



MEETING : EXECUTIVE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 6 JANUARY 2015
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.)

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Apologies

To receive apologies for absence.

2. Leader's Announcements

3. Minutes (Pages 7 - 14)

To approve the Minutes of the meeting held on 2 December 2014.

4. Declarations of Interest

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

5. Anti-Social Behaviour - Crime and Police Act 2014 (Pages 15 - 30)

6. Request for Area Designation for Neighbourhood Planning: Walkern Parish
(Pages 31 - 40)

7. District Plan Executive Panel: Minutes - 8 December 2014 (Pages 41 - 48)

To consider recommendations on the following matters:

(A) The Bishop's Stortford Goods Yard Update Report

Minute 21 refers

(B) Draft District Plan – Retail and Town Centres Policy Critical Friend
Appraisal (November 2014)

Minute 22 refers

(C) Authority Monitoring Report 2013/14

Minute 23 refers

(D) Delivery Study Update Report

Minute 24 refers

(E) Duty to Co-operate Update Report

Minute 25 refers

(F) Draft District Plan Chapters 17-19: Response to Issues Raised During Preferred Options Consultation and Draft Revised Chapters

Minute 26 refers

Note – Members are reminded to bring their copy of the District Planning Executive Panel agenda to the meeting.

8. 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 2 DECEMBER 2014, AT 7.00 PM

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

ALSO PRESENT:

Councillors R Beeching, E Buckmaster,
S Bull, M McMullen, P Moore, P Ruffles,
N Symonds, J Thornton and J Wing.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Martin Ibrahim	- Democratic Services Team Leader
Adele Taylor	- Director of Finance and Support Services

387 **COUNCIL TAX REDUCTION SCHEME**

The Executive Member of Finance submitted a report proposing a local Council Tax Support Scheme (CTS) from April 2015. He detailed the financial and equality impacts of the recommended CTS scheme for East Herts' residents. He also stated that there were no proposed changes to the scheme from last year and that the Council would be supporting the same number of people.

It was noted that the Corporate Business Scrutiny Committee, at its meeting held on 25 November 2014,

had supported the proposed scheme. Councillor J Wing referred to the Committee's suggestion that the proposal should be submitted for consideration earlier in the meetings cycle. The Director of Finance and Support Services advised that this had been taken on board and that the work programme had been amended accordingly, so that the matter would be submitted to the July 2015 meeting.

The Executive supported the proposed CTS as now detailed.

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

(B) the forecasted financial implications arising from the recommended scheme for the Council Tax reduction scheme (CTS) with effect from 1 April 2015 and the risks and assumptions attached to these, be noted; and

(C) the proposed CTS Scheme be approved.

388 APOLOGIES

An apology for absence was submitted on behalf of Councillor M Carver.

389 LEADER'S ANNOUNCEMENTS

The Leader welcomed the press and Members to the meeting. He referred to the supplementary agenda and advised that replacement copies had been laid around the table as some pages in the original had not been reproduced clearly.

390 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 4 November 2014, be approved as a correct record and signed by the Leader.

391 ISSUES ARISING FROM SCRUTINY

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

RESOLVED – that the report be received.

392 POSSIBLE JOINT WORKING ON WASTE & STREET
CLEANSING CONTRACTS WITH NORTH HERTS DISTRICT
COUNCIL

The Executive Member for Community Safety and Environment submitted a report seeking authority for Officers to produce an outline business case to evaluate the possibility of a joint Waste Collection and Street Cleansing contract with North Herts District Council. This would assess the implications to both Authorities in improving the cost effectiveness of these services.

The Executive Member referred to continuing financial pressures and the need to explore all avenues to achieve the best possible service for the least cost. To this end, he proposed that Officers explore a joint arrangement with North Herts District Council and referred to the window of opportunity that current contract cycles presented. He emphasised that current standards of service would not be compromised.

The Executive approved the recommendations as now detailed.

RESOLVED - that (A) the development of an outline Business Case with North Herts District Council as detailed in paragraphs 2.10 - 2.11 of the report submitted, be approved; and

(B) a report be brought back to the Executive in Spring 2015 to include an outline Business Case with

the objective of obtaining approval of both Councils to proceed to the next stage of jointly procuring these services and specifically on how this joint project will be controlled and managed and the governance arrangements once the joint contract has been awarded.

393 SHARED ANTI-FRAUD SERVICE PARTNERSHIP

The Executive Member of Finance submitted a report seeking approval for the participation in and establishment of a Shared Anti-Fraud Service for non-benefit and corporate fraud by means of a partnership with five other Authorities – Broxbourne Borough Council, Hertfordshire County Council, Hertsmeire Borough Council, North Herts District Council and Stevenage Borough Council.

He suggested that this would be a natural extension of the existing Shared Internal Audit Service, but that there were other drivers. In particular, the significant cost of fraud to the public purse, estimated against local government at £2.1 billion annually of which only 2.7% was detected. He also detailed a number of national developments at paragraph 2.1.2 of the report submitted. Finally, he advised that the bid for set-up costs to the Department for Communities and Local Government had been successful.

In response to Members' comments and questions, the Director of Finance and Support Services confirmed that the proposed service would manage their own IT systems. Each area would receive a fixed element of resources on preventative work but that other resources would need to be allocated to wherever fraud had been identified.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) East Herts Council becomes a partner in the Shared Anti-Fraud Service for non-benefit and corporate fraud between the Councils now identified;

(B) the Director of Finance and Support Services be authorised to make the detailed arrangements to establish the Shared Anti-Fraud Service; and

(C) funding arrangements will be finalised through a growth bid for 2015/16, following the outcome of the bid for set-up costs to the Department for Communities and Local Government.

394 REALLOCATION OF ANPR ENFORCEMENT FUNDING

The Executive Member for Economic Development submitted a report seeking approval for the redeployment of an existing revenue budget for the employment of an additional Civil Enforcement Officer (CEO). This resource would be deployed in certain “hotspots”, such as on school zigzag lines.

