

Public Document Pack

EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 19th December, 2018 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Note: Prayers will be said before the meeting commences. Those Members who do not wish to participate will be invited to enter the Chamber at their conclusion

AGENDA

1. Chairman's Announcements

To receive any announcements.

2. Apologies for Absence

To receive any Members' apologies for absence.

3. Minutes - 17 and 23 October 2018 (Pages 6 - 27)

To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meetings held on 17 and 23 October 2018.

4. Declarations of Interest

To receive any Members' declarations of interest.

5. Petitions

To receive any petitions.

6. Public Questions

To receive any public questions.

7. Members' questions

To receive any Members' questions.

8. Executive Report - 23 October 2018 (Pages 28 - 142)

To receive a report from the Leader of the Council and to consider recommendations on the matters below:

(A) Community Transport Strategy

(B) Mead Lane Area Masterplanning Framework

(C) East End Green Conservation Area Appraisal and Management Plan

9. Executive Report - 11 December 2018

To receive a report (to follow) from the Leader of the Council and to consider anticipated recommendations on the matters below:

(A) Budget Report and Service Plans 2019/20 - 2022/23

Note – In respect of this matter, the provisions of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, require that a recorded vote is taken on the matter.

(B) East Herts Health and Wellbeing Strategy 2019-2023

(C) Harlow and Gilston Garden Town Vision and Design Charter

Note – Essential Reference Paper ‘G’ will follow.

(D) Draft Affordable Housing Supplementary Planning Document

(E) Old River Lane

Note – Essential Reference Papers ‘C’ and ‘D’ are enclosed for Members only as they contain exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972.

10. Licensing Committee Report - 14 November 2018 (Pages 143 - 228)

To receive a report of the Licensing Committee Chairman and to consider recommendations on the matters below:

(A) Statement of Principles under the Gambling Act 2005

(B) Night Time Economy Position Statement

11. Millstream 30 Year Business Plan: 2019/20 Onwards (Pages 229 - 257)

To consider a report of the Directors of Millstream Property Investments Ltd

Note – Essential Reference Paper ‘B’ is enclosed for Members only as it contains exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972.

12. Calculation of Council Tax Base 2019/20 (Pages 258 - 264)

To consider a report of the Executive Member for Finance and Support

Services.

13. Performance, Audit and Governance Scrutiny Committee: Minutes - 4 September 2018 (Pages 265 - 276)

Chairman: Councillor M Pope

14. Licensing Committee: Minutes - 5 September 2018 (Pages 277 - 280)

Chairman: Councillor D Andrews

15. Development Management Committee: Minutes - 12 September, 10 October and 7 November 2018 (Pages 281 - 310)

Chairman: Councillor T Page

16. Overview and Scrutiny Committee: Minutes - 18 September 2018 (Pages 311 - 320)

Chairman: Councillor M Allen

17. Motions on Notice

To receive Motions on Notice.

Disclosable Pecuniary Interests

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.

Public Attendance

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the

Agenda Item 3

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MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER, WALLFIELDS, HERTFORD ON WEDNESDAY 17 OCTOBER 2018, AT 7.00 PM

PRESENT: Councillor K Warnell (Chairman).
Councillors D Abbott, A Alder, M Allen,
D Andrews, P Ballam, S Bell, E Buckmaster,
S Bull, M Casey, Mrs R Cheswright,
K Crofton, G Cutting, B Deering,
I Devonshire, H Drake, J Goodeve,
L Haysey, R Henson, G Jones, J Jones,
J Kaye, G McAndrew, M McMullen,
P Moore, T Page, M Pope, L Radford,
S Reed, P Ruffles, R Standley, M Stevenson,
T Stowe, N Symonds, J Taylor,
G Williamson, C Woodward and J Wyllie.

OFFICERS IN ATTENDANCE:

Martin Ibrahim	-	Democratic Services Team Leader
Alison Stuart	-	Head of Legal and Democratic Services
Liz Watts	-	Chief Executive
John Williams	-	Electoral Services Officer

216 CHAIRMAN'S ANNOUNCEMENTS

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

He reminded Members that an extraordinary meeting would be held on 23 October 2018 to consider the adoption of the District Plan, for which agenda papers had already been published.

The Chairman was pleased to welcome a special local resident who had been recognised in this year's Queen's New Year Honours list. He introduced Ian Payne, chairman of the UK's largest operator of bars, Stonegate Pub Company, who had received an MBE for services to the hospitality and pub industry. After working in the hospitality sector for 46 years, he founded Stonegate in 2010, which now owned and managed 693 pubs, bars and clubs including Slug and Lettuce, Yates, Walkabout and Popworld.

After developing his career at Whitbread, Guinness and Bass Taverns, Ian had been CEO of Laurel Pub Company from its inception in 2001 until 2004 and later became Chairman of Bay Restaurant Group and Town & City Pub Group.

He continued to champion local pubs, their significant contribution to the economy and the millions of jobs that the bar and pub sector created. Stonegate alone employed over 13,000 people at its pubs and bars, investing in their career development through training. He was also a staunch supporter of apprenticeships and had highlighted the wealth of opportunities pubs offered ambitious trainees.

The Chairman invited Ian Payne to come forward and receive a certificate in recognition of his achievements.

The Chairman referred to the recent untimely death of Mandy Perkins, the Leader of Welwyn & Hatfield Council, who had been a great friend to East Herts.

The Chairman gave a brief overview of the events he had attended recently. He highlighted the Green Flag awards for the Southern Country Park, two East Herts Get Park Active events and the Hare Krishna Hindu Festival. He also referred to the Harlow Mayors Golf Day and a royal visit from Princess Anne to a Riding for the Disabled stables at Furneaux Pelham, attended by the Chairman of the County Council, the High Sheriff and pupils from the local junior school.

The Chairman was pleased to report that £1300 had been raised at his quiz night in aid of Isabel Hospice. He looked forward to a rock and roll night in Sawbridgeworth on 3 November 2018 and a Community Diversity event on 18 November 2018, at Fletcher's Lea in Ware. This had been organised mainly by the Vice-Chairman with support from diverse members of the interfaith forum and aimed to bring people with different cultures closer together. At the Chairman's invitation, the Vice-Chairman gave details of some of the attendees.

217 APOLOGIES FOR ABSENCE

Apologies for absence had been submitted on behalf of Councillors P Boylan, R Brunton, Mrs D Hollebon and D Oldridge.

218 MINUTES

The Chairman moved, and Councillor L Haysey seconded, a motion that the Minutes of the meetings held on 25 July and 11 September 2018, be approved as correct records and signed by the Chairman.

After being put to the meeting, and a vote taken, this was declared CARRIED.

RESOLVED – that the Minutes of the meetings held on 25 July and 11 September 2018, be approved as correct records and signed by the Chairman.

219 DECLARATIONS OF INTEREST

In respect of Minute 222 – Bishop's Stortford Community Governance Review, various Members declared non-pecuniary interests as follows:

- Councillors M Casey and G McAndrew as residents of St. Michael's Mead;
- Councillor G Cutting as Chairman of the Bishop's Stortford Civic Federation;
- Councillor C Woodward as a member of the Parsonage Lane Residents Association, a Hertfordshire County Councillor and a Ward Member for an area affected by the proposed changes;
- Councillor T Page as a resident of Bishop's Stortford, a Ward Member for an area affected by the proposed changes and a Bishop's Stortford Town Council Member; and
- Councillor N Symonds as a resident of Bishop's Stortford and a Ward Member for an area affected by

the proposed changes.

In respect of Minute 223 – Buntingford Community Governance Review, Councillor S Bull declared a non-pecuniary interest as a Buntingford Town Council Member.

220 MEMBERS' QUESTIONS

Question 1

Councillor P Ruffles commented that the water fountain at Old Cross, Hertford, in his ward, had not served its historic purpose since East Herts Council became responsible for its maintenance as an historic structure in 1973. Now that there had been a much trumpeted and much lauded bringing back to life of a 140 year old water fountain at St Pancras Station in London, he asked the Executive Member for Finance and Support Services if he would look into the possibilities of giving our own fountain, created as the central purpose for the structure made from stone of the former church at the Old Cross site, its full purpose again.

In reply, the Executive Member for Finance and Support Services stated that, although he could not guarantee the same outcome achieved by the custodians of the St Pancras Fountain, he did at least share the same ambition. The Council had engaged conservation specialists to advise on what might be possible and were awaiting their findings. Thus, he apologised for not providing anything more concrete at this stage, but undertook to update to all Members as soon as more information had been received, which hopefully would confirm restoration of the fountain's restorative function in due course.

Question 2

Councillor P Ruffles commented that the St Andrew's Street Car Park in Hertford was often full and served as the main parking place for Hertford Theatregoers and for west end of town shoppers. The five parking places nearest to the Theatre had been screened off against parkers for many months. He asked the Executive Member for Finance and Support Services what hope he could give, to Hertford Members in particular, that the spaces would be available again for Christmas shoppers.

In reply, the Executive Member for Finance and Support Services reminded Members of the storm damage caused last year to some trees, the retaining brick wall and the railings along the car park boundary at this point to collapse into the river. This had undermined the car park sub structure, thus rendering the five car parking spaces unsafe.

He advised that planning for the bank repair works necessary to bring these parking places back into use had begun and a full topographical survey had already been completed, enabling structural consultants to produce a detailed design.

However, there had been a significant lead time before works could commence, due to the requirement for Environment Agency Consent and to arrange for the specialist equipment needed to carry out the works. Also, there was a lead time on procuring the heritage railings which were to be replaced.

Therefore he anticipated that the works would be actioned

on completion of the HUDS project in the town centre, scheduled for February 2019. He regretted that the car park spaces would not be reinstated by Christmas. However, he concluded by stating that the thorough and long-term approach taken would ensure the repairs would be sound and suitable to withstand future forces and provide protection for the next 50 years or more.

Question 3

Councillor D Andrews stated that the Council operated several small vans, and as they were now four years old, it was likely that they would be up for replacement in the foreseeable future. Given the geography of the District and the ability to have charging stations at several of our locations at the edges of the District, and the opportunity to lead the way in using light electric commercial vehicles, he asked the Executive Member for Environment and the Public Realm if they would be replaced by electric vehicles at the earliest practical opportunity.

In reply, the Executive Member for Environment and the Public Realm stated that the Council aimed to take a proactive approach to encouraging the use of electric vehicles in the District. As part of this, Officers were currently investigating the opportunity and options for moving the small fleet of Council vehicles over to electric vehicles (EVs), now that a number of vehicles were coming up for renewal. A move to EVs had the obvious advantage of reduced emissions, with lower fuel and servicing costs being added benefits.

The Executive Member advised that battery range for small EV vans was improving all the time and our preference

would be to switch to EVs in our fleet. However, we would need to be assured that the range would be adequate in all likely operating conditions, including poor weather and heavy loads, both of which could reduce the battery range. Officers were assessing current mileage, the types of use and whole life costs.

In addition, the Council was proactively promoting EV uptake among contractors and partners. For example, the specification for the Council's new grounds maintenance contract required tenderers to 'investigate the use of alternative or bio fuel and the potential for electric or ultra-low emission vehicles... wherever economically and technically feasible'. Furthermore, the Executive Member was aware that the Licensing Committee would shortly be considering a revised policy regarding the standards for taxis operating in the District which would, for the first time, propose requirements for taxis to meet low emission standards and seek to incentivise drivers to switch to electric vehicles.

The Executive Member referred to the crucial factor in the roll out of EVs, as the availability of charging points. New fast chargers for the Council's electric car club were being fitted at Wallfields. Ideally, dedicated rapid chargers at Wallfields, to enable the quick and frequent top-ups, would be necessary to service EVs too. The capacity of the local grid to accommodate this was being actively pursued.

Work was also underway to install new chargers at Gascoyne Way car park and in Sawbridgeworth, Ware, Bishop's Stortford and Stansted Abbots with a rollout timetable stretching into early 2019. Officers were also assessing the feasibility of additional on-street chargers in

Bishop's Stortford. In time, the Northgate End car park alongside the Goods Yard development was set provide a considerable uplift in charging capacity in the town.

He concluded by reiterating the Council's commitment to work with and advise partners across the District on the feasibility of charging points being installed in their localities.

In response to a supplementary question on reviewing taxi rank locations, the Executive Member referred to a site meeting he had attended that day with colleagues from Hertfordshire County Council looking at potential locations in Bishop's Stortford for rapid chargers. They had taken the opportunity to discuss the issue with taxi drivers and had been surprised to find much enthusiasm for EVs. He confirmed that Officers were investigating this.

221 EXECUTIVE REPORT - 11 SEPTEMBER 2018

RESOLVED – that the Minutes of the Executive meeting held on 11 September 2018 be received.

(see also Minutes 222 – 226)

222 BISHOP'S STORTFORD COMMUNITY GOVERNANCE REVIEW

The Executive Member for Finance and Support Services submitted a report on the second consultation stage of the Bishop's Stortford Community Governance Review. He thanked everyone for their responses in both consultation stages and detailed the Executive's recommendations now before Council.

He moved, and Councillor L Haysey seconded, a motion that the recommendations, as now detailed in the report submitted, be approved.

Councillor C Woodward commended John Williams, Electoral Services Officer, for his advice and guidance throughout the process. He commented that although he was not entirely happy with the outcome, he supported the proposals for their pragmatism.

After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the proposals now detailed.

RESOLVED – that (A) the responses received to the second stage consultation on the Community Governance Review of Bishop’s Stortford Town Council as set out in section 5 of the report submitted, together with the recommendations of the Executive in relation to the review at section 6 of the report submitted, be received;

(B) the final recommendations of the Community Governance Review be agreed, as follows:

- (1) that no new parishes be constituted in the area under review;
- (2) that no change be made to the name of either Bishop’s Stortford or Thorley Parish and that each of the parishes continue to have a council;

- (3) that the areas of Bishop's Stortford and Thorley parishes be altered as follows:
- (a) that the part of St Michael's Mead that is currently in Thorley Parish (marked as Area A on the map at sheet number 2 of Essential Reference Paper (B) of the report submitted, be transferred to Bishop's Stortford Parish, with the parish boundary being amended to follow Moor Hall Lane from St James' Way to the existing boundary so that Southern Country Park and other undeveloped adjacent land will remain in Thorley Parish;
 - (b) that those properties in Rectory Close that are currently in Bishop's Stortford Parish (marked as Area B on the map at sheet number 2 of Essential Reference Paper (B) be transferred to Thorley Parish;
 - (c) that the area of land occupied by numbers 6 to 9 Park View Cottages (marked as Area C on the map at sheet number 2 of Essential Reference Paper (B) be transferred from Bishop's Stortford Parish to Thorley Parish;
 - (d) that no other changes be made at this time to the parish boundary between Bishop's Stortford and Thorley parishes;

- (4) that the Council keep under review any future development in Bishop's Stortford South or elsewhere with a view to considering whether this may in due course give rise to the need for a further community governance review of any part or parts of the District;
- (5) that in relation to the electoral arrangements for Bishop's Stortford Town Council:
 - (a) the total number of councillors to be elected to the Town Council be reduced from 18 to 17;
 - (b) that Bishop's Stortford continue to be divided into five wards for the purpose of electing councillors to the Town Council;
 - (c) that no change be made to the name of any ward;
 - (d) that the boundaries between the Town Council wards be altered as set out in the table at paragraph 7.24 of the report submitted and illustrated at sheets 3 to 16 of the map at Essential Reference Paper (B); and
 - (e) that the number of councillors to be elected to represent each ward on the Town Council be as follows:

All Saints Ward	3 councillors
Central Ward	4 councillors
Meads Ward	3 councillors
Silverleys Ward	3 councillors
South Ward	4 councillors

- (6) that in relation to the electoral arrangements for Thorley Parish Council:
- (a) the total number of councillors to be elected to the Parish Council be reduced from 7 to 6;
 - (b) that Thorley Parish continue to be divided into two wards for the purpose of electing councillors to the Parish Council;
 - (c) that no change be made to the name of any ward;
 - (d) that the boundary between the Parish Council Rural and Urban Wards continue to follow the boundary between the District Council wards of Bishop's Stortford South and Much Hadham as illustrated at sheet 2 of the map at Essential Reference Paper (B); and
 - (e) that the number of councillors to be elected to represent each ward on the

Parish Council be as follows:

Rural Ward	2 councillors
Urban Ward	4 councillors

- (7) that the Local Government Boundary Commission for England be requested to make changes to the boundaries of the relevant District Council Wards and County Council Divisions as necessary to ensure coterminosity between those boundaries and the revised Parish and Parish Ward boundaries made in this Community Governance Review; and

- (C) the Council make the East Hertfordshire (Reorganisation of Community Governance) (Bishop's Stortford and Thorley) Order 2018 as attached at Essential Reference Paper (B) of the report submitted.

(see also Minute 221)

223 BUNTINGFORD TOWN COUNCIL COMMUNITY GOVERNANCE REVIEW

The Executive Member for Finance and Support Services submitted a report on the second consultation stage of the Buntingford Community Governance Review. He thanked everyone for their responses in both consultation stages and detailed the Executive's recommendations now before Council.

He moved, and Councillor L Haysey seconded, a motion

that the recommendations, as now detailed in the report submitted, be approved.

Councillor J Jones expressed his support for the proposals now detailed.

After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the proposals now detailed.

RESOLVED – that (A) the responses received to the second stage consultation on the Community Governance Review of Buntingford Town Council as set out in section 5 of the report submitted, together with the recommendations of the Executive in relation to the review at section 6 of the report submitted, be received;

(B) the final recommendations of the Community Governance Review be agreed, as follows:

- (1) that no new parishes be constituted in the area under review;
- (2) that no change be made to the name of Buntingford, Cottered or Aspenden parishes and that all three parishes each continue to have a council;
- (3) that the areas of Buntingford and Cottered parishes be altered as follows:
 - that the area of land north of Park

Farm Industrial Estate occupied by the new Redrow housing development (marked as Area A on the map at sheet number 2 of Essential Reference Paper (B)), but not including Parkside and its neighbouring properties, be transferred from Cottered Parish to Buntingford Parish;

- (4) that no other changes be made at this time to the parish boundary between Buntingford and Cottered parishes;
- (5) that no changes be made at this time to the parish boundary between Buntingford and Aspenden parishes;
- (6) that no change be made to the number of councillors to be elected to Buntingford Town Council (12), Aspenden Parish Council (6) or Cottered Parish Council (6);
- (7) that Buntingford Town Council, Aspenden Parish Council and Cottered Parish Council each continue to not be divided into wards for the purpose of electing town/parish councillors.
- (8) that the Local Government Boundary Commission for England be requested to make changes to the boundaries of the relevant District Council wards as necessary to ensure coterminosity between those boundaries and the revised Parish boundaries

made in this Community Governance Review;
and

(C) the Council make the East Hertfordshire
(Reorganisation of Community Governance)
(Buntingford and Cottered) Order 2018 as attached
at Essential Reference Paper (B) of the report
submitted.

(see also Minute 221)

224 EASTWICK AND GILSTON COMMUNITY GOVERNANCE
REVIEW

The Executive Member for Finance and Support Services submitted a report on the second consultation stage of the Eastwick and Gilston Community Governance Review. He thanked everyone for their responses in both consultation stages and detailed the Executive's recommendations now before Council. He also expressed his gratitude to John Williams and Electoral Services for their support throughout the process.

He moved, and Councillor E Buckmaster seconded, a motion that the recommendations, as now detailed in the report submitted, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the proposals now detailed.

RESOLVED – that (A) the responses received to the consultation on the Community Governance Review of Eastwick and Gilston Parish Council, together

with the recommendations of the Executive in relation to the review, be received;

(B) the final recommendations of the Community Governance Review be agreed as follows:

- (1) that no new parishes be constituted in the area under review;
- (2) that Eastwick Parish should not be abolished and that its area should not be altered;
- (3) that Gilston Parish should not be abolished and that its area should not be altered;
- (4) that no change be made to the name of either Eastwick or Gilston Parish and that the parishes continue to be grouped under a single common parish council (Eastwick and Gilston Parish Council);
- (5) that the number of councillors to be elected to represent Eastwick Parish on Eastwick and Gilston Parish Council remain unchanged at 3;
- (6) that the number of councillors to be elected to represent Gilston Parish on Eastwick and Gilston Parish Council be increased from 3 to 4;
- (7) that Eastwick and Gilston parishes each continue to not be divided into wards for the purpose of electing parish councillors; and

(C) the Council make the East Hertfordshire (Reorganisation of Community Governance) (Eastwick and Gilston) Order 2018 as attached at Essential Reference Paper (B) of the report submitted.

(see also Minute 221)

225 COUNCIL TAX SUPPORT SCHEME

Council considered the recommendations of the Executive in respect of the Council Tax Support Scheme 1919/20.

Councillor G Williamson moved, and Councillor G McAndrew seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the proposals now detailed.

RESOLVED – that there be no changes to the scheme design for East Herts local Council Tax Support scheme for April 2019.

(see also Minute 221)

226 LAND EAST OF STEVENAGE MASTERPLANNING
FRAMEWORK

Council considered the recommendations of the Executive in respect of the Land East of Stevenage Masterplanning Framework.

Councillor L Haysey moved, and Councillor M Allen

seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the proposals now detailed.

RESOLVED – that the Masterplan for the strategic allocation known as ‘Land to the East of Stevenage, as detailed at Essential Reference Paper ‘B’ to the report submitted, be agreed as a material consideration for Development Management purposes.

(see also Minute 221)

227 REVIEW OF THE ALLOCATION OF SEATS ON COMMITTEES

The Head of Legal and Democratic Services submitted a report asking Council to review the allocation of seats on committees following the Watton-at-Stone by-election. It had been suggested that the vacant seat be allocated to the Conservative Group and that Councillor M McMullen be appointed to the Overview and Scrutiny Committee.

Councillor L Haysey moved, and Councillor G Jones seconded, a motion that the vacant seat be allocated to the Conservative Group.

Councillor S Bell opposed this motion on the basis that the residents of Watton-at-Stone had elected a Liberal Democrat and an opposition voice would improve the scrutiny function.

After being put to the meeting, and a vote taken, the

motion was declared CARRIED.

Council approved the proposals now detailed.

RESOLVED – that (A) the vacant seat be allocated to the Conservative Group; and

(B) the wishes of the political group in respect of the appointment of Councillor M McMullen to the vacant seat on Overview and Scrutiny Committee be noted.

228 LICENSING COMMITTEE: MINUTES - 14 MARCH 2018

RESOLVED – that the Minutes of the Licensing Committee meeting held on 14 March 2018, be received.

229 DEVELOPMENT MANAGEMENT COMMITTEE: MINUTES - 20 JUNE AND 18 JULY 2018

RESOLVED – that the Minutes of the Development Management Committee meetings held on 20 June and 18 July 2018, be received.

230 OVERVIEW AND SCRUTINY COMMITTEE: MINUTES - 10 JULY 2018

RESOLVED – that the Minutes of the Overview and Scrutiny Committee meeting held on 10 July 2018, be received.

231 PERFORMANCE, AUDIT AND GOVERNANCE SCRUTINY
COMMITTEE: MINUTES - 24 JULY 2018

RESOLVED – that the Minutes of the Performance,
Audit and Governance Scrutiny Committee meeting
held on 24 July 2018, be received.

232 HUMAN RESOURCES COMMITTEE: MINUTES - 25 JULY 2018

RESOLVED – that the Minutes of the Human
Resources Committee meeting held on 25 July 2018,
be received.

The meeting closed at 8.00 pm

Chairman

Date

Agenda Item 8

EAST HERTS COUNCIL

COUNCIL – 19 DECEMBER 2018

REPORT BY LEADER OF THE COUNCIL

EXECUTIVE REPORT – 23 OCTOBER 2018

WARD(S) AFFECTED: All

Purpose/Summary of Report

- This report details the recommendations made by the Executive at its meetings held on 23 October 2018. There will be a separate report on the Executive meeting of 11 December 2018.

1.0 Background

1.1 Since the last Council meeting, the Executive has considered and supported a number of recommendations on the following items:

- Community Transport Strategy
- Mead Lane Masterplanning Framework
- East End Green Conservation Area Appraisal and Management Plan

The full reports can be viewed at: [Executive Agenda](#)

2.0 Agenda Item 8(A) - Community Transport Strategy

2.1 The Executive considered and supported a number of recommendations on the Council's first Community Transport Strategy, which outlined the proposed vision for community transport in East Herts along with the Council's key priorities.

<u>RECOMMENDATIONS FOR COUNCIL:</u> that	
(A)	the draft Community Transport Strategy 2018-2021, as now submitted at Essential Reference Paper B, be approved.

3.0 **Agenda Item 8(B) – Mead Lane Masterplanning Framework**

3.1 The Executive considered and supported a number of recommendations on the Masterplan Framework for the Mead Lane Area (HERT2) in Hertford, which would assist the development management process.

<u>RECOMMENDATIONS FOR COUNCIL:</u> that	
(A)	the Masterplan Framework for the strategic allocation, Mead Lane Area, as detailed at Essential Reference Paper 'C', be agreed as a material consideration for Development Management purposes.

4.0 **Agenda Item 8(C) – East End Green Conservation Area Appraisal and Management Plan**

4.1 The Executive considered and supported a number of recommendations on the East End Green Conservation Area Appraisal and Management Plan, which identified the special character of the Conservation Area together with the elements that should be retained or enhanced and those which detracted from the identified character.

4.2 The Executive supported revisions which had been suggested arising from the consultation. The amended Character

Appraisal and Management Plan is attached as **Essential Reference Paper 'D'**.

<u>RECOMMENDATIONS FOR COUNCIL:</u> that	
(A)	the responses to the public consultation, the Officer responses and proposed changes to the East End Green Conservation Area Character Appraisal and Management Proposals and Alternatives 1 and 2 described in the report submitted, be noted;
(B)	authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Development Management and Council Support, to make any further minor and consequential changes to the document which may be necessary;
(C)	the East End Green Conservation Area Character Appraisal and Management Proposals, as set out in Essential Reference Paper D, be approved; and
(D)	a full survey of trees in any area excluded from the Conservation Area be undertaken to determine the need for any tree preservation orders.

5.0 Executive Decisions

5.1 Other matters determined by the Executive are detailed in the Minutes of the meeting included for information at **Essential Reference Paper 'A'** to this report.

Background Papers

The full agendas for the Executive meeting can be viewed at:

[Executive Agenda](#)

Contact Member: Councillor L Haysey, Leader of the Council
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MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 23 OCTOBER 2018, AT 7.00 PM

PRESENT: Councillor L Haysey (Chairman/Leader)
Councillors E Buckmaster, J Goodeve,
G Jones, G McAndrew, S Rutland-Barsby
and G Williamson.

ALSO PRESENT:

Councillors A Alder, D Andrews, P Ballam,
S Bell, P Boylan, R Brunton, S Bull, M Casey,
Mrs R Cheswright, B Deering, I Devonshire,
B Harris-Quinney, R Henson, J Jones, J Kaye,
M McMullen, P Moore, T Page, M Pope,
S Reed, P Ruffles, M Stevenson, T Stowe,
N Symonds, K Warnell and J Wyllie.

OFFICERS IN ATTENDANCE:

Simon Aley	-	Interim Legal Services Manager
Jonathan Geall	-	Head of Housing and Health
Martin Ibrahim	-	Democratic Services Team Leader
Jess Khanom	-	Head of Operations
Nick Kirby	-	Enforcement and Inspection Manager

Kay Mead	-	Principal Planning Officer
George Pavey	-	Principal Planning Officer
Jenny Pierce	-	Principal Planning Officer
Claire Sime	-	Service Manager (Planning Policy)
Helen Standen	-	Deputy Chief Executive
Kevin Steptoe	-	Head of Planning and Building Control Services
Liz Watts	-	Chief Executive

233 LEADER'S ANNOUNCEMENTS

The Leader welcomed Members, Officers and the public to the meeting and reminded everyone that the meeting was being webcast. She advised the public of the fire exits should the alarm sound.

Finally, she reminded Members that an Extraordinary Council meeting would be held after this Executive meeting to consider recommendations on the District Plan.

234 MINUTES

Councillor G McAndrew moved, and Councillor S Rutland-Barsby seconded, a motion to approve the Minutes of the previous meeting as a correct record. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the Executive meeting held on 11 September 2018 be approved as a correct record and signed by the Leader.

235 UPDATE FROM OVERVIEW AND SCRUTINY COMMITTEE

The Executive received a report from the Overview and Scrutiny Committee detailing its comments and recommendations on various matters considered at its meeting held on 18 September 2018, including on:

- Executive Member of Development Management and Council Support – Presentation
- Draft Community Transport Strategy 2018 – 2021
- Economic Development Vision: Update 2016/17 to 2019/21
- Overview and Scrutiny Work Programme

The Executive received the report.

RESOLVED – that the report be received.

236 UPDATE FROM PERFORMANCE, AUDIT AND GOVERNANCE SCRUTINY COMMITTEE

The Executive received a report from the Performance, Audit and Governance Scrutiny Committee detailing its comments and recommendations on various matters considered at its meeting held on 4 September 2018, including on:

- Annual Leisure Report
- Quarterly Corporate Health check – Quarter One, 2018-19
- Annual Treasury Review 2017/18 Outturn
- Shared Internal Audit Service – Annual Report
- Shared Internal Audit Service – Progress Report
- Performance Audit and Governance – Work Programme.

The Executive received the report.

RESOLVED – that the report be received.

237 FUTURE MANAGEMENT OF HERFORD AND WARE MARKETS

The Executive Member for Economic Development submitted a report on the future management of Hertford and Ware markets. He advised on the outcome of engagement with traders and other stakeholders and suggested a way forward based on the use of street trading consents.

The Executive was reminded that Bishop's Stortford Town Council had been operating its own market since 2015 and that East Herts Council had sought to devolve management to Hertford and Ware Town Councils on a similar basis. However, both town councils had declined this opportunity, thus the proposal to suspend the market service delivered through the Food Act 1984 and to instead support traders with the use of street trading legislation.

Various Members expressed their support for the proposals. The Leader expressed her thanks to Officers.

Councillor G Jones moved, and Councillor G McAndrew seconded, a motion that the proposals now detailed in the report submitted, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

The Executive approved the proposals now detailed.

RESOLVED - that (A) the results of the engagement exercise with the traders relating to the street trading consent proposals be noted;

(B) the use of street trading consents for managing Hertford market be approved;

(C) the use of street trading consents for managing Ware market be approved; and

(D) the implementation date for (B) and (C) be January 2019.

238 COMMUNITY TRANSPORT STRATEGY

The Executive Member for Economic Development submitted a report introducing the Council's first Community Transport Strategy. This outlined the proposed vision for community transport in East Herts along with the Council's three key priorities:

- to provide practical support and advice to those considering the need for community transport in their locality;
- to assist with funding new and existing services; and

- to promote the importance of community transport.

The Executive Member for Health and Wellbeing referred to the successful scheme run in Sawbridgeworth, which involved sponsorship from various partnerships. He expressed concern that smaller schemes in smaller parishes might prove to be unsustainable. He commented on the importance of flexibility, the role of the masterplanning process and the need for towns and parishes to take the initiative to link their communities.

Various Members commented on the deterioration of bus services generally, especially in the evenings, and the impact this had on vulnerable groups.

In response to Members' questions, the Executive Member for Economic Development referred to the twice yearly conference with town and parish councils and undertook to engage directly on this Strategy.

Councillor G Jones moved, and Councillor E Buckmaster seconded, a motion that the recommendation now detailed be supported. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Executive supported the recommendation now detailed.

RECOMMENDED - that the draft Community Transport Strategy 2018-2021, as now submitted, be approved.

239 MEAD LANE AREA MASTERPLANNING FRAMEWORK

The Executive considered a report on the Masterplan Framework for the Mead Lane Area (HERT2) in Hertford.

The Executive Member for Development Management and Council Support commented on recent public statements suggesting that up to 380 units would be delivered on this site. She emphasised that in the District Plan that would be considered later in the meeting, around 200 units had been identified for this site.

In response to comments from Councillor T Page, the Leader and the Head of Planning and Building Control both reiterated the role of masterplans and the certainty they provided to residents and developers.

Councillor S Rutland-Barsby moved, and Councillor E Buckmaster seconded, a motion that the recommendation now detailed be supported. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Executive supported the recommendation now detailed.

RECOMMENDED – that the Masterplan Framework for the strategic allocation, Mead Lane Area, as detailed at Essential Reference Paper ‘B’ to the report submitted, be agreed as a material consideration for Development Management purposes.

240 EAST END GREEN CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

The Executive Member for Development Management and Council Support submitted a report on the East End Green Conservation Area Appraisal and Management Plan.

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

She reminded Members that this had been deferred previously to enable consideration to be given to a late objection. She detailed the outcome of those further considerations and the alternative options for the Conservation Area boundary line.

The Executive Member also proposed an additional recommendation that a full survey of trees in any area excluded from the Conservation Area be undertaken to determine the need for any tree preservation orders.

The Leader moved, and Councillor S Rutland-Barsby seconded, a motion that Alternative 2 be supported, along with an additional recommendation on surveying trees. After being put to the meeting, and a vote taken, this motion was declared CARRIED.

The Executive supported the recommendations now detailed.

RECOMMENDED – that (A) the responses to the public consultation, the Officer responses and proposed changes to the East End Green Conservation Area Character Appraisal and Management Proposals and Alternatives 1 and 2 described in the report submitted, be noted;

(B) authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Development Management and Council Support, to make any further minor and consequential changes to the document which may be necessary;

(C) the East End Green Conservation Area Character Appraisal and Management Proposals, as set out in Alternative 2 described in the report submitted, be approved; and

(D) a full survey of trees in any area excluded from the Conservation Area be undertaken to determine the need for any tree preservation orders.

241 QUARTERLY CORPORATE HEALTHCHECK – QUARTER 1
JUNE 2018

The Executive considered and noted a report on finance and performance monitoring for April – June 2018.

RESOLVED – that (A) the projected revenue budget forecast underspend of £16k in 2018/19 be noted;

(B) the capital budget for 2018/19 of £4.485m be

noted; and

(C) the reported performance and actions for the period April 2018 to June 2018 be noted.

242 ADOPTION OF THE EAST HERTS DISTRICT PLAN 2018

The Leader submitted a report recommending that the Executive support the District Plan. She commented that, once adopted, the District Plan would be at the heart of the planning system and would help to shape future growth and development in East Herts.

The Plan presented an ambitious vision and framework for East Herts, which the Inspector had concluded to be sound. The holding direction issued by the Secretary of State had served to reiterate the importance of having a Plan and to be able to demonstrate a five year land supply in order to deter speculative applications.

The Leader thanked Officers and all partners involved in the work undertaken to lift the holding direction. She referred to a similar direction that had prevented Stevenage Council from adopting its Plan for nearly a year. She committed the Council to continue to support them in their bid to lift the direction order.

In lifting the direction order for East Herts, the Secretary of State had confirmed the Plan as sound, positive and consistent with national planning policies.

The Leader referred to the importance of the masterplanning process that would be undertaken for all the strategic sites. This would support the Plan and

provide the framework to better manage development. The adoption of the Plan would also provide certainty for residents, developers and partners.

The Leader acknowledged that for some residents and Members, the process had been challenging. However, without a sound Plan, the challenges would have been far more difficult.

Finally, the Leader reiterated her appreciation to the Planning Policy team, including former employees who had taken their knowledge and experience elsewhere. She also referred to the invaluable contribution of former Councillor Mike Carver, who had set the process in motion.

The Leader commented that this was a sound and balanced Plan that should be commended to Council.

The Executive Member for Environment and the Public Realm also paid tribute to everyone involved in the production of the Plan and the work undertaken to lift the holding direction.

The Leader moved, and Councillor S Rutland-Barsby seconded, a motion that the recommendations now detailed, be supported. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

The Executive supported the recommendations now detailed.

RECOMMENDED – that (A) the content of the Inspector's Report (and associated Appendix detailing the Main Modifications) as set out in

Essential Papers 'B' and 'C' of the report submitted, be noted; and

(B) the East Herts District Plan as set out in Essential Reference Paper 'E' of the report submitted, incorporating the main modifications and minor changes as set out in Essential Reference Papers 'C' and 'D', be adopted.

243 EAST HERTS DISTRICT PLAN - SUSTAINABILITY APPRAISAL ADOPTION STATEMENT

The Leader submitted a report recommending the Sustainability Appraisal Adoption Statement for publication alongside the District Plan. This document communicated the likely significant effects of an emerging plan, and the reasonable alternatives considered during the plan-making process. It aimed to inform and influence the plan-making process with a view to avoiding or mitigating negative effects and maximising positive effects.

Councillor Haysey moved, and Councillor S Rutland-Barsby seconded, a motion that the recommendations now detailed, be supported. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

The Executive supported the proposals now detailed.

RECOMMENDED – that (A) the content of the Sustainability Appraisal Adoption Statement as set out in Essential Reference Paper 'B' of the report submitted, be noted; and

(B) the Sustainability Appraisal Adoption Statement

be published alongside the adopted District Plan 2011-2033 in accordance with Regulation 16 of the Strategic Environmental Assessment Regulations 2004.

The meeting closed at 7.46 pm

Chairman

Date



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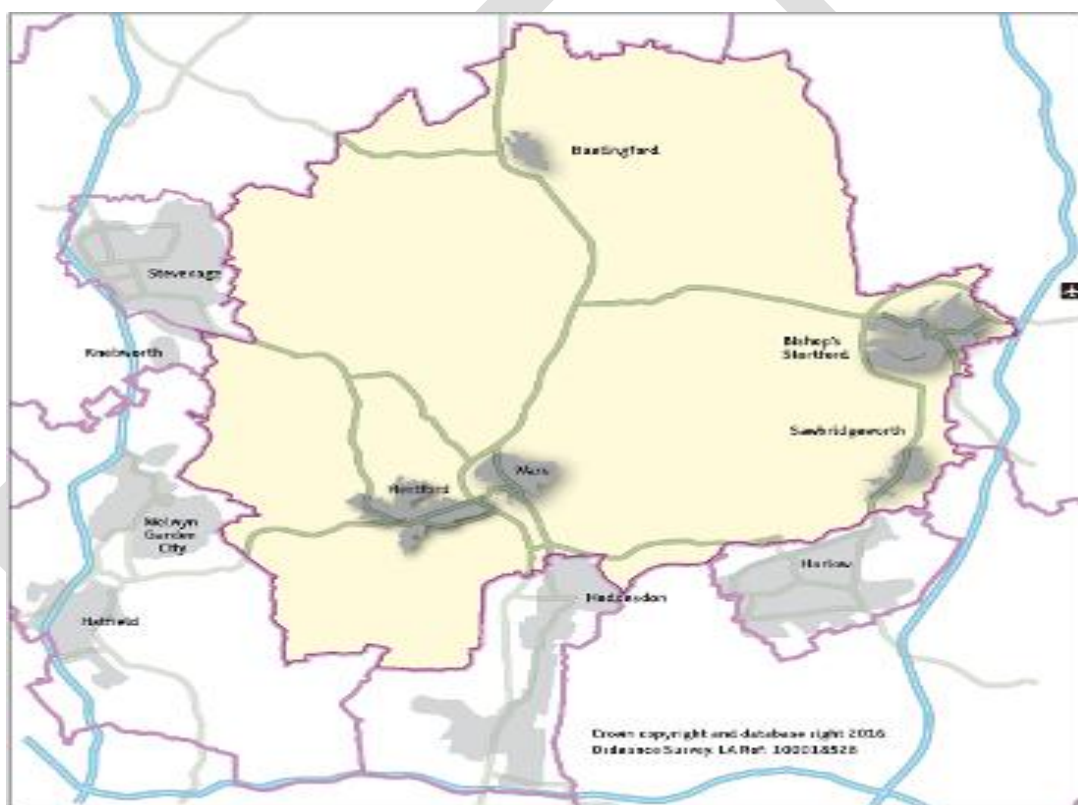
East Herts Council

Community Transport Strategy 2018-2021

1. East Herts Council's Vision; the case for Community Transport

1.1 *The council's strategic priorities*

The District of East Hertfordshire has a population of approximately 145,000 and covers about 480 square miles on the eastern side of Hertfordshire.



The district has Broxbourne to the south, Welwyn Hatfield and Stevenage to the west and North Hertfordshire as its northern boundary. To the east the district borders on the county of Essex.

The vision of the council is to provide East Hertfordshire residents and businesses with a future that is prosperous and sustainable.

Our strategic priorities are given in the table below.

East Herts Council' Strategic Priorities	
Priority	Outcomes we want to see
Priority 1 - Improve the health and wellbeing of our communities	Residents living active and healthy lives Support for our vulnerable families and individuals Communities engaged in local issues
Priority 2 - Enhance the quality of people's lives	Attractive places Future development best meets the need of the district and its residents
Priority 3 - Enable a flourishing local economy	Support our businesses and the local economy Vibrant town centres Working with others, to have achieved the right infrastructure for our businesses and communities

1.2 What forms of transport do residents use?

It is a fact that East Herts has high levels of car ownership. This is likely to be a reflection of relatively high incomes in much of the district and somewhat patchy public transport links in some areas, especially the more rural parts of the district. Car ownership ranges from 76.7% to 95.6% across the council's 30 electoral wards. The average rate is 87.2%, compared with the national average of 74.2%.

