

Ref: Cabinet 0509
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9 September 2005

To: Members of the Cabinet:

Councillor F.J. Smith (Chairman) (Leader of the Council);
Councillor Mrs A.G. Ashley (Portfolio Holder for Housing & Environmental Health);
Councillor W.M. Davidson (Portfolio Holder for Waste and Environment);
Councillor Tricia Gibbs (Portfolio Holder for Community Engagement);
Councillor T.W. Hone (Portfolio Holder for Finance);
Councillor I.J. Knighton (Portfolio Holder for Leisure & E-Government);
Councillor R.A.C. Thake (Portfolio Holder for Planning and Transport);
Councillor A.D. Young (Portfolio Holder for Policy).

Distributed to other Members on request.

You are invited to attend a

MEETING OF THE CABINET

to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY**

on

TUESDAY 20 SEPTEMBER 2005

at

7.30 p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM	PAGE
1. APOLOGIES FOR ABSENCE	-
2. MINUTES To take as read and approve as a true record the Minutes of the meeting of Cabinet held on 23 August 2005.	-
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Cabinet at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider, justify the business being considered as a matter of urgency. The Chairman will decide whether the item(s) raised will be considered.	-
4. DECLARATIONS OF INTEREST To receive from Members of the Cabinet any Declarations of Interest in respect of any business set out in the agenda. Members should either declare a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared. Members declaring a prejudicial interest should leave the room and not seek to influence the decision during that particular item.	-
5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	-
6. ITEMS REFERRED FROM COMMITTEES 6a Performance Audit and Review Committee 1 September 2005 - Implementing Electronic Government – Statement 4 6b Performance Audit and Review Committee 1 September 2005 - Comprehensive Performance Assessment - Improvement Plan	1
7. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 and ANTI SOCIAL BEHAVIOUR ACT 2003 REPORT OF THE HEAD OF HOUSING AND ENVIRONMENTAL HEALTH	43
8. REGIONAL AND STRATEGIC PLANNING ISSUES REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	To follow
9. KERBSIDE COLLECTION OF DRY RECYCABLES AND COMPOST REPORT OF THE HEAD OF ENVIRONMENTAL SERVICES	To follow

Future meetings of the Cabinet will take place on: 18 October 2005; 15 November 2005; 20 December 2005; 17 January 2006; 31 January 2006; 28 February 2006; 28 March 2006; 25 April 2006.

TITLE OF REPORT: REFERRAL FROM PARC COMMITTEE – 1 SEPTEMBER 2005- IMPLEMENTING ELECTRONIC GOVERNMENT – STATEMENT 4

REPORT OF THE STRATEGIC CUSTOMER OF CUSTOMER SERVICES

The following is an extract from the draft Minutes of PARC Committee held on 1 September 2005:

Extract from draft minutes**51. IMPLEMENTING ELECTRONIC GOVERNMENT - STATEMENT 4**

The Head of Customer Services and IT reminded the Committee that each year this authority was required to complete an IEG Statement which clarified the progress towards implementing e-Government. Although the actual deadline for submission was 31 December 2005 a mid term review had been requested by the Office of the Deputy Prime Minister (OPDM) and this review (IEG4.5) had been submitted on 18 July 2005 and presented at Appendix A to this report. The Committee noted that the OPDM would no longer expect an annual submission, but, regular updates would now be provided using a mandatory on-line toolkit.

The Head of Customer Services referred the Committee to the pie charts presented at Paragraph 4.2.3 which confirmed that 22 priority outcomes would be achieved by 31 December 2005 and that this would rise to 40 by 31 March 2006. Against all required outcomes only one would be outstanding at 31 December 2005 and with regard to Change Management the Committee noted that several new standards and policies had been introduced into the e-government arena with the data presented at Paragraph 4.3.

An item of particular interest to the Committee was progress with BVPI 157 – The Number of transactions electronically enabled in respect of the A – Z of Services. With a very large target of 659 transactions the forecast completion of 64 per cent (c 422) by 31 December 2005 was noted. However, the OPDM expected that local authorities should achieve 100 per cent by December 2005 and the Head of Customer Services advised the Committee that there would be a marked improvement with the implementation of the SSSC and that a completion of 71 per cent by the end of 2006 could be achieved and with further implementation the target of 100 per cent might be achieved by mid 2006.

The Committee made comments on the status of several Priority Outcomes as shown at Appendix A, and what would be the result of submitting items at a certain status when this might not be the precise level of achievement. The Head of Customer Services confirmed that any status variances would be corrected and that the document would always be presented as an exact representation of status. It was noted that R5 – Public access to online reports, minutes and agenda from past council meetings, including future meetings diary updated daily should be re-graded at amber from green.

The Head of Customer Services concluded his report with an update on: Access Channel Take-up, Expenditure and Efficiency Gains.

RESOLVED:

- (1) That the submission to the Office of the Deputy Prime Minister of this authority's Implementing Electronic Government Statement 4.5 as presented at Appendix A to the report be endorsed;
- (2) That the dependency on the success of the Strategic Service Support Contract in the achievement of e – government be noted and confirmed;
- (3) That the proposal for the Performance, Audit and Review Committee to continue as a consultation forum for the ongoing development and implementation of e – government be agreed.
- (4) That the Head of Customer Services be requested to pass on a vote of thanks from this Committee to all officers concerned with the implementation of e-Government to North Hertfordshire District Council.

RECOMMENDED TO CABINET: That the submission to the Office of the Deputy Prime Minister of this authority's Implementing Electronic Government Statement 4.5 as presented at Appendix A to the report be recommended to Council.

REASON FOR DECISIONS:

To allow the continuation of progress by North Hertfordshire District Council in the implementation of e-government.

TITLE OF REPORT: REFERRAL FROM PARC COMMITTEE – 1 SEPTEMBER 2005- COMPREHENSIVE PERFORMANCE ASSESSMENT IMPROVEMENT PLAN (CPAIP)

REPORT OF THE CHIEF EXECUTIVE

The following is an extract from the draft Minutes of PARC Committee held on 1 September 2005:

Extract from draft minutes**52. COMPREHENSIVE PERFORMANCE ASSESSMENT – IMPROVEMENT PLAN**

The Chief Executive reminded the Committee that PARC at its meeting held on 23 June 2005 had requested further details on the actions in the Comprehensive Performance Assessment Improvement Plan (CPAIP) that had been completed and advice on how ongoing performance issues would be monitored (Minute 30 refers).

The Committee noted that 16 of the items listed in the CPAIP had been completed and the clarification of actions 14 and 18. Action 14 related to long term re-provision of temporary accommodation and detailed comments had been presented at Appendix 2 to this report. Action 18 concerns improvement to the physical environment of the District. The Chief Executive requested the Committee to agree to his proposal that apart from two conditions concerning Section 106 agreements and participation in the BVFSR streetscene that this action was complete and could be removed from the CPAIP.

The Chief Executive referred the Committee to Appendix 1 which set out the full set of completed actions and to Appendix 4 which described the incomplete actions: 6,8,11,12,17 and 22. The Committee noted that the focus of activity would be with these six actions and accepted that although actions had been considered as complete for the purposes of CPAIP, some specific issues would receive continual monitoring e.g. Improvement in the turnaround and determination of planning applications, waste minimisation targets and crime reduction. The Committee noted the arrangements for the alternative monitoring arrangements for the issues above as set out in Appendix 3.