The Executive recalled that on 7 February 2012, it had agreed to extend its Civil Parking Enforcement powers to permit enforcement of specified parking contraventions using an Automatic Number Plate Recognition (ANPR) equipped vehicle. Annual funding of £29,000 had been agreed, effective from 2012/13 and an enforcement policy framework was subsequently by the Executive on 4 December 2012. However, the Government had since threatened to outlaw the use of ANPR cameras for parking enforcement, thus resulting in East Herts suspending the implementation of its mobile, ANPR based enforcement service. Further legislation was awaited.

In the meantime, the Executive Member proposed using the funding to employ an additional Civil Enforcement Officer as detailed in the report submitted. He emphasised that the priority was safety and invited Members to identify any areas of concern requiring greater enforcement.

In response to a Member’s question, the Executive Member suggested that an electric car might be cost prohibitive, but that he would raise with Officers.

The Executive approved the proposal on the basis that the

CEO would have a car and not a scooter.

RESOLVED - that the redeployment of an existing revenue budget for the employment of a Civil Enforcement Officer and car, be approved.

395 EXTENSION OF PARKING ENFORCEMENT CONTRACT

The Executive Member for Economic Development submitted a report seeking approval to a two year extension to the contract between East Herts Council and NSL Ltd for the provision of parking enforcement and related services. The Executive Member detailed the good performance of NSL Ltd to date and outlined the major projects planned for 2015-17 that could be compromised by resources being diverted to new procurement activities.

The Executive approved the proposal as now detailed.

RESOLVED - that the two year extension to the NSL parking enforcement contract as detailed in this report, be approved.

396 MONTHLY CORPORATE HEALTHCHECK - OCTOBER 2014

The Leader of the Council submitted an exception report on finance and performance monitoring for October 2014.

In response to a question from Councillor J Wing, the Executive Member for Economic Development clarified that the Sawbridgeworth toilet refurbishment would be carried out on the basis that the Town Council would be assuming responsibility for its maintenance. The Executive Member for Finance added that the Council retained its responsibilities for providing public conveniences by working in partnership with others and cited those provided in conjunction with Wetherspoons in Hertford as a good example.

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) a further drawdown of £6,500 from the Local Plan Reserve to fund the extension of hours and overtime arrangements in the Development Plans Section to support District Plan preparation work as set out in paragraph 2.6 of the report submitted, be approved;

(C) the current position and action proposed to address three performance indicators that are currently off target of which EHPI 181 had been off target for the third consecutive month, be noted, and the Executive Member for Health, Housing and Community Support, in conjunction with Officers, continue to monitor the situation;

(D) the use of £40,000 of the contingency budget to fund a housing needs survey to determine the future needs of social housing tenants, as detailed at paragraph 2.27 of the report submitted, be approved;

(E) the use of £75,000 of the contingency budget to fund the filling of a sink hole in Cherry Tree, Hertford, as detailed at paragraph 2.28 of the report submitted, be approved;

(F) changes to the capital programme as detailed in paragraphs 2.32 to 2.42 of the report submitted, be approved; and

(G) a request for a £30,000 capital bid to carry out the initial stages of a survey of gas emissions at the Pole Hole Landfill Site, as detailed in paragraph 2.44 to 2.45 of the report submitted, be approved.

The meeting closed at 7.45 pm

Chairman
Date

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EAST HERTS COUNCIL

EXECUTIVE - 6 JANUARY 2015

REPORT BY EXECUTIVE MEMBER FOR COMMUNITY SAFETY
AND ENVIRONMENT

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICE ACT 2014

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- The purpose of this report is to provide a broad overview of a number of the key provisions contained within the Anti-social Behaviour, Crime and Policing Act 2014 and ensure that appropriate officers and organisations are authorised under the Act.

RECOMMENDATION FOR COUNCIL: That:

(A)	the scheme of delegations to Officers be amended as follows:
	<ol style="list-style-type: none">1. The Head of Environmental Services and the Head of Community Safety and Health Services in consultation with the Legal Services Manager be granted delegated authority to seek an Injunction to Prevent Nuisance and Annoyance in accordance with Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014.2. The Head of Environmental Services and the Head of Community Safety and Health Services in consultation with the Legal Services Manager be granted delegated authority to apply for Closure Orders and to authorise their officers to issue Closure Notices and in accordance with Part 3 of the Anti-social Behaviour, Crime and Policing Act 2014.3. The Head of Environmental Services and the Head of Community Safety and Health Services in consultation with the Legal Services Manager be granted delegated authority to authorise Officers to serve Community Protection Notices, and Fixed Penalty Notices in the

	<p>event of a breach, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.</p> <p>4. The Head of Community Safety and Health Services in consultation with the Legal Services Manager be granted delegated authority to may make a public spaces protection order, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.</p>
<p><u>RECOMMENDATION FOR EXECUTIVE:</u> That:</p>	
<p>(B)</p>	<p>the Community Trigger procedure as outlined in Essential Reference Paper B be noted and supported.</p>

1.0 Background

- 1.1 Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police, Councils and social landlords.
- 1.2 The Anti-social Behaviour, Crime and Policing Act 2014 is designed to put the victim at the heart of the response and give professionals the flexibility they need to deal with any given situation.
- 1.3 Home office guidance – “Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers statutory guidance for frontline professionals”, (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf) provides a detailed summary of how and when each power is appropriate to be used and by whom. It should be noted that the new tools and powers can only be used where there is sufficient evidence to warrant their use. The aim of the powers is to provide a range of tools for professionals, which can be employed on any given case dependant on the circumstances and evidence of each case.

2.0 Report

2.1 The purpose of the new tools and powers are summarised below:

- **Injunction to Prevent Nuisance and Annoyance** – aimed at stopping or preventing individuals from engaging in anti-social behaviour quickly, tackling problems before they escalate.
- **Public Spaces Protection Order** – Designed to stop individuals or groups committing anti-social behaviour in a public space.
- **Community Protection Notice** – Can stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.
- **Criminal Behaviour Orders** – Are issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are engaged in criminal activity.
- **The Dispersal Power** – Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours.
- **Closure Powers** – Allows the Police or Council to close premises which are being used, or likely to be used, to commit nuisance or disorder.
- **Community Trigger** – To give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem solving approach to find a solution.
- **Community Remedy** - Gives victims a say in the out-of-court punishment of perpetrators for low level crime and disorder.

