



## Cabinet

**Tuesday 1 May 2018 at 4.30 pm**

**Council Chamber, King George V House, King George V Road, Amersham**

### A G E N D A

Item

1 Evacuation Procedure

2 Apologies for Absence

3 Minutes (*Pages 7 - 18*)

To sign the Minutes of the meeting held on 6 February 2018.

4 Declarations of Interest

5 28 Day Notice (*Pages 19 - 20*)

*Appendix: Cabinet 28 Day Notice (Pages 21 - 28)*

6 Current Issues

7 Performance Indicator Review 2018-19 (*Pages 29 - 32*)

*Appendix A: CDC Priority PIs 2018-19 (Pages 33 - 34)*

*Appendix B: CDC Corporate Indicators 2018-19 (Pages 35 - 38)*

*Appendix C: CDC Data Only Indicators 2018-19 (Pages 39 - 40)*

- 8 Performance Report Quarter 3 2017-18 (*Pages 41 - 44*)
- Appendix A: Priority PIs Quarter 3 2017-18 (Pages 45 - 48)*
- Appendix B: Corporate PIs Quarter 3 2017-18 (Pages 49 - 56)*
- 9 Local Enforcement Plan (*Pages 57 - 60*)
- Appendix 1 (Pages 61 - 86)*
- 10 The delivery of an exemplary planning service in Chiltern & South Bucks (*Pages 87 - 90*)
- Appendix 1 (Pages 91 - 110)*
- 11 Ten year plan programme for King George V House (*Pages 111 - 114*)
- 12 Chiltern Pools Open Space update (*Pages 115 - 118*)
- Appendix 1 (Pages 119 - 120)*
- Appendix 2 (Pages 121 - 122)*
- Appendix 3 (Pages 123 - 124)*
- 13 Public Spaces Protection Order (PSPO) consultation (*Pages 125 - 130*)
- Appendix 1: Equality Impact Assessment (Pages 131 - 134)*
- Appendix 2: Initial evidence of anti-social behaviour incidents submitted by Thames Valley Police (Pages 135 - 144)*
- Appendix 3: Maps of areas to be covered by the proposed PSPO (Pages 145 - 166)*
- Appendix 4: Table of consultation responses (Pages 167 - 194)*
- Appendix 5: Record of incidents at Amersham multi-story car park (Pages 195 - 204)*
- Appendix 6: Proposed Public Spaces Protection Order (Pages 205 - 208)*
- 14 Unauthorised encampments (*Pages 209 - 214*)

*Appendix A: Available powers (Pages 215 - 218)*

*Appendix B: Use of police powers (Pages 219 - 220)*

*Appendix C: Draft protocol (Pages 221 - 238)*

*Appendix D: Draft Memorandum of Understanding (Pages 239 - 248)*

15 Asylum seekers (Pages 249 - 252)

*Appendix A: Available powers (Pages 253 - 256)*

*Appendix B: Use of police powers (Pages 257 - 258)*

16 Community sports associations (Pages 259 - 262)

17 Chiltern District Council and Paradigm Housing Principles of Co-Operation (Pages 263 - 266)

*Appendix 1: Principles of Co-Operation (Pages 267 - 268)*

18 Affordable housing contributions update (Pages 269 - 272)

*Private Appendix 1: Action plan (Pages 347 - 354)*

19 Buckinghamshire Domestic Violence & Abuse Strategy 2018-2021 (Pages 273 - 278)

*Appendix 1: Draft Buckinghamshire DVA Strategy 2018-2021 (Pages 279 - 306)*

*Appendix 2: Draft consultation response (Pages 307 - 308)*

20 Summer youth diversionary projects (Pages 309 - 312)

21 Minutes of Joint Executive Committees

Members are asked to note the Minutes of the following meetings of Joint Executive Committees:

*Appendix 1: Chiltern & South Bucks Joint Committee 4 April 2018 (Pages 313 - 316)*

*Appendix 2: Chiltern, South Bucks & Wycombe Joint Waste Collection*

*Committee 22 January 2018 (Pages 317 - 322)*

*Appendix 3: Chilterns Crematorium Joint Committee 29 January 2018  
(Pages 323 - 328)*

22 Exclusion of the public

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

23 Cabinet Reports from Policy Advisory Groups:

.1 Customer Services Notes 29 January 2018 (*Pages 329 - 332*)

.2 Planning and Economic Development Notes 22 January 2018 (*Pages 333 - 336*)

24 Private reports

*Reasons for restriction:*

*Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

25 HS2 Work and Resourcing Report (*Pages 337 - 346*)

18 (*Item 18*) Appendix 1: Action plan (*Pages 347 - 354*)

**Note:** All reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

**Membership: Cabinet (CDC)**

Councillors: I Darby (Chairman)  
M Stannard  
P Martin  
M Smith  
E Walsh  
F Wilson

**Date of next meeting – Tuesday, 26 June 2018**

**Audio/Visual Recording of Meetings**

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**60 CURRENT ISSUES****Councillor P Martin – Chiltern & South Bucks Joint Local Plan Update**

Councillor Martin reported back on a meeting held at City Hall in London on the new London Plan. 66,000 homes were needed in the capital each year for the next 20 years. Land supply was for 65,000 homes. The Mayor was looking for willing and enthusiastic partners to help meet the extra need for homes.

A meeting would be held on 9 February regarding the duty to cooperate with Berkshire local authorities.

**61 BUDGET AND COUNCIL TAX REPORT**

Members received a report providing information regarding the Council's revenue budget for 2018/19 which would form the basis of setting the Council Tax. The Cabinet were therefore asked to recommend to Full Council that the budget be agreed at the Council meeting on 28 February 2018.

It was noted that there were no substantial changes to the budget arising from the Autumn Statement. However, since the December meeting of the Cabinet a few amendments had been made to the budget which included a 2% pay award to staff based on the offer made by the Joint Staffing Committee; 20% increase in planning fees (agreed by the Government in January); the creation of Economic Development team, and other changes. The effect of these changes on the budget was minimal and represented a £34,000 change in net cost of services.

A 3% increase in Council Tax was proposed which would result in the district proportion of Council Tax being increased to £180.88 for a Band D property. Reference was made to the medium term financial strategy which set out the financial challenges to the Council in medium term. Overall the situation was manageable but there was a continued need to reduce costs by delivering key projects that would increase income and reduce costs. The key financial risks were noted along with the proposed level of reserves earmarked to mitigate those risks. The reserves had also been reviewed by the Support Service Policy Advisory Group and the proposals were adjusted accordingly. It was confirmed that the Council would have the suggested prudent level of general reserves of £900,000.



The Cabinet expressed thanks to all officers involved in this year's budget challenge process, and the Head of Finance in particular. The Council had done a lot of work over the last 5 years to put itself in the best position possible to face the continued financial challenges in the future. The Leader then expressed thanks to the Deputy Leader for his work in developing this year's draft budget.

**RECOMMENDED:**

**Revenue Budget 2018/19**

- 1. That the Revenue budget for 2018/19 be approved, as summarised in the table in paragraph 4.15.**
- 2. That the following use of earmarked reserves for 2018/19 be agreed:**
  - Local Development Plan £240,000**
  - Planning Digitalisation £95,000**
  - Economic Development Reserve £58,000**
- 3. That the following additions to earmarked reserves for 2018/19 be agreed:**
  - Capital – Funding replacement refuse vehicles £394,000**
  - Capital – Funding of capital programme £631,000**
  - Elections £20,000**
- 4. That a budget requirement of £10,493,000 which will result in a District council tax of £180.88 for a Band D property be agreed.**
- 5. That the level of fees and charges for 2018/19 (Appendix C) be confirmed.**
- 6. That the advice of the Director of Resources (Appendix A) be noted.**

**AND RESOLVED:****Setting the Council Tax**

**7. That this report be made available to all Members of the Council in advance of the Council Tax setting meeting on 28th February, and a final report is produced for the Council meeting incorporating the information from preceptors, and the final decisions of the Cabinet on the budget.**

**Medium Term Financial Strategy**

**8. To note the comments in the report on the Council's financial position in respect of the years following 2018/19 and the updated Medium Term Forecast.**

**62 ANNUAL TREASURY MANAGEMENT STRATEGY 2018/19**

The Cabinet were asked to consider a report that recommended that the Annual Treasury Management Strategy be approved and adopted by the Council. The Council was required to produce this document annually to show how it managed its cash reserves for investment purposes.

The Strategy prioritised security over liquidity and return on investment. Members welcomed this approach in light of the current economic forecasts. It was anticipated that the Council would receive around £90,000 of income from investments during 2018/19.

**RECOMMENDED:**

**That the Treasury Management Strategy, including the following appendices to the Treasury Management Strategy (Appendix 1), be adopted by the Council:**

- **Appendix 1A - Annual Investment Strategy Policies**
- **Appendix 1B - Prudential Indicators including the borrowing limits**
- **Appendix 1C - the MRP method to be used in 2018/19.**

**63 CAPITAL PROGRAMME AND REPAIRS & RENEWALS PROGRAMME 2018/19 TO 2021/22**

The Cabinet were asked to consider, and recommend to Council for approval, the Capital Programme, which identified Council projects by Portfolio Area, and the Repairs & Renewals Programme, that outlined planned maintenance for the Council's assets, both for the period 2018/19 to 2022/23. The report also referred to the Capital Strategy which described how the Council would use and manage its capital resources to progress key Council priorities.

Members noted the inclusion of two key projects relating to Amersham Multi-Storey Car Park and the redevelopment of Chiltern Pools Leisure Centre. Both of which would require the Council to undertake a level of sustainable borrowing. A number of other smaller projects had also been included and would be funded from earmarked reserves. It was noted that the capital reserve was sufficient to cover the planned expenditure to 2022/2023.

**RECOMMENDED:**

**That the Capital Strategy, including the Capital Programme for 2018/19 – 2022/23, as set out in Appendix A, be approved.**

**64 TREASURY MANAGEMENT Q3 2017/18**

The Cabinet considered a report setting out the Council's Investments for the period October to December 2017. Members were pleased to note that the Council was currently on track to exceed the income investment target by around £30,000.

**RESOLVED:**

**That the Treasury Management performance for Quarter 3 2017/18 be noted.**

**65 SERVICE PLAN SUMMARIES 2018-2019**

The Cabinet considered the Service Plan Summaries produced by each Head of Service/Principal Officer within the Council. These provided a summary of achievements from the current year and an overview of what each service aimed to deliver for 2018/19.

It was recognised that the service plans were very comprehensive, and that a full review of the documents would be carried out with the aim of reducing the length of the documents in future. This approach was supported by Members, and the Cabinet expressed thanks to officers for the work that had gone into producing this year's service plans.

**RESOLVED:**

**That the Service Plan Summaries be noted.**

**66 PERFORMANCE REPORT QUARTER 2 2017/2018**

The Cabinet considered the performance report for quarter 2 of 2017-18 and noted the updates and actions being taken regarding the missed performance targets.

**RESOLVED:**

**That the report be noted.**

**67 NATIONAL INFRASTRUCTURE COMMISSION, THE OXFORD - MILTON KEYNES - CAMBRIDGE CORRIDOR**

The Cabinet considered a report which set out the proposal to establish a Growth Board for the Central Area which would contribute to the wider economic ambitions for the Oxford, Milton Keynes and Cambridge corridor by increasing growth and infrastructure. The Growth Board would put in place formal governance arrangements to replace the shadow Growth Board, and enable local authorities in those areas to interact with the Government with a single voice.