RESOLVED:

- (1) That the proposed alternative monitoring arrangements for Action 18 – Improve the physical environment of our District be endorsed;
- (2) That the details of completed actions and sub – actions as presented at Appendix 1 to the report be noted;
- (3) That the ongoing monitoring arrangements for Actions: 2,4, 5,7,9,10,13,14,16,19,20 and 21 in the CPA Improvement Plan as presented at Appendix 3 be noted;
- (4) That the detailed comments on Actions within the CPA Improvement Plan not yet complete as presented at Appendix 4 to the report be noted;

- (5) That the proposal for the Performance, Audit and Review Committee to receive the first annual report at the meeting to be held in September 2006 on the re-development of Temporary Accommodation (Action 14) as set out at Appendix 2 to the report be agreed.

RECOMMENDED TO CABINET: That the proposal to remove Action 18 – Improve the physical environment following the provision of alternative monitoring arrangements and then removed from the CPA improvement Plan as complete be approved.

REASON FOR DECISIONS:

To allow the Performance, Audit and Review Committee monitor progress on achieving completion of actions set out in the Comprehensive Performance Assessment Improvement Plan and as appropriate make recommendations to Cabinet.

**TITLE OF REPORT: REFERRAL FROM SCRUTINY COMMITTEE – 13 SEPTEMBER 2005
– IMPACT OF FREEDOM OF INFORMATION ON PART II ITEMS**

The following is an extract from the draft Minutes of the Scrutiny Committee held on 13 September 2005:

49. IMPACT OF FREEDOM OF INFORMATION ON PART II ITEMS

The Head of Legal and Democratic Services presented a report that advised the Committee further to the request of the Chairman at Minute 36 of the Scrutiny Committee of 19 July 2005, that “a report be brought to the next meeting regarding the impact of the Freedom of Information Act 2000 on the Council's ability to withhold information as defined in Paragraph (9) of Part 1 of Schedule 12A of the Local Government Act 1972”.

RESOLVED: That the content of the report be noted.

RECOMMENDED TO CABINET:

That all future items requesting the exclusion of the press and public for the consideration of Part II business be accompanied by an explanatory note providing the text of the relevant paragraph(s) in Part 1 of Schedule 12A of the Local Government Act 1972 under which press and public would be excluded.

REASON FOR RECOMMENDATION: To respond to the query raised at the last meeting of Scrutiny on 19 July 2005, and to give explicit explanation to members of the public and the press of the reason for their exclusion for Part II items.

The following is the report presented to the Scrutiny Committee on 13 September 2005

1. SUMMARY

To advise the Committee further to the request of the Chairman at Minute 36 of the Scrutiny Committee of 19 July 2005, that “a report be brought to the next meeting regarding the impact of the Freedom of Information Act 2000 on the Council's ability to withhold information as defined in Paragraph (9) of Part 1 of Schedule 12A of the Local Government Act 1972”

2. FORWARD PLAN

This item is not a key decision and has not been referred to in the Forward Plan.

3. BACKGROUND

3.1 Having considered reports in open session relating to Firthdene Market, the Committee then were asked to resolve “That under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph (9) of Part 1 of Schedule 12A of the said Act.”

3.2 The report considered the options available for the Council in respect of the market and referred to contract options and risks in an attached Appendix. A member of the Committee objected to the proposed resolution and raised the issue of rights of access to documents under the Freedom of Information Act 2000. The Committee requested that this advice come back to them for consideration.

4. ISSUES

Schedule 12A of the Local Government Act 1972

4.1 The Local Government Act 1972 requires public access to reports to be considered at meetings to be held in public, unless s100B(2) applies, whereby the meeting is not likely to be open to the public, in the opinion of the Proper Officer. Where a report to be considered is not open to inspection it must be marked “Not for publication” and include the description under Schedule 12A, by virtue of which the public are likely to be excluded. The exclusion of the public from the meeting can be made where it is likely that exempt information is to be discussed. The decision on this is taken by the vote of the committee on the resolution.

4.2 The Item to resolve to go in to Part 11 on the Agenda for the 19 July meeting states the reason for this by reference to Schedule 12A, as being Paragraph 9. This provides for information to be exempt if it relates to “any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract ...”. The condition for this is that it is exempt only if and for so long as disclosure to the public would prejudice the authority in those negotiations, or any other concerning that property or service.

Freedom of Information Act 2000

4.3 The Freedom of Information Act 2000 creates a general right of access to information held by a local authority. This right is subject to defined exceptions, set out in Part 11 of that Act. The Act sets out the mechanisms for making and processing requests and for enforcement and appeal of such requests, where refused.

4.4 The Act requires the local authority to produce and maintain a Publication Scheme which specifies the classes of information which the authority publishes and how they do so. Information must then be published in accordance with this scheme. The NHDC Publication Scheme specifies that reports for decision making “open to the public” will be published.

4.5 Where an exemption under the Freedom of Information Act applies to information held by the authority, the duty to confirm or deny its existence or to provide it, does not arise, if the exception

is absolute or the public interest in not confirming or denying outweighs the public interest in doing so.

4.6 There are 24 exemptions, set out in Part 11 of the Freedom of Information Act. Of relevance in relation to a report exempt from publication under paragraph 9 of Schedule 12A of the Local Government Act 1972, would be the exception in relation to commercial interests. s.43 of that Act provides that information is exempt if:-

- 1) it constitutes a trade secret
- 2) If its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the authority)

The exemption relates to the duty to confirm or deny the existence of information, to the extent that doing so would, or would be likely to, prejudice the commercial interests of any person.

Where this test is satisfied, there would be no duty on the authority to notify of the existence of this information and hence none to supply it.

4.7 In conclusion, the Freedom of Information Act creates obligations on the authority to identify and disclose information, but this does not necessarily include Part 11 reports. Such reports would however, need to fall within one of the Freedom of Information Act exemptions and Part 11 status alone cannot necessarily be relied on.

4.8 The degree of complexity in this area, and the related areas of the Data Protection Act 1998 and the law of confidence, led to the Office of the Deputy Prime Minister consulting on regulations to amend Schedule 12A, in 2004. The consultation paper contains a recommendation from the Access to Information Review Group, established by the Government in 2003, that the current four commercial interest categories in the Schedule, are reduced to one namely "Information which, if disclosed to the public would, or would be likely to, prejudice the commercial interests of any person (including the authority holding it)." So far these regulations have not been made.

5. LEGAL IMPLICATIONS

None other than those contained in the body of the report.

6. FINANCIAL AND RISK IMPLICATIONS

Officers should be aware of the need to be clear about the grounds on which reports can be considered in Part 11 and ensure that the appropriate risks to the authority are considered.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

None.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

None.

9. RECOMMENDATION

That Members note the content of the report.

10. REASON FOR RECOMMENDATION

To respond to the query raised at the last meeting of Scrutiny.

11. CONTACT OFFICERS

Frances Bogie, Head of Legal and Democratic Services, ext 4460.

12. BACKGROUND PAPERS

Local Government Act 1972.

Freedom of Information Act 2000

ODPM Consultation on Local Authority Access to Information

**TITLE OF REPORT: REFERRAL FROM SCRUTINY COMMITTEE – 13 SEPTEMBER 2005
– CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 AND ANTI-SOCIAL
BEHAVIOUR ACT 2003**

The following is an extract from the draft Minutes of the Scrutiny Committee held on 13 September 2005:

**50. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 AND ANTI-SOCIAL
BEHAVIOUR ACT 2003**

The Head of Housing and Environmental Health presented an amended report, which was tabled at the meeting, that sought the agreement of the Committee to the adoption of powers contained within the Clean Neighbourhoods and Environmental Act 2005 (CNEA) and the Anti-Social Behaviour Act 2003 (ASBA) relating to the services provided by the Housing & Environmental Health Service.

