



**MEETING** : EXECUTIVE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : TUESDAY 5 JANUARY 2016  
**TIME** : 7.00 PM

## **MEMBERS OF THE EXECUTIVE**

- |                                   |   |
|-----------------------------------|---|
| Councillor Linda Haysey           | - Leader  |
| Councillor Eric Buckmaster        | - Executive Member for Health and Wellbeing   |
| Councillor Tony Jackson           | - Ambassador and Executive Member for Shared Services                               |
| Councillor Gary Jones             | - Executive Member for Economic Development   |
| Councillor Graham McAndrew        | - Executive Member for Environment and the Public Space                             |
| Councillor Suzanne Rutland-Barsby | - Deputy Leader and Executive Member for Development Management and Council Support |
| Councillor Geoffrey Williamson    | - Executive Member for Finance and Support Services                                 |

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## **DISCLOSABLE PECUNIARY INTERESTS**

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

4. It is a criminal offence to:

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

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

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## AGENDA

### 1. Apologies

*To receive apologies for absence.*

### 2. Leader's Announcements

### 3. Minutes

*To approve the Minutes of the meeting held on 1 December 2015 as a correct record (previously circulated).*

### 4. Declarations of Interest

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

### 5. Review of Empty Homes Strategy (Pages 7 - 54)

### 6. Waytemore Castle Improvement Project HLF Bid (Pages 55 - 100)

### 7. District Planning Executive Panel: Minutes - 17 December 2015 (Pages 101 - 106)

*To consider recommendations on the following matters:*

#### (A) Community Infrastructure Levy (CIL)

*Minute 15 refers*

#### (B) Village Hierarchy Study (December 2015)

*Minute 16 refers*

#### (C) Authority Monitoring Report (AMR) 2014/15

*Minute 17 refers*

8. Taxi Convictions Policy (Pages 107 - 124)

9. Urgent Business

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

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## EAST HERTS COUNCIL

EXECUTIVE – 5 JANUARY 2016

### REPORT BY EXECUTIVE MEMBER FOR HEALTH AND WELLBEING

#### EMPTY HOMES STRATEGY

WARD(S) AFFECTED: All

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#### **Purpose/Summary of Report**

- To propose the revised Empty Homes Strategy and Action Plan for the period 2016 – 2020 and to identify the targets and actions that can be achieved based on the current level of resource and with increased resource.

<b><u>RECOMMENDATION FOR EXECUTIVE:</u> That:</b>	
<b>(A)</b>	<b>The revised Empty Homes Strategy and Action Plan be approved either:</b> <ul style="list-style-type: none"><li>• <b>based on existing resources and targets recognising that those elements of work indicated will be delayed</b></li><li><b>OR</b></li><li>• <b>with a recommendation for increased resources to allow for the increased target and additional elements</b></li></ul>



#### 1.0 Background

##### **Previous Empty Homes Strategy**

- 1.1 The previous East Herts Empty Homes Strategy (2010 – 2015) was approved by the Executive in March. The strategy continued with the 5 step approach to tackling empty homes introduced in 2007.
- 1.2 The main change in the 2010 strategy was to recognise the need to put particular emphasis on empty properties that have been left empty for the longest time, are particularly detrimental to their locality and/or those that could alleviate particular housing need.
- 1.3 The aim was revised and a revised action plan produced to address the six objectives.

### **Targets**

- 1.4 From 2010/11 the target set for the Empty Homes Officer to bring properties back into use has been 10 per year with the expectation that two of these properties will have been longer term or problematic empty homes.
- 1.5 The target has been met or exceeded in each year although getting accurate information on this is very time consuming as many owners are reluctant to engage with us and may not inform us when the property is occupied.

### **Resources**

- 1.6 East Herts Council has had a dedicated Empty Homes Officer (0.5 FTE) in post since November 2004.
- 1.7 Between 2010 and 2012 the PLACE project was able to fund additional support to the Authorities involved and each benefited from work to better manage the available data and ensure that initial letters were sent to the owners of empty properties.
- 1.8 From August 2014 the Council has also employed an Empty Homes Assistant (0.2 FTE) on a two year fixed term contract.
- 1.9 The Empty Homes Assistant was intended to, and has focused on the identification and initial stages of the process, freeing up some time for the Empty Homes Officer to initiate enforcement action. Due to the increased number of empty properties requiring intervention under the current strategy, only limited capacity has been released for enforcement action and systems/other enhancements e.g., website.

### **Driver for Change**

- 1.10 The Action plan associated with the previous Empty Homes Strategy has been reviewed and this review together with a proposed action plan can be seen as ERP B. The main theme from the review is that the volume of empty properties to be investigated and assessed for prioritisation together with the maintenance of data is holding back other activity.
- 1.11 Whilst the target has been met or exceeded each year, this is becoming more challenging as previous action and support has left a core of less cooperative owners requiring more concentrated action. With increasing numbers of empty properties requiring the initial letters and subsequent follow up, the time available to focus



on any enforcement is diminished.

- 1.12 Empty properties other than those coded as long term empty are no longer being investigated. This leads to the possibility of other empty properties (including those that are uninhabitable, where the owner is in care or where the property is empty awaiting probate) remaining empty for longer with consequent deterioration in their condition.
- 1.13 Opportunities exist to improve information use (e.g., through better liaison with Councillors and town/parish councils) and processes (eg supporting linkages with Council Tax) but these require further commitment and investment.
- 1.14 Whilst the threat of enforcement has often been effective it was recognised that there remain owners who still do not engage with the council and that taking enforcement may be the only way to bring certain properties back into use. The addition of the Empty Homes Assistant was intended to allow the existing Empty Homes Officer time to initiate further enforcement action but with the ongoing workload this has still proved difficult. To date Enforcement action in the form of Compulsory Purchase has been recently authorised for one property and remains to be taken forward.
- 1.15 Further changes to the approach and in particular prioritisation of properties are required to allow a more effective focus on the more long term or problematic empty properties and to allow enforcement to be used as an effective tool to reduce the number of long term or problematic empty homes.

## 2 Report

### **Data and numbers of Empty Homes**

- 2.1 Since September 2009 the Council has had a specific module within the Environmental Health Database system to help manage empty homes work. To date over 1700 Empty Homes worksheets have been created and there are currently just over 500 active cases.
- 2.2 Much of the initial data comes via monthly reports from our Council Tax system and much work has been done to enable less manual input of this data.

2.3 In the Strategy 2010-2015 the number of Long Term Empty Homes in East Herts (those remaining empty for over 6 months) was given as 627. This was based on figures published from the Housing Strategy Statistical Appendix (HSSA) return for 2008. The HSSA return no longer includes these empty homes figures and the prime source of comparable data across the country is the Council Tax Base (CTB) return.

2.4 The key published empty homes figure based on data from the CTB return October 2015 gives our number of Long Term Empty Homes as 395 however, this is based on a subset of the total number of empty homes and does not include, for example, those left empty by people in care homes or those empty awaiting probate. Taking the data from 2015, a more comparable figure to that used previously would show that in October 2015 there were approximately 561 long term empty properties.

2.5 In the Strategy for 2010 to 2015 it was stated that:

“a significant number of properties can remain empty for up to two years before being brought back into use”

Taking figures for the years from 1/10/2011 to 30/9/2013 the following information was extracted.

Total new long term empty properties from Council Tax			617
Properties no longer empty after (from initial date empty)			
	0 months	13	
	0 – 6 months	51	
	6 -12 months	217	
	12-18 months	132	
	18 – 24 months	62	
Properties remaining empty after 24 months			142

There has been a big increase from 617 properties becoming long term empty in 2011-13 to 1031 in 2013-15.

### **Internal Systems Change**

2.6 During 2016, Environmental Health will be moving to a new system for work/data management. This system does not have a dedicated empty homes module although work is currently ongoing to mitigate the negative impact of this and to determine an improved capture of empty homes data.

### **Legislative Change**

- 2.7 New Homes Bonus, aimed at incentivising the building of new residential property in a Local Authority area and recognising the benefit of bringing empty homes back into use, was introduced in 2011 with the first payments made in the 2012/13 financial year using the Council Tax Base figures to determine the change in number of dwellings between October 2010 and October 2011.
- 2.8 Changes have also been implemented to the Council Tax exemptions and discounts available for certain empty homes. Previously properties that were empty and substantially unfurnished could be exempt from Council Tax for up to 6 months and those that were empty requiring major repair work or undergoing structural alterations could be exempt for 12 months. Since 2013 East Herts has taken advantage of the flexibility to change these exemptions and these now qualify for discounts of 50% for 6 months and 12 months respectively. Properties empty for more than 6 months (not requiring major works) and second homes are now charged at the full amount.
- 2.9 Taken together, these changes have taken away much of the incentive for owners to inform the Council Tax department that homes remain empty. Internally they drive a focus on reducing those shown as long term empty.

### **Changes to the Strategy for 2015-2020**

- 2.10 The stated aim of our empty homes work has been amended to recognise that specific housing need will be met both in the rural areas and our towns and is now:
- “To bring empty homes back into use and tackle those that are long term, are problematic or could meet specific housing need”
- 2.11 As indicated in the Review of Empty Homes Strategy Action Plan **Essential Reference Paper “B”** the number of objectives has been reduced from six to four.
- 2.12 The approach is still based on encouragement of the owners of empty properties to bring them back into use voluntarily with our support if required. However the focus has been amended to allow more focused action for specifically targeted longer term or problematic empty properties where voluntary action is not achieved. Where enforcement action is taken we will use publicity

to give greater awareness to others that action may be taken.

2.13 Limit the time spent on properties empty for less than two years where there have no complaints or requests for action, with no engagement with the owner following the initial two-letter process. Follow these up after two years with a visit to assess the level of impact on their neighbourhood.

2.14 Generate a manageable target list of properties for focused action based on an annual process of prioritisation. The inputs to this process will be all properties with complaints and those that have been empty for at least two years.

2.15 Prioritisation scoring will include:

- Length of time empty
- Number/spread of complaints received
- Property condition and its visual and physical impact on the neighbourhood
- Property location
- Level of debt owed to the council
- Level of formal action previous undertaken
- Likelihood of return to use without our intervention
- Strategic value, e.g., meeting local housing need

2.16 The Empty Homes Officer will then focus on the properties on the target list making renewed efforts to contact the owners and initiating the process towards enforcement action as necessary.

2.17 This change of emphasis is shown in the change in the approach diagram used in the section “Our Approach to Tackling Empty Homes” on page 10 of the revised strategy **Essential Reference Paper “C”**.

2.18 With the increased focus on enforcement the revised strategy includes an appendix giving the options appraisal criteria that will be applied to those properties identified for enforcement and in particular those that are in the process of Compulsory purchase. This will help determine whether the Council will immediately sell the property on acquisition, will retain the property within its portfolio or some other outcome e.g., refurbish/redevelop the property then sell. It is based on the established options appraisal used by the Assets and Estates Manager for commercial property decisions.

- 2.19 Develop a package of information for members and encourage them to provide local information on the empty homes in their wards
- 2.20 Improve the Empty Homes information on our web site and develop a simple suite of web forms to allow owners and others provide information to us through this channel.
- 2.21 Work with Council Tax colleagues to deliver a more effective process for working together and communicating our findings on properties back into their systems.
- 2.22 Include properties empty with other Council Tax exemptions or discounts eg long term probate cases.
- 2.23 Continue to work with the PLACE Consortium to deliver funding to support the reuse of empty properties ensuring that the offer remains supportive of our overall housing strategy.
- 2.24 Develop an East Herts Loan Scheme through the East Herts Private Sector Assistance Policy initially to support certain empty homes owners that cannot be offered support under the PLACE scheme eg potential owner occupiers.

### **Resource and Target Implications**

- 2.25 With the current resource level and the implementation of the new process for initial investigation and prioritisation it is anticipated that a target of 10 properties returned to use each year with two enforcement cases formally initiated can be achieved with a slight risk to this in the year 2015/16 as the new Environmental Health database system is implemented.
  - 2.26 Work on the website, member involvement and developments e.g., to the PLACE project may be further delayed. (ie items 2.18 to 2.23 above)
- NB. Formal initiation of an enforcement case will be the point at which formal approval to proceed is received for an Empty Dwelling Management Order, Compulsory Purchase Order or Enforced Sale to recover a Council debt.
- 2.27 To increase the number of properties actively targeted would require additional resource.

- 2.28 An additional Empty Homes Officer (0.5 FTE) and an increase in the Assistant Empty Homes officer from 0.2 to 0.4 FTE would allow the target to be increased to 14 properties brought back to use each year with up to 4 enforcement cases formally initiated. As a two year trial to demonstrate the increase in properties brought back into use the financial implication for this would be £21,400 per annum to be funded from the transformation reserve.
- 2.29 The current fixed term contract Empty Homes Assistant post has enabled some enforcement action and a greater consistency of initial contact with empty homes owners. It is therefore recommended that the post be made permanent

### 3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.
- 3.2 A report entitled Proposed Changes to the Empty Homes Strategy was taken to Community Scrutiny Committee on the 17<sup>th</sup> November 2015 to seek their comments on the proposed options for change to the Empty Homes Strategy for 2015-2020 together with the resource implications and proposed action plan.

The minutes of this meeting show that this committee supported the proposed change in approach for prioritising and filtering empty property for action. Members also supported a recommendation to the Executive that the Empty Homes Assistant post be made permanent and to ask Executive Members to consider an increase in the resources available to Empty Homes to enable them to take on the additional work as set out in the report and action plan.

### Background Papers

None

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Contact Officer: Simon Drinkwater - Director of Neighbourhood Services  
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[simon.drinkwater@eastherts.gov.uk](mailto:simon.drinkwater@eastherts.gov.uk)

Report Author: Jane O'Brien – Empty Homes Officer  
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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	<p><b>Place – Safe and Clean</b></p> <p>This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p><b>Prosperity – Improving the economic and social opportunities available to our communities</b></p> <p>This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
Consultation:	The revised Strategy has been reviewed by members of the Herts Beds and Bucks Empty Homes Forum and the PLACE Consortium. Comments received were supportive of the document with no changes suggested.
Legal:	None
Financial:	<p>Bringing empty homes back into use is a goal of the New Homes Bonus and each empty home brought back into use will attract grant funding. The New Homes Bonus scheme is likely to change significantly from 2016/17 however, under the current scheme each new home would attract a grant of approximately £1.47k each year for 6 years, a total of £8.82k, split 80:20 between East Herts and Herts County Council.</p> <p>The additional 4 properties added to the target for homes brought back into use each year would yield £4.7k each year for 6 years for East Herts ie for each additional 4 properties the total additional New Homes Bonus would be £28.2k. This is in addition to Council Tax received.</p> <p>The proposed additional staffing (0.7 FTE) would cost £21.4k per annum to be funded from the Transformation Reserve for the period of a 2 year trial.</p>
Human Resource:	See above.

Risk Management:	No specific Risk Management issues identified. Specific risks associated with enforcement issues will be identified and managed per property.
Health and wellbeing – issues and impacts:	<p>Returning empty properties to use directly supports priority 5 of the East Herts Health and Wellbeing Strategy</p> <ul style="list-style-type: none"> <li>- Healthy places and sustainable communities</li> </ul> <p>The place in which you live and the people you live with are essential factors in creating a healthy environment</p>

## Review of Empty Homes Strategy – Action Plan

Objective 1 – <b>Ensure the availability and effective use of information on empty homes within the district.</b> Through the maintenance of a database of all empty homes using information from Council Tax and other areas of the Council, supported by information from owners and other individuals.				
Action		Outcome	Responsible Officer (Supported by)	Date
1.1	Finalise export/Input reports and process to ensure Council Tax information is efficiently transferred to the Empty Homes Module and populate this system with current empty homes.	Initial population of the new empty homes Module in the Environmental Health system.	Empty Homes Officer, Licensing & Business Support Officer	30/6/10
1.2	Update the Empty Homes module at least twice each year with information from Council Tax.	Regularly updated information.	Empty Homes Officer, Licensing & Business Support Officer	Ongoing

### Review Comments

Despite setbacks the import of information from Academy into M3 has now been resolved with a monthly report from Academy input to M3 generating new worksheets and allowing properties no longer recorded as empty to be identified.

The impending change of systems within Environmental Health means that this work needs to be repeated to ensure the same facility is available in the new system

### Proposed Objective

Objective 1 – <b>Ensure the availability and effective use of information on empty homes within the district.</b> Through the maintenance of a database of all empty homes using information from Council Tax and other areas of the Council, supported by information from owners and other individuals.				
Action		Outcome(s)	Responsible Officer (Supported by)	Date
1.1	Work to develop processes and formats to support empty homes work in Uniform (New Environmental Health System)	Process to auto input information from Academy (Council Tax) to Uniform. Uniform customised to support Empty Homes Work	Empty Homes Officer, (Empty Homes Assistant, Uniform Project Officer, IT, Revenues Systems Support)	July 2016

1.2	Develop process and systems to allow Councillors to receive information on empty properties in their wards	Ward lists can be prepared for interested Councillors	Empty Homes Officer, (Uniform Project Officer)	Jan 2017
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Objective 2 – <b>Maintain effective partnership working within the Council and with external partners.</b> Effectively using Council resources in identification and investigation of empty homes, and in prioritising for action if required. Working with external partners to support empty homes activities.				
Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
2.1	Discuss priority properties with officers from other service areas developing joint action plans where appropriate.	Agreed plans of action to progress specific properties.	Empty Homes Officer	Ongoing
2.2	Develop process for sharing of information to allow targeting of action on areas of high housing demand.	Appropriate targets for action on empty properties in areas of high housing demand.	Empty Homes Officer, Housing Strategy and Policy Officer, Housing Development Officer	31/12/10

### Review Comments

Good relationships established with individuals in some departments. Individual properties worked on in an ad hoc basis.

As the total district has high demand for housing 2.2 has not proved an effective objective. In future it is planned that the Housing Development Officer will be involved in the annual prioritization exercise

### Proposed Objective

Objective 2 – <b>Maintain effective partnership working within the Council and with external partners.</b> Effectively using Council resources in identification and investigation of empty homes, and in prioritising for action if required. Working with external partners to support empty homes activities.				
Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
2.1	Involve other departments in annual prioritisation exercise and mid-year reviews ( including Planning, Building Control, Council Tax, Housing, Estates)	Manageable list of targeted properties for action each year	Empty Homes Officer, (representatives from other departments)	Feb each year

## Essential Reference Paper “B”

2.2	Identify and build relationships with external partners developing specific projects where appropriate. (eg Fire, Police, Herts County Council, RSL's)	Key Contacts identified and discussions held with 3 external organisations	Empty Homes Officer,	July 2017
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Objective 3 - <b>Raise the awareness of empty homes in East Herts and encourage action to bring them back into use.</b> Effectively publicising the opportunities there are to help bring empty properties back into use for the owners and for those affected by an empty property in their locality. Encourage owners to take up the opportunities.				
Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
3.1	Maintain empty homes web pages, review pages and links at least annually.	Access for members of the public to understand East Herts approach and report empty properties.	Empty Homes Officer (web officer)	Ongoing
3.2	Provide annual newsletters to the owners of empty homes with current news and information to further encourage action.	Provide information to owners and continue to encourage reuse.	Empty Homes Officer	Annually
3.3	Publicise empty homes activities through internal and local press.	Increased awareness of the empty homes issues and activity in East Herts.	Empty Homes Officer, Communications	Ongoing

### Review Comments

Web pages maintained annually but no further development achieved.

Newsletters not sent due to work load and issues with the accuracy of information on database. In future communication to existing known empty homes owners can be directed through letters at least annually after the prioritisation process.

