Public Document Pack

Jeff Hughes
Head of Democratic and Legal Support Services

MEETING	:	ENVIRONMENT SCRUTINY COMMITTEE
VENUE	:	COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE	:	TUESDAY 8 SEPTEMBER, 2015
TIME	:	7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor John Wyllie (Chairman)
Councillors P Ballam, K Brush, K Crofton, H Drake, M Freeman, B Harris-Quinney, T Page, P Phillips and S Reed

CONTACT OFFICER: Lorraine Blackburn
01279 502172
E-Mail: lorraine.blackburn@eastherts.gov.uk

This agenda has been printed using 100% recycled paper

www.eastherts.gov.uk

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. Minutes - 9 June 2015 (Pages 5 - 16)

3. Chairman's Announcements

4. Declarations of Interest

   To receive any Member's Declarations of Interest and Party Whip arrangements.

5. Environment Scrutiny Healthcheck - April to June 2015 (Pages 17 - 56)

6. Procurement of Car Park Management System (Pages 57 - 78)

7. Review of Fees and Charges Calculations and Levels (Pages 79 - 102)

8. Anti-Social Behaviour Crime and Policing Act 2014 - Environmental Crime Enforcement Implications (Pages 103 - 140)

9. Environment Scrutiny Work Programme 2015-16 (Pages 141 - 148)

10. 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.

MINUTES OF A MEETING OF THE ENVIRONMENT SCRUTINY COMMITTEE HELD IN THE COUNCIL CHAMBER, WALLFIELDS, HERTFORD ON TUESDAY 9 JUNE 2015, AT 7.00 PM

PRESENT: Councillor J Wyllie (Chairman)
Councillors P Ballam, K Brush, K Crofton, H Drake, M Freeman, T Page, P Phillips and S Reed

ALSO PRESENT:

Councillors A Alder, D Andrews, R Brunton, J Cartwright, L Haysey, A Jackson, G Jones, G McAndrew, A McNeece, P Moore, P Ruffles, S Rutland-Barsby and C Woodward

OFFICERS IN ATTENDANCE:

David Allen	-	Waste Services Manager
Lorraine Blackburn	-	Democratic Services Officer
Cliff Cardoza	-	Head of Environmental Services
Karl Chui	-	Performance Monitoring Officer
Simon Drinkwater	-	Director of Neighbourhood Services
Marian Langley	-	Scrutiny Officer
Andrew Pulham	-	Parking Manager
Neil Sloper	-	Head of Information, Customer and Parking Services
Kevin Steptoe	-	Head of Planning and Building Control Services

Ben Wood - Head of Business Development

64 APPOINTMENT OF VICE CHAIRMAN

It was proposed by Councillor P Phillips and seconded by Councillor T Page that Councillor H Drake be appointed Vice–Chairman of the Environment Scrutiny Committee for the 2015/16 civic year.

After being put to the meeting, Councillor H Drake was appointed Vice–Chairman of the Environment Scrutiny Committee for the 2015/16 civic year.

RESOLVED – that Councillor H Drake be appointed Vice–Chairman of Environment Scrutiny Committee for the 2015/16 civic year.

65 APOLOGY

An apology for absence was received from Councillor B Harris-Quinney.

66 MINUTES - 17 FEBRUARY 2015

RESOLVED – that the Minutes of the meeting held on 17 February 2015 be confirmed as a correct record and signed by the Chairman.

67 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to the important role of Scrutiny in that it was an opportunity to question decisions and to make recommendations to the Executive. He asked all Members and Officers to introduce themselves.

The Chairman referred to agenda item 8 (Strategic Outline Case for Joint Working with North Herts Council on Waste and Street Cleansing) and reminded Members that Essential Reference Paper “B” contained exempt information, the content of which should not be debated in public.

68 WORK PROGRAMME FOR 2015/16

The Chairman submitted a report setting out the future work programme for Environment Scrutiny Committee for 2015/16.

The Scrutiny Officer explained that the items contained in the work programme had been requested by the previous administration but that Members were free to suggest other items for inclusion on the work programme.

The Scrutiny Officer sought to clarify the set up for the reference group in relation to Conservation Area Management Plans in terms of roles and responsibilities. She explained that Ward Members were in an ideal position to see at first hand, what was happening at street level and could advise and support Officers in putting management plans into action.

Councillor C Woodward expressed concern about the ability to deliver Conservation Area management plans given the issues associated with areas crossing multiple wards. The Head of Planning and Building Control commented that he saw this as an “open invitation” to all as there was potential for all Members to be involved. He added that Members could nominate a person from an area to lead in the process.

The Committee approved the work programme, as now detailed.

RESOLVED – that (A) the work programme, as now detailed, be approved; and

(B) a Conservation Area Appraisal reference group be set up on a trial basis and report back to Environment Scrutiny Committee on 23 February 2016.

69 CONTRACT PERFORMANCE - ENVIRONMENTAL OPERATIONS 2014/15

The Head of Environmental Services submitted a report setting out the current performance of the Council's main environmental management term contracts in relation to Waste Services (Refuse and Recycling, Street Cleaning) and Grounds Maintenance and initiatives which had been undertaken. He explained that the environmental operations within these contracts included services which were of most concern to local residents. The Head of Environmental Services stated that, generally, the contract had performed very well last year.

The Waste Services Manager gave a presentation outlining the roles and responsibilities of both Veolia and John O'Connor, summarising the mains points of each contract in terms of performance, non-compliance and enforcement.

In response to a query from Councillor K Crofton regarding fly tipping following a reduction in hours by Hertfordshire County Council at various recycling sites, the Head of Environmental Services stated that the figures showed that, overall, there had been a reduction in fly tipping last year. However, whilst there had been a significant reduction of small quantities of fly tipping, there had been an increase in fly tipping of larger quantities. These larger fly tips were not materials that business would be able to take to Household Recycling Waste Sites, and therefore, there was no apparent increase from the change in opening hours so far.

Councillor T Page thanked the Officers for the report and asked what the drivers were for improving the quality of service delivery for Grounds Maintenance. The Head of Environmental Services explained that there were a range of measures of service delivery, one of which was the number of complaints received in relation to services. Generally, the Grounds Maintenance Contract was performing well. He further added that the quality of grounds maintenance provision was driven by the contract specification and that, if Members wanted to improve the quality of service, e.g., by an increase in grass cutting frequency or more flower beds, then

a decision needed to be taken regarding further investment.

Councillor P Philips asked how recycling performance could be improved in the future. The Waste Services Manager explained the approach to recycling by Three Rivers Council, which had a higher performance, and the constraints on East Herts regarding those residents who refused to recycle. He referred to the importance of investment in services and of ongoing education to persuade those residents to recycle.

Councillor C Woodward welcomed the introduction of biannual conservation cuts. In response to a query regarding contractors using apprenticeship schemes, the Head of Environmental Services confirmed that the Council's contractors supported apprenticeship schemes and undertook to write to the Member with further information on the numbers employed.

In response to a query from Councillor K Brush regarding the Council's approach to education in terms of a broader strategy, the Head of Environmental Services explained that there were different strategies regarding litter, street cleansing and waste recycling. He stated that the Council had delivered a number of campaigns to encourage a change in behaviour on littering, e.g., working with Keep Britain Tidy on the "Which side of the Fence" campaign, which had involved not cleaning one side of a street in three town centres to raise awareness of the impact of littering.

In response to a query by Councillor P Ballam regarding enforcing penalties for those residents who refused to recycle and what could be done about abandoned cars, the Head of Environmental Services explained that East Herts policy was that it did not compel recycling nor did it enforce it. He stated that some councils' had introduced compulsory recycling and took enforcement action against those who allowed recycling materials in their refuse bins. This was a route which the Council could adopt if it wished. He provided an update regarding what the Council could now do in relation to abandoned cars.

In response to a query from Councillor M Freeman regarding

litter on minor roads and rural areas, the Head of Environmental Services explained that rural areas were equally important but had less litter problems. This was reflected in the legislation which dictated the speed at which local authorities must remove litter when it increased to a specified level. He referred to the training given at the recent Member induction day.

Councillor K Crofton suggested that the approaches to recycling and those who contaminated their bins needed to be more rigorous. He referred to the issue of dog fouling and what help could be given to Parish Councils on this issue. The Head of Environmental Services undertook to speak to the Member further on this issue.

Councillor C Woodward referred to the work of volunteers in collecting and bagging fallen leaves and asked that a constructive relationship be developed between the Council and these helpers.

The Committee received the report.

RESOLVED – that the current performance of the Council's main environmental management term contracts be received.

70 STRATEGIC OUTLINE CASE FOR JOINT WORKING WITH NORTH HERTS COUNCIL ON WASTE AND STREET CLEANSING

The Executive Member for Environment and Public Open Space submitted a report setting out a strategic outline case for working in relation to Waste and Street Cleansing Service with North Herts Council. Members were reminded that Essential Reference Paper "B" contained exempt information which was commercially sensitive and that if Members wished to discuss that information, then Members would need to move a resolution to exclude the press and public from the meeting.

The Ambassador and Executive Member for Shared Services and the Head of Environmental Services explained the

background leading up to the submission of the strategic outline case for joint working and outlined the benefits to both Councils.

The Head of Environmental Services outlined the process to be followed if Members wished to recommend to the Executive that the Council proceed to the next stage. The Head of Environmental Services explained that in moving forward and in terms of possible future options, there were three:

(1) do nothing;
(2) have a fully integrated service and joint infrastructure; or
(3) same as (2) but excluding the joint infrastructure.

In response to a query by Councillor P Phillips regarding North Herts' commitment to a shared service, the Ambassador and Executive Member for Shared Services was confident that North Herts was serious about joint working. The Chairman stated that North Herts' Scrutiny Committee would be receiving the same report on 9 June 2015.

In response to a query by Councillor P Phillips about improving productivity and higher performance, the Head of Environmental Services suggested that one option for the Council could be to introduce separate food waste collection, which could be delivered through a new joint contract from 2018. He stated that it was possible to add different services to different Councils with costs accruing to the responsible Council.

In response to a query from Councillor K Crofton, the Head of Environmental Services explained the benefits to be achieved from a larger joint contract including bulk buying of vehicles and access to cheaper fuel.
In response to a query by Councillor K Brush regarding competition and interest by smaller companies in the tendering process, the Head of Environmental Services explained that with regard to a waste contract, because the costs of equipment and vehicles were so high and larger companies were able to benefit from economies of scale, potential bidders were likely to be larger companies. Contract

tendering in relation to European legislation would be observed.

The Committee received the report and asked that Members' comments as now detailed, be referred to the Executive along with its recommendation to the Executive for approval.

RESOLVED – that (A) Members' comments as now detailed, be referred to the Executive; and

(B) the Committee recommends to the Executive that the Council proceed to the next stage, and that an Outline Business Case for a Shared Waste and Street Cleansing Service with North Herts District Council (NHDC) be developed.

71 RESIDENT PERMIT PARKING SCHEME POLICY REVIEW

The Executive Member for Economic Development submitted a report setting out the existing policy in relation to the Residents' Permit Parking schemes, and sought Members' comments on future policy options, including whether an additional survey of existing schemes needed to be commissioned.

The Parking Manager outlined the Residents' Permit Scheme adopted in 2003/4 and what parts were amended as a result of decriminalisation legislation. The Parking Manager explained that the Council was prohibited from achieving a surplus profit in developing resident parking schemes. Possible options and operational difficulties were considered including that of shared use parking. Twelve resident parking schemes were currently in existence. A log of further requests for resident parking schemes was attached within Essential Reference Paper "E" of the report submitted.

The Executive Member for Economic Development explained that the report had been requested following requests by residents for more schemes. He referred to the difficulties of parking displacement and overspill in off-street parking.

Councillor C Woodward referred to the lack of business parking in the Southmill Road area of Bishop's Stortford and suggested more shared space parking. The Head of Information, Customer and Parking Services provided an update in relation to Southmill Road and the possible effects of a "wave" in terms of parking displacement. He stated that permit schemes worked, but was concerned about the number of requests which had been received and the need to ensure that costs did not accrue to the Council. He suggested that Members might wish to wait for further information before making a recommendation.

Councillor K Crofton was happy to hear that the Council was helping residents with parking and added that there was a need to ensure that the area thrived in terms of its visitors.

Councillor A Alder referred to the parking problem in Bishop's Stortford and suggested that the Council negotiate usage with the football club. The Leader of the Council stated that this suggestion could present some legal complexities.

Councillor G Jones referred to an earlier suggestion of a "Park and Ride" outside of Bishop's Stortford which was later not found to be a viable proposal.

Following extensive further debate, the Committee accepted that there were considerable issues which needed to be taken into account and recognised that the existing policy was no longer adequate. The Committee confirmed their support of the guidelines set out in the report now submitted and further agreed that a new policy should be developed for consideration by the Executive before any new schemes were agreed.

RESOLVED – that (A) the existing resident permit parking schemes should continue under the current arrangements other than to explore opportunities for shared use parking where appropriate;

(B) there be no commencement of new schemes until the Council formally adopts a new policy regarding the creation of resident permit zones; and

(C) the Executive Member for Economic Development be advised of Members' comments.

72 PLANNING PERFORMANCE - ENFORCEMENT TARGETS

The Deputy Leader and Executive Member for Development Management and Council Support submitted a report setting out the background to Performance Indicators EHIP 2.1d (Planning Enforcement Initial Site Inspections and 2.1(Service of Planning Enforcement Notices).

The Head of Planning and Building Control explained that the performance targets had been agreed in 2010 and that the Council sought to achieve compliance with regulations before resorting to formal action. He explained that complex cases were not included in the performance target.

The Head of Planning and Building Control commented that in relation to the service of enforcement notices, very few were issued and that the Council sought to secure compliance with landowners adding that the test of expediency was delegated to Officers.

Councillor T Page referred to the Council's policy "not to punish but to work with" and queried whether this was a weakness in the system. The Acting Chief Executive explained that this was part of the policy concordant which was a nationally agreed policy. He stated that it did not reflect any weakness the Council's planning policy.

Councillor C Woodward queried the Council's level of staffing resources to handle site inspections and planning enforcement. He stated that he was aware of a number of cases which needed addressing. The Head of Planning and Building Control confirmed that the resources were the same as they were in 2010 when the target had been set and that there were three Officers dealing with these issues. He asked the Member to contact him about the cases which he felt, needed investigation.

Councillor P Phillips expressed concern regarding the 15

(working) day performance target in relation to 2.1d (Planning Enforcement Initial Site Inspections). The Deputy Leader suggested that it might be useful to consider the implications of changing the target. This was supported.

The Committee received the report and asked that Members' comments as now detailed, be referred to the Executive along with its recommendation to the Executive for approval.

RESOLVED – that (A) that the Performance Indicators EHPI 2.1d and 2.1e be noted;

(B) the Committee recommends to the Executive to consider the implications of reviewing the 15 day target in relation to 2.1d (Planning Enforcement Initial Site Inspections) and to report back to the joint meeting of Scrutiny Committees in February as part of the 2016/17 Future Targets report; and

(C) the Executive be requested to delete the Performance Indicator 2.1e (Service of Planning Enforcement Notices) but that Development Management Committee be provided with an update on each occasion when authorisation has been given.

73 2014/15, 2013/14 AND 2011/12 SERVICE PLANS - END OF YEAR MONITORING REPORTS

The Director of Finance and Support Services submitted a report which explained how the Council had performed in 2014/15 against the actions and objectives it set out to achieve and reported on the status of all outstanding actions from 2013/14 and 2011/12.

The Head of Business Development explained that this was a retrospective look at the actions agreed by the previous administration and that Members might wish to agree a new set of priorities.

Councillor P Phillips referred to the Castle Weir Micro Hydro Scheme at Hertford Theatre and sought an update on the

proposal. The Head of Environmental Services explained that it was still working closely with the Environment Agency and summarised the difficulties in moving the project along.

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 received.

74 HEALTHCHECK THROUGH TO MARCH 2015 (INCLUDING 2014/15 OUTTURNS AND TARGETS)

The Director of Finance and Support Services submitted a report on the performance of key indicators for Environment Scrutiny for the period January to March 2015. The Head of Business Development explained that the report looked retrospectively at performance covering the period of the previous administration and that the new Members might want to set new objectives and priorities.

The Committee received the report.

RESOLVED – that the reported performance for the period January to March 2015 be received.

The meeting closed at 9.15 pm

Chairman .....

Date .....

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 8 SEPTEMBER 2015

REPORT BY THE DIRECTOR OF FINANCE AND SUPPORT SERVICES

ENVIRONMENT SCRUTINY HEALTHCHECK – APRIL 2015 TO JUNE 2015

WARD (S) AFFECTED: All

Purpose/Summary of Report:

- To set out a report on the performance of the key indicators that relate to Environment Scrutiny for the period April 2015 to June 2015.

- Overall 9 out of the 15 Environment Scrutiny committee's basket of performance indicators are either on target or exceeding their targets as at June 2015/Quarter 1 for 2015. One indicator did not have any performance data available to analyse and five performance indicators are trend only.

RECOMMENDATION FOR ENVIRONMENT SCRUTINY:	
That the Executive be advised that Environment Scrutiny Committee has considered:	
(A)	**the reported performance for the period April 2015 to June 2015.**
(B)	**and supports the approval of the report.**

1.0 Background

1.1 The council uses performance indicators and targets to help monitor progress against key objectives, understand how it is impacting upon the lives of residents and help inform decisions about directing resources to areas of need. East Herts Council's performance management framework was reviewed by Members in 2013 to make it more streamlined and more closely aligned with the objectives and priorities set out in the Corporate Plan. In 2015/16 there were 73 performance indicators, of which 15 were monitored by Environment Scrutiny Committee.

1.2 The report contains a breakdown of the following information by each Corporate Priority:

- An overview of performance, in particular where there have been issues and remedial actions taken during the period.
- The indicators where data is collected monthly, with performance for June 2015 presented in detail (the most up to date available) with previous months summarised in a trend chart.
- The indicators where data is collected quarterly, with performance for Quarter 1 presented in detail (the most up to date available) with previous quarters summarised in a trend chart.

1.3 All councillors have access to Covalent (the council's performance management system), should they wish to interrogate the full range of performance indicators. The Performance Team are able to provide support and training on using the Covalent system if required.

1.4 **Essential Reference Paper 'B'** Shows the full set of performance indicators that are reported on a monthly or quarterly basis to this committee. Essential Reference Paper B has been sorted by status e.g. all performance indicators that are 'red' are listed first etc. **Essential Reference Paper 'C'** Provides guidance notes and definitions for the performance indicators relating to Environment Scrutiny Committee.

2.0 Performance analysis

2.1 SHORT TERM TREND ANALYSIS

Table one shows movement in performance when compared to the last reporting period for the measures where there is a RAG status. Three indicators are showing an improvement. Two indicators have no short term trend to analyse as there is no performance data in the previous period and four indicators show a decline in performance. One indicator did not have any performance data to analyse (**EHPI 2.1e – Planning Enforcement: Service of formal notices**) as no notices were served in June 2015.

Table One:

Performance Indicator Short Name	Performance Status (RAG)	Movement since last reported
EHPI 2.1d – Planning Enforcement: Initial Site Inspections	**Green**	**Improved**
EHPI 2.2 – Waste: missed collections per 100,000 collections of household	**Green**	**Improved**
EHPI 7.2 – Turnaround of PCN Challenges and Representations	**Green**	**Improved**
EHPI 157a – Processing of planning applications: Major applications	**Green**	**N/A due to no major planning application decisions being released in previous month**
EHPI 7.3 - Percentage of appeals to the traffic penalty tribunal against the number of PCNs issued	**Green**	**N/A - New indicator therefore no previous quarter data to analyse trend**
EHPI 157b – Processing of planning applications: Minor applications	**Green**	**Declined**
EHPI 157c – Processing of planning applications: Other applications	**Green**	**Declined**
EHPI 2.4 – Fly-tips: removal.	**Green**	**Declined**
EHPI 2.23 - Planning decisions delegated to officers	**Green**	**Declined**
EHPI 2.1e – Planning Enforcement: Service of formal Notices	**N/A due to no notices served in June 2015**	**N/A due to no notices served in previous month**

2.2 TREND ONLY PERFORMANCE INDICATORS

Table two shows movement in performance when compared to the last reporting period for the measures where no targets have been set, e.g. only trend data is analysed. There are two indicators that have decreased and these measures relate to household waste. Currently only February 2015 data is presented as March 2015 data was not available at the time of writing this report as data is always one month in arrears.

Table Two:

Indicator (Trend only)
There has been a slight increase in **EHPI 192 (**Percentage of household waste sent for reuse, recycling and composting) since April
Fewer planning appeals were allowed in June compared to May for **EHPI 204** (Planning appeals allowed)
There has been an increase in **EHPI 2.6 (**Percentage of residual waste (refuse) sent for disposal) since the last quarter of 14/15
There has been an increase in **EHPI 2.5** (Total waste collected by the district (kg per household)) since last quarter.
EHPI 191 (Percentage of household waste sent for reuse, recycling and composting.) This is a cumulative indicator therefore long term trend is not applicable.

2.3 Long term trend analysis (current value compared to the average performance for the last 12 months or last 4 quarters)

Service and Indicator	**Commentary**
Planning and Building Control	
EHPI 157b – Processing of planning applications: Minor applications.	Although this indicator is showing a declining long term trend performance is still performing on target for June 2015 and is only off the long term average by 0.5%.

EHPI 157c – Processing of planning applications: Other	Although this indicator is showing a declining long term trend performance is still performing on target for June 2015 and is only off the long term average by 2%.
EHPI 2.5 – Total waste collected by the district (kg per household) **EHPI 2.6** – Percentage of residual waste (refuse) sent for disposal	This is a rolling quarter from March - May as data is reported one month in arrears and is showing a declining short and long term trend. Performance is higher than expected this period due to a number of factors. Firstly, this period covers the month of April when it is normal to receive a larger volume of waste due to the Easter holiday period. Secondly, May was a five week month, usually June is the five week month so this has added to the increased amount collected. Lastly, the property base used to calculate the performance has not been updated by Defra. Therefore this quarter does not take account of any new properties that have been built since 1 April 2015. The service will be investigating the impact these factors have had on this quarter.
EHPI 192 – Percentage of household waste sent for reuse, recycling and composting	This indicator is reported one month in arrears and is showing a decrease in long term trend. Contamination of bins continues to be problematic. New bin hanger is due to be delivered during August 2015 to encourage less contamination and more recycling.

