



Strategic Planning & Environment

Overview & Scrutiny

Agenda

TUESDAY 20 JUNE 2017 AT 7.30 PM

Conference Room 2 - The Forum

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor G Adshead
Councillor Anderson (Chairman)
Councillor E Collins
Councillor Fisher
Councillor S Hearn
Councillor Hicks

Councillor Howard (Vice-Chairman)
Councillor Matthews
Councillor Ransley
Councillor Riddick
Councillor Timmis
Councillor C Wyatt-Lowe

Substitute Members:

Councillors Bateman, Birnie, England, Link, McLean, Ritchie, R Sutton and Tindall

For further information, please contact Katie Mogan or Member Support

AGENDA

1. MINUTES

To agree the minutes of the previous meeting.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest.

4. PUBLIC PARTICIPATION

- 5. CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL-IN**
- 6. PROVISIONAL OUTTURN REPORT 2016/17** (Pages 3 - 12)
- 7. ENVIRONMENTAL SERVICES Q4 PERFORMANCE REPORT** (Pages 13 - 36)
- 8. PLANNING, DEVELOPMENT AND REGENERATION Q4 PERFORMANCE REPORT**
Report to follow
- 9. REGULATORY SERVICES Q4 PERFORMANCE REPORT** (Pages 37 - 49)
- 10. PUBLIC SPACES PROTECTION ORDER - HEMEL HEMPSTEAD TOWN CENTRE**
(Pages 50 - 58)
- 11. WORK PROGRAMME 2017/18**
Report to follow



Report for:	Strategic Planning and Environment Overview and Scrutiny Committee
Date of meeting:	20 June 2017
PART:	1
If Part II, reason:	

Title of report:	Provisional Outturn 2016/17
Contact:	<p>Cllr Graeme Elliot, Portfolio Holder for Finance and Resources</p> <p>Authors: David Skinner, Assistant Director (Finance & Resources) Richard Baker, Group Manager (Financial Services)</p> <p>Contact: James Deane, Corporate Director (Finance & Operations)</p>
Purpose of report:	<p>To provide details of the provisional outturn position for the:</p> <ul style="list-style-type: none"> · General Fund · Capital Programme
Recommendations	That Committee note the provisional outturn position.
Corporate objectives:	Delivering an efficient and modern council.
Implications:	Financial and Value for Money implications are included within the body of the report.
Risk Implications	Risk implications are included within the body of the report.
Equalities Implications	There are no equality implications.

Health And Safety Implications	There are no health and safety implications.
Glossary of acronyms and any other abbreviations used in this report:	GF – General Fund HRA – Housing Revenue Account MTFS – Medium Term Financial Strategy

1. Executive Summary

1.1 The contribution to the earmarked reserves, as shown in paragraph 3.5, is £1.158m. This budget surplus has been analysed as part of the normal year end process, to ensure than ongoing savings have been identified and captured in the base budget going forward and one off items have been challenged.

1.2 Items of a one-off nature that are imprudent have not been built into the base budget based on a risk assessment of the likely recurrence, and these include:

- Housing benefit subsidy £110k surplus, (0.2% of budget)
- Parking income surplus £100k as this income is weather dependant
- Waste Services income from the Alternative Financial Model due to the current model being under review

1.3 Items captured in the base budget going forward include:

- Garages income additional £400k from 2017/18
- Investment Property inflationary increases £90k
- Ongoing savings in employees budget such as the savings in the leadership team (£75k) following the restructuring.

1.4 General Fund Capital spending is broadly on track with rephasing limited to 11.5% of the budget and consistent with forecasts made at Quarter 3.

1.5 In line with the policy of maintaining the General Fund working balance at £2.5m the surplus has been moved to earmarked reserves as per the recommendation to Cabinet 23rd May as shown in paragraph 7.1 and is broken down as follows:

- Contribution to Management of Change reserve £450k
- Contribution to Capital Development Reserve £500k
- Contribution to Parking Reserve £208k

2. Introduction

1.1 The purpose of this report is to outline the Provisional Outturn for 2016/17, prior to the closure of the accounts. Outturn is reported for the following:

- General Fund
- Capital Programme

1.2 The Accounts and Audit Regulations 2015 require local authorities to have prepared their annual Statement of Accounts, complete with certification from the

Section 151 Officer, by 30 June. The Statement of Accounts must be published by 30 September, following an audit to be undertaken by Grant Thornton.

- 2.3 The Council's outturn position is a primary source of information for the production of the Statement of Accounts. The provisional outturn position detailed in this report may be subject to further amendment as work continues on the preparation of the Accounts. The final outturn position, along with movements in reserves, will be reported to Cabinet at its meeting of 27 June 2017 if there are any material variances. If there are no material variances, then the Final Outturn will be reported only to the Audit Committee for final sign off at its meeting of 28 June 2017.

3. General Fund Revenue Account

- 3.1 The General Fund revenue account records the income and expenditure associated with all Council functions except management of the Council's own housing stock, which is accounted for within the Housing Revenue Account (HRA).

- 3.2 The current budget is the original budget approved by Cabinet in February 2016, plus the following approved amendments:

Amendments	£000	Approved
2016/17 Original budget	16,946	
Corporate Graduates	18	Council July 2016
Reserve Funded Staff Costs	(46)	Council September 2016
Digitalisation of Planning Microfiche data	100	Council September 2016
Sports Review	40	Council January 2017
Arts Funding	15	Council January 2017
Pensions	(900)	Council April 2017
2016/17 Current Budget	16,173	

- 3.3 Appendix A provides an overview of the General Fund provisional outturn position, separating expenditure into controllable and non-controllable categories in order to focus scrutiny on those areas that officers are able to influence, i.e. the controllable.

- 3.4 The majority of non-controllable costs result from year-end accounting adjustments, e.g. depreciation charges. These are required to show the true value of resources used to provide the Council's services, but do not result in a cash charge to taxpayers. The provisional adjustments that have been completed to date are explained in section 5 of this report.

- 3.5 The table below provides an overview by Scrutiny area of the current forecast outturn for controllable and non-controllable budgets within the General Fund.

	Current Budget £000	Provisional Outturn £000	Variance	
			£000	%
Finance & Resources	7,245	6,820	(425)	-5.9%
Strategic Planning & Environment	7,107	6,933	(174)	-2.4%
Housing & Community	1,821	1,618	(203)	-11.1%
Total	16,173	15,371	(802)	-5.0%
Non-controllable budgets	(9,913)	(9,966)	(53)	0.5%
Earmarked Reserve movements	(6,260)	(6,563)	(303)	4.8%
Contribution (to)/from General Fund Working Balance	0	(1,158)	(1,158)	

3.6 Key changes between periods

The forecast position at quarter 3 was a contribution to working balances of £262k. A summary of the changes between periods, which make up the increase to reserves of £1,158k are as follows:

Budget Monitoring Quarter 3 - variance against GRF working balances	(262)
Planning Income - underachievement forecast at Quarter 3	(190)
General Fund properties used for Temporary Accommodation	(129)
Investment Property income - service charges and turnover based rent	(110)
Waste Services income	(130)
Reduction in overspend forecast against vacancy provision	(110)
Additional government grants	(76)
Benefits Subsidy	(110)
Increase in recharge to the HRA	(43)
Other minor items	2
Budget Monitoring Quarter 4 - variance against GRF working balances	(1,158)

3.7 The following sections provide an analysis of the projected outturn and major budget variances shown by Scrutiny area.

4. Strategic Planning and Environment

Strategic Planning and Environment	Current Budget £000	Provisional Outturn £000	Variance	
			£000	%
Employees	9,362	9,359	(3)	0.0%
Premises	859	842	(17)	-2.0%
Transport	1,479	1,421	(58)	-3.9%
Supplies & Services	3,784	3,909	125	3.3%
Third-Parties	88	89	1	1.1%
Income	(8,465)	(8,687)	(222)	-2.6%
	7,107	6,933	(174)	-2.4%

4.1 Key Changes between periods

The forecast position at quarter 3 was a pressure of £81k. The Provisional Outturn shows a surplus of £173k. A summary of the changes between periods, which make up the movement of £254k is shown below:

Budget Monitoring Quarter 3 variance	81
Planning Income - underachievement forecast at Quarter 3	(190)
Waste Services income - additional income	(130)
Insurance costs	125
Reduction in overspend forecast against Employees budgets	(112)
Other minor items	(28)
Budget Monitoring Quarter 4 variance	(254)

4.2 Supplies and Services - £125k over budget (3.3%)

Overspend of £125k – An overspend of £125k has arisen due to insurance provisions in Environmental Services budgets. These relate to public liability claims not covered by insurance, particularly two large subsidence claims for domestic properties from tree roots that have been settled.

4.3 Income - £222k over-achievement of budget (2.6%)

Over-achievement of income of £240k – In Waste Services a surplus of £180k has been generated as a result of an incentive payment from Hertfordshire County Council (HCC). This payment rewards Dacorum for improvements in the rate of recycling as a result of the co-mingled waste service. A surplus of £60k has also been realised in recycling credits, following improved co-mingled and green waste tonnages.

Within this over-achievement is a deficit on Commercial Waste income of £100k. This is offset by a reduction in expenditure in 2 areas: firstly efficiencies achieved in the round structure have led to lower than budgeted expenditure in Employees costs of £55k; secondly there are savings of £45k in the Supplies and Services category from lower than budgeted waste disposal costs. The net position for Commercial Waste is therefore in line with the budget overall.

5. Non-Controllable Expenditure and Corporate Items

- 3.8 Appendix A includes the provisional outturn for non-controllable expenditure and corporate items. These are largely year-end accounting adjustments. There will be further adjustments as work on the Statement of Accounts continues, but major variances arising to date are detailed below:

Surplus of £110k – There is a surplus of £110k in Housing Benefits and Subsidy. This is a variance of 0.2% on the total budget, which amounts to £48.2m.

Surplus of £43k – There is a surplus of £43k on the recharge to the HRA. The year end review of recharges has been carried out, and based on updated time allocations, an increased recharge to the HRA of £43k is required.

Surplus of £26k – There is a surplus of £26k on Interest Receipts. Slippage and underspends on the General Fund capital programme of £2.4m, has meant the Council has held higher cash balances during the year. These higher balances have been invested in line with the Council's treasury management strategy and have generated an additional £26k of interest receipts.

Surplus of £210k - Additional new burdens grants totalling £204k, along with an adjustment of £6k to prior year New Homes Bonus grants, provide an additional £210k of unallocated grants. Included in these grants is £73k towards the cost of meeting welfare reforms and benefit cap changes. The work involved with these reforms has been absorbed within the Revenues and Benefits service, with no additional budget having been required. Section 31 grants are retained corporately unless there is evidence of a significant New Burden.

Increase in Revenue Contribution to Capital £336k – this increase is in line with 2016/17 reserves movements approved by Council in February 2017 as part of the 2017/18 budget setting process.