2.2 It is proposed that the Head of Environmental Services and the Head of Community Safety and Health Services are granted delegated responsibilities to appoint officers as authorised to determine any action relating to the Anti-Social Behaviour Crime and Policing Act 2014 so far as the provisions relate to the powers and duties of East Herts Council. This will enable the Council to utilise staff resources, currently working in related areas of work, to implement the new tools and powers as appropriate. For

example, officers will use the powers to address complaints in relation to dogs and noise nuisance.

- 2.3 Training will be provided to appropriate officers, to use the new tools and powers.

3.0 Injunction to Prevent Nuisance and Annoyance

- 3.1 The Injunction to Prevent Nuisance and Annoyance (IPNA) is a civil power which can be applied for to deal with anti-social behaviour. It replaces six orders formerly available to local authorities and the Police. An injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.

- 3.2 Any authority seeking to apply for an Injunction must have evidence (to the civil standard of proof – on the balance of probabilities) that the respondent is engaged in or threatened to engage in those activities set out below:

- i) conduct that has caused, or is likely to cause harassment, alarm or distress to any person;
- ii) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
- iii) conduct capable of causing housing related nuisance or annoyance to any person.

- 3.3 Note: (ii) only applies where the injunction is applied for by a housing provider, local authority or Chief Officer of Police (iii) only applies where the injunction is applied for by a housing provider or local authority.

- 3.4 Unlike other proposals in the Act this process is applied through the County Court for persons over 18 and in the Youth Court for under 18's. Evidence and statements from witnesses will be required to support the application but will also vary depending upon the type of conduct which it is sought to restrict such as harassment or causing annoyance to the occupation of premises. It is clear that the latter would be of use to the authorities and to social housing providers. The procedure is indicated to be swift but a good deal of preparation will be required before going before the Court as well as ensuring an urgent date can be obtained.

3.5 Where any action is to be taken against a person under 18 years old in a Youth Court then the Youth Offending Team should be part of the decision making process.

4.0 Public Spaces Protection Orders

4.1 Public Spaces Protection Orders (PSPO's) may be made in relation to activities carried on (or likely to be carried on) in a public place, which are reasonably considered to have a detrimental effect on the quality of life in the locality. This effect must be persistent or continuing in nature and must be such as to make the activity unreasonable. The PSPO may restrict the activity through prohibition or the imposition of requirements, although these restrictions may not go beyond what is reasonable and justified in relation to the detrimental effect sought to be tackled.

4.2 Consultation with the police and community representatives must be undertaken before a PSPO is made. A PSPO will have effect for periods of up to three years, but may be renewed indefinitely for so long as it is considered necessary.

4.3 Breaching a PSPO is a criminal offence punishable on conviction by a level 3 fine (currently £1000). Alternatively a fixed penalty notice of up to £100 may be issued by a Constable or by an authorised officer of the authority which made the Order. While the Order is in force any local byelaws which apply to the same activity cease to have effect.

5.0 Closure Power

5.1 The Closure Power allows the Police or the Council to quickly close premises which are being used, or likely to be used to commit nuisance or disorder. A Closure Notice is issued out of Court in the first instance. Flowing from this the Closure Order can be applied for through the Magistrates Court.

5.2 Both the Council and Police can issue a Closure Notice (CN) and guidance requires that it must be approved at an Inspector or above level for the Police or a suitably qualified and experienced Officer within local authority for those issuing CN's of 24 hours. Following the issue of a CN the legislation requires that a series of notifications must be undertaken once a CN has been served particularly if the intention is to seek a Closure Order (CO). The

Magistrates Court is required to hear the application within 48 hours and this will require close working with the Court Service

- 5.3 In addition before serving a CN or seeking a CO the Council and/or Police must ensure that they consult widely including with the victim, community representatives other organisations and users of the premises under investigation. Record keeping and evidential matters will be a key consideration and an agreed procedure will need to be established with partner bodies.
- 5.4 A notice can close premises for up to 48 hours but cannot stop the owner or those who live there accessing the premises. An order can close premises up to 6 months and can restrict all access. Both the Notice and the Order can cover any land or any other place, whether enclosed or not including residential, business and licensed premises.
- 5.5 Breaching a Closure Order will be a criminal offence. Breaching a Notice can carry a custodial sentence of up to 3 months and breaching an Order can result in 6 months in prison. Both carry an unlimited fine for residential and non-residential premises.
- 5.6 Prior to seeking a Closure Order, it will be important that appropriate services in the Council are consulted.

6.0 Community Protection Notice

- 6.1 A Community Protection Notice (CPN) is intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life by targeting those responsible. These include graffiti, rubbish and noise. A CPN does not discharge the Council from its duty to issue an Abatement Notice where the behaviour constitutes a statutory nuisance for the purposes of Part 3 of the Environmental Protection Act 1990, but both can run in tandem.
- 6.2 The test to be applied in issuing a Community Protection Notice is broad and focuses on the impact anti-social behaviour is having on victims and communities. A CPN can be issued by the Police, Council authorised officers or housing associations if they are satisfied on reasonable grounds that the conduct of the individual, business or organisation:
- (a) is having a detrimental effect on the quality of life of those in the community;

- (b) is persistent or continuing in nature; and
- (c) is unreasonable.

6.3 Under the procedure outlined in the Guidance which accompanies the Act, a written warning has to be served followed by the CPN then at a later stage a Fixed Penalty Notice (FPN) may be issued for non-compliance. In addition, the CPN can be appealed within 21 days of service. All these processes need to be recorded and evidenced. The Council and its partners will need to ensure that there is an effective monitoring arrangement in place because of the appeal process and potential for prosecution. Some form of 'gate keeping' arrangement may be required in order to avoid duplicate actions by partner organisations. Coordination may fall to the responsibility of the Community Safety staff.

