

27 May 2005

Ref: 05/05 Scrutiny
Contact: Pat Wilkings
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To: The Members of the Scrutiny Committee: Councillor Martin Stears (Chairman); Councillor M. Paterson, (Vice-Chairman); Councillors, J.F. Barry, David Billing, P.C.W. Burt, Geoff Hollands, D.J. Horrell, Sal Jarvis, David Kearns, Lorna Kercher, H.M. Marshall, M.R.M. Muir, M. Paterson, R.L. Shakespeare-Smith and Michael Weeks.

You are invited to attend a

MEETING OF THE SCRUTINY COMMITTEE

to be held in

**COMMITTEE ROOM 1, COUNCIL OFFICES, GERNON
ROAD, LETCHWORTH**

on

TUESDAY 7 JUNE 2005

at

7.30pm

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 Scrutiny Committee held on 5 April 2005.	-
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the 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 (INCLUDING PARTY WHIP DIRECTIONS) To receive from Members of the Committee any declarations of interest in respect of any business set out in the agenda or any advice from a Member of this Committee concerning a party whip direction. 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 of business.	-
5. PUBLIC PARTICIPATION □ To receive petitions, comments and questions from members of the public. At the time of printing the agenda, no requests to speak had been received. Public participation requests received within the agreed time will be notified to Members as soon as practicable.	-
6. URGENT/GENERAL EXCEPTION ITEMS The Chairman to report on any urgent or general exception items which required his agreement. At the time of printing the agenda, the Chairman had not agreed any urgent or general exception items.	-
7. CALLED-IN ITEMS To consider any matters referred to the Committee for a decision in relation to a call-in of a decision. At the time of printing the agenda, no items of business had been called-in.	-
8. QUESTIONS To receive and respond to any questions either set out in the agenda or tabled at the meeting.	-
9. CHAIRMAN'S ANNOUNCEMENTS	-

10.	NORTH HERTFORDSHIRE DISTRICT COUNCIL – THE FORWARD PLAN AT 1 JUNE 2005 To note items on the Council’s Forward Plan and to give consideration to any items set out in the Plan prior to a decision being made.	1
11.	ITEMS REFERRED FROM SCRUTINY COMMITTEE FINANCE SUB GROUP 13 APRIL AND 16 MAY 2005 A. Annual Efficiency Statement 2005/06 13 April 2005 B. Finance Scrutiny sub group - timetable 2005/06 16 May 2005	7
12.	WORK PROGRAMME 2005/2006 – SCRUTINY COMMITTEE & SUB-GROUPS REPORT OF THE SCRUTINY OFFICER	9
13.	TIMESCALE FOR THE TREE STRATEGY REPORT OF THE SERVICE MANAGER - GROUNDS MAINTENANCE	ORAL REPORT
14.	REVISED REPORT OF THE ANTISOCIAL BEHAVIOUR TASK & FINISH GROUP REPORT OF THE SCRUTINY OFFICER	17
15.	TITLE OF REPORT: SUPPORT FROM OFFICERS TO MEMBERS WITH CONSTITUENTS’ ENQUIRIES REPORT OF THE CHIEF EXECUTIVE	53

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TITLE OF REPORT: QUESTIONS

The following question has been submitted by Councillor Lorna Kercher:

"Sandpit in Howard Gardens

(i) Why were Ward Councillors not consulted before a decision was made to remove the sand from this children's facility?

(ii) Could an explanation be given of the way decisions were made, first to remove the sand and then to reinstate it, including any public consultation undertaken?"

PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

10

**TITLE OF REPORT: NORTH HERTFORDSHIRE DISTRICT COUNCIL FORWARD PLAN
AT 1 JUNE 2005**

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**A. ITEM REFERRED FROM SCRUTINY COMMITTEE FINANCE SUB GROUP 13
April 2005****Annual Efficiency Statement 2005/06**

Members of the Finance sub group made the following comments to be conveyed to the Scrutiny Committee:

1. The sub group recognised the importance of targeting efficiencies as part of the Service and Planning process because of the increasing difficulty in finding such efficiencies in future years.
2. The sub group was encouraged to find that systems were already in place at NHDC to identify efficiencies that would enable the authority to exceed the requirements of Gershon in the first year (2005/06).
3. The sub group recognised that **the need to identify further efficiencies in the coming two years gave Scrutiny Committee a key role via its scrutiny reviews**, as with the Performance, Audit and Review Committee via its Best Value Reviews.
4. The sub group understood the difficulty in developing robust systems for measuring non-cashable efficiencies and would receive further details from the Head of Financial Services at the budget strategy stage in July.

**B. ITEM REFERRED FROM SCRUTINY COMMITTEE FINANCE SUB GROUP of
16 May 2005**

The timetable below was discussed and agreed at a meeting of the Finance scrutiny sub group on Monday 16 May 2005.

Finance Scrutiny sub group - timetable 2005/06

13/4/05	Annual Efficiency Statement
16/5/05	Progress report on the Capital Programme
13/6/05	Annual Review of Contract Standing Orders and Financial Regulations
25/07/05	Final outturn 2004/05 and Statement of Accounts Budget strategy Finance portfolio holder
22/08/05	Budget Monitoring 1 st Quarter
19/9/05	Annual Efficiency Statement – looking back 2004/05 Asset Management Plan and Capital Strategy
17/10/05	Budget Setting - Provisional Savings & Growth Capital Programme
14/11/05	Budget Monitoring 2 nd Quarter
19/12/05	Revenue Budget Setting Draft Budget Procurement Strategy
30/01/06	Budget Setting - Final Budget Capital Programme
27/02/06	Budget Monitoring 3 rd Quarter
24/04/05	Annual Efficiency Statement – looking ahead 2006/07

All meetings to commence at 6pm in the District Council Offices



TITLE OF REPORT: WORK PROGRAMME 2005/06 - SCRUTINY COMMITTEE & SUB GROUPS

REPORT OF THE SCRUTINY OFFICER

1. SUMMARY

This report shows the issues that the Scrutiny Committee plans to scrutinise at future meetings. It also lists the committee's sub group activities and possible sub group topics for 2005/06. The report aims to help the committee to plan its future work.

2. SCRUTINY COMMITTEE WORK PROGRAMME

2.1 This is the first meeting of the Scrutiny Committee in the current civic year and therefore an opportunity to plan the program of work that the committee wishes to undertake over the coming months.

2.2 The visits by portfolio holders have been 'pencilled into' the timetable as shown below, pending responses to the recently issued invitations.

19 July	Policy portfolio holder (confirmed)
9 August	Housing & Environmental Health portfolio holder (confirmed) Hitchin Antiques Market (see mins 8 March) ASB Final report? Support to Members with constituents' enquiries
13 Sept	Planning and Transport portfolio holder
11 October	
1 November	Community Engagement portfolio holder
6 December	provisional date
10 Jan 06	Waste and Environment portfolio holder
21 Feb 06	
21 March 06	Leisure & E-Government portfolio holder (confirmed) Annual Review
11 April 06	Chair's Annual Report Green Spaces Strategy

2.3 The Finance portfolio holder will be invited to attend a meeting of the Finance sub group, probably in July 2005.

2.4 The Committee will also select issues from the Forward Plan for scrutiny. A list of suggested criteria by which the Committee might make that selection is attached at Appendix A. The Committee is asked to consider the use of such a list to support focused discussion and efficient scrutiny.

- 2.5 At the meeting of the Scrutiny Committee of 5 April, Members resolved that the NHDC members of the North Herts and Stevenage PCT Scrutiny Committee be invited to the next Scrutiny Committee meeting. Minute 111 (3) refers.

This committee has taken an interest in the PCT scrutiny committees as they do not report to a parent committee at Herts County Council. However, the county council's Health Scrutiny Panel is now about to request an informal reporting-back process by all the districts' PCT scrutiny committees and therefore the Chair has agreed that Minute 111 (3) need not be actioned.

3. SUB GROUPS CARRIED FORWARD FROM 2004/05

Anti Social Behaviour Task & Finish Group

- 3.1 This meeting is receiving a revised report from the Antisocial Behaviour Task & Finish Group. Once agreed by the Scrutiny Committee, it will be commended to the portfolio holder Community Engagement to take forward to the Responsible Authorities Group.
- 3.2 The group plans to reconvene later in 2005 to scrutinise the antisocial behaviour action plan that is currently being developed by the Responsible Authorities Group, a multi-agency group of which the Council is a member.

Joint Topic Group (Highways)

- 3.3 Following its presentation to Cabinet in March 2005, the report of the Joint Topic Group (Highways) has now been considered by the Area Committees.
- 3.4 An extra meeting of the topic group has looked at the Area Committees' recommendations; the Committee will receive an update at this meeting.

Finance sub group

- 3.5 This ongoing sub group has the following provisional timetable for the next four months:

13/06/05	Annual Review of Contract Standing Orders and Financial Regulations
25/07/05	Final outturn 2004/05 and Statement of Accounts Budget strategy Finance portfolio holder
22/08/05	Budget Monitoring 1 st Quarter
19/09/05	Annual Efficiency Statement – looking back 2004/05 Asset Management Plan and Capital Strategy

- 3.6 The Scrutiny Officer will monitor the progress made on the recommendations made by the above sub groups and others concluded in 2004/05 and will report to the Scrutiny Committee at least annually.

Telecommunications Working Group

- 3.7 The committee agreed on 18 May 2004 to establish a Telecommunications Working Group (Minute 654 refers) with one representative from each party. This group was to "advise and provide guidance to area committees that may be considering a planning

application for a telecommunications mast. It would also have the opportunity to input in and comment on operator roll-out plans”.

- 3.8 The 'roll-out' plans from each of the telecommunications operators for 2004-05 have been received and the details of the proposed additional equipment have been added to the records and plans held by Planning Control and Conservation. This has enabled an initial assessment to be undertaken by Officers, having regard to both Government and Development Plan policies, particularly in relation to site sharing and co-location.
- 3.9 In accordance with the terms of reference for the working party, the elected representatives are meeting with the Planning Control and Conservation Manager on 27 May to discuss and comment on the 'roll-out' plans. An oral update will be made at the meeting.

4. SUB GROUPS 2005/06

- 4.1 The committee agreed in October 2004 (minute 38 refers) to delay scrutiny of the usage and promotion of Markets until 2005. Members discussed carrying out this scrutiny through a task and finish group once the new Markets Manager had been in post for a few months. This is now the case. However the Performance, Audit & Review Committee (PARC) intends to receive a report on the Markets' performance in July. Members are therefore advised to delay any work on this issue until PARC has concluded its work.
- 4.2 Further potential topics for scrutiny during 2005/06 were discussed at an informal workshop for Scrutiny Members in February 2005 and reported to the committee on 8 March 2005. Members suggested the following topics:
- Affordable housing and increasing NHDC's ambitiousness; homelessness
 - Engaging with children and young people
 - Controlled parking zones; residential parking
 - Economic development
- 4.3 Officers have been advised of these potential topics and have advised as follows:

Engaging with children and young people – the Head of Community & Cultural Services says that there is a great deal of work going on in engaging with children and young people, especially with our partners. He recommends that he gives a report to the next meeting of this committee to aid discussion as to how to pursue a review. He also cautioned that his team are anticipating a large workload in connection with the “Every Child Matters” agenda and wonders whether Scrutiny might wish to address that issue in some way.

Affordable housing and increasing NHDC's ambitiousness; homelessness – the Head of Housing & Environmental Health says that he is leading on a Streetscene fundamental service review (FSR) which will take up most of the next 6 months. He suggests that if a task & finish group is formed it could meet now to scope a review and discuss the timetable; but with the actual review commencing in January 06.

Controlled parking zones; residential parking – there may now be little scope for the Scrutiny Committee to have an impact on policy in this area since it was consulted on the parking strategy during 2004/05. The Chief Engineer also advises that the council now has a productive working relationship with North Hertfordshire Homes and work on residential parking is progressing. The committee might wish to ask for a progress report in September before deciding whether this issue warrants a scrutiny review.

- 4.4 Other topics were recommended for carrying forward to another year:
- Buses – depends on scope and timing of Transport Best Value Review
 - NHDC:NHH working relationship
 - Recycling
 - Publicity of NHDC's agenda
 - Interaction with grant-receiving organisations
- 4.5 Members are now asked to discuss and agree which issues to scrutinise in 2005/06 and consider when and how to proceed. Again, Members are asked to consider using the criteria suggested at Appendix A.

5. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 5.1 Each sub group will require co-ordination and input by the Scrutiny Officer. As a guide, during 2004/05 the workload generated by four task & finish groups, in addition to the finance sub group and health scrutiny committee, was generally manageable, occasionally stretching.
- 5.2 Sub groups also require input from other officers. Typically a review requires one lead officer from the service area with additional input from other relevant officers. The workload for these officers continues and even grows once the review is concluded and an action plan for improvement has been developed. Contributions are also required during a review from the consultation officer, communications officer and corporate management team.
- 5.3 Each sub group consists of seven Members who would expect to attend from five to twelve meetings, including site visits. During 2004/05 scrutiny reviews involved twenty-five Members, some serving on two or even three.
- 5.4 These resource implications mean that sub groups will function best if limited to three or four spread during the year and across the directorates.

6. RECOMMENDATIONS

- 6.1 Members are asked to note the progress being made by the sub groups that are continuing from 2004/05.
- 6.2 Members are asked to consider the merit in using selection criteria such as at Appendix A and agree a list of criteria for use during 2005/06.
- 6.3 Members are asked to discuss the potential items for scrutiny via task & finish/ sub groups during 2005/06 and agree an indicative program.

7. REASONS FOR RECOMMENDATIONS

- 7.1 To enable the Scrutiny Committee to plan and carry out its workload efficiently.

8. CONTACT OFFICER

- 8.1 Jackie Sayers, Scrutiny Officer
01462 474536 jackie.sayers@north-herts.gov.uk

Appendix A

Potential criteria for selecting issues to review

For the Scrutiny Committee to select an issue for scrutiny, it would meet the following criteria:

- Of local concern
- Linked to at least one of the Council's strategic priorities
 - Equal Communities
 - Healthier Communities
 - Prosperous Communities
 - Safer Communities
 - Satisfied Communities
 - Sustainable Communities
- Falling within the Committee's agreed themes for the year
- Capable of being influenced by this committee
- Not being scrutinised elsewhere (e.g. PARC or Area Committees)

Update from the Joint Topic Group (Highways)

Presented to Scrutiny Committee 7 June 2005

The report of the Joint Topic Group was presented to the Scrutiny Committee on 25 January 2005 and endorsed by Cabinet on 15 March subject to the following:

5. Insert "continue to" before regularly engage;
7. Insert "further" before promote;
14. Add "and that all Members be made aware of the process."
17. Insert "subject to the agreement of the Area Committee."