2.4 POTENTIAL ISSUES IN FUTURE

Further analysis shows that the following measures are at risk of moving to a ‘Red’ or ‘Amber’ status in the future if performance continues to decline based on their current long term trend. They are:

- EHPI 157b – Processing of planning applications: Minor applications.

- EHPI 157c – Processing of planning applications: Other
- EHPI 2.23
- EHPI 2.6 – Percentage of residual waste (refuse) sent for disposal.

Please refer to **Essential Reference Paper 'B'** for the full performance indicator analysis.

3 CONCLUSION

3.1 In conclusion Members are asked to:

- Note the performance indicator analysis for the period April 2015 to June/Quarter 1 for 2015 in **Essential Reference Paper 'B'**.
- Advise the Executive of any further recommendations.

4.0 Implications/Consultation

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

Background Papers:

- 2014/15 Estimates and Future Targets Report – Executive 3 March 2015.

Contact member:

Councillor G Williamson – Executive Member for Finance and Support Services
Geoff.williamson@eastherts.gov.uk

Councillor G McAndrew – Executive Member for Environment and Public Space
Graham.mcandrew@eastherts.gov.uk

Councillor S Rutland-Barsby – Executive Member for Development Management and Council Support
Suzanne.rutland-barsby@eastherts.gov.uk

Councillor G Jones – Executive Member for Economic Development
Gary.jones@eastherts.gov.uk

Contact Officer:

Ceri Pettit – Corporate Planning and Performance Manager
Contact Tel Ext No 2240
ceri.pettit@eastherts.gov.uk

Report Author:

Karl Chui – Performance Monitoring Officer
Contact Tel Ext No 2243
karl.chui@eastherts.gov.uk

This page is intentionally left blank

Contribution to the Council's Corporate Priorities/ Objectives:	**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.*
Consultation:	Performance monitoring discussions have taken place between Directors and Heads of Service.
Legal:	There are no legal implications arising from this report.
Financial:	Financial discussions have taken place between Directors and Heads of Service and any implications have been highlighted in the report.
Human Resource:	There are no human resource implications arising from this report.
Risk Management:	By not having effective performance management arrangements in place puts the Council at risk of not being clear whether it's priorities and objectives are being met and if there are any service delivery issues, that could impact on their delivery. The Corporate Healthcheck report is one tool designed to help mitigate against this risk. Also effective performance management arrangements help to support transparency and increase local accountability.
Health and wellbeing – issues and impacts:	A number of the council's performance indicators do support/contribute to the health and wellbeing agenda. Any relevant indicators that are 'Red' rated are highlighted in the report and mitigating actions will be taken.

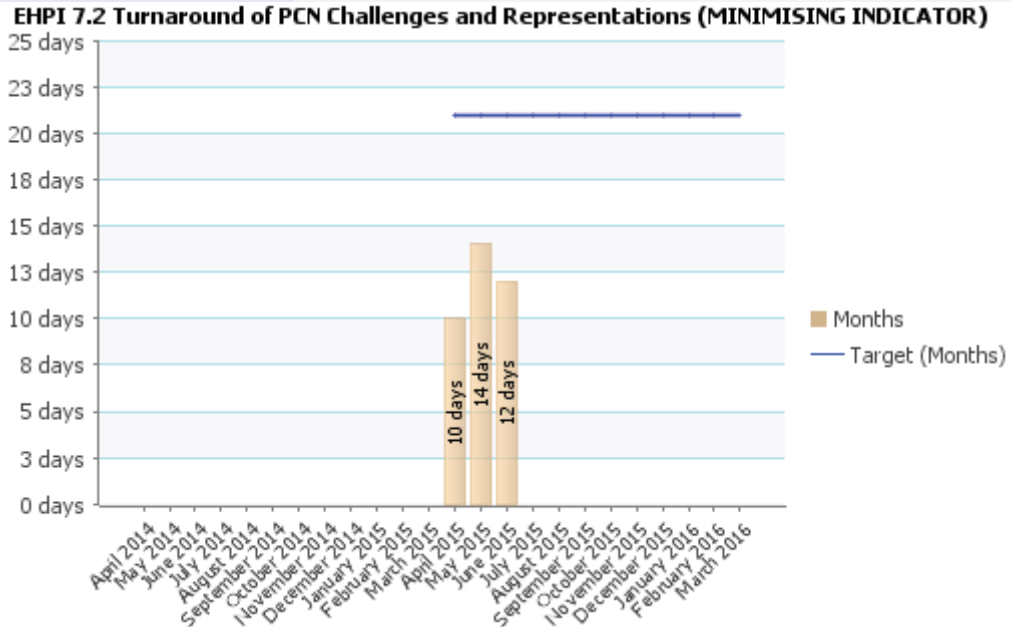
This page is intentionally left blank

April to June Environment Scrutiny Healthcheck 2015/16

More trend data in graphs where applicable

Directorate Customer and Community
Service Area Customer Services

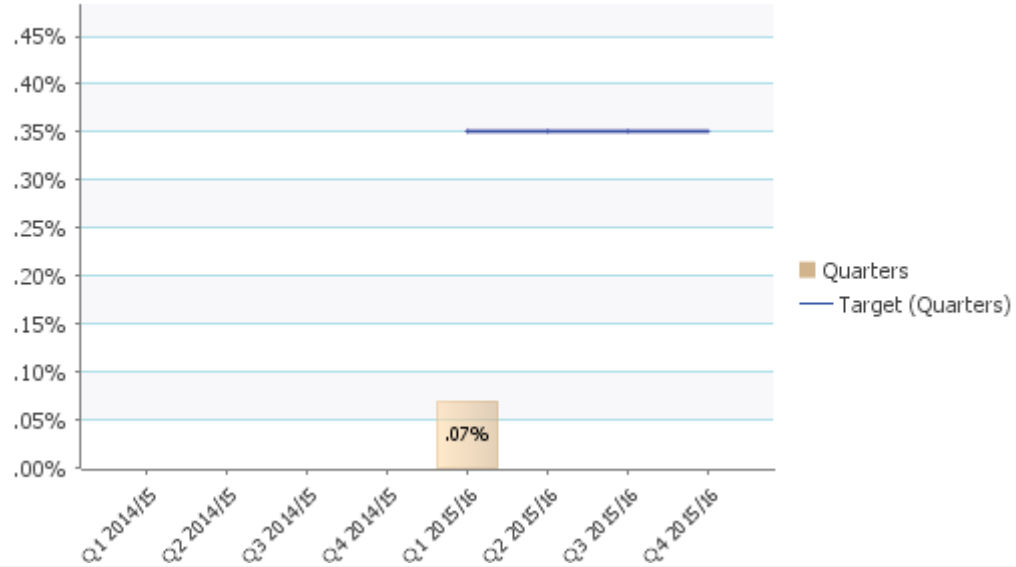
PI Code & Short Name	EHPI 7.2 Turnaround of PCN Challenges and Representations (MINIMISING INDICATOR)



Managed By	Andrew Pulham; Neil Sloper
Short Term Trend Arrow	↑
Long Term Trend Arrow	–
Traffic Light Icon	✓
Current Value	12 days
Current Target	21 days
Notes & History Latest Note	Performance exceeding target.
Management Response / Action	No further management response required at this stage.

PI Code & Short Name	EHPI 7.3 Percentage of appeals to the traffic penalty tribunal against the number of PCNs issued (MINIMISING INDICATOR)

EHPI 7.3 Percentage of appeals to the traffic penalty tribunal against the number of PCNs issued (MINIMISING INDICATOR)

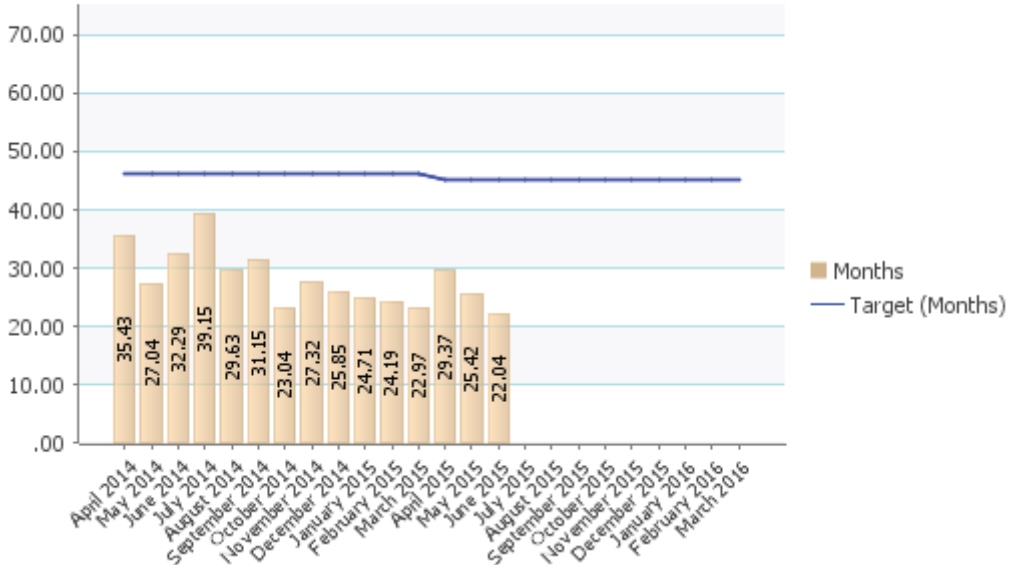


Managed By	Andrew Pulham; Neil Sloper
Short Term Trend Arrow	N/A – New PI
Long Term Trend Arrow	N/A – New PI
Traffic Light Icon	
Current Value	0.07%
Current Target	0.35%
Notes & History Latest Note	5 appeals received against a total of 6702 PCNs issued in the first quarter.
Management Response / Action	No further management response required at this stage.

Directorate Customer and Community Services
Service Area Environment Services

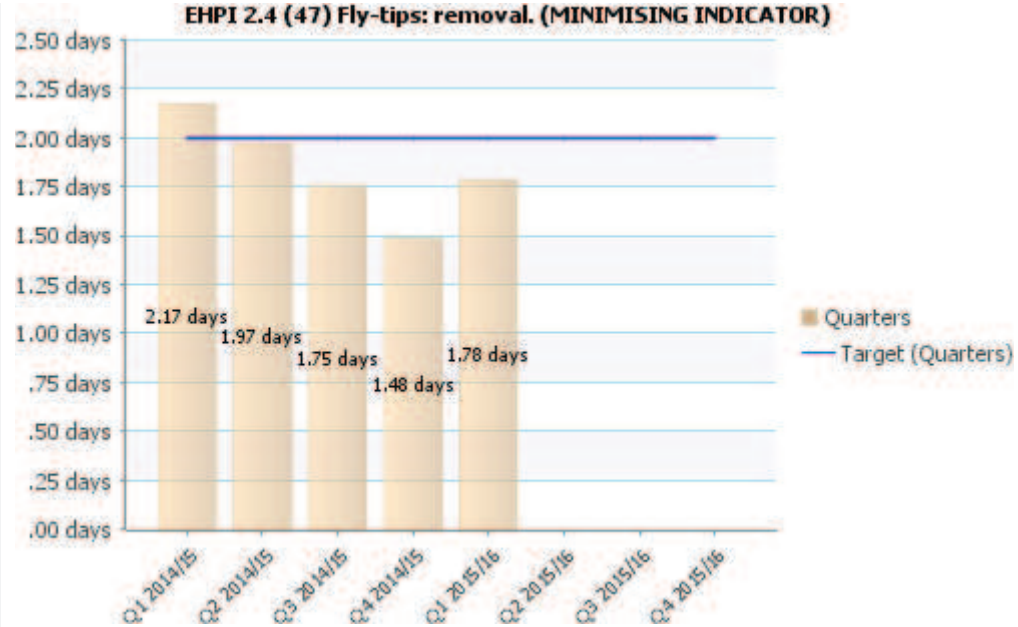
PI Code & Short Name	EHPI 2.2 Waste: missed collections per 100,000 collections of household. (MINIMISING INDICATOR)

EHPI 2.2 Waste: missed collections per 100,000 collections of household. (MINIMISING INDICATOR)



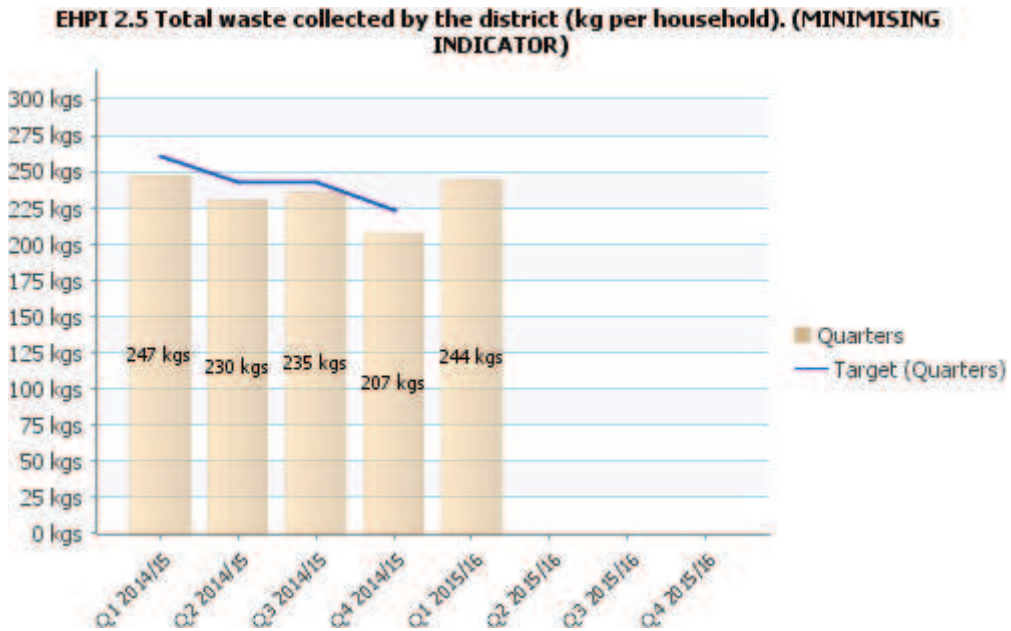
Managed By	Cliff Cardoza;
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	
Current Value	22.04
Current Target	45.00
Notes & History Latest Note	Second best performance since contract started in 2011. All services (refuse, recycling and organic) all performing very well.
Management Response / Action	No further management response required at this stage.

PI Code & Short Name	EHPI 2.4 (47) Fly-tips: removal. (MINIMISING INDICATOR)



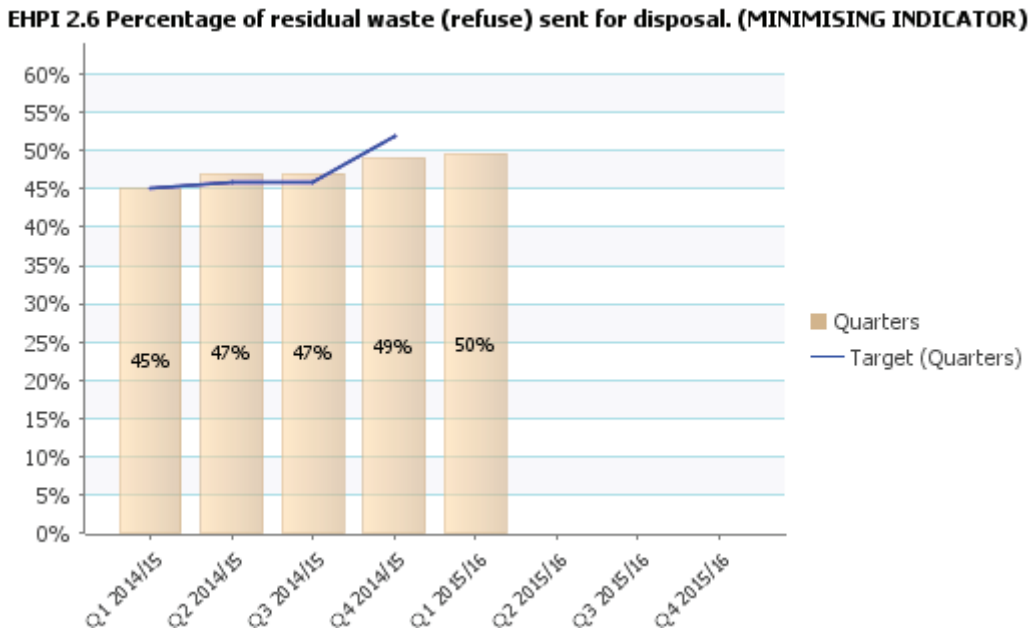
Managed By	Cliff Cardoza;
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	
Current Value	1.78 days
Current Target	2.00 days
Notes & History Latest Note	Performance in quarter 1 is within target, but fly tips took slightly longer to clear compared to previous month due to some larger ones which required specialist contractors.
Management Response / Action	No further management response required at this stage.

PI Code & Short Name	EHPI 2.5 Total waste collected by the district (kg per household). (MINIMISING INDICATOR)



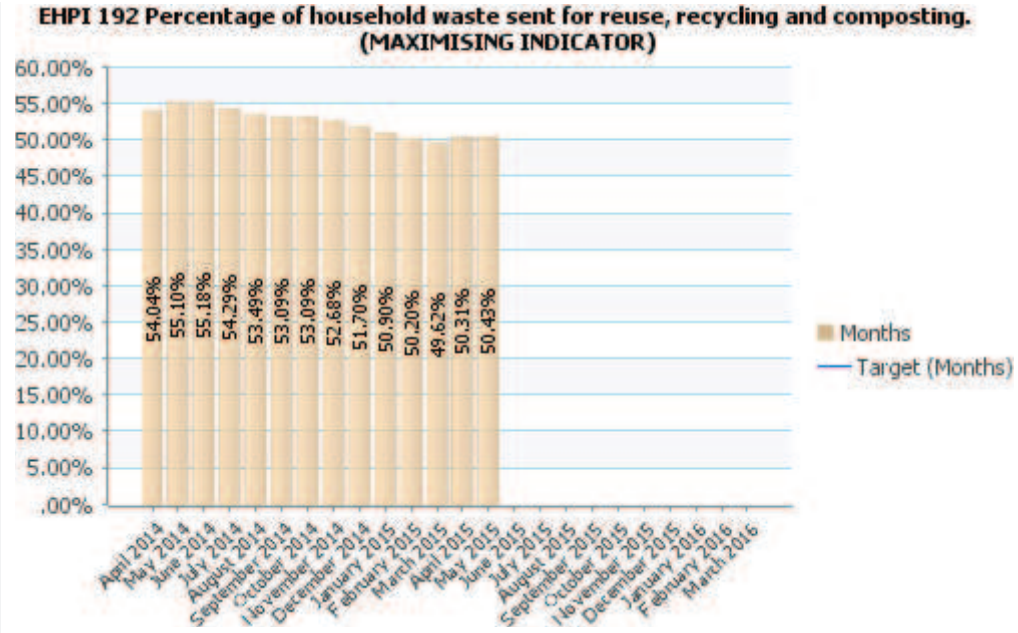
Managed By	Cliff Cardoza;
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	N/A – Trend Only
Current Value	244 kgs
Current Target	N/A – Trend Only
Notes & History Latest Note	This is a rolling quarter from March - May as data is reported one month in arrears. It is higher than expected this period due to a number of factors. Firstly, this period covers the month of April when it is normal to receive a larger volume of waste due to the Easter holiday period. Secondly, May was a five week month, usually June is the five week month so this has added to the increased amount collected. Lastly, the property base used to calculate the performance has not been updated by Defra. Therefore this quarter does not take account of any new properties that have been built since 1 April 2015. The service will be investigating the impact these factors have had on this quarter.
Management Response / Action	The council continues to persuade residents to minimise the waste they produce overall. This is done though media campaigns delivered both directly by the Council and through the Hertfordshire Waste Partnership (WasteAware). No further management action required at this stage.

PI Code & Short Name	EHPI 2.6 Percentage of residual waste (refuse) sent for disposal. (MINIMISING INDICATOR)



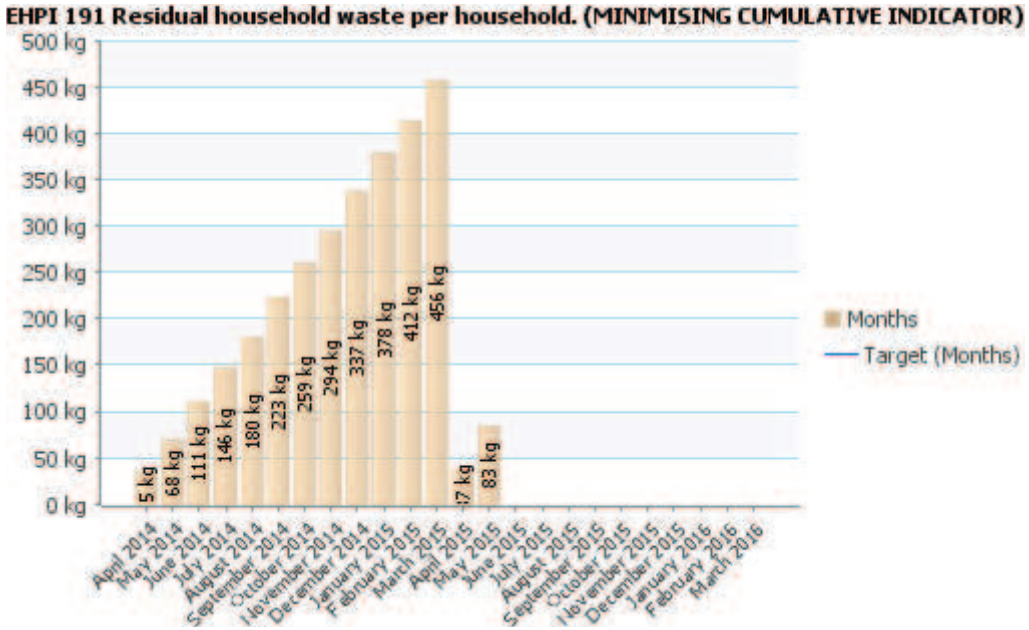
Managed By	Cliff Cardoza;
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	N/A – Trend Only
Current Value	50%
Current Target	N/A – Trend Only
Notes & History Latest Note	This is a rolling quarter from March - May as data is reported one month in arrears. It is higher than expected this period due to a number of factors. Firstly, this period covers the month of April when it is normal to receive a larger volume of waste due to the Easter holiday period. Secondly, May was a five week month, usually June is the five week month so this has added to the increased amount collected. Lastly, the property base used to calculate the performance has not been updated by Defra. Therefore this quarter does not take account of any new properties that have been built since 1 April 2015. The service will be investigating the impact these factors have had on this quarter.
Management Response / Action	The council continues to persuade residents to minimise the waste they produce overall. This is done though media campaigns delivered both directly by the Council and through the Hertfordshire Waste Partnership (WasteAware). No further management action required at this stage.

