



MEETING : EXECUTIVE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 1 OCTOBER 2013
TIME : 7.00 PM

MEMBERS OF THE EXECUTIVE

Councillor Tony Jackson	- Leader of the Council
Councillor Malcolm Alexander	- Deputy Leader and Executive Member for Community Safety and Environment
Councillor Mike Carver	- Executive Member for Strategic Planning and Transport
Councillor Linda Haysey	- Executive Member for Health, Housing and Community Support
Councillor Paul Phillips	- Executive Member for Economic Development
Councillor Suzanne Rutland-Barsby	- Executive Member for Community & Partnership Liaison
Councillor Michael Tindale	- Executive Member for Finance

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes (Pages 7 - 18)

To approve the Minutes of the meeting held on 3 September 2013.

3. Leader's Announcements

4. Declarations of Interest

To receive any Member(s) declaration(s) of interest.

5. Issues Arising from Scrutiny

Report to follow

6. Parks and Open Spaces Strategy 2013-18 (Pages 19 - 102)

7. East Herts Health & Wellbeing Strategy 2013 - 18 (Pages 103 - 134)

8. Review to Update East Herts Private Sector Housing Enforcement Policy
(Pages 135 - 172)

9. Homeless and Homeless Prevention Strategy (Pages 173 - 198)

10. Risk Management Strategy (Pages 199 - 222)

11. Monthly Corporate Healthcheck - August 2013

Report to follow

12. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 3 SEPTEMBER 2013, AT 7.00
PM

PRESENT: Councillor A Jackson (Chairman/Leader)
Councillors M Alexander, M Carver,
L Haysey, P Phillips, S Rutland-Barsby and
M Tindale.

ALSO PRESENT:

Councillors D Andrews, P Ballam,
R Beeching, E Buckmaster, M McMullen,
P Moore, M Newman, J Ranger, P Ruffles
and J Wing.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Martin Ibrahim	- Democratic Services Team Leader
George A Robertson	- Chief Executive and Director of Customer and Community Services
Adele Taylor	- Director of Finance and Support Services

205 **4 YEAR CORPORATE STRATEGIC PLAN (2014/15 TO
2017/18)**

**The Executive considered a draft of the Council's
Strategic Plan 2014/15 – 2017/18, which outlined priorities**

for the next four years and identified key outcomes it would be seeking to achieve.

The Corporate Business Scrutiny Committee, at its meeting held on 27 August 2013, had recommended the Plan for adoption.

The Executive Member for Health, Housing and Community Support referred to various references to the Sustainable Community Strategy, which had been approved in 2009. She suggested that Officers should be requested to review this Strategy over the coming year to ensure that it was still fit for purpose for the Local Strategic Partnership and East Herts Council. This was supported by the Executive.

Councillor J Wing repeated his comment made at the Corporate Business Scrutiny Committee meeting held on 27 August 2013, that the “Here to Help You” heading should be replaced with “Here to Give Good Service” and explained the subtle difference. The Leader commented that this was more about an attitude and frame of mind rather than customer service dogma.

The Executive supported the recommendations as now detailed,

RECOMMENDED – that (A) the comments of the Corporate Business Scrutiny Committee, be received;

(B) the 2014/15 – 2017/18 Corporate Strategic Plan be approved, subject to minor typographical errors and alterations being made, in consultation with the Leader; and

(C) Officers be requested to review the Sustainable Community Strategy over the coming year to ensure that it was still fit for purpose for the Local Strategic Partnership and East Herts Council.

206 **FINANCIAL STRATEGY AND MEDIUM TERM FINANCIAL
PLAN TO 2017/18**

The Executive Member for Finance submitted a report which considered revisions to the Financial Strategy including the policy on Reserves and the proposed planning assumptions to be used in updating the Medium Term Financial Plan (MTFP).

The Corporate Business Scrutiny Committee, at its meeting held on 27 August 2012, had considered the report and had made a number of comments as now submitted. Whilst supporting the Financial Strategy and the MTFP, the Committee had supported the concept of reducing the General Reserve, particularly in relation to keeping car park charges down and reducing the pension shortfall, and that these be fully costed for further consideration.

The Executive Member for Finance accepted these comments and stated that Reserves were currently over the ceiling. He referred to the triennial review of pensions that would be published in November 2013, and suggested that any decisions would be best served by awaiting its outcome.

Members had a wide ranging discussion on the Government's intentions on the future of the New Homes Bonus. It was noted that consultation was ongoing and that the Council was contributing via the Local Government Association and the District Councils Network. Some concern was expressed regarding potential reduced funding and its impact on parish and town councils.

The Executive supported the recommendations as now detailed.

RECOMMENDED – that (A) the comments of Corporate Business Scrutiny Committee be received;

(B) the proposed Financial Strategy, as now submitted, be adopted; and

(C) the planning assumptions set out in the report now submitted, be adopted as the basis for framing the 2014/15 budget and Medium Term Financial Plan to 2017/18.

207 **WIDFORD CONSERVATION AREA APPRAISAL AND
MANAGEMENT PLAN**

The Executive Member for Strategic Planning and Transport submitted a report on the Widford Conservation Area Appraisal following public consultation. He advised that this was the first of various such Appraisals that were being prepared and detailed the outcome of the public consultation in the report now submitted.

The Appraisal identified the special character of the Conservation Area together with the elements that should be retained or enhanced and those which detract from the identified character. Once adopted by the Council, the Appraisal would become a 'material consideration' in the process of determining planning applications. It would also link into the development of neighbourhood planning.

Councillor M Newman, as the local ward Member, welcomed the report.

The Executive supported the recommendations as now detailed.

RECOMMENDED – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Widford Conservation Area Appraisal be agreed;

(B) authority be delegated to the Head of Planning

and Building Control, in consultation with the Executive Member for Strategic Planning and Transport, to make any further minor and consequential changes to the Appraisal which may be necessary; and

(C) the Widford Conservation Area Appraisal be adopted.

208 **STATEMENT OF COMMUNITY INVOLVEMENT (SCI):
PROPOSED ADOPTION OF DOCUMENT FOLLOWING
PUBLIC CONSULTATION**

The Executive considered and approved the recommendations of the District Planning Executive Panel, at its meeting held on 25 July 2013, on the Statement of Community Involvement.

RECOMMENDED – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Draft East Herts Statement of Community Involvement be approved; and

(B) the East Herts Statement of Community Involvement, 2013 be adopted.

(see also Minute 218)

209 **DISTRICT PLAN - UPDATE REPORT**

The Executive considered and approved the recommendations of the District Planning Executive Panel, at its meeting held on 25 July 2013, on the District Plan Update.

RECOMMENDED – that (A) a change to the structure of the District Plan, to combine Strategic Policies, Development Management Policies, and Site Allocations, into a single District Plan, be approved;

(B) an early review of the District Plan, based on a 'plan-monitor-and-manage' approach particularly in respect of long-term planning, be approved; and

(C) the approach to obtaining critical delivery information, including ATLAS project support, be approved.

(see also Minute 218)

210 **DUTY TO CO-OPERATE – UPDATE REPORT**

The Executive considered and approved the recommendations of the District Planning Executive Panel, at its meeting held on 25 July 2013, on the Duty to Co-Operate.

RECOMMENDED – that (A) the current main issues relating to the Duty to Co-Operate involving adjoining authorities, be noted; and

(B) the Hertfordshire Infrastructure and Planning Partnership Memorandum of Understanding, be approved for use in planning policy and development management work.

(see also Minute 218)

211 **POPULATION AND HOUSEHOLD PROJECTIONS – UPDATE REPORT**

The Executive considered and approved the recommendations of the District Planning Executive Panel, at its meeting held on 25 July 2013, on Population and Household Projections.

RECOMMENDED – that it be noted that recently published and emerging information, together with the ongoing interpretation by the Planning Inspectorate of 'objectively assessed housing

need' in the context of the National Planning Policy Framework (NPPF), continues to indicate that East Herts Council may need to plan for the upper end of the range 10,000 to 17,000 dwellings over the 20 year period 2011 to 2031.

(see also Minute 218)

212 **STRATEGIC LAND AVAILABILITY ASSESSMENT (SLAA)
– ROUND 3 – UPDATE REPORT**

The Executive considered and approved the recommendations of the District Planning Executive Panel, at its meeting held on 25 July 2013, on the Strategic Land Availability Assessment Update.

RECOMMENDED – that (A) the list of identified sites, contained as Essential Reference Paper 'B' to the report submitted, which includes responses received to the Call for Sites, be noted and taken into account as part of the preparation of Round 3 of the East Herts Strategic Land Availability Assessment (SLAA); and

(B) any future Call for Sites suggestions be included and assessed as part of the preparation of Round 3 of the SLAA, and subsequently as part of the annual monitoring and review of the SLAA.

(see also Minute 218)

213 **TOWN WIDE EMPLOYMENT STUDY FOR BISHOP'S
STORTFORD (JUNE 2013)**

The Executive considered and approved the recommendations of the District Planning Executive Panel, at its meeting held on 25 July 2013, on the Town Wide Employment Study for Bishop's Stortford.

RECOMMENDED – that the Town Wide Employment Study of Bishop's Stortford, June

2013, be approved as part of the evidence base to inform and support the East Herts District Plan and for Development Management purposes in the determination of planning applications.

(see also Minute 218)

214 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 23 July 2013 be confirmed as a correct record and signed by the Leader.

215 ISSUES ARISING FROM SCRUTINY

The Executive received a report detailing those issues referred to it by the Scrutiny Committees. Issues relating to specific reports for the Executive were considered and detailed at the relevant report of the Executive Member.

The Executive accepted the comments of the Corporate Business Scrutiny Committee in respect of the Employment Land Review.

RESOLVED – that the report be received.

216 CORPORATE ANNUAL REPORT 2012/13

The Leader of the Council submitted the 2012/13 Corporate Annual Report, documenting the Council's key achievements for each of the corporate priorities over the last financial year. He also provided an overview of the Council's financial position and performance and a statement on contracts.

The Corporate Business Scrutiny Committee, at its meeting held on 27 August 2013, had recommended the Annual Report for adoption. The Committee Chairman referred to a particular comment made at that meeting on the absence of information on areas where the Council had performed less well and whether this impacted on the credibility of the Annual Report.

The Leader accepted this as fair comment and referred to the Corporate Strategic Plan elsewhere on the agenda. He believed this report looked forward to 2014 and beyond and included actions that would seek to improve performance in such areas. The Leader also mentioned that minor typographical errors would be corrected before the final version was published.

The Executive approved the 2012/13 Corporate Annual Report as now submitted.

RESOLVED - that (A) the comments of the Corporate Business Scrutiny Committee be received; and

(B) the 2012/13 Corporate Annual Report be approved.

217 ANNUAL GOVERNANCE STATEMENT 2012/13 AND
ACTION PLAN 2013/14

The Executive considered the 2012/13 Annual Governance Statement and the 2013/14 Action Plan. The Audit Committee, at its meeting to be held on 18 September 2013, would be asked to approve these documents and the Executive was invited to comment.

The Executive noted the comments of the Corporate Business Scrutiny Committee, at its meeting held on 27 August 2013, and supported them.

RESOLVED – that (A) the comments of the Corporate Business Scrutiny Committee, at its meeting held on 27 August 2013, be received; and

(B) the Audit Committee be advised that the Executive supports the 2012/13 Annual Governance Statement and the 2013/14 Action Plan.

218 DISTRICT PLAN EXECUTIVE PANEL: MINUTES - 25 JULY
2013

RESOLVED – that the Minutes of the District Planning Executive Panel meeting, held on 25 July 2013, be received.

(see also Minutes 208 - 213)

219 MONTHLY CORPORATE HEALTHCHECK - JUNE/JULY
2013

The Leader submitted an exception report on the finance and performance monitoring for the periods June – July 2013.

Councillor J Ranger referred to sickness absence data and commented that the Human Resources Committee had agreed to focus on short term sickness rather than long term sickness on the basis that this was more manageable. He suggested that the Executive might wish to amend its performance indicator set accordingly. The Executive noted this comment and asked Officers to consider this suggestion.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the budgetary variances set out in paragraph 2.1 of the report be noted;

(B) in accordance with Financial Regulation 4.5.5, the £40k virement from the Planning Contingency budget agreed by CMT on 16 July for a Housing Needs Survey as detailed at paragraph 2.10 of the report, be noted;

(C) in accordance with Financial Regulation 4.5.5, the £24k virement from the Planning Contingency budget agreed by CMT on 16 July for a Human Resources post as detailed at paragraph 2.10 of the report, be noted;

(D) the continued monitoring of the performance of

EHPI 157a – Processing of planning applications:
Major applications by CMT to ensure service changes are implemented, as detailed at paragraph 2.22 of the report, be noted;

(E) the planned appropriation to the interest equalisation reserve in 2013/14 being reduced in line with any shortfall in investment income arising in the current year as detailed at paragraph 2.27 of the report, be approved;

(F) April and May sickness absence data for EHPI 12c - Total number of sickness absence days per FTE being restated, as detailed at paragraph 2.29 of the report, be noted;

(G) £54,900 of the Community Capital Grants budget be re-profiled from 2013/14 into 2014/15 as outlined in paragraph 2.38 of the report;

(H) in accordance with Financial Regulation 4.5.5, the virement of £21,000 from the Discretionary Disabled Facility grants capital budget into the Historic Buildings grant budget as detailed at paragraph 2.39 of the report, be noted;

(I) £15,000 of the IT Merging Licensing and Environmental Health capital budget be re-profiled from 2013/14 into 2014/15 as outlined in paragraph 2.40 of the report; and

(J) the controls and scores listed in the strategic risk register for the period April to June 2013 as detailed at paragraph 2.42 of the report, be approved.

The meeting closed at 8.35 pm

Chairman

Date

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EAST HERTS COUNCIL

EXECUTIVE – 1 OCTOBER 2013

REPORT BY EXECUTIVE MEMBER FOR HEALTH, HOUSING AND COMMUNITY SUPPORT

REVIEW OF PARKS AND OPEN SPACES STRATEGY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report concludes the process to review the new Parks and Open Spaces Strategy 2013 – 2018. This replaces the previous strategy following a comprehensive review and update which explores its effectiveness and revises its direction of travel for the next five years.

<u>RECOMMENDATIONS FOR COUNCIL:</u> That:	
(A)	the Parks & Open Spaces Strategy 2013 – 2018 is formally adopted, and
(B)	the draft High Level Action Plan is agreed.

1.0 Background

1.1 The original Parks and Open Spaces Strategy 2007-2012 formed the policy framework under which Parks Management Plans for individual sites have been developed and consulted upon. Following an extensive consultation process it defined the key objectives relating to the management and development of the Council's open spaces.

1.2 The original strategy was first presented to the (former) Policy Development Scrutiny Committee for comment and consideration on 20 March 2007. Subsequently the Strategy was open to public consultation during July 2007 prior to its adoption.

- 1.3 Results and achievements against the previous strategy were reported to the Environment Scrutiny on 13 September 2011 and it was agreed that it should be reviewed and an updated draft that was appropriate for the next 5 years brought forward.
- 1.4 Officers have consulted internally with those departments which affect the delivery of the revised strategy and who have shared interests in the outcomes.
- 1.5 The Draft Strategy following approval was sent out to public consultation on 5 March 2013. It was published on the Councils' web site and circulated by email to external stakeholders including "Friends of" groups for consideration and comment. This part of the consultation process was open for a period of 6 weeks.
- 1.6 Residents were asked to focus their feedback on three main areas:
- Does the strategy cover the key areas relating to open spaces that they feel are important?
 - Is the strategy sufficiently inclusive?
 - Are the objectives appropriate to meet the identified needs?

2.0 Report

- 2.1 The Parks and Open Spaces Strategy 2013 - 2018 has been reviewed and developed to set out the policy framework for the parks and open spaces owned and managed by East Herts Council for the next five years. Green spaces represent one of the things that are best about East Herts and are consistently seen as important by our customers. The purpose of this strategy is to ensure that parks and open spaces, as a valuable natural resource, are managed and developed in a responsible and effective way.
- 2.2 The Strategy sets out aims and objectives within a framework that considers:
- The wider context
 - The vision for parks and open spaces provision
 - An overview of existing provision in East Herts
 - What the strategy aiming to achieve

- Our commitment
- 2.3 The document recognises that parks and open spaces serve different needs and groups and aims to deliver quality and accessible services described in the context of:
- Parks for people
 - Parks for recreation and enjoyment
 - Parks for wildlife, conservation and heritage
- 2.4 The resultant strategy considers the needs of our customers and how the asset of open space can deliver an important contribution to enhancing health and wellbeing. This aspiration has been realised in a number of ways during the previous 5 year plan. Our experience from delivering a high standard of maintenance along with successive improvements shapes the ongoing strategy. Our parks are under various pressures relating for example to the need for us to:
- protect their natural beauty
 - conserve their importance for wildlife and the environment
 - provide outlets for leisure and play
 - control anti social behaviour and
 - rise to the challenge of the current economic climate
- The Strategy considers these and other pressures and provides a balanced way forward for the next five years.
- 2.5 See **Essential Reference paper ‘B’** for the final version of the revised Parks & Open Spaces Strategy 2013 – 2018.
- 2.6 The Strategy was open to a six week public consultation from 25 March to 6 May 2013. It was made available on the council’s website with the opportunity to provide feedback / comment via an online survey questionnaire. The public consultation on the Strategy was publicised in the press and in Link. Hard copies were sent to all Parish and Town Councils, and were made available at council offices and local libraries.
- 2.7 In addition, the Council consulted directly with 30 external stakeholders, 42 other groups and individuals who it was felt might be particularly interested in Strategy.

2.8 The consultation process attracted comments from a wide range of internal and external stakeholders. Internally these included our Engineers, Leisure Services, Environmental Health, Planning Policy and Community Safety. Externally encouraging and constructive comments were received from the Canal and River Trust, the Countryside Management Service, Sport England, The Environment Agency and the County Council's Historic Environment Unit.

2.9 The online public survey questionnaire attracted twelve additional responses. A summary of the results are as follows.

- Q1. Do you agree with the Draft Strategy?
Yes 80.0% No 20.0%
- Q2. Do you agree with the Objectives outlined in the Draft Strategy under the headings 5.3 - Parks for people?
Yes 88.9% No 11.1%
- Q3. Do you agree with the Objectives outlined in the Draft Strategy under the headings 5.4 - Parks for recreation?
Yes 90.0% No 10.0%
- Q4. Do you agree with the Objectives outlined in the Draft Strategy under the headings 5.5 - Parks for wildlife, conservation and heritage?
Yes 90.0% No 10.0%
- Q5. Are there any broad issues with our parks and open spaces that you think we have not covered in our Draft Strategy?
Yes 81.8% * No 18.2%

2.10 *The 'yes' respondents to question 5 submitted a wide range of comments and specific amendments to the Strategy. These and other consultation responses received have been considered and used to amend the Strategy document. **Essential Reference Paper 'C'** provides a full summary of all the comments / feedback received and how these have been used to shape the final version of the Strategy.

2.11 Following on from the development of the Parks & Open Spaces Strategy 2013 – 2018, officers have created a draft High Level

Action Plan - see **Essential Reference Paper ‘D’**. Detailed delivery of this will be monitored by the Environment Scrutiny Committee.

3.0 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

Report to Policy Development Scrutiny Committee - Parks and Open Spaces Strategy and Green Flag Award accreditation - 20 March 2007
<http://www.eastherts.gov.uk/index.jsp?articleid=3363> Item 8

Report to Executive - Parks and Open Spaces Strategy 2007 and status report on current projects - 4 September 2007
<http://online.eastherts.gov.uk/moderngov/CeListDocuments.aspx?Committeed=119&MeetingId=518&DF=04%2f09%2f2007&Ver=2> Item 8

Report to Environment Scrutiny Committee - Parks and Open Spaces Development Programme – Progress Report – 13 September 2011
<http://online.eastherts.gov.uk/moderngov/ieListDocuments.aspx?CId=154&MId=1404&Ver=4> Item 282

Report to Environment Scrutiny Committee – Review of Parks & Open Spaces Strategy – 26 February 2013
<http://online.eastherts.gov.uk/moderngov/ieListDocuments.aspx?CId=154&MId=2080&Ver=4> Item 615

Report to Executive – Draft Parks & Open Spaces Strategy – 5 March 2013
<http://online.eastherts.gov.uk/moderngov/ieListDocuments.aspx?CId=119&MId=2121&Ver=4> Item 645

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	<p>People This priority focuses on enhancing the quality of life, health and wellbeing, particularly for those who are vulnerable, and delivering strong services</p> <p>Place This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p>
Consultation:	<p>Public consultation on the draft Strategy has taken place for 6 weeks - 25 March to 6 May 2013. The document was made available online and as paper copies at East Herts Council offices and libraries in Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth, Ware and Knebworth. Paper copies were also distributed to all Town and Parish Councils. Response could be made either by using the online 'survey monkey' consultation web link or by returning the consultation comment / response form.</p> <p>Internal consultation has been carried out with Environmental Health, Community Safety, Leisure Services, Engineers, Planning Policy, Community Engagement, and Environmental Coordination.</p> <p>In addition 30 external stakeholders and 42 other groups and individuals, who we determined might be interested in the Strategy, were consulted directly.</p> <p>Responses and comments have been noted and used to amend the Strategy where appropriate.</p> <p>The Strategy is now ready for approval by Executive and adoption by Council.</p>
Legal:	<p>There are no statutory requirements arising from the proposals.</p>

Financial:	<p>There are none for this report.</p> <p>The objectives set out in the Strategy and the draft High Level Action Plan can be achieved within existing revenue and capital budgets but can be enhanced through successful application of external grants. Continued capital funding has proven to assist bids through match funding. It is recognised however that the aspirations to develop open spaces has to be scaled back in relation to the considerable successes of the previous five years. Whilst some development will still be possible, it is important that limited resources are prioritised to maintain and protect the high quality of provision achieved.</p>
Human Resource:	<p>The careful and flexible deployment of staff across the department whilst working with partners and the community continues to provide sufficient resources to deliver the aspired outcomes of the strategy.</p>
Risk Management:	<p>The risks associated with approving (or not) the Strategy and associated proposals relate principally to the Council's ability to contribute to its corporate priorities and to deliver outcomes affecting a wide range of needs.</p>

Essential Reference Paper 'B'

Parks and Open Spaces Strategy

2013 - 2018

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1 Parks and Open Spaces Strategy 2013 - 2018

- 1.1 The Parks and Open Spaces Strategy has been developed to set out the policy framework for the parks and open spaces owned and managed by East Herts Council for the next five years. This follows a review of the previous five year strategy which has assessed the current validity of the objectives and how effective we have been in delivering them.
- 1.2 East Hertfordshire is rich in green spaces and attractive, rolling countryside. The small towns and villages stand in an area of natural beauty with winding country lanes, nestling in shallow valleys of many rivers and streams that criss-cross the district. These natural green spaces, alongside parks and play areas, enrich peoples' lives and provide enjoyable and purposeful facilities for residents and visitors to the area.
- 1.3 Parks and green spaces represent one of the things that are best about East Herts. The purpose of this strategy is to ensure that parks and open spaces, as a valuable natural resource, are managed and developed in a responsible and effective way and that they provide good health and leisure outlets for our customers.
- 1.4 The Parks and Open Spaces Strategy document will cover the following:
 - The wider context
 - The vision for parks and open spaces provision
 - An overview of existing provision in East Herts
 - The role of Parks and Green Spaces
 - The role of the Council
- 1.5 The Parks and Open Spaces Strategy forms the policy framework under which Parks Management Plans for individual sites are developed and consulted upon.
- 1.6 This strategy focuses primarily on how the Council will manage the public open spaces it owns. The Council's current policy on open space provision on privately owned land is contained within the East Herts Local Plan 2nd Review (April 2007) LRC3 "Recreational Requirements in New Residential Developments".

2 The Wider Context

- 2.1 This strategy fits within a series of other policy documents. The intention is to expand on key issues and actions of relevance to parks and open spaces but not duplicate this other work.
- 2.2 The East Herts Corporate Strategic Plan takes into account the Council's vision and corporate priorities to set out the overall vision and direction for the Council over the next four years. It highlights the high level priorities for the Council and identifies the key outcomes that will be achieved. The Corporate Strategic Plan forms the basis for the council's performance management activities and drives the distribution of resources.
- 2.3 The Council has recently adopted a new framework of overarching priorities to ensure that it continues to provide high quality services and remains committed to the community. As part of this, the corporate priorities have been reduced from six to three. These are:

<p>People</p> <p>This priority focuses on enhancing the quality of life, health and wellbeing, particularly for those who are vulnerable, and delivering strong services</p>	<ul style="list-style-type: none"> • Reduce health inequalities, for example, by addressing obesity, smoking and physical inactivity • Reduce fuel poverty • Increase community engagement • Deliver strong and relevant services • Improve outcomes for vulnerable families and individuals
<p>Place</p> <p>This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p>	<ul style="list-style-type: none"> • Reduce residual waste and increase our recycling rate • Reduce the carbon dioxide emissions from our own operations by 25% by 2020 and work with partners to reduce the emissions of households and businesses • Maintain our clean streets and reduce litter • Maintain our parks, play areas and open spaces • Reduce anti social behaviour and the fear of crime • Ensure future development meets the need of the district and its residents

<p>Prosperity</p> <p>This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>	<ul style="list-style-type: none"> • Deliver value for money • Enhance the economic well being of East Herts • Deliver sustainable rural business growth • Protect the environment
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2.4 East Herts Council describes the strategic objectives and direction of its leisure, sport, art and cultural aims in Everyone Matters – A Sustainable Community Strategy for East Herts 2009 – 2024 which replaces the previous Cultural Strategy and includes reference to young people in place of the Children and Young People’s Strategy 2007 – 2012. “Everyone Matters” describes, in more detail, the objectives for parks and open spaces within this framework. It also supports the objectives of the current East Herts Public Health Strategy and the new Public Health Strategy which is being developed and expected to come in to effect in 2014.

2.5 The Ageing Well agenda, recently adopted by the Council, sets out to recognise the needs of older people as the Council and its partners develop services and policies. It has been developed within the context of the Council’s corporate priority to enhance the quality of life, health and well being of individuals, families and communities, particularly those who are vulnerable. The Ageing Well agenda sits within the context of the Council’s Sustainable Community Strategy and the Health and Well Being themes of the Public Health Strategy. The Ageing Well Agenda does not currently prescribe any immediate actions that relate directly to the provision of parks and open spaces. However, the aspirations in the Parks and Open Spaces Strategy to ensure our parks remain accessible and provide leisure and health opportunities for all residents fits well with the agenda’s ethos.

2.6 Planning guidance is now in the form of the National Planning Policy Framework (NPPF) published in March 2012. A key message from this document, which relates to the aims of this strategy, states that:

“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or

qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required". (Para 73, NPPF 2012)

- 2.7 The Parks and Open Spaces Strategy reflect existing Planning documents and the emerging District Plan currently being produced as part of the changes to the planning system under the NPPF. (Appendix 1 and 2 contains information on relevant national and local policies).

3 The vision for parks and open spaces provision

- 3.1 Together with our partners we want to protect and preserve our parks and green spaces while at the same time develop them in a sustainable way that meets the needs of the 21st century – balancing out environmental, health, social and economic considerations. The process we have adopted to deliver this focuses on three questions;
- what are our priorities,
 - what are our subsequent objectives, and
 - what actions do we need to take to deliver these?

4 An overview of existing provision in East Herts

- 2.8 The Metropolitan Green Belt, which contains 4 of the 5 towns, covers around one-third of the district. Much of the district is also currently covered by Policy GBC14 “Landscape Character” of the Local Plan Second Review (April 2007).
- 2.9 East Hertfordshire is a beautiful, rural district with large amounts of green, wild and cultivated space. At the commencement of the previous strategy, an audit and assessment of public open space provision by all providers identified 566 open spaces and outdoor sports facilities that are either owned by the Council, parish or town council, private landowner, housing association or community group. Of these, 312 are considered parks and gardens, natural and semi-natural green space, amenity green space and provision for children and young people. Details of the level of provision can be found in the PPG17 Audit and Assessment Report (July 2005).
- 2.10 We have committed to and delivered comprehensive internal audits of our parks and play facilities, and continue to ensure that our management plans carefully assess needs on our open spaces.
- 2.11 East Herts Council owns and manages around 120 open spaces. These include “village greens”, formal gardens, woodland, naturalised areas and 45 main parks. There are currently 56 equipped play sites owned and maintained by the Council within the District.
- 2.12 The Council’s five ‘main’ parks in terms of size and usage are:
- Southern Country Park – Bishop Stortford
 - Hartham Common and the Meads – Hertford and Ware
 - Castle Gardens – Hertford
 - The Castle Grounds – Bishop’s Stortford

- Grange Paddocks and Red White and Blue – Bishop’s Stortford

2.13 In addition, the Council owns:

- Layston Court Gardens – Buntingford, maintained on behalf of East Herts Council by Buntingford Town Council.
- Pishiobury Park – Sawbridgeworth, maintained by East Herts Council as a ‘Country Park’ and historic landscape.

2.14 The Council provides a number of sites for formal sport and informal recreation. Examples of the larger ones include:

- Thorley Open Space – Bishop’s Stortford
- Northern Parkland (Thorley Common) – Bishop’s Stortford
- Sacombe Road Recreation Ground - Hertford
- Presdales Recreation Ground – Ware
- King George Recreation Ground – Ware

2.15 The physical development of parks and open spaces has been largely determined by the level of external funding. The Council’s capital budget set aside each year for parks and open spaces including play areas has provided valuable match funding for a wide range of improvements. It is worth noting that the funding achieved from external sources from 2007 to 2011 brought in an additional sum of nearly £1m to the Council.

2.16 Since the original audit and creation of the Parks and Open Spaces Development Programme in 2007 a total of sixteen projects attracted additional external funding totalling £627,000. This enabled the development of projects, such as the creation of new play areas which would not have been possible with the Council’s resources alone. Appendix 3 contains a table showing the projects and income achieved.

2.17 However, in the current economic climate Government grants and other sources of external funding have reduced considerably. The Council is still able to progress with some developmental work but on a much diminished scale. We must continue to carefully prioritise and plan to ensure we achieve best value and meet the most important needs of our customers with the limited resources available.

5 What is our Strategy aiming to achieve?

We have identified why our parks and open spaces are important to our customers and how we believe they should be looked after and improved. We have thought about how they improve people's lives and what other benefits they provide. We have then decided which areas are most important and have grouped these together to help us prioritise our actions. Within certain priority areas we have set ourselves achievable objectives taking into consideration the things we have learnt from the last 5 years and the advice we have received from our partners and stakeholders. We aim to continue looking after our parks and open spaces responsibly and to make wise and lasting improvements where we are able to.

5.1 The role of parks and open spaces

- 5.1.1 Well managed and appropriately placed parks and open spaces serve as an excellent delivery mechanism for two of the three corporate objectives; People and Place. Most obviously, parks and open spaces contribute to improving people's quality of life, health and wellbeing as individuals, families and communities. But parks and open spaces can also influence perceptions of community safety, deprivation and poverty levels and the local economy.
- 5.1.2 Parks and Open Spaces include: town squares, village greens, sports fields, allotments, playgrounds, graveyards, formal gardens, country parks, wild life reserves, and natural wastelands. As there are many differing ways of describing these features, East Herts Council has chosen to refer to the typologies listed in the PPG 17 Audit and Assessment Report (July 2005). These typologies are a nationally recognised standard, fit with our objectives and will allow for benchmarking in future projects. Whilst PPG17 has been replaced by the NPPF 2012, these typologies remain relevant and will continue to be used until superseded by new guidance. See Appendix 4 for these typologies in detail.
- 5.1.3 All these places give residents a place to relax and enjoy what is best in East Hertfordshire. It is acknowledged that parks and open spaces are valuable places for all people to play, exercise, meet one another, and hold public events. As a focal point of a community; parks and open spaces can contribute to building community spirit and community cohesion.
- 5.1.4 However, this must be carefully balanced with the role of parks and open spaces as a home to wildlife. This is stated as objective 5 in Chapter 10 (Leisure, Recreation and Community Facilities) of the Local Plan Second Review (April 2007) - *"to take into account*

the value of open space, not only as an amenity, but as a contribution to the conservation of the natural and built environment of the district.”

- 5.1.5 Green Infrastructure is described in the NPPF 2012 as “*a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.*”
- 5.1.6 This definition is reinforced in Natural England's Green Infrastructure Guidance and expanded in Green Infrastructure in Hertfordshire: A Framework. We aim to work alongside this emerging planning tool to ensure that our own open spaces support and contribute to this network.
- 5.1.7 The East Herts Green Infrastructure Plan 2011 (GIP) is a high level plan which identifies further technical and project work which will be needed in the future to deliver green infrastructure. Among other things the GIP considers opportunities for enhancement and creation of green infrastructure. The work we are undertaking to develop a management plan for the ‘green finger’ reaching out through parks from the town centre at Bishop’s Stortford is a prime example of where the careful development of our open spaces can support this. We will keep close links with the creation of specific projects in the GIP through our work with the Countryside Management Service, the Town Council and the other partners as it evolves.

5.2 Priority areas

- 5.2.1 The Council recognises that parks and open spaces serve different needs and groups. The Council aims to deliver quality, accessible services in the areas of:
- Parks for people
 - Parks for recreation / enjoyment
 - Parks for wildlife / conservation / heritage
- 5.2.2 It is important that these three priority areas compliment each other and do not compete. The Council is conscious of the tensions that sometimes arise between the role of parks and open spaces as a place for sport and informal recreation and at the same time a place for wildlife and a valuable habitat. All these roles will be taken into account and an appropriate balance attained.

- 5.2.3 The Council wishes to achieve greater use of parks by those people who find it difficult to take part by providing appropriate information on facilities and improving access. In particular, the vulnerable, people with disabilities and young children. According to the 2011 Census, 20.6% in total of East Herts households have at least one person in the household with a long term health problem or disability, (with or without dependent children). East Herts also has an ageing population as discussed later.
- 5.2.4 The following pages outline the actions that will be taken in the above priority areas and include a summary of the achievements from the previous five year period with some examples of how we are able to build upon these successes for the future.