6.4 Failure to comply with a CPN can result in one of the following sanctions:

- Fixed Penalty Notice
- Remedial Action
- Remedial Orders
- Forfeiture Orders
- Seizure.

7.0 Criminal Behaviour Orders

7.1 Criminal Behaviour Orders may be issued following a conviction by the Criminal Courts. They are intended to rehabilitate offenders by tackling the underlying cause of the anti-social behaviour, such as misuse of drugs, and alcohol etc. For example, offenders may be obliged to attend alcohol/anger management courses etc. These are normally sought by Crown Prosecution Service but a local authority can also apply for these in cases of serious and persistent anti-social behaviour and may occasionally be a useful adjunct to prosecution for criminal offences (e.g. persistent noise nuisance).

8.0 The Dispersal Power

8.1 Police Dispersal Powers require a person committing, or likely to commit antisocial behaviour or crime or disorder, to leave an area for up to 48 hours.

9.0 Community Trigger

- 9.1 East Herts has been a leader in developing the Community Trigger which is already in place since April this year. The procedure together with a flow chart is outlined in **Essential Reference Paper B**.
- 9.2 For the Community Trigger to apply, anti-social behaviour must be persistent, be harmful or potentially harmful to an individual or a community. A victim, not satisfied with authorities' responses to complaints, may request a review of any action taken. If three complaints about anti-social behaviour are received within a 6 month period, upon request, the Council is obliged to formally review the actions taken/planned with relevant partners (Police, housing associations etc.) and inform the victim of the outcome.
- 9.3 This part of the law could impact on many services across the Council and any partners. For example, the response to noise complaints, irresponsible dog owners, planning enforcement, open spaces management and housing matters, could all come under scrutiny.
- 9.4 If a 'Trigger' request is made, a formal review would have to be held and the case scrutinised. A multi-agency panel would ultimately review the case and make recommendations for action. Community Safety staff will act as the single point of contact for the Community Trigger where they will coordinate any processes with other services.

10.0 Community Remedy

- 10.1 This new power allows the Police to choose an alternative punitive/rehabilitation action against offenders, other than proceeding through the courts. The victim and perpetrator of the crime would be involved in deciding the reparation action required.

11.0 Implications/Consultations

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

Background Papers

Home office guidance – “Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers statutory guidance for frontline professionals”,

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf)

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	<i>People – Fair and accessible services for those that use them and opportunities for everyone to contribute</i> This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.
Consultation:	Consultation will take place with partners.
Legal:	The legal implications are included in the report.
Financial:	Training costs, if any, will need to be met from existing budgets.
Human Resource:	HR implications are contained in the report.
Risk Management:	The Council needs to adopt policies and processes to ensure appropriate decisions are made.
Health and wellbeing – issues and impacts:	The effective control of anti-social behaviour enhances the quality of live for residents.

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ESSENTIAL REFERENCE PAPER 'B'

East Herts Community Trigger

- In October 2013 Herts County Council arranged a workshop for all local authorities, Police and several Housing Associations. Criteria for Community Triggers were discussed based upon the 4 pilot areas and local knowledge.

- The following criteria was agreed:

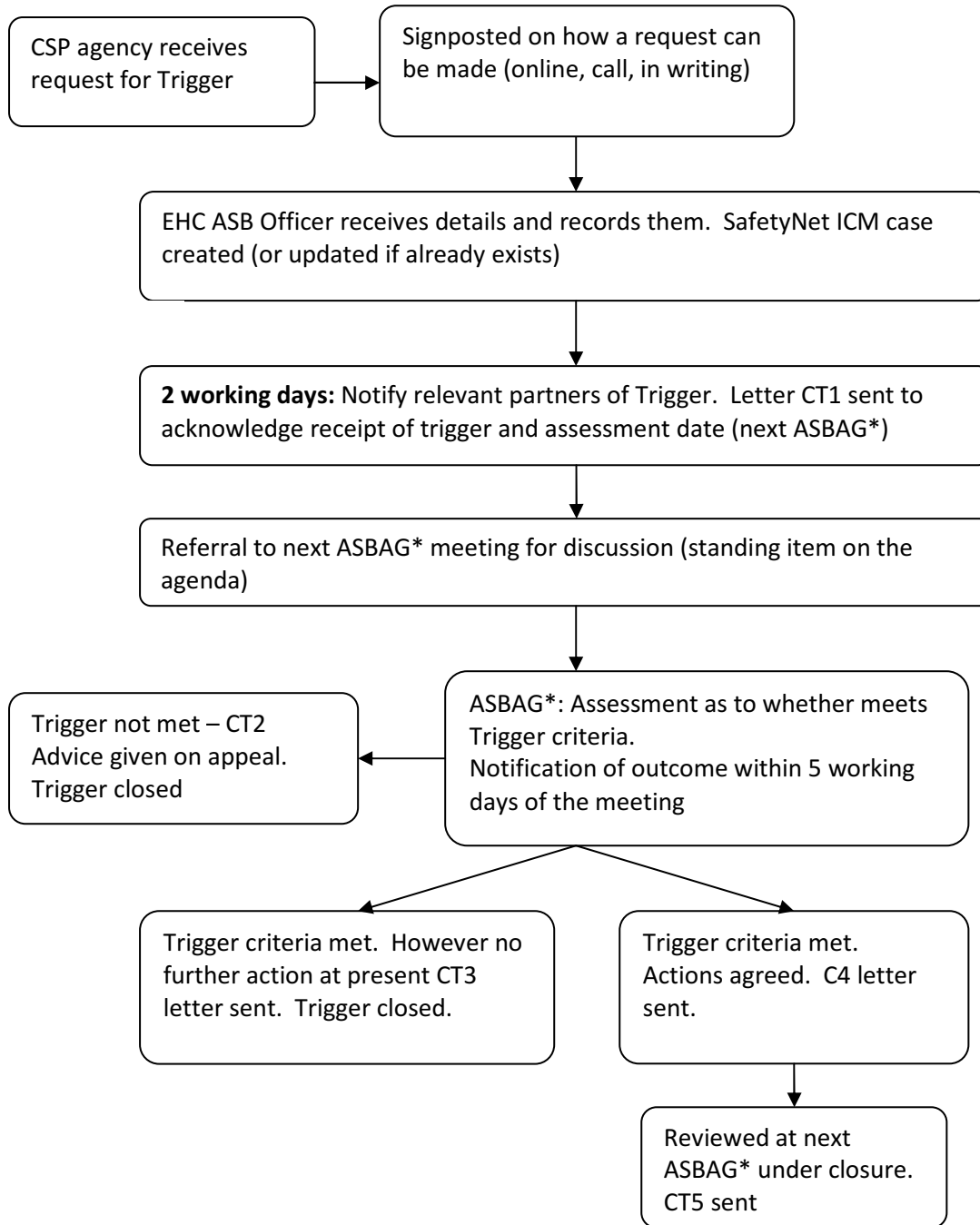
Three reports from an individual about separate incidents in 6 months or 3 individuals have separately reported similar in 6 months. Where the same incident has been reported to more than one agency this is classed as one incident.