Some publicity achieved including a small feature in local press

### Proposed Objective

Objective 3 - <b>Raise the awareness of empty homes in Easts and encourage action to bring them back into use.</b> Effectively publicising the opportunities there are to help bring empty properties back into use for the owners and for those affected by an empty property in their locality. Encourage owners to take up the opportunities.				
Action		Outcome (Comments)	Responsible Officer (Supported by)	Date

3.1	Refresh empty homes web site to include simple suite of web forms to allow information to be received	Improved information including PLACE scheme. Contact made by owners and complainants through webforms	Empty Homes Assistant, (Empty Homes Officer, web team)	Ongoing
3.3	Publicise empty homes activities through internal and local press. Including publicity of enforcement action.	Increased awareness of the empty homes issues and activity in East Herts.	Empty Homes Assistant, (Communications)	Ongoing

<b>Objective 4 – Enhance the character of the local community through improvement and reuse of empty homes.</b> Prioritise for action those empty homes that are problems in their local neighbourhoods and those that could alleviate particular housing need.				
Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
4.1	Risk assess all properties that receive complaints and produce a prioritised list for action.	Action targeted on problematic empty properties.	Empty Homes Officer	Ongoing
4.2	Identify those properties known to have been empty for the longest time and prioritise for investigation.	Longest term empty properties investigated and additional problematic empties identified.	Empty Homes Officer	Ongoing

### Review Comments

Properties with complaints have been visited and risk assessed however, this has not helped with prioritisation due to the large number of long term empty properties with no assessment

### Proposed Objective

This objective will be removed with prioritisation forming a central part of the revised approach

<b>Objective 5 – Take enforcement action where appropriate and where resources permit.</b> Where a property is prioritised for action and the owner refuses to bring the property into use, undertake the most appropriate enforcement action for that situation.				
Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
5.1	Develop procedure to be followed for Enforced Sale.	Documented procedure available to allow correct and consistent processes to be followed.	Empty Homes Officer	31/3/11
5.2	Initiate appropriate enforcement action on at least one property per year.	Bring empty property back into use and maintain a credible threat of enforcement action.	Empty Homes Officer	Ongoing

#### Review Comments

Writing of specific procedures delayed due to changes and potential changes in legislation and changing priorities giving CPO procedure priority over enforced sale. CPO Procedure now being completed as work on initial CPO progresses

Enforcement action limited by resource availability and through owners taking action once threatened with enforcement.

#### Proposed Objective

<b>Objective 4 – Take enforcement action where appropriate and where resources permit.</b> Where a property is prioritised for action and the owner refuses to bring the property into use, undertake the most appropriate enforcement action for that situation.				
Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
5.1	Develop procedures for Empty Homes enforcement to include CPO, EDMO and Enforced Sale.	Documented procedures to allow consistent processes to be followed.	Empty Homes Officer	Jan 2018
5.2	Initiate appropriate enforcement action on at least two properties per year. (With additional resources this could be increased to 4 per year)	Bring empty property back into use and maintain a credible threat of enforcement action.	Empty Homes Officer	Ongoing

<b>Objective 6 – Develop opportunities to bring back homes in partnership with Registered Social Landlords where this supports the overall housing strategy.</b> Develop general schemes with partner RSL's which can be offered to the owners of empty homes. Work with RSL's on individual cases where this could provide the most effective use of the property.				
Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
6.1	Develop existing schemes as necessary to maximise benefit.	Support for bringing empty homes into use.	Empty Homes Officer	Ongoing
6.2	Aim to bring at least two properties back into use each year through partnership activity.	Empty property brought back into use and available for Housing Options Clients.	Empty Homes Officer	Ongoing

### Review Comments

Further changes to the PLACE Scheme has allowed the scheme to include the offer of grants and loans and have been formalised in the new PLACE Consortium Agreement however currently members are not able to offer grants pending a decision to continue with this part of the offer and if so there will be the need to undertake a procurement process to engage (or reengage a partner).

There is growing interest in the PLACE loans although none have yet progressed to approval in East Herts

### Proposed Objective

This objective will not be continued although through objective 2 we will continue to take opportunities to work with other partners and we will continue as a member of the PLACE consortium seeking further developments in the scheme as appropriate to meet our housing needs



**ESSENTIAL REFERENCE PAPER C**

**East Herts District Council**

**Empty Homes Strategy      2016 - 2020**

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## Introduction

This strategy explains East Herts Council's approach to bringing empty homes back into use. It contains details of the range of powers available to us to achieve this work and how we will use these powers.

### ***The Scope of This Strategy - What Are Empty Homes***

Homes may be left empty by their owners or tenants for a range of reasons and for varying periods of time. This strategy covers all empty residential property, however properties will be prioritised for investigation and for action under the strategy based on the length of time they have been or will be left empty, the problems they are causing and the reasons for remaining empty.

It is recognised that across the country for an effective housing market to operate there will be properties unoccupied for a short period (of up to 6 months) during the transfer of ownership or between lettings. This is why the government have classified properties that have been empty for longer than 6 months as long term empty.

Experience has shown that for East Herts a significant number of properties identified as long term empty (ie that have been empty for 6 months) will be back in use within two years. Whilst it is recognised that any empty property can be a problem and therefore all owners of long term empty properties should be contacted to encourage the return to use in a short timescale, to continue to try to contact unresponsive owners at this stage is resource intensive. The focus of more significant work will be on those properties that have been empty for more than two years or have received complaints.

### ***The Problems Associated With Empty Homes***

Long term empty homes are a wasted resource; they can cause problems for their owners and have a negative impact in their neighbourhood. Specifically empty properties can:

- attract crime and anti-social behaviour
- provide shelter for criminal activity.

If not adequately maintained empty homes can also:

- become unsightly
- cause damage to neighbouring properties
- lead to accidents if children use them as play places
- reduce the value and ease of sale for an adjoining property

Empty homes also cost their owners money in maintenance, insurance and council tax. In some cases this can badly affect vulnerable owners who feel they need to renovate a property but are unable to afford the cost of renovation, yet are paying simply to leave the property empty.

### ***Why homes are left empty***

In September 2015 Empty Homes – the national charity produced a report entitled Empty Homes in England in which they summarised the common reasons why properties are empty for a long period of time as:

- A landlord previously rented out a property and it now needs a lot of work before it can be let again and the landlord is unable to find the money to get the works done.
- Someone has inherited a property (perhaps jointly with another family member) and is unsure what is best to do: whether to sell, rent, or move into it.
- People have bought properties to do up and for a variety of reasons, including the pressure of other commitments and financial constraints, are taking a long time to complete the works or the works have stalled.
- People are holding a property empty anticipating a rise in its market value before seeking to sell it. Added to which, some people have unrealistic expectations of the price their property could fetch given the local market.

A further significant set of reasons given by empty home owners in East Herts reflect the issues of accommodation associated with commercial premises (eg flats over shops) ie problem with sub-letting, security/access and noise

### ***The Benefits of Bringing Empty Homes Back Into Use***

Returning an empty home to use has benefits for the whole community. Including:

- reducing the reality and fear of crime and antisocial behaviour
- improving the look and feel of the area
- increasing available housing in established locations
- reducing the need for new development
- providing either capital or income for the owner

Bringing more long-term empty homes back into use is a sustainable way to meet housing demand and helps to reduce the need to build new houses.

## Strategic Context for Empty Property Work

Since the change in government in 2015 no new Housing Strategy has been published. The previous Coalition Government's Housing Strategy, *Laying the Foundations* (November 2011) set out in Section 5 its strategy for empty homes.

The summary for this section states the government's commitment to bringing empty homes back into use as a sustainable way of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities

Over the past five years this has meant:

- new Homes Bonus paid to Local Authorities for empty homes brought back into use
- practical advice to local authorities and communities to help them address empty homes with an online toolkit and mapping for empty homes delivered through the homes and communities agency
- funding to bring problematic and clusters of empty homes back into use
- the option for councils to levy an 'empty homes premium' on the Council Tax payable

### ***Local Context***

Within East Herts our Empty homes work contributes each of the Council's Corporate Priorities including:

#### ***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.

The Empty Homes Strategy sits within the suite of strategies under the umbrella of the overall Housing Strategy.

### ***The Numbers of Empty Homes in East Herts***

The most recently published national empty homes figures are those submitted for the Council Tax Base return for October 2015. Unlike the figures used commonly until 2010/11, which were based on the HSSA returns, these figures do not include empty properties where there is an applicable Council Tax exemption or certain discounts (for these exemptions and discounts see Appendix 1).

The table below gives the total dwelling stock and the number of homes empty for over 6 months for England, Hertfordshire and East Herts compared to the October 2010 situation.

	October 2010		October 2015	
	Total Dwellings	Long Term Empty Homes	Total Dwellings	Long Term Empty Homes
England	22,899,298	300,526	23,652,305	203,596
Hertfordshire	464,745	3,774	480,483	2,117
East Herts	58,274	587	60,394	395

Figures sourced from Council Tax Base returns for 2010 and 2015

The empty homes in East Herts are spread across the District, with all wards and all but 6 parishes having at least 1 home empty for more than 6 months. The table below shows the concentration of empty homes in the main towns of the district, and those other parishes with 10 or more empty homes, empty for more than 6 months. The main figures include all empty homes with the bracketed figure being the long term empty properties excluding those with exemptions or other discounts.

Parish	Homes empty more than			
	6 months	1 year	2 years	10 years
Total for East Herts	561 (395)	343 (273)	186 (156)	39 (35)
Hertford	134 (97)	80 (66)	48 (41)	5 (5)
Bishop's Stortford	112 (66)	69 (44)	35 (22)	10 (7)
Ware	77 (61)	50 (45)	18 (16)	4 (4)
Sawbridgeworth	28 (13)	15 (9)	10 (7)	3 (3)
Buntingford	17 (13)	8 (7)	4 (3)	1 (0)
Standon	15 (10)	9 (6)	5 (5)	0 (0)
Datchworth	12 (7)	7 (5)	5 (5)	0 (0)
Hertford Heath	10 (6)	6 (3)	4 (3)	0 (0)
Braughing	10 (6)	5 (3)	3 (2)	2 (2)

Figures taken from Council Tax data at 1st Oct 2015

The Government previously had a Best Value Performance Indicator (BVPI 64) specifically to measure local authorities' performance on

empty homes work. Whilst this is no longer a national indicator many authorities retain it as a local indicator. BVPI 64 is defined as: “Number of non-local authority-owned vacant dwellings returned to occupation or demolished during the financial year as a direct result of action by the local authority.”

Performance in 2010/11	Performance in 2011/12	Performance in 2012/13	Performance in 2013/14	Performance in 2014/15
10	11	11	11	13

Recognising the additional workload associated with tackling the more problematic empty homes the target for the number of homes brought back into use is 10 with the expectation that two of these properties will have been longer term or problematic empty homes.

### ***The Housing Market and Housing Need In East Herts***

East Herts district is located 15 miles to the north of London and covers an area of 477 square kilometres (184 square miles). It is predominantly a rural district, with a dispersed settlement pattern that includes the five market towns of Bishop’s Stortford, Buntingford, Hertford, Sawbridgeworth and Ware. There are also over one hundred villages and hamlets of varying sizes.

The population of the district has increased from 129,100 in 2001 to 137,700 in 2011. ONS Subnational Population projections estimate that the population of the district will have further increased to 166,000 by 2031.

East Herts benefits from amongst the lowest unemployment rates in the UK (3.4% compared to 6% nationally)<sup>1</sup>. Future employment needs are identified in the Council’s ‘Jobs Forecast and Strategic Development Advice’ (2012). Forecasts indicate to 2031 that employment in the sub-region will grow by some 60,000 jobs, of which 9,700 are expected to be created in East Herts. The forecasts suggest that of these additional jobs, over 6,200 will be created in the financial and business services sector.

House prices are high and there is a pressing need for more housing in the district. Achieving housing development that responds to local needs, whilst recognising the environmental and other constraints in East Herts, is a significant challenge.

In order to fully understand the district’s housing needs (both market and affordable) Opinion Research Services (ORS) was jointly commissioned by the local authorities of West Essex (Epping Forest, Harlow and Uttlesford) and East Herts to undertake a Strategic

<sup>1</sup> <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-317153>

Housing Market Assessment (2015). This study concludes that the full objectively assessed need for housing in East Herts over the period 2011-2033 is for 16,400 dwellings (745 per year).

Of the 16,400 dwellings the SHMA identifies a need for 4,200 affordable homes. There is clearly a pressing need for more affordable housing in the district. According to the Land Registry, for the period Quarter 1 2014 the average price of a flat or maisonette in the district was £202,370 and a terraced house £290,723. Over the five year period 2009-2014, the average property price in East Herts has increased by around 17%.

The recently published East Herts Housing Needs Survey (2015) found that with increases in both house prices and private rent levels, access to all tenures of housing has become increasingly more difficult for new households.

In accordance with paragraph 51 of the National Planning Policy Framework (NPPF) local planning authorities are required to identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. These homes can assist with meeting the district's identified housing needs.



## **Strategic Aim and Objectives**

The Key aim for our empty homes work is:

**Bring empty properties back into use and tackle those that are long term, are problematic or could meet specific housing need.**

This will be achieved by working towards the following objectives.

**1. Ensure the availability and effective use of information on empty homes within the district**

Through the maintenance of a database of all empty homes using information from Council Tax and other areas of the Council, supported by information from owners and other individuals.

**2. Maintain effective partnership working within the Council and with external partners**

Effectively using Council resources in identification and investigation of empty homes, and in prioritising for action if required. Working with external partners to support empty homes activities.

**3. Raise the awareness of empty homes in East Herts and encourage action to bring them back into use**

Effectively publicising the opportunities there are to help bring empty properties back into use for the owners and for those affected by an empty property in their locality. Encourage owners to take up the opportunities.

**4. Take enforcement action where appropriate and where resources permit.**

Where a property is prioritised for action and the owner refuses to bring the property into use, undertake the most appropriate enforcement action for that situation.

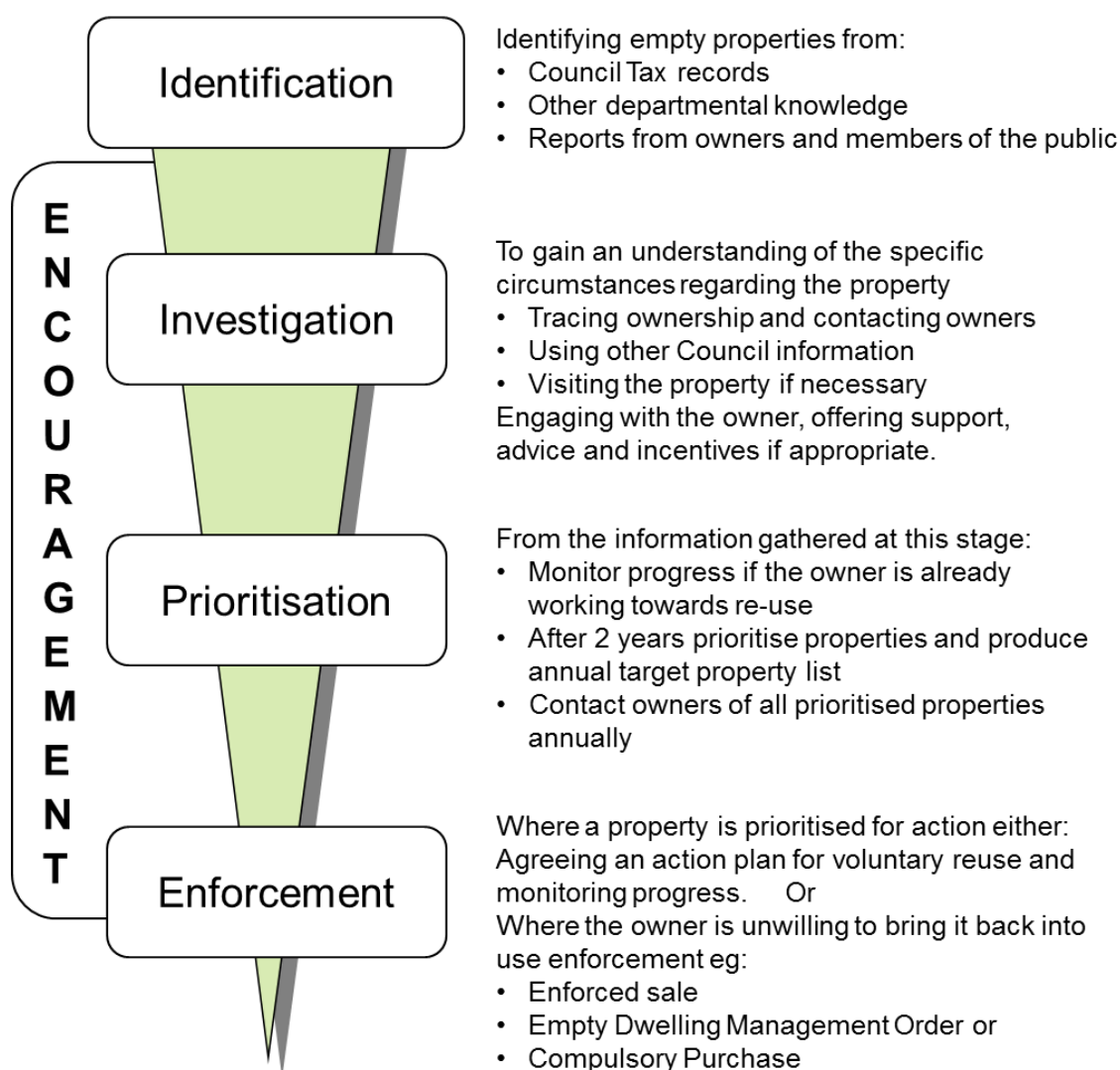
## Our Approach to tackling Empty Homes

We would hope to encourage the owners of empty homes to bring them back into use voluntarily. Our approach is focused initially on engaging with the owners offering support, advice and, where appropriate, offering financial support through the PLACE scheme.

However where properties are empty for more than two years or have received complaints we will follow up our earlier investigations and will risk assess properties and produce a target list of properties for focused action based on an annual process of prioritisation.

Where an owner of a property on this list is unwilling to bring the home back into use after further efforts to establish a dialogue and encourage voluntary reuse, we will take the appropriate steps towards enforcement action as necessary.

The diagram below outlines the stages in our approach each of which are then described in more detail.



### ***Encouragement***

As our preference is that owners will bring back properties voluntarily, we place a strong emphasis on the encouragement we can provide to empty home owners. Once in dialogue with the owner of an empty property the range of support and advice we can offer (either directly or through other agencies) includes:

- General advice on their options for returning their property to use and assistance with identifying the best course of action for their situation.
- Guidance on accessing other Council services.
- Help identifying the works that may be required to bring the property back to a habitable standard.
- Supporting initial contact with other organisations eg estate or letting agents

A loan scheme will be developed through our Private Sector Housing Assistance Policy. This will initially support those empty homes owners that cannot be offered support under the PLACE scheme (below) which does not offer funding to those owners who intend the property to be occupied by themselves or by a member of their family.

We will also work with partners to deliver schemes that will support the voluntary return to use of properties. We are currently involved with a consortium of five other authorities delivering the PLACE project. This allows:

- renovation of longer-term empty properties to a reasonable letting standard funded either through grants or loans
- loan funding for the conversion of empty property to residential units intended for sale or to let
- funding for certain enforcement action intended to bring a property back into use

We will review opportunities to develop further schemes as they arise.

Where an owner agrees to bring their property back into use we will continue to support the owner as appropriate and will monitor progress.

### ***Step 1 – Identification***

Certain classes of empty property can claim Council Tax exemption or discount (see Appendix 1). All these will be considered empty for the purposes of this strategy though the action taken will vary according to the individual circumstances and resources available. Where Council Tax is the source of identification only those properties that have been empty for more than 6 months will be subject to initial investigation at Step 2 below.

The owners of some empty homes will choose not to apply for discounts and these properties will only become known to us through local officer/member knowledge or through complaints/notification from

members of the public. Regardless of whether Council Tax discounts or exemptions are claimed, all identified empty properties will be covered by this strategy.