5.3 Parks for People

- 5.3.1 This is about taking a customer focused approach to the maintenance and development of our green space. The Council will work with the community, where appropriate, taking notice of people's opinions, ideas and concerns and providing an opportunity to influence actions that affect them. The Council will:

1. Develop facilities and infrastructure on site to meet a wide range of user's needs, including those who normally find access difficult.
2. Utilise its open spaces for exercise and health benefits.
3. Develop a 'Friends Of' group for a third major park (identifying user groups and other stakeholders).
4. Increase participation through more "fit for purpose" design – the right type in the right place and of the right size. Consulting to identify the type of open space required.
5. Develop safe yet exciting spaces where children are free to be children.
6. Work with partners to provide diversionary facilities and activities to help reduce anti-social behaviour and maintain low crime levels.
7. Design spaces in ways that reduce the fear of crime.
8. Ensure that provision for children and young people is of a high quality and strategically located by expanding upon the improvement already achieved through the Parks and Open Spaces Development Programme.
9. Invest in good, safe spaces for teenagers to meet their friends and for older people to meet and exercise.

- 10. Continue to maintain the high standards that lead to the successful achievement of two Green Flag Awards.
- 11. Improve access in terms of information both on site and remotely.
- 12. Retain current maintenance standards and ensure value for money.

5.3.2 Two “Friends of” groups are now well established at Southern Country Park and Pishiobury Park. Information about each of these groups is available on our web site. The groups have successfully attracted local people to become actively involved in the development of their parks. They provide a voice for local residents to work in partnership with us as we develop our management plans and install new facilities, and in relation to our maintenance regimes. They create a popular opportunity to take part in conservation tasks on site and in regular events that provide the wider public with leisure activities and information. The Southern Country Park group for instance currently has a membership of 38 and contributed a colossal 766 volunteer man hours working in the park during 2012. They worked on an annual butterfly survey, helped us with our ‘Get Park Active’ event and made 34 single improvements to the park including woodland management, planting whips, building a bird screen, fencing repairs, rebuilding steps, laying woodchip and creating an additional woodland path. A third “Friends of Group will help the Council to work closely with residents at another key location. This, along with other projects such as the Pines Playing Field improvements mentioned later, builds upon our wider objectives and meets those of the recent Localism agenda to engage with the community, listening to their views and providing them with a valuable way of getting directly involved in the services we provide. Appendix 1 contains a summary of the Localism Act 2011 actions and underlying concepts.

5.3.3 The Ridgeway Local Park in Hertford has achieved considerable accolade in “fit for purpose” design with its popular natural play area created in a “lost” overgrown section of the park. It was the result of a thorough programme of consultation and the bringing together of skills from outside the authority such as Hertfordshire Groundwork with our own expertise in providing play facilities that children really want. The park has been awarded a Green Flag and attracts attention from even further than those children on the estate for which it was originally intended. The continuing development of skills and contacts obtained through delivering this type of project sets us up to successfully continue meeting our objectives of providing the right type of high quality parks for our customers.

- 5.3.4 Diversionary facilities and activities to help reduce anti-social behaviour (ASB) have been developed at a number of sites such as The Ridgeway and Vantorts in Sawbridgeworth. Feedback from our Community Safety Partnership informs us that our activity in this area to date has helped support their work. We have worked closely with them to manage the expectations of our customers and to find effective ways of working in partnership with the police. A prime example where this has been achieved to good effect is King George Recreation Ground in Ware and will be replicated in future projects.
- 5.3.5 Customers sometimes believe that there are only limited solutions to dealing with ASB. For instance, to install “No Ball Game” signs on spaces where young people are creating noise or by simply trying to chase children away to a different location. We have found however that such action is rarely effective. Signs that cannot be enforced will ultimately send the wrong message to young people. We have been able to divert nuisance behaviour away from resident’s houses by for instance planting shrubs against fences that have been used to kick balls against and by installing properly designed areas nearby that can provide a much more attractive area to play football. The installation of CCTV cameras has sometimes been called for but this is governed strictly by legislation that quite rightly insists on a balanced approach to consider people’s right to privacy. Cameras can only be used where there is sufficient evidence of serious crime such as consistent theft or damage of a substantial value.
- 5.3.6 Our diversionary tactics working closely with partners from the East Herts Community Safety Partnership such as the police, at Vantorts Close for example and previously at The Ridgeway and King George Recreation Ground allow us to open dialogue with the young people creating a nuisance and to use our limited resources to fund far more sustainable solutions such as play spaces that young people are excited about and that will ultimately draw them away from “problem” areas. It is important that whilst our work in this area should focus on those residents who are suffering the consequences of poor behaviour, we do not lose sight of the valuable resource that our open spaces provide to young people. They can provide “somewhere to go” and “something to do” in a social climate that in many ways is now less tolerant of young people and their needs. We will continue to work with our Community Safety Team and the police to ensure that residents’ perception of crime is realistic and that we adopt a methodical approach to problem solving in each separate case. We cannot rely on actions that simply move a problem “out of our area of responsibility”. Successfully restricting access to one of our parks for instance will no doubt result in moving an ASB problem to “the area in front of the shops” or the “garage block

behind the houses". The problem still remains and often with worse consequences.

- 5.3.7 Following on from these types of activities we have found ways to work in partnership with local groups and the police to reduce the fear of crime. The Quaker Burial Ground in Ware for example underwent a major overhaul to improve and design out the previous problems at this site and the work at Vantorts Open Space in Sawbridgeworth has transformed an old traditional play site which had over the years suffered from problems with drug use, into a vibrant and popular open space. Local residents had considerable concerns about the site but with the help of the police and the Town Council, a project was developed to successfully tackle the specific issues raised.
- 5.3.8 The Parks and Open Spaces Development Programme devised a framework for the development of management plans for the major parks and open spaces and a programme of specific improvement works. The individual needs of each site have been explored through consultation culminating in the creation of a working management plan to guide improvements and attract external funding where required.
- 5.3.9 The youth shelter in Thorley Wedge, The Ridgeway natural play space and the wheeled sports facility at Vantorts have provided good, safe spaces for teenagers to meet their friends. These compliment existing very well used areas such as the skate park in Hartham Common and the teenage play area in Southern Country Park. We have also developed a network of specially designed kick about areas and Multi Use Games Areas (MUGAs) across the district that provide areas which not only allow young people to kick a ball about without conflict with local residents but also somewhere they can call their own. We currently have 3 MUGAs, 4 sports walls and 7 kick about areas, and have been trialling a new all weather surface at the kick about area in Southern Country Park.

Green Flag Awards:

- 5.3.10 The Green Flag Award scheme is the benchmark national standard for parks and green spaces in the UK. It was first launched in 1996 to recognise and reward the best green spaces in the country.
- 5.3.11 The Scheme is licensed to Keep Britain Tidy by Communities and Local Government (CLG) who own the Green Flag Award Scheme. Awards are given on an annual basis and winners must apply each year to renew their Green Flag status. As all green spaces are different, each site is judged on its own merits and suitability to the community it serves.

5.3.12 East Herts has achieved 2 Green Flag Awards:

- Southern Country Park achieved the coveted Award in 2008 and has successfully retained this every year since.
- The Ridgeway Local Park gained our second Green Flag Award in 2009 and again has successfully retained it every year.

5.3.13 Applications are judged against eight key criteria (See Appendix 5 for the Green Flag Criteria).

5.3.14 The Council is proud of its two awards and we will continue to work hard to retain them. The level of resources and capital investment to bring a park up to the required standard is considerable and given the current aims of the Council to ensure limited funds are used to their best advantage, we are not aiming at present to increase the Council's number of Green Flag parks. We are however ensuring that management plans consider the criteria as a fundamental part of the process to develop our parks. With this approach, we will gradually ensure that all our parks are looked after in a way that aspires to the Green Flag principals. In the future we will then be in a strong position to make the final investments required to achieve new flags should resources permit.

Grounds Maintenance:

5.3.15 Value for money remains a key aim. We have worked closely with the contractor to deliver innovative continuous improvement initiatives such as;

- Joint auditing of health and safety and management procedures.
- A partnership approach to In Bloom and Green Flag success.
- The installation of tracking devices on vehicles.
- The installation of inclinometers on grassing cutting machinery to minimise risks on slopes.
- Sourcing plants from peat free suppliers.
- Training staff to NVQ standards and introducing an apprenticeship scheme.
- Play area inspections recorded on a tailor made database and input from hand held devices on site.

- Customer calling card to leave in the event of any problem on site.
- The creation and annual review of a shrub manual that informs how and when each species is pruned. This is also helps the contractor to deal proactively with missing or unhealthy shrubs.

5.3.16 New initiatives will include a more advanced system of providing up to the minute information on works progress, direct access for the Council to the contractor vehicle tracking system, improvements to the transportation of green waste and two additional apprenticeship positions on the contract.

Public Health:

5.3.17 The Public Health Outcomes Framework is the new set of national performance indicators which aims to help reduce health gaps or inequalities and support healthy lifestyle improvement. These indicators will seek to reflect the local Health and Wellbeing Board's Strategy objectives and the contribution parks and open spaces make in achieving them, for example:

- Utilising green space for exercise/health reasons.
- Proportion of physically active and inactive adults.
- Excess weight in adults.
- Excess weight in 4-5 year olds and 10-11 year olds.
- Falls and injuries in the over 65's (parks and open spaces can be a positive catalyst in terms of prevention of these aspects of older age by enabling exercise and recreation).

5.3.18 The Five Ways to Wellbeing is a set of evidence-based public mental health objectives aimed at improving the mental health and wellbeing of the whole population. They were developed by nef (the new economics foundation) as the result of a commission by Foresight, the UK government's futures think-tank, as part of the Foresight Project on Mental Capital and Wellbeing.

The Five themes are; Connect, Take notice, Keep learning, Be Active and Give.

These connect with activities that can and do happen in green spaces. Connecting with people by going on a walk in a park, giving through volunteering in a Friends group, keeping active in the outdoors, taking notice of the pleasant environment of a park and learning a new skill all fulfil these needs. Whether it be doing

orienteering for the first time or learning to build some steps to help others access the park, these are all essential ingredients to promoting and enabling wellbeing.

Reference: Five Ways to Wellbeing - New applications, New ways of thinking. NHS confederation and New Economics Federation (NEF); 2010.

- 5.3.19 Encouraging exercise and general fitness reduces a range of health risks and therefore the number of people requiring treatment in the future. This is particularly important for East Herts where there is a rapidly ageing population. Our parks are being continually developed to ensure that there are good opportunities for exercise and outdoor activity for all age groups and abilities. Some of the above objectives are supported directly by specific activities such as the Get Park Active events and orienteering, Geocaching, health walks and the Friends Groups at Southern Country Park and Pishiobury Park.

Ageing Well:

- 5.3.20 East Herts has an ageing population. The 2011 Census identified that 15.3% of East Herts total population is over 65. In response to the changing demographic, the Council has agreed “Ageing Well Ambitions” as part of the ongoing development of the Ageing Well agenda to make the District a good place to grow old in.
- 5.3.21 The Council is committed to ensuring its policies and services are accessible to an ageing population. One of the ambitions of this Ageing Well agenda under the ‘Prosperity and well being’ section is to *‘encourage appropriate healthy activities’* and this will be taken on board as we continue to develop our parks and open spaces. (The Ageing Well Ambitions are shown in Appendix 2).
- 5.3.22 We are committed to making all our parks and open spaces accessible to all as places to visit, walk and play in. The aims of this strategy provide a strong mechanism to create spaces for healthy outdoor activities regardless of age or ability.

5.4 Parks for Recreation

- 5.4.1 This is about providing facilities for individuals and groups to enjoy, balancing the various uses and demands upon them. The Council will:

1. Develop parks so that there are a range of fun and enjoyable things to do for the different age groups, focusing particularly on those groups identified within the Council’s Corporate Priorities.

2. Work with partners to promote the use of parks and open spaces for community events / festivals and active recreation such as walking clubs.
3. Ensure that spaces are 'multi-purpose' and meet the needs of a wide range of users where possible.
4. Work toward creating a network of accessible high quality spaces connecting paths and footpath networks aspiring to ensure our parks and green spaces are fully accessible by all forms of transport.
5. Ensure that leisure needs are met locally but not overloading the green spaces that provide these opportunities.
6. Target capital investment on those areas that have been identified as deficient through internal audits and management plans.
7. Ensure that new housing developments incorporate safe, healthy environments which encourage walking, cycling and informal play.
8. Provide leisure and community facilities within open spaces that are properly co-ordinated with all forms of development and land use policies.
9. Consider the community need for recreational space and ensure that we make best use of existing watercourses in our parks.

5.4.2 Promotional activities over the last five years have been developed to include a wide range of media. Information on our website has been increased and reviewed to ensure that all our major open spaces are covered with relevant, useful and interesting information. Our individual management plans and specific projects are featured. There is also information on play areas, allotments, countryside access, byelaws and grounds maintenance. We are always looking to add to and update this information to make it more accessible and useful. We provide regular updates on services in Link, in the local press where appropriate and on new social media such as Twitter and Facebook. The use of internet enabled QR codes on posters is being used to develop and promote events and improvement works in our parks and open spaces. These are two dimensional barcodes that can be "read" by some mobile phones and provide a link to a specific web page. Our fun community events on site attract much praise from residents and have become regular and popular features at, for example, Southern Country Park and Pishiobury Park. Each time we plan any significant improvements, we consult with the public using on site events where possible and inviting comment through questionnaires.

This enables us to continually learn about our customers and equally to let them know what opportunities our open spaces offer.

- 5.4.3 The aforementioned planned approach to open space development has ensured that we firstly assess what we already provide, we find out what is needed and then we design our improvements to ensure that money is spent wisely. This can often be improving what we have by, for example adding play activities that are missing. Our initial internal audit in 2007 identified what makes a good play area; swinging, rotating, climbing etc and we have been able to add equipment that plugs the gaps. It has also meant that where more than one or two items of equipment have been found to be nearing the end of their useful life, we have been able to completely revamp certain sites. Two popular examples have been Vantorts Close Local Park and Bentley Road Inclusive Play Area. This methodical and informed approach has meant that we have also been able to look at the wider picture across each town to ensure that play experiences are not duplicated. As the programme to create management plans has developed, we have progressed toward linking plans to ensure diversity but also through creating maps within these plans which show safe pedestrian routes between parks.
- 5.4.4 We will continue to facilitate healthy walking activities in partnership with the Countryside Management Service and our own Leisure Services team. We are also looking closely at the services offered by external providers for fitness and health who currently use our open spaces such as personal trainers and boot camps. We will be charging a fee to any profit making company to contribute towards the upkeep of our parks and will be providing information on our website to better inform our customers of the diverse range of activities offered.
- 5.4.5 As we continue to develop our open spaces, we have found other benefits by exploring their wider access issues. For example at The Pines woodland in Hertford, we worked with the County Council and Groundwork to develop a new attractive and safe walking route across the town. This provides a better walking route for residents to visit the Pines playing field and the linear park on Foxholes Estate. This has lead to further improvement of the play area for which we hope to attract external funding, working directly with a local community group. We are also looking at how five open spaces which spread around Southern Country Park can be easily accessed on foot. This has lead to a jointly funded project with the County Council to improve some of the footpath links ensuring that there is a safe circular route taking in all of the open spaces in the area. Ongoing work with Riversmead Housing Association in Hornsmill, Hertford has lead to a project that aims to improve the landscape around the

community centre and to engage residents in a programme of improvements.

- 5.4.6 We have worked closely with Development Control by providing advice relating to planning applications. We have been successful in securing additional funds from Section 106 Agreements to improve existing open space facilities. We encourage developers to install good quality open spaces and play areas as a priority for the new communities they have created. Sacombe Road Open Space in Hertford for instance has recently benefited from a completely redesigned play area on our open space built and funded by the developers of an adjacent housing scheme. Completely new open spaces and play areas have been built and adopted by the Council in Hertford, Bishop's Stortford and Ware during the last five years.
- 5.4.7 We have actively sought and benefited from considerable investment, not only through section 106 agreements but also through Landfill Tax Grants, Big Lottery and other external funding. Some prime examples of this have been the wetland restoration works at Southern Country Park and Hartham Common, the natural play spaces at The Ridgeway and King George Road and the access improvements at Pishiobury Park.
- 5.4.8 We have worked to assess needs across the district in terms of sporting provision by developing the Play Pitch Strategy July 2010. This document was commissioned through a specialist consultant to guide planners with regard to new developments. It audited provision across the district and set out some observations and priorities. East Herts Council encourage the use of the Play Pitch Strategy to guide financial contributions and new facilities where these are possible through the Planning process. The Parks & Open Spaces Strategy however is designed to ensure that the Council makes the best use of its existing provisions, not to make provision for new facilities without such external support. We have for example adapted our football pitch layouts to provide for the increased demand in junior football by fitting in additional junior pitches in place of less used senior pitches and by over marking senior pitches with the blue lined 9x9 pitches as promoted by the Football Association. We have upgraded our existing changing facilities and actively work with external partners to consider externally funded additional facilities where possible.
- 5.4.9 We will continue to work with Planning and Leisure Services on the forthcoming update to the Parks and Open Spaces Audit and Assessment.

5.5 Parks for Wildlife, Conservation and Heritage

5.5.1 In managing open spaces, the Council will pay particular attention to biodiversity, natural features, wildlife and flora, buildings and structural features. Structures will be designed to perform their function without undue pressure on the surrounding environment or the identified purpose of the space. The Council will seek to identify and protect the historic features, structures, landscapes and characteristics of specific sites, recognising that there may be a variety of historical contexts. The Council also recognises the need for differing emphasis to be placed on access to the various open spaces throughout the district, to take into account the use and biodiversity of each site whilst considering public access and enjoyment of the natural environment.

5.5.2 The Council will:

1. Ensure that identified wildlife habitats, such as those that carry the status of Site of Special Scientific Interest (SSSI) or county Wildlife Site (WS), are preserved through management strategies and appropriate maintenance.
2. Develop our management systems and operational practices to enhance biodiversity in our parks and open spaces in a way that compliments and enhances the recreational experience.
3. Apply sustainable management practices in the provision and maintenance of open spaces.
4. Seek opportunities for river restoration and enhancement in our parks and open spaces by working with partners and interested bodies, subject to availability of resources.

5.5.3 The Council provides advice to residents in its capacity as the Local Authority administering Tree Preservation Orders. We advise customers who have trees in their gardens that these trees are crucial not only to the landscape but in many other ways. Amongst other things they reduce carbon dioxide levels, filter and absorb pollution, absorb noise, produce oxygen, reduce the stress of modern lifestyles, provide habitats for wildlife and offer shade and shelter. We advise that most trees have the potential to outlive both ourselves and the homes we live in and that they deserve our care and respect. To that extent we also ensure that we manage our own tree stock with considerable diligence. We operate a comprehensive tree risk inspection programme which enables us to keep our trees safe and healthy and have developed a systematic tree replacement programme. Where possible, we involve local people in replanting trees on our open spaces through our Friends Groups and we ensure that tree

planting benefits our customers in immediate ways such as creating shade in our play areas. We have developed a woodland management programme that defines a long term approach to maintaining and looking after our woodlands. A systematic maintenance regime is already in place to execute the basic works and individual management plans are being developed for all our key woodlands with the assistance of the Countryside Management Service. Where possible we aim to secure external funding to deliver some of the more ambitious projects that emerge.

- 5.5.4 The Council has a long term commitment to a 25% reduction in carbon emissions from its operations by 2020. The parks service contributes through its planting initiatives and in the way contracts are managed. For example, as part of the contract extension agreement the grounds maintenance contractor has agreed to transport materials for composting in bulk. This will reduce fossil fuel use and carbon emissions over the contract period.
- 5.5.5 Likewise, we have delivered a number of improvements such as new bridges and water features at Pishiobury Park making best use of some of the funds available to look after the district's water courses. We are also working closely with partners to ensure we properly maintain sustainable drainage features within our responsibilities where possible and encourage others to do the same. We have features such as the 'balancing pond' at Southern Country Park which, in addition to providing an important land drainage feature for the St Michaels Mead estate, has recently benefited from an externally funded wetland restoration project to improve the appearance and biodiversity of the natural planted habitat around the lake. We have a number of water courses running through our parks and have created a new wetland habitat at Hartham Common in partnership with the Environment Agency, the Countryside Management Service and the Herts and Middlesex Wildlife Trust to further improve biodiversity in the park and improve access for the public.
- 5.5.6 We will continue to work with partners to explore how housing developers can find appropriate solutions for sustainable drainage infrastructure in accordance with Sustainable Urban Drainage Legislation which aims to manage water runoff to prevent flooding. We are looking at ways to reduce the amount of water we use for our annual bedding schemes and have been using plants grown in peat free compost for some years. The Green Flag criteria help us to ensure that sustainability is always considered as we manage and develop our parks.
- 5.5.7 Through our work with the Countryside Management Service to develop responsible management plans for our open spaces, we

ensure that we contribute directly to the delivery of the Hertfordshire Biodiversity Action Plan (BAP).

6 Our commitment

6.1 The Council has a duty to manage its open spaces sensitively, protecting these natural assets for the future but recognising that there are competing priorities for land use. We undertake to:

- Maintain open spaces to a good and safe standard.
- Listen to park users.
- Develop parks to meet changing needs.
- Work in partnership in developing and providing services and facilities.
- Regularly review and update our approach and this strategy.

7 Summary

- 7.1 The Parks and Open Spaces Strategy has proved to be a valuable document steering us to secure external funding, achieve Green Flag Awards and high levels of public satisfaction in our open spaces.
- 7.2 We now aim to build upon our successes and have set some new objectives. Over the next five years, in addition to the continued delivery of existing objectives we will also focus specifically on the following broad aims;
 - 7.2.1 To encourage even more people of all ages to visit and use our parks. We believe that more diversion of different age groups can reduce the tension that is sometimes perceived. We will design spaces to provide facilities for older people “playing” and exercising alongside children. Our open spaces will not become “no go” areas or spaces that encourage poor behaviour by being cut off from the community.
 - 7.2.2 To make our parks even better for play, better for older people and better for those who would like to stay fit and healthy. This means working within the Councils wider objectives, linking with other initiatives to make connections between open space provision and the wider health and ageing well agendas. We will increase the opportunity for our parks to introduce people to healthy activities. Not many open spaces can provide everything but most of them are an ideal place for people to experience exercise at its easiest and most basic level, walking, kicking a ball about, jogging and light exercise on trim trails for example.
 - 7.2.3 To keep our specialist sports areas to a good standard in order to supplement the more dedicated facilities available across the district at the multitude of sports clubs. Encouraging residents to use our open spaces to pursue healthy activities on a casual basis could also lead on to them taking up sports on a more routine basis by joining local clubs or attending gyms and boot camps.
 - 7.2.4 To link up our open spaces across the main town areas, treating them holistically in terms of access and provision. We will not duplicate facilities in close proximity and will install better signage to navigate between our parks with clearer information to know what is offered just around the corner.
 - 7.2.5 To build on our good relationship with volunteers; helping to shape our parks for the future.
 - 7.2.6 To take our play areas to the next level of provision. We will increase play value over and above the high level now achieved by identifying any remaining gaps in access, age provision, healthy activity and landscape design.

- 7.2.7 To ensure that new projects will always embrace good open space design. The experience gained through developing our major parks will be utilised as we broaden our improvement programme across the network of smaller spaces.
 - 7.2.8 To focus our wider conservation activities on water and woodlands. We will seek opportunities for water course restoration and enhancement in our parks and open spaces and will hone our woodland management techniques. We will work closely with partners who have shared interests.
 - 7.2.9 To follow the Green Flag ethic of maintaining parks and open spaces to a good standard in the areas that make the most difference to customers and the environment. Having achieved these standards across all our open spaces we will ensure they remain so. We will prioritise our budgets and resources wisely to achieve this.
- 7.3 The process of reviewing our work over the last five years has highlighted the considerable progress, the way that we have been able to work together with our partners and the way we have been able to build upon our experiences for instance in creating useful and meaningful green space action plans. We recognise however that during this period of austerity, our progress in delivering large scale improvements may slow down. Our work over the next five years will ensure there is no deterioration in standards. Signs of neglect can attract anti-social behaviour and undermine the considerable achievements made to date. We will continue to react quickly to small issues as they arise and to use our resources wisely. We intend to continue working closely with the community to maintain the “value” that our customers attribute to our open spaces, encouraging involvement to keep them vibrant and meeting needs.

Appendix 1: Strategic Context (National and regional policy)

Localism and the Big Society

The current Coalition Government is committed to decentralisation; shifting responsibility and power to local communities. As part of The Localism Act 2011, six actions of decentralisation have been identified:

1. Lift the burden of bureaucracy
2. Empower communities to do things their way
3. Increase local control of public finance
4. Diversify the supply of public services
5. Open up Government to public scrutiny
6. Strengthen accountability to local people

Underlying concepts include:

- i) Where services are enjoyed collectively, they should be delivered by accountable community groups.
- ii) Where the scale is too large or those using a service are too dispersed, they should be delivered by local institutions, subject to democratic checks and balances, enabled by full transparency.

National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) is the national planning guidance which sets out the approach to development across the country and takes precedence where local or district plans are silent or indeterminate on particular issues.

Further information can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Appendix 2: Local Policies

Corporate Strategic Plan 2013/14 – 2016/17

The Corporate Strategic Plan sets out the overall vision and direction for the Council over the next four years. It highlights the high level priorities for the council and identifies the key outcomes that will be achieved. The plan forms the basis for the Council's performance management activities and will drive the distribution of resources and is supported by the Council's Medium Term Financial Strategy. These have been taken into account and integrated into the Parks and Open Spaces Strategy.

Further information can be found at:

[www.eastherts.gov.uk/media/pdf/9/m/Corporate Strategic Plan 2013-14 - 2016-17.pdf](http://www.eastherts.gov.uk/media/pdf/9/m/Corporate_Strategic_Plan_2013-14_-_2016-17.pdf)

Everyone Matters – A Sustainable Community Strategy for East Herts 2009 to 2024 (replacing the Community Strategy – East Herts Together 2003 - 2015)

The vision for the Community Strategy is to create inclusive, prosperous communities within a sustainable environment, to conserve the rich and diverse natural environment and to improve the quality of life of every resident. The priorities that are relevant to this strategy are:

- To protect the high quality environment
- To safeguard neighbourhoods (community cohesion, building a vibrant voluntary and community sector helping community spirit)
- To support vulnerable children and young people
- To provide opportunities for older people
- To promote healthy lifestyles

Further information can be found at:

[www.eastherts.gov.uk/media/pdf/9/m/Corporate Strategic Plan 2013-14 - 2016-17.pdf](http://www.eastherts.gov.uk/media/pdf/9/m/Corporate_Strategic_Plan_2013-14_-_2016-17.pdf)

Local Plan Second Review (April 2007)

Current planning policies are set out in the Local Plan Second Review (April 2007). A key objective is that all residents of East Herts have access to appropriate amounts of open space, sport and recreational facilities to meet present and future needs.

Chapter 10 (Leisure, Recreation and Community Facilities) lists several objectives that are relevant to this strategy:

1. To maintain and encourage the provision of an effective level of appropriately located leisure and recreational facilities and, wherever possible, make such facilities available to everyone, including older people and those with disabilities.
2. To take full account of the community need for recreation space and ensure that adequate land and water resources are identified for both organised sport and informal recreation.
5. To take account of the value of open space, not only as an amenity, but as a contribution to the conservation of the natural and built environment of the District.
8. To ensure that provision of leisure and community facilities are properly coordinated with all forms of development and land use policies.

The Local Plan is to be replaced by the District Plan – see below. Further information can be found at: www.eastherts.gov.uk/index.jsp?articleid=27172

The District Plan for East Herts to 2031 (will be replacing the Local Plan)

The District Plan is the emerging planning document that will shape the future of East Herts to 2031. It will replace the Local Plan Second Review (April 2007)

The District Plan will set out the approach to development across the District and is concerned with creating sustainable communities, planning not only for the provision of new homes, but also new employment opportunities, schools, retail opportunities, nature conservation and green infrastructure as well as supporting community infrastructure such as parks and open spaces. The District plan is distinct from Neighbourhood Planning which enables local communities to prepare plans which set out their own approach to delivering the requirements of the District Plan.

Further information on the emerging District Plan is available on the Council's website at: www.eastherts.gov.uk/districtplan

East Herts Green Infrastructure Plan - March 2011

Land Use Consultants were commissioned to develop Strategic Green Infrastructure Plans for the county and the wider GreenArc area in 2011. 'Local level' Green Infrastructure Plans (GIPs) were also been developed

for seven districts (Dacorum, East Herts, Hertsmere, St. Albans, Three Rivers, Watford and Welwyn Hatfield).

Further information on the East Herts Green Infrastructure Plan can be found at: www.eastherts.gov.uk/index.jsp?articleid=24807

Community Safety Plan

The Crime and Disorder Act 1998 made it a statutory duty for local authorities to work with the police and other partners to reduce and address crime and disorder in their areas. Amendments to this Act by the Police Reform Act 2002 and the Police and Justice Act 2006 placed a responsibility on Community Safety Partnerships (CSPs) to produce a plan detailing how they intend to tackle crime and disorder and community safety challenges within their area.

East Herts Community Safety Partnership (CSP) is responsible for addressing crime and disorder in East Herts. The current legislation enables the CSP to improve the ways in which community safety is addressed.

The CSP identifies community safety priorities by:

- Producing an annual Strategic Assessment to identify priorities
- Creating and implementing annual action plans to address emerging priorities
- Conducting regular and frequent community consultation and engagement across the District

Community Safety Action Plan

Every year the Community Safety Partnership compiles a strategic assessment using the Community Safety Plan. A strategic assessment presents and interprets the summary findings of this analysis to provide a clear direction for addressing community safety issues within East Herts.

This means every year the CSP identifies up to date community safety issues. New priorities and changes emerging from the strategic assessment process are detailed in partnership action plans. Action plans will run for 12 months every April, updated quarterly.

Public Health Strategy and Action Plan

The East Herts Council Public Health Strategy gives a focus to the public health and health promotion work that different services within the Council are involved in on a day to day basis. The strategy comprises six themed areas which look to cover the main areas of public health that East Herts Council

would like to focus on and contribute to. The Parks and Open Spaces Strategy takes onboard these aims and the work / events undertaken by the Council in the parks and open spaces supports the actions developed as part of the Public Health Strategy Action Plan.

The Public Health Strategy is currently being reviewed and further information is available on the Council's website.

Ageing Well Agenda and Ambitions

Source: Report to Executive 6 November 2012 – 'East Herts Ageing Well – Review of Progress'

Members agreed East Herts "Ageing Well Ambitions" as making the District a good place to grow old in. Members' suggested approach for the Council is to:

Strategy and Partnerships:

- Be prepared to make East Herts towns and parishes a good place to grow old in
- Use existing contacts and structures to connect and collaborate
- Gather intelligence/case studies to discover what works well and replicate
- Find the gaps or obstacles that can realistically be addressed to improve the experiences of an aging population
- Encourage councillors to keep up to date with matters/issues that concern older people
- Create an attitude among councillors that in all they do they are minded to consider the impacts or benefits to older people. To always consider 'what can we do to make things better'
- Establish a means of communication among various bodies

People and places:

- Use the overlapping connections to enable change e.g. District Councillors who are also Parish and County Councillors
- Understand what organisations are doing at ground level
 - e.g. Parish and Town Councils
 - Local Strategic Partnerships (LSP)
 - Relevant national and local charities
 - Housing associations Churches, religious bodies
 - Clubs/associations with interest in ageing people or with a membership of ageing people
 - residents association
 - interest groups
 - schools that have connections with older people medical centres, doctors' surgeries'
- Create informal communication/dialogue with these bodies
- Establish a process of 'alerts' for situations that need addressing

- Be aware of situations where people can suddenly become vulnerable e.g. bereavement
- Set up informal groups of local volunteers who can assist as required, e.g. urgent need of transportation, or helping with digibox tuning
- Broadcast/publicise successful activities around the district or beyond

Achieving cost effective services

- Learn from best practices for minimising costs of delivering added value service through collaboration of three tiers of local government and/or private sponsorship. e.g. community transport, residents or community infrastructure projects, good use of New Homes Bonus for community benefit, purposeful use of Council community grants system

Prosperity and well being

- Ensure East Herts Council's policies reflect the needs of an ageing population
- Ensure District Plan reflects the needs of older people
- Encourage Towns and Parishes to include policies for older people in Local Plans
- Encourage businesses that are older people 'friendly' to use or to work in
- Encourage older people to be engaged in appropriate economic activity/employment
- Encourage able older people to volunteer or use their life skills to help others
- Encourage appropriate healthy activities
- Encourage older people to participate in relevant education

Possible Next Steps

- Create a database of organisations to establish 'touching points' for example existing councillor involvement
- Gather case studies on council website
- List useful website links for reference
- Set up local meetings with residents to discover local gaps/needs using existing funding (e.g. Councillor Community Engagement Grant)
- establish priorities as a group
- Follow up with a wider meeting of interested parties to move concept forward.
- Roll out concepts to Parish and Town Councils including Rural Parish Conference

Appendix 3: Externally Funded Projects

Source: ENVIRONMENT SCRUTINY – 13 SEPTEMBER 2011 - PARKS AND OPEN SPACES DEVELOPMENT PROGRAMME – PROGRESS REPORT

7.4

The following table provides a list of projects which have attracted external funding from 2007 to 2011:

Year of Work:	Site:	Works:	Amount of External Capital Funding:	Source of funding:
2007	The Ridgeway Local Park, Hertford	New Multi User games Area	£48,000	Section 106 funding
2008	Southern Country Park Play Area, Bishop's Stortford	New older children's play area	£75,000	Section 106 funding
2008	Turners Crescent Play Area, Bishop's Stortford	New younger children's play area	£45,000	Section 106 funding
2008	King George V Recreation Area, Ware	New Multi User games Area	£25,000	Riversmead Housing Association
2009	Bentley Road Play Area, Hertford	Redesign of original play area to provide an inclusive play area accessible to children of all abilities	£37,000	Big Lottery Funding
2009	King George V Recreation Area, Ware	New Adventure Play Area	£85,000	Big Lottery Funding
2009	The Dell Play Area at The Ridgeway, Hertford	New older children's play area	£53,000	Play Builder Funding
2009	The Ridgeway, Hertford	New access route into the Dell	£55,000	Lafarge Landfill Community Fund
2010	Southern Country Park, Bishop's Stortford	Wetland Restoration Project – further detailed information is in the Appendix	£46,000	Biffaward Landfill Community Fund
2010	Southern Country Park, Bishop's Stortford	Fishing Platforms around the balancing pond	£9,000	Environment Agency Funding
2010	Southern Country Park, Bishop's Stortford	New park signage and wildlife information boards	£10,000	Countryside Management Service
2010	Hartham Common, Hertford	Meadow Restoration Project – further detailed information is available in the Appendix	(£90,000 anticipated funding)	Environment Agency Funded Project
2011	Vantorts Open Space, Sawbridgeworth	Contribution to the 'Vantorts Open Space Revamp Project' – redesign of original play area with a new	Up to £40,000 Subject to STC decision pending final tender details	Sawbridgeworth Town Council

		wheeled sports and ball court area on the decommissioned tennis court		
2011	Vantorts Open Space, Sawbridgeworth	Additional contribution to the 'Vantorts Open Space Revamp Project'	£7,500	East Herts Community Safety Partnership
2010	Buryfields, Ware	Interpretation Plinth in the open space	£1,000	Ware In Bloom /GSK
2011	Kibes Lane, Ware	Contribution to the redesign and landscaping of the Quaker Burial Ground	£500	Ware Society
		TOTAL:	£627,000	

Section 106 Projects - In addition the Council has adopted 4 new play areas and adjacent open spaces under Section 106 Planning Obligation agreements funded by developers since 2007. These represent an external funding contribution of approximately £250,000 Capital (had the Council created the play areas) and £72,700 in Revenue to fund the maintenance of these adopted areas over 10 years.