- In January this year, Julie Pomfrett (ASB & Projects Officer) established a working group with Herts Police, Riversmead and Circle Housing South Anglia as to how the process for the Community Trigger could work in East Herts.
- It was agreed that a single point of contact (SPOC) was needed to receive the initial complaints to ensure continuity and easier for the public to access. The ASB Officer at East Herts Council was identified as the SPOC as their role covers the whole district, is full time and chairs the ASBAG (Anti-social Behaviour Action Group). Consideration has been given to when this officer is on leave, and deputies from other organisations will cover.
- It was agreed that the trigger could be accessed in the following ways:
 - Online:** A specifically designed online form has been designed (that can be completed and submitted. The forms will be sent to EHC ASB Officer email address, as well as the Community Safety inbox (to allow for resilience).
 - By phone:** All relevant agencies have been briefed on the process of the CT and should they receive a call from someone wanted to use the CT they should direct to EHC ASB Officer or website Upon receiving a call the EHC ASB Officer will take relevant details (the same as on the online form)
 - In writing:** CTs may be received in writing however this will not actively be encouraged as a letter may not contain the required information. Should someone prefer to make a request in writing the online form can be sent to them for completion.

- Anonymous CTs are **not** accepted, however the details of the problems will be passed to relevant agencies for intelligence purposes.
- Any CTs received require the individual to consent to the information being shared with agencies. Should consent not be given then the CT will not be pursued. Existing information sharing protocols will cover any subsequent exchange of information.
- The victim/complainant will be written to acknowledging receipt of the CT. This will be within **2** working days of the CT being received. This is seen as an achievable timeframe as the letter will be a standard letter and there will be no investigation needed prior to the letter being sent out. In absence of the EHC ASB Officer, arrangements can be made for colleagues to cover. The letter will advise that the CT has been added to the agenda of the next ASBAG and the date provided.
- Relevant agencies will be notified of the CT that has been received. Requested to have information ready for the next ASBAG where case will be discussed.
- An ICM case will be created on SafetyNet (web based case multi-agency case management system) for the individual if there is not already one in existence. Findings from the trials noted the benefit in using existing procedures and shared IT systems. SafetyNet has a built in risk assessment for any ASB victims and witnesses and capacity to save documents and allocate actions. In addition by recording on SafetyNet it will allow agencies to see if a victim/witness has requested a CT previously.
- All CTs received will be taken to the next ASBAG meeting for assessment. The ASBAG meets on a six weekly basis to review and discuss cases of ASB in the district. It is a multi-agency meeting that is attended by statutory and non-statutory CSP partner agencies.
- The ASBAG was agreed as the best mechanism for the CTs to be discussed as it is an established group with good attendance. It was felt unnecessary to arrange a specific sub group for CTs as agency attendance would be mirrored to the ASBAG and problematic to find dates and times that all agencies can make.

- ASBAG meetings take place often enough to ensure that any CT received will be dealt with in an acceptable time frame. However, should an agency have a concern or case presents as high risk then a sub group meeting will be arrange where appropriate.
- The CT will be added as a standard item to the ASBAG agenda. It will be the last item on the agenda and therefore allow any agencies that do not need to attend to leave the meeting, such as Youth Connexions and Thriving Families.
- The CT is **not** a replacement for agencies existing complaints procedures. The CT should not be used as a complaint procedure against an individual officer or agency. The CT is a process for problem solving and finding solutions for the victim(s), as well as providing a mechanism for multi-agency accountability which cannot be achieved through single agency complaints procedures.
- There will have to be a minimum of three agencies present to review any trigger. Wherever possible there will be an agency present who has not previously been involved in the case to increase an impartial decision being made.
- The victim(s) will be notified of the outcome within 5 working days of the ASBAG meeting. Standard letter formats will be produced.
- This process went to the CSP Board in March 2014 and was supported by all agencies. East Herts therefore launched the Trigger in June 2014, ahead of the legislation coming into effect. This enabled us to have a period of time to see if the process worked and make any changes.
- A leaflet has been produced and an article went in Link magazine. Other areas have used the process East Herts have developed.
- 3 Community Triggers have been received so far. Advice and guidance on the trigger can be found at www.eastherts.gov.uk/communitytrigger. Please see the attached process map for the trigger.

East Herts Community Trigger process



Letters

CT1: Acknowledgement of Trigger and date of next ASBAG* given where case will be assessed.

CT2: Trigger has not met criteria. Advice given on case and details of appeal.

CT3: Trigger has met criteria however all possible action has already been undertaken. Details on appeal given.

CT4: Trigger has met criteria. Outline actions agreed and contact of lead officer

CT5: Trigger has been closed. No further action.

