern Country Park Maze	Thorley Lane East	Bishop's Stortford	CM23 4BH	x	x		x		x	x
Southern Country Park Open Space	Thorley Lane East	Bishop's Stortford	CM23 4BH	x	x				x	x
Southern Country Park Play Area	Thorley Lane East	Bishop's Stortford	CM23 4BH	x	x	-	x	-	x	x
The Barrons Play Area	The Barrons, Thorley	Bishop's Stortford	CM23 4HR	x	x		x		x	x
Thorley Wedge Open Space	Sainsbury Thorley Centre	Bishop's Stortford	CM23 4EG	x	x			x	x	x
Thorley Wedge Play Area (Sainsburys)	Sainsbury Thorley Centre	Bishop's Stortford	CM23 4EG	x	x		x		x	x
Trinity Street Play Area	Trinity Street	Bishop's Stortford	CM23 3TJ	x	x		x		x	x
Turners Crescent Play Area	Turners Crescent	Bishop's Stortford	CM23 4FZ	x	x	-	x	-	x	x
Ward Crescent Play Area	Ward Crescent	Bishop's Stortford	CM23 3QR	x	x		x		x	x
Waytemore Road Play Area	Waytemore Road	Bishop's Stortford	CM23 3RD	x	x		x		x	x
Wilson Close Play Area	Wilson Close	Bishop's Stortford	CM23 3US	x	x		x		x	x
HERTFORD										
Norwood Close Allotment Gardens	Norwood Close	Hertford	SG14 2EX	x	x	x			x	x
West Street Allotment Gardens	West Street	Hertford	SG13 8EZ	x	x	x			x	x
Windsor Drive Allotment Gardens	Bentley Road	Hertford	SG14 2EN	x	x	x			x	x
Bentley Road Play Area	Bentley Road	Hertford	SG14 2HE	x	x		x		x	x
Brookside Play Area (goal)	Brookside	Hertford	SG13 7LL	x	x		x		x	x
Burleigh Road	Burleigh Road	Hertford	SG13 7HA	x	x		x		x	x
Campfield Road - Area 1 (MUGA)	Campfield Road	Hertford	SG14 2AD	x	x		x		x	x
Lower Campfield Road - Area 2	Campfield Road	Hertford	SG14 2AD	x	x		x		x	x
Cecil Road Toddlers - Area 1	Cecil Road	Hertford	SG13 8HS	x	x		x		x	x
Cecil Road Juniors - Area 2	Cecil Road	Hertford	SG13 8HS	x	x		x		x	x
Foxholes Avenue Play Area	Foxholes Avenue	Hertford	SG13 7JQ	x	x		x		x	x
Foxholes Open Space	The Elms	Hertford	SG13 7UX	x	x		x		x	x
Hartham Common Open Space	Hartham Lane	Hertford	SG14 1QR	x	x				x	x
Hartham Common - marked pitches	Hartham Lane	Hertford	SG14 1QR	x	x			x	x	x
Hartham Common Younger Children's Play Area	Hartham Lane	Hertford	SG14 1QR	x	x		x		x	x
Hartham Common Older Children's Play Area	Hartham Lane	Hertford	SG14 1QR	x	x		x		x	x
Hartham Common Skate Park	Hartham Lane	Hertford	SG14 1QR	x	x			x	x	x