The table below provides information on location, age range and adoption date for each of these new play areas and open spaces:

SECTION 106 Play Areas - designed and built by developers, then formally adopted by East Herts Council				
Adopted by EHC:	Site:	Works:	Revenue received as part of Section 106 Agreements	Source of funding:
Adopted 2007	Lilbourne Drive Play Area, Hertford	New younger children's play area	£10,000	Section 106 funded
Adopted 2008	Millmead Road Hertford	Two new younger children's play areas and surrounding wooded open space	£30,000	Section 106 funded
Adopted 2009	Yearlings Close, Gt Amwell	New younger children's play area and surrounding open space	£32,700	Section 106 funded
TOTAL approximate revenue income contributions to Section 106 Funded Play Areas:				£72,700

Appendix 4: Open Space Typologies

Source: PPG17 Audit and Assessment Report (July 2005).

TYPE	DEFINITION	PRIMARY PURPOSE / EXAMPLES
Parks and Gardens	Includes urban parks, formal gardens and country parks.	<ul style="list-style-type: none"> • Informal recreation • Community events
Natural and Semi-natural Greenspace	Includes publicly accessible woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons, meadows), wetlands, open and running water and wastelands.	<ul style="list-style-type: none"> • Wildlife conservation • Biodiversity • Environmental education and awareness
Amenity Greenspace	Most commonly but not exclusively found in housing areas. Includes informal recreation green spaces and village greens.	<ul style="list-style-type: none"> • Informal activities close to home or work • Enhancement of the appearance of residential or other areas
Provision for Children and Young People	Areas designed primarily for play and social interaction involving children and young people.	<ul style="list-style-type: none"> • Equipped play areas • Ball courts • Outdoor basketball hoop areas • Skateboard areas • Teenage shelters and 'hangouts'
Outdoor Sports Facilities	Natural or artificial surfaces either publicly or privately owned used for sport and recreation. Includes school playing fields.	<ul style="list-style-type: none"> • Outdoor sports pitches • Tennis and bowls • Golf courses • Athletics • Playing fields (including school playing fields) • Water sports
Allotments	Opportunities for those people who wish to do so to grow their own produce as part of the long-term promotion of sustainability, health and social inclusion. May also include urban farms.	<ul style="list-style-type: none"> • Growing vegetables and other root crops <p>N.B. does not include private gardens</p>
Cemeteries & Churchyards	Cemeteries and churchyards including disused churchyards and other burial grounds.	<ul style="list-style-type: none"> • Quiet contemplation • Burial of the dead • Wildlife conservation • Promotion of biodiversity
Green Corridors	Includes towpaths along canals and riverbanks, cycleways, rights of way and disused railway lines.	<ul style="list-style-type: none"> • Walking, cycling or horse riding • Leisure purposes or travel • Opportunities for wildlife migration

Appendix 5 –Green Flag Award Assessment Criteria

Green Flag Award applications are judged against eight key criteria. Where certain criteria are not met, applicants can provide justifications that may be taken into account. What's more, if management practice changes are in progress but not yet fully implemented, transitional phases will be acknowledged and viewed positively.

The judging criteria also considers the fact that each park/green space will offer different kinds of facilities, and will be managed and developed to varying opportunities and constraints. Innovation and the way facilities offered are tailored to the needs of the community will also be taken into account.

Eight key criteria

1. A welcoming place

When approaching or entering the park/green space, the overall impression for any member of the community - regardless of the purpose of their visit - should be positive and inviting. There should be

- Good and safe access
- Good signage to and in the park/green space
- Equal access for all members of the community

2. Healthy, safe and secure

The park/green space must be a healthy, safe and secure place for all members of the community to use. Any issues that have come to light must be addressed in the management plan and implemented on the ground. New issues that arise must be addressed promptly and appropriately.

- Equipment and facilities must be safe to use
- It must be a secure place for all members of the community to use or traverse
- Dog fouling must be adequately addressed
- Health and safety policies should be in place, in practice and regularly reviewed
- Toilets, drinking water, first aid, public telephones and emergency equipment where relevant (e.g. life belts by water) should be available in or near the park/green space, and be clearly signposted.

3. Clean and well maintained

For aesthetic as well as health and safety reasons, issues of cleanliness and maintenance must be adequately addressed, in particular:

- Litter and other waste management
- The maintenance of grounds, buildings, equipment and other features
- A policy on litter, vandalism and maintenance should be in place, in practice and regularly reviewed.

4. Sustainability

Methods used in maintaining the park/green space and its facilities should be environmentally sound, relying on best practices available according to

current knowledge. Management should be aware of the range of techniques available to them, and demonstrate that informed choices have been made and are regularly reviewed. Parks/green spaces should:

- Have an environmental policy or charter and management strategy in place, which is in practice and regularly reviewed
- Minimise and justify pesticide use
- Eliminate horticultural peat use
- Recycle waste plant material
- Demonstrate high horticultural and arboricultural standards
- Have energy conservation, pollution reduction, waste recycling, and resource conservation measures

5. Conservation and heritage

Particular attention should be paid to the conservation and appropriate management of:

- Natural features, wildlife and fauna
- Landscapes
- Buildings and structural features
- These should serve their function well without placing undue pressure on the surrounding environment

6. Community involvement

The park/green space management should actively pursue the involvement of members of the community who represent as many park/green space user groups as possible. The following should be demonstrated:

- Knowledge of user community and levels and patterns of use
- Evidence of community involvement in management and/or developments and results achieved
- Appropriate levels of provision of recreational facilities for all sectors of the community

7. Marketing

- A marketing strategy should be in place, which is in practice and regularly reviewed
- There should be good provision of information to users, e.g. about management strategies, activities, features, ways to get involved
- The park/green space should be promoted as a community resource

8. Management

- A management plan or strategy should be in place
- This should clearly and adequately address all of the above criteria and any other relevant aspects of the park/green space's management
- The plan must be actively implemented and regularly reviewed
- Financially sound management of the park/green space must also be demonstrated

If you would like a translation of this document in another language, large print, Braille, audio or an electronic format, please contact Communications at East Herts Council on 01279 655 261 or email communications@eastherts.gov.uk

Jeżeli chciałbyś, aby ta informacja została przetłumaczona na język polski skontaktuj się z Działem Łączności przy Radzie Wschodniego Hertfordshire tel. 01279 655 261 lub wyślij e-mail communications@eastherts.gov.uk

Se desejar esta informação traduzida em português, por favor contacte o departamento de comunicações do East Herts Council no telefone número 01279 655 261 ou via email communications@eastherts.gov.uk

If you need any further information please contact us:

Phone: 01279 655261 and ask for Environmental Services

Email: operations.admin@eastherts.gov.uk

Fax: 01992 531438

Visit: www.eastherts.gov.uk

Write to: Environmental Services
East Herts Council
Wallfields
Pegs Lane
Hertford
Herts
SG13 8EQ

Office Opening Times: 8.30am to 5pm Monday to Friday

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Online Consultation Comments and East Herts Responses to Draft Parks & Open Spaces Strategy 2013-18

Online Comment Number:	Do you agree with the Draft Strategy?			East Herts Response to Consultation Comments:
	Yes	No	Comments	
1		No		-
2	-	-	-	-
3	Yes		General note - font size and type made reading the document difficult. Other comments relate to how the policy will tie in with EHDC strategic flood risk assessment and associated water policies.	The document is produced in Arial 12point font – the font size has been checked with our in-house design & print team who advise it is within Council standard. We acknowledge that a larger font could be beneficial to some readers but would note that we also strive to keep the number of pages down to avoid our documents becoming too cumbersome. This Strategy will be viewable on the Council's website which provides an opportunity to increase text size for easier viewing. Customers without computer facilities can view the Strategy at the Council Offices and other public buildings.

4	Yes		The Parks and Open Spaces is the ideal way to capture the parks, people and places themes to support the environmental and activity/conservation aspects of development over the next 5 years. It aligns well with the development of the next Public Health Strategy which is likely to cover the same period.	Comment noted.
5	Yes		A good document but disagree with some of the content	Comment noted but details not provided to consider further.
6	-	-	-	-
7		No	the conservation and diversity are not in the interest of nature in the way they are being applied	Not sure what this is referring to as no specific examples was provided. We employ the services of the Countryside Management Service (CMS) to guide us with regard to the setting of objectives and the implementation of our actions to conserve nature. Our incumbent contractor is also fully committed to aims in this area as they carry out maintenance operations on our behalf.
8	Yes			-
9	Yes		See Q5	Comment noted.
10	Yes			-
11	Yes			-
12	Yes			-

Online Comment Number:	Do you agree with the Objectives outlined in the Draft Strategy under the headings 5.3 - Parks for people?			East Herts Response to Consultation Comments:
	Yes	No	Comments	
1		No		-
2	-	-	-	-
3			<p>We would request that objective 11 be redrafted to say “Retain current maintenance standard and ensure value for money subject to annual review in association with stakeholders”</p> <p>We are concerned that this approach as drafted in 5.3.15 may compromise the functionality of watercourse /water features/ SuDS infrastructure and degrade these to the point where flood risk could increase and biodiversity and water quality could deteriorate.</p>	<p>Comments notes and objective amended to state that we will "12. Retain current maintenance standards and ensure value for money". We commit to reviewing our individual management plans annually but it would not be appropriate to review a 5 year strategy every year.</p> <p>We note that 5.3.15 refers to grounds maintenance and does not refer to watercourse / water features / SuDS – however we remain committed to working with stakeholders to maintain standards.</p>
4	Yes			-

5	Yes		The older generation is mentioned but I have continually asked that outdoor gym equipment be installed for use, this equipment can be used by the elderly when taking their grandchildren to the park.	We are committed to ensuring that our parks and facilities are accessible to older people and that we install facilities to meet their needs where a demand has been realised. The new fitness equipment at Sacombe Road for instance is designed to be used by children and older people. We will consider the pros and cons of outdoor gyms further as we continue to develop our parks and hope to install more equipment that can be used and enjoyed by older people. The Council provides specialised gym equipment at its leisure centres. For health & safety reasons, training is required before using certain types of equipment to prevent injury, and this is best provided in a controlled environment.
6	-	-	-	-
7	Yes		-	-
8	Yes		-	-
9	Yes		-	-
10	Yes		But please, we are not "customers".	We understand that some people may prefer to be referred to as residents rather than customers but in the context of this service lead strategy we feel that it is appropriate to describe those benefiting from our services as customers.
11	Yes		-	-
12	Yes		-	-

Online Comment Number:	Do you agree with the Objectives outlined in the Draft Strategy under the headings 5.4 - Parks for recreation?			East Herts Response to Consultation Comments:
	Yes	No	Comments	
1		No		-
2	-	-	-	-
3	Yes		As part of the engineers team local transport plan suggestions we would like the strategy to reflect the "modal shift" policy and further encourage walking and cycling. In 5.4.2, the reference to "QR" codes may need to be explained	Comments noted and objectives amended accordingly. An extra line has been added to explain Quick Response codes.
4	Yes		Suggest updating one of the objectives to specifically include utilising green space for exercise/health reasons so it has a direct link to the Public Health Outcomes Framework, already referenced in the document.	Comments noted and document amended accordingly.
5	Yes		Outdoor table tennis tables could be added in some parks to give the older generation some form of exercise. This has also been mentioned to the council in the past.	We are committed to providing fun equipment for young and older people in our parks and have introduced a wide range from short tennis to specific exercise related items. Sports such as table tennis are provided for in our leisure centres but we will certainly consider outdoor versions as we consult with park users to inform development plans where we have identified funds.

6	-	-	-	-
7	Yes		-	-
8	Yes		-	-
9	Yes		-	-
10	Yes		-	-
11	Yes		-	-
12	Yes		-	-

Online Comment Number:	Do you agree with the Objectives outlined in the Draft Strategy under the headings 5.5 - Parks for wildlife, conservation and heritage?			East Herts Response to Consultation Comments:
	Yes	No	Comments	
1		No	<p>I appreciate what is trying to be achieved here but I'm afraid you have the priorities all wrong. Hertfordshire is a beautiful place to live but I'm afraid that it does not have the infrastructure to support residents. I love the idea of open spaces, recreational areas etc but at present we do not have enough schools to serve the population of east Herts. New schools need to be built and I'm afraid that means putting education above the needs of wildlife. Unfortunately these open spaces are often perfect locations for new schools and this should be our priority. We cannot focus on developing areas for wildlife and heritage when our children and our future are in such a terrible situation - where there are simply not enough primary or secondary places to serve the population - let alone the new 'baby boomers' that are coming in the next few years. Let's get the priority right here. Building new schools and securing education for our children. If</p>	<p>Whilst we understand that the programme to build new schools is important, this strategy has not considered alternative uses other than recreation and the conservation of wildlife. The provision of schools is a County Council function and no request has been made from the County to build on the District's open spaces.</p> <p>The District's corporate priorities are clear and committed to enhancing the quality of life, health and wellbeing, maintaining our parks, play areas and open spaces, and protecting the environment. There is no evidence that these are competing priorities.</p>

			that means we have to forsake some open space, so be it. If that means some wildlife will be effected, so be it. If that means there won't be quite as much beautiful walks and parks, so be it. Lets focus on the important things first.	
2	-	-	-	-
3	Yes		We would ask for chapter 5.5 to be amended to say "Parks for Wildlife, conservation, heritage and sustainable drainage." Also suggest to split 5.5.4 to distinguish between environmental coordinator, planning matters and the engineers' team. Further detail on the subject of water management in parks for this paragraph could be obtained from engineers team. It is recognised that suds in the form of Green Infrastructure could be an integral part of the council's parks and amenity land.	Comments noted and document amended accordingly.
4	Yes		-	-
5	Yes		We need to enjoy rabbits, deer and other animals that share our open spaces	-
6	-	-	-	-

7	Yes		But not being adhered to. Inconsiderate pruning during budding and nesting period, continual driving at speed around parkland area, birdlife suffering greatly from huge pruning with only benefits being experienced by predatory birds such as crows and Jays to the detriment of all other birds. Removal of undergrowth and brush has removed habitat throughout the Thorley wedge and has created a lot of local animosity. Its just men in vans driving around cutting everything or indeed a tractor with a flail mower stripping undergrowth or hedge out.	Comments noted.
8	Yes		-	-
9	Yes		-	-
10	Yes		-	-
11	Yes		I should like to put the case on behalf of the Friends of Pishiobury for the Park becoming a Local Nature Reserve in order to give recognition of its wildlife status especially the large area of unimproved grassland now very rare in Herts.	Comments noted.
12	Yes		-	-

Online Comment Number:	Are there any broad issues with our parks and open spaces that you think we have not covered in our Draft Strategy?			East Herts Response to Consultation Comments:
	Yes	No	Comments	
1	Yes		Better use of these open spaces for building new schools.	Whilst we understand that the programme to build new schools is important, this strategy has not considered alternative uses other than recreation and the conservation of wildlife. The provision of schools is a County Council function and no request has been made from the County to build on the District's open spaces. The District's corporate priorities are clear and committed to enhancing the quality of life, health and wellbeing, maintaining our parks, play areas and open spaces, and protecting the environment. There is no evidence that these are competing priorities.

2	Yes	<p>Thank you for your consultation with regard to the Draft Parks and Open Spaces document. British Waterways has transferred to the charitable sector on 2nd July 2012 and is now known as the Canal & River Trust. The Trust is the new charity set up to care for England and Wales' wonderful legacy of 200-year-old waterways, holding them in trust for the nation forever. The Trust has responsibility for 2,000 miles of canals, rivers, docks and reservoirs, along with museums, archives and the country's third largest collection of protected historic buildings. The Trust has a range of charitable objectives including: To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment; To protect and conserve objects and buildings of heritage interest; To further the conservation, protection and improvement of the natural environment of inland waterways; and To promote sustainable development in the vicinity of any inland waterways for the benefit of the public. The main sources of the Trust's funding are from</p>	<p>Comments noted and document amended accordingly.</p>
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<p>2 (continued)</p>		<p>a 15-year contract with government and income from boating, property and utilities. This funding is important for keeping our precious 200-year old waterways running, but it is not enough to fully support our canals and rivers as valuable resources for people and nature, particularly when under increased pressure and intensified use from expanding development. Our canals and rivers are today used by more people and for a wider variety of purposes than ever before, with over 35,000 boats and 13 million towpath visitors using them as an escape from the pressures of modern life. Once Britain's most important transport system, our waterways are now a focus for economic renewal in the towns and cities they helped to create. The Trust works extensively with private, public and voluntary partners to conserve, enhance and improve the waterways of England and Wales. Our expertise and responsibility for water space, combined with their ownership of docks, canals and waterside properties, puts us in a unique position to facilitate redevelopment for both</p>	
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2 (continued)			economic and environmental gain. The canals in particular have historically experienced a prolonged period of decline. In recent years, the canals and river navigations such as the Rivers Lee and Stort have experienced significant development pressures from commercial, residential and tourism/recreation developments. Attractive waterside environments have stimulated this interest and been at the heart of some of the most significant regeneration schemes. The Rivers and towpaths still remain well loved and well used recreational spaces and we are surprised that their worth is not recognised within the strategy.	
3	Yes		Sustainable drainage and the general philosophy behind strategic water management within the parks and open spaces could be expanded upon - further details from engineers' team.	This has been discussed with the Engineers Team and the document amended accordingly.
4		No		-

5	Yes		Farm Close open space is not mentioned, this is a large area on Sele Farm Estate	Farm Close is one of approximately 120 open spaces that we manage across the district. This space will be considered in more depth through our parks planning programme in the future and is already maintained to the high standards aspired to in the strategy.
6	Yes		In areas such as The Meads there are football pitches, but, no other facilities such as changing rooms, storage areas for nets etc. A decision needs to be made about making the facilities better for everyone by investing in some infrastructure, therefore an ability to increase charges, or, other facilities could be improved, such as the Hertford Town Football Club, which already has facilities, but could also benefit from some improvements. There is open space around the stadium which could be used for training/matches. Overall improving youth football in Hertford. Some clubs already share facilities with schools for the use of playing fields.	The Council meets annually with the football clubs which hire pitches and has responded this year to some changes in pitch layout and type, focussing by request more on youth football. Hartham Common is served by some high quality changing rooms at the leisure centre. The Council is committed to working with partners to utilise any funds that might become available in the future to add new facilities.

7	Yes		lighting, public perception, no control of motorised vehicles being used in open space, extensive vehicle traffic on a daily basis over area that are often repaired by the council only to be damaged again, damage to private property, lack of awareness of the Thorley land ownership issues, poor communication with residents through lack of consultation, little/no control over contractors on site, actively allowing pollution adjacent to a watercourse on Thorley wedge by Thames water after removal of contaminated material (non standard procedure) loss of grassland habitat.	There has been some ongoing dialogue with a local resident who has concerns about contract maintenance at Thorley Wedge. Whilst we appreciate that in the past, our contractor had used vehicles on site in wet weather inappropriately; there has been no evidence of any lack of control. These comments reflect some genuine concerns but we cannot agree that any of these allegations are correct.
8	Yes		It would be great to have a section for smaller projects and community garden areas.	Some of our smaller projects are certainly dealt with in our individual parks management plans and many are promoted through Link. This document however is designed to consider the wider elements of our plan for the future and not the specific actions. We would be interested in talking to any residents that had identified any suitable Council land that they might want to manage as a community garden. Residents at Sele Farm for instance have planted fruit trees in some areas of the open space in Farm Close.

9	Yes		Appendix 4 lists Allotments & Cemeteries but there is no mention of these within the strategy. With the increased development of the District, allotments and cemeteries will be required and land should be made available for both by prospective developers. With the increase in infill development, open space is reducing, buffer zones should be allowed for between existing and new development.	The Council does manage three closed churchyards but not cemeteries which are in use. These are managed and respected as open spaces. Three of the districts allotments are run by East Herts Council. The majority though are managed by the Town Councils. Our Development Management Department is responsible for guiding developers in relation to land use. We support their commitment to ensuring that open spaces continue to be a defining feature of a good housing development.
10			It is nothing but broad issues. Not sure how much use this is to residents like me. It's like God and apple pie, so general there is nothing to disagree with and gives no picture of what will actually happen.	The nature of the document is that it deals with broad issues. Residents are encouraged through Link to look at our more detailed management plans for individual parks as we publish and review them.
11	Yes		I think it is important not to over-manicure sites especially those with a strong wildlife and countryside perspective. The same management regime is not applicable to 'town park' types as to 'country parks'. It is important to maintain a 'wild' aspect where this is applicable.	Our general ethos in managing our parks certainly supports this sentiment as does the strategy. The diversity of our management plans reflects this in practice where it can clearly be seen that "one size does not fit all"
12		No	-	-

Additional Consultation Comments and East Herts Responses to Draft Parks & Open Spaces Strategy 2013-18

Consultee:	Do you agree with the Draft Strategy?			East Herts Response to Consultation Comments:
	Yes	No	Comments	
Environment Agency	Yes		-	-
EHC Planning Policy	Yes		Overall, the Planning Policy Team supports the draft strategy although there are areas in which more could be done to secure joint working between Environment, Leisure and Planning Policy Teams. More detail is provided under each section question below.	We are committed to working together with all departments and have delivered a number of cross departmental projects. It is not always possible however to combine our objectives. We have considered these detailed comments and modified the text where appropriate.
Sport England	Yes		-	-
Canal & River Trust	-	-	-	-
HCC Historic Environment Unit	-	-	-	-
EHC Environmental Health Promotion	Yes		-	-

EHC Engineers	Yes		General note - font size and type made reading the document difficult. Other comments relating to how the policy will tie in with EHDC strategic flood risk assessment and associated water policies.	The document is produced in Arial 12point font – the font size has been checked with our in-house design & print team who advise it is within Council standard. We acknowledge that a larger font could be beneficial to some readers but would note that we also strive to keep the number of pages down to avoid our documents becoming too cumbersome. This Strategy will be viewable on the Council's website which provides an opportunity to increase text size for easier viewing. Customers without computer facilities can view the Strategy at the Council Offices and other public buildings.
EHC Community Safety	Yes		-	-

Consultee:	Do you agree with the Objectives outlined in the Draft Strategy under the headings 5.3 - Parks for people?			East Herts Response to Consultation Comments:
	Yes	No	Comments	
Environment Agency	-		N/A	-
EHC Planning Policy	-		With regards to developing a 'Friends Of' group, the ambition is for only one additional group. Could the ambition not be to 'develop a 'Friends Of' group for all major parks and support the development of 'Friends Of' groups for other parks where demand exists.	The resources necessary to support a friends group are considerable and we believe that committing to one more main group is sustainable. We would however still welcome any approach from residents to work with us on any open space or park and would do our best to accommodate their needs.
			The section refers to the Parks and Open Spaces Development Programme. If this programme were publicly available or at the very least shared with other departments that could contribute to its success, this would be a considerable benefit. We are trying to embed this approach into the policies in the emerging District Plan. It would be useful if more links were made to the emerging District Plan in paragraph 5.3.8: "We will continue to work with the Planning and Leisure Services to secure	The P&OS development programme deals with specific and actionable objectives which are largely featured in our Departmental Service Plans. These in turn form part of the Council's corporate procedure to ensure the Council is "working together". We are always receptive to consultation by other departments and happy to share details of our projects.

EHC Planning Policy (continued)			ownership of and contributions towards the Parks and Open Spaces Development Programme to ensure integration with other relevant plans and programmes."	
			Para. 5.3.11 typo - Green Flag on second line.	Document amended.
			Para. 5.3.17 What is meant by the local landscape of the Health and Wellbeing Board and its Strategic Objectives?	Environmental Health Promotion Officer has provided additional wording to amend document.
Sport England	-		-	-
Canal & River Trust	-		-	-
HCC Historic Environment Unit	-		-	-
EHC Environmental Health Promotion	Yes		Add in information about the '5ways to Wellbeing'	Environmental Health Promotion Officer has provided additional wording & document amended.
EHC Engineers	-	-	We would request that objective 11 be redrafted to say "Retain current maintenance standard and ensure value for money subject to annual review in association with stakeholders"	Comments noted and objective amended to state that we will <i>"12. Retain current maintenance standards and ensure value for money"</i> .

EHC Engineers (continued)				We commit to reviewing our individual management plans annually but it would not be appropriate to review a 5 year strategy every year.
			We are concerned that this approach as drafted in 5.3.15 may compromise the functionality of watercourse /water features/ SuDS infrastructure and degrade these to the point where flood risk could increase and biodiversity and water quality could deteriorate.	We note that 5.3.15 refers to grounds maintenance and does not refer to watercourse / water features / SuDS – however we remain committed to working with stakeholders to maintain standards.
EHC Community Safety	-		5.3.1 Work with partners to provide diversionary facilities and activities to help reduce ASB and maintain low crime levels	Document amended.
			5.3.5 Think the inclusion of this is useful for ASB complaints – thank you!	Comment noted.
			5.3.6 Perhaps also include something about the tensions between residents and youths / teens who use the parks and open spaces; in terms of residents perceiving ASB is taking place as youths are congregating there.	Document amended to reflect these observations.
			5.3.6 Could the first sentence be changed to 'partners from the East Herts Community Safety Partnership' rather than just police?	Document amended.

Consultee:	Do you agree with the Objectives outlined in the Draft Strategy under the headings 5.4 - Parks for recreation?			East Herts Response to Consultation Comments:
	Yes	No	Comments	
Environment Agency	-		N/A	-
EHC Planning Policy	-		Ambition 4 could be linked with the EH Green Infrastructure Plan.	Comment noted. The Green Infrastructure Plan is referred to in relation to the Strategy in general.
			Ambition 6 - If there is a list of areas identified as being deficient in facilities this should be shared or made into an action plan which would then be referred to in the emerging policies and in negotiations with developers.	Each parks management plan seeks to deliver this function. The park's constraints and problems are identified and these documents are referred to in relation for example to potential section 106 funding.
			Ambition 7 and 8 - Again, there could be a reference to the need to link these ambitions to the emerging District Plan policies.	Environmental Services work closely with Development Management and provides advice as is required to develop the emerging District Plan.
			Ambition 9 - Can this be linked to the emerging development strategy where significant urban extensions are a distinct probability? How will adequate land and water resources be measured? Will they be measured against a standard of provision? If so, what standards? Are these embedded in a policy and are they used when	These are issues which we are keen to support but which are not central to the focussed purpose of this P&OS Strategy to manage and improve existing parks and open spaces.

EHC Planning Policy (continued)			responding to planning applications?	
			Para. 5.4.2 typo in activities	Document amended.
			Para. 5.4.3 - When was the initial audit? If this is the 2005 PPG17 study then this may be well out of date. If it is a new one then this audit be shared with those who could use it when negotiating with developers or when preparing new policies for example. Are the maps mentioned in this paragraph publicly available? These could be useful when translating the EH Green Infrastructure Plan into 'on the ground' actions.	Comment noted.
			Para. 5.4.8 - Suggest adding an additional line to state that "We will continue to work with Planning and Leisure Services on the forthcoming update to the Parks and Open Spaces Audit and Assessment."	Document amended.

Sport England		<p>While acknowledging that the draft strategy recognises the role that parks play in meeting the community's formal sports needs, I am potentially concerned about the extent to which the delivery of this strategy will be co-ordinated with the delivery of the Council's Playing Pitch Strategy and Outdoor Sports Audit (2010). The playing pitch strategy incorporates a detailed assessment of the formal outdoor sports use of the Council's parks and includes an action plan for each sport which has direct implications for parks which provide outdoor sports facilities. While reference is made in the draft parks strategy (paragraph 5.4.8) to the playing pitch strategy it is unclear whether the actions in the playing pitch strategy have been accounted for when the draft strategy was prepared and whether the delivery of the two strategies will be fully co-ordinated in practice.</p>	Document amended.
Sport England (continued)	-	<p>More reference would be expected in the key recreation related proposals in paragraph 5.4.1 to how the delivery of the parks strategy will assist with the delivery of the playing pitch strategy and examples of this should be referred to in</p>	Document amended.

			the strategy e.g. proposals for enhancing pitches, courts, pavilions etc. To address this concern, it is requested that the Council review the relationship between the two strategies and consider how the parks strategy can be consistent with and assist in the delivery of the playing pitch strategy.	
Canal & River Trust	-		-	-
HCC Historic Environment Unit	-		-	-
EHC Environmental Health Promotion	Yes		-	-
EHC Engineers			As part of the engineers team local transport plan suggestions we would like the strategy to reflect the "modal shift" policy and further encourage walking and cycling	Comments noted and objectives amended accordingly.
			In 5.4.2, the reference to "QR" codes may need to be explained	Document amended - an extra line has been added to explain Quick Response (QR) codes.
EHC Community Safety	-		-	-

Consultee:	Do you agree with the Objectives outlined in the Draft Strategy under the headings 5.5 - Parks for wildlife, conservation and heritage?			East Herts Response to Consultation Comments:
	Yes	No	Comments	
Environment Agency	Yes		Generally we agree with the section on wildlife, conservation and heritage. However, you should expand section 5.5.4 to take account of the number of watercourses within your district.	Comment noted.
			There should be an emphasis on meeting the aims of the Water Framework Directive. At present only one of your thirteen surface water bodies are achieving good ecological status/potential. This demonstrates that addressing the reasons for failure should be a key priority .	Comment noted and document amended to reflect this - see revised aim 4 in section 5.5.2 " <i>Seek opportunities for river restoration and enhancement in our parks and open spaces by working with partners and interested bodies, subject to availability of resources.</i> " The Council recognises the unique nature of the rivers in our parks and will work to improve their ecological status / potential.
			Opportunities for river restoration or river enhancement should be sought at all times and this should be listed as one of your aims. This also links in with your other two objectives.	Comment noted and document amended to reflect this - see revised aim 4 in section 5.5.2 " <i>Seek opportunities for river restoration and enhancement in our parks and open spaces by working with partners and interested bodies, subject to availability of resources.</i> "

EHC Planning Policy			Ambition 2 should say "to enhance biodiversity in our parks..." rather than ensure. The aim of the Hertfordshire Biodiversity Action Plan and the NPPF is to secure overall net gains in biodiversity.	Document amended.
			Ambition 3 - remove "consider and"	Document amended.
EHC Planning Policy (continued)			Ambition 4 - Not entirely sure what this means. The supporting text should explain this further and identify how such influence can be made i.e. through regular partnership meetings perhaps. The obvious option here is to refer to the emerging District Plan. Policies could be devised to ensure new developments enhance biodiversity through suitable design either on-site or through working with the appropriate body to improve alternative sites, for example.	Comment noted.
			Para. 5.5.4 - Needs an apostrophe in "district's water courses". It would also be useful to refer to the Green Infrastructure Plan, the Lea Valley Nature Improvement Area activity (they are bidding for funds to carry out more work on Waterford Heath and the Lee/Lea tributaries that run through the	

EHC Planning Policy (continued)			district), River Catchment Management Plans. We are currently preparing policies which address the need for sustainable use of water and appropriate solutions to waste water etc in our emerging plans.	Document amended.
			Para 5.5.5 - Again, this could refer to other relevant plans and programmes that could be tied into this work. We need a joint approach between Environment, Leisure and Planning to ensure a holistic approach to all our areas of work.	Comment noted.
Sport England	-		-	-
Canal & River Trust	-		-	-
HCC Historic Environment Unit	-		-	-
EHC Environmental Health Promotion	Yes		-	-
EHC Engineers			We would ask for chapter 5.5 to be amended to say "Parks for Wildlife, conservation, heritage and sustainable drainage."	Comments noted.