Cabinet also resolved that the report be circulated to all Area Committees for further consideration. They have now met and their recommendations will be forwarded to Cabinet. The Hitchin committee will meet again in July but this is too late for the Topic Group and so their feedback will go direct to Cabinet.

The Topic Group has considered the Cabinet and Area Committee recommendations and amended the Group's recommendations as underlined on the attached copy.

Also attached are extracts of the Area Committees' minutes, annotated with responses from the Topic Group.

Cllr Michael Paterson
Chair Joint Topic Group (Highways)

NORTH HERTFORDSHIRE DISTRICT COUNCIL

BALDOCK & DISTRICT COMMITTEE

11 April 2005 at 7.30 p.m.

105. ITEM REFERRED FROM CABINET – 15 MARCH 2005 – REPORT OF THE SCRUTINY JOINT TOPIC GROUP – HIGHWAYS

The Chairman informed the Committee that the final draft of the Joint Topic Group's report had now been referred back to the Area Committees for any final comments or input before being referred to Cabinet.

In response to a question from the Committee, the North Hertfordshire District Manager, Hertfordshire Highways, informed the Committee that Hertfordshire Highway's development control service had been revamped, directly resourced by a team of officers at County Hall, to ensure late responses to planning applications were minimised.

RESOLVED:

- (1) That the report of the Scrutiny Committee's Joint Topic Group (Highways) be endorsed;
- (2) That the following comments be passed to the Scrutiny Committee's Joint Topic Group (Highways):
 - a) That, with regard to recommendation 5, the proposal to insert "continue to" before "regularly engage" be removed as it was not felt that the current situation with regard to engagement was acceptable;
 - b) That, with regard to recommendation 19, the Highway Authority be requested to produce a short phrase to be included within planning reports in place of the typical "no objections" comment, to better reflect that Hertfordshire Highways have carefully considered all relevant information when formulating their response;
 - c) That, with regard to recommendation 20, the Committee felt that it was not appropriate to include the full response from the Highway Authority with every planning report, especially as the summary produced by the planning officer in their report clearly set out the relevant information. It was suggested, however, that it may be appropriate to include the full response from the Highway Authority when considering a complex or controversial planning application when the principal consideration was for highways issues.

REASON FOR DECISIONS: To ensure that highways issues were effectively addressed by the Council and Hertfordshire Highways.

Response from the Topic Group:

- a) The proposal to add "continue to" was made by Cabinet and therefore this feedback needs to be considered by Cabinet.
- b) The Topic Group would not endorse this suggested change
- c) that recommendation 20 be amended as underlined to read:

That NHDC planning officers, as an appendix to their own report to Area Committee, include the full response from the Highway Authority not just a summary when:

- the application is referred to the committee due to its size or complexity or
- any objections cite highways concerns

NORTH HERTFORDSHIRE DISTRICT COUNCIL

HITCHIN COMMITTEE

24 May 2005 at 7.30 p.m.

4. CHAIRMAN'S ANNOUNCEMENTS

- (5) The Chairman advised that the item from Hertfordshire Highways on Asset Management System had once again been deferred, to the next meeting of this Committee to be held on 12 July 2005 and that consequently the report at Agenda Item 13 from the Joint Topic Group (Highways) would also be deferred to the meeting to be held on 12 July 2005;

Response from the Topic Group:

The feedback from the Hitchin Committee should be referred direct to Cabinet as the Topic Group has no plans to meet again.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

LETCHEWORTH COMMITTEE

13 April 2005 at 7.30 p.m.

122. REPORT OF THE SCRUTINY COMMITTEE JOINT TOPIC GROUP – HIGHWAYS

The Chairman informed the Committee that the final draft of the Joint Topic Group's report had now been referred back to the Area Committees for any final comments or input before being referred to Cabinet.

RESOLVED:

- (3) That the report of the Scrutiny Committee's Joint Topic Group (Highways) be endorsed;
- (4) That the concern of the Committee that many of the practices suggested within the recommendations of the report were already being met be passed to the Scrutiny Committee's Joint Topic Group (Highways).

REASON FOR DECISIONS: To ensure that highways issues were effectively addressed by the Council and Hertfordshire Highways.

Response from the Topic Group:

no action

NORTH HERTFORDSHIRE DISTRICT COUNCIL

ROYSTON & DISTRICT COMMITTEE

20 April 2005 at 7.30 p.m.

107. ITEM REFERRED FROM CABINET – 15 MARCH 2005 – REPORT OF THE SCRUTINY COMMITTEE JOINT TOPIC GROUP (HIGHWAYS)

The Chairman informed the Committee that the final draft of the Joint Topic Group's report had now been referred back to the Area Committees for any final comments or input before being referred to Cabinet.

RESOLVED: That the report of the Scrutiny Committee's Joint Topic Group (Highways) be endorsed.

REASON FOR DECISIONS: To ensure that highways issues were effectively addressed by the Council and Hertfordshire Highways.

Response from the Topic Group: no action

NORTH HERTFORDSHIRE DISTRICT COUNCIL

SOUTHERN RURAL COMMITTEE

14 April 2005 at 7.30pm

110. ITEM REFERRED FROM CABINET 15 MARCH 2005 – REPORT OF THE JOINT TOPIC GROUP – HIGHWAYS

The Chairman of the Southern Rural Area Committee presented a report of the Joint Topic Group – Highways that had been referred from the meeting of Cabinet on 15 March 2005 for their consideration.

RESOLVED:

- (1) That the report be noted;
- (2) That the Scrutiny Committee be asked to provide any feedback received from Hertfordshire Highways.

REASON FOR DECISION: To ensure that highways issues were effectively addressed by the council and Hertfordshire Highways.

Response from the Topic Group:

- (1) no action
- (2) already in the report

2. Recommendations

Chapters 4 to 14 of the report set out the work done by the Joint Topic Group on eleven issues. The recommendations within those chapters are as below:

Chapter 4 – Asset Management

1. That Hertfordshire Highways makes a presentation on asset management at the Area Committees by the end of the civic year 2004/05 and that the Area Committee chairs are consulted with regard to giving the item due prominence and publicity.
2. That Hertfordshire Highways works with stakeholders to redesign the Integrated Works Programme (IWP) in a more user-friendly format which should include indicators of progress.

Chapter 5 – Bus Shelters

3. That information regarding proposed bus shelters is included in the Highways monthly bulletin in future

Chapter 6 – Consultation and Communication

4. That Hertfordshire Highways uses the Stevenage & North Herts Talking Newspaper to communicate with local blind people

Chapter 8 - Joint Member Panel

5. That NHDC Joint Member Panel (JMP) members continue to regularly engage with NHDC ward members about issues in their patch and explore ways to give feedback to their Area Committees.
6. That the JMP invites North Hertfordshire District Council (NHDC) ward members to attend for relevant issues.
7. The council's press office seeks ways to further promote awareness of the JMP's activities both internally (e.g. via a digest or Members Information Service) and externally (e.g. via news releases or Outlook).
8. That whilst the IWP remains in its current format, the JMP calls for progress reports on all projects until completion and exercises its influence to challenge undue delay.
9. That both councils' Member Training teams investigate ways to better train JMP members in their role in accordance with their Code of Good Practice. It should include training on questioning skills, plain English and the role of the chair in guiding business (policy, not detail).
10. That the issue of delegation of funds and decision making be included within the scope of the proposed review of the North Hertfordshire Highways Partnership Agreement. See 23 below.
11. That the JMP examines its officer support to ensure better co-ordination of its recommendations and progress chasing.
12. That the JMP reviews the way in which it takes into account the views and needs of local people.

13. That at the next opportunity, the Council restores the balance of the membership of the JMP to include representation from all five Areas.
14. That a clearer process is agreed for receiving referrals to the JMP and that all Members are made aware of the process through Member training.

Chapter 9 – Process for joint funding of highways improvement schemes

15. That the flowchart setting out the process for joint funding of highways improvement schemes is approved by Cabinet.

Chapter 10 – Road safety

16. The Council adopts a corporate policy covering vehicles and drivers and that it trains drivers and managers on how to assess and improve the risk.

Chapter 11 – Supporting Area Committees

17. That Hertfordshire Highways uses one of its bi-annual attendance at meetings to provide a series of presentations that will be informative for both Members and local people, subject to the agreement of the Area Committee.
18. That the periodic evaluation of Area Committees includes a dialogue with Hertfordshire Highways on how the visits are being used and aspects that could be improved.
19. That each Highway Authority response to a planning application fully cites the thinking behind the recommendation.
20. That NHDC planning officers, as an appendix to their own report to Area Committee, include the full response from the Highway Authority not just a summary when:
 - the application is referred to the committee due to its size or complexity or
 - any referral with objections citing highways concerns
21. That NHDC planning officers provide the Highway Authority with as much time as possible for drafting their response

Chapter 12 - Training for North Hertfordshire District Councillors

22. That the Human Resources team continues to offer a session on highways and transport issues as part of new Members' induction training

Chapter 13 – Value for money

23. That NHDC and HCC review the existing Highways Partnership Agreement during 2005/06 and implement any changes from 2006/07.

At the meeting of the Scrutiny Committee of 25 January 2005, Members agreed one last recommendation:

24. That North Hertfordshire District Council and Hertfordshire Highways work together to manage public expectation of what could be achieved.

TITLE OF REPORT: DEVELOPING A TREE STRATEGY FOR THE COUNCIL

REPORT OF THE DIRECTOR OF CUSTOMER SERVICES

1. SUMMARY

- 1.1 North Hertfordshire District Council is planning to develop a tree strategy. This report lists the work done so far and asks the Scrutiny Committee to make any suggestions about the format of the proposed strategy.

2. FORWARD PLAN

- 2.1 This matter is expected to be notified to the public in a forward plan in the mid-to late summer of 2005/06.

3. BACKGROUND

- 3.1 In 1995 a detailed report was placed before all the main Committees of the Council recommending the development and implementation of a Tree Strategy to give direction and consistency to the increasing demand for the positive maintenance and management of the Council's tree population. The need to employ a specialist officer to assist with this, and with the procurement of a computer based tree management system was specifically stated in the report and implicit in the recommendations. The Council approved the recommendations, in principle but did not authorise any further action at that time.
- 3.2 In late 2003, the Council approved the appointment of a Tree Strategy Officer (TSO) and the post was filled in April 2004.
- 3.3 Shortages of staff within the Grounds Maintenance section over the past 18 months, necessitated the secondment of the TSO to undertake monitoring officer duties. The TSO has also been supervising safety maintenance works following the adoption of 20 hectares of mostly neglected woodland at Great Ashby.
- 3.4 The procurement of a suitable computer based system has been delayed as the IT section has been heavily committed on other priorities including a major infrastructure overhaul, the Freedom of Information Act, and changes in the GIS/Acolaid system.
- 3.5 These factors have meant that progress on the Tree Strategy has been very limited to date.

4. PROPOSED FORMAT OF TREE STRATEGY

- 4.1 It is proposed that the Tree Strategy will comprise of two main parts. There will be a main Tree Strategy document, which will detail general policies and procedures for the management of the Council's trees. The second part will be a computer based tree management system to record and collate details of all the Council's tree stock. This information will enable the Council to prioritise its maintenance programs and become more proactive, improve safety and compliance with legal requirements by inspecting trees regularly, and prepare more realistic budgets for tree care.
- 4.2 The Strategy will concentrate on trees owned or managed by the Council in its early stages. Its scope may be widened in the future, however, to include protected private trees, e.g. Tree Preservation Orders, and other areas where the Council has a degree of control or interest over trees on private land. The Strategy will develop and evolve over future years, as more information becomes available.

5. THE CURRENT POSITION

- 5.1 A draft Tree Strategy document is in the course of preparation. It is hoped to complete this initial draft over the next few months but will be subject to staffing levels and workload.
- 5.2 Quotations have been received from three specialist computer system companies and are presently being assessed by IT colleagues and tree officers. These assessments include evaluation of each quotation and a site visit to observe each system in a working environment at other local authorities, and to interview their users. The last visit is due to be completed by early June. The purchase of a suitable computer system is now being given higher priority and is likely to be completed within the coming two months.

6. LEGAL IMPLICATIONS

- 6.1 The establishment of the tree strategy, and especially the introduction of periodic tree inspections, will help the Council fulfil its legal obligations in respect of tree care and help to counter claims for damage or injury where negligence is alleged.

7. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS.

- 7.1 The post of Tree Strategy Officer is in place.
- 7.2 The cost of a specialist computer based tree management system is estimated at between £15,000 and £18,000 and this cost will be met from existing budgets.

8. RECOMMENDATIONS

- 8.1 That the Committee notes the progress made to date.
- 8.2 That the Committee agrees the general format of the Council's Tree Strategy as outlined in the appendix to this report.

9. APPENDICES

9.1 Appendix A gives draft guidelines for the Tree Strategy.

10. CONTACT OFFICERS

10.1 Andrew Mills, Service Manager - Grounds Maintenance. 01462 474272

10.2 Mick LaRoche, Arboriculturist. 01462 474448

11. CONTRIBUTORS

11.1 Jackie Sayers, Scrutiny Officer. 01462 474536

11.2 Garry Melding, I.T. Business Development Manager. 01462 474383

12. BACKGROUND PAPERS

12.1 Reports to all main Committees of the Council during autumn 1995. A compilation of these reports is available in the Members' Room.