- 3.9 At the time of writing, the depreciation calculation for the year has yet to be finalised and included within the non-controllable expenditure section of Appendix A. At this stage, this has been included as on budget. The depreciation charge is an accounting adjustment which has no impact on the taxpayer.

6. Capital Programme

- 3.10 Appendix C shows the projected capital outturn in detail by scheme.

The table below summarises the overall capital outturn position by Scrutiny area.

The 'Rephasing' column refers to those projects where expenditure is still expected to be incurred, but it will now be in 2017/18 rather than 2016/17, or conversely, where expenditure planned initially for 2017/18 will now be in 2016/17.

The 'Variance' column refers to those projects which are now complete, but have come in under or over budget and those projects which are no longer required.

The current budget is the original budget approved by Cabinet in February 2016, plus approved amendments, including re-phasing of the slippage identified at Quarter 1 into 2017/18.

	Current Budget £000	Provisional Outturn £000	Rephasing £000	Variance	
				£000	%
Strategic Planning & Environment	6,765	5,618	(779)	(368)	-5.4%
G F Total	6,765	5,618	(779)	(368)	-5.4%

Key changes between periods – General Fund

3.11 A summary of the changes between periods is as follows:

	Rephasing £'000	Variance £'000
Budget Monitoring Quarter 3 - GRF Capital variance against budget	(831)	191
Hemel Sports Centre heat and power - Specialised custom unit has 2 month build time	(175)	0
Play Area refurbishment	(71)	0
Maylands Urban Realm - savings from project re-engineering and securing additional funding from HCC	0	(356)
Water Gardens - increased level of spend in later months	576	(235)
Hemel Street Furniture - at Q3 accelerated spend of £30k expected, but year end position is slippage of £81k	(111)	
Other changes	(167)	32
Budget Monitoring Provisional Outturn - GRF Capital variance against budget	(779)	(368)

3.12 General Fund Major Variances

There is an overall underspend of £1.15m on the General Fund. This is a combination of underspend of £368k, and slippage of £779k (12%) into 2017/18.

The net underspend of £368k includes:

- Line 168: underspend of £341k on the budget for Maylands Urban Realm. The project was value-engineered to ensure that costs were kept as low as possible. Work was undertaken in conjunction with Herts County Council, and significant parts of the project were paid for by HCC as part of their Highway programme. In addition, external funding of £68k was secured to replace DBC own funding.

- Line 170: overspend of £207k on Regeneration of the Town Centre. An overspend of £93k was reported last financial year on the project, which added to the £207k in 2016/17, brings the total overspend on the project to £300k, approximately 6% of the overall budget. Unbudgeted grant and Section 106 funding has been received to the value of £105k, which offsets some of the overspend, reducing the total position to 4% of the budget.
- Line 173: underspend of £222k on Bus Interchange project. £300k was carried forward from 2015/16 as slippage, in anticipation of the final costs on this project. Given the complexities of previous projects such as the Town Centre Regeneration, where a number of unforeseen expenses were incurred, a prudent estimate of the final costs was made, however this estimate has subsequently proved to be too high.

The rephasing to future years of £779k includes:

- Line 144: slippage of £100k on Hemel Sport Centre renew heat and power system. The particular unit required is specialised and has a build time of over 2 months. The cost will now be incurred in 2017/18.
- Line 171: slippage of £377k on Maylands Business Centre. There was a delay in granting planning permission on the site until October. When works commenced on site, an unforeseen issue with one of the main drainage pipes was discovered, which has led to a delay in the scheme.
- Line 176: slippage of £81k on Hemel Street Furniture. Resources have been concentrated on the Water Gardens project, which has led to delays in the street furniture project.

4. Balances and Reserves

7.1 Appendix A shows that after the above reserve movements are made there will be an increase to the General Fund Working Balance of £1.158m. In February 2017, Cabinet approved the strategy of maintaining the General Fund Working Balance at £2.5m. It has therefore been recommended that the surplus of £1.158m is transferred to earmarked reserves as follows:

- Management of Change Reserve – increase the reserve by £450k. The Council's MTFs demonstrates that the Council still faces significant savings targets in the medium term. Achieving these targets whilst maintaining front-line services will require the Council to continue investing in new, more efficient ways of working that generate ongoing revenue savings. The Management of Change reserve supports the Council to meet the costs associated with these initiatives.
- Capital Development Reserve – increase the reserve by £500k. In pursuit of the revenue savings identified within the MTFs, the Council continues to explore initiatives capable of generating revenue savings/income whilst simultaneously enhancing the borough for its residents. Examples of such initiatives are the creation of a Development Company to increase the supply of good quality housing across the borough; reviewing options for further development of leisure assets; the delivery of a multi-storey car park; and the delivery of further temporary accommodation premises to relieve housing pressures.

These are major capital projects which attract significant feasibility and design costs upfront, before giving a return on investment. It is recommended that a Capital Development reserve is created to contribute towards the financing of these costs.

- On Street Car Parking Reserve – increase by £208k. This reserve is used to fund the costs associated with parking initiatives put in place by the council to relieve pressure on parking across the borough. Based on average levels of expenditure over the last 5 years, an annual amount of £40k is required.

CAPITAL PROGRAMME MONITORING PROVISIONAL OUTTURN 2016/17 BY SCRUTINY COMMITTEE

APPENDIX B

Scheme	Budget Holder	Original Budget	Prior Year Slippage	Adj's, Supps, Virements	Adjustments (Slip. C/F)	In-Year Adjustments	Current Budget	YTD Spend	Provisional Outturn	Forecast Slippage	Projected Over / (Under)	
General Fund												
Strategic Planning and Environment												
Commercial Assets and Property Development												
144	Hemel Sports Centre - renew heat and power system	Nicholas Brown	0	76,050	23,878	0	23,878	99,928	0	0	(99,928)	0
145	Hemel Sports Centre - renew outdoor pool water heaters	Nicholas Brown	0	4,952	(4,952)	0	(4,952)	0	0	0	0	0
146	Berkhamsted Sports Centre - heating system upgrade	Nicholas Brown	15,000	0	0	0	0	15,000	0	0	(15,000)	0
147	Air Handling Unit - Hemel Hempstead Sports Centre	Nicholas Brown	0	18,926	(18,926)	0	(18,926)	0	0	0	0	0
148	Tring Swimming Pool	Nicholas Brown	0	0	0	0	0	0	16,000	16,000	16,000	0
			15,000	99,928	0	0	0	114,928	16,000	16,000	(98,928)	0
Environmental Services												
152	Wheeled Bins & Boxes for New Properties	Craig Thorpe	20,000	0	0	0	0	20,000	11,296	11,296	0	(8,704)
153	Play Area Refurbishment Programme	Craig Thorpe	224,000	106,916	159,314	(150,916)	8,398	339,314	265,062	265,062	(74,254)	2
154	Litter Bin Upgrade	Craig Thorpe	40,000	0	0	0	0	40,000	19,761	19,761	(20,239)	0
155	Waste & Recycling Service Improvements	Craig Thorpe	0	75,000	0	(75,000)	(75,000)	0	0	0	0	0
156	Play Areas & Open Spaces - replace equipment	Craig Thorpe	0	14,722	0	0	0	14,722	3,641	3,641	(11,081)	0
157	Cupid Green Depot - Security Gates Upgrade	Craig Thorpe	81,000	0	0	0	0	81,000	70,355	70,355	0	(10,645)
158	Dog Kennels / Pest Control store Cupid Depot	Craig Thorpe	40,000	0	0	0	0	40,000	11,555	11,555	0	(28,445)
159	Fleet Replacement Programme	Craig Thorpe	862,000	94,231	0	(485,244)	(485,244)	470,987	451,001	451,001	(19,986)	(0)
			1,267,000	290,869	159,314	(711,160)	(551,846)	1,006,023	832,670	832,670	(125,560)	(47,793)
Regulatory Services												
163	Disabled Facilities Grants	GM Regulatory Services	603,000	(61,346)	133,000	0	133,000	674,654	710,155	710,155	0	35,501
164	Home Improvement Grants	GM Regulatory Services	0	8,893	0	0	0	8,893	8,674	8,674	0	(220)
			603,000	(52,453)	133,000	0	133,000	683,547	718,828	718,828	0	35,281
Strategic Planning and Regeneration												
168	Maylands Phase 1 Improvements	Chris Taylor	476,000	813,256	0	0	0	1,289,256	898,302	898,302	(50,000)	(340,954)
169	Urban Park/Education Centre (Durrants Lakes)	Chris Taylor	0	0	0	30,000	30,000	30,000	35,985	35,985	5,985	(0)
170	Regeneration of Hemel Town Centre	Chris Taylor	0	0	0	0	0	0	207,353	207,353	0	207,353
171	Maylands Business Centre	Chris Taylor	550,000	335,000	0	0	0	885,000	507,776	507,776	(377,224)	0
172	Water Gardens	Chris Taylor	177,217	2,005,260	0	0	0	2,182,477	2,241,548	2,241,548	59,071	(0)
173	Bus Interchange	Chris Taylor	0	300,000	0	0	0	300,000	77,965	77,965	0	(222,035)
174	Heath Park Gardens Improvements (Fully funded from S106)	Chris Taylor	0	12,892	0	0	0	12,892	12,492	12,492	0	(400)
175	Town Centre Access Improvements	Chris Taylor	0	507,961	0	(457,961)	(457,961)	50,000	1,122	1,122	(48,878)	0
176	Hemel Street Furniture	Chris Taylor	166,000	0	0	(30,000)	(30,000)	136,000	55,424	55,424	(80,576)	(0)
177	Gadebridge Park	Chris Taylor	500,000	0	0	(500,000)	(500,000)	0	0	0	0	0
178	The Bury - Conversion into Museum and Gallery	Chris Taylor	75,000	0	0	0	0	75,000	12,273	12,273	(62,727)	(0)
			1,944,217	3,974,369	0	(957,961)	(957,961)	4,960,625	4,050,240	4,050,240	(554,349)	(356,036)
Totals: Strategic Planning and Environment			3,829,217	4,312,713	292,314	(1,669,121)	(1,376,807)	6,765,123	5,617,739	5,617,739	(778,837)	(368,547)
Totals - Fund: General Fund			3,829,217	4,312,713	292,314	(1,669,121)	(1,376,807)	6,765,123	5,617,739	5,617,739	(778,837)	(368,547)

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Report for:	SPAE Overview & Scrutiny Committee
Date of meeting:	20 June 2017
PART:	1
If Part II, reason:	

Title of report:	Quarter 4 Performance
Contact:	Councillor Janice Marshall, Portfolio Holder for Environmental Services and Sustainability Craig Thorpe, Group Manager, Environmental Services
Purpose of report:	1.To report on Quarter 4 performance
Recommendations	1.That the report be noted
Corporate objectives:	To provide a clean, safe and green environment
Implications:	<u>Financial</u> None as a result of this report
'Value For Money Implications'	<u>Value for Money</u> None as a result of this report.
Risk Implications	None as result of this report
Equalities Implications	N/A
Health and Safety Implications	None as a result of this report
Consultees:	Officers within Environmental Services