			Also suggest splitting 5.5.4 to distinguish between environmental coordinator, planning matters & the engineers' team.	Comments noted and document amended accordingly.
			Further detail on the subject of water management in parks for this paragraph could be obtained from engineers team. It is recognised that suds in the form of Green Infrastructure could be an integral part of the councils parks & amenity land.	Comments noted.
EHC Community Safety	-		-	-

Consultee:	Are there any broad issues with our parks and open spaces that you think we have not covered in our Draft Strategy?			East Herts Response to Consultation Comments:
	Yes	No	Comments	
Environment Agency		No		-
EHC Planning Policy		No	General Comments	See below:
			Not entirely sure whether paragraph 1.6 is needed.	Commented noted.
			Para. 2.6 - Perhaps this could read "The Parks and Open Spaces Strategy will sit alongside existing Planning documents and the emerging District Plan. Appendix 1 and 2 contain information on relevant national and local policies respectively."	Document amended.
			An overview of existing provision - Reference to the NPPF does not sit comfortably in this section, which should be setting the scene of existing provision. It should be moved to Appendix 1 or through an emended paragraph 2.6. If quoting a document these should be in italics and indented with a reference at the end such as (Para. 73, NPPF, 2012).	Document amended.

EHC Planning Policy (continued)			Para. 5.1.5 - Refers to PPS12 but should be the NPPF.	Document amended.
			Para. 5.1.6 - could include a reference to Planning Policy as well as the Landscape Officer.	Document amended.
			Appendix 1 - insert reference to the NPPF before PPG17 reference. The NPPF is the national planning guidance which sets the approach to development across the country and takes precedence where local or district plans are silent or indeterminant on particular issues. Remove reference to the Regional Spatial Strategy, and make it clear that PPG17 has been superseded, although for the purposes of benchmarking etc, the typology from PPG17 will remain in use.	Document amended.
			Is it worth referring to Sport England in here as the national body for encouraging sport and recreation. Similar to Natural England for their work on nature conservation and the Environment Agency for their work on watercourses?	Commented noted.
			Appendix 2 - Suggest the District Plan section should be replaced by:	

EHC Planning Policy (continued)			<p>“The District Plan is the emerging planning document that will shape the future of East Herts to 2031. It will replace the Local Plan Second Review (April 2007). The District Plan will set out the approach to development across the District and is concerned with creating sustainable communities, planning not only for the provision of new homes, but also new employment opportunities, schools, retail opportunities, nature conservation and green infrastructure as well as supporting community infrastructure such as parks and open spaces. The District Plan is distinct from Neighbourhood Planning which enables local communities to prepare plans which set out their own approach to delivering the requirements of the District Plan. Further information on the emerging District Plan is available on the Council's Website at www.eastherts.gov.uk/districtplan</p>	Document amended as per suggested wording.
			Appendix 3 - Does the title need to have PPG1 in it?	Document amended.
Sport England	-	-	-	-

Canal & River Trust	-	-	<p>. In recent years, the canals and river navigations such as the Rivers Lee and Stort have experienced significant development pressures from commercial, residential and tourism/recreation developments. Attractive waterside environments have stimulated this interest and been at the heart of some of the most significant regeneration schemes. The Rivers and towpaths still remain well loved and well used recreational spaces and we are surprised that their worth is not recognised within the strategy.</p>	Comment noted and document amended.
HCC Historic Environment Unit	-	-	<p>This Office maintains the County Historic Environment Record, which contains information on designated and undesignated archaeological and historic assets throughout Hertfordshire. We would welcome consultation of the Record either directly, or via the Countryside Management Service, so that we can provide any relevant information relating to the development of responsible management plans for the Council's open spaces, or their maintenance.</p>	Comment noted.

EHC Environmental Health Promotion	-	-	-	-
EHC Engineers		-	Sustainable drainage and the general philosophy behind strategic water management within the parks and open spaces could be expanded upon - further details form engineers team.	This has been discussed with the Engineers Team and the document amended accordingly.
EHC Community Safety	-	-	Appendix 2 - Community Safety Plan - amend wording due to changes in legislation - as per suggested wording.	Document amended as per suggested wording.
			Appendix 2 - Community Safety Action Plan - amend wording as suggested	Document amended as per suggested wording.
			Appendix 3 - Change JAG to East Herts Community safety Partnership	Document amended as suggested.

Essential Reference Paper 'D'

PARKS AND OPEN SPACES STRATEGY 2013 - 2018 – DRAFT HIGH LEVEL ACTION PLAN

This plan represents specific aims which are new and actionable arising from the strategy. It is not a full list of activities by the Council in this service area but is intended to give a strategic view of direction that outlines any significant changes in provision.

A more in depth description of the actions including timescales will be presented to Environmental Scrutiny as part of their forthcoming programme.

Main heading	Aim	Current Status	Related sub-headings
Identify specific projects to support the Council's Health and Wellbeing and Ageing Well agendas	To improve existing and introduce new facilities which provide opportunities for all ages to undertake healthy exercise and encourage participation in sports, subject to availability of resources.	Some facilities such as trim trails and walking routes have been introduced. Greater emphasis on healthy activity has been considered in relation to our play development programme. Health walk activities are in place and supported on some of our major parks.	Work with volunteers to guide improvements and support the initiatives to get more people into our parks.

Identify opportunities to improve formal sports provision on open spaces with the Council's Leisure Services Contractor	Work with Everyone Active to identify potential business cases to improve provision within available resources and to meet identified need.	We currently work with our leisure Contractor on provision of football pitches and promotional events. There are opportunities to expand this partnership approach.	
Improve the integration of open space improvement plans with the Development Management process to determine how Section 106 contributions are allocated	To make better use of available funds and share projected schemes and aspirations for open space improvements with Development Management.	An initial matrix of needs for the 120 significant open spaces across the district has been drafted with reference to existing management plans. This approach will be researched in more detail and modified as a live and developing information source.	
Deliver the plans to ensure that minor sites in towns fit with the management plans of the major parks in the context of green infrastructure planning.	To encompass a network of open spaces in each main town within the wider programme of improvements. This will focus on access, interpretation and healthy activity.	Major parks have benefitted from a programme to create Green Space Action Plans that define their character and identify what needs to be improved. A wider approach had been	To maximise promotional activities and marketing to ensure residents are aware of the wide network of open space facilities available across the District.

		developed for Bishop's Stortford (see Southern Country Park & Beyond management plan 2013-18).	Assess the viability of area based 'friends of groups (wider than one park).
To improve the play value of existing sites through innovative approaches that appeal to young people	Re- audit of all Council owned play areas identifying any remaining gaps in access, age provision, healthy activity and landscape design. This will inform the next Open Space Development Programme.	A programme of development has been completed in accordance with the original audit to identify specific equipment needs across the district. This focussed on the main play elements of swinging, rocking, rotating, balancing, climbing and sliding.	To identify areas for social gathering and natural play development, along with health and well being.
Work with partners and across directorates to identify needs and deliver projects to ensure sustainable drainage legislation and water framework directive requirements are incorporated into plans when developing open spaces	Liaise with other departments to support the water framework directive and engage with stakeholders and partners to ensure emerging projects take this objective into consideration.		

<p>Develop partnerships and encourage local groups and organisations to better utilise our open space resources</p>	<p>To explore the potential for adding value to and identifying potential income sources in our open spaces by facilitating more “things to do” such as boot camps and local events and explore collaborative ways of managing our open spaces.</p>	<p>The Council currently works with a range of organisations to provide activities on its open spaces such as tennis, bowls and canoeing. We plan to look for opportunities to extend this.</p>	<p>To develop ways to support local groups such as scouts or wildlife enthusiasts to run events on our open spaces. To work with partners to promote the use of parks and open spaces for community events / festivals and active recreation such as walking clubs. To ensure that spaces are ‘multi-purpose’ and meet the needs of a wide range of users, where possible.</p>
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EAST HERTS COUNCIL

THE EXECUTIVE – 1 OCTOBER 2013

REPORT BY EXECUTIVE MEMBER FOR HEALTH, HOUSING AND COMMUNITY SUPPORT

EAST HERTS HEALTH AND WELLBEING STRATEGY 2013 - 2018

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To inform Members of the Council's continued involvement with public health issues affecting the general health of the residents of East Herts and how the Council together with partners can positively impact on these areas.
- To seek approval from Members for the new East Herts Health and Wellbeing Strategy 2013 – 2018.

<u>RECOMMENDATIONS FOR COUNCIL:</u> That:	
(A)	The East Herts Health & Wellbeing Strategy 2013-2018, as now submitted, be adopted.

1.0 Background

1.1 Historically, East Herts Council has had an important role to play in the protection of public health. This role has been further enhanced with the recent changes brought in by the Health and Social Care Act 2012.

1.2 In 2008, the Council adopted its first public health strategy to help focus the work of the Council and its partners on core areas which were identified through statistical health data as being the areas of greatest concern for the Council.

1.3 Following the success of the Council's first Strategy and work associated with it as part of an annual action plan, there is now a need to review it to ensure it still meets the needs of the residents

of East Herts and that it supports the objectives of the Hertfordshire Health and Wellbeing Board's Strategy.

2.0 Report

- 2.1 The East Herts Health and Wellbeing Strategy aims to provide a five-year framework (2013-2018) of action for the prevention of ill-health, the protection of health and the promotion of positive health and well-being. The main focus of the Strategy is on a partnership approach to delivering public health based projects and initiatives.
- 2.2 The Strategy focuses on the aspect of care described as 'primary prevention'. This is defined as interventions that promote health and prevent diseases from developing.
- 2.3 The NHS focuses much more on the objectives of 'secondary interventions' that will detect disease in the early stages before clinical signs and symptoms manifest with a goal to reverse or reduce the severity of the disease or provide a cure. These interventions involve high levels of clinical insight and skills requiring illnesses to be treated.
- 2.4 The objectives of this strategy are focused on bringing about lifestyle change and enhancing healthy lifestyle options available to an individual or groups. The objectives of the new strategy are closely modelled on the Marmot Health Inequalities Priorities.
- 2.5 Each year, Members will agree an annual action plan of work for officers to work to. The action plan will list projects together with details of how they will meet the objectives of this Strategy.

3.0 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

East Herts Public Health Strategy 2008 – 2013

(http://www.eastherts.gov.uk/media/pdf/1/1/East_Herts_Public_Health_Strategy_2008-2013_FINAL.pdf)

Hertfordshire's Health and Wellbeing Board's Strategy
<http://www.hertsdirect.org/docs/pdf/h/hwbstrategy.pdf>

"Fair Society, Healthy Lives" - Strategic Review of Health Inequalities in England post-2010; The Marmot Review, February 2010.
www.ucl.ac.uk/marmotreview

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IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	<p>People This priority focuses on enhancing the quality of life, health and wellbeing, particularly for those who are vulnerable, and delivering strong services</p> <p>Place This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p>
Consultation:	None – currently underway and will be ready before Council meeting deadline as agreed with Simon Drinkwater.
Legal:	None.
Financial:	<p>East Herts Council has a long history of contributing positively to public health, therefore the costs of implementing this Strategy are minimal and will be contained within existing budgets.</p> <p>Some initiatives as part of the action plan will be dependent on external funding. Where this funding is unavailable, an alternative solution will be sort.</p>
Human Resource:	None.
Risk Management:	None.

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East Herts Health and Wellbeing Strategy

2013-2018

Foreword

Once the Strategy has been adopted by the Council, we will seek endorsement from with Duncan Selbie (Chief Executive of Public Health England) or Jim McManus.

Preface

East Herts Council has a long history of and is still actively protecting public health through the statutory duties placed upon it and through its work with regards to clean air, sanitation, housing standards and food hygiene to name a few. In addition the Council has an established history of health promotion, addressing the non-statutory aspects of public health like lifestyle behaviours and health improvement projects as well as providing excellent sports and recreational facilities. To bring all of this good work together and provide focus to the Council's and our Partner's work, the Council published its first East Herts Public Health Strategy in 2008.

The adoption of this, the East Herts Health and Wellbeing Strategy 2013 – 2018, will build on the strengths of the previous public health work whilst also adapting to the new public health setup and the opportunities that it presents. Recognising that no single agency can address the range of public health needs alone, East Herts Council will continue to work with partners to improve the health and wellbeing for residents of East Herts.

Councillor Linda Haysey
Executive member for Health, Housing and Community Support

Working in Partnership

Once the Strategy has been adopted by the Council, we will seek endorsement from key partners.

Clinical Commissioning Groups (CCG's)

Acute Trusts

Hertfordshire County Council Public Health

Complimentary partnership approaches

As East Herts Council works with its key health partners the aim will be to focus on complementary priority areas, whenever possible. The opportunity for increased discussion and input into these decisions will seek to maximise preventative approaches. With a genuine appetite amongst these organisations to work together even more closely in the future the health needs of local people can be more effectively met.

Local partnership priorities

The Clinical Commissioning Groups (CCG's) which cover the East Herts Council geographical boundaries are the Upper Lea Valley CCG and Stort Valley and Villages Locality Group, see <http://www.enhertsccg.nhs.uk/locality-groups> to access local priorities.

Hertfordshire County Council Public Health linking to the Health and Wellbeing Board and Strategy priorities:

<http://www.hertsdirect.org/your-council/hcc/partnerwork/hwb/>

East and North Herts Trust Priorities: <http://www.enherts-tr.nhs.uk/>

Princess Alexandra Hospital NHS Trust Priorities: <http://www.pah.nhs.uk/>

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Setting the Scene

What is public health?

There are many definitions of public health; while some vary, the core theme is to help people stay healthy, promote their wellbeing and protect them from harm. Public health is about supporting people in the environment they live in to follow a healthy lifestyle. In this way the preventative and protective factors derived from living a healthier lifestyle will build up health resilience and a life that is less affected by ill health

Why do we need this strategy?

The scope of public health is very broad with numerous government bodies, organisations and voluntary groups all playing important roles in its delivery. It is easy to spend money on projects in an uncoordinated way, but we should be working together to deliver projects in a way that helps the evidenced health needs of the majority of people to be met.

East Herts Council believes that a strong focus and sustainable approach to public health and improved lifestyle choices requires continued support from a range of partners. This strategy helps partners and others identify where they can help improve the public health of those that live, work and visit East Herts.

Who is it this Strategy for?

This strategy is to help East Herts Council, the Clinical Commissioning Groups (CCGs), NHS trusts, volunteer organisations and others combine their resources and skills to help improve the public health of those people who live, work and visit East Herts. Through this strategy we can also help deliver projects which support the Health and Wellbeing Board Hertfordshire's priorities.

It is only through partnership working that East Herts Council and others can support and empower individuals throughout their life so they can maximise their own potential for a healthy life.

Understanding the make up of individuals, communities and the resources they have access to, are vital in achieving improved health outcomes for all. With greater understanding of these variables and the influences they have, a more informed public health approach can be taken to help people and the places they live in to be more healthy.

Factors affecting public health

Smoking, obesity and physical inactivity continue to be lifestyle indicators for individuals and communities. Drugs and alcohol usage as well as community safety perception and assurance will also affect a person's health and wellbeing. However, health is personal to the individual and without suitable support to take people

forward, encourage achievement of health goals and help with the right tools for behavioural change, people can often lose motivation and revert back to their previous, unhealthy lifestyle choices.

Good mental health and wellbeing at the population level is vital, alongside specific intervention when necessary. Support for carers and those with long term conditions is an area where greater provision can be made. As the older population proportion increases, nationally and locally, adaptation and understanding of the older people provision is essential. Sustained employment opportunities are foundational for good health and wellbeing. Combining the work and health environment to support staff to be more healthy is linked to increased productivity and decreased absenteeism. Cultural and ethnic diversity are important considerations when people are helped through lifestyle intervention and access to other health services.

East Herts Council's Public Health Role

When people think about their health, they may think about exercise, diet, visiting their GP, but most will not think about their local Council. While it is true that East Herts Council does not get involved directly with an individual's medical treatment, it does influence your health on a daily basis; how it does this will depend on the services you use. Below is a brief outline of practical public health interventions which contribute to the environmental and social quality of life for an individual.

Environmental Health

The Environmental Health service is an essential ingredient in maintaining and improving public health through its advice, regulation and enforcement roles. It crosses boundaries and influences health by ensuring food hygiene is maintained in commercial premises, that employees health and safety is protected, improving air quality for everyone in the district, correcting issues of poor sanitation, resolving poor housing or nuisance issues, enforcing appropriate conditions if needed in houses of multiple occupation, reducing fuel poverty and converting empty homes back to use for those who need somewhere to live or adaptation of a property to aid those living with disabilities.

In addition the department has an active health promotion role, being pro-active in supporting people to make informed healthy living choices as well as ensuring the implementation of the East Herts Public Health Strategy.

Licensing Service

With responsibility for regulating Temporary Event Notices, licensed premises, the sale of alcohol and overseeing the licensing of taxis and private hire vehicles, East Herts Council decisions have a marked influence on public health

Community Safety

Community safety means crime, disorder and anti-social behaviour. East Herts Council leads the partnership of agencies which deals with these issues, making East Herts one of the safest places to live in the entire country. Community safety plays a major public health role sustaining a neighbourhood and environment in which people can live safely and healthily.

Environmental Services

The Council is committed to creating and maintaining the outdoor environment to a high standard across the district. Cleansing operations in our streets and parks ensure that getting out and about is a pleasant experience. Environmental Services have developed a comprehensive plan of action which continues improving facilities to give residents more opportunities for keeping active and healthy. The department manages a range of operations which have a positive effect on everyday healthy living including management of the districts two leisure centres and joint provision

school swimming pools and gyms, street cleansing, refuse collection, recycling, the reduction of waste, parks and open spaces maintenance and conservation, pest control intervention, minimising environmental crime and protecting trees and hedgerows across the district.

Development Management

Through its planning policy work, primarily the District Plan, the Council is able to consider the formulation of a range of policies to be taken into consideration when new development proposals come forward. The range and extent of these must be compatible with the national planning context, most particularly the National Planning Policy Framework, published by the government in March 2012. Policies can cover issues such as the provision of walking and cycling routes, access to community facilities and provision for children's play and recreation for all ages. The Council currently anticipates the publication of its draft District Plan early in 2014. Once finalised, the adopted policies will be taken into account in decision making, undertaken by the development management service, when development proposals come forward in the future.

Why does the Council care about public health?

As you can see, the Council directly delivers an abundance of services which directly impact on public health and mean that individuals are helped to have a healthy environment and make healthy choices. While the Council has a statutory duty to provide some of these services, others are provided because it wants to actively improve opportunities for individuals. The Council believes that everyone should be given the opportunity to live a healthier life and recognises that this work cannot be done without close partnership working.

East Herts Council and the Link to Other Public Health Priorities

The Council has a vision to “Improve the quality of people’s lives and preserve all that’s best in East Herts”. To help deliver this, the Council has three priorities, all of which will positively impact on public health and support the objectives of the Public Health Outcomes Framework^[1] and the Health and Wellbeing Hertfordshire’s nine priorities^[2]. The Council’s priorities are:

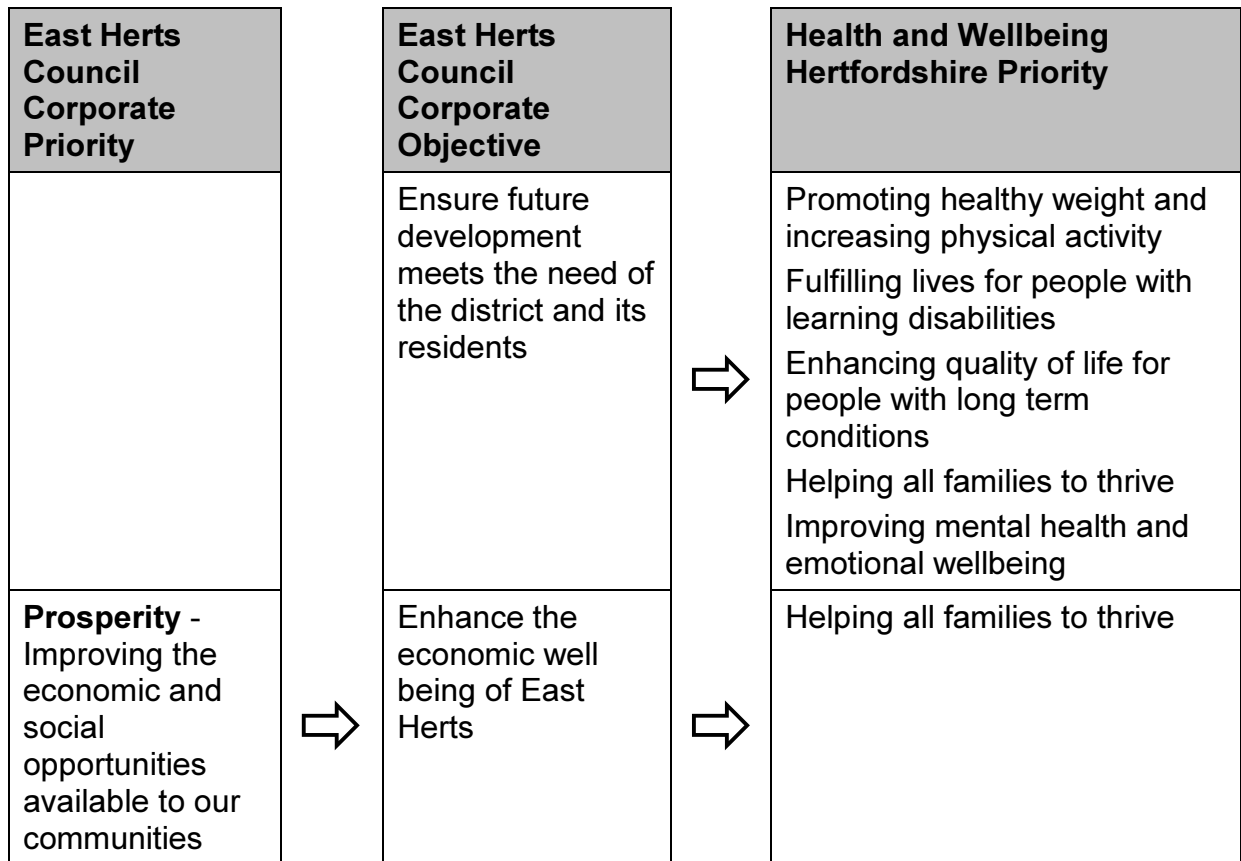
People - Fair and accessible services for those that use them and opportunities for everyone to contribute. This priority focuses on enhancing the quality of life, health and wellbeing, particularly those who are vulnerable and delivering strong services.

Place – Safe and clean. This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.

Prosperity – Improving the economic and social opportunities available to our communities. This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.

The table on the next page illustrates the links between East Herts Council corporate priority objectives and the Health and Wellbeing Strategy Hertfordshire priorities. As illustrated, many of the Council’s objectives directly support the aims of the Health and Wellbeing Boards priorities.

East Herts Council Corporate Priority	East Herts Council Corporate Objective	Health and Wellbeing Hertfordshire Priority
People - Fair and accessible services for those that use them and opportunities for everyone to contribute	Reduce health inequalities, for example, by addressing obesity, smoking and physical inactivity	Reducing the harm from tobacco Promoting healthy weight and increasing physical activity Fulfilling lives for people with learning disabilities Enhancing quality of life for people with long term conditions Helping all families to thrive Improving mental health and emotional wellbeing
	Reduce fuel poverty	Helping all families to thrive
	Improve outcomes for vulnerable families and individuals	Reducing the harm caused by alcohol Fulfilling lives for people with learning disabilities Supporting carers to care Helping all families to thrive Improving mental health and emotional wellbeing
Place - Safe and Clean	Maintain our parks, play areas and open spaces	Promoting healthy weight and increasing physical activity Fulfilling lives for people with learning disabilities Enhancing quality of life for people with long term conditions Helping all families to thrive Improving mental health and emotional wellbeing
	Reduce anti social behaviour and the fear of crime	Reducing the harm caused by alcohol Promoting healthy weight and increasing physical activity Helping all families to thrive Improving mental health and emotional wellbeing



Health Inequalities

What are health inequalities?

Health Inequalities are differences in health outcomes between the advantaged and disadvantaged populations in society. These types of health inequalities are influenced by factors across the social, environmental and economic landscape. Some of these examples include smoking, educational attainments and social deprivation. The difference in life expectancy can vary significantly between the least and most socially deprived areas.

For East Herts, the main life expectancy inequality shows a difference of six years for males and three years for females when comparing the most and least advantaged areas.

Why do health inequalities exist?

Health inequalities come about because of a range of inter-related contributors such as social, environmental, health, attainment, employment, deprivation and housing factors. According to the social background and make up of people in a particular place, the health of the population in that same place can be affected very differently.

Factors include how poor area an area is, how many people work and what jobs are available or what standard the houses are in. A person living in one place can have far better health outcomes than a person living just a short distance away.

Reducing this “health gap or inequality”

The idea that every person should receive access to the same life chances and the opportunity to have the best chance of having good health throughout their life is not new. Making it happen is the challenge. ‘Fair Society, Healthy lives’^[3] is a review written by Professor Michael Marmot which includes examples, evidence and a set of approaches about reducing these health gaps or inequalities. The East Herts Health and Wellbeing Strategy seeks to embrace the Marmot recommendations and approaches to reducing health inequalities.

East Herts Council Strategic vision for Health Inequalities

The Council is committed to tackling health inequalities within the East Herts district. Whilst East Herts is considered to be a good, healthy place to live in and its residents generally benefit from better health outcomes in comparison to some neighbouring districts and boroughs, there are still variations and differences in health outcomes across the district which are not acceptable and require a co-ordinated approach to address these.

The Council, as already mentioned in this Strategy, influences and contributes to public health in a number of ways. Working with likeminded partners to address

these health differences and target the population accordingly through projects and interventions to improve health outcomes is the firm intention of the Council.

The East Herts Health and Wellbeing Strategy 2013-2018 is the catalyst for the practical delivery and implementation of the Council's desire to reduce health inequalities.

The public health role of the Council through the work of its various departments will be reflected in the content of the corporate service plans. Within the strategy as part of the "Creating health and work together" priority there is also an objective which seeks to recognise the public health contribution that employees make. The intention is that each employee whether their role revolves around a greater or lesser health and wellbeing contribution will see their connection and importance to the overall public health work of the Council. The whole Council ethos is that through its councillors, officers and the residents it serves we will all understand the vital part we play in maximising our health outcomes and continue to reduce the inequalities in health that do exist within East Herts.

A Snapshot of the East Herts Health Picture

The health of people in East Hertfordshire is generally better than the England average^[4]. Over the last 10 years, deaths from all causes have fallen together with the premature death rate from heart disease and strokes. For the following health indicators, East Herts is deemed to be significantly better than the England average:

- Hospital stays among under 18s
- Teenage pregnancy
- GCSE attainment
- Breastfeeding uptake rates
- Alcohol related hospital stays by under 18s
- Smoking in pregnancy
- Estimated levels of adult 'healthy eating', physical activity and obesity
- Rates of sexually transmitted infections
- Road injuries and deaths
- Smoking related deaths
- Hospital stays for alcohol related harm
- Life expectancy for both men and women.

There are however still areas of concern:

- Whilst deprivation is lower than average, about 2,500 children live in poverty
- Life expectancy is 6.4 years lower for men and 3.2 years lower for women respectively in the most deprived areas of East Hertfordshire compared to the least deprived areas
- About 14.5% of Year 6 children are classified as obese, lower than the 19.0% average for England

The East Herts Health Challenges Now and in the Future

The major health challenges are still very much as they have been over recent years with smoking, physical activity and weight management all remaining prominent health problems. Alcohol misuse (2246 hospital stays for alcohol related harm in East Herts) and providing education and awareness on this health aspect is vital and also can be linked with affluent and more deprived lifestyles. Various cancers (141 early deaths in East Herts) are linked to lifestyle behaviour. Poverty for children in East Herts (2500) and families coping with the impact of the new benefit changes are important areas of concern. Those diagnosed with Diabetes (4668) in East Herts are an important population.

What do we need to focus on and why?

- Smoking is still the single biggest killer with all the health problems it causes.
- Diabetes is linked to inactivity and poor diet.
- Obesity and physical inactivity and weight management are all connected in terms of promoting bodily health and wellbeing. Low activity levels can impact upon bone strength, which can lead to hip fractures. Physical frailty and lack of mobility and flexibility are factors to be addressed to prevent falls.
- Excess weight is a combined factor in many other conditions.
- Heart disease, lung disease, circulatory issues are all linked to smoking and dietary and other lifestyle factors.
- Alcohol can be a contributing factor in abusive relationships including domestic violence resulting in breakdown of relationships.
- Good mental health and emotional wellbeing are vital and essential to the whole functioning and life opportunity of an individual. The ability of a person to live and cope strongly influence other health issues such as giving up smoking or finding a job or being more active.

Medium and long term prevention

All these factors to greater or lesser degrees are strongly associated with each other in terms of multi-factor connections of illness and poor health; therefore they continue to require real focus and resources to aid healthier living and more disability free-living.

The life course approach of working with populations and addressing the wider social, environmental and economic factors provides opportunity for individuals in East Herts to be empowered to address these lifestyle conditions that are so prevalent.

East Herts Health and Wellbeing Strategy Priorities

The East Herts Health and Wellbeing priorities have been based on the Marmot Review Health Inequalities Priorities^[5] and compliment the Council's corporate objectives. These have been chosen because they support the life course approach which is directed at people maximising their health potential throughout their lives from beginning to end. This evidenced based approach focuses on preventative action to enable people to start, develop, work, live and age well and seeks to look holistically at all the different health factors which can affect a person's health outcomes.

1. Healthy children starting off well

Sound health foundations are essential for a child to prosper, so that he or she can be given a supportive lift off for the rest of their life.

Achieved through the following objectives:

- Valuing each child and supporting projects and initiatives which facilitate their best development needs including increasing physical activity levels and promoting healthy eating and a healthy weight and addressing obesity
- Working with Schools and Children's Centres and other partners who educate and nurture children promoting good emotional health and wellbeing
- Encouraging vibrant healthy living and learning in all its forms

2. Empowering children, young people and adults to achieve their life potential

Encouraging the ability of an individual to use their own resources and skills and seek external support when appropriate is key to fulfilling life potential.

Achieved through the following objectives:

- Supporting children and young people^{[6] [7]} in their formative years to access good health outcomes and opportunities including:
 - increasing physical activity
 - promoting healthy eating and a healthy weight
 - promoting emotional health and wellbeing^[8]
 - reducing smoking incidence
 - education about alcohol
 - Supporting education and learning around healthy living

- Supporting adults^[7] over the life course to champion their own health and seek support from various health organisations to maximise this potential focusing on:
 - increasing physical activity
 - promoting healthy eating and a healthy weight
 - promoting mental health and emotional wellbeing^[8]
 - reducing smoking incidence
 - awareness and education on alcohol usage
 - supporting learning about healthy living
- Empower older people to live a life of increasing independence and support ways to enable this.

3. Creating health and work together

An environment in which health and work^[9] flourish is good for individual and corporate health

Achieved through the following objectives:

- Promoting work places as healthy environments through increased physical activity, healthy eating, alcohol and smoking awareness and good mental health and wellbeing
- Encouraging Senior Managers and staff to recognise their public health contribution in their work role and the value of a health balanced work environment

4. Promoting positive health and wellbeing life quality for all

Health and wellbeing for all is to be encouraged and pursued as well as facilitating support for those most in need

Achieved through the following objectives:

- Promoting events, projects and initiatives which facilitate health and wellbeing quality for all ages including increasing physical activity levels and promoting healthy eating, giving up smoking and reducing alcohol usage
- Promoting interventions which enable good mental health and wellbeing
- Providing appropriate support for vulnerable groups and individuals as part of an inclusive public health approach

5. Healthy places and sustainable communities

The place in which you live and the people you live with are essential factors in creating a healthy environment

Achieved through the following objectives:

- Developing and sustaining mutually supportive environments which seek to encourage health, wellbeing and community
- Supporting individuals and people in their built and social environment to start well, develop well, live well, work well and age well
- Understanding the relationship between economy and health
- Addressing the wider determinants of health
- Functions delivered by the Council, such as:
 - Food safety
 - Housing
 - Parks and open spaces
 - Air quality
 - Communicable disease outbreaks
 - Noise pollution
 - Health and safety
 - Water sampling
 - Sustainable transport
 - Energy efficiency
 - Development management
 - Waste Recycling and Environmental monitoring
 - Leisure services
- Supporting the vulnerable and those with disabilities by adaptation of their home environment to promote independent living such as disabled facilities grants

6. Pro-active health prevention

Encouraging people and places and health factors which promote health first are essential

Achieved through the following objectives:

- Encouraging pursuit of personal health goals through behavioural changes and social marketing models
- Recognising the importance of supportive environments in facilitating people to live well and reduce the amount of resources allocated to reactive secondary acute care treatment
- Working with individuals and communities to understand their health resources and needs so barriers to poor health can be overcome

7. The Council's Powers of Influence

The process, challenge and influence of the Council.

Achieved through the following objectives:

- The Health and Wellbeing Panel meeting as a focus for health matters including oversight of the East Herts public health role
- Developing and progressing the East Herts public health role reacting to and learning from the current health structures
- Being an active respondent to relevant health consultations
- Engaging with Health and Wellbeing Board Hertfordshire, Clinical Commissioning Groups, Acute Trusts, Healthwatch and other health partners involved with the new health approaches
- Providing training and development for members and officers who are part of the Health and Wellbeing Panel process

East Herts Health and Wellbeing Principles

The East Herts Public Health Strategy 2008-2013 evolved its original guiding principles so that it could respond to national and local health developments.

Additional considerations included a family project focus, pursuing external funding sources, building sustainability into projects and keeping the health evidence base relevant and informed.

Gaining an award for health promotion and community well-being confirms that our work has supported the 1986 Ottawa Health Promotion Charter principles^[10] which have been adopted as applied principles to keep the delivery of the strategy focused.