There are good rail links into and out of London from the district's major towns, except Buntingford, and some high frequency bus routes, most typically around Hertford, Ware and Bishop's Stortford. There are eight train stations across the district, with over 7.9 million

journeys recorded in 2016/17. Many rural communities, however, still have very limited transport options other than car use.

Thus, the council considers that community transport can be a key way to 'plug gaps' in provision.

1.3 What is community transport?

The definition of community transport is quite broad. It generally refers to transport provided by voluntary and community sector organisations using a mix of volunteers and paid staff often, though not always, supported with subsidies.

Schemes defined as community transport include car schemes operated by volunteers using their own vehicles and mini buses operating on a planned route, say, between villages and local towns on market days.

1.4 Why community transport matters in East Herts

It is the aim of East Herts Council to directly and in partnership with others enable members of our communities to live independently and lead fulfilled lives.

There are national and local demographic trends which can militate against this aim. Of note:

- the population of East Herts is continuing to increase and in line with national trends the average age of our residents is growing older; national statistics show that car ownership drops beyond the age of 65 and particularly beyond the age of 75 – *ONS, Living Costs and Food Survey (Expenditure and Food Survey prior to 2008)*
- economic factors can mean that families are moving further apart which may impact on residents social isolation

- the rural nature of much of our district can result some residents feeling isolated and withdrawn from their communities.

The council believes that a mix of private and public transport supplemented by effective community transport will play a crucial role in assisting the council and its partners fulfil our vision to preserve the unique character of East Herts, ensure it remains one of the best places to live and work and enable residents to lead active and healthy lives.

1.5 The council's vision for community transport

The council recognises that accessing appropriate transport for essential and social journeys could prove challenging for many people including older people, disabled residents, parents with young families and those who don't drive, including young people.

The council's vision for community transport is to provide advice and financial assistance to those wishing to establish and provide community transport schemes that reflect local requirements. We recognise that requirements for local community schemes will vary between East Herts' different communities although it likely that schemes are likely to address the need for:

- services that connect villages with our market towns
- services which support participation in key council programmes. The council's social prescribing programme, for example, relies on residents being able to access local medical, social and recreational activities and groups
- sustainability transport options in the district's new communities and settlements
- commuter 'shuttle services' to stations

- services for younger residents, perhaps extending into the evening
- services that assist children get to school where such services would not conflict with those run commercially or with Hertfordshire County Council support.

It is with these aspirations in mind that East Herts Council has identified the need for a Community Transport Strategy. The council is committed to working alongside our partner organisations to implement it.

This strategy outlines what is already happening and the action plan sets out what East Herts Council can do to assist our partners to ensure that the district has a range of accessible and affordable transport available to our residents.

2. What is currently in place?

There are currently a number of Community Transport schemes in place across East Herts serving our towns and villages. As noted above, Community Transport include car schemes operated by volunteers using their own vehicles and mini buses operating on a planned route.

There are examples of all these forms of Community Transport currently operating in East Herts. These include a volunteer staffed Community Car scheme led by Community Volunteer Services (CVS) Broxbourne & East Herts and several bus services linking towns and villages with essential services such as shops and medical centres.

All of these schemes report that they are well used by local residents. For example in 2017 there were 3,361 community car scheme journeys made, this is an increase of 49% on the period to the end of 2016.

2.1 Current partners and deliverers of community transport in East Herts

There are many stakeholders whose input is vital to make a success of this Community Transport Strategy. Each of these stakeholders has been and will be given every opportunity to be involved and contribution in the implementation of this action plan.

Stakeholders include:

- residents of East Herts particularly older persons, disabled people and those isolated by the rural nature of where they live, this includes relatives on their behalf
- current users of the existing Community Transport services
- CVSBEH Community Car Scheme
- Town & Parish Councils

- operators of the various bus based Community Transport schemes
- Hertfordshire County Council

Other stakeholders will be invited to contribute to the delivery of the Community Transport Strategy.

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3. Our priorities and action plan for current and future Community Transport services and projects

Priority: Provide practical support and advice to those considering the need for Community Transport in their locality

- We will work with partner organisations to develop and identify the need, capacity, potential self-sufficiency and environmental impact of any proposed new services.
- We can provide advice and assistance regarding the legal aspects of establishing a new community transport scheme.
- We can signpost partners to existing community transport schemes which may be able to extend their services and/or provide other forms of support to meet newly identified needs.
- We can provide socio-demographic statistics and information about Community Transport models to community groups, Town or Parish Councils and the like wishing to explore the provision of Community Transport locally.

Priority: Assist with funding of new and existing services

- We can help our partners identify external sources of funding and endorse bids partner organisations wish to make for external funding. It is recognised that there is potentially a broad range of funding sources, from resources made available by developers as part of the planning agreement for a new housing development to commercial sponsorship and grants from other public sector bodies. All such funding streams have supported community transport schemes in the district at one time or another.
- We understand that an element of subsidy is likely to be essential, both at the start-up stage and on an ongoing basis. Our aim is to provide financial support to assist schemes to develop as viable a business model as possible to ensure the

longevity of the scheme. To this end, within the overall budget available, we will aim to provide funding of up to a maximum of 50% of start-up and initial running costs. We will then work with the provider to reduce the reliance of East Herts Council funding over time with a view to moving each service towards a greater level of self-sufficiency.

Priority: *Promote the importance of Community Transport*

- We recognise the value of Community Transport to the delivery of other local strategies and plans across the district, for example, those relating to tackling air pollution and promoting health lifestyles.
- We will work with partners to publicise and raise awareness of Community Transport.

The action plan for 2018 to 2021 is given in the table below.

Action	Timescale	Successful Outcome
Annually review East Herts Council's financial contribution to each Community Transport Scheme	End of each financial period 2018-2019, 2019-2020 and 2020/21	East Herts Council's contributions assist the scheme to maximise self-sufficiency over time, thus enabling the council's financial support to be reduced and recycled into new schemes
Review the number of users of each scheme in order to ascertain whether each scheme is covering the most utilised or requested route	Numbers should be reviewed on at least a six-monthly basis, with the council and provider reviewing the figures and, if necessary, amending the scheme	Number of users is maximised. Reduction in numbers could indicate that the route is no longer required, this could be as a result of a new shopping area being opened for example meaning users no longer have to travel to access services

Community Transport Conference	Bi-annually through the Strategy period	Provide assistance and support to stakeholders and partners to create a learning, resource and idea sharing workshop
Research and implement and new routes or schemes identified across East Herts	On-going	Implementation of new routes or Community Transport schemes identified as required to provide community users to services in East Herts

The Community Transport Strategy will be overseen and monitored by Community Wellbeing & Partnerships Team within East Herts Council's Housing and Health service. The Strategy will be reviewed on a regular basis as part of East Herts Council's commitment to sustainable Community Transport.

OCTOBER 2018

LAND TO THE EAST OF MARSHGATE DRIVE, HERTFORD

MASTERPLAN FRAMEWORK

MASTERPLAN PREPARED BY ST WILLIAM HOMES LLP



CONTENTS

1	INTRODUCTION				
1.1	INTRODUCTION		3		
1.2	POLICY CONTEXT		3		
1.3	PLANNING SUMMARY		3		
2	HERT2				
2.1	HERT2		5		
2.2	LOCATION & CONNECTIVITY		6		
2.3	VISUAL APPRAISAL		7		
2.4	CONTEXTUAL APPRAISAL:		9		
3.	CONSTRAINTS & OPPORTUNITIES				
3.1	CONSTRAINTS		14		
3.2	OPPORTUNITIES		15		
4	MASTERPLANNING PRINCIPLES				
4.1	LAND USES		17		
4.2	ACCESS		18		
4.3	GREEN SPACES & LINKS		19		
4.4	CHARACTER AREAS		20		
5	FRAMEWORK MASTERPLAN				
5.1	FRAMEWORK MASTERPLAN		22		
5.2	SUMMARY		23		
6	CONSULTATION				
6.1	MEMBERS AND COMMUNITY		26		
6.2	STATUTORY CONSLTEES		27		
7	SUMMARY				
7.1	DELIVERY OF HERT2		29		
7.2	THE VISION FOR HERT2		30		
8	KEEPING HERT2 VIBRANT				
8.1	KEEPING HERT2 VIBRANT		32		

1.INTRODUCTION

1. INTRODUCTION

1.1 INTRODUCTION

The Master Plan has been prepared to cover the whole of HERT 2, including the northern and southern land holdings of St William/National Grid, together with the separately owned Norbury Wood Yard to support the proposals for a mixed use development located to the east of Hertford.

This document responds to the requirements of the Emerging East Herts District Plan which requires an Masterplan framework document to be endorsed by the Executive Committee in advance of the formal submission of a Planning Permission.

St William have been working with East Herts District Council and the relevant statutory consultees to develop a masterplan framework for the site. This framework document solely focuses on the principles of development and the soundness of the masterplan. The detailed technical analysis and design will be addressed in the formal submission of a planning application.

1.2 POLICY CONTEXT

The HERT2 Masterplan framework has been informed by the following Planning Policy Documents:

- National Planning Policy Framework (July 2018)
- The draft District Plan (Pre-Submission Version) (2016)
- Main Modifications Consultation Document (February 2018)
- Inspector's Report (July 2018)
- Mead Lane Urban Design Framework SPD (2014)
- Planning Obligations SPD (2008)
- Vehicle Parking Provision SPD (2007)
- HCC Local Transport Plan 4 (2018)
- EHDC Open Space and Sports Facilities Assessment (October 2017)

1.3 PLANNING SUMMARY

National Planning Policy Framework (July 2018)

National planning policy for England is set out in the Government's National Planning Policy Framework (NPPF). A revised NPPF was published on 24 July 2018. The overarching aim of the NPPF is to pro-actively deliver sustainable development to support the Government's economic growth objectives and deliver the development the country needs.

Paragraph 11 of the NPPF states there is a "...presumption in favour of sustainable development..." For decision taking, this means "Approving development proposals that accord with the development plan without delay". Paragraph 59 confirms that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 122 sets out that decisions should support development that makes efficient use of land, taking into account (inter alia) the identified need for different types of housing and other forms of development and local market conditions and viability. The Housing White Paper 'Fixing our broken housing market' (2017) emphasises the importance of delivering the new homes that we need and on bringing brownfield land back into use, stating "we must make as much use as possible of previously-developed ('brownfield') land for homes". Further, the White Paper considers that "the presumption should be that brownfield land is suitable for housing, unless there are clear and specific reasons to the contrary".

The draft District Plan (Pre-Submission Version) (2016)

Land to the east of Marshgate Drive, Hertford, is allocated for mixed use development in East Hertfordshire District Council's (EHDC) emerging District Plan, under policy HERT2. The policy sets out the requirements and aspirations for the site and its development; these specific policy criteria include:

- Delivery of around 200 homes
- Around 3,000m² of B1 employment floorspace or other employment generating uses
- Affordable Housing (in accordance with HOU3)
- Quality local green infrastructure
- New utility provision
- Sustainable drainage and provision for flood mitigation
- Widening of Marshgate Drive to allow for improved vehicular and pedestrian access and car club
- Open space including the provision of play area and space for wildlife
- Landscape and planting, both within the site and the periphery
- Delivery of all other necessary on-site and appropriate off-site infrastructure
- Encouragement of sustainable transport measures
- New pedestrian and cycle way along Mead Lane
- The future provision of a bus loop
- Site wide remediation

The principle of development is well established, with the site having first been identified in the 2014 draft of the District Plan. The proposed development is in a sustainable location, on a brown-field site where the NPPF encourages development that makes efficient use of land and that it would contribute towards the Government's objective of significantly boosting the supply of homes. It would also contribute positively towards the Council's five year housing land supply.

In addition to the land east of Marshgate Drive (HERT2), three other sites in Hertford have been Allocated for development. These are land to the west of Hertford for 550 homes (HERT3), land to the west of Wadesmill for 150 homes (HERT4) and land to the west of Mangrove Road for 50 homes (HERT5). In accordance with HERT1, these sites are to provide a minimum of 950 homes in Hertford, in accordance with HERT1

The Mead Lane Urban Design Framework SPD (2014)

The Mead Lane Urban Design Framework (UDF) recognises the value of the town’s undeveloped brownfield sites, their proximity to Hertford East Station and the Town Centre and the opportunity to “create an outstanding mixed-use environment to benefit the town”.

The broad aims of the UDF are:

1. To ensure a high quality regeneration of the Mead Lane area;
2. To reintegrate the area with the wider town;
3. To ensure development is based on principles of Sustainable Development.

The more specific objectives of the UDF are:

1. Uplift the public realm, streets and river corridor through the Mead Lane area;
2. Promoting the Hartham Common Area with enhanced connectivity;
3. New pedestrian/cycle friendly routes and enhanced links to the surroundings,
4. Designing residential roads to achieve 20mph standard
5. Promoting the attractiveness of the River Lea navigation by enhanced built form with frontages in positive relationship to the river;
6. Retaining as many existing employment operations as possible (beyond Marshgate Drive)
7. Enhancing opportunities for new employment as part of mixed use proposals
8. Designing residential developments to ensure that existing commercial enterprises are not Jeopardised;
9. Creation of welcoming public spaces
10. A sustainable travel strategy for the whole area;
11. New passenger transport provisions including improved bus stops and links to Hertford East
12. Provision of a new road link to the north of Hertford East Station to the junction with Marshgate Drive and provision of a secondary emergency access to the front of Hertford East Station
13. Provision of a new road link across the former Gas Storage site
14. Highway improvements to Marshgate Drive to promote its shared use;
15. Provision of on-street parking spaces for car club usage;
16. Diversifying the uses within the area to limit peak hour traffic congestion
17. Improving pedestrian connections between Hertford East Station, its surroundings, and the Town centre;
18. Sustainable management of surface water and reduction of flood risk in new developments.

HCC Local Transport Plan 4 (2018)

The Local Transport Act 2000 (amended 2008) requires local transport authorities (including County Councils) in England to produce and maintain a Local Transport Plan (LTP). The fourth HCC Local Plan was adopted in May 18 and is to cover the period up to 2050.

The Plan consists of a set of transport policies, an implementation plan and a series of supporting documents. The strategy sets out the overall policy framework within which transport needs to be considered within Hertfordshire up to 2031, but it also considers how future planning and emerging technology might affect transport needs in the longer term up to 2050.

The plan addresses the need to promote more sustainable transport modes such as walking, Cycling and passenger transport in order to reduce traffic growth, reduce adverse environmental impacts, increase physical activity and improve health. The focus of the plan is to make optimum use of existing highway capacity supported by technology and by achieving modal shift away from cars. The Local Transport Plan proposals are a blended approach of improvements in highways, passenger transport, walking and cycling focused on key movement corridors in the county.

LTP4 Policy 1 provides a new “Transport User Hierarchy” which seeks to improve the attractiveness of alternative forms of travel, so that trips which can only be achieved by car can be undertaken without suffering the effects of a significant worsening of congestion. To support the creation of built environments which encourage greater and safer use of sustainable transport modes, the County Council will now in the design of any development consider in the following order:

- Opportunities to reduce travel demand and the need to travel
- Vulnerable road user needs (such as pedestrians and cyclists)
- Passenger transport user needs
- Powered two wheeler user needs (mopeds and motor bikes)
- Other motor vehicle user needs

The hierarchy will be applied to the planning and design of new developments, as recommended in Policy 5 of the HCC Manual for Streets. LTP4 Policy 1 also seeks to reduce the need to travel by promoting opportunities to support home working, virtual access to services, broadband coverage and digital connectivity, proximity and access to key services, parking provision and cost.

2. HERT2

2.1 HERT2

HERT2 sits to the east of Hertford and comprises of three unlinked parcels of land.

Whilst St William own the majority of the site (8.8 acres), due to their land being bisected by the Norbury Fencing land, it is formed of two unconnected land parcels. The northern parcel is 6.5 acres and is bound by the towpath to the north, employment uses to the east, Norbury Fencing to the south and a contemporary flatted development ranging between 4-5 storeys to the west.

The parcel is highly constrained, with a gradual fall of 2m from the west to east and extensive below ground infrastructure which serves the National Grid Pressure Regulation Station which is to remain on site along the southern boundary. Whilst the majority of the site is categorized as Flood Zone 2, the south-eastern section of the site has been classified as Flood Zone 3.

The southern parcel is 2.3 acres and is bound by the Norbury Fencing Land to the north, employment uses to the east, Mead Lane to the south and Victorian terraced housing to the east.

The parcel is subject to a 2m fall from the boundary along Marshgate Drive and below ground utility infrastructure which crosses the south-eastern section of the parcel.

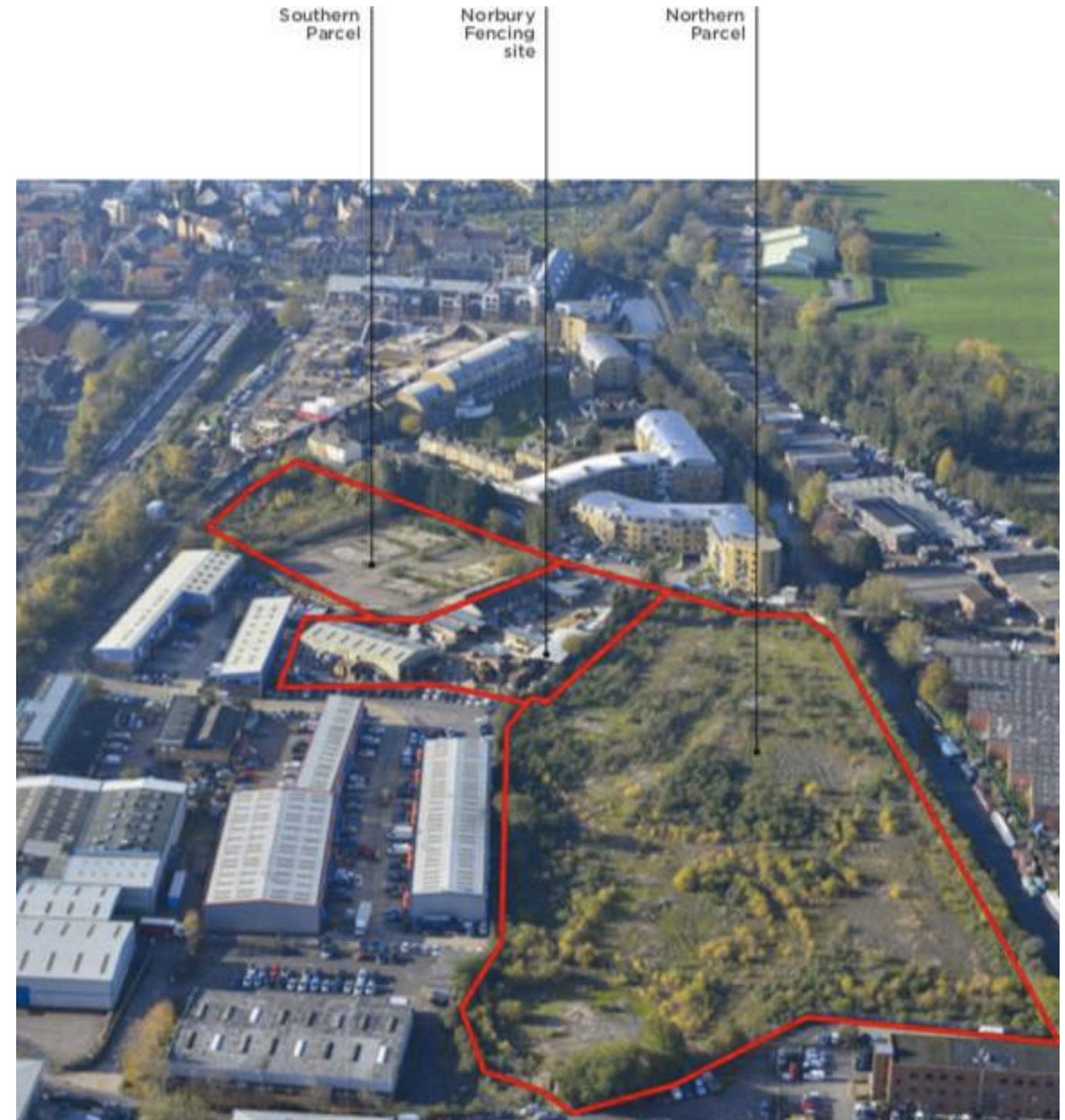
With the exception of perimeter trees and shrubs along the boundary of the site, all buildings and permanent structures have been demolished. An arboriculture survey has been undertaken of the tree's which remain, concluding that they're of low to moderate quality, thus will also be removed.

The St William land has been redundant for a number of decades and has now become overgrown with extensive areas of hard-standing. Due to the land parcels being formerly used for the production and storage of gas, extensive remediation will be required to enable the land to come forward for development.

Both land parcels are accessed directly off Marshgate Drive, with the potential of a secondary access to the southern site off Mead Lane

The Norbury Land is 1.5 acres and is bound by the St William land to the north and south, Employment uses to the east with Victorian terraced housing to the west. The site is accessed via a large bell mouth entrance off Marshgate Drive and is still operating as a timber merchants.

Due to the site once forming part of the gasworks and its current use, extensive remediation will also be required to enable the land to come forward for development.



2.2 LOCATION & CONNECTIVITY

HERT2 is in a highly sustainable location within walking distance to all local amenities and modes of transport.

Walking

The site is within a 10 minute walk to the Town Centre, leisure centres, library, local schools, council offices, rail stations, bus terminals, public open space, sporting clubs and a large Tesco superstore. The towpath which runs along the northern boundary also provides a direct connection to the Town Centre, Hartham Common and a number of walking routes.

Rail

The site is located within a five minute walk (0.3 miles) from Hertford East and a twenty- five minute walk (1.5 miles) from Hertford North stations. Both stations provide mainline services into London and the neighbouring towns within less than an hour.

Bus

Bircherley Green Bus Station is located within a ten minute walk from the site (0.4 miles) where frequent services run to the neighbouring towns of Welwyn Garden City, Hatfield, Harlow, Ware, Broxbourne, Buntingford, St Albans and Puckeridge. Services are also provided to Heathrow Airport every 60 minutes. A number of these services also run via the local Tesco superstore which is within a five minute walk from the site.

Car

The M11 is 13 miles east of the site, providing access to the north via Cambridge and Peterborough and to the south via Harlow and London. The A1 is 8 miles to the west of the site, providing access to Stevenage and Peterborough to the north and Borehamwood and London to the south. Junction 25 of the M25 is 10 miles to the south of the site, the A10 also provides a direct route south to London or north to Cambridge.

Cycle and Running

A nationally recognised cycle route runs along the towpath adjacent to the northern parcel. The Hertford 10km also runs around the site.

Opportunity for Future Connections

Whilst the site has remained closed off from the public for a many decades, the re-development of the site provides the opportunity to provide new connections through the site to the towpath.



2.3 VISUAL APPRAISAL





View south along Marshgate Drive



Eastern boundary of the Southern Site



Marshgate Drive - small residential



Marshgate Drive - Smeaton Court



View of Northern Site looking east



Northern Site - boundary with Norbury Fencing site



Northern Site - southern boundary showing PR5



Northern Site - northernmost corner



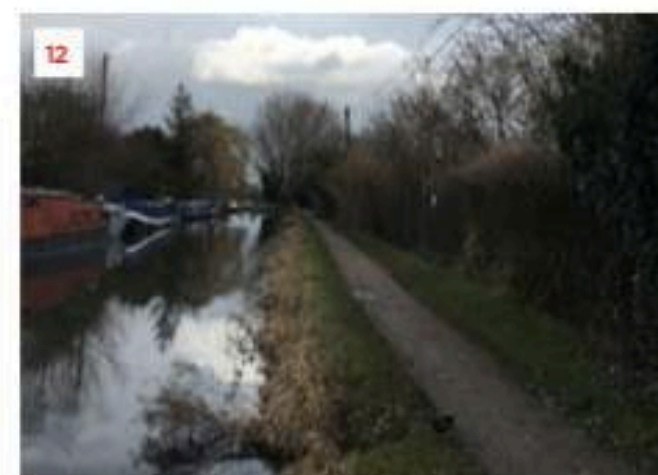
Northern Site - boundary with canal towpath



Southern Site - access road from Marshgate Drive



View of Southern Site looking towards Mead Lane



View of towpath and canalised section of River Lee

2.4. CONTEXTUAL APPRAISAL: LOCAL VERNACULAR

Examples of the built form, local influences, materials and detailing have been collected to inform the design concept for the scheme. All of which are included within this section.

The master plan must respond to the canal and lock keepers cottage along the northern boundary of the site, the former industrial use of the site and Hertford's market town heritage.

This approach has been supported by the local community throughout our programme of community engagement, with residents keen to see a high-quality development come forward which pays homage to Hertford and the history of the site.



Waterfront activity, Hertford town centre



Canal boats mooring



Hertford Castle



Canal waterfront



Hartham Common



River Lee Canal passing through Hartham Common

2.4. CONTEXTUAL APPRAISAL: LOCAL VERNACULAR



waterfront near Mill Road, Hertford



Smeaton Court, Hertford



Hertford Lock



Hertford East Railway Station



Waterfront development, Hertford



The Waterfront development, Hertford



town centre



Historic street frontage details

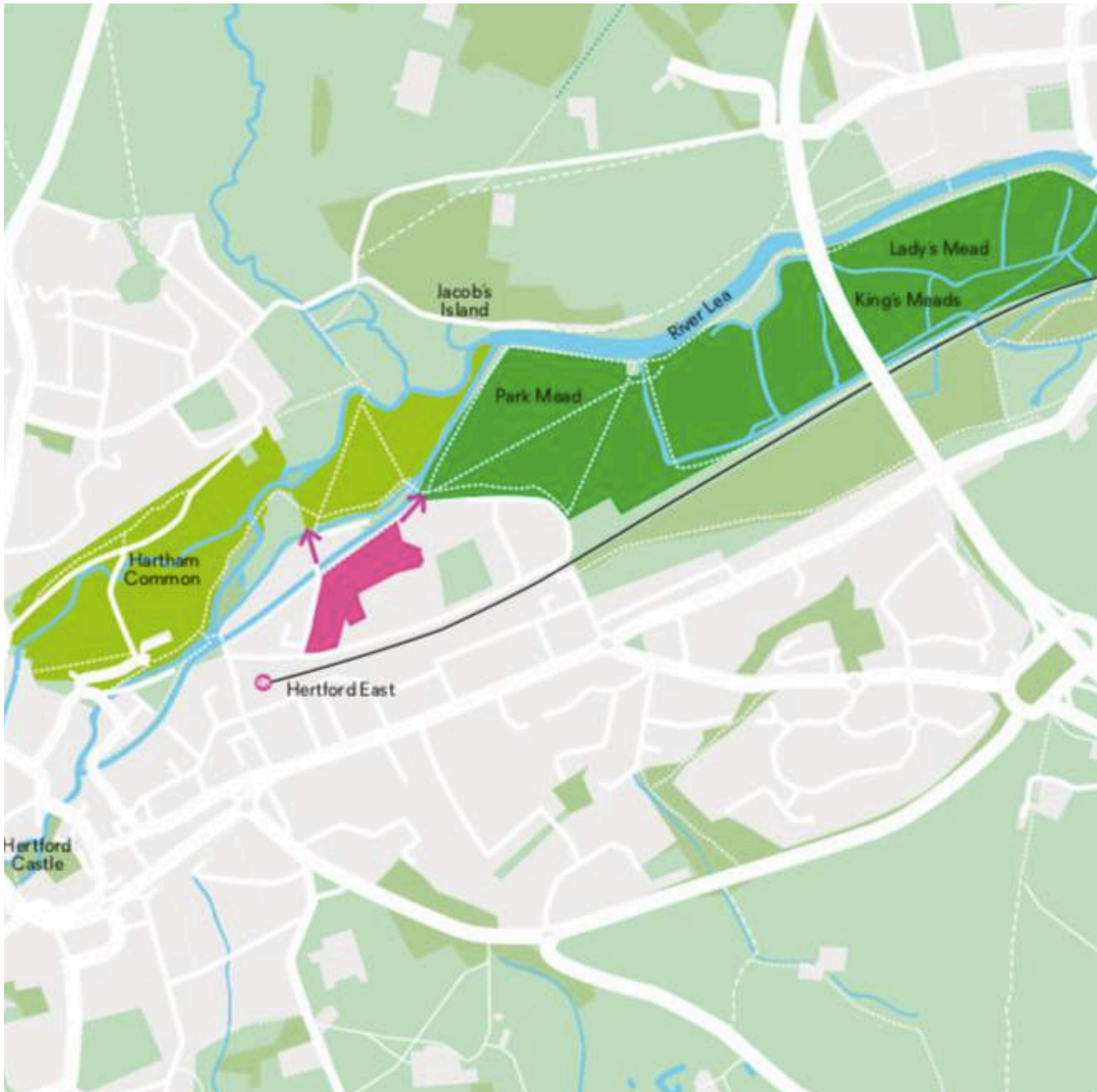


Smeaton Court seen from towpath



Hertford town centre

2.5 CONTEXTUAL APPRAISAL: PROXIMITY TO OPEN SPACE



HERT2 is within a highly sustainable location, which will be further enhanced within the masterplan framework. From undertaking an assessment of the local open space, walking, cycle & running routes and public leisure uses, it Demonstrates the requirement for the masterplan to provide invaluable new connections to the wider area. In accordance with the principles of the HCC Local Transport Plan 4 pedestrian, running and cycle routes will be prioritised within the development, with vehicular routes being considered as secondary. The masterplan framework also seeks to promote the importance of the proposed new connections to the existing National Cycle Route 61, the Hertford 10k running loop and the pedestrian links to the town and the wider area with a number of signage and wayfinding points within the development which promote the importance of a healthy and sustainable lifestyle.



5.7 CONTEXTUAL APPRAISAL: ACTIVATION OF TOWPATH

In order to ensure that the masterplan framework responds appropriately, a study has been undertaken to determine the existing uses along the stretch of towpath which runs along the northern boundary of the site. The study demonstrates that to the West and East of the site the tow-path is activated with varying uses such as pubs, contemporary development and period properties. There is an absence of any activity along the stretch between Mill Road and Hertford Lock, which is assumed to be a direct result of the St William land being redundant and closed off from its surroundings. The delivery of HERT2 will provide an opportunity for this to be addressed

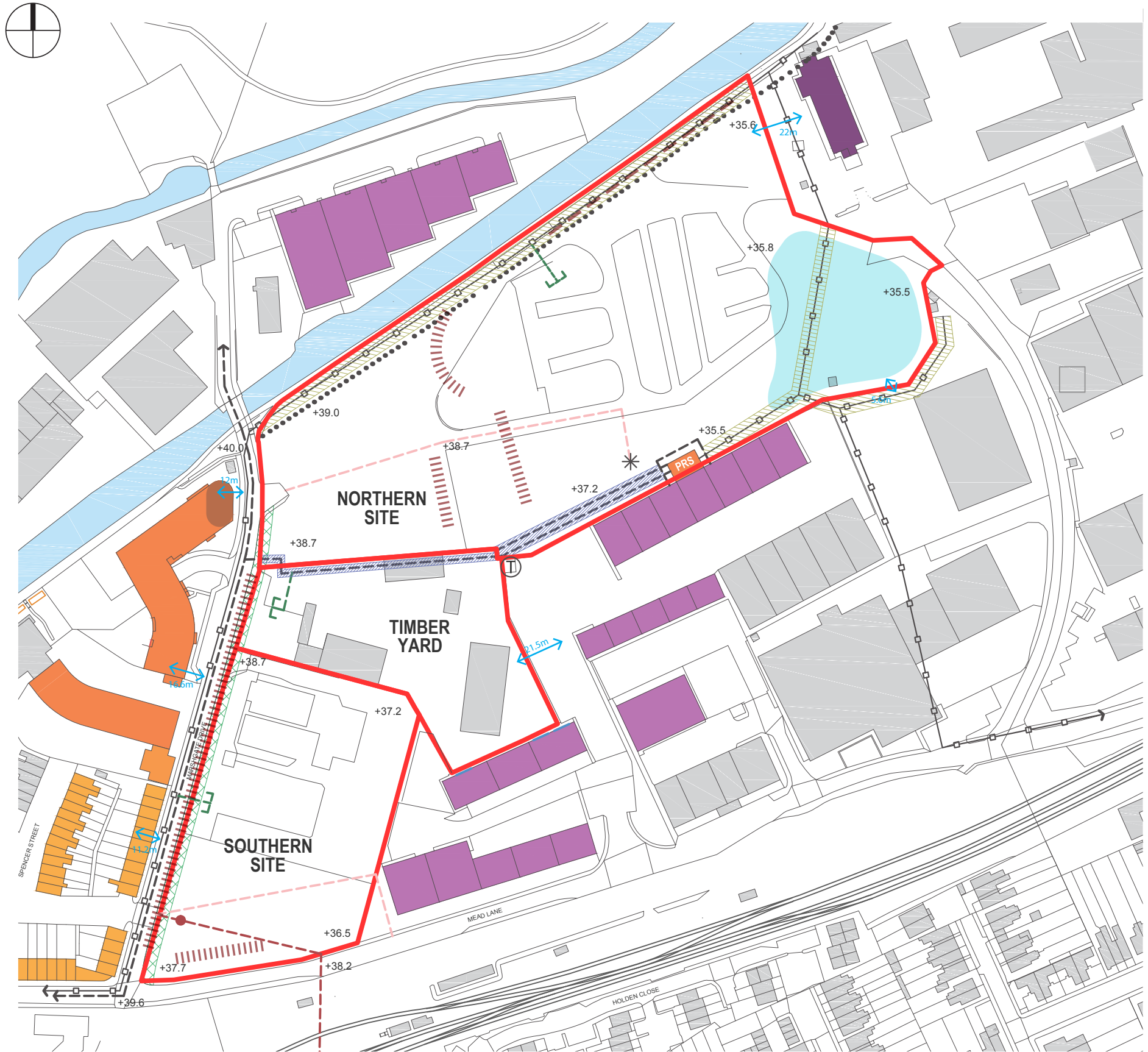


3. CONSTRAINTS & OPPORTUNITIES

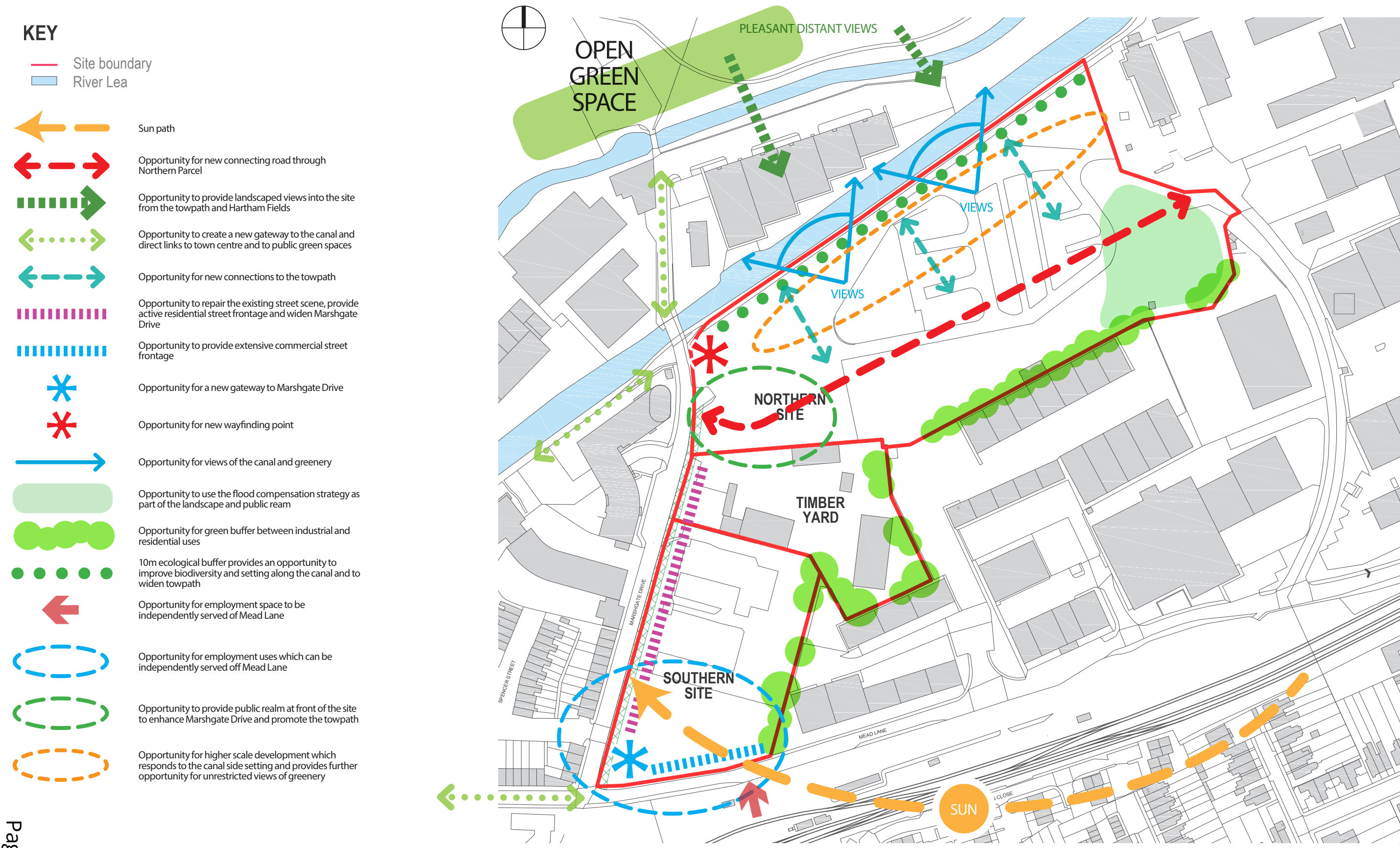
3.1 CONSTRAINTS

KEY

- Site boundary
- River Lea
- Approximate flood extent
- Telecoms mast (off site)
- PRS compound
- 10m buffer zone from edge of canal
- Severe level changes across the site
- Retaining wall acting as flood defence from the canal
- Existing gas valves
- MP gas main
- 6m easement (3m either side)
- LP gas main 0.25m
- 3m easement (1.5m either side)
- Existing SW sewer (To be diverted as per development proposals)
- SW pump station
- Existing FW sewer (To be diverted as per development proposals)
- Marshgate Drive road widening (Indicative)
- +35.6 Approximate level AOD
- 1.5-2 Storey commercial units
- 3 Storey office block
- 2 Storey residential
- 3 Storey residential
- 4 Storey residential
- 5 Storey residential
- 20m Separation distances to neighbouring buildings



3.2 OPPORTUNITIES



4. MASTERPLANING PRINCIPLES

4.1 MASTERPLANNING PRINCIPLES: LAND USES



4.2 MASTERPLANNING PRINCIPLES: ACCESS AND MOVEMENT



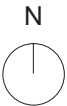
KEY	
Site boundary	
River Lea Navigation Canal corridor	
Principal access / shared spaces within landscape corridor	
Key wayfinding pedestrian corridors	
Potential bus link	
Potential bus route	
Views to canalside greenery from footpath-cycle links	
Potential location for car club (minimum 2 spaces) close to principle access from Marshgate Drive	



4.3. MASTERPLANNING PRINCIPLES: GREEN SPACES & LINKS



- KEY**
- Site boundary
 - River Lea Navigation Canal corridor
 - Green corridor along canal / Tow path opened up
 - Green connecting route
 - Connected landscaped corridors along Internal street spaces and improved public realm along Marshgate Drive
 - Focal amenity spaces along the River Lea
 - Play space
 - Parklets with seating
 - Views of canalside greenery
 - Views from existing greenspace to the north



4.4 MASTERPLANNING PRINCIPLES: CHARACTER AREAS



5. FRAMEWORK MASTERPLAN



5.1. FRAMEWORK MASTERPLAN: SUMMARY

Masterplan Objective

“Our objective is to create a real community where new and existing residents of the Mead Lane area of all ages and backgrounds can enjoy a great quality of life and a beautiful natural landscape. This can be a place everyone is proud of, delivered through a strong and lasting partnership based on trust, respect and true collaboration”

Principles of Development

The masterplan framework seeks to make the most efficient and effective use of this sustainable and accessible brownfield site, and in accordance with the aspirations of the Urban Design Framework, it proposes an attractive, mixed use environment.

We recognise the site’s unique location between town and country and feel that this provides us with the opportunity to create two distinct character areas within the masterplan. The northern parcel being bound by an abundance of greenery and the River Lea navigation lends itself to a more country setting. The masterplan framework proposes new residential buildings along the towpath, which will be orientated to maximise both views out on to the towpath and views from the towpath into high-quality landscaped podium gardens. The scale of the buildings will respond to the existing context which ranges between 4-5 storeys, providing the opportunity for residents to enjoy unrestricted views of Hartham Common.

The canal has a distinctive character, a rhythm of animation informed by canalside walkers, fishing, riverboats, open spaces and development, but not from Mill Road to Hertford Lock. The masterplan framework also provides the opportunity to enhance the stretch of towpath which borders the parcel, which in it’s existing condition is too narrow to enable any activity, unlit and overgrown. The masterplan provides the opportunity to extend the towpath into the boundary of the site and create spaces where people can dwell, the orientation of the buildings will also assist in improving feelings of safety by providing passive surveillance and lighting.