It was acknowledged that the Growth Board would represent 22 different local authorities in the area, but it was felt that this provided an opportunity to

benefit the area and ensure that links to London and Heathrow were made. South Bucks District Council would also be represented at the Board by their own Leader.

**RESOLVED:**

- 1) That a Central Area Growth Board in the form of a Joint Committee be established and that it be agreed to work with partners with the aim of accelerating and increasing growth and securing investment in infrastructure across the area;
- 2) That the draft Terms of Reference for the Central Area Growth Board, in Appendix 1, be agreed and the Director of Services be authorised in consultation with the Leader to agree any final wording;
- 3) That pursuant to s101 (5) and 102 of the Local Government Act 1972, s9EB of the Local Government Act 2000 and (where applicable) to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012, the Council agrees to participate in the Central Area Growth Board Joint Committee and to delegate its executive functions in so far as they relate to accelerating and increasing growth and securing investment in infrastructure across the Central Area;
- 4) That the Leader, or another member of the Cabinet nominated by the Leader, be the representative for the Council at future meetings of the Growth Board; and,
- 5) That the current position with regards to the whole corridor (Oxford – Milton Keynes – Cambridge) and the Bucks Growth Strategy be noted.

**68 CHILTERN POOLS UPDATE REPORT**

The Cabinet received a report providing an update on the progress of the Chiltern Pools redevelopment project, and in particular the outcome of the public consultation on the proposed disposal of land at Woodside Close to Amersham Town Council and the acquisition of part of King George V Playing Fields from Amersham Town Council to support the project.

Agreement was also sought to enable the appointment of a consultant to review the leisure operator contract options and provide advice on the procurement process to progress the project.

**RESOLVED:**

- 1. That the progress to date on the appointment of the project manager and design team to develop the detailed design and evolving business case be noted.**
- 2. That the outcomes of the land swap public consultation be noted.**
- 3. That authority for the procurement and appointment of a specialist leisure consultant to advise on the new leisure operator contract be delegated to the Director of Services, in consultation with the Portfolio Holder for Support Services.**

**69 CHILTERN AND SOUTH BUCKS OPEN SPACE STRATEGY**

Members received a report outlining the key findings and recommendations of the Chiltern and South Bucks Open Spaces Strategy. The Cabinet were asked to agree the Strategy for public consultation. The Strategy would help Town and Parish Councils and community groups identify priorities for improvement and attract inward investment. Consultants had been used to develop the Strategy, and once adopted would help inform the Chiltern & South Bucks Joint Local Plan. Once both Councils had agreed the Strategy it would become a joint Strategy.

**RESOLVED:**

- 1. That the draft Chiltern and South Bucks Open Space Strategy be agreed for public consultation.**
- 2. That authority be delegated to the Director of Services in consultation with the Portfolio Holder for Healthy Communities to agree the final Open Space Strategy in respect of Chiltern District Council.**

**70 MILL MEADOW BRIDGE**

Members received a report detailing progress on a project to replace Mill Meadow Bridge which needed to be replaced and its load bearing capacity increased to 40 tonnes. The Cabinet had previously agreed a budget of £369,000 to progress the project, and this report was seeking approval for a further £51,000 following an anticipated increase in costs following the tender

of work by Kier to their subcontractors. The anticipated timescale from start of construction to completion was 3 months.

During the discussion Members expressed disappointment at the increase in costs. The need for a temporary bridge with a load bearing capacity of 30 tonnes, above the 3 tonne capacity of the current bridge, was questioned. Members felt that a temporary bridge did not require a weight loading capacity above that of the existing bridge.

Members remained committed to delivering the project, but also wanted to avoid incurring unnecessary additional construction costs. As such, it was requested that the whole project specification be reviewed and amended to a temporary bridge with a weight capacity that was as low as possible and that reflected the current capacity (e.g. 3 tonnes). Appropriate signage would be required to prevent heavy vehicles from using the temporary bridge during construction. If necessary the works should be retendered if the specification changed materially.

**RESOLVED:**

**That the project specification be reviewed and amended, as detailed above, with a further report to be considered by the Cabinet at a future meeting detailing updated construction costs to progress the project.**

**71 STATEMENT OF COMMUNITY INVOLVEMENT**

The Cabinet received a report regarding the Statement of Community Involvement (SCI) which local authorities were required to produce. This set out how the Council would engage and involve the community in planning policy formulation and in the determination process for major planning applications.

The report also explained that the SCI was not part of the existing delegation by Cabinet to the Joint Committee on issues relating to the Local Plan. As such the report recommended that powers related to the SCI and other joint planning policy related matters be added to the delegated powers to Joint Committee as part of Shared Service and decision making arrangements.

**RESOLVED:**

- 1. That the production of a joint Statement of Community Involvement as part of the Chiltern and South Bucks Planning and Economic Development Shared Service arrangements be agreed.**
- 2. That authority be delegated to the Director of Services (in the absence of a permanent Head of Planning and Economic Development), in agreement with the Cabinet Member for Planning and Economic Development to prepare and publish a joint Statement of Community Involvement for Chiltern and South Bucks District Councils based on the issues set out in the report; and**
- 3. That the Local Development Scheme be amended by the insertion of a timetable specifically covering the update and review of the Statement of Community Involvement and that authority be delegated to the Director of Services, in the absence of a permanent Head of Planning and Economic Development, to determine and amend as necessary the timetable.**

**AND RECOMMENDED:**

- 4. To Full Council that the powers delegated to the Joint Committee by the Inter Authority Agreement be extended to include updates to the Statement of Community Involvement (after Recommendation 1 above has been implemented), Community Infrastructure Levy and other Planning Policy matters considered relevant to the Joint Committee under the Shared Service arrangements.**



**72 COMMUNITY INFRASTRUCTURE LEVY TIMETABLE**

The Cabinet received a report which recommended a revised timetable, following announcements in the Housing White Paper and the Autumn Budget, for the introduction of a Community Infrastructure Levy (CIL) which was the mechanism by which Councils could secure from development payments for supporting infrastructure provision. It was noted that both Chiltern & South Bucks District Councils were required to follow a separate charging levies process, but both were likely to be very similar.

**RESOLVED:**

**That a timetable as part of the Local Development Scheme for the preparation of the necessary Community Infrastructure Levy Documents, as set out in Appendix 1 to this report, be published.**

**73 EXCLUSION OF THE PUBLIC****RESOLVED –**

**That under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.**

**74 CABINET REPORTS FROM POLICY ADVISORY GROUPS:****RESOLVED:**

**That the confidential notes of the following meetings of Policy Advisory Groups be noted:**

**Healthy Communities, 27 November 2017**

**Support Services, 27 November 2017**

**Planning & Economic Development, 4 December 2017**

**75 KING GEORGE V HOUSE LETTING OF OFFICE SPACE**

*Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

The Cabinet received a report requesting agreement to re-let office space in order to maintain rental income to the Council.

**RESOLVED:**

- 1. That the office space formerly let to the Chiltern Clinical Commissioning Group be re-let for a minimum period of three years.**
- 2. That authority be delegated to the Head of Environment to agree the details of the lease and conclude the necessary legal agreements.**

**The meeting ended at 5.45 pm**

<b>SUBJECT:</b>	28 Day Notice
<b>REPORT OF:</b>	Cabinet Portfolio Holder for Support Services (Deputy Leader)
<b>RESPONSIBLE OFFICER:</b>	Head of Legal & Democratic Services
<b>REPORT AUTHOR:</b>	Charlie Griffin, 01494 732011, charlie.griffin@chiltern.gov.uk
<b>WARD/S AFFECTED:</b>	All

## 1. Report

The Access to Information Regulations 2012 place a requirement on Councils to publish a notice 28 days before every executive or joint executive meeting detailing all Key Decisions and Private Reports to be considered. The [28 Day Notice](#) is published on the Council's website.

### RECOMMENDATION:

to note the 28 Day Notice for the meeting of the Cabinet 26 June 2018.

<b>Background Papers:</b>	None
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**Local Authorities (Executive Arrangements) (Meetings and Access to Information)  
(England) Regulations 2012**

This is a Notice of an intention to make a Key Decision on behalf of the Local authority (Regulation 9) and an intention to meet in private to consider those items marked as 'Private Reports' (Regulation 5).

A further Notice (the 'Agenda') will be published no less than 5 working-days before the date of the Cabinet meeting and will be available at [www.chiltern.gov.uk/democracy](http://www.chiltern.gov.uk/democracy)

<b>Leader (Councillor Isobel Darby)</b>					
Key Decision (Y/N) <sup>1</sup>	Report Title & Summary <sup>2</sup>	Consultation <sup>3</sup>	Decision Maker & Date	Private Report (Y/N) and Reason Private <sup>4</sup>	Lead Officer <sup>5</sup>
No	<b>Performance Indicator Review 2018-19</b> To receive the Performance Indicator Review for 2018-19	Services 24 Apr 18  Resources 25 Apr 18	Cabinet <b>1 May 18</b>	No	Ani Sultan <a href="mailto:ASultan@chiltern.gov.uk">ASultan@chiltern.gov.uk</a>
No	<b>Performance Report Quarter 3 2017-18</b> To receive the Performance Report for Quarter 3 2017-18	Services 24 Apr 18  Resources 25 Apr 18	Cabinet <b>1 May 18</b>	No	Ani Sultan <a href="mailto:ASultan@chiltern.gov.uk">ASultan@chiltern.gov.uk</a>
No	<b>Refreshed Joint Business Plan 2018-20</b> To receive the Refreshed Joint Business Plan for 2018-20	Services 13 Jun 18  Resources 20 Jun 18	Cabinet <b>26 Jun 18</b>  Council: <b>24 Jul 18</b>	No	Ani Sultan <a href="mailto:ASultan@chiltern.gov.uk">ASultan@chiltern.gov.uk</a>

<b>Support Services - Deputy Leader (Councillor Mike Stannard)</b>					
Key Decision (Y/N) <sup>1</sup>	Report Title & Summary <sup>2</sup>	Consultation <sup>3</sup>	Decision Maker & Date	Private Report (Y/N) and Reason Private <sup>4</sup>	Lead Officer <sup>5</sup>
No	<b>Treasury Management Annual Report 2017/18</b> To report on Treasury Management Activity 2017/18	Resources 25 Apr 18	Cabinet <b>26 Jun 18</b>	No	Helen O'Keeffe <a href="mailto:hokeeffe@chiltern.gov.uk">hokeeffe@chiltern.gov.uk</a>

<b>Customer Services (Councillor – Fred Wilson)</b>					
Key Decision (Y/N) <sup>1</sup>	Report Title & Summary <sup>2</sup>	Consultation <sup>3</sup>	Decision Maker & Date	Private Report (Y/N) and Reason Private <sup>4</sup>	Lead Officer <sup>5</sup>