APPENDIX A
GUIDELINES FOR FORMAT OF TREE STRATEGY

TREE STRATEGY(DOCUMENT)

1. Declaration of intent/interest by the Council, e.g. The Council recognises and accepts its responsibility to maintain and conserve the district's tree population, etc.
2. Aims and purpose of the tree strategy.
 - Short - term – inspections, maintenance programmes / priorities, etc
 - Long – term – Longer policies, conservation, management plans, planning aspects, eg. TPO's
3. General policies for tree management / maintenance.
 - Works priority system
 - Specialist contractor
 - Tree removal/pruning policies, e.g. dead, dying, dangerous and damaged.
 - Consultation (public, stats, etc)
 - Ivy on trees.
 - Street trees.
 - Parks and open space trees.
 - Cemeteries / churchyards.
 - Housing Estates.
 - Woodlands / Commons.
 - Miscellaneous sites, eg. Car parks, offices.
 - Replacement and tree planting policies.
 - Hedgerows.
 - Public advice.
 - Resource limitations.
 - Performance indicators.
4. Policies for maintenance of specific sites or particular areas.
 - Existing / proposed management plans.
 - Guidelines for specific sites e.g. The plantations at Royston: trees around play areas: Letchworth's street trees.

TREE STRATEGY (DATA)

5. Inspection / surveys, etc.
 - Identification / categorisation of sites by town.
 - Plans / surveys.
 - Inspection programmes / frequencies.
 - Maintenance programmes.
 - Future projects.
6. Review of policies / procedures / programmes.
7. Appendices

TITLE OF REPORT: REVISED REPORT OF THE ANTISOCIAL BEHAVIOUR TASK & FINISH GROUP

REPORT OF THE SCRUTINY OFFICER

SUMMARY

This cover report introduces a revised report from the Scrutiny Committee sub group that looked at Antisocial Behaviour; the report is at Appendix A. The report has been amended to take account of the views of the Scrutiny Committee when it considered the original report on 5 April 2005.

The Scrutiny Committee will be asked to endorse the report so that it can be commended to the portfolio holder for Community Engagement.

1. BACKGROUND

1.1 The Scrutiny Committee set up a cross-party task and finish group in October 2004; the group brought a report to the Scrutiny Committee on 5 April 2005.

1.2 The Committee debated the report and resolved:

- (1) That the proposed definition of the term “antisocial behaviour” be agreed;
- (2) That the draft protocol contained within the report at Appendix A be agreed, subject to the addition of a ‘feedback loop’ to the flowchart on page 17, and commended to the Portfolio Holder Community Engagement;
- (3) That the Task & Finish Group reconvene later in 2005 to look at the Responsible Authorities Group’s action plan and to judge whether it reflected the protocol;
- (4) That further work be done with partners in time for the next budget round on projects for young people;
- (5) That further consideration be given to the support given to complainants that might feel intimidated;
- (6) That further consideration be given to the difficulty in some cases of identifying offenders.

1.3 The task and finish group subsequently met to consider the above and agreed a revised report as at Appendix A. Revisions are marked with a large ‘X’ in the margin. The appendix does not include pages 25-30 of the original report as they covered only the supporting evidence and remained unchanged.

2. CONSIDERATIONS

2.1 The task and finish group has responded as follows to the Scrutiny Committee's statements:

- (1) *That the proposed definition of the term "antisocial behaviour" be agreed;*

Noted by the task & finish group

- (2) *That the draft protocol contained within the report at Appendix A be agreed, subject to the addition of a 'feedback loop' to the flowchart on page 17, and commended to the Portfolio Holder Community Engagement;*

Change effected as at page 17 of the report at Appendix A.

- (3) *That the Task & Finish Group reconvene later in 2005 to look at the Responsible Authorities Group's action plan and to judge whether it reflected the protocol;*

Noted by the task & finish group

- (4) *That further work be done with partners in time for the next budget round on projects for young people;*

The task & finish group agreed that the council should work with partners on projects for young people, but felt that this report was not the correct vehicle for the message. They were unwilling to single out young people in connection with antisocial behaviour as the report has been careful to show that such offences are committed by people of all ages.

They understood that the Scrutiny Committee was looking for projects aimed at the reduction of antisocial behaviour and therefore suggested a broader form of words. They also acknowledged that the council is already engaged in some successful preventative work and so the revised recommendation contains the word "further".

Finally, the task & finish group recommends that this further work be allied with work that will address people's perceptions and misconceptions about antisocial behaviour.

They therefore agreed the following rewording:

That the council's community safety and community development teams carry out further work with partners on projects for reducing antisocial behaviour and altering the perception of antisocial behaviour.

This additional recommendation appears at 2.1 and 7.14 of the revised report at Appendix A.

- (5) *That further consideration be given to the support given to complainants that might feel intimidated;*

The task & finish group was satisfied that there are sufficient systems in place to ensure that complainants know that they can remain anonymous, even if a case comes to court. However they recognised that the original report did not make this clear enough and so the report has been amended as marked with a large 'X' on the attached report, at pages 15 and 20.

- (6) *That further consideration be given to the difficulty in some cases of identifying offenders.*

The identification of offenders is a police responsibility. The report has therefore been amended to show this, as marked on the attached report at page 20. Additionally on page 15, the protocol has been amended to state that the diary allows the complainant to record a description; this can aid identification by the police.

- 2.2 The Scrutiny Committee is asked to consider the amendments outlined above and agree that they adequately reflect the comments expressed by the Committee on 5 April 2005.

3. CONSULTATION

- 3.1 The Community Engagement portfolio holder and shadow portfolio holders have been supplied with all the paperwork and drafts from this review with the invitation to comment. The Community Engagement portfolio holder and a shadow portfolio holder attended the latest meeting of the group and provided input to the revised report.

4. LEGAL IMPLICATIONS

- 4.1 The Crime and Disorder Act 1998 requires local authorities to publish an anti-social behaviour protocol for their community.

5. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 5.1 There are no additional resource implications associated with the suggested amendments to the revised report.

6. RECOMMENDATIONS

- 6.1 That the Scrutiny Committee endorses the revised report at Appendix A and commends it to the portfolio holder Community Engagement.

7. CONTACT OFFICERS

- 7.1 Jackie Sayers, Scrutiny Officer. 01462 474356
7.2 Liz Green, Acting Head of Policy, Partnerships and Performance. 01462 474230

NORTH HERTFORDSHIRE DISTRICT COUNCIL



SCRUTINY COMMITTEE

Review of Antisocial Behaviour

April 2005

Councillor Martin Stears
Chairman Scrutiny Committee

Councillor Ray Shakespeare Smith
Chairman of the Antisocial Behaviour Task & Finish Group

INTRODUCTION

Antisocial behaviour has the potential to touch the lives of everyone. It is rarely out of the news and yet what do we understand by the phrase? How big is the issue in North Hertfordshire and how well prepared are the council and its partners to tackle it?

To look at these questions the Scrutiny Committee set up a cross-party task and finish group in October 2004 and the following report sets out their findings and a draft protocol that we are now commending to the council's Community Engagement portfolio holder.



The task & finish group intends to reconvene in the summer of 2005 to review the antisocial behaviour action plan that is currently being developed by a multi-agency group of which the council is a member. The task & finish group will evaluate the action plan against the protocol and make its final recommendations to the council's Community Engagement portfolio holder.

I thank the task & finish group on the useful work they have done so far.

Councillor Martin Stears
Chairman Scrutiny Committee

Chairing this task & finish group has been very interesting. It has provided an opportunity to examine in some depth, an issue that most councillors have been asked to help with at some time.

We were pleased to find that the council and its partners are working well together to provide an efficient response to this issue. And we were especially impressed by the work being done by our own Antisocial Behaviour Officer who is funded by the Home Office.



Whilst antisocial behaviour is not an especially large problem in North Hertfordshire, it does exist in various forms and the council is well placed to help tackle and prevent it. The draft protocol in this report aims to underpin this.

We are looking forward to our final piece of work later this year, when we will check that the protocol is reflected in the antisocial behaviour action plan for North Hertfordshire.

Councillor Ray Shakespeare Smith
Chairman Antisocial Behaviour Task & Finish Group

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1. Executive Summary

- 1.1 From the Crime & Disorder Act 1998 and the Antisocial Behaviour Act 2003 it is clear that the responsibility for tackling antisocial behaviour rests with the partners of the Crime & Disorder Reduction Partnership, which includes the Council, the police and registered social landlords.
- 1.2 The first task of the antisocial behaviour task & finish group was to quantify the issue – the extent to which antisocial behaviour is a problem in North Hertfordshire.
- 1.3 Research showed that the District has its fair share - there are currently 11 Antisocial Behaviour Orders (ASBOs) in force within North Hertfordshire - and emerges through consultation as an issue that concerns local people.
- 1.4 The next question was to look at the resources within the three organisations. The task & finish group found that North Hertfordshire Homes (NHH) and Hertfordshire Constabulary both have well trained staff who are co-ordinating a very professional approach to antisocial behaviour. And the Council itself has a dedicated antisocial behaviour officer funded by the Home Office. She works closely with the Council's partner organisations on all aspects of antisocial behaviour.
- 1.5 The three organisations have developed a complementary approach with excellent communication channels so that issues are dealt with thoroughly, professionally and in a timely way.
- 1.6 Bringing a case to court and successfully obtaining an ASBO requires a thorough process of communication and evidence collection. It is a testimony to the quality of work achieved locally that there have been no unsuccessful prosecutions so far.
- 1.7 Additionally all partners target resources into the prevention of antisocial behaviour. This ranges from a pro-active presence by the police to the provision of facilities and services by NHH and the Council that will divert behaviour into more useful or responsible activities.
- 1.8 All registered social landlords have now developed antisocial behaviour policies and a suggested protocol for North Hertfordshire is at Appendix A.

Membership of the Antisocial Behaviour Task & Finish Group

Cllr Julian Cunningham

Cllr David Kearns

Cllr Steve Jarvis

Cllr Lawrence McNamara

Cllr Ray Shakespeare-Smith (chair)

Cllr Derek Sheard

Cllr Michael Weeks

2. Recommendations

2.1 There are three key recommendations from the task and finish group:

Recommendation:

That the portfolio holder for Community Engagement agrees to commend the following definition of antisocial behaviour to the Responsible Authorities Group -

“Acting in a manner that could reasonably be described as likely to cause harassment, alarm or distress, or have an adverse impact on the quality of life of one or more persons.”

Recommendation:

That the portfolio holder for Community Engagement agrees to commend the antisocial behaviour protocol at Appendix A for agreement by the Responsible Authorities Group and implementation by North Hertfordshire District Council and its partners.

Recommendation:

That the council’s community safety and community development teams carry out further work with partners on projects for reducing antisocial behaviour and altering the perception of antisocial behaviour.

X

2.2 Further recommendations may follow when the task & finish group reconvenes later in 2005/06 to review the antisocial behaviour action plan.

3. Terms of reference and scope of the review

Terms of Reference:

To agree a definition of the term 'antisocial behaviour' for use by NHDC and partners.

To assist in the development of a broad antisocial behaviour protocol.

To develop an antisocial behaviour action plan for implementation in 2005/06.

[This final objective was removed when officers advised that there was a multi-partner task group with responsibility for developing the action plan. Instead the chair now expects the group to reconvene later in the year to look at the task group's action plan and judge whether it reflects the council's protocol]

Scope - Areas of enquiry:

1	Examples of other authorities' ASB scrutiny reports
2	Current definitions of ASB used by NHDC and partners
3	Government guidelines re definition of ASB
4	Other authorities' ASB protocols
5	Best practice elsewhere
6	Powers and responsibilities re ASB of NHDC and others
7	Current activities re ASB by NHDC and partners
8	Resources available to NHDC and partners
9	ASB data for North Herts
10	Consultation

Approach

- office based meetings
- time-limited
- building on good practice elsewhere
- emailed and paper copies of research and drafts
- emailed discussion
- partners and officers as witnesses

4. Defining antisocial behaviour

4.1 The first two meetings of the task & finish group focused on the need to agree what was to be understood by the phrase 'antisocial behaviour'.

4.2 Members agreed that it can be difficult to define – it covers a range of behaviour from the clearly criminal to lifestyle clashes. A level of noise acceptable to one neighbour is not necessarily acceptable to another. Crowds of people may appear intimidating by their sheer numbers rather than by any behaviour they display. Young people are too often perceived to be responsible for antisocial behaviour but they are also most at risk of being its victims.

4.3 Like every other area, North Hertfordshire is facing problems of antisocial behaviour. It is therefore important that the council and its partners have systems in place to ensure a co-ordinated and effective approach to tackling and preventing it.

4.4 This begins with making sure we understand what we mean by the term antisocial behaviour. Research revealed that there is no single universally accepted definition and that interpretation varies. Whilst antisocial behaviour can include criminal behaviour, this would be beyond the scope of this Council's responsibilities and remains with the police.

4.5 Members therefore drew up a list of the sort of antisocial behaviour that they would see as and falling within the ambit of the District Council:

- | | |
|-------------------------------------|-----------------------------------|
| 1. abandoned cars | 11. kerb crawling |
| 2. arson | 12. litter/ fly tipping |
| 3. domestic animal related nuisance | 13. noise |
| 4. begging | 14. rowdy/ nuisance behaviour |
| 5. drug/substance misuse | 15. sexual acts inc. prostitution |
| 6. fireworks | 16. street drinking |
| 7. graffiti | 17. unauthorised trading |
| 8. high/ unmaintained hedges | 18. urinating in public |
| 9. intimidation/ harassment | 19. vandalism |
| 10. joy riding | 20. verbal abuse |

This list is in alphabetical order only and is not exhaustive.

4.6 The definition of antisocial behaviour in the Crime & Disorder Act 1998 is given as where a person has "acted in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself"

4.7 The task and finish group used this as a basis for the definition they now recommend for use by North Hertfordshire District Council, which is:

"Acting in a manner that could reasonably be described as likely to cause harassment, alarm or distress, or have an adverse impact on the quality of life of one or more persons."