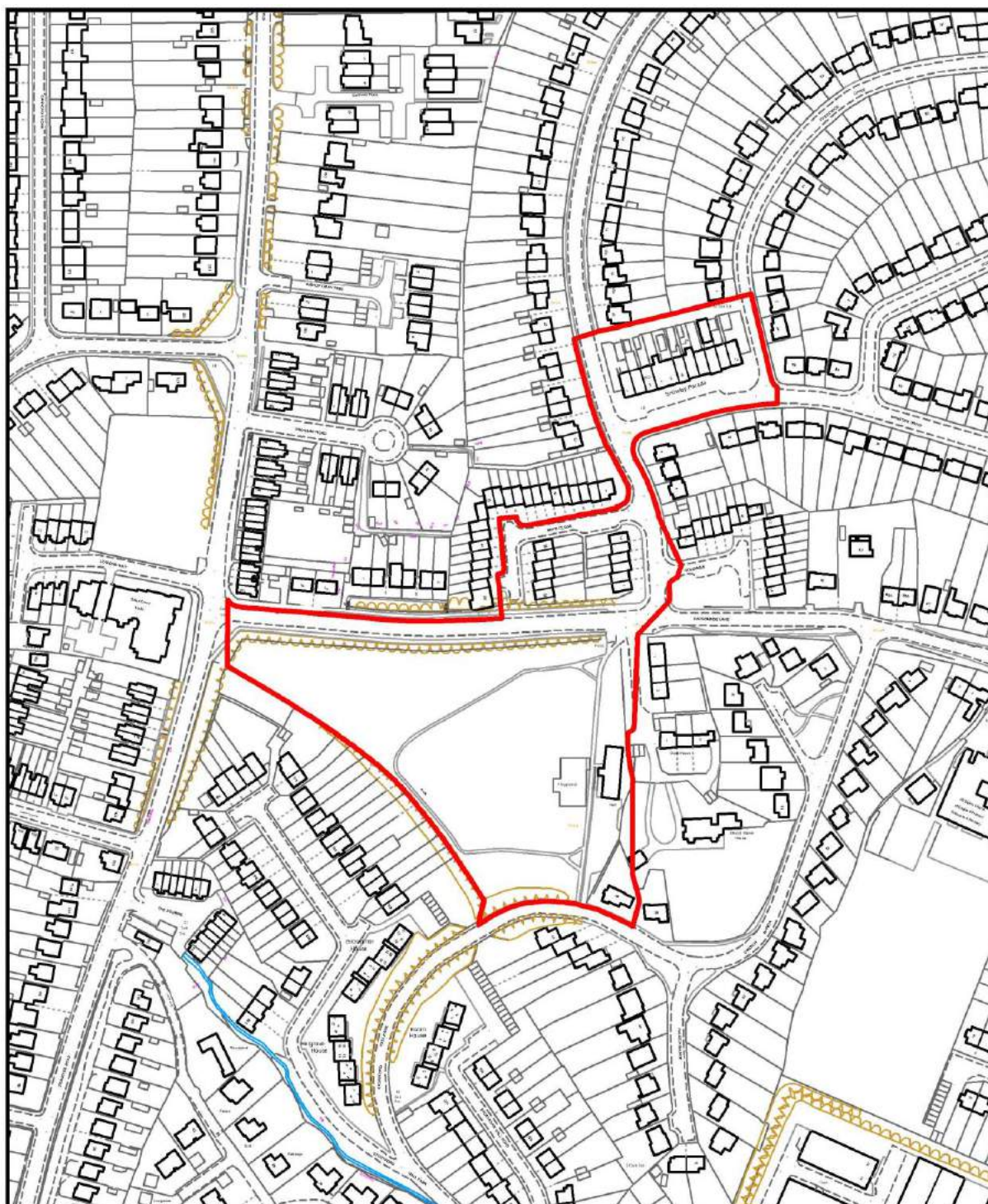
Schedule 1 (continued) - List of areas for dog control measures under the proposed Public Spaces Protection Order (PSPO) - Autumn 2015				Dog Fouling (current legislation)	Dogs on lead when directed (new proposal)	Dog on leads in specified areas (replacing current order)	Dog Exclusion in specified areas (play areas, fenced games areas and bowling greens) (replacing current order)	Pitch exclusion - dogs excluded when in use for playing sports (replacing current exclusion order)	Walking More than 4 dogs (replacing current order)	Not having the means to pick up dog faeces (new proposal)
Hertford Castle Grounds	Castle Street	Hertford	SG14 1HR	x	x				x	x
Hertford Castle / Castle Gardens Play Area	Hertford Castle	Hertford	SG14 1HP	x	x		x		x	x
Kingsmead Open Space (marked pitches)	Mead Lane	Hertford	SG13 7AX	x	x			x	x	x
Lilbourne Drive Play Area	Lilbourne Drive	Hertford	SG13 7WS	x	x		x		x	x
Millmead Open Space	Millmead Road	Hertford	SG14 3YH	x	x				x	x
Millmead Play Area 1	Millmead Road	Hertford	SG14 3YH	x	x		x		x	x
Millmead Play Area 2	Millmead Road	Hertford	SG14 3YH	x	x		x		x	x
Rowley's Road Play Area	Rowley's Road	Hertford	SG13 7DS	x	x		x		x	x
Rush Green East / Martins Drive Play Area	Martins Drive	Hertford	SG13 7TA	x	x		x		x	x
Rush Green West Play Area	The Elms	Hertford	SG13	x	x		x		x	x
Sacombe Road Play Areas	Sacombe Road	Hertford	SG14 3HL	x	x		x		x	x
Sadlers Farm Open Space	Sadlers Way	Hertford	SG14 2DZ	x	x				x	x
The Ridgeway Play Area & MUGA	The Ridgeway	Hertford	SG14 2JE	x	x		x		x	x
The Ridgeway - The Dell Play Area	The Ridgeway	Hertford	SG14 2JE	x	x	-	x	-	x	x
Watermill Lane Play Area	Watermill Lane	Hertford	SG14 3LB	x	x		x		x	x
WARE										
Beacon Road Play Area	Beacon Road	Ware	SG12 7HY	x	x		x		x	x
Buryfield Open Space	Priory Street	Ware	SG12 0DE	x	x		x		x	x
King George Road Recreation Ground	King George Road	Ware	SG12 7DP	x	x				x	x
King George Road Play Areas	King George Road	Ware	SG12 7DP	x	x		x		x	x
Lady Margaret Gardens - Play Area 1	Lady Margaret Gardens	Ware	SG12 7TL	x	x		x		x	x
Lady Margaret Gardens - Play Area 2	Lady Margaret Gardens	Ware	SG12 7TL	x	x		x		x	x
Lower Bourne Gardens Play Areas	Lower Bourne Gardens	Ware	SG12 0BG	x	x		x		x	x
Postwood Open Space	Walnut Tree Walk	Ware	SG12 9PD	x	x				x	x
Presdale Drive Play Area	Presdale Drive	Ware	SG12 9NS	x	x		x		x	x
Presdales Recreation Area (Open Space)	Walnut Tree Walk	Ware	SG12 9PD	x	x			x	x	x
The Bourne - Childrens Play Areas	The Bourne	Ware	SG12 0PZ	x	x		x		x	x
The Bourne Open Space	The Bourne	Ware	SG12 0PZ	x	x				x	x
Wodson Park - Open Space & Play Area	Wodson Rd, Ermine St	Ware	SG12 0UQ	x	x		x	x	x	x
SAWBRIDGEWORTH										
Edens Mount Play Area	Edens Mount	Sawbridgeworth	CM21 9DU	x	x		x		x	x
Sheering Mill Lane Play Area	Sheering Mill Lane	Sawbridgeworth	CM21 9AD	x	x		x		x	x
Vantorts Close Play Area & Open Space	Vantorts Close	Sawbridgeworth	CM21 9NX	x	x		x		x	x
Pishiobury Park Open Space	Harlow Road (A1184)	Sawbridgeworth	CM21 0AL	x	x				x	x
Pishiobury Park - enclosed picnic area	Harlow Road (A1184)	Sawbridgeworth	CM21 0AL	x	x		x		x	x
RURAL										
Chapelfields Play Area	Chapelfields	Stanstead Abbots	SG12 8HT	x	x		x		x	x
Dellfields Play Area / Wadesmill	Dellfield	Ware	SG12 0TB	x	x		x		x	x
Gladstone Road (Belfour / Founceley Rd)	Gladstone Road	Dane End	SG12 0NH	x	x		x		x	x
Gt. Innings Play Areas (Watton-at-Stone)	Gt Innings South	Watton-at-Stone	SG14 3TQ	x	x		x		x	x
Hillside Crescent Play Area	Hillside Crescent	Stanstead Abbots	SG12 8BQ	x	x		x		x	x
Lawrence Avenue Play Area	Lawrence Avenue	Stanstead Abbots	SG12 8JL	x	x		x		x	x
Stanstead Abbots Parish Play Area	High Street	Stanstead Abbots	SG12 8AS	x	x		x		x	x
Yearlings Close	Yearlings Close	Gt Amwell	SG12 9XP	x	x		x		x	x

Schedule 2 – Maps of current Designated Public Place Orders (DPPO) in East Herts, which are to be converted into Public Space Protection Orders.