<b>Planning &amp; Economic Development (Councillor Peter Martin)</b>					
Key Decision (Y/N) <sup>1</sup>	Report Title & Summary <sup>2</sup>	Consultation <sup>3</sup>	Decision Maker & Date	Private Report (Y/N) and Reason Private <sup>4</sup>	Lead Officer <sup>5</sup>
Yes	<b>HS2 Work and Resourcing Report:</b> to provide an update on resources and the work being undertaken as the project moves from design stage to construction stage. To agree delegations to enter into agreements to deliver additional projects.	SDPAG 16 Apr 18	Cabinet <b>1 May 18</b>	Yes (para 3)	Ifath Nawaz <a href="mailto:inawaz@chiltern.gov.uk">inawaz@chiltern.gov.uk</a>
No	<b>Local Enforcement Plan:</b> The Cabinet will be asked to agree the joint Local Enforcement Plan that will set out how the Councils intend to carry out their planning enforcement process	SDPAG 16 Apr 18	Cabinet <b>1 May 18</b>	No	Andrew Ashcroft <a href="mailto:aashcroft@chiltern.gov.uk">aashcroft@chiltern.gov.uk</a>
No	<b>The delivery of an exemplary planning service in Chiltern &amp; South Bucks:</b> The Cabinet will be asked to agree the document that identifies appropriate measures to ensure the Councils are delivering the highest possible service quality	SDPAG 16 Apr 18	Cabinet <b>1 May 18</b>	No	Andrew Ashcroft <a href="mailto:aashcroft@chiltern.gov.uk">aashcroft@chiltern.gov.uk</a>

<b>Environment (Councillor Mike Smith)</b>					
Key Decision (Y/N) <sup>1</sup>	Report Title & Summary <sup>2</sup>	Consultation <sup>3</sup>	Decision Maker & Date	Private Report (Y/N) and Reason Private <sup>4</sup>	Lead Officer <sup>5</sup>
Y	<b>Mill Meadow Bridge</b> Update on Mill Meadow Bridge	CAMG 25 Apr 18	Cabinet <b>1 May 18</b>	No	Jeffrey Tapping JTapping@chiltern.gov.uk
Y	<b>Ten year plan programme for King George V House</b> To agree the programme of essential work	CAMG 25 Apr 18	Cabinet <b>1 May 18</b>	No	Kevin Kelly KKelly@chiltern.gov.uk
Y	<b>King George V House parking</b> To agree costs and receive a planning update	CAMG 25 Apr 18	Cabinet <b>1 May 18</b>	No	Louise Dove LDove@chiltern.gov.uk
Y	<b>Waste Contract Options</b> to consider the contract options going forward	JWCC <b>23 Apr 18</b>  JWCC <b>Tbc</b>	Cabinet <b>26 June 18</b>	Yes (para 3)	Chris Marchant Chris.Marchant@chiltern.gov.uk
N	<b>Waste Collection and Recycling Update Report</b> Update on waste collection and recycling in the District	Services Overview 24 Apr 18	For information	No	Chris Marchant Chris.Marchant@chiltern.gov.uk

<b>Healthy Communities (Councillor Liz Walsh)</b>					
Key Decision (Y/N) <sup>1</sup>	Report Title & Summary <sup>2</sup>	Consultation <sup>3</sup>	Decision Maker & Date	Private Report (Y/N) and Reason Private <sup>4</sup>	Lead Officer <sup>5</sup>
No	<b>Affordable Housing Contributions Update</b> To provide an update on the level of Affordable Housing contributions received from planning agreements and allocations made to support affordable housing projects	Services 24 April 18  HCPAG 19 Apr 18	Cabinet <b>1 May 18</b>	No	Michael Veryard mveryard@chiltern.gov.uk
No	<b>Draft Buckinghamshire Domestic and Violence Abuse Strategy 2018-2021</b> To consider the strategy	HCPAG 19 Apr 18	Cabinet <b>1 May 18</b>	No	Katie Galvin KGalvin@chiltern.gov.uk

Yes	<b>Chiltern Pools Open Space Update</b> To update members of progress of land swap	Services 24 April 18	Cabinet <b>1 May 18</b>	No	<b>Appendix</b> Martin Holt MHolt@Chiltern.gov.uk
Yes	<b>PSPO consultation</b> To consider the findings of the consultation	HCPAG 19 Apr 18	Cabinet <b>1 May 18</b>	No	Ian Snudden ISnudden@chiltern.gov.uk
Yes	<b>Unauthorised encampments</b> Agreeing the protocols with Thames Valley Police and Bucks CC as to the lead agencies and roles and responsibilities	Services 24 April 18  HCPAG 19 Apr 18	Cabinet <b>1 May 18</b>	No	Martin Holt MHolt@Chiltern.gov.uk
Yes	<b>Asylum Seekers</b> To consider the support that the Council can provide to asylum seekers	Services 24 April 18  HCPAG 19 Apr 18	Cabinet <b>1 May 18</b>	No	Martin Holt MHolt@Chiltern.gov.uk
Yes	<b>Community Sports Organisation</b> The range of support the Council can provide to the range of organisations to enable them to thrive	HCPAG 19 Apr 18	Cabinet <b>1 May 18</b>	No	Martin Holt MHolt@Chiltern.gov.uk
No	<b>Summer youth diversionary projects</b> To support schemes to divert young people away from crime and disorder	HCPAG 19 Apr 18	Cabinet <b>1 May 18</b>	No	Claire Speirs CSpeirs@chiltern.gov.uk
Yes	<b>Chiltern and South Bucks Open Space Strategy and playing pitch review:</b> to agree the final Strategy (if material changes arise following the consultation)	Services 13 Jun 18 <i>(if required)</i>	Cabinet <b>26 June 18</b> <i>(if required)</i>  Council <b>24 July 2018</b>	No	Paul Nanji pnanji@chiltern.gov.uk
Yes	<b>Chiltern Pools Business Plan</b> To decide to apply for planning approval and tender for contractors	Services 13 Jun 18  Resources 20 Jun 18  HC PAG 18 Jun 18	Cabinet 26 June 2018  Council <b>24 July 2018</b>	Y (para 3)	Paul Nanji pnanji@chiltern.gov.uk
Yes	<b>Health and Safety Business Plan</b> To approve the business plan	HC PAG 18 Jun 18	Cabinet 26 June 2018	No	Ian Snudden ISnudden@chiltern.gov.uk



Yes	<b>Food and Safety Business Plan</b> To approve the business plan	HC PAG 18 Jun 18	Cabinet 26 June 2018	No	<b>Appendix</b> Ian Snudden ISnudden@chiltern.gov.uk
Yes	<b>Joint Housing Strategy</b> To agree and adopt the joint housing strategy following consultation	Services TBC	Cabinet <b>TBC</b>  Council <b>TBC</b>	No	Michael Veryard mveryard@chiltern.gov.uk
Yes	<b>Sustainability and Carbon Reduction Strategy:</b> The development and implementation of an updated joint strategy for South Bucks DC and Chiltern DC, building on existing activities and opportunities	HCPAG TBC	Cabinet <b>TBC</b>	No	Ben Coakley bcoakley@chiltern.gov.uk
Yes	<b>Review of Bucks Home Choice Scheme Allocations Policy:</b> to consider a report on the policy.	Services TBC  HCPAG TBC	Cabinet <b>TBC</b>	No	Michael Veryard mveryard@chiltern.gov.uk
Yes	<b>2018 Community Grants Awards</b> To approve community grants	Services 9 Oct 18	Cabinet <b>16 Oct 18</b>	No	Paul Nanji pnanji@chiltern.gov.uk
No	<b>Chiltern Leisure Centre Performance Report</b> To receive a performance update	HCPAG 8 Oct 18	Cabinet <b>16 Oct 18</b>	No	Paul Nanji pnanji@chiltern.gov.uk
Yes	<b>Chiltern Pools Redevelopment Procurement:</b> to consider a report on 1) Operator contract and 2) appointment of the operator (procurement process)	Services 27 Nov 18  HCPAG 26 Nov 18	Cabinet <b>11 Dec 18</b>	No	Paul Nanji pnanji@chiltern.gov.uk
No	<b>Community Lottery:</b> Annual Review of the Scheme	HCPAG 26 Nov 18	Cabinet <b>11 Dec 18</b>	No	Paul Nanji pnanji@chiltern.gov.uk

- 1 The Council's Constitution defines a 'Key' Decision as any decision taken in relation to a function that is the responsibility of the Cabinet and which is likely to:-
- result in expenditure (or the making of savings) over £50,000 and / or
  - have a significant impact on the community in two (or more) district wards.

and

- relates to the development and approval of the Budget; or
- relates to the development, approval and review of the Policy Framework, or
- is otherwise outside the Budget and Policy Framework.

As a matter of good practice, this Notice also includes other items – in addition to Key Decisions – that are to be considered by the Cabinet. This additional information is provided to inform local residents of all matters being considered.

- 2 Each item considered will have a report; appendices will be included (as appropriate). Regulation 9(1g) allows that other documents relevant to the item may be submitted to the decision-maker. Subject to prohibition or restriction on their disclosure, this information will be published on the Council website – [www.chiltern.gov.uk/democracy](http://www.chiltern.gov.uk/democracy) – usually 5 working-days before the date of the meeting. Paper copies may be requested (charges will apply) using the contact details below.
- 3 In order to support the work of the Cabinet and to enhance decision-making, reports are often presented to other meetings for comment before going to the Cabinet. As such, this Notice also includes information on which meeting (if any) will also consider the report, and on what date.
- 4 The public can be excluded for an item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972. The relevant paragraph numbers and descriptions are as follows:

Paragraph 1	Information relating to any individual
Paragraph 2	Information which is likely to reveal the identity of an individual
Paragraph 3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Paragraph 4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
Paragraph 5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
Paragraph 6	Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment
Paragraph 7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

Part II of Schedule 12A of the Local Government Act 1972 requires that information falling into paragraphs 1-7 above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Nothing in the Regulations authorises or requires a local authority to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the proper officer, that document or part of a document contains or may contain confidential information.

Should you wish to make any representations in relation to any of the items being considered in private, you can do so – in writing – using the contact details below. Any representations received, together with any response from the Council, will be published on the Notice (the 'Agenda') issued no less than 5 working-days before the meeting. This will be available on the Council website – [www.chiltern.gov.uk/democracy](http://www.chiltern.gov.uk/democracy)

Contact: Democratic Services, Chiltern District Council, King George V House, King George V Road,

- 5 The lead officer is usually the report author, and their contact details are provided in this column. The officer's email address is a standard format: first initial followed by their surname e.g. Bob Smith = bsmith@chiltern.gov.uk



# Item 7

CDC Cabinet 1 May 2018

Via Services Overview Committee 24 April 2018

Resources Overview Committee 25 April 2018

<b>REPORT SUBJECT</b>	<i>Performance Indicator Review 2018-19</i>
<b>REPORT OF</b>	<i>Councillor Isobel Darby (CDC)</i>
<b>RESPONSIBLE OFFICER</b>	<i>Bob Smith, Chief Executive</i>
<b>REPORT AUTHOR</b>	<i>Ani Sultan (01494 586 800)</i>
<b>WARD/S AFFECTED</b>	<i>Report applies to whole district</i>

## 1. Purpose of Report

To provide an update on the outcomes of the Performance Indicator (PI) review for 2018/2019 and to seek approval for the proposed changes to reporting.

### RECOMMENDATION

Cabinet is asked to approve the changes to the Performance Indicators for each service.

## 2. Executive Summary

Overview of performance indicators (PIs) for 2018/19:

Portfolio	Total PIs	Priority PIs	Corporate PIs	Data Only PIs
Leader	5	3	0	2
Healthy Communities	18	3	10	5
Planning and Economic development	22	3	15	4
Environment	5	1	4	0
Support services	6	0	6	0
Customer services	6	4	2	0
<b>Total PIs</b>	<b>62</b>	<b>14</b>	<b>37</b>	<b>11</b>

## 3. Reasons for Recommendations

- 3.1 Reviewing Performance Indicators allows each service to adjust targets, add in more relevant indicators and remove those indicators that do not provide valuable information.
- 3.2 This year, the internal consultation process has been extended to include all managers within service areas, plus other staff as appropriate, prior to sign-off from Heads of Service in order to ensure that the Performance Indicators adopted include measuring of all aspects of each service that provide meaningful information to Management Team, Members and Officers. This ensures that the process has been more robust than in previous years.
- 3.3 To reflect joint services, indicators are to be jointly reported where practical. Where this is not possible care has been taken to attempt to align indicators to ensure that data sets are similar between the two councils.
- 3.4 Performance Indicators are part of the Service Planning process, and serve as an important part of the Council's performance management framework as detailed in the Joint Business Plan 2016 – 2020 and link to the Councils' policy objectives.