5. Quantifying Antisocial Behaviour in North Herts

- 5.1 Antisocial behaviour emerges through consultation as an issue that concerns the majority of local people. The data at Appendix B shows that more than half of all respondents felt that there was a fairly or very big problem in the District with vandalism, graffiti and damage to property/ vehicles, teenagers hanging around the streets and people using/ dealing in drugs.
- 5.2 Data captured by North Hertfordshire District Council shows that in 2004 there were 501 reported instances of graffiti in the District, 398 fly-tipping incidents and 649 abandoned vehicles. And there were 1925 reports of criminal damage recorded in the year to 31 March 2004.
- 5.3 Collecting comparative data has proved difficult. Other councils collect their data in different categories or according to different criteria. Some have more or less efficient reporting systems. The data at Appendix C is therefore of limited usefulness.
- 5.4 The data for Antisocial behaviour in North Herts was as follows:

	Issued in 2003	Issued in 2004
Acceptable Behaviour Contracts	6	8
Antisocial Behaviour Orders	7	7
Parental Guidance Agreement	0	1

- 5.5 These numbers need to be viewed with caution. A larger number of ASBOs can indicate a higher incidence of antisocial behaviour or a more effective system for tackling it; a lower figure can mean the problem is naturally smaller or there are better systems for prevention. Numbers are also influenced by the ease of reporting.
- 5.6 The number of orders in force in the District as at February 2005 was:
- | | | |
|----|--------------------------------|---------------------------|
| 10 | Acceptable Behaviour Contracts | 2 aged under 18; 8 adults |
| 11 | Antisocial Behaviour Orders | 7 aged under 18; 4 adult |
| 1 | Parental Guidance Agreement | child aged 9 |
- 5.7 Whilst the public perception may be that antisocial behaviour refers almost exclusively to youngsters, in fact these figures show that 12 of the current 22 apply to adults.
- 5.8 Issuing an Antisocial Behaviour Order is only considered when other routes are exhausted. The police, NHH and the Council take every step to reach an out-of-court solution. Often a person displaying antisocial behaviour does not realise the effect of their actions; once this is explained they stop. Some people may persist longer until they realise that their actions are clearly leading to a legal remedy.

- 5.9 Before a case of persistent antisocial behaviour can be taken to court the complainant(s) will be asked to complete a diary, to build up a body of evidence. Over 120 diaries have been issued by the Council since August 2004 with currently around 10 returned for further action. The Police and NHH follow the same process.
- 5.10 Bringing a case to court and successfully obtaining an Antisocial Behaviour Order (ASBO) requires a thorough process of communication and evidence collection. It is a testimony to the quality of work achieved locally that there have been no unsuccessful prosecutions within North Herts.

6. Resources at North Hertfordshire District Council

- 6.1 As a result of the Antisocial Behaviour Act 2003 an Antisocial Behaviour (ASB) Officer was appointed to North Herts District Council in the summer of 2004. The post is funded by the Home Office until March 2006.
- 6.2 The ASB officer is based within the Council's community safety team, with the following key responsibilities:
- To promote and develop a multi-agency and corporate approach to antisocial behaviour and neighbourhood management.
 - To establish an antisocial behaviour group with the aim of preventing and reducing incidents of antisocial behaviour within North Hertfordshire.
 - To co-ordinate multi-agency responses to specific incidents of antisocial behaviour
 - To establish a monitoring system to evaluate the effectiveness of any enforcement activity
- 6.3 The multi-agency antisocial behaviour group has now been set up and meets bi-monthly with partnership organisations. This group comprises representatives from the District Council, Hertfordshire Constabulary, Youth Offending Team, Probation Service, local housing associations and Letchworth Garden City Heritage Foundation. The aim of the group is primarily to establish and co-ordinate prevention of antisocial behaviour within the district.
- 6.4 By April 2005 this group will develop an action plan for 2005/06 based on the 2005/08 Community Safety Strategy. The action plan will be reviewed by the Scrutiny task & finish group by the summer of 2005 to consider whether it reflects the antisocial behaviour protocol.
- 6.5 The Council's ASB Officer has also established a database in order to monitor and map all incidents of antisocial behaviour. All reports of antisocial behaviour are logged and every complainant is offered an incident diary to record the incidents of antisocial behaviour they are experiencing.
- 6.6 The police and NHH also log all incidents of nuisance behaviour on their own database. Regular communication between the ASB officers ensures all reported incidents are tackled effectively.
- 6.7 The Council's ASB Officer has produced two flowcharts to show how the various types of call are directed and handled. These are contained within the draft protocol.

7. Partners' Profiles

- 7.1 The task & finish group met with Dezrine Biko of North Hertfordshire Homes (NHH) to establish that organisation's approach to antisocial behaviour and how this fitted with the Council's activities. Dezrine has responsibility for drafting the NHH antisocial behaviour protocol. She manages one Antisocial Behaviour Officer.
- 7.2 The group then met with Inspector Richard Hann and PC Tina Ridley of Hertfordshire Constabulary. Richard manages the area's community police teams which include two officers with specific responsibility for antisocial behaviour: Tina Ridley covers Hitchin & our Southern Rural area; PC Steve Gibbs covers Letchworth, Baldock and Royston.
- 7.3 Notes of the meetings are reproduced at Appendix E and the findings can be summarised as follows.

Policies and Protocols

- 7.4 Hertfordshire Constabulary is currently drawing up an ASB information-sharing protocol which is expected to be published by March 2005; this council will be consulted during the process.
- 7.5 Similarly North Hertfordshire Homes has drawn up an antisocial behaviour policy on which the council was consulted.
- 7.6 Both partners have been consulted during the development of the draft protocol at Appendix A and Dezrine has acted as a critical friend to the task & finish group.
- 7.7 North Hertfordshire Homes' antisocial behaviour policy states that they reserve the right to refuse accommodation to those convicted of antisocial behaviour. To date, they have not had to refuse anyone.

Communication to the public

- 7.8 The group recommended to each partner that their organisation should have an easy ASB reporting route on their website.
- 7.9 All parties agreed that publicity should not suggest that ASB is solely a youth issue as this is not borne out by the facts.

Naming and shaming

- 7.10 The task & finish group members were keen to explore partners' views on 'naming and shaming'. This policy is currently being explored by NHH and it is likely that some level of careful and yet targeted information will be made available to their tenants.

- 7.11 The Police agree with naming and shaming ASBO holders. This enables the public to help to monitor for any breach of an order. Also it demonstrates to people that it is worth speaking up about antisocial behaviour as reporting leads to action. This leads to growing confidence in the process which in turn can lead to greater reporting.

Working to Prevent Antisocial Behaviour

- 7.12 The task & finish group was very impressed to hear of the preventative work done by the local police and NHH.

- 7.13 They were also pleased to note the budget and activities of NHH that were aimed at preventing antisocial behaviour. This included collaboration with the Council and a move towards housing officers spending less time in meetings and more time 'out there' in the community.

- X 7.14 However there may be more scope to involve the council's community safety and community development teams in this preventative work. The task and finish group therefore drafted the following recommendation:

Recommendation:

- X **That the council's community safety and community development teams carry out further work with partners on projects for reducing antisocial behaviour and altering the perception of antisocial behaviour.**

Joint Working

- 7.15 The group was impressed with the level of communication and information-sharing already existing between the police, NHH and the council and the spirit of co-operation that has developed.

- 7.16 All partners agreed that they could see no need for a single point of contact as this would introduce another layer without adding any value; the current systems for information sharing were working well.



Anti-Social Behaviour Guidance and Procedure Protocol

**Protocol to provide guidance and
procedure to effectively tackle the
problems created by Anti-Social Behaviour
within North Hertfordshire.**

Contact: Karen Harding - Anti-Social Behaviour Officer
North Hertfordshire District Council

Email: karen.harding@north-herts.gov.uk

Telephone: 01462 474298

The History behind the Introduction of "The Anti-Social Behaviour Act 2003"

The United Kingdom is a world leader in addressing issues of anti-social behaviour.

In March 2003 the Government published a white paper outlining its proposals for tackling anti-social behaviour. "Respect and Responsibility - taking a stand against anti-social behaviour" This focussed on providing local authorities and the police with a wider, more flexible range of powers to meet their existing responsibilities and respond to the needs of their local communities.

From this, "The Anti-Social Behaviour Act 2003" was introduced.

What makes the United Kingdom a world leader?

The United Kingdom as a whole has always had problems with anti-social behaviour due to large, urbanised modern society living. This does not mean that the problems here are greater than anywhere else.

The creation of special Orders and Acts that are in place to aide the legal responses to tackle and deal with unacceptable behaviour have been delegated from the Home Office to the local authority and partners.

In response to the Act, all local authorities have been given funding to address anti-social behaviour.

North Hertfordshire District Council appointed an Anti-Social Behaviour Officer in August 2004, this post is funded until March 2006.

What is Anti-Social Behaviour?

Anti-social behaviour is defined in its broadest terms as:

Acting in a manner that could reasonably be described as likely to cause harassment, alarm or distress, or have an adverse impact on the 'quality of life' of one or more persons.

Anti-social behaviour can be anything from low-level, persistent nuisance to serious violent behaviour; it is an activity of any behaviour that causes or is likely to cause harassment, alarm or distress or have an adverse impact on the 'quality of life' of an individual or individuals that may have a persistent damaging impact or effect within a community.

The effects of anti-social behaviour on a community or individual are wide ranging, it not only has an impact on 'fear of crime' and feelings of safety but also has direct cost implications to the whole community.

The term 'Anti-social behaviour' means different things to different people, What is acceptable to one person differs to another, therefore an individual could be complaining about behaviour which in fact could be deemed as reasonable to others.

Anti-social behaviour, depending on the circumstances, may be described as any of the following: (This list is not exhaustive)

Arson
Begging
Domestic animal related nuisance
Drugs
Fly tipping
Graffiti
High / Unmaintained Hedges
Intimidation and harassment
Kerb crawling
Litter
Neighbour disputes /issues
Noise
Prostitution / Sexual Acts
Rowdy and Nuisance behaviour
Street drinking
Street trading
Unauthorised trading
Urinating in public
Vandalism
Verbal and Racial abuse

A Prime Example of Anti-Social Behaviour

A prime example of a complaint that is often due to individual perception is that of ball games.

Ball games are probably one of the most popular forms of play amongst children. Amenity greens very often prove to be the safest and most appropriate places to play ball games due to their close proximity to the family home. Such amenities are quite often situated far enough away from both dwellings and vehicles to limit the chances of causing actual damage.

All ball games do not amount to anti-social behaviour and the complainant will be advised accordingly of this unless at least one of the following criteria is met:

- Actual damage is being caused
- Significant disturbance is being caused from the impact of the ball hitting a building.
- The action is occurring at an unreasonable hour.

Tackling the Problem - Locally

There are various departments within North Hertfordshire District Council that deal with nuisance behaviour.

In addition to working in partnership with all internal departments to tackle the problems effectively, a multi-agency approach has also been established in the form of "The North Hertfordshire Anti-Social Behaviour Task Group", this group meets on a monthly basis.

The aim of the group is primarily to establish and co-ordinate actions with the aim of preventing and reducing incidents of anti-social behaviour.

The group comprises of representatives from North Hertfordshire District Council, Social Registered Landlords, Hertfordshire Constabulary, Children, Schools and Families, CCTV, Letchworth Garden City Heritage Foundation, Youth Offending Team and Herts Probation and Herts Fire & Rescue Service.

Isolated issues and complaints of anti-social behaviour are not discussed at the Task Group meetings as they are often not relevant to all members, should the complaint involve other agencies then a separate meeting of interested parties is called upon to investigate and tackle the issue.

It would not be practical for North Hertfordshire District Council to become involved with every issue that poses a possible potential threat to peaceful day-to-day living.

North Hertfordshire District Council has introduced an anti-social behaviour 'Incident Diary'. Residents who are experiencing anti-social behaviour are given an Incident Diary with which to record any instances of anti-social behaviour they experience. This is used to log dates, times, identities **or descriptions of** and actions by the individuals in order to aid the police and other authorities with their investigations. **All information in a diary that would identify the complainant is treated in strict confidence.**

X

Alongside this approach North Hertfordshire District Council have produced an anti-social behaviour guidance leaflet. The leaflet provides useful advice and local contact details on what to do should they witness any form of anti-social behaviour. Details are also listed on the web site at www.north-herts.gov.uk.

The Role of The Anti-Social Behaviour Officer

The key responsibilities of this post are:

- To promote and develop multi-agency corporate approach to anti-social behaviour and neighbourhood management
- Establish an anti-social behaviour task group with the aim of preventing and reducing incidents of anti-social behaviour within North Hertfordshire
- Co-ordinate multi-agency responses to specific incidents of anti-social behaviour
- Establish a monitoring system to evaluate the effectiveness of any enforcement activity

The Three-Pronged Approach

It is a priority to make the individual accountable for their anti-social behaviour actions. In order to do this North Hertfordshire District Council utilises a three-pronged approach as follows:

Prevention - The root cause of the anti-social behaviour should always be looked at to prevent further instances of anti-social behaviour from occurring so that North Hertfordshire District Council is not merely displacing the problem but rather, tackling it.

Enforcement - North Hertfordshire District Council will always seek to take action against the individual. This can be carried out in a number of ways. Beginning with a warning letter, through Acceptable Behaviour Contracts and Parental Guidance Agreements and in more severe cases leading to an application for an Anti-social Behaviour Order (ASBO).

Diversion - North Hertfordshire District Council will seek to divert an individual(s) away from anti-social behaviour and onto more socially acceptable and constructive behaviour. This is often achieved with the co-operation and assistance of a number of outside agencies such as youth projects.