RECOMMENDED TO CABINET:

- (1) That Cabinet recommends to Council that the powers contained in the table in paragraph 3.7 of the report be adopted and delegated to the appropriate officer as detailed in the table;
- (2) That the Cabinet acknowledges the concern of the Scrutiny Committee regarding the capacity of existing resources to deal with the various new enforcement powers identified in the report.

REASONS FOR RECOMMENDATIONS:

- (1) The power to temporarily close noisy licensed premises contained within the ASBA was likely to be a valuable aspect of the Authority's approach to the new licensing regime. Whilst it may not be exercised regularly it would nevertheless provide a deterrent to licensed premises that are causing an acute problem;
- (2) This CNEA provided NHDC with a significant number of powers to control pollution, however the majority of those powers were discretionary and the authority would have to decide which of these they would adopt. Any enforcement would have to show to be cost neutral and therefore decisions over the procedures and resources required to implement these powers needed to be carefully considered. The Street Scene FSR would have to consider how much of a role the authority wanted to play in enforcing environment controls and needed to consider the impact on support services as well as the enforcement services.

[Note: The report to which the above referral relates is Item 7 on this Cabinet agenda. A revised version of this report also forms part of these supplementary papers]

**TITLE OF REPORT: CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005
AND ANTI-SOCIAL BEHAVIOUR ACT 2003**

REPORT OF THE HEAD OF HOUSING AND ENVIRONMENTAL HEALTH

1. SUMMARY

- 1.1 To agree the adoption of powers contained within the Clean Neighbourhoods and Environment Act 2005 (CNEA) the Anti-social Behaviour Act 2003 (ASBA) relating to the services provided by the Housing & Environmental Health Service.

2. FORWARD PLAN

- 2.1 This report does contain a recommendation on a key decision that has been referred to in the Forward Plan since July 2005.

3. BACKGROUND

- 3.1 The ASBA received Royal assent on 20th November 2003 with its new powers scheduled for implementation in the following 2 year period. The Act contains a considerable number of powers aimed at dealing with anti-social behaviour, in its broadest sense, including the discretionary power of a local authority to temporarily close a licensed premises if it causes a public nuisance due to excessive noise.
- 3.2 On the request of an occupant of a domestic property, local authorities are given powers to take action to serve a remedial notice on a neighbour of the complainant where they are satisfied that the complainant has taken all reasonable steps to mediate the problem and the hedge is affecting the reasonable enjoyment of the complainant's property. Cabinet considered a paper on these provisions at its meeting of 26 July and noted the requirements of the Act and set a fee level.
- 3.3 The CNEA received Royal assent on 7th April 2005. This was earlier than had been anticipated as the final stages of the bill were rushed through Parliament prior to the election.
- 3.4 The CNEA is wide ranging and covers a numbers of Council services and is planned to be enacted over the next eighteen months. This report sets out the principle changes introduced by the Act but concentrates on those clauses that are to be enacted in June 2005.
- 3.5 In 2002 a review of the legislative framework for providing and maintaining a clean and safe local environment was carried out by Defra to accompany the cross-Government report *Living Places - Cleaner, Safer, Greener*. The review found that the powers, duties and guidance for dealing with problems associated with local environmental quality were not working as effectively as they should be, and produced options for delivering changes. These options were contained in the consultation paper *Living Places - Powers, Rights, Responsibilities* launched at the Urban Summit on 31 October 2002. Some were introduced into legislation in Part 6 of the Anti-social Behaviour Act 2003. The majority of the options were developed further and included as proposals for legislative action within the Clean Neighbourhoods consultation launched on 25 July 2004.
- 3.6 The following paragraphs summarise the contents of the Act.

Part 1: Crime and Disorder

This Part amends the law relating to crime and disorder reduction partnerships to require them to take into account anti-social and other behaviour adversely affecting the local environment; and makes provision for the gating of minor highways that attract anti-social behaviour under certain conditions.

Part 2: Vehicles

This Part introduces two new offences relating to the selling of vehicles and the repairs of vehicles on the highway. Authorities now have the power to issue fixed penalty notices of up to £100.00.

This Part also amends the law relating to abandoned vehicles. This allows authorities to issue fixed penalty notices of £200.00 to offenders and require them to provide their name and address. It enables local authorities to immediately remove any vehicle if they think it has been abandoned without waiting 24 hours as previously and allows the removal of vehicles from private roads without having to serve notice on the owner. These provisions come into force on the 7th June 2005.

Part 3: Litter and Refuse

This Part extends the statutory offence of dropping litter to cover any open space regardless of ownership. Local authorities are able to issue fixed penalties and set the level but where they do not then the level is £75.00. The Act also enables parish councils to issue fixed penalty notices under conditions yet to be issued. Local authorities are also empowered to issue litter clearance notices and issue fixed penalty notices for failure to comply of £100.00.

Section 27 clarifies the meaning of "litter" for the purposes of Part 4 of the 1990 Act, by specifically including cigarettes, cigars and like products and discarded chewing gum (including bubble gum). These provisions come into force on the 7th June 2005.

The Act also enables the local authority to designate areas where the distribution of free literature has to be licensed and controlled.

Part 4: Graffiti and Other Defacement

This Part amends the law relating to graffiti, fly posting and the illegal display of advertisements.

Section 43 of the Anti-social Behaviour Act 2003 allows authorised officers to issue fixed penalty notices for the offences of graffiti and fly-posting, and previously sets the amount payable for a graffiti or fly-posting fixed penalty notice at £50.

Section 28 of this Act enables a local authority to vary the fixed penalty amount for a graffiti or fly-posting offence in its area and extends the power to parish councils. Where no amount is specified by a local authority, this section also raises the base amount from £50 to £75. The definition of an "authorised officer" is extended to allow local authorities to authorise individuals other than their own employees for the purpose of giving notices for graffiti and fly-posting offences.

The Act also extends the powers to issue graffiti removal notices to fly posters and changes their name to 'defacement removal notices'.

Part 5: Waste

This Part makes miscellaneous provision about waste.

Chapter 1 makes provision about the registration of carriers of particular kinds of waste.

Chapter 2 makes provision about the illegal deposit of waste ("fly-tipping"). It enables local authorities to issue fixed penalty notices. Where the authority does not set a limit it is £100.00.

Chapter 3 makes provision to deal with waste generated at construction sites – requiring developers on sites over a certain value to have a plan for the removal and disposal of the waste.

Part 6: Dogs

Chapter 1 allows local authorities and parish and community councils to create offences relating to the control of dogs. This power is intended as a more convenient alternative to existing powers to create byelaws. In particular, the new offences do not need to be approved by the Secretary of State. The new system replaces the Dogs (Fouling of Land) Act 1996.

Chapter 2 relieves the police of most of their statutory responsibilities for stray dogs – which remains with the local authority.

Part 7: Noise

Local authorities are given new powers to deal with noise from intruder alarms – the ability to designate ‘Alarm Notification Areas’ and require every householder and business to notify the authority of keyholders for alarms. Also a warrant for entry is no longer required so long as force is not required to abate a noise nuisance arising from a defective alarm. The discretionary powers for dealing with night-time noise disturbances provided within the Noise Act 1996 are extended from domestic premises to cover also licensed premises, issuing of fixed penalty notices. This Part also allows local authorities to employ alternative means to resolve complaints about noise qualifying as a statutory nuisance prior to issuing an abatement notice.

