

MINUTES OF A MEETING OF THE  
ENVIRONMENT SCRUTINY COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON TUESDAY  
11 NOVEMBER 2014, AT 7.00 PM

---

PRESENT: Councillor M Pope (Chairman).  
Councillors W Ashley, P Ballam, R Beeching,  
E Buckmaster and G Williamson.

ALSO PRESENT:

Councillors J Mayes, J Ranger and P Ruffles.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Cliff Cardoza	- Head of Environmental Services
Nick Kirby	- Environmental Inspection Team Manager
Marian Langley	- Scrutiny Officer
George A Robertson	- Chief Executive and Director of Customer and Community Services
David Thorogood	- Environmental Co-Ordinator

330 APOLOGIES

Apologies for absence were submitted on behalf of Councillors C Rowley and B Wrangles. It was noted that Councillor R Beeching was substituting for Councillor Wrangles.

331 MINUTES – 9 SEPTEMBER 2014

In respect of Minute 226 (East Herts Climate Change Action Plan – Review of Progress), the Environment Strategy and Development Manager provided an update in relation to the proposed Micro Hydro Scheme at Hertford Theatre. He stated that a plan had been developed and this had been submitted to the Environment Agency for their informal consideration. If no comments were received, then the Council could progress to the formal submission and planning stage. The Environment Strategy and Development Manager referred to other hydro plants in the South East and the lengthy time taken to progress them to implementation.

The Environment Strategy and Development Manager referred Members to a BBC Radio 4 broadcast “Costing the Earth” and urged Members to take the opportunity to listen to the podcast from 24 September 2014 called ‘Power to the People’ about hydro plants and the problems associated with their implementation.

The Chairman asked whether the planning stage might be achievable by December 2014. The Environment Strategy and Development Manager stated that this was unlikely, given the timeframes for Development Management Committee and likely responses from the Environment Agency.

In terms of publicity for the hydro scheme, the Environment Strategy and Development Manager referred to an “Open Day” at Hertford Theatre which had been well attended with the public responding positively to the benefits of the hydro scheme.

RESOLVED – that the Minutes of the meeting held on 9 September 2014 be confirmed as a correct record and signed by the Chairman.

332 IMPACT OF THE ASB CRIME AND POLICING ACT 2014 ON EAST HERTS ENVIRONMENTAL CRIME POLICIES

The Executive Member for Community Safety and Environment submitted a report detailing the changes resulting from the Anti-Social Behaviour, Crime and Policing Act 2014 and how the new legislation would affect East Herts' current environmental crime policies.

The Head of Environmental Services explained that the new legislation covered a wide range of areas and although statutory guidance had been published in July 2014, further guidance was awaited. The Head of Environmental Services explained that the presentation would focus on aspects of environmental crime. He reminded Members that there would be a further report to Community Scrutiny Committee in March 2015 by the Head of Community Safety and Health Services in respect of the anti-social behaviour aspects of the new legislation.

The Environmental Inspection Team Manager gave a presentation on the new legislative powers which affected:

- Littering from cars
- Clearing litter and waste on land
- Graffiti and other defacement
- Controlling dogs.

The Environmental Inspection Team Manager referred Members to Essential Reference Paper "B" which set out the legislative implications for the Council and provided a summary of what was and was not, affected by the legislative changes.

Councillor C Woodward questioned the Council's ability to deliver the new legislative requirements in terms of resource implications and queried whether some of the new powers could be devolved to Town and Parish Councils which, he suggested, would be in line with the requirements of localism. The Environmental Inspection Team Manager acknowledged the new powers adding that devolution was something which Officers needed to explore in more detail.

Councillor R Beeching queried whether there could be devolvement of some powers to PCSOs. The Head of Environmental Services stated that further guidance was needed. He explained how the fixed penalty warning process and issue worked.

Councillor J Mayes referred to vans being parked on various roads in the District including along the A1170 and a layby in the A120 (near Bishop's Stortford) which were being used as 'advertising boards'. The Head of Environmental Services stated that this related to advertising on the highway, which was not part of the legislation under discussion. He advised that it may be possible to address the under planning legislation and the matter should be raised with the Head of Planning Services.

Councillor J Ranger referred to the issue of devolving powers to several agencies which might lead to a lack of co-ordination and continuity in the escalation from warning notice to fixed penalty if different Officers dealt with the same individual. The Head of Environmental Services explained the process in so far as Anti-Social Behaviour was concerned and the need to keep a formal record of warnings given to allow other agencies to proceed to the next stage. The Head of Environmental Services stated that, in relation to Public Space Protection, Notices, these could be issued by Town and Parish Councils but that only agency partners could issue Community Protection Notices.

Councillor C Woodward reminded Members that the Council had one dog warden covering an area which was a third of the whole county. The Head of Environmental Services acknowledged that the Council had limited resources and that Officers were stretched in terms of their roles. He explained the role of the public in terms of reporting dog fouling issues and in coming forward with evidence. In relation to littering from cars and previous difficulties encountered in securing convictions, the new legislation now held the registered keeper of the car

responsible for litter being dropped out of a car. The Head of Environmental Services referred to the different powers which were now available to the Council.

Councillor E Buckmaster emphasised the advantages of joined up working arrangements in respect of nuisance behaviours arising out of Licensing/Planning decisions.

In response to a query from the Chairman regarding further guidance, the Head of Environmental Services reiterated that he hoped that this would be available for consideration by Members in February 2015, but that would depend upon how quickly the statutory guidance was produced by Government.

Councillor C Woodward suggested that an item on the legislative changes be placed on the annual Parish Council Rural Conference and the new Urban Conference agendas for discussion next time they met. The Head of Environmental Services said that this would be discussed with appropriate Officers.