PI Code & Short Name	EHPI 192 Percentage of household waste sent for reuse, recycling and composting. (MAXIMISING INDICATOR)



Managed By	Cliff Cardoza;
Short Term Trend Arrow	↑
Long Term Trend Arrow	↓
Traffic Light Icon	N/A – Trend Only
Current Value	50.43%
Current Target	N/A – Trend Only
Notes & History Latest Note	This indicator is reported one month in arrears. Contamination of bins continues to be problematic. New bin hanger is due to be delivered during August 2015 to encourage less contamination and more recycling.
Management Response / Action	In addition to responding to the contamination issue, we are beginning to witness less recycling material e.g. as packaging becomes less and our general campaigns regarding waste minimisation. Also East Herts is mirroring the national trend in the decline of paper collected, believed to be the result of a move to electronic media. All of these factors impact on the performance of this indicator. No further management action required at this stage.

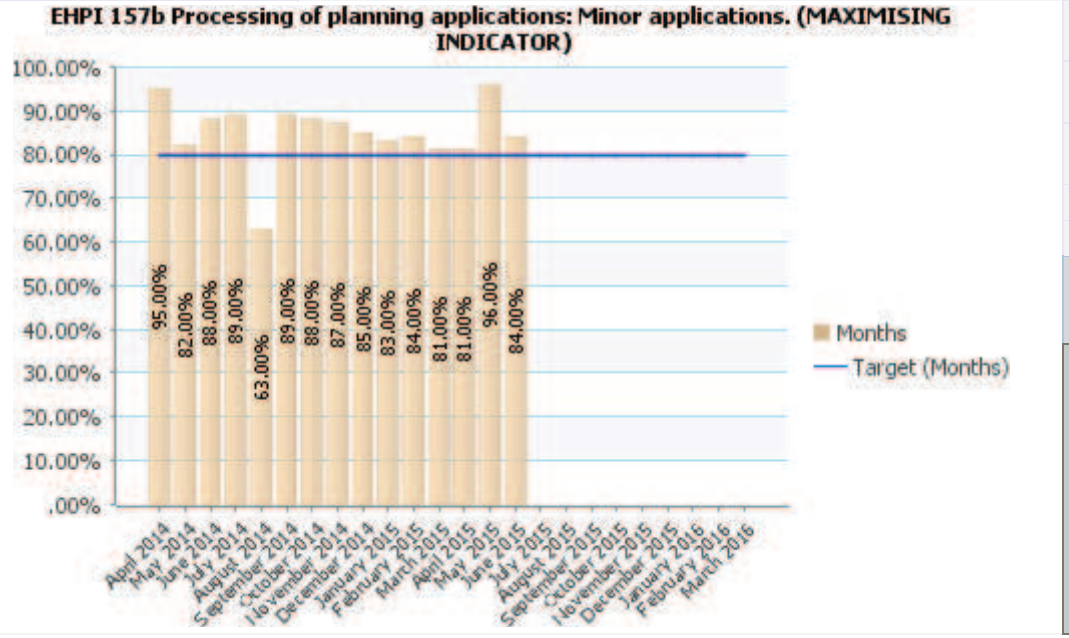
PI Code & Short Name	EHPI 191 Residual household waste per household. (MINIMISING CUMULATIVE INDICATOR)



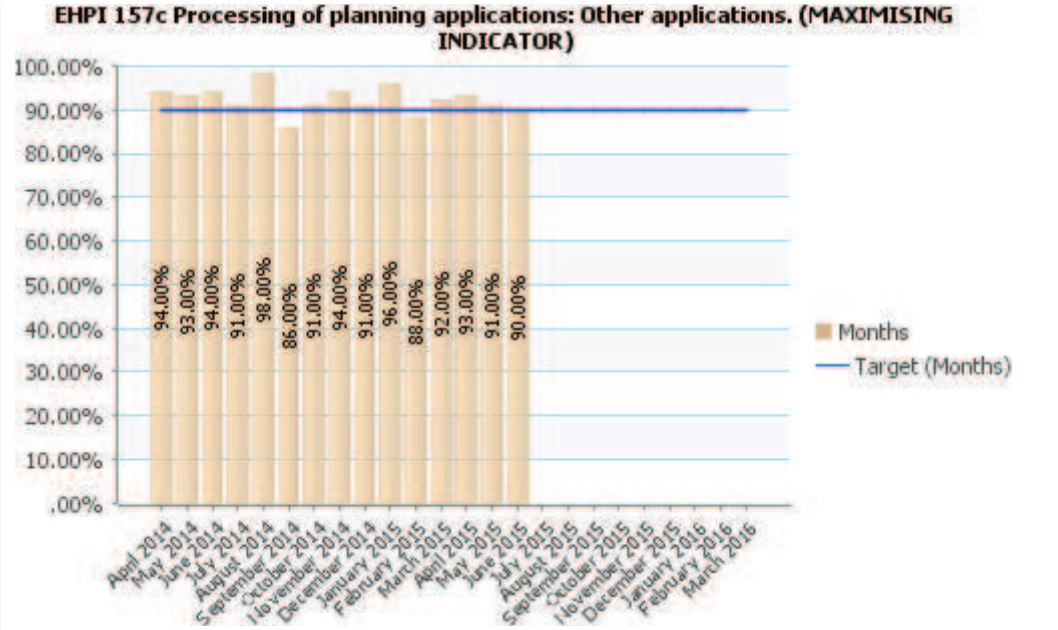
Managed By	Cliff Cardoza;
Short Term Trend Arrow	↓
Long Term Trend Arrow	N/A – Cumulative indicator
Traffic Light Icon	N/A – Trend Only
Current Value	83 kg
Current Target	N/A – Trend Only
Notes & History Latest Note	This indicator is reported one month in arrears. The figure is higher this month than the same period last year due to a number of factors. Firstly, May was a five week month, usually June is the five week month so this has added to the increased amount collected. Lastly, the property base used to calculate the performance has not been updated by Defra. Therefore this month does not take account of any new properties that have been built since 1 April 2015. Waste analysis to be carried out on residual waste to get a better understanding of what is in the residual waste stream.
Management Response / Action	The council continues to persuade residents to minimise the waste they produce overall. This is done though media campaigns delivered both directly by the Council and through the Hertfordshire Waste Partnership (WasteAware). No further management action required at this stage.

Directorate Neighbourhood Services
Service Area Planning and Building Control

PI Code & Short Name	EHPI 157b Processing of planning applications: Minor applications. (MAXIMISING INDICATOR)	**Managed By**	Simon Drinkwater; Kevin Steptoe; Alison Young
		Short Term Trend Arrow	
		Long Term Trend Arrow	
		Traffic Light Icon	
		Current Value	84.00%
		Current Target	80.00%
		Notes & History Latest Note	Performance exceeding target. 31 out of 37 applications.
		Management Response / Action	Although performing above target, the long term trend shows a decline, when current performance compares to the average over the last 12 months. However June performance (84%) is just off the long term average (84.5%). Therefore there is no significant risk regarding performance at this stage. No further management action required at this stage.

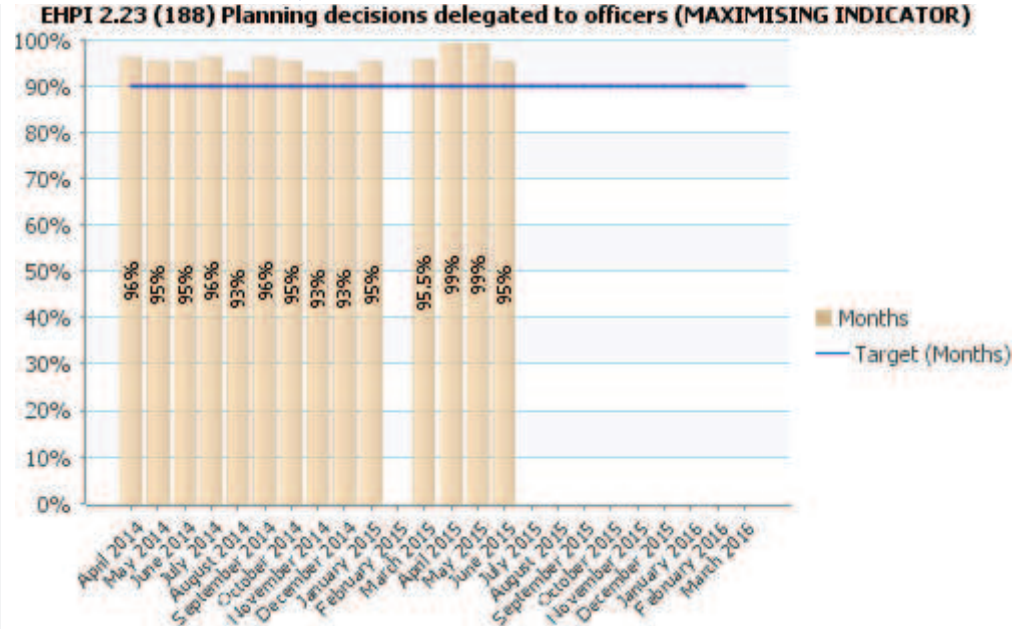


PI Code & Short Name	EHPI 157c Processing of planning applications: Other applications. (MAXIMISING INDICATOR)



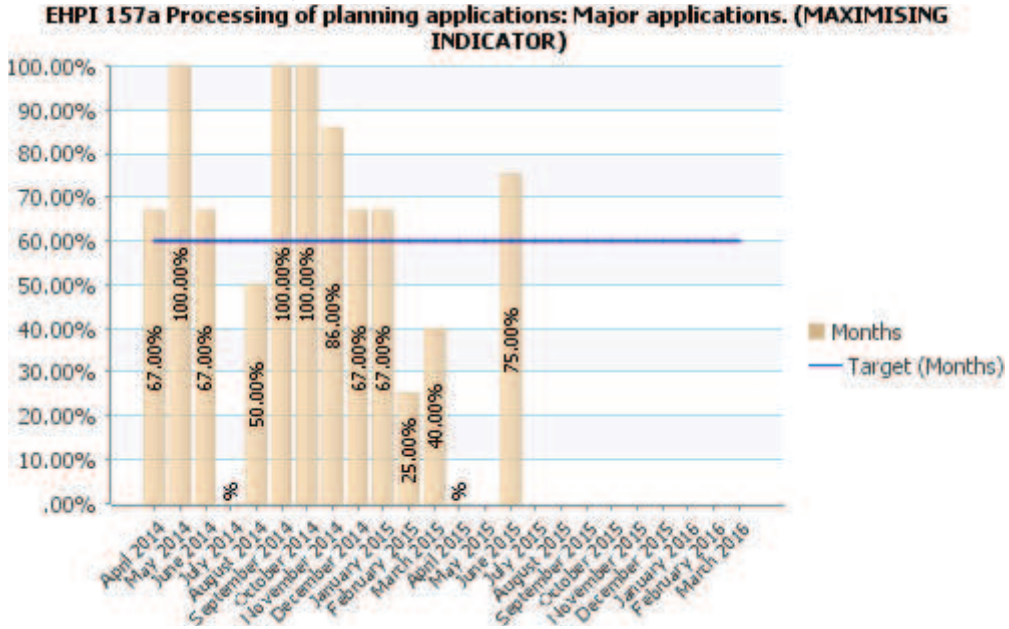
Managed By	Simon Drinkwater; Kevin Steptoe; Alison Young
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	
Current Value	90.00%
Current Target	90.00%
Notes & History Latest Note	Performance exceeding target. 118 out of 131 applications.
Management Response / Action	Although performing above target, the long term trend shows a decline, when current performance compares to the average over the last 12 months. However June performance (90%) is slightly the long term average (92%). This is a minor difference and at this stage there is no significant risk regarding performance. The position will continue to be reviewed. No further management action required at this stage.

PI Code & Short Name	EHPI 2.23 (188) Planning decisions delegated to officers (MAXIMISING INDICATOR)



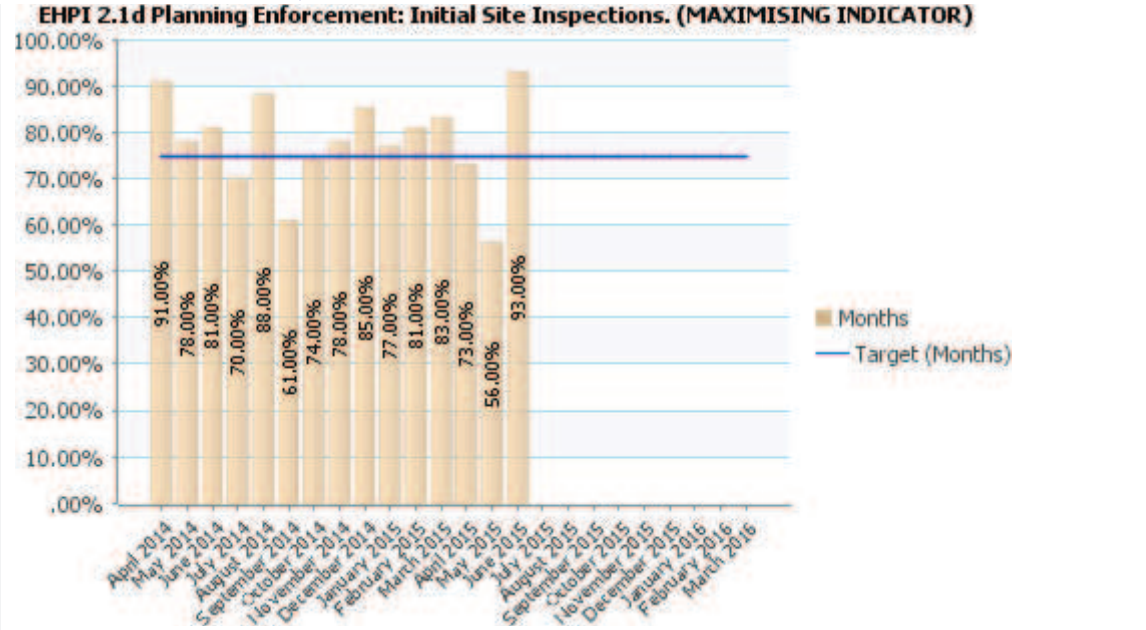
Managed By	Simon Drinkwater; Kevin Steptoe; Alison Young
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	
Current Value	95%
Current Target	90%
Notes & History Latest Note	202 out of 212 decisions
Management Response / Action	Although performing above target, the long term trend shows a decline, when current performance compares to the average over the last 12 months. However June performance (95%) is just off the long term average (95.3%). Therefore there is no significant risk regarding performance at this stage. No further management action required at this stage.

PI Code & Short Name	EHPI 157a Processing of planning applications: Major applications. (MAXIMISING INDICATOR)



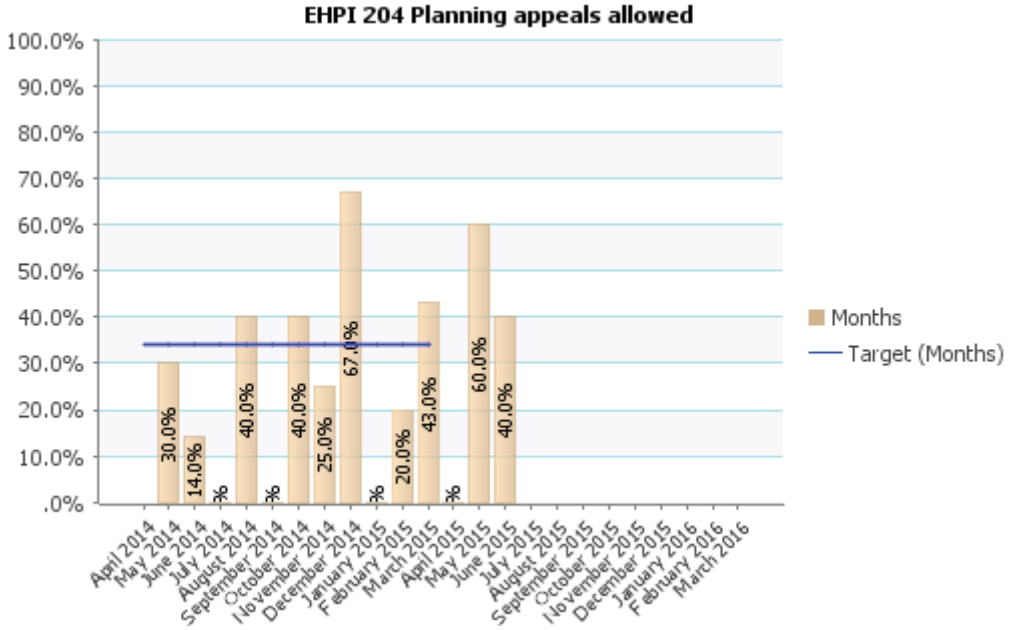
Managed By	Simon Drinkwater; Kevin Steptoe; Alison Young
Short Term Trend Arrow	N/A – No major planning application decisions were released this month
Long Term Trend Arrow	
Traffic Light Icon	
Current Value	75.00%
Current Target	60.00%
Notes & History Latest Note	Performance exceeding target. 3 out of 4 applications.
Management Response / Action	No further management action required at this stage.

PI Code & Short Name	EHPI 2.1d Planning Enforcement: Initial Site Inspections. (MAXIMISING INDICATOR)



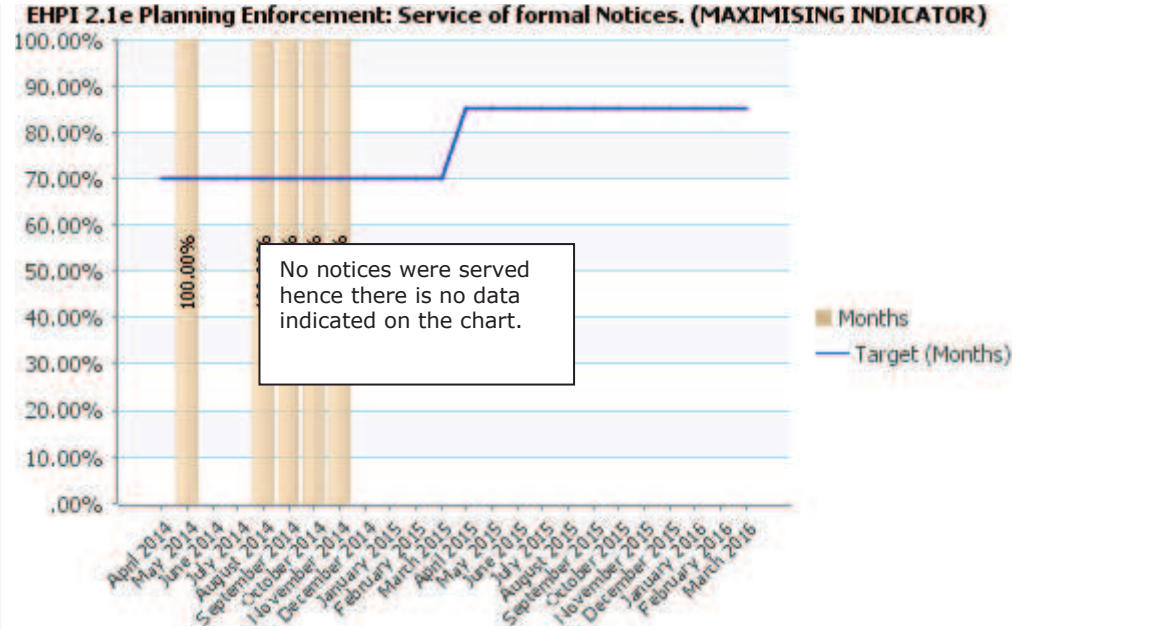
Managed By	Simon Drinkwater; Kevin Steptoe
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	
Current Value	93.00%
Current Target	75.00%
Notes & History Latest Note	Performance exceeding target. 43 out of 46 inspections.
Management Response / Action	No further management action required at this stage.

PI Code & Short Name	EHPI 204 Planning appeals allowed



Managed By	Simon Drinkwater; Kevin Steptoe; Alison Young
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	New PI – Trend only
Current Value	40.0%
Current Target	New PI – Trend only
Notes & History Latest Note	Less planning appeals were allowed in June 2015 compared to May 2015. This indicator was re-introduced in April 2015, and therefore it is too early to make any meaningful conclusion on trend.
Management Response / Action	No further management action required at this stage.

PI Code & Short Name	EHPI 2.1e Planning Enforcement: Service of formal Notices. (MAXIMISING INDICATOR)



Managed By	Simon Drinkwater; Kevin Steptoe
Short Term Trend Arrow	N/A
Long Term Trend Arrow	N/A
Traffic Light Icon	N/A
Current Value	N/A
Current Target	85.00%
Notes & History Latest Note	No notices served
Management Response / Action	No further management action required at this stage.