Part 9: Miscellaneous provisions

The Act extends the definition of statutory nuisance to insects on trade premises and light pollution. The Act also alters the appeal mechanism for remediation measures for contaminated land by transferring it from the Magistrates Court to the Secretary of State.

3.7 The enactment date for the other provisions have yet to be announced and will not take place until the regulations and guidance have been issued. This is not likely before April 2006. There are a number of areas where the authority has been given powers already. The majority of those are being considered as part of the Street Scene Fundamental Service Review and the recommendations of that FSR will advise the Authority on the most appropriate way of implementing those provisions. There are a number of clauses within the legislation that require an urgent response and therefore this report sets out the recommendations to adopt those powers. The recommendation is for the powers to be delegated to the Chief Executive and Director of Finance and Regulatory Services, this being in conjunction with the Head of Legal and Democratic Services, if there is consideration of a prosecution. These have been summarised in the table below.

ASBA	Implications for NHDC	Recommendation
Power to close noisy licensed premises.	This provision may assist the Authority in dealing with noise problems associated with the longer opening hours occasioned by the implementation of the Licensing Act 2003. It will enable an Environmental Health Officer to issue a notice to cease a noise nuisance immediately and provides an alternative to action under the Licensing Act which would take some time to come into affect.	This provision should be adopted. Delegated to the Director of Finance & Regulatory Services.
Power to take action against high hedges.	The Council has the power to enforce conditions by use of remedial notice on high hedges where the owner has been through mediation unsuccessfully.	This provision should be adopted. Delegated to the Chief Executive.

CNEA	Implications for NHDC	Recommendation
Abandoned vehicles	This will improve the Council's enforcement action against abandoned vehicles and improve the speed of the	These provisions should be implemented as soon

CNEA	Implications for NHDC	Recommendation
	response. There should be a reduction in legal costs through more efficient procedures.	as they are enacted. Delegated to the Director of Finance & Regulatory Services.
Crime and disorder reduction	The Crime Reduction Partnership will be required to take into account the impact of environmental anti-social behaviour in producing its Crime Reduction Strategy.	To be taken into account by the Crime Reduction Partnership.
Duty of care for waste carriers	This will enable more effective prosecution of illegal waste disposal.	To implement as part of fly-tipping enforcement action. Delegated to the Director of Finance & Regulatory Services.
Extension of statutory nuisance to insects and light pollution.	This is a statutory requirement and will be implemented by the Env. Protection Team. There will be a training implication due to the new knowledge required for insects and light pollution.	Implement with adequate training for EHO's. Delegated to the Director of Finance & Regulatory Services.
Changes to the fly-posting removal notices.	This extends the ability to issue notices for graffiti to fly posting.	To be adopted as part of fly-posting enforcement action. Delegated to the Director of Finance & Regulatory Services.
Fly-tipping responsibility for owner	This extends the responsibility for fly-tipping to the owner of private land where there is evidence that the owner has permitted the offence to take place.	To adopted as part of fly-tipping enforcement action. Delegated to the Director of Finance & Regulatory Services.
Power to issue litter clearing notices.	This power can be used in conjunction with Health and Safety and Food Hygiene action in business premises. Other premises and land will require action and a decision will have to be made on the most appropriate officers to carry out the role.	To be adopted for EHO's to be given the power to issue notices from the date of enactment. Delegated to the Director of Finance & Regulatory Services. Implementation on a wider basis to await the outcome of the Street Scene FSR.

4. LEGAL IMPLICATIONS

5.14.1 The Council has the power to adopt legislation and to delegate this power to officers.

6.5. FINANCIAL AND RISK IMPLICATIONS

6.15.1 There are no budget implications of this report. Additional training will be required for officers adopting the powers recommended in this report however this will be contained within existing budgets.

6.25.2 The Act imposes conditions on the use to which the proceeds from fixed penalty fines can be used. If adopted the use of these measures should be closely monitored as prosecution action may not be resourced within existing structures/budgets.

7.6. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

6.1 There are no human resource implications to this report.

7. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

8.17.1 Internal stakeholders have been consulted on the recommendations of this report. The Street Scene FSR will carryout widescale consultation on the broader powers contained within the Acts and the Council's response.

9.8. RECOMMENDATIONS

8.1 That Cabinet recommends to Council that the powers contained in the table in paragraph 3.7 are adopted and delegated to the appropriate officer as detailed in the table.

9. REASONS FOR RECOMMENDATIONS

9.1 The power to temporarily close noisy licensed premises contained within the ASBA is likely to be a valuable aspect of the Authority's approach to the new licensing regime. Whilst it may not be exercised regularly it will nevertheless provide a deterrent to licensed premises that are causing an acute problem.

10.19.2 This CNEA provides NHDC with a significant number of powers to control pollution however the majority of those powers are discretionary and the authority will have to decided which of these they will adopt. Any enforcement will have to show to be cost neutral and therefore decisions over the procedures and resources required to implement these powers needs to be carefully considered. The Street Scene FSR will have to consider how much of a role the authority wants to play in enforcing environment controls and needs to consider the impact on support services as well as the enforcement services.

11.10. ALTERNATIVE OPTIONS CONSIDERED

11.110.1 Alternative options that have been considered are the implementation of the whole raft of powers contained within these Acts. This would potentially have large resource implications for the Authority that would affect our ability to provide other services.

11.210.2 The costs of implementing a system for recording keyholders and maintaining the records for intruder alarms would not be justified by the scale of the problem in North Herts and the adoption of this power is not recommended.

11. APPENDICES

11.1 None

12.12. CONTACT OFFICERS

12.1 Patrick Odling-Smee, Head of Housing & Environmental Health.
Patrick.odling-smee@north-herts.gov.uk

12.2 Barrie Jones, Head of Financial Services, Tel 474243,
Pete Marshall, Chief Engineer

Liz Green, Head of Policy, Performance & Partnerships Ext 4230
Patrick Candler, Head of Community Development
Andy Godman, PEHO Environmental Protection
Alan Sills, PEHO Commercial Team
Giovanna Silverio, Licensing & Enforcement Manager

13. BACKGROUND PAPERS

- 13.1 Living Places - Cleaner, Safer, Greener, HMSO, 2002
- 13.2 Clean Neighbourhoods and Environments Act 2005, HMSO
- 13.3 Anti-Social Behaviour Act 2003, HMSO.

TITLE OF REPORT: REGIONAL AND STRATEGIC PLANNING ISSUES

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

1. SUMMARY

- 1.1 To inform Members of the current positions regarding:
- The draft East of England Plan;
 - Growth Area Liaison for the Luton conurbation;
 - Luton & Dunstable Northern Bypasses;
 - London Luton Airport.

2. FORWARD PLAN

- 2.1 This report to Cabinet is included within the Forward Plan.

3. BACKGROUND

- 3.1 Members will be aware of, and familiar with, many of the issues surrounding the significant strategic planning issues referred to in paragraph 1.1 above. This report is intended to provide Members with the current positions on these strategic planning matters.

4. ISSUES

4.1 The Draft East Of England Plan

- 4.2 The 3rd Preliminary Meeting for the Examination in Public is due to take place on 14 September – after the deadline for this written report but before the meeting of Cabinet. This will be a technical meeting to explain the procedures that will be followed for the EiP and to cover any outstanding queries on the submission of statements. There are also seminars taking place on 14 and 15 September. These will cover the following topics:-

- Rail in the regional planning and rail funding contexts
- Population and household growth in the East of England – an explanation of the latest projections used to justify the housing targets.
- Housing numbers – the latest picture of housing completions and capacity within the region
- Employment and Housing Alignment – a new report from Roger Tym & Partners (Aug 2005) on the relationship between housing and jobs, and the balance that will - or will not - be achieved at regional and sub-regional levels.