The masterplan will open up a site which has been redundant for many years to the local community by providing new connections to the towpath and existing walking, running and cycling routes.

The southern parcel will respond to the town which is only a mere 10 minute walk away from the site. An active frontage will be created along Marshgate Drive, with new high-quality houses which respond to the existing Victorian terraced housing. The masterplan framework also seeks to improve the existing street scene along Marshgate Drive, by adopting a “green streets” approach with new high quality hard and soft landscape. This planting strategy will extend along the internal access roads and Marshgate Drive, using street trees and green spaces to differentiate the principal movement corridors, to uplift the public realm of streets and the canal corridor.

Employment uses are proposed to the south of the parcel which will create a new gateway into the Mead Lane area and will assist in activating the development by ensuring that there is activity at all times of the day.

Public Realm and Open Space Provision

The two unique character areas and residential and employment uses will be brought together with a new public realm which extends to the periphery of the site. In accordance with the EHDC Open Spaces and Facilities Assessment, the masterplan framework provides extensive amenity space in the form of landscaped podium gardens for the exclusive use of residents, new amenity areas along the towpath, small parklets along the spine road and a new pocket park fronting on to Marshgate Drive which will be for the enjoyment of all. These spaces will be designed to allow for informal activities close to home or work, areas to dwell and enjoy the afternoon sun, children’s casual play and will also be used to further enhance the appearance of residential areas. The pocket park at the front of the development will be designed to act as a transitional space between the town, towpath and Hartham Common.

As per the definitions of the Open Spaces and Facilities Assessment , the masterplan framework also allows for an area of semi natural green space to the south-east of the northern parcel which will comprise of a small area of publicly accessible wetlands. This area will also be an integral component of the flood compensation and Sustainable Urban Drainage strategies and designed to encourage the creation of new habitats and improve the overall biodiversity of the site.

5.1. FRAMEWORK MASTERPLAN: SUMMARY

Access and Movement Strategy

In accordance with Policy 1 of the HCC Local Transport Plan, pedestrian and cycle routes have been prioritised within the development. Whilst the masterplan framework also acknowledges the requirement for vehicular access, these routes will be considered as secondary. Recognising the connection which the towpath provides to the town centre to the west and an abundance of open space to the east, new pedestrian, running and cycle routes within the development linking to new connections along the towpath are proposed. New signage and wayfinding points will also be incorporated into the development to not only promote the routes to the wider area but also the value which they provide in terms of health and well-being. Repairing the broken links to the town and wider area and educating residents and the local community of the benefits of walking, cycling and running will also assist in reducing necessary car travel and the impact on the local road network.

In accordance with the Mead Lane Urban Design Framework, the masterplan framework also allows for the spine road, which intersects the northern parcel, to facilitate a future bus route. To safeguard the future provision of a bus loop via the adjoining 3rd party employment land to the east of the site, the area at the terminus of the spine road has been reserved within the masterplan framework to enable the connection.

A package of sustainable transport and mitigation measures such as subsidised travel for residents to use the local transport services and pre-paid oyster cards are also proposed.

Sustainability

HERT2 is considered to be one of the most sustainable sites which have been allocated for development within the emerging District Plan. As addressed in the previous section, the site is within a stone's throw of Hertford East and within only a mere 10 minute walk from the Town Centre and all local amenities.

Sustainability is at the forefront of every element of the masterplan framework. As part of the Berkeley Group "Our Vision" commitments and in accordance with EHDC Policy DES4, communal Wi-Fi will be provided across the development where residents can automatically log-on to the network, with user credentials which will be provided when they move in. The communal Wi-Fi will be accessible in all communal spaces including the podium gardens. Non-residents will also have the benefit of the Wi-Fi provision within the public realm, however this will require them to log on to the portal and purchase a Wi-Fi credits. To enable home-working practices, St William have also made pre-development enquiries with both BT Openreach and Virgin Media to ensure that the development can be served with ultra-fast fibre broadband.

In accordance with both DES4 and TRA3, St William have also secured sufficient capacity with the local utility network to enable a minimum of five parking spaces across the development to be installed with an electric charging point. These spaces will be unallocated to residents to enable them to be used by all residents and the wider community. The charging points will be operated by a charging provider, where residents will be required to sign up for a "pay as you go" account.

In accordance with EHDC Policy CC1 the development will incorporate green infrastructure into the development which will include but not limited to Sustainable Urban Drainage Systems, Green Roofs and Urban Greening.

In accordance with EHDC Policy CC2 the design of all buildings will take a "fabric first" approach where they're designed to exceed building guidelines in respect of energy efficiency. A dynamic thermal model will be produced of all buildings to ensure that they're designed in a manner which minimises the risk of overheating in the summer and the requirement for heating in the winter. This approach will also be applied to the communal areas to prevent year-round overheating.

In accordance with WAT4 all buildings will be delivered to minimise the use of mains water by incorporating energy saving measures and equipment; and incorporating the recycling of grey water and utilising natural filtration measures where possible. Appliances will also be installed with restriction measures, to prevent water consumption exceeding 110l per person per day.

In accordance with EHDC Policy WAT5 the delivery of the masterplan framework will incorporate the most sustainable forms of drainage systems in accordance with the SuDs Hierarchy. The drainage strategy will be designed to achieve greenfield run off rates in order to ensure that surface water run-off is managed as close to the source as possible. As part of both the drainage and the flood compensation strategy, the masterplan framework proposes a balancing pond to the south-east of the northern parcel as part of the public open-space for recreation and wildlife.

6. CONSULTATION

6.1 MEMBER AND COMMUNITY CONSULTATION

In keeping with the guidance set out in East Herts District Council's Statement of Community Involvement and the Master plan Framework within the Emerging District Plan, the development proposals have been informed by extensive engagement with officers, the Hertfordshire County Council, the local community and key stakeholders. Whilst consultation is still ongoing, the consultation undertaken to date is summarised below:

1.Hertford Town Council

St William (on behalf of both land owners) met with the clerk of the Hertford Town Council on the 21.06.18 to introduce their involvement in the scheme and present the initial proposals.

2.Public Exhibition

St William (on behalf of both land owners) held a public exhibition between 10-3pm on 23.06.18 at the Mill Bridge Rooms, Hertford. Newsletters inviting local residents and businesses to the exhibition were sent to 2,300 residential and business addresses within the surrounding area. The event was attended by 127 residents, 69 of which provided written feedback.

The majority of residents supported the redevelopment of a brownfield site and the design proposals, concerns were also raised in respect of parking provision and the impact of the proposals on the wider road network.

3.Shaping Hertford

Both land owners participated in the "Shaping Hertford" steering group session on 29.06.18 where members were provided with a site walk over and where the initial proposals were presented. A Q&A session then took place where members were provided with further information on the issues which concerned them and provided constructive feedback on the proposals.

4.Targeted Door Knocking Exercise

Targeting the SG13 and SG14 postcodes, over 200 doors were knocked on to discuss the proposals for the site and gain invaluable feedback from local residents. 50 residents were available and willing to discuss the proposals and free-post feedback forms were left with those who were unavailable. As with the public exhibition, the majority of residents supported the principle of redevelopment of a brownfield site and design with concerns being raised in respect of parking provision and traffic.

5.Ongoing Consultation

www.hertfordgasworks.co.uk has been set up by St William (on behalf of both land owners) to keep residents up-to-date with the progress of the scheme and the opportunity to leave feedback. The website will be maintained throughout the lifetime of the project to ensure that local residents have the opportunity to learn more about the delivery of the site and contact the developer. A free-phone hotline has also been in operation since June 18 and will be maintained until the application is determined, so that residents can discuss the proposals in more detail.

6.Future Consultation

Both land owners welcome the opportunity for further engagement with the "Shaping Hertford" group and members to present how the proposals have progressed since the last session. St William (on behalf of both land owners) are also intending to hold a pop-up event at the Saturday Market to provide residents with an update on the proposals.

A Statement of Community Involvement will also be submitted as part of the planning application which will outline all of the consultation activities which were undertaken prior to submission and a detailed summary of the feedback received.



6.2 CONSULTATION WITH STATUTORY CONSULTEES

Whilst both land owners will be required to demonstrate that in the formal submission of a planning application that their proposals are acceptable, St William (on behalf of both land owners) have undertaken the following consultation to ensure that the master plan is sound.

1. HCC Design Review Panel

The initial Design Review Panel took place on 06.08.18 where St William (on behalf of both land owners) facilitated a site walk over to provide the panel with a better understanding of the site and it's opportunities and constraints. When the panel reconvened at the venue, the St William design team presented the master plan for the allocation. The feedback received from the panel is summarised below:

- The master plan lacked a strong narrative
- Opportunities to introduce new pedestrian and cycle connections should be explored
- The small pocket park along Marshgate Drive should be further enhanced
- The spine road should be activated to encourage activity
- The vision for the southern parcel should be reconsidered as the back-to-front relationship of the houses was not supported
- The residential block at the entrance of the site should be reconfigured so that it responds better to Smeaton Court.

A second Design Review Panel took place on the 21.09.18 where the design team presented the revised master plan and the wider place-making and cultural strategy. The feedback is summarised as per below:

- DRP Welcomed the revised master plan acknowledged that it had addressed the concerns from the initial session
- Supported the new cycle and pedestrian routes through the site to the towpath
- Supported the new landscape strategy
- Supported the place-making and cultural strategy
- Asked St William to explore the potential for less parking, residents facilities and further enhancements to the facade and the rooves to the apartment buildings.

The DRP advised that they support the HERT2 master plan. Both land owners have acknowledged the additional feedback which will be addressed within the detailed planning applications which will follow.

2. EHDC Environmental Health Officer

St William and JNP Consulting Engineers have meet with the EHO on a number of occasions to discuss and agree the remediation strategy for the site. On the basis that St William undertook further consultation with the Environment Agency to agree the final strategy, the EHO has confirmed in writing that she was accepting of the St William's approach.

A further meeting was held with the EHO to discuss the impact of the development on the existing employment uses adjacent to the site and vice versa. The points of discussion are summarised as per follows:

- Concerns regarding noise mitigation, impact on living conditions and sensitivity of new development with existing employment
- Use of landscape to act as further noise mitigation
- Relocation of less sensitive uses (parking) to along the shared boundaries

St William have sought the advice of Cole Jarman who are an industry accredited acoustic consultancy to undertake a noise assessment of the site to determine the existing noise levels and to advise on the master plan and the extent of mitigation which will be required to enable the site for more sensitive uses such as residential.

Cole Jarman have concluded that on the basis that appropriate mitigation is provided, the master plan is satisfactory in respect of noise. Furthermore the acoustic design proposed for this development is considered to be in keeping with national planning guidance and standards. The proposal for mechanical ventilation to supplement the ventilation strategy to dwellings which are more sensitive to noise is a standard approach to residential development and follows the advice set out in the relevant national planning standards and guidance. A detailed noise assessment will be submitted in support of any planning application.

3. Environment Agency

3.1 Flood Risk

Due to the south-east section of the site being classified as Flood Zone 3, St William have been consulting with the environment agency as part of the formal pre-application process. St William appointed JNP Consulting Engineers to assess the likelihood of the site flooding and the source. A series of modelling exercises were undertaken using the EA model, which determined that the likelihood of the site flooding was low and due to inaccuracies with the EA model the site has been incorrectly classified, this is further evidenced in the historical local evidence which shows that there has been no history of flooding at the site for over 100 years. Whilst the EA have accepted that there are inaccuracies in their model, the extent of which the section of Flood Zone 3 can be reduced can only be determined once the EA have rectified their model, as such St William have agreed to provide a volume-for-volume floodplain compensation scheme. JNP have produced the design for the compensation which has now been signed off by the EA and has been incorporated into the proposed

3.2 Remediation

Due to the site formerly being used for the production and storage of gas, St William appointed JNP Consulting Engineers to undertake extensive ground investigation to determine the extent of remediation. The initial ground investigation was undertaken in September 17, to which additional investigations were undertaken in November 17 and June 18 to provide further clarity on the contaminants which were found. As previously advised, St William presented the results of the investigation and the outline remediation strategy to the EHO who has confirmed that on the basis that the EA are satisfied with the extent of investigation and the strategy they accept the approach.

In response to the requests of the EHO, St William have consulted with the EA as part of their formal pre-application process. The EA have now reviewed the ground investigation results and the proposed remediation strategy and have confirmed in writing that they're satisfied. Detailed remediation strategy will be submitted as part of the planning application.

4. Lead Local Flood Authority (HCC)

St William have consulted with the Lead Local Flood Authority (HCC) to determine the drainage principles for the master plan. A site walk over and pre-app meeting was attended by St William, JNP Consulting Engineers and the LLFA where the outline drainage design was discussed. Upon the LLFA's requests, St William (on behalf of both land owners) have been consulting with both Thames Water and the Canal and Rivers Trust to agree the points of drainage connections from the site. It has now been agreed that the surface water from the northern parcel will drain into the canal with the surface water from the Norbury Fencing site and the southern parcel draining into the existing Thames water sewer along Mead Lane. All foul drainage will discharge into existing Thames Water infrastructure. The LLFA have now confirmed in writing (25.09.18) that they have no major concerns in respect of drainage.

The detailed drainage strategy (which is to include a Sustainable Urban Drainage System) will be submitted as part of any formal planning application.

5. Canal and Rivers Trust

As part of the formal pre-application process with the LLFA, St William have been consulting with the Canal and Rivers Trust to obtain an agreement in principle to discharge surface water into the canalised section of the River Lea which runs adjacent to the northern boundary, to which the terms have now been agreed.

St William have also commenced the formal pre-application process with the Canal and Rivers Trust Planning Department to present the master plan and agree the proposed new connections to the towpath

6. HCC Highways

St William (on behalf of both landowners) have engaged with HCC Highways as part of the formal pre-application process. St William are working with HCC to conclude a series of Paramics modelling exercise of the local and wider road network, which will be addressed in the submission of a formal planning application. St William have also been consulting with HCC to agree a package of sustainable transport and mitigation measures to support the delivery of the site.

7.DELIVERY OF HERT2

7.1 DELIVERY OF HERT2

We share your high ambitions for the regeneration of the Mead Lane area and the future of Hertford. The masterplan framework seeks to address this by providing a framework for all future planning applications.

The masterplan framework has been developed with cognisance of the HERT2 policy allocation and will provide the following economic, social and community benefits:

- Opportunity to reconnect a site which has been redundant and closed off from the wider community for many decades
- Opportunity for a new gateway to the Marshgate Drive and the towpath.
- Opportunity to activate the stretch of towpath between Mill Road and Hertford Lock by extending into the boundary of the site and providing new areas where people can dwell
- Opportunity to repair the existing street scene along Marshgate Drive by creating a new active frontage with new high-quality housing and landscape
- Opportunity for a future bus route through the site
- Opportunity to deliver much needed new homes and contribute to housing need
- Opportunity to promote a sustainable lifestyle by providing new connections to walking, running and cycle routes
- Opportunity for flexible employment space
- Opportunity for a new public realm along Marshgate Drive
- Opportunity for new open space
- Opportunity to drive prosperity to the town centre by improving connectivity
- Opportunity to improve nature and ecology with a new landscape buffer along the towpath and further opportunity for new habitats
- Promotion of sustainable transport measures including new car club spaces
- Opportunity for Sustainable Urban Drainage Systems
- Remediation of a heavily contaminated former gasworks

7.2 THE VISION FOR HERT2



8. KEEPING HERT2 VIBRANT

8.1 FUTURE GOVERNANCE

St William have a dedicated Estate Management team who are based within each of the operational offices. The Estate Management team are primarily responsible for ensuring that our vision for a development remains strong for it's lifetime and they remain a vibrant place to live and visit.

The Estate Management team are responsible for ensuring that all of our resident's receive a "best value" service so they oversee the competitive tender process when selecting a management company to serve the development. The cumulative charge is then equally proportioned across the residents based on a square footage basis. In order to ensure that the annual service charge is a reasonable cost for our residents, a benchmarking analysis will be undertaken to ensure that it's in line with the market and other comparable developments.

In order to ensure that annual service charge contributions are representative of the local market, an extensive amount of market research is undertaken at the pre-planning stage to ensure that the resident's services and amenities are appropriate for the market which we're selling in.

On all of our developments, St William will be responsible for the appointment of a reputable management company who will oversee the following:

- Responding to resident maintenance requests to common areas
- Attend the site on a weekly basis to ensure that the development is in good order
- Monthly Gardening of resident amenity areas and public realm (minimum)
- Weekly cleaning of internal communal areas.
- Monthly window cleaning of communal windows (residents will have the benefit of "tilt and turn" windows to allow for self-cleaning)
- Monthly testing of fire and security alarms
- Ensure that all lighting is adequate and replace any blown fittings.
- Dealing with any management issues
- Facilitating any major repairs.

A management suite will be provided within the development, where trades people can work and be provided with all of the amenities which they require. The management suite will also be available for residents to meet with the management company to discuss any issues which they may have.

In order to empower residents to take ownership of their building, St William will fund and facilitate the set up of a Resident's Management Company which will be registered at Companies House with shareholders made up of the leaseholders. The St William appointed management company will be responsible for overseeing the maintenance of the grounds.

Not only are St William committed to placemaking on all of our developments, we're also fully committed to placekeeping. Our developments are our legacy, therefore will ensure that they remain vibrant.



Completed Berkeley Group Development



Completed Berkeley Group Development





EAST END GREEN CONSERVATION AREA

CHARACTER APPRAISAL AND MANAGEMENT PROPOSALS



ADOPTED 19 DECEMBER 2018

East Herts District Council
Pegs Lane, Hertford, SG13 8EQ

CONTENTS

	Paragraphs	Page
1. Introduction	1.1- 1.13	2
PART A – CONTEXT		
2. Legal and Policy framework	2.1- 2.18	7
PART B – CONSERVATION AREA CHARACTER APPRAISAL		
3. Origins and historic development	3.1- 3.9	11
4. Heritage and Environmental Designations and the criteria used to identify other important environmental features	4.1- 4.11	25
5. Character Analysis	5.1- 5.15	28
6. Summary of special interest of East End Green Conservation Area	6.1- 6.8	41
7. Summary of Issues	7.1- 7.8	42
PART C- CONSERVATION AREA MANAGEMENT PROPOSALS		
8. Management Proposals	8.1- 8.15	44
Schedule of Enhancement proposals	8.15	47
Appendix 1 - Checklist		48
MAPS		
Map 1. Location Map		5
Map 2. Character Analysis Map		28
ILLUSTRATIONS		
Aerial photograph 2010		6
Fig 1. Griffin map of 1732		16
Fig 2. Dury and Andrews map of 1776		16
Fig 3. Bryant map of 1822		17
Fig 4. OS Preliminary map of 1833		17
Fig 5. Tithe map of 1838		18
Fig 6. OS map of 1863		19
Fig 7. OS map of 1880		20
Fig 8. OS map of 1898		21
Fig 9. OS map of 1923		22
Fig 10. OS map of 1972		23
Fig 11. OS map of 2017		24

EAST END GREEN CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PROPOSALS

Adopted 19 December 2018

This Character Appraisal has been produced by officers of East Hertfordshire District Council to identify the special architectural or historic interest, character and appearance of the East End Green Conservation Area, assess its current condition, identify threats and opportunities related to that identified special interest and any appropriate boundary changes.

The Management Proposals section puts forward initiatives for the Conservation Area designed to address the above identified threats and opportunities that will preserve and enhance its character and appearance.

A public meeting was held on the 18 April 2018 to consider the draft Character Appraisal and the Management Proposals – for the latter, as required under s.71 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The draft document was then put to public consultation between 18 April and 1 June 2018. The comments received by the Council have been included in this document where appropriate. The document was formally adopted by full Council on 19 December 2018 upon the recommendation of the Executive Committee.

The content of Character Appraisals written from 2016 which include this paragraph differ slightly from predecessor documents. Selected revisions have been incorporated to reflect changes to legislation, content and policies set out in the District Plan which was adopted on 23 October 2018, nomenclature, consolidation and other improvements resulting from experience gained to date. This process is ongoing.

1. Introduction.

1.1. The historic environment cannot be replaced and is a resource that is both fragile and finite. Particularly in an age when society and its needs change with rapidity, the various historic and architectural elements of conservation areas can be perceived to interact in a complex manner and create a ‘unique sense of place’ that is appreciated by those lucky enough to reside in such special places and the many interested persons who appreciate and visit them.

1.2. East Hertfordshire District has a particularly rich and vibrant built heritage, featuring 42 conservation areas and approximately 4,000 fine listed buildings displaying a variety of styles representative of the best of architectural and historic designs from many centuries. Generally and very importantly the clear distinction between built form and open countryside has been maintained.

1.3. The District is situated in an economically buoyant region where an attractive environment, employment opportunities and excellent transport links, road, rail and air, make it a popular destination to live and work. In addition to London, a short commuting distance away, the District is influenced by other factors beyond its administrative area, such as Stansted Airport and the towns of Harlow and

Stevenage. With such dynamics it is inevitable that the historic environment will be subject to pressures which emphasize the need to protect it.

1.4. The previous Local Plan adopted in April 2007 recognised these facts and committed the Council to review its conservation areas and their boundaries, a process that is now nearing completion. The replacement District Plan contains the current policies affecting conservation areas.

1.5. Conservation areas are places which are considered worthy of protection as a result of a combination of factors such as the quality of the environment, spatial characteristics, the design and setting of the buildings or their historic significance. In addition to the individual qualities of the buildings themselves, there are other factors such as the relationships of the buildings with each other, the quality of the spaces between them and the vistas and views that unite or disrupt them. The relationship with adjoining areas and landscape, the quality of trees, boundary treatments, advertisements, road signage, street furniture and hard surfaces, are also important features which can add to or detract from the special interest, character and appearance of a conservation area.

1.6. This document was produced in accordance with Historic England guidance, the most recent of which is Advice Note 1 'Conservation Area Designation, Appraisal and Management' (2016). The Character Appraisal recognises the importance of the factors listed above and considers them carefully. Now approved, this document is to be regarded as a 'material consideration' when determining (deciding) planning applications. The Management Proposals section puts forward simple practical initiatives that would preserve the Conservation Area from identified harm and also any appropriate projects and proposals that would, as and when resources permit, enhance its character and appearance.

1.7. The recommendations concerning non-listed buildings and structures are normally formed by the field-worker's observations made from the public realm and seldom involve internal inspection or discussions with owners. Thus such recommendations contained in this Character Appraisal might be subject to reconsideration through the planning application process, where that is necessary, and which would involve the submission of additional information. Similar considerations apply to estimating dates of buildings.

1.8. This Conservation Appraisal:

- Identifies the special architectural or historic interest, character and appearance of the Conservation Area.
- Identifies elements that make a positive contribution to the above special interest, character and appearance of the Conservation Area that should be retained, preserved or enhanced;
- Identifies neutral elements that might be beneficially enhanced or, alternatively, replaced by something that makes the above positive contribution;
- Identifies detracting elements it would be positively desirable to remove or replace;

- Reviews the existing boundaries to ensure that they clearly define the Conservation Area and align with distinct changes of character with outside areas such that the Conservation Area is both cohesive and defensible;
- Identifies threats to the Conservation Area's special interest, character and appearance and any opportunities to enhance it;

1.9. The Management Proposals section:

- Puts forward any required boundary changes to omit or add areas to the Conservation Area that would make it both cohesive and defensible;
- Proposes measures and initiatives that address the threats to the Conservation Area's special interest, character and appearance identified in the Character Appraisal;
- Proposes initiatives and projects that exploit the opportunities identified in the Character Appraisal that both preserve and enhance the Conservation Area's special interest, character and appearance
- Puts forward appropriate enhancement proposals mindful of any funding constraints;

1.10 The document was prepared with the assistance of members of the local community and includes additional input from the public through the public meeting and the consultation exercise.

1.11 Acknowledgement and thanks are recorded to Hertfordshire County Council whose Historic Environment Unit has been particularly helpful and Peter Newson dip.arch RIBA (retired) for his detailed knowledge of the history of the area.

1.12. This document is written in three parts:

Part A - Legal and Policy Framework.

Part B – Character Appraisal;

Part C - Management Proposals.

1.13 Location of the Conservation Area within the East Herts District



Map 1. Location Plan



Aerial photograph 2010

PART A - CONTEXT

2. Legal and Policy framework.

2.1. The legal background for designating a conservation area is set out in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that the Council shall from time to time (now defined as 5 years) review its area and designate as conservation areas any parts that are of '*special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*'. The same section of the Act also requires that councils undertake periodic reviews.

2.2. Section 71 of the Act requires Councils to, from time to time (now defined as 5 years), '*formulate and publish proposals for the preservation and enhancement*' of conservation areas, hold a public meeting to consider them and have regard to any views expressed at the meeting concerning the proposals.

2.3 The production of a Conservation Area Character Appraisal, which identifies the special interest and the threats and opportunities within a conservation area, is an essential prerequisite to the production of s.71 Management Proposals (although, interestingly, it is the production of the latter that is the statutory duty).

2.4. Planning Controls. Within conservation areas there are additional planning controls and if these are to be justified and supported it is important that the designated areas accord with the statutory definition and are not devalued by including land or buildings that lack special interest.

2.5. Planning permission is required for the demolition of a building in a conservation area but is subject to certain exceptions. For example, it does not apply to listed buildings (which are protected by their own legal provisions within the 1990 Act) but is relevant to other non-listed buildings in a conservation area above a threshold size set out in legislation*. Looking for and assessing such buildings is therefore a priority of this Appraisal.

2.6. Certain ecclesiastical buildings (which are for the time being used for ecclesiastical purposes) are not subject to local authority administration provided an equivalent approved system of control is operated by the church authority. This is known as the 'ecclesiastical exemption'. Importantly in such circumstances, church authorities still need to obtain any other necessary planning permissions under the Town and Country Planning Act 1990.

2.7. Permitted Development. The Town and Country Planning (General Permitted Development) (England), Order 2015 defines the range of minor developments for which planning permission is not required. This range is more restricted in conservation areas. For example, the Order currently requires that the addition of dormer windows to roof slopes, various types of cladding, satellite dishes fronting a

* The demolition of a building not exceeding 50 cubic metres is not development and can be demolished without planning permission. Demolition of other buildings below 115 cubic metres are regarded as 'Permitted Development' granted by the General Permitted Development Order, subject to conditions that may require the Council's 'prior approval' regarding methods of proposed demolition and restoration.

highway and a reduced size of extensions, all require planning permission in a conservation area.

2.8. However, even within conservation areas there are other minor developments associated with many non-listed buildings that do not require planning permission. Where further protection is considered necessary to preserve a conservation area from harmful alterations carried out under such 'Permitted Development Rights', the law allows Councils to introduce additional controls if appropriate. Examples of such controls can commonly include some developments fronting a highway or open space, such as an external porch or the demolition of some gates, fences or walls or their alteration. The removal of existing architectural features that are identified as being important to the character or appearance of a conservation area (such as chimneys, traditional detailing or materials, porches, windows and doors or walls or railings) can be made subject to protection by a legal process known as an 'Article 4 Direction' which withdraws 'Permitted Development Rights'. The use of such Directions needs to be made in justified circumstances where a clear assessment of each conservation area has been made. In conducting this Character Appraisal, consideration has been given as to whether or not such additional controls are appropriate.

2.9. Works to Trees. Another additional planning control relates to trees located within conservation areas. Setting aside various exceptions principally relating to size, any proposal to fell or carry out works to trees has to be 'notified' to the Council. The Council may then decide whether to make the tree/s subject to a Tree Preservation Order. This Character Appraisal diagrammatically identifies only the most significant trees or groups of trees that make an important contribution to the character or appearance of the Conservation Area, particularly when viewed from the public realm. Other trees not specifically identified may still be suitable for statutory protection through a TPO. There is currently one TPO within the Conservation Area; on the frontage of certain dwellings facing the Green from Keepers Cottage east to the dell.

2.10. Some hedges may be protected by the Hedgerow Regulations 1997. This legislation is extremely complicated and only applies in certain situations that are determined by the location and extent of the hedge, its age and or its historical importance, the wildlife it supports and its number of woody species. Whilst the Regulations do not apply to domestic garden hedges, such garden hedges which are considered to be visually important have been identified. It is hoped their qualities are recognised by owners and the community and will be retained.

2.11. National Planning Policy Framework. The principle emphasis of the framework is to promote 'sustainable development'. Economic, social and environmental factors should not be considered in isolation because they are mutually inter-dependent and collectively define what is sustainable development. Positive improvements in the quality of the built, natural and historic environment should be sought, including replacing poor design with better design. Whilst architectural styles should not be imposed (unless, of course the conservation area is of homogenous architectural style – which is not the case with East End Green) it is considered essential to reinforce local distinctiveness.

2.12. Of particular relevance to this document, the National Planning Policy Framework (amended on 24 July 2018) advises as follows:

- There should be a positive strategy in the Local Plan for the conservation of the historic environment and up-to-date evidence used to assess the significance of heritage assets and the contribution they make.
- Conservation areas. Such areas must justify such a status by virtue of being of *'special architectural or historic interest'*.
- Heritage assets. A heritage asset is defined as *'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. 'Heritage asset' includes designated heritage assets and assets identified by the local planning authority (including local listings)' and non-designated assets – for example archaeological assets.*
- Considerable weight should be given to conserving such heritage assets and the more important they are the greater the weight. For example the effect of an application affecting a non-designated heritage asset should be taken into account and a balanced judgment reached. Substantial harm to or loss of a grade II listed building should be exceptional whilst harm to heritage assets of higher status, e.g. a grade I or II* listed building should be wholly exceptional.
- Local Planning Authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance and proposals that preserve such elements should be approved.
- The use of Article 4 Directions to remove national permitted development rights should be limited to situations *'where this is necessary to protect local amenity or the well being of the area...'*
- Green areas. Such areas of particular importance can properly be identified for special protection as Local Green Spaces in selected situations.

2.13. East Hertfordshire's Environmental Initiatives and Local Plan Policies. East Hertfordshire is committed to protecting conservation areas and implementing policies which preserve and enhance them; to support their preservation through the publication of design and technical advice and to be pro-active by offering grants and administering a Historic Buildings Grant Service. With regard to the latter, grants are awarded on a first-come-first-served basis in relation to works which result in the maintenance of listed buildings and other unlisted buildings of architectural or historic interest. Details are available on the Council's website.

2.14. In respect of the above the Council has produced a number of leaflets and guidance notes that are available on line. These 'guidance notes on the preservation and repair of historic materials and buildings' provide useful information relevant to the preservation and enhancement of conservation areas. They will be updated as resources permit.

2.15. The Council also has a 'Heritage at Risk Register', originally produced in 2006 and updated in 2016 and 2017. This document is available on the Council's website. There are no such buildings within the East End Green Conservation Area.

2.16. The East Herts Local Plan was adopted by the Council in 2007. The 'saved' policies set out in the plan remain in force and are relevant in relation to conservation area and historic building considerations. The Local Plan and its policies can be viewed on the Council's website or a copy can be obtained from the Council (contact details are set out at the end of this document).

2.17. In accordance with the requirements of the Planning and Compulsory Purchase Act 2004, the Council has prepared a planning policy document which has now replaced the 2007 Local Plan. This is the East Herts District Plan (DP) which was adopted on the 23 October 2018 and which contains the relevant planning policies. The District Plan advises that new development within a conservation area should, *inter alia*, have regard to the content of the relevant Character Appraisal.

2.18. East End Green Conservation Area was first designated on 28 January 1981. This is the first review of the Conservation Area and production of a Character Appraisal or Management Proposals since then.



The Wellhead gear. Now relocated (see 3.1.4) and Part C – Management Proposals

Part B – CONSERVATION AREA CHARACTER APPRAISAL

3. Origins and Historical Development

3.1. There are 5 entries within the County Archaeologist's Historic Environment Record for East End Green. They summarized as follows:-

3.1.1 EAST END GREEN, HERTINGFORDBURY

HER Ref: MHT 30272

Post-medieval hamlet around a green

East End Green is a small green on Woolmers Lane, an area of common land with lanes and tracks coming in at the corners. Typical of the dispersed settlement pattern in Hertfordshire, often called Ends or Greens. Like many Greens, it has a farmstead, East End Farm [16387], and cottages scattered around its edges. A number of buildings shown on early maps have not survived to the present day – notably on the paddock and its surrounds. The oldest extant building, The Cottage, dates to the late 15th or early 16th century. The 1838 tithe map shows only six houses as well as the farm, and some empty plots which imply a loss of population, although the 1880 OS map may show some of them planted as small orchards. By 1880 the house on the paddock at the NE end of the Green had been demolished, to be replaced by an orchard.

3.1.2 EAST END GREEN FARM, EAST END GREEN, HERTINGFORDBURY

HER Ref: MHT 16387

Post-medieval farmstead with brick farmhouse.

The farmhouse at East End Green Farm was built c.1800. It replaced an earlier farmhouse, probably vernacular in style but also two storeys with attics. The present house is in stock brick with white brick dressings and tiled roof with three dormer windows in a polite style. Three bays wide with original lean-to outshuts at each end, and a central entrance. At the back is a central full-height staircase wing. Some surviving original features, including fireplaces and the upper part of the staircase. The house was extended and altered in the 20th century, both lean-to outshuts having been extended to the rear. In the early 20th century a weatherboarded range was added to the right (a dairy), single-storey and attics with dormers. This connects the house with the barn, which is 17th or 18th century, timber-framed and weatherboarded on a brick base, four bays long and with double doors on both sides in the second bay from the house. The c.1800 house evidently replaced an earlier farmhouse. Listed Grade II.

The farm was restored from 1988 onwards by the writer Frederick Forsyth; the house faces SE onto the courtyard lined with weatherboarded buildings including the barn, other barns, stables, a grain store and a dairy. Most have been converted into domestic occupation. Major additions to the farm buildings were put up in the 20th century, but the layout has not otherwise altered.

3.1.3 KEEPER'S COTTAGE, EAST END GREEN, HERTINGFORDBURY

HER Ref: MHT 31400

Late 16th or early 17th century timber-framed house, divided into two cottages in the 19th century and extended as one house in the 20th century.

Keeper's Cottage is a two-storey timber-framed house built in the late 16th or early 17th century. Originally three bays wide with lobby entry plan, it had a central door and central ridge chimneystack, and a catslide roof over a continuous lean-to outshut at the rear. Single-storey and attic two-bay brick addition with front gable added in the 20th century; the central door blocked and replaced with a new entrance in the extension. Inside the house is exposed timber framing. The house is shown on the 1838 tithe map occupying one of three house plots on the south side of the green [30272]. The 1880 OS map shows it divided into two cottages, with outhouses on the west side of the plot. It remained divided until the 20th century.

3.1.4 SITE OF WELLHEAD GEAR, EAST END GREEN, HERTINGFORDBURY

HER Ref: MHT 5675

Late 19th century well on the Green, the superstructure demolished in the late 20th century.

Wellhead gear with a simple iron arch and pulley ring springing from a circular yellow brick wall 3ft high. Probably erected by Earl Cowper c.1890. The wellhead was removed and the well covered over by 1994.

'Well' is marked on the 1898 and 1923 OS maps towards the SW end of the Green and beside the road which enters the common land from the west. The 1923 map shows it as a circular structure, which accords with the surviving elements discovered recently.

They are presently (2017) located within the grounds of Orchard Cottage in the field to the south of The Cottage. See photo on p.10. In addition, the well site has apparently been rediscovered (2018). A potentially interesting restoration project – see Part C Management Proposals).

3.1.5 THE COTTAGE, EAST END GREEN, HERTINGFORDBURY

HER Ref: MHT 30273

Late medieval timber-framed hall house, altered to a lobby entry plan

Timber-framed hall house built in the late 15th or early 16th century as a two-bay open hall. Upper floor inserted and a brick chimney stack built through the ridge in the late 16th to mid-17th century giving it a lobby entry form. Now a single-storey and attic house on a brick plinth. Side and rear extensions were added in the 20th century, so the entrance is now off-centre.

The 1838 tithe map shows the house in its plot at the SW end of East End Green [30272], with a large outbuilding north of the house. By 1880 this had been demolished and the house extended to the SE. The 1898 and 1923 OS maps imply other alterations and possibly the replacement of the earlier extension. By 1923 the garden had been enlarged.

3.2 This is a tiny rural settlement of a moderately large farm that includes a farm manager's cottage, the old dairy, three barn residential units and the farmhouse and 6 dwellings along the Green;- a total of 11 dwellings. This is not large enough to support either a pub or a church. The local pub was at Pipers End – The Black House/The Red House - now demolished. This also served as the milk station for East End Green Farm until just after the war. The Chapel at Letty Green and, for high days and holy days, St. Mary's at Hertingfordbury were a brisk walk away.

3.3 Prehistoric, (before 600BC), Iron Age (600BC -43AD), Roman (AD43 - c450), Saxon (c450 - 1066), Norman and Medieval (1066-1500).

As a post Medieval settlement and with little archaeological evidence from the immediate area available, little can be said with confidence about these periods as they relate to the area. Nevertheless, evidence of human settlement along the Lea Valley can be traced to the Mesolithic period (circa 6,500 BC) and, of course, Hertford from the Late Iron Age and Hertingfordbury from the 12th c. were well-established long before East End Green was settled. It is one of five Greens (or 'Ends') associated with the main village of Hertingfordbury and part of its Parish, being Birch Green, Cole Green, East End Green, Letty Green and Staines Green. It is a rural hamlet set on the northern glacial drift valley crest overlooking the River Lea along which, by 700 BC, there were a scattering of small settlements. The SW/NE linear orientation of the hamlet aligns with both the ridge and that of the River some 38 metres below. It is the southernmost of the five Greens.

East End Green's origins were agricultural, East End Green Farm retains this use today, and would have related commercially primarily to Hertford, then Hertingfordbury and the Roxford Estate, Panshanger to the north and, just to the east, the directly adjoining Woolmers Park.

3.4 Norman and Medieval (1066-1500)

The publication, *Place Names of Hertfordshire, English Place-Name Society Vol. XV 1938, Cambridge University Press, 1970* advises several names for East End Green.

1420 – le Estendgrene

1611 – Easten Greene

1938 – Eastend Green

Modern – East End Green

The 1420 date is the earliest known reference to East End Green. It does not feature in The Domesday Book, the census commissioned by William I in 1086. This does record Hertingfordbury, Panshanger and the Roxford Estate, but none of the five Greens are recorded, from which it is surmised that they were as yet unsettled.

3.5 16th – 17th Century

Regrettably there are no records known that might help us understand the early history of East End Green. East End Farmhouse is circa 1800 but is assumed to have replaced an earlier and probably timber-framed vernacular building. The Cottage is the earliest surviving building at late 15th C or early 16th C. followed by Keepers Cottage of late 16th C. or early 17th C.

3.6 18th Century

The 1732 Griffin map depiction of East End Green is topographically remarkable accurate and can readily be compared to current OS mapping, aerial/Google earth photographs.

The extent of common land shown contained by a perimeter fence line closely matches the Village Green Conveyance Deed to the Hertingfordbury Parish Council in 1975. The most imposing building illustrated is on the current site of East End Green Farm, however the plan of an apparent farmstead is depicted opposite south of the public byway where only a shallow excavation now exists and is ascribed to Mr Brace.

Following along the southern common land boundary were five buildings shown facing the Green of which just Keepers Cottage and Orchard Cottage survive. However, whilst of earlier age, just east of the 'triangle' and site of the communal well, the still existing 'The Cottage' is not shown.

The opposite northern common land boundary depicts a tree-dotted hedgerow which survived until the arrival of Dutch Elm disease in 1980 when, regrettably, they had to be felled and replanted with other native trees. Fields adjoining are ascribed to Mr Grub and Mr Grace.

The Griffin map shows further buildings within the oval paddock to the east, ascribed to Lord Cowper and set within orchard trees. A further dwelling is shown as Ormoroids Orchard opposite what is now the public byway. These are now lost (as are the orchards) evidence, perhaps, of the decline of rural areas during the 19th century.

The Andrews and Drury map of 1776 is of little help as the hamlet is not featured.

3.7 19th Century

The 1822 Bryant map clearly identifies the area of common land, the current East End Green Farmhouse, two buildings on the oval field, one in Ormoroids Orchard, Keepers Cottage and one further building and, perhaps, The Cottage to the east. Eastwards a further four buildings are depicted along the road to Staines Green, one of which is assumed to be Hazeldene.

East End Green Farm was increasingly focussed on rearing pedigree Hereford and Aberdeen Angus beef cattle at this time, with one half of the farm producing corn as cattle feed, with the other set to pasture.

Probably the most significant change within the area came with the arrival of the Hertford North – Welwyn Junction railway line in 1858. This passed just to the north of East End Green, as it ran along the Lea valley from Hertford, through Hertingfordbury, Letty Green, Cole Green and on to Welwyn and what was to become from the 1920s Welwyn Garden City. Ambitions to go on to Luton and Dunstable were thwarted by lack of investors and inter-company rivalries. Never a busy line, it closed in 1951 (13 years before Beeching), the tracks lifted in 1967. It is now the Cole Green Way used by recreational ramblers and cyclists. For a brief moment, however, it must have seemed to residents of East End Green that they

were nearly connected to the outside world. That connection, of course, was later restored through the motor car.

3.8 20th Century and beyond

Excepting the two most recent additional houses (Keepers Wood and The Poplars), early and 20th C. OS maps indicate few significant changes over the century, apart from some recent provision of detached garages of traditional construction within gardens.