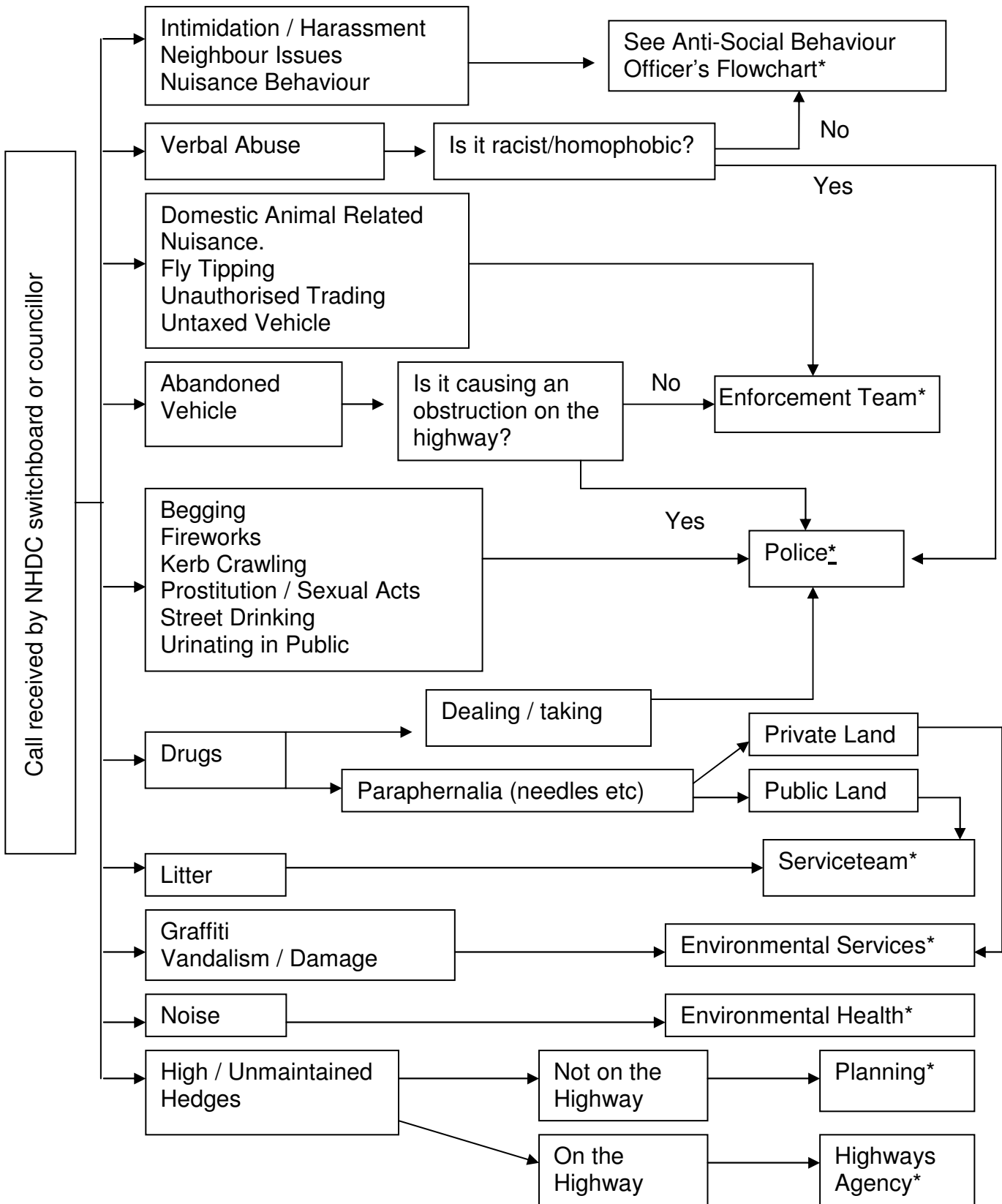
Anti-Social Behaviour Procedure

When North Hertfordshire District Council receives a complaint regarding anti-social behaviour it needs to be established what the complaint actually is, and whether or not it is the responsibility of the Council and not an outside agency to deal with it.

North Hertfordshire District Council is committed to partnership working in order to effectively tackle complaints and reduce incidents of anti-social behaviour within the district. This is achieved by successfully working alongside statutory and non-statutory bodies and other inter-agency organisations.

A flowchart (Anti-Social Behaviour - Who does what?) has been devised To show which department or agency deals with particular complaints of anti-social behaviour.

Anti-Social Behaviour – Who does what?



X

***Each department/agency has a responsibility to keep the complainant informed.**

Anti-Social Behaviour Procedure Cont'd...

An example of an enquiry / complaint of ASB to North Hertfordshire District Council:

A complaint is made to North Hertfordshire District Council, by way of a telephone call to the main switchboard.

1. The type of complaint is established and on this occasion related to "DRUGS"
2. The caller would then be asked if the complaint is in relation to:
 - The dealing or taking of drugs
 - The finding of paraphernalia relating to drug usage.
3. If the call is in relation to the dealing or taking of drugs then the caller is directed to the Police.

If the call is in relation to paraphernalia finds, then the caller is directed to Service Team.

In this particular situation the anti-social behaviour officer would not be advised of this call and an entry on the ASB database would not be made.

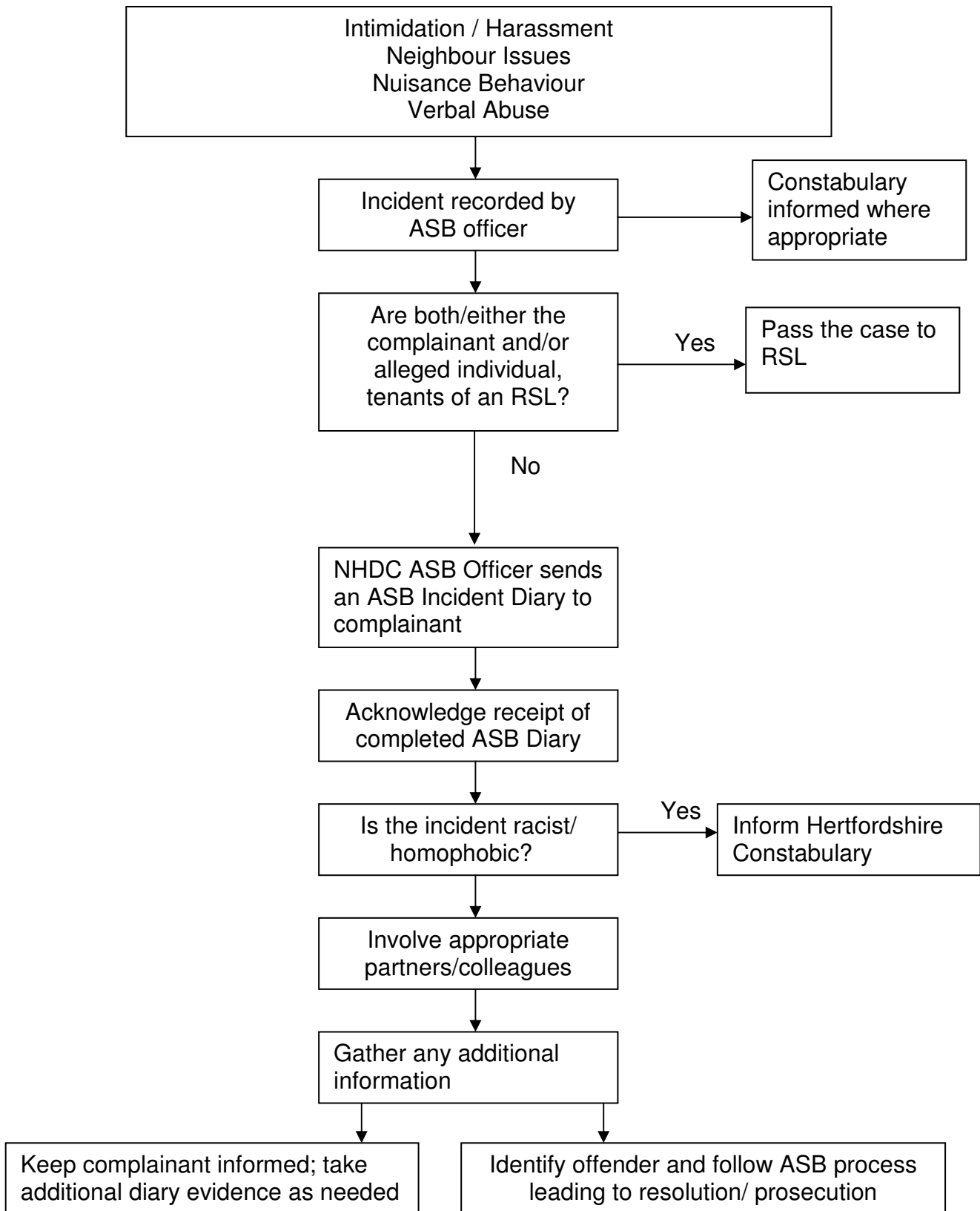
Partner Agency Complaints of Anti-Social Behaviour

In all instances - where a report of anti-social behaviour involves a tenant from another organisation or Housing Association, North Hertfordshire District Council's ASB Officer will notify the organisation accordingly forwarding a copy of all correspondence.

All tenants have previously been advised of their responsibilities with regards to what is considered acceptable conduct and/or behaviour at the time of signing up to a Tenancy Agreement with their particular association or organisation. This information is also outlined and published in the Tenancy Agreement and Tenancy Handbooks produced by all associations within North Hertfordshire.

An anti-social behaviour flow chart has been designed to ensure that any enquiry made to North Hertfordshire District Council is directed through to the relevant department that deals with that particular enquiry ensuring that the complainant is dealt with efficiently and not passed from department to department.

Anti-Social Behaviour Officer's Flow Chart



Dealing with a Complaint at North Hertfordshire District Council

X

On the receipt of any correspondence the complainant's personal details and the nature of the complaint or enquiry are recorded and a unique log and reference number are created. **This information is treated confidentially.**

Following the guidance on the Anti-social behaviour Officer's flow chart the complainant is advised accordingly depending on the nature of the complaint.

The following considerations will apply to determine who takes the lead in tackling any investigation of anti-social behaviour within North Hertfordshire:

- **The Police** - Where an individual or group of individuals behaviour results in a criminal offence being committed on any land owned privately, or by the Local Authority or a Registered Social Landlord's property and / or an individual is also subject to related criminal proceedings.
- **The Local Authority** - Where incidents of anti-social behaviour (not resulting in a criminal offence) occur in a public place or effects local authority land or property or the complainant / offender is housed in a private residence.
- **Partner Agencies** - Where incidents of anti-social behaviour (not resulting in a criminal offence) occur on land or property or by residents housed by a partner agency.

The complainant is required to provide confirmation as to whether or not they are a private or resident tenant of a partner agency - i.e. a social landlord. This information is required in order to establish who needs to be approached and involved with the complaint at the early stages of investigation amongst the partnership agencies.

X

An initial letter is produced and sent out to the complainant with an accompanying anti-social behaviour Incident Diary and a monitoring form **making it clear that the complainant's identity will remain confidential if requested and** advising the complainant to complete and return the correspondence within three calendar months. If no further information is received then the investigation and log are closed, and a closure letter is sent out.

On receipt of an Incident diary, assuming that a substantiated complaint has been made, the procedure is as follows:

An investigation into the complaint begins.

X

Tackling any complaint involves a multi-agency approach to identify if there is any current or historic information held by any other agency or from any internal department within North Hertfordshire District Council, in order to aid the identification of any key offender/s and co-ordinate an effective multi-agency approach. **The Police usually deal with specific identification of offender/s.**

The Stages of a Complaint

Once an identity has been established the following intervention Stage's are introduced.

1. **First Warning letter** - 1st complaint of anti-social behaviour
2. **Second Warning Letter** - 2nd complaint of anti-social behaviour
3. **Contact Warning** - This will normally be carried out as a home visit or a discussion interview at North Hertfordshire District Council offices. Depending on the seriousness of the offence/s a recorded PACE (Police and Criminal Evidence Act 1984) interview may be necessary.
4. **Mediation** - Mediation is offered to individuals if applicable to resolve the complaint
5. **Acceptable Behaviour Contract (ABC) & Or Parental Guidance Agreement (PGA)** - The ASB co-ordinator gathers the complainant/s, police and multi-agency evidence together and produces a case file. The alleged offender will then be invited to the Council offices or local police station for a formal discussion with North Hertfordshire District Council's ASB Officer and a representative from Hertfordshire Constabulary and or Housing Association, to address the unacceptable behaviour and to move to a positive solution and way forward. During this interview the individual will be given the opportunity to sign up to a voluntary civil Acceptable Behaviour Contract or Parental Guidance Agreement (dependant on the age of the offender), lasting for a fixed six-month period.

An Acceptable behaviour Contract (ABC) This is an individual voluntary civil contract aimed at individuals over ten years of age. The contract is not legally binding or enforceable by the police. It simply outlines an agreement of behaviour expected of a named individual in respect of their future conduct over a six-month period.

Parental Guidance Agreement (PGA) This is very similar to an acceptable behaviour contract (ABC) but is aimed at individuals under ten years of age. As it is deemed that an individual under the age of ten years is not responsible for his or her actions by law the parent or guardian is asked to sign up and adhere to a Parental Guidance Agreement (PGA). The agreement is not legally binding or enforceable by the police. It simply outlines an agreement of behaviour expected of a named individual in respect of their future conduct over a six-month period.

The Stages of a Complaint Cont'd...

With all Acceptable Behaviour Contract's and Parental Guidance Agreement's it is the responsibility of the Council's ASB officer to conduct a 3-month review with the candidate. Any other Agencies that have been involved should also have a representative attend the review.

On completion of the contract, the candidate is sent an acknowledgement letter confirming that the contract has ceased.

When the first four intervention stages have been applied but have found to be ineffective or breached, a further meeting of interested parties is called to discuss the severity of the continuing unacceptable conduct of the individual.

During this meeting a decision will be made to establish that all other physical and diversionary measures have been undertaken to prevent further unacceptable conduct being committed by the individual.

Where all measures have been exhausted the final option is prosecution leading to an application to the courts for an Anti-Social Behaviour Order (ASBO).

Stage 6 - Anti-Social Behaviour Order (ASBO) - This is a community-based order which involves the ASB officer gathering evidence from the local community in order to assist with enforcement of potential breaches. All complainant/s evidence is collected in the form of impact statements. The police and multi-agency evidence including any CCTV evidence is collated and this then produces a full case file which is forwarded to the Legal Department to confirm and process that there is enough substantial evidence to proceed with a civil prosecution for an anti-social behaviour order. An application for an ASBO is then made to the Court.

Anti-Social Behaviour Orders (ASBO's) - This is civil order, made by the court and can be made against any person aged 10 or above who has acted in an anti-social manner, defined as 'a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household' as the individual and where an order is required to protect an individual/s from further anti-social behaviour acts.

The contract is legally binding and enforceable by the police. It outlines an agreement of behaviour expected of a named individual in respect of their future conduct and can prohibit an individual from entering defined areas illustrated on a map.

An anti-social behaviour order lasts for a minimum of two years and is designed to protect the community from behaviour that causes, or is likely to cause, harassment, alarm or distress,

It is not granted to simply punish the individual.

The Stages of a Complaint Cont'd...

There are currently four different types of Anti-Social Behaviour Orders.