I will report orally on the outcomes of the meeting and seminars.

- 4.3 In the meantime, work is proceeding on the preparation of the Council's Written Submissions by the deadline of 27th September for those Matters to be debated at the Examination before Christmas.
- 4.4 On 16 September, there is a further meeting of EERA's Regional Planning Panel, which will be attended by Councillor Thake. The outcome of that meeting will also need to be reported orally.
- 4.5 As part of the Council's preparation for the Examination in Public after Christmas, consideration is being given to the quality of the landscape around the periphery of Stevenage (including those parts in East Hertfordshire) and the ability or otherwise of different locations to accommodate new development. In short, it would be helpful to have a comprehensive study showing those parts where development could be accommodated relatively easily and those areas where there are more severe environmental restraints. It is of course the case that **no** greenfield sites around Stevenage can be developed without **any** environmental harm, and any study would need to reflect this. However, such an assessment of landscape sensitivity would be a suitable input to the Examination in Public, and of course to necessary local development document work around Stevenage in the future. If the methodology proves to be successful, it could also be extended to the 4 North Hertfordshire towns.
- 4.6 Halcrow Consulting has undertaken very similar work elsewhere, most notably as part of the environmental assessment of the proposed Luton Northern Bypass. The company is expert in the field and I am unaware of any other consultants with similar knowledge and experience. The company is also very familiar with the local area. In accordance with Contract Standing Orders no.6.1E, it is recommended that, as specialist consultants are required and there is no alternative to Halcrow, a single tender approach should be adopted.

4.7 **Growth Area Liaison for Luton/Dunstable/Houghton Regis**

- 4.8 There is little to add this month to what has already been reported previously. Various dates at the end of October / beginning of November for a first meeting of the Joint Planning & Transportation Committee are currently being considered, although there is also likely to be an informal meeting for the Councillors of the core Councils (not including NHDC) later this month. The agenda for the first meeting is likely to include an update on joint studies / programmes – including a Luton Retail Study, a review of the urban capacity of the conurbation, a Green Belt review and updates on the Luton and Dunstable Bypasses.

4.9 **Luton & Dunstable Northern Bypasses**

- 4.10 There is nothing to add this month in relation to the Luton Northern Bypass.
- 4.11 In relation to the Dunstable Northern Bypass, a final report entitled "Assessment of the Development Implications of the A5 – M1 Link Dunstable Northern Bypass" was published recently by the consultants, GVA Grimley. There is clearly a strong inter-relationship between the proposed bypass and future development. On the one hand, the road would have implications for the form, scale and extent of potential future

development. On the other hand, the development could impact upon the form and function of the proposed road. The study examines two route options for the bypass – the southern route and the northern route.

4.12 The consultants conclude that the road should provide the outer boundary to development and that development bounded by the northern route would be likely to generate the most environmentally sustainable form of urban extension with the development objectives of the Sub-Regional Strategy. The consultants suggest that up to 16,500 new dwellings (an indicative figure at this stage) could be developed, depending on the densities considered acceptable, in this way.

4.13 A consultation exercise is underway on the two options for the proposed bypass, running between 9 Sep – 2 Dec 2005. It is recommended that officers respond on behalf of the Council, on the lines of favouring the northern route which gives the prospect for the maximum amount of new housing north of Dunstable and Houghton Regis.

4.14 **London Luton Airport**

4.15 As part of the London Luton Airport Master Plan process, the Airport has recently published a 'Community Newsletter' (August/September 2005 – Issue 1). It explains a bit about the Master Plan, sets out the timetable for the rest of the process, and requests comments on the future growth of the airport.

4.16 The Newsletter has been posted to approximately 220,000 households in the area, including Hitchin and the southern rural part of North Hertfordshire. It is also available in all libraries in the District and at Planning Reception in the Gernon Road offices. It is hoped that the Draft Master Plan will be out for a twelve-week public consultation, starting the first week in October.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications directly arising from this report.

6. FINANCIAL AND RISK IMPLICATIONS

6.1 There are no new financial or risk implications arising from the contents of this report.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

7.1 There are no new HR or equalities implications arising from the contents of this report.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

8.1 The Planning and Transport Portfolio Holder has been fully informed and involved in the process via Officer contact and Hertfordshire County Council and District joint member meetings.

9. RECOMMENDATIONS

- 9.1 That:-
1. A single tender approach be adopted for the employment of consultants to carry out a landscape sensitivity study, as outlined in this report, for the periphery of Stevenage
 2. That the Head of Planning and Building Control be authorised to respond to the consultation on the A5 – M1 Link (Dunstable Northern Bypass) as set out in the report
 3. Otherwise, the report be noted.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To ensure the necessary background work for the East of England Plan and subsequent local development documents is carried out expeditiously
- 10.2 To enable the Council to respond to the Highways Agency consultation
- 10.3 To ensure that Members are aware of evolving issues in regional and strategic planning matters

11. APPENDICES

- 11.1 None

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13. BACKGROUND PAPERS

13.1 None save previously published reports

TITLE OF REPORT: EXPANDING THE KERBSIDE COLLECTION OF DRY RECYCLABLES AND COMPOST

REPORT OF THE HEAD OF ENVIRONMENTAL SERVICES

1. SUMMARY

- 1.1 To advise this Committee of the findings of a Partnership Board led review of the options for expanding recycling and composting.
- 1.2 To ask Cabinet to support the recommendations of the Partnership Board, and to agree to the use of officer time and the resources required to develop detailed plans for the implementation of service expansion.

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 1st August 2005

3. BACKGROUND

- 3.1 CMT and the Waste Management service staff have identified a clear demand, (supported by Members and the public) for the scheme for the kerbside collection of green garden waste to be extended to all households, and for a service for the recycling of plastics and cans to be provided.
- 3.2 The demand was identified through feedback from:
 - Members – comments from ward surgeries etc.,
 - Reports from door-steppers carrying out promotional campaigns.
 - Calls to the recycling hotline
 - Comments through the Complaints, Comments and Compliments system
 - Comments to field officers.
 - Opinion research via the district wide surveys
- 3.3 The Household Waste Recycling Act 2003 requires all English local authorities to provide kerbside collections for all householders for a minimum of two materials by 2010.
- 3.4 The European Landfill Directive (99/3/EC) gradually limits the quantity of Biodegradable Municipal Waste (BMW) allowed to be sent to landfill, the legislation was transposed into English and Welsh law in 2001. The requirements of the Directive are:
 - By 2010 to reduce BMW landfilled to 75% of 1995 levels
 - To 50% by 2013
 - And to 35% by 2020
- 3.5 This Authorities statutory BVPI target is to achieve a 24% recycling rate by 2006

3.6 The Waste Management contract is overseen and directed by a Partnership Board chaired by our Waste Management Portfolio holder and consisting of senior representatives from Serviceteam and NHDC

3.7 Following discussions with the Portfolio holder for Waste Management it was agreed that the Partnership Board should review the options for satisfying this demand and make recommendations to Cabinet.