While the farm carries on, and does now include three rental flats and three residential units, the houses along the Green are now largely owned by residents who earned their living in non-agricultural, more lucrative, pursuits. A number have been extended, often in a sympathetic manner applying conservation principles. Nevertheless, they are now substantial houses and any earlier cottage character has, to a significant degree, been subsumed. As large and attractive houses in a fine rural setting, local house prices make them beyond the pockets of the rural workers they were originally built for. Similarly, the area's status in the Green Belt protects it from development yet militates against the building of more affordable housing; a not untypical tale in the District.

Conservation Area status brings with it protection measures that prevent the unwarranted demolition of non-listed buildings (with the exception of some agricultural buildings on the Farm) and ensures that any future development – be it extensions or new houses – do not harm the special interest, character or appearance of the Conservation Area.

This Character Appraisal seeks to identify that special architectural interest, character and appearance so that it can be better preserved and enhanced. The derived and approved Management Proposals, local action, the influencing of individual owners, directing the various authorities with rights over the public realm, better design and more informed decision-making by the Council's own planning system can help prevent or mitigate any such identified harm. It cannot stem the above social changes, which are for others to contemplate and address.

3.9 Historic and contemporary maps.

These show the development of the area since the early 18th century. Allowing for the relative inaccuracies of early surveys, of interest are the lost buildings on the paddock and to its north and east demolished in the mid-19th century and the absence of 'Mr Brace's' farm to the east before 1822. Since then, the maps show how little the area has changed. The sequence begins with the 1732 Griffin map followed by the Dury and Andrews map (1776), the Bryant map (1822) and then into the OS maps, starting with the initial survey of 1833 then on to the present day.

The impact of the railways shown on the 1863 map is quite startling and sheds light, perhaps, on why so many artists, romantics and intellectuals of the day were so opposed to them. Today, of course, we laud our railway heritage and many readers, no doubt, feel a wistful regret at the loss of the line. Yet, proposed modern infrastructure projects face similar resistance to that faced by the railway pioneers of the 19th century. *Plus ça change...*



Fig. 1. Griffin Map of 1732. This is the earliest known map of the area - an estate map of some degree of accuracy. East End Green and the farm are clearly shown as are buildings on the paddock and 'Mr Brace's' farm now lost. The map is inverted to show north at the top to allow easy comparison with the following historic maps).



Fig. 2. Dury and Andrews map of 1776. East End Green not shown (this survey focussed on the larger estates). The building and compound under the large letter 'O' may be of relevance but, regrettably, are unannotated.



Fig. 3. Bryant Map of 1822. This survey was at 1" = 1 Mile so not particularly detailed. The Farm and cottages are clearly visible including buildings on the paddock and to its north since lost.



Fig. 4. OS First series map of 1833 (from a spread of 1805-1869) from initial sketches of circa 1805. The survey was at 1" = 1 Mile so not particularly detailed. Note East End Green was annotated as Eason Green. The Farm and cottages are shown including buildings on the paddock and to its north since lost.

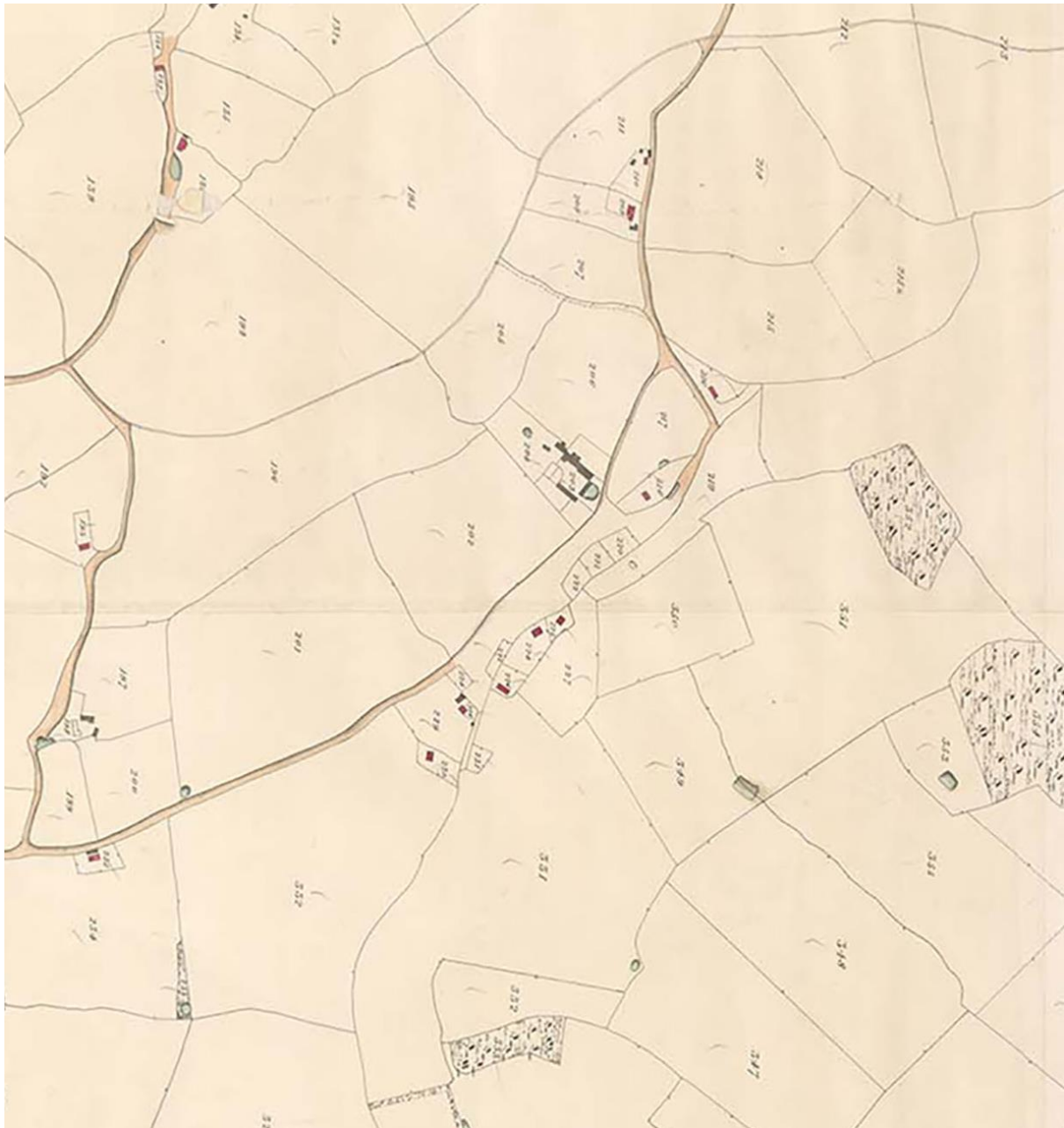


Fig 5. Hertingfordbury Tithe map (extract) 1838



Fig. 6. OS First series map of 1863 (from a spread of 1805-1869). By far the biggest change shown was the new railway. Little else had changed over the intervening years. The map is at 1" = 1 Mile so not particularly detailed. Note East End Green was still annotated as Eason Green. The Farm and cottages are shown including buildings on the paddock and to its north since lost.

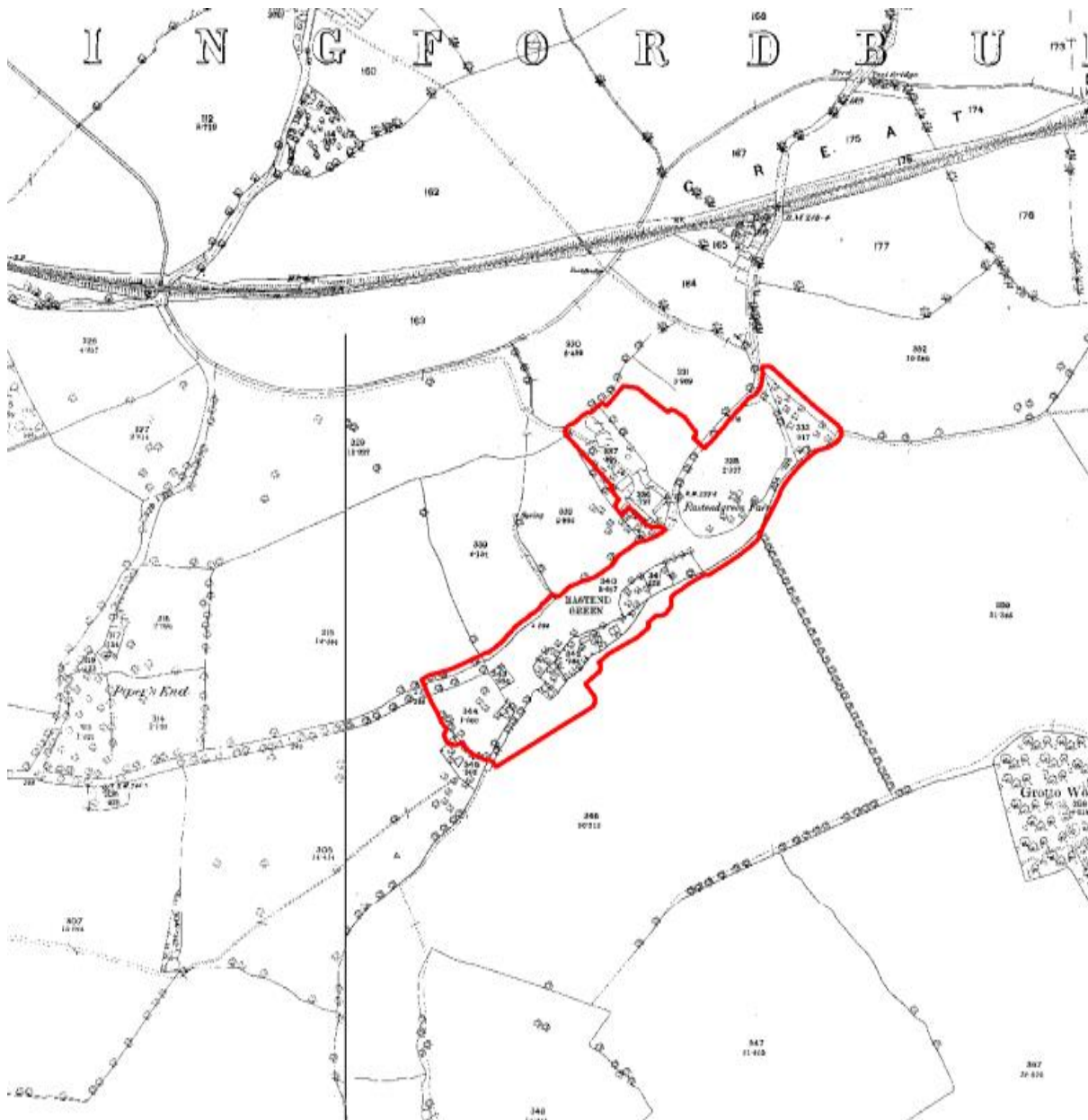


Fig. 7. OS map of 1880 (from a spread of 1874-1894). Buildings on the paddock and to its north and east shown on the 1863 map are no longer shown.

(The relative inaccuracies between different OS sheets from individual years and the difficulties in aligning these with modern GIS standards of mapping (e.g. the new Conservation Area boundary) are apparent. Due allowance on this and other historic maps in this series should be made).

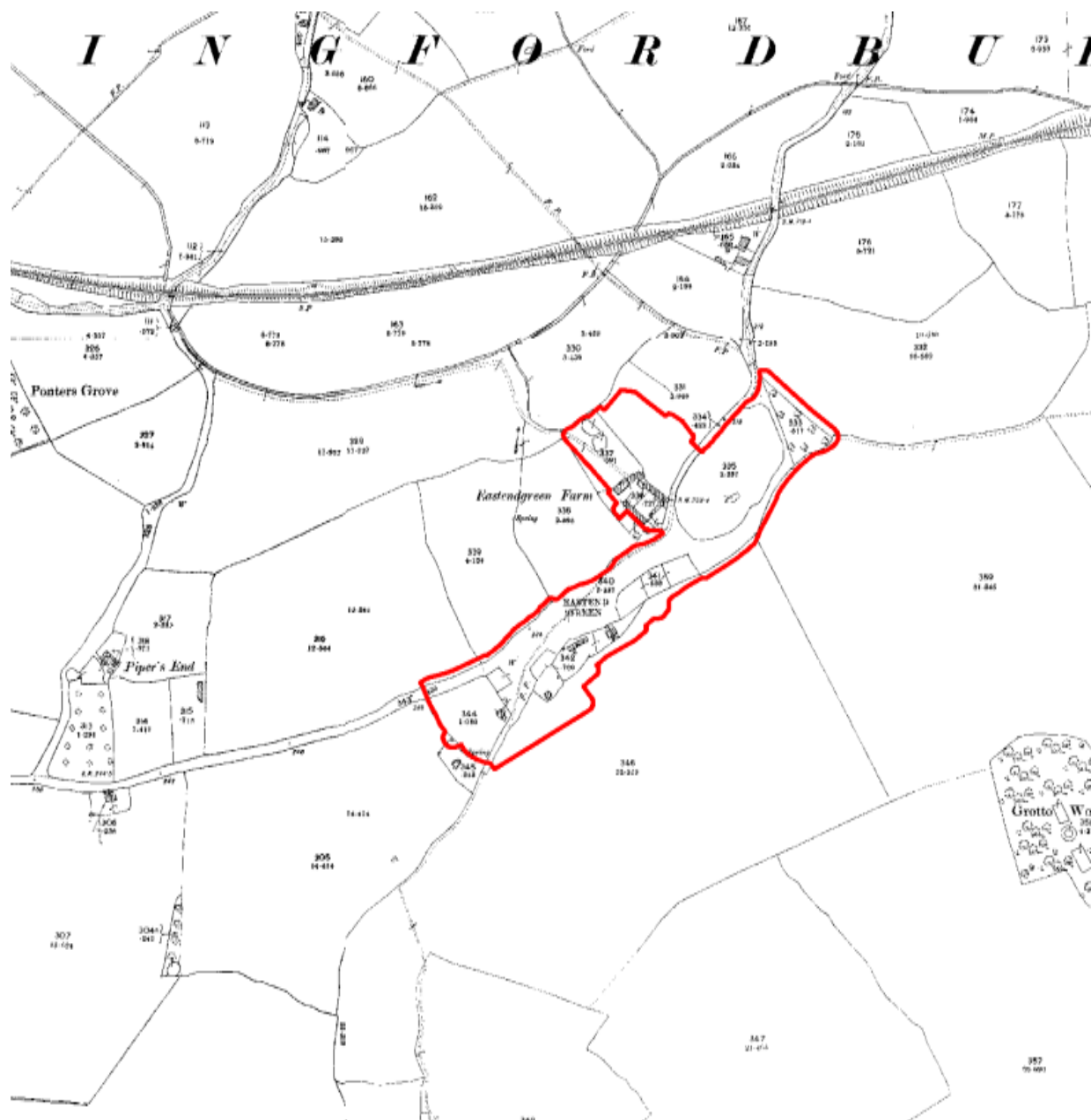


Fig. 8. OS map of 1898 (from a spread of 1897-1898).

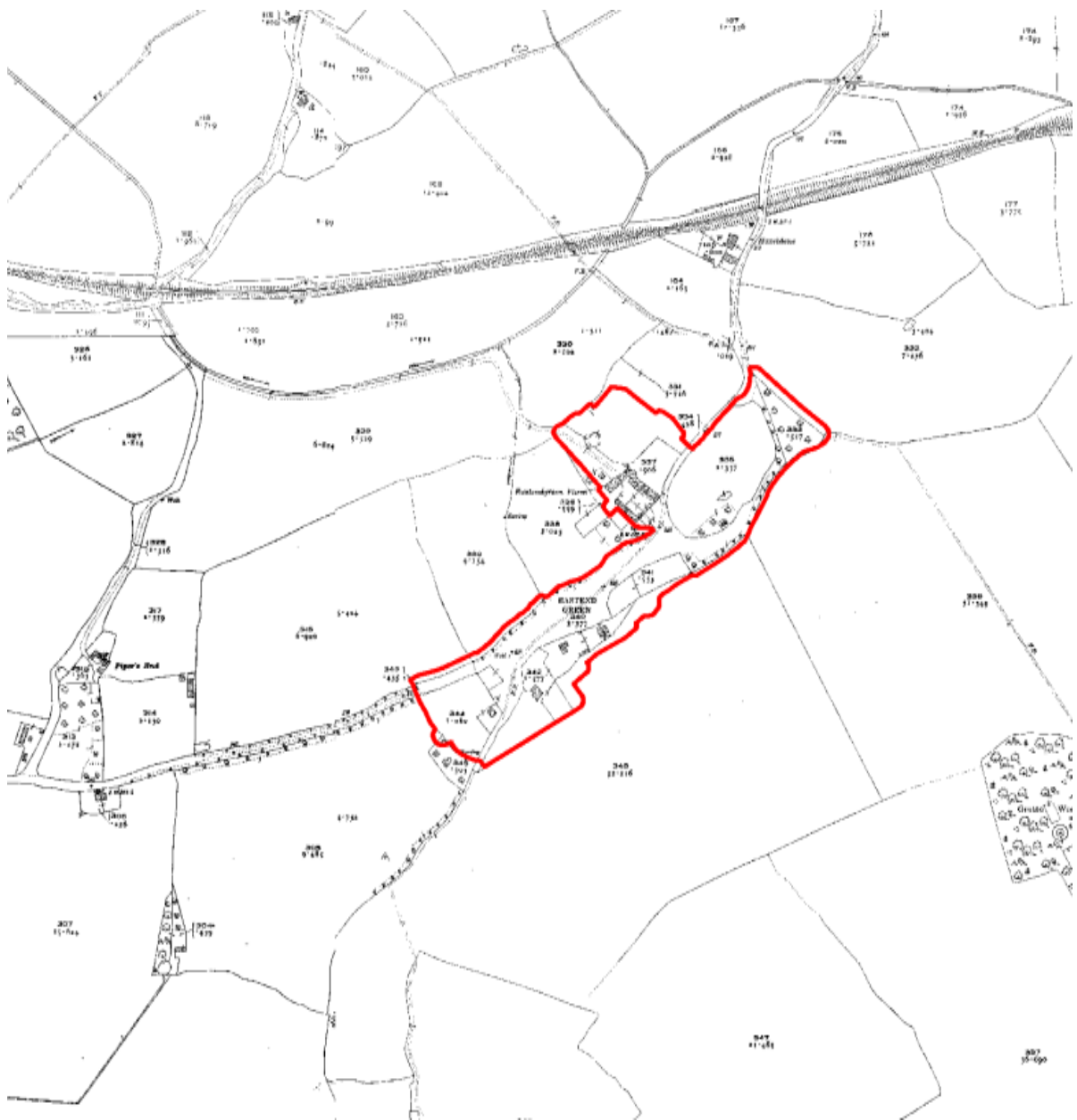


Fig. 9. OS map of 1923 (from a spread of 1920-1924).

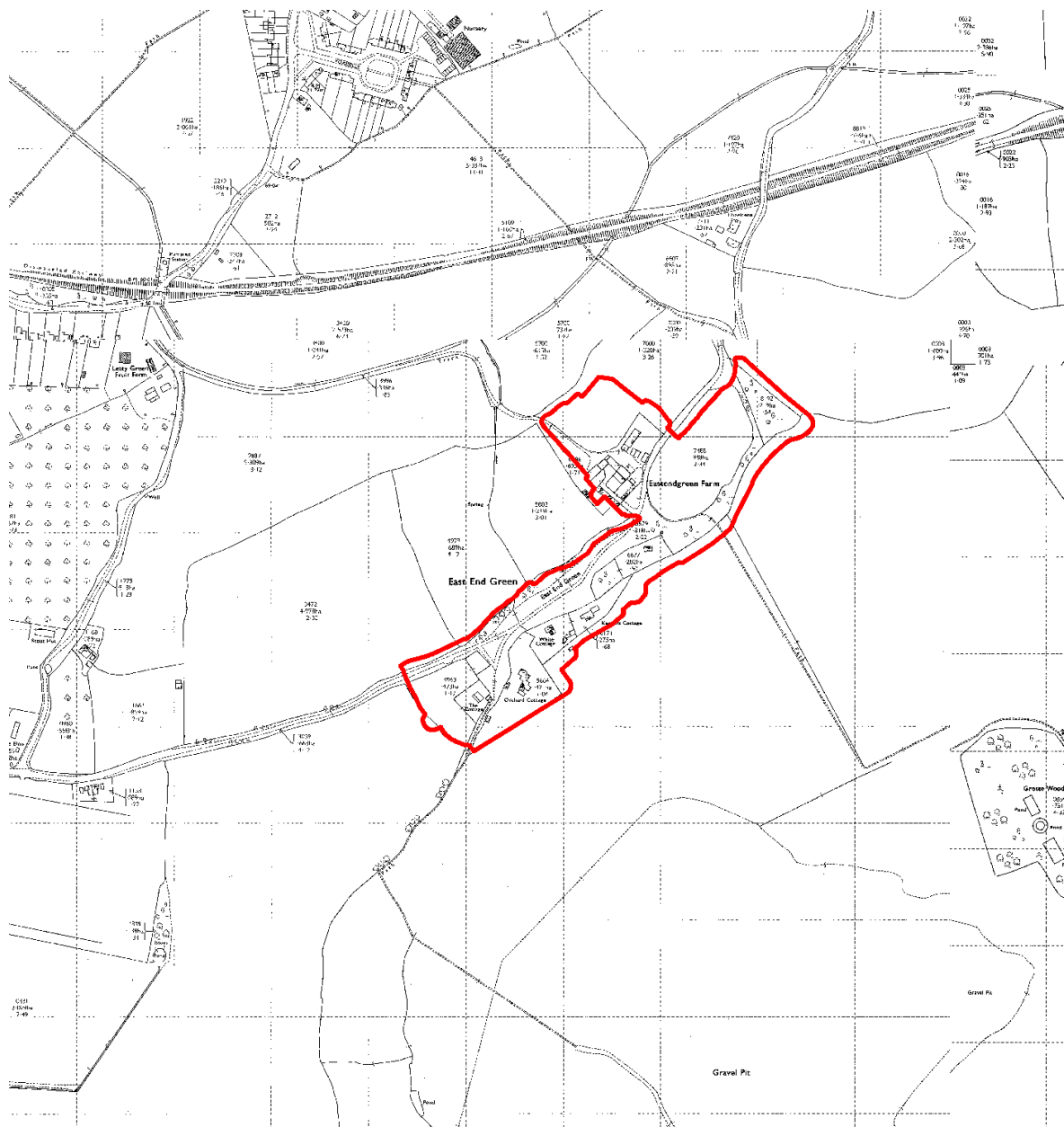


Fig. 10. OS map of 1972 (from a spread of 1963-1979).

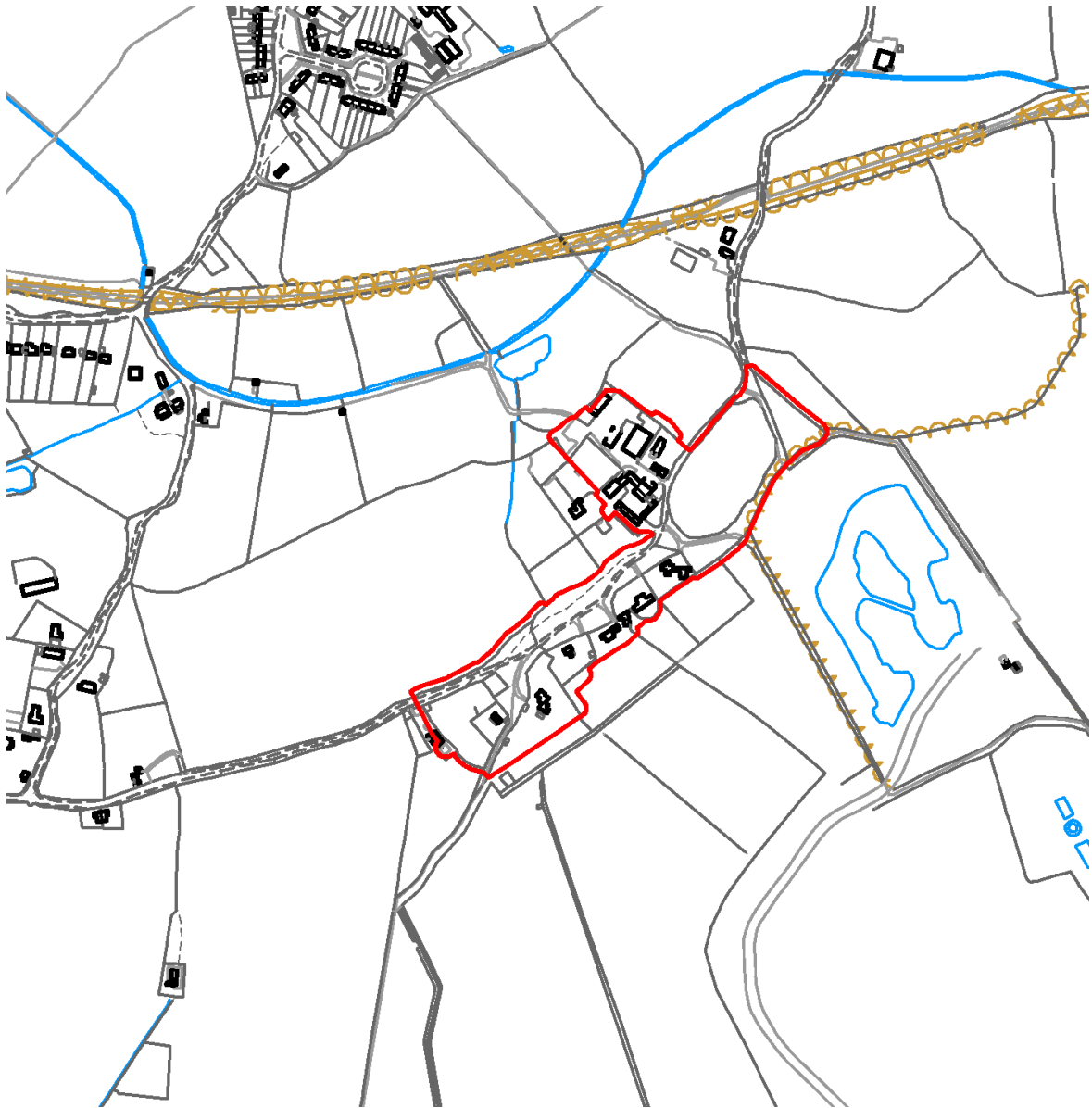


Fig. 11. OS map of 2017

4. HERITAGE AND ENVIRONMENTAL DESIGNATIONS AND THE CRITERIA USED TO IDENTIFY OTHER IMPORTANT FEATURES

4.1. Scheduled Ancient Monuments (a National designation).

There are no SAMs within the Conservation Area.

4.2. Areas of Archaeological Significance

These are designated locally by East Herts District Council on advice from Hertfordshire County Council. There are no AAS within the Conservation Area.

4.3. Listed buildings (a National designation).

There are three grades of listed buildings; in descending order of special interest, Grade I (approximately 2.5% of the national total), Grade II* (approx. 5.5%) and Grade II making up the rest. Listed buildings are protected from unauthorised demolition, alteration or extension. They are protected both internally and externally. Structures, including railings and walls, within the curtilage of listed buildings, if they are pre-1948, are also subject to the same controls as listed buildings. Individually listed buildings within the Conservation Area have been identified, plotted and briefly described, such abbreviated descriptions being based on the national list, occasionally with additional comments in italics by the fieldworker. Full descriptions can be obtained on line at Historic England's website

List.HistoricEngland.org.uk

4.4. Non-listed buildings of quality and worthy of protection.

A number of other non-listed buildings and structures make an important positive contribution to the architectural or historic special interest of the Conservation Area and are identified by this Character Appraisal. The basic questions asked in assessing such buildings/structures are:

- (a) Is the non-listed building/structure of sufficient architectural or historic interest whose general external form and appearance remains largely unaltered?
- (b) Does the building contain a sufficient level of external original features and materials?
- (c) Has the building retained its original scale without large inappropriate modern extensions that destroy the visual appearance particularly in respect of the front elevation?
- (d) Is the building visually important in the street scene?

Historic England, in its Advice Note 1 'Conservation Area Designation, Appraisal and Management' (2016) provides a useful checklist to identify elements in a conservation area which may contribute to the special interest. The checklist is reproduced in Appendix 1.

4.5. Important trees and Hedgerows.

These are identified by this Appraisal and shown on the Character Analysis Map on p. 28. The basic criteria for identifying important trees and hedgerows are:-

- (a) They are in good condition.
- (b) They are visible at least in part from public view points.

- (c) They make a significant contribution to the street scene or other publicly accessible areas.

4.6. Open spaces or important gaps.

Those that contribute to the character and appearance of the Conservation Area and where development would be inappropriate are identified by this Character Appraisal and on the Character Analysis Map on p. 28. The basic question asked in identifying such areas is does the open space or gap form an important landscape feature contributing to the general spatial quality and visual importance of the Conservation Area? Private open spaces forming an important setting for an historic asset and unkempt spaces that have the potential to be enhanced are candidates for selection subject to complying with the principle question.

4.7. Other distinctive features.

Those that make an important architectural or historic contribution are identified in this Character Appraisal and on the Character Analysis Map on p. 28. In relation to walls and railings, those at and above prescribed heights in a conservation area, being 1m abutting a highway (including a public footpath or bridleway, waterway or open space) or 2m elsewhere, are protected and require permission for their demolition.

4.8. Enhanced controls.

Reference has previously been made to the potential of introducing Article 4 Directions to control minor development in conservation areas in justified circumstances. The character appraisals undertaken to date for other conservation areas have identified that while many important historic architectural features remain unaltered on some non-listed buildings, the exercise of Permitted Development Rights on other buildings has eroded their quality and harmed the special interest of the conservation areas. Should Members decide to proceed with such an initiative, such important historic detailing including features as identified below could justifiably be retained and inappropriate alterations to them controlled. In time some of the lost architectural detailing could then be restored.

- Chimneys, in good condition, contemporary with the age of the property and prominent in the street scene.
- Windows and doors visible from the street/s, where they make a positive contribution to the special interest and character and appearance of the Conservation Area. An Article 4 Direction made through a s.71 Conservation Area Management Proposal can be a useful tool in controlling the loss of such features and, where already lost and replaced with inauthentic modern replacements, their restoration.
- Other features might include good quality architectural materials and detailing constructed of wood, metal or other materials.
- Walls or railings which make a positive architectural or historic contribution to the character or appearance of the Conservation Area.

- Hardstandings and measures to prevent the loss of front gardens for off-street parking.
- Measures to prevent the installation of PV and solar panels on prominent roofslopes.
- It may also be appropriate to introduce Article 4 Directions to retain quality buildings below the prescribed Permitted Development threshold.

4.9. Negative features.

Buildings and features that are out of character with the Conservation Area and detract from or harm its special interest or are in poor repair are identified in the Character Appraisal and on the Character Analysis Map on p. 28.

4.10. Important views.

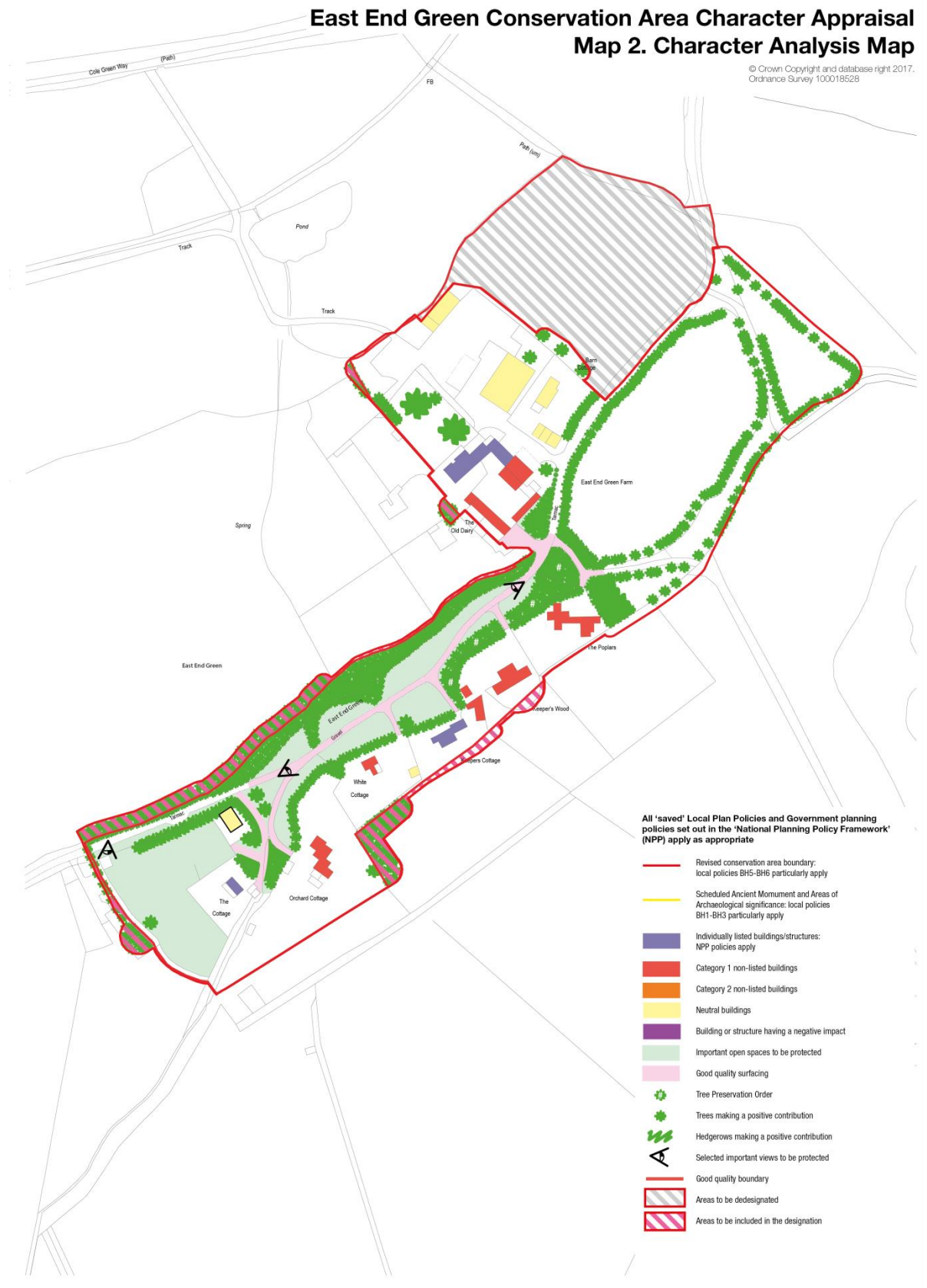
These are identified on the Character Analysis Map on p. 28.

4.11. Conservation Area boundaries.

In suggesting any revisions to the Conservation Area boundaries, principal consideration has been given as to whether or not the land or buildings in question form part of the area of 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Too often modern development lacks the necessary architectural interest to merit retention. Similarly, large tracts of open space or farmland around a village should not now be included. The boundary should describe a clear change in character or appearance if it is to be both logical and defensible in law.

Boundaries will normally, but not always, follow existing features on the ground and property boundaries. Where appropriate, it will also follow the crown of the road. In addition, where conservation area legislation protects features such as wall/railings or trees that would otherwise form part of a conservation area boundary the latter is extended a small but obvious distance beyond the protected feature in question to avoid any ambiguity in interpretation as to whether or not it lies within the conservation area.

5. CHARACTER ANALYSIS.



5.1. General Landscape setting.

In terms of its wider setting, the Landscape Character Assessment produced in 2007 as a Supplementary Planning Document, describes the wider area ('Area 66, Cole Green and Hertingfordbury Settled Farmland') as, *'A mainly pastoral area of small hamlets, with parkland and mineral extraction along its southern edge and urban influence at its eastern extent'*. It describes its Key Characteristics as, *'small double gravel ridge between two rivers, with a small valley between, most of this area is remote and tranquil, small variable villages and hamlets, long established and with 20th-century additions, clustered around village greens and influence of rivers not apparent, even at confluence'*. Its Distinctive Features include, *'use of disused railway for Lea Valley Walk. Possibly the best signed and accessed footpath in the county, but dull and gloomy'*.

The SPD informs us that *'The long-settled character of this area is very evident within the various settlements'*. It adds, *'There has been some loss of field boundaries to arable production, and a change to medium-sized fields, but there is still a strong small-scale pattern of hedges and fences and a considerable number of mature hedgerow oaks'*. In terms of transport patterns it notes, *'The parkland influence is apparent in the number of no through roads. Most of the villages are accessed from Birchall Lane but have no exit to the south. The lanes vary between deep and level, but all are winding and generally well vegetated. Cole Green Way/Lea Valley Walk/Chain Walk is a combined footpath, bridleway and cycle route.'*

5.2 General overview.

East End Green is a small rural hamlet approximately two miles to the west of Hertingfordbury and one of five Greens between Birchall Lane/ the Old Coach Road on the high ground and the River Lea below. The valley was cut through in 1858 by the Hertford to Welwyn Junction Railway which passed just to the north of East End Green. To the south east are the Roxford Estate and Grotto Wood.

The hamlet is surrounded by open countryside and the setting is consequently somewhat remote, away from both traffic noise and street lighting. The approaches are two single-track rural lanes, four footpath routes and the Cole Green Way all in use by walkers, ramblers, horse riders and cyclists crossing the Green.

The hamlet is tiny, featuring the one farm with associated flats and dwellings and 6 further dwellings, these latter arrayed along the south side of the road. Originally small cottages, the dwellings have been substantially extended in recent years.

The majority of the Green feels quite enclosed by a hedgerow and tall tree screen marking the long northern boundary and, south of the gravel track, continuous maintained hedgerows that line and partially obscure the five residential property boundaries. Both these lineal edges to the Green meander and by widening and narrowing, create a distinctive changing perspective when crossing the Green.

Halfway across the Green the land drops two or more metres toward the Farm but the ridge level continues south around an old clay pit 'dell' to reach the RUPP and the two footpaths before reaching a final small triangle of Green at its return to the lane towards Staines Green. Whilst the principal area of the Green is mown regularly, this eastern section is entirely abandoned and impenetrable with no visual

attributes and does not contribute towards the special interest of the Conservation Area.

A principal feature is the unadopted track which crosses the Green between the single-track lanes westwards to Pipers End and northwards beyond 'Hazeldene' and the Cole Green Way on to Staines Green. The track divides at each end of the Green to access footpaths FP1 to Water Hall and RU19/FP3 and 3a towards Roxford and Hertingfordbury. It has survived earlier proposals for Tarmac and streetlights but, as a soft gravel finish, while picturesque, it was prone to deep potholes and mud which in winter months encouraged drivers to cross onto the grass rather than risk vehicle damage (or having to clean the car). Happily, it was recently relaid with a fresh track base and attractive gravel topping but will continue to require regular pothole filling and maintenance to retain the current visual and practical enhancement.

A further enhancement since designation involved British Telecom who were persuaded to replace the line of telegraph poles then crossing the length of the Green with underground cables – once the residents had dug the trenches for them.

As noted, Dutch Elm disease killed off the northern tree screen which was replaced in 1980 with 109 native saplings. This was a partnership project between residents, the Parish Council and East Herts DC. The saplings are now good trees. However, since then invasive blackthorn, blackberry and nettles have been allowed to take hold in front of the intended tree line and have rather reduced the visually apparent area of the Green.

Nevertheless, the strong tree and hedge lines give the area an enclosed feel while the topography has led to the rolling and curving road. Together these characteristics make for a picturesque and intimate grouping with few external views to the country side beyond.

Its remote location and the lack of any nearby public transport means that today's residents are almost entirely dependent on the car to get around or visit other villages or towns. It is too small a hamlet to sustain its own facilities such as a church or chapel-at-ease (the nearest was at Letty Green, but it has now gone) or even a pub (at Pipers End but now demolished). It is consequently, rather isolated.

5.3 Scheduled Ancient Monuments.

None. (Grotto Wood, part of the Roxford estate, half a mile to the south east is a SAM).

5.4 Areas of Archaeological Significance.

None. (A rectangular area partially covering the gravel ponds to the south east is an Area of Archaeological Significance).

5.5 Individually Listed Buildings.

There are 3 entries on the national list within East End Green Conservation Area. All are Grade II. Summaries of the listings are reproduced below. Full details of the listings can be found on the Historic England website at:-

<http://list.historicengland.org.uk/results.aspx?index=1>

East End Green Farmhouse and Attached Barn to North East.



HE Ref: 1341426

Listed 24 November 1966. Amended 11 June 1986.