Officers, Councillors and members of the public will be encouraged to report empty properties and owners will be encouraged to contact us for support and advice for properties that are, or may become, empty. All properties reported to us in these ways will be investigated.

### ***Step 2 - Investigation***

For properties recently identified as empty, initial letters will be sent to the owners. At this stage we are seeking to:

- make contact with the owner
- confirm that the property is empty
- understand any plans the owner has for the property
- offer assistance to help bring the property back into use in partnership with the owner
- advise the owner that enforcement action is a possibility if properties are left empty over a long term

Further investigation will be initiated once a property has been empty for more than 2 years or where a complaint has been received. In these cases further contact will be attempted, planning and other available information will be searched and the properties will be visited to assess their condition and impact on their neighbourhood in preparation for Step 3 - Prioritisation.

### ***Step 3 - Prioritisation***

For all properties with complaints and those that have been empty for more than two years a process of prioritisation will be followed. The information from Step 2 – Investigation will be used and scoring will be based on:

- Length of time empty
- Number/spread of complaints received
- Property condition and its visual and physical impact on the neighbourhood
- Property location
- Level of debt owed to the council
- Level of formal action previous undertaken
- Likelihood of return to use without our intervention
- Strategic value, e.g., meeting local housing need

On an annual basis those properties scoring high through this prioritisation will be discussed with other departments and key external organisations as appropriate and a specific target list of properties for further action will be developed.

#### **Step 4 – Enforcement**

For properties identified on the target list from Step 3 – Prioritisation, where we are unable to enter dialogue with an owner or where an owner refuses to consider bringing back their property to use within an acceptable timescale, we will consider taking enforcement action. Any enforcement action will be undertaken in accordance with the Regulators' Code and the Council's relevant enforcement policies, in particular the Private Sector Housing Enforcement Policy.

Prior to initiating specific enforcement action an exercise will be undertaken to determine the most appropriate method of enforcement for that particular property. Appendix 2 outlines the options appraisal criteria that will be applied to those properties identified for enforcement and in particular those that are in the process of Compulsory Purchase. This will help determine whether the Council will immediately sell the property on acquisition, will retain the property within its portfolio or some other outcome e.g., refurbish/redevelop the property then sell.

Possible enforcement action includes:

- **Compulsory Purchase Orders**  
Local Authorities have the power to acquire land and property compulsorily where the owner is not willing to sell by agreement. This applies to underused or ineffectively used property/land for housing purposes if there is housing need in the area. Compulsory purchase can be approved where acquisition will allow improvements or redevelopment to take place, providing that the improvement/redevelopment contributes to the promotion of economic, social or environmental wellbeing.
- **Empty Dwelling Management Orders (EDMO's)**  
Empty Dwelling Management Orders are a discretionary power introduced in the Housing Act 2004 that came into force in April 2006. They allow Local Authorities to take management control of certain empty properties initially for up to 1 year (under an interim EDMO) and then for 7 years (under a final EDMO). Under an interim EDMO the authority can only grant tenancies with the permission of the owner but under a final EDMO the owner's consent is not required.
- **Enforced Sale**  
Where works in default have been undertaken at a property and the owner fails to repay the debt this power enables the Local Authority to recover its debt through the enforced sale of the property. A list of the most common statutory provisions that enable the enforced sale procedure to be used is given as Appendix 3

Whilst certain other legislation eg for Council Tax does not confer the automatic right to secure the debt against the property where the debt is over £1,000 an application can be made to put the charge on the property. A further application to the court can be made for a forced sale.

In some situations, following an assessment of the property's condition and impact on its neighbourhood, the council may determine that it requires improvement works to be carried out. Whilst such improvement works may be required formally as enforcement action they are not directly applicable to bringing the property back into use although they may lead to the opportunity to consider Enforced Sale.

Such improvement works fall to the remit of different departments through the Council (including Environmental Health, Development Control and Building Control) and where necessary will be undertaken in accordance with the procedures of the appropriate department.

When considering enforcement options each case will be assessed on its merits and the most appropriate course of action decided. Where enforcement action (other than improvement works) is deemed appropriate the relevant Ward Councillors and the Executive Member will be informed.

As stated previously the Council's preference is for the owners of empty homes to bring them back into use voluntarily. If, whilst preparing for and undertaking enforcement action, the owner requests to take such voluntary action this will be considered. Enforcement action may be deferred if appropriate and the progress will be closely monitored.

## **Delivering the Strategy**

### ***Resourcing and Partnerships***

The Empty Homes Officer within the Community Safety and Health Service will lead on the delivery of the Empty Homes Strategy. However effective delivery will require coordinated support from officers in many other services within the council. Principally:

- Council Tax
- Environmental Health
- Development Control
- Building Control
- Housing Strategy
- Housing Options
- Community Safety
- Legal

Councillors will be encouraged to support the Empty Homes Strategy by reporting empty properties within their wards and discussing the problems associated with them.

Town and Parish Councils will be offered the opportunity to discuss the situation within their towns and parishes and share information on any problems arising from empty properties.

Liaison with other Local Authorities in the PLACE scheme and through the Herts, Beds and Bucks Empty Homes Forum will be supported in order to achieve efficiencies through shared development work and best practice.

### ***Use of Empty Homes Information***

The empty homes database contains personal data. It will be used with care to serve the needs of the council in returning empty properties to use, with concern for the privacy of empty homes owners and the security of their properties.

The addresses and limited other information relating to empty properties will be discussed with other council departments to support the investigation and prioritising of the properties and to support any enforcement action. A package of information will be made available for Councillors who will be encouraged to provide local information on the empty homes in their wards.

There can be benefit in sharing this information with other responsible partners to support the investigation and return to use of empty homes. Personal data will only be shared with partners after guidance from the Information Officer. Where appropriate, any sharing of data will be in accordance with the East Herts Data Sharing Protocol.

## Action Plan

<b>Objective 1 – Ensure the availability and effective use of information on empty homes within the district.</b> Through the maintenance of a database of all empty homes using information from Council Tax and other areas of the Council, supported by information from owners and other individuals.				
Action		Outcome(s)	Responsible Officer (Supported by)	Date
1.1	Work to develop processes and formats to support empty homes work in Uniform (New Environmental Health System)	Process to auto input information from Academy (Council Tax) to Uniform. Uniform customised to support Empty Homes Work	Empty Homes Officer, (Empty Homes Assistant, Uniform Project Officer, IT, Revenues Systems Support)	July 2016
1.2	Develop process and systems to allow Councillors to receive information on empty properties in their wards	Ward lists can be prepared for interested Councillors	Empty Homes Officer, (Uniform Project Officer)	Jan 2017

<b>Objective 2 – Maintain effective partnership working within the Council and with external partners.</b> Effectively using Council resources in identification and investigation of empty homes, and in prioritising for action if required. Working with external partners to support empty homes activities.				
Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
2.1	Involve other departments in annual prioritisation exercise and mid year reviews (including Planning, Building Control, Council Tax, Housing, Estates)	Manageable list of targeted properties for action each year	Empty Homes Officer, (representatives from other departments)	Feb each year
2.2	Identify and build relationships with external partners developing specific projects where appropriate. (eg Fire, Police, Herts County Council, RSL's)	Key Contacts identified and discussions held with 3 external organisations	Empty Homes Officer,	July 2017



**Objective 3 - Raise the awareness of empty homes in Easts and encourage action to bring them back into use.** Effectively publicising the opportunities there are to help bring empty properties back into use for the owners and for those affected by an empty property in their locality. Encourage owners to take up the opportunities.

Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
3.1	Refresh empty homes web site to include simple suite of web forms to allow information to be received	Improved information including PLACE scheme. Contact made by owners and complainants through webforms	Empty Homes Assistant, (Empty Homes Officer, web team)	Ongoing
3.3	Publicise empty homes activities through internal and local press. Including publicity of enforcement action.	Increased awareness of the empty homes issues and activity in East Herts.	Empty Homes Assistant, (Communications)	Ongoing

**Objective 4 – Take enforcement action where appropriate and where resources permit.** Where a property is prioritised for action and the owner refuses to bring the property into use, undertake the most appropriate enforcement action for that situation.

Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
4.1	Develop procedures for Empty Homes enforcement to include CPO, EDMO and Enforced Sale.	Documented procedures to allow consistent processes to be followed.	Empty Homes Officer	Jan 2018
4.2	Initiate appropriate enforcement action on at least two properties per year. (With additional resources this could be increased to 4 per year)	Bring empty property back into use and maintain a credible threat of enforcement action.	Empty Homes Officer	Ongoing

## **Appendix 1 - Council Tax Exemptions and other categories relating to Empty Properties**

(as at 1 December 2015)

### **CLASS B *Dwellings owned by charities***

An unoccupied dwelling owned by a charity which was last occupied in accordance with the objectives of the charity. The exemption will be for a maximum of 6 months from the date that it was last occupied.

### **CLASS D *Dwellings left empty by prisoners***

An unoccupied dwelling which either:-

(a) would be the sole or main residence of a qualifying person detained elsewhere in the circumstances specified in paragraph 1 of Schedule 1 to the Local Government Finance Act 1992 but for his detention, or

(b) was previously the sole or main residence of such a person, if he has been a relevant absentee for the whole period since it last ceased to be such. For the purposes above, a dwelling shall be regarded as unoccupied if its only occupant or occupants are persons detained elsewhere in the circumstances mentioned;

**'Qualifying person'** means a person who would, but for this exemption, be liable for the Council Tax in respect of the dwelling as owner whether or not jointly with another person.

**'Relevant absentee'** in relation to a dwelling means a person who is detained in prison.

### **CLASS E *Dwelling left empty by patients in hospitals and care homes***

An unoccupied dwelling which was previously the sole or main residence of a qualifying person who:-

- a. has his sole or main residence elsewhere in the circumstances specified in paragraph 6, 7 or 8 of Schedule 1 to the Act; and has
- b. been a relevant absentee for the whole of the period since the dwelling last ceased to be his sole or main residence.

**'Qualifying person'** means a person who would, but for this exemption, be liable for the Council Tax in respect of the dwelling as the owner whether or not jointly with another person.

**'Relevant absentee'** in relation to a dwelling means a person who has his/her sole or main residence in a hospital or home.

**CLASS F *Dwellings left unoccupied by deceased persons***

An unoccupied dwelling in relation to which person is a qualifying person in his capacity as personal representative and no person is a qualifying person in any other capacity, if either no grant of probate or of letters of administration has been made, or less than 6 months have elapsed since the day on which such a grant was made.

**CLASS G *Occupation prohibited by law***

An unoccupied dwelling the occupation of which is prohibited by law, or which is kept unoccupied by reason of action taken under powers conferred by or under any Act of Parliament, with a view to prohibiting its occupation or to acquiring it.

If such a dwelling were occupied illegally, it would not be exempt, and the residents would be liable.

**CLASS H *Clergy Dwellings***

An unoccupied dwelling which is held for the purpose of being available for occupation by a minister of any religious denomination as a residence from which to perform the duties of office.

**CLASS I *Dwellings left empty by people receiving care***

An unoccupied dwelling which was previously the sole or main residence of a qualifying person who:-

- a. has his sole or main residence in another place (not being a hospital, residential care home, nursing home, mental nursing home or hostel within the meaning of paragraphs 6,7 or 8 of Schedule I of the Local Government Finance Act 1992) for the purpose of receiving personal care required by him by reason of old age, disablement, illness, past or present alcohol or drug dependence or past or present mental disorder; and
- b. has been relevant absentee for the whole of the period since the dwelling last ceased to be his residence.

**'Relevant absentee'** in relation to the dwelling means a person who has his/her sole or main residence in another place for the purpose of receiving care.

**CLASS J *Dwelling left unoccupied by people providing care***

An unoccupied dwelling which was previously the sole or main residence of a qualifying person who -

- (a) has his sole or main residence in another place for the purpose of providing, or better providing, personal care for a person who requires such care by reason of old age, disablement, illness, past or present alcohol or

<p>drug dependence or past or present mental disorder, and</p> <p>(b) has been a relevant absentee for the whole of the period since the dwelling last ceased to be his residence.</p> <p><b>'Relevant absentee'</b> in relation to a dwelling means a person who has his/her sole or main residence in another place for the purpose of providing care.</p>
<p><b>CLASS K <i>Dwellings left unoccupied by students</i></b></p> <p>An unoccupied dwelling</p> <ul style="list-style-type: none"> <li>a. which was last occupied only by one or more students whose sole or main residence it was; and</li> <li>b. in relation to which a qualifying person is a student who fulfils the description in paragraph (a) above and who has been a student for the whole of the period since the dwelling last ceased to be his residence.</li> </ul>
<p><b>CLASS L <i>Mortgagee in possession</i></b></p> <p>Unoccupied dwelling where a mortgagee is in possession under the mortgage.</p>
<p><b>CLASS Q <i>Bankruptcy</i></b></p> <p>An unoccupied dwelling in relation to which a person is a qualifying person in his capacity as a trustee in bankruptcy under the Bankruptcy Act 1914 or the Insolvency Act 1986(C).</p>

This is an extract from the full list of Council Tax Exemptions and only covers those exemptions that apply to empty properties. The full list can be viewed on our website

The Council made the decision to change some council tax discounts, with effect from 1 April 2013. This is to offset a further reduction in government grant, encourage use of empty homes and help keep council tax levels as low as possible.

**Empty, requiring major repair work to render it habitable/or undergoing structural alterations (previously Exemption Class A)** - 50% discount for up to 12 months, followed by the full charge.

**Empty, Unoccupied and Unfurnished (previously Exemption Class C)** - 50% discount for up to 6 months, followed by the full charge.

## **Appendix 2 - Options Appraisal for considering the end use of properties considered for enforcement action to bring them back into use.**

A high level appraisal will be undertaken when determining the most appropriate action to take ie when deciding between:

- Compulsory Purchase (leading to the Council taking ownership with the options to retain the property, sell on immediately or sell on after renovation)
- Empty Dwelling Management Order (remaining in the same ownership but with the Council taking responsibility for the property being managed to let after appropriate renovation works if necessary)
- Enforced sale (leading to the property changing to a new owner on the open market)

The appraisal will be undertaken by the Assets and Estates Manager and is based on that used by the Council for its existing portfolio.

A more detailed appraisal will be undertaken following any CPO to determine the outcome for the property following title vesting with the Council ie whether we will:

- keep the property for private rental
- complete works to the property then sell it on the open market  
or a do nothing option (where the financial appraisal is failed)
- sell the property on the open market without completing any works

### ***Considerations***

1. Financial benefits and considerations
  - a. Secure medium to long term income (ideally 10 + years)
  - b. Good rental growth prospects
  - c. Ability to add or enhance capital value
2. Location and Property type
  - a. Established residential locations (eg major towns or larger villages with supporting infrastructure)
  - b. Property build type to ensure security re ongoing maintenance costs

### 3. Expected Return

- a. Initial return – comparison with the cash returns available to the Council for 3-month lending
- b. A return over the first 5 years of ownership at least 2% greater than cash returns available from 3-month lending
- c. Typical yields in excess of 6%

### 4. Strategic Value and other criteria

- a. where property including the land is of strategic value to the Council and/or
- b. Where a property is for the benefit of the local community

Some of the above criteria may be relaxed, but any investment should still provide a return over the first 5 years of ownership at least 1% greater than cash returns available from 3-month lending.

### Appendix 3 - Common statutory provisions that enable the enforced sale procedure to be used.

Statute	What notice is used for	Type of charge	Comments
Section 4 Prevention of Damage by Pests Act 1949	Requiring land to be kept free of rats and mice	On the premises and on all estates and interests therein	Charge arises from date of completion of work. Reasonable interest can be claimed from date of service of demand for costs.
Section 79 Building Act 1984	Requiring works to remedy ruinous and dilapidated buildings and neglected sites	On the premises and on all estates and interests therein	Charge arises from date of completion of work. Reasonable interest can be claimed from date of service of demand for costs.
Section 80 Environmental Protection Act 1990	Requiring abatement of statutory nuisance	On the premises	Charge arises 21 days after service of demand under s81A (unless an appeal is made against the notice, when the period is extended). Reasonable interest can be claimed.
Section 215 Town and Country Planning Act 1990	Requiring steps to be taken for the purpose of remedying the adverse effect on amenity caused by detrimental condition of land and buildings	Binding on successive owners of the land	Charge arises from date of completion of the works.
Sections 11 and 12 Housing Act 2006	Requiring the taking of action to deal with category 1 or 2 hazards in residential premises	On the premises	Charge arises 21 days after service of demand (unless an appeal is made against the notice, when the period is extended). Reasonable interest can be claimed.

Source : Enforced Sale Guide – Chris Skinner, NPLaw

## **Appendix 3 – Supporting Documents**

A wide variety of documents and other information sources have been used in the development of this strategy. The key documents/sources used are listed below:

- Empty Homes in England – A report by Empty Homes Sept 2011 [www.emptyhomes.com](http://www.emptyhomes.com)
- Council Tax Base statistics from the Department Community and Local Government published at <https://www.gov.uk/government/collections/council-taxbase-statistics>
- Laying the Foundations: A Housing Strategy for England Department Community and Local Government 2011
- East Herts Council Housing Strategy
- East Herts Council Private Sector Housing Assistance Policy
- East Herts Council Private Sector Housing Enforcement Strategy



## Appendix 4 - Glossary of Terms

Compulsory Purchase Order (CPO)	
	<p>Compulsory Purchase Orders are powers granted to Local Authorities that allow them to undertake compulsory acquisition of land and/or properties.</p> <p>There are two areas of legislation which confer these powers:</p> <ul style="list-style-type: none"> <li>• Housing Act 1985 Section 17 allows Local Authorities to acquire houses for the provision or improvement of housing</li> <li>• Town &amp; Country Planning Act 1990 section 226 (as amended by the Planning and Compulsory Purchase Act 2004) allows acquisition of land if the acquisition will facilitate development, redevelopment or improvement</li> </ul>
Empty Dwelling Management Order (EDMO)	
	<p>An EDMO is a discretionary power introduced in the Housing Act 2004 that gives Local Authorities to take over the management of a residential property that has been empty for more than six months.</p> <p>There are two types of EDMO</p> <ul style="list-style-type: none"> <li>• an Interim EDMO lasting for up to 12 months under which the Local Authority requires the owners consent to let the property</li> <li>• a final EDMO which can only follow an interim order and which can last for up to 7 years. Under a final EDMO the Local Authority has full management of the property and can undertake repairs/renovations and can grant tenancies without the owners consent.</li> </ul> <p>A Local Authority applies to a Residential Property Tribunal to obtain an interim EDMO but does not need their approval if it decides a final EDMO is required to follow the interim order.</p>
Enforced Sale	
	<p>A process, under the Law of the Property Act 1925, that allows a Local Authority the power to enforce the sale of a property on which it has a registered debt. The debt is recovered from the proceeds of the sale.</p>
Regulators Code and the Council's relevant enforcement policies.	
	<p>The 'Regulators Code', has been issued by the Secretary of State in accordance with section 22 of the Legislative and Regulatory Reform Act 2006. It replaces the Regulators' Compliance Code which was first published in 2008 to</p>

	<p>promote the Government's better regulation agenda. Intended to encourage regulators to achieve their objectives in a way that minimises the burdens on those they regulate, the purpose of the Code is to embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement among the regulators to which it applies.</p> <p>The revised Code clarifies in a shorter and accessible format the principles and expectations that Regulators should follow when exercising their regulatory functions.</p> <p>Within East Herts Council we have an overall enforcement policy for the Council and supplementary policies for specific areas. These can be found on our website. (<a href="http://www.eastherts.gov.uk">www.eastherts.gov.uk</a>)</p>
Private Sector Housing Assistance Policy	
	<p>This policy explains the way in which the Council provides financial and other assistance to owners and occupiers of private sector housing within the district.</p> <p>A copy of the policy is available on our website.</p>
Council Tax Base Return	
	<p>The Council Tax Base (CTB) return is designed to collect data on the number of dwellings in each authority area and any discounts, exemptions or premiums that may have been granted and the reason for these discounts/exemptions/premiums.</p> <p>It is generally completed by reference to dwellings shown on the Valuation List for the authority as at the second Monday in September and by reference to the number of discounts, exemptions and premiums on the first Monday in October.</p>
New Homes Bonus	
	<p>The "New Homes Bonus" is a Government scheme which is aimed at encouraging local authorities to grant planning permissions for the building of new houses in return for additional revenue. It is also payable where empty homes are brought back into use.</p> <p>The calculation of grant is based on the increase in the number of effective stock where the baseline for the number of effective stock for the each financial year is calculated as:</p> <p style="padding-left: 40px;">Dwellings on the valuation list  <b>minus</b> adjustment for recent demolitions and out of area dwellings)  <b>minus</b> the number of long term empty homes.</p>

	<p>For each additional dwelling funding is based on the national average of the council tax band and is paid for the following six years.</p> <p>It should be noted that the number of long term empty homes used for this calculation does not include those that are empty with exemptions from Council Tax.</p>
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## EQUALITY

East Herts Council is committed to identify and eradicate any form of discrimination, direct or indirect, institutional or other, both in employment and in the procurement and delivery of services. Promoting equalities is about putting principles into practice. Our commitments to all our staff and service users are:

- To eliminate discrimination on the grounds of gender, disability, learning difficulty, health status, race, colour, ethnic or national origin, faith or religious belief, age, marital status, responsibility for children or dependents, sexuality and gender assignment;
- To promote equality of opportunity and fair treatment for all our communities;
- To promote fair and equal access to services by all citizens on the basis of need and to provide services in a manner which is sensitive to the individual;
- To help and support members of the public and staff who face harassment and to take action against perpetrators where possible;
- To have a staff complement that reflects the diversity of our communities;
- To promote equality of opportunity and fair treatment in employment and training and to ensure equal pay for work of equal value;
- To exercise its community leadership role to promote equality;
- To work in partnership with stakeholders and communities to ensure effective consultation to support our equality objectives;
- To ensure that the Community Strategy is designed to promote and achieve equalities outcomes and to ensure that it promotes community cohesion and good relations between different communities;
- To develop a Corporate Equalities Plan and to develop the capacity needed to deliver it within all departments;
- To ensure that all departments develop and implement an Equality Action Plan with resources, targets and timescales;
- To monitor and evaluate all aspects of service delivery and employment and to eliminate differences demonstrated by unfair outcomes.