- **A stand-alone Order** - This order is generally adopted by local authorities, the Police and Registered Social Landlords as it is unrelated to any other legal proceedings against the individual. The order is applied for at the magistrates court, acting in its civil capacity.
- **A Temporary Interim Application Order** - This order is adopted by the Local Authority, the Police and Registered Social Landlords and is applied for at either a magistrates court or at the County Court at the time of an initial court hearing in advance of a full hearing.
An interim order can be made without any notice to the individual enabling the court to order an immediate stop to any anti-social behaviour / conduct thus protecting the community more quickly until the full hearing at court.
- **A County Court Order** - This order is adopted by Registered Social Landlords against an individual who is a registered tenant of their particular agency or association. It is obtained when there are other proceedings against the individual; a prime example of this would be a possession of tenancy.
- **An Order on the Back of a Criminal Conviction** - This order is made by the Police only. Any Criminal Court, namely a Magistrates, Youth or Crown Court can make an order against an individual who has been convicted of a criminal offence.

The Breach of an Anti-Social Behaviour

Where an anti-social behaviour order is breached, it becomes a criminal offence. The Police will become the lead investigator and will take charge of the investigation. When the breach has been confirmed the Police anti-social behaviour officer will feed the information back to the task group advising them if the individual is to be prosecuted or cautioned.

The responsibility of prosecuting the individual for a breach of an Anti-Social Behaviour Order lies with the Crown Prosecution Service.

Depending on the seriousness of the breach, the individual could find they are subject to a possible custodial sentence - a maximum sentence of five years in prison could be served.

Other Remedies - Contracts and Orders that may be considered

Under sections 19 and 25 and 30 - 36 of the Anti-Social Behaviour Act 2003, where an Acceptable Behaviour Contract or a Parental Guidance Agreement have failed the following options may be imposed:

- **A Local Child Curfew Order** - This is designed to tackle the anti-social behaviour of groups of individuals under the age of 16 years without involving the Juvenile Justice Court System. A local authority can apply to the Home Secretary for a Local Child Curfew Order where young people are causing alarm or distress to the community in a stated selected area. This Local Child Curfew Order can last for a period of up to 90 days and applies to individuals under 16 years of age. It states all individuals under the age of 16 years of age must return to their home address by a certain time in the evening. Any individual aged 10 years or under that are found to be located outside of their home address after the curfew can then be referred to the Court and be made the subject of a Child Safety Order.
- **Section 30 Dispersal Order** - The Police and Local Authority working in partnership decide upon areas for dispersal. Upon reviewing the evidence, it is then the responsibility of the Police to make an authorisation to the Chief Executive of the Local Authority to make a decision to whether the areas are appropriate for dispersal designation; the evidence supplied should be in the form of statements and police logs showing the need for such an order.

Where there is sufficient evidence of individuals congregating in numbers causing intimidation, harassment, alarm or distress in a particular area then this order is designed to designate an area for dispersal. This gives the Police the power to disperse a group of two or more individuals providing they are under the age of 16 years and take them home after 21.00hrs. In the unlikely event that the individual returns to the area in which they have previously been dispersed from within a 24 hour period, that individual then becomes liable for arrest.

When an individual has already reached the Justice Court stage, the following contracts or orders may be imposed by the court:

- **Parental Guidance Orders (PGO)** - The Criminal Courts can impose a compulsory requirement on the parents or guardians of an individual under a Parental Guidance Order. This order offers a balanced structured way for agencies such as schools and Local Education Authorities (LEA's) or the Youth Offending Team (YOT) to work with the parents of individuals who have engaged in or are likely to engage in any criminal conduct or anti-social behaviour.
- **Child Safety Order (CSO)** - This order only applies to individuals under the age of 10 years who have committed an act which, had the individual been aged 10 or above would have constituted as an offence, breached a Child Curfew Order or caused further harassment, alarm or distress in the community. This is because individuals are considered to be below the age of criminal responsibility and therefore it is not ethical to use other enforcement tools to stop unacceptable behaviour that are causing harassment, alarm or distress to the community. This type of order provides a means of both moderating and stopping the individuals behaviour, ensuring the engagement of supervision between the individual, a responsible officer and the parents/ guardians.

Research data**Antisocial Behaviour Data by area - District Wide Survey 2002**

Residents were asked to identify (unprompted) three or four issues that would improve quality of life from a list of 20 within the generic heading of crime and drugs. The figures below show the proportion of respondents who put the given issue in their 'top four'.

Statement	Baldock	Hitchin	Letchworth	Royston	Southern Rural
More police	23%	22%	21%	9%	33%
Reducing the level of crime	11%	26%	10%	7%	14%
Less antisocial behaviour	3%	11%	3%	1%	4%
Reducing trouble caused by young people	1%	7%	2%	4%	5%
Less drugs in the area	4%	9%	1%	7%	2%
Less violence	1%	3%	2%	0%	1%

District Wide 2004

Residents were asked to identify (unprompted) three or four issues that would improve quality of life from a list of 20 within the generic heading of crime and drugs. The figures below show the proportion of respondents who put the given issue in their 'top four'.

Statement	Baldock	Hitchin	Letchworth	Royston	Southern Rural
Less antisocial behaviour	2%	6%	4%	1%	4%
Less drugs in the area	1%	9%	0%	0%	3%
Less violence	0%	3%	0%	0%	1%
More visible policing	10%	18%	16%	14%	11%
Reducing behaviour caused by excessive drinking	0%	2%	0%	0%	2%
Reducing fear of crime *	2%	3%	1%	0%	1%
Reducing incidence of graffiti	1%	1%	4%	0%	0%
Reducing level of crime	5%	13%	11%	11%	4%
Reducing number of people taking drugs	1%	2%	0%	0%	1%
Reducing the trouble caused by young people	0%	1%	1%	1%	1%
Reducing theft from cars	0%	3%	0%	0%	2%
Reducing theft from shops	1%	1%	1%	0%	2%

*Whilst antisocial behaviour can include criminal behaviour, this would be beyond the scope of this Council's responsibilities and would remain with the Police. However, questions regarding crime and the fear of crime were included to establish a full picture for North Hertfordshire.

Citizens Panel July 2003 – Fear of Crime

Percentage of respondents who feel safe / unsafe

Statement	Baldock	Hitchin	Letchworth	Royston	Southern Rural
How safe do you feel when outside in North Herts after dark					
Safe	64%	49%	59%	62%	59%
Unsafe	21%	30%	25%	14%	22%
How safe do you feel when outside in North Herts during the day					
Safe	92%	90%	88%	87%	92%
Unsafe	3%	1%	4%	3%	2%

BVPI General Survey 2003

Respondents were asked about a number of antisocial behaviour statements. The figures below show the proportion of residents who felt that the given issue was a fairly or very big problem in the District.

Statement	Baldock	Hitchin	Letchworth	Royston	Southern Rural
Vandalism, graffiti and damage to property or vehicles	58%	65%	71%	59%	57%
Teenagers hanging around the streets	57%	55%	58%	62%	41%
Rubbish and litter lying around	36%	44%	44%	25%	38%
Being drunk or rowdy in public place	46%	52%	53%	52%	33%
People using / dealing drugs	52%	66%	65%	69%	43%
Noisy neighbours or loud parties	15%	19%	25%	13%	11%
Race / religious attacks	15%	23%	30%	13%	14%

Comparative data**2003**

	N Herts	Dacorum	Hertsmere	Welwyn Hat
abandoned vehs	854		634	974
fly-tipping	no data	2898	532	no data
graffiti	473	66	12	no data

2004

	N Herts	Dacorum	Hertsmere	Welwyn Hat
abandoned vehs	649		177	332
fly-tipping	398	3574	826	c2120 pa
graffiti	501	91	18	no data

Unfortunately many councils we approached were unable to supply the data we requested. The above table is therefore of limited usefulness.

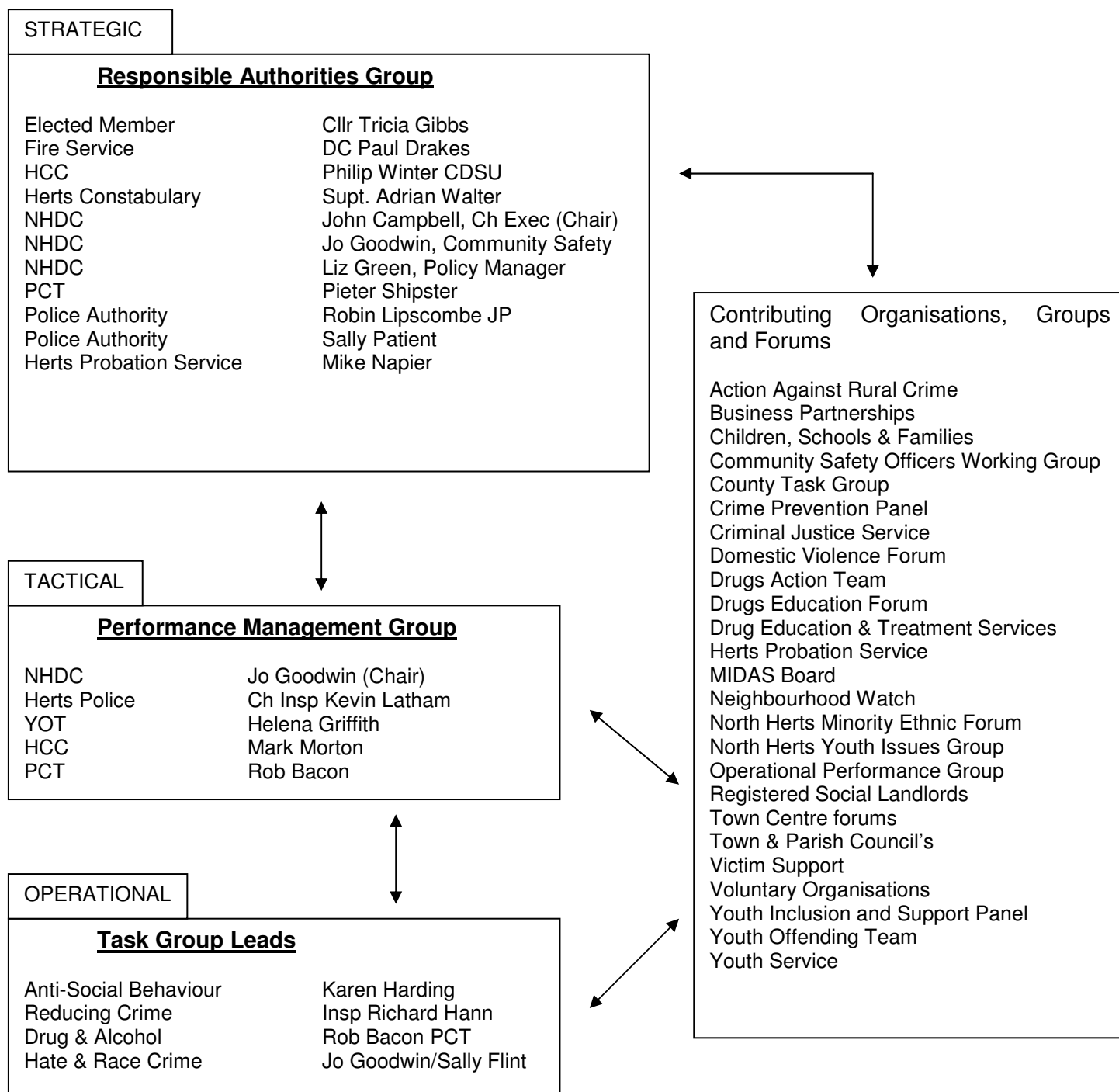
The number of ASBOs issued by all Hertfordshire courts

	1999/2003	2003/04	1 st 6months of 2004/05	Total
Hertsmere BC	0	0	1	1
Welwyn Hatfield DC	1	0	0	1
Cheshunt BC	0	2	0	2
East Hertfordshire DC	1	0	1	2
St. Albans DC	1	1	1	3
Stevenage BC	4	0	0	4
Dacorum BC	2	2	1	5
Broxbourne BC	3	2	1	6
North Hertfordshire DC	5	1	0	6
Three Rivers DC	4	2	1	7
Watford BC	2	7	3	12

Data as notified to the Home Office.

The Home Office advises that data is under-reported to them by the courts. Assuming that this happens uniformly, the success of North Hertfordshire District Council in obtaining ASBOs is exceeded only by Three Rivers DC and Watford BC. However the numbers need to be viewed with caution. A larger number of ASBOs can indicate a higher incidence of antisocial behaviour or a more effective system for tackling it; but a lower figure can mean there are better systems for prevention. Also, numbers can be influenced by the ease, or otherwise, of reporting.

Crime & Disorder Reduction Partnership



Evidence from Partners

Dezrine Biko (North Herts Homes) - Evidence 22 November 2004

How does NHH deal with ASB complaints?

- A housing officer visits the caller. We talk them through what has happened and what they would like to happen next – sometimes this is just “to make a note of it for now”
- We mediate wherever possible (takes 50% of our workload). Sometimes just explaining to a person that their behaviour is causing upset is all that is needed and it stops.
- We issue diaries and talk through how to record the facts properly. Diaries are kept for quite a long time (months).
- When cases escalate our Nuisance Officer takes a lead, using a holistic approach – involving other agencies as appropriate.
- If drug-use is suspected we ask (not ‘tell’) the police.
- Cases are reviewed at least monthly.
- Applying for an ASBO is the last resort (before eviction) and must be watertight – to lose at court is a disaster.

What steps are taken to avoid duplication of effort?

- Milton Keynes has a single point of contact for reporting and onward referral. May be unnecessary here as we have good communication NHDC: NHH: other agencies.
- However, when NHH concludes a case, the complainant might then turn to NHDC; and then the police as the situation escalates.
- There should be a general information-sharing protocol [*this was signed in February 2005*]. We need an ASB data-sharing protocol.

How are complainants kept informed? Do you name and shame?

- Court appearances are a matter of public record. We are also considering publication of number of ASBOs served, but maybe without names. This would give complainants confidence that complaining is worth doing.
- We plan to publicise via residents meetings.

What preventative action is taken by NHH?

- We have £1m aside for estate improvements. We want to work with residents to help them ‘reclaim’ their neighbourhood; but some areas are apathetic.
- We work with NHDC e.g. to put up goalposts recently.
- Next year the housing staff will be encouraged to spend less time in meetings and more ‘out there’ in the community.
- We do not (yet) manage our lettings policy with ASB in mind.
- NHDC Community Development Officers are not involved.