Bishop’s Stortford – DPPO (alcohol restriction zone):



Parsonage Lane, Bishop's Stortford – DPPO (alcohol restriction zone):



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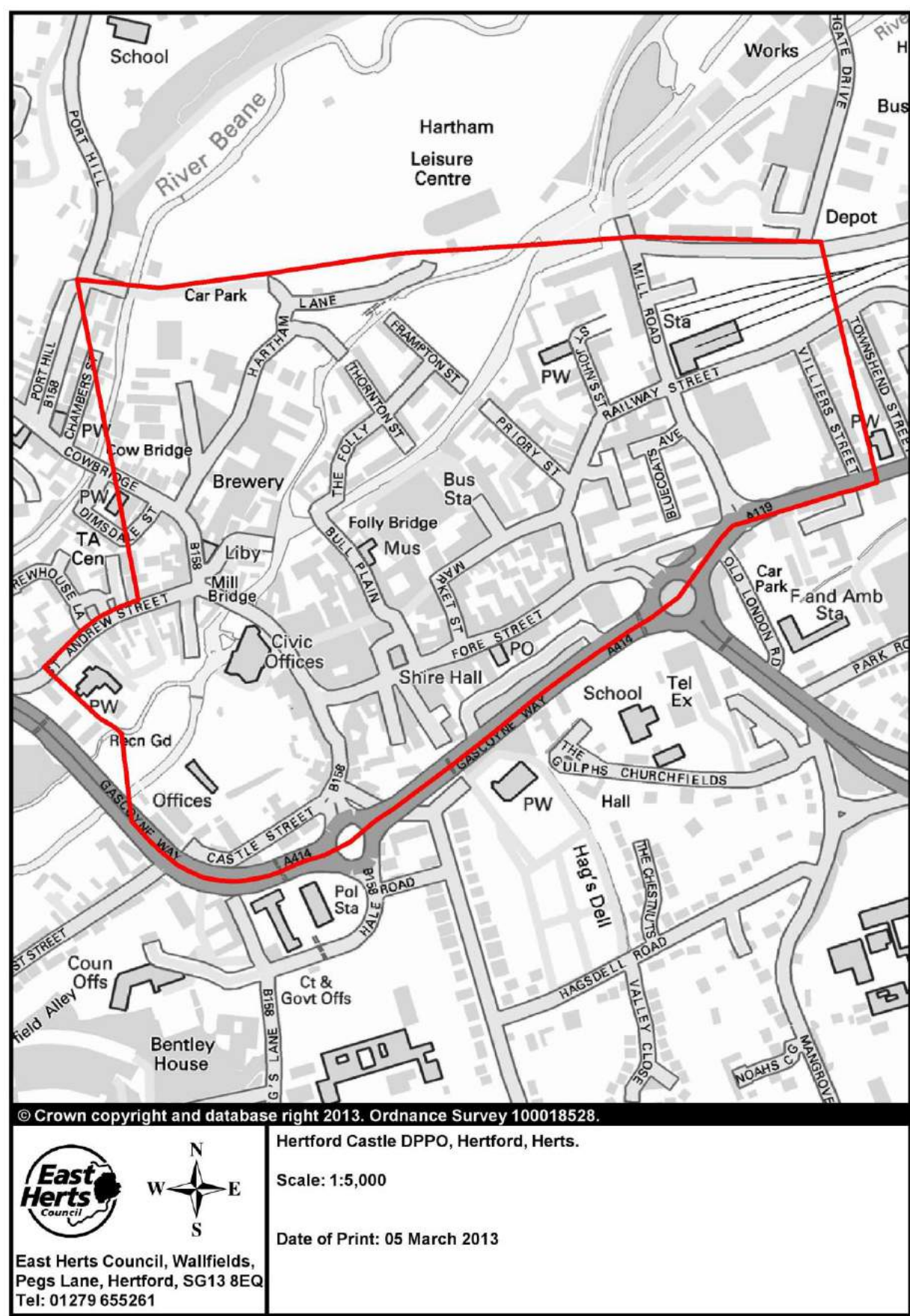
East Herts Council, Wallfields,
Pegs Lane, Hertford, SG13 8EQ
Tel: 01279 655261

Parsonage Lane DPPO, Bishop's Stortford, Herts.