Appeals

All appeals should be in writing to the Chair of the CSP Board for their investigation.

*Anti-social Behaviour Action Group

EAST HERTS COUNCIL

EXECUTIVE – 6 JANUARY 2015

REPORT BY EXECUTIVE MEMBER FOR PLANNING POLICY AND
TRANSPORT

REQUEST FOR AREA DESIGNATION FOR NEIGHBOURHOOD
PLANNING: WALKERN PARISH

WARD(S) AFFECTED: Walkern

Purpose/Summary of Report

- To enable the consideration of an application for the designation of a Neighbourhood Area.

<u>RECOMMENDATION FOR EXECUTIVE:</u> that:	
(A)	the application for the designation of a Neighbourhood Area, submitted by Walkern Parish Council, be supported.

1.0 Background

1.1 Walkern Parish Council (WPC) submitted an application for the designation of a Neighbourhood Area to the Council on 8th October 2014. Agreement to the designation of a Neighbourhood Area is required by the Council as Local Planning Authority (LPA) before a Neighbourhood Plan can be formulated.

1.2 The application was made in the form of a letter from WPC with an attached plan setting the area to which the application relates. The letter and plan form **Essential Reference Paper B** to this report.

2.0 Consultation

2.1 The Council has undertaken the appropriate consultation with regard to the application submission. Following the consultation no comments have been received.

3.0 Considerations

3.1 Two main areas of consideration to be taken into account when determining an application for the designation of a Neighbourhood Area are set out in Schedule 9 of the Localism Act 2011. One of these is that the authority determining the application must have regard to the desirability of maintaining the existing boundaries of neighbourhood plan areas already designated.

3.2 No weight needs to be given to this consideration in this case as no other Neighbourhood Areas are currently designated in the Walkern parish area.

3.3 The other area of consideration is the desirability of designating the whole of the area of a parish council as the Neighbourhood Area.

3.4 In this case, the area proposed covers the entire parish area, a known and existing boundary which does not conflict with neighbouring parish boundaries.

3.5 At the current stage of the emerging District Plan it is considered suitable to bring the neighbourhood plan forward for approval.

4.0 Conclusion

4.1 Neighbourhood planning is now an integral part of the planning system with legislative backing through the Localism Act. The LPA is charged with determining applications for the designation of Neighbourhood Areas. In this case, designation of a parish area for neighbourhood planning purposes.

5.0 Implications/Consultations

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

Background Papers

None

Contact Member: Cllr M Carver, Executive Member for Strategic Planning and Transport
mike.carver@eastherts.gov.uk

Contact Officer: Kevin Steptoe, Head of Planning and Building Control, Ext 1407
kevin.steptoe@eastherts.gov.uk

Report Author: Isabelle Haddow – Planning Officer, Planning Policy
isabelle.haddow@eastherts.gov.uk

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	<p>People – Fair and accessible services for those that use them and opportunities for everyone to contribute</p> <p>This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.</p> <p>Place – Safe and Clean</p> <p>This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p>Prosperity – Improving the economic and social opportunities available to our communities</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>
Consultation:	The application for the designation of a Neighbourhood Area was the subject of consultation.
Legal:	The formulation of a Neighbourhood Plan is established in the Localism Act 2011.
Financial:	The formulation of a Neighbourhood Plan, if it progresses to the stages of referenda and adoption will lead to costs for the Council.
Human Resource:	There will be a requirement for Planning Officers to provide advice and guidance in relation to the formulation of any Neighbourhood Plan.
Risk Management:	The issues which are favourable or otherwise to the formulation of a Neighbourhood Plan are considered in the report.
Health and wellbeing – issues and impacts:	The link between planning and health has long been established. The built and natural environments are major determinants of health and wellbeing.

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011

WALKERN PARISH COUNCIL Walkern Neighbourhood Plan Group

8th October 2014

Secretary: Sally Roberts

Kevin Steptoe
Planning and Building Control
East Herts Council
Wallfields
Peggs Lane
Hertford SG13 8EQ