House. c.1800, but closely following an earlier type. Extended and altered C20. Stock brick with white brick dressings. Tiled roof. 3 bays with original lean-to outshuts on ends and stair wing to rear. 2 storeys and attic. Central entrance: 6 panelled door in reveal, hooded architrave, flanking and first floor 2 light small pane casements, recessed with stone sills and gauged brick flat arched white brick heads. Three 2 light small pane hipped dormers. Slightly extruded end stacks with offsets. Original lean-to outshuts are slightly set back with 2 light casements to front. To rear is central full height stair wing, first and second floor segmental heads to 2 light casements, hipped roof. To rear left catslide roof over a lean-to bay, part rebuilt with 2 light casements. Both lean-to outshuts are extended to rear with hipped roofs. Interior: upper part of original stair with plain stick balusters, moulded handrail, original fireplaces. Extending to right is early C20 1 storey and attic weatherboarded range with a door, a 2 light casement and three 2 light hipped dormers, to rear a door and three 2 light casements. This range forms a link to the barn: C17 or C18, timber frame on brick base, weatherboarded, tiled roof. 4 bays. Double doors in both sides in 2nd bay from house. Interior: braces, some arched, from jowled posts to tie beams, some cambered, collars clasp purlins, angled queen struts to principals, braces in walling.

Keeper's Cottage.



*Previously two cottages.
Good hedge boundary.*

HE Ref: 1367479
Listed 11 June 1986

House, once 2 dwellings. Late C16 or early C17, extended C20. Timber frame, extended in brick, all rendered. Steeply pitched tiled roof. Originally 3 bay lobby entry. 2 storeys. Original central entrance blocked, flanking bays have flush frame small pane casements. Central on ridge is original red brick multiform stack. An entrance porch added on right end which has an attic casement. Catslide roof over continuous lean-to outshut to rear. Projecting slightly with an entrance in re-entrant wall and extending to left is C20 1 storey and attic 2 bay addition with a gable to left front. Interior: exposed framing, ground floor stop chamfered axial binding beams.

Additional information: Keepers Cottage is shown on the 1833 OS map and through the series to 1972 as two cottages and presumably related to the large Keepers Field behind. It was converted to a single dwelling and extensions added in the 1970s.

The Cottage.



The earliest surviving building in the CA.

HE Ref: 1089137
Listed 2 November 1982

House. Late C15 or early C16, stack inserted and floored late C16 to mid C17. Altered and extended C20. Timber frame with brick plinth. Rendered. Tiled roof, machine tiles to rear. Originally a 2 bay open hall altered to become a lobby entry, 1 bay added to right in C20. 1 storey and attic. Gabled porch, entrance now to left of centre. C20 flush frame 3 light casements, 1 gabled dormer. Multiform early brick ridge stack. C20 addition to rear. Interior: chamfered bearers on ground floor, cambered tie beams.

Additional information: The Cottage was owned by a Mr Woods and was renowned for its tea room history when it was known as Wicket Cottage. It featured a hanging sign 'Teas with Hovis' now lost but potentially still retained nearby. A chimney insertion and matching side extension retain the original cottage scale and appearance, whilst since being listed, further rear extensions and outbuildings have been approved. It features an attractive garden visible from the track, thankfully now without the two caravans that once provided further homes thereon.

5.6 Important buildings within the curtilages of Listed Buildings.

It should be noted that s.1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 extends the protection of the listing given to the main building to include curtilage structures, buildings and boundaries. These have, therefore, enhanced protection above that provided by being within a conservation area.

5.7 Non-listed buildings that make an important architectural or historic contribution.

This Character Appraisal identifies other buildings of high quality that are not listed but that should be retained. These are an important element in the built form and historical evolution of the Conservation Area and make a positive contribution to its special interest, character and appearance. They are normally shown in two categories on the Character Analysis Map.

Category 1 buildings are shown in green on the Character Analysis Map and are well-preserved and retain most important architectural features, for example good quality windows, chimneys and other architectural features that are considered worthy of additional protection through an Article 4 direction.

Category 2 buildings are shown in orange on Character Appraisal Maps and are good buildings, clearly worthy of retention but which have lost some key architectural features or have suffered modern replacements out-of-keeping with the building. These buildings are considered worthy of restoration which additional planning controls through an Article 4 direction would help deliver (and then, subsequently, retain). There are no Category 2 buildings within the East End Green Conservation Area.

East End Green: South side (W–E).

Category 1.

Orchard Cottage



*The stepped
excrescences
rather subsume
the original cottage
character.*

Orchard Cottage is unlisted but its timber framed original structure closely matches that of the adjacent The Cottage, which is listed. Both are of similar size and orientation and it is thought they may be of similar age to Keepers Cottage, also listed. Only these three dwellings and the Farm remain of the ten buildings recorded on the 1732 Griffin map. The modest original structure of Orchard Cottage has been rather subsumed by large-scale incremental stepped extensions shown initially on the 1923 OS map and then, with addition upon addition, in 1972 to the present day.

White Cottage



*Polite frontage
behind notable
tall hedging.*

The White Cottage is the only Victorian dwelling, now with various 20th C outbuildings. The large range of stable buildings attached to its east elevation shown on the 1898 OS map were removed by 1923 and replaced in the rear east corner of the site. The current stabling and matching double-pile rear extension are late 20th C additions. A second wellhead is reported in the western garden.

Keepers Wood



*Mostly early
21st C.
Striking gable
window.*

Keepers Wood is a substantial new dwelling that occupies the site of two earlier buildings that originated as a group of loose boxes operating as a livery stable – known as Keepers Stables. Latterly it became a large animal veterinary centre with live-in supervision and thence, after 2001, into a residential dwelling.

The Poplars



*A modern
interpretation of
traditional
vernacular cottage
design. Note the
steep clay plain
tiled roof.*

The Poplars is a late 20th C. dwelling that replaced the previous single storey, one room flinton brick 'Hermit's Cottage' shown on the 1972 OS map and itself on the site of an earlier building. It is reported that the 'hermit, a Mr Richmond, was dragged from the fire that destroyed his home. A mature Lombardy poplar on the site was a landing landmark for Panshangar pilots, until felled.

East End Green: North side.

Category 1.

Barns and out buildings at East End Green Farm forming the immediate farmyard



*A handsome grouping.
Note the
rough-hewn
arris fencing*



*Good quality
surfacing
unites the
composition.*

5.8 Other distinctive features that make an important architectural or historic contribution.

Mention has been made above of the Wellhead gear and brickwork and its potential for restoration. See Part C – Management Proposals.

Front boundaries are either hedging and trees or rough-hewn arris rail fencing c/w typical 5-bar gates.

An interesting characteristic is the notable absence of street column lighting or other street furniture in the Conservation Area – this helps underline its strong rural character.

5.9 Important Open Spaces.

This is, of course, the main Green. Much of the Green to the east is unkempt as scrubland and is not included in the Conservation Area. The small sward to the east of The Poplars is a notable exception.

5.10 Any others e.g. Wildlife sites/ Historic Parks and Gardens

The area to the north east of the Conservation Area centred on junction with the Cole Green Way is designated in the Local Plan as a Wildlife Site.

5.11 Particularly important trees and hedgerows.

The array of trees in front of the entrance to Keepers Cottage and heading east to the 'dell' are covered by a TPO.



TPO trees at the entrance to Keepers Cottage.

In addition a large number of other trees and hedging are important to the Conservation Area and are shown diagrammatically on the accompanying Character Analysis Map on p. 28. These include those others that array the northern front boundary of the dwellings along the south and a number within the Farm complex. These serve to underline the rural origins and character of East End Green and are central to its special interest.



Fine willow trees at the entrance to East End Farm.

5.12 Important views.



A delightful garden seen from the public track.

A selection is shown on the accompanying Character Analysis Map on p. 28. Long meandering views are evident from both ends of the central track together with attractive views south through the garden of The Cottage. Prior to the gravel workings, many of the dwellings enjoyed panoramic views across the river valley and reportedly the view included the spires of five churches. However, as these are views from private land, not available to the public, they have not been surveyed or annotated on the Character Analysis Map.

5.13 Elements harmful to the Conservation Area.

As noted, the Conservation Area has changed little since designation and, with the exception of one or two typical large post-war agricultural structures on the Farm, no adverse development has taken place in that time.



*Typically
utilitarian and
rather bleak
farmyard c/w
neutral buildings.*

The demolition of neutral buildings would not normally be a concern, subject to the details of the replacement being known and the opportunity to secure development that makes a positive contribution to the Conservation Area being taken.

A perpetual threat to the character and appearance of this, as any other, Conservation Area is the unfettered exercise of permitted development rights. The quality of an area can quickly be eroded by the incremental loss of original features and architectural detailing. Modern replacement doors and windows, cheap roofing and cladding materials and poorly located solar or PV panelling may, superficially, appear a saving but will, in the long run, harm the special interest and significance of an area and its economic value. Historic England and the RICS have repeatedly demonstrated that historic areas and buildings that retain such features and detailing enjoy an up to 13% increase in value. As such, these cheap materials are a false economy, as well as harming the character and appearance of the Conservation Area. As such, an Article 4 Direction, which would bring such matters within the Planning system, should be considered.

The loss of the elm trees is regrettable but the replacements are, in the main, restoring the tree cover and sense of enclosure. The replacement of the telegraph poles with underground cabling was a major enhancement.

Notwithstanding the above, the preservation of conservation areas allows for no complacency and enhancements should always be pursued. As with the tree replacement and the underground cabling, success often requires partnership and cooperation between residents, the authorities and other stakeholders.

To that end the Management Proposals tabled in Part C of this document are commended.

The positioning of satellite dishes always requires care and, in a Conservation Area, often planning permission.



Often such satellite dishes can be located on rear elevations or on a low pole behind a bush in the garden.

5.14 Threats and opportunities

A hamlet as attractive and desirable as East End Green will inevitably encourage high property prices which will make housing increasingly unaffordable for many local people. It is difficult to maintain strong community ties in such a situation, as the young and local workers are priced out of the area. The increasing and associated trend of incoming residents following a suburban rather than a rural lifestyle is also a factor in the decline of rural life. Such hamlets and villages can quickly become commuter villages or retirement settlements and the vitality can be sucked out of them.

The same high property prices have and will, no doubt, continue to attract developers keen to build new houses and carry out more intensive redevelopment of existing built sites. It is vital to the protection of the character and appearance of the Conservation Area that any new development is of excellent 'Urban design' and architectural standards with a grain, density, siting, form, size, height and bulk that fits within its historic context and are executed in local vernacular crafts and materials such that they make a positive contribution to the character and appearance of the Conservation Area.

A growing trend within East Herts is an increasing demand for excessive extensions to historic and listed buildings. These are often 'life-style' driven in order to facilitate single-function rooms and their various digital distractions and, following the hotel model, an en-suite bathroom for each bedroom, all reflective of the increasing fragmentation of family life. This demand needs to be monitored and, where harmful to heritage assets, contained if historic buildings are not to lose their intrinsic character and special interest and the Conservation Area is not to become increasingly built-up and urbanised.

The quality of existing boundaries is largely good save some metal 5-bar gates. Effort must be made in this regard to protect hedging and typical rural boundary treatments to ensure that the rural quality of the area is maintained. The latter will require the making of an Article 4 direction.

5.15 Suggested boundary changes.

Paragraph 4.11 above details the policy requirements in this regard under the National Planning Policy Framework (2012) and associated Planning Practice Guidance (2014) and the current Historic England Advice Note 1 'Conservation Area Designation, Appraisal and Management' (2016). Paragraph 184 of the NPPF is particularly pertinent.

Councils have a responsibility to ensure that conservation areas justify their continued designation and that their status is not devalued through the designation of areas that lack special architectural or historic interest. There can be no question as to the appropriateness of the designation of an East End Green Conservation Area which is remarkably intact and of a particularly high quality. However, it is evident that the boundaries of the Conservation Area have not been reviewed since designation in 1981 and that they reflect guidance at that time to 'cast a wide net initially which can then be tightened up later'. That latter and important task never occurred. Consequently, the existing boundaries do not define, as current Historic England guidance requires they should, where there is a clear change of character and a defensible boundary, making the Conservation Area vulnerable in planning law. This review is the opportunity to put this right.

The survey for this Character Appraisal revealed that while the majority of the boundary is appropriately located and sensibly defines where character changes from settlement to the surrounding countryside, the field to the north east of East End Green Farm yard was erroneously included in the Conservation Area. The survey showed that it lacked the necessary special interest or significance, being indiscernible from the surrounding countryside. The paddock and scrubland to its east were also proposed for dedesignation during the consultation period but this did not find favour with some residents. Upon reflection, the Council decided to remove the north field but not those other areas. Other very minor changes were also proposed which rationalised the boundary. These boundary changes, therefore, are included in the Conservation Management Proposals.

6. SUMMARY OF SPECIAL INTEREST OF THE EAST END GREEN CONSERVATION AREA

The overall characteristics of the East End Green Conservation Area can be summarised as follows:-

1/ A historic hamlet within the River Lea valley, one of five 'Greens' within the Hertingfordbury Parish, of a farm and 6 dwellings lining a simple track road. Good hedging and groups of trees along the north boundary and along the front boundaries of properties facing onto the Green form a high quality picturesque environment. The surrounding landscape is largely farmland underlining the village's rural past,

2/ The public realm is notably simple in design and materials, with a good quality gravelled track road with soft verges, no street lighting, telegraph poles or street furniture, all serving to underline the rural character and appearance of the area,

3/ Trees and hedging form a strong sense of enclosure and intimate scale,

4/ Good views along the track and peeked transverse across into some private land with picturesque gardens,

5/ Buildings along the track are well set back behind hedged, treed or simple traditional rural boundaries thereby defining public and private space. Those on the south side follow a traditional informal building line, are two storeys high and of traditional construction.

6/ Two good quality recent buildings are of an appropriate bulk, height and scale and are of traditional design and materials such that they sit comfortably alongside the important historic and listed other dwellings and do not harm their setting,

7/ Any future development should, similarly, not harm the rural character and appearance of the Conservation Area,

8/ Attractive main Farm building, barns and yard, but with more ugly utilitarian structure on the working north east yard.

7. SUMMARY OF ISSUES

Issues facing the Conservation Area at present can be summarised as follows:-

1/ The Conservation Area has changed little in the last 100 years and certainly not since designation. Local residents have already been commendably pro-active and the removal of telegraph poles, the replanting of trees and the gravel surfacing have done much to reinforce its rural character and enhance its special interest.

2/ A number of ugly modern utilitarian structures, albethey typical, mar the north east farm yard and, should the opportunity allow, could beneficially be replaced by better designed, more traditional and less harmful barns and buildings.

3/ Some modern metal gates jar the eye and could be replaced by less harmful timber 5-bar gates.

4/ The ever-present threat to good quality historic houses by poor quality alterations and the use of modern materials should be forestalled. Increasing public interest in PV and solar panels has much potential to cause harm. Such matters readily contribute to the declining quality and run-down appearance of conservation areas. While East End Green is relatively unscathed at present (certainly when compared to some other conservation areas) consideration should be given to introducing an Article 4 direction to control minor development and prevent any decline of the area,

5/ The loss of timber windows and doors and other architectural joinery and their replacement with PVCu, aluminium or other inappropriate modern materials is a particular blight affecting many conservation areas. Listed buildings must retain their

original fabric and remain single-glazed (but can have secondary glazing). The use of double-glazed units in non-listed buildings is generally acceptable with, in many instances, the casements and sashes capable of adjustment to accommodate slimline units. If not, new double-glazed timber frames may be acceptable provided that the original window design and materials are replicated.

6/ The demand for excessive extensions to historic and listed buildings needs to be contained if the buildings are not to lose their intrinsic character and special interest and the Conservation Area is not to become increasingly built-up and urbanised,

7/ It must be assumed that development pressure within the District will continue to escalate and that, as an attractive and picturesque hamlet, East End Green will from time to time be subject to such pressures. The designation as a Conservation Area is not to prevent any future development but to manage change so as to ensure that it does not harm the character or appearance of the area. However, it must be said that whereas the two most recent houses are of such scale, siting, design and materials as to fit in well, and similar single discreet additions of high architectural quality may be possible, groups of buildings, e.g. cul-de-sac development, or other larger scale proposals are, by their very scale and nature, unlikely to be able to avoid causing substantial harm in this tiny hamlet. High quality design and materials that reinforces local character should be demanded of any future development within the Conservation Area,

8/ There are extensive private gardens behind many of the houses. These contribute greatly to the grain and, in some instances, views from and between the houses and are important for wildlife. Their loss to piecemeal development would have an adverse effect on the character of the area.

Issues 2/-8/ are under planning control, or can be brought under planning control with an up-to-date and rigorously applied Article 4 direction. Steps to seek the restoration of lost vernacular features may also be sought through local policy, grants, persuasion and appropriate Conservation Area Management Proposals designed to both preserve and enhance.

PART C – CONSERVATION AREA MANAGEMENT PROPOSALS.

8. MANAGEMENT PROPOSALS.



The rural idyll preserved.

8.1. Revised Conservation Area Boundaries.

The revised boundary alignments are shown on the accompanying Character Analysis Map on p. 28 and include the following amendments -

- (a) Dedesignate. Land to the north of the Conservation Area being: the field to the north east of East End Green Farm.

To rationalise the boundary and remove farmland of no special interest.

- (b) Designate. Strips of land at the rear (south east) boundaries to Keeper's Wood, Keeper's Cottage and White Cottage including the adjacent return boundary with Orchard Cottage to ensure the inclusion of trees and hedging.

To rationalise the boundary.

- (c) Designate. Strip of land to the rear (south west) of The Cottage to ensure inclusion of trees and hedging.

To rationalise the boundary.

- (d) Designate. Strip of land to the north boundary along the track to ensure inclusion of trees and hedging.

To rationalise the boundary.

- (e) Designate. Pocket of land at the south west boundary of the farmyard near The Old Dairy to ensure inclusion of trees and hedging.

To rationalise the boundary.

- (f) Designate. Strip of land at the west corner of East End Farm Land to ensure inclusion of trees and hedging.

To rationalise the boundary.

8.2. General Planning Control and Good Practice within the Conservation Area.

Planning policies are contained in the East Herts District Plan adopted on the 23 October 2018. It is against this document and the National Planning Policy Framework (NPPF) that the District Council will determine applications. The NPPF is supplemented by Planning Practice Guidance. One such guidance note of particular relevance is 'Conserving and Enhancing the Historic Environment'. District Plan policies HA1, HA4, HA5 and HA6 are particularly relevant.

8.3. Contact and advice

Applicants considering submitting an application should carefully consider the relevant policies and if necessary contact Officers to seek pre-application advice.

Telephone 01279 655261 (For development proposals ask for Development Management).

E-mail planning@eastherts.gov.uk

Website: www.eastherts.gov.uk

Or write to Development Management, East Herts District Council, Wallfields, Pegs Lane, Hertford SG13 8EQ

8.4. Guidance Notes

Applicants should refer to the relevant Guidance Notes previously referred available on the Council's website at :- <http://www.eastherts.gov.uk/index.jsp?articleid=15387>

8.5. Development Management - Potential need to undertake an Archaeological Evaluation.

Within sites designated as being a Scheduled Ancient Monument or within an Area of Archaeological Significance the contents of policies HA1 and HA3 are particularly relevant.

8.6. Listed Building Control and Good Practice.

Those buildings that are individually listed are identified on the Character Analysis Map on p. 28 and within the text of this document. Other pre-1948 buildings, structures or walls within the curtilage of a Listed Building may be similarly protected in law. Please seek pre-application advice on this point. Listed Buildings are a significant asset in contributing to the quality of the Conservation Area. It is essential that their special interest and architectural detailing is not eroded nor their other qualities and settings compromised. Policy HA7 particularly applies.

8.7. Development Management – Unlisted Buildings that make an Important Architectural or Historic Contribution. The Character Appraisal above has identified

at 5.7 a number of unlisted buildings that make an important architectural or historic contribution to the character and appearance of the Conservation Area.

Any proposal involving the demolition of these buildings is unlikely to be approved. Policies HA2 and HA4 II particularly apply.

8.8. Planning Control – Other unlisted distinctive features that make an Important Architectural or Historic Contribution.

This Appraisal has identified a number of features that make a particular contribution to the character of the Conservation Area. Some boundary treatments are protected from demolition by virtue of exceeding the specified heights relevant to Conservation Area legislation or by Listed Building legislation. Any proposal involving the demolition of these is unlikely to be approved. Removal of other Permitted Development rights involving the alteration of non-listed boundaries will be considered. Policy HA4 I (f) particularly applies.

8.9. There are other distinctive features that are integral to some of the important unlisted buildings identified above that make an important architectural or historic contribution, including chimneys, windows and other architectural detailing. In some situations protection already exists through existing planning controls but in other cases protection could only be provided by removing Permitted Development Rights via an Article 4 Direction. Should the Council consider such a course of action appropriate there would be a process of notifying the affected owners separately at a later date. The Council would then consider any comments made before deciding whether to confirm or amend the Direction. Policy HA I (f) particularly applies.

8.10. Planning control - Wildlife Sites.

Any development that adversely affects wildlife species occupying such sites will not normally be permitted and would need clear justification. Proposals will be considered against Policies NE1, NE2 and NE3 particularly apply.

8.11. Planning Control – Important open land, open spaces and gaps.

This Character Appraisal has identified the open Green and the dell as being particularly important open spaces whose openness and the defining treed and hedged boundaries must be protected. Policy HA4 I (e) particularly applies.

8.12. Planning Control – Particularly important trees and hedgerows.

The TPO group and the most significant trees and clumps or trees are shown diagrammatically on the Character Analysis map. It has not been possible to plot trees on inaccessible land. Subject to certain exceptions all trees in a conservation area are afforded protection and a person wanting to carry out works has to notify the Council. Trees that have not been identified may still be considered suitable for protection by Tree Preservation Orders. Owners are advised to make regular inspections to check the health of trees in the interests of amenity and health and safety. Lines of hedges along house front boundaries are particularly important to the rural character of the conservation area. All stakeholders have a role to play in protecting these hedges. Policy NE3 III particularly applies.

8.13. *Planning Control - Important views.* A selection of notable views is diagrammatically shown on the Character Analysis Map on p. 28. Policy HA4 1 (e) is particularly relevant.

8.14. *Management Proposals.*

Section 7 of the Character Appraisal, 'Summary of Issues', identifies a number of elements that detract or have the potential to detract which are summarised in the Table below together with a proposed course of action; other actions are also identified.

Within the staff and financial resources available, Council Officers will be pro-active and provide assistance. It must be recognized that such improvements will generally be achieved only by the owner's co-operation.

8.15. *Schedule of Management Proposals*

S. 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF and District Plan policy HA4 I (f) particularly apply.

Detracting element	Location	Proposed Action.
Invasive Blackthorn (<i>Prunus Spinosus</i>) suckers, nettles, blackberry and densely tangled thicket areas.	Encroachment onto the Green from the northern western boundary.	Remove all dead/dying self-sown elms, other trees and fallen timber. Retain good healthy trees and lift crowns as necessary.
Closed off central field gateway behind invasive thickets	North boundary of the Green	Seek its opening up to reinstate field views northwards.
Unmanaged walnut tree.	South side of Green	Raise crown and cut out dead wood.
Missing Wellhead presently stored at Orchard Cottage.	Marked 'W' on OS maps on north side of Green	Confirm original well location and restore the Wellhead. Potential partnership project with the Parish Council.
Orchard Cottage	West end of the Green	Apparently contemporaneous with The Cottage and Keeper's Cottage. Investigate of HE why it was not also listed.
Potential for poor quality alterations and materials implemented under permitted development rights.	Scattering.	Seek to implement an Article 4 direction. Protect and preserve surviving features and seek to restore previously lost features through future planning applications.
PVCu and other inappropriate replacement window and doors and thick double glazing.	Scattered.	Seek to implement an Article 4 direction. Retain historic originals and Improve quality through future planning applications.

Excessive extensions to historic and listed buildings.	Scattered.	Seek to implement an Article 4 direction limiting sizes. Contain extensions of listed buildings through the consent regime.
Neutral buildings diluting or harming the character and appearance of the CA.	East End Green Farm.	Where possible and as the opportunity arises seek better architectural quality that reinforces local styles and materials for future developments through the planning system.
Field maple trees planted in the 1980s and now subject to a TPO.	Around the dell in front of The Poplars	Investigate the potential removal of the field maples and their replace with the previous hawthorn trees.
Scrubland at the north east of the Green.	Between the RUPP and Keeper's Field	Clear out the shallow winter pond and edges of fallen trees to open up this area. Consider how to initiate and implement a management regime.

Bibliography

The Buildings of England, Hertfordshire. Nikolaus Pevsner, second edition revised by Bridget Cherry. Penguin Books 1977.

The Place-Names of Hertfordshire, Gower, Mawer and Stenton, English Place-Name Society Vol. XV Cambridge UP 1938 and 1970.

East End Green, Information, notes and observations on the history and development of the area provided by Mr Peter Newson 2017.

Association of Commons Registration Authorities website (www.acraew.org.uk)
Commons Commissioner decision notice of 28 April 1972.

Appendix 1

Historic England, in its Advice Note 1 'Conservation Area Designation, Appraisal and Management' (2016) provides a useful checklist to identify elements in a conservation area which may contribute to the special interest (Cf 4.4 above). The checklist is reproduced below:-

- Is it the work of a particular architect or designer of regional or local note?
- Does it have landmark quality?
- Does it reflect a substantial number of other elements in the conservation area in age, style, materials, form or other characteristics?
- Does it relate to adjacent designated heritage assets in age, materials or in any other historically significant way?

- Does it contribute positively to the setting of adjacent designated heritage assets?
- Does it contribute to the quality of recognisable spaces including exteriors or open spaces with a complex of public buildings?
- Is it associated with a designed landscape e.g. a significant wall, terracing or a garden building?
- Does it individually, or as part of a group, illustrate the development of the settlement in which it stands?
- Does it have significant historic association with features such as the historic road layout, burgage plots, a town park or a landscape feature?
- Does it have historic associations with local people or past events?
- Does it reflect the traditional functional character or former uses in the area?
- Does its use contribute to the character or appearance of the area?

A positive response to one or more of the above may indicate that a particular element within a conservation area makes a positive contribution provided that its historic form and values have not been eroded.

EAST HERTS COUNCIL

COUNCIL – 19 DECEMBER 2018

REPORT BY CHAIRMAN OF LICENSING COMMITTEE

LICENSING COMMITTEE REPORT

WARD(S) AFFECTED: All

Purpose/Summary of Report

- This report details the recommendations made by the Licensing Committee at its meeting held on 14 November 2018.

1.0 Background

1.1 Since the last Council meeting, the Licensing Committee has considered and supported a number of recommendations on the following items:

- Statement of Gambling Principles 2019-2022 - Consideration of Consultation Responses
- Night Time Economy Position Statement Consultation Responses

The full reports can be viewed at: [Licensing Agenda](#)

2.0 Agenda Item 10(A) – Statement of Gambling Principles 2019 – 2022 – Consideration of Consultation Responses

2.1 The Licensing Committee considered and supported a number of recommendations regarding responses to the public consultation on the Draft Statement of Gambling Principles. The Gambling Act 2005 requires East Herts Council to publish a Statement of Principles every three years.

- 2.2 The Licensing Committee supported the recommendations, as now detailed, so that the Statement of Gambling Principles can be published in line with the provisions of the Gambling Act 2005. Council is asked to approve the recommendations.

RECOMMENDATION FOR COUNCIL: that

- | | |
|------------|--|
| (A) | the final wording of the Statement of Gambling Principles, as detailed at Essential Reference Paper 'A' to this report, be agreed so that the revised statement can be republished in 2019. |
|------------|--|

3.0 **Agenda Item 10(B) – Night Time Economy Position Statement Consultation Responses**

- 3.1 The Licensing Committee considered and supported a number of recommendations following the responses to the public consultation on the Draft position statement 'Licensing Decision Making relating to the Night Time Economy'.
- 3.2 The Licensing Committee considered the final wording and Council is asked to approve the adoption of the Night Time Economy Position Statement as an addendum to the Council's Statement of Licensing Policy.

RECOMMENDATION FOR COUNCIL: that

- | | |
|------------|--|
| (A) | the final wording of the Night Time Economy Position Statement, as detailed at Essential Reference Paper B to this report, be approved as an addendum to the Council's Statement of Licensing Policy. |
|------------|--|

Background Papers

The full agenda for the Licensing Committee meeting can be viewed at: [Licensing Agenda](#)

Contact Member: Councillor D Andrews, Chairman of Licensing Committee david.andrews@eastherts.gov.uk

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East Hertfordshire District Council

Statement of Principles under the Gambling Act 2005 - DRAFT

Policy for 2019-2022

Published TBC

CONTENTS

<u>SUBJECT</u>	<u>PAGE</u>
Introduction	4
Background to East Herts	6
Consultation	8
Declaration	8
Local Authority functions	9
Responsible Authorities	10
Interested parties	11
Exchange of information	13
Compliance and Enforcement	14
Gaming Machines	16
General Statement of Principles	18
Location of Premises	21
Local Area Profile (LAP)	21
Local Risk assessments	22
Premises licences	23
General Principles	23
Division of Premises	25
Access by Children	28
Door Supervisors	29
Types of Premises Licences	30
Adult Gaming Centres	30
(Licensed) Family Entertainment Centres	31
Casinos	32
Bingo Premises	32
Members Clubs and Commercial Clubs	34
Betting Premises	34
<u>Gaming Machines in Gambling Premises</u>	35
Tracks	36
Travelling Fairs	38
Provisional Statements	39
Reviews	39
Permits, Temporary & Occasional Notices	42
Unlicensed Family Entertainment Centre	42
Licensed premises gaming machine permits	44
Prize Gaming Permits	46
Club Gaming & Club Machine permits	48
Lotteries	50
Temporary Use Notices	54
Occasional Use Notices	55
Administration, Exercise and Delegation of Functions	56

Equality & Diversity	57
Contact Point	58

Introduction

The Gambling Act 2005¹ (the “Act”) was passed on 7 April 2005. The Act modernised the law on gambling and introduced a gambling regulator, the Gambling Commission. The Gambling Commission regulates the gambling industry, and the Act also gave responsibility for gambling premises licensing to Local Authorities.

The Act requires East Herts Council (the “licensing authority”) to publish a Statement of Principles that it applies when exercising its functions under the Act. The statement must be published every three years and the Licensing Authority will keep the statement under constant review and will consult statutory consultees as set out in the Act, and any other appropriate person, on any proposed new or revised Statement of Principles. The statement must then be re-published. This version of the Statement of Gambling Policy has been revised following the third 3 year review and is for the period 2016-2019.

This statement of principles supports East Herts Council’s priority’s:

- 1. Improve the health and wellbeing of our communities;**
- 2. Enhance the quality pf people’s lives; and**
- 3. Enabling a flourishing economy.**

Section 25 of the Gambling Act, Guidance to local authorities, states that;

“The (Gambling) Commission shall from time to time issue guidance as to-
(a) the manner in which local authorities are to exercise their functions under this Act,
and
(b) in particular, the principles to be applied by local authorities in exercising functions under this Act.”

The Gambling Commission states at the start of its Guidance to Licensing Authorities²:

“The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions. It does not seek to impose a ‘one size fits all’ model across all licensing authorities. We recognise that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Act establishes a high degree of local accountability for gambling regulation.

¹ The Gambling Act 2005 can be accessed via: <http://www.legislation.gov.uk/ukpga/2005/19/contents>

² The Gambling Commissions Guidance to Licensing Authorities can be accessed via: <http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

This Guidance does not, therefore, attempt to fetter the discretion that licensing authorities have under the Act and it is not intended to replace their judgement in individual cases. Moreover, this Guidance cannot anticipate every set of circumstances that may arise and, as long as it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. There should, however, be strong reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account."

This policy was drafted giving the guidance by the Gambling Commission due consideration and will broadly follow it.

The Act also requires this Authority to carry out its various licensing functions so as to be reasonably consistent with the following three licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

As required by the Guidance issued by the Gambling Commission, in carrying out its licensing functions under the Act, particularly with regard to premises licences, the Council will generally aim to permit the use of premises for gambling as long as it is considered to be:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant code of practice issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the policy statement published by this Authority under section 349 of the Act.

This Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005. In producing this statement the Licensing

Authority has had regard to the licensing objectives issued by the Gambling Commission and responses to consultation on this statement

Background to East Herts

East Herts is the largest of the 10 districts in Hertfordshire. It covers 184 square miles, around a third of the county, and offers a blend of rural and town living. The benefits of this mixture are greatly appreciated by the 144,700³ people who live in the district. The majority of the people who live in the district live in one of the five towns. Bishop's Stortford has the largest population (39,901), followed by Hertford (37,177), Ware (19,921), Sawbridgeworth (9169) and Buntingford (6,044)⁴.

Although the district is mainly comprised of farmland, five busy market towns (Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware) and more than 100 villages and hamlets are scattered across the area. There are a number of residential developments in progress or being proposed which will increase the population of East Herts over the coming years. This includes the Harlow and Gilston Garden Town project which will deliver 3,000 homes by 2033, with a further 7,000 to follow. The Old River Lane project in Bishop's Stortford will create a new leisure and cultural quarter in the Town attracting visitors from further afield as well as new residents.

East Herts is regarded as an attractive rural location for those moving out from (and commuting into) London because of its excellent transport links. However, there are no direct rail links between the main towns of Hertford/Ware and Bishops Stortford. Road and bus transport connects the five main towns, supported by licensed taxis.

The people of East Herts are predominantly employed and enjoy higher than average earnings (£589.90 gross weekly pay for full-time workers compared to £518.10 for the whole of the country⁵). Unemployment is very low (1.3%⁶).

House prices are among the highest in the country; in 2014 for the period April to June the average property price was £338,000⁷ while the average salary in 2013 was £31,548 compared to £31,949 in Hertfordshire.

³ Mid 2015 Population Estimate, ONS

⁴

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/wardlevelmidyearpopulationestimatesexperimental>

⁵ 2013 Annual Survey of Hours and Earnings – Resident Analysis, NOMIS, ONS

⁶ April 2014, Total Claimant Count, NOMIS, ONS

⁷ April 2014, Total Claimant Count, NOMIS, ONS

A fifth of people are under 16 and a fifth of people are over 60. The average age in the district is 39.5⁸. Over 89% of people were born in England, 3% were born in other countries in the European Union and 4% in other countries⁹.

East Herts has a low ethnic minority population of just 4.5%. The largest ethnic minority group is Asian/Asian British at 1.9% with Indian being the highest within that group. The second largest minority group is mixed/multiple ethnic groups at 1.6%¹⁰.

Over a third of people are educated to level 4 or higher e.g. Bachelor's degree (33.5%, 36,867). However, under a fifth of the population have no qualifications (17.2%, 18,959)¹¹.

East Herts is one of the safest places to live in Hertfordshire with low levels of burglary and vehicle crime. The district has a crime rate that is well below the national average and East Herts remains the 3rd safest area out of 10 in the county when measuring all crime incidents between 1st August 2014 to 31st July 2015. For the period 2014/15 there were 6029 recorded crimes in East Herts. This is an increase in crime from the previous 2013/14 period of just 49 crimes. However when compared to crime levels from 5 years ago all crime has decreased by 1 from 6630 to 6029¹².

There are good transport links, both by road and rail between the East Herts district and London,

As at July 2018 the numbers of premises issued with licences, permits or registrations within East Herts are as follows:

- 15 Bookmakers or betting shop (-1 on July 2015);
- 128 Alcohol premises with gaming machines (+1 on July 2015);
- 11 Registered clubs with gaming machines (-6 on July 2015);
- 75 Small society lottery registrations (-7 on July 2015);
- 0 Bingo premises (No change);
- 0 Track betting premises (No change);
- 0 Casinos (No change); and
- 0 Adult gaming centres (No change).

⁸ 2011 Census – Age Structures (KS102EW), NOMIS

⁹ 2011 Census – Country of Birth (KS204EW), NOMIS

¹⁰ Census 2011 – Ethnic Group (KS201EW), NOMIS

¹¹ Census 2011 – Qualifications and Students (KS501EW), NOMIS

¹² East Herts Strategic Assessment 2016-17

Consultation

East Herts Council has conducted a public consultation on this Statement of Principles on its website before finalising and publishing.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police.
- One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area.
- One or more persons who appear to the authority to represent the interests of persons likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

Our consultation took place between 7th September and 2nd November 2018 and we followed, where practicable, the Government Consultation Principles (published November 2013). This document is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf

The full list of comments made, and the consideration of those comments is available by request to Licensing and Enforcement, East Herts District Council, Wallfields, Pegs Lane, Hertford, SG13 8EG or community.protection@eastherts.gov.uk.

Declaration

In producing this Statement of Gambling Policy, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission and any responses from those consulted on the Statement.

Local Authority Functions

Under the Act, the Gambling Commission is responsible for issuing operating licences and personal licences. The council in its capacity as a licensing authority will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- issue provisional statements
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- Issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- register small society lotteries below prescribed thresholds
- issue prize gaming permits
- receive and endorse temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions

- exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

Private gaming in private dwellings and betting between inhabitants of the same premises on domestic occasions or between employees of the same employer is exempt from licensing or registration if:

- no charge is made for participating;
- only equal chance gaming takes place; and
- it does not occur in a place to which the public have access.

The Authority will not be involved in licensing remote gambling - this is dealt with by the Gambling Commission via Operator Licences. The Financial Services Authority regulates spread betting and the National Lottery Commission regulates the National Lottery.

Responsible Authorities

These are generally public bodies that must be notified of all applications and who are entitled to make representations to the council if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- the Gambling Commission
- the Police
- the Fire Service
- a competent body to advise the authority about the protection of children from harm
- the local planning authority
- Environmental Health
- HM Revenue and Customs
- A licensing authority in whose area the premises is situated (that is, the council itself and also any adjoining council where premises straddle the boundaries between the two).

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- (i) The need for the body to be responsible for an area covering the whole of the licensing authority's area.
- (ii) The need for the body to be answerable to democratically elected persons, rather than any particular vested interested group.

This authority designates Hertfordshire Safeguarding Children Board for this purpose.

Any concerns expressed by a responsible authority about their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. The Licensing Authority will not take into account irrelevant representations, such as:

- there are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account)
- the premises are likely to be a fire risk (because public safety is not a licensing objective)
- the location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives)
- the premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues. Unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective regarding the prevention of public nuisance. Any nuisance associated with gambling premises should be dealt with under other relevant laws).

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at www.eastherts.gov.uk

Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

A person is an interested party if, in the opinion of the licensing authority, the person:

- a. lives sufficiently close to the premises to be likely to be affected by the authorised activities;*
- b. has business interests that might be affected by the authorised activities; or*
- c. represents persons who satisfy paragraph (a) or (b)'.*

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided on its merits. This authority will not apply a rigid rule to its decision making. The benefit of doubt will be given to the party making the representation until the doubt can be resolved.
- Interested parties include trade associations, and residents' or tenants' associations, if they represent someone who would be classed as an interested party in their own right. Councillors and MPs may also be interested parties. Elected Councillors may represent interested parties, but may not also sit on the Licensing sub-committee determining the application.
- In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the Council may take account of:
 - the size of the premises;
 - the nature of the premises;
 - the nature of the authorised activities being proposed ;
 - the distance of the premises from the person making the representation;
 - the characteristics of the complainant; and
 - the potential impact of the premises.

The Council may receive representations which it considers to be frivolous or vexatious. A vexatious representation is one that is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally one that is lacking in seriousness, or is unrelated to either the licensing objectives, the guidance issued by the Gambling Commission or this statement of principles. Decisions on whether representations are frivolous or vexatious will usually be a matter of fact, given the circumstances of the representation. In

deciding whether or not a representation is frivolous or vexatious the Licensing Authority will normally consider:

- Who is making the representation and whether there is a history of making representations that are not relevant.
- Whether the representation raises a relevant issue or not.
- Whether the representation is specific to the premises that are the subject of the application.

Any such decision will be made objectively and not on the basis of any political judgment.

Exchange of Information

Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

This licensing authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the Gambling Act 2005.

The authority may from time to time exercise its" powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its" statutory objective of reducing crime in the area.

Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so.

Compliance and Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to begin criminal proceedings in respect of the offences specified.

This licensing authority's principles are guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:

- Proportionate: intervening only when necessary, with remedies appropriate to the risk posed, and costs identified and minimised;
- Accountable: justifying decisions, and subject to public scrutiny;
- Consistent: with joined up rules and standards implemented fairly;
- Transparent: being open, with simple and user friendly rules; and
- Targeted: to focus on the problem, and minimise side effects.

This Council has an Enforcement Policy based around the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat and which also takes into account the Attorney General's Guidelines to Crown Prosecutors for bringing prosecutions.

This licensing authority will seek to work with other agencies in enforcing this legislation and work to create a joint protocol with all the relevant agencies to avoid duplication with other regulatory regimes as far as possible, following the Gambling Commission's guidance for licensing authorities.

This licensing authority will also, as recommended by the Gambling Commission's guidance for local authorities, adopt a risk-based inspection programme and will consider any risk models produced in conjunction with the Gambling Commission.

The main enforcement and compliance role for this licensing authority will be to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission will be the enforcement body for Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

The authority proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated and minor offence may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety may result in a referral for prosecution.

We continue to work actively with other responsible authorities in seeking compliance and enforcing licensing legislation. We share information about licence-holders and licensed premises under the Crime and Disorder Act 1998, and expect to be closely consulted when any enforcement action may be required.

As a Council we have signed up to the Hertfordshire Better Business for All Partnership Charter which is a voluntary undertaking between Hertfordshire Regulatory Services and all local businesses, irrespective of size or resources. It aims to support a relationship between businesses and regulators built upon trust, understanding and a desire to improve together in terms of compliance with regulation and support of business growth

In the interests of transparency, this licensing authority's enforcement and compliance protocols and written agreements will be available upon request, from Community Safety and Licensing, East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ.