3.5 The following appendices are attached to this report.

- **Appendix A:** CDC Priority PIs 2018-19
  - Provides proposals for reporting priority indicators during 2018/19 with future targets.
- **Appendix B:** CDC Corporate Indicators 2018-19
  - Provides proposals for reporting Corporate PIs during 2018/19 with future targets.
- **Appendix C:** CDC Data Only Indicators 2018-19
  - Provides proposals for reporting Data Only PIs during 2018/19.

#### 4. Key points to note

- 4.1 Finance is an exception to this process as full reporting is included in the monthly budget packs for each Council so no further PIs were deemed necessary.
- 4.2 Service areas will measure and monitor any remaining PIs which are useful for day to day management of the service, reporting through to PAGs/Committees where appropriate. These are departmental PIs, which are not included in the appendices. If any of these PIs indicate potential problems, these will be highlighted to Management Team and where the impact is medium to high, to the portfolio holder.
- 4.3 If approved, for 2018/19 there will be 14 priority PIs, 37 additional corporate PIs and 11 data only PIs – a total of 62.
- **Leaders:** HR PIs have now become joint Chiltern and South Bucks PIs to reflect that the workforce is now under joint terms and conditions. No major changes within Communications, Policy and Performance.
  - **Customer Services:** Slight increases have been made to CdRB3 and CdRB4 within the Revenues and Benefits indicators, with placeholders added within Customer Services to measure both complaints and compliments received once the Customer Experience Strategy is in place.
  - **Healthy Communities:** CdCL1 (Customer satisfaction rating at the Chiltern leisure facilities) and CdCL3 (Total number of users at all leisure centres (by period) have been split into individual centres. JtLI3 - Percentage of customers satisfied with the licensing service received (annual) – has a reduced target of 80%, rather than the 89% of 2017/18 to reflect that not all those who are pleased with the service fill in a survey, and that many of the issues reported by those who complete the survey are outside of the service's control e.g. IT issues, legislation etc.
    - Departmental indicators have also been introduced to measure the impact of HS2 on the Healthy Communities team.
  - **Planning and Economic Development:** Indicators within this Portfolio have been amended to reflect the priorities for the Exemplar Planning Service and Local Enforcement Plan.
  - **Environment:** A new PI (CdWR4) has been added in to determine how many missed assisted collections are occurring each month and therefore the success of this service;

## Item 7

CDC Cabinet 1 May 2018

Via Services Overview Committee 24 April 2018

Resources Overview Committee 25 April 2018

additionally, SbSE1 - Cumulative CO2 reduction from local authority operations from base year of 2008/09 – has been added in to align with the existing CDC PI.

4.5 Indicators have been introduced to measure the impact of HS2 on the Healthy Communities team. These will be part of the Departmental PIs.

### 5. Consultation

*Not Applicable*

### 6. Options

*Not applicable*

### 7. Corporate Implications

7.1 **Financial** - Performance Management assists in identifying value for money.

7.2 **Legal** – None specific to this report.

7.3 **Crime and Disorder, Environmental Issues, ICT, Partnership, Procurement, Social Inclusion, Sustainability** – reports on aspects of performance in these areas.

**Resources** – The monitoring of progress against performance targets is a useful tool to help monitor the progress the Council is making to improve council aims, improve service delivery, and deliver value for money services for residents.

**Financial** – Performance Management assists in identifying value for money.

**Legal** –None identified.

**Risks issues** – None identified

### 8. Links to Council Policy Objectives

Performance management helps to ensure that performance targets set through the service planning process are met, and that any dips in performance are identified and resolved in a timely manner.

This report links to all three of the Council's objectives, listed below:

Objective 1 - Efficient and effective customer focused services

Objective 2 - Safe, healthy and cohesive communities

Objective 3 - Conserve the environment and promote sustainability

### 9. Next Step

Cabinet are asked to note Appendixes A and B and approve the proposed changes to the priority and corporate performance indicators.

Background Papers:	
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**Appendix A - Priority PIs 2018-19 - CDC**

Code	Title	Latest Results - Q3 2017/18	Target 2017/18 (YTD)	Target 2018/19	Target 2019/20	Target 2020/21	Comments
<b>Leader's</b>							
JtHR1	Working days lost due to sickness absence	10.4	10	10	10	10	No change.
<del>JtHR14</del> JtHR12	Working days lost due to short term sickness absence (upto 20 working days)	4.5	5	5	5	5	Renamed as JtHR12.
<del>JtHR15</del> JtHR13	Working days lost due to long term sickness absence (more than 20 working days)	5.91	5	5	5	5	Renamed as JtHR13.
<b>Community, Health and Housing</b>							
CdCmSf1	Percentage reduction in burglaries from dwellings year on year for Chiltern (quarterly)	0%	Data Only	Data Only	Data Only	Data Only	No change.
CdHS1	Number of applicants with/expecting children who have been in B & B accommodation for longer than 6 weeks (snapshot figure at end of month)	2	0	0	0	0	No change.
CdHS7	Number of households living in temporary accommodation (snapshot at the end of the month)	27	38	38	38	38	Code changed from CdHS8 to CdHS7
<b>Planning and Economic Development</b>							
CdSD3	Processing of planning applications: major applications processed within 13 weeks (cumulative)	95.5%	90%	90%	90%	90%	No change (Government target is 60%).

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Appendix A

Code	Title	Latest Results - Q3 2017/18	Target 2017/18 (YTD)	Target 2018/19	Target 2019/20	Target 2020/21	Comments
<b>CdSD4</b>	Processing of planning applications: minor applications processed within 8 weeks (cumulative)	87.8%	75%	75%	75%	75%	Code changed from CdSD10 to CdSD4. No change to targets (Government target is 65%).
<b>CdSD5</b>	Processing of planning applications: other applications processed within 8 weeks (cumulative)	95.5%	85%	85%	85%	85%	Code changed from CdSD11 to CdSD5. No change to targets (Government target is 80%).
<b>Environment</b>							
<b>CdWR2</b>	Percentage of household waste sent for reuse, recycling and composting (cumulative)	52.1%	53%	53%	53%	53%	Code changed from CdWR3 to CdWR2.
<b>Customer Services</b>							
<b>CdRB1</b>	Speed of processing - new HB/CTB claims (cumulative)	16.6	18	18	18	18	No change.
<b>CdRB2</b>	Speed of processing - changes of circumstances for HB/CTB claims (cumulative)	4.4	5	5	5	5	No change.
<b>CdRB3</b>	% of Council Tax collected (cumulative)	82.8%	99%	99.1%	99.1%	99.1%	Increase of 0.1% on targets.
<b>CdRB4</b>	Percentage of Non-domestic Rates Collected (cumulative)	81.9%	98%	98.5%	98.5%	98.5%	Increase of 0.5% on targets.

Appendix B - Corporate PIs 2018-19 - CDC

Code	Title	Latest Results - Q3 2017/18	Target 2017/18 (YTD)	Target 2018/19	Target 2019/20	Target 2020/21	Comments
<b>Leader's portfolio</b>							
CdHR2 (C)	Voluntary leavers as a % of workforce (extrapolated for the year)	20.8%	16%				Being replaced by a joint PI.
<b>Community, health and housing</b>							
CdCL1 (C)	Customer satisfaction rating at the Chiltern leisure facilities	Annual	65.00%				This PI is being split into the individual Centres.
CdCL1a (C)	Customer satisfaction rating at Chalfont Leisure Centre	NEW PI	NEW PI	75%	77%	79%	Replacing CdCL1.
CdCL1b (C)	Customer satisfaction rating at Chesham Leisure Centre	NEW PI	NEW PI	68%	70%	72%	Replacing CdCL1.
CdCL1c (C)	Customer satisfaction rating at the Chiltern Pools Leisure Centre	NEW PI	NEW PI	50%	55%	57%	Replacing CdCL1.
CdCL2 (C)	Total participation in physical activities delivered through the GLL community engagement plan (by period)	5,416	15,000	15,000	15,000	15,500	Target increased by 500 in 2020/21.
CdCL3 (C)	Total number of users at all leisure centres (by period)	224,825	900,000				This PI is being split into the individual Centres and has been added to Appendix C - Data Only PIs.
CdHS2 (C)	Number of affordable homes delivered by (i) new build (ii) vacancies generated by local authority scheme (iii) acquisition of existing properties for social housing (cumulative)	18	33	33	33	33	No change.
CdHS3 (C)	Average Length of stay in B & B temporary accommodation for all households (snapshot at end of quarter)	12	12	12	12	12	No change.
CdHS4 (C)	Number of private sector dwellings vacant for more than 6 months and returned to occupation following local authority intervention	Annual	28	28	28	28	No change.
CdEH2 (C)	Percentage of food hygiene inspections of category A – D food businesses achieved against the inspections due by quarter	86.5%	93%	91%	91%	91%	Changed from "Percentage of food premises (risk rating A to C) that are broadly compliant (snapshot quarterly)." The target has been reduced to 91% from 93% as this is seen by the Head of Service to be a target that is achievable yet still stretching.

Code	Title	Latest Results - Q3 2017/18	Target 2017/18 (YTD)	Target 2018/19	Target 2019/20	Target 2020/21	Comments
JtLI3 (C)	Percentage of customers satisfied with the licensing service received (annual)	Annual	89%	80%	80%	80%	It has become clear from the last 2 years that the current target is unachievable. It is challenging for a regulatory service to attain high levels of positive customer feedback, and though we investigate the reason for unsatisfied respondents on an individual basis and address this where possible, there are factors such as legislation which must be complied with, and the impact of other parties such as IT not being up to the standard that our customers expect, but outside of the services direct control, and not quick to fix. The lower target does not represent a change in the level of effort that that the team intends to make to improve customer service, and remains challenging to achieve. As these targets are reviewed annually it will be possible to look at the impact of the Customer Experience Strategy when Licensing have completed this process in order to consider whether this removes some of the common dissatisfaction with our systems and contacting us.
JtLI5 (C)	Percentages of licences received and issued/renewed within statutory or policy deadlines (cumulative).	96.1%	97%	97.0%	97.5%	98.0%	Increase of 0.5% per year from 18/19-20/21
<b>Planning and Economic Development</b>							
JtBC1 (C)	Applications checked within 10 working days (cumulative)	94.3%	92%	92%	92%	92%	No change.
JtBC2 (C)	Customer satisfaction with the building control service. (cumulative)	95.6%	92%	92%	92%	92%	No change.
CdPED1 (C)	Percentage of planning applicants who are satisfied or very satisfied with the planning service (cumulative)	85.2%	80%	82%	82%	82%	Code changed from CdSD7 to CdSD1. Target increased to 82%.
CdPED2 (C)	Planning appeals allowed (cumulative)	31.0%	35%	35%	35%	35%	Code changed from CdSD8 to CdSD2
CdPED8 (C)	Percentage of new enforcement cases where an initial site visit or closure of the case for a Priority A case is undertaken within 5 working days as set out in the Local Enforcement Plan (cumulative, monthly)	NEW PI	NEW PI	70%	80%	85%	As this is a new working model, these are stretching targets for how the service is to be delivered. Due to number of projects being delivered corporately and withint the planning service, and the need to report against these, the targets have been staged to allow delivery within resources allocated.
CdPED9 (C)	Percentage of new enforcement cases where an initial site visit or closure of the case for a Priority B is undertaken within 10 working days as set out in the Local Enforcement Plan (cumulative, monthly)	NEW PI	NEW PI	70%	80%	85%	As this is a new working model, these are stretching targets for how the service is to be delivered. Due to number of projects being delivered corporately and withint the planning service, and the need to report against these, the targets have been staged to allow delivery within resources allocated.