What data monitoring do you have?

- We are currently building a database of low-level ASB which we will monitor over the coming 2 years.

Richard Hann and PC Tina Ridley - Evidence 2 December 2004

Richard Hann explained that during summer 2004 two posts were created to focus on ASB. Tina Ridley took the post covering Hitchin; Steve Gibbs covers Letchworth and Baldock.

The police have to draw up their ASB information-sharing protocol by March 2005 and will consult NHDC in the process.

There are good open channels of communication between the police and NHDC and social landlords. This is on a case by case basis to -

- ensure all parties have a full picture of the facts relevant to each case
- avoid duplication of effort
- agree which partner will take the lead

There is effective information sharing there are no plans to set up a common database.

ASB publicity should not focus on youths – majority of current local ASBOs are not held by youths

The police carry out a great deal of preventative work in all areas, including ASB. Sometimes the fact that a uniformed police officer has visited the house is enough to improve behaviour.

The police see no need to create a single point of contact. With current levels of co-operation and communication between agencies there is no need. Experience of issuing a community policing helpline shows that people use it in error when a 999 call would be more appropriate; and vice versa.

Each organisation should have an easy ASB reporting route on their website.

Police agree with naming and shaming ASBO holders. Then the public can help to monitor for any breach. Also it shows that reporting ASB leads to action. This leads to growing confidence in the process, which can lead to greater reporting.

TITLE OF REPORT: SUPPORT FROM OFFICERS TO MEMBERS WITH CONSTITUENTS' ENQUIRIES

REPORT OF THE CHIEF EXECUTIVE

Summary:

In this report the Scrutiny Committee is asked to agree the format of a questionnaire to Members asking how well they are currently being supported when they contact officers in respect of constituents' enquiries.

At a future meeting Members will compare the findings in the context of the current constitution of this council and that of another authority to identify any recommendations they might make for improving Members' support.

1. BACKGROUND

- 1.1 The Scrutiny Committee received a question at its meeting of 5 April 2005 regarding the support that Members should expect when they contact officers on behalf of constituents. The question and response are at Appendix A.
- 1.2 The Committee resolved that Members be canvassed for their views about the service they receive from officers, and that a report to be brought to a future meeting. Minute 106 refers.

2. FORWARD PLAN

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

3. CONSIDERATIONS

- 2.13.1 The service that Members should currently expect is contained within the council's constitution. See the extract at Appendix B. Of particular relevance are the entries at 2.5 and 3.1, which detail the role and responsibilities of the Officer to the Member, which is at the heart of the original question to the Scrutiny Committee.
- 2.23.2 Norwich City Council has been cited as an example of good practice. That council's constitution contains a large and comprehensive section that is attached at Appendix C. Of particular relevance might be paragraph 5.4 under Officer/Member/Chair Relationships and item 5 under the Additional Guidance.

2.33.3 Before contrasting and debating these constitutions, the Scrutiny Committee has expressed a wish to canvass Members about their opinion of the service they receive from officers. This would provide a useful basis on which to agree any recommendations for improvement at a future meeting. A draft questionnaire is at Appendix D.

4. LEGAL IMPLICATIONS

4.1 The Officer/Member protocol is not a formal part of the Constitution. The Council can agree any changes to the protocol.

5. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

5.1 The process of canvassing Members could be accommodated within existing resources.

6. RECOMMENDATIONS

5.16.1 The Scrutiny Committee is recommended to approve the questionnaire at Appendix D and agree that it be distributed to Members by 10 June 2005.

7. REASONS FOR RECOMMENDATIONS

7.1 To enable the Scrutiny Committee to consult Members as previously agreed.

8. CONTACT OFFICERS

6.18.1 Jackie Sayers, Scrutiny Officer.
Tel: 01462 474536.
jackie.sayers@north-herts.gov.uk

8.2 Frances Bogie, Head of Legal Services
Tel: 01462 474460
frances.bogie@north-herts.gov.uk

9. APPENDICES

7.19.1 Appendix A – Question to Scrutiny Committee, with the answer and resolution.

7.29.2 Appendix B – Extract from NHDC constitution regarding Officer support to Members.

7.39.3 Appendix C – Extract from Norwich City Council's constitution regarding Officer support to Members.

9.4 Appendix D – draft questionnaire to Members

NORTH HERTFORDSHIRE DISTRICT COUNCIL

SCRUTINY COMMITTEE

DRAFT MINUTES – EXTRACT

Meeting held at the Council Offices, Gernon Road, Letchworth on 5 April 2005

PRESENT	<i>Councillors: Martin Stears (Chairman), M.R.M. Muir, (Vice-Chairman), J.F. Barry, David Billing, D.J. Horrell, David Kearns, D. Miller, M. Paterson, R.L. Shakespeare–Smith.</i>
IN ATTENDANCE	<i>Strategic Director of Financial and Regulatory Services, Assistant Director (Housing Needs & Strategy), Strategy Officer (Community Safety,) Scrutiny Officer and Committee Services Officer.</i>

106. Questions

The following questions had been submitted by Councillor David Billing:

- (a) "Is there a Code of Practice to guide Members and officers in dealing with case work which Members receive from the public or from community bodies? For example is there a service level agreement (SLA) as to what Members can expect from officers on case work issues? Does any such Code or SLA cover working with partner agencies in order speedily to resolve matters?
If so, could we see the protocol. If not, then is the Council considering having such a Code?"

The Assistant Director Legal & Democratic Services tabled the following reply at the meeting:

"When Members of the Council raise case work issues with officers they can expect the same standards of customer care that are offered to members of the public contacting the Council. There is no separate or specific Service Level Agreement in place and there are no plans to create any additional rules or protocol. If individual Members feel that their case work issues are not being dealt with properly then there are adequate ways they can take that up with senior officers to have matters resolved. Typically Members should raise issues at Head of Service level in the first instance and if there are difficulties the Strategic Director or Chief Executive can assist in resolving them".

Councillor David Billing then asked who Members should contact within the Council when faced with questions that were cross-service or even cross-partner.

The Strategic Director of Financial and Regulatory Services advised the Committee that there were already Customer Care Standards in place that applied to Member requests to officers and confirmed that questions should be responded to within four days of receipt. If this response is just an acknowledgement then a full reply should be sent within 10 days of receipt.

The Committee agreed that Members might not be aware of the Customer Care Standards in place and that they should be contacted to obtain their views about the level of service they received from officers.

RESOLVED:

- (1) That the replies of the Assistant Director Legal & Democratic Services and the Strategic Director of Financial and Regulatory Services as set out above be noted;
- (2) That a questionnaire designed to canvass Member's views about the service received from officers be drafted for distribution to Members and a report be brought back to a future meeting.

REASON FOR DECISIONS: To ensure that Members were made aware of the Customer Care Standards in place and to receive feedback about the service provided by officers.

Extract from the NHDC Constitution

Pages 150-154

PROTOCOL ON MEMBER/OFFICER RELATIONS**1. Introduction**

1.1 The relationship between Councillors and officers is an essential ingredient that goes into the successful working of the organisation. This relationship within the authority is characterised by mutual respect, informality and trust. Councillors and officers feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help Councillors and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Head of the Paid Service.

1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct and any procedure for confidential reporting.

2. Roles of Councillors and Officers

2.1 Councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and to the authority, and to carry out the authority's work under the direction and control of the Council, the Executive, and relevant committees, etc. Mutual respect between Councillors and officers is essential to good local government

2.2 Councillors

Councillors have four main areas of responsibility:

- a) determining the policy of the authority and giving it political leadership;
- b) monitoring and reviewing the performance of the authority in implementing that policy and delivering services;
- c) representing the authority externally;
- d) acting as advocates on behalf of their constituents. It is not the role of Councillors to involve themselves in the day to day management of the authority's services.

2.3 Members of Cabinet, Chairs and Vice Chairs

Members of Cabinet and Chairs and Vice Chairs of Committees, Boards, Panels etc. have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of Councillors without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Councillors must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the political composition of the authority.

2.4 Opposition Councillors

As individual Councillors, all Councillors have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of overview and scrutiny. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers, particularly those at a senior level in the organisation and the administration will differ from that with opposition groups.

2.5 Officers

The role of officers is to give advice and information to Councillors and to implement the policies determined by the authority. In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. Whilst an officer may report the views of individual Councillors on an issue, if the Councillor wishes to express a contrary view he/she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view. Certain officers i.e. Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) have responsibilities in law over and above their obligations to the authority and to individual Councillors, and Councillors must respect these obligations, must not obstruct officers in the discharge of these responsibilities, and must not victimise officers for discharging these responsibilities.

3. Expectations

3.1 Councillors can expect from officers:

- a) A commitment to the authority as a whole, and not to any political group;
- b) A working partnership;
- c) An understanding of and support for respective roles, workloads and pressures;
- d) Timely response to enquiries and complaints;
- e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers;
- f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- g) Awareness of and sensitivity to the political environment;
- h) Respect, dignity and courtesy;
- i) Training and development in order to carry out their role effectively;
- j) Integrity, mutual support and appropriate confidentiality;
- k) Not to have personal issues raised with them by officers outside the agreed procedures;
- l) That employees will not use their relationship with Councillors to advance their personal interests or to influence decisions improperly;
- m) That officers will at all times comply with the relevant Code of Conduct;
- n) Support for the role of Councillors as the local representatives of the authority, within any scheme of support for Councillors which may be approved by the authority.

3.2 Officers can expect from Councillors:

- a) A working partnership;

- b) An understanding of and support for respective roles, workloads and pressures;
- c) Political leadership and direction;
- d) Respect, dignity and courtesy;
- e) Integrity, mutual support and appropriate confidentiality;
- f) Not to be subject to bullying or to be put under undue pressure. Councillors should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Councillors and officers, and the potential vulnerability of officers, particularly at junior levels;
- g) That Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- h) That Councillors will at all times comply with the relevant Code of Conduct.

3.3 Limitations on Behaviour

The distinct roles of Councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- a) Close personal relationships between Councillors and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular Councillor or officer may secure advantageous treatment;
- b) The need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party political issues;
- c) Relationships with a particular individuals or party groups should not be such as to create public suspicion that an employee favours that Councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered in paragraph 4.

4. Political Groups

4.1 The operation of political groups is now an integral feature of local government and such political groups have an important part to play in the development of policy and the political management of the authority. It is in the interests of the authority to support to effective operation of political groups, but their operation can pose particular dangers in terms of the impartiality of officers.

4.2 Reports

- a) Political groups may request the Chief Executive or a Director to prepare written reports on matters relating to the authority for consideration by the group;
- b) Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group;
- c) Where a report is prepared for a political group, the Chief Executive will advise all other groups that the report has been prepared and will provide a copy of that report to any group upon request.

4.3 Officer Attendance

- a) Any political group may request the Chief Executive or a Director to attend a meeting of the group to advise on any particular matter relating to the authority;
- b) The Chief Executive or Director may arrange for the attendance of a representative in his/her stead, or may decline to attend or to provide a

- representative where he/she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend;
- c) Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option, and officers will not make any recommendation to a political group;
 - d) Where an officer attends a political group, the Chief Executive will advise all other groups that the officer has attended and the subject upon which he/she has advised;
 - e) Officers will respect the confidentiality of any matter which they hear in the course of attending a political group meeting.

5. When things go wrong

5.1 Procedure for officers

From time to time the relationship between Councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Councillors, officers will have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate group leader, will decide on the course of action to be taken following consultation with the Chair and Vice Chair of the Standards Committee.

5.2 Procedure for Councillors

In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Director. Where the officer concerned is a Director, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Leader of the Council. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

PROTOCOL FOR MEMBER / OFFICER WORKING ARRANGEMENTS

1. Introduction

1.1 This protocol reflects the provisions of the Local Government Act 2000 and Regulations made in respect of the Act. A Model Code of Conduct for all members has been adopted by the Council which reflects the Model Code of Local Government Conduct.

1.2 This protocol should be read and applied in conjunction with those Codes of Conduct. The principles and procedures set out in this protocol are already, to a large extent, established and form the basis of the Council's working arrangements. The purpose of this protocol is to provide guidance on member/officer working arrangements particularly in the case of doubt or difficulty.

1.3 In particular, this protocol aims to support the enhancement of local democracy by -

- facilitating the participation of members and officers in the Council's policy development and decision making processes;
- assisting members and those officers who support them in their role as representatives of the community within the Council and externally; and
- clarifying arrangements for the provision of the information and support for members and their Party Groups.

1.4 This protocol is intended to assist members and officers in maintaining the highest standards of integrity and propriety and ensuring that all they do is as seen by others to be done properly, fairly and where possible openly.

1.5 It is important therefore that any dealings with members and officers should observe reasonable standards of mutual courtesy and respect, and that neither should seek to take unfair advantage of their position in any circumstances.

2. Member/Officer Communication

2.1 Members should communicate with officers at the appropriate level. Routine service related enquiries should be initiated through normal departmental enquiry/contact points. Other matters will normally involve the appropriate Director or other Senior Manager.

2.2 In communicating with members, officers should have regard to the Council's Code of Conduct for employees, the requirements of this protocol and any instructions issued by their departmental management.

3. Officer Advice to Party Groups

3.1 There is no statutory recognition for Party Groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the Council or the relevant Committees. Officers may properly be called upon to support and contribute to such deliberations by Party Groups.

3.2 The support provided by officers can take many forms ranging from a brief meeting with a Portfolio Holder, Chair or spokesperson prior to a Council meeting,

to a presentation to a full Party Group meeting. Whilst in practice such officer support is likely to be in most demand from whichever Party Group is for the time being in control of the Council, such support is available to all Party Groups.

3.3 Certain points must however be clearly understood by all those participating in this type of process, members and officers alike. In particular -

(a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of Party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings or parts of meetings when matters of Party business are to be discussed.

(b) Party Group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not communicated (inside or outside the organisation), interpreted or acted upon as though they have that official status.

(c) Similarly, where officers provide information and advice to a Party Group meeting in relation to a matter of Council business this cannot act as a substitute for providing all necessary information and advice to the Cabinet or relevant Committee when the matter in question is considered.

3.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a Party Group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Model Code of Conduct, in particular the provisions concerning the declaration of interest and confidentiality, and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a meeting of members only.