PI Status	
	Alert
	Warning
	OK

Long Term Trends	
	Improving
	No Change
	Decreasing

Short Term Trends	
	Improving
	No Change
	Decreasing

This page is intentionally left blank

For information only: Performance indicator guidance

EHPI 157a - Processing of planning applications: Major applications
PI Definition
Percentage of planning applications by type determined in a timely manner. A timely manner is defined as • within 13 weeks for Major applications; • within 8 weeks for Minor and Other applications; and **Good performance** Good performance is typified by reaching or exceeding the target.
Data Source
Planning and Building Control

EHPI 157b - Processing of planning applications: Minor applications
PI Definition
Percentage of planning applications by type determined in a timely manner. A timely manner is defined as • within 13 weeks for Major applications; • within 8 weeks for Minor and Other applications; and **Good performance** Good performance is typified by reaching or exceeding the target.
Data Source
Planning and Building Control

EHPI 157c - Processing of planning applications: Other applications
PI Definition
Percentage of planning applications by type determined in a timely manner. A timely manner is defined as • within 13 weeks for Major applications; • within 8 weeks for Minor and Other applications; and **Good performance** Good performance is typified by reaching or exceeding the target.
Data Source
Planning and Building Control

EHPI 191 - Residual household waste per household
PI Definition
This indicator is the number of kilograms of residual household waste collected per household. The **Numerator** (X) for this indicator is total kilograms of household waste less any household waste arisings sent for reuse, sent for recycling, sent for composting, or sent for anaerobic digestion. The **denominator** (Y) is the number of households as given by the dwelling stock figures from the Council Taxbase. The number of dwellings in each band at the end of the financial year (March figures) to which the indicator pertains, as provided by the Valuation Office, will be used. These are available from Local government finance statistics council tax and national nondomestic rates, dwelling numbers on valuation list (external link). Residual waste is any collected household waste that is not sent for reuse, recycling or composting. **Good performance** Good performance is typified by a lower figure per household
Data Source
Environment Services

EHPI 192 - Percentage of household waste sent for reuse, recycling and composting
PI Definition
The percentage of household waste arisings which have been sent by the authority for reuse, recycling, composting or anaerobic digestion. The numerator is the total tonnage of household waste collected which is sent for reuse, recycling, composting or anaerobic digestion. The denominator is the total tonnage of household waste collected. **Good performance** Good performance is typified by a higher percentage
Data Source
Environment Services

EHPI 2.1d - Planning Enforcement: Initial Site Inspections
PI Definition
Sum of enforcement cases where working days elapsed between date of receipt of enforcement case to initial site inspection date is equal to/less than 15 divided by total number of initial site inspections undertaken
Other Guidance
Enforcement case: each individual potential breach of planning control brought to the attention of the service. **Initial Site Inspection:** the first visit to and inspection of the location of the enforcement case to establish relevant information.

EHPI 2.1e - Planning Enforcement: Service of formal Notices
PI Definition
Sum of Formal Notices where the Date of Service is within 30 working days of the date of the DC Committee by which its service is authorised
Other Guidance
Formal Notice: Planning Enforcement notices authorised to be served by the DC Committee (Does not include any other form of notice such as Listed Building of Advertisement) **Date of Service:** Date on which a Formal Notice is first served on any relevant party which has an interest in relation to it.

EHPI 2.2 (45) - Waste: missed collections per 100,000 collections of household waste
PI Definition
Number of properties served by refuse, recycling and composting collections multiplied by frequency of each collection type, divided by 100,000 then divided into nos. of missed collections.
Data Source
Environment Services

EHPI 2.23 (188) - Planning decisions delegated to officers
PI Definition
Number of applications decided by planning officers under a scheme of delegation and without referral to committee. APAS - Formula: PS2 (Total Decisions) minus GAFquery (total Committee Decisions) = No x 100 / Total Decisions = %
Data Source
Planning and Building Control

EHPI 2.4 (47) - Fly-tips: removal
PI Definition
This PI is measured by the total time taken to clear fly-tips divided by number of fly-tips recorded on Mayrise, plus those reported and cleared same day by MRS.
Data Source
Environmental Services

EHPI 7.2 - Turnaround of PCN Challenges and Representations.
PI Definition
Sum of days elapsed between receipt of correspondence to response
Data Source
Parking Services
Other Guidance
Data for this PI taken from ICPS which works in calendar days.

EHPI 7.3 - Percentage of appeals to the traffic penalty tribunal against the number of PCNs issued.
PI Definition
EHDC's rate of appeal vs. the national average rate of appeal as expressed in the most recently available Annual Report of the Traffic Penalty Tribunal. The rate of appeal is expressed as a percentage of the total number of PCNs issued by the Council in that period.
Data Source
Parking Services
Other Guidance
Appeal – an appeal by the motorist to the independent Traffic Penalty Tribunal, which can only take place once all avenues to challenge a Penalty Charge Notice with the issuing local authority have been exhausted.

Formula Guidance
PI code and description
EHPI 2.5 Total waste collected by the district (kg per household). (MINIMISING INDICATOR)
PI Definition
This indicator is the total waste collected by the district per household. The **Numerator** (X) for this indicator is total kilograms of household waste less any household wa sent for reuse, sent for recycling, sent for composting, or sent for anaerobic digestion. The **denominator** (Y) is the number of households as given by the dwelling stock figures from th Taxbase. The number of dwellings in each band at the end of the financial year (March figures) to which the inc pertains, as provided by the Valuation Office, will be used. These are available from Local government finance council tax and national nondomestic rates, dwelling numbers on valuation list (external link). **Good performance** Good performance is typified by a lower figure per household
Data Source
Environment Services

Formula Guidance
PI code and description
EHPI 2.6 Percentage of residual waste (refuse) sent for disposal. (MINIMISING INDICATOR)

PI Definition
The percentage of residual waste (refuse) which have been sent by the authority for disposal. The numerator is the total tonnage of household waste collected which is sent for reuse. The denominator is the total tonnage of household waste collected. **Good performance** Good performance is typified by a higher percentage
Data Source
Environment Services

Formula Guidance
PI code and description
EHPI 204 Planning appeals allowed
PI Definition
Definition This indicator is concerned only with planning applications where the local planning aut refused planning permission. It does not include planning appeals against conditions or non-deter The calculation also excludes all other applications types of appeal e.g. Advertisement Appeals, E Appeals, and Lawful Development Certificate appeals The indicator should include decisions where the date of decision falls within the year in question. indicator is based on data that is already available from the Planning Inspectorate (PINS). As with partially allowed appeal must be counted as an allowed appeal.

The denominator should include all planning appeals where the authority refused planning permis Appeals should only be counted if the date of the Planning Inspector or Secretary of State's decis within the year in question, regardless of when the appeal was lodged. The numerator should con appeal decisions where the appeal against refusal was allowed. **Good performance** Good performance is typified by a lower planning appeals allowed against the authority’s decision planning application.
Data Source
Planning and Building Control

This page is intentionally left blank

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE - 9 SEPTEMBER 2014

REPORT BY EXECUTIVE MEMBER FOR ECONOMIC DEVELOPMENT

PROCUREMENT OF NEW CAR PARK MANAGEMENT SYSTEM

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To obtain the Committee's comments and recommendations on the procurement of a new car park management system(s) for East Herts Council car parks.

RECOMMENDATIONS FOR ENVIRONMENT SCRUTINY COMMITTEE: **That:**	
(A)	With the possible exception of the car park named below, the Executive be advised that Environment Scrutiny recommends the Council procures a new car park management system based on a 'pay and display' platform; and
(B)	On the basis of the information provided in this report, the Executive be advised whether Environment Scrutiny recommends a move to a 'pay on exit' approach to the management of Gascoyne Way multi-storey car park in Hertford.

1.0 Background

1.1 Most 'pay and display' machines in East Herts Council car parks were purchased in 2004 and they are now fully written down in the Council's accounts. As the machines are nearing the end of their operational life officers seek to procure one or more replacement systems during 2016/17.

2.0 Report

Initial Choice of 'Pay and Display'

2.1 The Council's decision to adopt the current 'pay and display' system of car park management was arrived at following extensive analysis and debate leading up to its adoption of Civil Parking Enforcement powers in 2004/05. Although 'pay on exit' (effectively synonymous with 'pay on foot') was viewed as the preferred option in some car parks, the additional cost involved, together with the lack of suitability of most sites led the project team (and later the Executive) to endorse the use of 'pay and display' across the Council's entire car park estate.

Past Review of Options

2.2 In 2006/07 the Council commissioned a feasibility study into the adoption of 'pay on exit' parking in its car parks. Three sample car parks were chosen for the study – Kibes Lane (Ware) and Gascoyne Way and Bircherley Green (Hertford).

2.3 The study was debated by the East Herts Executive on 4 September 2007. The Executive recognised the impracticality of introducing a 'pay on foot' system in most East Herts car parks, although Bircherley Green Car Park in Hertford was identified as a possible candidate. (The Council has since relinquished its lease on this car park and a new, private operator has implemented an ANPR-based 'pay on exit' system).

Options Currently Under Review

2.4 The options identified in 2004/05 remain the options now; however the same limiting factors remain. These break down into three areas – procurement cost, operational cost and the cost of the necessary infrastructure changes, where these are possible.

2.5 A 'pay on exit' system is invariably more costly to purchase and always more costly to operate than the more basic 'pay and display' approach. The former requires sophisticated payment and ticket validation machines, along with barriers at car park entrances and exits. The capital differential is not always significant as in some cases (typically in multi-storey car parks) fewer 'pay on foot' machines may be needed than the 'pay and display' machines they would replace. For this reason capital cost issues are best addressed on an individual car park basis.

2.6 ‘Pay and display’ machines are relatively straightforward technology and the fact car parks will normally contain at least two means that in the case of failure a motorist usually has an alternative. Additionally, they do not require entry and exit barriers. Barrier equipment does fail on occasion and it is imperative that a qualified operative is nearby to complete a repair before queues of traffic build within or outside the car park. Currently the Council has no such resource and the challenge of attending quickly to a failure would be further compounded in East Herts, as car parks are scatted widely across the district.

2.7 In September 2014 central Government advised local authorities that they are not permitted to manage and enforce their car parks using ANPR cameras alone. (This approach is, however, allowed for private operators who operate and enforce their car parks under contract law). Accordingly, entrance and exit barriers would be required in addition to ANPR cameras should East Herts Council choose to adopt a ‘pay on exit’ approach to the management of its car parks.

2.8 The physical limitations of most East Herts car parks would prevent the introduction of a barrier controlled ‘pay on exit’ management system. Most car parks are small and do not have access or exit lanes off the highway. Many have a single, shared point of access and egress. The time taken to obtain a ticket on entry could cause a backing up of traffic on the highway. Should the barriers fail this problem would be exacerbated due to the time it would take for an officer to travel to attend to the problem.

Recent Review of Options

2.9 In 2014/15 the Council commissioned a review of East Herts Council car parks to identify options for a new management system(s) based on criteria such as cost of procurement and operation and infrastructure limitations. A link to the consultant’s full report is offered at the foot of this report and the ‘Conclusions’ and ‘Recommendations’ pages from this report are offered as **Essential Reference Paper ‘B’**.

2.10 Government advice that local authorities may not operate a ‘pay on exit’ system based solely on ANPR, (see 2.7 above), means the choice in respect of each car park lies between a barrier controlled ‘pay on foot’ system or ‘pay and display’ based system.

2.11 The review confirms that in almost all cases a ‘pay and display’ based approach continues to be the only realistic option for the management of East Herts’ car parks, based on considerations of capital and revenue cost, size of car park and infrastructure limitations. A summary of the consultant’s comparative costs of the permitted approaches is offered as **Essential Reference Paper ‘C’**.

2.12 A ten year summary of the costs identified in **Essential Reference Paper ‘C’** is offered below.

System	**Total Capital Cost**	**Annual Revenue Cost x 10**	**Total**
Pay on exit based approach where technically possible (not recommended)	£750,000	£1,430,000	£2,180,000
Pay and display based approach with pay on exit in Gascoyne Way MSCP only	£396,100	£465,000	£861,100
Pay and display only	£371,100	£390,000	£761,100

N.B. The above are pre-procurement costs and are therefore indicative only

2.13 Should the Council elect to recoup the cost of procurement of either system over a period of ten years, through increases to its car parking tariffs, an example of how this might be achieved is offered as **Essential Reference Paper ‘D’**. This committee is invited to offer its views on whether the capital costs should be recouped in this way.

2.14 The consultant’s report suggests that only two East Herts car parks might possibly lend themselves to a ‘pay on exit’ approach – Jackson Square in Bishop’s Stortford and Gascoyne Way in Hertford. (As stated earlier, the Council’s interest in a third possible candidate, Bircherley Green in Hertford was sold in 2015 and this car park is now privately run).

2.15 In respect of Jackson Square, the Council has on file letters from Wilson Bowden (the developer) and J Sainsbury (the anchor tenant), dating back to 2004. At that time both requested that Jackson Square operate on a ‘pay and display’ basis.

2.16 Although some aspects of the design of Jackson Square lend themselves to a ‘pay on exit’ approach there are also significant risks. Although the situation has improved since the car park first opened, there are still occasions – often triggered by events outside the car park – when motorists experience delays in leaving. The presence of a barrier at the exit could exacerbate the potential for delays in vehicles exiting, should it fail. The failure of a barrier at the entrance could lead to congestion on the road network surrounding the car park.

2.17 The Council’s lease on Jackson Square car park requires it to operate a management system whereby shoppers can present a timed ticket at the checkout in J Sainsbury (the anchor tenant) to obtain a rebate of up to two hours of paid for parking. It would be difficult to replicate this arrangement in a ‘pay on exit’ context. It is suggested a renegotiation of this aspect of the lease would be required before a ‘pay on exit’ system could operate successfully.

2.18 Officers have written to the freeholder and anchor tenant in Jackson Square Shopping Centre asking them to confirm if a ‘pay and display’ based system remains their preferred option. It is hoped that a reply from each will be received in time for it to be placed before this Committee.

2.19 Officers’ current recommendation is that for the reasons identified in 2.16 and 2.17 (above) Jackson Square should continue to operate as a ‘pay and display’ car park even if the freeholder and/or anchor tenant modify their stated position with regard to their preferred use of ‘pay and display’.

2.20 As well as its design and size rendering it suitable for a ‘pay on exit’ approach, Gascoyne Way Car Park benefits from having the Council’s Civil Enforcement Officers based on site. Should ‘pay on exit’ be introduced in this car park the Council would seek to vary its contract with the enforcement contractor to include responsibility for first line repair and maintenance.

2.21 The additional capital cost of implementing a ‘pay on exit’ system in Gascoyne Car Park rather than ‘pay and display’ is likely to be modest, as a lower number of payment machines would be needed. The additional revenue cost would depend in part on the Council successfully adding responsibility for first level maintenance to its contract with its enforcement contractor.

2.22 A further drawback of operating a ‘pay on exit’ system relates to blue badge vehicles. In a situation where exit is achieved through making payment at a ‘pay on exit’ machine and inserting the receipted ticket into a barrier, the Council’s current policy of allowing blue badge holders to park free of charge and without time limit in any car park would have to be reviewed.

2.23 Options for dealing with the above situation in any car park where ‘pay on foot’ was implemented could include;

- requiring blue badge holders to pay for their parking
- creating a facility for them to ‘pre-register’ their blue badge and vehicle with the Council
- requiring them to present their badge to an officer before departing, so that the barrier could be lifted for them.

The latter option in particular would have significant staffing (and therefore cost) implications.

2.24 On the basis of the information provided above and in **Essential Reference Paper ‘C’** Members are asked to advise whether they wish the Council to move towards a ‘pay on exit’ approach in Gascoyne Way multi-storey car park.

2.25 In respect of all other car parks operated by East Herts Members are asked to support officers’ recommendation that the Council procures a new management system based on a ‘pay and display’ platform.

<u>‘Pay and Display’ in 2015</u>

2.26 ‘Pay and display’ systems on the market in 2015/16 are more sophisticated than those available in 2004/05. Most allow credit/debit card payment as a minimum and in many cases they now allow contactless payment. The Council would include these options in the next generation of machines for its car parks and the indicative prices offered in **Essential Reference Paper ‘C’** have taken these enhancements into account.

2.27 The adoption of a ‘pay by phone’ service, currently ‘RingGo’, has given motorists and the Council options which help ameliorate the obvious limitation of ‘pay and display’ - the requirement to anticipate in advance the duration of one’s parking needs.

2.28 The Council has already amended its enforcement practices to allow motorists to 'top up' parking time already paid for (subject to certain conditions) and has publicised the availability of 'RingGo' in its car parks, online and through local retailers as a means of doing so from a remote location. Publicising these options is not a once and for all event. Should the Council again choose the 'pay and display' option for its car parks, further opportunities will be taken to publicise these options.

2.29 A further safeguard against receipt of a Penalty Charge Notice for overstaying time paid for is now in place, following central Government's compulsory introduction in April 2015 of a ten minute 'grace' period for time-limited on-street and off-street parking operated by local authorities.

Procurement Process

2.30 Officers will use a framework agreement for the purchase of the new management system(s). This will enable timescales to be compressed and should enable the new management system(s) to be in place before the end of 2016.

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

i) Minutes of the East Herts Executive – 15 July 2003 (agenda item 113)
http://democracy.eastherts.gov.uk/Data/Executive/20030715/Agenda/minutes_1.pdf

ii) Minutes of the East Herts Executive – 4 September 2007 (agenda item 232)
http://democracy.eastherts.gov.uk/Data/Executive/20071023/Agenda/$Minutes_4_Sept_2007.doc.pdf

iii) Car Park Management Systems Options Appraisal 2015
http://www.eastherts.gov.uk/media/pdf/d/3/FINAL_REPORT_EHDC_Car_Park_Management_Systems_Options_Appraisal.pdf

Contact Member: Councillor Gary Jones – Executive Member for

Economic Development
gary.jones@eastherts.gov.uk

Contact Officer: Neil Sloper – Head of Information, Customer and Parking Services
Contact Tel No x1611
neil.sloper@eastherts.gov.uk

Report Author: Andrew Pulham – Parking Manager
andrew.pulham@eastherts.gov.uk

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	***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.
Consultation:	N/A
Legal:	The Council's Procurement Officer confirms that a Framework Agreement may be used to purchase the new car park management system(s).
Financial:	The financial implications of these proposals are summarised in the body of the report and are set out in fuller form in **ERP 'C'** and **ERP 'D'**.
Human Resource:	N/A
Risk Management:	N/A
Health and wellbeing – issues and impacts:	A barrier controlled system requiring the insertion of a validated ticket to exit would create difficulties in respect of blue badge motorists. Options to resolve these would include requiring the motorist to make contact with a member of staff upon arrival or departure, to pre-register their badge and vehicle registration number with the Council or to pay for their parking.

This page is intentionally left blank

11. CONCLUSIONS

11.1 There are a wide variety of parking payment systems available on the market, private car park operators are leading the way in terms of utilising innovation and technology when enforcing and regulating their car parks.

11.2 Local authorities at this time are unable to utilise and rely on such systems as ANPR cameras to enforce their car parks. The DfT and MP Robert Goodwill have clearly stated local authorities cannot revoke orders made under the Road Traffic Regulation Act 1984 to make the land occupied by the car park unregulated.

11.3 Based on the current stance of the DfT and government in relation to the options for enforcing local authority car parks it is recommended that any procurement of new parking payment equipment is compliant with current legislation and will not leave EHDC open to legal challenges.

11.4 Although there are numerous advantages with ANPR camera systems such as offering various payment options and user flexibility, and reduced enforcement costs which is appealing to all car park operators, we would recommend EHDC seek to procure new pay and display terminals for all of their car parks. This option requires the least investment and ongoing costs are far less than with more advanced camera operated systems.

11.5 The use of barrier operated systems would not be suitable for the majority of the car parks within this study as most only have a single entry and exit lane. Malfunction of equipment could lead to problems within the entry and exit areas, congestion in the roads leading to car parks and this would be the most expensive system to procure.

11.6 Current pay and display terminals now offer much more than the simple ticket. Terminals can be used as information points, providing maps of the local area, pointing customers to places of interest. The machines can also be used to provide incentive offers to customers, retailers can sign up to offer discounts in their stores, the user can select the offer required from a menu once they have purchased their pay and display ticket.

11.7 The analysis in the previous chapters shows that the above conclusions are supported by the summary of costs over a 10 year period shown below :

11.8 **Gold Option** (ANPR with no barriers) = **£1,847,250**

11.9 **Silver Option** (ANPR with barriers) = **£1,991,982**

11.10 **Bronze Option** (P+D replacement) = **£728,488**

12. RECOMMENDATIONS

12.1 Without a change in legislation, local authorities are restricted to the type of technology and equipment that they are permitted to use to enforce their car parks. There are a number of systems available on the market which would reduce the requirement for civil enforcement and provide numerous cost savings over an assumed ten year period. With this in mind, along with guidance issued by Robert Goodwill MP and the DfT, the following are our recommendations for the upgrade of car park payment equipment in East Herts.

12.2 Alongside the use of pay and display equipment, greater emphasis should be given to the benefits of a pay by phone service, currently operated by RingGO in East Herts. This service can offer the user various benefits such as a text message reminder 10 minutes prior to the expiry of paid for time. The service could also allow the user to purchase further time if they needed to with having to return to their vehicle, all of this could be carried out via a smart phone app or be calling the pay by phone operator. Virtual permits and season tickets can also be offered via the RingGo service.

12.3 Due to the legislative constraints all local authorities are under in terms of procuring and operating parking payment systems that best fit the local community and the requirements of the users, upgrading the current machinery to an enhanced pay and display system to run alongside the RingGo operation. With the benefits of offering increased functionality such as Chip and Pin card readers, the council may wish to consult with the local community where such enhancements may contribute to the economic wellbeing of the town centre but would also incur a possible increase in the parking charge to cover the cost of these enhancements.

12.4 Where it is found there may be scope to introduce more sophisticated systems the council may also wish to consult with the local community to determine if such a system would be preferred or suitable.

