

MINUTES OF A MEETING OF THE
 ENVIRONMENT SCRUTINY COMMITTEE
 HELD IN THE COUNCIL CHAMBER,
 WALLFIELDS, HERTFORD ON TUESDAY 8
 SEPTEMBER 2015, AT 7.00 PM

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

ALSO PRESENT:

Councillors D Andrews, L Haysey, G Jones,
 G McAndrew, P Ruffles and G Williamson.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Cliff Cardoza	- Head of Environmental Services
Karl Chui	- Performance Monitoring Officer
Simon Drinkwater	- Acting Chief Executive/Director of Neighbourhood Services
Philip Gregory	- Head of Strategic Finance
Nick Kirby	- Environmental Inspection Team Manager
Marian Langley	- Scrutiny Officer
Andrew Pulham	- Parking Manager
Chris Roberts	- Graduate Finance Officer
Neil Sloper	- Head of Information, Customer and Parking Services

Ben Wood

- Head of Business
Development

254 APOLOGIES

Apologies for absence were submitted from Councillors P Ballam and M Freeman.

255 MINUTES - 9 JUNE 2015

The Chairman commented that Councillor C Woodward had stated that Minute 71 (Resident Permit Parking Scheme Policy Review) should have referred to a lack of “worker business parking” and in doing so, cited Chantry Road, Bishop’s Stortford as an example. As such, Councillor Woodward had queried by email, the accuracy of the Minutes in terms of this item.

RESOLVED - that the Minutes of the meeting held on 9 June 2015 as amended by the inclusion of the wording “a lack of worker business parking”, be confirmed as a correct record and signed by the Chairman.

256 ENVIRONMENT SCRUTINY HEALTHCHECK - APRIL TO JUNE 2015

The Director of Finance and Support Services submitted a report on the performance of key indicators for the period April to June 2015. The Performance Monitoring Officer provided a breakdown of the information by each corporate priority. Overall, 9 of the 15 Environment Scrutiny Performance Indicators (PIs) were either on target or exceeding their targets for Quarter 1. One indicator did not have any performance data available to analyse and five PIs showed their position as a “trend”. An update of the table in paragraph 2.3 was tabled at the meeting which included the missing performance of EHPI 2.23 (Planning decisions delegated to Officers).

In response to a query from Councillor T Page regarding a

potential future move of some PIs to “Amber” or “Red”, the Performance Monitoring Officer explained the criteria applied in the assessment and confirmed that it was not indicating an issue regarding a lack of resources. The Head of Business Development confirmed that it was shown as an early warning “flag” to alert Members and Officers to keep an eye on.

Councillor K Crofton queried the EHPI 157c (Processing of Planning applications, other applications), and the fact that the 90% target was barely reached and whether the 8 week determination period should be reduced. The Acting Chief Executive and Director of Neighbourhood Services explained that the 8 week determination figure was a statutory government guidance figure which the Council observed. He stated that the achievement of a 90% target was one of the highest being achieved by local authorities. The Acting Chief Executive and Director confirmed that the 8 week consultation period needed to remain as it stood, as a reduction of this figure would not allow the statutory consultation processes to be fitted in.

The Acting Chief Executive and Director confirmed that the Council regularly reviewed its resources and validation processes, adding that there had also been a recent change in software which staff had to learn.

The Committee received the report.

RESOLVED – that the Executive be advised that Environment Scrutiny Committee had considered the reported performance for the period April to June 2015 and supported its approval

257 PROCUREMENT OF CAR PARK MANAGEMENT SYSTEM

The Executive Member for Economic Development submitted a report on the procurement of a new car park management system(s) for its car parks. He explained that “Pay and Display” was nearing the end of its life and that the Council was looking at options adding that most of the Council’s car parks were too small to support an alternative system, but that

the larger ones could possibly be converted to “Pay on Exit”. The Executive Member for Economic Development explained why the Council had initially chosen to use “Pay and Display” and the options currently under review, including “Pay on Exit”, the advantages of this type of system at larger car parks and how this might affect traffic issues at, for example, Jackson Square in Bishop’s Stortford.