By email only

Dear Sirs,

APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA

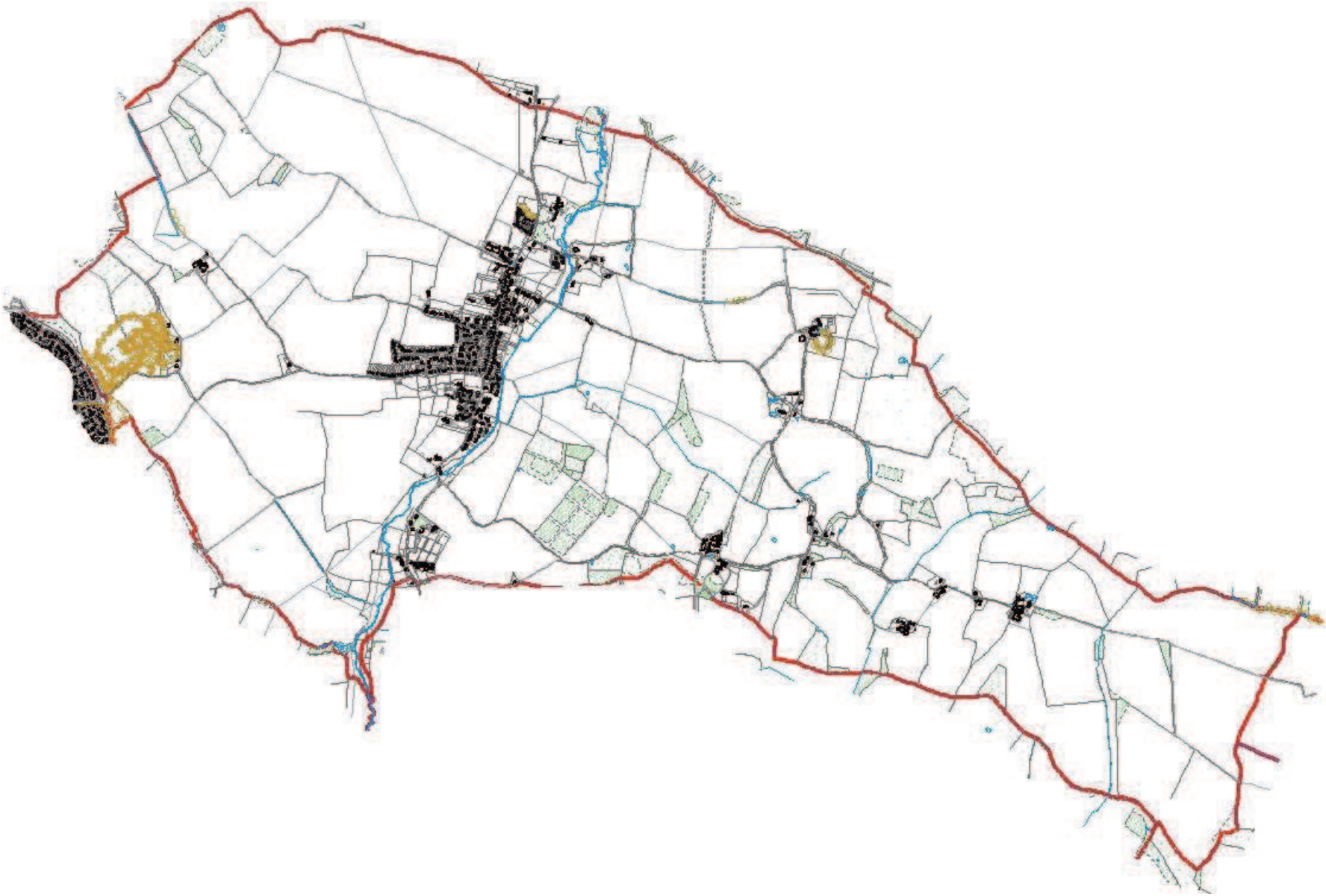
Walkern Parish Council and its Walkern Neighbourhood Plan Group, as a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), hereby requests that the village of Walkern as defined by its parish boundary and outlined in black on the enclosed map, be designated as a Neighbourhood Area as specified in Schedule 9 61G of the Localism Act 2011.

The Parish Council and its Walkern Neighbourhood Plan Group considers this an appropriate area for designating as a Neighbourhood Area for the following reasons:-

- The boundaries represent existing and well established boundaries.
- This complies with the guidance given in Interim Neighbourhood Planning Guidance Note (East Herts Council, December 2011) that "the expectation in East Herts is that neighbourhood areas will follow parish boundaries".

Secretary for Walkern Neighbourhood Plan Group
On behalf of Walkern Parish Council

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Walkern Parish Boundary Area Designation map

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MINUTES OF A MEETING OF THE
DISTRICT PLANNING EXECUTIVE PANEL
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON MONDAY 8
DECEMBER 2014, AT 7.00 PM

PRESENT: Councillor M Carver (Chairman)
Councillors L Haysey and S Rutland-Barsby.

ALSO PRESENT:

Councillors D Andrews, S Bull, G Jones,
P Moore, T Page, J Ranger, P Ruffles,
N Symonds and K Warnell.

OFFICERS IN ATTENDANCE:

Chris Butcher	- Senior Planning Officer
Ripple Gupta	- Planning Officer
Isabelle Haddow	- Planning Officer
Martin Ibrahim	- Democratic Services Team Leader
Lorraine Kirk	- Senior Communications Officer
Martin Paine	- Senior Planning Officer
Laura Pattison	- Assistant Planning Officer
George Pavey	- Assistant Planning/Technical Officer
Jenny Pierce	- Senior Planning Officer
Kay Mead	- Senior Planning Officer
Claire Sime	- Planning Policy Team Leader
Kevin Steptoe	- Head of Planning

and Building
Control Services

21 **THE BISHOP'S STORTFORD GOODS YARD UPDATE
REPORT**

The Panel considered a report that provided an update on progress with a planning framework for the Bishop's Stortford Goods Yard, including a suggested way forward towards a planning application, which the site promoters had stated was anticipated in September 2015. The report also explained that there were likely to be difficult trade-offs between the various aspirations for the site, given the need to ensure deliverability of development, and that these should be addressed through the Neighbourhood Plan group. Finally, the report recommended that current Local Plan policy be struck through and replaced with a new policy context provided by the emerging District Plan and Neighbourhood Plan.

Various Members questioned the need to delete policy now and expressed concern that the process appeared to be led by the developers referring to their views on the proposed link road and the need for further consultation. The role of the neighbourhood planning team was raised and whilst appreciation was expressed for the Council's level of engagement with them, some concern was expressed at whether their aspirations matched those of the general public.

The Panel Chairman reiterated that planning policy was agreed by the Council and not developers. He commented that the current policy was restrictive and did not provide a suitable framework for a deliverable development. He referred to the change in circumstances that had now unlocked the site and the Council need to demonstrate an evidence base for a balanced development that was deliverable, of which the transport interchange was a critical part.

Officers explained the role of the neighbourhood planning process and the need for developers to give weight to the process. The current policy was hampering the process and favoured car traffic. Officers referred to the advice of Peter Brett Associates (PBA) on sustainable transport aspirations that encouraged bus, cycle and pedestrian use and the need to ensure that car journeys had the town centre as their destination.

In respect of the role of developers, Officers explained the need to engage with them at an early stage to ensure that the question of viability was addressed. Ultimately, what was deliverable, sustainable and viable on this site would be determined by the planning process. Nevertheless, in recognition of Members' concerns, the Panel agreed to delete recommendation (A) and to amend recommendation (C) by replacing the word "new" with the word "updated".

The Panel supported the amended recommendations as now detailed.

RECOMMENDED – that (A) to inform emerging policy for the Goods Yard site, the District Council should work in partnership with the Neighbourhood Plan team to agree a set of priorities for the site, and working in conjunction with the site promoters to agree cost/value inputs to inform development choices based around an agreed priority list; and

(B) the updated policy context for the planning application be provided by a revised District Plan Policy on the Goods Yard, subject to further public consultation, and closely aligned with any emerging Neighbourhood Plan policy for the site.