Background papers:	Waste Tonnages and CSG Performance – Appendix 1 Corvu Report - Sickness – Appendix 2 Corvu Report – Performance – Appendix 3 Operational Risk Register – Appendix 4
Historical background <i>(please give a brief background to this report to enable it to be considered in the right context).</i>	This report has been produced to provide an update to Members on performance against key objectives and an overview of progress on a number of ongoing projects
Glossary of acronyms and any other abbreviations used in this report:	CSG – Clean, Safe and Green

Environmental Services Overview and Scrutiny Quarter 3 – Performance Review

Introduction

- **Environmental Services consists of the following:**

1.1 Refuse and Recycling – Domestic and Commercial Waste Collections.

- Providing scheduled collections of waste and recycling materials from over 62,000 domestic properties and 800 commercial waste customers
- Collection of over 5000 “paid for” bulky collections per annum upon request
- **Waste Transfer Site – ISO 14001 compliant**
 - Storage and bulking of over 24,000 tonnes of recycling materials for onward processing
 - Separation, storage and disposal of hazardous waste including asbestos, dead animals, paints and flammables.
- **Clean, Safe and Green (CSG)**
 - Scheduled grass cutting on behalf of Herts County, Housing Landlord and on Dacorum owned land
 - Maintenance of hedges, shrub beds and some roundabouts
 - Maintenance of parks and open spaces including play equipment
 - Maintenance of sports pitches
 - Weed spraying
 - Clearance of fly tips
 - Removal of graffiti

- Removal and disposal of road kill
- Management of Trees on behalf of Herts County, Housing, Dacorum owned land, parks and open spaces and woodlands
- Management of Rights of Way and Countryside access
- **Educational Awareness**
 - Initiating campaigns to promote the waste hierarchy through school talks and other initiatives. Also undertakes anti littering campaigns with local residents and businesses.
- **Vehicle Repair Shop (VRS)**
 - Servicing and maintenance of all the Councils fleet of vehicles to ensure legal compliance with Road Transport Law and effective running of front line services.
- **Resources**
 - Recording and producing of key performance data such tonnages, reports from public and sickness figures which are shown as part of this report.
- **Waste Services**

Training and Development

- Carried out a full 1 day refresher training to all frontline staff
- Undertook 1 – 2 – 1 appraisals to staff
- Carried out Agency inductions to 70 staff
- Carried out induction training to new starters
- Carried out refresher training to specific staff on loading shovel and fork truck
- Completed Annual Driver CPC training to all our LGV drivers

Operations

- Undertook trial of 360 degree CCTV on a refuse collection vehicle
- Re-started green waste collections in March
- Visited Courses Farm and Cattlegate Farm – Food and green waste disposal outlets

Depot:

- Installed new fire doors to depot

• **Waste Development**

- Christmas Tree Recycling Event: over 3000 Christmas trees recycled on Sunday 8 January in partnership with local Scout groups
- The Great British Spring Clean (national litter picking campaign) ran throughout March: 40 groups consisting of 1322 volunteers. 252 bags of rubbish and 132 bags for recycling collected. 5 schools visited with 889 children taught about litter and recycling.

- Press releases and promotion through DBC channels (social media, website and Digital Digest newsletter) which went out were: Christmas Tree Recycling promotion and wrap up, Additional Garden Waste Subscriptions promotion, A41 clear up, Great British Spring Clean promotion and wrap up
- Additional Garden Waste Subscription Service sold over 100 green bins and 500 subscriptions in Quarter 1 generating around £29,000.

- **Clean, Safe and Green**

- Cleaned all “Welcome to DBC” signage at all entrances to the Borough.
- Cleared moss in housing drying areas as per rota as well as cleaned around mini traffic islands.
- Completed a number of small scale landscape improvements to Housing areas.
- Planted replacement trees in community orchards in North end.
- Maylands entrance has now been landscaped and planted up.
- Reseeded wildflowers on roundabouts and road side areas.
- Replaced 30 bins with new enclosed type and have another 40 to be installed.
- Switched to Summer Rota.
- Attended to approximately 20 to 30 tree issues following Storm Doris. Half of these were privately owned.
- Completed last 30 installations of street nameplates for 2016/17
- Undertook 1 – 2 – 1 appraisals to all staff
- Recruited 3 new full timers and 6 summer temps.
- Litter picked the A41 in Feb and removed approximately 10 ton of litter and other items.
- Cleared Green lane as a one off where lorries are parking. Cleared 2 ton from this location.

- **Sickness days lost**

Environmental Services	Jan 17	Feb 17	Mar 17
Long Term Sickness (days lost)	90	110	107
Short Term Sickness (days lost)	57	37	29
Total Sickness (days lost)	147	147	136

Department	HCount	Jan-17	Feb 17	Mar 17
Environmental Services Total	193	147	147	136
Operational Services + GM	5	1	3	0
Clean Safe & Green Management	4	2	0	0
Area Teams	82	62	56	65
Refuse & Recycling Supervisors	4	0	0	10
Refuse & Recollection Crews	78	78	84	61
Depot Services	4	0	0	0
Trees & Woodlands	8	2	4	0
Vehicle Repairs	2	0	0	0
Resources	4	2	0	0
Waste Development (S)	2	0	0	0

Department	Head count	Spells started	Days lost	Hours lost	DLPE	Absence rate	Highest reason 1	Highest reason 2	Highest reason 3
Refuse & Recycling	85	54	256	0	3.01	5.40	Musculoskeletal - Back (53 days)	Depression/Psychological Illness (35 days)	Stress/Anxiety - Personal Issues (35 days)
Clean Safe & Green Management	80	29	194	0	2.41	4.32	Genitourinary (65 days)	Stress/Anxiety - Personal Issues (48 days)	Gastrointestinal (18 days)
Trees & Woodlands	8	2	6	0	0.75	1.36	Flu-like Symptoms (5 days)	Eye Problem (1 days)	
Operational Services - Vehicle Repairs	3	0	0	0	0.00	0.00			

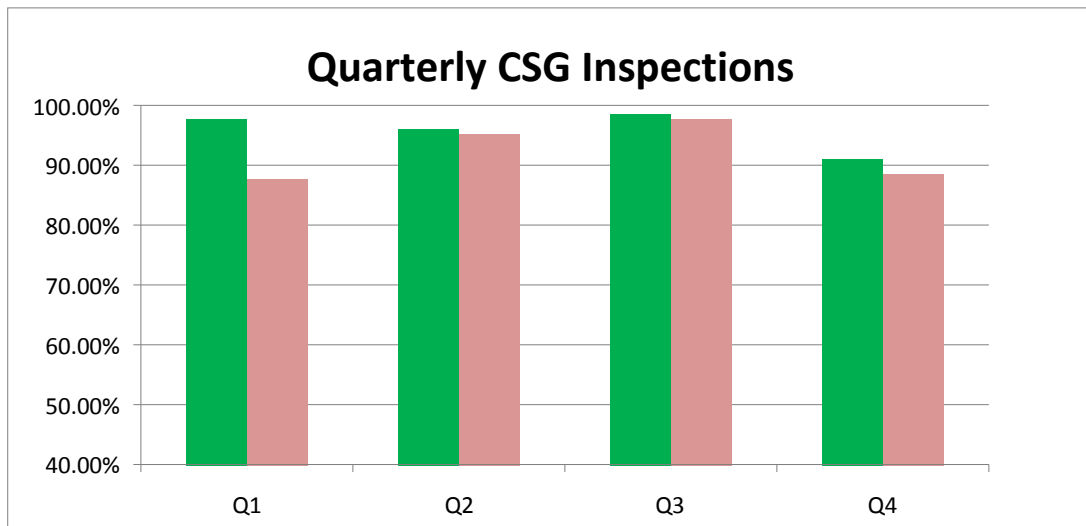
- **Return to work compliance:**

Department	Jan 17	Feb 17	Mar 17	Total over 12 months	Avg days to complete
Environmental Services	85.2%	73.3%	87.5%	88.3%	3.27

CSG Litter & Detritus Inspections 2016/17

Litter	Detritus	120 Inspections per quarter
Grade A+B	Grade A+B	
117	97	
115	114	
118	117	
109	106	








	Q1	Q2	Q3	Q4
Litter	97.50%	95.83%	98.33%	90.83%
Detritus	87.50%	95.00%	97.50%	88.33%



Measure	Owner & Updater	Mar 2016 Result	Trend	Dec 2016 Result	Trend	Mar 2017 Result	Sign Off	Comments
Dacorum								
CSG01 - Percentage of dog fouling reports actioned within the set timescale of 7 days	Craig Thorpe Shirley Hermitage	97.89% (93/95) Target: 95	↗	97.62% (41/42) Target: 95	↗	100% (72/72) Target: 95	✓	Owner All completed within the set timescale.
CSG01a - Number of dog fouling reports actioned within the set timescale of 7 days	Craig Thorpe Shirley Hermitage	93 % Info Only	↘	41 % Info Only	↗	72 % Info Only	✓	Owner
CSG02 - Percentage of fly tips collected within the set timescale of 7 days	Craig Thorpe Shirley Hermitage	99.01% (301/304) Target: 95	↘	99.26% (268/270) Target: 95	↘	98.05% (301/307) Target: 95	✓	Owner 6 over reports over 7 days to complete. 2 x require grab/ 2 x contractor - asbestos / 1 x pending report / 1 over 7 days to collect.
CSG02a - Number of fly tips collected within the set timescale of 7 days	Craig Thorpe Shirley Hermitage	301 Info Only	↗	268 Info Only	↗	301 Info Only	✓	Owner
CSG04 - Litter Area inspections up to standard	Craig Thorpe Shirley Hermitage	120 Inspections Target: 120	↗	120 Inspections Target: 120	↗	120 Inspections No Target	✓	Owner Litter = 90.83% Grade A&B / Detritus = 88.33% - Grade A&B No controlled sweeps carried out in tis period.
CSG05 - Graffiti Removal - Percentage removed from Dacorum Structures within 7 days	Craig Thorpe Shirley Hermitage	96.77% (30/31) Target: 95	↘	100% (9/9) Target: 95	↘	77.78% (14/18) Target: 95	✓	Owner 4 x reports outstanding - awaiting repair of jet washer machine.
CSG05a - Number of Graffiti removed from Dacorum Structures within 7 days	Craig Thorpe Shirley Hermitage	30 Info Only	↘	9 Info Only	↗	14 Info Only	✓	Owner
TW04 - Trees and Woodlands - Contractor Quality Performance	Craig Thorpe Shirley Hermitage	81% Info Only	↗	36% Info Only	↗	99% Info Only	✓	Owner
WR01a - Justified Missed collections (Excluding Assisted Collections)	Craig Thorpe Shirley Hermitage	300 Bins Target: 750	↗	712 Bins Target: 750	↗	293 Bins Target: 750	✓	Owner Approved
WR03 - Number of justified missed assisted collections	Craig Thorpe Shirley Hermitage	42 Collections Target: 150	↘	59 Collections Target: 120	↘	75 Collections Target: 120	✓	Owner Approved
WR05 - Dry recycling Collected	Craig Thorpe Shirley Hermitage	3943.71, Tonnes Target: 3786	↗	3438.86, Tonnes Target: 3600	↗	4069.5, Tonnes Target: 3600	✓	Owner Approved