4. **EXPANDING THE KERBSIDE COLLECTION OF DRY RECYCLABLES AND COMPOST**

4.1 At the Partnership Board meeting on 5th April 2005 consideration was given to an overview of the potential options for increasing recycling and waste minimisation. The Board asked officers from ServiceTeam and NHDC to form a sub group to investigate the options for extending and expanding the range of recycling services provided to North Herts residents

4.2 The sub –group objectives were to:

- To investigate options for extending/ expanding the range of recycling services provided through the Waste Management Contract
- To consider changes to the Waste Management Contract which may be needed to accommodate changes in legislation and local circumstances
- To consider the financial impact of any changes
- To recommend a future strategy to the Partnership Board

4.3 The sub-group identified and investigated the following five options:

- Option 1 - Expand compost collections to all households within context of current contract
- Option 2 - Expand compost collections to all households and introduce kerbside collection of plastics and cans within context of current contract
- Option 3 - Expand compost collections to all households and introduce kerbside collection of cans within context of current contract. Introduce plastic recycling at bring sites
- Option 4 - Expand compost collections to all households and introduce kerbside collection of plastics and cans within context of a revised contract incorporating the principle of split compaction vehicles for the collection of dry recyclables
- Option 5 - All options combined with alternate week collection of residual waste and recyclables

4.4 At the meeting of the Partnership Board on 10th August 2005, Officers presented the findings and recommendations of the sub-group.

4.5 The Partnership Board considered the presentation and recommendations and resolved:

- That the Board endorse the implementation of option 4
- That the Board endorse the principle of adopting Option 5 once option 4 has been fully implemented
- That a report to Cabinet recommending the adoption of options 4 & 5, on a phased basis in line with the following programme, be prepared in time for the September meeting

4.6 **Proposed Phased Implementation**

April 2006 - Expand Kerbside Compost collection scheme to all households.

September 2007 - Introduce Option 4

Note : Members may wish to consider bringing forward option 5 forward to September 2007. This gives the opportunity to take advantage of the financial savings generated by this option, however, this must be weighed against the planned approach suggested by the Partnership Board to provide full recycling facilities before reducing the residual waste capacity.

5. LEGAL IMPLICATIONS

- 5.1 Section 45 of the Environmental Protection Act 1990 (EPA) places a duty on the Council to collect household waste.
- 5.2 The Environmental Protection Act 1990 Part 2 section 46 allows a Waste Collection Authority to determine the number and type of containers to be used for the collection of waste to be recycled. Section 46 also allows the Authority to require occupiers to separate waste to be recycled from waste which is not to be recycled.
- 5.3 The Household Waste Recycling Act 2003 expanded section 45 of the EPA so that this Council now has a duty to ensure that at least two types of recyclable waste are collected from all households by 2010. This scheme will ensure that the Council meets that target by September 2007 and exceeds it by September 2008. This is in keeping with thrust of the Hertfordshire Waste Strategy, which aims to recycle at least 30% of household waste by 2005/06 which is 5% in excess of the government targets to recycle 25% of waste by 2005.
- 5.4 The Council's recycling figures is one of the criteria against which the Council is assessed in the Comprehensive Performance Assessment. Under the Act the Council could only refuse to comply with this duty if the cost of doing so was unreasonably high. There is no guidance on what constitutes an 'unreasonably high' amount. This is a matter for consideration in each individual case but the Council would be expected to consult a government advisory team before taking such a decision."

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 The Executive Committee held on the 18th December 2001, received a report from the Director of Planning and Environment regarding a draft joint municipal waste strategy. This report indicated that the average cost of refuse collection services at that time, in Hertfordshire, was £28.00 per household, per year, which would increase with a three stream kerbside recycling service to £55.00 per household.
- 6.2 Our current cost per household are £43.71 with neighbouring authority's ranging from £46.66, £50.18, £53.00, £65.00 to £74.00. Clearly, these costs cannot be accurately compared as they all represent different levels of recycling services. At a future Cabinet meeting, Members will be advised of the cost of the proposed changes based on formal prices but it is anticipated that these will not exceed the original figure of £55.00 per household.
- 6.3 The current overall costs of this contract are £1.65m for waste collection and £.94 M for recycling.
- 6.4 A Capital growth Item of £545,000 would be required to facilitate the purchase of 20,000 additional brown bins to extend the compost collection scheme to all households, the annual revenue cost of the purchase will be £82,000.
- 6.5 A revenue growth bid totalling £585,000 has been submitted. as part of the financial planning process for 2006/7, to facilitate the expansion of the compost scheme and to

introduce plastic and cans recycling to urban areas only. Members are asked to note that this bid will be made as part of the formal Service and Financial Planning programme for growth bids.

6.6 The need for revenue growth would be greatly reduced by adopting option 4 and savings could be made by also adopting option 5. As shown in the chart at 6.5

6.7 The implementation of option 4 would increase our costs by an estimated £600,000 per annum above current contract prices, however the cost of expanding the compost scheme to all households is included in that figure

6.8 Revenue cost implications

	2006/7	2007/8	2008/9	2009 on
Expand Compost	£356,000	£178,000	-	-
Option 4 From Sept 2007		£300,000	£600,000	£600,000
Option 5 From Sept 2008			(£250,000)	(£500,000)
Total	£356,000	£478,000	£350,000	£100,000

6.9 It should be noted that costs used within this report are broad-based estimates. Extensive reworking of the contract prices, using the “open book” accounting agreement which forms part of the contract, would be needed before finalised changes to the contract pricing structure could be presented to this Committee for approval.

6.10 There is a risk that, having committed to the cost of expanding the compost scheme to all households, we might fail to negotiate satisfactory arrangements for the implementation of Options 4 and 5. And therefore be unable to benefit from the cost reductions anticipated

6.11 This risk will be entered on the Risk Register, and will be addressed by ensuring that project continuity features prominently in the early stages of negotiation

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

7.1 This project will be demanding on Officer time, however as funding has been allocated in the 2006/7 base budget to fill the vacant Contracts Manager post, Officers are confident that sufficient resources can be allocated to this task.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

8.1 Internal stakeholders have been consulted on the recommendations of this report.

9. RECOMMENDATIONS

9.1 That this Committee considers the proposal to expand the compost scheme to all households with effect from April 2006.

- 9.2 That this Committee considers the proposal to implement Option 4 with effect from September 2007.
- 9.3 That this Committee considers the proposal to implement Option 5 with effect from September 2007 or 2008.
- 9.4 That this Committee notes the revenue cost implications outlined at 6.4 and considers the associated growth bids as part of the financial planning and budget review process.
- 9.5 That this Committee instructs Officers to commence negotiations to amend the Waste Management Contract in order to accommodate 9.1, 9.2, and 9.3, and to report progress to this Committee.

10. REASONS FOR RECOMMENDATIONS

- 10.1 The recommendations contained within paragraph 8 are made following the Waste Management Partnership Boards review of the options for expanding recycling and composting.
- 10.2 Management Partnership Boards review concluded that the recommendations contained within paragraphs 8.1, 8.2, and 8.3 represented the best value options.

11. APPENDICES

- 11.1 None.

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13. BACKGROUND PAPERS

- 13.1 A copy of the presentation to the Partnership Board is available in the Members Room.

TITLE OF REPORT: CONSIDERATION OF IMPLEMENTATION OF 'ALCOHOL FREE' ZONES

REPORT OF THE ACTING HEAD OF POLICY, PARTNERSHIP AND PERFORMANCE

1. Summary

- 1.1 To present the policy background to evidencing the need for, and progressing where deemed appropriate, the implementation of alcohol free zones across the district.
- 1.2 To seek urgent approval to commence this process in Royston Town Centre given the recent increase in drinking related disorder there.

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision, which has not been notified, to the public in the Forward Plan. It is not possible to defer consideration of this decision because there is increasing public and member concern regarding an escalation in drink related disorder in Royston in particular, reported in the local press with an undertaking that this would be considered at the Authority's next Cabinet meeting on 20th September. The Chairman of the Scrutiny Committee has been informed and notice of the recommendation has been available at the Council Offices in Gernon Road for three clear working days prior to the date of this meeting.