The East Herts Health and Wellbeing Strategy seeks to reflect:

- The six Marmot core principles aimed at reducing health inequalities over the life course
- The Public Health White Paper^[3] and measurement domains of the Public Health Outcomes Framework^[1]
- The Health and Wellbeing Hertfordshire Strategy priorities^[2]
- Trusted public health principles and models of working
- The foundational principles of the East Herts Public Health Strategy 2008-2013
- The importance of the Joint Strategic Needs Assessment (JSNA) and the value of contributing health evidence to it
- Effective partnership working to reduce health inequalities
- The internal and external health resources available to individuals and communities and to empower their use of these
- Maximised partnership working to deliver successful public health outcomes

National Recognition

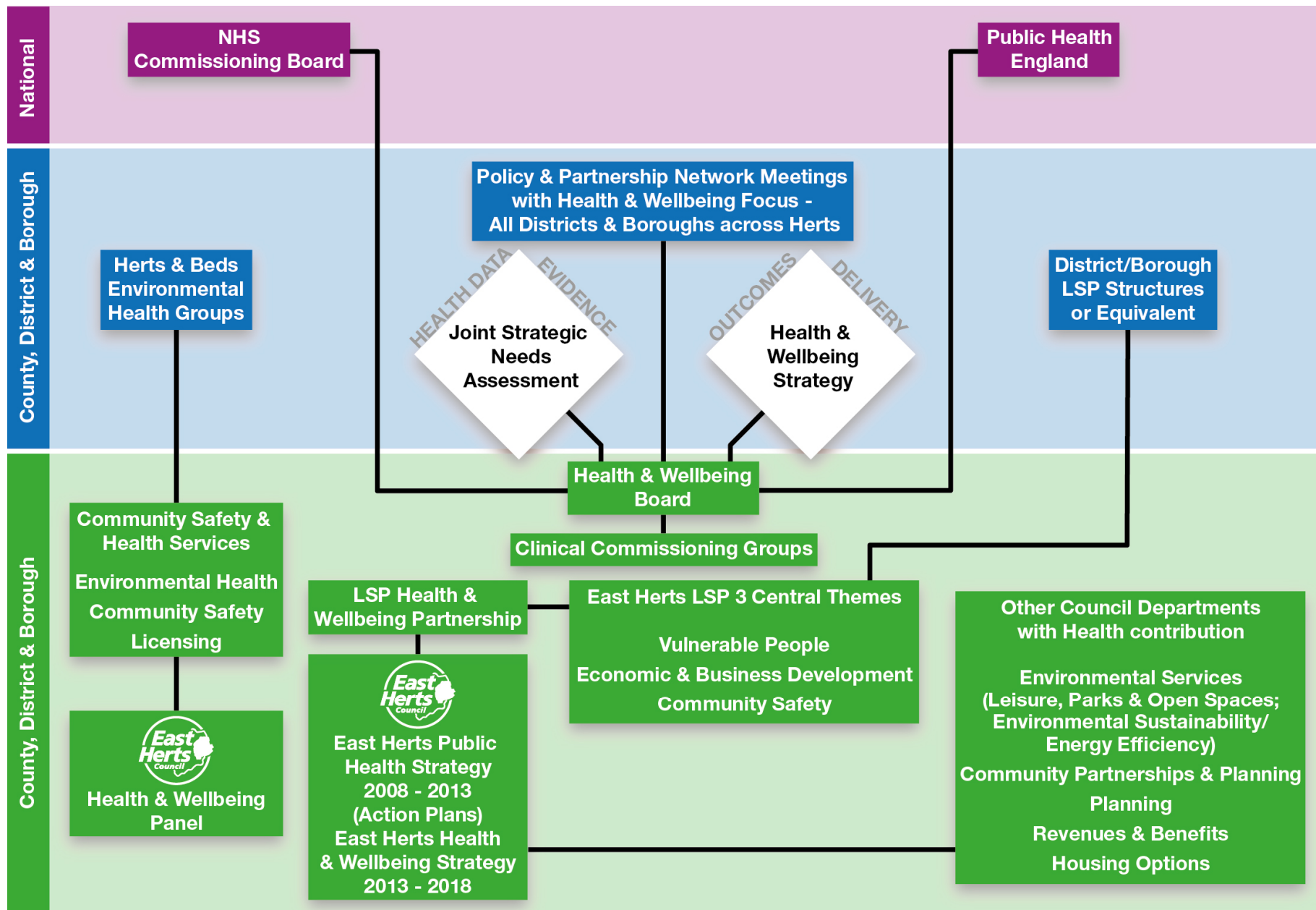
East Herts Council was delighted to be a recipient of the Royal Society for Public Health (RSPH) 2011 Health Promotion and Community Wellbeing Organisation and Partnership Award for their partnership led health promotion work across the district. The Council achieved the highest level of award classification on the evidence of their full submission to the RSPH ^[11]. The award was for three years and related in particular to the range of Public Health activities completed since the launch of the East Herts Public Health Strategy 2008-2013. Over 190 projects and initiatives have been delivered over the last five years undergoing consistent progression and evaluation with a number of newly inspired projects and innovative ways of reaching target audiences.

The assessment panel highlighted a number of key strengths of the work of East Herts Council:

- Strong and effective partnership working
- Good involvement and engagement with elected members
- Clear strategic support and individual leadership of the Public Health role

The Award has meant that East Herts Council has been able to work with the RSPH to further develop and improve its Public Health effectiveness and targeted work in reducing health inequalities for local East Herts residents. This has included the opportunity to be involved in assessment of the subsequent Award Winners and access training and development opportunities through working with RSPH and its associates.

Health Structures: National and Local Connections



Implementing the Health and Wellbeing Strategy

How will the approach work?

Annual action plans will target and measure our work and projects that appear according to the defined strategy priorities. The action plans can contain projects that the Council or its partners work on. The recording of the information will feature a targeted outcome, outcome progress and evaluation measurement.

How will the action plan link to the Strategy themes?

The Action plan will feature each of the seven aims and the projects will appear under each area according to the best fit of the project objective. Due to the nature of the seven priorities there is likely to be crossover between aspects as all priorities are designed to encourage a health inequality reducing approach.

What will the action plan seek to achieve?

The action plan will seek to reduce health inequalities locally by delivering projects which meet the aims of the strategy. Projects will be evidenced based in their application and be evaluated as part of the review process.

What will be the measurement tools for achieving success?

For the targets to be SMART, (specific, measurable, achievable, realistic and targeted).

A range of other National and local indicators and measurement systems will be used where relevant and necessary to indicate progress and achievement of local public health outcomes.

Examples of likely evaluation and measurement sets:

- Public Health Outcome Framework National Indicators
- Health and Wellbeing Strategy Hertfordshire Priorities
- Local data and health intelligence

Action Plan Project Inclusion and Exclusion criteria

Projects and initiatives should:

- Target populations, communities, groups or individuals with generic or specific intervention taking account of health need and supporting data.
- Demonstrate meaningful and measurable public health outcomes
- Be based on evidence of effective practice
- Include effective means of recording defined variables and softer outcomes to demonstrate health improvement and prevention
- Enable the opportunity for innovation and creative approaches to address health need
- Combine a sustainable approach so wider benefit is realised
- Be family focused where relevant
- Uses financial resources, both internal and external to facilitate outcomes
- Give opportunity for constructive dialogue and facilitate partner or recipient feedback
- Promote personal empowerment and responsibility for health

A project or initiative at any one time should reflect the majority of these criteria. Not all projects will meet every criterion, however these objectives will be used to provide a sound framework for evaluating the progress and continuing feature of a project or initiative in the Action Plan. Visible criteria will enable internal and external projects to be assessed and give increased accountability for decisions on inclusion or exclusion in the Action Plans.

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- ¹ Public Health Outcomes Framework for England 2013-2016; January 2012. Department of Health. <https://www.gov.uk/government/organisations/public-health-england/series/public-health-outcomes-framework>
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- ⁴ Data sets and descriptions referenced from East Herts Council Local Authority profile 2012. Available at www.healthprofiles.info as part of Public Health England resources.
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- ¹⁰ Ottawa Health Promotion Charter 1986, Ottawa, Montreal, Canada. <http://www.who.int/healthpromotion/conferences/previous/ottawa/en/>
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EAST HERTS COUNCIL

EXECUTIVE – 1 OCTOBER 2013

REPORT BY EXECUTIVE MEMBER FOR HEALTH, HOUSING AND COMMUNITY SUPPORT

REVIEW TO UPDATE EAST HERTS PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To consult Members on the periodic review of the Council's Private Sector Housing Enforcement Policy and seek approval for the draft revised policy.

<u>RECOMMENDATION FOR COUNCIL:</u> That:	
(A)	the draft revised policy for housing enforcement, as now submitted, be adopted.

1.0 Background

1.1 The Council adopted its Private Sector Housing Enforcement Policy on 6th February 2007. The policy has steered the Council's approach to securing compliance with the law in relation to private sector housing, and in particular outlines use of the powers contained within the Housing Act 2004.

1.2 Since adopting the policy, the Council has revised its overarching enforcement policies for Neighbourhood Services and Environmental Health, under which this policy sits, following those general principles and providing detail in respect of housing legislation.

1.3 In April 2008 the Government's Regulators Compliance Code came into force. In July 2013, following a period of review and consultation, the Government published its Regulators' Code, which it anticipates will be given statutory force in Spring 2014.

The proposed revised document is updated to take account of those changes.

2.0 Report

- 2.1 Use of the policy has not revealed any significant problems, however a review has become necessary due to elapsed time. The draft document is attached as **Essential Reference Paper B**. For ease of reading, changes from the original are not tracked in the document, but are instead summarised below.
- 2.2 Some of the changes from the original adopted policy merely improve layout, such as adding a contents page and foreword, and others provide more detail and clarity, for example about the enforcement options. The introductory section about the guiding principles of good regulation has been updated to reflect the introduction of the Regulators' Code.
- 2.3 Other changes include at section 14 new text about the duration of House in Multiple Occupation (HMO) licences. This is to clarify that if an unlicensed licensable HMO is encountered, or the applicant is slow to provide a full licence application, the applicant can expect the usual five year licence period to be reduced commensurate with the period the HMO remained unlicensed.
- 2.4 Section 14 also gives details of the licensing process, the requirements for an application, and the time for approval, to reflect the tacit approval timescale of seven months on the licensing website.
- 2.5 Section 15 provides new information about discretionary licensing, and states that no areas have been identified as so problematic as to warrant use of these tools, so there are no current plans to consult on their introduction.
- 2.6 Section 16 provides new information about HMO Management Regulations.
- 2.7 There is sometimes confusion about Planning and Housing law in relation to HMOs, and there has been some controversy nationally about Article 4 Directions under Planning legislation to restrict the proportion of HMOs in an area. This is now explained in section 18. Affordability is a particular concern in East Herts, and there is likely to be an increasing need for affordable shared housing, so section 18.4 states that the Council has no plan to

consult on and implement an Article 4 Direction.

- 2.8 Section 24 gives a new overview of overcrowding. Section 25 proposes a general approach to the limited use of discretionary powers under the Local Government (Miscellaneous Provisions) Act 1976 to restore gas, electricity or water supplies. This was not covered by policy before, and proposes that this is only considered as an emergency approach where vulnerable persons are at risk.
- 2.9 New information about accreditation schemes is given at section 26. In the past a local scheme has been suggested to our Private Rented Sector Forums, but there was very little support for the initiative, which is generally less attractive in areas of high demand for housing. Since then, other national schemes have emerged. The National Landlords Association in particular has asked if the council would give certain incentives such as reduced licensing fees to members of their accreditation scheme. The scheme provides for training and dispute resolution, and Members may therefore wish to consider this. However, as there is no current evidence that membership of such a scheme would reduce the cost of licensing which the Council aims to recover through its fees and charges policy, the draft policy does not propose a fee reduction. Officers are not aware of any other local councils offering such a fee reduction.
- 2.10 Section 28 on Simple Cautions (previously Formal Cautions) has been updated. A data protection clause has been added at section 35.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.
- 3.2 A presentation on the existing enforcement policy was given to a forum held jointly with the National Landlords Association in Sawbridgeworth in February 2013. Minutes of the meeting are on the Council website. There was strong support for the Council's staged approach to enforcement, and for formal enforcement action to be taken where landlords flout the law. Some landlords supported the idea of recharging punitive administration costs where officers need to take action in default, reduced if paid within 14 days. However, there is case law that we need to be able to

demonstrate that charges are justifiable, so this has not been included in the draft policy.

- 3.3 As mentioned at 2.10, the National Landlord Association local representative also suggested 10% discount on licensing fees for landlords accredited under a scheme recognised by the Council. This request has not been included in the draft, due to the Council's cost recovery objectives.
- 3.4 Environmental Health staff and Development Control had input into the preparation of the draft document, and two Herts authorities have also been consulted. Private sector landlords and key Housing Associations have been invited to comment, and the document has been available for comment on the council's website during September.

Background Papers

- East Herts Public Health Strategy ([link](#))
- Regulators' Code. <http://www.bis.gov.uk/brdo/publications>

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ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	<p>People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p> <p>Place This priority focuses on the standard of the built environment and our neighbourhoods and ensuring our towns and villages are safe and clean.</p> <p>Prosperity This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic and social opportunities.</p>
Consultation:	
Legal:	The report is about the approach to housing enforcement. The legal department has been consulted in the drafting of the report and policy, and have no comment.
Financial:	There are believed to be no direct financial implications arising from this report.
Human Resource:	There are no specific Human Resource implications arising from the report.
Risk Management:	There are no risk management implications arising from this report

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Draft Private Sector Housing Enforcement Policy

Foreword

The Council's Housing Strategy sets out the Council's strategy for tackling housing priorities within the district of East Herts. It refers also to public health priorities for reducing inequalities in health and wellbeing, and aims to achieve some of these through targeted housing interventions.

The Environmental Health Service's functions to maintain and improve the housing conditions in privately owned property in East Herts include: assessing properties and enforcement under the Housing Health and Safety Rating System; improving the management of and licensing Houses in Multiple Occupation; empty homes; overcrowding; public health matters; and provision of grants.

The Service's approach is to give informal advice, information and assistance when possible. Where this approach fails, or it is necessary to protect the health, safety or welfare of persons or the environment, the service will take necessary enforcement action.

This policy sets out the Council's transparent approach to enforcement so that people understand how matters will be dealt with in these circumstances by the Council.

The end of the document shows how you can contact the Environmental Health Service if you require any further explanation or have any concerns or comments about the policy.

Councillor Linda Haysey
Executive Member for Health, Housing and Community Support

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1. Introduction and Scope

- 1.1 The purpose of this policy is to outline the Council's approach to securing compliance with the law in relation to private sector housing while minimising the burden on private sector landlords. In particular, the policy outlines the extent to which the Council will intervene to make use of the powers in Part 1 of the Housing Act 2004 as a result of the introduction of the Housing Health and Safety Rating System (HHSRS), and its approach to empty homes and to the licensing of Houses in Multiple Occupation. It sets out what owners, landlords, their agents and tenants of private sector properties can expect from officers.
- 1.2 The policy follows the principles of the Council's overarching Neighbourhood Services and Environmental Health Service Enforcement Policies, which in turn are in accordance with the principles of the Regulators Code.

All enforcement action will be carried out having regard to the seven 'Hampton' principles specified in the Statutory Code of Practice for Regulators (also known as the Regulators Compliance Code) made under section 23 of the Legislative and Regulatory Reform Act 2006.

These are:

Economic Progress. Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.

Risk Assessment. Regulators, and the Regulatory system as a whole, should use comprehensive risk assessment to concentrate resources in the areas that need them most.

Advice and Guidance. Regulators should provide authoritative, accessible advice easily and cheaply.

Inspections and other visits. No inspection should take place without a reason.

Information Requirements. Businesses should not have to give unnecessary information or give the same piece of information twice.

Compliance and Enforcement Actions. The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions.

Accountability. Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.

- 1.3 The Council's Enforcement policies were based on the 5 guiding principles of the Concordat on Good Enforcement Practice, of transparency, fairness, proportionality, consistency and objectivity. The Concordat was previously adopted by the Council, and later supplemented by the Regulators Compliance Code. Development of this policy was guided by the Compliance Code principles of good regulation also contained in section 21 of the 2006 Act: these are transparency, accountability, proportionality, consistency and targeted only at cases for which action is needed. Further explanation can be found on our website www.eastherts.gov.uk, and in our overarching enforcement policies.

- 1.4 The Regulators' Compliance Code and the voluntary Enforcement Concordat will be replaced with a new statutory Regulators' Code. Following a period of consultation, the new draft Code was published on 25th July 2013, and it is expected to be brought into statutory force in Spring 2014.¹ The new Code will promote a consistent, targeted and risk based approach to enforcement that minimises the burdens on compliant, well run businesses.

The new Code principles are:

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
3. Regulatory activities should be based on risk.
4. Regulators should share information about compliance and risk.
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
6. Regulators' approach to regulatory activities should be transparent.

The review of this Council's housing enforcement policy has had regard to the Government's draft Code,² and therefore it should not be necessary to further review this policy upon the introduction of the Code.

- 1.5 Enforcement in the context of this policy is not limited to formal enforcement action such as serving notices or prosecution, but includes for example, the inspection of premises to check for compliance with legislation and the provision of advice.
- 1.6 This policy seeks to support the Council's corporate aims, objectives and strategies with respect to private sector housing.

2. Shared Enforcement

- 2.1 The range of enforcement matters dealt with by the Council in this policy area is such that there may well be occasions when there is a need to work with other agencies, for example the Fire Authority or the Health and Safety Executive, by carrying out joint inspections. Where a fire hazard is identified, the Council will consult the Hertfordshire Fire and Rescue Service on works required before taking enforcement action, although in the case of proposed emergency measures, that consultation will be so far as it is practicable to do so. The Council and the Fire and Rescue Service follow a jointly agreed consultation policy.
- 2.2 In determining the most appropriate form of investigation and enforcement action, officers will have regard, so far as they are aware, to any potential or existing action of other Council services or outside agencies. This will be

¹ Department for Business Innovation & Skills, BRDO. Regulators' Code. July 2013: available at: <http://www.bis.gov.uk/brdo/publications>

² Better Regulation Delivery Office. Amending the regulators' compliance code. March 2013: available at: <http://www.bis.gov.uk/assets/brdo/docs/publications-2013/13-685-rcc-consultation.pdf>

particularly important in the case of listed buildings and conservation areas which may restrict the use of the premises or the nature of works.

2.3 Where matters are identified by, or reported to our officers that are the enforcement responsibility of another Council service or outside agency, persons involved will, so far as is reasonably practicable, be informed that the matter will be referred to the appropriate service or agency.

2.4 Where enforcement action is being taken by another Council service or outside agency, we will provide all reasonable assistance including the production of witness statements and collection and sharing of evidence etc. subject to any legal constraints and the meeting of any reasonable expenses.

3. Enforcement Standards

3.1 All investigations into alleged breaches of legislation will follow best professional practice and the requirements of:
The Human Rights Act 1998
The Regulation of Investigatory Powers Act 2000
The Police and Criminal Evidence Act 1984 – Codes of Practice
The Criminal Procedures and Investigations Act 1996
The Legislative and Regulatory Reform Act 2006 The Code for Crown Prosecutors
Enforcement Guidance issued under section 9 of the Housing Act 2004

4. Identifying the Need for Action

4.1 The Council may identify the need to act to deal with hazards in a number of ways, including proactive inspections of, for example, houses in multiple occupation, or in response to a complaint or request from a tenant for enforcement action, or following a request for financial assistance to improve or adapt the property. For example where a landlord refuses an Energy Company Obligation (ECO) or other grant for insulation or heating, an inspection may be necessary to determine whether anything needs to be done to protect the occupant from excess cold or damp and mould affecting the property. Where the Council considers it appropriate to inspect premises to determine whether a hazard exists, it must do so.

4.2 In accordance with section 239 of the Housing Act 2004 at least 24 hours notice will normally be given to owners (if known) and occupiers (if any). As full an inspection as is reasonably possible will be carried out to establish the nature and extent of hazards in the dwelling, and an accurate record will be kept of the inspection.

5. Part 1 Housing Act 2004

Housing Health and Safety Rating System (HHSRS)

- 5.1 The Housing Act 2004, ("the Act"), together with Regulations made under it, prescribes the Housing Health and Safety Rating System as the means by which Local Authorities assess housing conditions and decide on action to deal with poor housing. It is a risk assessment system of the effect of housing conditions on the health of occupiers. 29 potential hazards are assessed and scored for their severity. These are described at Appendix 1. The scores for each hazard are ranked in Bands. Hazards falling into Bands A to C are more serious, and are classed as Category 1. Less serious hazards fall into Bands D to J, and are classed as Category 2. The Council must take appropriate action in respect of a Category 1 hazard, and may do so in relation to Category 2 hazards.
- 5.2 A 'Category 1 hazard' arises when a hazard reaches a score of 1000 or more under the Housing Health and Safety Rating System. A 'Category 2 hazard' arises when a hazard reaches a "significant" score of up to 999 under the Housing Health and Safety Rating System.
- 5.3 The score is based on the risk to the potential occupant who is in the age group most vulnerable to that hazard. However, in determining what action to take, the Council will not only take account of the score, but also whether the Council has a duty or discretion to act, the views of occupiers, track record of the owner, the risk to the current and likely future occupiers and regular visitors, the presence of other significant hazards in the property, and the risk of social exclusion of vulnerable groups of people from the private rented sector.
- 5.4 A formal notice may be served on the landlord requiring works to be carried out to reduce or eliminate hazards. Once the notice becomes operative failure to comply with the notice without reasonable excuse is an offence and the Authority can carry out works in default and/or prosecute.

6. Staged Approach to Enforcement

- 6.1 Council officers will seek compliance with legislation by one or more of the following:-

Stage 1: Informal Action.

Generally taken instead of or prior to formal action.

Decisions to take these actions rest with the investigating officer.

- **Advice and guidance:** to assist individuals, existing and prospective businesses and other organisations to comply with their legal obligations. This will be achieved by providing both information, through leaflets and pointing individuals towards website information and links, and the opportunity for face-to-face contact to discuss and help resolve potential problems.
- **Informal letters:** these will be used to reinforce advice and guidance where minor breaches of the law may have been discovered but it was not thought appropriate to take formal action. This may be where the consequences of non-compliance will not impose a significant risk to health and safety, or where there is confidence that informal action will

achieve compliance.

- **Formal letters and warnings:** These warnings will be written. Where warnings are issued, follow-up visits will normally be made to ensure the problem is being rectified. Warnings issued in respect of significant breaches of the law will include timescales within which the breaches should be remedied and will always result in follow-up visits to ensure compliance. This may follow an informal letter where there remains some confidence that compliance may be achieved before resorting to formal enforcement if necessary, without undue delay.

Stage 2: Formal Enforcement.

Where practicable, decisions to serve notice will be taken by the authorised officer under delegated powers in consultation with the Environmental Health Manager, and actions following failure to comply with statutory notices will be taken in consultation with the Environmental Health Manager and Head of Community Safety and Health Services. The decision to prosecute will be taken by the Director of Neighbourhood Services, in consultation with the Head of Community Safety and Health Services, the Environmental Health Manager, investigating officer and the Head of Legal or their nominated representative as appropriate.

- **Formal Notices:** Statutory (legal) notices will generally be served where there are
 - serious threats to the health and safety of occupants, or
 - there is a significant failure or a record of persistent breaches of statutory requirements, or
 - a lack of confidence that the recipient will respond to an informal approach, or
 - when informal action has failed to achieve a satisfactory resolution.

Examples of 'serious threats to the health and safety of occupants' include: no heating in cold weather, no hot water, exposure to damaged asbestos insulation board such that occupiers are likely to inhale fibres, or exposed live electrical wiring which people are likely to come into contact with.

- **Immediate action:** this includes the power to take emergency remedial action by forced entry to premises if necessary, and make safe areas or articles which are a cause of imminent danger of serious harm. This will be considered where there is a Category 1 hazard under the Housing Act 2004 and there is imminent risk of serious harm. The reasonable costs incurred including an administrative charge to cover officer time and council costs are recoverable from the recipient of the notice.
- **Emergency Prohibition:** This includes the power to immediately prohibit by notice all or part of premises where there is imminent risk of serious harm.

Stage 3: Formal action following non compliance:

Where there is a failure to comply with a formal notice without reasonable excuse or reasonable progress is not being made within the specified timescale

or there is a significant breach of statutory requirements the following formal actions will be considered:

- **Formal Warnings:** are generally given with a timescale for compliance prior to prosecution or carrying out works in default.
- **Works in Default:** where specified work has not been carried out in compliance with an enforcement notice, works in default will be considered. The reasonable costs incurred including an administrative charge are recoverable from the recipient of the notice.
- **Simple Cautions:** may be considered for less serious breaches of formal notices and statutory requirements.
- **Prosecution:** may be considered where there is a failure to comply with a notice within the specified time period or where there is a subsequent or significant breach of statutory requirements, or where health, safety or wellbeing is put at risk such that prosecution is the most reasonable response in all respects.

6.2 Enforcement will normally progress from advice to formal enforcement/ action except where immediate formal action is justified as in 6.4 below.

6.3 Where an owner or landlord agrees to take the required action, and there is some confidence that the work will be undertaken, it may be appropriate to wait before serving a notice unless the owner fails to start the work within a reasonable time.

6.4 In serious cases, for example where the offence involves a significant breach of the law such that the residents health, safety, environment or well being is or has been put at risk, and there are concerns that the owner or landlord will not co-operate, it may be appropriate to commence formal enforcement immediately.

6.5 This may include cases where the HHSRS assessment reveals Category 2 hazards and where the current occupants are vulnerable.

6.6 The Council has a duty to consider the most appropriate course of action to deal with Category 1 hazards.

As these generally involve a serious risk to health and safety it is more likely that formal action will be appropriate. However, each case will be considered on its merits and there may be occasions, for example when dealing with a reputable landlord or agent, when it is considered that an informal approach will achieve the desired result without recourse to formal action.

However, formal action can be initiated at any point if reasonable progress is not being made. Therefore, where it becomes clear that an informal approach is not proving effective for these more serious hazards, it is likely that formal action will quickly follow.

6.7 Where reasonably practicable, the Council will ensure that the landlord and tenant(s) have the opportunity to discuss the Council's proposed action before a

Notice is served.

7. **Housing Act 2004: Most Appropriate Course of Action**

- 7.1 The Housing Act 2004 provides a range of enforcement options to address hazards. The action the Council takes will be what it considers to be the most appropriate course of action in relation to the hazard in all the circumstances. When considering the most appropriate course of action in relation to the hazard the Council will have regard to the Enforcement Guidance issued by the Secretary of State under section 9 of the Housing Act 2004. This may initially involve informal action in cases that warrant this approach. Where there is a **Category 1** hazard the Council is under a statutory duty to take appropriate action but for a **Category 2** hazard the Council has discretion whether to exercise this power.
- 7.2 When a formal enforcement option is taken the Act requires a formal statement of reasons to be given saying why that particular option was chosen. Where possible the Council will seek the views of the landlord or owner and current occupier before deciding on which enforcement option to take.

8. **Actions under the Housing Act 2004**

- 8.1 There are a number of different notices available to East Hertfordshire District Council which require a person, business or organisation to comply with specific requirements relating to **Category 1 and 2 hazards**:

- Hazard Awareness Notice relating to Category 1 Hazards; section 28
- Hazard Awareness Notice relating to Category 2 Hazards; section 29
- Improvement Notices relating to Category 1 Hazards; section 11
- Improvement Notices relating to Category 2 Hazards; section 12
- Prohibition Orders relating to Category 1 Hazards; section 20
- Prohibition Orders relating to Category 2 hazards; section 21
- Suspension of Improvement Notice; section 14
- Suspension of Prohibition Order; section 23

Hazard Awareness Notices give formal notification that a hazard exists and draws attention to the desirability of remedial action. It is normally used for less serious Category 2 hazards or in the case of owner-occupied property but may also be used for more serious Category 1 hazards where remedial action is not practicable or where informal advice is being acted upon. The notice does not have to be acted upon and consequently there is no provision for appeal. However, service of the notice does not prevent further formal action should an unacceptable hazard remain.

Improvement Notices require remedial works within a specified time and must as a minimum remove the Category 1 hazard but may extend beyond this. An appeal can be made to a residential property tribunal within 21 days from service of the notice.

Prohibition Orders may prohibit use of all or part of a dwelling, or use by a description of persons, e.g., those aged under 5 or over 60. An appeal against a prohibition order can be made to a residential property tribunal within 28 days from service of the order.

- Improvement Notices and Prohibition Orders may be suspended until a specified time or event.

Failure to comply with the requirements of an Improvement Notice or Prohibition Order is an offence for which the recipient of the notice can be prosecuted. The Council can also carry out the works themselves if reasonable progress is not made and recover their reasonable costs.

- 8.2 An Improvement Notice will provide the most appropriate action for most Category 1 hazards; repair or renewal is generally cost effective because of the high value of property in East Herts. However, Prohibition Orders may be required on part or all of a dwelling, e.g., to reduce overcrowding, or where there is inadequate natural lighting or there is no protected means of escape in case of fire from the top floor.

9. Emergency Measures, Demolition and Clearance

- 9.1 As an alternative to the notices and orders listed above, the Act also provides for the following options to deal with **Category 1** hazards:

Emergency Measures	When this action may be taken
Emergency Remedial Action Section 40	<p>When the Council is satisfied that a Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers of those or any other residential premises and no management order is in force under Chapter 1 or 2 of Part 4 of the Act.</p> <p>May be taken by the authority in respect of one or more Category 1 hazards on the same premises or in the same building containing one or more flats.</p> <p>The action will be whatever remedial action the Council considers necessary to remove an imminent risk of serious harm.</p> <p>This is likely where the Council considers it is immediately necessary to remove the imminent risk of serious harm, there is no confidence in the integrity of any offer made by the owner to immediately address the hazard, and the imminent risk of serious harm can be adequately addressed through remedial action to negate the need to use an</p>

	<p>emergency prohibition order.</p> <p>If this action is taken a notice will be served within 7 days of taking the emergency remedial action, detailing the premises, the hazard, the deficiency, the nature of the remedial action, the date action taken, and rights of appeal.</p>
Emergency Prohibition Orders Section 43	<p>When the Council is satisfied that a Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers of those or any other residential premises and no management order is in force under Chapter 1 or 2 of Part 4 of the Act.</p> <p>May be taken by the authority in respect of one or more Category 1 hazards on the same premises or in the same building containing one or more flats.</p> <p>The order specifies prohibitions(s) on the use of part or all of the premises with immediate effect.</p> <p>This is likely where the imminent risk of serious harm cannot be adequately addressed through the use of emergency remedial action for whatever reason.</p> <p>Where this action is taken the Council will, if necessary, take all reasonable steps to help the occupants find other accommodation when the tenants are not able to make their own arrangements.</p>
Other Measures	When this action may be taken
Demolition Orders Section 46 of the Housing Act 2004, and Part 9 of the Housing Act 1985	<p>When the Council is satisfied that a Category 1 hazard exists in a dwelling or HMO which is not a flat, and a management order is not in force, or in the case of a building containing one or more flats where the Council is satisfied that a Category 1 hazard exists in one or more of the flats contained in the building or in any common parts of the building.</p> <p>When the Council is satisfied that a Category 2 hazard exists in a dwelling or HMO which is not a flat and a management order is not in force. In the case of a building containing one or more flats the Council is satisfied that a category 2 hazard exists in one or more of the flats contained in the building or in any common parts of the building, and the circumstances of the case are circumstances specified or described in an order made by the Secretary of State. At the time of writing this policy, no such order has been made.</p>

	<p>This course of action will only be taken where a Neighbourhood Renewal Assessment has been carried out and this determines that this is the most appropriate action. They are not appropriate for listed buildings, and the Council would take into account the availability of suitable accommodation for rehousing the occupants, the demand for and sustainability of the accommodation if the hazard was remedied, prospective use of the cleared site, and the impact on the neighbourhood.</p>
<p>Clearance Areas Section 47 of the Housing Act 2004, and Part 9 of the Housing Act 1985</p>	<p>May be declared when the Council is satisfied that each of the residential buildings in the area contains a Category 1 hazard and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area.</p> <p>May be declared when the Council is satisfied that the residential buildings in an area are dangerous or harmful to the health or safety of the inhabitants of the area as a result of their bad arrangement or the narrowness or bad arrangement of the street and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area.</p> <p>May be declared when the Council is satisfied that each of the residential buildings in the area contains a Category 2 hazard and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area and the circumstances of the case are circumstances specified or described in an order made by the Secretary of State. At the time of writing this policy, no such order has been made.</p> <p>This course of action will only be taken where a Neighbourhood Renewal Assessment has been carried out and this determines that this is the most appropriate action, having regard to a range of considerations including the degree of concentration of dwellings containing serious and intractable hazards in the area, the proportion of sound premises which will also need to be cleared, and the presence of listed buildings.</p>

10. Tenure

- 10.1 In considering the most appropriate course of action, the Council will have regard to the extent of control that an occupier has over works required to the dwelling. It is usually the owner's responsibility to carry out works to reduce or eliminate hazards. Action can be taken against an owner-occupier but as owner-occupiers have control over any hazards in the home and tenants in the main do not, most enforcement action will involve requiring a private landlord or

Registered Social Landlord (Housing Association) to carry out works.

- 10.2 Where we have identified hazards and the Registered Social Landlords have a programme of works to make their stock decent, the officer will liaise with the landlord over any works necessary to deal with Category 1 and 2 hazards in advance of the planned improvements.
In particular, with the Space and Crowding hazard, account will be taken of the availability of suitable alternative accommodation and the priority given for alternative accommodation for tenants living in overcrowded conditions which are the subject of a Category 1 or high Category 2 hazard.
- 10.3 With owner – occupiers, in most cases they will not be required to carry out works to their own home, and a Hazard Awareness Notice is likely to be the most appropriate action.
- 10.4 However, the Council may in certain circumstances require works to be carried out, or to use Emergency Remedial Action, or serve an Emergency Prohibition Order, in respect of an owner – occupied dwelling. This is likely to be where there is an imminent risk of serious harm to the occupiers themselves or to others, or where the condition of the dwelling is such that it may adversely affect the health and safety of others outside the household. This may be because of a serious, dangerous deficiency at the property, or for example to carry out fire precaution works to a flat on a long leasehold in a block in multiple occupation.
- 10.5 An Improvement Notice or Prohibition Order may be suspended until a time or event specified, and in some cases, of any tenure, may be more appropriate than a Hazard Awareness Notice. Typically the event will be a change of occupancy. For example, an Improvement Notice may be suspended at the wishes of an elderly occupier who does not want the disturbance of extensive works, or where a member of the vulnerable age group is not present. The notice might require an owner to notify the Council of a change of occupancy to ensure that the notice can be reviewed.