Gaming Machines

Within both the gambling legislation and this document, references are made to gaming machines as being within categories A, B, C or D, or in some cases, sub-categories such as B1, B2, B3 or B4.

Gaming machines are categorised according to the nature of their operation, the maximum charge to use, and the maximum prize available, and the legislation sets out the categories and sub-categories of machines that holders of each type of premises licence or permit are entitled to make available for use.

As both machine entitlements and the values applicable to each category are prescribed in secondary legislation, and may be changed at relatively short notice, it is not considered appropriate to include this information within this document.

Persons under the age of 18 years are not permitted to use any gaming machine other than a category D machine, which are generally low-value machines located in family entertainment centres. Holders of licences and permits which allow the provision of higher-category machines in premises where children are present should take appropriate steps either to locate those machines in a segregated area with age-restricted access, or to locate the machines so that their usage can be monitored at all times – the appropriate action is dependent upon the nature of the premises and the authorisation held.

Some types of licence, permit or entitlement limit the number of gaming machines which may be made available for use in the authorised premises. The licensing authority notes the Commission's guidance on the meaning of 'available for use', including the provision that a greater number of machines may be located in the premises so long as there is a mechanism in place to disable machines and prevent the number of gaming machines which are actively available for use from exceeding the limit. Simply switching the gaming machine off at an adjacent power socket will not be acceptable to the licensing authority if a customer is able to reactivate the machine by switching it back on. Where an operator or permit-holder wishes to provide a greater number of machines on their premises than may be made available for use under the licence or permit, the onus will be on that operator or permit-holder to demonstrate to the licensing authority that they have a sufficiently robust mechanism in place to prevent a breach of the licence or permit.

All gaming machines which are made available for use in premises must adhere to the appropriate technical standards set by the Gambling Commission, including bearing the correct categorisation markings and any other signage required.

A number of premises which are not entitled to provide gaming machines (including fast-food outlets, taxi booking offices, shopping centres and transport hubs) provide other types of machines, which operate differently to gaming machines. These may include skill machines (where the likelihood of winning a prize is dependent solely on the player's skill or knowledge, and not on chance), and non-prize machines (where players play for a high-score or for amusement only, and no prize can be won as a result). Such machines fall outside of the scope of the 2005 Act, and are not subject to control by the licensing authority. However the authority will investigate complaints where it is believed that a machine purporting to be a skill game or a non-prize machine is actually a (licensable) gaming machine. In determining whether such complaints are accurate we may seek advice from machine suppliers, manufacturers, and from the Gambling Commission.

General Statement of Principles

The council recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.

In carrying out its licensing functions the council will have regard to any guidance issued by the Gambling Commission from time to time.

The council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the council will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under-age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm from gambling, especially where it receives representations to that effect.

Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

However, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits. When applying these principles the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case. As with the Gambling Commission, the licensing authority will regulate gambling in the public interest.

Preventing gambling from being a source of crime and disorder

The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to the council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the council

will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the council will bring those concerns to the attention of the Commission.

If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the council will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime.

There are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The council does not intend to (and indeed, cannot) use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using other powers.

Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

When making decisions in this regard the council will give due weight to any comments made by the police.

Ensuring gambling is conducted in a fair and open way

The Gambling Commission does not generally expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.

Because betting track operators do not need an operating licence from the Commission the council may, in certain circumstances, require conditions on a licence relating to the suitability of the environment in which betting takes place.

Protecting children and other vulnerable people from gambling

Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are „adult-only“ environments.

In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. In relation to casinos only, the Gambling Commission will be issuing a code of practice about access to casino premises for children and young persons.

When considering whether to grant a premises licence or permit the council will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

In seeking to protect vulnerable people the council will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:

- betting shops cannot admit anyone under 18
- bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines
- Adult Entertainment Centres cannot admit those under 18
- Family Entertainment Centres and premises with an alcohol premises licence (such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over 18
- clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines
- tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

The council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other

vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

In January 2018 Public Health England, the Local Government Association and the Gambling Commission wrote to Directors of Public Health in England outlining the links between Public Health and gambling; specifically that problem gambling can have an impact on physical, mental and emotional health and wellbeing. The letter suggests that local Public Health teams have a critical role to play in developing licensing authorities' Statement of Principles as they have a good understanding of health issues within a local authority area.

The council will work with the local Director of Public Health to develop a Local Area Profile for applicants to refer to when putting together their local risk assessments.

Whilst Local Public Health Departments are not Responsible Authorities the council will consult the Director of Public Health on premises licences applications.

Location of Premises

The licensing authority notes that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. Particular attention will be paid to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

Local Area Profile (LAP)

A local area profile will be produced by the authority and published on our website. This will highlight areas, if any, within the District which the licensing authority, in consultation with the responsible authorities and other partner agencies (in particular, the Public Health unit of Hertfordshire County Council), considers to present higher than normal risks for the location of a gambling premises. This may be due to large levels of vulnerable persons living in a particular locality, the proximity of a school, youth centre or medical facility, a high level of deprivation, or other factors which the authority believes should be taken into consideration.

We expect operators, both when applying for new premises licences and when reviewing their existing premises, to take account of our local area profile within their own local risk assessments (described below), and to implement suitable and sufficient measures to mitigate any risks identified which may arise as a result of the opening or continuation of trade at those premises.

We will use the LAP in assessing premises licence applications and the risk assessments supplied.

Local risk assessments

Under the Commission's Licence Conditions and Codes of Practice, from April 2016 operators will be required to compile and maintain a local risk assessment for each premises they operate, and to provide copies of these assessments to the licensing authority alongside any application for a new premises licence or to vary an existing premises licence, or otherwise at the request of the authority. Risk assessments must be kept at the individual premises to which they relate all staff should be fully aware of the risk assessment and where it is kept in order that they work in accordance with any requirements, and it can easily be provided to responsible authorities should they request to see it at any reasonable time, including unannounced inspections and ad hoc visits.

We do not intend to specify a format or mandatory content for these local risk assessments, as we believe that these will be decisions for the operator to take, and will be dependent upon the location, size, and operational nature of the premises in question.

However, we would expect that operators have considered the individual circumstances of each of their premises when compiling the risk assessments – a single generic risk assessment covering every premises in an operator's estate will not be considered by the authority to be suitable nor sufficient. We would also expect operators to take full account of our local area profile when compiling their risk assessments, and to reflect this in the control measures which they will implement.

PREMISES LICENCES

General Principles

Where an individual or company proposes to offer gambling for which an operating licence is required, and which is premises based, that individual or company will need to apply for a premises licence. A premises licence is one which authorises premises (which are defined in the Act as “any place”) to be used for:-

- The operation of a casino (a “casino premises licence”)
- The provision of facilities for playing bingo (a “bingo premises licence”)
- Making Category B gaming machines available for use (an “adult gaming centre premises licence”)
- Making Category C gaming machines available for use (a “family entertainment centre premises licence”) or
- The provision of facilities for betting (a “betting premises licence”)

Premises licences will be subject to requirements in the Gambling Act 2005 and regulations, and specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities may exclude default conditions and attach others, where they find it appropriate.

Definition of “premises” - Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This licensing authority attaches particular weight to the Gambling Commission’s Guidance for local authorities:

- *licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.*

- *licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.*

A licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling: The Gambling Commission has advised that references to “the premises” are to the premises in which gambling may now take place. Thus an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Plans – The Licensing Authority will expect compliance with the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) in relation to the submission of plans with applications.

The Regulations state that plans shall contain the following information:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

Location - This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, and to gambling becoming a source of crime or disorder. No areas in East Herts have

been identified as areas where gambling premises should not be located, but if this situation changes, this statement will be updated. Any such future policy will not prevent an application being made, and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects.

Decisions on individual conditions will be made on a case by case basis. Where there is a need this licensing authority will consider;

- the use of door supervisors,
- supervision of adult gaming machines, and a
- appropriate signage for adult only areas.

This licensing authority will expect the licence applicant to offer their own suggestions as to way in which the licensing objectives can be met effectively.

Division of Premises

In the Act, 'premises' is defined as including "any place". Section 152 prevents more than one premises licence applying to any single place. But a single building could be subject to more than one premises licence, provided each licence is for a different and discrete part of the building, and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow businesses in large, multiple unit premises such as a pleasure park, tracks or shopping centres to obtain discrete premises licences, where appropriate safeguards are in place.

This licensing authority takes note of the Gambling Commission's guidance which states that licensing authorities should take particular care in considering applications for multiple licences within a single building, and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the authority is aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part

in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activities identified on the premises licence.

The licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling areas and non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's guidance.

It is also noted that an issue has arisen in some parts of the country, where operators have sought to sub-divide existing single licensed premises, and obtain further premises licences in respect of each part of the divided premises. It has been observed that this practice has been used predominantly in respect of categories of premises licences which allow the operation of a small, fixed number of high-value gaming machines – in effect, using multiple premises licences in respect of different areas of a single business to artificially increase the permitted number of category B machines that can be made available.

The licensing authority notes the Commission's guidance that “in most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances.” When assessing whether premises can be regarded as separate, the licensing authority proposes to assess the following criteria:

- Does each premises have its own external entrance;
- Does each premises trade as a separate entity;
- Are the premises subject to separate non-domestic rateable valuations?
- Is each premises operated by different persons;
- What is the quality of separation (i.e. if dividing barriers are to be used, are they permanent, opaque, floor-to-ceiling division?);

- Is there a genuine need to establish a division between premises, or is the division aimed solely at artificially increasing the permitted number of high-value gaming machines.

If it is proposed to utilise sterile, non-gambling areas to create sub-divisions, then the licensing authority will apply the following criteria to those areas:

- Is the non-gambling area proposed as a token separation;
- Is it genuinely an area to which the public would go for purposes other than gambling;
- Is it in effect introducing artificial separation, or genuinely a functionally separate area;
- Is there in effect direct access between the divided units, or is it a place from which access can be gained to two premises.

Different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence with the gaming machine entitlements that brings; and are not artificially created as part of what is readily identifiable as a single premises. Poor quality or temporary divisions will not be viewed favourably.

The licensing authority notes that any premises subject to multiple discrete premises licences must be able to comply with the mandatory conditions restricting access to each licensed premises, as follows:

Premises type	Access restrictions
Adult gaming centre	No direct access from any other licensed gambling premises, or from premises with a family entertainment centre gaming machine permit, a club gaming/machine permit, or an alcohol-licensed premises gaming machine permit
Betting (other)	Access from a street or another betting premises only No direct access from any other premises used for retail sale of goods or services
Betting (track)	No direct access from licensed casino or adult gaming centre premises
Bingo	No direct access from licensed casino, adult gaming centre or betting (other) premises
Family entertainment centre	No direct access from licensed casino, adult gaming centre or betting (other) premises

In the case of some divided premises, it appears that the intended primary use of a premises licence had not been offered, with operators seeking solely to make use of any additional machine entitlement (for example, holding a bingo premises licence but not making any facilities for playing bingo available in the licensed premises). The Gambling Commission consulted on this issue in 2008, and subsequently issued a revision to the Licence Conditions and Codes of Practice affecting Bingo, Betting and Casino operating licences. Holders of these licences are now mandated to provide suitable and sufficient facilities for their primary licensable activity (e.g. provision of facilities for non-remote betting in a betting (other) licensed premises), now referred to in the Guidance as offering an appropriate licensing environment.

Tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. This licensing authority will consider the impact of the licences on the third licensing objective and the need to ensure that entrances to each premises are distinct and that children are excluded from gambling areas where they are not permitted.

Access by Children

When considering applications for premises to which children may be admitted, in cases where the issue of a licence would authorise the provision of gaming machines of categories C or higher, the licensing authority will expect the operator to ensure that:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply equally to single premises and to buildings where multiple, discrete premises licences may have effect (for example, a multi-unit shopping centre, or a mixed use development with a number of retail and leisure units).

Door Supervisors

This licensing authority will consider whether there is a need for door supervisors to meet the licensing objectives of protecting children and vulnerable persons from being harmed or exploited by gambling, and also to prevent premises becoming a source of crime. The Gambling Act 2005 has amended the Security Industry Act and door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority. However, the licensing authority strongly recommends that any door supervisors or security staff who are employed should be licensed by the SIA.

This Licensing Authority will require that premises licence holders undertake Criminal Records Bureau checks and evidence of suitable training for door supervisors, or are SIA licensed where this is possible, where this is imposed as a condition. This recognises the nature of the work which may include checking ages, searching individuals and dealing with aggressive persons. This Licensing Authority may require specific requirements for door supervisors, which are shown to be appropriate to individual premises and subject to any codes of practice.

Types of Premises Licences

Adult Gaming Centres

This licensing authority has specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds cannot access the premises.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures or licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

As regards the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare.

(Licensed) Family Entertainment Centres

This licensing authority has specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority expects applicants to offer their own measures to meet the licensing objectives; appropriate measures / licence conditions may include:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises.
- Staff are trained to have a full understanding of minimum age limits on participation in gambling

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, following the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be set out. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare will be considered in order to protect children and vulnerable persons.

The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to

the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

Casinos

The authority passed a 'no casino' policy under Section 166 of the Gambling Act on 24 February 2010. This resolution remained in effect until 23 February 2013. Should the Council decide in the future to pass such a resolution again it will update this document with details of that resolution. Any such decision will be made by full council.

Bingo premises

Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

The holder of a bingo operating licence may provide any type of bingo game including cash and prize bingo.

Commercial bingo halls will require a bingo premises licence from East Herts Council.

Amusement arcades providing prize bingo will require a prize gaming permit from East Herts Council.

In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on category D machines. When considering applications of this type the council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance

- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

We note that the Gambling Commission's Guidance states:

18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that „licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises“ in order to prevent underage gambling.

18.9 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.

18.10 Equipment operated by a bingo operating licence for the purpose of playing bingo, for example what are currently known as mechanised cash bingo, electronic bingo terminal (EBTs) and video bingo terminals (VBTs), will be exempt from controls on gaming machines provided they comply with any conditions set by the Commission and, in the case of EBTs, do not hold gaming machine content.

18.11 An EBT that offers gaming machine content in addition to bingo content is considered to be a gaming machine and would count towards the total number of gaming machines or towards the offering of bingo. Any EBTs that do not offer

gaming machine content would not count towards the number of gaming machines.

The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

Operators' attention is also drawn to section of this document concerning primary gambling activity.

Members' clubs and commercial clubs

Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a bingo operator's licence and the corresponding personal and premises licences

Betting premises

Anyone wishing to operate a betting office will require a betting premises licence from the Council. Children and young persons will not be able to enter licensed betting premises.

Betting premises may provide a limited number of gaming machines and some betting machines.

The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The Authority will make a door supervision requirement only if there is clear evidence from the history of trading

at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

The Council has the power to restrict the number of betting machines, their nature, and the circumstances in which they are made available. It will not generally exercise this power unless there are good reasons, taking into account, among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned.

This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the gaming machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature or circumstances of betting machines an operator wants to offer

The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

Each application will be considered on its own individual merits.

Primary Gambling Activity Gaming Machines in Gambling Premises

The Social responsibility code provisions 9.1.1 and 9.1.213 deal with the provision of gaming machines in betting and bingo premises respectively.

Both provisions state that:

Gaming machines may be made available for use on licensed betting/bingo premises only where there are also substantive facilities for non-remote betting/bingo, provided in reliance on this licence, available at the premises.

In both cases the provisions require:

- facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times; and

¹³ Gambling Commission Licence conditions and codes of practice January 2018:
<https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf>

- the license must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purpose of providing betting/bingo facilities.

~~Operating licences issued by the Commission provides that gaming machines may be made available for use in licensed betting premises only at times where there are also sufficient facilities for betting available.~~

~~In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn the outcome and collect any winnings. Where betting facilities are provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.~~

~~The Licence Conditions and Codes of Practice (LCCP) sets out the full requirements on operators. To assist operators of betting premises the Commission has published a document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.~~

~~Should the licensing authority receive an application to vary a premises licence for bingo or betting in order to extend the opening hours, the authority will satisfy itself that the reason for the application is in line with the requirements on primary gambling activity. (i.e. the need for operating licence holders to ensure that there are still sufficient facilities available to participate in the gambling activity appropriate to the licence type („the primary activity" or „the principal activity") at those premises and not replaced by the making available of gaming machines). Therefore, the applicant should be able to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and activity which is ancillary to the primary activity of the premises, namely betting or bingo.~~

Tracks

Only one premises licence can be issued for any particular premises at any time unless the premises is a track. A track is a site where races or other sporting events take place.

This licensing authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the Guidance from the Gambling Commission which highlights that tracks are different from

other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.

Track operators are not required to hold an 'operator's licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting.

Although there will, primarily, be a betting premises licence for the track, there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

In accordance with the Gambling Commission's guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Location of gaming machines
- Self-baring schemes
- Provision of information leaflets / helpline numbers for organisations such

as GamCare

- Staff are trained to have a full understanding of minimum age limits on participation in gambling

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines on tracks - The licensing authorities needs to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines on track premises - This licensing authority will, in accordance with the Gambling Commission's guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed - In line with guidance from the Gambling Commission the Council will attach a Condition to Track Premises Licence requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. This could include printing rules in the race-card or making them available in leaflet form from the track office.

Travelling Fairs

Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, it is a statutory requirement that the facilities for gambling are no more than an ancillary amusement at the fair. This licensing authority decides whether that requirement is met and whether the applicant falls within the statutory definition of a travelling fair.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

Provisional Statements

A person may apply to the Licensing Authority for a provisional statement in respect of premises:

- they expect to be constructed
- they expect to be altered or
- they expect to acquire a right to occupy

Such applications are dealt with in the same manner as applications for premises licences. Once the premises are constructed, altered or acquired the holder of a provisional statement may apply for the necessary premises licence. The Gambling Commission's draft guidance states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority can inspect it fully.

Where the holder of a provisional statement applies for a premise licence, no further representations from responsible bodies or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.

This authority has noted the Gambling Commission's guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

Reviews

Responsible Bodies and Interested Parties (see definitions in Section 6) may apply to the Licensing Authority for a review of a premises licence. The Licensing Authority may reject an application if it thinks that the grounds on which the review is sought:

- do not raise an issue relevant to the principles listed below;
- are frivolous or vexatious;
- will certainly not cause the Licensing Authority to wish to alter, revoke or suspend the licence;
- are substantially the same as previous representations or requests for review.

The principles referred to above are:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing Statement of Principles

Licensing authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. The licensing authority may review premises licences of its own volition. This may be on the grounds that a premises licence holder has not provided facilities for gambling at the premises. A referral to a Licensing Sub-Committee of a set of premises for a review will be first approved by the Head of Housing & Health.

The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

This can extend to a review of a class of licences where it considers particular issues have arisen. Reviews of a class of premises will be first agreed to by the Head of Community and Customer Services in consultation with the Chair of the Licensing (Licensing Act 2003) Committee.

The purpose of a review is to determine whether the licensing authority should take any action in relation to the licence. If action is justified the licensing authority may:

- add, remove or amend a licence condition (other than a mandatory condition)
- exclude or amend a default condition imposed by regulations
- suspend the premises licence for a period not exceeding three months
- revoke the premises licence.

In determining the appropriate course of action the licensing authority must have regard to the principles set out in section 153 of the Act as well as any relevant representations.

The Gambling Commission will be a responsible authority in premises licence reviews.

It is noted that as per the Gambling Commission's guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except when concerning any 'no casino resolution) and also that unmet demand is not a criterion for a licensing authority. This may not be the case with respect to gaming permits.

Permits, Temporary & Occasional Use Notices

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 para 7)

Where premises do not hold a Premises Licence but wish to provide only category D gaming machines, it may apply to the licensing authority for this permit. It should be noted that under section 238 of the Gambling Act, the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing that statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act.

Accordingly this licensing authority will also have regard to the licensing objectives when considering applications relating to unlicensed FEC permits.

A Family Entertainment Centre (FEC) gaming machine permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC and if the Chief Officer of the Police has been consulted. No conditions may be imposed upon the grant of a permit.

Therefore the licensing authority will need to be satisfied that the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permitted in unlicensed FEC's; has no relevant convictions (as detailed in Schedule 2 to the 2005 Act); and that all staff employed on the premises are provided with proper training in relation to stakes and prizes.

Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued.

Statement of Principles

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures or training for staff to deal with suspected truant school children on the premises, measures or training

covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

This licensing authority will also expect, following Gambling Commission guidance, that applicants demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
- that they have no relevant convictions (those that are set out in Schedule 7 of the Act)
- and that staff are trained to have a full understanding of the maximum stakes and prizes.
- an awareness of local school holiday times and how to identify the local education office should truants be identified.

Compliance with any relevant industry Code of Practice for FECs issued by BACTA or other trade associations may be taken by the licensing authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.

Applicants must submit with their application two copies of plans of the premises, to a scale of 1:100, showing the exits/entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers.

The licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))

The Act provides that premises licensed to sell alcohol for consumption on the premises, are automatically authorised to have 2 gaming machines, of categories C and/or D. These premises merely need to notify the authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

If a premises wishes to have more than 2 machines, then it must apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and 'such matters as they think relevant'.

Statement of Principles

This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons this applicants may wish to consider the provision of information leaflets or helpline numbers for organisations such as GamCare.

A plan must accompany applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre premises licence.

The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot be attached.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Administrative matters

Notifications for two or less machines shall be dealt with under delegated authority.

Applications for three or more machines will be referred to a Licensing Sub-Committee of Councillors.

3. Prize Gaming Permits

Prize gaming may be provided in bingo premises as a consequence of their Bingo Operating Licence. Any type of prize gaming may be provided in Adult Gaming Centres and licensed Family Entertainment Centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, as long as none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

The Licensing Authority can only grant a permit if they have consulted with chief officer of Police. Therefore, the Licensing Authority will consider the suitability of the applicant in terms of any evidence provided by the Police that would make them unsuitable to hold a prize gaming permit.

Applicants should set out the types of gaming they are intending to offer and should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations
- and that the gaming offered is within the law.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under the Gambling Act 2005 may be in force.

Statement of Principles

The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to unequal chances prize gaming. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

A plan must accompany applications indicating where, and what type, of prize gaming is to be provided.

Conditions

There are mandatory conditions in the Gambling Act 2005 that the permit holder must comply with, but the Licensing Authority cannot attach conditions. The conditions in the 2005 Act are:

- The limits on participation fees, as set out in regulations, must be complied with.
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played.
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize).
- Participation in the gaming must not entitle the player to take part in any other gambling.

In making its decision on an application for this type of permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit.

The licensing authority notes paragraphs 25.44 – 25.49 of the Commission's Guidance as to matters to take into account when determining that a club meets the statutory qualifying requirements. These include:

- the club's constitution;
- the frequency of gaming; and
- ensuring that there are more than 25 members.

The club must be conducted "wholly or mainly" for purposes other than gaming, unless the gaming is in bridge and whist clubs covered by regulations made by the Secretary of State. A members' club must be permanent in nature, not established to make commercial profit and be controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

The Gambling Commission's guidance advises that Licensing Authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police (Gambling Commission's draft Guidance for Local Authorities 25.18)

Club gaming permit

A club gaming permit allows the premises to provide:

- up to three machines of categories B, C or D
- equal chance gaming and
- games of chance as set out in regulations.

Club gaming machine permit

A club gaming machine permit will enable the premises to provide up to three machines of categories B, C or D.

The licensing authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Act. Clubs which hold a club premises certificate under the Licensing Act 2003 are entitled to benefit from a fast-track application procedure.

Conditions

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Lotteries

The Gambling Act 2005 regulates almost all forms of fund-raising lotteries promoted in the UK. With the exception of the National Lottery, which is not regulated under this Act, it is illegal to promote a lottery for private or commercial gain.

While the term 'lottery' is used within the legislation, these provisions are also likely to apply to raffles, prize draws, tombola's, sweepstakes, scratch-card sales, and so on – in short, any arrangement in which a payment is made for a random chance of winning a prize. For the sake of simplicity, 'lottery' is used to define all of these.

Broadly speaking, there are two categories of lottery established under the Act –

- Licensed lotteries include those run by societies that aim to raise more than £20,000 in a single draw, or £250,000 in a calendar year, as well as any lotteries promoted by a local authority. An operating licence must be held by the promoter(s) of these lotteries.
- Exempt lotteries fall into one of four sub-categories, each with its own limits on the amounts that can be raised, the purposes for which it can be promoted, and the manner in which it must be run. These sub-categories comprise Incidental Non-Commercial Lotteries, Customer Lotteries, Private Lotteries, and Small Society Lotteries

Licensed Lotteries

The administration and enforcement of licensed lotteries is the responsibility of the Gambling Commission, although local authorities may provide information and intelligence to assist in the exercise of these functions.

Should a society registered with a licensing authority for the promotion of small society lotteries promote a lottery which causes either on the statutory limits on proceeds to be exceeded, then any subsequent lotteries promoted by that society in the current calendar year or any of the following three calendar years will be deemed to be large society lotteries, and will require the society to obtain a relevant operating licence from the Gambling Commission. The registration with the licensing authority will remain in force, but will not serve to authorise any lottery schemes during this period – it is open to the society as to whether to cancel the registration.

The Act provides a mechanism for local authorities to promote lotteries (or have lotteries promoted on their behalf) in order to raise funds for any item or service on

which they may lawfully incur expenditure. Prior to doing so, an operating licence must be obtained from the Gambling Commission. A senior council officer must also hold a personal management licence, again issued by the Commission. At the time of writing, no such licences are in place, and accordingly lotteries may not be promoted by or on behalf of the authority.

Exempt Lotteries

Of the four sub-categories of exempt lotteries, only Small Society Lotteries require registration with a local authority – no authorisation is required for the other three categories. Both the Commission and local authorities may carry out compliance checks to ensure that any exempt lotteries are carried on in accordance with the relevant legal restrictions.

Prior to registering a society, the licensing authority may consult informally with certain statutory partners, including the Gambling Commission and Hertfordshire Constabulary, in order to satisfy itself that the information given in the application for registration is correct, the applicant is a bona fide non-commercial society, an operating licence held by the society has not been refused or revoked in the preceding 5 years, and that no persons who will be connected with the promotion of lotteries for the society have been convicted of relevant offences. Where the authority cannot be so satisfied, it is open to it to refuse the application for registration, but only after the applicant has been given the opportunity to lodge representations in respect of the proposed refusal.

Registrations will remain in force indefinitely, incurring an annual fee in each year that they remain in force. Societies may request the cancellation of their registration, in writing, at any time. The licensing authority may also revoke a registration or cancel a registration for non-payment of annual fees. Revocation may only occur after the applicant has been given the opportunity to lodge representations.

Free prize draws & skill competitions

The Gambling Act 2005 does not include any measures to regulate prize draws where there is no charge to enter, nor any competition where the outcome relies significantly upon a participant's skill, judgement or knowledge. Generally, the licensing authority will not become involved in any matters relating to such schemes.

However, on some occasions, schemes that are presented as skill competitions will actually fall under the definition of lotteries or prize gaming, and would therefore need to comply with the statutory requirements. Alongside the Gambling

Commission, licensing authorities are obliged to monitor the boundaries between lotteries and skill competitions, and will provide basic advice on ensuring that any competitions are run in compliance with the relevant laws. However, the licensing authority will not offer advice or approval of individual schemes, nor will it offer in depth advice as to the legality of a particular activity. It is ultimately the responsibility of the promoter to ensure that a scheme is compliant with statutory requirements, and to seek independent confirmation of this from a legal adviser where appropriate.

This licensing authority notes the criteria set out in section 14 of the Act relating to the characteristics of a skill competition, and will expect the promoter of any such scheme to ensure that the competition includes a suitable challenge of skill, judgement or knowledge that will:

- prevent a significant proportion of people who wish to participate from doing so; or
- prevent a significant proportion of people who participate from receiving a prize.

A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in Section 19 of the Gambling Act 2005. A society is non-commercial if it is established and conducted:

- for charitable purposes
- for the purposes of enabling participation in, or of supporting sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

All applications for registration must be in the form specified by the Secretary of State and accompanied by supporting documentation that the Licensing Authority will need to assess the application.

This Licensing Authority, when considering an application for registration may request additional information as deemed appropriate, this may include a declaration from the governing body of the society stating:

- the application is on behalf of a genuine non-commercial lottery
- that all persons connected with the promotion of the lottery have no relevant convictions or cautions against them
- briefly explaining the purpose of the society and; the reasons for the fund raising
- confirmation of the appointment of 2 members of the Society who have the authority to sign and complete the necessary returns

- and where a society intends to employ an external lottery manager, evidence that person holds an operator's licence issued by the Gambling Commission.

The licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exhaustive, could affect the risk status of an operator:

- submission of late returns (returns must be submitted within three months of the date that a lottery was drawn)
- submission of incomplete or incorrect forms
- breaches of the limits for small society lotteries.

If the Authority is minded to refuse an application, the applicant will be notified in writing the reasons why it is considering refusal and the evidence on which it has based the preliminary conclusion. The applicant will be given the opportunity to provide further evidence in support of the application or to make representation regarding these matters.

6. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. There can, however, be more than one competition with a single winner held at the individual event covered by a specific temporary use notice. The facilities may not be provided in circumstances where any person participating in the gaming does so by means of a gaming machine. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities and at paragraph 14.10 of the Guidance. As with “premises”, the definition of a “set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls with the definition of a “set of premises”, the licensing authority need to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in place that could be described as one set of premises, as recommended in the Gambling Commission’s Guidance to Licensing Authorities.

7. Occasional Use Notices

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Administration, Exercise and Delegation of Functions

The Licensing Committee will consist of between 10 and 15 councillors, sitting at least annually to discuss this Statement of Principles, review delegated decisions and administrative matters. The Council will review this Statement of Principles at least every three years. Any changes to the Statement of Principles will include full consultation of all interested parties and responsible authorities.

Sub-committee(s) of three Councillors will determine applications where representations have been received from interested parties and responsible authorities.

The Licensing Committee may also deal with other matters not associated with the Gambling Act 2005.

Each decision of the Licensing Committee or its Sub-Committee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory register required to be kept by the Council.

The Council's authorised officers will deal with all other licence/permit application where either no representation/objection(s) have been received, or where representations have been received and it is agreed by all parties that a hearing is not necessary.

Council officers will make decisions on whether representations or applications for reviews should be referred to the Licensing Committee or Sub-Committee(s) and upon whether representations are frivolous, irrelevant, vexatious or repetitious. Where representations are rejected, the person making that representation will be given written reasons.

Where appropriate the Council will seek to delegate decision making so far as possible in the interests of speed, efficiency and cost effectiveness.

The Council will seek to integrate this Statement of Principles with its various other strategies/policies, having regard to the licensing objectives and will utilise its collaborative and partnership working arrangements and networks that engage with responsible authorities, interested parties and key stakeholders. This will include taking into account the following:

- Council Enforcement Policy

- Community Strategy
- Drugs and Alcohol Strategy
- Diversity and Equality Policy

Equality & Diversity

East Herts Council is firmly committed to providing and promoting equality for all its employees and the wider community. The Council has adopted this policy to ensure equality influences the way we provide services and the employment of staff. To achieve this we will endeavour to create an environment in which there is respect for every individual and recognition that no member of the public, employee, potential employee, service user or Councillor will be discriminated against irrespective of their gender, race, ethnicity, colour, marital status, disability, age, sexuality, family responsibilities, religion, trade union involvement or political beliefs. Neither shall they be disadvantaged by conditions or requirements that cannot be shown to be justifiable for health and safety or legal reasons. This is not an exhaustive list and the Council recognises that there are other groups who may face unlawful discrimination."

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

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

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

Contact Point

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East Herts Council

Licensing Decision Making relating to the Night Time Economy

POSITION STATEMENT

Contents

1. Introduction	2
Licensing objectives.....	3
2. Who has a stake in licensing matters?	4
3. Stakeholder engagement and representations	6
The basis of decision making	6
Relevant, Vexatious and frivolous representations	7
How responsible authorities can make their views known	8
Licensed premises applications.....	8
Temporary Event Notices	99
How members of the public can make their views known	10
How comments made by members of the public feed into the decision making process	1313
Expressing views through the planning process.....	1545
4. Determining applications	1545
Interplay between planning decision making and licensing decision making.....	1818
5. Enforcement action.....	1818
Raising concerns about licensed premises.....	1919
The licensing authority's approach to enforcement.....	1919
Partners' roles in enforcement activities	20
The licensing authority's ability to act as a responsible authority.....	22
6. The night time economy.....	23
Encouraging and facilitating best practice	24
7. References.....	2525

1. Introduction

- 1.1 East Herts Council is the licensing authority responsible for considering, granting and enforcing permissions covering the sale of alcohol, entertainment and the provision of late night refreshment. Establishments concerned with these activities are herein termed 'licensed premises'. This term covers both premises already operating with a licence and those applying for a licence for the first time.
- 1.2. As required by statute, the council has adopted a Statement of Licensing Policy (herein referred to as the 'Licensing Policy') with regard to which it will determine licence applications. This position statement should be considered an addendum to the Licensing Policy and should be read in conjunction with it. This position statement provides more detail on how stakeholders, including the public, can raise issues and concerns about new applications or applications to vary a licence or seek a review of an existing licence.
- 1.3 In recent years there has been an increase in proposals related to the night time economy (NTE), that is, the economic activity taking place in the evening, such as eating and drinking, entertainment and nightlife, broadly between the hours of 9pm and 5am, often seven days a week. At the same time, there appears to have been a change in the type and style of offer they provide for customers, sometimes with existing premises seeking to extend their hours of operation later into the night, for example, shifting the closing time from 2.00am to 3.00am. On occasion, applications, whether for new premises or extensions to existing operating hours, have caused concern among the local residential population regarding their quality of life.

- 1.4 The council has many jurisdictions; in addition to being the licensing authority, the council is also the planning authority and environmental health authority and may have a relationship with the applicant as a landlord. As a consequence, the council will interact with applicants and applications in a number of ways. Of particular relevance here, as a regulatory authority, the council will always need to strive to balance the benefits of a prosperous local night time economy with minimising any detrimental impacts on the quality of life and amenity of residents in a way that continues to make East Herts an attractive place to live and visit.

Licensing objectives

- 1.5 Licensing Act 2003 requires each licensing authority to carry out its duties, including determining licensed premises applications, with a view to promoting the licensing objectives specified in the Act. These are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.
- 1.6 Reference throughout this Position Statement to the licensing objectives should be read as meaning the promotion of these objectives.

2. Who has a stake in licensing matters?

2.1 The council, as the licensing authority, has a duty to ensure that various parties are aware of an application for a new premises licence or a variation to an existing one. The table below lists these parties and how they are made aware of an application.

Table 1: Parties which the council has a duty to make aware of applications	
Party	Made aware by
<p>Responsible authorities:</p> <ul style="list-style-type: none"> • Licensing Authority – East Herts Council • Hertfordshire Police • Environmental Health – East Herts Council • Planning Service – East Herts Council • Fire Authority – Hertfordshire Fire & Rescue Service • Hertfordshire Safeguarding Children Board • Trading Standards – Hertfordshire County Council • Home Office – Alcohol Licensing Team • Public Health – Hertfordshire County Council • Health and Safety Executive <i>(only need to be consulted if they are the enforcing authority for Health and Safety at the premises)</i> 	<ul style="list-style-type: none"> • Applicant will submit copies of application documents directly to them at the same time as the documents are sent to the licensing authority • In the case of applications made online through the licensing portal, the council's licensing team will send the application documents electronically to the responsible authorities immediately upon receipt
<p><u>Other persons, including Residents and businesses, notably those living/working in the vicinity of the premises</u></p>	<ul style="list-style-type: none"> • <u>For New or Variation applications written notices will be put up by the applicant (in a statutorily prescribed format), attached to or near the premises concerned and displayed for not less than 28 days</u> • <u>For New and Variation applications a</u> public notice (in a statutorily prescribed format) submitted by the applicant will be published in a locally circulated newspaper

	<ul style="list-style-type: none"> • <u>For Minor Variation applications written notices will be put up by the applicant (in a statutorily prescribed format), attached to or near the premises concerned and displayed for not less than 10 working days (there is no requirement for a newspaper advertisement)</u> • Information about pending applications will be displayed on the council's website
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2.23 The council wishes to take a broad and inclusive view of who constitutes stakeholders in the development of and proper operation of a successful night time economy in East Herts and the licensing decisions related to this. So, in addition to the parties listed above, the council sees the following as having a stake in night time economy related matters:

- residents across the town centre concerned
- residents in East Herts area generally
- local businesses in the town centre concerned
- local businesses in East Herts area generally
- local chambers of commerce
- local transport undertakings – (bus and coach operators; taxis and local rail companies)
- Hertfordshire County Council as highway authority
- patrons and prospective patrons of late night venues in East Herts
- owners, managers and staff of late night venues in East Herts
- the local health services
- elected and non-elected community representatives
- the local media
- other enforcing authorities
 - the Security Industry Authority as regulators for door supervisors
 - HM Revenue and Customs.

- 2.3 Each of the stakeholders in the table and the list above has influence over the night time economy in different ways. They can affect the direction the NTE takes as consumers, patrons, investors, suppliers and landlords. The licensing process is only one of the ways.
- 2.4 To ensure as wide a range of stakeholders as possible can participate in discussions about the NTE, the council will publicise applications for new or varied licences on its website and make it clear to whom representations can be made.
- 2.56 All stakeholders ~~have an ability to~~may engage with the licensing process ~~by making if they are able to make relevant~~ representations (see below) during the application consultation period for new licences, ~~and~~ variations to existing licences and minor variation.
- 2.67 Stakeholders will also be able to express their views by applying for a review of a particular premises licence where they have evidence that the licensing objectives are not being addressed.

3. Stakeholder engagement and representations

The basis of decision making

- 3.1 The process for making decisions on licensed premises applications is governed by the Licensing Act 2003 and associated regulations. It is recognised that each application must be determined on its own merits. Unlike other ways in which the local authority determines applications, for example planning applications, there is a presumption in licensing law that if:
- the licensing authority receives a valid application *and*
 - the application is properly advertised *and*
 - there is no relevant representation objection raised by any responsible authority within the 28 day statutory consultation period *and*

- there is no relevant representation objection raised by any other person within the 28 day statutory consultation period *then*
- on the 29th day after the valid application is received, the licence is ***automatically*** granted as applied for, that is, without any variation or condition and subject only to the mandatory conditions and conditions consistent with the operating schedule.

3.2 It is within this context that the council will do its utmost to facilitate those wishing to make representations to do so in the most effective way and within the 28 days consultation period.

Relevant, vexatious and frivolous representations

3.3 To be a valid representation then the person making the representation must be clearly identifiable and give their address. A representation made by a responsible authority or other person must be relevant. In addition, a representation made by another person must not be frivolous or vexatious.

3.4 A representation is 'relevant' if it is argued that the granting of the licence would be likely to have an impact on at least one of the licensing objectives. So, for example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant as prevention of a detrimental impact on other commercial premises is not one of the four licensing objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.

3.5 A representation may be considered 'vexatious' if it appears intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or

justification. Vexatious circumstances may arise because of disputes between rival businesses.

3.6 'Frivolous' representations are essentially those lacking seriousness. Frivolous representations could concern issues which are, at most, minor and/or for which no remedial steps would be warranted or proportionate.

3.7 Any person who is aggrieved by a rejection of their representations as either vexatious or frivolous may lodge a complaint through the council's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.

How responsible authorities can make their views known

Licensed premises applications

3.83 The council strongly encourages the responsible authorities listed in Table 1 above to engage in the consultation process regarding applications and raise any ~~points as representations to issue concerning the licensing objectives with~~ the licensing authority. This may include submitting ~~an objection~~ objection representation if there are grounds to do so.

3.94 Evidence-based representations provide the council, when acting as the licensing authority deciding on applications, with the best means of assessing the merits, or otherwise, of applications under consideration.

3.105 While the type of representation and level of evidence will vary on a case-by-case basis, best practice would suggest representations should include wherever possible:

- whether the representation is for or against the application

- reference to concerns over the undermining or potential undermining of the Licensing Objectives (as determined by legislation and listed in the council's Licensing Policy)
- evidence to support the above.

3.116 The council encourages all responsible authorities to engage with applicants at the pre-application stage and give advice to assist applicants to amend their proposals to accommodate the issues raised and thus avoid the responsible authority making an objection. Whether the responsible authority engages or not, and whether or not the applicant works with the responsible authority, does not fetter the responsible authority's discretion over whether or not to object to an application. If ~~an objection~~ objection representation has been received, the council will wish to see efforts or continued efforts on the part of both the applicant and the responsible authority to ~~accommodate the concerns raised~~ address the relevant issues.

Temporary Event Notices ~~applications~~

3.127 The police and the council's Environmental Health team are the only responsible authorities the law requires to be notified of and have the right to object to Temporary Event Notices (TENs). They have an ability to assist the licencing authority by making ~~appropriate objections~~ relevant representations via objection notice during the consultation period following submission of a TEN.

3.13 ~~The Subject to the requirements mentioned above the~~ format and content of representations are not defined in legislation or guidance. It would assist the licensing authority in their decision making if responsible authorities could include in their representations as much of the following information as possible in support of their position:

- a commentary on past events at the venue / event
- any evidence of breaches of relevant statutory requirements

- a summary of complaints, if any, from the public concerning the premises.