12.5 A table of recommendations for each town centre car park and the associated estimated costs for installing and operating the system is provided on the following pages.

			Summary of Options			**ERP 'C'**
		Car Park Management Systems				
			East Herts Council			
Town		**Barrier Controlled Pay on Exit Approximate Capital Cost***	**Barrier Controlled Pay on Exit Approximate Revenue Cost Per Town, Per Annum***	**Pay and Display Approximate Capital Cost***	**Pay and Display Approximate Revenue Cost Per Town, Per Annum***	**Recommendation**
Herford						
Gascoyne Way		£67,400	£46,000	£42,400	£11,000	Consider barrier-controlled 'pay on exit'
St Andrew Street		£39,000		£16,000		Pay and display
Old London Road		£43,000		£10,600		Pay and display
Port Vale**		£5,300		£5,300		Pay and display
Hartham Lane		£35,000		£10,600		Pay and display
Hartham Common		£45,000		£10,600		Pay and display
Wallfields Visitor**		£5,300		£5,300		Pay and display
Sub total		**£240,000**	**£46,000**	**£100,800**	**£11,000**	
Bishop's Stortford						
Jackson Square		£65,000	£62,000	£80,000	£19,000	Pay and display
Link Road		£35,000		£10,600		Pay and display
Northgate End		£35,000		£10,600		Pay and display
Elm Road**		£5,300		£5,300		Pay and display
Grange Paddocks A		£93,000		£31,000		Pay and display
Grange Paddocks B						Pay and display
Grange Paddocks C						Pay and display
Apton Road		£35,000		£10,600		Pay and display
Causeway***		£35,000		£16,000		Pay and display
Basbow Lane		£35,000		£10,600		Pay and display
Crown Terrace A**		£10,600				Pay and display
Crown Terrace B**				£10,600		Pay and display
Sub total		**£348,900**	**£62,000**	**£185,300**	**£19,000**	
Ware						
Library		£45,000	£17,000	£10,600	£7,000	Pay and display
Kibes Lane North**		£16,000		£16,000		Pay and display
Kibes Lane South**		£10,600		£10,600		Pay and display
Amwell West**		£5,300		£5,300		Pay and display
Amwell East**		£5,300		£5,300		Pay and display
Priory Street**		£5,300		£5,300		Pay and display
Sub total		**£87,500**	**£17,000**	**£53,100**	**£7,000**	
Buntingford						
High Street		£35,000	£8,000	£10,600	£1,000	Pay and display
Sub total		**£35,000**	**£8,000**	**£10,600**	**£1,000**	
Sawbridgeworth						
Bell Street		£39,000	£10,000	£16,000	£1,000	Pay and display
Sub total		**£39,000**	**£10,000**	**£16,000**	**£1,000**	
Stanstead Abbotts						
High Street*		£5,300	£1,000	£5,300	£1,000	Pay and display
Sub total		**£5,300**	**£1,000**	**£5,300**	**£1,000**	
TOTAL		**£750,400**	**£143,000**	**£371,100**	**£39,000**	

* Capital costs include costs of procurement, installation and one-off licences. Revenue costs include costs of maintenance, minor spare parts and Revenue costs assume maintenance is provided by system supplier. (First level machine maintenance and cash collection currently supplied through Cost of capital excluded

** These car parks have been identified by the consultant as wholly unsuited to a 'pay on exit' approach, leading to a strong recommendation that

*** At the time the report was prepared it was anticipated that this car park would be closed for redevelopment and that no investment would be into a new car park management system. Estimates have now inserted based on the estimates for similar sized facilities.

N.B. These are pre-procurement estimates and must therefore be regarded as indicative only.

This page is intentionally left blank

Options for Recovering Capital Costs

Essential Reference Paper Di'

Introduction and Purpose

The purpose of this paper is to consider the effect on tariffs should the Council elect to recover the capital costs (and additional revenue costs if applicable) of the procurement of a new car park management system(s).

The figures included in this paper are based on the information available to officers about use of the car parks on the current tariffs which were introduced on a two year trial basis from September 2014 and on the estimated capital and revenue costs of new equipment shown in **'ERP 'B'**.

Key Assumptions

A number of assumptions have been made in the preparation of this paper:

- The monthly average from the 10/11 months of data available since the current tariff trial began has been used to predict the missing months, and that this is a fair estimate of future revenue.
- Revenue costs for pay and display machines are already covered, and will remain consistent.
- The value provided by new machines/systems will be spread evenly across their 10 year expected lifespan.
- Any tariff changes would be applied in the same way to all bands, and that price points would remain 'rounded' at 10p intervals.
- Each town would be expected to cover its own costs.
- Any changes to Jackson Square car park could be negotiated with the lessor and with J Sainsbury in respect of the rebate scheme.
- The increase to net enforcement costs arising from the diversion of enforcement resource towards the management and maintenance of a barrier controlled system do not need to be recovered (and would not be factored into higher parking charges).
- There will be no additional capital costs, for example, from changes needed to road layouts or utilities, or internal charges imposed to cover loss of investment revenue.
- The existing tariff structure, introduced as a two year trial (and the corresponding reduced budget) will continue, and the level of demand will remain consistent even if tariffs are raised.

Option 1: Replace with Pay and Display

If the current machines are upgraded to new pay and display (P&D) machines, the expected Capital costs are shown in the table. For the purposes of these estimates, we have assumed that revenue costs will be consistent with the existing ones:

Area	Total Income Forecast based on data	Capital Cost P&D	Capital cost spread evenly over 10 years	% of income
Bishop's Stortford	£ 1,836,040	£ 185,300	£ 18,530	1%
Sawbridgeworth	£ 32,410	£ 16,000	£ 1,600	5%
Hertford	£ 616,789	£ 100,800	£ 10,080	2%
Ware	£ 271,018	£ 53,100	£ 5,310	2%
Buntingford	£ 6,811	£ 10,600	£ 1,060	16%
Stanstead Abbotts	£ 7,700	£ 5,300	£ 530	7%
Total	**£ 2,770,767**	**£ 371,100**	**£ 37,110**	1%

In terms of the most common tariffs for each town, the suggested changes, rounded to 10p increments could be as shown in Appendix 1.

Option 2: Barrier Controlled Pay on Exit in Gascoyne Way, P&D elsewhere.

If barrier controlled pay on exit is used for the multi-storey car park at Gascoyne way, and P&D is used elsewhere, the expected capital and additional revenue costs are shown in the table. As before, for the purposes of these estimates, we have assumed that revenue costs for P&D will be consistent with the existing ones:

Area	Total Income Forecast based on data	Capital Cost – BCPOE for Jackson Square and Gascoyne Way, P&D Elsewhere	Capital cost spread evenly over 10 years	Additional Annual Revenue Costs	Total Additional Income Needed (Annual Capital Cost + additional revenue)	% income
Bishop's Stortford	£ 1,836,040	£ 185,300	£ 18,530	£ -	£ 18,530	1%
Sawbridgeworth	£ 32,410	£ 16,000	£ 1,600	£ -	£ 1,600	5%
Hertford	£ 616,789	£ 125,800	£ 12,580	£ 10,000	£ 22,580	4%
Ware	£ 271,018	£ 53,100	£ 5,310	£ -	£ 5,310	2%
Buntingford	£ 6,811	£ 10,600	£ 1,060	£ -	£ 1,060	16%
Stanstead Abbotts	£ 7,700	£ 5,300	£ 530	£ -	£ 530	7%
Total	**£ 2,770,767**	**£ 396,100**	**£ 39,610**	**£ 10,000**	**£ 49,610**	**2%**

In terms of the most common tariffs for each town, the suggested changes, rounded to 10p increments could be as shown in Appendix 1.

Option 3: Barrier Controlled Pay on Exit for Jackson Square and Gascoyne Way, P&D elsewhere.

barrier controlled pay on exit is used for the multi-storey car parks at Jackson Square and Gascoyne way, and P&D is used elsewhere, the expected capital and additional revenue costs are shown in the table. As before, for the purposes of these estimates, we have assumed that revenue costs for P&D will be consistent with the existing ones:

Area	Total Income Forecast based on data	Capital Cost – BCPOE for Jackson Square and Gascoyne Way, P&D Elsewhere	Capital cost spread evenly over 10 years	Additional Annual Revenue Costs	Total Additional Income Needed (Annual Capital Cost + additional revenue)	% income
Bishop's Stortford	£ 1,836,040	£ 170,300	£ 17,030	£ 10,000	£ 27,030	1%
Sawbridgeworth	£ 32,410	£ 16,000	£ 1,600	£ -	£ 1,600	5%
Hertford	£ 616,789	£ 125,800	£ 12,580	£ 10,000	£ 22,580	4%
Ware	£ 271,018	£ 53,100	£ 5,310	£ -	£ 5,310	2%
Buntingford	£ 6,811	£ 10,600	£ 1,060	£ -	£ 1,060	16%
Stanstead Abbotts	£ 7,700	£ 5,300	£ 530	£ -	£ 530	7%
Total	**£ 2,770,767**	**£ 381,100**	**£ 38,110**	**£ 20,000**	**£ 58,110**	**2%**

In terms of the most common tariffs for each town, the suggested changes, rounded to 10p increments could be as shown in Appendix 1.

Option 4: Barrier Controlled Pay on Exit Where Possible and P&D elsewhere

The following car parks are identified in the independent consultant's report and in ERP 'B' as 'wholly unsuitable' for a barrier controlled pay on exit system:

- Hertford – Port Vale, and Wallfields Visitor.
- Bishop's Stortford – Elm Road, and Crown Terrace.
- Ware – Kibes Lane North and South, Amwell East and West, and Priory Street.
- Stanstead Abbotts – High Street.

However, if all of the remaining car parks were converted to BCPOE, and upgraded P&D machines purchased elsewhere, then the expected costs (capital and revenue) are shown in the table. As before, for the purposes of these estimates, we have assumed that revenue costs for P&D will be consistent with the existing ones:

Area	Total Income Forecast based on data	Capital Cost (BPOE where possible, P&D elsewhere)	Capital cost spread evenly over 10 years	Additional Annual Revenue Costs	Total Additional Income Needed (Annual Capital Cost + additional revenue)	% of income
Bishop's Stortford	£ 1,836,040	£ 348,900	£ 34,890	£ 43,000	£ 77,890	4%
Sawbridgeworth	£ 32,410	£ 39,000	£ 3,900	£ 9,000	£ 12,900	40%
Hertford	£ 616,789	£ 240,000	£ 24,000	£ 35,000	£ 59,000	10%
Ware	£ 271,018	£ 87,500	£ 8,750	£ 10,000	£ 18,750	7%
Buntingford	£ 6,811	£ 35,000	£ 3,500	£ 7,000	£ 10,500	154%
Stanstead Abbotts	£ 7,700	£ 5,300	£ 530	£ -	£ 530	7%
Total	**£ 2,770,767**	**£ 755,700**	**£ 75,570**	**£ 104,000**	**£ 179,570**	**6%**

In terms of the most common tariffs for each town, the suggested changes, rounded to 10p increments could be as shown in Appendix 1.

This page is intentionally left blank

ERP 'D' - Possible tariffs under each option for recovery of capital costs

Area	Option	Level of charge	Day								Evening	
			30 mins	1 hour	90 mins	2 hours	3 hours	4 hours	5 hours	All Day	30 mins	Over 30 mins
Hertford	As is	100%	£ -		£ 0.80		£ 2.00		£ 3.60	£ 4.40	£ -	£ 1.00
	Option 1	102%	£ -		£ 0.90		£ 2.10		£ 3.70	£ 4.50	£ -	£ 1.10
	Option 2	104%	£ -		£ 0.90		£ 2.10		£ 3.80	£ 4.60	£ -	£ 1.10
	Option 3	104%	£ -		£ 0.90		£ 2.10		£ 3.80	£ 4.60	£ -	£ 1.10
	Option 4	110%	£ -		£ 0.90		£ 2.20		£ 4.00	£ 4.90	£ -	£ 1.10
Bishop's Stortford	As is	100%	£ -		£ 0.80		£ 2.00		£ 3.60	£ 4.40	£ -	£ 1.00
	Option 1	101%	£ -		£ 0.90		£ 2.10		£ 3.70	£ 4.50	£ -	£ 1.10
	Option 2	101%	£ -		£ 0.90		£ 2.10		£ 3.70	£ 4.50	£ -	£ 1.10
	Option 3	101%	£ -		£ 0.90		£ 2.10		£ 3.70	£ 4.50	£ -	£ 1.10
	Option 4	104%	£ -		£ 0.90		£ 2.10		£ 3.80	£ 4.60	£ -	£ 1.10
Jackson Square	As is	100%		£ 0.80		£ 1.50	£ 2.20	£ 2.90	£ 3.60		See left.	
	Option 1	101%		£ 0.90		£ 1.60	£ 2.30	£ 3.00	£ 3.70			
	Option 2	101%		£ 0.90		£ 1.60	£ 2.30	£ 3.00	£ 3.70			
	Option 3	101%		£ 0.90		£ 1.60	£ 2.30	£ 3.00	£ 3.70			
	Option 4	104%		£ 0.90		£ 1.60	£ 2.30	£ 3.10	£ 3.80			
Ware	As is	100%	£ -		£ 0.60		£ 1.50		£ 2.70	£ 3.50	£ -	£ 1.00
	Option 1	102%	£ -		£ 0.70		£ 1.60		£ 2.80	£ 3.60	£ -	£ 1.10
	Option 2	102%	£ -		£ 0.70		£ 1.60		£ 2.80	£ 3.60	£ -	£ 1.10
	Option 3	102%	£ -		£ 0.70		£ 1.60		£ 2.80	£ 3.60	£ -	£ 1.10
	Option 4	107%	£ -		£ 0.70		£ 1.70		£ 2.90	£ 3.80	£ -	£ 1.10
Buntingford	As is	100%		£ -		£ -	£ -			£ 2.00	Charges apply (as left) 9am-5pm.	
	Option 1	116%		£ -		£ -	£ -			£ 2.40		
	Option 2	116%		£ -		£ -	£ -			£ 2.40		
	Option 3	116%		£ -		£ -	£ -			£ 2.40		
	Option 4	254%		£ -		£ -	£ -			£ 5.10		
Stanstead Abbotts	As is	100%	Currently funded by donation of approximately:								£ 7,700	
	Option 1	107%	Could seek increase of donation to:								£ 8,230	
	Option 2	107%									£ 8,230	
	Option 3	107%									£ 8,230	
	Option 4	107%									£ 8,230	
Sawbridgeworth	As is	100%		£ -		£ 0.50	£ 1.00	£ 1.50	£ 2.00	£ 3.50	See left.	
	Option 1	105%		£ -		£ 0.60	£ 1.10	£ 1.60	£ 2.10	£ 3.70		
	Option 2	105%		£ -		£ 0.60	£ 1.10	£ 1.60	£ 2.10	£ 3.70		
	Option 3	105%		£ -		£ 0.60	£ 1.10	£ 1.60	£ 2.10	£ 3.70		
	Option 4	140%		£ -		£ 0.70	£ 1.40	£ 2.10	£ 2.80	£ 4.90		

Jackson Square is shown separately as it has a different tariff, but represents a significant proportion of the Bishop's Stortford revenue. However, the proportions/percentages used are those for the town as a whole rather than Jackson Square specifically.

Option 1 Pay and Display' in all car parks
Option 2 Barrier controlled 'pay on exit' in Gascoyne Way MSCP and 'pay and display' elsewhere
Option 3 Barrier controlled 'pay on exit' in Gascoyne Way and Jackson Square MSCPs and 'pay and display' elsewhere
Option 4 Barrier controlled 'pay on exit' where operationally feasible and 'pay and display' elsewhere

This page is intentionally left blank

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY – 8 SEPTEMBER 2015

REPORT BY EXECUTIVE MEMBER FOR FINANCE & SUPPORT SERVICES

REVIEW OF FEES AND CHARGES CALCULATIONS AND LEVELS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To provide Environment Scrutiny with an opportunity to review the current structure of fees and charges within the Environment service areas.

RECOMMENDATION FOR ENVIRONMENT SCRUTINY COMMITTEE: That:	
(A)	**Environment Scrutiny considers the need for any further research by officers with regard to revising the fees and charges structure for 2016/17, for services under the remit of Environment Scrutiny; and**
(B)	**Officers be advised of any areas of fees and charges (under the Environment Scrutiny remit), that should be considered for change as part of the budget setting process for 2016/17.**

1.0 Background

1.1 The Council has a set of key principles on which fees and charges should be set.

1.2 These include:

- Any subsidy from Council Tax payers should be a deliberate decision by members.
- Discretionary fees should generate income to help deliver improvements in priority services.
- Discretionary fees and charges should support the MTFP.

- A measure of consistency in setting charges for similar services should be applied.
- The level of fees and charges should be set to avoid unnecessary subsidies from the council taxpayer to commercial operations.
- If the impact of any increase is likely to be high then consideration be given to the phasing of changes over a period of time.

1.3 When setting the budget for 2015/16, Members reviewed the fees and charges as part of the budget setting process.

1.4 Members requested a more detailed review take place for 2016/17 onwards and therefore each Scrutiny committee will receive a report on the current fees and charges relating to its remit.

1.5 This report gives an indication of the current fees and the level of discretion the Council has in setting the fee level.

1.6 There are 3 types of charges:

1. Those that are set statutorily, over which the Council has no control to change
2. Those that are set for full cost recovery i.e. set according to the cost of the service
3. Those that the Council has full discretion over setting the level of fees and charges.

1.7 The reasons for setting certain levels of fees may be determined by the following factors:

- Understanding the wider market of a service and therefore the price which can be reasonably demanded for a particular service.
- Setting the level of the fee to manage demand - either to encourage or discourage behaviour.
- Consideration of the impact of changes in fees on particular groups or individuals;
- Wider financial implications for the Council or its partners.

2.0 <u>Report</u>

2.1 **Essential Reference Paper "B**" contains a list of the fees and charges that relate to Environment Scrutiny. The table shows the fee for 2014/15 and for 2015/16 and other information including the

basis for charge, the setting of the charge and more detail on the service provision.

2.2 For those charges where the Council has discretion over the level of fee set, there is an opportunity to consider the introduction of any changes to the fee levels as detailed in **Essential Reference Paper "B"** as part of the Council's new overall Finance and Business Planning process that is currently in progress.

2.3 In terms of reviewing the Councils fees and charges, there is an opportunity to consider the following:

- Whether there are any services that are not currently charged for, but could be in the future
- Whether there are further discretions or concessions that Members would like to be considered
- Whether there are other changes to the fees and charges structure that Members would like Officers to research for consideration

2.4 Should Environment Security decide that areas of the fees and charges merit attention for further work; officers will research and prepare options based on Environment Scrutiny's requests. These will then be presented as options to be considered as part of the budget setting process for 2016/17 – 2019/20.

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"**.