Key Actions



WR06 - Total tonnage of garden waste collected	Craig Thorpe Shirley Hermitage	762.06 Tonnes Target: 762.06		2033.11 Tonnes Target: 2033.11		1014.55 Tonnes Target: 1014.55		Owner It appears that the actual tonnage is matching the target set which is incorrect. The relevant department has been informed
WR07 - Tonnage of food waste.	Craig Thorpe Shirley Hermitage	1161.28 Tonnes Target: 1200		1213.54 Tonnes Target: 1020		1274.45 Tonnes Target: 1020		Owner Approved
WR08 - Recycling Rate	Craig Thorpe Shirley Hermitage	No Data Target: 60		No Data Target: 60		No Data Target: 60		Owner This figure is not yet available



OPERATIONAL RISK REGISTER

March 2017



1) Neighbourhood Delivery - David Austin

ND_F01 Variation in levels of income for recyclables due to changes in market conditions

Category: Financial	Corporate Priority: Dacorum Delivers	Risk Owner: David Austin	Portfolio Holder: Janice Marshall	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
4 Very Likely	3 High	12 Red	3 Likely	2 Medium	6 Amber
Consequences		Current Controls		Assurance	
<p>The comingled recyclables are delivered to a Material Recycling Facility where we receive a 'basket' price for the materials. This 'basket' price is based on market rates and the relative percentage presence of the different recyclables in the mix (e.g the % of say glass of the overall weight , a sampling regime is in place). If there is a fall in market rates or changes in the % mix away from the more valuable recyclables we would see a gate fee introduced and the opposite of this also applies (a rise in material values would see the Council receive an income per tonne of recyclable material. In addition the Council receives an incentive payment (called the Alternative Financial Model) from Hertfordshire County Council . This payment is based on reducing the amount of waste sent for disposal so again any changes in recycling performance will impact on this income stream.</p>		<ul style="list-style-type: none"> - There are regular meetings with the Group Manager, Service Accountant and a representative from the end receiver to monitor any changes. - The market price for recyclable materials and potential forecasts in changes is monitored via trade publications and professional contacts such as the Chartered Institute of Waste Management and Lets Recycle Indices 		<p>The contract for the processing of recyclables is currently under review to ensure surety of costs moving forward.</p>	

Sign Off and Comments

OPERATIONAL RISK REGISTER

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Sign Off Incomplete

ND_F04 Operational Factors Affecting Service Delivery

Category: Infrastructure	Corporate Priority: Dacorum Delivers	Risk Owner:	Portfolio Holder: Janice Marshall	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
3 Likely	3 High	9 Amber	2 Unlikely	2 Medium	4 Green
Consequences		Current Controls		Assurance	
<p>Risk 24 – Operational Risks Industrial Action/Employee relations</p> <p>- The service employees are its greatest assets and it is important that they are kept fully informed of service developments and the reasons for them if unrest is to be avoided.</p>		<p>Current control</p> <ul style="list-style-type: none"> - Regular monthly team briefs are held to advise of service developments - Annual two way appraisals are held to discuss performance and training requirements - A quarterly Cupid Green Round Up magazine is produced which includes "Compliments Corner highlighting service achievements - Bi-Monthly Health and Safety meetings are held – Attendees include Management, Supervisors and Union Representatives - The corporate staff survey will highlight areas of improvement. - Every operator of heavy goods vehicles must convince the Traffic Commissioner of their good repute. Each 		<p>Assurances</p> <p>- Apart from a national pay dispute, Dacorum has not been threatened with Industrial Action for many years. With the current controls in place it is probably that this will continue.</p>	

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<p>Revocation, suspension or curtailment of Operators licence</p>	<p>operator must have a qualified Certificate of Competence holder (CPC) to who is personally responsible for maintaining the fleet and driver records. If standards are found to be less than satisfactory the then VOSA could chose to revoke, curtail or suspend the licence.</p> <ul style="list-style-type: none"> - Currently DBC have three CPC holders and a admin support on a fixed term. This is adequate until a review and restructure has taken place. - An independent audit of vehicles maintenance and records by the FTA has been organised for the next two years to ensure compliance - Interviews are being undertaken to employ a suitably qualified Transport Manager - Herts County Council have a statutory obligation to provide disposal outlets for Hertfordshires Waste Collection Authorities (WCA) so there are a number of alternative outlets available if required - Cupid Green has a licenced Waste Transfer Station with bulking facilities which can hold material if required until a suitable outlets is sourced. 	<ul style="list-style-type: none"> - In the absence of a Transport Manager interim measures are in place in order to remain compliant and independent audit by the FTA will highlight any improvements that may be required
<p>Closure/lack of access to disposal outlets</p>	<ul style="list-style-type: none"> - Service disruption has been experienced on a number of occasions in the past and this has affected Waste Services more than CSG. 	<ul style="list-style-type: none"> - Waste can be held for a number of days until suitable alternatives have been sourced

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<p>Suspension of service due to inclement weather.</p> <p>Fuel Shortage</p>	<ul style="list-style-type: none"> - Although the severity of the weather and its effect is difficult to plan for managers have adequate experience on which to make decisions on resumption of collections - Staff are engaged on salt/grit spreading and snow clearing duties if the service is suspended. - All staff are aware of priority areas for the above - Passenger carrying vehicles are available to transport staff to the most affected areas. - Free salt is sourced from HCC before the winter to ensure adequate stock levels. - As many refuse collection vehicles as possible are kept in undercover during freezing conditions to prevent freezing of ancillary equipment. - Over 4000 residents signed up to text alerts to advise of disruption and contingency plans - Fuel is now kept and drawn from a storage until at Cupid Green depot - A number of fuel cards to enable purchase from local petrol stations have been retained and can be used in an emergency. 	<ul style="list-style-type: none"> - Environmental Services are suitably prepared for inclement weather which will lessen the potential full impact on affect service delivery - Social media plays a significant role in keeping residents informed and this has been seen to be well used by residents. This, coupled with the text alerts, ensure that reside4nts can keep up to date with developments.
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<p>Page 27</p>	<ul style="list-style-type: none">- Refuse collection is classed as an emergency service and therefore priority will be given to emergency services and utility vehicles such as refuse collection vehicles before regular motorist- All drivers are instructed to fill up with fuel at the end of each day. This will allow the next days collections to be unaffected whilst alternative fuel supplies are sourced.	<ul style="list-style-type: none">- Environmental service is now fairly self-sufficient in terms of sourcing fuel and therefore any short term shortage should not impact on service delivery
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OPERATIONAL RISK REGISTER

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Sign Off and Comments					
Sign Off Incomplete					

ND_I03 Failure to manage sickness levels and staff retention

Category: Infrastructure	Corporate Priority: Dacorum Delivers	Risk Owner: David Austin	Portfolio Holder: Janice Marshall	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
4 Very Likely	4 Severe	16 Red	2 Unlikely	4 Severe	8 Amber
Consequences		Current Controls		Assurance	
If there is an increase in sickness, there are a number of significant impacts on services. Agency staff usage increases which leads to higher revenue costs but also affects service quality. This can lead to further additional costs such as returning for missed bins, replacing lost and damaged bins as well as the resource required to deal with additional complaints.		There is a robust system to manage sickness and absence with dedicated Human Resource support based at Cupid Green Depot. A monthly update is circulated for management team including a case review of long term absences to ensure everything is being done to support the employee back into work. There is also a programme of inoculation against diseases to act as a preventative measure.		A stricter approach to sickness management coupled with a change to the Sickness Policy has reduced sickness and therefore the need for previous levels of agency cover.	

Sign Off and Comments					
Sign Off Incomplete					

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2) Neighbourhood Delivery - David Austin

ND_RO2 CCTV – Not implementing the mandatory Public Surveillance Code of Practice

Category: Reputational	Corporate Priority: Safe and Clean Environment	Risk Owner: David Austin	Portfolio Holder: Neil Harden	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
3 Likely	3 High	9 Amber	2 Unlikely	2 Medium	4 Green
Consequences		Current Controls		Assurance	
A failure to implement the code of practice is likely to result in an intervention from the Surveillance Commissioner (Part of the Information Commissioners Office) and an improvement notice, closure of the system and adverse publicity.		A full compliant policy has been adopted. There is a constant review of procedures and a corporate approach to new installations of CCTV to comply with code of practice.		Full training ongoing to all staff Monitoring and regular review is part of the procedures	
Sign Off and Comments					
Sign Off Incomplete					

ND_RO4 Adventure Playgrounds – failure to manage risk of adventure play

Category: Reputational	Corporate Priority: Safe and Clean Environment	Risk Owner: David Austin	Portfolio Holder: Neil Harden	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
3 Likely	4 Severe	12 Red	1 Very Unlikely	4 Severe	2 Green
Consequences		Current Controls		Assurance	

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A failure to manage risk could result in serious injury to a service user. OFSTED intervention and inspections and resulting actions. Closure of premises and reputational impact to the Council	All equipment fully risk assessed	Qualified staff and ratio of staff to children.
	Voluntary registration with Ofsted and staffing to the good practice levels which meet their requirements.	Appropriately trained staff
	External inspections of play equipment	Daily equipment inspections and remedy of any defects

Sign Off and Comments

Sign Off Incomplete

23/05/17

NR RO5 Old Town Hall – increased competition from other providers

Category: Marketplace	Corporate Priority:	Risk Owner: David Austin	Portfolio Holder: Neil Harden	Tolerance: Treating
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Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
2 Unlikely	3 High	6 Amber	1 Very Unlikely	2 Medium	2 Green

Consequences	Current Controls	Assurance
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The consequences of increased competition could impact on the attendance at the Old Town Hall and the Cellar Club	A wide range of genres offered to a wide range of age groups The Old Town Hall's reputational standing	Experienced staff setting the programme
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Sign Off and Comments

Sign Off Incomplete

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ND_RO1 Lack of capacity to deliver Neighbourhood Action/Love Your Neighbourhood					
Category: Reputational	Corporate Priority: Building Community Capacity		Risk Owner: David Austin	Portfolio Holder: Neil Harden	Tolerance: Treating
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
3 Likely	3 High	9 Amber	2 Unlikely	1 Low	2 Green
Consequences		Current Controls		Assurance	
A failure to act on priorities as identified by residents, members which are supported by the Dacorum 'Knowing What Works' (EBDM) process		Demand is managed by NA Officers who manage expectations of residents and members. All projects to be assessed and supported with evidence of need and a full evaluation		All projects require an evidence base to proceed and are targeted on a needs basis	
Sign Off and Comments					
Sign Off Incomplete					