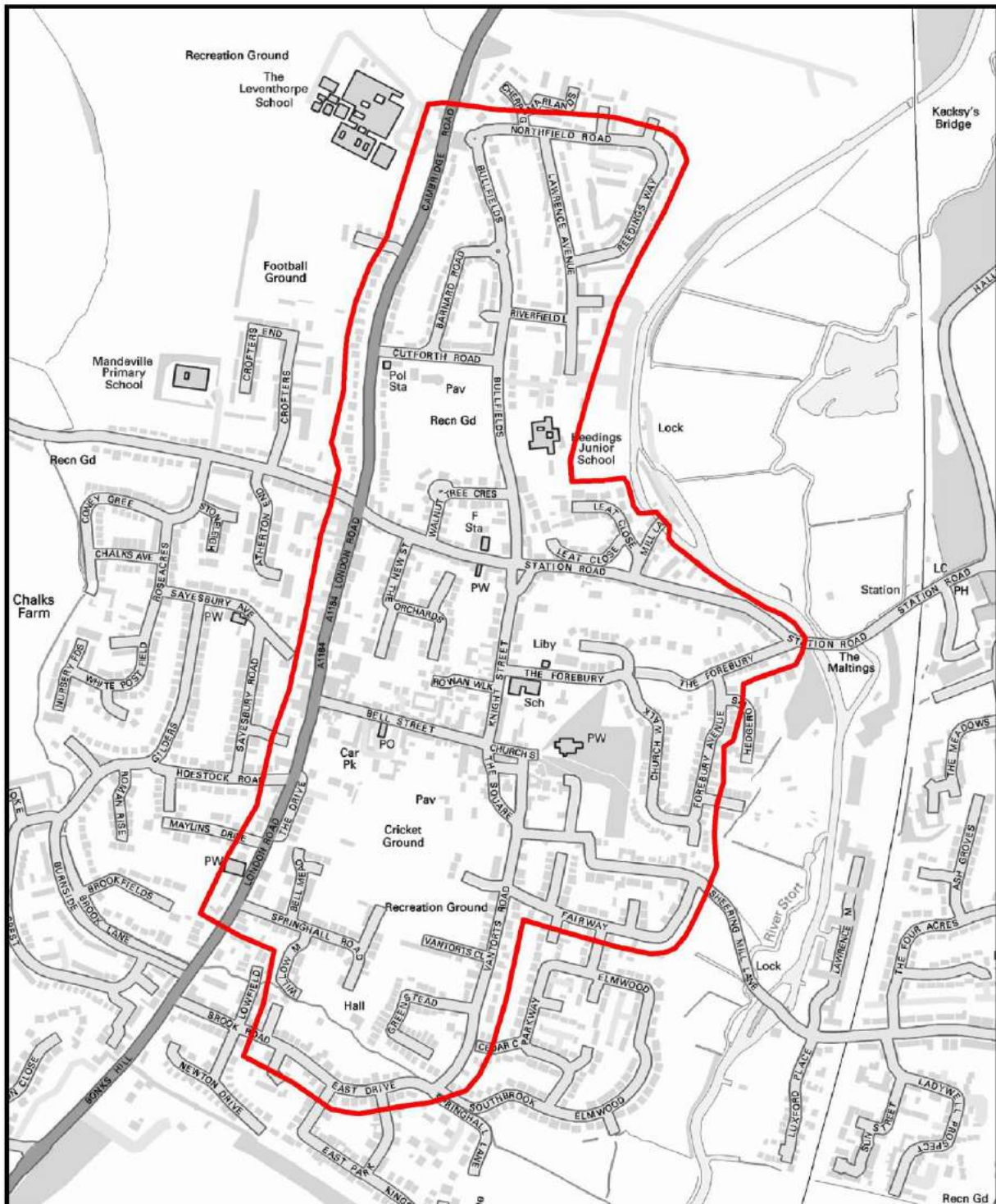
Scale: 1:2,500

Date of Print: 05 March 2013

Hertford Castle, Hertford – DPPO (alcohol restriction zone):



Sawbridgeworth – DPPO (alcohol restriction zone):



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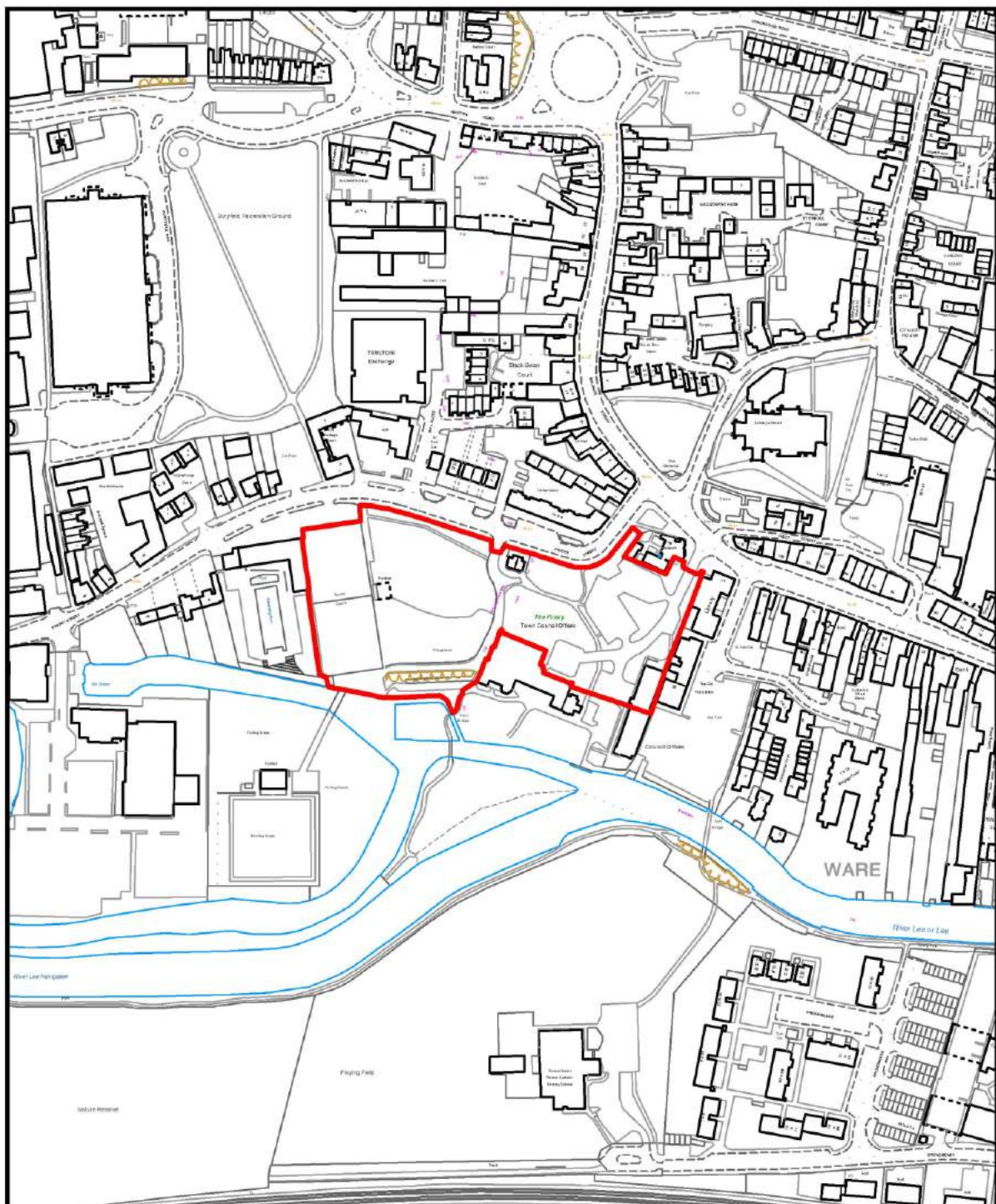
East Herts Council, Wallfields,
Pegs Lane, Hertford, SG13 8EQ
Tel: 01279 655261

Sawbridgeworth DPPO, Sawbridgeworth, Herts.