Contact Member: Councillor Geoff Williamson, Executive Member for Finance and Support Services. geoffrey.williamson@eastherts.gov.uk

Contact Officer: Philip Gregory, Head of Strategic Finance, Extn: 2050. philip.gregory@eastherts.gov.uk

Report Author: Adele Taylor, Director of Finance and Support Services, Extn: 1401. adele.taylor@eastherts.gov.uk

This page is intentionally left blank

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives *(delete as appropriate):*	***People* – Fair and accessible services for those that use them and opportunities for everyone to contribute** This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable. ***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.
Consultation:	By bringing this initial report to be considered by Environment Scrutiny, the consultation process for setting fees and charges for future years will commence.
Legal:	Fees and Charges which are subject to statutory requirements are outlined in ERP B.
Financial:	Future financial implications are subject to the outcome of any revisions that are made. These will be considered through the budget setting process
Human Resource:	No specific implications arise from this report
Risk Management:	No specific implications arise from this report
Health and wellbeing – issues and impacts:	No specific implications arise from this report

This page is intentionally left blank

FEES AND CHARGES

2014/15 Exc. VAT £	2014/15 Inc. VAT 20% £	DETAILS	UNIT OF CHARGE	2015/16 Exc. VAT £	2015/16 Inc. VAT 20% £
		Misc Building Control and Development Management Charges			
		Copies of any documents - A4 size			
0.10	n/a	- Black & White	per page	0.10	n/a
0.20	n/a	- Colour	per page	0.20	n/a
		Copies of any documents - A3 size			
0.20	n/a	- Black & White	per page	0.20	n/a
0.40	n/a	- Colour	per page	0.40	n/a
		Copies of any documents - A2 size			
1.00	n/a	- Black & White	per page	1.00	n/a
2.00	n/a	- Colour	per page	2.00	n/a
		Copies of any documents - A1 size			
1.50	n/a	- Black & White	per page	1.50	n/a
3.00	n/a	- Colour	per page	3.00	n/a
		Copies of any documents - A0 size			
2.00	n/a	- Black & White	per page	2.00	n/a
4.00	n/a	- Colour	per page	4.00	n/a
15.50	n/a	Copies of documents provided on an electronic disc	per disc provided	15.50	n/a
25.00	n/a	Ordnance Survey Extracts	up to 6 copies	-	-
77.00	n/a	Historical Research (where records available)	per hour (or part)	77.00	n/a
310.00	n/a	Legal obligation agreements - clause monitoring fee	per obligation issue	310.00	n/a
77.00	n/a	Legal obligation agreements - confirmation of compliance by third parties or where the monitoring fee has not been paid	per hour (or part of) after first hour	77.00	n/a
35.00	n/a	Certificate of no outstanding Building control regulated work or letter of comfort	per certificate / letter	35.00	n/a
35.00	n/a	Letter confirming exemption from Building Control regulations	per letter	35.00	n/a
50.00	n/a	Rejuvenation of closed Building Control file (not previously approved)	per file	50.00	n/a
515.00	n/a	High Hedge consultation and investigation		515.00	n/a

FEES AND CHARGES

2014/15 Exc. VAT £	2014/15 Inc. VAT 20% £	DETAILS	UNIT OF CHARGE	2015/16 Exc. VAT £	2015/16 Inc. VAT 20% £
28.00	n/a	Fee for discharge of or compliance with a condition	per request (any number of conditions) relating to works of extension or alteration to an existing dwelling	28.00	n/a
97.00	n/a	Fee for discharge of or compliance with a condition	per request (any number of conditions)	97.00	n/a
4.60	n/a	Retieval of externally stored microfilmed records	per microfilmed record	4.60	n/a
		PRE-APPLICATION ADVICE			
		Householder proposals			
25.00	30.00		Initial fee	25.00	30.00
12.50	15.00		Secondary fee	12.50	15.00
		Request for informal confirmation that proposed development comprises 'permitted development'. (Not Lawful Development Certificate)			
41.60	55.00		Initial fee	41.60	55.00
20.83	25.00		Secondary fee	20.83	25.00
		Major development proposals			
833.33	1,000.00	Largescale Major Development Proposals	Initial fee	833.33	1,000.00
416.67	500.00		Secondary fee	416.67	500.00
600.00	720.00	Smallscale Major Development Proposals	Initial fee	600.00	720.00
300.00	360.00		Secondary fee	300.00	360.00
		Minor development proposals			
250.00	300.00	Minor Development (single new or replacement dwellings and other development of less than 50sqm floorspace)	Initial fee	250.00	300.00
125.00	150.00		Secondary fee	125.00	150.00
341.67	410.00	Minor Development (all other minor development)	Initial fee	341.67	410.00
170.83	205.00		Secondary fee	170.83	205.00
341.67	410.00	Minor Development (all other minor development)	Initial fee	341.67	410.00
170.83	205.00		Secondary fee	170.83	205.00

FEES AND CHARGES

2014/15		DETAILS	UNIT OF CHARGE	2015/16	
Exc. VAT £	Inc. VAT 20% £			Exc. VAT £	Inc. VAT 20% £
		PRE-APPLICATION ADVICE			
		Any development where affordable housing is required by virtue of the Councils planning policies and is to be provided			
87.50	105.00		Initial fee	87.50	105.00
		Other Development			
87.50	105.00		Initial fee	87.50	105.00
43.75	52.50		Secondary fee	43.75	52.50
		Advertisement proposals			
41.67	50.00		Initial fee	41.67	50.00
20.83	25.00		Secondary fee	20.83	25.00
		Heritage advice			
41.67	50.00		Initial fee	41.67	50.00
20.83	25.00		Secondary fee	20.83	25.00

FEES AND CHARGES

2014/15		DETAILS	UNIT OF CHARGE	2015/16	
Exc. VAT £	Inc. VAT 20% £			Exc. VAT £	Inc. VAT 20% £
		CCTV Cameras			
2,911.00	n/a	Ware Town Council	per camera	2,911.00	n/a
2,429.00	n/a	Hertford Town Council	per camera	2,429.00	n/a
2,444.00	n/a	Bishop's Stortford Town Council	per camera	2,444.00	n/a

FEES AND CHARGES
Planning Application Fees

Table of Prescribed Fees 2015/16
FEES IN RESPECT OF APPLICATIONS FOR PLANNING APPROVAL OF RESERVED MATTERS

Scale of Fees

TYPE OF DEVELOPMENT OPERATIONS	FEE PAYABLE
1 Erection of Dwellinghouses (other than development within category 6)	(a) Where application is for outline planning permission and (i) site area does not exceed 2.5 hectares, £385 for each 0.1 hectare of site area (ii) site exceeds 2.5 hectares, £9,527 and an additional £115 for each 0.1 hectares in excess of 2.5 hectares, to a maximum in total of £125,000 (b) in other cases - (i) where the number of dwelling houses to be created by development is 50 or fewer, £385 for each dwelling house; (ii) where exceeds 50, £19,049, and an additional £115 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum of £250,000
2 Erection of buildings (not in categories 1, 3, 4, 5, or 7)	(a) Where application is for outline planning permission and (i) site area does not exceed 2.5 hectares, £385 for each 0.1 hectare of site area (ii) site exceeds 2.5 hectares, £9,527 and an additional £115 for each 0.1 hectares in excess of 2.5 hectares, to a maximum in total of £125,000 (b) in other cases - (i) where no floor space is to be created £195 (ii) where the area of gross floor space to be created does not exceed 40 sq metres £195 (iii) where the area of gross floor space to be created does exceed 40 sq metres but not 75 sq metres £385 (iv) where the area of gross floor space to be created exceeds 75 sq metres but not 3750 sq metres, £385 for each 75 sq metres of that area (v) where the area of gross floor space to be created exceeds 3750 sq metres, £19,049 and an additional £115 for each 75 sq metres in excess of 3750 sq metres, maximum of £250,000

FEES AND CHARGES
Planning Application Fees

Planning Application Fees - Continued .....

Table of Prescribed Fees 2015/16

3 Erection on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 4)	(a) Where application is for outline planning permission and (i) site area does not exceed 2.5 hectares, £385 for each 0.1 hectare of site area (ii) site exceeds 2.5 hectares, £9,527 and an additional £115 for each 0.1 hectares in excess of 2.5 hectares, to a maximum in total of £125,000 (b) in other cases - (i) where the area of gross floor space to be created does not exceed 465 sq metres £80 (ii) where the area of gross floor space to be created does exceed 465 sq metres but not 540 sq metres £385 (iii) where the area of gross floor space to be created exceeds 540 sq metres but not 4215 sq metres, £385 for the first 540 sq metres, and and an additional £385 for each 75 sq metres in excess of 540 sq metres (iv) where the area of gross floor space to be created exceeds 4215 sq metres, £19,049 and an additional £115 for each 75 sq metres in excess of 4215 sq metres, to a maximum of £250,000
4 Erection of glasshouses on land used for the purposes of agriculture	(a) where gross floor space created does not exceed 465 sq ms £80 (b) where gross floor space created exceeds 465 sq ms £2,150.
5 Erection, alteration or replacement of plant or machinery	(a) where the site area does not exceed 5 hectares, £385 for each 0.1 hectare (b) where the site area exceeds 5 hectares, £19,049, and an additional £115 for each 0.1 hectare in excess of 5 hectares, subject to a maximum of £250,000
6 Enlargement, improvement or other alterations of existing dwellinghouses	(a) where application relates to one dwellinghouse £172 (b) where application relates to two or more dwellinghouses £339

FEES AND CHARGES
Planning Application Fees

Planning Application Fees - Continued .....
Table of Prescribed Fees 2015/16

7	Carrying out of operations within the curtilage of a dwelling for the purposes ancillary to the enjoyment of the dwelling (gates, fences, walls etc), or	£172
8	Construction of car parks, service roads and other means of access on land used for a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	£195
9	Carrying out of any operations connected with exploratory drilling for oil or natural gas	(a) where the site area does not exceed 7.5 hectares, £385 for each 0.1 hectare (b) where the site area exceeds 7.5 hectares, £28,750, and an additional £115 for each 0.1 hectare in excess of 5 hectares, subject to a maximum of £250,000
10	Carrying out of any operations not coming within any of the above categories	(a) in the case of operations for the winning and working of minerals - (i) where the site area does not exceed 15 hectares, £195 for each 0.1 hectare of the site area; (ii) where the site area exceeds 15 hectares, £29,112 and an additional £115 for each 0.1 hectare in excess of 15 hectares, subject to a maximum of £65,000 (b) in any other case, £195 for each 0.1 hectare of site area, subject to a maximum of £1,690
11	Change of use of a building to use as one or more separate dwellinghouses	(a) where change is from a previous use as a single dwellinghouse to be two or more dwellinghouses ; (i) Where the change of use is to use is 50 or fewer dwellinghouses £385 for each additional dwellinghouse (ii) where the change of use is to more than 50 dwellinghouses, £19,049 and an additional £115 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum of £250,000

FEES AND CHARGES
Planning Application Fees

Planning Application Fees - Continued .....
Table of Prescribed Fees 2015/16

11 Change of use of a building to use as one or more separate dwellinghouses	(b) in other cases (i) Where the change of use is to use is 50 or fewer dwellinghouses £385 for each additional dwellinghouse (ii) where the change of use is to more than 50 dwellinghouses, £19,049 and an additional £115 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum of £250,000	
12 (a) use of land for disposal of refuse or waste materials; or for the deposit of material remaining after minerals have been extracted from land; or (b) use of land for storage of materials in the open	(a) where the site area does not exceed 15 hectares, £195 for each 0.1 hectare of the site area; (b) where the site exceeds 15 hectares £29,112, and an additional £115 for each 0.1 hectare in excess of 15 hectares, to a maximum in total of £65,000	
13 Making a material change for use of a building or land (other than above);	£385	
14 Lawful Development Certificate	(a) LDC- Existing Use - in breach of a planning condition (b) LDC- Existing Use - lawful not to comply with a particular condition (c) LDC- Proposed Use	same as full planning application £195 Half the normal planning fee
15 Prior Approval	(a) Agricultural and Forestry buildings & operations or demolition of buildings (b) Telecommunications Code Systems Operators (c) Prior Approval of Proposed Change of Use to State Funded School (d) Prior Approval of Proposed Change of Use of Agricultural Building to flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hostels, or Assembly or Leisure (e) Notification of a Proposed Change of Use to Dwelling(s)	£80 £385 £80 £80 £80
16 Application for a New Planning Permission to replace an Extant Planning Permission	(a) Applications in respect of major developments (b) Applications in respect of householder developments (c) Applications in respect of other developments	£575 £57 £195
17 Application for a Non-material Amendment Following a Grant of Planning Permission	(a) Applications in respect of householder developments (b) Applications in respect of other developments	£28 £195

FEES AND CHARGES
Planning Application Fees

Planning Application Fees -
Continued .....
Table of Prescribed Fees 2015/16

SCALE OF FEES IN RESPECT OF APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS

Category of advertisement	Fee Payable £
1 Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters:- (a) the nature of the business or other activity carried out on the premises; (b) the goods sold or the services provided on the premises or; (c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.	110.00
2 Advertisements for the purpose of directing members or the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site.	110.00
3 All other advertisements.	385.00

FEES AND CHARGES

Building Control
Table of Prescribed Fees 2015/16
Table 1

New Dwellings up to 300m^2 floor area and not more than 3 storeys

No. of new dwellings	Full Plans Plan Fee £*	Full Plans Inspection Fee £*	Building Notice Fee £*
1	200	598.64	814.98
2	300	770.30	1,091.74
3	400	973.62	1,402.21
4	500	1,064.60	1,598.30
5	600	1,188.26	1,826.04
over 5 dwellings	Subject to in individually determined charge. Please contact Building Control.		
Conversion of an existing dwelling into two flats	250	415.87	665.87
Conversion of an existing dwelling into three flats	250	616.04	866.04

A supplementary charge of £200 will apply if electrical or gas works are not carried out and registered by a person who is a member of a government approved competent persons scheme. This is increased where the number of electrical circuits involved excee

*Charge includes VAT at 20%

The charges set out here are applicable as at 1 April 2013. Details of any subsequent changes to the charges are available from the Building Control service.

FEES AND CHARGES

Building Control

Table of Prescribed Fees 2015/16

Table 2

Domestic extensions up to 3 storeys and 100m^2 floor area and electrical work (inc. loft conversions and certain garages/ carports)

2a) Domestic Extensions, Loft Conversions, Garages and Car Ports

Description	Full Plans			
	Plan Fee £*	Inspection Fee £*	Building Notice Fee £*	Regularisation Fee £**
Extension internal floor area under 10m^2	200.00	326.88	562.00	585.42
Extension over 10m^2 and under 40m^2	200.00	462.59	707.29	736.76
Extension over 40m^2 and under 100m^2	200.00	598.30	852.58	888.1
Loft conversion under 40m^2	200.00	406.71	651.41	678.55
Loft conversion over 40m^2 and under 100m^2	200.00	566.37	849.39	884.78
Loft conversions and extensions where the total floor area exceeds 100m^2	Subject to an *individually determined charge*. Please contact Building Control with a description and outline of the proposed work.			
+ Erection (or extension) to form a garage or carport under 40m^2	200	112.93	325.71	339.28
+ Erection (or extension) to form a garage or carport between 40m^2 and 100m^2	200	234..28	440.66	459.02
Extensions where the total floor area exceeds 100m^2	Subject to an *individually determined charge*. Please contact Building Control to agree the charge.			

Floor areas can be aggregated in the case of applications for multiple extensions up to 100m^2. Multiple works listed in Table 2a carried out concurrently will attract a 30% discount on the inspection fees or a 20% discount on the Building Notice Charge.

2a) Domestic Alterations

Description	Full Plans			
	Plan Fee £*	Inspection Fee £*	Building Notice Fee £*	Regularisation Fee £**
Alterations up to £2,000 estimated cost of works	100.00	75.00	175.00	182.29
Alterations over £2,000 and up to £5,000 estimated cost of works	100.00	185.00	285.00	296.88
Alterations over £5,000 and up to £10,000 estimated cost of works	100.00	283.18	383.18	399.15
Garage conversion	200.00	132.94	332.94	346.81
The above four alteration categories attract a 30% discount if undertaken at the same time as works listed in Table 2a. (Excluding Regularisations)				
Alterations where the estimated cost of works exceeds £10,000	Subject to an *individually determined charge*. Please contact Building Control with a description and outline of the proposed work.			
Installation of up to 20 replacement windows or external doors	160.00	n/a	160.00	166.67
Electrical works involving up to 12 circuits	290.00	n/a	290.00	302.08
Electrical works involving more than 12 circuits	Subject to an *individually determined charge*. Please contact Building Control to agree the charge.			

A supplementary charge of £290 will apply to all but the bottom two work categories in this table if associated electrical or gas works are not carried out and registered by a person who is a member of a government approved competent persons scheme.

*Charge includes VAT at 20%
**Charge is not subject to VAT
+ Certain garages and car ports under 30m2 may be exempt buildings. Please contact Building Control to discuss.
If the proposed works are not listed above as a standard charge they will be individually determined
'Extension' includes attached garages and non-exempt conservatories
'Loft Conversion' is the formation of habitable accommodation in an existing loft space of a house or flat
'Garage Conversion' is the formation of habitable accommodation in an existing garage.

The charges set out here are applicable as at 1 April 2013. Details of any subsequent changes to the charges are available from the Building Control service.

FEES AND CHARGES
Building Control
Table of Prescribed Fees 2015/16
Table 3

Institutional residential, office, shop,assembly and recreational

Type of Work	Full Plans		Regularisation
	Plan Fee £*	Inspection Fee £*	Fee £**
Extension under 10m^2	200	338.21	560.64
Extension over 10m^2 and under 40m^2	200	517.96	747.87
Extension over 40m^2 and under 100m^2	200	974.47	1,223.40
Extension where the total floor area exceeds 100m^2	Subject to an *individually determined charge*. Please contact Building Control to agree the charge.		
Internal alterations under £5,000 estimated cost of works	200	132.94	346.81
Internal alterations over £5,000and under £10,000 estimated cost of works	200	266.72	486.17
Installation of mezzanine floor up to 100m^2	200	199.32	415.96
Shop refurbishment under £15,000 estimated cost of works	200	399.49	624.47

Industrial and Storage

Type of Work £	Full Plans		Regularisation
	Plan Fee £*	Inspection Fee £*	Fee £**
Extension under 10m^2	200	256.51	475.53
Extension over 10m^2 and under 40m^2	200	436.26	662.77
Extension over 40m^2 and under 100m^2	200	876.43	1,121.28
Extension where the total floor area exceeds 100m^2	Subject to an *individually determined charge*. Please contact Building Control to agree the charge.		
Internal alterations under £5,000 estimated cost of works	200	132.94	346.81
Internal alterations over £5,000and under £10,000 estimated cost of works	200	266.72	486.17
Installation of mezzanine floor up to 100m^2	200	199.32	415.96

*Charge includes VAT at 20%
**Charge is not subject to VAT

The charges set out here are applicable as at 1 April 2013. Details of any subsequent changes to the charges are available from the Building Control service.

FEES AND CHARGES

2014/15 Exc. VAT £	2014/15 Inc. VAT 20% £	DETAILS	UNIT OF CHARGE	2015/16 Exc. VAT £	2015/16 Inc. VAT 20% £
		ANIMAL CONTROL			
25.00	n/a	Stray dog with ID chip	**	25.00	n/a
25.00	n/a	Stray dog without ID chip	set by statute	25.00	n/a
21.00	n/a	Stray dog collected	admin charge	21.00	n/a
15.00	n/a	Kennel Charges	per night	15.00	n/a
17.50	21.00	ID chipping dogs (Ind)	per dog	17.50	21.00
9.17	11.00	ID chipping dogs (Campaign)	per dog	9.17	11.00
33.33	40.00	Small dead animal removal	per animal	33.33	40.00
28.33	34.00	Assistance to third party organisations	per hour	28.33	34.00
28.33	34.00	Provision of dog waste bag	per box 5000	28.33	34.00
12.50	15.00	Dog Fouling Sign	per sign	12.50	15.00

** unless first offence and dog is collected the same day

		ALLOTMENTS				
3.40	n/a	Allotments	(per year)	per 25.3m^2	3.40	n/a

FEES AND CHARGES

2014/15 Exc. VAT £	2014/15 Inc. VAT 20% £	DETAILS	UNIT OF CHARGE	2015/16 Exc. VAT £	2015/16 Inc. VAT 20% £
		REFUSE COLLECTION			
		Commercial Refuse Collection			
72.50	87.00	Paid Collections	medium	72.50	87.00
150.00	180.00	"	large	150.00	180.00
		(Plus HCC disposal costs)			
		Mixed Heriditaments charged according to the proportion of trade waste collected			
		Domestic Refuse Collection			
23.50	n/a	Bulky Waste Collection	1 Item	23.50	n/a
33.50	n/a	"	2 Items	33.50	n/a
44.50	n/a	"	3 Items	44.50	n/a
54.50	n/a	"	4 Items	54.50	n/a
65.00	n/a	Bulky Waste Collection - Load	small	65.00	n/a
94.50	n/a	"	medium	94.50	n/a
141.00	n/a	"	large	141.00	n/a
10.00	n/a	Bulky Collection Cancellation Fee	per collection	10.00	n/a
		Commercial Events			
73.20	87.84	Cleansing / Refuse Collection	per hour	73.20	87.84
		Cleansing Private Land			
23.00	27.60	Cleansing private land (Performance area - regular schedule)	per linear metre per annum	23.00	27.60
72.15	86.58	Ad - hoc litter picking	per hour	72.15	86.58
		Abandoned Vehicles (end of life vehicles) surrendered and removed by LA			
40.00	47.00	Vehicle	per vehicle	40.00	47.00
61.90	71.00	Caravan	per caravan	61.90	71.00
		Clinical Waste			
13.93	16.72	Charge per site	per visit (max 26)	13.93	16.72
8.15	9.78	Sharps containers	per container	8.15	9.78
4.90	5.88	Sacks - trade (infectious waste)	per sack	4.90	5.88
0.66	n/a	Sacks - domestic (infectious waste)	per sack	0.66	n/a
2.95	3.54	Sacks - trade (Offensive waste)	per sack	2.95	3.54
0.66	n/a	Sacks - domestic (Offensive waste)	per sack	0.66	n/a
25.00	n/a	Extra Sacks delivery charge	per occasion	25.00	n/a

FEES AND CHARGES

2014/15 Exc. VAT £	2014/15 Inc. VAT 20% £	DETAILS	UNIT OF CHARGE	2015/16 Exc. VAT £	2015/16 Inc. VAT 20% £
		REFUSE COLLECTION			
		Graffiti Removal			
52.25	n/a	Cleaning graffiti on private land*	per sqm	52.25	n/a
31.50	n/a	Cleaning graffiti - small items (single tag)	per item	31.50	n/a

*chemical cleaning only. Subject to damage waiver from land owner and site survey. Graffiti removal from private land is at the discretion of the Head of Environmental Services and will not be undertaken where there is a risk of damaging surfaces, traffic management requirements or significant health and safety implications. Individual charges may be waived at the discretion of the Head of Environmental Services as part of campaigns or in the interests of preventing or discouraging significant levels of crime and disorder.