In response to a query from Councillor K Brush regarding current systems, the Head of Information, Customer and Parking Services explained that “Pay on Display” had been used for 11.5 years and that the age on the capital rate outturn was 10 years of use. At the moment machines were being “cannibalised” for replacement parts and that the costs of repair and maintenance were increasing as more machines failed. He also explained that the current machines could not be retro-fitted with new debit and credit card technology.

In response to a query from Councillor K Brush, the Parking Manager explained the advantages of “Pay on Exit”. Councillor Brush queried whether outsourcing car parks or lease hiring the equipment had been considered, adding that committing £1million of capital could be premature given the pace of new technology and suggested that the Council consider outsourcing or a lease arrangement.

Councillor P Phillips sought assurances that “Pay and Display” could confidently be promoted to residents when the feedback he had from previous discussions with residents and businesses strongly favoured ‘Pay on Exit’. The Parking Manager referred Members to the report in terms of those car parks which were suitable or unsuitable to a “Pay on Exit” arrangement and why.

Councillor K Crofton stated that users must be provided with the best possible service which needed to be as flexible as possible using the best scheme possible. He assured Members that this was not a “rushed” or “knee-jerk” decision but a thoroughly considered report. He urged Members to include Jackson Square in Bishop’s Stortford as a “Pay on Exit” scheme. This was supported.

Councillor P Phillips queried whether the Council should still operate car parks. The Head of Information, Customer and Parking Services Parking explained the advantages of the Council retaining control over its car parks and the commercial view taken by private operators. He stated that many of the Council's smaller car parks were subsidised and these might not be commercially viable to a private operator.

Councillor D Andrews suggested that an "arm's length" company be established to control car parks. The Executive Member for Economic Development stated that such an approach would not fit with current legislation on the permitted operation of Council car parks.

The Parking Manager referred to the legal complexities associated with how the Council currently enforced breaches, the legislation it used and the use of contract law if the car parks were outsourced.

The Head of Information, Customer and Parking Services reiterated the choices available to the Council at this time in terms of its legal commitments.

In response to a query from Councillor H Drake regarding tariff controls if car parking was outsourced, the Parking Manager explained that he expected that any level of control relating to tariff charges, would be the subject of a prior arrangement.

The Chairman stated that in his view, "Pay on Exit" should be the preferred option but appreciated that some car parks might present obstacles, such as size, layout and traffic tail backs at certain times.

The Head of Strategic Finance summarised the Council's options and Government's current stance on the use of ANPR enforcement affecting the Council's operation of its car parks and range of options.

In response to a query from Councillor S Reed regarding Blue

Badge holders and “Pay on Exit” arrangements, the Parking Manager explained the pre-registration arrangement in use at the newly independent Bircherley Green Car Park in Hertford and how a similar scheme might be used for any East Herts car park if it became ‘Pay on Exit’. He also stated that 6% of “Blue Badge” spaces should be made available in car parks and that only Jackson Square currently met this criterion. The Parking Manager added that in effect, Blue Badge holders could actually park in any bay within an East Herts car park with the display of a Blue Badge.

It was moved by Councillor K Brush and seconded by Councillor P Philips that Officers investigate outsourcing the Council’s car parks or lease hire arrangements. On being put to the vote, this proposal was rejected.

The Committee supported the recommendations now detailed.

RESOLVED – that the Executive be advised that Environment Scrutiny Committee recommends (A) with the exception of the car parks named in (B) below, that the Council procures a new car park management system based on a “pay and display” platform; and

(B) on the basis of the information provided in the report now submitted a move to a “Pay on Exit” approach to the management of Gascoyne Way, Hertford and Jackson Square, Bishop’s Stortford multi-storey car parks.

258 REVIEW OF FEES AND CHARGES CALCULATIONS AND LEVELS

The Executive Member for Finance and Support Services submitted a report offering the opportunity to review the current structure of fees and charges within the remit of Environment Scrutiny Committee.

The Head of Strategic Finance summarised the key principles on which fees and charges were set and the types of charges.

He also sought Members' views on whether there were any fees and charges which required review, adding that many of the charges within Environment Committee's remit were statutory. The Head of Strategic Finance told the Committee that in a previous meeting with Corporate Business Scrutiny Committee, Members had asked that information regarding usage figures be included alongside the fees/charges so that the impact of any suggested changes could be better understood. This idea was supported by Environment Scrutiny Committee.