3. BACKGROUND

- 3.1 NHDC currently have the ability to implement byelaws for parks and open spaces which state that a 'person shall not in the pleasure ground willfully obstruct, disturb, interrupt or annoy another person in the proper use and enjoyment....' which could include drunken behaviour. However, it is recommended that Councils adopt powers under section 13 of the Criminal Justice and Police Act 2001 to replace any such byelaw. By virtue of Section 15 of the said Act any byelaw which prohibits the consumption of alcohol in a public place by creating an offence or makes any incidental or supplementary provisions will cease to have effect.
- 3.2 Section 13 of the Criminal Justice and Police Act 2001 allows Local Authorities to designate public areas for the purposes of section 12 **where they are satisfied** that nuisance or annoyance has been caused to the public or a section of the public or that disorder has been associated with public drinking in that area. The offence in section 12 will not be consumption of alcohol in a designated public place, but drinking after being required by a constable not to do so, where constable has a reasonable ground for believing the person has been consuming alcohol in that designated place, or failing to surrender alcohol or an open container for the same.

- 3.3 Before an area is proposed for designation, the Local Authority must obtain sufficient evidence to be satisfied that the area has antisocial nuisance or disorder associated with it. Any proposals for a comprehensive ban on public drinking would be considered disproportionate to the intended purpose behind the measures contained in the Act.
- 3.4 The creation of designated areas may well lead to anti-social drinking or nuisance being displaced into areas that have not been designated for this purpose. Prior to making an area designated, guidance states that the Authority should make an assessment of all the areas to which they reasonably believe that nuisance or disorder will be displaced, ensure that all those affected by the designation are appropriately consulted.
- 3.5 Whilst this proposal would not impact on public events such as the annual Royston picnic where participants supply their own alcohol and imbibe it responsibly, under the Licensing Act 2003 where the *supply of alcohol or provision of entertainment* on public space occurs, there still needs to be a licence issued. It is recommended that the local authority needs to obtain this licence where they are the land owner.
- 3.6 The proposal to consider the policy and resource implications of reducing drinking in public was originally considered in Hitchin in early 2004, when there was insufficient evidence of need, but in the light of increasing public concern regarding antisocial behaviour generally it is proposed that consideration of the district as a whole be made now, to be reported to Cabinet in October 2005.

4. ISSUES

- 4.1 Evidence from the Royston Police incident log relating to the number and time of incidents over a one year period from 06 August 2004 to 11 August 2005 is attached at Appendix 1, Tables I and II . Total alcohol related incidents for the year was 123, depicted separately on the table in terms of their actual location. The average incident rate is one every three days overall.

There is a significant pattern of behaviour in terms of timing of incidents, with this increasing from 1900 to 2300 hours each evening, then again peaking at 0100-0200 am, the latter in part attributable to drinking after the closure of pubs within the vicinity.

- 4.2 Given the pattern and extent of incidents in and around Priory Gardens, Royston the Police have worked with Council Officers to determine the boundaries of a potential zone for the town centre. The map showing the outline proposed is attached at Appendix 2.
- 4.3 In order to evidence the extent to which drinking in the Priory Gardens takes place, we have sourced information from our grounds maintenance contractors, John O'Connor Ltd, regarding the removal of cans and bottles from Priory Gardens. (Appendix 1 Table 3). This shows a very marked increase in the removal of such debris on Friday, Saturday and Sunday, often 300% more than the midweek collection.
- 4.4 There have to date been 14 separate complaints recorded by the Police from members of the public about the presence of drinking/nuisance youths in Priory Park over the given year from August 2004 to August 2005.
- 4.5 Preventative measures have already been implemented in an attempt to curb antisocial behaviour, and these include warning letters to known perpetrators,

application for and issue of ABCs and ASBOs, and visits by the Police to local schools encouraging good behaviour.

- 4.6 Consideration of an alcohol free zone must be informed to the public, giving them a clear 28 days for response. Feedback from the public consultation must feature within the overall review of whether to implement a given zone.
- 4.7 The cost implications for the implementation of an alcohol ban will need to be thoroughly investigated, but broadly encompass the cost of the signage for the given area and the cost of consultation, including a newspaper advertisement in the consultation stages.
- 4.8 The general timescale for implementation is generally around two months from the commencement of compiling evidence. Once the approach is approved, there is a 28 day consultation period, and, given no objections, the order can be made and again publicised in the press. It is also vital that the Herts Constabulary are fully engaged in the process to ensure that resources to implement the orders are in place.
- 4.9 The ban can be time limited to a period of say, two years, or can be open ended depending on the local circumstances and police evidence being forthcoming to show that the scheme is effective.

5. LEGAL IMPLICATIONS

- 5.1 The authority has power to consider implementation of sections 12 and 13 of the Criminal Justice and Police Act 2001 and, if satisfied that the grounds exist, to designate a public place in its area as one where alcohol cannot be consumed. Should these provisions be adopted Council will need to resolve that an Order be made and publicised.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 This proposal will require some expenditure in terms of signage and consultation outside existing budget allocations, but this will largely depend on the size and location of the prohibition area. It is therefore recommended that the full financial implications and allocation of funding be considered by Corporate Management Team in due course.
- 6.2 It is important that the Council shows it has taken full account of the evidence in Royston, and in turn other areas of North Herts, in order to address public and police concerns regarding alcohol related disorder.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 There are resource implications for both the Community Safety and Legal teams in terms of sourcing substantial evidence of need and progressing the legal establishment of the identified zones.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 The consideration will require full public consultation over a 28 day period.

- 8.2 Initial discussions have taken place with the Herts Constabulary regarding their evidence of need and ability to resource the order once in place. Further discussion will be required as the application progresses.
- 8.3 As public consultation progresses, it will be vital to liaise further with ward members in Royston to determine the extent of the zone.
- 8.4 As consideration of the district wide policy progresses, it will be necessary to apply the same process within each individual locality.

9. RECOMMENDATIONS

- 9.1 That Cabinet approve the application to progress with determination of need for an alcohol free zone in Royston.
- 9.2 That Cabinet approve that evidence regarding alcohol related disorder be considered district wide.

10. REASONS FOR RECOMMENDATIONS

- 10.1 The evidence supplied in Appendix 1 of this report support the need for more immediate action in Royston Town Centre.
- 10.2 The approach to determine levels of need be extended to the whole of North Herts in order to ensure parity of service delivery.

11. ALTERNATIVE OPTIONS CONSIDERED

- 11.1 The consideration of Section 30, Dispersal Orders was considered, but is not deemed appropriate given that the evidence clearly links to the imbibing of alcohol.

12. APPENDICES

Appendix 1 - Evidence of Incidents
Appendix 2 - map of proposed zone at Royston

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14. BACKGROUND PAPERS

None.