Scale: 1:7,500

Date of Print: 05 March 2013

Ware Priory– DPPPO (alcohol restriction zone):



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Tel: 01279 655261**

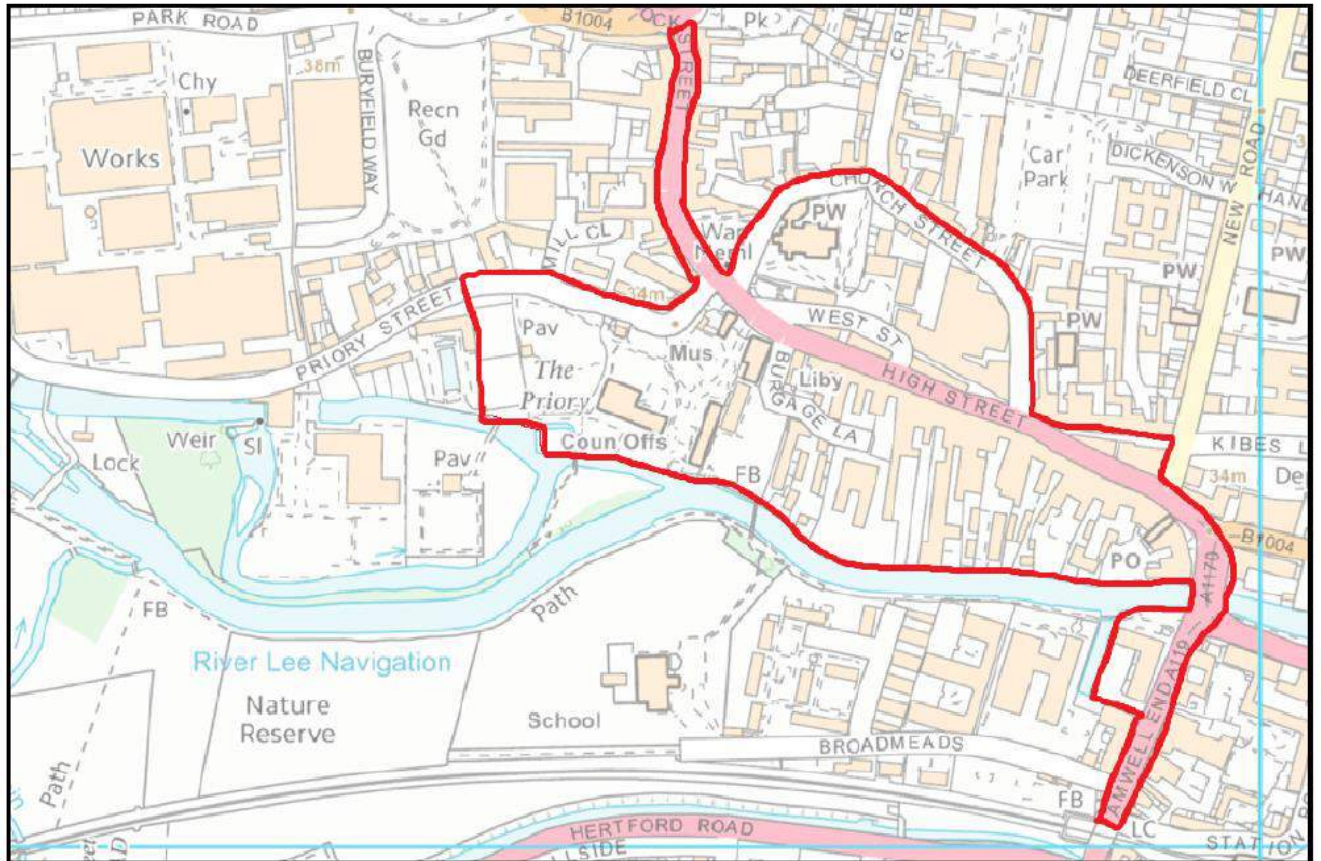
Ware Priory DPPO, Ware, Herts.

Scale: 1:2,500

Date of Print: 05 March 2013

Proposed new PSPO for Ware – new alcohol restriction zone:

**Proposed new PSPO for Ware (Autumn 2015)
Alcohol Restriction Zone outlined**



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Summary of Consultation Comments and Officers Response

Where comments are of a similar nature they have been paraphrased.

Comments that relate to specific problem areas have been referred to the relevant officer to investigate.

1. Dog Fouling

Comment	Officers Response
PSPO needs to cover all county/countryside areas not just town one.	District Councils can only make orders in their locality and these must be based on the tests of the legislation. Therefore some measures are blanket while others are on specific problem areas.
Rarely catch offenders who do not clear up after their dogs "in the act" . Suggest using forensic methods and making it an offence not to have a dog chipped.	The Council uses a range of methods to promote responsible dog ownership. The PSPO is an additional tool. The new forensic method is a new approach but one that requires voluntary participation. From 6th April 2016 it will be an offence not to have a dog chipped, however there is no requirement for owners to provide dog DNA samples and owners who offend are unlikely to do so.
Would like to see more CCTV around to catch the owners of dogs fouling.	The use of CCTV is governed by strict legal requirements, and the Council's policy is to use covert CCTV only in the pursuit of serious crime and where its use is proportionate to the offence. Dog fouling is not defined in law as a serious crime. The effectiveness of CCTV in catching dog fouling offenders is low relative to the high cost of operation. It is also important to recognise that residents may have concerns about public bodies monitoring their activities and retaining video footage of them and their children when they are going about their lawful business.
Suggest higher fines for repeat offenders and possibility of community service.	Under the law £100 is the maximum fixed penalty notice rate that can be given however, it is likely that repeat offender would be prosecuted rather than offered the FPN. The fine if prosecuted could be up to £1,000.
Difficult to pick up faeces in long grass - more frequent grass cutting to enable easier identification when picking up, or a "stick and flick" policy .	Officers will take a sensible and proportionate approach to enforcing the legislation but also note that in the countryside, and especially where farm animals graze it is better to pick up dog faeces to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively. We do not believe that the 'stick and flick' approach

	would be acceptable to residents in our streets and parks.
6 people commented that 'more dog bins are needed'. (Specifically not enough dog poo bins in rural areas or all of Bishop's Stortford).	Specific requests will be looked at and also where possible will highlight that bagged dog waste can be put in public litter bins too.