Classification: OFFICIAL  
Appendix B - CDC Quarterly Corporate Performance Indicator Report

Code	Title	Latest Results - Q3 2017/18	Target 2017/18 (YTD)	Target 2018/19	Target 2019/20	Target 2020/21	Comments
CdPED10 (C)	Percentage of new enforcement cases where an initial site visit or closure of the case for a Priority C is undertaken within 10 working days as set out in the Local Enforcement Plan (cumulative, monthly)	NEW PI	NEW PI	70%	80%	85%	As this is a new working model, these are stretching targets for how the service is to be delivered. Due to number of projects being delivered corporately and without the planning service, and the need to report against these, the targets have been staged to allow delivery within resources allocated.
CdPED41	2019 Majors speed of planning decisions – special measures 2 year assessment period ending September 18 (cumulative, monthly)	93.55%	60%	60%	60%	60%	No change. These are added in throughout the year as assessment periods become live.
CdPED42	2019 Non-Majors speed of planning decisions – special measures 2 year assessment ending September 2018 (cumulative, monthly)	94.1%	70%	70%	70%	70%	No change. These are added in throughout the year as assessment periods become live.
CdPED43	2019 Majors quality of planning decisions - special measures 2 year & 9 month assessment period ending Dec 2018 (cumulative monthly)	2.56%	9.99%	9.99%	9.99%	9.99%	No change. These are added in throughout the year as assessment periods become live.
CdPED44	2019 Non-Majors quality of planning decisions - special measures 2 year & 9 month assessment period ending Dec 2018 (cumulative monthly)	1.29%	9.99%	9.99%	9.99%	9.99%	No change. These are added in throughout the year as assessment periods become live.
CdPED45	2020 Majors speed of planning decisions – special measures 2 year assessment period ending Sep 19 (cumulative, monthly)	100%	60%	60%	60%	60%	No change. These are added in throughout the year as assessment periods become live.
CdPED46	2020 Non-Majors speed of planning decisions – special measures 2 year assessment ending September 2019 (cumulative, monthly)	94.5%	70%	70%	70%	70%	No change. These are added in throughout the year as assessment periods become live.
CdPED47	2020 Majors quality of planning decisions – special measures 2 year and 9 month assessment period ending December 2019 (cumulative, monthly)	4.55%	9.99%	9.99%	9.99%	9.99%	No change. These are added in throughout the year as assessment periods become live.

Code	Title	Latest Results - Q3 2017/18	Target 2017/18 (YTD)	Target 2018/19	Target 2019/20	Target 2020/21	Comments
<b>CdPED48</b>	2020 Non-Majors quality of planning decisions – special measures 2 year and 9 month assessment period ending December 2019 (cumulative, monthly)	0.94%	9.99%	9.99%	9.99%	9.99%	No change. These are added in throughout the year as assessment periods become live.
<b>Environment</b>							
<b>CdSE1 (C)</b>	Cumulative CO2 reduction from local authority operations from base year of 2008/09	Annual	12%	12%	12%	12%	No change.
<b>CdWR1 (C)</b>	Household refuse collections, number of containers missed per month (calculated on wkly basis)	1547	1733	1650	1600	1600	Code changed from CdWR4 to CdWR1. Target has been reduced for future years.
<b>CdWR3 (C)</b>	Waste customer satisfaction survey	6 monthly	86%	86%	86%	86%	Code changed from CdWR1 to CdWR3
<b>CdWR4 (C)</b>	No of missed assisted containers (monthly)	NEW PI	NEW PI	35	35	35	New PI to measure success of assisted collections.
<b>Support services</b>							
<b>JtBS1 (C)</b>	Availability of ICT systems to staff from 8am to 6pm (by period)	85.5%	99.5%	99.5%	99.5%	99.5%	No change.
<b>JtBS2 (C)</b>	Percentage of calls to ICT helpdesk resolved within agreed timescales (by period)	86.0%	95%	95%	95%	95%	No change.
<b>CdBS1 (C)</b>	Percentage of responses to FOI requests sent within 20 working days (by month)	NA	90%	90%	90%	90%	Code changed from CdBS3 to CdBS1
<b>JtLD1 (C)</b>	Client satisfaction with the shared service. Percentage satisfied or very satisfied.	6 monthly	98%	98%	98%	98%	No change.
<b>CdLD2 (C)</b>	The percentage response to the annual canvass	Annual	94%	94%	95%	96%	Target has been increased for future years.
<b>CdLD3 (C)</b>	Percentage of standard searches carried out within three working days (by period quarterly)	100%	100%	100%	100%	100%	No change.
<b>Customer services</b>							
<b>CdCS1 (C)</b>	New measure for complaints - t.b.a.	NA	TBA	TBA	TBA	TBA	Placeholder for PI for when Customer Experience Strategy is implemented
<b>CdCS2 (C)</b>	New measure for compliments - t.b.a.	NA	TBA	TBA	TBA	TBA	Placeholder for PI for when Customer Experience Strategy is implemented

**Appendix C - Data Only PIs - CDC**

Code	Title	Latest Results - Q3 2017/18	Target 2017/18 (YTD)	Target 2018/19	Target 2019/20	Target 2020/21	Comments
<b>Leader's portfolio</b>							
<b>CdCP1 (C)</b>	Number of unique visitors to the main website (by period)	104,209	Data Only	Data Only	Data Only	Data Only	No change.
<b>JtHR2</b>	Voluntary leavers as a percentage of workforce (cumulative for year).	NEW PI	NEW PI	Data Only	Data Only	Data Only	Replaces individual Chiltern and South Bucks PIs.
<b>Community, Health and Housing</b>							
<b>CdCL3a (C)</b>	Total attendance at Chalfont Leisure Centre	NEW PI	NEW PI	Data Only	Data Only	Data Only	NEW PI
<b>CdCL3b (C)</b>	Total attendance at Chesham Leisure Centre	NEW PI	NEW PI	Data Only	Data Only	Data Only	NEW PI
<b>CdCL3c (C)</b>	Total attendance at Chiltern Pools Leisure Centre	NEW PI	NEW PI	Data Only	Data Only	Data Only	NEW PI
<b>CdCmSf1</b>	Percentage reduction in burglaries from dwellings year on year for Chiltern (quarterly)	0%	Data Only	Data Only	Data Only	Data Only	No change.
<b>CdCmSf2 ©</b>	Percentage reduction in violent offences against a person, rolling year on year	-21.7%	data only	Data Only	Data Only	Data Only	No change.
<b>Planning and Economic Development</b>							
<b>JtENF1(C)</b>	Number of new enforcement cases received (monthly)	NEW PI	NEW PI	Data Only	Data Only	Data Only	New enforcement corporate PI.

<b>JtENF2 (C)</b>	Number of closed cases (monthly)	NEW PI	NEW PI	Data Only	Data Only	Data Only	New enforcement corporate PI.
<b>JtENF3 (C)</b>	Number of PCNs (or S330s) issued (monthly)	NEW PI	NEW PI	Data Only	Data Only	Data Only	New enforcement corporate PI.
<b>JtENF4 (C)</b>	Number of notices served (monthly)	NEW PI	NEW PI	Data Only	Data Only	Data Only	New enforcement corporate PI.



# Item 8

CDC Cabinet 1 May 2018 2018

Via Resources Overview Committee 25 April 2018 and Services Overview Committee 24 April 2018

<b>REPORT SUBJECT:</b>	<i>Chiltern District Council Performance Report Q3 2017-18</i>
<b>REPORT OF:</b>	<i>Leader of the Council – Councillor Isobel Darby</i>
<b>RESPONSIBLE OFFICER</b>	<i>Chief Executive – Bob Smith</i>
<b>REPORT AUTHOR</b>	<i>Ani Sultan (01494 586 800)</i>
<b>WARD(S) AFFECTED</b>	<i>Report applies to whole district</i>

## 1. Purpose of Report

This report outlines the annual performance of Council services against pre-agreed performance indicators and service objectives for Quarter 3 of 2017-18.

## RECOMMENDATION

Cabinet is asked to note the performance reports.

## 2. Executive Summary

Overview of **Quarter 3 2017-18** performance indicators (PIs) against targets across the Council:

Portfolio	No of PIs	PI on target □	PI slightly below target □	PI off target □	Unknown	Data only	Not reported this quarter/not used
Leader	4	1	1	2	0	0	0
Healthy Communities	13	5	1	2	0	2	3
Planning and Economic development	16	14	0	0	2	0	0
Environment	5	1	2	0	0	1	1
Support services	5	0	1	2	0	0	2
Customer services	5	4	0	0	0	0	1
<b>Total PIs</b>	<b>48</b>	<b>25</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>7</b>

## 3. Reasons for Recommendations

3.1 This report details factual performance against pre-agreed targets.

3.2 Management Team, Cabinet, Resources Overview & Services Overview Committees receive regular updates detailing progress towards service plan objectives, performance targets and strategic risks, in line with our Performance and Improvement Framework.

3.3 Two detailed performance tables accompany this report:

- **Appendix A – Priority PIs Quarter 3 2017-18**
- **Appendix B – Corporate PIs Quarter 3 2017-18**

## 4. Key points to note:

4.1 Of the 2 unknown PIs: both fall within the Planning and Economic Development Portfolio, relating to enforcement. Further to the establishment of a joint planning service, changes to ways of working have resulted in warping of enforcement stats, leading to the figures being hard to obtain and not having meaning to them anymore. As such it is not possible to collate these, and the introduction of more pertinent indicators will be occurring via the 2018/19 Performance Indicator Review.

#### 4.2 Of the six off-target PIs, three were priority PIs:

- 4.2.1 **Leaders:** The priority PI relating to long term sickness absence was over the target of 5, at 5.9. Long-term absence (comprised of 5 employees) is being managed by managers, with HR support and alongside occupational health.
- 4.2.2 **Healthy Communities:** the Priority PI below target relates to the number of applicants with/expecting children who have been in B & B accommodation for longer than 6 weeks, target of 0, with an actual of 2. Of these 2 households, 1 has been deemed intentionally homeless and is due to leave temporary accommodation shortly, with the remaining household having former tenant arrears and a possible decision regarding intentional homelessness pending. Although CdHS2 is currently under the target for number of affordable homes delivered, the creation of 17 new build flats in Chalfont St. Giles (due in quarter 4) should mean that the target of 33 is achieved within the financial year.
- 4.2.3 **Planning and Economic Development:** The priority and corporate PIs are on target for this portfolio, with performance above the target set – please see paragraph 4.1 above for further detail on data not yet reported.
- 4.2.4 **Environment:** The priority PI relating to percentage of household waste sent for reuse, recycling and composting was slightly under target of 53% at 52.1%, mainly due to cancellation of garden and food waste collections during inclement weather in order to prioritise refuse and recycling collections. Additionally, the cessation of garden waste collection for part of December contributed to the missing of the target.
- 4.2.5 **Customer Services:** All PIs remain on target.
- 4.2.6 **Support Services:** JtBS1 – availability of ICT systems to staff from 8am to 6pm was under target of 99.5% at 85.5%. There have been two major issues over the last quarter that have had an effect on this PI: IT Infrastructure equipment from the old server room was moved to the new Comms Room. Although most of the equipment was moved in December, there were problems with the internal routing of the IT systems and access, which caused network disruption until the equipment was reconfigured. Coupled with this there have been problems with the servers supporting the vWorkspace desktop environment, starting mid-December, with the problem worsening and leading to the whole environment crashing a couple of times during the week before Christmas. Business Support has been working with engineers from Microsoft, Dell, Quest (company supporting the VDi software vWorkspace) and Fordway (company who designed the shared network) and the work is still ongoing. These issues have obviously had an impact on the result of this PI.