Appendix 1. Incidents Relating to Drunken Behaviour in the Area Surrounding Priors Park, Royston – 06/08/04-11/08/05

ALCOHOL FREE ZONES – Supporting Evidence

Table 1

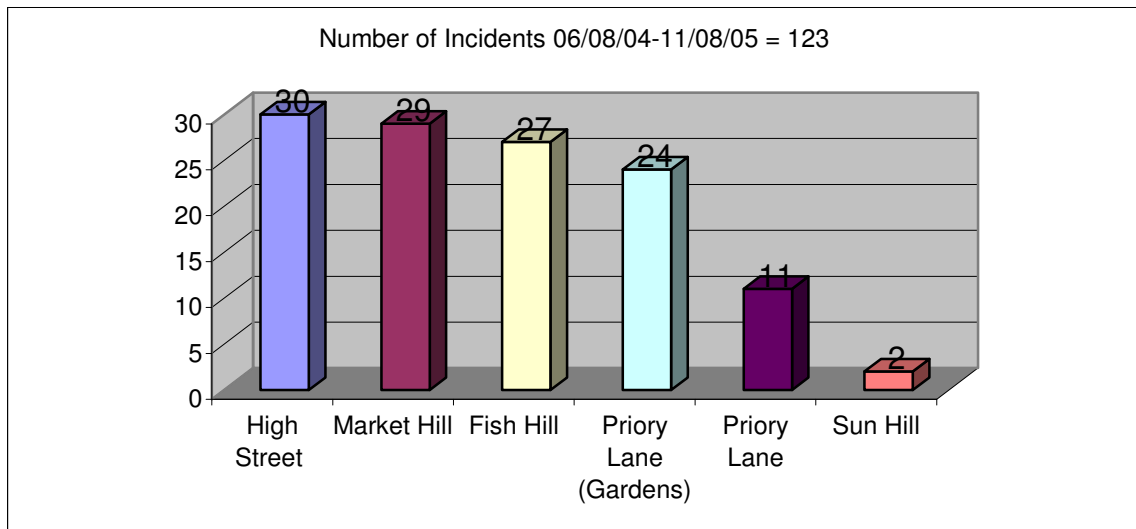
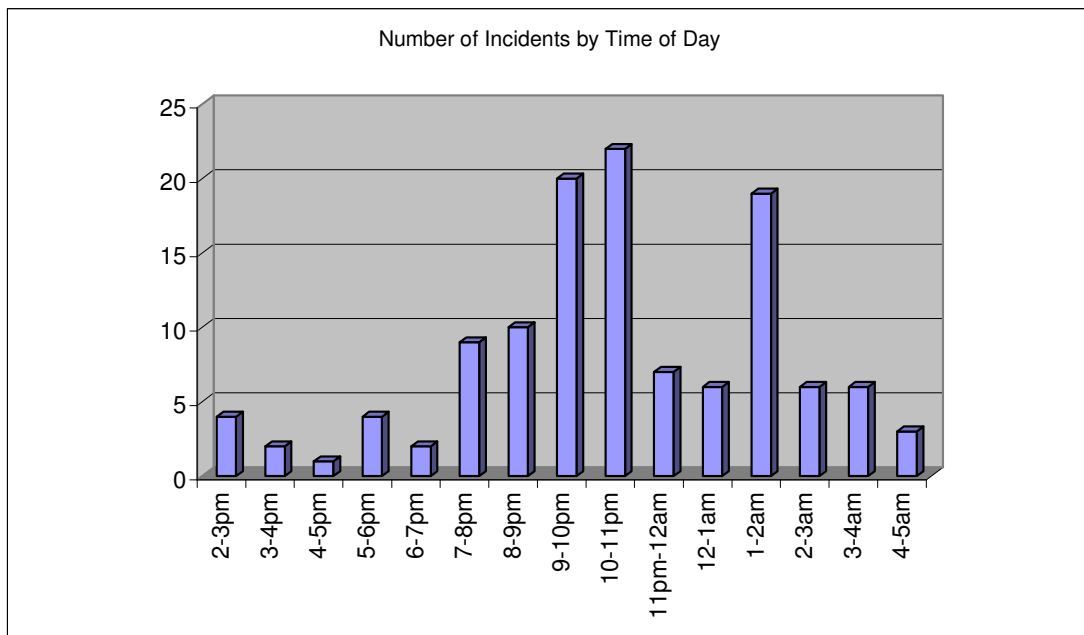


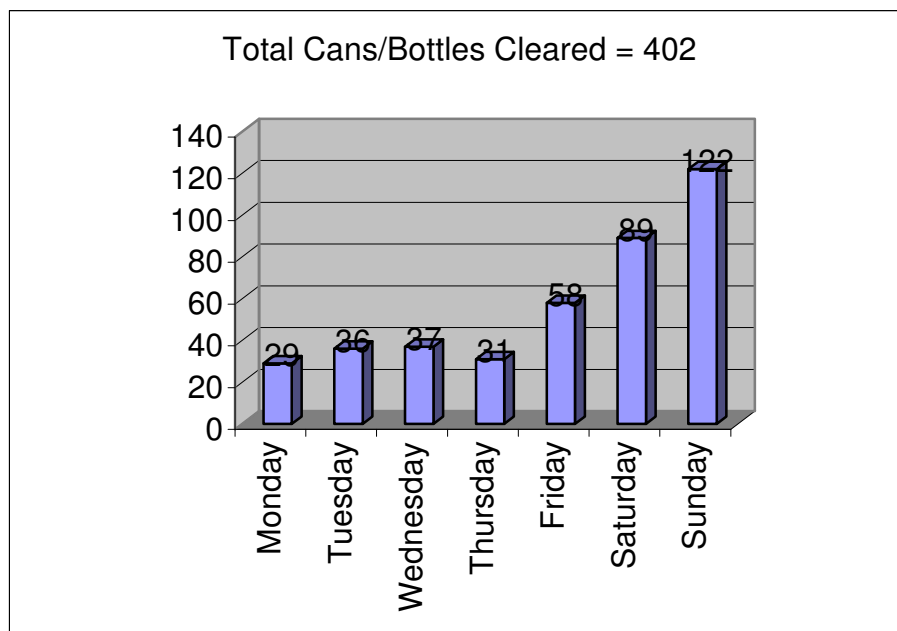
Table 2



Appendix 1. Incidents Relating to Drunken Behaviour in the Area Surrounding Priory Park, Royston – 06/08/04-11/08/05

Clear up of Cans and Bottles – Priory Park, Royston – 09/08/05-29/08/05

Table 3



Public Response

There have been around 14 separate complaints from members of the public about drunken/nuisance youths in Priory Park from 07/08/05-07/09/05.

NB: The complaints on file are in response to a request for information from Sgt. Mike Wood

Preventative Measures already taken include:

Nuisance youths 1st Warning Letters sent out by Karen Harding

Nuisance youths 2nd Warning Letters sent out by Karen Harding

Issue of ABC's

Application for Asbo's

Temp CCTV Erected

Police Letter drops to local residents surrounding the Park

Increase in High Vis Police Patrols including RMP Officers and Cllrs

Press coverage by Royston Crow

Police school visits

ASB presentations directed towards children in connection with Multi agency working.

ASB Leaflet distributions in Royston area.

New Park Signs Ordered and erected

Bylaws being re-introduced and enforced

Appendix 1. Incidents Relating to Drunken Behaviour in the Area Surrounding
Priory Park, Royston – 06/08/04-11/08/05

Summary

There were 123 incidents relating to drunken behaviour in the area under discussion in the year 06th August 2004 to 11th August 2005. The majority of these incidents involved groups of youths causing disturbance including vandalism, threatening behaviour and general breach of the peace. There were 40 alcohol confiscations in all.

Local residents have endured stones thrown at their windows, eggs thrown at their cars and their dustbins thrown across the street. Residents 'unfortunate' enough to come up against these groups are generally met with a barrage of abuse. Some have even been violently assaulted.

The statistics are not exactly surprising:

Peak times of incidents between 9pm and 1am
Debris clear up peaks on Saturday and Sunday

An average incident rate of one every three days should be something to take notice of however.