22 **DRAFT DISTRICT PLAN – RETAIL AND TOWN CENTRES
POLICY CRITICAL FRIEND APPRAISAL (NOVEMBER
2014)**

The Panel gave consideration to a report summarising the findings of the Critical Friend Appraisal of the Draft District Plan policies on retail and town centres contained within Chapter 15, which sought agreement to use the Appraisal to inform the preparation of the East Herts District Plan.

The Panel supported the recommendation now detailed.

RECOMMENDED – that the Retail and Town Centres Policy Critical Friend Appraisal (November 2014), be agreed as part of the evidence base to inform and support the East Herts District Plan.

23 **AUTHORITY MONITORING REPORT 2013/14**

Consideration was given to a report seeking approval for the publication of the Authority Monitoring Report. The Panel noted that Local Planning Authorities were no longer required to prepare an Annual Monitoring Report (AMR) for submission to the Secretary of State before the end of each year. In addition, the enactment of the Localism Act in 2011 had led to the withdrawal of the national core output indicators, giving local authorities the freedom to choose to report on indicators that were considered relevant to their local area and plan-making process.

This AMR, now called the ‘Authority Monitoring Report’, reported on the period 1 April 2013 to 31 March 2014. The Council was in the process of developing an updated monitoring framework alongside the emerging District Plan and it was likely that the format of the AMR would continue to evolve as part of this process.

In respect of the projected shortfall in housing completions and the different methods of addressing this,

the Panel Chairman referred to the unrealistic requirements of the National Planning Policy Framework (NPPF) in favouring the Sedgefield method and the need to continue lobbying for a more common sense approach.

In view of the shortfall in demonstrating a five year housing land supply, some Members commented on the pressures brought to bear on Development Management Committee in having to consider inappropriate planning applications.

The Panel supported the recommendation as now detailed.

RECOMMENDED – that the Authority Monitoring Report 2013/2014 contained as Essential Reference Paper ‘B’ and Essential Reference Paper ‘C’ to the report now submitted, be agreed for publication.

24 DELIVERY STUDY UPDATE REPORT

The Panel considered an update on progress with the Delivery Study, which included the latest set of recommendations from Peter Brett Associates (PBA) relating to the approach to financial viability, and the wide-ranging implications of this in terms of many aspects of the emerging District Plan. The report also set out delays with critical pieces of evidence and the implications of this for the overall timeline for the District Plan.

The Panel Chairman advised that he had asked Officers to set up a joint meeting with Members to consider the issue of viability.

In response to a Member’s question, Officers advised that the outstanding transport modelling data had yet to be received, but that they were in continuing discussions to obtain them as soon as possible.

The Panel supported the recommendation as now

detailed.

RECOMMENDED – that the District Plan Delivery Study Update Note from PBA, together with the presentation on Financial Viability, and the Progress Update, contained at Essential Reference Papers ‘B’, ‘C’, and ‘D’ respectively, including the implications of those for many aspects of the District Plan work, including the timeline, be noted.

25 **DUTY TO CO-OPERATE UPDATE REPORT**

The Panel received the notes of the latest round of Member-level meetings with adjoining Local Planning Authorities. Consideration was also given to the progress made in setting up the ‘Co-Operation for Sustainable Development Group’, involving Authorities in eastern Hertfordshire, western Essex, and north London.

The Panel supported the recommendations as now detailed.

RECOMMENDED – that (A) the notes of the Member-level meeting held with Harlow Council be agreed; and

(B) the Terms of Reference for the Member Board of the ‘Co-Operation for Sustainable Development Group’ of authorities be noted.

26 **DRAFT DISTRICT PLAN CHAPTERS 17-19: RESPONSE TO ISSUES RAISED DURING PREFERRED OPTIONS CONSULTATION AND DRAFT REVISED CHAPTERS**

The Panel considered a report highlighting the issues raised through the recent consultation in connection with Chapters 17 – 19 of the Draft District Plan Preferred Options, together with Officer responses to those issues. The report also presented draft revised chapters showing proposed amendments, for subsequent incorporation into a revised Draft District Plan.

The proposed amendments were presented as working Draft Revised Chapters only at this stage, as they might change before final agreement of a revised Draft District Plan. Therefore, these Revised Chapters would only be presented for approval until such time that the complete suite of amendments were collated and presented as one comprehensive Revised Draft District Plan.

In response to a Member's comment relating to Buntingford and the railways, Officers confirmed that this was a comment made in the consultation.

The Panel supported the recommendations as now detailed.

RECOMMENDED – that (A) the issues raised in respect of Chapters 17-19 of the Draft District Plan Preferred Options, as detailed at Essential Reference Papers B, C, and D to this report, be received and considered;

(B) the Officer response to the issues referred to in (A) above, as detailed in Essential Reference Papers B, C and D to the report submitted, be noted; and

(C) the draft revised chapters, as detailed in Essential Reference Papers B, C and D to the report submitted, be noted, with decision on their final content being deferred to allow consideration of further technical work and other issues.

27 APOLOGIES

An apology for lateness was submitted on behalf of Councillor L Haysey who was representing the Authority at another meeting.

28 CHAIRMAN'S ANNOUNCEMENTS

The Panel Chairman welcomed Members and the public to the meeting and reminded everyone that the meeting was being webcast.

He advised that a further meeting with parish and town council representatives had been arranged for 15 January 2015. Future Panel meetings were being finalised and would be announced in due course.

Finally, the Chairman referred to the difficulties encountered by Uttlesford District Council with their Local Plan Examination, which demonstrated the need for East Herts Council to develop a robust Plan that would stand up to examination.

29 MINUTES

RESOLVED – that the Minutes of the Panel meeting held on 22 October 2014, be approved as correct record and signed by the Chairman.

The meeting closed at 8.25 pm

Chairman
Date