**During 2016 an equalities impact assessment will be completed for this strategy.**

**HAVE YOUR SAY**

This policy is regularly reviewed and updated - please tell us your views on the policy and include any comments or questions you have for us via email:

- 1. 

environmental.health@eastherts.gov.uk

 OR

- 2. use the space below and return to the following address:  
Environmental Health Service, East Herts Council, Wallfields, Pegs Lane, Hertford. Herts. SG13 8EQ

Name: (Optional)  
Address: (Optional)

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If you require this information in large print, Braille or another format please contact the council on 01279 655261.

If you would like this information translated in another language please contact:  
East Herts District Council  
Wallfields  
Pegs Lane  
Hertford  
Herts  
SG13 8EQ  
Tel: 01279 655261

e-mail: enquiries@eastherts.gov.uk

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## EAST HERTS COUNCIL

EXECUTIVE – 5 JANUARY 2016

### REPORT BY THE EXECUTIVE MEMBER FOR ENVIRONMENT AND PUBLIC SPACE

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#### WAYTEMORE CASTLE IMPROVEMENT PROJECT – HLF BID

WARD(S) AFFECTED: Bishop's Stortford Meads

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#### **Purpose/Summary of Report**

- To report progress of the first round of the Heritage Lottery Fund (HLF) Parks for People bid for restoration and improvements to Waytemore Castle Gardens, Bishop's Stortford.
- To confirm the potential grant fund available.
- To explain the commitments necessary for the Council to accept the grant.
- To place the second phase of the project in the 2017/18 Capital Programme.

<b><u>RECOMMENDATIONS FOR THE EXECUTIVE:</u> That :</b>	
<b>(A)</b>	<b>the terms and conditions of the grant are accepted; and</b>
<b>(B)</b>	<b>the proposals to fund the project be approved and submitted for inclusion in the Council's Capital Programme for 2017/18.</b>

#### **1      Background**

- 1.1**      A Project Initiation Document was presented to CMT on 25 November 2014 to outline the project and funding requirements as part of the Capital Programme Bid Proposals for 2015/16. At that stage in advance of the application submission it was agreed

that the project should be fully explored with a view to recommending it to Executive if an acceptable project could be developed.

- 1.2 Officers submitted an Expression of Interest bid to Lottery for funding for a project from 2016 to 2020. This was successful and therefore a first round Stage 1 bid was prepared.
- 1.3 The HLF 'Parks for People' Stage 1 bid was completed and submitted in September 2015. See **Essential Reference Paper 'B'** for a copy of the submitted bid. The application has been in partnership with Bishop's Stortford Town Council who own Sworders Field. Both Waytmore Castle and Sworders Field are included for improvement as part of a wider project area named for the purposes of this bid as Castle Park.
- 1.4 The Stage 1 bid was decided by HLF on 15<sup>th</sup> December 2015 and notified by telephone on 16<sup>th</sup> December 2015. On this occasion the Council were unfortunately not successful. The Council does however have the right to re-apply under the next tranche of applications in 2016. HLF will be writing to provide some initial feedback and have offered the opportunity for a post rejection meeting. They have advised that this was a "near miss" and have indicated which specific areas of the bid require further clarity. They have encouraged the Council to re-apply.
- 1.5 If successful with the next application, the Council will be required to accept the terms and conditions of the grant within 28 days of receiving a Grant Notification Letter. This report asks the Executive to approve the terms to allow this potential future project to proceed. Formal approval at this stage is important in preparation for a successful second bid given the tight timescales involved.
- 1.6 The full value of the project has been estimated within the grant application and is split into two phases; the development phase and the delivery phase. The first round "Development" involves consultation and preparatory design and costing works. The second round "Delivery" involves the final design works and installation of improvements on the ground.
- 1.7 The Council is expected to contribute toward the cost of the project (match funding). The level of contributions has been proposed in the grant application:



	<i>Full estimated costs</i>	<b>Council Contribution</b>	<i>Value of Grant</i>
Development Stage 1	£238,618	<b>£23,918</b>	£214,700
Delivery Stage 2	£1,534,169	<b>£168,758</b>	£1,365,410

## 2 Report

2.1 The purpose of the project is to conserve and enhance the heritage of the Waytemore Castle Gardens including Sworders Field and improve the park facilities to provide a wider range of activities, events and opportunities for community involvement.

2.2 The submission was introduced as follows:

*Castle Park provides a fantastic opportunity to discover, protect and enhance a range of heritage features that underpin the cultural and historical development of the town of Bishop's Stortford. These include the remnants of a Norman motte & bailey castle, potentially undiscovered archaeology and the River Stort which was fundamental in the establishment and growth of the town and now has significant potential for biodiversity improvements.*

*Engaging people with this heritage is a central component of the project. Opportunities for volunteering and learning, interactive interpretation schemes and significantly enhanced access will open up the possibility for people to appreciate and understand their town's heritage.*

2.3 Revenue funding of £23,918 for the first stage will be funded from service budgets and provide the initial match funding for 2016/17. This report proposes that it is recommended to Council to include the remaining match funding of £168,758 in the Capital Programme for 2017/18.

2.4 If successful with the second application, the Council will receive a Grant Notification Letter. This sets out the principal elements of the Approved Purposes (in Appendix 2 to the letter) to which the grant is intended to be applied. The balance of the works will be funded by East Herts Council. This will confirm the improvements to the park which the project aims to achieve.

2.5 It is a condition of the offer that the Council demonstrates that the

necessary authority is in place to accept the terms of the grant.

- 2.6 The 'general power of competence', introduced by the Localism Act 2011, gives local authorities '... power to do anything that individuals may do' subject to any pre-commencement restrictions or any post-commencement restrictions which expressly apply to the general power of competence, to all of the authority's powers or to all of the authority's powers but with exceptions that do not include the general power.
- 2.7 Acceptance of the Grant from the HLF for the, intended, purpose falls within the general power of competence and is not subject to any, relevant, pre or post-commencement restrictions.
- 2.8 The Council will be required to comply with the terms set out by the HLF (See **Essential Reference Paper 'C'**). Any breach of those terms is likely to result in a requirement that the grant be repaid in full. The terms of the grant will be binding on the Council for 25 years from the date of award. The approved purposes for which the grant is being paid must be completed within the agreed timescales. The project is currently proposed to be completed by September 2020.
- 2.9 The Council will not be permitted to start any of the works to which the grant relates unless and until defined pre-conditions have been satisfied and agreed as such by the HLF.
- 2.10 The terms of grant contain provision for withdrawal or repayment of grant in certain, specified, circumstances.
- 2.11 The Council will be required to apply for a Green Flag Award for the park in the year immediately following completion of the capital works and then take all steps necessary to retain the Green Flag Award for at least the next six years.
- 2.12 The Council, as part of the application conditions, will be required to provide HLF with a copy of the document recording its decision (this report) and a statement which must include the following information:
- The power (statutory or otherwise) under which the Council has accepted the terms of grant.
  - An extract of that part of the policy framework under which the Council has accepted these terms of grant.

- The executive arrangements under which the decision to accept the terms of grant was made.
- The considerations taken into account in using the powers and the procedure under which any consultation took place and the decision was made.
- The authority under which the Declaration forming part of the Application is signed.

2.13 If the Council is successful with the second application and Stage 1 approval is achieved, it must be noted that Stage 2 remains a competitive process and to be successful a high quality and convincing bid, demonstrating the delivery of the concept plan and activities outlined in Stage 1, will be required. There will be the opportunity to refine the detail of the restoration proposals during the development phase. Any potential changes will be fully discussed with the HLF to reduce any risk to the Stage 2 outcome and ensure the scheme continues to deliver the Parks for People criteria and demonstrates value for money.

### 3 Implications / Consultations

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

#### Background Papers

None

Contact Member: Councillor Graham McAndrew – Executive Member for Environment and Public Spaces  
[graham.mcandrew@eastherts.gov.uk](mailto:graham.mcandrew@eastherts.gov.uk)

Contact Officer: Cliff Cardoza, Head of Environmental Services  
Contact Tel No: Ext 1698  
[cliff.cardoza@eastherts.gov.uk](mailto:cliff.cardoza@eastherts.gov.uk)

Report Author: Ian Sharratt, Environment Manager – Open Spaces  
Contact Tel No: Ext 1525  
[ian.sharratt@eastherts.gov.uk](mailto:ian.sharratt@eastherts.gov.uk)

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**IMPLICATIONS/CONSULTATIONS**

Contribution to the Council's Corporate Priorities/ Objectives:	<p><b>People – Fair and accessible services for those that use them and opportunities for everyone to contribute</b></p> <p>This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.</p> <p><b>Place – Safe and Clean</b></p> <p>This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p>																				
Consultation:	The Town Council have been consulted during the preparation of the grant application.																				
Legal:	None																				
Financial:	<ul style="list-style-type: none"><li>The Council is expected to contribute toward the cost of the project (match funding). The level of contributions has been proposed in the grant application:</li></ul> <table><tr><td></td><td>Full estimated costs</td><td><b>Council Contribution</b></td><td>Value of Grant</td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td>Development Stage 1</td><td>£238,618</td><td><b>£23,918</b></td><td>£214,700</td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td>Delivery Stage 2</td><td>£1,534,169</td><td><b>£168,758</b></td><td>£1,365,410</td></tr></table> <ul style="list-style-type: none"><li>Revenue costs of £23,918 will be funded from service budgets in 2016/17. This report requests that the Executive recommend that the Council include the remaining match funding estimate of £168,758 in the Capital Programme for 2017/18.</li><li>The full application document is included as background information but does not reflect the final financial submission which was agreed directly with the HLF via email. The amended details are included below.</li></ul>		Full estimated costs	<b>Council Contribution</b>	Value of Grant					Development Stage 1	£238,618	<b>£23,918</b>	£214,700					Delivery Stage 2	£1,534,169	<b>£168,758</b>	£1,365,410
	Full estimated costs	<b>Council Contribution</b>	Value of Grant																		
Development Stage 1	£238,618	<b>£23,918</b>	£214,700																		
Delivery Stage 2	£1,534,169	<b>£168,758</b>	£1,365,410																		

	<ul style="list-style-type: none"> <li>The full works are not likely to be completed until 2020 during which time the Council remains committed to the match funding provision.</li> </ul>
Human Resource:	The funding application includes a sum to fully cover the revenue costs of managing and administering the project. This function will be carried out by the Countryside Management Service and will be included within the works the Council commissions from them annually.
Risk Management:	<p>The risks of approving the proposals are detailed in the terms and conditions of the grant. The risks of not approving the proposals relate to missed opportunities. The full development of this important town centre park are financially significant and it is unlikely the Council would be able to fund these improvements in the future either with internal or external funds.</p> <p>If the report is not approved or if the second application is not successful, it may be necessary to carry out works to conserve and prevent any deterioration of the condition of the castle structure. This would also include any immediate landscape improvements that would support the historical significance of the mound. English Heritage may make a contribution to these works.</p>
Health and wellbeing – issues and impacts:	These significant open space improvements will encourage more residents to walk and exercise in the park which will act as a gateway to the further green finger extending out of the town.



## Notes on completion

### Summary

**Name of your organisation**

East Hertfordshire District Council

**Project title**

In no more than 15 words, please choose a title which you think best describes your project. This will be seen externally, on our website and by our decision makers so please ensure that you choose a title that you are happy for a wide range of people to see.

Castle Park, Bishop's Stortford

**Reference number**

PP-15-00582

**Project summary**

In no more than 150 words, summarise your project. We will use this text to tell people about your project, including our decision takers.

Castle Park provides a fantastic opportunity to discover, protect and enhance a range of heritage features that underpin the cultural and historical development of the town of Bishop's Stortford. These include the remnants of a Norman motte & bailey castle, potentially undiscovered archaeology and the River Stort which was fundamental in the establishment and growth of the town and now has significant potential for biodiversity improvements.

Engaging people with this heritage is a central component of the project. Opportunities for volunteering and learning, interactive interpretation schemes and significantly enhanced access will open up the possibility for people to appreciate and understand their town's heritage.

**Have you received any advice from us before making your application?**

Yes

**Please tell us who you received advice from.**

Kate Brown

**Is this your first application to the Heritage Lottery Fund?**

Yes

## Section one: Your organisation

### 1a Address of your organisation:

<b>Address line 1</b>	Wallfields
<b>Address line 2</b>	Pegs Lane
<b>Address line 3</b>	
<b>Town / city</b>	HERTFORD
<b>County</b>	Hertfordshire
<b>Postcode</b>	SG13 8EQ

### 1b Is the address of your project the same as the address in 1a?

No

Enter the address of your project. Please use the post code look up button to find your address so that the Local Authority and Constituency information is generated in the boxes below.

<b>Address line 1</b>	Castle Cottage
<b>Address line 2</b>	The Causeway
<b>Address line 3</b>	
<b>Town / city</b>	BISHOP'S STORTFORD
<b>County</b>	Hertfordshire
<b>Postcode</b>	CM23 2EL

### Local Authority within which the project will take place

East Hertfordshire

### Constituency within which the project will take place

Hertford and Stortford

### 1c Details of main contact person

#### Name

Ian Sharratt

#### Position

Environment Manager - Open Spaces

### Is the address of the main contact person the same as the address in 1a?

Yes



**Daytime phone number, including area code**

01992 531525

**Alternative phone number**

01279 655261

**Email address**

ian.sharratt@eastherts.gov.uk

**1d Describe your organisation's main purpose and regular activities**

East Herts Council provides important services across five towns and rural villages in the east Hertfordshire area of the UK.

As a Local Authority key services include the provision of recycling and waste collection, planning, support for business and communities, electoral services, environmental health and housing, and the provision for leisure facilities and parks and open spaces recreation

**1e The legal status of your organisation**

**Please select one of the following:**

Local authority

**If your organisation is any of the following, please provide the details shown:**

**Company - give registration number**

**Registered Charity in England, Scotland or Wales - give registration number**

**Charity recognised by HM Revenue and Customs in Northern Ireland - give reference number**

**1f Will your project be delivered by a partnership?**

Yes

**Who are your partners? Please provide a named contact from each organisation**

East Herts District Council - Ian Sharratt

Bishop's Stortford Town Council - James Parker

**1g Are you VAT registered?**

Yes

**Please provide your VAT number**

214 430802

## Section two: The heritage

**In this section tell us about the heritage your project focuses on and why it is valued.**

### 2a What is the heritage your project focuses upon?

**Project Background:**

Castle Park will bring together two existing green spaces, Castle Gardens and Swarder's Field, which together form a 6.7 hectare park at the geographic and historic heart of Bishop's Stortford, a mediaeval market town in Hertfordshire.

Castle Gardens are owned by East Herts Council and Swarder's Field by Bishop's Stortford Town Council. Ownership boundaries on the ground are not defined, but the two organisations' isolated approaches to management have caused a distinct lack of cohesion between the two spaces, with clear failings in connectivity, arrangement of assets and provision of basic visitor facilities. As a result, the sites lack unity and instead exist as a scattered collection of recreational and historic features with little consideration to landscape function or to the opportunities for visitors to connect and engage with the cultural and natural heritage. By coming together in a partnership, shared objectives will ensure that Castle Park functions for people. Heritage features will become central components of the park, with improved visibility and more legible access routes.

Castle Gardens includes the remnants of Waytemore Castle and surrounding formal shrub beds, as well as a war memorial surrounded by formal planting. Swarder's Field includes a number of recreational facilities including a recently refurbished children's paddling pool, adventure playground and skate park. The River Stort runs between the two sites.

The park dates back to an initial acquisition of the land in 1907 by the Bishop's Stortford Urban District Council for community use and landscaped as a public garden, from when much of the existing landscaping dates. Ad hoc developments, typical of the early to mid-20th century public parks, brought the addition of tennis courts, a bandstand (later replaced by Markwell Pavilion) and the paddling pool.

As can be seen on 'Drawing 1, Context' in the supporting documents, the sites form the southern end of an unbroken green corridor reaching down into the centre of Bishop's Stortford along the course of the River Stort. The addition of the A1250 Link Road around the south and west of the park in the 1970s has created a division with the town centre. Following the green corridor to the north of the town is the proposed location of a major expansion of the town, where 2,200 new residential units will be built.

**Waytemore Castle:**

A central feature of Castle Park will be the remnants of Waytemore Castle, a Grade I listed Scheduled Ancient Monument. This is a Motte and Bailey castle, a style introduced by the Normans. It is set on an oval earth mound (the motte), around 83m x 65m and 12m in height. The top of the motte was protected by a curtain wall of flint rubble, potentially having replaced an earlier timber palisade. The foundations of a keep, dating from the early 13th century, are within the walls on top of the motte. This measured approximately 27m x 12m and stood around 21m high. A well approximately 18m deep is located in the southwest corner of the keep.

The adjacent area (the bailey) covered around 4 acres to the south of the castle. It was located outside an inner moat that surrounded the motte, but within an outer moat. The inner moat is no longer evident in the ground, whilst the outer moat is now greatly reduced in size. The bailey would have included a number of buildings including stables, barracks, a chapel and a workshop. No evidence remains of the bailey at ground level although individual discoveries of coins and burial grounds have been made in the past. Geotechnical investigations are proposed to identify the presence of any archaeological remains.