		COMMERCIAL WASTE			
		Commercial Waste Collection Services			
85.00	n/a	sacks	per 50	85.00	n/a
381.50	n/a	240 litres	per bin p.a.	381.50	n/a
439.00	n/a	340 litres	per bin p.a.	439.00	n/a
746.00	n/a	660 litres	per bin p.a.	746.00	n/a
937.00	n/a	1,100 litres	per bin p.a.	937.00	n/a
		Prescribed Waste Collection Service			
49.00	n/a	Sacks	per 50	49.00	n/a
290.50	n/a	240 litres	per bin p.a.	290.50	n/a
309.50	n/a	340 litres	per bin p.a.	309.50	n/a
520.00	n/a	660 litres	per bin p.a.	520.00	n/a
562.50	n/a	1,100 litres	per bin p.a.	562.50	n/a
		Prescribed Waste for Educational Establishments			
49.00	n/a	Sacks	per 50	49.00	n/a
263.50	n/a	240 litres	per bin p.a.	263.50	n/a
295.00	n/a	340 litres	per bin p.a.	295.00	n/a
481.00	n/a	660 litres	per bin p.a.	481.00	n/a
520.00	n/a	1,100 litres	per bin p.a.	520.00	n/a
25.00	n/a	Bin removal & re-delivery charge following non-payment	per occasion	25.00	n/a
25.00	n/a	Extra sacks delivery charge	per occasion	25.00	n/a

1) Note: The above are 'ceiling' prices and subject to the discretion of the Head of Environmental Services
2) For these commercial waste collection services the minimum contract period is 3 months. A minimum of 3 months notice must be given by the customer to cancel the contract. In the event of the customer cancelling the contract or the Council terminating the contract for non-payment, no refund will be given for the service not supplied during the notice period

FEES AND CHARGES

2014/15 Exc. VAT £	2014/15 Inc. VAT 20% £	DETAILS	UNIT OF CHARGE	2015/16 Exc. VAT £	2015/16 Inc. VAT 20% £
		PEST CONTROL			
		Commercial Premises			
60.50	72.60	Rats & Mice	per hour or part hour	60.50	72.60
		OR			
		Contract service available	per annum		
49.50	59.40	Wasps	one nest job	49.50	59.40
49.50	59.40	Ants	one nest job	49.50	59.40
17.25	20.70	Additional nests	per add. nest	17.25	20.70
60.00	72.00	Bed Bugs	per hour or part hour	60.00	72.00
60.00	72.00	Fleas	per hour or part hour	60.00	72.00
60.00	72.00	Cockroaches	per hour or part hour	60.00	72.00
60.00	72.00	Squirrels	per hour or part hour	60.00	72.00
60.00	72.00	Cluster Fly Infestation	per hour or part hour	60.00	72.00
60.00	72.00	Visit for Advice ONLY	per hour or part hour	60.00	72.00
price on application		Servicing of electronic fly killers	per annum	price on application	
price on application		Sale of electronic fly killers	per unit	price on application	
price subject to survey		Pigeon / Bird Proofing	per job	price subject to survey	
price subject to survey		Installation of air vent covers, proofing small holes	per job	price subject to survey	
price subject to survey		Installation of bristle strips	per job	price subject to survey	
price subject to survey		Supply and fit insect screens	per job	price subject to survey	
		Domestic Premises *			
20.83	25.00	Rats	# call out charge	20.83	25.00
45.83	55.00	Mice	per job	45.83	55.00
41.67	50.00	Wasps	one nest job	41.67	50.00
45.83	55.00	Ants	one nest job	45.83	55.00
17.09	20.50	Additional nests	per add. nest	17.09	20.50
58.96	70.75	Cluster Fly Infestation	one job (up to 3 visits)	58.96	70.75
166.67	200.00	Bed Bugs	one job (up to 3 visits)	166.67	200.00
60.42	72.50	Bed Bugs	additional visits	60.42	72.50
77.50	93.00	Squirrels	per job	77.50	93.00
48.75	58.50	Fleas	per hour	48.75	58.50
48.75	58.50	Cockroaches	per hour	48.75	58.50
20.83	25.00	Visit for Advice ONLY	per half hour	20.83	25.00
60.42	72.50	Return Visit Charge (rats & mice)	per job	60.42	72.50

FEES AND CHARGES

2014/15		DETAILS	UNIT OF CHARGE	2015/16	
Exc. VAT £	Inc. VAT 20% £			Exc. VAT £	Inc. VAT 20% £
		PEST CONTROL **Domestic Premises ***			
29.17	35.00	Additional charge for a smoke test in drain (rodents)	per occasion	29.17	35.00
price subject to survey		Installation of air vent covers, proofing small holes	per job	price subject to survey	
price subject to survey		Installation of bristle strips	per job	price subject to survey	

* Concession for residents in receipt of income related benefit - £15 per job, waived in cases of hardship at the discretion of the Head of Environmental Services

A call out charge of £25 per job will be levied irrespective of whether rats are found. A 'job' can include up to 3 visits included in the call out price. Customers in receipt of income related benefits will pay £15. This may be waived in cases of hardship at the discretion of the Head of Environmental Services. No charge is recoverable where rats are reported in public places.

Payment is to be made by card at the time of booking. Cash/cheque payments are only to be offered if resident is unable to pay by card. Payment at the time of treatment is to be discouraged. This is due to the high cost of handling cash and cheque payments.

This page is intentionally left blank

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 8 SEPTEMBER 2015

EXECUTIVE – 6 OCTOBER 2015

REPORT BY EXECUTIVE MEMBER FOR COMMUNITY SAFETY AND ENVIRONMENT

ANTI SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014 - ENVIRONMENTAL CRIME ENFORCEMENT IMPLICATIONS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report provides details of the implications of the changes resulting from the Anti-social Behaviour, Crime and Policing Act 2014 on the Council's Environmental Crime Policy.

- To also seek approval to consult on the consolidation of our existing dog control powers within a Public Space Protection Order.

RECOMMENDATIONS FOR ENVIRONMENT SCRUTINY: **That the Executive be advised that this Committee recommend that:**	
(A)	**the Draft Environmental Crime Enforcement Policy, as set out in Essential Reference Paper 'B' be referred to the Executive for approval, subject to public consultation; and**
(B)	**a consultation process to be undertaken on the replacement of the three existing dog control orders with one consolidated Public Space Protection Order;**
(C)	**a consultation process to be undertaken to consult on three potential new offences to be included in the order, namely, making it an offence to fail to pick up after your dog, making it an offence to fail to have the means to pick up after a dog, and to fail to put a dog on a lead when directed to so by one of our officers.**

1.0 Background

1.1 The Council conducts all enforcement in accordance with its own corporate 'Enforcement Policy for East Herts District Council' which is based upon national best practice.

1.2 Enforcement is conducted by a number of Council Services, but primarily by Regulatory Services (Planning and Building Management, Community Safety and Health) and Customer and Community Services (by Environmental Services and Parking).

1.3 In 2006 the Council agreed an Environmental Crime Policy following the introduction of the Clean Neighbourhoods and Environment Act 2005.The policy covers the enforcement of activities that affect the streetscene and visual amenity of the environment. This mainly impacts upon the work of Environmental Services which deals with street cleansing and waste collection operations, dog control and enforcement, Development Control, which undertakes planning enforcement matters including flyposting, and Environmental Heath, which deals with health, pollution and statutory nuisances such as noise, light and insects.

1.4 The Anti-social Behaviour (ASB), Crime and Policing Act 2014 was introduced to improve the way that the police, councils and social landlords deal with anti-social behaviour. Final statutory guidance was published in July 2014 and while some changes commenced from March 2014, others which affect East Herts have only been effective since 20th October 2014.

1.5 Many of the changes introduced by the new legislation affect the police and other agencies and a report detailing the powers available was agreed by the Executive on 2nd June 2015. This report focuses only on the parts of the legislation that will impact on the Council's Environmental Crime Enforcement Policy.

2.0 Report

2.1 The current Environmental Crime Policy was agreed in 2006 and covered the following items:

- Crime and Disorder Reduction Partnerships (now called Community Safety Partnerships)
- Nuisance Parking Offences
- Abandoned Vehicles

- Litter
- Distribution of Free Literature
- Graffiti and other defacement
- Deposit and Disposal of Waste
- Dog Control Orders
- Noise
- Nuisance from Light and Insects
- Fixed Penalty Notices
- Abandoned Shopping Trolleys

2.2 Since the policy was produced there have been a number of minor amendments following clarification of guidance. The Government has recently made several changes to existing legislation as part of an overhaul of offences relating to anti-social behaviour (ASB) and these include some activities linked to environmental crime.

2.3 This legislation amends a range of existing legislation including:

- Environmental Protection Act (1990)
- Clean Neighbourhoods and Environment Act (2005)
- Anti-social Behaviour Act (2003)

2.4 The new legislation will affect the following:

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

The implications on East Herts policy are explained below in more detail.

2.5 <u>Littering from Cars</u>
The ASB, Crime & Policing Act 2014 gives greater powers to Councils to combat the problem of littering from cars. Under the new legislation, it is proposed that s88 of EPA 1990 will be amended to allow a civil penalty to be issued to the registered keeper of a vehicle where there is reason to believe that a littering offence in England has been committed in respect of the vehicle.

2.6 It is hoped that this will make it easier for Councils to take action on the increasing problem of litter on the highway verges. A date for commencement is however yet to be confirmed, but officers

would be keen to use this when the powers are available.

2.7 Clearing litter and waste on land
Under the section 92 to 94A of CNEA (2005) local authorities could issue Litter Abatement Notices, Litter Clearing Notices and Street Litter Control Notices to landowners and businesses who allowed land to become littered.

2.8 The object of these notices, were to deal with accumulations of litter that reduce the quality of the local environment within a neighbourhood. These Notices have now been repealed and replaced with Community Protection Notices as detailed in section 2.11.

2.9 Graffiti and other defacement
The Anti-social Behaviour Act (2003) as amended by the CNEA (2005), enabled local authorities to issue notices requiring the removal of graffiti and fly posting to 'statutory bodies' and others responsible for street furniture and other "relevant surfaces" where these are defaced by graffiti or fly posting in a manner that is detrimental to the amenity of the area or is offensive. If a graffiti removal notice is not complied with, the local authority can remove the graffiti itself and reclaim the cost of doing so.

2.10 These Notices have now been repealed and replaced with Community Protection Notices as detailed in section 2.11.

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

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

2.13 A CPN can be issued where we are satisfied that the behaviour -
- is having a detrimental effect on the quality of life of those in the locality;
- is persistent and continuing in nature;
- is unreasonable;

2.14 A fixed penalty notice can be issued of up to £100 if appropriate.

Breach is a criminal offence with a £2,500 fine for individuals or £20,000 for businesses. CPNs can allow the council to carry out works in default on behalf of a perpetrator.

2.15 CPNs deal with a wider range of behaviours than the legislation that they replace. For example:

- accumulation of litter on private land or land belonging to a statutory body;
- a large amount of graffiti on private premises;
- litter left on land as a result of the operations of a business;
- irresponsible dog ownership such as dogs straying.

2.16 CPNs do not discharge the council from its duty to issue Abatement Notices where the behaviours constitute a statutory nuisance under EPA 1990, however the Council will consider using all relevant powers in tandem before reaching a decision.

2.17 The Council would only use these for areas where we have existing responsibility and will not be taking on issues which could be classed as neighbour disputes.

2.18 It is anticipated that the number of reported dog related problems may increase due to public awareness of the new powers, particularly to the Police. However it is not possible to estimate by how much.

2.19 Before considering using a CPN process, the case will be discussed with the Community Safety team and logged on SafetyNet, which is a web based case management system that Police, Housing Associations and East Herts have access to.

2.20 <u>Controlling Dogs</u>
The Dog (Fouling of Land) Act 1996 allowed local authorities to designate land under its control where it is an offence to permit dog fouling. Under this legislation all footpaths, amenity areas on housing estates, and public open spaces in East Herts have been declared designated areas.

2.21 If a dog defecates on designated land it is an offence if the person in charge of the dog fails to pick up the faeces. Any person found guilty of this offence could face a fine of up to £1,000 or could be given a FPN of £50.

2.22 The Clean Neighbourhoods & Environment Act 2005 gave Councils the option to replace this and the previous system of

byelaws with Dog Control Orders.

2.23 The Councils three existing dog control orders (DCOs) make it an offence to:

- allow your dog off a lead at Hertford Castle Grounds, Bishops Stortford Castle Gardens, and all Council owned allotments;
- to allow your dog in designated East Herts children's play areas, games areas, bowling greens and marked playing pitches when there is a match in play;
- for one person to take more than 4 dogs on to any East Herts land at any one time.

2.24 It is generally considered that the three DCOs have been effective in promoting responsible dog ownership. However, officers continue to struggle to catch the minority of dog owners who persist in allowing their dogs to foul and to catch and deal with dog owners who fail to properly control their dogs.

2.25 At the time, it was decided not to adopt the order for failing to remove dog faeces as the current legislation under the Dogs (Fouling of Land) Act 1996 worked satisfactory. However officers now find this legislation confusing for the public and authorised officers to enforce. Additionally it only covers certain land as it excludes land alongside highways over 40mph, moorland, heathland, woodland and areas where animals graze. The fixed penalty of £50 is felt to be too low when the penalty for littering is £80.

2.26 The ASB, Crime & Policing Act 2014 provides local authorities with the power to create a Public Space Protection Order (PSPO) where they are satisfied that activities carried out in a public place are having a detrimental effect on the quality of life of those in the locality and the effect of those activities are likely to be persistent or continuing in nature and justifies the restrictions imposed.

2.27 It is proposed to consolidate the existing DCOs into a single PSPO and also replace the order under the Dogs (Fouling of Land) Act at the same time. It will be proposed that the new offences will consist of:

- Dogs on lead by direction
- Failing to have the means to pick up after a dog

Further explanation of these proposals can be found in **Essential Reference Paper 'D'.**

2.28 The existing DCOs were introduced in 2007 following consultation with the public and many interested bodies. The final DCOs were amended following concerns about the order to restrict dogs on marked playing pitches. There are minor changes to locations of some play areas but it is not anticipated that the re-introduction of the existing DCOs will receive anything other than support for the proposals.

2.29 It is recognised that the additional powers which form part of this consultation have the potential to be controversial. However dog fouling continues to be a major concern for East Herts residents and each year the Council receives more than 70 complaints about dog attacks and 230 complaints about dog fouling.

2.30 The consultation process will be conducted in accordance with Cabinet Office Guidelines. In order to ensure that parishes can consider these proposals within their meeting cycle, the consultation period will be conducted over 12 weeks. The proposals will also be circulated to a wide variety of interested parties including residents groups, dog clubs and bordering authorities.

2.31 Because of the wide remit of the new Act, officers are in the process of consulting with the police and partners on issues which impact on wider community safety. As a result there might be a couple of additional questions relating to community safety and Anti-social Behaviour PSPOs that are added to the consultation outlined in this report in order to avoid the need further consultation at additional cost.

The final draft set of PSPOs will be available to all members, prior to consultation, as part of the report to the Executive on the 6 October 2015.

2.32 The results of the consultation exercise will be used as the basis for a further report to the Executive.

2.33 <u>Fixed Penalty Notices</u>
Under the ASB, Crime & Policing Act 2014 fixed penalty notices of up to £100 can be issued for both Community Protection Notices and Public Space Protection Orders. The maximum amount is set at £100 for these offences but Councils can decide whether to set

it at a lesser amount and/or give a discounted rate if paid within 14 days.

2.34 The suggested amounts for the new offences are based on similar offences that they replaced, but still high enough to show the Council's commitment to reduce these problems.

2.35 Subject to training and arranging agreements, it is proposed that Town & Parish Council designated officers can be authorised to issue FPNs or incident tickets for littering, dog fouling and other offences agreed by Director of Neighbourhood Services on the Council's behalf.

2.36 An updated Environmental Crime Policy is provided in **Essential Reference Paper 'B'**. The objective of this document, which sits beneath the Council's Corporate Enforcement Policy, is to ensure that resources are focused on priority areas and appropriate and proportional action is taken in different circumstances. Members are asked to consider and comment on the draft document prior to making recommendations for the Executive to approve.

2.37 FPN charges will be set by the Council and subject to variation by Director of Neighbourhood Services in consultation with the portfolio holder. A full list of FPNs for Environmental Crime and the discounted payments can be found in **Essential Reference Paper 'C'.**

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

Please refer to the reports:
Environmental Crime Enforcement, 30 May 2006
Anti-social Behaviour, Crime & Policing Act 2014
Environmental Crime Enforcement Implications, 11 November 2014

Contact Member: Graham McAndrew – Executive Member for Environment and the Public Space
Graham.mcandrew@eastherts.gov.uk

Contact Officer: Cliff Cardoza – Head of Environmental Services

Contact Tel No 1698
Cliff.cardoza@eastherts.gov.uk

Report Author: Nick Kirby – Environmental Inspection Team Manager
Nick.kirby@eastherts.gov.uk

This page is intentionally left blank

IMPLICATIONS/CONSULTATIONS

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

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

Environmental Crime Enforcement Policy

1 Scope

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

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

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

2 Objectives

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

3 Other Relevant Policies

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

3.2 Enforcement action taken by Council officers on matters other than those covered in 1.1 above are covered by separate enforcement policies that reflect specific legislative requirements and the nature of the activity. Examples of other Council Enforcement Policies are:

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

4 Key Legislation

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

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

5 East Herts Council's Enforcement Policy

5.1 The Council has an overarching 'Enforcement Policy for East Herts District Council' which lays down the rules and principles adopted when undertaking enforcement action to secure compliance with the law. It is based upon the 'Central and Local Government Concordat on Good Enforcement'. This is a nationally recognised standard for promoting best practice enforcement. A key aim is to ensure that all enforcement is

proportionate, equitable and practicable and is delivered in a constant manner.

5.2 The Environmental Crime Enforcement Policy sits beneath the Council's Enforcement Policy and reflects these principles.

6 Shared Enforcement

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

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

7 Authorised Officers

7.1 The Council's responsible officer, as laid down in the Council's Constitution (Scheme of Delegations) will authorise officers in writing, specifying the limits of their authorisation. Persons other than East Herts Council employees may also be authorised, where it is legally permissible to do so, and the responsible officer considers that the Council's objectives, policies and procedures will be applied. Enforcement action will only be carried out by authorised officers who have received appropriate training and sufficient experience. The Council will also work with the Police through the Community Accreditation Scheme to designate powers to officers where relevant to the job role.

7.2 The designations of person(s) who may authorise a prosecution, enforcement notice or a formal caution within the scope of this policy are the Head of Environmental Services,

Head of Community Safety & Health and the Head of Planning & Building Management in consultation with the Director of Neighbourhood Services.

8 Enforcement Approach

8.1 In accordance with the Council's Policy and the 'Enforcement Concordat' authorised officers will seek to ensure that all enforcement is fair and proportionate and gives due regard to the legal rights of others.

8.2 Where appropriate, enforcement investigations will be conducted at times of the day which minimise inconvenience to business and traders whilst ensuring that fair and representative evidence is obtained relating to any alleged offence.

8.3 Prior notification of an impending enforcement inspection will not be made where such notification would defeat the purpose for which the inspection was being undertaken.

8.4 Authorised officers will have due regard to individuals legal rights and will conform to the Council's Diversity and Equalities Policy when conducting enforcement action, considering, for example, language and access difficulties.

8.5 In making an enforcement decision, officers will consider the following:

- seriousness and prevalence of offence;
- the quality of available evidence and probability of the enforcement action under consideration being successful;
- the perpetrator's past history and likelihood of re-offending;
- the likely effectiveness of the deterrent that successful enforcement action would achieve;
- the impact on the community (or part of).

8.6 Where there are failures to comply with the law, this Authority has a number of informal and formal approaches to secure compliance:

- to take no action (e.g. refer the matter to another agency or service, or where further action is not expedient);
- to take informal action;

- to issue a formal warning;
- to use statutory enforcement notices;
- to carry out work in default;
- to use formal cautions;
- issue fixed penalty notices;
- to prosecute.

8.7 Informal approaches are the preferred method of enforcement for minor offences in the first instance, and particularly when dealing with vulnerable persons, the elderly and the young (persons under 16 years of age). The Council will aim to work in partnership with stakeholders such as businesses and landowners, and to seek joint approaches to resolving environmental crime problems, preferably though early and information interventions where possible, such as Community Protection Warning letters (see 11.4).

Informal Action - Verbal Observation or Warning

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

Environmental Crime Incident Tickets

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

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

Written Observation or Formal Warning

8.10 This is appropriate for offences which are more serious, where it is not possible to issue a verbal observation or warning or where informal action has not been complied with satisfactorily. The written warning will include details of the offence, the

relevant legislation, remedial action required, timescales for compliance, and the consequences of non-compliance. It could also be in the format of a voluntary agreement between the issuing organisation (Police/Council) and the individual.

Enforcement Notice

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

Carry out Works in Default

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

Formal Cautions

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

Fixed Penalty Notices

8.14 Fixed penalty notices (FPNs), offers offenders the option of paying a penalty charge to avoid being prosecuted for certain offences. Authorised officers will not issue a fixed penalty notice unless:

- The offence justifies prosecution.

- It is believed by the authorised officer, at the time of issuing the Fixed Penalty Notice, that there is sufficient evidence to achieve a successful prosecution.
- It will act as a sufficient deterrent against re-offending.

8.15 If any fixed penalty notice remains unpaid after expiry of the payment period, the file will be passed to the Legal Services Manager who will consider prosecution.

8.16 Enforcement action taken against young people will be carried out with due regard to the requirements of the Children's Act 2004 and to Defra Guidance "Issuing Fixed Penalty Notices to Juveniles" 2006.

8.17 The name, address, age and date of birth of the offender will be obtained together with the name and address of the parent or legal guardian. The offender will be advised that this information will be shared with the local Youth Offending Team.

8.18 Notices may be issued to 16 and 17 year olds using the same procedures as Adults. However, authorised officers will consider whether a written warning is appropriate for a first offence, depending upon the nature and seriousness of the offence.

8.19 In most circumstances a written warning will be issued to the parents of a child under the age of 16 in the first instance. If the offence occurs in school hours or in school uniform, an advisory letter will be sent to the Head Teacher.

8.20 If the child continues to offend despite this intervention, enforcement action, (including a Fixed Penalty Notice), may be taken following discussions with the Community Safety Team or relevant local agencies responsible for law enforcement and children' services (e.g. Police, Youth Service, Youth Offending Team). The Council will consult with partners to determine whether an FPN is the most appropriate measure for a person under 16 or if other measures (e.g. warnings, Acceptable Behaviour Contracts) are more appropriate.

8.21 In all circumstances the parent or legal guardian will be advised as soon as possible. Where a fixed penalty notice is to be served on a person aged 10 – 15, this should be done with the parent or legal guardian present.

Prosecution

8.22 The Council recognises that most people wish to comply with the law and prosecution will generally be restricted to those who flout the law.

8.23 The Head of Service will authorise that prosecution is warranted and in these circumstances, an evidence file will be submitted to the Legal Services Manager who will determine whether the case will proceed to prosecution based upon standard evidential and public interest tests.

9 Diversity

9.1 The Council is committed to equality of access to its services and has adopted a ‘Comprehensive Equality Policy’. This policy will be followed by officers when carrying out their duties.

9.2 In respect of race equality, the Council has adopted the McPherson’s definition of a racist incident ‘a racial incident is any incident which is perceived to be racist by the victim or any other person’.

9.3 The Council follows the Codes of Practice of the Commission for Racial Equality and Equal Opportunity Commission, and it is committed to achieving the Equality Standard for local government.

9.4 We believe in the need to eliminate unlawful discrimination and to promote equality of opportunity in all that we do. We recognise the rich diversity of East Hertfordshire’s population as a strength, and we aim to treat all people with dignity and respect, whilst recognising the value of each individual and the positive contribution they make to the diverse community and workforce.

10 Review

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

Policy officially adopted May 2006.

Reviewed and updated September 2015.