The Committee received the report.

RESOLVED – that (A) Officers report back to a future meeting on how legislation and emerging guidance would be implemented by the Council; and

(B) the Council's Environmental Crime Policy be reviewed to ensure compliance with legislation and best practice.

### 333 ENVIRONMENT SCRUTINY WORK PROGRAMME

The Chairman submitted a report setting out the future work programme for Environment Scrutiny Committee for 2014/15.

The Chairman drew Members' attention to the inclusion of a report onto the work programme, of changes to the

Council's Environmental Crime Policies following the introduction of new legislation and guidance. The Chairman also referred to reports for inclusion in relation to a Fuel Poverty Action Plan and proposals for supporting community groups in respect of Community Energy Projects. These were supported.

Councillor C Woodward referred to the number of sky lanterns and balloons being dispersed into the air and that the matter was currently being reviewed by Essex County Council. The Head of Environmental Services stated that East Herts did not allow sky lanterns to be launched from any of its public open spaces and that this issue could be covered by a protection order in future. He stated that helium balloons could also be covered by a protection order and these issues would be considered when the new orders were drawn up for EHC parks and open spaces.

Councillor R Beeching referred to private land close to a local hotel used for weddings and the resultant debris including wire, from balloons and lanterns being released. The Head of Environmental Services gave a summary of the legal position and advised that the Council had no powers to prevent balloons from being released from private land, although this should be discouraged. Councillor C Woodward suggested that the Council should issue a statement of its views on this issue on its website. The Head of Environmental Services agree to update the web pages accordingly.

Councillor R Beeching stated that the issue of lanterns and balloons could be addressed in relation to licensing conditions and if applications were made for Temporary Events.

The Committee approved the report, as amended.

RESOLVED – that the work programme, as amended, be approved.

### 334 SERVICE PLANS MONITORING

The Leader of the Council and Chief Executive and Director of Customer and Community Services submitted an exception report on the 2014/15 Service Plans.

The Chief Executive and Director of Customer and Community Services provided an update of 32 actions which had been either achieved, on target, suspended, deleted or had had their completion dates revised. It was noted that action 14-ES03 (Development of a business case for the Council to fund replacement gym equipment at Hartham and Grange Paddocks) had been deleted and that 11-ES21 (Castle Weir Micro Hydro Scheme at Hertford Theatre) referred to earlier in the meeting, was under consideration by the Environment Agency.

The Chief Executive and Director of Customer and Community Services advised that there were four outstanding actions for 2013/14 which should have been referred to Community Scrutiny Committee. He provided a summary of the actions.

Councillor E Buckmaster queried whether enhancements to Sawbridgeworth would be progressing. The Head of Environmental Services explained that appropriate funding needed to be identified and that further discussions with the Town Council needed to take place.

In response to a query from Councillor E Buckmaster regarding working with schools and Hertfordshire County Council to ensure the long term financial sustainability of joint use pools, the Head of Environmental Services explained that on-going discussions were taking place with two schools, both of which were uncertain about government funding regimes and that options for the future sustainability of leisure centres were being explored.

Councillor C Woodward congratulated Officers and the Dog Team in achieving the RSPCA Gold Footprint Award.

He asked that Members' congratulations be formally passed on to Officers. This was supported.

Councillor C Woodward asked where the "Love Your Local Market" week had been held and queried whether it could be extended. He also asked for an update in relation to the revised management plan for Waytemore Castle. The Chief Executive and Director of Customer and Community Services explained that the market had been held in Hertford and would write to the Member concerning any proposals to extend it. In relation to Waytemore Castle, the Head of Environmental Services advised that a lot of work had been undertaken on site in terms of a joint approach with Bishops Stortford Town Council. He hoped to report back with further information as soon as possible. The Head of Environmental Services commented that the Master Plan was under development with the Town Council and significant progress had been made. This would be completed in 2015.

Councillor C Woodward referred to SPARC and the fact that some Councils had adopted three-weekly collections. He sought assurances that the Council was keeping abreast of what was happening with other Councils. The Head of Environmental Services advised that he was aware that some councils were considering this but did not support it as some residents place food waste in their black bin and this would mean it stayed there for three weeks. This would not be acceptable especially during the summer months. He stated that the three-weekly collections of residual waste introduced by a few councils was supported by more frequent collections of food waste.

The Committee received the report.

RESOLVED – that progress against the Council's priorities, including revised completion dates, suspensions and deletions against 2014/15 Service Plan actions and 2013/14 and 2011/12



Service Plan actions be noted; and

(B) Members' thanks be passed on to Officers for their efforts in achieving the RSPCA Gold Footprint Award.

335 ENVIRONMENT SCRUTINY HEALTHCHECK - AUGUST 2014 TO SEPTEMBER 2014

The Chief Executive and Director of Customer and Community Services submitted a report setting out the performance of key indicators relating to Environment Scrutiny for the period August 2014 to September 2014. The Chief Executive and Director of Customer and Community Services referred Members to further information which was now available in relation to EHPI 191 (Residual Household Waste per Household) and EHPI 192 (Percentage of Household Waste sent for reuse, recycling and composting).

Councillor R Beeching referred to EHPI 2.1d (Planning enforcement: Initial Site Inspections) and EHPI 157c (Processing of Planning Applications: Other applications) which had turned "red" and "amber" respectively. The Chief Executive and Director of Customer and Community Services advised that targets had been affected as a result of staffing difficulties and that plans were in place to recruit more staff.

The Committee received the report.

RESOLVED – that the performance for the period August 2014 to September 2014 be noted.

The meeting closed at 8.15 pm

Chairman .....
Date .....