ND_RO3 Community Safety and Anti-social behaviour – failure to address ASB at an early stage and identify vulnerable or repeat victims					
Category: Reputational	Corporate Priority: Safe and Clean Environment		Risk Owner: David Austin	Portfolio Holder: Neil Harden	Tolerance: Treating
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
2 Unlikely	4 Severe	8 Amber	1 Very Unlikely	4 Severe	4 Green
Consequences		Current Controls		Assurance	
A failure to identify vulnerable or repeat victims of ASB		Shared IT systems with Police and other partners		Highly trained and experienced staff	

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<p>/crime could result in extreme outcomes – as in the Pilkington case. This would result in not only the damage to the victim but significant damage to reputation and trust of the Council</p>	<p>Dedicated ASB Team</p> <p>Community Trigger</p> <p>Early intervention meetings with partnerships</p> <p>Monitoring of emerging Community Safety trends</p>	<p>Strong Community Safety Partnership with good working relationships with partners.</p>
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Sign Off and Comments

Sign Off Incomplete

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3) Neighbourhood Delivery - David Austin

ND_E05 Response to EH Emergencies

<p>Category: Health and Safety</p>	<p>Corporate Priority: Health & Safety</p>	<p>Risk Owner: David Austin</p>	<p>Portfolio Holder: Janice Marshall</p>	<p>Tolerance: Treating</p>	
<p>Inherent Probability</p>	<p>Inherent Impact</p>	<p>Inherent Risk Score</p>	<p>Residual Probability</p>	<p>Residual Impact</p>	<p>Residual Risk Score</p>
<p>3 Likely</p>	<p>5</p>	<p>15 Red</p>	<p>3 Likely</p>	<p>3 High</p>	<p>9 Amber</p>
<p>Consequences</p>		<p>Current Controls</p>		<p>Assurance</p>	
<p>Failure to respond to a serious EH/PH Incident involving death, harm or injury (or potential to cause these) could have catastrophic consequences to individuals , communities, businesses and the environment. An outbreak of infectious disease for example could spread further unmitigated. Chemical hazards left uncontrolled</p>		<p>Ensure there is sufficient resilience and expertise in Regulatory Services to manage an incident and control the risks. Training carried out on a regular basis which covers roles and responsibilities. There are arrangements in place for other LA's to provide cover in emergency. Any incident would be</p>		<p>Mass casualty /CBRN incidents would be covered by Centralised emergency plans. Local emergency plans tested on an annual basis. LA outbreak plans peer reviewed.</p>	

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in the environment could continue to expose individuals to explosion, fire and chemical burns. A biological hazard such as legionella has potential to cause a serious health hazard if uncontrolled.

managed by TL or GM.

Sign Off and Comments

Sign Off Incomplete

ND_E01 General enforcement

Category: Technical/Operational	Corporate Priority: Health & Safety	Risk Owner: David Austin	Portfolio Holder: Janice Marshall	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
2 Unlikely	3 High	6 Amber	2 Unlikely	2 Medium	4 Green
Consequences		Current Controls		Assurance	
Lack of resource for Enforcement could result in a failure to meet statutory duties imposed by central government. This could result in Legal action, poor reputation and most likely put the public at risk in terms of their health or safety. Failure to employ officers of sufficient calibre or monitor competence could also have similar consequences. There are currently pressures in the teams which has meant that inspection levels are reduced.		Resources maintained to a level which will achieve statutory inspection targets and respond to any complaints in a timely fashion. Ensure that officers employed by DBC have the required level of competence commensurate with their level of responsibility. There are vacancies in key areas at the moment and we are using agency staff to cover these positions on a temporary basis.		Annual Inspection reports to FSA. Performance published on FSA website All officers required to do CPD. All EH Targets reported quarterly at SPAE Overview & Scrutiny Committee and any resource issues identified. Service Plans identify key priorities and emerging issues. All enforcement actions are taken in accordance with the Councils Enforcement Policy which has been reviewed and approved by Cabinet. We continue to ensure that any agency staff employed meet the necessary competences.	

Sign Off and Comments

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Sign Off Incomplete

ND_E02 Direct enforcement action

Category: Technical/Operational	Corporate Priority: Health & Safety	Risk Owner: David Austin	Portfolio Holder: Janice Marshall	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
2 Unlikely	4 Severe	8 Amber	2 Unlikely	3 High	6 Amber
Consequences		Current Controls		Assurance	
Direct enforcement action resulting in closure of businesses, curtailment of commercial operations or sanctions against individuals. Immediate enforcement action is taken in response to serious contraventions of EH or PH legislation and the impact on businesses and individuals can be far reaching. The types of enforcement action include closure of premises (residential or commercial), works in default, prohibition of processes and sanctions against individuals. The consequences of getting this wrong is very serious and could result in compensation claims as well as legal action against DBC		Ensure that officers employed by DBC have the required level of competence commensurate with their level of responsibility. Enforcement protocols followed and any direct action is overseen by a team leader/GM. In many cases the Ass Director will also be advised.		All enforcement action is taken in accordance with the Councils Enforcement Policy and corresponding regulators code.	

Sign Off and Comments

Sign Off Incomplete

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ND_E03 Primary Authority

Category: Financial	Corporate Priority:	Risk Owner: David Austin	Portfolio Holder: Janice Marshall	Tolerance: Terminating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
2 Unlikely	4 Severe	8 Amber	1 Very Unlikely	1 Low	1 Green
Consequences		Current Controls		Assurance	
<p>DBC has a number of Primary Authority Partnerships and the income from these partnerships pay for the salaries of the specialist EHO's. If any of the larger companies suddenly terminated their contract this would result in an immediate deficit in funding. There is also a risk that failure to give the correct technical advice could have far reaching implications nationally and could result in legal action against DBC. There would also be legal implications if we blocked an enforcement action by one of the enforcing Authorities and a challenge was upheld.</p>		<p>Ensure that full cost recovery is achieved at the beginning when contracts are agreed and throughout the term of the partnership. Ensure that officers employed by DBC have the required level of competence commensurate with their level of responsibility. If specialist officers left the authority other officers in the team could take over duties on a temporary basis.</p>		<p>PA budgets are reviewed on a monthly basis and with the larger companies such as Tesco's there is an annual assessment of performance and key objectives.</p>	
Sign Off and Comments					
Sign Off Incomplete					

ND_E04 Pest Control

Category: Reputational	Corporate Priority: Safe and Clean Environment	Risk Owner: David Austin	Portfolio Holder: Janice Marshall	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score

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3 Likely	4 Severe	12 Red	2 Unlikely	2 Medium	4 Green
Consequences		Current Controls		Assurance	
Failure to honour contracts or provide effective treatments could result in a loss of income and loss of reputation. The incorrect use of pesticides could result in harm to the public and non-target species and could result in compensation claims against the Council.		Ensure that pest control officers employed by DBC have undergone appropriate training. All PCO's have successfully completed the BPCA course and are familiar with the correct use of pesticides and other eradication techniques. COSHH risk assessments are carried out.		A log of training is maintained by the Team Leader. COSHH risk assessments are reviewed on an annual basis.	
Sign Off and Comments					
Sign Off Incomplete					

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Report for:	Strategic Planning and Environment Overview and Scrutiny Committee
Date of meeting:	20th June 2017
Part:	1
If Part II, reason:	

Title of report:	Q4- Performance Report for Regulatory Services
Contact:	Janice Marshall, Portfolio Holder for Environmental, Sustainability and Regulatory Services Author/Responsible Officer Emma Walker Team Leader (Food, Health and Safety) David Austin, Assistant Director (Neighbourhood Delivery)
Purpose of report:	To provide Members with the performance report for quarter 4 in relation to Regulatory Services
Recommendations	For Information only.
Corporate objectives:	Resources and Value For Money; Optimise Resources and Implement Best Practice.
Implications:	<u>Financial</u> None.
'Value for money' implications	<u>Value for money</u> Monitoring Performance supports the Council in achieving Value for Money for its citizens.
Risk implications	Risk Assessment completed for each service area as part of service planning and reviewed quarterly. Key risks are recorded on the Council's Risk Register which has been updated recently. The key risks relate to not achieving statutory targets and failing to protect the public/businesses from Environmental Health Risks : <ul style="list-style-type: none"> • If statutory targets are not achieved the service can be taken over and managed by the Government.

	<ul style="list-style-type: none"> • Potentially the public & businesses put at risk • Legal action taken against the Council • Reputational damage to Council
Equality Impact Assessment	Equality Impact Assessment completed for all enforcement policies.
Health and safety Implications	None
Consultees:	
Background papers:	Quarterly Performance Report – Quarter 4 (attached).
Historical background <i>(please give a brief background to this report to enable it to be considered in the right context).</i>	
Glossary of acronyms and any other abbreviations used in this report:	EMS – Environmental Monitoring System

1. Background

1.1 For the purpose of this report, 'Regulatory Services' includes the following services:

- Environmental Health (Food Safety, Health and Safety, Statutory Nuisances, Contaminated Land, Drainage, Private Water Supplies, Infectious Diseases, Air Quality Management)
- Private Sector Housing (HMOs, Illegal Eviction, Private Sector Landlord Issues, Disabled Facilities Grants, etc.)
- Public Health
- Corporate Health and Safety
- Home Energy Conservation
- Pest Control
- Dog Warden Services
- Environmental Enforcement and High Hedges

- Emergency and Business Continuity Planning
- Sustainability

2. Regulatory Services Quarter 4 Performance Indicators

2.1 Reorganisation of the work in the Food, Health and Safety Team, due to the recruitment of Trainee Environmental Health Officer has meant that the number of high risk inspections achieved in Q4 has increased to 80% up from 34.62% the previous quarter. This enabled Environmental Health Officers to catch up on the backlog of inspections that had not been completed in the previous quarters. This gave an overall figure for the year of 93.6% against the number of high risk inspections due in that year. The remaining high risk inspections will be completed in Q1 2017/18.

3. Food, Health and Safety Team

- 3.1 There have been further staffing changes in the Food, Health and Safety Team. Trainee Environmental Health Officer Mark Dewey started in post in January 2017. Environmental Health Officer Joanne Lee-Dade finished her fixed term contract with DBC at the end of March 2017. Permissions were sought to employ additional staff in Food, Health and Safety Enforcement and Corporate Health and Safety. An Environmental Health Officer role was advertised but unfortunately there were no suitable applicants.
- 3.2 Food, Health and Safety Environmental Health Officers have seen an increase in the number of serious incidents that require investigation. There has been Voluntary Closure of a food warehouse for infestation of Rats. Officers worked with the business to resolve the situation, the premises has now closed permanently due to financial reasons. Generally in Q4 there was an increase in complaints regarding rats and mice in food premises.
- 3.3 Two cases of Shigellosis have been investigated within the Borough in Q4. One included exclusion of high risk individuals from workplaces (commercial food premises and care facility) and from school until they were no longer excreting the bacteria. They have since returned to work and school. The other case involved a two year old and was unrelated to the first case. All cases have since made a full recovery. There had been a significant rise in the region of Shigella cases. Neither case was associated with foreign travel. Intelligence on the investigation has been passed to Public Health England as part of the regional picture.
- 3.4 A Prohibition Notice was served on a hotel following an accident involving collapse of the staircase. Officers from this department have been liaising with Police and other emergency services to investigate potential offences under the Health and Safety at Work etc. Act 1974.
- 3.5 An investigation into an incident where a large gate fell onto of a member of staff crushing them at a retail premises. Officers have been working with the Health and Safety Laboratory and Health and Safety Executive to investigate potential offenses under the Health and Safety at Work etc. Act 1974.