2. To fail to put your dog on a lead in a specified area (allotments)

Comment	Officers Response
39 respondents felt all dogs need to be kept on a lead on areas such the streets, pathways and open spaces. This is because they believe that dogs on leads are under control and people are more likely to pick up after their dog if kept on a lead.	We have followed the guidance for the legislation which states PSPOs should be used in a proportionate and evidenced-based way and therefore have restricted this measure to a small number of sites where dogs off the lead can cause a nuisance. A blanket restriction requiring dogs to be walked on leads would not be proportionate to the problem. The Kennel Club state that 'Dog owners are required to provide their dogs with appropriate daily exercise, including "regular opportunities to walk and run", which in most cases will be off lead while still under control. This is a provision of the Code of Practice for the Welfare of Dogs, which accompanies the Animal Welfare Act 2006.
Some people also suggested that part of the open space should be designated dog areas where dogs can be walked off the lead safely or dog walking areas where dogs should be kept on the lead to give owners a choice.	
One person said that dogs being required to be on leads is excessive, although if the wording is altered to include "or under close control" they would support the legislation change.	
Require dog owners to carry leads for all the dogs they have with them.	
Query if the order covers dogs on extendable leads.	
Query why the order requires to have dogs on leads in allotments	
Additional request to include allotments owned by Hertford Town Council.	Where there are specific problems we make use of "dog on lead by direction" orders, to allow a more targeted approach to tackle the individuals who allow their dogs to run out of control. Where we have problems with dogs not being kept under control we also work with the Police using the LEAD initiative, Acceptable Behavioural Contracts and Community Protection Notices. Members would need to consider whether we include allotments owned by Town / Parish council and the resource implications.

3. Dog Exclusion Areas (children play areas, fenced games areas, bowling greens, and marked playing pitches when in use for playing sports)

Comment	Officers Response
Query on the time period covered by the order to exclude dogs from marked playing pitches when in use for playing sports.	This means dogs are excluded from the pitch when there are footballers on the pitch. It doesn't mean during the football

	season. Parks are a resource for a wide range of users with dog walking in the majority. Most dog owners are responsible and can exercise their dogs across the park without impact on football pitches that are not in use. We see no reason to penalise the majority of dog owners for the inconsiderate few.
Question why dogs only have to be on leads when pitches are in use for playing sports.	This proposal is for the safety of all users and its felt proportionate to allow dog owners to exercise their pets on the pitches when games are not taking place. Responsible owners will avoid pitches while in play for the safety of others and their dog.
Please include the Cutforth Road Park and Play Area and the West Road Play Area in the designated areas for dog exclusion. Please include The Bullfields allotment garden, the Southbrook allotment garden, the Vantorts allotment garden and the Bellmead allotment garden in the dog exclusion order.	See comment point 2 about including Town / Parish land.

4. Walking more than four (4) dogs

Comment	Officers Response
The number of dogs that is safe to walk will depend on the walker's ability to keep them under control.	Four dogs is felt to be a reasonable number and this is a continuation of the existing Dog Control Order that has been in place for many years. We believe that an owner walking more than 4 dogs is unlikely to be able to pick up after them and the outcome of relaxing this measure would be an increase in dog fouling. A responsible owner should be able to manage up to 4 dogs, depending on their nature. If there are specific owners that are causing problems with less than this number there are other measures that can be used (<i>as per point 2</i>).
Concerned that maximum number of 4 dogs is too many and consider 2 or 3 more manageable.	
Note that all dogs, however well behaved, are animals and as such can be unpredictable. Dogs and owners can be unsocial and controlling four dogs at one time may not be possible.	

5. To fail to put an out of control dog on a lead when directed to do so

Comment	Officers Response
Requiring dog owners to put their dogs on a lead when asked to do so by an authorised person, fails to do anything for the vast majority of situations where a member of the public wants a dog owner to control their dog and no authorised person is present.	Officers cannot be everywhere but it enables officers the power to deal with a specific problem, rather than a blanket restriction on everybody.

6. Failure to produce a receptacle for picking up dog faeces

Comment	Officers Response
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<p>While most resident supportive of this measure some residents expressed concerns that there might be overzealous enforcement and that the enforcement officers may be selective to achieve imposed targets.</p> <p>A number of people were concerned that there is no provision for the responsible dog owner who has already used their bags and is on their way home or given their last bag to help out another dog owner of friend. It was suggested that a common sense approach is needed and a strong discretionary element built in to avoid prosecuting responsible owners.</p>	<p>Appropriate communication will be give before the commencement of the order. At the start of the campaign a warning will be given on the first occasion to a dog walker that fails to have the means to pick up.</p> <p>This proposal is supplementary to the existing dog fouling measure and not meant to replace it, so officers will using this as an additional tool where we have dog fouling problem areas and catching the perpetrators is a problem. In these areas additional signage will be installed regarding the means to pick up warning dog owners of the increased patrols</p> <p>Additionally only trained authorised officers will be using the powers in an appropriate way.</p>
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7. Using a mechanically propelled vehicle in a disorderly or anti-social manner

Comment	Officers Response
<p>Noted that it would be subjective and difficult to enforce on private land and should be a matter for the land owner. A good idea on public land</p>	<p>The approach would depend upon the source of the complaints:</p> <ul style="list-style-type: none"> - Should complaints come from members of the public about the private land agencies would approach the landowner to address the issues. Should they not engage and problems continue then consideration <i>could</i> be given to taking action against them. - If the complaint comes from the land owner themselves agencies would work with them; which may include making physical changes to the area e.g. such as restricting access to the site
<p>Concerned the wording of this proposed measure is too vague and requires a better definition of "disorderly and anti-social manner" plus a definition of "mechanically propelled vehicle". Failure to adequately define these terms will result in litigious situations</p>	<p>The term 'mechanically propelled' has been used in case law and is a recognised acceptable definition. It has been left open rather than a list to capture any emerging new trends; for example 'hoverboards'.</p> <p>The term 'disorderly and anti-social manner' has been rather than specific behaviours so that it can be responsive to emerging issues.</p> <p>This power will be used with discretion and when there is evidence to support it.</p>