How members of the public can make their views known

3.14 In order to make informed decisions, the council is keen to hear from those with a view on a particular application or licence based on the licensing objectives.

3.15 As noted in Table 1 above, the legislation and guidance dictates that members of the public have a specific time period during which to raise issues. ~~Of note, t~~The Licensing Act 2003 established a very prescriptive procedure for the way in which applications are made and determined. Of note:

- the requirements concerning advertising of applications are set out in the Licensing Act 2003 (Premises Licences and Club Premises Certificates Regulations) 2005
- Regulation 25 provides that the applicant for a new or variation to an existing licence shall advertise the application for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority by displaying a notice that complies with prescribed requirements
- the applicant must also publish a notice at least once in a local newsletter or similar document circulating in the vicinity of the premises
- ~~these regulations dictate the notice period during which members of the public can raise issues or concerns~~
- the Regulations oblige the council, as the licensing authority, to also advertise the application on its website for a period of no less than 28 consecutive days starting on the day after the day on which the application was given. The content of the advertisement is prescribed.

- These regulations also prescribe that members of the public and others can only make representations during the period of 28 days starting the day after the application became valid.

3.16 The regulations regarding the advertising of minor variation applications simply require that a notice containing the prescribed information be displayed for no less than 10 working days starting on the day after the day on which the application was given to the relevant licensing authority. There is no requirement for the application to be advertised in the newspaper or by the local authority.

3.17 The council has considered the scope for raising awareness of applications in additional ways. Given that licensing matters are governed by statute and regulation, this is not quite as straightforward as it may seem. Of note, Westminster City Council has sought in the past to facilitate greater awareness by contacting properties in the vicinity of premises subject to a licence application by means of individual correspondence. The council was then challenged in the High Court by some residents who lived in the locality but outside of the 'perimeter' the council had drawn for consultation purposes and so had not been contacted directly by the council. The Court of Appeal ultimately decided that neither the 2003 Act nor the Regulations imposed any duty on a licensing authority to advertise an application or to take any steps to notify anyone affected by it that it had been made. The sole duty to advertise and to give notice of an application was placed on the person making the application. Corporation of the Hall of Arts and Sciences v The Albert Court Residents' Association [2011] EWCA Civ 430 judgement was that the council did not need to send letters to residents but if they chose to do so then they should send letters to all residents affected. R. (on the application of Albert Court Residents Association) v Westminster City Council [2010] EWHC 393 (QB).

3.1~~8~~ Having considered this case, ~~it appears that any view on who constitutes all the residents affected will always be open to debate and thus such an approach is likely to place the council in a very difficult position. Therefore,~~ it is the council's view that relying on the means of communication set by the relevant regulations, and detailed above, is a better way to proceed than attempting to directly contact those the council may deem at any one time to be affected.

3.1~~9~~ That said, the council will do its utmost to ensure anyone wishing to make a representation is aware of the 28 day window for responding and the central importance of this given that, unfortunately, the council cannot vary this time period.

3.~~20~~~~1~~ Within the relevant legislation, regulations and case law discussed above, the council will strive to facilitate resident engagement, including emphasising the 28 day consultation window. The council will:

- encourage applicants to hold informal discussions with local residents and businesses, the responsible authorities and others prior to submitting formal licence applications
- ensure applicants meet their statutory obligations to publicise their applications; advertising in a local newspaper and posting a notice at or near the premises – when such notices are removed or become defaced the council will require them to be replaced and if appropriate the consultation time period to be restarted
- advertise applications on the council's website
- alert ward members and parish/town councils of applications in their areas to enable them to discuss matters with residents should they wish

3.~~21~~~~4~~ To assist the licensing authority in their decision making, members of the public making representations must provide the following:~~When deciding on applications, it would be~~

~~particularly helpful if members of the public making representations could provide the following:~~

- whether the representation is for or against the application
- reference to concerns over the undermining or potential undermining of the Licensing Objectives (as determined by legislation and listed in the council's Licensing Policy)
- any evidence to support the above.

How comments made by members of the public feed into the decision making process

3.221 ~~So long as comments~~ Provided that relevant representations

from members of the public are received by the council within the 28 day consultation period, they will ~~be fed into~~ form part of the decision-making process. Thus, ~~comments~~ representations from members of the public have a significant role to play in the decision making process. The council will share comments with other responsible authorities where the comments relate to that authority's remit. This will:

- provide information which the responsible authority can draw on when considering what representations, if any, it wishes to make
- assist the responsible authority in determining what conditions, if any, it would wish to see attached to a grant approval
- enable the responsible authority to assess whether it needs to carry out any further investigations itself.

3.23 The council will also share comments with the applicant as required by law. This will:

- assist the applicant to better understand how the proposal could impact on local people
- enable the applicant to make amendments to, or withdraw, the application to mitigate or allay concerns raised

- provide the applicant with the opportunity to better explain what is proposed and/or address any misunderstandings; this in itself may mitigate or allay concerns

~~To be a valid representation then the person making the representation must be clearly identifiable and give their address. The representation must be 'relevant', and must not be 'vexatious' or 'frivolous'.~~

~~A representation is 'relevant' if it is argued that the granting of the licence would be likely to have an impact on at least one of the licensing objectives. So, for example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would *not* be relevant as prevention of a detrimental impact on other commercial premises is not one of the four licensing objectives.~~

~~A representation may be considered 'vexatious' if it appears intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses.~~

~~'Frivolous' representations are essentially those lacking seriousness. Frivolous representations could concern issues which are, at most, minor and/or for which no remedial steps would be warranted or proportionate.~~

~~Any person who is aggrieved by a rejection of their representations as either vexatious or frivolous may lodge a complaint through the council's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.~~

~~If the issues raised by members of the public cannot be mitigated by the applicant through informal discussion, nor allayed to the satisfaction of the responsible authorities, then the council will, within 28 days of the close of the consultation, hold a public~~

~~hearing of the Licensing Committee, or a sub-committee, to consider and determine the application.~~

3.24 In relation to minor variations there is no right to a hearing where valid representations have been received during the consultation and not withdrawn.

3.25 Determining applications is dealt with in Section 4 below.

Expressing views through the planning process

3.26 Another key route by which stakeholders can express their views is through the planning process, either when neighbourhood plans are being developed or when particular planning applications are considered. The mechanisms and procedures governing how interested parties can input to planning decisions is covered in the council's planning policies – see <https://www.eastherts.gov.uk/planning>

4. Determining applications

4.1 Where at all possible, the council will assist in enabling the applicant and those making representations to find common ground thus mitigating or removing the concerns raised. A representation can be withdrawn at any time prior to or during a hearing. ~~As stated above, however, the timescale for mediation~~ this is extremely tight. ~~Section 3 above has detailed the way in which responsible authorities, the public and others can make representations and how these can affect the proposed application.~~

4.2 If the issues raised by members of the public in relation to new, variation or review applications (with the exception of summary reviews) cannot be mitigated by the applicant or licence holder through informal discussion, nor allayed to the satisfaction of the responsible authorities, then the council will, within 20 working~~8~~ days of the close of the consultation, hold a public hearing of the Licensing Committee, or a sub-committee, to consider and determine the contested application. ~~This also~~

~~applies to contested applications for variations to a licence or a review of a licence.~~

4.3 Where relevant representations have been received during the consultation period for a minor variation and not withdrawn the Licensing Authority has to determine the application and there is no right to a hearing.

4.4 At the hearing all responsible authorities and other persons who have made valid representations, which have not been withdrawn, will be entitled to attend and make their representations in person. Those who have made representation do not have to attend and can choose to nominate someone to speak on their behalf. ~~and a~~ All valid representations whether made in person or in writing will be considered.

4.34.5 The hearing will focus on the steps, if any, considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may not add further representations to those disclosed prior to the hearing. For example, representations in relation to variations should be confined to the subject matter of the variation.

4.44.6 The council's Licensing Committee, or a sub-committee of this Committee, will consider the oral and written evidence before them. In determining the weight to place on the evidence before them, the members of the Committee will consider how the application supports or otherwise the four licensing objectives specified in the Licensing Act 2003:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

These four objectives underpin the council's Licensing Policy. The Policy states that:

- licensing is about regulating licensable activities provided on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act;
- conditions may only be imposed following a hearing if considered appropriate and proportionate in order to promote one or more of the licensing objectives raised in a relevant representation; and
- conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations.

4.54.7 The Policy goes on to state that the legislation supports a number of other key aims and purposes and that these too are vitally important and thus are key to decision making. These additional aims and purposes consist of:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local

authorities to make and enforce decisions about the most appropriate licensing strategies for their local area

- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

4.64.8 The Licensing Committee, or sub-committee, is normally required under the legislation to make a decision on ~~the~~an application within 5 working days of the last day of the hearing but generally this is done at the end of that hearing; there is no power to defer a decision. Full reasons for the decision will be provided to enable all parties to understand how the decision was reached.

Interplay between planning decision making and licensing decision making

4.74.9 While the development control and planning consent processes are separate jurisdictions to licensing decision making there are links between them. The council as a planning authority is a responsible authority under the Licensing Act 2003. Intelligence sharing and representations are routinely made between officers involved in processing applications under the two decision making regimes. The decision making processes and enforcement criteria under each regime, however, are different so that action taken in response to particular circumstances involving a given venue may not be the same under both regimes.

5. Enforcement action

- 5.1 Enforcement covers a wide range of actions from giving advice through to prosecution and closure of premises. The council recognises that it is good practice for enforcement activity to be intelligence-led, evidence based and proportionate.

- 5.2 In common with other local authorities, the council as the licensing authority does not routinely monitor all licensed premises for compliance with specific licensing conditions. This would be unnecessary as most premises conduct their business in a responsible way, keeping to the conditions of their licence.
- 5.3 Thus, the council's enforcement action needs to be targeted. Decisions about which premises to investigate will be:
- reactive – based on a specific complaints or resulting from intelligence from partners that strongly suggests a breach of the licence has occurred/is on-going and/or
 - proactive – this may take the form of one-off or periodic follow-ups based on previous complaints.

Raising concerns about licensed premises

- 5.4 Given the council's desire to be as responsive as possible to concerns, it is likely that most enforcement action will be reactive. It is therefore paramount that individuals, organisations and other authorities report incidents and concerns about specific licensed premises when they arise so that timely investigation and intelligence gathering can take place.
- 5.5 Wherever possible, the council would expect such concerns to be raised with the Premises Licence Holder or Designated Premises Supervisor in the first instance. Often, the business may not have realised that its operation is causing nuisance or problems and raising the issue is sufficient to ensure a prompt and adequate remedy.

The licensing authority's approach to enforcement

- 5.6 If raising concerns with particular premises does not remedy the situation, the council may become involved. In such circumstances, the council may:

- arrange meetings between various parties, including members of the public if appropriate, to jointly explore how best to remedy the situation
 - direct the Premises Licence Holder or Designated Premises Supervisor, business owner or occupier as appropriate to take action. This could take the form of issuing advice and guidance or may be more directive, for example, though not limited to, requiring specific remedies for noise nuisance or imposing variations to the conditions of the licence via a review
 - visit the premises in an attempt to witness the problem directly.
- 5.7 Sometimes, issues may arise within an area or on a particular street where it is not clear which establishment(s) is causing the issues. It can be the case that an issue arises from the interaction of venues and patrons purely because of the geographical proximity, for example, a pub or club, late night food take-away and/or taxi ranks all located in close proximity may encourage concentrations of noise and/or other nuisance.
- 5.8 In the short-to-medium term, in such circumstances council officers will seek to identify which establishment(s) is/are causing the issues and then make appropriate interventions as discussed above.
- 5.9 In the longer term, the council, in its wider capacity than simply being the licensing authority, recognises it has a role to play with partners in identifying, addressing, mitigating and if at all possible designing-out the types of nuisance that can arise from the night time economy.

Partners' roles in enforcement activities

- 5.10 Enforcement activity may be undertaken by one or more of the responsible authorities separately based on the extent to which the issue in question relates to their particular jurisdiction.

5.11 The statutory guidance issued to licensing authorities by the Home Office under section 182 of the Licensing Act 2003 (last amended in [April 2018](#)) states *"It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority"*.

5.12 On that basis the lead authorities would be:

- **Crime and disorder** – Hertfordshire Constabulary
- **Noise and other nuisance** – East Herts Council as Environmental Health authority
- **Public safety issues** – East Herts Council as Environmental Health authority; Hertfordshire County Council as Fire Authority
- **~~Prevention~~ Protection of children from harm** - Hertfordshire Constabulary; Hertfordshire County Council as Social Services and Education Authority.

5.13 Where the issues are wider, enforcement may be taken by the responsible authorities working together in partnership. The council is committed to partnership working. This could involve, for example:

- sharing intelligence, joint monitoring visits and intervention meetings with licence holders
- bringing forward a review of the licence for an individual licensed premises

- seeking changes to the East Herts Council's Statement of Licensing Policy on the basis of the evidence for, and articulation of, particular amendments.

The licensing authority's ability to act as a responsible authority

5.14 East Herts Council recognises that the Licensing Act 2003 includes licensing authorities within the list of responsible authorities. In certain circumstances it may be appropriate for the council to take action as a responsible authority in the absence of action by other responsible authorities, although it is important to note the statutory guidance accompanying the Act clearly states:

*"Licensing authorities are **not** expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority. [Emphasis added]"*

5.15 It is the council's view that it would not be appropriate for the council, in its role as licensing authority, to seek to usurp the ability of other responsible authorities, residents or other stakeholders to raise and articulate their own concerns. The Licensing Act 2003 has both explicitly and implicitly empowered a broad range of organisations and individuals to raise concerns about applications, make representations on, including objections to, applications and/or seek a review of an existing licence.

5.16 The council acting as the licensing authority does not wish to become, nor be seen as, the primary body which makes

representations as officers exercising the licensing authority's functions would not be able to draw on the expertise held by others, such as the police, fire service and the like, or the direct experience of residents, and so the evidence for action would almost inevitably be diminished and the likelihood of securing effective interventions lessened.

5.17 Given the above, the council, acting as the licensing authority, will determine on a case-by-case basis whether the wider interests of the community and/or partner agencies would be best served by taking on the role of a responsible authority.

5.18 Regardless of the origin of the need for any enforcement sanction, the council will act in accordance with the council's published enforcement policy

<https://www.eastherts.gov.uk/article/35499/Environmental-Health---Enforcement>

and will only act in cases which are in the public interest and where there is sufficient evidence to do so.

6. The night time economy

6.1 All the council policies and procedures regarding the licensing of premises recognise that there are significant benefits to the district of a well-run late evening and night time economy.

6.2 The provision of local entertainment facilities for the local population enables residents to have a good night out without having to travel to London or other towns and cities. It brings in additional income to local businesses providing sustainable employment and ensures town centres remain at the heart of the community and do not become ghost towns after dark. Facilities which enable individuals to meet in a safe, vibrant and accessible area enhance community cohesion and social inclusion especially when amenities are attractive to a wider age group.

6.3 The council recognises that for the night time economy to work well from the perspective of a broad range of stakeholders, it is important to have a variety of different venues and a diverse cultural offer that can attract people of different ages and backgrounds to the district's centres in the evening and night time. An imbalance or preponderance of one type of establishment will not achieve this. A mixture of cafes and restaurants, traditional pubs, 'vertical drinking' establishments ~~(aimed at a younger audience and often associated with music or sports screens)~~ and a late night club offer is usually needed. The local theatres, cinemas and music venues are also important as are sports facilities. The greatest benefits will be achieved where customers patronise a range of different venues for food, drink and entertainment during their night out.

Encouraging and facilitating best practice

6.4 The council is committed to facilitating a vibrant, varied and safe night time economy for residents and visitors alike. The council already funds, supports and/or promotes best practice to achieve this, including:

- provision and use of CCTV in town centres and around individual premises
- the use of industry-accredited door supervisors
- Live ID technology to check the ID of late night establishment patrons and bar entry to those using fake ID or with a history of anti-social behaviour
- noise impact assessments and the proper use of sound limiting devices
- appropriate signage requesting patrons to respect local neighbours

- appropriate siting and robust management of smoking shelters and related facilities
- robust management of venues' last entry times
- active live communication between venues and also the police, for example via radio links, to issues alerts about developing issues
- taxi marshalling schemes and robust taxi licensing practices
- good liaison with local transport companies

6.5 In time, the council wishes to work with local stakeholders to achieve Purple Flag status for the district's town centres. This is an accreditation process similar to the Green Flag award for parks and the Blue Flag for beaches. It is operated by the Association of Town and City Centre Management. The accreditation process takes towns and cities through a comprehensive set of standards, management processes and good practice examples all designed to ensure standards of excellence are met in managing the night time economy.

7. References

Home Office statutory Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627825/revised_182_guidance_05_04_17.pdf

East Herts Statement of Licensing Policy 2016

<https://www.eastherts.gov.uk/article/35119/Licensing-Policy>

EAST HERTS COUNCIL

COUNCIL – 19 DECEMBER 2018

REPORT BY THE DIRECTORS OF MILLSTREAM PROPERTY
INVESTMENTS LTD

MILLSTREAM 30 YEAR BUSINESS PLAN: 2019/20 ONWARDS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report presents Millstream's Business Plan for the 30 year period commencing 2019/20. In line with the Shareholder Agreement between the Millstream and the council, the directors of the company are required to review the company's business plan on an annual basis and submit for the approval of its shareholder (the council) a revised plan each year, based on a rolling 30 year planning period.
- The council has asked the company to take a longer view of property acquisitions, development and disposals than just the coming year and so the proposed business plan includes a number of proposals which would see a pipeline of additional properties coming into the company's ownership up until 2022/23.
- In overall terms, the company is seeking approval of its business plan which would:
 - increase the company's portfolio of residential properties from three properties at December 2018 to 49 properties by 2022/23, consisting of a mix of private rented homes, affordable rented homes and low cost home ownership properties
 - provide the council with an annual revenue income

stemming from interest on commercial loans extended to the company, sale of services to the company and dividends payable by the company

- require loan capital and grant funding from the council.

<u>RECOMMENDATIONS FOR COUNCIL:</u> that:	
(A)	Millstream Property Investment Ltd's 30 Year Business Plan, including the programme of acquisitions, development and disposals, presented in the exempt Essential Reference Paper B, be approved;
(B)	<p>up to:</p> <ul style="list-style-type: none"> • £4.20m be loaned to Millstream on commercial terms or as shareholder cash loans • £0.26m worth of shareholder asset-backed loans be made available to Millstream and • £0.35m of state aid compliant grants be provided to Millstream <p>to (a) enable the company to acquire five open market properties in 2019/20 and (b) fund the delivery of the Kingsmead scheme;</p>
(C)	<p>subject to an annual review that the resources are still required, up to:</p> <ul style="list-style-type: none"> • £6.88m be allocated to cover commercial loans and shareholder cash loans to the Millstream and • £2.03m worth of shareholder asset-backed loans be made available to Millstream and <p>to enable delivery of the remaining elements of the acquisitions and delivery programme from 2020/21 onwards as laid out in Millstream's 30 Year Business Plan; and</p>
(D)	authority be delegated to the Head of Strategic Finance and Property to determine the balance of commercial

	and other loans relating the company's activity from inception, the terms of the loans and the conditions for grant payments to the company with due regard to state aid regulations.
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1.0 Background

- 1.1 At its meeting of 5th September 2017, the Executive approved the establishment of a property investment company wholly owned by East Herts Council. Subsequently, at its meeting of 18th October 2017, full Council approved the company's first 30 year business plan which included proposals to acquire a number of existing residential properties held by the council. On 2nd February 2018, the company, Millstream Property Investments Limited, was incorporated.
- 1.2 The council, as the company's sole shareholder, has entered into a Shareholder Agreement with the company. The Shareholder Agreement obliges the company to annually review its business plan and produce a revised 30 year business plan, rebasing the forthcoming financial year as the first year of this 30 year period. Thus, the company, having consulted council representatives, is now presenting its revised 30 year business plan for the period commencing 2019/20.
- 1.3 As required by the Shareholder Agreement, the company's 30 year business plan includes:
 - a schedule of properties and/or sites to be acquired in the next financial year whether described by name or the number and/or value of specific types of property at least differentiating residential and commercial and existing built properties and sites
 - a financial business plan covering not less than 30 years based on development and management and

maintenance of existing assets and acquisition of planned new assets

- a procurement plan which shall include details of contracts coming to an end and contracts to be tendered
- an asset management plan including management, maintenance, disposals and acquisitions plans
- key performance indicators with previous performance and targets for the coming financial year; and
- estimates, assumptions regarding reinvestment of profits, distribution of dividends and capitalisation of profits for the coming financial year including the amounts it will be prudent to retain in order to meet operational costs in the coming financial year and the amounts available for distribution to the Shareholder.

2.0 The report

2.1 The Millstream 30 Year Business Plan is presented in full at Essential Reference Paper B. It includes commercially sensitive information provided by a third party and so is exempt from consideration in public, however, its key elements are summarised below. The council's Shareholder Advisory Group has considered the plan and suggested amendments. The directors of the company have incorporated the amendments within the plan now presented.

Property acquisition, development and disposal programme

2.2 The business plan proposes the following schemes.

Scheme	Details	Shareholder requirements	Timeframe
Open market property acquisition	The acquisition of five properties in the open market each year for three years commencing 2019/20 <i>plus</i> acquisition of three open market properties to replace 1, 2 and 3 Old River	Properties with two or three bedrooms to be prioritised The portfolio to be predominantly houses rather than flats All properties to be within East Herts	2019/20 to 2021/22

	Lane if/when they are sold to the council as part of the Old River Lane redevelopment	The average purchase price listed in the business plan to apply A minimum gross rental yield (annual gross rent/property value, excluding stamp duty and fees) as listed in the business plan to apply to all private rented properties	
Kingsmead development	Scheme as approved in principle by the Executive on 11 th September 2018 Demolition of the current Pinehurst Community Centre and attached shops and flats to provide a new community centre, shop and additional flats for affordable rent and private rent	Inclusion of affordable rented properties Replacement of the community centre to a size and design as required by the existing pre-school Replacement of the shop (and associated flat) to a size and design commensurate with local needs Improvement to the immediate environment of the new building	2018/19 to 2021/22
Acquisition of Northgate End flats	Acquisition of the flats to be built by the council adjacent to the Northgate End multi-storey car park in Bishop's Stortford	Tenure mix is delivered in line with the planning approval, that is, six (40%) of the 15 flats to be of an affordable tenure	Anticipated 2021/22
Watton-at-Stone development	In line with the request of the council, the company is proposing a small infill development at a site in the council's ownership in Watton-at-Stone It is envisaged the site can accommodate four two-bedroom houses	Disposal of the site is subject to approval by the council Detailed requirements to be agreed Development in line with planning policy and requirements	2020/21 to 2022/23
Disposal of 1, 2 and 3 Old River Lane	Sale of these three properties to the council to assist in the redevelopment of the Old River Lane site	Disposal to the council in line with the overall Old River Lane redevelopment agreed with the developer once selected	Anticipated 2021/22

2.3 The revenue cashflows are presented in **Essential Reference Paper B**. The council's budget-setting has taken account of the income modelled to accrue to the council from interest paid by the company on loans from the council, services the company purchases from the company and dividends payable to the

council as the company 's shareholder.

Performance indicators and targets

- 2.4 The company proposes the following key performance indicators (PIs) for 2019/20. The list of PIs will be reviewed on an annual basis. All PIs will be reported to the Shareholder Advisory Group on a quarterly basis. The targets for each PI for 2019/20 are listed in the business plan.

Performance Indicator	Reason
Gross yield per private rented property – annual rent as a % of property value	'Industry standard' means of gauging the value and performance of private rental stock
Average price per property acquired in the open market	A means by which the shareholder can monitor that the company is acting within the financial envelope approved by the shareholder
Company's projected end-of-year financial position as a % of modelled position at year start	A means by which the shareholder can monitor the overall financial performance of the company

3.0 Financial implications

- 3.1 The 30 Year Business Plan includes full 30 year forecasts for the company's cashflows along with capital requirements to cover the acquisitions and developments in the period to 2022/23 included in the plan.

Revenue

- 3.2 The company will carefully manage its finances so as to ensure resources are available to manage and maintain its properties.
- 3.3 Realistic assumptions have been made for void periods and bad debt based on benchmarking with other organisations. In addition, resources for day-to-day repairs and replacement of capital items such as kitchens and bathrooms over the lifetime of ownership have been included in the financial modelling. Again, the financial provisions for repairs and investment have been based on benchmarked data.

- 3.4 Each year, actual expenditure and anticipated liabilities will be reviewed and, if necessary, the business plan will be revised accordingly.
- 3.5 Detailed tax advice was sought during the inception of the company and, where the company or the shareholder feels it necessary, further advice will be sought to ensure that the company's finances are managed in the most tax efficient way.

Capital

- 3.6 The company relies on meeting its capital requirements from funding provided by the council in the form of:
- loans made on commercial terms
 - shareholder cash loans
 - shareholder asset-backed loans (provided in cases where the company is acquiring an asset from the council and the council, as the shareholder, takes a charge on a proportion of property's value in lieu of a cash receipt from the company)
 - state aid compliant grants from the council's capital reserves and/ or s106 commuted sums held.
- 3.7 The capital requirements of the company over the period 2019/20 to 2022/23 are as follows.

Table 3: Summary of the company's capital requirements for acquisitions and developments net of disposals – £'000s						
	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	2023/24 £'000s	Total capital requirement 2019/20 – 2023/24 inclusive £'000s
Cash						
Commercial loans	1,572	2,942	3,452	0	0	7,966
Shareholder cash loans	596	609	1,908	0	0	3,113
State aid compliant grants	87	261	0	0	0	348
TOTAL cash	2,255	3,812	5,360	0	0	11,427
Asset-backed						
Shareholder asset-backed loans	0	0	1,792	497	0	2,289
TOTAL asset-backed loans	0	0	1,792	497	0	2,289

- All figures rounded so totals may vary by +/- 1

- Excludes funding for works to, and acquisition of, 6 Water Lane which has already been approved by the council
- Funding requirements are net of retention of developer profits by the company to offset the borrowing requirement at the point of refinancing of loans at scheme completion.

3.8 Specific advice has been sought from Cipfa regarding the handling of the commercial and shareholder loans to the company. This has confirmed the council's and company's existing understanding, that is, that the commercial loans should be made with interest charged at rates likely to be available to the company in the open market, with the council able to dictate its own rates for the monies it is lending in its capacity as a shareholder.

3.9 This report seeks Council approval of the funding required by the company.

4.0 Implications/Consultations

4.1 Information on how the proposals in Millstream's 30 Year Business Plan support corporate issues and consultation associated with this report can be found within **Essential Reference Paper A**.

Background Papers

None

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

Contact Officer: Jonathan Geall – Director, Millstream Property Investments Ltd
and Contact Tel No 01992 531594
Report Author: jonathan.geall@eastherts.gov.uk

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	<p>Priority 1 – Improve the health and wellbeing of our communities</p> <p>Priority 2 – Enhance the quality of people's lives</p> <p>Priority 3 – Enable a flourishing local economy</p> <p>The report seeks approval of Millstream Property Investments Ltd's fully revised 30 Year Business Plan commencing 2019/20. The plan sees the company's residential stock rising to 49 properties by 2022/23, including nine affordable homes.</p>
Consultation:	<p>The draft plan has been considered by members of the Shareholder Advisory Group. The group has endorsed the plan.</p>
Legal:	<p>External advice was sought at the time of the company's inception. This advice continues to be followed.</p>
Financial:	<p>PWC has confirmed that the proposed approach is in line with EU guidance/state aid regulations and the operational metrics adopted by similar local authority owned companies.</p> <p>Most recently, CIPFA's advice has been sought on the treatment of commercial and shareholder loans. CIPFA have confirmed the council's and company's existing understanding, that is, that the commercial loans should be made with interest charged at rates likely to be available to the company in the open market, with the council able to dictate its own rates for the monies it is lending in its capacity as a</p>

	shareholder.
Human Resource:	There are no TUPE implications.
Risk Management:	<p>The company maintains a risk log which it discusses with the Shareholder Advisory Group.</p> <p>Financial sensitivity testing has been carried out. The sensitivity testing indicates that even when pessimistic assumptions are applied to business plan modelling, the plan is viable.</p>
Health and wellbeing – issues and impacts:	<p>The provision of good quality housing in all tenures, in this case well-managed and maintained private rented accommodation, plays a crucial role in meeting the council's priorities, particularly, enhancing people's lives.</p> <p>Anticipated ancillary community benefits include:</p> <ul style="list-style-type: none"> • providing income to protect existing council services and/or fund emerging priorities • acting as a good private sector landlord, putting increasing pressure on poorer landlords to improve • providing a potential 'last resort' action to tackle poor standards in the private sector and/or remedy empty properties where both informal advice and enforcement have failed • increasing the availability of good quality private rented accommodation for those on short-term placements with local employers • providing good quality commercial premises to encourage business growth should the company expand into commercial property holding in the future.

Document is Restricted

Agenda Item 12

EAST HERTS COUNCIL

COUNCIL –19 DECEMBER 2018

REPORT BY THE EXECUTIVE MEMBER FOR FINANCE AND SUPPORT SERVICES

COUNCIL TAX - CALCULATION OF COUNCIL TAX BASE 2019/20

WARDS AFFECTED: All

Purpose/Summary of Report

- To recommend to the Council the calculation of the council tax base for the whole district, and for each parish and town council, for 2019/20

<u>RECOMMENDATIONS FOR THE COUNCIL: That:</u>	
(A)	the calculation of the Council's tax base for the whole district, and for the parish areas, for 2019/20 be approved; and
(B)	pursuant to the report and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amount calculated by East Hertfordshire District Council as its council tax base for the whole area for 2019/20 shall be 60721.9 and for the parish areas for 2019/20 shall be as follows:

ALBURY	280.64	HIGH WYCH	334.93
ANSTEY	163.28	HORMEAD	326.38
ARDELEY	208.98	HUNSDON	488.98
ASPENDEN	125.35	LITTLE BERKHAMPSTEAD	270.25

ASTON	429.72	LITTLE HADHAM	528.50
BAYFORD	234.41	LITTLE MUNDEN	411.28
BENGEO	284.90	MUCH HADHAM	974.57
BENNINGTON	401.92	SACOMBE	92.71
BISHOP'S STORTFORD	15776.35	STANSTEAD ST. MARGARETS	689.46
BRAMFIELD	110.99	SAWBRIDGEWORTH	3776.84
BRAUGHING	638.66	STANDON	1887.43
BRENT PELHAM / MEESDEN	146.80	STANSTEAD ABBOTTS	685.43
BRICKENDON	336.34	STAPLEFORD	257.24
BUCKLAND	120.20	STOCKING PELHAM	83.08
BUNTINGFORD	2845.81	TEWIN	870.73
COTTERED	312.43	THORLEY	131.69
DATCHWORTH	735.60	THUNDRIDGE	678.61
EASTWICK / GILSTON	435.26	WALKERN	618.07
FURNEUX PELHAM	260.95	WARESIDE	309.48
GREAT AMWELL	970.07	WARE TOWN	7476.79
GREAT MUNDEN	148.74	WATTON - AT - STONE	1063.01
HERTFORD	11997.13	WESTMILL	157.87
HERTFORD HEATH	969.66	WIDFORD	277.45
HERTINGFORDBURY	324.61	WYDDIAL	72.32

1.0 Background

- 1.1 Calculation of the council tax base is governed by statutory regulation and the Council has limited discretion.
- 1.2 As a billing authority the council must notify the County Council and the Police Authority of the tax base and must do this between 1 December and 31 January preceding the tax year. The Council must also tell a parish what their tax base is within 10 working days of any written request.
- 1.3 The tax base will be used by the Council when setting the rates of council tax at the March Council meeting.
- 1.4 The tax base calculations must be made by the Authority

as a whole.

- 1.5 The regulations set out the following formula to be used to calculate the tax base:-

$$\text{Tax base} = A \times B$$

(A is the total of the “relevant amounts”)

(B is the estimated collection rate)

Item A, the total of “relevant amounts” is found by a second formula:-

$$\text{Item A} = (H - Q + E + J) - Z \times (F / G)$$

where:

- H is the estimated number of dwellings, which are shown in the valuation list at 10 September 2018, adjusted for exemptions.
- Q is a factor to take account of the discounts to which the amount of Council Tax payable was subject on the relevant day.
- E is a factor to take account of the premiums, if any, to which the amount of Council Tax payable was subject on the relevant day.
- J is the amount of any adjustment in respect of changes in the number of chargeable dwellings, discounts or premiums calculated by the authority.
- Z Is the total amount that the authority estimates will be applied pursuant to the authority’s council tax reduction scheme in relation to the band, expressed

as an equivalent number of chargeable dwellings in that band.

E converts the number of dwellings in each valuation band to a

G “Band D” equivalent

Item A can be summarised as the effective number of equivalent Band D properties after taking the actual number in each valuation band and allowing for valuation changes, for errors and appeals, new properties, periods of exemption, reductions for disabled persons and discounts for single occupiers and unoccupied properties, and the Council Tax reduction scheme.

2.0 Report

2.1 The assumptions made are as follows:

Number of taxable properties

2.2 For 2019/20 it is assumed that there will be limited new completions with a net addition of 1173 new properties by 31 March 2020. These have been allocated to parish areas on the basis of development in hand and planning approvals. It is assumed that all new dwellings will be exempt for the first three months and that a proportion of discounts will apply thereafter. No valuation increases have been assumed for improvements and extensions as these do not take effect until properties are sold on.

2.3 It has been assumed that 223 properties will qualify for disabled persons reductions, based on experience in the current year.

- 2.4 A figure of 723 exemptions/voids is included in line with the current position. Further increases will have a negative impact on the tax base.

Collection Rate

- 2.5 Item B in the tax base formula is the estimate of the collection rate for 2019/20. For 2019/20 this will be 98.9%, which is the same as 2018/19.
- 2.6 This gives an overall tax base of 60721.9
- 2.7 Should any Member have detailed questions or comments on the assumptions it would be of great benefit to advise the Head of Revenues and Benefits Shared Service or the Executive Member - Finance & Support Services well in advance of the meeting.
- 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

Local Authorities (Calculation of the Tax Base) Regulations 1992 (as amended)

Contact Member: Councillor Geoffrey Williamson,
Executive Member for Finance & Support
Services
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Contact Officer: Su Tarran - Head of Revenues and
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Report Author: Su Tarran - Head of Revenues and
Benefits Shared Service ext 2075

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	None
Legal:	The Tax base must be calculated in accordance with legislation
Financial:	Only as referenced in the report
Human Resource:	N/A
Risk Management:	Only as referenced in the report
Health and wellbeing – issues and impacts:	N/A
Equality Impact Assessment required:	Equality impact analysis was undertaken with the Equality and Diversity officer. As this work affects the entire district, and as discounts and disregards awarded on the basis of age, disability or marital status are determined by central government, there are no equality or diversity implications for this work.

MINUTES OF A MEETING OF THE
PERFORMANCE, AUDIT AND GOVERNANCE
SCRUTINY COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 4 SEPTEMBER
2018, AT 7.00 PM

PRESENT: Councillor M Pope (Chairman)
Councillors A Alder, P Ballam, P Boylan,
R Brunton, S Cousins, K Crofton,
D Oldridge, L Radford, S Reed, P Ruffles,
T Stowe and J Wyllie

ALSO PRESENT:

Councillors E Buckmaster and J Kaye

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Isabel Brittain	- Head of Strategic Finance and Property
Steven Dupoy	- Leisure and Environment Services Manager

ALSO IN ATTENDANCE:

Simon Martin	- Shared Internal Audit
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Service

152 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of the need to move and second recommendations other than those relating to presentations.

153 APOLOGY

An apology for absence was submitted on behalf of Councillor T Page. It was noted that Councillor R Brunton was substituting for Councillor T Page.

154 MINUTES

It was moved by Councillor A Alder and seconded by Councillor J Wyllie that the Minutes of the meeting held on 24 July 2018 be confirmed as a correct record and signed by the Chairman. After being put the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 24 July 2018 be confirmed as a correct record and signed by the Chairman.

155 ANNUAL LEISURE REPORT 2017

The Executive Member for Health and Wellbeing submitted a report which reviewed the Council's ten year leisure contract with Sport and Leisure Management Ltd (SLM) trading as "Everyone Active" (EA).

The Leisure and Environment Service Manager provided an

overview of the report which in summary was positive, adding that some areas needed improvement, specifically those relating to pool attendances. The Leisure and Environment Service Manager advised Members of a correction to the “net cost of Leisure Service per user” which was 0.65p and not 0.22p as shown in the report.

Councillor P Ruffles welcomed the report and asked whether any information was available as a benchmark from neighbouring areas which provide a context to the information presented.

The Leisure and Environment Service Manager explained the difficulties in trying to find “like for like” comparators for benchmarking purposes. The Executive Member for Health and Wellbeing supported this viewpoint adding that many of the Council’s facilities were 40-50 years old. He referred to the Council’s new leisure strategy which aimed to derive an income rather than currently having to provide a management fee.

Councillor P Boylan suggested the use of caution around the use of the Net Promoter Score which could, he suggested, be manipulated.

Members expressed concern at the decline in swimming generally and particularly under 60 years of age which was reported at three of the five Council run pools. Councillor D Oldridge referred to the activities provided by Everyone Active and the absence of schools in relation to adding social value. He asked that Officers seek information from EA on what they were doing to engage with schools. This was supported. Councillor P Ballam referred to changes in physical education provided at schools which she believed,

contributed to obesity in young people.

Councillor K Crofton concurred with the view that the Council needed to find out what the service provider was doing to increase levels of participation and especially within the 16-19 age group. He spoke of the need to work with partners, including HCC to get everyone into physical activity. Councillor P Ruffles questioned whether anything should be done from the viewpoint of lobbying in terms of the promotion of leisure. The Leisure and Environment Service Manager explained that the service had a strong foundation but that there was still more to do.

The Leisure and Environment Service Manager explained the current contract financial arrangements with the operator and proposals to invest heavily within leisure provision which would generate income for the Council. Councillor K Crofton referred to the number of reportable accidents and queried whether there was any pattern to the accidents and the Council's liability position. Assurances were provided that these were properly recorded and that any pattern would be quickly addressed by the operator. The Head of Strategic Finance and Property explained that the operator would have appropriate insurances in place and that this would be addressed as part of the contract stage.

Members supported the suggestion that Officers ask the operator to provide a breakdown of all reportable accidents, how these are addressed and relevant policies (such as managing risk) and that this be circulated to Members. Members also supported the suggestion that the risk register be reviewed to ensure that the Council had in place, adequate insurance to ensure that the Council's

liability and reputation was protected in the event of a claim.

It was moved by Councillor D Oldridge and seconded by Councillor S Cousins that the Annual Leisure Contract Performance Report for 2017 be received, including a request for further information on engagement with schools, an accident analysis and review of risk assurance. After being put the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - that (A) the Annual Report be received;

(B) Officers seek information from Everyone Active on:

- engagement with schools, and
- a detailed breakdown on reportable accidents, how these are addressed and the operator's policies (such as managing risk) and how these are applied; and

(C) Officers review the Council risk register to ensure that sufficient safeguards are in place to protect the Council's liability and reputation.

156 QUARTERLY CORPORATE HEALTHCHECK - QUARTER 1 2018-19

The Head of Strategic Finance and Property and the Head of Communications, Strategy and Policy submitted a report which reviewed both the capital and revenue budgets and 33 key corporate performance indicators. The Head of

Strategic Finance and Property explained that at the present moment, there was a £16K underspend.

Councillor D Oldridge sought and was provided with clarification on why the Council had achieved such positive results than this time last year and issues around customer satisfaction of the website. The Head of Strategic Finance and Property Services explained that it was more about the information customers received from the website.

Councillor K Crofton expressed concern regarding the planning overspend and was advised that this was a projected outturn figure. The Head explained the new policy of “growing your own” as a start-up apprenticeship scheme and how this would impact on the use of capital receipts.

The Committee Chairman referred to staff recruitment and queried whether this was something Members needed to review. He further commented on the overspend on IT. The Head of Strategic Finance and Property explained that a new head of service had recently been appointed and that further investment was needed to bring the Council up to speed in terms of digital services. Councillor J Wyllie commented that IT frequently let the Council down and that he was unsure as to whether East Herts benefited from a shared service arrangement.

Councillor P Boylan referred to the affordable housing figures for quarter 1 stating that the figures were very small and that the targets were missing. He added that he was not sure what the Council was achieving. Members supported the suggestion that the Head of Housing and Health be requested to provide information on affordable housing targets and what had been achieved across the

district.

Councillor P Ruffles expressed concern about the Performance Indicator code QC HH 151 (Number of homeless households living in temporary accommodation at the end of the quarter) adding that he was aware that there were more than 18.

Councillor D Oldridge sought further information regarding residual household waste and the absence of a target. The Head of Strategic Finance and Property said that she would ask the Head of Operations to write to Members.

The Committee Chairman sought and was provided with clarification on the capital budget 2018/19 in respect of the investment in operational assets, Hertford Theatre and rental income from Charrington's House and supported a request to receive an update on Charrington's House generally.