- 3.6 Corporate Health and Safety arranged training on the defibrillator that is located in the atrium of the Forum. 12 staff members are trained to use it, however it is designed so that it is simple to use in the event of an emergency even without the training.
- 3.7 An audit schedule for Corporate Health and Safety to audit service areas has been approved by CMT, in Q4. Workplace Transport Audit for Cupid Green depot has been carried out, the report will be drafted in Q1. The other audits have been contracted out the Rosherville Safety Solutions for competition in Q1.
- 3.8 The first Forum Health and Safety Sub-Committee was held on 22nd March. Most of the Forum partners attended, the purpose of the committee is to ensure that partners sharing the same workspace are sharing relevant information on Health and Safety and Resilience issues.

4. Pollution and Private Sector Housing Team

- 4.1 Rebecca Guiton was appointed as Trainee Environmental Health Officer at the start of Q4. Consultant Team Leader (Environmental Protections and Private Sector Housing) has had his contract extended until the end of August 2017. This is to enable a suitable handover with the newly appointed permanent Team Leader. Mark Sherwood (Temp) has been in post since May 2016.
- 4.2 Premises that are permitted under Local Authority Prevention Pollution and Control were inspected at the start of Q4 by Danielle Newnham when she returned from Maternity Leave. Danielle also gave an update to the Dacorum Environment Forum.
- 4.3 The sustainability officer secured LED lighting for the adventure playgrounds. Three Internal Environmental Auditors were trained to undertake internal audits. Three pool bikes are now available for staff to book and use. The next EMS audits have been booked for Woodwells Cemetery, The Forum, Cupid Green Depot and Health Lane Cemetery.
- 4.4 Officers in the Environmental Protection and Housing team served a notice on a filthy and verminous property that was infested with Bedbugs.
- 4.5 Environmental Enforcement Officers have attended additional training provided by Keep Britain Tidy's Enforcement Academy. They have been investigating a major fly tipping incident and have seized a vehicle in partnership with Hertfordshire Constabulary.
- 4.7 The Chief Executive signed a Home Energy Conservation Act Report. This has now been reported to DEFRA as part of Climate Change data provided to the EU.

5. Operations Team

- 5.1 Operations Team worked very hard to get the department ready for the transition to the Forum. The Pest Control Store is now fully operational from Cupid Green Depot.

5.2 Charles Agar has started his permanent position at Technical Assistant in the Operations Team.

5.3 Dog Warden has been involved in enforcement work. Two notices have been served under the Microchipping of Dogs (England) Regulations 2015. This involved one dog with no microchip and the other with out of date detail. A notice under the Animal Welfare Act 2004 has been served, on the owner of a straying dog, due to the poor condition the dog was found in. The Dog Warden has also been working with the Police and Hertfordshire County Council to discuss issues relating to Dogs at Three Cherry Trees Mobile Home Site.

5.4 Corporate Emergency Plan and Incident Control Centre Plans are being updated following move to the Forum. The Majority of the service-led Business Continuity Plans had been reviewed at the end of Q4. The business continuity plans produced by our forum partners are being checked and assessed to ensure that they complement DBC and Interserve plans.

SPE OSC QUARTERLY PERFORMANCE REPORT

Neighbourhood Delivery

March 2017



Measure	Owner & Updater	Mar 2017 Result	Dec 2016 Result	Mar 2016 Result	Sign Off	Comments
ASB01 - Number of reports of incidents of anti social behaviour across the borough	Julie Still Morgan Steel	878 Reports Info Only	953 Reports Info Only	776 Reports Info Only	✓	Owner Reports of ASB have continued to increase this year with a total increase of 22.1% but this is due in the main to an increase in environmental crime. Personal ASB has reduced by 1%. A more detailed report is available
ASB04 - ASB – Service requests responded to within target	Julie Still Morgan Steel	99% Target: 98	98% Target: 98	85% Target: 98	✓	Owner Only one request out of target
ASB05 - ASB – Cases closed within 60 days	Julie Still Morgan Steel	72% Info Only	75% Info Only	67% Info Only	✓	Updater 52 cases out of 72 closed within 60 days Owner A number of complex cases and long waits for court dates/hearings
CSG01 - Percentage of dog fouling reports actioned within the set timescale of 7 days	Craig Thorpe Shirley Hermitage	100% (72/72) Target: 95	97.62% (41/42) Target: 95	97.89% (93/95) Target: 95	✓	Owner All completed within the set timescale.
CSG02 - Percentage of fly tips collected within the set timescale of 7 days	Craig Thorpe Shirley Hermitage	98.05% (301/307) Target: 95	99.26% (268/270) Target: 95	99.01% (301/304) Target: 95	✓	Owner 6 over reports over 7 days to complete. 2 x require grab/ 2 x contractor - asbestos / 1 x pending report / 1 over 7 days to collect.
CSG04 - Litter Area inspections up to standard	Craig Thorpe Shirley Hermitage	120 Inspections No Target	120 Inspections Target: 120	120 Inspections Target: 120	✓	Owner Litter = 90.83% Grade A&B / Detritus = 88.33% - Grade A&B No controlled sweeps carried out in tis period.

Monitoring Information

Measure	Owner & Updater	Mar 2017 Result	Dec 2016 Result	Mar 2016 Result	Sign Off	Comments
CSG05 - Graffiti Removal - Percentage removed from Dacorum Structures within 7 days	Craig Thorpe Shirley Hermitage	77.78% (14/18) Target: 95	100% (9/9) Target: 95	96.77% (30/31) Target: 95	✓	Owner 4 x reports outstanding - awaiting repair of jet washer machine.
HS01 - All reported accidents/incidents (Including those required to be reported to the HSE)	David Austin Paul O'Day	36 Info Only	34 Info Only	16 Info Only	✓	Updater 36 total 14 vehicle 2 Riddor
REG02 - Percentage of high risk (A-C) food inspections/interventions achieved within the quarter	David Austin Emma Walker	80% (36/45) Target: 95	34.62% (18/52) Target: 95	97.5% (39/40) Target: 95	✓	Updater Over the year the team have achieved 93.6% of A-C inspections due in the year. The number of inspections due in the year changes throughout the year and the inspections not inspected in the quarter they are due are not regarded as "due" in the following quarter.
TW04 - Trees and Woodlands - Contractor Quality Performance	Craig Thorpe Shirley Hermitage	99% Info Only	36% Info Only	81% Info Only	✓	Owner
WR01a - Justified Missed collections (Including Assisted Collections)	Craig Thorpe Shirley Hermitage	293 Bins Target: 750	712 Bins Target: 750	300 Bins Target: 750	✓	Owner Approved
WR03 - Number of justified missed assisted collections	Craig Thorpe Shirley Hermitage	75 Collections Target: 120	59 Collections Target: 120	42 Collections Target: 150	✓	Owner Approved
WR05 - Dry recycling Collected	Craig Thorpe Shirley Hermitage	4069.5, Tonnes Target: 3600	3438.86, Tonnes Target: 3600	3943.71, Tonnes Target: 3786	✓	Owner Approved
WR06 - Total tonnage of garden waste collected as per new service	Craig Thorpe Shirley Hermitage	1014.55 Tonnes Target: 1014.55	2033.11 Tonnes Target: 2033.11	762.06 Tonnes Target: 762.06	✓	Owner It appears that the actual tonnage is matching the target set which is incorrect. The relevant department has been informed

Measure	Owner & Updater	Mar 2017 Result	Dec 2016 Result	Mar 2016 Result	Sign Off	Comments
WR07 - Tonnage of food waste.	Craig Thorpe Shirley Hermitage	1274.45 Tonnes Target: 1020	1213.54 Tonnes Target: 1020	1161.28 Tonnes Target: 1200	✓	Owner Approved
WR08 - Recycling Rate	Craig Thorpe Shirley Hermitage	No Data Target: 60	No Data Target: 60	No Data Target: 60	✓	Owner This figure is not yet available

OPERATIONAL RISK REGISTER

March 2017



3) Neighbourhood Delivery - David Austin

ND_E05 Response to EH Emergencies

Category: Health and Safety	Corporate Priority: Health & Safety	Risk Owner: David Austin	Portfolio Holder: Janice Marshall	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
3 Likely	5	15 Red	3 Likely	3 High	9 Amber
Consequences		Current Controls		Assurance	
<p>Failure to respond to a serious EH/PH Incident involving death, harm or injury (or potential to cause these) could have catastrophic consequences to individuals , communities, businesses and the environment. An outbreak of infectious disease for example could spread further unmitigated. Chemical hazards left uncontrolled in the environment could continue to expose individuals to explosion, fire and chemical burns. A biological hazard such as legionella has potential to cause a serious health hazard if uncontrolled.</p>		<p>Ensure there is sufficient resilience and expertise in Regulatory Services to manage an incident and control the risks. Training carried out on a regular basis which covers roles and responsibilities.</p> <p>There are arrangements in place for other LA's to provide cover in emergency. Any incident would be managed by TL or GM.</p>		<p>Mass casualty /CBRN incidents would be covered by Centralised emergency plans.</p> <p>Local emergency plans tested on an annual basis. LA outbreak plans peer reviewed.</p>	
Sign Off and Comments					
<p>Sign Off Complete</p> <p>Agreed</p>					

OPERATIONAL RISK REGISTER

March 2017



ND_E01 General enforcement

Category: Technical/Operational	Corporate Priority: Health & Safety	Risk Owner: David Austin	Portfolio Holder: Janice Marshall	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score
2 Unlikely	3 High	6 Amber	2 Unlikely	2 Medium	4 Green
Consequences		Current Controls		Assurance	
Lack of resource for Enforcement could result in a failure to meet statutory duties imposed by central government. This could result in Legal action, poor reputation and most likely put the public at risk in terms of their health or safety. Failure to employ officers of sufficient calibre or monitor competence could also have similar consequences. There are currently pressures in the teams which has meant that inspection levels are reduced.		Resources maintained to a level which will achieve statutory inspection targets and respond to any complaints in a timely fashion. Ensure that officers employed by DBC have the required level of competence commensurate with their level of responsibility. There are vacancies in key areas at the moment and we are using agency staff to cover these positions on a temporary basis.		Annual Inspection reports to FSA. Performance published on FSA website All officers required to do CPD. All EH Targets reported quarterly at SPAE Overview & Scrutiny Committee and any resource issues identified. Service Plans identify key priorities and emerging issues. All enforcement actions are taken in accordance with the Councils Enforcement Policy which has been reviewed and approved by Cabinet. We continue to ensure that any agency staff employed meet the necessary competences.	
Sign Off and Comments					
Sign Off Complete					
There remains ongoing issues with recruiting suitably skilled staff so this risk may need to be escalated during 2017/2018.					