#### 5. Consultation

Not applicable.

#### 6. Options

Not applicable.

#### 7. Corporate Implications

- 7.1 Financial - Performance Management assists in identifying value for money.
- 7.2 Legal – None specific to this report.
- 7.3 Crime and Disorder, Environmental Issues, ICT, Partnership, Procurement, Social Inclusion, Sustainability – reports on aspects of performance in these areas.

## 8. Links to Council Policy Objectives

Performance management helps to ensure that performance targets set through the service planning process are met, and that any dips in performance are identified and resolved in a timely manner.

This report links to all three of the Council's objectives, listed below:

Objective 1 - Efficient and effective customer focused services

Objective 2 - Safe, healthy and cohesive communities

Objective 3 - Conserve the environment and promote sustainability

## 9. Next Step

Once approved, this report and appendices will be published on the website.

<b>Background Papers:</b>	N/A
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**Appendix A - CDC Quarterly Priority Indicator Report**

Note: Excludes Corporate Performance Indicators - see Appendix B

Code	Title	Annual Target 16/17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2017/18 (YTD)	Latest Note	
<b>Leader's</b>																		
JtHR1	Working days lost due to sickness absence	12	8.1	9.7	9.8	10.7	11.1	11.0	10.8	10.7	10.4				☐	10.0	208 working days lost for December + 2,199.50 working days lost for April - November = 2,407.50 days. 2,407.50 / 308.46 (average FTE figure) = 7.80 / 9 x 12 = 10.4 average working days lost to sickness absence (cumulative). These figures relate to absence days from 44 employees	
JtHR14	Working days lost due to short term sickness absence (up to 20 working days)	New PI	5.1	4.6	4.1	4.4	4.4	4.5	4.4	4.5	4.5				☑	5	107 working days lost for December + 935 working days lost for April - November = 1,042 days. 1,042 / 308.46 (average FTE figure) = 3.38 / 9 x 12 = 4.5 average working days lost to short term sickness absence (cumulative). The figures related to absence from 39 employees	
JtHR15	Working days lost due to long term sickness absence (more than 20 working days)	New PI	3.0	5.0	5.7	6.3	6.7	6.5	6.4	6.1	5.9				☒	5	101 working days lost for December + 1,264.50 working days lost for April - November = 1,365.50 days. 1,365.50 / 308.46 (average FTE figure) = 4.43 / 9 x 12 = 5.9 average working days lost to long term sickness absence (cumulative). This absence relates to 5 employees	
<b>Community, Health and Housing</b>																		
CdCmSf1	Percentage reduction in burglaries from dwellings year on year for Chiltern (quarterly)	Data Only			0%			0%			0%				data only	Data Only	There were 192 burglaries between 1st April and 31st December 2017 in Chiltern District. We are unable to compare this to the previous year because the way in which burglaries are recorded changed in April 2017.	
CdHS1	Number of applicants with/expecting children who have been in B & B accommodation for longer than 6 weeks (snapshot figure at end of month)	0	2	2	1	1	1	4	3	4	2				☒	0	One of these 2 households, 1 has been deemed intentionally homeless and is due to leave TA at end of January 2018 (subject to review). The other household has former tenant arrears and a possible intentionality decision pending.	
CdHS8	Number of households living in temporary accommodation (snapshot at the end of the month)	34	27	32	35	34	38	36	39	29	27				☑	38	On target	

Appendix A

Note: Excludes Corporate Performance Indicators - see Appendix B

Planning and Economic Development																	
<b>CdSD10</b>	Processing of planning applications: minor applications processed within 8 weeks (cumulative)	75.0%	93.8%	96.8%	88.2%	87.2%	85.8%	86.1%	86.8%	87.1%	87.8%					75%	223 of 254 minor planning applications determined within target cumulatively. 21 of 22 minor planning applications determined within target for this month.
<b>CdSD11</b>	Other planning applications decision performance - within 8 weeks or other agreed period (cumulative monthly)	90.0%	96.1%	95.5%	96.0%	95.8%	95.2%	95.6%	95.2%	95.3%	95.5%					85%	876 of 917 other planning applications determined within target cumulatively. 69 of 70 other planning applications determined within target for this month.
<b>CdSD39</b>	2018 Majors quality of planning decisions – special measures 2 year and 9 month assessment period ending December 2017 (cumulative, monthly)	10.0%	3.9%	3.9%	3.9%	7.7%	7.7%	7.7%	7.7%	7.7%	7.7%					9.99%	2 of 26 major cases determined, allowed or part allowed on appeal
<b>Page 46</b>																	
<b>CdSD40</b>	2018 Non-Majors quality of planning decisions – special measures 2 year and 9 month assessment period ending December 2017 (cumulative, monthly)	10.0%	1.5%	1.6%	1.6%	1.7%	1.7%	1.8%	1.8%	1.8%	1.8%					9.99%	57 of 3175 Non Major cases determined, allowed or part allowed on appeal  Note: The Government annually assesses Council's, for special measures designation This assessment relates to the QUALITY of decision making on Non Major applications The period assessed is the 2 years and 9 month period leading up to the end of December This allows a 9 month period for appeals to be decided on cases decided 2 years before this This indicator is assessed on a monthly basis moving towards this end date Apr 2015 to Dec 2017 is the assessment period is for appeals determined Apr 2015 to Mar 2017 is the period for decisions on major applications determined The current threshold is less than 10% of major application appeals against refusal to be overturned at appeal

Note: Excludes Corporate Performance Indicators - see Appendix B

CdSD41	2019 Majors speed of planning decisions – special measures 2 year assessment period ending September 18 (cumulative, monthly)	60.00%	90.91%	92.31%	88.24%	90.00%	90.91%	91.30%	92.31%	92.31%	93.55%				✓	60.00%	29 of 31 major cases determined within target  Note: The Government annually assesses Council's, for special measures designation This assessment relates to the SPEED of decision making on major applications The period assessed is a 2 year period leading up to the end of Sep. This indicator is assessed on a monthly basis moving towards this end date Oct 2016 to Sep 2018 is the current assessment period The current threshold is more than 60% to be determined within the statutory 13 week period or alternative time period agreed with the applicant.
CdSD42	2019 Non-Majors speed of planning decisions – special measures 2 year assessment ending September 2018 (cumulative, monthly)	70.0%	94.6%	94.8%	94.4%	94.3%	93.9%	94.0%	93.9%	93.9%	94.1%				✓	70%	1805 of 1918 Non major cases determined within target  Note: The Government annually assesses Council's, for special measures designation This assessment relates to the SPEED of decision making on non major applications The period assessed is a 2 year period leading up to the end of Sep. This indicator is assessed on a monthly basis moving towards this end date Oct 2016 to Sep 2018 is the assessment period The threshold is 70% or more to be determined within the statutory 13 week period or alternative time period agreed with the applicant.
<b>Environment</b>																	
CdWR3	Percentage of household waste sent for reuse, recycling and composting (cumulative)	58.0%			54.2%			53.8%			52.1%				□	53%	Slightly under target due to inclement weather leading to cancellation of organic waste collections (garden and food waste) in order to prioritise refuse and recycling collections during parts of December. Standard non-collection of Garden Waste for part of December also contributed to not hitting target, as did Christmas catch-up collections.
<b>Customer Services</b>																	
CdRB1	Speed of processing - new HB/CTB claims (cumulative)	18	19.2	18.1	14.7	13.3	13.9	16.7	16.9	16.6	16.6				✓	18	On target





Note: Excludes Corporate Performance Indicators - see Appendix B

<b>CdRB2</b>	Speed of processing - changes of circumstances for HB/CTB claims (cumulative)	5	4.8	3.4	4.3	4.5	4.7	4.3	4.3	4.3	4.4				✓	5	On target
<b>CdRB3</b>	% of Council Tax collected (cumulative)	99.00%	5.4%	15.5%	25.2%	34.8%	44.3%	53.8%	63.5%	73.2%	82.8%				✓	99%	On target
<b>CdRB4</b>	Percentage of Non-domestic Rates Collected (cumulative)	98.00%	9.7%	19.7%	29.6%	38.9%	48.3%	55.6%	65.0%	72.4%	81.9%				✓	98%	On target



## Appendix B - CDC Quarterly Corporate Indicator Report

Note: Excludes Priority Performance Indicators - see Appendix A

Code	Title	Annual Target 16/17	Apr-17	#####	Jun-17	Jul-17	#####	Sep-17	Oct-17	#####	Dec-17	#####	Feb-18	#####	Traffic Light	Target 2017/18 (YTD)	Latest Note
<b>Leader's portfolio</b>																	
CdCP1 (C)	Number of unique visitors to the main website (by period)	data only	33,693	37,673	49,375	49,794	42,881	85,249	108,381	98,019	104,209				Data Only	Data only	Data only.
CdHR2 (C)	Voluntary leavers as a % of workforce (extrapolated for the year)	16%			35.2%			23.2%			20.8%					16%	9 leavers during quarter 3 + 25 leavers for quarters 1 & 2 = 34. 34 / 3 quarters x 4 = extrapolated leavers of 45 for the full year. 45 leavers / average headcount of 216 x 100 = 20.83% We expect the leavers figures to reduce as we are no longer moving employees between councils Please note that the Q1 figure was high due to 9 cleaners TUPE to Derwent FC.
<b>Community, health and housing</b>																	
CdCL1 (C)	Customer satisfaction rating at the Chiltern leisure facilities	65.00%	annual PI												65%	Annual PI	
CdCL2 (C)	Total participation in physical activities delivered through the GLL community engagement plan (by period)	6,600			6,871			4,943			5,416					15,000	On target
CdCL3 (C)	Total number of users at all leisure centres (by period)	900,000			230,658			227,319			224,825					900,000	On target
CdCmSf2 (C)	Percentage reduction in violent offences against a person, rolling year on year	data only			-7.7%			-14.1%			-21.7%				Data Only	Data only	Chiltern saw an increase of 21.7% when compared to the same period the previous year. 718 offences compared to 590 in the same period.