The castle was likely built in the late 1060s by the Normans under the reign of William the Conqueror in response to the Saxon rebellion in East Anglia. With the Norman conquest, the then manor of Stortford was sold to the Bishop of London (hence the name Bishop's Stortford), with the castle becoming one of the chief strongholds of the Diocese of London. It was seized by the Abbot of Ely in 1137 and then demolished by King John in 1208 amidst a row with the Pope over the nomination of the Archbishop of Canterbury. Ownership returned to the Bishop of London in 1214 and the castle was rebuilt and crenellated in the 14th century.

Until the 16th century the dungeons of the keep were used to imprison clerical felons, before a separate

prison was constructed immediately to the south of the castle, which housed up to 50 prisoners in poor and overcrowded conditions. Those that died were buried within the surrounding prison grounds. The new prison was later used for religious dissenters, and from the mid-16th century Catholics.

By the 15th century the castle was no longer in use as a defensive stronghold and fell into disrepair. Following the move of the Bishop's Court in the mid-16th century the castle was largely demolished.

The name Waytemore is likely either from Old English Wayte (place of ambush) and More (fen or marsh), or Old Norse Thwaite (forest clearing) and Marr (boggy place). This suggests the land was marshy and potentially heavily forested until the late Roman or early Saxon period.

#### The War Memorial and Other Structures:

In 1921, a war memorial of York Stone was installed to the south of Waytemore Castle. This retains a high importance to the community as it forms the main focus of commemorative events in Bishop's Stortford, often attracting thousands of attendees.

Close to the war memorial, another triangular shaped memorial sits within a circular stone-surround. This stone commemorates men of the local Masonic Society who lost their lives in overseas conflicts between 1843 and 1927. The landscape surrounding it will be adjusted to redefine its importance.

A large Victorian drinking fountain sited at the base of the castle mound was originally presented to the town in 1872 by a local family to replace a rather shabby drinking trough at Hockerill crossroads. There it remained a prominent landmark for many years but with the advent of motorised transport it soon became a traffic hazard and was moved to the park in the 1920s. A fire lantern once perched at its top disappeared long ago, as did the chained drinking cups. The consultation process during stage 1 would determine whether it might be appropriate to implement some restoration work.

#### The River Stort:

Bishop's Stortford's history has been closely tied to the River Stort. The names of the town and the river are linked, whilst livelihoods have been determined by trade on the waterways. From the location of the original Saxon settlement alongside the river, it was partly canalised in the 18th century to provide a key transport route for the town's malt industry. The canalised 'Stort Navigation' begins immediately to the south the park. The river currently runs to the east of the castle, reflecting a re-routing in the mid-20th century from around 100m to the west of the castle. The river as it currently runs through the park has low accessibility, particularly along the southern section, and is classified as being in a bad ecological condition.

**2b Is your heritage considered to be at risk? If so, please tell us in what way.**

Following a study by BEAMS Ltd, the castle was included on the East Herts Council 'Buildings at Risk' register in 2006 as Risk 1, Priority A.

An Archaeology Assessment was undertaken by The Heritage Network Ltd in 2008 as part of an environmental appraisal commissioned by East Herts Council. The resultant report recommended some physical actions such as the removal of ivy and consolidation of the standing fabric of the monument and formed an early basis for the current aspirations such as removal of the hedge and lighting the mound. An ecological assessment made in parallel to this also considered works for habitat enhancement. The need for a specialist investigation by a conservation architect was identified to ascertain what appropriate conservation measures are required to protect and enhance the castle remains.

The War Memorial itself is in good condition and well maintained. Its location within the Castle Gardens and surrounding landscaping however may no longer be fitting or appropriately functional for a feature of such high cultural importance.

The River Stort is classified as being in 'bad' ecological condition. This is the lowest of five possible classifications. Under the Water Framework Directive rivers are required to be in at least 'good' status by 2027.

**2c Does your project involve work to physical heritage like buildings, collections, landscapes or habitats?**

Yes

**Tell us the name of the building(s), collections, landscape or habitat area**

Waytemore Castle

**Do you, or a partner organisation, own the building, land or heritage items outright?**

Yes

**Do you or a partner organisation have a mortgage or other loans secured on the property or item, or any plans to take one out?**

No

**For landscape projects, please provide an Ordnance Survey grid reference for your landscape**

TL490214

**2d Does your project involve the acquisition of a building, land or heritage items?**

No

**Please tick any of the following that apply to your heritage:**

**Accredited Museum, Gallery  
or Archive**

**Designated or Significant  
(Scotland) Collection**

**DCMS funded Museum,  
Library, Gallery or Archive**

**World Heritage Site**

**Grade I or Grade A listed  
building** ☒

**How many buildings of this type are included in your project?**

1

**Grade II\* or Grade B listed  
building**

**Grade II, Grade C or Grade  
C(S) listed building** ☒

**How many buildings of this type are included in your project?**

1

**Local list**

**Scheduled Ancient  
Monument** ☒

**How many monuments of this type are included in your project?**

1

**Registered historic ship**

**Conservation Area**

**Registered Battlefield**

**Area of Outstanding Natural  
Beauty (AONB) or National  
Scenic Area (NSA)**

**National Park**

**National Nature Reserve**

**Ramsar site**

**Regionally Important  
Geological and  
Geomorphological Site  
(RIGS)**

**Special Area of Conservation  
(SAC) or e-SAC**

**Special Protection Areas  
(SPA)**

**Registered Park or Garden**

## Section three: Your project

**In this section, tell us about your project. Make sure you include all your planned activities, and capital works if applicable.**

### 3a Describe what your project will do.

A United Vision:

Castle Park, Bishop's Stortford is a partnership project between East Herts Council and Bishop's Stortford Town Council. It will unite the two disparate sites of Castle Gardens and Swarder's Field into one exceptional park of a quality befitting the importance of its heritage assets and the value of its town centre location. With the new name of 'Castle Park', the site will have a strong identity under which both authorities will work together to unify management and help improve the heritage centre of Bishop's Stortford.

An outline plan and conceptual ideas of the proposals can be seen on 'Drawing 7, Proposals' and 'Drawing 8, Concept Photos'.

Displaying Heritage through a Landscape Re-Design:

The present path arrangement is disjointed and impractical. Through a subtle redesign of the park layout the site will function as it should, whilst improved pedestrian access will ensure that it provides a focal point for the historic town centre.

A significant amendment will be an enhancement in the connection of key visitor facilities. In order to move between the younger children's play space and the popular paddling pool, the present arrangement requires users to either walk around 50m north along the river to find an existing bridge with no surfaced path, or to exit onto the busy link road. This project proposes the construction of a new bridge and link path that together will provide a coherent connection between these two play spaces as well as completing a useable non-motorised commuting route into the town centre. This will overcome the currently movement barrier of the river, thus breaking the division that exists across the ownership boundary.

This new bridge will feed into a legible path network that includes a major node point around a new multi-purpose space created adjacent to the castle motte. This new open space will better compliment and unify the surrounding features, provide a suitable space for outdoor events, pop-up stalls and (should conversion of the existing community centre not be feasible) a new café. A combination of uninterrupted views and direct path networks will ensure this space will radiate both visually and physically to key heritage and leisure features.

To create this new public space the existing tennis courts will be relocated, potentially to the northern end of Swarder's Field where the space is more dedicated to sports and physical recreation. These tennis courts in their present location provide a major barrier to movement and visibility very close to Waytemore Castle and their relocation is fundamental to achieving the aims of this project.

A further node point will be around the War Memorial, ensuring it remains an important part of the landscape. From here the path network will feed into the recently replanted avenue of trees that leads to the foot of Waytemore Castle. It also leads out onto a more clearly defined entrance point from the town centre. Improved visibility of this entrance from the town centre will help to overcome the physical barrier created by the Link Road.

As a result of the amended path network, lines of visibility will be created between prominent usage points and key heritage features, such as between the open amenity space and Waytemore Castle and between the town centre and War Memorial. Furthermore, a new lighting scheme will focus attention upon important locations, including up-lighting of Waytemore Castle.

'Drawing 5, Functional Zones' displays the more logical site layout, which will transition north of the park into the less formal greenspaces along the river corridor that provide sports facilities, health benefits and access to the wider countryside. It is hoped that the Castle Park project will be the catalyst for a reinvigoration of the Bishops Stortford 'Green Finger' with benefits radiating out along its length. Visitors will be encouraged to explore beyond the confines of Castle Park and engage with the natural environment. Anticipated enhancements along this green corridor are shown on 'Drawing 3, Broad Proposals'.

Through a scheme of interpretation across the park, the historic and cultural importance of the heritage features will be shared with a wide audience. Furthermore, through a programme of activities and training opportunities, local people will be actively engaged with the delivery and future management of the park. A fundamental aspect of the delivery stage will be the formation of a Friends of Castle Park group.

#### Waytemore Castle Restoration:

Central to the project will be securing the future of the Grade 1 listed Waytemore Castle motte through specialist conservation works carried out to protect the surviving structures from further degradation.

Waytemore Castle is clearly identifiable with Bishop's Stortford's mediaeval history, and should therefore be a major cultural asset that is valued by all. Opening up the provision of access that is appropriate for a Scheduled Ancient Monument will engage the public and tourists with the town's heritage. As part of a project that English Heritage has expressed their support for, the once proud setting of the castle within both the park and the town will be rediscovered by removal of a surrounding dense hedgerow, selective felling of obstructing trees to re-establish lost views and vistas and the installation of up-lighters. The conservation of the castle remains and the safety of people visiting the monument will be of paramount importance.

#### Re-development of existing buildings:

The park contains a local meeting venue, The Markwell Pavilion and some unsightly old garages that are currently used for storage. Whilst the venue is popular for a small number of local groups, it is not well used in comparison to nearby local community centres. It is an unremarkable and unwelcoming building. There is an opportunity to review the use and design of these buildings to make much better use of them.

The project will consider a wider vision for the park which could host a visitor centre, art space, refreshment facilities, toilets to support the paddling pool, a meeting venue and a purpose built space which connects directly to the park. Restoration and improved design of these existing buildings could create an attractive feature in the park that could draw more visitors and meet needs more effectively.

#### River Stort Restoration:

Improvements to the River Stort will enhance its function, character and biodiversity value. Removal of scrub vegetation and dense self-set sycamore trees will open up views to the river and between both sides of the park. Increased light levels will help to rejuvenate the wildlife habitat. The river corridor will transition into the park by converting adjacent tired shrub beds into colourful areas of native wildflower planting. To encourage public access and engagement with the river, a wooden jetty will be installed that will allow people to get close to the water with views along the river corridor.

### **3b Explain what need and opportunity your project will address**

The heritage of the site relating to the motte and bailey castle is presented with the two challenges of inadequate conservation and a lack of discovery. This means that the features are both at risk of damage and are failing to engage with people. By conducting a full geotechnical survey, any unseen archaeology will be discovered. This will feed into a Conservation Management Plan, which will determine a course of action for the correct management of heritage features and make these visually or physically accessible by people.

The bad ecological status of the River Stort will also be addressed through the implementation of a River Restoration Plan. This will incorporate not only biodiversity improvements but also improved public access to the water with a new timber jetty.

A poor site layout, evident on 'Drawing 4, Analysis', makes the current park difficult to navigate and impairs the visual prominence of Waytemore Castle. There is also poor access into the park from the town centre and a lack of cohesion across ownership boundaries. A landscape re-design including relocation of the tennis courts and an amended path network will resolve these and to enhance the visitor experience and ensure heritage features are prominent in the landscape. The improvement this will have can be seen on 'Drawing 6, Proposal Stages'.



### **3c Why is it essential for the project to go ahead now?**

The castle is at risk from ongoing erosion and tree damage and as such has been placed on East Herts Council's Buildings at Risk register as Risk 1, Priority A. The production and implementation of a conservation plan would be a fundamental element of the Castle Park project, which will ensure this important monument is protected from further damage and enhanced where possible.

The bad ecological condition of the River Stort falls below the requirements of the Water Framework Directive, which aims for good status in all waters by December 2015 and requires full compliance by 2027. Improving the biodiversity of the River Stort will greatly help the river meet these legal requirements.

Additionally, plans are in place for a 25% expansion of the population of Bishop's Stortford with a new 2,200 unit residential development at the northern end of the town. The pressures of an evolving town makes now an ideal opportunity to produce a high quality park. With the proposed connectivity improvements, the green corridor leading into Castle Park would provide an important non-vehicular connection to the town centre, becoming a valuable recreational space for the new residential development.

### **3d Why do you need Lottery funding?**

The award of Lottery funding will facilitate a comprehensive improvement to the park, drawing together community, heritage and biodiversity into one plan. This will move away from a continuation of ad hoc works that fails to connect people with the heritage of the park.

Lottery funding will not only provide collective planning, but also allow for larger scale capital projects to take place, including river improvements and a new bridge and timber jetty.

Due to its urgency, were this application to be unsuccessful, alternative funding would be sought for conservation works to the castle. However, this could not be guaranteed and may be limited to the minimum required for preservation, rather than providing additional improvements and public access.

### **3e What work and/or consultation have you undertaken to prepare for this project and why?**

Following an assessment of the needs and desires, a holistic approach between the partners was developed that will allow the park to develop in a unified manner. A review of existing draft management plans has also been carried out and will continue to feed into the project as it progresses.

Previous discussions have been held with English Heritage, which have confirmed their support for enhancement works to Waytemore Castle. The project proposals include the removal of the hedge that was planted around the edge of the motte. This is a change that was originally requested by English Heritage.

Recent communication with Historic England has also confirmed their support for the project and ensured that the works proposed in this development stage will sufficiently inform a Scheduled Monument Consent application. Consultations with both English Heritage and Historic England will continue throughout the course of this project.

An environmental appraisal was commissioned by East Herts Council in 2006 which incorporated ecological and archaeological assessments. These have been used to inform this project, with more detailed assessments to be conducted within the development phase.

During the early stages of the development phase a network of key stakeholders will be developed, ensuring that the proposals for stage 2 effectively meet the needs of these groups. Any key users will be encouraged to participate in the initiation of an umbrella Friends group.

## Section four: Project outcomes

**In this section, tell us about the difference that your project will make for heritage, people and communities.**

### **4a What difference will your project make for heritage?**

The park or cemetery and its heritage will be better managed:

A new management plan will be produced across Castle Park. This will be informed by specialist investigations into the archaeology of the site, the conservation of Waytemore Castle and ecology of the River Stort.

Provision will be made for local volunteers, potentially through the new Friends Group, to become involved in the management of the heritage features. Discussions will be held with the grounds maintenance team during the development phase to determine the role that they could hold within this.

As a result of this high level of management, Castle Park will be maintained at a level that will allow for annual applications for Green Flag status.

The park or cemetery and its heritage will be in better condition:

A conservation plan will be produced for the remains of Waytemore Castle, informed by archaeology surveys and recommendations. This will ensure that the condition of the castle is improved and further deterioration is prevented.

Similarly, the River Stort will be enhanced to a better ecological condition. Operations to increase light into the river corridor will allow for more substantial river bank vegetation, supporting a higher number and diversity of species. Macroinvertebrate surveys will be used as a measure for this, conducted before and after improvement works.

The heritage of the park or cemetery will be better interpreted and explained:

By carrying out a full archaeological survey, any currently undiscovered heritage features will be unearthed. This would allow for the first time the full archaeological site to be fully understood and displayed to the public.

A new scheme of interpretation around Castle Park will provide information to visitors about the history of the area and the biodiversity improvements. All materials will also be hosted on dedicated web pages allowing potential users to engage with the Park remotely. QR code linkages between on and off site resources will enable visitors to discover more in real time. Furthermore, events will be held both as part of consultation and as celebration upon completion that will encourage engagement and understanding of the site and the project.

Feedback from the public will be obtained as part of the consultation process, to guarantee that these interpretation resources are easy to understand and generate interest in the site's heritage.

The heritage of the park or cemetery will be identified/ recorded:

The history of Waytemore Castle is fundamental to understanding Bishop's Stortford's past, but at present it is not easily identifiable or accessible. Through this project, it will become a central icon of the park, with prominent visibility and the provision of public access. Through site interpretation, a wider audience will be able to discover and understand Waytemore Castle and its historical importance.

Although the remains of Waytemore Castle are listed as a Scheduled Monument, full investigations of the surrounding area have not been conducted. It is known that the bailey was located adjacent to the motte and there is therefore potential for further archaeological discoveries to be made. This project will investigate these as part of the development phase through a full geophysical survey across the site. Should any features of archaeological interest be discovered, operations that bring these into to public focus will be incorporated within the delivery phase.

Access will be opened up to the River Stort, allowing close engagement by people as they can access right into the river corridor. The interpretation boards will provide an understanding of the historic role of the river and the biodiversity that can be found along the river corridor. Results of river surveys will be recorded and

made publicly available to portray the impacts of the river restoration.

A more legible site layout will ensure people are able to orientate themselves around the main heritage features.

#### **4b What difference will your project make for people?**

People will have developed skills:

Through discussions with the existing grounds maintenance team, staff training needs relating to the heritage assets of the park will be identified. This is to ensure that they are able to understand the parks rich heritage and promote wider understanding and enjoyment to the visiting public.

Training will also be provided to ensure that all staff are able to effectively safeguard the parks heritage features and appropriately maintain new features developed as part of the delivery phase of the project.

A Friends of Castle Park group will be set up as part of this project. Training aspirations will be identified based upon enquiries and feedback gained in the development stage, allowing a training plan to be produced ahead of the delivery stage. This will include the development of a tailored training programme to meet these aspirations and to ensure that all future activity is: legitimate in terms of Health and Safety, legal compliance and insurance, supported by all partners, contributes to the aims and objectives outlined in the management and maintenance plan and is sustainable. Training provision will ensure that the group are able to participate in the maintenance of or investigations into the history and archaeology of the park.

Local resources will also be used to identify and recruit potential wardens from within the Friends group to be custodians of the heritage. The development stage will identify the specific training they require.

Possibilities will be explored for engaging the public within the surveys of the development phase where appropriate, such as through participation in the geophysical surveys. However, the majority of training provision will be in the delivery stage.

People will have learned about heritage:

Both as part of the ongoing consultation and as celebration upon completion, walks and events will be held to engage people with the project and give them an understanding of the heritage improvements that are taking place.

A scheme of interpretation across the park will ensure future understanding of the heritage, making this a major focus of a visit to the park and enhancing people's experience and enjoyment.

An online resource will be developed which not only hosts the finished interpretive materials but provides a record of the project development and delivery. This will include an archive of any source materials, promotional materials and a photographic record.

People will have volunteered time:

A fledgling Friends Group for Castle Park will be initiated in the development phase, following the national Investing In Volunteers accredited approach, adopted in partnership by East Herts Council and the Countryside Management Service. This will work towards agreement of a simple constitution and adoption of the Friends of Greenspaces support pack to provide a structured approach to community involvement in support of a stage 2 application.

Groups of volunteers as well as individuals will have the opportunity to participate in the delivery of the park. The Friends of Castle Park group will be a focus for this engagement contributing valuable local knowledge and research during the development and delivery phases. Ongoing research into the sites' important history and promotional work to engage and educate the public more broadly are crucial areas in which a well-supported Friends group would be involved.

Existing voluntary conservation groups will be able to participate in the practical delivery phase of the project, on tasks such as the restoration of the River Stort and smaller scale vegetation clearance.

A current partnership exists between the Environment Agency, Herts & Middlesex Wildlife Trust and the Bishop's Stortford Natural History Society where volunteers monitor pollution-sensitive riverfly numbers further south along the River Stort towards Sawbridgeworth. Discussions will be held with this group to determine whether they would be able to participate in the monitoring of the river condition through Castle Park.

To maintain future engagement with the park, the management plan will, where possible, include proposals for volunteers to participate in ongoing maintenance of the park, particularly in relation to the heritage features.