3.5 Officers must respect the confidentiality of any Party Group discussions at which they are present and should not, in particular, relay the content of any such discussion to another Party Group.

3.6 Any request for an officer to attend a meeting arranged by a Party or Party Group, for the purpose of presenting information to the meeting (in relation to an issue or proposal affecting or involving the Council) must be made to the relevant Director, who will consult with the Chief Executive, or to the Chief Executive. Where it is agreed that an officer will attend for this purpose the same facility will be offered or made available to the other Party Groups. Any officer who so attends will do so in his/her official capacity, will be politically neutral, and attendance will not signify support for any particular political view, proposal or response.

3.7 Attendance at any public meeting will generally be avoided during the period between the announcement and conclusion of any local or parliamentary election affecting the area involved, and will only occur during such a period if representatives of all parties supporting candidates in the election have been invited to take part in the meeting.

3.8 At any public meeting organised by any Party Group, or by any individual member (rather than by the Council) officers will attend only to provide information which is publicly available. No such officer attendance will take place during the 'pre-election' period referred to in paragraph 3.7.

3.9 Any particular difficulty or uncertainty concerning officer advice to Party Groups should be raised with the Chief Executive who will where appropriate discuss with the relevant Group Leaders.

4. Support Services and Facilities for Members and Party Groups

4.1 Secretarial and other support services and facilities (for example stationery, typing, printing etc) are provided for members to assist them in discharging their role as members of the Council. The Council also employs political assistants to the two main Party Groups. Such support services and facilities must only be used in accordance with specific guidance issued by the Council. They should never be used in connection with party political or campaigning activity or for private business purposes.

4.2 Support services for members will normally be provided by the Democratic Services Section.

5. Officer/Member/Chair Relationships

5.1 It is clearly important that there should be a close working relationship between the Leader of the Council, Portfolio Holder and Chair of a Committee and the Director and other Senior Officers of any department which reports to that member or Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other members and other Party Groups, or with any other individual or organisation.

5.2 The Leader of the Council, Portfolio Holder or Chair will routinely be consulted as part of the process of drawing up an agenda for a forthcoming meeting. It must, however, be recognised that in some circumstances the proper conduct of business may require a particular matter to be included on the agenda and that the Leader/Member/Chair is not entitled to require the removal of such an item from the agenda. Directors will always be fully responsible for the content of any reports submitted in their name. Any issue concerning the inclusion of any item on an agenda and the submission of any particular report that cannot be agreed between the Leader, Portfolio Holder or Chair and a Director should be referred to the Chief Executive as Head of Paid Service, the Head of Legal Services or the Director of Finance as Statutory Finance Officer will be under a duty to submit a report.

5.3 In relation to any action under delegated powers, it is important to remember that the law allows for decisions relating to the discharge of any of the Council's functions which are not specifically reserved to the Council to be taken by the Cabinet. Normally, wherever the authority to make a decision is delegated to an officer it is on the basis that the officer will exercise that authority in consultation with the Cabinet member and/or other nominated members.

5.4 It must be remembered that officers within a department are accountable to their Director and that whilst officers should also seek to assist a Cabinet member or Chair (or indeed any member), they must not in so doing go beyond the bounds of whatever authority they have been given by their Director. It should also be noted that the Chief Executive has a statutory responsibility as Head of Paid Service for ensuring the proper organisation and management of the Council's staff, and has therefore an overall responsibility for the direction and management of all officers.

6. Correspondence

6.1 Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member except at the discretion of the Chief Executive or Director where necessary for the proper conduct of business. Where exceptionally it is necessary to copy the correspondence to another member, this should be made clear to the original member. In other words, 'blind' copies of such correspondence should not be circulated.

6.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer rather than in the name of a member. It may be appropriate in certain exceptional circumstances, for example representations to a Government Minister or correspondence with a Leader of another local authority, for a letter to be issued in the name of the Leader of the Council. Letters which for example create obligations, confirm or deny the acceptance of any liability, or give instructions on behalf of the Council, should always be sent out by the Chief Executive or the appropriate Director or other Senior Officer.

7. Publicity and the Media

7.1 Contact with the media on issues related to the Council or to Council business is handled through, or with advice/support from, the Communications Unit.

7.2 Any member who approaches the media on any item involving or affecting the Council without first approaching or consulting the Council (through the relevant Cabinet member/Chair, department or Communications Unit) will be responsible for such action. Any member who does so should make it clear that he/she is speaking on his/her own behalf and not representing or speaking for the Council.

7.3 See Code of Conduct.

7.4 Members and officers should be mindful of the prohibition on the publication by the Council of any information intending to promote or canvass support for any political party or candidate for elections. In case of doubt advice should first be obtained from the Head of Legal Services.

8. Personal Relationships

8.1 No member or officer should allow any personal connection or relationship with any other member or officer to affect the performance of his or her official responsibilities or the taking of any action or decision by or on behalf of the Council. This includes, for example, any family relationship, membership of the same household or any business connection. Members and officers should always consider how such a relationship or connection would be likely to be regarded by anyone outside the Council, or by any other member or officer, and avoid creating any impression of bias or unfairness.

8.2 An officer who is personally connected or related to any member should notify his or her Director in writing.

8.3 Members should take into account any personal relationship or connection with any other member or officer, in considering the need to register or declare a personal or personal and prejudicial interest whenever appropriate.

9. Involvement of Area Committee/Ward Councillors

9.1 Whenever a public meeting is organised by the Council to consider a local issue affecting a particular area, all the members of the relevant Area Committee or (if only affecting a particular Ward or Wards), those members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting. Similarly, wherever the Council undertakes any form of consultative exercise on a local issue, the Area Committee/Ward members should be notified at the outset of the exercise.

10. Members Access to Information and to Council Documents

10.1 Members are free to request from the Council such information as they may reasonably need in order to assist them in discharging their role as members of the Council, having regard to any special responsibility, for example as Cabinet member or Committee Chair. Such request should normally be directed to the Director.

10.2 The legal rights of members to inspect Council documents arise partly from statute and partly from the common law (judicial decisions).

10.3 Members have a statutory right to inspect any document which contains material relating to any business which is to be transacted at a Council meeting or Sub-Committee meeting. This right applies in respect of whether the member is a member of the Cabinet, or of the Committee or Sub-Committee concerned, and it extends not only to reports that are to be submitted to the meeting but also to any relevant background papers. This right does not however apply to documents which are exempt from publication, unless the member is a member of the relevant Committee.

10.4 The common law right of members is much broader and based on the principle that any member has a prima facie right to inspect Council documents, so far as his/her access to the document is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council. This principle is common and referred to as the 'Need to Know' principle.

10.5 Whether a member is in any particular case entitled to exercise this common law right depends therefore upon the member's ability to demonstrate that he/she has the necessary 'Need to Know'. In this respect a member has no right to a 'roving commission' to examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'Need to Know' for a purpose necessary to enable the member to carry out his or her public duties. In any case of doubt or difficulty, the members should refer to the Chief Executive or Head of Legal Services.

10.6 In some circumstances, for example (a Committee member wishing to inspect documents relating to the functions of that Committee) a member's 'Need to Know' will normally be presumed. In other circumstances, for example (member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms.

10.7 The term "Council document" is very broad and includes for example any document produced by whatever means with Council resources. It is accepted by convention that a member of one Party Group will not have any 'Need to Know' and therefore no right to inspect a document which forms part of the internal working of another Party Group.

10.8 Further and more detailed advice regarding members' right to inspect Council documents may be obtained from the Head of Legal Services.

10.9 Any Council information provided to a member must only be used by the member for the purpose for which it was provided; that is, only to enable the proper performance of the functions of the Council. The point is emphasised in the new Model Code of Local Government Conduct in the following terms. A member –
(a) must not disclose information given to him in confidence by anyone, without the consent of a person authorised to give it unless he is required by law to do so;
(b) must not prevent another person from gaining access to information to which that person is entitled by law.

11. Further Guidance

11.1 Any member of the Council who needs further guidance on any of the matters referred to in the Code or on any similar or related issue is advised to contact the Chief Executive or Head of Legal Services. Any officer needing such guidance should refer initially to their manager who will consult senior management and obtain advice as necessary.

Protocol for Member / Employee Working Arrangements Additional Information & Guidance

The Protocol for Member / Employee Working Arrangements is part of the Council's Constitution and states: '*Members should communicate with employees at the appropriate level. Routine service related enquiries should be initiated through normal departmental enquiry / contact points. Other matters will normally involve the appropriate Director or other Senior Manager.*' This note provides additional information and guidance to Members about what is the '*appropriate level*' in different circumstances. The Protocol and this additional guidance exists so that:

- senior managers can ensure that Members are provided with correct, comprehensive information and advice;
- employees are guided and supported through the appropriate management channels;
- the City Council can be confident that it is properly discharging its Health and Safety responsibilities as an employer.

Contact and communication includes telephone, e-mail, letters and in person. Councillors should always identify themselves as being Councillors when contacting employees.

1. 'First time' service requests or reports of a service failure.

When a Councillor is assisting a constituent or reporting matters for the first time, for example dumped rubbish, missed bins, toilets in need of cleaning, housing repairs etc. the **point of contact set out in the A-Z of Council Services** on the web-site / e-grapevine should be used.

2. Planning Applications

When dealing with specific applications as ward issues Councillors should contact the **development control case officer** at the contact number set out on material produced by the Planning Service.

3. Electoral Registration

For electoral registration issues, including postal voting, contact should be made with the **Elections Office**.

4. Area Housing Management Enquiries

When dealing matters such as anti-social behaviour; progress with transfer applications; repairs which have not been done in the set timescales; etc. contact should be made with the **Area Housing Manager** – details are attached.

5. Requests for work to be undertaken

When a Councillor wants an employee to undertake new or additional work (other than routine request described above) contact should be made with the **Director or Head of Service**. This is important as the Council has an approach to performance management whereby all employees have clear work programmes and understanding as to what they need to achieve. Being asked directly by Councillors to take on additional work could undermine an employee's performance and lead them into difficulties, as well as creating stress in juggling competing workloads.

6. Discussion of the development or application of policy

When a Councillor wishes to discuss policy, contact should be made with the **Director or Head of Service**. Councillors must have the fullest possible information about a policy area. Although many employees are highly knowledgeable about their subject matter, they cannot be expected to know all of the important, wider contexts such as finance, external relations, impacts on other service areas etc.

7. Complaints

If a Councillor needs to make a complaint about the conduct of a Council employee or a contractor to the Council, or to complain that a service has not been delivered in accordance with service standards or established expectations, contact should be made with the **Director or Head of Service**. Good management and discipline are important and it is essential for Directors and Heads of Service to be made aware of Councillors' perceptions and experiences so that proper steps can be taken to resolve difficulties and support employees.

Although it is most unlikely that this will ever occur, for the sake of completeness and absolute clarity, a Councillor should never, in any circumstance, seek to intervene in an employee's or contractor's work or to give instruction to an employee or contractor. If a Councillor has cause for concern about the way that an employee or contractor is undertaking work, the Director or Head of Service should be contacted.

8. Responses from employees

When a Councillor makes contact with a Director or Head of Service a response will be made as quickly as possible. Telephone calls will be returned as quickly as possible and in no more than 5 working days (unless absence makes this impossible). A substantive response to contact in any form will be given within 10 working days or an explanation will be provided about the reason for any delay. It is not possible for Directors and Heads of Service to meet personally with individual Councillors about routine matters. Requests for appointments with Directors and Heads of Service will be responded to within 5 working days.



Scrutiny Committee

Support for Members with constituents' enquiries

Councillors Consultation

Following a question to the Scrutiny Committee on 5 April 2005 (see overleaf) the Committee is looking at the support that you receive from officers when you make enquiries on behalf of constituents. Please would you take a few moments to help by answering the following questions?

Your views are confidential and will not be attributed to you in the scrutiny report.

1. When you are making an enquiry, who do you **usually** contact?

please choose one

- The officer that provides the relevant service to the customer
- The manager of the service
- The relevant director or head of service
- an officer who is not connected, but who I have found useful before
- other: (*Please give details*)

2. How do you **usually** prefer to make your enquiry?

- by phone
- by letter
- by email
- in person

3a. How long does it **usually** take to resolve your enquiry?

- within hours
- a few days
- up to 2 weeks
- more than 2 weeks

3b. and is that -

- not as quick as expected
- about right
- quicker than expected

4. Which of the following would describe the service you receive from officers?

- I usually know which officer to contact
- I find it easy to make contact with the officer
- I am usually satisfied with the amount of time that officers give to my enquiries
- I am usually satisfied with the speed of service
- I am usually satisfied with the accuracy of the response
- I always have access to the information I need

Strongly agree ← → Strongly disagree

-
5. Thinking about how to improve the support you receive from officers when you are making enquiries on behalf of constituents, what would be your top three suggestions in priority order?

Question to Scrutiny Committee 5 April 2005 and the response

(a) "Is there a Code of Practice to guide Members and officers in dealing with case work which Members receive from the public or from community bodies? For example is there a service level agreement (SLA) as to what Members can expect from officers on case work issues? Does any such Code or SLA cover working with partner agencies in order speedily to resolve matters?

If so, could we see the protocol. If not, then is the Council considering having such a Code?"

The Assistant Director Legal & Democratic Services tabled the following reply at the meeting: "When Members of the Council raise case work issues with officers they can expect the same standards of customer care that are offered to members of the public contacting the Council. There is no separate or specific Service Level Agreement in place and there are no plans to create any additional rules or protocol. If individual Members feel that their case work issues are not being dealt with properly then there are adequate ways they can take that up with senior officers to have matters resolved. Typically Members should raise issues at Head of Service level in the first instance and if there are difficulties the Strategic Director or Chief Executive can assist in resolving them".

Councillor David Billing then asked who Members should contact within the Council when faced with questions that were cross-service or even cross-partner.

The Strategic Director of Financial and Regulatory Services advised the Committee that there were already Customer Care Standards in place that applied to Member requests to officers and confirmed that questions should be responded to within four days of receipt. If this response is just an acknowledgement then a full reply should be sent within 10 days of receipt.

The Committee agreed that Members might not be aware of the Customer Care Standards in place and that they should be contacted to obtain their views about the level of service they received from officers.

**Thank you for your time
Please return by Friday 24 June 2005**

via the internal post to North Hertfordshire District Council, Scrutiny Officer