Please add Drones under mechanically operated vehicle.	A drone is defined as an ' <i>unmanned aerial vehicle</i> ' therefore this power could be applied to nuisance caused by drones where this is clearly demonstrated as being a problem.
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8. Fail to surrender possession when asked of any new psychoactive substances

Comment	Officers Response
This will help in the short term. Better to ban ALL substances for human consumption UNLESS they are licensed. This would resolve the so called 'legal highs' issue. How is a an officer to determine if a legal high is worthy of confiscation?	This would be disproportionate and problematic to manage. Officers will be using this power with discretion. Random checks would not be happening; instead officers would use this power when responding to intelligence / reports about use of 'legal highs'.
Concern that if highs are legal then there is no reason to confiscate them. Note there are already public order offence laws which control behaviour should someone become antisocial. Concern that Council / Police making up own powers.	At present the risks attributed to these substances are unknown; especially in regards to health. The issue of their use is being dealt with at a National level and East Herts Community Safety Partnership (CSP) wants to take measures to address their use which is currently lacking. Should national guidance be introduced that conflicts with this power the CSP take make the appropriate steps to amend this condition.
Do not support the seizure of substances that people are legally allowed to carry or use. If their use is causing anti-social behaviour then this needs to be dealt with under laws relating to that kind of behaviour itself.	See above answers.

9. To fail to surrender alcohol when asked in a designated area

Comment	Officers Response
Note that alcohol-related anti-social behaviour is a serious issue for residents in Bishop's Stortford town centre.	Police conduct regular patrols of areas; paying particular attention where there have been calls from members of the public etc. These areas are reviewed bi-weekly by police. Residents or members of the public are encouraged to report incidents to agencies so that the most appropriate action can be taken and intelligence gathered. The CSP works closely together to take action against those who commit Anti-social behaviour and work with licensed premises in regards to any identified issues.
Extend alcohol restriction area to include Stanstead	Analysis did not show that this area

Abbotts High Street.	required alcohol restrictions. Should there be an increase in reports and other measures to address the problems are not successful then this area could be included.
Noted concerns about underage drinking and resulting anti-social behaviour in the Castle Garden area of Bishop's Stortford – would like this included. Also concerns about property owners allowing plants to encroach onto the public footpath and restrict access.	There are existing powers to address underage drinking that police can exercise. Residents or members of the public are encouraged to report incidents to agencies so that the most appropriate action can be taken and intelligence gathered. The County Council (Highways Authority) has powers to require residents to remove plants that are obstructing the public highway and adopted footpaths.

10. To extend the DPPA in Ware

Comment	Officers Response
Would not support the extension if customers can continue to sit outside in external seating areas of pubs.	The Act states that there are certain situations when a prohibition on consuming alcohol cannot be imposed; these include: <ul style="list-style-type: none"> - Premises authorised by a premises licence to be used for the supply of alcohol - A place within the curtilage of the above Outside seating areas are part of the premises licence therefore exempt.
Query whether order includes the Priory grounds – would like it included and enforced.	The Priory Grounds are included.

11. Shouting, swearing, screaming or making unnecessary noise where alcohol restrictions are in place.

Comment	Officers Response
Issue with foul language at football matches particularly where young children are present eg Hartham Common on Sunday mornings	This type of behaviour is not what the condition is intended for. Should there be a significant disturbance or abuse aimed at specific people then reports should be made to police to investigate Public Order offences.
The anti-social or disorderly behaviour offence should apply everywhere, not just where alcohol restrictions are in place.	This prohibition has been limited to the alcohol restriction areas as this is where the evidence has shown a need as it is a perennial issue. If this was a district wide prohibition it would be difficult to enforce and manage

	expectations. Public Order and ASB powers exist for agencies to address similar issues in the district.
Strong support for the order – note other councils have an officer available 24hours to observe noise issues. Would be a good idea for Hertford.	East Herts Council Environmental Health department deal with statutory noise nuisance. As part of their procedures this will include coming out to witness noise related nuisance however this is once a process has been followed. Licensing Officers will also investigate any reported breaches of conditions from licensed premises.
Concern that alcohol restriction areas may move any problems to other areas. Order should include any areas in the district that may be used for sports or picnics. The order (no:11) should include all public places which could then exclude specific areas such as Sports and similar areas in respect of shouting etc Swearing /screaming etc anywhere should be controlled.	The proposed areas are based upon where there is evidence to support their need and there have been higher levels of alcohol related ASB or crime. To have a district wide prohibition would not be proportionate or enforceable. Areas that can be used for picnics or sports is too vague and open to interpretation. The Council wants residents to be able to enjoy its parks and this will sometimes involve making noise. This is acceptable provided it is not at anti-social times. It is generally better for noisy sports and play activities to be within parks and restrictions could push people out onto streets, creating a greater nuisance. If other areas emerged as having alcohol related nuisance and other measures to address this failed then the PSPO could be amended to include an additional area.
Supportive of proposal but concerns about the vague definition and fair enforcement of the order.	The powers would be used with discretion and there is no intention to curtail people's enjoyment. It would be aimed at those who are showing disregard for the local community.