#### **4c What difference will your project make for communities?**

Your local area/ community will be a better place to live, work or visit:

The improvements to this park will provide a more enjoyable green space for people to visit. The park will become more attractive with a greater legibility to its layout. With heritage the centrepiece of the park, it will provide a focus for community pride and interest.

Both through the increase in visitor numbers, engagement of the community in volunteering and the introduction of a Hertfordshire Health Walks presence, people will be getting active and leading healthier lifestyles. The existing bridges are in the wrong location to facilitate easy access across the space. The children's play areas and the leisure opportunities in Waytemore Park are at present separated by the river. A new crossing will connect these, allowing easier access between them, encouraging greater use.

Furthermore, the new park will provide part of a strategically significant non-motorised commuting route into the town centre. This will be particularly relevant upon the expansion of the town.

As a more functional park that better connects with the town centre and with residential areas, Castle Park would provide for quick visits that people working in the town could access and enjoy over their lunch break, with improved facilities and a food outlet.

In a wider context the park will become a tourist attraction increasing the prosperity of Bishop's Stortford. It will form a beautiful and culturally significant green space in the heart of the town providing a platform for community and arts events. It will set a standard against which other town centre parks will be measured.

Negative environmental impacts will be reduced:

The Castle Park project will bring about numerous environmental improvements, with enhanced biodiversity along the river corridor and extensive wildflower planting around the castle motte.

Ecology surveys will be conducted in the development phase to ensure that landscape redesigns do not incur detrimental ecological impacts, with alterations to the designs or mitigation carried out as appropriate. The wildlife habitats on the mound for instance will be carefully assessed to ensure that increased access is achieved in a balanced way.

As trees reach maturity and are removed to open up views, replacements will be made elsewhere to ensure well planned and appropriately positioned tree coverage is maintained. A long term tree strategy will prioritise the significance of existing trees and include a replacement programme ensuring that future generations will enjoy the benefit of selected mature and majestic trees in the park.

The Environment Agency will be consulted about proposed changes to the river corridor and installation of new structures. Mitigation measures will be included within the delivery phase as required to ensure that the project does not create any increased flood risk.

More people and a wider range of people will have engaged with heritage:

From adjacent areas, Waytemore Castle is not visible or identifiable as an important monument. Visitors to the park are also not able to access the castle without obtaining the key for it, and usage is therefore greatly limited. By restoring features of the castle and improving visibility, access and interpretation, it will engage with the general public in a way that is not achieved at present.

Crucially, the castle will become evident for people that did not intend to visit it, including those passing through or past the park. Improved access into the park from the town centre will also allow a wider number of

people to find it. Off-site promotion and interpretation of the park will help develop it as a destination for visitors from further afield and raise awareness within non-users and those communities new to Bishops Stortford.

Pedestrian counters placed at all entrances to Castle Gardens between July 2014 and January 2015 found highest numbers in July of 27,154 through the month. This fell to a low of 6,719 in January. These numbers suggest annual visitor numbers are currently around 250,000 per year.

Further measurements will be taken before and after completion of the Castle Park project as a measure of the park's usage. It is aimed that as a result of this project that visitor numbers will be doubled to around 500,000 per year. In addition to higher numbers, it is anticipating that those visiting will be readily accessing heritage features in a way that is not currently possible.

#### **4d What are the main groups of people that will benefit from your project?**

The project is primarily aimed at the local community and will be inclusive of all parts of society. Castle Park will provide play facilities for children of different ages, sports facilities for adults and children and space for leisurely walks. Disabled access will be possible across the path network. The educational aspects of the interpretation scheme will be aimed at different age groups.

The park will also be of interest to tourists, as a key part of the town's heritage will become a main tourist attraction.

#### **4e Does your project involve heritage that attracts visitors?**

Yes

#### **What are your existing visitor numbers?**

250000

#### **How many visitors a year do you expect on completion of your project?**

500000

#### **4f How many people will be trained as part of your project, if applicable?**

30

#### **4g How many volunteers do you expect will contribute personally to your project?**

30

#### **4h How many full-time equivalent posts will you create to deliver your project?**

2

### **Section five: Project management**

In this section, tell us how you will develop and deliver your project.

## Development phase

### 5a What work will you do during the development phase of your project?

For each element included within the Stage 1 application that will lead to the delivery of physical change in the Stage 2 delivery phase, a detailed specification will be produced. This comprehensive approach to the development stage will ensure that our Stage 2 bid is fully costed and in a position to immediately take forward.

This will include discovery, wherein we will commission detailed surveys, sufficient to produce costed management and design prescriptions. Specifications for procurement of services will be produced and where possible procurement and evaluation carried out to provide a fully costed and timetabled activity plan for the delivery phase. Applications will be made for consent where applicable.

These surveys will include:

- A conservation plan for Waytemore Castle
- Full geophysical investigation of the entire site
- A Flood Risk Assessment and Water Framework Directive Assessment for the River Stort
- Design and engineering for new bridge
- Design and engineering for new timber jetty
- Survey for the removal of existing bridge
- A river management plan for the River Stort
- A management plan for the ordinary watercourse around the south and west of the castle
- Building surveys to establish the potential for demolition of current garages
- Architectural design for restoration or re-purposing of the existing community centre
- Detailed landscape redesign across the park
- Production of a lighting scheme
- Ecology surveys (including phase 1, water vole and bats)
- Design of interpretation scheme
- Production of a tree management strategy
- Production of a landscape management plan

From completion of these surveys, the desired outcomes and the outputs to be achieved will be determined. Visual representation of the proposals will be produced and these will form part of consultation events held for local people. Key stakeholders, including the Environment Agency, English Heritage and Historic England, will be consulted throughout the process.

In addition, measurable data will be obtained during the development phase to act as a baseline. This will include measurement of visitor numbers over a 12 month period and a macroinvertebrate survey in the River Stort.

Finally, a detailed project delivery plan will be produced for each element in preparation for the stage 2 application.

### 5b Who are the main people responsible for the work during the development phase of your project?

Project management and delivery of the programme of works detailed in this application will be undertaken on behalf of the project partners by seconded staff resources held within the Countryside Management Service (CMS). All development activities will be directed and overseen by the project partners as identified within the collaborative agreement.

The CMS is a shared, multi-authority service that is hosted by Hertfordshire County Council and in part funded by East Herts Council. It employs land management, landscape and community engagement professionals. Staff form a multi-disciplinary team of staff with very varied skills and experience drawn from public and private sectors. Qualifications and professional memberships include MSc, BSc, BA, AMLI, CMIEEM, NCTJ (journalism). The team provides whole project management (from inception to celebration) including and not limited to:

- Project/site audit, evaluation and visioning
- Consensus building to develop a shared vision amongst stakeholder/partners
- Management plan production – sliding scale to fit need, range from simple map based proposals to

premier park green flag

- Specification of works
- Formation and enablement of community groups such as Friends of Parks
- Volunteer resource creation and support
- Legal compliance and consenting – Local Authority, Planning, National regulatory, HCC, Commons, etc.
- Resourcing including securing a range of external investment sources: national agri-environment, Forestry Commission, landfill tax credits (various operators), Heritage Lottery Fund, S106, and others
- Procurement up to full tender including OJEU
- Tender evaluation
- Contract management – sliding scale, up to full tender scale, CDM compliant
- Community concern and complaint management
- Celebration – political engagement

CMS is celebrating its 40th anniversary year in 2015. During this time it has developed a unique delivery model, having evolved within the context of a local authority partnership to provide complimentary skills and experience to its funders.

Over the last decade CMS has delivered numerous successful projects and programmes, some notable achievements include:

- delivery of a growth in green flag award winning park numbers across Hertfordshire from 5 to 48
- establishment and support of more than 30 Friends of Greenspaces groups across 7 authorities
- development of a Beacon Status award winning approach to management planning and community involvement
- establishment and management of the largest Walking for Health accredited healthy walking scheme in the UK, attracting more than 43,000 participations per annum
- currently the only conservation based organisation in Hertfordshire accredited to the national Investing in Volunteers standard.
- attracting more than 10 million pounds of external investment into the county through national agri-environment schemes

In 2014 the current shared service delivery model underwent considerable scrutiny, in order to ensure that it continued to deliver value for money to the partner Authorities. In order to test this and within current procurement regulations, a specification for the delivery of the current services was produced and submitted to a full European tender exercise. Despite considerable interest at the market testing and Invitation to Tender stages, no alternative providers submitted a full tender.

**5c Complete a detailed timetable for the development phase of your project. Use the 'add item' button to enter additional rows.**

**Development activities**

<b>Task</b>	<b>Start month</b>	<b>Start year</b>	<b>End month</b>	<b>End year</b>	<b>Who will lead this task</b>
Award of Stage 1 Grant	December	2015	December	2015	Heritage Lottery Fund
Provision of details for Permission to Start	December	2015	December	2015	East Herts District Council
Publicise Award and Development Stage Programme	January	2016	March	2016	CMS
Secondment of project management staff resource, recruitment of new staff to backfill	January	2016	March	2016	East Herts District Council & CMS
Development Stage Start-Up	April	2016	April	2016	CMS
Conservation Plan	April	2016	October	2016	CMS
Production of specifications for specialist reports/services	April	2016	May	2016	CMS
Stakeholder dialogue/consultation on specifications	May	2016	August	2016	CMS
Procurement of specialist reports/services	June	2016	July	2016	CMS
Desktop/ On-site survey works	July	2016	September	2016	Specialist Consultants
Receipt of specialist reports and proposed activity plans	October	2016	October	2016	CMS
Production of promotional materials	November	2016	December	2016	CMS
Information sharing and public engagement events	January	2017	July	2017	CMS
Procurement of any additional necessary reports	April	2017	April	2017	CMS
Collation of all technical reports	June	2017	August	2017	CMS
Production of final management and maintenance plan	June	2017	August	2017	CMS
Activity Plan	June	2017	August	2017	CMS

**5d Tell us about the risks to the development phase of your project and how they will be managed. Use the 'add item' button to enter additional rows.**



**Development risks**

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation</b>	<b>Who will lead this</b>
Castle conservation – until completion of the archaeological survey uncertainties exist into the scope of access improvements. Due to the presence of existing concrete steps it is hoped these can be retained as a minimum.	Medium	Medium	In such an event where access is best kept to a minimum, alternative designs will be sought that create access without direct contact with the monument.	CMS
Failure to obtain consents – proposals for river restoration will require Environment Agency consent ahead of works.	Medium	Medium	If, such as due to flood risk, these are not granted, consultations will be held with the Environment Agency as to how best to improve biodiversity whilst balancing flood risk.	CMS
Ecological concerns – ecology surveys could potentially require amendments to the design.	Low	Medium	Should this then conflict with the objectives of the project, ecological mitigation measures will be sought.	CMS
Customer expectations and concerns	High	High	The development phase will be carefully designed to manage expectations and carefully explore visitor needs. Where potentially controversial proposals such as the removal of the tennis courts are introduced, these will be thoroughly explained and views will be carefully considered. The wider benefits of an holistic approach and a design which makes meaningful improvements will be emphasised and promoted. The consultation process will be treated as an exercise to fully understand customer views in order to design the delivery stage with these in mind but will not be presented as an opportunity for customers to dictate outcomes.	CMS

**Delivery phase****5e Who are the main people responsible for the work during the delivery phase of your project?**

It is envisaged that the Countryside Management Service will continue to work with East Herts Council and Bishop's Stortford Town Council in the delivery of the project. Contractors and specialist skills will be brought in externally through appropriate procurement procedures.

**5f Complete a summary timetable for the delivery phase of your project. Use the 'add item' button to enter additional rows.**

**Delivery activities**

Task	Start month	Start year	End month	End year	Who will lead this task
Stage 2 Bid Submission	August	2017	August	2017	East Herts District Council
Award Notification of Stage 2 Grant	December	2017	December	2017	Heritage Lottery Fund
Provision of details for Permission to Start	January	2018	March	2018	East Herts District Council
Castle Park Landscape Redesign Works	April	2018	August	2020	CMS
Waytemore Castle Restoration	April	2018	August	2020	CMS
River Stort Restoration	April	2018	August	2020	CMS
Interpretation & Signage Improvements	April	2018	August	2020	CMS
Access Improvements	April	2018	August	2020	CMS
Establishment of Friends Group (continued from Development Stage)	May	2016	August	2020	CMS
Project Completion	August	2020	August	2020	East Herts District Council, Bishop's Stortford Town Council, CMS
Opening Ceremony	September	2020	September	2020	East Herts District Council, Bishop's Stortford Town Council, CMS

**5g Tell us about the risks to the delivery phase of your project and how they will be managed. Use the 'add item' button to enter additional rows.**

**Delivery risks**

Risk	Likelihood	Impact	Mitigation	Who will lead this
Archaeology – Waytemore Castle is a known important archaeological feature. However, this sits within a wider site of archaeological importance, of which little known about the exact details. There is, therefore, the potential for items of archaeological interest to be encountered when carrying out delivery works.	High	High	To mitigate against this and ensure full discovery of archaeological features, a geotechnical survey will be carried out during the development phase.	CMS
Ecology – Protected species could be discovered during operations	Medium	Medium	A full phase 1 survey, and relevant follow up surveys, will be conducted beforehand and incorporated into the works design and works programme to reduce this risk. However, if disturbance of protected habitats is unavoidable an ecological watching brief will be employed.	CMS
Stakeholder opposition	Medium	High	Consultations will be held with local people, the Environment Agency, English Heritage and Historic England to ensure all parties have the opportunity to input into the project. Good publicity of the project will be aimed for throughout.	CMS

**5h When do you expect the delivery phase of your project to start and finish?**

Project start date  
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<b>Month</b>	April	<b>Year</b>	2018
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**Project finish date**

<b>Month</b>	September	<b>Year</b>	2020
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**Section six: After the project ends**

In this section, tell us about what will happen once your project has been completed.

**6a How will you maintain the outcomes of your project after the grant ends and meet any additional running costs?**

Ongoing maintenance costs are unlikely to be significantly greater following completion of the project, thereby creating a sustainable outlook to future management. The development of an outline management plan in the development phase will ensure that all aspects of the project are sustainable in terms of maintenance. East Herts Council and Bishop's Stortford Town Council are committed to providing funding that will allow Castle Park to obtain the Green Flag Award for the 7 years following completion.

The development stage will investigate the feasibility of the conversion of the current community centre into a new multi-functional facility, potentially including a café. Should this not be possible, provision will be made to host a café within the new open space to the south of the castle. This will provide the park with a source of income, further guaranteeing a sustainable model for its future management.

**6b Tell us about the main risks facing the project after it has been completed and how they will be managed.****After project risks**

Risk	Likelihood	Impact	Mitigation	Risk Owner
Inadequate management - all capital works will need a revised management regime following completion.	Low	High	To ensure this is implemented a full management plan will be produced that draws upon specialist reports.	East Herts District Council & Bishop's Stortford Town Council

**6c How will you evaluate the success of your project from the beginning and share the learning?**

Baseline measurement figures will be provided to HLF at the end of the development phase, with updates provided on progression (including new figures where relevant) at the end of each year of the delivery phase. An evaluation report will be provided upon completion, explaining successes and areas for improvements going forward into the management phase.

These measurements will include:

The park or cemetery and its heritage will be better managed:

- Achieving Green Flag status following completion

The park or cemetery and its heritage will be in better condition:

- Conducting macroinvertebrate surveys
- Ensuring Historic England and English Heritage support for Conservation Plan

The heritage of the park or cemetery will be better interpreted and explained:

- Installation of high quality interpretation
- Creation of an easily understandable online resource

The heritage of the park or cemetery will be identified/ recorded:

- Completion of a full archaeology survey to determine all archaeology and as a minimum display this through the online resource

People will have developed skills:

- Conduct relevant training for volunteers

People will have learned about heritage:

- Hold regular community events focussed around the heritage

People will have volunteered time:

- Establishment of a Friends of Castle Park group
- Establishment of a volunteer led Health Walks programme

Your local area/ community will be a better place to live, work or visit:

- Surveys carried out before and after the project will measure the increase in visitor numbers

Negative environmental impacts will be reduced:

- Obtain Environment Agency consent for all river projects

More people and a wider range of people will have engaged with heritage

- Establish visual and physical access to Waytemore Castle and to the River Stort

**Section seven: Project costs**

**In this section, tell us how much it will cost to develop and deliver your project.**

**There is a limit of 20 words per 'description' section when completing the cost tables. A more detailed explanation and breakdown of your costs should be provided as part of your supporting documentation. Please see Section nine: Supporting documents within the programme application guidance for further information.**

**7a Development-phase costs**

**Development costs**

Cost heading	Description	Cost	VAT	Total
Professional Fees	Capital costs of specialist surveys	145885	29177	175062
New staff costs	Including salary, IT, overheads & expenses	29991	5998	35989
Recruitment	Recruitment	500	100	600
Other costs (development-phase)	Inflation (2.5%)	4834	967	5801
Full Cost Recovery				
Contingency	10% Contingency Applied	17638	3528	21166
Non-cash contributions				
Volunteer time				
Total		198848	39770	238618

**7b Development-phase income**

Please note that HLF rounds all grant requests down to the nearest £100. With this in mind, please make sure that the total Development-phase income exactly matches the total of your Development-phase costs or the system will not allow you to proceed.

**Development income**

Source of funding	Description	Secured?	Value
Local Authority	Funding from council partnership	Yes	23918
Other public sector			
Central government			
European Union			
Private donation - Individual			
Private donation - Trusts/Charities/Foundations			
Private donation - corporate			
Commercial/business			
Own reserves			
Other fundraising			
Non-cash contributions			
Volunteer time			
HLF grant request			214700
Total			238618

**7c Development-phase financial summary**

Total development costs	238618
Total development income	23918
HLF development grant request	214700
HLF development grant %	90

**Section seven: Project costs****7d Delivery-phase capital costs**

Cost Heading	Description	Cost	VAT	Total
Purchase price of items or property				
Repair and conservation work	Conservation work to archaeology and existing buildings. River restoration.	275000	55000	330000
New building work	New bridge & timber jetty	150000	30000	180000
Other capital work	Enhancing site layout, access and entrances	350000	70000	420000
Equipment and materials (capital)				
Other costs (capital)	Castle access improvements	75000	15000	90000
Professional fees relating to any of the above (capital)		30000	6000	36000
Total		880000	176000	1056000

## Section seven: Project costs

### 7e Delivery-phase activity costs

Cost Heading	Description	Cost	VAT	Total
New staff costs		75000	15000	90000
Training for staff		10000	2000	12000
Paid training placements				
Training for volunteers		10000	2000	12000
Travel for staff		1200	240	1440
Travel and expenses for volunteers	Travel costs	500	100	600
Equipment and materials (activity)				
Other costs (activity)				
Professional fees relating to any of the above (activity)		20000	4000	24000
Total		116700	23340	140040

### 7f Delivery-phase - other costs

Cost Heading	Description	Cost	VAT	Total
Recruitment		1000	200	1200
Publicity and promotion	Publicity and interpretation scheme	85000	17000	102000
Evaluation				
Other costs				
Full Cost Recovery				
Contingency	10% Contingency	100000	20000	120000
Inflation	2.5% Inflation	25000	5000	30000
Increased management and maintenance costs (maximum five years)				
Non-cash contributions				
Volunteer time	Volunteer time	9000		9000
Total		220000	42200	262200

## Section seven: Project costs

### 7g Delivery Phase income

Please note that HLF rounds all grant requests down to the nearest £100. With this in mind, please make sure that the total Delivery-phase income exactly matches the total of your Delivery-phase costs or the system will not allow you to proceed.