It was moved by Councillor J Wyllie and seconded by Councillor A Alder that the Quarterly Corporate Healthcheck report for Quarter one, 2018-19 be received, including targets on affordable housing, targets on residual household waste and a general update on Charrington's House. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - that (A) the projected revenue budget forecast underspend of £16K in 2018/19 be noted (paragraph 2.1);

(B) the capital budget for 2018/19 of £4.69m be noted (paragraph 6.1);

(C) the reported performance and actions for the period April 2018 to June 2018 be noted (paragraph 7) and the Annual Report be received;

(D) the Head of Housing and Health write to Members with updated affordable housing figures in terms of the targets achieved across the district;

(E) the Head of Operations be requested to provide information regarding residual household waste and targets for this indicator; and

(F) the Head of Strategic Finance and Property be requested to provide Members with updated information on Charrington's House generally.

157 ANNUAL TREASURY REVIEW 2017/18 OUTTURN

The Executive Member for Finance and Support Services submitted a report reviewing the Council's treasury management activities for 2016/17 including the prudential indicators and which identified the associated impact on the 2017/18 Treasury Management Strategy.

The Head of Strategic Finance and Property provided a positive update in terms of the interest rates being achieved.

The Head provided an update of the Council's key investment projects. Councillor K Crofton asked for further information on the Walkern development windfall and sought further information about how this would be spent.

The Head of Strategic Finance and Property said she would look into this and advise Members.

The Committee Chairman queried the revised CIPFA codes and whether it would be useful to see these. The Head of Strategic Finance and Property explained that she would write to all Members if the Council was impacted by these changes.

It was moved by Councillor J Wyllie and seconded by Councillor K Crofton that the Annual Treasury Review 2017/18 Outturn and Prudential Indicators be approved, including an update on the Walkern Development windfall. After being put the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the 2017/18 Treasury Management Activity and Prudential Indicators be approved; and

(B) the Head of Strategic Finance and Property provide an update to Members on the Walkern Development windfall.

158 SHARED INTERNAL AUDIT SERVICE (SIAS) - ANNUAL REPORT 2017/18

The Shared Internal Audit Service (SIAS) submitted the Annual Report for 2017/18. The SIAS Officer provided a summary of the report. Councillor P Boylan sought and was provided with clarification on the significant differences in the Partner / Consultancy budget and outturn figures. The Head of Strategic Finance and Property explained that there had been a re-structure and

in the interim, there was a need to use consultancy staff in order to be compliant with work which needed to be undertaken. The Head of Strategic Finance undertook to write to Members with a breakdown. She added that SIAS had now filled the roles that had been vacant.

It was moved by Councillor D Oldridge and seconded by Councillor S Cousins that the Shared Internal Audit Service Annual Report 2017/18 be approved, including the provision of a breakdown of partner / consultancy budget figures. After being put the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - that (A) the Shared Internal Audit Service Annual Report 2017/18 be received; and

(B) the Head of Strategic Finance and Property provide a Members with a breakdown of Partner / Consultancy Budget Outturn figures.

159 SHARED INTERNAL AUDIT SERVICE (SIAS): PROGRESS REPORT

The Shared Internal Audit Service submitted a progress report on the service. The SIAS Officer provided a summary of the report.

The Committee Chairman referred to the issue of cyber security. The Head of Strategic Finance and Property explained the difficulties within IT Shared Services and that a new head of service had been appointed to ensure that East Herts would have the same coverage as Stevenage Council. She explained that more information would be made available to the November 2018 meeting.

Councillor P Boylan expressed concern that this had been under discussion since March 2018. The Shared Internal Audit Service Officer and Head of Strategic Finance and Property undertook to speak with the new IT Head of Service to move this forward.

The Committee Chairman queried whether tree surveying was included in the new Grounds Maintenance Contract. The Head of Strategic Finance and Property undertook to ask the Head of Operations to confirm the position.

Councillor A Alder sought and was provided with clarification regarding the number of houses in multiple occupation.

It was moved by Councillor J Wyllie and seconded by Councillor L Radford that recommendations within the Shared Internal Audit Service Progress Report be approved, including a progress report on cyber security and whether tree surveying was in the Grounds Maintenance Contract. After being put the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the Internal Audit Progress report be received;

(B) the status of critical and high priority recommendation be noted;

(C) the new Head of IT for Shared Services be requested to report to the November meeting on the issue of cyber security; and

(D) the Head of Operations write to Members to confirm whether tree surveying was included in the new Grounds Maintenance Contract.

160 PERFORMANCE, AUDIT AND GOVERNANCE - WORK
PROGRAMME 2018/19

The Chairman of Performance, Audit and Governance Scrutiny Committee submitted a report setting out the Committee's future work programme.

The Committee Chairman referred to the vacant Scrutiny Officer's position and explained that he had been advised that only one application had been received and that the Head of Legal and Democratic Services was investigating the possibility of a locum. Councillor J Wyllie queried why only one application had been received and whether the grade was sufficient to attract suitable applicants.

It was moved by Councillor D Oldridge and seconded by Councillor J Wyllie that the draft work programme be supported. After being put the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the draft work programme for Performance Audit and Governance Scrutiny Committee, as now detailed, be approved.

The meeting closed at 8.45 pm

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 5 SEPTEMBER
2018, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors P Ballam, R Brunton,
Mrs R Cheswright, K Crofton, B Deering,
J Jones, M McMullen, M Stevenson and
N Symonds

ALSO PRESENT:

Councillors S Bull, M Casey, I Devonshire,
P Moore, S Reed, P Ruffles and T Stowe

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Isabel Brittain	- Head of Strategic Finance and Property
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Brad Wheeler	- Senior Licensing and Enforcement Officer

161 APOLOGIES

Apologies for absence were submitted on behalf of Councillors G Cutting and T Page.

162 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised of the necessity of this extra meeting to consider the report included in the Agenda in respect of the Statement of Principles under the Gambling Act 2005.

163 MINUTES - 14 MARCH 2018

Councillor R Brunton proposed and Councillor J Jones seconded, a motion that the minutes of the meeting held on 14 March 2018, be approved as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 14 March 2018, be confirmed as a correct record and signed by the Chairman.

164 LICENSING SUB-COMMITTEE - 28 MARCH, 21 MAY, 8 JUNE AND 13 JULY 2018

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 28 March, 21 May, 8 June and 13 July 2018, be received.

165 STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Head of Housing and Health submitted a report presenting draft revisions to the Council's Statement of Principles under the Gambling Act 2005. The Service Manager (Licensing and Enforcement) advised that the written policy regarding the Council's Statement of Principles was the least used Licensing Policy in place at the Authority.

The Service Manager commented on the potential for serious implications of gambling for residents in East Herts. He referred to gaming machines and lottery registrations which were the high volume applications in East Herts. As a result, the parts of the policy dealing with these areas have been expanded. Members were advised that there had not been any substantive changes in the law or guidance during the life of the previous policy.

Members were reminded that they were free to comment on the draft policy at any point during the 8 week public consultation period. A further report would be submitted to Licensing Committee in November to review and consultation responses and then the document would be recommended to Council in December 2018.

The Service Manager confirmed to Councillor R Brunton that not one occasional use notices had ever been used in East Herts. Councillor R Brunton proposed and Councillor B Deering seconded, a motion that recommendation (A) as now detailed, be

approved. After being put to the meeting and a vote taken, this motion was declared CARRIED.

Councillor P Ballam proposed and Councillor B Deering seconded, a motion that recommendation (B) as now detailed, be approved. After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee approved the recommendations now detailed.

RESOLVED – that (A) Officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Statement of Principles under the Gambling Act 2005; and

(B) Officers report the results to the Licensing Committee meeting on 14 November 2018.

The meeting closed at 7.05 pm

Chairman

Date

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 12 SEPTEMBER 2018, AT 7.00
PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Boylan,
R Brunton, S Bull, S Cousins, B Deering,
J Jones, J Kaye, P Ruffles and T Stowe

ALSO PRESENT:

Councillors P Ballam, L Haysey, S Rutland-
Barsby and M Pope

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Liz Aston	- Development Team Manager (East)
Peter Mannings	- Democratic Services Officer
George Pavey	- Planning Officer
Stephen Tapper	- Senior Planning Officer
Kevin Steptoe	- Head of Planning and Building Control Services

188 APOLOGIES

Apologies for absence were submitted on behalf of Councillors M Casey and K Warnell. It was noted that Councillors S Cousins and J Kaye were substituting for Councillors M Casey and K Warnell respectively.

189 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of training due to follow this meeting in respect of the National Planning Policy Framework (NPPF) and non-material amendments to planning permissions

On the invitation of the Chairman, the Head of Planning and Building Control advised Members of the holding direction applied to the District Plan by the Secretary of State. Full legal advice had indicated that no weight could be applied to the District Plan whilst this direction remained in place.

The Head referred to Section 70 of the Town and Country Planning Act 1990 and the development plan and saved policies of the East Herts Local Plan Second Review April 2007. He stated that Members decisions should be based on those saved policies and any made Neighbourhood Plans plus any applicable Minerals and Waste Plans.

190 MINUTES - 18 JULY 2018

Councillor M Allen proposed and Councillor R Brunton seconded, a motion that the Minutes of the meeting held on 18 July 2018 be confirmed as a correct record

and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 18 July 2018, be confirmed as a correct record and signed by the Chairman.

- 191 3/18/1227/FUL - THREE-STOREY, 66-BEDROOM
RESIDENTIAL CARE HOME FOR OLDER PEOPLE (USE CLASS
C2) WITH ASSOCIATED ACCESS, PARKING AND
LANDSCAPING AT ST MICHAEL'S HURST DEVELOPMENT,
HAZEL END ROAD, BISHOP'S STORTFORD
-

The Head of Planning and Building Control recommended that in respect of application 3/18/1227/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head advised Members of the importance of the application in the context of an ageing population and the location of the site within the development known as St Michael's Hurst. The site was also in close proximity to a well laid out park that was already in place.

Mr Wood addressed the Committee in support of the application. Councillor P Ruffles sought clarification on the status in planning terms of the local linkages for future occupants of the proposed care home.

Councillor J Kaye commented on the absence of healthcare facilities with the proposed development.

He queried where these facilities would be located for the residents. Councillor T Stowe referred to the 18 parking spaces on offer when the policy requirement was for 17. He commented on whether parking was required for the staff who would work at the proposed residential care home.

Councillor P Boylan commented on whether the matters of bin collections, traffic and parking could be resolved by amending the planning conditions. He referred to the anticipated 3 miles radius catchment area and emphasised that local care home placements were hard to come by particularly as Bishop's Stortford was surrounded by rural communities where there were no residential care homes.

The Head confirmed that the value of the application in planning terms due to a rapidly ageing population and the need for professional services not available to residents being cared for at home. Members were reminded that a 3 mile wide area encompassed a number of communities outside Bishop's Stortford and larger towns and villages would increasingly providing care home services.

In respect of car parking, the Head confirmed that the standard ratio of spaces for the number of bedrooms had been applied and the requirement for worker and visitor parking had been taken into account. Members were advised that 17 or 18 spaces was ample based on precedents provided by the applicants. The applicants have a staff travel plan and most staff would live locally and would be likely to cycle or use public transport. In respect of visitors, they could visit at any time of day,

which avoids any significant peaks.

The Head emphasised that there would be sufficient turning space for fire tenders and refuse vehicles to enter and leave the site in forward gear. The refuse vehicles would be able to park in close proximity to the bins.

Members were advised that Officers did not feel that on site healthcare was essential as local support was in place as residents registered with local GP services would receive the same level of service with their registered GP practices. A nurse's room would be available and Officers were aware that both Church Street and South Street surgeries were looking for additional larger premises, which may increase local availability.

The Head responded to a query from the Chairman regarding the 66 uniformed size single bedrooms by stating that this accommodation would provide sufficient space for those that needed to stay at the care home.

Councillor D Andrews stressed that this site was well served by the 510 bus and this was due to be diverted to go through the development known as St Michael's Hurst. The Head confirmed that this diversion had been planned before this application had come forward and the planned diversion had fed into the Section 106 agreement for the wider development. The commercial consideration for the bus company was covering costs and residents were being encouraged with bus passes and other support from

Countryside Properties.

The Head confirmed to Councillor B Deering that the rooms at the proposed care home would be occupied by single persons only who required high levels of care such as in cases of dementia. Other providers made double rooms available and experience proved that people on their own were the most vulnerable.

Councillor M Allen proposed and Councillor R Brunton seconded, a motion that in respect of application 3/18/1227/FUL, the Committee support the recommendation for approval subject to the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/18/1227/FUL, planning permission be granted subject to the conditions detailed in the report submitted.

- 192 3/18/1234/FUL - ERECTION OF 33 'RETIREMENT LIVING' (CATEGORY II SHELTERED HOUSING) APARTMENTS FOR THE ELDERLY WITH ASSOCIATED COMMUNAL FACILITIES, CAR PARKING AND LANDSCAPING ON LAND WEST OF ERMINE STREET, BUNTINGFORD

The Head of Planning and Building Control recommended that in respect of application 3/18/1234/FUL, subject to a legal agreement, planning

permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. Members were advised that the proposed development had been amended to 33 dwellings and the mix of 1 and 2 bedroom units was broadly being maintained. The proposed parking had been increased and there had been changes to the proposed scale and bulk of the building.

Ms Rickards addressed the Committee in support of the application. Councillor S Bull commented on the £500 per parking space included in the Section 106 agreement for improvements to pedestrian and cycle links. The Head confirmed that it was not an uncommon approach for Section 106 money to be put towards pedestrian and cycle links should this application be approved by the Members.

Councillor J Kaye referred to the reduced potential for landscaping around the building to have a material softening impact. He sought clarification on whether there would be visitor spaces or on street parking for visitors near to the site. He referred to the comments of the Crime Prevention Design Advisor and the relationship between the C2 and C3 use classes.

Councillor J Jones commented that the number 18 bus ran close by to what was a much needed development in the form of quality retirement provision. He emphasised the problems of contractor's vehicles parking on Ermine Street. He queried whether this could be controlled by conditions.

Members were advised that the alterations to the car parking layout did have an impact on the appearance of the site as more landscaping had previously been planned. Officers considered that on balance the scheme was still acceptable despite the negative impact of a reduction in proposed landscaping.

The Head confirmed the parking provision was in line with the Council's minimum parking standard of 0.5 to 1 space per unit and there was no particular provision planned for visitors, as this was not a requirement of the parking standards. The applicant's research had indicated a car parking demand per apartment of 0.45 per apartment or 0.55 when visitors were taken into account.

Members were advised that this site was accessible from nearby areas of on street parking. Officers felt that the comments of the Crime Prevention Design Advisor were covered in the report submitted and all of the usual building regulations would be applied in respect of the use classes relevant to the proposed developed (C2 and C3).

The Head confirmed that Officers would consult Highways on information submitted in respect of the Construction Management Plan and wording could be added to condition 10 regarding the construction and storage compounds (including areas designated for car parking). Officers confirmed that the proposed category 2 sheltered housing was covered by condition 4 as detailed on page 99 of the report submitted.

Councillor P Boylan commented on the increase in the state pension age and the 100% car ownership between the ages of 65 to 69. He referred to increasing numbers of people remaining in work and being reliant on a car or commuting by car and then by rail.

Councillor D Andrews commented on access for refuse trucks and emergency vehicles. He referred to there being no slack in the system and refuse trucks having to park a significant distance from bins. The Head responded to a query from Councillor J Kaye by stating that condition 5 on page 99 of the report submitted covered a landscaping scheme that would control all of the details regarding hard and soft landscaping proposals.

Councillor S Bull proposed and Councillor M Allen seconded, a motion that in respect of application 3/18/1234/FUL, the Committee support the recommendation for approval subject to a legal agreement and the conditions detailed in the report submitted and subject to an amended condition in respect of construction parking.

The Head confirmed that Officers would not be able to insist on parking spaces being used instead of the highway for construction vehicles. After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application

3/18/1234/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report submitted and subject to an amended condition in respect of construction parking.

The meeting closed at 7.52 pm

Chairman

Date

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 10 OCTOBER 2018, AT 7.00
PM

PRESENT: Councillor T Page (Chairman)
Councillors D Andrews, P Ballam,
R Brunton, S Bull, M Casey, B Deering,
J Jones, D Oldridge, P Ruffles and T Stowe

ALSO PRESENT:

Councillors S Rutland-Barsby

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Liz Aston	- Development Team Manager (East)
Jenny Hendle	- Planning and Building Control Apprentice
Peter Mannings	- Democratic Services Officer
Stephen Tapper	- Senior Planning Officer

211 APOLOGIES

Apologies for absence were submitted on behalf of

Councillors P Boylan and K Warnell. It was noted that Councillors D Oldridge and P Ballam were substituting for Councillors P Boylan and K Warnell respectively.

212 DECLARATIONS OF INTEREST

Councillor S Bull declared a disclosable pecuniary interest in application 3/16/1939/FUL, on the grounds that he was Chairman of the Trustees that had purchased the land for Buntingford Town Council and he was also a Member of Buntingford Town Council. He left the room whilst this application was determined.

213 MINUTES - 12 SEPTEMBER 2018

Councillor P Ruffles proposed and Councillor M Casey seconded, a motion that the Minutes of the meeting held on 12 September 2018 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 12 September 2018, be confirmed as a correct record and signed by the Chairman.

214 3/18/0031/FUL - RESIDENTIAL DEVELOPMENT COMPRISING 35 UNITS IN TOTAL, WITH 12 AFFORDABLE HOMES, SERVICED BY A NEW ESTATE ROAD ACCESSED FROM FARNHAM ROAD AT LAND AT JUNCTION OF RYE STREET AND FARNHAM ROAD, BISHOP'S STORTFORD

The Head of Planning and Building Control

recommended that in respect of application 3/18/0031/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head referred to the late representations summary including an update from the applicant and a consultation response from Thames Water. Members were advised that the principal policy issues had been well rehearsed in respect of application 3/16/0452/FUL.

The Head referred to the prominence of the site and reminded Members that elements of the first application were being implemented. The design of the scheme was linked to the elevated position of the site above Rye Street and also in relation to the slope of Farnham Road.

Members were advised that negotiations with the applicant had resulted in more landscaping and tree planting to soften the impact of the proposed development. Certain permitted development (PD) rights would be removed for the properties that would face onto the new roundabout between the site and the Mountbatten Indian Restaurant.

The Head concluded that the application was acceptable with the above constraints and the scheme represented a good standard of design. Farnham Parish Council had objected on highways grounds regarding the proposed access to the site and the width and alignment of Farnham Road. The Parish Council was also concerned regarding safety when large vehicles had to pass each other.

Members were advised that the Highways Authority were content with the site access and were happy with the visibility. The Highways Authority also welcomed the proposed cycle path and the pedestrian crossing on Rye Street.

The Head commented on the linkages to the Town Centre via Grange Paddocks and advised Members that discussions were underway to deliver the proposed cycle route. Officers felt that the housing mix was satisfactory and the housing units were better aligned with the Strategic Housing Market Assessment than in the original application for 30 dwellings.

Members were advised of a strategy for surface water drainage in respect of drainage flows. The Head referred to details of foul water drainage disposal and the position of the Environment Agency and Thames Water.

The Head referred to the provisions of the Section 106 agreement which closely met the toolkit requirements of the District and County Councils. He stated that the reduced affordable housing provision (34% as opposed to 40% in the existing permission for 30 dwellings) had been predicated upon a viability assessment. The main points at issue were the threshold land value and construction costs. The Head also referred to the public benefit of the proposed cycle path and Rye Street crossing.

Members were advised that the 12 affordable homes were of good quality and a reasonable compromise

had been achieved. The Head referred to other positive aspects of the Section 106 agreement and the design and landscaping of the scheme. Officers felt that on balance, the application was acceptable and could be supported by the Committee.

Councillor D Andrews referred to paragraph 8.18 on page 34 of the report submitted and expressed concerns regarding the proposed foul water pumped solution currently being finalised with Thames Water. He was concerned regarding the strength of condition 7b in securing a satisfactory and reliable pumped foul drainage system connecting into an adopted gravity system.

Councillor P Ruffles commented that the affordable housing was clustered in a separate cul-de-sac and he emphasised that this might be unchallengeable due to the approval of the previous planning application. He referred to the treatment of back gardens facing the roundabout and the augmentation of conditions 8 and 18 to future proof the boundaries so that they remained green boundaries as opposed to fencing.

The Head stated that he could give no advice in respect of sewage and water treatment works other than an assurance that a management arrangement would be in place to ensure that the pumping system was maintained.

He emphasised that the further pepper potting of affordable housing was not now possible as the original application had stipulated the location for the affordable housing. The Head referred to guidance

that stated that there should be no more than 15 affordable housing units in one cluster. Housing associations preferred to keep affordable housing units together for management purposes. Members were advised that Officers could look at suggestions regarding the control of rear boundaries with trees and hedging. It might be possible to impose Tree Preservation Orders (TPOs) in future.

Councillor D Andrews expressed concerns that if a management company failed, then the proposed non-standard sewage system would have to be funded by the Environment Agency or East Herts Council. He commented on whether condition 17 should be drilled down to cover this issue.

The Head referred to the wording of condition 17 in respect of detailed drawings in consultation with Thames Water and/or the Environment Agency.

Councillor D Andrews proposed and Councillor P Ruffles seconded, a motion that in respect of application 3/18/0031/FUL, subject to a legal agreement, the Committee support the recommendation for approval subject to the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/18/0031/FUL, subject to a legal agreement

under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980, planning permission be granted subject to the conditions detailed in the report submitted.

215 3/16/1939/FUL - CHANGE OF USE FROM AGRICULTURAL
LAND TO CEMETERY INCLUDING ACCESS AT LAND
ADJACENT TO CEMETERY AT ST BARTHOLOMEW'S
CHURCH, THE CAUSEWAY, BUNTINGFORD

The Head of Planning and Building Control recommended that in respect of application 3/16/1939/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. The application would provide space for approximately 1460 burial spaces and space for cremated remains. The application had been submitted a number of years previously and was before Members for a decision now that the concerns of the Lead Local Flood Authority and the Environment Agency had been resolved.

Members were advised that the site was located outside the settlement boundary of Buntingford and in the rural area beyond the Green Belt. The application was therefore contrary to rural area policy. Officers had not however, identified any visual harm regarding the proposed development or any harm in relation to highways matters, proposed drainage or in respect of any neighbouring properties.

The Head emphasised that there was an identified need for further burial space in the local area and another application for a cemetery had been approved a number of years ago. That application had not been implemented however due to it not being the preferred site and this application had been submitted to meet the identified need. Officers had recommended approval as there was no other identified harm and the conflict with rural area policy was outweighed by the benefits of the application.

Councillor M Casey expressed concerns that this was a vulnerable ground water area and there was a risk of pollution of the water table and of drinking water. He commented on the conditions stipulating that all burials must be at least 250 metres from a well and at least 30 metres from any other spring or watercourse. He stated that he had not seen any wells and questioned whether there were any springs. He sought clarification on the expected demand of up to 10 burials a year.

Councillor D Andrews commented on what would take place if the entrance gates did not open automatically and a vehicle needed to access the site. He believed that the gates should be sufficiently set back so as to avoid vehicles overhanging the road.

Councillor J Jones, as the local ward Member, referred to the identified need for extra burial capacity as the nearby burial ground had 6 spaces left. He stated that he would be supporting the application and referred to the purchase of land from a local charity for

Buntingford Town Council. He emphasised that New Homes Bonus funds had already been spent on potential flooding and drainage issues.

The Head confirmed that condition 7 in the report submitted was linked to the consultation response from the Environment Agency and related to a flood mitigation strategy for this site. Officers believed that there would be no impact on groundwater and the technical advice from the Environment Agency was that the application was acceptable subject to this condition being accepted.

The Head advised that condition 5 required the gate to remain open from 7 am to 7 pm and given the nature of the road and traffic and the expected number of burials, a significant impact on highway safety was not anticipated.

Members discussed the restriction of 10 burials a year. The Head advised that the figure of 10 burials a year had been included in the documents that had been circulated to the statutory consultees and that there was not a condition which restricted the number of burials to 10 a year. Councillor T Stowe commented on the provision of water sinks in the soil substructure and a soakaway or French drain on the perimeter of the site.

Councillor D Andrews proposed and Councillor D Oldridge seconded, a motion that in respect of application 3/16/1939/FUL, the Committee support the recommendation for approval subject to the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/1939/FUL, planning permission be granted subject to the conditions detailed in the report submitted.

The meeting closed at 7.42 pm

Chairman
Date

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 7 NOVEMBER 2018, AT 7.00
PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Boylan,
R Brunton, S Bull, M Casey, B Deering,
J Jones, J Kaye, P Ruffles and T Stowe

ALSO PRESENT:

Councillors P Ballam, K Crofton and
S Rutland-Barsby

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Liz Aston	- Development Team Manager (East)
Peter Mannings	- Democratic Services Officer
David Snell	- Senior Planning Officer

259 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to a number of housekeeping issues in relation to the fire alarm, exits, the need to silence mobile devices and the unisex toilets outside of

the Council Chamber.

The Chairman also referred to this being the first meeting since the adoption of the District Plan. He acknowledged the magnificent work that had gone into preparing the District Plan and also in bringing the plan into fruition. The Chairman advised the Committee that there would be a short post meeting briefing.

260 MINUTES - 10 OCTOBER 2018

Councillor P Boylan proposed and Councillor S Bull seconded, a motion that the Minutes of the meeting held on 10 October 2018 be confirmed as a correct record and signed by the Chairman, subject to the addition of Councillor M Allen to the apologies detailed at Minute 211.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 20 June 2018, be confirmed as a correct record and signed by the Chairman, subject to the addition of Councillor M Allen to the apologies detailed at Minute 211.

261 3/18/1399/VAR - VARIATION TO CONDITIONS 3 AND 4 OF PERMISSION 3/15/2254/FUL: (THE SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED INFRASTRUCTURE SHALL BE REMOVED FROM THE SITE AND THE LAND SHALL BE REINSTATED TO AGRICULTURAL USE WITHIN A PERIOD OF 6 MONTHS FROM THE 1ST JANUARY 2042 (CONDITION 3) OR ON THE CESSATION OF ELECTRICITY SUPPLY TO THE NATIONAL GRID (CONDITION 4) AT SOLAR FARM, MILL FARM, MENTLEY LANE, GREAT MUNDEN, HERTS

The Head of Planning and Building Control recommended that in respect of application 3/18/1399/VAR, planning permission be granted subject to the conditions detailed in the report now submitted.

The Chairman and the Head of Planning and Building Control summarised the application. The Head advised that the principal issue for Members was in relation to the extended harm to the landscape, given that the solar farm was already in place on this site.

Members should balance the extended harm against the extended renewable energy provision in line with renewable energy policies. The Head emphasised that a deadline end date still applied and the applicant would be required to return the land to its original use.

Councillor D Andrews stated that he believed that the balance of considerations was quite close. He questioned why the application to extend the deadline had been made so early on prior to the deadline on the original application.

The Chairman commented that decisions on extensions of such deadlines were often made on a commercial basis rather than in relation to planning matters. Members must decide whether there was more harm than good or good than harm when making a decision on this application. The Head confirmed that applications of this nature were often made for financial rather than planning reasons.

Councillor D Andrews stated that he would have preferred to be considering an extension of time much closer to the original deadline. He commented that the solar photovoltaic panels had only been in place for 2 years and had probably been operating for less than that. He referred to his sense of discomfort with this application and he was supportive of much of what had been said by Great Munden Parish Council. He referred to the well balanced nature of the report prepared by the Officer.

Councillor J Kaye commented that a key issue was one of landscaping, given that the approved landscaping scheme that was intended to screen the ground-mounted solar panels had not yet reached maturity. He referred to solar farms where a longer end date had been given at the outset rather than an application being submitted to extend a shorter deadline as with this application.

Councillor J Jones referred to apparent non-compliance with landscaping conditions and he queried whether this could be tightened up with stronger conditions. The Chairman stated that the solar farm already had planning permission and whilst the previous

conditions could be enforced, new conditions could not now be applied.

The Head confirmed that Members could not attach new conditions. Members were advised that the planting period had not commenced when the matter was mentioned to Officers. The planting period had now commenced, however, and Officers would monitor the position although they had no reason to believe that the condition would not be adhered to by the applicant.

The Head confirmed to Councillor J Jones that an informative could be attached to the planning permission reminding the applicant in respect of the compliance with the planning conditions regarding landscaping. Councillor M Casey commented that he saw no reason to object to the application given that technology in 40 years might very likely have moved on from the current position.

Councillor J Jones proposed and Councillor M Casey seconded, a motion that in respect of application 3/18/1399/FUL, the Committee support the recommendation for approval, subject to the conditions detailed in the report submitted and an informative regarding the completion of landscaping.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now amended.

RESOLVED – that in respect of application

3/18/1399/VAR, planning permission be granted, subject to the conditions detailed in the report submitted and an informative regarding completion of landscaping.

262 3/18/1548/FUL AND 3/18/1549/LBC - SINGLE STOREY REAR
EXTENSION AND GLAZED INFILL EXTENSION AT
COURTYARD ARTS CENTRE, PORT VALE, HERTFORD, SG14
3AA FOR COURTYARD ARTS CENTRE

The Head of Planning and Building Control recommended that in respect of applications 3/18/1548/FUL and 3/18/1549/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

The Head detailed the relevant planning history and summarised the applications for single storey extensions to the Courtyard Arts Centre in Hertford. The principal changes included the design of the infill extension within the courtyard plus changes to the size and position of roof lights.

Members were advised that Officers had given weight to the 2015 planning permission and there had been no significant changes in policy or circumstances since 2015. The Head stated that local residents had expressed concerns in relation to car parking but the fact that planning permission was already in place was a material consideration.

Members were reminded that the site was close to the town centre and other parking facilities. The Head

concluded that the matter of car parking was not one that warranted refusal of planning permission in this case.

Councillor P Ruffles, as the local ward Member, referred to car parking. He accepted the logic detailed in the report and the comments made by Officers. He queried whether the Council's parking team could explore the intensification of the use of the parking places for Courtyard Arts Centre.

Councillor Ruffles accepted the difficulties of a shared use but requested that Officers look again at maximising the intensification of the available parking at the Arts Centre. Councillor J Kaye referred to paragraph 2.4 of the report submitted and the removal of the element of the application that covered the provision of a concrete platform for the storage of refuse bins in response to concerns that had been raised by the landscape advisor. He requested some clarity as to where the bins would go.

The Head advised that the application had not demonstrated an alternative location for the bins but Officers could add a condition if Members felt it was necessary requiring details of where the refuse storage would be located. Members were advised that this was not a pivotal matter when the Authority had determined the 2015 application and no further detail had been forthcoming from the applicant.

Councillor P Ruffles proposed and Councillor M Allen seconded, a motion that in respect of applications 3/18/1548/FUL and 3/18/1549/LBC, the Committee

support the recommendations for approval, subject to the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendations of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of applications 3/18/1548/FUL and 3/18/1549/LBC, planning permission and listed building consent be granted, subject to the conditions detailed in the report submitted.

263 3/18/1604/HH - PROPOSED FIRST FLOOR REAR EXTENSION AND PROPOSED SINGLE STOREY REAR EXTENSIONS AT CREEPS MEAD COTTAGE, 48 BURNS GREEN, HEBING END, BENINGTON, SG2 7DA

The Head of Planning and Building Control recommended that in respect of application 3/18/1604/HH, planning permission be granted subject to the conditions detailed in the report now submitted. The Chairman explained that this application had been reported to the Committee as the applicant was a District Councillor.

The Head summarised the application for extensions to a residential property. Members were advised that the property had been extended previously and the site was located in the rural area beyond the Green Belt.

The Head advised that the previous and proposed

extensions would not cause significant harm to character and appearance of the building, the site or the surroundings.

Members were advised that the adjacent properties were listed but having regard to the size and scale of the proposed extensions and the distance to the listed buildings, Officers considered that there would be no harm to the setting of those heritage assets.

Councillor M Allen proposed and Councillor D Andrews seconded, a motion that in respect of application 3/18/1604/HH, the Committee support the recommendation for approval, subject to the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/18/1604/HH, planning permission be granted, subject to the conditions detailed in the report submitted.

264 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

(A) Appeals against refusal of planning permission / non-determination;

(B) Planning Appeals lodged;

- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 7.20 pm

Chairman
Date

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY 18
SEPTEMBER 2018, AT 7.00 PM

PRESENT: Councillor M Allen (Chairman)
Councillors D Abbott, S Bull, M Casey,
G Cutting, B Deering, I Devonshire,
H Drake, Mrs D Hollebon, J Jones,
M Stevenson, N Symonds and K Warnell

ALSO PRESENT:

Councillors A Alder, S Bell, G Jones and
S Rutland-Barsby

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Claire Carter	- Service Manager - Community Wellbeing and Partnerships
Andrew Figgis	- Economic Development Officer
Jonathan Geall	- Head of Housing and Health
Chris Smith	- Business Engagement Manager
Ben Wood	- Head of Communications,

Strategy and Policy

193 EXECUTIVE MEMBER – PRESENTATION

The Executive Member for Development Management and Council Support gave a presentation summarising the results of the Mystery Shopping exercise which had been carried out towards the end of last year. The Executive Member provided an overview of the feedback received.

Councillor N Symonds thanked the Executive Member for her presentation and queried whether the Mystery Shopping was done before the need to refer to the requirements of the GDPR. It was her view that the dialogue on phone message was too long and that other Councils included an option to opt out by pressing the keypad.

Councillor M Stevenson queried whether the customer services staff taking calls, were permanent and whether training had been given. The Executive Member explained that it was a mixture of staff.

The Head of Communications, Strategy and Policy explained that the point of the exercise was to deliberately ask complicated questions to establish where weaknesses lay and to make sure everyone was equipped to answer questions. He added that the feedback had been very helpful and overall, the results had been positive, but that further work was needed in relation to a uniform and more professional approach.

In response to a query from Councillor B Deering, the Head of Communications, Strategy and Policy explained that

over the years, there had been a move from a federated customer service model dealing with service specific questions, to a central customer services approach.

In response to a comment by Councillor G Cutting on call monitoring, the Head explained that it was possible to cut in and listen in on calls, but that the Council did not record. Councillor N Symonds explained that it should be borne in mind that answering Council Tax benefits calls could take longer to answer. Councillor J Jones hoped that customer services did not read from a crib sheet and spoke of the need to maintain a friendly approach.

The Chairman, on behalf of Members, thanked the Executive Member of Development Management and Council Support for her presentation.

RESOLVED – that the presentation be received.

194 APOLOGY

An apology for absence was received on behalf of Councillor P Moore. It was noted that Councillor K Warnell was substituting on behalf of Councillor P Moore.

195 MINUTES

It was moved by Councillor M Allen and seconded by Councillor M Casey that the Minutes of the meeting held on 10 July 2018 be confirmed as a correct record and signed by the Chairman. After being put the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 10 July 2018 be confirmed as a correct record and

signed by the Chairman.

196 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor S Bell, the new Member for Watton at Stone to the meeting.

The Chairman referred to a number of housekeeping issues in relation to the fire alarm, exits, the need to silence mobile devices and the unisex toilets outside of the Council Chamber.

The Chairman also reminded Members of the need to move and second recommendations.

197 DRAFT COMMUNITY TRANSPORT STRATEGY 2018 - 2021

The Head of Housing and Health submitted a Draft Community Transport Strategy report covering the period 2018 – 21. He explained that community transport was an element of Council activities and played a key part of the Council's approach to health and wellbeing in the district, particularly to vulnerable residents. The Services Manager, Community Wellbeing and Partnerships provided an overview of the proposed vision for community transport.

Councillor J Jones welcomed the approach, especially in Buntingford, which he said had poor bus services to the town and outlining villages. Councillor J Jones referred to some voluntary services which struggled to get volunteers especially from younger people.

Councillor S Bull commented that car ownership was lower in Buntingford and that it was in desperate need of improved transport in the town and villages. He referred

to the difficulties people faced to get to clinics and the need for the Council to get behind community transport. Councillor I Devonshire said that it was not just about transport in rural areas in the daytime, as it was needed in the evening.

Councillor G Cutting applauded the approach adding that high car ownership in an area did not necessarily reflect high incomes but could be out of necessity, as family members might work out of the district or work difficult shift patterns. Councillor N Symonds concurred with this viewpoint. She said that Silverleys Ward had the highest car ownership in Bishop's Stortford and that Central Ward had the lowest car usage.

Councillor M Stevenson and the Committee Chairman sought and were provided with clarification in relation to a query about funding the initiative from the viewpoint of start-up funding and over time. Councillor M Casey felt that the budget figures needed more detail, especially in relation to service costs and users.

The Head of Housing and Health explained that what was before Members was an action plan and accepted that it needed more detail. He explained that, initially, the initiative would be funded from capital, some schemes might qualify for match funding and of the possibility of using some Section 106 monies.

Councillor H Drake referred to the social isolation people suffered, particularly young people in villages who might not have parents to take them places. The Head of Housing and Health explained that the strategy aimed to enable partners to come forward with ideas which could work in the locality including town and parishes.

Councillor S Bull sought and was provided with clarification on how the strategy would be disseminated to communities.

Councillor K Warnell suggested that more work should be done with schools and the congestion caused by school runs. The Head of Housing and Health confirmed that there were ongoing discussions with the County Council regarding school transport.

The Head of Housing and Health confirmed that the proposal could be managed from existing staff resources.

The Committee Chairman thanked Officers for their summary.

It was moved by Councillor M Allen and seconded by Councillor J Jones that that the recommendations as detailed, be supported. After being put the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED – that (A) the contents of the draft Community Transport Strategy be supported and Members’ provide comments to the Head of Housing and Health; and

(B) the draft Community Transport Strategy be recommended to Council for approval and adoption.

198 ECONOMIC DEVELOPMENT VISION: UPDATE 2016/17 TO 2019/21

The Executive Member for Economic Development submitted a report on the progress made in supporting the

Council's economic vision. The Head of Communications, Strategy and Policy provided an overview of the themes and actions to be progressed. He explained the impact of Brexit and the unknown challenges to be faced in supporting businesses, the need to diversify and expand on progress so far.

The Head of Communications, Strategy and Policy provided an overview of the success of "Launch Pad" and of plans to expand the initiative into Hertford and Ware areas and the challenges in finding suitable accommodation.

The Business Engagement Manager acknowledged that ongoing use of Charrington's House would eventually be affected by other local development projects (such as Old River Lane) and that Officers were actively looking more for commercial space in Bishop's Stortford. The Head of Communications, Strategy and Policy referred to the increasing loss of commercial space to residential and how this was being achieved.

Councillor N Symonds sought and was provided with clarification on the criteria and application process for those seeking a place at Launch Pad.

Members acknowledged the success of Launch Pad and supported its vision to expand and search for alternative premises in other towns in the District.

Councillor B Deering supported Officers' attempts to maintain employment space. He referred to the fact that as the Council did not have to pay rent, Launch Pad effectively created a value from "dead" rental space. He endorsed the approach to find suitable premises to expand in Hertford and Ware and urged Officers to work

with planning colleagues.

In response to a query from Councillor M Stevenson and widening types of business supported, the Business Engagement Manager explained that the space was designed to support a range of people.

Councillor H Drake supported the view that the scope should be widened and referred to the numbers commuting from Bishop's Stortford and the need to challenge developers when they sought a change of use from commercial to residential on the basis of "no demand".

The possibility of using Northgate End and proposals for Old River Lane in Bishop's Stortford as part of the Launch Pad expansion, was debated.

Councillor S Bell referred to multi-national companies moving out from London to Cambridge and Stansted Airport and queried the possibility of "piggy-backing" onto these expansion ideas along the M11 corridor. The Head of Communications, Strategy and Policy acknowledged this and said that Officers needed to investigate this further.

Councillor K Warnell commented that 4.5m people commuted from Bishop's Stortford station a year and spoke of the need to try and capture and accommodate some of these commuters.

The Committee Chairman queried whether it was possible to trademark the name "Launch Pad". He thanked Officers for the work done in relation to:

- the Eastern Plateau Rural Development Programme

(RDP) and the success in being allocated an additional grant;

- Digital innovation and investment in broadband for rural areas;
- supporting Business Improvement in Bishop's Stortford; and
- Hertfordshire's Visitor economy success.

The Head of Communications, Strategy and Policy referred to the challenges of broadband provision in rural areas and the fact that some areas were not viable to operators. He referred to the fact that Officers were in the process of considering a bid to be a test case for 5G provision alongside others in the Digital Innovation Zone.

It was moved by Councillor M Allen and seconded by Councillor B Deering that the progress made in terms of the Council's Economic Development Vision be supported. After being put to the meeting and a vote taken, the recommendation was declared CARRIED.

RESOLVED – that the progress made in terms of the Council's Economic Development Vision be supported.

199 OVERVIEW AND SCRUTINY WORK PROGRAMME

The Chairman of Overview and Scrutiny Committee submitted a report setting out the draft Work Programme. The Democratic Services Officer explained that the programme had been amended in the light of suggestions made at the last meeting.,

It was moved by Councillor Mrs D Hollebon and seconded by Councillor D Abbott that the recommendation, as

detailed, be supported. After being put to the meeting and a vote taken, the recommendation was declared CARRIED.

RESOLVED - that the work programme be approved.

The meeting closed at 8.50 pm

Chairman

Date