APPENDIX A

11 List of Core Offences and Officers Guidance

11.1 *Nuisance Parking Offences*

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

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

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

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

- Hertfordshire County Council’s Trading Standards Department may take action under the Trade Descriptions Act in some circumstances.
- The Town and Country Planning Acts can also be used where it can be demonstrated that there is a change in the use of the land. This can be very difficult as these activities are typically transient in nature.
- Where there is an obstruction of the Highway, the Highway Authority may also take action under the Highways Acts or,

where there is an issue of highway safety, the Police can take action.

- In response to complaints the Environmental Health Service may ask people to move vehicles where it is considered that they are ‘trading without consent’ under the Local Government (Miscellaneous Provisions) Act 1982.

East Herts Policy

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

11.2 ***Abandoned Vehicles***

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

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

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

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

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

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

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

Under current legislation owners can recover vehicles or proceeds from their sale (less collection, storage and disposal costs) up to a year after a vehicle is sold. The Council can also recover costs from owners where they are identified, however nearly all vehicles collected are of a very low value, ownership cannot be proved and it is rarely possible to recover costs.

East Herts Policy

- The Council aims to inspect vehicles reported as abandoned within 24 hours.
- Officers make enquires with the DVLA and local residents and carry out an HPI check where appropriate to identify an owner.
- Authorised officers will give instructions to the Council’s contractor for the immediate removal of vehicles which are hazardous or in poor condition. (Note that this does not include vehicles that present a traffic hazard or obstruction by way of position on the highway. This is the responsibility of the Police.)
- Authorised officers will give instructions to the Council’s contractor for the removal and destruction of vehicles that have

no tax **and** no registration plates, or no tax **and** no current keeper on the DVLA database.

- Where a vehicle appears to be abandoned but not dangerous a white ‘is this your vehicle’ notice is attached and the Council writes to the last registered keeper to ascertain the status of the vehicle. If there is no response from the last registered keeper within 7 days, a second letter is sent proposing the removal date before the vehicle is removed for destruction.
- Where a vehicle is on land that is occupied, the Council is required to give the land owner 15 days notice that they propose to remove the vehicle. Officers work closely with housing associations to progress the removal of abandoned vehicles from their land.
- Vehicles that are burned out or in very poor condition are destroyed within 24 hours. Officers will also contact the Police to determine if the vehicle was stolen.
- Other vehicles are stored by the council’s contractor until such time as it is deemed that they are abandoned and are then either destroyed or sold at auction.
- Officers liaise with the Fire Service on potentially abandoned vehicles with a view to immediate removal of vehicles likely to pose a fire hazard or where it is considered that there is an imminent danger of an arson attack upon the vehicle.
- Under the current arrangement for dealing with abandoned vehicles, officers comply with the criteria laid down in legislation to determine whether or not a vehicle has actually been abandoned. This ensures that the Council is not drawn into vexatious complaints or neighbour disputes over parking spaces.
- The responsibility for dealing with untaxed vehicles that are not abandoned rests with the DVLA. East Herts has chosen not to adopt DVLA powers as there is a low level of abandoned vehicles in the district and the effect on costs and staff resources would be disproportionate to the problem.
- Fixed penalty notices for abandoned vehicles may be used by authorised officers but are considered to be of limited use.

11.3 ***Litter***

Under Section 87 of the Environmental Protection Act (1990) it is an offence to drop and leave litter. The CNEA 2005 makes it an offence to drop litter anywhere in the open air including private land and on

water. It also clarifies the EPA (1990) such that ‘litter’ includes cigarette butts and chewing gum.

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

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

East Herts Policy

- East Herts has a low level litter problem compared with many areas and a relatively high standard of measured cleanliness. The Council will take action where littering has been witnessed or there is other firm evidence and the presumption will be to issue the FPN in lieu of prosecution.
- The Council will undertake campaign based exercises with the Police which included the use of FPNs for littering as part of targeted public education and awareness campaign work and subject to the offence being sufficient to warrant prosecution.
- The Council will continue to work with the Police to develop the range of skills of East Herts Accredited Staff and Police Community Support Officers including allowing both to issue Fixed Penalty Notices for litter offences.
- On a case by case basis, authorised officers may, in accordance with the principles of the Enforcement Policy choose to consider the placing of bags of rubbish (where evidence can be found) as littering.
- Generally, offences may be seen by officers on overt patrol or in vehicles whilst following other road users during the course of their normal duties. The Council will also accept witness statements from members of the public or officers for investigation. Offences observed on overt CCTV will be pursued where identity can be obtained.
- Where littering from vehicles takes place, accredited officers will seek to identify registered vehicle details from the police, and will write to the vehicle owner.
- When passed by the Secretary of State, the Council will adopt new powers under s88 of the EPA 1990 where the registered keeper can be issued with a FPN as a result of litter being deposited from a vehicle.

11.4 *Community Protection Notices*

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

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

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

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

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

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

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

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

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

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

the restrictions or requirement imposed do not conflict with any other notice, permit etc.

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

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

East Herts Policy

- Where possible informal action will be undertaken in the first instance with residents and businesses to prevent ongoing environmental problems.
- Where graffiti is on Council property it will be removed on a programmed basis. We aim to remove or obscure offensive or racist graffiti within 24 hours.
- Where there are high concentrations of graffiti in areas where it may encourage further anti-social behaviour specific initiatives will be undertaken with partners. Agencies that are responsible for street furniture are notified of graffiti on their property.
- Prior to graffiti removal on private land an indemnity form must be completed by the landowner or managing agent to protect the Council from litigation and claims for any ‘damage’ caused as a result of removal.
- The Planning Enforcement Section deal with fly posting. The current approach is to remove posters or placards or to request the perpetrator to remove them (backed up by the threat of prosecution under the Town and Country Planning Act).
- CPNs deal with a wider range of behaviours than the legislation that they replace. The types of behaviour that East Herts would use this for are:
  - accumulations of litter on private land or land belonging to a statutory body
  - a large amount of graffiti on private premises
  - litter left on land as a result of the operations of a business
  - irresponsible dog ownership such as dogs straying

  NB: List is non exhaustive and for example only but behaviours must meet the tests above.
- The Council would only use these for areas where we have existing responsibility and will not be taking on issues which could be classed as neighbour disputes.

- Before considering using a CPN process, the case will be discussed with the Community Safety team and logged on SafetyNet, which is a web based case management system that Police, Housing Associations and East Herts have access to.

11.5 ***Distribution of free literature***

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

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

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

East Herts Policy

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

11.6 *Deposit and Disposal of Waste*

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

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

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

Under the EPA (1990), section 46 & 47 Notices can be served on householders and businesses specifying, for example, that they must put their waste receptacles in a certain place to facilitate waste collection. Noncompliance with section 46 is a civil penalty with a FPN of £80, while section 47 is a criminal offence with a maximum fine of £1,000.

East Herts Policy

- The Council takes action against anyone found to be fly tipping on public highways or 'relevant land' with a view to prosecution. We may also investigate instances of fly tipping on private land but it will be the responsibility of the landowner to remove the waste. Officers utilise witness statements, investigate sources of illegal dumping and carry out covert surveillance. The Council will deal with fly tips up to one tipper load. Larger tips and those resulting from organised crime tend to be dealt with by the Environment Agency.
- East Herts Council regularly conduct stop and search exercises to ensure that vehicles that carry waste are aware of the law, subject to support from partner agencies (Police, DVLA, VOSA,

Trading Standards, Environment Agency, Dept. of Works & Pensions).

- FPNs may be used where residents and businesses put out waste at the wrong time or in the wrong place which cause a nuisance or is detrimental to the amenity of the locality. The objective is to prevent obstructions or unsightly waste being left on the street which attracts vermin and causes litter. They would be used primarily for persistent offenders who have failed to respond to informal action.

11.7 ***Dogs***

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

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

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

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

The Microchipping of Dogs (England) Regulations will come into effect from 6th April 2016. From this date all dogs over 8 weeks must be microchipped and keepers details be up to date. The only exemption is where a veterinary surgeon certifies, on a form approved by the Secretary of State, that a dog should not be microchipped for reasons of the animal's health.

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

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

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

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

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

However the behaviour being restricted has to:

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

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

East Herts Policy

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

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

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

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

The PSPOs will make it an offence to:

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

Where the offence of failing to have the means to pick up after your dog takes place officers would approach dog owners and request them to produce bags, containers or other means by which they will pick up after their dogs. If the owner fails to produce this on request then provided the offence is on designated land and the offender is not exempted, by for instance being registered blind, an offence is committed for which a fixed penalty fine of up to £100 may be issued. Failure to pay the fine may result in legal proceedings with a potential fine of up to £1000 in the Magistrates’ Court. On the first offence

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

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

- Increase education and awareness through putting up various signs
- Highlighting the issue through spray painting and stencils on the ground

- Encourage reporting of offenders through leafleting park users and nearby residents
- Encourage community involvement through parish newsletters, press release and social media
- Carry out patrols based on evidence given by residents

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

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

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

11.8 ***Fixed Penalty Notices***

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

East Herts Policy

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

11.9 ***Abandoned Shopping Trolleys***

Legislation

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

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

A notice must be served on the apparent owner.

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

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

East Herts Policy

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

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

ESSENTIAL REFERENCE PAPER 'C'

Fixed Penalty Notices

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

Description of Offence	**Act**	**Fixed Penalty Amount**	**Amount if paid in 14 days**
Abandoning a vehicle	Refuse Disposal (Amenity) Act 1978	£200	£150
Exposing vehicles for sale or repairing vehicles on a road	Clean Neighbourhoods and Environment Act 2005	£110	£60
Litter	Environmental Protection Act 1990	£80	£50
Failure to comply with a Street Litter Control Notices or Litter Clearing Notice - **Repealed**	Environmental Protection Act 1990	£110	£60
Graffiti and fly posting offences - **Repealed**	Anti-Social Behaviour Act 2003	£80	£50
Replaced by Failure to comply with a Community Protection Notice	ASB, Crime & Policing Act 2014	£100	£60
Unauthorised distribution of literature or failure to comply with an authorised officer's instruction to cease distribution is a designated area	Environmental Protection Act 1990	£80	£50
Failure to produce waste carrier registration documents	Control of Pollution (Amendment) Act 1989	£300	£200
Failure to produce waste transfer notes	Environmental Protection Act 1990	£300	£200
Waste receptacles offences	Environmental Protection Act 1990	£110	£60
Dog Control Order offences - **Repealed**	Clean Neighbourhood and Environment Act 2005	£50	£50
Replaced by Failure to comply with Public Space Protection Order	ASB, Crime & Policing Act 2014	£100	£60

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

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

ESSENTIAL REFERENCE PAPER 'D'

Proposal to introduce the new offence of failing to have the means to pick up after a dog

East Herts District Council's three existing dog control orders (DCOs) make it an offence to:

- allow your dog off a lead at Hertford Castle Grounds, Bishops Stortford Castle Gardens, and all Council owned allotments;
- to allow your dog in designated East Herts childrens' play areas, games areas, bowling greens and marked playing pitches when there is a match in play;
- for one person to take more than 4 dogs on to any East Herts land at any one time.

Dog Fouling enforcement is undertaken using the Dog (Fouling of Land) Act 1996, but the areas to which it applies are limited and excludes land alongside highways over 40mph, moorland, heathland, woodland and areas where animals graze. This makes it confusing for the public and authorised officers to enforce. The fixed penalty of £50 is also felt to be too low when the penalty for littering is £80.

It is however generally considered that the three DCOs and the DFLA have been effective in promoting responsible dog ownership but the council continues to struggle to catch the minority of dog owners who persist in allowing their dogs to foul. Although the Council continue to receive over 230 complaints about dog fouling each year it is believed this figure fails to reflect the real level of concern across our district. Many residents report their concerns to their parish rather than the district council and many previous complainants remain unconvinced about the ability of the Council to act to prevent the fouling taking place.

The proposal is to use new powers contained in the Anti-social Behaviour, Crime and Policing Act 2014 to replace the three existing DCOs, and the DFLA with a single Public Space Protection Order, and to create two new offences under the same Order of failing to place a dog on a lead when requested to do so and failing to have the means to pick up after your dog. The latter requirement would provide an additional enforcement option for our authorised officers. Officers would approach dog owners and request them to produce bags, containers or other means by which they will pick up after their dogs. If the owner fails to produce this on request then provided the offence is on designated land and the offender is not exempted, by for instance being registered blind, an offence is committed for which a fixed penalty fine of up to £100 may be issued. Failure to pay the fine may result in legal proceedings with a potential fine of up to £1000 in the Magistrates' Court. If adopted it is intended that the introduction of this new power would be preceded by a substantial educational campaign and the use of an informal approach certainly on the first offence.

In order to introduce a PSPO the Council has to be satisfied on reasonable grounds that following conditions are met: that activities carried on in a public place have had a detrimental effect on the quality of life of those in the locality and that the effect of those activities is likely to be persistent or continuing in nature and justifies the restrictions imposed. This test is considered to be met for the following reasons:

- The Council receive over 230 complaints per year about dog fouling
- If ingested dog faeces containing the round worm parasite Toxicara can cause illness, including partial blindness - young children who often play in dirt, or eat dirt, are particularly at risk
- Treading or coming into contact with dog faeces is very unpleasant
- Our town and parish councils view dog fouling as a significant problem
- Although measures taken by the Council have been successful in reducing the incidence of dog fouling, and the expectation that owners should be picking up after their dogs is

now viewed as being reasonable, there are still a minority owners who continue to fail to pick up

- Catching dog owners in the process of allowing their dogs to foul is difficult, particularly during the darker months of the year, this offence provides an additional enforcement tool.
- A consultation process which includes social media and all interested local, regional and national bodies will be utilised prior to introducing any change to our existing provisions on dog control.

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE: 8 SEPTEMBER 2015

REPORT BY CHAIRMAN OF ENVIRONMENT SCRUTINY

ENVIRONMENT SCRUTINY WORK PROGRAMME

WARD(S) AFFECTED: *none*

Purpose/Summary of Report

- To review and determine Environment Scrutiny Committee's future work programme

RECOMMENDATION FOR ENVIRONMENT SCRUTINY:	
That:	
(A)	the work programme shown in this report be agreed
(B)	a Task and Finish group be set up to undertake a review of the Planning Enforcement Policy in conjunction with the review of that service's Performance Indicators already commissioned.

1.0 Background

1.1 Items previously required, identified or suggested for the Environment Scrutiny work programme are set out in **Essential Reference Paper B**.

2.0 Report

2.1 The draft agenda for 2015/16 meetings of Environment Scrutiny Committee is shown in **Essential Reference Paper B**. The timing of some items shown may have to change depending on availability of essential data (eg from central government).

2.2 Following agreement to make the Health and Wellbeing Panel into a full scrutiny committee, the Constitution has been updated to reflect this change in the authority's decision-making structure. The topic of 'fuel poverty' has been included within the remit of the new committee. This means the report 'Fuel Poverty Strategy and Action Plan for East Herts' originally scheduled for November's

Environment Scrutiny Committee will now be presented to Health and Wellbeing Scrutiny at their meeting on 8 December 2015.

2.3 Members will recall that Officers are to review performance indicators (PIs) relating to the planning enforcement service. The committee resolved that this work should be undertaken at its meeting of 9 June 2015. Consideration has been given to that matter, however it is apparent that the PIs which are currently in place related directly to the Council's current enforcement policy. The Planning Enforcement policy was reviewed in 2009/10 by a scrutiny Task and Finish group set up by this committee and that group developed the PIs that were put in place at the same time.

2.4 Following early review of those PIs now, it would be appropriate to give consideration again to the policy. A review of either PIs or policy in isolation is likely to lead to a situation where they do not satisfactorily relate to each other. Members of the public and those against whom enforcement action may be taken are likely to be confused and raise any differences as matters to be resolved in the processing of individual cases.

2.5 In addition, since the last review of the policy in 2009/10, there have been a number of updates to the national policy framework within which enforcement action is taken. The National Planning Policy Framework was published in 2012, followed by further guidance in the National Planning Policy Guidance (NPPG).

2.6 As a result of the early work on consideration of the relevant PIs for the service area, the committee is invited to consider the wider picture of the associated Planning Enforcement policy and whether a process of wider review, to ensure that the policy remains appropriate, should be undertaken.

2.7 If the wider review meets with the committee's approval, Members are asked to set up a Task and Finish Group to undertake the work within the original timescale agreed for the PI review. The PIs are due to be included in the 'Estimates and Future Targets' report to Joint Scrutiny on 9 Feb 2016 and the updated Planning Enforcement Policy report can come back to Environment Committee on 23 Feb 2016.

2.8 Members are asked whether there is any additional topic they wish to put forward for inclusion on any future agenda.

2.9 Members are also asked whether they wish to extend an invitation to one or more of the Executive members to attend a particular meeting or for a specific agenda item.

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

Contact Member: Cllr John Wyllie – Chairman Environment Scrutiny Committee
john.wyllie@eastherts.gov.uk

Contact Officer: Jeff Hughes – Head of Democratic and Legal Support Services
Extn 2170
jeff.hughes@eastherts.gov.uk

Report Author: Marian Langley – Scrutiny Officer
marian.langley@eastherts.gov.uk

This page is intentionally left blank

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (2015/16 wording)	***People*** **– Fair and accessible services for those that use them and opportunities for everyone to contribute.** This priority focuses on enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable. ***Place*** **– Safe and Clean.** This priority focuses on the standards of the built environment and our neighbourhoods 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. Effective use of the scrutiny process contributes to the Council's ability to meet one or more of its corporate objectives.
Consultation:	Potential topics for scrutiny are always invited from the Executive and all Members and the public are asked through an annual item in the 'council tax' edition of LINK magazine which is delivered to every household. Members of each scrutiny committee are consulted at every meeting as their work programme is a standing item on the agenda.
Legal:	According to the Council's constitution, the scrutiny committees are responsible for the setting of their own work programme in consultation with the Executive and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.
Financial:	Any additional meetings and every task and finish group has resource needs linked to officer support activity and time for officers from the services to make the required input.
Human Resource:	none
Risk Management:	Matters which may benefit from scrutiny may be overlooked. The selection of inappropriate topics for review would risk inefficient use of resources. Where this involved partners, it could risk damaging the reputation of the council and relations with partners.
Health and wellbeing – issues and	The broad remit of scrutiny is to review topics which are of concern to the public, many of which have an indirect impact on the general wellbeing of residents of East Herts. The Health and Wellbeing Scrutiny Committee is set up to

impacts:	specifically focus in on issues and topics which have a direct and immediate impact on the health and wellbeing of all those who live, work or study in the district.

Environment Scrutiny Committee work programme 2015/16 (draft)

2015/16	Civic Year			
meeting	**date**	**topic**	**Contact officer/lead**	**Next Exec**
3 in 2015/16	10 Nov 2015 Report deadline 28 Oct	Climate Change – report on progress against action plan with data on savings from 2014/15 year	Lead Officer with Head of Service (Government data on carbon figures not released until late August)	1 Dec 2015 5 Jan 2016 2 Feb 2016
		Community Energy in East Herts	Lead Officer – item requested at Feb 2015 meeting	
		~~Fuel Poverty Strategy and Action Plan for East Herts – supported by costed proposals in respect of grants for loft/cavity walls, take up of Green Deal and promoting Oil Clubs etc~~	*Topic now under the remit of the new Health and Wellbeing Scrutiny Committee – rescheduled to go to them on 8 Dec 2015*	
		Work Programme	Scrutiny Officer	
		Service Plans monitoring Apr 2015 – Sept 2015 (Environment only)	Lead Officer – Corporate Planning	
		Healthcheck through to Sept 2015	Lead Officer - Performance	
JOINT SCRUTINY	19 Jan 2016	**BUDGET Report(s)**		
JOINT SCRUTINY	09 Feb 2016	2016/17 Service Plans 2015/16 Performance Indicator Estimates and 2016/17 Future targets		
4 in 2015/16	23 Feb 2016 Report deadline 10 Feb	Report from the Conservation Champion Reference Groups on progress and problems relating to Conservation Area management plans.	Lead Officer, Head of Service and members	8 Mar 2016 5 Apr 2016 TBC
		Report on the study of Pavement and Grass Verge Parking – policy implications	Lead Officer (+graduate management trainee)	
		Healthcheck through to Dec 2015	Lead Officer - Performance	

		Work Programme – planning for 2016/17	Scrutiny Officer	

The four principles of good public scrutiny:

- ***provides 'critical friend' challenge*** *to executive policy-makers and decision-makers*
- ***enables the voice and concerns of the public*** *and its communities*
- ***is carried out by 'independent-minded governors'*** *who lead and own the scrutiny role*
- ***drives improvement*** *in public services*

Environment Scrutiny	1. To develop policy options and to review and scrutinise the policies of the Council relating to planning policy, local development framework, Building Control, Planning Enforcement, Development Control, transport policy (concessionary fares and subsidised bus routes), Highways Partnership, parking and economic development, energy conservation, waste management, parks and open spaces, historic buildings, conservation – green agenda, Local Strategic Partnership and street scene. 2. To make recommendations to the Executive on matters within the remit of the Committee. 3. To take evidence from interested groups and individuals and make recommendations to the Executive and Council for policy change on matters within the remit of the Committee. 4. To consider issues referred by the Executive, or members of the Committee and where the views of outsiders may contribute, take evidence and report to the Executive and Council on matters within the remit of the Committee. 5. To consider any item referred to the Committee by any Member of the Council who is not a member of this Committee and decide whether that item should be pursued on matters within the remit of the Committee. 6. To appoint annually Standing Panels as may be determined which shall be given a brief to consider a specified service area relating to matters within the remit of the Committee and report back to the Committee on a regular basis as determined by the Committee. 7. To consider, should it choose to do so, any item within the remit of the Committee to be considered by the Executive (except items of urgent business). The relevant report to the Executive will be made available to the Scrutiny Committee. The Executive shall consider any report and recommendations on the item submitted by the Scrutiny Committee. 8. To consider matters referred to the Committee by the Executive/ Portfolio Holder on matters within the remit of the Committee and refer the matter to the Executive following consideration of the matter.