Source of funding	Description	Secured?	Value
Local authority	Funding from council partnership	Yes	145000
Other public sector			
Central government			
European Union			
Private donation - Individual			
Private donation - Trusts/Charities/Foundations			
Private donation - corporate			
Commercial/business			
Own reserves			
Other fundraising			
Increased management and maintenance Costs (maximum five years)			
Non-cash contributions			
Volunteer time	Contribution of volunteer time	No	9000
HLF grant request			1304200
Total			1458200

### 7h Delivery-phase financial summary

Total delivery costs	1458240
Total delivery income	154000
HLF delivery grant request	1304200
HLF delivery grant %	89

**7i If cash contributions from other sources are not yet secured, how do you expect to secure these and by when?**

**7j If you have included Full Cost Recovery, how have you worked out the share that relates to your project?**

Section eight: Additional information and declaration

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This part of the form aims to collect the information we need to report on the range of organisations we fund. We will not use this information to assess your application. We encourage you to be as specific as possible about the people your organisation represents.

If your organisation represents the interests of a particular group, such as young people or disabled people, tell us which by filling in the tables below.

If you are based in Northern Ireland, where legislation requires us to report in detail on the organisations we fund, please complete the tables in full, as applicable.

✓ If you are based outside Northern Ireland and your organisation represents the interests of a wide range of people and not any particular group, mark this box only.



## Declaration

### a) Terms of Grant

You must read the standard terms of grant for this programme on our website.

By completing this Declaration, you are confirming that your organisation accepts these terms. For partnership projects, all partners must confirm that they accept the standard terms of grant by adding a contact at the end of the declaration.

### b) Freedom of Information and Data Protection

We are committed to being as open as possible. This includes being clear about how we assess and make decisions on our grants and how we will use your application form and other documents you give us. As a public organisation we have to follow the Data Protection Act 1998 and the Freedom of Information Act 2000.

When you complete the Declaration at the end of the application form, you are confirming that you understand the Heritage Lottery Fund's legal responsibilities under the Data Protection Act 1998 and the Freedom of Information Act 2000 and have no objection to us releasing sections 2, 3 and 4 of the application form to anyone who asks to see them. If there is any information in these sections of the form that you don't want made publicly available, please explain your reasons below:

We will take these into account when we respond to any request for access to those sections. We may also be asked to release other information contained elsewhere in the form and we will respond to these requests after taking account of your rights and expectations under the Freedom of Information Act 2000 and Data Protection Act 1998. In those cases, we will always consult you first. The Heritage Lottery Fund will not be responsible for any loss or damage you suffer as a result of HLF meeting these responsibilities.

When you complete the Declaration you also agree that we will use this application form and the other information you give us, including any personal information covered by the Data Protection Act 1998, for the following purposes:

- To decide whether to give you a grant.
- To provide copies to other individuals or organisations who are helping us to assess, monitor and evaluate grants.
- To hold in a database and use for statistical purposes.
- If we offer you a grant, we will publish information about you relating to the activity we have funded, including the amount of the grant and the activity it was for. This information may appear in our press releases, in our print and online publications, and in the publications or websites of relevant Government departments and any partner organisations who have funded the activity with us.
- If we offer you a grant, you will support our work to demonstrate the value of heritage by contributing (when asked) to publicity activities during the period we provide funding for and participating in activities to share learning, for which we may put other grantees in contact with you.

We may contact you from time to time to keep you informed about the work of the Heritage Lottery Fund

Tick this box if you do not wish to be kept informed of our work

**I confirm that the organisation named on this application has given me the authority to complete this application on its behalf.**

**I confirm that the activity in the application falls within the purposes and legal powers of the organisation.**

**I confirm that the organisation has the power to accept and pay back the grant.**

**I confirm that if the organisation receives a grant, we will keep to the standard terms of grant, and any further terms or conditions as set out in the grant notification letter, or in any contract prepared specifically for the project.**

**I confirm that, as far as I know, the information in this application is true and correct.**

**I confirm that I agree with the** ☒ **above statements.**

**Name** Ian Sharratt  
**Organisation** East Hertfordshire District Council  
**Position** Environment Manager - Open Spaces  
**Date** 28/08/2015

**Are you applying on behalf of a partnership?**  
 Yes

**Please add the details of additional contacts below:**

James Parker	Bishop's Stortford Town Council	Chief Executive Officer	28/08/2015

## Section nine: Supporting documents

**Please provide all of the documents listed at each round, unless they are not applicable to your project. You will be asked to indicate how you are sending these documents to us - as hard copy or electronically.**

**In addition to numbers 1-8 below, you may also be required to submit further supporting documents that are specific to the programme that you are applying under. For further guidance, please refer to the application guidance Part four: Application form help notes. We will not be able to assess your application if we do not receive all the required information.**

**First round**

**1. Copy of your organisation's constitution (formal rules), unless you are a public organisation. If your application is on behalf of a partnership or consortium, please refer to the programme application guidance for more information on what you need to provide.**

**If you have sent a copy of your constitution with a previous grant application (since April 2008) and no changes have been made to it, you do not need to send it again. Tell us the reference number of the previous application.**

N/A

**2. Copies of your agreements with project partners, signed by everyone involved, setting out how the project will be managed (if applicable);**

Electronic

**3. Copy of your organisation's accounts for the last financial year. This does not apply to public organisations;**

Not applicable

**4. Spreadsheet detailing the cost breakdown in Section seven: project costs;**

Electronic

**5. Calculation of Full Cost Recovery included in your development phases costs (if applicable);**

Not applicable

**6. Briefs for development work for internal and externally commissioned work;**

Electronic

**7. Job descriptions for new posts to be filled during the development phase;**

Electronic

**8. A small selection of images that help illustrate your project. If your project involves physical heritage, please provide a selection of photographs, a location map and, if applicable, a simple site map or plan. It would be helpful if these are in digital format (either as an attachment or on disk). We will use these images to present your project to decision-makers.**

Electronic

**If applicable, please attach any additional documents as required for the programme that you are applying under. Use the box below to confirm in what format the additional documentation will be submitted.**

Not applicable

**Please now attach any supporting documents.**

**When you have completed the form click the submit button to submit the form to the server. You can view what you have entered by clicking the draft print button above.**

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## Parks for People

Grants from £100,000 to £5,000,000

### Standard terms of grant

#### Definitions:

**'we', 'us', 'our'** – the Trustees of the National Heritage Memorial Fund (who administer the Heritage Lottery Fund).

**'you', 'your'** – the organisation(s) awarded the Grant as set out in the Grant Notification Letter.

**Application** – any documents or information you send us to support your request for a grant, or submit to us from your Development Work.

**Approved Purposes** – the purposes for which you applied for a grant and how you intend to carry out those purposes as set out in your Application, but taking account of any changes we and you agree in writing, or that are required by us at any time before we release any of the Grant. These purposes include you getting and using partnership funding as set out in your Application.

**Approved Usage** – how you said you would use the Property in your Application (allowing for any changes that we may have agreed up to the release of any of the Grant).

**Development Work** – the work involved in progressing your project to your second-round Application, including the production of designs, plans, and other documents.

**Digital Outputs** – all material with heritage content created in or copied into a digital format by or for you in connection with the Project.

**Evaluation Report** – the report you must send us before we pay the last 10% of the Grant telling the story of your Project, its achievements and lessons learned.

**First-Round Pass Letter** - our letter confirming that you can proceed to the second-round Application. This will identify any Development Work you need to do before you send in a second-round Application.

**Grant** – the amount set out in the Grant Notification Letter.

**Grant Expiry Date** – the date by which you must achieve the Approved Purposes as set out in the Grant Notification Letter and by which you will make the final drawdown of the Grant.

**Grant Notification Letter** – our letter confirming our Grant award to you after a second-round Application.

**How to acknowledge your grant** – the booklet that explains how we require you to acknowledge the Grant and which gives details of the acknowledgement materials we will provide.

***Photography of HLF-funded projects: A guide for grantees*** – guidance on how to submit images to us, how we use these, and how to source consents.

**Project** – the project referred to in your Application that consists of, or includes, the Approved Purposes.

**Project Completion Date** – the date that we make our final payment and are satisfied that the Approved Purposes of the Grant have been met.

**Programme Application guidance** – the document setting out the scope of the programme and how to apply.

**Property** – any property that you buy, create, receive or restore, or property that is otherwise funded by the Grant including Digital properties, intellectual property rights and any documents that you produce or order as part of the Approved Purposes.

***Receiving a grant*** – the guidance we publish to explain how we will pay the Grant, monitor your Project and agree changes to the Grant.

## **Achieving the Approved Purposes**

1. You must use the Grant only for the Approved Purposes, unless you get our approval beforehand.
2. You must not start work to achieve the Approved Purposes without our approval beforehand.
3. You must achieve the Approved Purposes and make your final Grant drawdown by the Grant Expiry Date.
4. You must use the Property, or allow it to be used, only for the Approved Usage.
5. As well as these terms of grant, you must follow the conditions (if any) set out in the First-Round Pass Letter and Grant Notification Letter, address any issues we identify in the course of monitoring, and meet the requirements set out in the Programme Application guidance, *Receiving a grant*, the *How to acknowledge your grant* guidance, and *Photography of HLF-funded projects: A guide for grantees*.
6. You must carry out the Approved Purposes in line with current best practice in your area of heritage and to a standard that is appropriate to a project of importance to the national heritage. You must follow all legislation and regulations that apply.

## **Project development**

7. The First-Round Pass Letter may offer to provide you with funding for Development Work. If it does these terms of grant will also apply to that funding but with the following changes:
  - a. when they refer to “Approved Purposes” this means your Development Work.
  - b. when they refer to “Approved Usage” this means you using the product of the Development work to further the Project.
  - c. when they refer to a “Grant Expiry Date” this is the date set out in the First-Round Pass Letter by which you must complete the Development Work.
  - d. when they refer to “Grant” this means the amount of funding for the Development Work set out in the First-Round Pass Letter.
  - e. when paragraphs 5, 24 and 38 refer to the “Grant Notification Letter” this means the First-Round Pass Letter.
  - f. paragraphs 9a, 9c, 16 17 and 18 will not apply.

## **Project monitoring**

8. You must give us any financial or other information and records we may need from time to time on the Grant, the Property, the Approved Purposes (and achieving them) and the Approved Usage.
9. You must allow us (or anyone we authorise) to have any access we may need to:
  - a. inspect the Property and any work to it;
  - b. monitor the conduct and progress of the Approved Purposes; and
  - c. monitor the Approved Usage.

In these cases we will give you notice. You will report on the progress of your Project at times agreed with us.

10. We may ask you to provide proof that you have taken action to reduce the risk of fraud. We may ask you to let us examine your accounting processes and procedures to check the effectiveness of anti-fraud measures.
11. We will monitor the progress of your Project and will carry out checks at and after the end of the Project to confirm that it is delivering the outcomes expected. If we (or anyone we authorise) make any recommendations on the matters set out in paragraph 9, you must take those recommendations into account when meeting your obligations to us.
12. You must take appropriate steps to monitor your own success in achieving the Approved Purposes and in using the Property for the Approved Usage. On completing the Project, you must submit your Evaluation Report before we will release the final Grant payment.

## **Procurement**

13. Before you start any phase of the work needed to achieve the Approved Purposes, you must put in place all necessary contracts with appropriately qualified contractors and professional advisers to allow you to finish that phase of the work. Building contracts must contain a clause which allows you to retain part of the contractors' fees on practical completion of the works. If you want any contracts to be on different terms, you must get our approval beforehand.
14. If the Approved Purposes involve buying goods or services or getting work done, you must carry out a tendering exercise in line with the requirements set out in the Programme Application guidance.

## **Property**

15. You must continue to own the Property and keep exclusive control over what happens to it. Other than as permitted under paragraph 24, you must not sell, let or otherwise part with it or any interest in it, or give any rights over it to anyone else (or take any steps to do so) without our approval beforehand. If we give you our approval, it may depend on any of the following requirements.
  - a. that you pay us a share of the net proceeds of selling or letting the Property within one month of parting with the assets or other goods;
  - b. that you sell or let the Property at its full market value;
  - c. any other conditions we think fit.

We may claim from you an amount in the same proportion to the sale prices as the Grant is to the original cost of the Approved Purposes, or the portion of the Grant spent on the assets or goods concerned, whichever is the greater. You must pay whatever we decide is appropriate in the circumstances. We may decide not to ask you to repay the Grant (or any part of it as we think fit) for any reason but it is for us to decide that.

16.
  - a. Following completion of the capital works needed to achieve the Approved Purposes, you must maintain the Property in good repair and condition.



- b. You must apply for a Green Flag Award for the Property in the year immediately following completion of the capital works needed to achieve the Approved Purposes.

After that you must take all steps necessary to retain the Green Flag Award for at least the next six years.

- c. When requested, you must send us written confirmation of the Green Flag Award relating to the Property for the then current year.
- 17. You must insure the Property to the standard set out in (and use any proceeds of the insurance in line with) the Programme Application guidance.
  - 18. You must keep any objects or fixtures that form part of the Property in a physically secure and appropriate environment.
  - 19. You must tell us, in writing, within five working days about any significant loss or damage to the Property.
  - 20. You must arrange for the general public to have appropriate access to the Property. You must make sure that no person is unreasonably denied access to the Property.

### **Publicity and acknowledgement**

- 21. We may make the purpose and amount of the Grant public in whatever way we think fit.
- 22. Once we have announced the Grant, you must acknowledge the Grant publicly in line with the requirements set out in our *How to acknowledge your grant* booklet. You must meet any other acknowledgement or publicity requirements we may tell you about from time to time. Before we make any public announcement of the Grant, you must not issue any public statement, press release or other publicity in relation to the Grant or which refers to us, other than in a form we have approved beforehand.
- 23. You must also provide us with digital images in electronic format of your Project – or hard-copy photographs or transparencies. You give us the right to use those you provide us with at any time, including putting them into a digital format and altering them. You must get all the permissions required for you and us to make use of them before you use them or send them to us. See *Photography of HLF-funded projects: A guide for grantees* for more information.

### **Digital outputs**

- 24. You agree to:
  - a. hereby grant to us an irrevocable, perpetual and royalty-free licence to use, copy, keep and disseminate the Digital Outputs as we see fit and to grant sub-licences of the same kind;
  - b. obtain and maintain in force all authorisations of any kind required for you to use, copy, keep and disseminate the Digital Outputs and to grant such licence to us;
  - c. contract to the effect that any creation by you or on your behalf of material which forms Digital Outputs is undertaken on terms that either the copyright in the digital material is assigned to you or that the copyright owner may not commercially exploit it;
  - d. ensure that the Digital Outputs are kept up-to-date, function as intended and do not become obsolescent before the fifth anniversary of the Project Completion Date;

- e. comply with these terms of grant in relation to the digital files that make up the Digital Outputs for the period agreed in the Grant Notification Letter. For the avoidance of doubt, this includes ensuring that the digital files are held securely and are available on request to the public and to us;
- f. grant licences in respect of the Digital Outputs under the Creative Commons model licence Attribution Non-Commercial but not on other terms without our prior written consent;
- g. not otherwise exploit the Digital Outputs commercially without our prior written consent.

### **Grant payment and repayment**

25. We will, up to the Grant Expiry Date, pay you the Grant or any instalment of it in line with these terms of grant and the procedures explained in *Receiving a grant* as long as:

- a. the National Lottery continues to operate under the National Lottery etc. Act 1993 (as amended from time to time), and enough funds are made available to us under the Act; and
- b. we are satisfied that you are achieving (and will continue to achieve) or have achieved the Approved Purposes in line with these terms of grant and that you are spending the Grant in proportion to any other funds you receive from other sources for the Approved Purposes.

26. You acknowledge that the Grant is the total amount of funds we will provide and will not be increased as the result of you overspending or for any other reason.

27. You must repay to us immediately any Grant that we have paid you (and we will stop any future instalments of the Grant) if:

- a. you no longer operate, or you are declared bankrupt or placed into receivership or liquidation;
- b. you have, in our opinion, given us fraudulent, incorrect or misleading information;
- c. you have acted negligently in any significant matter or fraudulently in connection with the Approved Purposes or the Approved Usage;
- d. any competent authority directs the repayment of the Grant;
- e. there is a significant change in your status;
- f. you knowingly withhold information that is relevant to the content of your Application; or
- g. you fail to keep to any of these terms of grant.

28. If you achieve the Approved Purposes without spending the full amount of the Grant, you must pay back the part of the Grant you have not spent. We will treat you as spending the Grant in proportion to other funds you were due to receive from other sources for the Approved Purposes.

29. If you sell or otherwise part with all or part of the Property without our permission under paragraph 15, or you receive money in some other way as a result of you not following these terms of grant, you may have to pay us immediately a share of the net proceeds if that share is more than the amount we would otherwise be entitled to under paragraph 27.

## Local Authority Grantees

### This paragraph is only applicable if you are a local authority

30.

- a. Within 28 days of the date of the Grant Notification Letter, you must send us a certified copy (signed to confirm it is a true copy) of the document recording your decision (or the decision of the relevant properly constituted committee, executive or authorised officer) authorising you to accept these terms of grant, together with a statement containing the information set out in paragraph b below.
- b. The statement must include the following information.
  - The power (statutory or otherwise) you have and which you have used to accept these terms of grant.
  - An extract of that part of your policy framework under which you have accepted these terms of grant
  - The executive arrangements under which your decision to accept these terms of grant was made.
  - The considerations that you took into account in using the powers and the procedure under which any consultation took place and the decision was made.
  - The authority under which the Declaration forming part of the Application has been signed on your behalf.
- c. Without affecting paragraph 32 you must (if we think it is necessary) confirm your decision in whatever way we direct. Within seven days of confirming, you must send us evidence of this.
- d. We may withdraw the Grant (after considering the matters referred to in paragraphs 30a and 30b) if we are not satisfied that these terms of grant are valid and binding on you.
- e. Within 21 days of sending us the document and information needed under paragraph 30a (or evidence of the confirmation of the decision in line with paragraph 30c), we may ask that you get the written opinion of a barrister, in a form satisfactory to us, asking for his or her opinion on whether:
  - the powers you are relying on in accepting these terms of grant do allow you to enter into these arrangements
  - you have followed correctly all procedural requirements in using those powers and have acted in a reasonable and proper way; and
  - you have taken account of only, and all, relevant considerations in using those powers.

You must send us the barrister's opinion and make sure that it is addressed to us as well as to you. You must also make sure that the barrister confirms we may rely on his or her opinion for our own purposes.
- f. You acknowledge that neither any documents or information that you send us, nor the fact that we may then have paid you part of the Grant, will affect our right to rely on the promise in paragraph g below.
- g. You promise that:

- you have the authority to accept these terms of grant;
- in using that authority you have acted in good faith, in a reasonable and proper way, for a proper purpose, without breaking any procedural requirement and in considering only (and all) relevant considerations; and
- your decision to accept these terms of grant is one that any reasonable local authority (applying the laws that are relevant to it) could have reached.

## **General terms**

31. You may not, and must not claim to, transfer the Grant or any rights under these terms of grant.
32. You must take all steps and sign and date any documents as may be necessary to carry out your obligations under these terms of grant and to give us the rights granted to us under them.
33. If there is more than one of you, any liability under these terms of grant will apply to you all together and separately.
34. We may rely on any of our rights under these terms of grant at any time, even if we do not always choose to do so immediately. If we decide not to rely on one right, we may still rely on any of our other rights under these terms of grant.
35. If you need our approval for anything, you must write to us to ask for it. You may only rely on any approval needed under these terms of grant if we (or anyone we authorise) give it to you in writing.
36. Any notice, request or other document we or you send to each other under these terms of grant can be delivered or sent by any effective means.
37. Any documents you need to send us under these terms of grant are for our own purposes only. If we approve or accept any documents, this does not mean that we have approved or accepted them for any other purpose.
38. These terms of grant will last for the period set out in the Grant Notification Letter.
39. These terms of grant cannot be enforced by anybody other than you or us.