<b>CdHS2 (C)</b>	Number of affordable homes delivered by (i) new build (ii) vacancies generated by local authority scheme (iii) acquisition of existing properties for social housing (cumulative)	33			0			0			18					33	Total of 18 comprises (i) 18 new build flats in CSG (ii) 0 and (iii) 0. Further 17 new build flats in CSG due in Quarter 4.	
<b>CdHS3i (C)</b>	Average Length of stay in B & B temporary accommodation for all households (snapshot at end of quarter)	10			7			12			12					12	9 placements ended during quarter with a combined stay of 730 nights	
<b>CdHS4 (C)</b>	Number of private sector dwellings vacant for more than 6 months and returned to occupation following local authority intervention	40	annual PI												28	Annual PI		
<b>CdEH2 (C)</b>	Percentage of food premises (risk rating A to C) that are broadly compliant (snapshot quarterly)	96%			85.6%			86.2%			86.5%					93%	The figure also includes new businesses which have not had a previous intervention and so would not have benefitted from officer advice or guidance. This is being addressed as part of service improvement. Further to comments within previous committees, Environmental Health are aiming to set up a service to provide businesses with the opportunity to have the option of a paid-for advisory service prior to any inspection to help improve hygiene rating.	
<b>JtLI3 (C)</b>	Percentage of customers satisfied with the licensing service received (annual)	89%	annual PI												89%	Annual PI		
<b>JtLI5 (C)</b>	Percentages of licences received and issued/renewed within statutory or policy deadlines (cumulative)	97%			99.6%			99.6%			96.1%					97%	22 of 567 outside of statutory or service area target timeframes	
<b>Sustainable development</b>																		

<b>JtBC1 (C)</b>	Applications checked within 10 working days	92%	100%	99.2%	94.6%	95.6%	95.9%	95.7%	94%	96%	94.3%				✓	92%	On target
<b>JtBC4 (C)</b>	Customer satisfaction with the building control service (cumulative)	92%	87.5%	84.6%	92.9%	93.6%	93.3%	93.8%	94.6%	95.4%	95.6%				✓	92%	On target
<b>CdSD7 (C)</b>	Percentage of planning applicants who are satisfied or very satisfied with the planning service (cumulative)	80%			86.3%			86.4%			85.2%				✓	80%	On target
<b>CdSD8 (C)</b>	Planning appeals allowed (cumulative)	35%			22.7%			33.3%			31%				✓	35%	5 of 12 cumulative 8 of 24 for this quarter
<b>CdSD12 (C)</b>	Percentage of new enforcement cases where an initial site visit for an urgent priority case is undertaken within the timescale set out in the Enforcement Policy (cumulative)	100%	100%	100%	100%	100%	100%								NA	100%	Unable to collate figures further to the new ways of joint working within the planning service. Please see accompanying report, paragraph 4.1 for further detail.
<b>CdSD32 (C)</b>	% of new enforcement cases where an initial site visit for a high priority case is undertaken within the timescale set out in the Enforcement Policy (Cumulative,	100%	100%	100%	100%	100%	100%	100%							NA	100%	Unable to collate figures further to the new ways of joint working within the planning service. Please see accompanying report, paragraph 4.1 for further detail.
<b>CdSD41 (C)</b>	2019 Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2018 (cumulative monthly)	60%	90.9%	92.3%	88.2%	90.0%	90.9%	91.3%	92.3%	92.3%	93.6%				✓	60%	29 of 31 major cases determined within target Note: The Government annually assesses Council's, for special measures designation This assessment relates to the SPEED of decision making on major applications The period assessed is a 2 year period leading up to the end of Sep. This indicator is assessed on a monthly basis moving towards this end date Oct 2016 to Sep 2018 is the current assessment period The current threshold is more than 60% to be

<p><b>CdSD42 (C)</b></p>	<p>2019 Non-Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2018 (cumulative monthly)</p>	<p>70%</p>	<p>94.56%</p>	<p>94.75%</p>	<p>94.40%</p>	<p>94.31%</p>	<p>93.92%</p>	<p>94.02%</p>	<p>93.89%</p>	<p>93.92%</p>	<p>94.1%</p>				<p>✓</p>	<p>70%</p>	<p>1805 of 1918 Non major cases determined within target                      Note:                      The Government annually assesses Council's, for special measures designation                      This assessment relates to the SPEED of decision making on non major applications                      The period assessed is a 2 year period leading up to the end of Sep.                      This indicator is assessed on a monthly basis moving towards this end date                      Oct 2016 to Sep 2018 is the assessment period                      The threshold is 70% or more to be</p>
<p><b>CdSD43 (C)</b></p>	<p>2019 Majors quality of planning decisions - special measures 2 year &amp; 9 month assessment period ending Dec 2018 (cumulative monthly)</p>	<p>9.99%</p>	<p>0.0%</p>	<p>0.0%</p>	<p>0.0%</p>	<p>3.6%</p>	<p>3.3%</p>	<p>3.2%</p>	<p>2.9%</p>	<p>2.9%</p>	<p>2.6%</p>				<p>✓</p>	<p>9.99%</p>	<p>1 of 39 major cases determined, allowed or part allowed on appeal                      Note:                      The Government annually assesses Council's, for special measures designation                      This assessment relates to the QUALITY of decision making on major applications                      The period assessed is the 2 years and 9 month period leading up to the end of December This allows a 9 month period for appeals to be decided on cases decided 2 years before this                      This indicator is assessed on a monthly basis moving towards this end date                      Apr 2016 to Dec 2018 is the assessment period is for appeals determined                      Apr 2016 to Mar 2018 is the period for decisions on major applications determined                      The threshold is less than 10% of major application appeals against refusal to be overturned at appeal</p>

CdSD44 (C)	2019 Non-Majors quality of planning decisions - special measures 2 year & 9 month assessment period ending Dec 2018 (cumulative monthly)	9.99%	1.2%	1.3%	1.3%	1.3%	1.3%	1.3%	1.3%	1.2%	1.3%	1.3%					9.99%	36 of 2797 Non Major cases determined, allowed or part allowed on appeal Note: The Government annually assesses Council's, for special measures designation This assessment relates to the QUALITY of decision making on Non Major applications The period assessed is the 2 years and 9 month period leading up to the end of December This allows a 9 month period for appeals to be decided on cases decided 2 years before this This indicator is assessed on a monthly basis moving towards this end date Apr 2016 to Dec 2018 is the assessment period is for appeals determined Apr 2016 to Mar 2018 is the period for decisions on major applications determined The threshold is less than 10% of major application appeals against refusal to be overturned at appeal
<b>Environment</b>																		
CdSE1 (C)	Cumulative CO2 reduction from local authority operations from base year of 2008/09	11.70%	annual PI											●	12%	Reported annually. Cumulative Figure against baseline		
CdWR1 (C)	Waste customer satisfaction survey	86%	6 monthly					84.3%	6 monthly						□	86%	Not reported this quarter	
CdWR4 (C)	Household refuse collections, number of containers missed per month (calculated by P&C team on wkly basis)	1733	1,274	1,486	3,224	2,259	1,380	853	1,479	1,626	1,547						1733	On target
<b>Support services</b>																		
JtLD1 (C)	Client satisfaction with the shared	96%	6 monthly					97.00%	6 monthly						□	98%	Reported 6 monthly.	

<p><b>JtBS1 (C)</b></p>	<p>Availability of ICT systems to staff from 8am to 6pm (by period)</p>	<p>99.50%</p>			<p>100.0%</p>			<p>99.7%</p>			<p>85.5%</p>				<p>☒</p>	<p>99.5%</p>	<p>There have been two major issues over the last quarter that have had an effect on this PI. All IT Infrastructure equipment from the old server room in Caps1 was moved to the new Comms Room in Caps2. The bulk of the equipment was moved in December but there were problems with the internal routing of the IT systems and access. This caused network disruption until the equipment was reconfigured. Coupled with this there have been problems with the servers supporting the vWorkspace desktop environment. The problems started mid-December with desktops freezing but the week before Christmas the problem got worse with the whole environment crashing a couple of times over the week. We've been working with engineers from Microsoft, Dell, Quest (company supporting the VDi software vWorkspace) and Fordway (company who designed the shared network) and the work is still ongoing. These issues have obviously had an impact with the result of this PI.</p>
<p><b>JtBS2 (C)</b></p>	<p>Percentage of calls to ICT helpdesk resolved within agreed timescales (by period)</p>	<p>95%</p>		<p>92.60%</p>			<p>94.50%</p>				<p>86%</p>				<p>☒</p>	<p>95%</p>	<p>There have been several factors impacting on the result of this PI. BS resource has been deployed to support the Accommodation Programme. A key part of this was the move of IT equipment from Caps 1 to Caps 2. A lot of work has been happening to prepare for the migration from the current telecomms contractor to the new one. Most of the work is being done out of hours. Resource has been concentrated on the vWorkspace project to accelerate the move of officers to using this way of working.</p>
<p><b>CdBS3 (C)</b></p>	<p>Percentage of responses to FOI requests sent within 20 working days (by month)</p>	<p>90%</p>	<p>96%</p>	<p>100%</p>	<p>100%</p>	<p>67%</p>	<p>100%</p>	<p>100%</p>	<p>88%</p>	<p>88%</p>				<p><b>NA</b></p>	<p>90%</p>	<p>Awaiting data for December onwards</p>	
<p><b>CdLD2 (C)</b></p>	<p>The percentage response to the annual canvass</p>	<p>94%</p>	<p>annual PI</p>										<p>●</p>	<p>94%</p>	<p>Reported annually.</p>		

Customer services

CdCS1 (C)	New measure for complaints - t.b.a.	t.b.a.				NA				NA					<b>NA</b>	TBA	New PI for when the joint customer services team is implemented.
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<b>SUBJECT:</b>	<i>Chiltern/South Bucks Local Enforcement Plan</i>
<b>REPORT OF:</b>	<i>Cllr P Martin &amp; Cllr J Read</i>
<b>RESPONSIBLE OFFICER</b>	<i>Steve Bambrick/Andrew Ashcroft</i>
<b>REPORT AUTHOR</b>	<i>Andrew Ashcroft, <a href="mailto:aashcroft@chiltern.gov.uk">aashcroft@chiltern.gov.uk</a></i>
<b>WARD/S AFFECTED</b>	<i>All Wards</i>

## 1. Purpose of Report

- 1.1 To set out a revised way of handling enforcement complaints and to approve Local Enforcement Plans for the two Districts.

### RECOMMENDATION

- 1. That the Joint Local Enforcement Plan as set out at Appendix 1 is approved.**

## 2. Executive Summary

- 2.1 The proposed Local Enforcement Plan will provide clarity and certainty for all concerned in this important frontline activity of the planning service.
- 2.2 The production of a Local Enforcement Plan is recommended to all local planning authorities in the National Planning Policy Framework.

## 3. Reasons for Recommendations

- 3.1 The proposed Local Enforcement Plans will provide a common platform for the delivery of efficient and effective enforcement services in the two Councils.
- 3.2 A Local Enforcement Plan will ensure that both Councils are compliant with national guidance as set out in the National Planning Policy Framework.

## 4. Content of Report

- 4.1 The proposed Local Enforcement Plan fulfils two primary functions. Firstly, it sets out clear priorities for enforcement action. This should provide a degree of confidence to the communities in the district and will provide clarity to the enforcement team.
- 4.2 Secondly, it sets out distinct phases for enforcement investigations and timescales in which they would be completed. This second aspect of the Local Enforcement Plans will address many of the issues which complainants and others have raised in recent years about the effectiveness, or otherwise, of the enforcement team.

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**5. Consultation**

5.1 The two Portfolio Holders have been consulted on the document in general, and the approach to robust enforcement in particular.

**6. Options**

6.1 An option not to have a Local Enforcement Plan has been considered and discounted. This option would not relate well to national guidance and would cause the two Councils to be out of alignment with the majority of other councils that have adopted such an approach.