The Head of Strategic Finance reminded Members that the MTFP had been set based on an increase of 2.5% but this figure was an overall percentage, not necessarily levied on every fee/charge. Heads of Service were currently drafting their budgets and any comments would be fed back to relevant Officers for further review by the joint meeting of Scrutiny Committees in 2016.

The Committee supported the recommendations now detailed.

RESOLVED – that the Executive be advised that usage figures be included by Officers when revising the fees and charges structure for 2016/17 for services under the remit of Environment Scrutiny Committee.

259 **ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 - ENVIRONMENTAL CRIME ENFORCEMENT IMPLICATIONS**

The Executive Member for Community Safety and Environment submitted a report setting out the implications of the changes resulting from the Anti-Social Behaviour, Crime and Policing Act 2014 on the Council's Environmental Crime Policy. The report also sought approval to consult on the consolidation of existing dog control powers within a Public Space Protection Order.

The Environmental Inspection Team Manager provided a summary of the new legislation and the Council's approach to

those changes.

In response to a query from Councillor P Philips regarding arrangements around car littering and enforcement, the Environmental Inspection Team Manager explained the importance of partnership working, especially with the Police, local intelligence and the use of publicity to achieve successful enforcement.

In response to a query from Councillor K Brush regarding the number of Fixed Penalty Charges imposed, the Environmental Inspection Team Manager confirmed that 86 had been issued.

In response to a query from Councillor K Crofton regarding anti-social behaviour in housing and public open spaces, the Environmental Inspection Team Manager stated that these environmental nuisances were enforced via a Community Protection Notice. The Head of Environmental Services provided a summary of the Council's policy on environmental crime adding that the new legislation emphasised a partnership approach. By way of example, he cited working with registered social housing providers to apply for a combined notice where seriously detrimental behaviour was occurring.

In response to a query from Councillor T Page, regarding timescales between allegations of anti-social behaviour and action taken, the Environmental Inspection Team Manager stated that it depended on the incident, adding that noise nuisance might be dealt with quite simply. However, other behaviours might require informal warnings followed by a formal warning process and time to collect evidence to show the problem was 'persistent and substantial' under the legislation.

The Environmental Inspection Team Manager referred to the issue of dog fouling and the important role to be played by Parish Councils and local intelligence in securing successful enforcement.

The Committee supported the recommendations now

detailed.

RESOLVED – that the Executive be advised that (A) the Draft Environment Crime Enforcement Policy, as now submitted, be approved subject to public consultation;

(B) consultation be undertaken on the replacement of the three existing dog control orders with one consolidation Public Space Protection Order; and

(C) consultation be undertaken on three potential new offences for inclusion in the order, namely, making it an offence to fail to pick up after a dog, to fail to have the means to pick up after a dog and failing to put a dog on a lead when directed to do so by an Officer.

260 ENVIRONMENT SCRUTINY WORK PROGRAMME 2015-16

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

The Scrutiny Officer explained that following on from the meeting on 9 June 2015, where there was agreement to review the Performance Indicators (PIs) relating to Planning Enforcement, it had become clear that there was a wider need to review the Planning Enforcement policy itself. With time, this policy had become out of date and it would be short-sighted to update the PIs in isolation.

The Scrutiny Officer suggested that a Task and Finish Group be set up to undertake a more extensive review of planning enforcement policy. She explained that the group's composition would be approved in consultation with the Leader and that Members of Development Management Committee might also be interested in being involved on the Task and Finish Group.

The Scrutiny Officer outlined the proposed reporting timetable of the Task and Finish Group, reporting eventually to the joint meeting of Scrutiny Committees in February 2016.

Councillors P Philips and T Page indicated their willingness to serve on the Task and Finish Group.

The Committee supported the recommendations as now detailed.

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

(B) a Task and Finish Group be set up to undertake a review of the Planning Enforcement Policy in conjunction with the review of that service’s Performance Indicators already commissioned.

The meeting closed at 8.40 pm

Chairman
Date