11. Category 2 hazards

- 11.1 There are discretionary powers to deal with Category 2 hazards, but resources will not allow all to be dealt with. Generally, these hazards will only be dealt with
- where the hazard score exceeds the national average by more than 2 bands, or
 - where the hazard band is D or E (i.e. the higher Category 2 bands), or
 - where a number of hazards at Band D or below appear, when looked at together, to create a more serious situation, and
 - with regard to the Council's priorities to protect health and well being, particularly of the vulnerable. In particular, hazards relating to physiological requirements and protection against infection are more likely to be dealt with in this way.
- 11.2 Each case will be considered on its merits. Where appropriate, action outside these guidelines may be authorised by the Environmental Health Manager.

12. Level to which Hazards are to be Improved

- 12.1 Where an improvement notice is served, the Council will generally require works to prevent a recurrence of the hazard within five years.
- 12.2 Section 11 of the Housing Act 2004 requires only that where there is a Category 1 hazard, the works specified must reduce the hazard to a Category 2. However, the Council will generally seek to specify works which, whilst not necessarily achieving the ideal, will achieve a significant reduction in the hazard level, if possible to the national average or below if the national average is D or above. The Council will try to ensure that any works required to mitigate a hazard are carried out to a standard that prevents building elements deteriorating.

13. Content of Notices

- 13.1 Generally, the notice will explain:-

- what is wrong (the deficiencies)
- what is required to put things right
- the timescale in which to put things right
- what will happen if the notice is not complied with
- the appeal period and the address of the relevant Residential Property Tribunal that would hear the appeal.

All notices and orders will be accompanied by a statement of the reasons for choosing that course of action.

14. House in Multiple Occupation (HMO) Licensing

- 14.1 An HMO is a building or part of a building occupied by more than one household as their only or main residence, and there is some sharing or lack of basic amenities, and includes houses containing bedsits, hostels, and shared houses. A full definition is given under section 254 and Schedule 14 Housing Act 2004.
- 14.2 HMOs of three or more storeys, with five or more occupiers require a licence. HMOs owned by RSLs, the Police, Health Authorities and certain other organisations are exempt, as are certain buildings properly converted into flats.
- 14.3 The Council will require the licence application to be accompanied by a fee fixed by the Council. The fee takes into account all costs incurred by the Council in carrying out their HMO licensing functions, and the Act permits certain costs incurred in carrying out functions in relation to Interim and Final Management Orders to also be taken into account. The fee structure is attached at Appendix 2.
- 14.4 The Council will publish its scale of charges for HMO licensing each year. These recognise the increased cost to the Council where intervention is required to initiate and progress the application, and so offers a reduced fee where the application is made pro-actively.
- 14.5 Licences will be granted where the house is reasonably suitable for occupation

as an HMO, or it can be made so suitable by the imposition of conditions, the management arrangements are satisfactory, and the licensee and manager are fit and proper persons. The applicant must be the most appropriate person to hold the licence. A member of the Environmental Health service will normally visit before licensing an HMO, to assess compliance with the licensing requirements and the number of people the HMO should be licensed for.

- 14.6 The Council is required to assess whether the applicant and any manager and any person associated with them or formerly associated with them³ are fit and proper people to own or manage an HMO.
- 14.7 A person will generally be considered fit and proper if the Council is satisfied that:
- they have no unspent convictions⁴ relating to offences involving fraud, dishonesty, violence or drugs, or sexual offences
 - they have no unspent convictions relating to unlawful discrimination on grounds of sex, race, or disability
 - they have no unspent convictions relating to housing or landlord and tenant law
 - they have no unspent convictions for breaches of planning, compulsory purchase, environmental protection or other legislation enforced by local authorities
 - they have not been refused an HMO licence, been convicted of breaching the conditions of a licence, or have acted otherwise than in accordance with the approved code of practice under section 233 of the Act within the last five years
 - they have not been in control of a property subject to an HMO Control Order, an Interim Management Order (IMO) or Final Management Order (FMO) or had work in default carried out by a local authority.
- 14.8 Licences will normally be valid for five years from the date the licence was required i.e., from when it first became a licensable HMO with the current owner. Where an HMO has been operating without a licence we will, depending on the circumstances, normally give the opportunity to apply for a licence before considering formal action in the form of a Simple Caution or prosecution. The minimum period of such a licence will normally be two years. If the landlord has pro-actively approached the Council for a licence an informal approach will be adopted so long as the application is subsequently duly made within 21 days. Exceptional circumstances that have resulted in an application not being made will be considered by the Environmental Health Manager.
- 14.9 Licences will specify the maximum number of occupiers or households. The occupancy number will depend on the number and size of rooms and the kitchen and bathroom facilities.
- When assessing the number of households and occupiers regard will be had to the prescribed standards and the good practice guide developed by East Herts

³If a person associated or formerly associated with the applicant or any manager, has done any of the things stated above, the Council will only take these issues into account if they are relevant to the applicant or manager being a fit and proper person to manage the house.

⁴ A conviction where the penalty is a fine is spent after five years.

Council in partnership with other Herts and Beds authorities.

- 14.10 We will aim to issue draft licences within seven months of a full application. During this time we will carry out checks that the applicant and any manager are fit and proper persons, and will normally inspect the property, consult with the Fire Service if fire safety improvements are necessary, produce draft licence, conditions and any other schedules of work, and liaise as appropriate. Applicants should include all required documentation to support their application. A full licence application must include:
- the completed application form
 - the appropriate fee
 - two passport type photographs, and
 - a copy of the tenancy agreement.

Where plans are not provided, the council will normally produce and charge for these. Where the other required documentation, such as gas or electrical safety inspection certification, or automatic fire detection or emergency lighting commissioning certification are not provided, these will generally be required through a condition on the licence.

- 14.11 A draft licence must be served on all interested parties, allowing at least fourteen days for representations before granting the actual licence.
- 14.12 HMOs will be prioritised for assessment under the Housing Health and Safety Rating System within five years of the licence being granted. However, subject to available resources, we aim to carry out all such assessments within two years of the licence being granted, and in many cases will do so before granting the licence. When the licence is issued information will be made available to applicants to help them identify and deal with Category 1 hazards.
- 14.13 The Council may serve a Temporary Exemption Notice (TEN) where a landlord is, or shortly will be, taking steps to make an HMO non-licensable. A TEN can only be granted for a maximum period of three months. A second three-month TEN can be served in exceptional circumstances. Where a licensable HMO is not licensed, and no application for a licence has been made, the landlord cannot serve notice to quit until the HMO is licensed.
- 14.14 Where a landlord fails to license a licensable HMO, or knowingly permits another person to occupy a licensed HMO and this results in the house being occupied by more households or persons than is authorised by the licence, or fails to comply with a licence condition, the Council can take a prosecution case to the Magistrates Court. On conviction for failure to license, the appropriate Tribunal, currently the Residential Property Tribunal (RPT), has the power to make a Rent Repayment Order requiring that up to twelve months' rent is repaid to the tenant, or to the Council where a tenant is on housing benefit. The licensee has a right of appeal to the RPT against refusal to license, licensing conditions and the maximum number of occupiers or households specified on the licence.
- 14.15 Where a landlord is convicted for failure to license and the rent is paid as Housing Benefit, the Council will apply to the RPT for a Rent Repayment Order (RRO) for twelve months' Housing Benefit or for the period since the landlord

was required to license the HMO. We will provide tenants not on housing benefits with information on how to apply. The Environmental Health Manager will consider any exceptional circumstances where the Council should not seek an RRO.

- 14.16 Where there is no prospect of an HMO being licensed, the Act requires that the Council use its Interim Management powers. This enables the Council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. This may be followed by a Final Management Order for a further five years. The Council intends to appoint a preferred partner to manage HMOs subject to management orders.
- 14.17 If the Council finds that there has been a change of circumstances in an HMO since it was licensed, it has the power to vary the licence. Rather than risk prosecution for breach of licence conditions, the licence holder should apply for a variation should circumstances change that may affect the licence conditions. If there is a serious breach or there are repeated breaches of the licence conditions, or the licensee or manager are no longer fit and proper persons, the licence can be revoked. The licence can also be revoked if the property is no longer a licensable HMO or if the condition of the property means it would not be licensable were an application made at the later time.
- 14.18 Breaches of licence conditions will be investigated in line with current enforcement objectives and priorities, and each case will be judged on its own merits. Informal action will normally be taken in relation to minor breaches of licence conditions, for example not producing certificates on time, as long as the breaches have not significantly affected a person's health, safety or welfare. Formal action will be considered where there have been serious and/or persistent breaches of licence conditions.

15 Discretionary Licensing

15.1 Selective Licensing of Privately Rented Housing

Sections 79-81 of the Housing Act provide for the introduction of a scheme of selective licensing of private landlords in a local authority area for a period of up to five years. It is intended to address significant impact of poor quality private landlords and anti-social tenants.

In an area subject to selective licensing, all private landlords must obtain a licence and achieve acceptable management standards, or risk enforcement action.

Many of the provisions are similar to those for mandatory and discretionary licensing of HMOs.

15.2 Additional HMO Licensing

Councils also have discretion to introduce additional licensing of types of HMOs which are not subject to mandatory licensing, including poorly converted self-contained flats (also known as section 257 HMOs after the section in the Act which defines them).

Selective licensing of privately rented housing, and additional HMO licensing schemes are aimed at dealing with situations that cannot be improved by any other means.

Councils have to consult with landlords before introducing additional HMO or selective licensing, and to publicise the scheme.

No areas in East Herts have been identified as so problematic as to warrant the introduction of these additional tools, and therefore the Council has no current plans to consult on the introduction of selective or additional licensing schemes.

16 Management of HMOs

- 16.1 HMO Management Regulations place duties upon the manager of an HMO. These require HMOs to be kept in a reasonable state of repair, all installations and appliances (including those for fire safety) to be in good working order and the common parts to be kept clean and in a reasonable state of decoration. Landlords and managing agents should comply with these regulations at all times. Failure to do so may result in prosecution and a fine of up to £5000 for each offence.
- 16.2 There is no provision under the Regulations for the service of a notice prior to prosecution. Therefore whilst the Council will generally inform the landlord and manager of breaches it becomes aware of, in accordance with the general principles of this enforcement policy, it may, depending on the severity and circumstances, directly institute legal proceedings.

17. Tests as to suitability for multiple occupation

- 17.1 The HMO Management Regulations will apply to all HMOs, whether or not they require a licence. The Housing Health and Safety Rating System (HHSRS) applies to all dwellings.
- 17.2 There are nationally prescribed standards (relating to facilities such as bathrooms, cooking facilities etc) by which the Council will judge whether an HMO requiring a licence is reasonably suitable for occupation by a particular maximum number of households or persons. Section 65 of the Act allows authorities to decide that an HMO is not reasonably suitable even if it does meet those minimum standards. Councils can adopt their own standards in addition to the nationally prescribed standards.
- 17.3 East Herts Council became concerned that the standard it adopted under the 1985 Housing Act may have prevented certain otherwise acceptable HMOs from becoming licensed as a result of the space it required in bedrooms. As the Council recognises the importance of this type of affordable accommodation in the area, and the prospective tenant is able to make a judgement about the adequacy of room sizes when deciding to take up the tenancy, the Council reviewed its amenity standards for all HMOs in January 2007.
- 17.4 A standard has been drawn up in conjunction with other authorities in Hertfordshire and Bedfordshire. This is attached at Appendix 3. This may be

subject to slight change from time to time in order to achieve consistency with neighbouring authorities, but it is proposed that the Council will have regard to this standard when determining the suitability of an HMO for licensing. It will also apply to HMOs not subject to licensing in conjunction with an HHSRS assessment, in particular, but not exclusively, when considering overcrowding.

- 17.5 Whilst local authorities are responsible for implementing mandatory licensing of HMOs and assessing the fire safety risks in all dwellings under the Housing Health and Safety Rating System, the Hertfordshire Fire and Rescue Service also have responsibilities under the Fire Safety Order 2005 for fire safety in common (shared) parts of HMOs. An agreement has therefore been drawn up between the Hertfordshire Fire and Rescue Service and the Hertfordshire local authorities for joint working to secure fire safety in HMOs. A guide has also been produced, attached at Appendix 4, to help landlords meet the standards of fire precautions normally required in various types of HMO, without the need for intervention by the local authority. The Council will however carry out an HHSRS assessment when determining actual legal requirements for each specific dwelling, and the requirements may therefore vary from the guide depending on the circumstances. The guides may be downloaded from the Council's website or obtained from our Environmental Health Service.

18 Planning and HMOs

18.1 Definition of HMO under Planning Laws

For Development Control purposes, the Town and Country Planning (Use Classes) Order 1987 (as amended) defines different use classes. Planning permission is normally required to change to an HMO with more than six occupants.

- 18.2 Generally, the change of use between family dwellings (Use Class C3) and small houses in multiple occupation of between three to six persons (Use Class C4) does not need planning permission unless the area is covered by an 'Article 4 Direction'. However, there are occasional circumstances (where we have withdrawn 'permitted development' rights for example) when permission will be required, and therefore you are advised to contact the Council's Development Management Team for confirmation in this respect prior to effecting any change.

18.3 Article 4 Directions

Article 4 Directions require landlords to gain planning permission before converting a house into a Class 4 HMO. Some Local Authorities have introduced Article 4 Directions as a means of restricting the proportion of HMOs in an area, where the area would benefit from tighter controls, such as in conservation areas, or areas experiencing problems such as anti-social behaviour, noise nuisance, untidy neighbourhoods and rogue landlords.

- 18.4 This tool is not currently thought necessary in East Herts, so the Council has no plan to consult on and implement an Article 4 Direction. This recognises the increasing need for affordable shared housing.

19. Summary of Actions in relation to HMOs and Empty Homes

Offences in relation to the Licensing of HMO's Section 72	Action may be taken for the offence of operating an HMO without a licence or for failing to satisfy the conditions of the licence without reasonable excuse. This may take the form of revocation of a licence and/or prosecution.
Offences in relation to the Selective Licensing of HMO's Section 95	Action may be taken for the offence of operating an HMO without a selective licence where required or for failing to satisfy the conditions of the licence without reasonable excuse. This may take the form of revocation of a licence and/or prosecution. However, the Council has not currently identified a need for the introduction of Selective Licensing.
Rent Repayment Order Sections 73 & 96	Where an HMO is operating without a licence or a selective licence where one is required, and notice has not been received to notify the local authority that particular steps are being taken to no longer require the house to be licensed, the Council may make an application to the Residential Property Tribunal for a rent repayment order with respect to the repayment of housing benefit.
Interim Management Order Section 102	<p>Where an HMO requiring a licence is operating without a licence, or the licence has been revoked but the revocation is not yet in force or, on coming into force the revocation will mean that the health and safety condition will be satisfied, the local authority has a duty to make an Interim Management Order.</p> <p>Where the health and safety condition is satisfied within a property that is not required to be licensed, on application to the Residential Property Tribunal, the Council may make an Interim Management Order (IMO). The health and safety condition is met where it is necessary to make an IMO to protect the health, safety or welfare of residents or others.</p>
Special Interim Management Order Section 103	Where a house, occupied under a single tenancy or licence, is in an area experiencing a significant and persistent problem of anti-social behaviour and the landlords, who have let the premises, are failing to take action to combat the problem <i>and</i> the health, safety and welfare of the occupiers or visitors is at risk, the local authority may apply to the Residential Property Tribunal for a special interim management order.
Final Management Order (FMO) Section 113	<p>Must be made to replace an interim management order on the date the house would be required to be licensed but the Council consider they are unable to license it.</p> <p>If not required to be licensed, the FMO may be made on the date the interim management order expired, for the purpose of protecting the health, safety and welfare of the</p>

	occupying persons or others affected.
Interim Empty Dwelling Management Order (EDMO) Section 133	Where a dwelling has been wholly unoccupied for a period of at least 2 years and is causing a nuisance, there is no reasonable prospect that the dwelling will become occupied unless an interim EDMO is made, the Council has made reasonable efforts to notify the proprietor of the dwelling and to ascertain what steps are being taken to occupy that dwelling, the Council may apply to the Residential Property Tribunal for an interim EDMO. Complaints about the dwelling may indicate necessary community support for the proposal.
Final Empty Dwelling Management Order (EDMO) Section 136	The local authority may make a final EDMO to replace an interim EDMO, where: <ul style="list-style-type: none"> the dwelling is likely to become or remain unoccupied; they have taken all such steps as were appropriate for securing the occupation of the dwelling; and they have taken into account the interests of the community and the effect that the order will have on the rights of the relevant proprietor and the rights of third parties.
Overcrowding Notice Section 139	Where no IMO or FMO is in force, and the HMO does not require a licence, the local authority may serve an overcrowding notice on one or more relevant persons if, having regard to the rooms available, it considers that an excessive number of persons is being or is likely to be, accommodated in the HMO concerned.

20. Other Enforcement Actions for Empty Homes

20.1 In addition to the actions under the Housing Act 2004 there are other enforcement actions the Council may choose to take to help bring empty homes back into use. There are three enforcement routes that may be used (in addition to the Empty Dwelling Management Orders listed above). These are:

- improvement works
- enforced sale, and
- compulsory purchase

Any enforcement action aimed at bringing empty property back into use will only be used when repeated attempts to encourage the owner of an empty property to bring it back into use voluntarily have failed. When considering enforcement options for empty homes, each case will be assessed on its merits and will only be recommended for enforcement action where there are clear benefits to the neighbourhood or where it could address a housing need.

21. Improvement Works for Empty Homes

21.1 In many cases the powers that can be used to require improvements to an empty home rest with other services within the Council and will be covered by the appropriate services enforcement policies. Any action taken under powers available to this service will be taken in accordance with the staged approach to enforcement above. The following table shows the problem identified, main

legislation that may be used to require improvements, and the action required of the owner. These powers are not restricted to empty homes, however the powers under Part 1 of the Act to remedy hazards will often not be appropriate for empty homes, unless occupation seems likely.

21.2

<u>Problem</u>	<u>Legislation</u> <i>(Service, where not Environmental Health)</i>	<u>Action required</u>
Dangerous or dilapidated buildings	Building Act 1984, section 77 and 78 <i>(Building Control)</i>	Requires the owner to make the property safe and/ or enables the Local Authority to take emergency action to make the property safe
Property in such a state as to be a nuisance (e.g. causing dampness in adjoining property) or prejudicial to health	Environmental Protection Act 1990, section 79	Requires the owner to take steps to abate the nuisance
	Building Act 1984, section 76	Enables the Local Authority to take emergency action to abate the nuisance
Unsecured property posing a risk of unauthorised entry or likely to suffer vandalism, arson or similar	Local Government (Miscellaneous Provisions) Act 1982, section 29 <i>(Building Control)</i>	Requires the owner to take steps to secure the property or allows the Local Authority to board it up in an emergency
	Building Act 1984, section 78 <i>(Building Control)</i>	Allows the Local Authority to fence off the property
Blocked or defective drains or private sewers Blocked or defective drains or private sewers (continued)	Local Government (Miscellaneous Provisions) Act 1976, section 35	Requires the owner to address obstructed private sewers
	Building Act 1984, section 59	Requires the owner to address blocked or defective drains
	Public Health Act 1961, section 17	Requires the owner to address defective drains or private sewers
Vermin either present or a risk of attracting vermin that may detrimentally affect peoples health	Prevention of Damage by Pests Act 1949, section 4	Requires the owner to take steps to clear the land of vermin and/or requires the owner to remove waste likely to attract vermin
	Environmental Protection Act 1990, section 79	
	Public Health Act	

	1936, section 83	
Unsightly land or property affecting the amenity of the area	Public Health Act 1961, section 34 (<i>Contract Services</i>)	Requires the owner to remove waste from the property
	Town and Country Planning Act 1990, section 215 (<i>Development Control</i>)	Requires the owner to address unsightly land or external appearance of the property
	Building Act 1984, section 79 (<i>Building Control</i>)	Requires the owner to address the property adversely affecting the amenity of the area through its disrepair

22. Enforced Sale

- 22.1 The Law of Property Act 1925 gives Local Authorities the power to sell properties in order to recover a debt secured against that property. This power can be used where a debt has been incurred for example following works undertaken to an empty home in the owners default.

23. Compulsory Purchase

- 23.1 The Housing Act 1985, section 17 allows the Local Authority to acquire under-used or ineffectively used property for residential purposes if there is a general housing need in the area.
In addition section 226 of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) allows Local Authorities to acquire land or buildings if acquisition will allow improvements or redevelopment to take place.
- 23.2 Compulsory purchase will be used only as the enforcement route of last resort for returning empty homes to use.

24 Overcrowding

- 24.1 The legislation relating to overcrowding is complex. In the Housing Act 1985, a dwelling is statutorily overcrowded if the number of persons sleeping in it exceeds a permitted number, based on the room or space standards contained within Part 10 of the Act.
- 24.2 The HHSRS Operating Guidance describes 'Crowding and Space' as a hazard associated with lack of space within a dwelling for living, sleeping and normal family/household life, and refers to the 'Bedroom Standard' as a guide.
- 24.3 Councils may choose to enforce the low, prescriptive standard in Part 10 of the Housing Act 1985, but are encouraged to follow the HHSRS Enforcement Guidance to enforce Part 1 of the Housing Act 2004.

- 24.4 When considering appropriate action, officers will refer to the Enforcement Guidance and to the LACORS guidance for local authorities on 'Regulation of Crowding and Space in Residential Premises' published June 2009. The LACORS guidance stresses the need for such action to be proportionate, having regard to the impact, such as potential displacement into temporary accommodation and lack of alternative housing supply. The hazard of 'Crowding and Space' has not been identified as a local priority for action. Action will be prioritised on those hazards with the most serious impact.
- 24.5 Where HMOs are licensed, overcrowding is controlled by specifying in the licence the maximum number of occupiers or households allowed to occupy the HMO. Powers to deal with overcrowding in HMOs which do not need to be licensed are contained in section 139 of the Housing Act 2004 (as amended). The HMO space standards used to decide whether an HMO is overcrowded are contained in the Council's Amenity Standards for HMOs.

25 Restoration of Supplies

- 25.1 Section 33 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Local Government and Housing Act 1989, gives Local Authorities the discretionary power to reconnect gas, electricity or water supplies upon the written request of a tenant, where they are satisfied that they are likely to be or have been disconnected as a result of the landlord's failure to pay his/her account.
- 25.2 The local authority may recover the cost (normally the reconnection fee and first invoice to the statutory undertaker) by collecting rent after having served Notice on the occupiers as a civil debt or as a charge against the property.
- 25.3 This is viewed as an emergency approach to deal with an immediate problem, and will only be considered where the households affected contain a person or persons deemed to be at risk, e.g., elderly, person(s) with disabilities, containing small children, or person(s) in ill health.
- 25.4 If none of the households fall within these "at risk" groups, they will normally be advised to become the registered consumer. In the case of an HMO, the Management Regulations may be used to require the provision of individual supplies

26 Accreditation Schemes

- 26.1 The Council has no current plans to introduce a landlord accreditation scheme. Such schemes are most suited to areas of low demand or in University towns, and when a local scheme was proposed to East Herts landlords through our Private Rented Sector Forums some years ago, there was very little support for its introduction.
- 26.2 There are now other landlord accreditation schemes in existence to encourage and acknowledge good standards of privately rented accommodation.

- 26.3 The Council seeks to recover costs of licensing through its fee structure. Whilst the Council acknowledges the benefits of landlords joining a recognised accreditation scheme, there is no evidence that this would reduce the cost of the licensing process, and therefore does not currently offer a fee reduction on this basis.

27. Non - Compliance

- 27.1 Where notices are not complied with, the Council will normally use its powers to prosecute and to carry out the work in the owner's default, reclaiming the costs. Administration costs to cover officer time and council costs will be added to the works cost. Prosecution will generally be the preferred initial option, unless the Head of Community Safety and Health Services considers that there is an urgent need for the works to be carried out to protect the health and safety of the tenant.

28. Simple Cautions

- 28.1 Under certain circumstances, a simple caution may be used as an alternative to prosecution and will usually be considered before making a decision to prosecute. The procedure adopted and the form of content of the caution will be in accordance with current LACORS guidance and relevant Home Office Circular.

- 28.2 A caution is a serious matter. It may be used to influence any decision whether or not to prosecute should the individual, organisation or business offend again and it may be referred to in any subsequent court proceedings. Simple cautions remain on record for a period of 3 years. The decision whether to offer a caution will be made by the Head of Community Safety and Health Services in consultation with the Head of Legal.

- 28.3 Cautions are intended to:-

- deal quickly and simply with certain, less serious offences;
- avoid unnecessary appearance in criminal courts;
- reduce the chance of offenders re-offending.

- 28.4 Before issuing a caution the following conditions must be satisfied:-

- there must be evidence of guilt sufficient to give a realistic prospect of conviction;
- the offender must understand the significance of the formal caution and admit the offence by signing a declaration.

- 28.5 Where an individual chooses not to accept a caution the Council will normally prosecute.

- 28.6 In instances where a caution is accepted the risk assessment for the premises will be reviewed and the inspection frequency may be increased as a result of this.

- 28.7 The officer shall ensure that decisions to issue a formal caution are notified to all known interested bodies, including tenants, managers, freeholders, leaseholders and mortgagees.

29. Prosecution

- 29.1 The Council will use discretion in deciding whether to bring a prosecution and generally will only commence proceedings when to do so is considered to be in the public interest. The decision to pursue prosecution lies with the Director of Neighbourhood Services after consultation with the Head of Community Safety and Health Services, the Environmental Health Manager, and the Head of Legal.
- 29.2 Before deciding to prosecute there must be sufficient evidence for a realistic prospect of conviction, taking account of any defence that may be available. In certain circumstances prosecution without prior warning may take place.
- 29.3 The decision to prosecute will always take into account the criteria laid down in the Code for Crown Prosecutors issued by the Crown Prosecution Service. (www.cps.gov.uk)
- 29.4 The officer will ensure that decisions to prosecute and results of any legal proceedings are notified to all known interested bodies, including tenants, managers, freeholders, leaseholders and mortgagees.

30. Charges for Formal Action

- 30.1 Section 49 Housing Act 2004 gives local authorities the power to make a charge as a means of recovering certain reasonable expenses incurred in serving formal notices.
- A charge will normally be made where it has been necessary to take one of the enforcement actions listed from a) to i) below. However, particularly for Hazard Awareness Notices, matters such as the gravity of the hazard, response to informal requests for action, and previous non compliance will be taken into account when deciding whether to charge.
- a) serving an improvement notice under section 11 or 12
 - b) making a prohibition order under section 20 or 21
 - c) serving a hazard awareness notice under section 28 or 29
 - d) taking emergency remedial action under section 40
 - e) making an emergency prohibition order under section 43
 - f) making a demolition order under section 46
 - g) declaring a slum clearance area under section 47
 - h) reviewing a suspended improvement notice under section 17
 - i) reviewing a suspended prohibition order under section 26
- 30.2 The expenses are in connection with the inspection of the premises, the subsequent consideration of any action to be taken, and the service of notices or orders. The Council publishes its standard charge for serving Housing Act notices in its annual fees and charges summary. In addition to the standard charge, reasonable expenses may include specialist support, such as testing

of electrical installations. The Environmental Health Manager has discretion to waive or reduce the charge if there are exceptional or extenuating circumstances.

30.3 The Act does not make specific provision for charging for serving the following notices and orders, (although there may well be other costs to the owner associated with these actions):

- j) taking enforcement action for offences in relation to licensing of HMO's under section 72
- k) taking enforcement action for offences in relation to the selective licensing of HMO's under section 95
- l) applying for a rent repayment order under section 96
- m) making an interim management order under section 102
- n) making a special interim management order under section 103
- o) making a final management order under section 113
- p) making an interim empty dwelling management order under section 133
- q) making a final empty dwelling management order under section 136 or
- r) serving an overcrowding notice under section 139

31. Powers to require documents

31.1 Authorised officers have the power to require:

- documents to be provided to enable them to carry out their powers under the Housing Act 2004
- electrical and gas safety certificates to be provided for Houses in Multiple Occupation
- any person with an interest in a property to provide details about its ownership and occupation.

31.2 It is an offence not to produce the required information. Where information is not provided formal action will be considered, e.g., simple caution if appropriate or prosecution where there is sufficient evidence and it is in the public interest to do so.

32. Diversity

32.1 The Council is committed to equality of access to its services and aims to treat all people with dignity and respect. The overarching Environmental Health Enforcement Policy refers in more detail to the Council's Diversity and Equality Policy. Both policies are available on request and on the Council's website.

33. Provision for Particular Interests

33.1 Where possible, all documents will be produced in plain language and are also available on request in the relevant community languages, Braille, large type or on audiotape. Provision may also be made for the use of interpreters where appropriate.

34. Complaints

34.1 Where informal action has been taken which a person wants reviewed,

representations should be made to the case officer as soon as possible or within the time limits stated. We will endeavour to resolve the issue informally where possible. Where this is not possible, you will be informed what will happen if the informal request is not followed, for example service of a formal legal notice.

- 34.2 In most cases where formal legal action is taken there will be a statutory legal framework which should be followed for appealing any decision made by an officer. Anyone considering an appeal is encouraged to immediately discuss the matter with the officer concerned to see if the points of issue can be resolved without the need for a formal appeal where possible. This must be carried out before any time limits for an appeal expire otherwise the right to appeal may be lost.
- 34.3 Complaints about the way a case has been handled or the way an officer has acted may be made through the Council's corporate complaints system.

35. Data Protection

- 35.1 Personal data collected in the course of enforcement action, licensing and complaint investigations will be stored and processed in accordance with the Data Protection Act 1998. This Act gives individuals the right to know what data we hold on them, how we use it, with whom we share it, and for it to be accurate. It will be used for administering Council functions/services and may be shared in confidence with those organisations helping East Herts Council to provide such functions/services.

36. Glossary

- 36.1 **HHSRS**
Housing Health and Safety Rating System. Statutory system introduced by the Housing Act 2004, for assessing risk from 29 potential housing hazards.

Category 1 hazard

A significant hazard, scoring 1000 or more, and rated as Band A to C under HHSRS.

Category 2 hazard

A hazard scoring up to 999, rated as Bands D to J under HHSRS

House in Multiple Occupation (HMO)

Dwelling occupied by more than one household as their only or main residence, with some sharing or lack of amenities.

Licensable HMO

HMO with 3 or more storeys, and 5 or more occupiers, in 2 or more households.

LACORS

Formerly Local Authorities Coordinators of Regulatory Services, now Local Government Regulation – provides guidance to Local Authority regulatory

services.

TEN

Temporary Exemption Notice. The Council may allow a 3 month temporary exemption from HMO licensing. See Housing Act 2004 section 62.

RPT

Residential Property Tribunal. The current tribunal for hearing appeals against certain notices.

Simple Caution

Alternative to prosecution for some offences.

37. Review

- 37.1 This policy will be reviewed on a regular basis and, in any event, at least every five years. Formal enforcement actions considered under this policy will be monitored.

38. Have your say

- 38.1 Please tell us your views on the policy and include any comments or questions you have for us via email: environmental.health@eastherts.gov.uk OR use the space below and return to the following address: Environmental Health Service, East Herts Council, Wallfields, Pegs Lane, Hertford. Herts. SG13 8EQ

Name: (Optional)

Address: (Optional)

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For copies of this document in large print or another language, please call the council on 01279 655261 and ask to speak to Communications.

Appendix 1: Description of Hazards under the Housing Health and Safety Rating System

Appendix 2: Fee Structure for HMO Licensing

Appendix 3: Amenity Standards for HMOs

August 2013

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EAST HERTS COUNCIL

COMMUNITY SCRUTINY – 24 SEPTEMBER 2013

EXECUTIVE – 1 OCTOBER 2013

REPORT BY EXECUTIVE MEMBER FOR HEALTH, HOUSING AND COMMUNITY SUPPORT

THE EAST HERTS HOMELESS STRATEGY 2013-2018

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To present to Community Scrutiny and the Executive, for consideration and comment and recommend for consultation, the Council's new Homeless Review and Strategy 2013-18.

<u>RECOMMENDATIONS FOR COMMUNITY SCRUTINY:</u> That:	
(A)	the draft Homeless Strategy be considered and recommendations made to the Executive so that officers can consult on the document with external partners and stakeholders;
<u>RECOMMENDATIONS FOR EXECUTIVE:</u> that	
(B)	the comments of the Community Scrutiny Committee be received; and
(C)	the East Herts Homeless Strategy 2013-2018 be approved for the purposes of consultation.

1.0 Background

- 1.1 Under the Homelessness Act 2002 all local authorities are required to carry out a homeless review and to develop and publish a strategy based on the review every five years. East Herts published its first Homeless Strategy in July 2003, it's second in 2008 and is therefore due to publish the next review and strategy before the end of 2013.

2.0 Report

- 2.1 The Homeless Act 2002 places stronger duties on local authorities to assist homeless and potentially homeless people. One of the key aims of the Act is to ensure that housing authorities take a comprehensive and strategic approach to managing and preventing all forms of homelessness in their district.
- 2.2 The Council's last Homeless Strategy was adopted and published in July 2008 and the Council and its partners have made significant progress on providing and improving services to those people that are homeless or potentially homeless. The Strategy includes a section on the achievements, by the Council and its partners to improve the Homeless Services provided, since the last Strategy was adopted.
- 2.3 A lot has changed both locally and nationally since the last Homeless Strategy was adopted. The most significant recent changes that have an impact on homelessness have been as a result of the Localism Act 2012 and the significant Welfare Reform changes primarily affecting benefit eligibility. The Strategy provides more detail on the actual changes resulting from these two pieces of legislation which are likely to have a direct and indirect effect on homelessness.
- 2.4 A draft Strategy has been developed which is at **Essential Reference Paper "B"**. The Strategy has four Strategic Themes around which the Action Plan will be developed. The Action Plan will shape the emphasis of the Housing Options Team's work for the next five years. These are:
1. Prevent Homelessness through early intervention and targeted Housing Advice including mitigating the impact of welfare reform so that the risk of homelessness is reduced;
 2. Increase the role of the private rented sector for those in housing need, with better sustained tenancies;
 3. Increase the supply of appropriate, good quality affordable housing including the provision of supported accommodation;
 4. Continue to develop and strengthen partnership working to maximise the benefits to homeless households.