Other Comments

<p>Enforcement and litter</p> <p>54 people wanted more enforcement of litter and dog fouling legislation.</p> <p>Most comments were concerns about how these Orders will be policed and enforced. Suggest more public engagement and visible policing.</p> <p>A number of people commented on litter on the road verges, parks (such as Hartham) and in the towns at weekends.</p> <p>Suggestions that litter should be targeted like dog fouling.</p>	<p>Currently the Council has 8 officers employed who are authorised to issue FPNs as very small part of their role, resulting in on average 10 FPNs for litter issued per year.</p> <p>Random patrols in a large rural district like East Herts are rarely effective in catching offenders – see comments in main report in section 2.26.</p>
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<p>Signage</p> <p>Notice boards should be erected on open spaces and sports fields requesting dogs be kept on leads and owners to carry poop scoop bags on them at all times, whilst dog walking.</p> <p>Suggest more weather-proof posters and signs on rural footpaths, alerting dog owners to their responsibilities and reminding them of the consequences.</p>	<p>It is a requirement of the legislation that appropriate signage is installed where the order is to be enforced.</p> <p>In addition to this the Council has a range of signs to highlight the need to pick up dog faeces and will continue to use these.</p>
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Summary of Comments from the Kennel Club to proposed measures:

PSPOs should be necessary and proportionate responses to problems caused by dogs and irresponsible owners.

Dog fouling

Dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively. We would encourage proactive measures to help promote responsible dog ownership.

Dog access

The Kennel Club does not normally oppose Orders to exclude dogs from playgrounds, or enclosed recreational facilities such as tennis courts or skate parks, as long as alternative provisions are made for dog walkers in the vicinity. We would also point out that children and dogs should be able to socialise together quite safely under adult supervision. The Kennel Club can support reasonable “dogs on lead” orders, which can - when used in a proportionate and evidenced-based way – include areas such as cemeteries, picnic areas, sites where livestock or sensitive wildlife may be present, or on pavements in proximity to cars and other road traffic. However, we will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. We would encourage local authorities to make use of “dog on lead by direction” orders.

Dog fouling - requirement to be in possession of means to pick up

The Kennel Club has concerns over proposals to introduce an offence of not having the means to pick up. Responsible owners will usually have dog waste bags or other means to clear up after their pets but we do have some concerns, for example if dog owners are approached at the end of a walk and have already used the bags that they have taken out for their own dog, or given a spare bag to someone who has run out.

Furthermore it is perfectly plausible that these proposals in certain circumstances would perversely incentivise dog walkers not to pick up after their dog. Should a dog walker on witnessing their dog fouling realise they are down to their final one or two poo bags (or other receptacle), they will be forced into a decision of whether to use the bag and risk being caught without means to pick up, or risk not picking up in order to retain a “means to pick up” should they be stopped later on their walk. It is perfectly reasonable to assume that a proportion of dog walkers would choose the second option if they thought this was the least likely route to being caught. Especially if the penalty for not picking up was the same as not having means to pick up. Local authorities may wish to consider introducing a clause which provides an exemption for dog walkers who have run out of bags, but can prove that they were in possession of and made use of bags (or other suitable receptacle) during their walk. If such a measure is introduced it is essential that an effective communication campaign is launched in the local area to ensure that people are aware of the plans and have an excess supply of dog waste bags with them, so that it is the right people who are getting caught. Additionally, appropriate signage should be erected to inform those

who are not familiar with the local rules are not unfairly caught out. We are also concerned how easily local authorities could enforce this law when trying to define whether or not dog owners have 'a means' of picking up after the dogs, without risking the expense of legal challenge. In the absence of poo bags owners trying to flout the law could theoretically point to any number of items on their person that they intend to use, so we think that the most effective spot checks you can carry out are those that catch offenders in the act of not picking up, rather than second guessing behaviours on the basis of what they are or are not carrying with them. Alternatively, to avoid a fine an irresponsible owner could simply tie one bag to his or her dog's lead or collar but never actually use it. Another difficulty with the wording of the proposed offence is that it does not define whether the person in charge of the dog has to have the pick up 'means' on his or her person, or whether a bag held or provided by someone walking with them or another dog walker in the vicinity will suffice.

Appropriate signage

It is important to note that legislation requires signage to be erected on or adjacent to the public place to which the order relates. With relation to dog access restrictions such as a "Dogs on Leads Order", on-site signage should make clear where such restrictions start and finish.

While all dog walkers should be aware of their requirement to pick up after their dog, signage should be erected for the PSPO to be compliant with the legislation. With specific regard to the proposed "means to clear up measure" this type of law will be unfamiliar to dog walkers and prominent signage explaining the exact requirements expected of dog walkers, not all of whom will be local residents, should be erected in any area where the measure is to be enacted.

Working dogs

The guidance document prepared by Defra and the Welsh Government to accompany the legislation introducing Public Space Protection Orders is clear - "PSPOs are not intended to restrict the normal activities of working dogs and these activities are not envisaged to meet the threshold for the making of a PSPO". Therefore an appropriately worded exemption for working dogs should be included within the Order.

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ESSENTIAL REFERENCE PAPER 'E'

Fixed Penalty Notices

The Fixed Amounts shown in the table below are those agreed by the Council in 2006. Where the legislation has been repealed, the replacement power is shown along with the new recommended FPN amount. The discounts for prompt payment within 14 days are an incentive for offenders to deal with the matter promptly and minimise administration costs of chasing payment and / or pursuing prosecution.

Description of Offence	Act	Fixed Penalty Amount	Amount if paid in 14 days
Abandoning a vehicle	Refuse Disposal (Amenity) Act 1978	£200	£150
Exposing vehicles for sale or repairing vehicles on a road	Clean Neighbourhoods and Environment Act 2005	£110	£60
Litter	Environmental Protection Act 1990	£80	£50
Failure to comply with a Community Protection Notice	ASB, Crime & Policing Act 2014	£100	£60
Unauthorised distribution of literature or failure to comply with an authorised officer's instruction to cease distribution in a designated area	Environmental Protection Act 1990	£80	£50
Failure to produce waste carrier registration documents	Control of Pollution (Amendment) Act 1989	£300	£200
Failure to produce waste transfer notes	Environmental Protection Act 1990	£300	£200
Waste receptacles offences	Environmental Protection Act 1990	£110	£60
Failure to comply with Public Space Protection Order	ASB, Crime & Policing Act 2014	£100	£60

Although local authorities are empowered to set their own fine amounts for certain penalties, the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 set the range between which penalties may fall and the minimum level of discounted penalties as follows:

Fixed Penalty Notice Full Amount		Minimum level of discounted payment
Default Rate	Range	(if paid within 14 days)
£75	£50 - £80	£50
£100	£75 - £110	£60
£200	-	£120
£300	-	£180