ND_E02 Direct enforcement action

Category: Technical/Operational	Corporate Priority: Health & Safety	Risk Owner: David Austin	Portfolio Holder: Janice Marshall	Tolerance: Treating	
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score

OPERATIONAL RISK REGISTER

March 2017



2 Unlikely	4 Severe	8 Amber	2 Unlikely	3 High	6 Amber
Consequences		Current Controls		Assurance	
Direct enforcement action resulting in closure of businesses, curtailment of commercial operations or sanctions against individuals. Immediate enforcement action is taken in response to serious contraventions of EH or PH legislation and the impact on businesses and individuals can be far reaching. The types of enforcement action include closure of premises (residential or commercial), works in default, prohibition of processes and sanctions against individuals. The consequences of getting this wrong is very serious and could result in compensation claims as well as legal action against DBC		Ensure that officers employed by DBC have the required level of competence commensurate with their level of responsibility. Enforcement protocols followed and any direct action is overseen by a team leader/GM. In many cases the Ass Director will also be advised.		All enforcement action is taken in accordance with the Councils Enforcement Policy and corresponding regulators code.	
Sign Off and Comments					
Sign Off Complete As per EO1					

ND_E03 Primary Authority					
Category: Financial	Corporate Priority:		Risk Owner: David Austin	Portfolio Holder: Janice Marshall	Tolerance: Terminating
2 Unlikely	4 Severe	8 Amber	1 Very Unlikely	1 Low	1 Green
Consequences		Current Controls		Assurance	

OPERATIONAL RISK REGISTER

March 2017



<p>DBC has a number of Primary Authority Partnerships and the income from these partnerships pay for the salaries of the specialist EHO's. If any of the larger companies suddenly terminated their contract this would result in an immediate deficit in funding. There is also a risk that failure to give the correct technical advice could have far reaching implications nationally and could result in legal action against DBC. There would also be legal implications if we blocked an enforcement action by one of the enforcing Authorities and a challenge was upheld.</p>	<p>Ensure that full cost recovery is achieved at the beginning when contracts are agreed and throughout the term of the partnership. Ensure that officers employed by DBC have the required level of competence commensurate with their level of responsibility. If specialist officers left the authority other officers in the team could take over duties on a temporary basis.</p>	<p>PA budgets are reviewed on a monthly basis and with the larger companies such as Tesco's there is an annual assessment of performance and key objectives.</p>
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Sign Off and Comments

Sign Off Complete

The PA partnerships have ended so this risk will be removed in 2017/2018.

ND_E04 Pest Control

Category: Reputational		Corporate Priority: Safe and Clean Environment		Risk Owner: David Austin	Portfolio Holder: Janice Marshall	Tolerance: Treating
Inherent Probability	Inherent Impact	Inherent Risk Score	Residual Probability	Residual Impact	Residual Risk Score	
3 Likely	4 Severe	12 Red	2 Unlikely	2 Medium	4 Green	
Consequences		Current Controls		Assurance		
<p>Failure to honour contracts or provide effective treatments could result in a loss of income and loss of reputation. The incorrect use of pesticides could result in harm to the public and non-target species and could result in compensation claims against the Council.</p>		<p>Ensure that pest control officers employed by DBC have undergone appropriate training. All PCO's have successfully completed the BPCA course and are familiar with the correct use of pesticides and other eradication techniques. COSHH risk assessments are carried out.</p>		<p>A log of training is maintained by the Team Leader. COSHH risk assessments are reviewed on an annual basis.</p>		

OPERATIONAL RISK REGISTER

March 2017



Sign Off and Comments

Sign Off Complete

No issues during this quarter.



Report for:	Strategic Planning and Environment (OSC)
Date of meeting:	20 th June 2017
Part:	1
If Part II, reason:	

Title of report:	Public Spaces Protection Order – Hemel Hempstead Town Centre
Contact:	Councillor Neil Harden Portfolio Holder for Residents and Corporate Services Councillor Janice Marshall Portfolio Holder for Environmental, Sustainability and Regulatory Services Author/Responsible Officer: Mark Brookes – Solicitor to the Council David Austin – Assistant Director (Neighbourhood Delivery)
Purpose of report:	To propose the introduction of a Public Spaces Protection Order to provide a means of controlling a number of activities having a detrimental effect on the quality of life for those living in, working in and visiting Hemel Hempstead town centre.
Recommendations	1.To commence a non-statutory consultation on a proposal to introduce a Public Spaces Protection Order, applying to the Hemel Hempstead Town Centre, Old Town and Water Gardens area as shown on the plan at Appendix A, to prohibit/regulate the following activities: <i>(a) Behave in a way that causes or is likely to cause harassment, alarm or distress to any other person</i> <i>(b) Use, possess or supply to another person any intoxicating substance.</i> <i>(c) Continue to consume alcohol when required to stop doing so by any authorised officer</i> <i>(d) Create or reside in a street encampment</i> <i>(e) sit on the ground in a public place, street, highway or passage in a manner to be perceived that you are inviting people to give you money.</i>

	<p>(f) Spit (including discharge of chewing gum), urinate or defecate in a public place.</p> <p>(g) Cycle or skateboard.</p> <p>(h) Feeding birds/wildfowl in the water gardens area.</p> <p>2. To report the outcomes of the consultation to Strategic Planning and Environment Overview and Scrutiny Committee and Cabinet to decide to whether to progress with the PSPO and specifically what to include within the PSPO.</p>
Corporate Objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> Maintain a clean and safe environment
Implications:	<p><u>Financial</u></p> <p>In areas where an Order has effect, the local authority must arrange for the display of signage advising of the effect of the Order. There is no prescribed format nor size requirements for these signs and costs will ultimately depend upon the number of signs required and the design/materials used. There will be ongoing maintenance costs to replace any damaged signage.</p> <p>There may be additional income from fixed penalty notices, which could partially defray the costs of enforcing the Order. No data is held that would allow an estimate for the likely income, as much would depend on the availability of resources to carry out enforcement activities.</p> <p>It is proposed that enforcement of the PSPO will be carried out within existing resources.</p>
'Value For Money Implications'	<p><u>Value for Money</u></p> <p>PSPO's are seen as a more cost-effective means of controlling the activities in question than under byelaws, also providing a wider range of enforcement options.</p>
Risk Implications	As outlined in this report.
Community Impact Assessment	This will be carried out as part of the public consultation.
Health And Safety Implications	Some H&S implications may arise from the enforcement of orders, and will be incorporated within individual service risk assessments for authorised enforcing officers.
Consultees:	<p>Corporate Management Team</p> <p>Strategic Planning and Environment Overview and Scrutiny Committee</p>
Background papers:	<p>Home Office – Reform of anti-social behaviour powers: Statutory guidance for frontline professionals (section 2.6)</p>
Glossary of acronyms and any	PSPO – Public Spaces Protection Order

other abbreviations used in this report:	CSAS – Community Safety Accreditation Scheme FPNs – Fixed Penalty Notices
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1. Background

1.1. Under the Anti-social Behaviour, Crime and Policing Act 2014, local authorities may make orders to prohibit specified activities, and/or require specified activities to be carried on in accordance with certain requirements, within a designated area in the public domain, which may include public highways and footways, parks and open spaces, pedestrianised areas, or similar. Such orders are known as Public Spaces Protection Orders (PSPO).

1.2. PSPO's can be used by authorities to control a variety of problematic behaviours which satisfy two statutory conditions:

“The first condition is that—

- (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or*
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.*

The second condition is that the effect, or likely effect, of the activities—

- (a) is, or is likely to be, of a persistent or continuing nature,*
- (b) is, or is likely to be, such as to make the activities unreasonable, and*
- (c) justifies the restrictions imposed by the notice.”*

1.3. Prohibitions or requirements on activities covered by a PSPO must be reasonable in order to:

- (a) prevent the detrimental effect from continuing, occurring or recurring, or
- (b) reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

1.4. Where a PSPO is in force, it is a criminal offence to do anything which is prohibited under the Order, or to fail to comply with requirements of the Order. Persons guilty of such offences are liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (currently up to £1,000). Offences may also be disposed of by way of a fixed penalty notice of up to £100, payable to the local authority.

1.5. PSPOs may be enforced by a police officer, PCSO, or a person authorised by the local authority for that purpose. The Council will seek to agree an enforcement protocol with the Police to agree support for enforcement; however, it is expected that the local authority will lead on the enforcement of any Orders made.

1.6. A PSPO will be valid for a period of up to 3 years, at the end of which it may be extended. Orders may also be varied or discharged by the local authority at any time during their validity.

1.7. Prior to making, extending, varying or discharging a PSPO, a local authority must:

- Consult the chief officer of police and the Policing and Crime Commissioner for the applicable area; any community representatives

that it is thought appropriate to consult; and the owners/occupiers of land included within the restricted area;

- Publish the draft Order (or details of variation/discharge proposal);
- Notify any parish/town councils within the restricted area, and the County Council;

with regards to its proposals. The authority must also consider its proposed restrictions against the rights of freedom of expression and assembly under the European Convention on Human Rights. However, it will be noted that this report is seeking authority only for a non-statutory first stage of consultation to gain the views of the public before any formal PSPO is published for statutory consultation.

- 1.8. PSPO's may apply to all persons or only to persons in/not in specified categories; at all times or only within/not in specified times; and in all circumstances or only in/not in specified circumstances.
- 1.9. The power to make PSPO's replaced and consolidated several earlier area-control orders, including designated public place orders which have previously been used by the Council in respect of street drinking and are currently under review. Where a PSPO includes prohibitions on the consumption of alcohol in a public space, there are additional enforcement powers available to police and authorised officers, allowing them to require any person not to consume alcohol in breach of the Order, and to surrender any alcohol in their possession for disposal. Failing to comply with such a requirement constitutes a different offence, subject on summary conviction to a fine not exceeding level 2 on the standard scale (currently up to £500).
- 1.10 Prohibitions on alcohol consumption will not apply to any part of a licensed premises, including beer gardens and terraces, with the expectation that the management of those premises will control the consumption of alcohol within the curtilage of their premises, under threat of a licence review if they failed to do so. Public spaces which are licensed for the sale of alcohol (e.g. parks licensed for events) are also exempted at times when alcohol is being lawfully sold there.
- 1.11 PSPO's may be challenged in the High Court by any person who lives in, regularly works in or regularly visits a restricted area, within 6 weeks of an Order being made or varied.