- 2.5 This draft Strategy will be updated following recommendations from this Committee and discussed at the Executive on 1 October 2013. The attached draft Strategy will be further updated with the recommendations from Executive and will then be published for consultation for four weeks. The document will be sent to our close partners, for example Registered Providers and CAB and will be published on our website.
- 2.6 Following the consultation the Strategy will be amended to take into account the responses from our partners and a revised Homeless Strategy 2013-2018 will be drafted. At this time an Action Plan will also be developed and included with the Homeless Strategy.
- 2.7 A report is then due to be brought back to Executive on 11 December for recommendation that the Homeless Strategy 2013-18 be adopted by the Council.
- 3.0 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 (delete as appropriate):	<p>People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p> <p>Prosperity This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic and social opportunities.</p>
Consultation:	<i>To be undertaken once comments from Community Scrutiny incorporated into the Strategy and Strategy is agreed by Executive for consultation.</i>
Legal:	<i>There is a legal duty to publish a Homeless Review and Strategy every 5 years.</i>
Financial:	<i>None</i>
Human Resource:	<i>None</i>
Risk Management:	<i>None</i>

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East Herts Council Homelessness Review and Strategy

2013-18

Draft 27/8/2013

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Foreword

By Councillor Linda Haysey, Executive Member for Health, Housing and Community Support.

At East Herts we recognise how important it is that everyone has a decent settled home and the devastating impact the lack of a home can have on every part of a person's life. Homelessness is a harmful and risky lifestyle and it is linked to wider social and health issues.

The development of our new Homelessness Strategy comes at a time of great change in housing, welfare and social policy.

Our Homelessness Strategy is part of a suite of integrated housing documents and its main objective is to meet housing needs and prevent homelessness. It is evidence based and has been developed in consultation with stakeholders. It sets out the causes of homelessness, wider housing needs, where we are now and considers the challenges and opportunities that will come forward in the next five years.

The strategy also outlines some significant achievements that we have been able to make since our last Homelessness Strategy was published.

The Council cannot tackle homelessness on its own and joint working is fundamental to the prevention of homelessness. It is recognised that the success of this Strategy depends on the skills, knowledge and expertise of a wide range of partner agencies from the public, Registered Providers (RPs), voluntary and private sectors. This Strategy has been developed with the assistance of our partner agencies. The Council would like to thank everyone who gave their time and contributed to this Strategy.

Executive Summary – To be completed

1. Introduction

The overall purpose of the Homeless Strategy (Strategy) is to ensure that as a Council we address homelessness strategically by ensuring suitable accommodation, support and advice is available and accessible to all client groups and to encourage a multi-agency approach to preventing homelessness.

East Herts Council has a statutory duty to address the needs of homeless households. This includes the provision of advice, prevention of homelessness and provision of alternative accommodation.

The key outcomes for the Council are:

- Preventing homelessness, wherever possible
- Providing skilled help at the point of homelessness
- Providing an accessible, modern and effective Housing Options response
- Developing effective partnerships, to respond successfully to housing need and homelessness.

Being homeless is epitomised by the rough sleeper who is living on the streets, but this group of people forms a relatively small proportion of all homeless households. Many homeless households are “hidden” as they may have access to some form of shelter some of the time, but lack a stable, long term, settled home. For others, there are frequent moves from one temporary accommodation or shelter to another (e.g. emergency accommodation, refuges, friend’s homes, ‘sofa surfing’) – people with no settled home.

What have we achieved since the 2008-2013 Strategy?

The Council is pleased to report on a number of really important successes as a result of the previous Homelessness Strategy which was published in 2008. These include:

- A comprehensive review of the Allocations Policy to take advantage of the freedoms offered by the Localism Act. This has enabled us to re-think the priority awards that are made to homeless households and to ensure that the Council takes the opportunities presented by the Localism Act.
- Minimal use of B&B, and only in an absolute emergency. This is against the picture of rising homelessness both nationally and locally.
- Re-development of our temporary accommodation into 11 units of self-contained, high quality accommodation.
- Increased efficiencies from development of an online housing register application process.
- Significant numbers of homelessness preventions achieved by a small dedicated team.
- Introduction of effective and integrated triage, meaning that good housing advice is provided on drop-in at the council offices, followed by case working those that threatened are with homelessness at both our Hertford and Bishop’s Stortford offices.

- Extension of our debt and money advice service in partnership with the Citizens Advice Bureau.
- Bringing Empty Homes back to use through Place Scheme Rent and Bond Deposit Scheme.
- In partnership with the County Council and Aldwyck Housing Association the development, in Hertford, of a 24 x 1 bed supported accommodation for young people from the ages of 16-25 including 4 mother and baby flats.
- Working in partnership with Herts Credit Savers to develop a more robust Rent Deposit Scheme to assist residents in housing need to access accommodation in the private sector.

2. National policy context

Since our last strategy, the national policy and financial context has changed dramatically. The environment in which we need to deliver homelessness prevention is now very challenging, partly as a result of the economic downturn post 2008 and partly as a result of government reforms to a range of key policies relating to welfare and housing.

a) Localism Act 2011

The Localism Act was given Royal Assent on 15 November 2011. The Localism Act lets councils decide:

- the types and lengths of tenancy that can be offered in social housing by introducing the fixed term tenancy which can be used instead of life time tenancies,
- how duties under the relevant Homelessness Act can be discharged, in particular the use of the private rented sector to discharge a Homelessness Duty where suitable,
- how to manage their housing registers by enabling councils to establish their own qualification criteria for who can be registered and therefore offered social housing.

b) Welfare Reform

The Government states that the aim of its welfare reform programme is to reduce the budget deficit, slow down growing benefit expenditure, increase fairness, increase work incentives and end benefit dependency. From April 2011 to date, the following changes have been introduced:

- Local Housing Allowance (LHA) calculated using 30th percentile of rents in the area. This means rents were previously calculated on the median (50th percentile) of rents in Broad Rental Market Area (BRMA). From April 2011 this changed to be calculated on 30th percentile of the BRMA. This will only be uprated by CPI from April 2013.
- Removal of 5-bedroom LHA rate. This was effective from April 2011 on new claims and changes of address.
- Introduction of caps for 1 to 4 bedroom rates. The national weekly caps currently stand at
 - £250 one bedroom
 - £290 two bedroom

- £340 three bedroom
 - £400 four bedroom
- Single people under 35 have, as from January 2012, only been able to claim LHA at shared accommodation rates. This was previously the rate allowed for under 25 year olds.
- From April 2013, property size restrictions for working-age people in social housing came into effect, bringing the same rules in that apply to private sector lettings. This requires under-occupiers of social housing properties to pay a charge for each bedroom in excess of their needs, taken as a reduction in benefit payable. This has affected over 700 households in social housing in East Herts.
- The introduction of the overall benefits cap, from July 2013 in East Herts, of £26,000 per annum for families.

Other significant changes that will come into force as a result of the reform to the welfare system include:

- Increase in non-dependant deduction charges (phased in between 2011 to 2014)
- Moving towards Universal Credit (2013 to 2017)

c) Supporting People

The Supporting People programme began on 1 April 2003, bringing together seven housing-related funding streams from across central government. The Supporting People provides funding for housing related-support services for vulnerable adults, including homeless people. Most hostels, supported housing projects and floating support services for homeless people receive funding from Supporting People.

From 2010 the government made it a wholly decentralised programme, administered through 152 top-tier authorities (Herts County Council for East Herts), who have complete discretion over where to direct their funds to best meet local needs.

d) Government Strategy

Tackling homelessness is a key priority outlined in the Government's Housing Strategy, 'Laying the Foundations, A Housing Strategy for England' (2011). The national strategy outlines the Government's commitment to homelessness prevention, meeting the needs of the vulnerable, managing the consequences of those made homeless and addressing rough sleeping.

In August 2012 CLG published "Making every contact count : A joint approach to tackling homelessness" with a view to ensuring wider responsibility for preventing homelessness. The document sets out 10 challenges for Local Authorities which are designed to ensure that homelessness prevention and support to vulnerable households is as effective as possible.

e) Public Health

The Health and Social Care Act 2012 contains various changes to the National Health Service, including the transfer of the majority of public health functions from Primary Care Trusts (PCTs) to local authorities. Public health is about helping people to stay healthy and avoiding ill health which improved housing can alleviate.

3. Local strategic links and policy context

Key documents have been taken into account in the development of this Strategy to ensure consistency across the Council and with our partners in other agencies. All the East Herts documents can be accessed from the Council's website at www.eastherts.gov.uk or by contacting the Strategic Housing Service on 01279 655261.

a) East Herts' Corporate Vision

This Homeless Strategy reflects the Council's Corporate vision:

To improve the quality of people's lives and preserve all that is best in East Herts.

The Council has developed six corporate priorities that it intends to achieve with its partners. The priority most relevant to this strategy is:

Promoting prosperity and well being: providing access and opportunities.

Priority: Enhance the quality of life, health and well being of individuals, families and communities, particularly those who are vulnerable.

The Council's Service Plans are the mechanism by which each service in the Council contributes to the Corporate Priorities.

b) Housing Strategy 2013-2016

The East Herts Housing Strategy has identified the following three strategic priorities:

1. **Maximise the delivery of a range of new affordable homes, whilst ensuring the best use of existing housing.** There is a significant affordability problem in the District. This is a result of many factors but predominantly due to high prices in comparison to income levels. This in turn is placing greater pressure on the existing affordable housing in the District. There is simply not enough affordable housing to meet the increasing need of the District's residents.
2. **Meeting the needs of a growing elderly population.** East Herts has an ageing population and it is projected that two thirds of the population growth anticipated in East Herts between 2006 and 2021 will be people aged over 65 years. This will have a significant impact on the provision of both housing and services, with accessibility and the suitability of houses being key factors
3. **Meeting the needs of vulnerable people and stronger communities.** Strong communities require effective approaches in terms of policies to promote inclusiveness, assist the vulnerable, increase safety and the perception of safety, and in ensuring the built environment and public space meet people's needs and aspirations. The County Council has specific duties with regard to vulnerable adults and children. However as one of their key strategic partners, we seek to work with them to develop future priorities for all the people in our local communities whether that be by directly providing accommodation or services, enabling or 'donating' an asset.

The Homelessness Strategy will complement and be consistent with the East Herts Housing Strategy and although the Homelessness Strategy will operate as a stand-alone document, both policies share a number of key objectives.

c) Tenancy Strategy

The Localism Act required Councils to develop and publish a Tenancy Strategy by January 2013. The strategy is to guide Registered Providers of social housing in the relevant area in formulating policies relating to:

- (a) the kinds of tenancies they grant,
- (b) the circumstances in which they will grant a tenancy of a particular kind,
- (c) where they grant tenancies for a term, the lengths of the terms, and
- (d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

Registered Providers are obliged to have 'due regard to' the strategy when developing their own tenancy policies. In East Herts, Registered Providers are currently looking at fixed / flexible tenancies lasting usually no more than 5 years.

d) East Herts Housing Register and Allocations policy

In May 2013 the Council implemented a new Allocations Policy which we believe provides a fairer and more transparent way of letting local social housing, which again is focused on mitigating the impact of welfare reform (particularly the bedroom subsidy) and promoting social inclusion.

4. Review of homelessness in East Herts

The first contact with the Council, for the majority of households in housing need, is a Housing Options interview with the emphasis on preventing homelessness and saving, if appropriate, the current home. Where prevention of homelessness is not possible, the emphasis is on providing the most effective and appropriate homeless service.

a) Homelessness

Part 7 of the Housing Act 1996 and the Homelessness Act 2002 place statutory duties on local housing authorities to provide assistance to people who are homeless or threatened with homelessness. Authorities must consider all applications from people seeking accommodation or assistance in obtaining accommodation. A main homelessness duty (see below) is owed where the authority is satisfied that the applicant is eligible for assistance, unintentionally homeless and falls within a priority need group.

Where a main duty is owed, the authority must ensure that suitable accommodation is available for the applicant and his or her household until a settled home becomes available for them. Where households are found to be intentionally homeless or not in priority need, the authority must make an assessment of their housing needs and provide advice and assistance to help them find accommodation for themselves.

Where the applicant is found to be intentionally homeless but falls in a priority need category the authority must also ensure that accommodation is available for long enough to give the applicant a reasonable opportunity to find a home.

The table below shows the number of homelessness presentations and acceptances over the last 3 years for East Herts.

	2010/11	2011/12	2012/13
Homeless applications	93	99	79
Homeless Acceptances	39	40	35
Percentage of acceptances against applications	42%	40%	44%

One of the ways that central government measures homelessness levels is looking at homeless acceptances per 1,000 head of population. The figure for Hertfordshire for 2012/13 was 2.40 acceptances per thousand population. Data for East Herts shows:

Year	Per 1000 head of pop _n
2011/12	0.71
2012/13	0.59

The main causes of homelessness locally, in order, are:

Cause of homelessness	Number during 2012/13	Percentage
Termination of assured shorthold tenancy	14	40%
Parents no longer willing or able to accommodate	5	14%
Non violent relationship breakdown	4	11%
Mortgage/rent arrears	3	9%
<i>Other reasons</i>	9	26%

As at the 31st March 2013, there were a total of 12 households in temporary accommodation. The breakdown of this as is follows:

Type of accommodation	Number
Bed & breakfast	0
Hostel inc women's refuge	7
Housing association stock	5
Private lease scheme	3
Other	12

b) Housing Advice

The Council's Housing Options approach is prevention focussed and that relies heavily on the residents of East Herts being able to access timely, high quality advice

and assistance to help them resolve their housing problems well before their situation reaches crisis point. The provision of advice, by the Council, is from both our Hertford and Bishop's Stortford offices by booked appointments and also via a drop-in service provided on a Monday in Hertford and Friday in Bishop's Stortford. In addition a number of our partner agencies provide advice across the district for example East Herts has a CAB in Hertford, Bishop's Stortford and Buntingford.

In 2012/13 the Council prevented homelessness for 276 households via advice and assistance. This was done through various initiatives including maximising benefits income, liaising with landlords, providing accommodation through our Housing Register or the provision of small loans to access the private sector.

In addition the Council funds a CAB Debt Advice worker who works from each of our offices for a total of 16 hours each week. This service sees applicants with priority debt issues. The majority of the work involves liaising with creditors, making payment arrangements for priority debts and maximising income for clients.

c) Housing Register

The Council is part of HomeOption, which provides our housing register and choice based lettings service for 5 local authorities – Broxbourne, Chelmsford, Uttlesford, Brentwood and East Herts. There are currently over 3,400 households registered for accommodation in the East Herts area. This can be broken down by bedroom requirements, as follows:

Bedrooms required	Number of applicants
One	2,021
Two	1,015
Three	322
Four or more	80
Total	3,438

Each year the Council has a number of lets available through nomination arrangements with housing associations. The number of lets over the last three years are:

673 lets during 2012/13
588 lets during 2011/12
468 lets during 2010/11

d) Rough Sleepers

The Communities and Local Government office has issued guidance that says Local Authorities should use local intelligence from partner agencies about the extent of rough sleeping in its area. Where this indicates that there are more than 10 rough sleepers in an area on any one night then they should carry out a full official count. The Council has monitored annually, since 2004, the number of rough sleepers in one particular week in October. The last count was October 2012 and four rough sleepers were identified in one night in one week. They were all single people aged 35 or less and were not in priority need for re-housing under current homeless legislation. The Council recognises that there are not many housing options for this client group other

than the private sector and has therefore consistently targeted its Rent Deposit Scheme at non-priority homeless people to prevent rough sleeping.

5. Likely future levels of homelessness

It is likely that the current and future national welfare benefit changes will have an impact on lower income households. Welfare spending is planned to reduce and there are a number of concerns for the future that arise from this; some are being seen already, such as:

- Single room rate extension to the under 35s,
- Difficulty in accessing private rented sector accommodation because of high demand, including demand from people who might have been expecting to access the owner occupation market.

Other concerns are from the likely impact of Universal Credit – due to come in October 2013. For those who rent privately, there is a concern that they may not be able to effectively set aside the rent element from their benefit each month and pay landlords rent due on time. This could lead to increased court action and increased threat of homelessness.

There are a number of other issues that will impact on the workloads of those working locally to tackle homelessness:

- Home ownership being increasingly out of reach for future generations and this will lead to increased demand for social / affordable housing,
- Increasing demands on the rented sector,
- Interest rates are low now but any upward changes will severely impact on owner-occupiers and could impact on buy to let landlords - who may either sell or seek higher rent levels - which could put the properties out of reach for those in receipt of Local Housing Allowance (LHA).

There is a concern that there will be increasing numbers of households making approaches for housing advice, looking to access more affordable housing locally and ultimately an increase in numbers of people threatened with homelessness. The Council needs to respond to this challenge, and the Homelessness Strategy sets out our plans for doing this.

With an expensive private rented market in East Herts there are key concerns around affordability especially in light of welfare changes including the cap on total benefits. The introduction of the affordable rent model has also seen a reduction in the affordable housing grant available from the Homes and Communities Agency (HCA) with a greater emphasis on housing associations delivering sites using their own resources and borrowing money secured against income from the Affordable Rent model. These changes are likely to have implications for many of our residents. Raising public awareness and helping people to prepare for these changes will be essential in order to prevent homelessness occurring.

6. Homeless provision locally

There are a range of services in place to assist those who are threatened with homelessness. Some of these can be accessed directly by the clients, others are on a referral basis from one of the client facing agencies. The main sources of advice and assistance are:

a) East Herts Housing Options Service

This is the statutory service provided by the council, providing free housing advice, homelessness prevention casework and assessment and provision under the homelessness legislation. The service is primarily based at the council offices in Hertford and also Bishop's Stortford.

A drop-in service is provided Monday mornings in Hertford and Friday mornings in Bishop's Stortford. Other than this the Housing Options staff can be accessed by telephone or via an appointment service. These interviews are used to prevent homelessness, work with clients to discuss other housing options and, where necessary to take formal homelessness applications and make enquiries into homelessness.

b) Citizens Advice Bureau

The CAB has offices in Hertford, Bishop's Stortford and Buntingford in the district. They provide advice and assistance to clients.

c) Herts Young Homeless

This group works with young people aged 16 to 25 who are threatened with homelessness. Staff from the group provide the first point of access to advice services, and carry out needs assessments. The group also has the ability to refer to social services where necessary. The focus of the work is prevention of homelessness, but also to ensure the Council's duty towards young people who are homeless is properly carried out.

7. Strategic themes

Being homeless is a harmful and risky lifestyle. It is linked to wider social and health issues. Anyone can become homeless but we can identify some of those at risk based on past history in East Herts:

- young people leaving care,
- people suffering from domestic violence,
- those with a mental health or substance misuse problem,
- those from troubled families,
- people on low incomes and those who are in debt.

The aim of the homelessness review has been to produce a picture of homelessness demand in East Herts and also of the provision of services and actual accommodation for homeless households. By doing this, we are able to identify areas that need to be tackled by the Homelessness Strategy.

As the national and local policy changes, which they are bound to over the five year life of this Strategy, the Council will continue to adapt and take opportunities as they arise.

The key themes for the 2013-18 Homelessness Strategy for East Herts Council are:

1. Prevent Homelessness through early intervention and targeted Housing Advice, including mitigating the impact of welfare reform, so that the risk of homelessness is reduced.

Whilst we have, over recent years, significantly reduced statutory homelessness in East Herts through prevention initiatives, demand for services is expected to increase as a result of welfare benefit reform. It is important to continue to review and improve existing support available to people who are at risk of becoming homeless.

What is happening already?

Wherever possible the Housing Options Team works with a household to prevent homelessness by providing direct advice and support or, where needed by liaising with appropriate external support agencies. The team gives advice on housing options, housing rights, applying for affordable housing, accessing the private rented sector, debt and welfare benefits advice and support and information on advocacy agencies that are available.

- **Citizens Advice Bureau Debt Advice Worker:** The Council funds a specialist money advice worker to work within the Housing Options Team for sixteen hours a week.
- **Homeless Prevention Fund:** The Council's Housing Options Officers have access to a fund that they can use to prevent homelessness. They have used this fund to pay for landlord renewal fees or to pay off small arrears thereby enabling a tenancy to be renewed or sustained.
- **Crash Pad and Mediation Service:** The Council has access to a crash pad mediation service for young people provided by the Herts Young Homeless Group (HYHG). The service provides emergency accommodation for young people with a host family whilst mediation is carried out to try to resolve the situation such that the young person can, if appropriate, return back home.
- **Home Visits:** In cases of homelessness the Housing Options Officers, where possible, carry out home visits, especially with family evictions, to ensure that both parties are clear about what homelessness actually means. In this way we can sometimes prevent homelessness. However if the breakdown cannot be reconciled we can negotiate and provide assistance for a planned move so preventing a crisis situation.

What we want to do

We want to continue to develop a range of Housing Options that are homeless prevention focussed. To do this we will continue to monitor the causes of homelessness within East Herts, monitor the effectiveness of our current options and research best practice to develop new options that are appropriate.

We want to improve communication with our residents about the services we and our partners provide, by marketing and the production of additional advice leaflets and online services, to ensure everyone in East Herts can access timely, high quality advice and assistance to help them resolve housing problems well before their housing problems reach crisis point.

We are continually looking to improve local services and are interested in what the CLG sponsored “gold Standard” can contribute in doing this. The Gold Standard is a CLG sponsored programme, focusing on a 10 step continuous improvement approach that starts with the pledge for local authorities to “strive for continuous improvement in front line housing services” and culminates in an application for the Gold Standard Challenge. The standard itself is based around the report from the Ministerial Working Group on Homelessness – “Making Every Contact Count: A Joint Approach to the Prevention of Homelessness”. The Standard itself is set out in Appendix 1.

2. Increase the role of the private rented sector for those in housing need, with better sustained tenancies.

The Council recognises the increased demand for appropriate, affordable housing to meet local need, but also acknowledges homelessness in the future will be driven by the continuing changing economic climate and public expenditure changes. Welfare reforms in the private rented sector along with the requirement to meet the housing needs of other priority groups and the understanding that homelessness cannot be an assumed route into a social tenancy for life, means that the private rented sector must be developed as a solution for those who are homeless or threatened with homelessness.

There are households that are either homeless or in housing need but the Council does not have a statutory duty to them or they have a low priority on the Council’s Housing Needs Register for example young single households or couples. With high house prices and high private sector rents these households often struggle to find suitable accommodation and are often effectively hidden homeless.

What is happening already?

- The Councils Rent Deposit scheme has proved to be an effective and popular Housing Option that allows households to access the private rented sector where they would not financially be able to do so. The rent deposit has allowed people to choose where they want to live thereby maintaining family or schooling networks. In 2011/12 we assisted 41 households with finding accommodation in the private rented sector. The deposit is in the form of a grant and so is recyclable to enable the Council to assist others. In August 2013 the Council set up a partnership agreement with Herts Credit Savers to administer interest free loans for the Council’s Rent Deposit Scheme.

What we want to do

We want to be able to use the private rented market more effectively to help those in housing need to choose where they want to live in the district and meet their housing need quickly and effectively. The private rented market in East Herts is characterised by high rent levels and high demand. The Council recognises the role of the private sector, particularly with homeless non-priority households and also in its ability to provide a choice of where to live for homeless households. The Council’s Rent Deposit Scheme is very successful but we need to ensure that we are maximising the recycling of the grant money to maximise the number of households that can use the scheme and also monitor the number and reason why tenancies fail.

The Council is also concerned about the high level of homeless acceptances resulting from the loss of assured shorthold tenancies. If we are to use the private rented sector to meet housing need we need to ensure that the tenancies can be sustained and provide a long term solution to housing need.

3. Increase the supply of appropriate, good quality affordable housing including the provision of supported accommodation.

Essential to tackling homelessness is the supply of accommodation. The Council is working with partners to provide more supported accommodation in the district whether that be via dedicated accommodation or accommodation in the general social housing stock. We are also keen to work with the County Council and other partners regarding provision of support to ensure tenancies continue and are successfully renewed.

Preventing homelessness can have a huge influence on a vulnerable person's life chances. Good housing and support means that they are more likely to enter training, get a job, have a better standard of health and be able to take advantage of opportunities that they are offered.

What is happening already?

- The Council's threshold at which housing developers in East Herts have to provide affordable housing has been set as up to 40%. The Council regularly achieves this target on eligible sites and in 2010/11 it achieved ??? new affordable homes and in 2011/2012 it achieved ??? .
- Houses in Multiple Occupation are sought after, particularly by young, single, mobile people or those on benefit under the age of 35, as they provide more affordable accommodation. The Environmental Health unit takes a proactive approach to identify such properties and bring them up to standard, in consultation with the landlords, as well as investigating complaints from tenants.
- YMCA: The YMCA in Bishop's Stortford provides supported accommodation for 18-30 year olds for up to two years. The Council provides annually five units of general needs accommodation for young people who are coming to the end of their successful stay at the YMCA.
- The Council is working in partnership with Aldwyck Housing Association to provide 24 x1 bed accommodation for young people between the ages of 16 and 25 in Hertford. The first residents will be moving into the scheme in September 2013.

What we want to do

We want to continue to work proactively with developers and RPs to develop appropriate and affordable general needs housing in East Herts. We also want to work with the County Council and other partners to support vulnerable client groups, whether that be through accommodation based services or floating support. We will be working with the County Council on their review of Mental Health Services provision across the County. East Herts has been identified as an area in the County with significantly less accommodation and services than other parts of the Country for residents with mental health issues.

4. Continue to develop and strengthen partnership working to maximise the benefits to homeless households

Homelessness is complex; both the reasons for homelessness and the solutions. There are links to health, education, offending, income and relationships to name a few. Therefore any work to prevent homelessness or improve the services to homeless households will involve a partnership approach across a number of organisations.

What is happening already?

- The Housing Options Service plays a key role in many partnership arrangements including:
 - Community Safety Groups including MAPPA (Multi-Agency Protection Panel)
 - Hertfordshire Supporting People Programme Development Group
 - Herts Heads of Housing and Herts Strategy and Development Group
 - Hertfordshire Homeless Officer Group
 - Hertfordshire Mental Health Services
 - MARAC (Multi Agency Risk Assessment Conference)

These groups are useful for ensuring best practice, bench marking our services and ensuring good networking to maximise the benefits of the work that we all do.

- Young Persons Joint Housing Protocol: All ten local authorities in Hertfordshire, the County Council and Herts Young Homeless have developed and all signed up to a joint working protocol. The protocol is aimed at the 16 to 25 age group and explicitly defines the roles and responsibilities for each agency when a young person is either threatened with homelessness or is homeless. The protocol is currently being reviewed by Herts County Council and the ten districts to ensure it is up to date and relevant. There will also be a need, for East Herts, to ensure that there is a relevant link to the new Young Person project in Hertford.
- Homeless Prevention and Support Services: The Council part-funds Herts Young Homeless the successful education project on homelessness for young people in schools across the borough.

What we want to do

We do work in partnership with colleagues in other departments and other agencies, but we recognise that there is scope to achieve more in this area. We will review the partnerships we have. We will work to develop joint protocols, where appropriate, to ensure partners are aware of the expectations and roles they and the Council have to play in preventing homelessness. Key to this will be making sure that every contact partners make with vulnerable people and families really counts.

We are also keen to ensure that partners are involved in the delivery and the monitoring of this Strategy and will establish a forum to enable effective review to take place.

A Delivery Plan for the Homeless Strategy will be developed around these four themes once consultation has been undertaken with our partners.

8. Resources

The Homelessness Strategy is based on the assumption that all actions and improvements will be delivered within the existing resources. The Council's in-house service consists of a team of 13 staff including a service manager. This team will have responsibility for developing, delivering and monitoring the Homelessness Strategy.

Partnership working will bring in additional physical resources. There are a range of agencies working in East Herts that provide general advice through to specialised housing and debt advice.

The Council receives an annual Homelessness Grant from Central Government to assist in implementing the Council's Homelessness Strategy and addressing homelessness issues. The amount available to the Housing Options Service for 2013/14 is £50,000. This funding is unlikely to continue after the next Government spending review in March 2015. This primarily funds the Council's Rent Deposit Scheme, through the provision of interest free loans, for households in housing need, to enable them to access private rented accommodation. The Council is working with Herts Credit Savers to ensure we maximise recovery of the loans to enable the scheme to be self-financing in future years.

For private rented tenancies the Council receives Discretionary Housing Benefit payments which can be used to support households affected by Local Housing Allowance changes. Where appropriate the Council will use Discretionary Housing Payments to help prevent vulnerable households in the private rented sector from becoming homeless.

9. Monitoring and taking the strategy forward

Progress against the action plan and performance information will be reported as follows:

- Annually to the Council's Community Scrutiny Committee

10. Appendices

Appendix 1: Gold Standard: The 10 Local Challenges

1. To adopt a corporate commitment to prevent homelessness which has buy in across all local authority services
2. To actively work in partnership with the voluntary sector and other local authority partners to address support, education, employment and training needs
3. To offer a Housing Options and prevention service to all clients including written advice
4. To adopt a No Second Night Out model or an effective local alternative
5. To have housing pathways agreed or in development with each housing partner and client group that include appropriate accommodation and support
6. To develop a suitable private rented sector offer for all client groups, including advice and support to both client and landlord.
7. To actively engage in preventing mortgage repossessions including through the Mortgage Rescue Scheme
8. To have a homelessness strategy which sets out a positive approach to preventing homelessness and is reviewed annually to be responsive to emerging needs
9. To not place any young person aged 16 or 17 into bed and breakfast
10. To not place any families in bed and breakfast unless in an emergency and for no longer than 6 weeks

Appendix 2

Glossary

Affordable Rent means rented housing let by a Registered Provider of social housing to households who are eligible for Social Rented housing at a rent of no more than 80% of the Local Market Rent, including service charges where applicable, and upon the approved Financial Terms at a fixed term tenancy for a period not less than that recommended by the social housing regulator currently the Tenant Services Authority (or its successor body) and with regard to any advice set out in the local Strategic Tenancy Policy adopted by the Council

Benefit Cap is a maximum allowance on the total amount of benefit a household is entitled to receive under the proposed new universal credit system to be introduced in April 2013 if they are not in receipt of certain exempt benefits such as Disability Living

Allowance. At the time of publication of this document the benefit cap for single persons is £350 per week and for a family £500 per week.

Social Rent means housing let at a periodical rent due at intervals of a month or less without any fine deposit or premium which is let at or below Target Rent and is let on the Registered Provider's standard form of letting as an Assured Tenancy and upon the approved Financial Terms

Conversion is when a property is let at different terms and conditions to those it previously had i.e.: changed from a social rented property to an affordable rented property.

Fixed term tenancies are a new type of tenancy introduced under the Localism Act 2012 available for registered providers to use from the date of inception of the Act that has a specified term of not less than 5 years or 2 years in exceptional circumstances. Fixed term tenancies can be used for Affordable Rent or Social Rent properties.

Homes and Communities Agency (HCA) includes any successor body or agent exercising statutory powers for the provision of financial assistance to registered providers for the provision of Affordable Housing

Local Housing Allowance (LHA) is the maximum amount of Housing Benefit payable by number of bedrooms in a property in a Local Authority Area. It is updated annually and is calculated using the 30th percentile of market rent for each property size in that local authority area.

Mutual Exchange is a facility that enables a tenant to exchange their property and tenancy with another of their own Registered Provider's tenants or with a tenant of a different Registered Provider.

Registered providers is the term used for housing associations or other private sector developers, local Councils etc who have registered to provide social housing with the Homes & Communities Agency.

Universal Credit is a new approach to welfare to be introduced under the Government's welfare reforms in 2013. It will be an integrated benefit in place of income support, income-based job seekers allowance, income related employment and support allowance, housing benefit, child tax credit and working tax credit. Households in receipt of universal credit and not in receipt of specific exempt benefits will be subject to the benefit cap defined above.

EAST HERTS COUNCIL

CORPORATE BUSINESS SCRUTINY COMMITTEE – 27 AUGUST 2013

AUDIT COMMITTEE – 18 SEPTEMBER 2013

EXECUTIVE – 1 OCTOBER 2013

REPORT BY THE LEADER OF THE COUNCIL

RISK MANAGEMENT STRATEGY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

- The Risk Management Strategy has been updated to reflect current best practice.

<u>RECOMMENDATION FOR CORPORATE BUSINESS SCRUTINY COMMITTEE</u> : that

(A)	The updated Risk Management Strategy be scrutinised; and
-----	--

(B)	The Executive be advised of any recommendations.
-----	--

<u>RECOMMENDATION FOR AUDIT COMMITTEE:</u> that:

(A)	The comments of Corporate Business Scrutiny Committee be received; and
-----	--

(B)	The Executive be advised of any recommendations.
-----	--

<u>RECOMMENDATION FOR THE EXECUTIVE:</u> that
--

(A)	The comments of Corporate Business Scrutiny Committee be received; and
-----	--

(B)	The updated Risk Management Strategy be recommended to Council for approval.
-----	--

1.0 Background

- 1.1 The Risk Management Strategy has been updated to reflect current best practice.