MINUTES OF A MEETING OF THE  
DISTRICT PLANNING EXECUTIVE PANEL  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON THURSDAY  
17 DECEMBER 2015, AT 7.00 PM

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PRESENT: Councillor L Haysey (Chairman)  
Councillors E Buckmaster and G Jones.

ALSO PRESENT:

Councillors A Alder, R Brunton, S Bull,  
M Casey, K Crofton, I Devonshire,  
M Freeman, J Goodeve, M McMullen,  
M Pope and S Reed.

OFFICERS IN ATTENDANCE:

Chris Butcher	- Principal Planning Officer
Isabelle Haddow	- Senior Planning Officer
Martin Ibrahim	- Democratic Services Team Leader
Lorraine Kirk	- Senior Communications Officer
Kay Mead	- Principal Planning Officer
George Pavey	- Assistant Planning/Technical Officer
Jenny Pierce	- Principal Planning Officer
Claire Sime	- Planning Policy Manager
Kevin Steptoe	- Head of Planning and Building Control Services
Liz Watts	- Chief Executive

ALSO IN ATTENDANCE:

Graham Jones - Planning Advisory Service

15 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

Further to a request made at the previous meeting, the Panel received a report detailing information regarding the Community Infrastructure Levy (CIL) and how it would relate to the existing Section 106 charging regime.

The Panel noted that the CIL had been introduced by the Government in 2010 and was essentially a 'development tax' that allowed local planning authorities to seek non-negotiable payments for infrastructure based on a charge per square metre of floorspace.

CIL payments did not need to be spent on site specific infrastructure, and instead, could contribute towards the cost of providing larger, strategic infrastructure projects. CIL was not mandatory, and was the responsibility of individual local planning authorities to decide whether or not to implement it in their area. At present, many authorities in England and Wales have not yet adopted CIL.

Graham Jones, Planning Advisory Service (PAS), gave a presentation and answered Members' questions on:

- the impact on section 106 obligations;
- exemptions from CIL such as "starter homes"; and
- the need for the CIL charging regime to strike the right balance to ensure viability.

The Panel Chairman advised that a training session for Members would be arranged to better understand the issues before any decision on whether to adopt CIL was taken. It was also suggested that further analysis of CIL issues be undertaken, using additional resources if

required. This was supported by the Panel.

The Panel Chairman thanked Graham Jones for his presentation.

The Panel supported the recommendations now detailed.

**RECOMMENDED** – that (A) the information contained in the report on the Community Infrastructure Levy be noted; and

(B) further analysis of CIL issues be undertaken, using additional resources if required.

16 **INTERIM VILLAGE HIERARCHY STUDY (DECEMBER 2015)**

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The Panel considered a report on the Interim Village Hierarchy Study. The Panel recalled that Stage 1 of the Village Hierarchy Study had been considered at its meeting held on 10 September 2015. The Stage 1 Study had ranked the villages of East Herts in terms of their sustainability by assessing access to service and facilities and public transport provision. The Study had also stated that further work would be required before a final village hierarchy could be identified.

The Panel noted that further consultation with Parish Councils was being carried out and that, when complete, the final village hierarchy would inform the rural strategy contained within the emerging District Plan.

Officers referred to a supplementary paper which had been tabled at the meeting which provided the latest update and responded to comments received as part of the consultation.

Various Members commented and asked questions in relation to specific villages, some of which had been raised by parish councils. Members were encouraged to refer any comments they had received to Officers for a

response to be made. Officers emphasised that the Study had yet to be completed and that consultations were ongoing.

The Panel supported the recommendation now detailed.

**RECOMMENDED** – that the Interim Village Hierarchy Study be noted, with a decision on the final Study deferred until further consultation with relevant Parish Councils has taken place.

## 17 **AUTHORITY MONITORING REPORT (AMR) 2014/15**

The Panel gave consideration to a report seeking approval for the publication of the Authority Monitoring Report (AMR). Local planning authorities were required to publish information, at least annually, that showed progress with Local Plan preparation, reported any activity relating to the duty to cooperate and showed how the implementation of policies in the Local Plan was progressing. This would enable communities and interested parties to be aware of progress that was being made. Local planning authorities could also use the AMR to provide up-to-date information on the implementation of any neighbourhood plans that had been made.

Officers confirmed that the AMR provided a snapshot as at 31 March 2015 and that, when considering planning applications, the Council would always consider the most up to date position.

The Panel supported the recommendation now detailed.

**RECOMMENDED** – that the Authority Monitoring Report (AMR) 2014/2015 contained at Essential Reference Paper 'B' and 'C' to the report submitted, be agreed for publication.

## 18 **CHAIRMAN'S ANNOUNCEMENTS**

The Panel Chairman welcomed Members and the public to



the meeting and reminded them that the meeting was being webcast. She also welcomed Graham Jones, Planning Advisory Service, who would be giving a presentation in respect of Minute 15 - Community Infrastructure Levy.

19     MINUTES

RESOLVED – that the Minutes of the meeting held on 22 October 2015, be approved as a correct record and signed by the Chairman.

20     DATES OF FUTURE MEETINGS

RESOLVED – that the provisional dates of future meetings in 2016 be noted:

25 February  
7 April  
28 April

The meeting closed at 8.39 pm

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

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## EAST HERTS COUNCIL

EXECUTIVE - 5 JANUARY 2016

### REPORT BY EXECUTIVE MEMBER FOR ENVIRONMENT AND THE PUBLIC PLACE

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#### REVISION OF THE TAXI LICENSING CONVICTION POLICY

WARD(S) AFFECTED: ALL

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#### **Purpose/Summary of Report**

- The East Herts taxi Licensing conviction policy has been reviewed against the findings of the Report of Inspection of Rotherham Council 2015.
- The new policy ensures that we will meet the benchmark set following the Rotherham review.

<b><u>RECOMMENDATIONS FOR EXECUTIVE: That:</u></b>	
<b>(A)</b>	<b>the Taxi Licensing Conviction Policy as now submitted, be approved in principle for the purposes of trade consultation; and</b>
<b>(B)</b>	<b>subject to consultation, the final version of the policy in (A) above be approved by the Director of Neighbourhood Services in consultation with the Executive Member for Environment and the Public Space for implementation without delay.</b>

#### 1.0 Background

- 1.1 This policy has been reviewed against the background of learning from the investigation into child sexual abuse arising in Rotherham and Oxford. In these areas, Licensing Committees came under intense scrutiny and attracted much criticism.
- 1.2 It is a direct response to Louise Casey's 'Report of Inspection of Rotherham Metropolitan Borough Council' February 2015 and has

been based upon Rotherham's own new licensing convictions policy with advice from James Button, solicitor, the Chair of the Institute of Licensing and author of the practitioners handbook "Button on Taxis".

- 1.3 The Rotherham report states "Inspectors have found that Rotherham has not taken, and does not take, sufficient steps to ensure only fit and proper persons are permitted to hold a taxi licence. As a result, it cannot provide assurances that the public, including vulnerable people, are safe. The inspection uncovered serious weaknesses and concerns."  
(p103, Report of Inspection into Rotherham Council)

## 2.0 Report

- 2.1 This policy update accompanies recent taxi licensing training for the Licensing Committee and is intended to ensure that the Council's standards are set at an appropriate level and will stand up to external scrutiny.
- 2.2 The policy (**Essential Reference Paper 'B'**) will need to be sent out for consultation before implementation.
- 2.3 In order that this policy is operational without delay, if the Executive approve the policy in principle the final version should be approved after the consultation process by the Director in consultation with the Executive Member for Environment and the Public Space.
- 2.4 In summary, the policy adopts a tiered approach. For an applicant with a criminal record, offending history, penalty points or similar relevant matters, the policy requires a passage of time between that matter and the date of application.
- 2.5 Matters which do not reach this minimum standard will normally be dealt with by delegation unless there are extraordinary circumstances. This will require the changes to delegated powers outlined within the Constitution.
- 2.6 The most serious offences will normally bar the person from ever becoming a licensed driver (murder, manslaughter, terrorism all sexual offences or matters of similar gravity).
- 2.7 The next level of seriousness requires a passage of 10 years before applications will normally be granted (Arson, Actual bodily

harm, Possession of firearm, Robbery or matters of similar gravity)

- 2.8 The next level of seriousness requires a passage of 5 years before applications will normally be granted (Obstruction, Criminal damage, Common assault or matters of similar gravity).
- 2.9 This policy will apply to existing licence holders from the time of licence renewal, or earlier should circumstances dictate.
- 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: Graham McAndrew – Executive Member for Environment and the Public Space  
[graham.mcandrew@eastherts.gov.uk](mailto:graham.mcandrew@eastherts.gov.uk)

Contact Officer: Brian Simmonds – Head of Community Safety and Health Services, tel 1498  
[brian.simmonds@eastherts.gov.uk](mailto:brian.simmonds@eastherts.gov.uk)

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**IMPLICATIONS/CONSULTATIONS**

Contribution to the Council's Corporate Priorities/ Objectives:	<p><b><i>People – Fair and accessible services for those that use them and opportunities for everyone to contribute</i></b></p> <p>This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.</p> <p><b><i>Place – Safe and Clean</i></b></p> <p>This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p><b><i>Prosperity – Improving the economic and social opportunities available to our communities</i></b></p> <p>This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
Consultation:	This Policy will be subject to a stakeholder and public consultation, with appropriate amendment prior to commencement.
Legal:	This policy has been based upon the well-publicised Rotherham Council document following their review and inspection of licensing, and further, has been drawn up with advice from the UK's leading Licensing solicitor, James Button.
Financial:	Refusals are open to appeal. There may be financial implications to defend these matters.
Human Resource:	None
Risk Management:	Members have directed that the current policy needs to be more robust. A weak policy would not match the council's duty of care to the public.
Health and wellbeing – issues and	The policy will help to ensure we protect the health and wellbeing of the most vulnerable people in our community

impacts:	
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# **East Herts Council**

## **Taxi Licensing**

## **Convictions Policy**

## Introduction

1.1 This policy provides guidance to all parties on the criteria that will be taken into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire Driver or Operator Licence. Whilst criminal convictions play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and police information etc.

1.2 It is the responsibility of East Herts Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty the Council will consider its duty to ensure the safety of the public as its primary consideration. Licences will not be issued unless the person is considered to be 'fit and proper'.

1.3 In seeking to safeguard the safety of the public. The council will be concerned to ensure:

- That a person is a fit and proper person in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

1.4 The term "Fit and Proper" for the purposes of taxi and private hire licensing is not legally defined but it has also been described as "safe and suitable" in a number of court cases.

1.5 In determining whether a person is fit and proper to hold a **driver's** licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

**"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"**

1.6 In determining whether a person is fit and proper to hold an **operator's** licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

**"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"**

1.7 If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

1.8 In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work in the UK
- Medical fitness
- Standard of driving / driving ability
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process, made a misleading statement or omission)
- The previous licensing history of existing / former licence holders

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies where appropriate.

1.9 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates and Judges hearing appeals against local authority decisions

1.10 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the decision makers may depart from the guidelines.

1.11 In this policy the word "Conviction" is to be defined as including **convictions, formal or informal cautions or warnings, reprimands and other relevant information**. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.

1.12 In this policy the word "Applicant" refers to **either new applicants, existing licence holders who are seeking renewal and existing licence holders** that are the subject of periodic auditing or having their licence reviewed by the council. It also includes existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered or new information has come to light.

## **2. General Policy**

2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- a) Remain free of conviction for an appropriate period as detailed below; and
- b) Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.2 The standards and criteria set out in paragraphs 6 to 16 below are those that would normally be applied to applications and licences. The Council may depart from these criteria; however it must only do so in wholly exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

## **3. Appeals**

3.1 Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the council is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s 77 (1)].

## **4. Powers**

4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or **any other reasonable cause**.

4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the council to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore the council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

4.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire

Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- The number of offences i.e. lots of minor offences
- Circumstances of the individual concerned
- Any sentence imposed by the court
- Any comments made by the court or other information laid before the court
- The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant, for example:
  - The previous conduct of an existing or former licence holder,
  - Whether the applicant has intentionally misled the council or lied as part of the application process,
  - Information provided by other agencies / council departments.

4.4 Existing holders of driver's licences are required to notify the council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council in writing, or by email within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

4.5 Applicants can discuss further what effect a caution / conviction may have on any application by contacting the Taxi Licensing Office for advice. It is in the applicant's best interest to bring any relevant detail to the attention of the authority at an early stage. The costs involved in applying for a licence may be wasted if details come to light later which mean the application should be refused.

4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense.

4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police. Examples of such information sources that may be used include social care information, benefits payments etc.

4.8 It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for

a licence. Where an applicant has made a false statement or a false declaration or omission on their application for the grant or renewal of a licence, the licence will normally be refused. Further applications for licences will be refused for a period of five years from the date that the lie or omission came to light.

4.9 The lists of offences within this Policy are not exhaustive. The Council can consider any offences not detailed in this Policy when examining the fitness and propriety of an applicant.

## **5 Options when determining an application/licence**

5.1 When determining an application or considering an existing licence the Council have the following options:

- approve the application or take no further action
- approve the application with a shorter expiry date
- refuse the application/revoke the licence/suspend the licence
- issue a warning which may include the use of Licensing Record Points

For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their driver licence will normally be suspended until the driver has successfully undertaken a driving test to DVSA standards. Such a test will be at the licence holder's expense.

5.2 The Authority recognises the different roles of drivers and operators and its responsibility to ensure that they are 'fit and proper' to hold such licences. For applicants for driver's licences all of the following sections apply but sections 11 and 12 do not apply to applicants for private hire operators licences.

## **6. Serious offences involving violence**

6.1 Licensed drivers, and potentially private hire operators, have close regular contact with the public. A firm line is to be taken with those who have any convictions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life.

6.2 A licence will not be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Grievous bodily harm
- Violent disorder
- Riot
- Malicious wounding or grievous bodily harm which is racially aggravated
- Aggravated burglary
- Terrorism offences
- Any related offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.3 Consideration may only be given to the granting / issuing of a licence if at least 10 years have passed since (the longest period will apply):

- Conviction; or
- The end of any prison sentence; and/or
- period released 'on licence'<sup>1</sup>

For an offence shown below:

- Arson
- Actual bodily harm
- Robbery
- Possession of firearm
- Assault Police
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Affray
- Any offence that may be categorised as domestic violence
- Any other Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Any related offences (including aiding abetting, attempting or conspiring to commit offences) that are similar to those above.

6.4 Consideration may only be given to the granting / issuing of a licence if at least 5 years have passed since (the longest period will apply):

- Conviction; or
- The end of any prison sentence; and/or
- period released 'on licence'

For an offence shown below:

- Obstruction
- Criminal damage
- Common assault
- Any related offences (including attempted or conspiracy to commit offences) that are similar in gravity to those above.

6.5 A licence will not be granted if an applicant has two or more (separate) convictions for an offence of a violent nature.

## **7. Possession of a weapon**

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

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<sup>1</sup> Most prison sentences are for a fixed period and prisoners will generally be released at the half way point of the sentence and will spend the remaining period of their sentence 'on licence'. Time spent 'on licence' in the community is supervised by probation.

7.2 Depending on the circumstances of the offence, at least 3 years must have passed since conviction, if the disposal is not custodial, or the completion of the sentence, before a licence is granted.

7.3 A licence will not be granted if an applicant has two or more separate convictions for weapon related offences.

## **8. Sexual and indecency offences**

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. Similarly licensed private hire operators will have access to information regarding the location and movements of these groups of people. All sexual and indecency offences should be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will be refused a licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar or related offences (including aiding abetting, attempting or conspiring to commit) offences which replace the above

8.2 In addition to the above the council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

## **9. Dishonesty**

9.1 A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Both drivers and operators may be privy to information regarding empty homes as taxis are often used as transport to airports etc. For these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 A minimum period of 5 years free of conviction will be required before an application for the grant / issue of a licence will be considered. Offences involving dishonesty include:

- theft



- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- fare overcharging
- any similar or related offences (including aiding abetting attempting or conspiring to commit) offences which replace the above

9.3 Applicants or existing licence holders that are found to have intentionally misled the council, by way of omission or lie as part of the application process, will not be issued with a licence or will be revoked if the matter comes to light after the grant of a licence.

## **10. Alcohol and Drugs**

10.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered carefully.

10.2 It is recognised nationally that taxis can travel to any location at any time without raising suspicion so they are the ideal mode of transport for moving illegal items. An applicant for an operator's licence with any conviction relating to the supply of illegal substances will be refused.

10.3 As licence holders are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while exceeding the legal limit or under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence, following a drink drive conviction, should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed. Such a report will be at the applicant's expense.

10.4 Because of the nature of a driver's involvement with the public, a licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs regardless of the disposal.

10.5 A licence will not be granted where the applicant has a conviction for an offence or offences related to the possession of illegal / controlled drugs until at least 10 years have passed since conviction if the disposal is non-custodial or the completion

of any sentence and / or licence period, and only then after full consideration of the nature of the offence/s and the quantity / type of drugs involved.

10.6 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would be required to show evidence of 5 years free from drug taking after detoxification treatment.

## **11 Driving offences involving the loss of life**

11.1 A very serious view is to be taken of any applicant for a driver's licence who has been convicted of a driving offence that resulted in the loss of life. A licence will not be granted if an applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including aiding abetting, attempting or conspiring to commit) offences which replace the above

## **12 Other traffic offences**

12.1 Minor traffic offences come under the following categories: Construction and use offences, Miscellaneous offences, Motorway offences, Pedestrian crossings, Speed limits and Traffic direction and signs. These offences may not ordinarily merit refusal. However, they will be subject to consideration as part of the Licensing Records Points Scheme. For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their driver licence will normally be suspended until the driver has successfully undertaken a driving test to DVSA standards. Such a test will be at the licence holder's expense.

12.2 Major traffic offences such, which are all offences not covered under the headings in the paragraph above, will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least one year free of such convictions. For applicants with more than one offence this should normally be increased to two years.

12.3 In cases where the courts have imposed a disqualification in respect of the ordinary driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

12.4 No driver will be allowed to hold a Hackney Carriage and / or Private Hire Driver or Operator Licence if they have 12 or more current points on their DVLA licence.

12.5 New applicants with 6 or more points on their DVLA drivers licence will be refused until endorsement(s) expire and the number of penalty points drops below this threshold.

### **13 Outstanding Charges or Summonses**

13.1 If the individual is the subject of an outstanding charge or summons their application should be suspended until the matter is resolved.

### **14 Non-conviction information**

14.1 The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of the witness / complainant and the licence holder will be taken into account.

14.2 If an applicant has been arrested for, or is on bail for or is charged with, but not convicted, with a serious offence in circumstances which suggest they could be a danger to the public, consideration should be given to refusing the application. Such offences would include violent and / or sexual offences.

14.3 In assessing the action to take, the safety of the travelling public must be the paramount concern.

### **15 Licensing Offences**

15.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

### **16 Insurance Offences**

16.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years. However, strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

16.2 At least three years should elapse (after the restoration of the DVLA driving licence following disqualification), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

16.3 An operator found guilty of aiding and abetting, or otherwise assisting the driving of passengers for hire and reward whilst without insurance will have his Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

### **17 Applicants with periods of residency outside the UK**

17.1 If at any time an applicant has spent six continuous months or more overseas the council will expect to see evidence of a criminal record check from the country/countries visited covering the whole period spent overseas.

17.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals suitable checks should be available, for those countries for which checks are not available, one option is to require a certificate of good conduct authenticated by the relevant embassy.

## **18 Summary**

18.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. If there is doubt about the suitability of an individual to be licensed, the Licensing Sub-Committee needs to be mindful of the need to protect the public and caution should be exercised.

18.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

18.3 Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

18.4 A suspension or revocation of the licence of a driver normally takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that this is so and an explanation of why, the suspension or revocation takes effect when the notice is given to the driver. [s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.]