2. Proposal

- 2.1. Concerns exist around a number of activities currently occurring within Hemel Hempstead town centre, and the old town, which are considered detrimental to the quality of life for persons living in and using that area. It is also intended to include the Water Gardens within the PSPO as displacement from the town centre may move activity from the town centre into that area if it is not covered.
- 2.2. It is therefore proposed to introduce a PSPO covering this area, which would have the following effect:

To prohibit the following activities in public spaces within the restricted area:

- (a) Behave in a way that causes or is likely to cause harassment, alarm or distress to any other person*
- (b) Use, possess or supply to another person any intoxicating substance.*
- (c) Continue to consume alcohol when required to stop doing so by any authorised officer*
- (d) Create or reside in a street encampment*
- (e) sit on the ground in a public place, street, highway or passage in a manner to be perceived that you are inviting people to give you money.*
- (f) Spit (including discharge of chewing gum), urinate or defecate in a public place.*
- (g) Cycle or skateboard.*
- (h) Feeding of Birds/Wildfowl in the Water Gardens*

2.3 Littering is not included because littering is already an offence under the Environmental Protection Act 1990 for which the Council is authorised to serve fixed penalty notices.

2.4 The area in which it is proposed to apply such restrictions (the 'restricted area') is shown at Appendix A.

3. Considerations

- 3.1. Aside from ensuring that the statutory tests, particularly in respect of proportionality and justifiability, are satisfied, there are a number of considerations around the introduction of PSPO's which would also need to be considered.

Street Encampments

- 3.2 This may prove controversial at consultation. A number of local authorities have been criticised for seeking to 'criminalise' homelessness. The inclusion and enforcement of a prohibition on street encampments will likely necessitate caveats as to the offer and refusal of accommodation/ assistance etc. in an effort to ensure that the Order is directed at those who have accommodation but choose to sleep rough, or imply that they sleep rough as a means of begging, as opposed to the genuinely homeless.

- 3.3 There is a possibility that imposing an Order on the town centre may simply displace the issues to adjacent localities, and therefore enforcement would only be instigated when the procedures in the Council's NO Second Night Out Policy have been exhausted.

Consuming Alcohol

3.4 Section 63 of the Anti-Social Behaviour Crime and Policing Act 2014 specifically provides for a prohibition on the consumption of alcohol in breach of a PSPO and provides that constable or authorised officer *may*, (emphasis added) subject to reasonable belief as to a breach, require a person to cease consuming alcohol and surrender the alcohol. As such it is considered that the power to enforce the prohibition on alcohol consumption is discretionary and those consuming alcohol responsibly would not necessarily face sanction as a consequence of PSPO which is intended to deal with problem drinkers and their associated anti-social behaviour. As such there ought to be no issues as regards the Order restricting markets, festivals, temporary events and such like.

3.5 A PSPO to prohibit external drinking areas beyond the town centre, including Gadebridge Park and some other local centres is being considered separate to this PSPO.

Begging

3.6 This has been a reported issue in the town centre which is particularly linked to rough sleepers. The offence of begging is provided for by way of section 3 or 4 of the Vagrancy Act 1824, and pursuant to section 70 (1) of the Criminal Justice Act 1982 is fineable only. There has also been issues of, 'aggressive begging' as yet to be legally defined, but is generally considered to be along the lines of begging in a manner which causes harassment, fear or alarm, or approaching or pursuing people.

3.7 Given the absence of a legal definition of aggressive begging and depending on the extent to which begging is a problem in the town centre, it may be desirable in the first instance that the Order seeks to restrict begging in general. Depending on consultation responses, the Order may be subsequently amended to 'aggressive begging' as is understood to have been the case in a number of other local authorities which have imposed PSPOs. If 'aggressive begging' is preferred over 'begging' the Order may need to include some form of definition.

Using, possessing or supplying to another person any intoxicating substance

3.7 There has been evidence of drug use in the town centre but due to the underlying causes of such use the PSPO is unlikely to act as an effective preventative measure or act as a deterrent; however, it will be another tool for enforcement which could be used in conjunction with other intervention measures and other enforcement agencies.

Cycling and Skateboarding

3.8. Frequent complaints from the public have been received regarding cycling and skateboarding in the town centre and damage has been caused

to parts of the new play areas within the town which have received significant council investment.

3.9. Many of the perpetrators are under the age of 16 and therefore a proportionate approach will be taken to enforcement including warning letters before fixed penalty notices are issued.

Behaving in a way that causes or is likely to cause harassment, alarm or distress to any other person.

3.10 This is a wide prohibition which can be used to prohibit various types of anti-social behaviour and is recommended to add further protection for the public against behaviour which may not fall within any of the specific categories highlighted above, but still cause harassment, alarm or distress.

Spitting (including discharge of chewing gum), public defaecation or urination.

3.11. Spitting, particularly chewing gum, is a major issue in the town centre and is evidenced by significant areas of newly laid paving now being covered with chewing gum.

3.12 There have been reports of urinating/defaecation in public areas of the town centre and therefore it is also sensible to include this prohibition for completeness.

Feeding of Birds/Wildfowl

3.13 This has been a reported issue in respect of the Water Gardens, particularly with regards to the feeding of geese which have caused damage to the grass verges. This area has been newly planted and therefore it is worthy of protection.

Enforcement

3.14 If the Order is imposed, consideration will also need to be given to enforcement as there will be raised expectations from the public which will need to be managed. For example, a PSPO does not in its own right allow people to be moved on from a particular area. A stepped and proportionate approach to sanction will need to be developed.

3.15. Enforcement officers will need to be mindful of the circumstances of those to whom the Order is most likely to apply i.e. the homeless (be they genuine or otherwise); and others likely to have substance and/ or alcohol misuse problems and mental health issues. Given the precarious financial position of many, the effectiveness of issuing FPNs is likely to be of limited effect; similarly, endeavouring to institute a prosecution against such individuals, particularly if they are of no fixed abode for the purpose of serving a summons.

3.16 Likely to be equally problematic will be securing the attendance of such individuals at court. Consideration will also need to be given to the perception of the courts and the public as regards enforcement action –

whilst it may well be that some of those purporting to be homeless and without means are in fact not, and that the behaviour of some is problematic, the repeated and (ineffective) sanctioning/ prosecution of vulnerable individuals 'who the council should be helping' has the potential for criticism and reputational damage.

3.17 Furthermore, there is currently no dedicated resource for town centre enforcement and enforcement sits across a numbers of different council services. Accordingly, a coordinated and targeted approach to enforcement, working together with other enforcement agencies, will need to be developed. Many of the behaviours which the PSPO seeks to prohibit occur outside of normal working hours and therefore enforcement will need to plan for these times.

4. Consultation

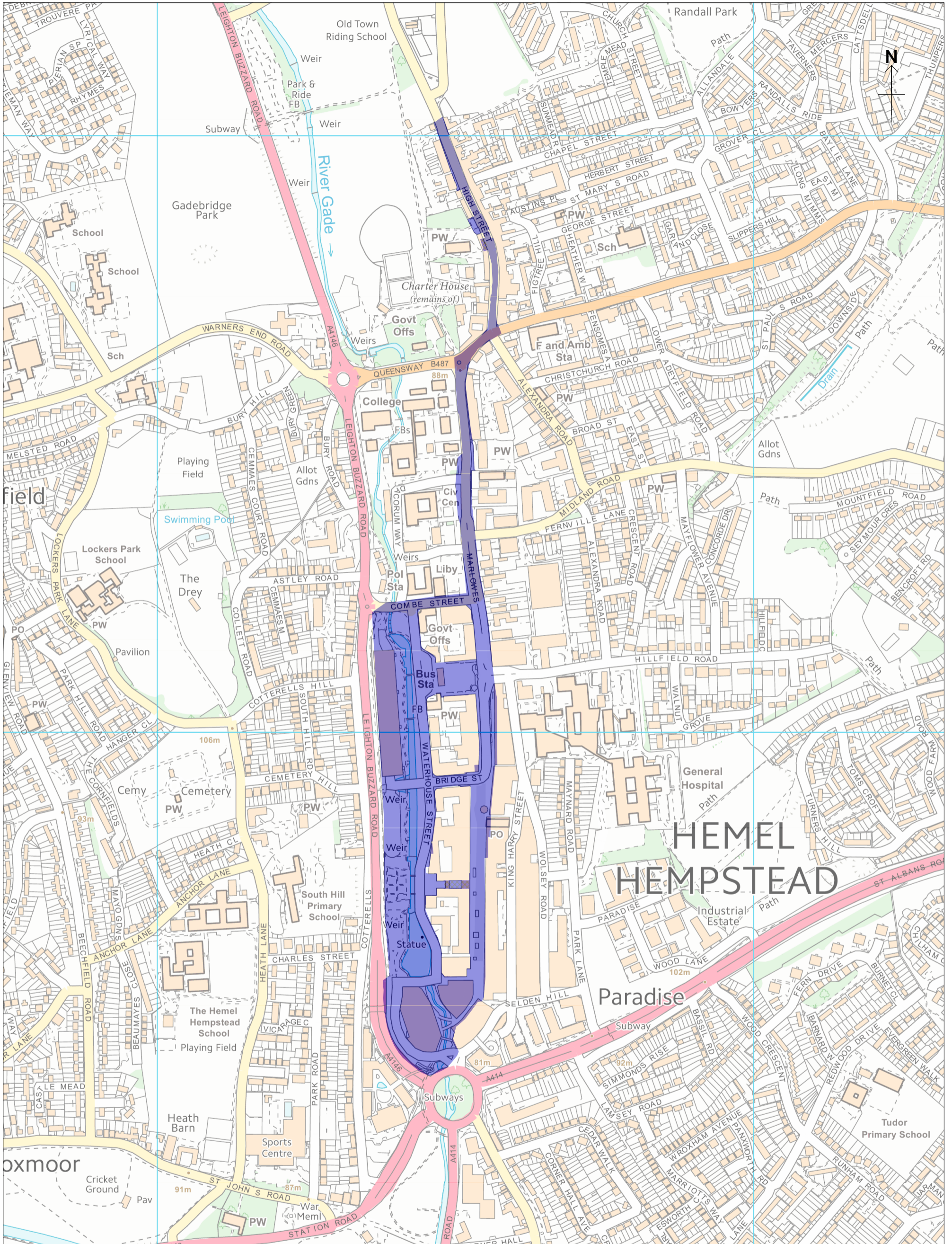
4.1 If OSC and Cabinet are satisfied that the relevant statutory requirements are met, a robust consultation will commence at the earliest opportunity for a six week period. This will include a series of questions to establish views on the PSPO. The consultation would include all businesses inside the Restricted Area, a wider community consultation and those whom are perceived as perpetrators. Following the consultation a review of responses would be undertaken to ascertain the level of support for such an Order and a further report brought back to OSC and Cabinet for consideration.

5. Recommendations

5.1 To consult on a draft Public Spaces Protection Order, applying to the restricted area as shown at Annex A, to prohibit/regulate the activities identified at para 2.2; and

Appendix A Map of proposed restricted area

Public Space Protection Order



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Valuation & Estates
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead
Herts
HP1 1DN

Scale: 1:6000
Date: 26/05/2017