2.0 Report

- 2.1 Risk management can be defined as:
The process which aims to help organisations understand, evaluate and take action on all their risks with a view to increasing the probability of their success and reducing the likelihood of their failure. (Source: The Institute of Risk Management).
- 2.2 By managing risks effectively, the Authority is in a stronger position to deliver services in accordance with corporate priorities. By managing opportunities, it is better positioned to provide continuous improvement in its services and better value for money.
- 2.3 The Director of Neighbourhood Services, the Manager of Corporate Risk and the Risk Assurance Officer have revised the Strategy to reflect current legislation, best practice, and to simplify policy and procedures. The review was delayed pending an Internal Audit report, and also release of a toolkit from ALARM, the Association of Local Authority Risk Managers. Both documents are reflected in the revised strategy. The Strategy will in future be reviewed annually and any significant amendments will be reported to Corporate Business Scrutiny Committee, Audit Committee and The Executive.
- 2.4 Key changes to the previous version of the strategy are detailed in the following paragraphs (2.5 to 2.11). The strategy document is attached as **Essential Reference Paper 'B'**.
- 2.5 **Scoring** – The risk scoring matrix has been simplified, and now clearly defines the Council's 'risk appetite', i.e. the level of service disruption, financial loss or reputation damage that the authority can tolerate. More consistent scoring can be expected in future, and it is hoped that Members and officers will receive more assurance regarding the likelihood or levels of exposure, particularly financial.
- 2.6 **Timetable** – Risk reporting periods have been following the Audit Committee timetable as best as possible. This was originally

requested to ensure that risk registers were received in a timely manner shortly after the reporting period. However, these timing issues have continued.

2.7 Other negative consequences of following the Audit Committee timetable are:

- Risk registers are not produced quarterly. Two reports span a period of two months and two reports span four months. There can be limited information to capture due to the short time span between service planning and risk report preparation, or report preparation and the next round of risk discussions at team meetings.
- The risk year commences in May so does not mirror the financial year. This causes confusion and Covalent has frequently been updated with controls for the wrong period.
- Consequently we have reverted to a quarterly reporting cycle for 2013/14, commencing April 2013.

2.8 **Frequency of monitoring** – Risk management will become a standing item on monthly Departmental Management Team meeting agendas in order that critical risks ('red risks') can be discussed regularly. Covalent will be updated quarterly unless there has been significant movement.

2.9 All strategic and operational risks, including control commentary completed by officers, can be viewed at any time on Covalent by all Members.

2.10 **Operational Risk Management Group** – The group was not as productive as originally envisaged; membership has therefore been reconsidered. More senior officers will attend in future so that the group can:

- manage corporate risks, e.g. IT performance, data protection, contract management, and determine the level of risk facing the Authority.
- produce consistent policies across the Authority, e.g. land management and inspection, lone working arrangements.
- advise on and support reviews of existing policy or new initiatives, e.g. HR and IT policies, health and safety, anti-

fraud measures, internal controls, data protection, business continuity planning and project management.

- monitor existing procedures, e.g. receive health and safety or data protection compliance reports.
- 2.11 It is expected that the first meeting of the new Operational Risk Management Group will consider lone working, front line staff safety and land inspection regimes.
- 2.12 There has been **no** changes to the way in which risks are explained to Members in committee reports, but any weak commentary should be challenged and assurance sought.
- 2.13 The risk identification process is considered to be robust, and remains **unchanged**. Service planning requires completion of a risk register, which is scrutinised by a panel of officers and also at Departmental and Corporate Management Team meetings. Risk registers are compared with other local authorities, emerging trends and guidance from professional bodies.

3.0 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 (delete as appropriate):	<p>People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p> <p>Place This priority focuses on the standard of the built environment and our neighbourhoods and ensuring our towns and villages are safe and clean.</p> <p>Prosperity This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic and social opportunities.</p>
Consultation:	There are no specific consultation implications arising directly from this report.
Legal:	There are no specific legal implications arising directly from this report.
Financial:	There are no specific financial implications arising directly from this report. However the risk matrix has been updated to include potential financial exposure.
Human Resource:	There are no specific human resource implications arising directly from this report.
Risk Management:	There are no additional risk management implications to those already contained in this report. However, it should be noted that if East Herts did not have a risk management monitoring process, the Authority would be seen to be not managing risks appropriately, which would have a significant negative impact on recommendations made by the External Auditors through the Annual Audit Letter.

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Risk Management Strategy

2013/14

Agreed at CMT on 10th June 2013.

SMG 30th July 2013.

**To Corporate Business Scrutiny Committee, Audit Committee
and The Executive.**

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Section 1 - Context

Policy statement

Risk is present in everything that we do, so it is our policy to identify, assess and manage the key areas of risk.

East Herts Council recognises that risk management is a vital activity, and we seek to embed risk management into the culture of the Authority. This includes the strategic decision making process, service planning, project management, partnerships, audit, procurement and contracts.

In order to obtain a clear picture of the risks that threaten the Council's ability to achieve its objectives, it is important that the Council determines its 'risk appetite' – the level of risk that is considered acceptable for the organisation to be exposed to. The Risk Management Strategy reflects our 'risk appetite', the size of the Authority and the nature of our operations.

The processes in place should provide assurance to all stakeholders that the identification and management of risk plays a key role in the delivery of our strategy and related objectives.

The objectives of this strategy are: -

- Define what risk management is about and what drives risk management within the Council.
- Set out the benefits of risk management and the strategic approach to risk management.
- Outline how the strategy will be implemented.
- Identify the relevant roles and responsibilities for risk management within the Council.
- Formalise the risk management process across the Council.

Approval, Communication, Implementation and Review of the Risk Management Strategy

The Risk Management Strategy is on the intranet, and is specifically issued to:

- The Executive
- Audit Committee
- CMT
- Senior managers

To demonstrate how risk management contributes to the achievement of the Council's and service objectives, training is provided to those listed above, and members of staff who prepare committee reports and / or those who should consider risk in the roles that they perform.

The strategy is reviewed internally each year, and following key changes in central or local policies. Risk management is also subject to frequent audit by the Shared Internal Audit Service (SIAS).

Section 2 - What is risk management and why do we do it?

Risk Management can be defined as:

The process which aims to help organisations understand, evaluate and take action on all their risks with a view to increasing the probability of their success and reducing the likelihood of their failure. (Source: The Institute of Risk Management).

Risk management therefore is essentially about identifying all the obstacles and weaknesses that exist within the Council. The approach is vital to ensuring that all elements of the organisation are challenged including decision making processes, working with partners, consultation processes, existing policies and procedures and also the effective use of assets – both staff and physical assets.

Once the obstacles have been identified, the next stage is to prioritise them to identify which are key to the Council moving forward. It is essential that steps are then taken to manage these effectively. The result is that major risks / obstacles that exist can be mitigated / controlled, providing the Council with a greater chance of being able to achieve objectives. Included within this should also be a consideration of the positive or 'opportunity' risk aspect.

National drivers behind strategic risk management

- The CIPFA/SOLACE framework on Corporate Governance requires the Council to make a public assurance statement annually, on amongst other areas, the Council's risk management strategy, process and framework. The framework requires the Council to establish and maintain a systematic strategy, framework and processes for managing risk.
- Risk management is best practice in both the public and private sectors.
- The coalition government have announced a number of changes in order to reduce bureaucracy and central government burdens and to save money. At the heart of all these changes is the government's ambition to decentralise – to transfer power from central government to local authorities and the communities and individuals they represent.

As set out in the Localism Act, work has already started to progress decentralisation. For example:

- The Comprehensive Area Assessment has been abolished and the Audit Commission disbanded.
- Central monitoring of targets associated with Local Area Agreements has ended.
- The national indicator framework has been deleted.

This means that going forward local authorities are in control of their systems and processes to allow them to fulfil their commitment to deliver their priorities and to account to their local communities for their performance.

Therefore it is essential that the Council's business planning and performance management processes are relevant and fit for purpose to support the delivery of the council's three key priorities – People, Place and Prosperity. Within this framework it

is important that risk management continues to be a key discipline that is carried out. The Council's risks are managed by having a clear strategy and effective arrangements in place, including appropriate resources to manage the risk of fraud and corruption and partnership working.

Local drivers behind strategic risk management

The Council's vision is:

'To improve the quality of people's lives and preserve all that is best in East Herts'.

The Council's Strategic Priorities:

'East Herts Council is here to help you. 'We are committed to the communities we serve; delivering good quality services that reflect local priorities and resources'.

In order to strive to meet the vision and priority, East Herts Council has recognised the need to further embed its risk management arrangements. The desired outcome is that risks associated with these objectives can be managed and the potential impact limited, providing greater assurance that the Vision will be achieved.

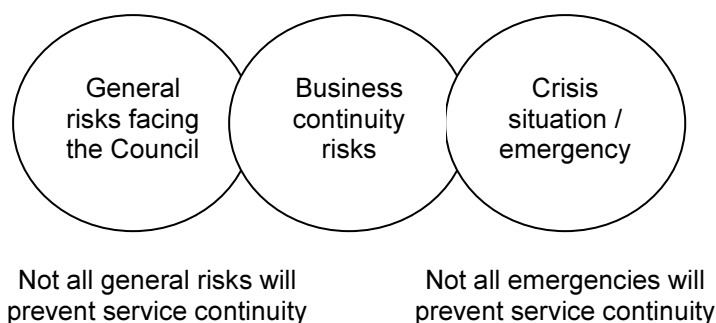
Benefits of risk management

Implementation of risk management produces many benefits for the Council including:

- Improved efficiency of operations.
- Protection of budgets from unexpected financial losses.
- Protection of reputation.
- Reduced losses arising from accidents and illnesses.
- Increased chance of achieving strategic objectives as key risks are minimised.
- The possibility of becoming less risk averse because risks are understood.
- Improved performance (accountability and prioritisation) - feeds into performance management framework.
- Better governance can be demonstrated to stakeholders.

Risk management, emergency planning and business continuity

There is a link between these areas; however it is vital for the success of risk management that the roles of each, and the linkages, are clearly understood. The diagram below sets out to demonstrate the differences.



Risk management is about trying to identify and manage those risks which are more than likely to occur and where the impact on our strategic objectives can be critical or even catastrophic.

Business continuity management is about trying to identify and put in place measures to protect priority functions against catastrophic risks that can stop the Council in its tracks. There are some areas of overlap e.g. IT infrastructure and resilience features as a strategic risk, but is a key element of business continuity plans.

Emergency planning is about managing those incidents that can impact on the community (in some cases they could also be a business continuity issue) e.g. a plane crash is an emergency, it becomes a continuity event when significant numbers of Council staff are required to provide support.

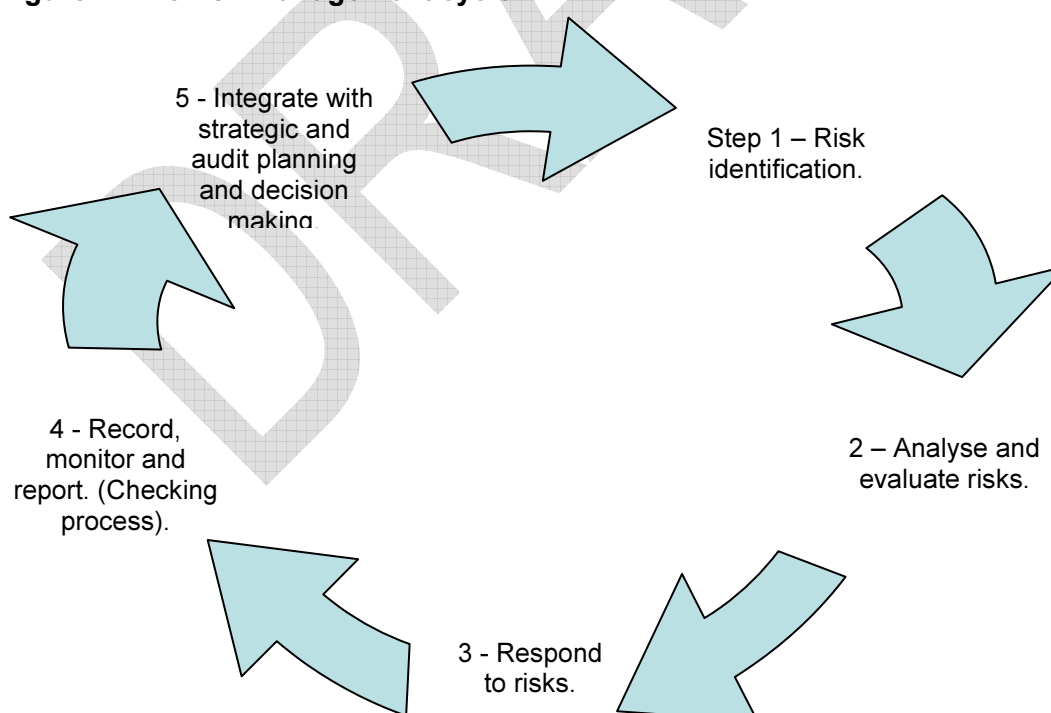
The Council recognises that there is a link between Risk Management, Business Continuity Management and Emergency Planning. Corporate Management Team leads in all three areas and strategies are developed concurrently.

Section 3 - Implementation of risk management

The risk management process

Implementing the strategy involves a 5-stage process as shown in figure 1.

Figure 1: The risk management cycle



Stage 1 – Risk identification

The first step is to identify the risks that could have an adverse affect or prevent key business objectives from being met. It is important that those involved with the process clearly understand what the Council wants to achieve in order to be able to identify the barriers.

When identifying risks it is important to remember that risk management is also about making the most of opportunities, e.g. making bids for funding, pursuing beacon status or other awards, taking a national or regional lead on policy development, savings that may be achievable if a project goes to plan etc.

Using appendix 1 as a prompt, various techniques can then be used to begin to identify 'key' or 'significant' business risks including:

- A 'brainstorm' session
- Own (risk) experience
- Challenge within team meetings
- 'Strengths, Weakness, Opportunities and Threats' analysis or similar
- Experiences of others - can we learn from others mistakes?
- Exchange of information / best practice with other authorities, organisations or partners.

The process for the identification of risk should be undertaken for projects (at the start of each project stage), partnerships, service planning and at a strategic / corporate level. Details of who contributes to these stages are explained further in the roles and responsibilities section.

Stage 2 – Analysing and evaluating the risks

The risk should be given a clear and concise title. A fuller description to include the root cause and the possible consequences of the risk if it occurs should be provided separately, e.g.

Title	Description
Response to changes to the Civil Procedure Rules governing the handling of liability (insurance) claims.	The timeframe to handle liability claims below £25,000 will reduce from 111 days to 30 / 40 days in April 2013. Failure to meet deadlines could result in financial penalties.

It is prudent to combine risks from more than one service that share common causes and consequences, e.g. IT network performance, data protection, staff recruitment and retention, health and safety etc. An appropriate officer or the Operational Risk Management Group will review such risks and recommend controls and devise policy where possible. These corporate risks will feature on DMT risk registers to keep services informed, and to ensure that comments and ideas are recorded and Council policy followed.

Following identification and analysis, risk scoring is agreed at DMT and / or in a facilitated workshop. Participants review risk scenarios, rate the potential likelihood of occurrence and the impact if it were to occur. A matrix is used to plot risks to illustrate priority. Impact and likelihood scoring criteria have been revised for 2013/14, and are detailed in the following matrix.

Risk appetite

A material risk is deemed to be any risk rated higher than 2:2. This is the Council's 'risk appetite' i.e. the level of risk that it is prepared to tolerate. Where a risk rating exceeds this 'control' area of tolerance, demonstrable evidence of how risks are being mitigated will be required, together with proposals for future controls.

Stage 3 – Respond to risks

This is the process of turning 'knowing' into 'doing'. It is assessing whether to control, accept transfer or terminate the risk on an agreed 'risk appetite'. Risks may be able to be: -

Controlled - It may be possible to mitigate the risk by 'managing down' the likelihood, the impact or both. The control measures should, however, be commensurate with the potential frequency, severity and financial consequences of the risk event.

Accepted - Certain risks may have to be accepted as they form part of, or are inherent in, the activity. The important point is that these risks have been identified and are clearly understood.

Transferred - to another body or organisation i.e. insurance, contractual arrangements, outsourcing, partnerships etc.

Terminated - By ending all or part of a particular service or project.

It is important to recognise that, in many cases, controls will already be in place. It is therefore necessary to look at these controls before considering further action. They may be out of date or not complied with.

The potential for controlling the risks identified will be addressed through service plans. Most risks are capable of being managed – either by managing down the likelihood or impact or both. Relatively few risks have to be transferred or terminated. These service plans will also identify the resources required to deliver the improvements, timescale and monitoring arrangements.

Existing controls, their adequacy, new mitigation measures and associated action planning information are all recorded on the risk register, including ownership of the risk and allocation of responsibility for each mitigating action. Full details of the risk mitigation measures that are to be delivered are likely to be recorded in the respective service plans and cross reference should be made to this in the risk registers.

Consideration should also be given here as to the 'Cost-Benefit' of each control weighed against the potential cost / impact of the risk occurring. N.B. 'cost / impact' here includes all aspects including financial, resourcing, but also reputational.

Stage 4 – Recording, monitoring and reporting

Corporate Management Team (CMT) is responsible for ensuring that key strategic risks are managed.

Directors and senior managers are responsible for ensuring that key risks in their service are managed.

Risk owners should update descriptions, scores, controls and planned controls on Covalent. See Appendix 3 for details and an example.

CMT then undertakes a review of the strategic risk register and receives updates from Directorate Management Teams (DMT). Operational risks affecting more than one service within the Council can be referred to the Operational Risk Management Group for controls to be devised.

A comprehensive review of risk registers is undertaken annually by the Risk Assurance Office, Manager of Corporate Risk and the Director of Neighbourhood Services following receipt of service plans. A comparison is made between risks identified in the service plan, existing risk registers, and new risks and trends identified elsewhere. Risk ratings will be moderated where necessary, and proposals for the following year's risk registers are then presented at DMT meetings for amendment and final approval before addition to Covalent. (Proposed strategic risks are also presented to CMT).

All operational and strategic risks are reviewed and challenged at least quarterly at DMT healthcheck meetings, with controls discussed and agreed.

During the year new risks are likely to arise that have not previously been considered. The environment in which risks exist will change making some more critical, and others less important or obsolete. Risk registers and scores should be updated to reflect these changes, ensuring that risk registers and resulting mitigation measures are appropriate for the current service and corporate objectives. (Addition of new risks to and deletion of obsolete risks from Covalent can only be carried out by the Risk Assurance Officer).

If any risks require corporate ownership and management then they should be incorporated into the strategic risk register or referred to the Operational Risk Management Group, as appropriate.

Risks scored 'critical' (red) will be reviewed monthly at DMT meetings, although Covalent need not be updated unless significant movement occurs.

CMT will report strategic risks to the Executive quarterly as part of the Corporate Healthcheck report. Audit Committee will receive four monitoring reports each year.

Stage 5 - Integrate with strategic and audit planning and decision making

In order to formalise and structure risk management at the Council, it is recognised that there are obvious and clear links between risk management and strategic planning; financial planning; policy making and review and performance management. The linkages are as follows:

- Risk management is a key part of the business planning process and therefore forms one of the key elements of the integrated **Strategic and Financial Planning framework**. Guidance on the framework is issued annually to senior managers with the publication of the Medium Term Financial Strategy. The guidance includes a section on risk assessments, which clearly explains that services need to recognise risk not just in relation to planned activity coming out of the service planning process (that supports the Council's priorities) but also in terms of the broader objectives of the service.
- Risks that have been identified that have a potential financial impact need to be considered as part of the preparation of the Medium Term Financial Plan (MTFP). Sources of funding the mitigation of risks, or the consequences of risk assessment need to be clearly identified within the MTFP, either as specific budget lines, provisions or use of general reserves. In addition, consideration of the Council's ability to withstand shocks from external factors is included as part of the Consolidated Budget report annually, which stress tests the MTFP and ability to withstand unexpected events.
- Financial Regulations apply to every Member and officer of the Council, and anyone acting on its behalf. As a modern Council, East Herts encourages innovation, providing this is within the framework laid down by the Financial Regulations, and the necessary risk assessment and approval safeguards are in place.
- The Council's **performance management framework** supports the monitoring of strategic and operational risks through the Council's **Corporate Healthcheck Report**. This encourages greater ownership and accountability by service heads in managing budgets, more prudent and focused management of service performance and risk management.
- The Council's **Performance Development Review (PDR) scheme** flows through the organisation from the Chief Executive to staff and ensures that all employees have clear accountabilities and objectives linked to those of the service and the Council.
- Annually the Shared Internal Audit Service review service plans and risk registers with the Corporate Risk Team to produce the risk based audit plan for the next financial year.

The Council's **performance management system – Covalent** – also serves to strengthen the linkages. All performance and risk monitoring reports are generated from the system and the features of Covalent enable us to demonstrate the link between our corporate priorities, key activity, performance indicators and risks.

Section 4 - Risk management in projects and partnerships

Risk management needs to be a key part of the ongoing management of projects and partnerships, including shared services.

Project / Programme management

There is a consistent and robust approach to risk management used in projects, both at Project Initiation stage and throughout the entire project. This is based largely on the approach used across the authority. Written guidance is available on the intranet.

The approach to risk management defined within this strategy document and within the project management system, is exactly the same.

Partnerships

Reduced funding is leading to more public services and community projects being delivered through partnerships between the public, private and third sectors. Partnerships are essential to deliver benefits to residents, businesses, and visitors, but they bring risks as well as opportunities.

The Council's 'Partnership Protocol', which is available on the intranet, provides guidance on governance, including risk management, and the key processes that can be followed to establish and maintain effective partnerships. A review of these arrangements is undertaken annually and reported to Corporate Business Scrutiny Committee each November.

Section 5 - Roles and responsibilities

The following describes the roles and responsibilities that Members and officers have in introducing, embedding and owning the risk management process:

Members

Elected Members are responsible for governing the delivery of services to the local community. Members have a responsibility to understand the strategic risks that the Council faces, and will be made aware of how these risks are being managed through the annual strategic and service planning process, and through reports to the Executive and Audit Committee.

All Members will have the responsibility to consider the risks associated with the decisions they undertake and will be informed of these risks in the reports that are submitted to them. They cannot seek to avoid or delegate this overall responsibility, as it is key to their stewardship responsibilities. Awareness training will be available for all Members when specific training needs are identified.

All Members can access all strategic and operational risks on Covalent.

Full Council

Full Council recognises the importance of effective risk management and considers risk management issues when making decisions.

Executive

- To receive regular reports, covering implementation of the Council's risk management policy and strategy to determine whether corporate risks are being actively managed.
- Agree the Risk Management Policy and Strategy on an annual basis, or if significant changes require a revision.
- Agree / set the Council's risk appetite.
- Allocate sufficient resources to address top risks.
- The Portfolio Holder for Risk Management is recognised as the Member champion for Risk Management

Audit Committee

- To monitor the effective development and operation of risk management and corporate governance in the Council.
- Receive updates regarding the mitigation and control of strategic risks four times per year, and gain assurance that risk management is properly undertaken.

Corporate Business Scrutiny Committee

- To develop policy options and to review and scrutinise the policies of the Council including Risk Management.

Chief Executive and Corporate Management Team (CMT)

- To ensure that effective systems of Risk Management and internal control are in place to support the Corporate Governance of the Council.
- Take a leading role in identifying and managing the risks and opportunities to the Council and to set the example and standards for all staff. (The Director of Neighbourhood Services is recognised as the Officer Champion for Risk Management).
- Advise the Executive and Council on the risk management framework, policy, strategy and processes.
- Advise on the management of strategic and other significant risks.
- Ensure that the Policy and Strategy are communicated, understood and implemented by all Members, managers and staff and fully embedded in the Council's service planning and monitoring processes.
- Identify, analyse and profile high-level corporate and cross-cutting risks on a regular basis as outlined in the monitoring process. Refer key corporate and service specific operational risks to the Operational Risk Management Group for action.
- To report to Members on the management of strategic risks.
- Ensure that appropriate risk management skills training and awareness is provided to all Members and appropriate staff.

Directors

- To be individually responsible for proper monitoring of the relevant service risk registers and the embedding of risk management into the business and service planning of their relevant services.
- To ensure that the risk management process is part of all major projects, partnerships and change management initiatives.

- To ensure that all reports of a strategic nature written for Members include risk commentary.
- To ensure that new and existing risks are reviewed, challenged and updated quarterly at DMT meetings. Critical risks will be reviewed monthly.
- Report quarterly to CMT on the progress being undertaken to manage strategic risks.

Senior Managers

- To be individually responsible for proper monitoring of their service risk register, and the embedding of risk management into the business and service planning of their relevant service.
- Be actively involved in the identification and assessment of service risks resulting in an up to date service risk register and matrix.
- Ensure that all reports of a strategic nature written for Members include risk commentary.
- To maintain the awareness of risks and the risk identification process.
- To implement the detail of the Risk Management Strategy and risk related corporate policies, e.g. Health and Safety, Data Protection.
- Share / exchange relevant information with colleagues in other service areas.

Operational Risk Management Group

- To review operational risks that affect numerous teams within the authority. Plan mitigation activity and produce procedures / policies. Provide feedback to services and committees where necessary.
- To monitor health and safety compliance and land management standards.
- To act as a forum for the sharing of best practice.
- To receive minutes from the Council's Safety Committee and Business Continuity Group and update / act on risks as appropriate.

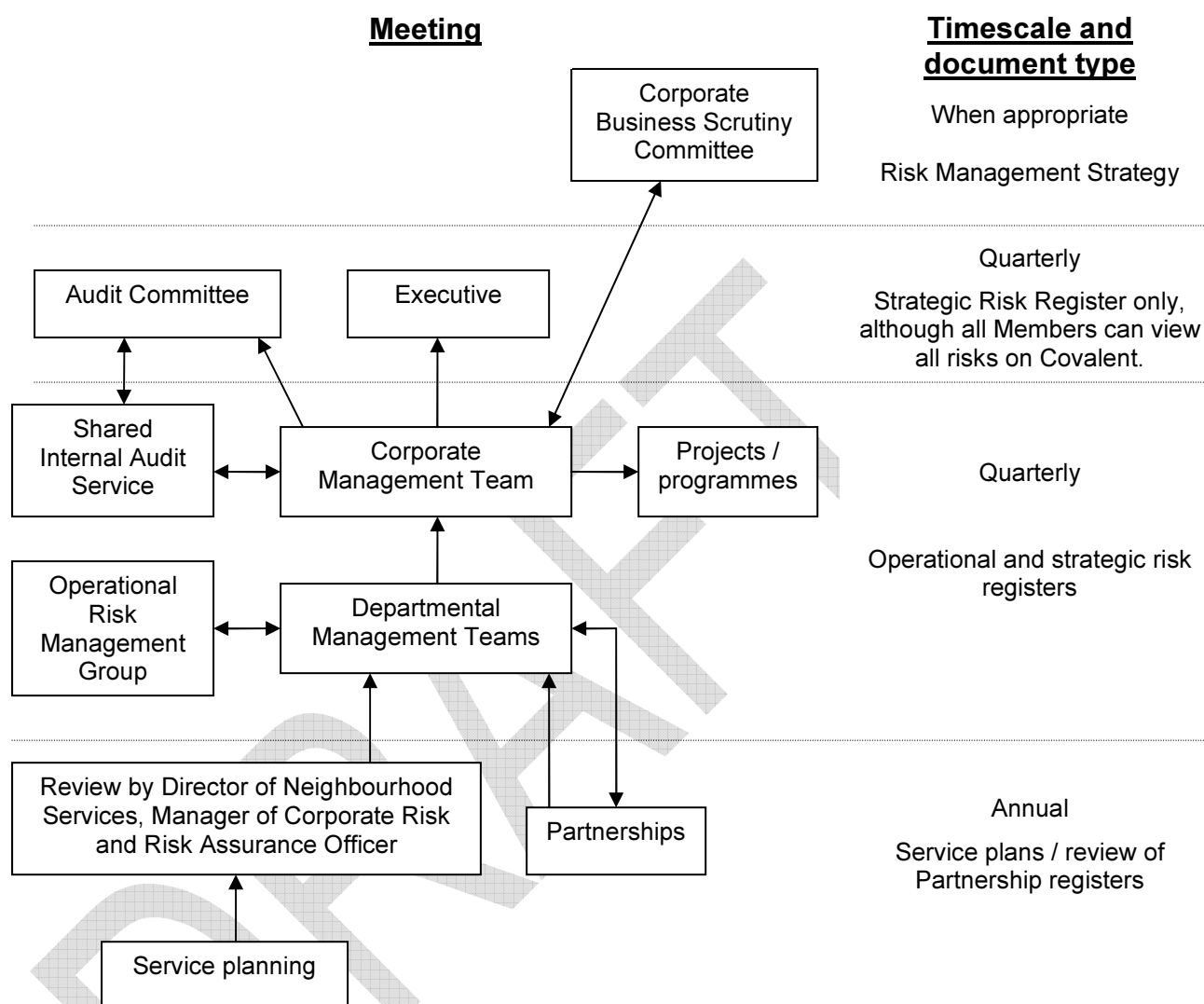
Corporate Risk Team

- Co-ordinate risk management activities and prepare related reports for management and Members.
- Review and develop the Risk Management Strategy and processes.
- Facilitate risk discussion workshops and support and assist the maintenance of risk registers. Gain assurance on the process being conducted.
- Facilitate / arrange risk management training for staff and Members.
- To play an active role within the Operational Risk Management Group.
- Pass experiences of strategy implementation to the appropriate services.
- Maintain awareness of risks and feed them into the risk identification process.
- Support the risk based audit planning process.

Shared Internal Audit Service

- To provide assurance to the Council through an independent and objective opinion on the control environment comprising risk management, control procedures and governance.
- To provide an annual Audit Plan that is based on a reasonable evaluation of risk, and to provide an annual assurance statement to the Council based on work undertaken in the previous year.
- Review and challenge the effectiveness of the risk management framework.

The following table shows the risk management reporting arrangements:



Section 6 - Conclusion

This strategy will set the foundation for integrating risk management into the Council's culture. It will also formalise a process to be applied across the Council to ensure consistency and clarity in understanding the role and benefits of strategic risk management.

The reporting and escalation of risks from Services to CMT should interlock with the existing quarterly healthcheck for performance reporting, through Covalent. The intention being that the management of risks is incorporated into business plans so that by reporting on performance naturally reports progress on the mitigation of risks.

Appendix 1 – Categories of risk

Risk	Definition	Examples
Political	Associated with the failure to deliver either local or central government policy or meet the local administration's manifest commitment.	New political arrangements. Political personalities. Political make-up. Policy and decisions.
Economic	Affecting the ability of the Council to meet its financial commitments. These include internal budgetary pressures, external macro level economic changes or consequences of proposed investment decisions.	Financial climate. Cost of living. Changes in interest rates. Inflation. Poverty indicators.
Social	Relating to the effects of changes in demographic, residential or socio-economic trends on the Council's ability to meet its objectives.	Ageing population. Health statistics. Crime rates.
Technological	Associated with the capacity of the Council to deal with the pace/scale of technological change, or its ability to use technology to address changing demands. They may also include the consequences of internal technological failures on the Council's ability to deliver its objectives.	E-Gov.. IT infrastructure. Staff/client needs. Security standards.
Legislative	Associated with current or potential changes in national or European law.	Human rights. TUPE regulations
Continuity / service delivery	Ability to deliver services.	Loss of key staff, building, documents or IT.
Environmental	Relating to the environmental consequences of progressing the Council's strategic objectives.	Land use. Recycling. Pollution.
Competitive	Affecting the competitiveness of the service (in terms of cost or quality) and/or its ability to deliver best value.	Fail to win quality accreditation. Alternative service providers.
Customer/ Citizen	Associated with failure to meet the current and changing needs and expectations of customers and citizens.	Managing expectations. Extent of consultation.
Managerial/ Professional	Associated with the particular nature of each profession, internal protocols and managerial abilities.	Staff restructure. Internal capacity.
Financial	Associated with financial planning and control.	Budget overspends. Level of Council tax. Level of reserves.
Legal	Related to possible breaches of legislation.	Client brings legal challenge.
Partnership/ Contractual	Associated with failure of contractors and partnership arrangements to deliver services or products to the agreed cost and specification.	Contractor fails to deliver. Partnership agencies do not have common goals. Shared services.
Physical	Related to fire, security, accident prevention and health and safety.	Land / facility management. Use of equipment.

Appendix 2 – Risk Register

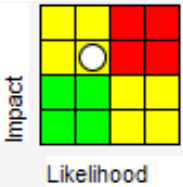
Part A – risks related to Section 3a and b of the service planning template.

(Service Title) Service Plan 2013/14

Risk No.	Risk title and detail	Consequence	Impact (1 to 4)	Likelihood (1 to 4)	Risk owner	Mitigation actions past quarter (if relevant)	Planned mitigating actions
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Quarter 1: xxxxxx
Quarter 2: xxxxxx
Quarter 3: xxxxxx
Quarter 4: xxxxxx

Appendix 3 – Covalent screen

Code	Title	Description	Current Risk Matrix	Impact	Likelihood	Managed By	Latest Note
13 – IS1	Response to changes to the Civil Procedure Rules governing the handling of liability insurance claims	The timeframe to handle liability claims below £25,000 will reduce from 111 days to 30 / 40 days in April 2013. Failure to meet deadlines could result in financial penalties.		3	2	Manager of Corporate Risk	<p>Mitigating actions April to June 2013:</p> <p>Procedure manual drafted and new methods of working introduced.</p> <p>Training provided to all teams.</p> <p>Planned mitigating actions:</p> <p>Monitor numbers of claims and response times. Meet teams when investigating claims. Further training as rules develop.</p>

Concise title. See guidance on page xxxx.

Description of root cause and potential consequence.

Code allocated by Corporate Risk Team. Year followed by individual code, then reference number. Codes are:
SR = Strategic Risk
CCS = Customer and Community departmental risk
IS = Internal Services
NS = Neighbourhood Services

Latest assessment of risk.

The likelihood of a risk occurring during the year may increase or decrease, and the impact similarly too. This should be reflected in the scoring.

The matrix will update automatically.

The risk owner. (A Director or senior Manager).

The controls / mitigating actions for the reporting period should be listed here, along with the actions that you plan to implement in future.