**7. Corporate Implications****7.1 Financial**

The delivery of a Local Enforcement Plan would not have any direct financial implications. It has been designed to result in a more efficient use of existing resources.

**7.2 Legal**

In its own right, the introduction of a Local Enforcement Plan does not directly change the legislation relating to enforcement or the tools available to the Councils as local planning authorities. Nevertheless, the more structured processes set out in the Plan are likely to result in the service of more Planning Contravention Notices.

**7.3 Other Matters**

This report has no direct implications for – Crime and Disorder, Environmental Issues, ICT, Partnership, Procurement, Social Inclusion, Sustainability. In certain circumstances the Local Enforcement Plan may result in a more explicit use of direct action.

**8. Links to Council Policy Objectives**

8.1 The work of the enforcement team can touch on many aspects of the lives of individuals or the activities of wider communities. In this context the introduction of Local Enforcement Plans will have a significant impact on the following three Corporate Themes:-

- Theme 3 - Safer Communities - being safe, feeling safe
- Theme 4 - Health and Well-Being - healthier, happier and longer lives
- Theme 5 - Cohesive and Strong Communities - strong, confident and active communities

Key Objectives available here:

<http://www.chiltern.gov.uk/Aims-and-Objectives>

<http://www.southbucks.gov.uk/prioritiesandperformance>

**9. Next Step**

9.1 The Plan will need to be shared with Town and Parish Councils to assist in their understanding of the revised arrangements. This can be incorporated within the planned training during 2018.

9.2 The Plan will also need to be incorporated within the two Councils websites so that complainants will understand the key stages in future enforcement investigations. As Members

will see from the attachment it has been designed to be accessible to all users in an easy to understand and web-based format.

<b>Background Papers:</b>	None other than referred to in this report.
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CHILTERN  
District Council



SOUTH BUCKS  
District Council

Stronger in partnership

## Appendix 1

Chiltern and South Bucks District Councils

Local Enforcement Plan



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# Introduction to Enforcement Procedures

Planning enforcement is the mechanism of control that upholds the integrity of the wider town planning system. The Council can do this through the use of powers provided by legislation to enforce against inappropriate development; through negotiation; or, in certain circumstances through Direct Action/Intervention against inappropriate development. This is undertaken to ensure development is carried out only in accordance with the Development Plan.

Some of the formal tools available to the Council to delivering planning enforcement functions are set out in national guidance entitled 'Ensuring Effective Enforcement', which can be found in the National Planning Practice Guidance (NPPG) and is available to view online at: [www.gov.uk/guidance/ensuring-effective-enforcement](http://www.gov.uk/guidance/ensuring-effective-enforcement)

This Local Enforcement Plan will set out how the Council will seek to carry out its planning enforcement function. This is to ensure that development that is not in accordance with the Development Plan is kept to a minimum, and to ensure that the public has continued confidence in the wider planning system.

## **The Planning Enforcement Team will investigate:**

- The carrying out of development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended) without planning permission
- The failure to comply with a condition attached to a planning permission
- The carrying out of works to a Listed Building without consent
- The carrying out of unauthorised works to, or removal of a tree/s in a Conservation Area or a tree/s protected by a Tree Preservation Order
- The display of an advertisement/s without appropriate consent
- The failure to comply with a Legal Agreement subject to which a planning permission has been granted
- The untidy condition of property or land that affects local amenity;

### **The Enforcement Team does not typically investigate:**

- Civil disputes, such as boundary disputes or the behaviour of individuals
- High Hedges
- Public highway matters, including parking on the highway, roadworks, or damage to verges
- Breaches that fall under the control of the County Council (such as waste dumping and minerals extraction)
- Noise, Disturbance and Pollution
- Health and Safety
- Dangerous Structures  
(unless it is an 'at risk' Listed Building)

### **How to report a breach of planning control**

The preferred method for reporting breaches of planning control is to use the online reporting form which can be found here:

Reporting a Breach of Planning Control

- [www.chiltern.gov.uk/enforcement](http://www.chiltern.gov.uk/enforcement)
- [www.southbucks.gov.uk/enforcement](http://www.southbucks.gov.uk/enforcement)

Reports of breaches of planning control can be sent in by email or by letter. Any reports should include the address of the property/site including post code, a description of the activity or development being undertaken, the identity (if known) of who is carrying out the activity/development, and the full name, contact address and ideally the email address of the person making the report. If some of these details are not provided this may lead to a delay in the registration of the investigation, or the Council may simply not be able to register the investigation. The councils' current priorities for enforcement action are set out in Appendix C.

### **Anonymity and Malicious Complaints**

Anonymous reports of a breach of planning control will not normally be registered or investigated. In exceptional circumstances, the Head of Planning and Economic Development or the Enforcement Manager may exercise discretion and choose to accept anonymous reports if they consider that opening an investigation to be in the public interest. Repetitive unfounded complaints against parties or individuals, which lead to repeated investigations, can cause an unreasonable invasion on and distress to individuals. Carrying out investigations into unfounded complaints also costs the Council in wasted time and effort. In an effort to protect individuals from harassment by proxy and to limit the amount



of wasted resource committed to unfounded reports, the Council will take steps to stop malicious, vexatious or timewasting reports. Where three or more unfounded reports are received from an identifiable individual or group of people about a specific site, or regarding a particular common issue – the Council reserves the right to refuse to investigate an allegation

made unless substantive evidence (accepted only at the discretion of the Head of Planning and Economic Development or the Enforcement Manager) is provided to substantiate any claims made.

### **Complainant Identity Protection**

Details of complainants are legally protected under the Data Protection Act 1998 and the Environmental Information Regulations 2004. Unless instructed to do so by the Courts, the Authority will not release externally the detail of any complainant who has made a report to the Council regarding an alleged breach of planning control, unless those details are being passed onto another department or agency that may be able to enforce against the issue subject of the report.

In some circumstances, although the Council will not reveal the identity of a complainant, circumstances on the ground can make it quite plain to a contravener who might have reported a matter to the Council. Although the Council will still not confirm or deny who has made the report, the Council cannot prevent the contravener from speculating who has made a report.

# The Investigation Process and its key phases

All registered complaints about alleged breaches of planning control and queries will be investigated through the following stages

## **Investigation Phase 1 – Complaint receipt and logging**

On receipt of a new valid complaint or notification regarding a breach of planning control, the matter will be registered and given a reference number. A case officer will be allocated to the investigation, and the complaint (where appropriate) will be acknowledged. The complainant will be advised of the case reference number and allocated case officer. Where it is clear that the allegation does not represent a breach of planning control (i.e. the development does not require planning permission, or express planning permission has clearly been granted, or complies with permitted development regulations) the complainant/s will be notified and the case closed by the case officer.

New allegations will be registered and acknowledged within 5 working days of a valid allegation being made.

## **Investigation Phase 2 – Initial research and site visit**

The case officer will normally undertake some initial research into the property history, and identify any previous investigations or relevant planning permissions which exist for the development. An initial site visit will be undertaken by the case officer in accordance with the case categorisation and performance targets, to establish whether or not a breach of planning control has taken place. This may be by appointment if access is required, or simply viewing the site unaccompanied. Where allegations are unfounded (the alleged development has not occurred, or does not represent a breach of planning control) the case will be closed and the complainant will be advised of this outcome. Where the allegation appears to be founded, the investigation will progress.

In exceptional circumstances, the harm caused may be so immediately obvious or irreversible, that the Council may consider it necessary to issue immediate enforcement action, normally a Temporary Stop Notice (TSN) or seek/apply for a Court Injunction. This would then allow for the rest of the investigation process to progress with appropriate protections in place.

### **Investigation Phase 3 – Information gathering and obvious remedies**

The next step in the investigation process would involve the Council advising the property owner or developer that a breach has occurred and that a remedy is required. It is important to explain the risks of potential enforcement action as early as possible and so that it does not come as a surprise later in the process. This step will therefore be formally done in writing, and will include an appropriate requisition for information notice (either a Planning Contravention Notice or a S330 Notice). The response to these requests helps the Council to ensure any enforcement notices or other action is properly carried out. It is at this stage, if considered appropriate by the case officer, an opportunity will be given to the developer to submit an application to Council for consideration 'without prejudice'.

Where the investigation reveals a potential offence has been committed, a formal interview under caution may be invited.

In exceptional circumstances, where a breach of planning control is blatant and the Council is confident that it can identify the parties committing the breach of planning control, investigation phase 3 may be omitted (at the discretion of the Enforcement Manager) and investigation phase 4 takes place instead.

Planning Contravention Notices (PCN) and Requisitions for Information usually carry a 21 day statutory response time. As such, any PCN or requisition for information will normally be issued within 5 working days of a site visit having been undertaken, so that the nominal timescale for the whole investigation phase to be completed within 28 days of the initial site visit being undertaken.

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### **Investigation Phase 4 – Consideration of planning harm**

It would be reasonable for the Council to consider issuing formal enforcement action in the following circumstances to ensure any harm caused by the breach of planning control is remedied

- if no application is invited (because the planning harm is clear, or an offence has been committed - such as display of an advert, unauthorised works to a listed building, or unauthorised works to a TPO tree); or,
- no application is received within a reasonable time period; or,
- an application is submitted but is refused by the Council

Either through the consideration of an application (if one is submitted) or as a standalone exercise carried out by the Case Officer, the Council will consider the merits of the development and whether planning harm exists against policy, or other material planning considerations.

Where an offence has been committed there is no requirement to consider planning harm before progressing formal action.

It does not automatically follow that the entire development must be removed or enforcement action taken, simply because it does not have the proper consents. The target of enforcement action is remedy of the planning harm caused by the development. This may only relate to certain aspects of an unauthorised development.

In the event that formal enforcement action is recommended and authorised, formal enforcement notices will be served, and/or the Head of Legal and Democratic Services will be instructed in the case of prosecutions against offences committed for unauthorised advertisements, works to listed buildings or with regards to TPO trees.

If it is considered that no planning harm results from an unauthorised development (or breach of planning control) the case will be closed as it would not be expedient to take further action. Any complainants will normally be updated at this stage about the outcome of this phase of the investigation.

This phase of an investigation process mirrors closely the planning application process, with some additional complexities that also require consideration and often the seeking of legal advice. The statutory timeframe for complex planning applications to be considered allows up to 91 days. This phase of the enforcement process will normally be completed within this timescale from the date investigation phase 3 is closed (119 days from the initial site visit).

For investigations that have resulted in the issuing of a Temporary Stop Notice at the close of phase 2 of an investigation, the planning harm will normally be considered before any Temporary Stop Notice expires (28 days after a Temporary Stop Notice is issued).

## **Investigation Phase 5 – Appeals/Court Challenges**

The procedure to be followed in the event of an appeal against a notice, or a court challenge is normally dictated by the organisation concerned (The Planning Inspectorate, or the Courts). The Council will defend its actions in such cases, and where appropriate seek to recover its costs including those incurred resulting from unreasonable behaviour on the part of the appellant or their agents through the appeal process. Planning appeals and court proceedings can take a number of months to conclude in most circumstances, and the timescales involved are normally beyond the control of the Council.

## **Investigation Phase 6 – Compliance period**

Once an enforcement action has become effective, the Council will note the compliance date requirement set out in that action in their systems. A site visit appointment will be carried out shortly after the compliance period ends to check that the necessary works have been completed. Where it is clear that compliance has not occurred, the property owner/developer will be informed that the investigation will progress to the next investigation phase.

Where evidence of compliance has not already been received by the Council regarding

effective formal actions requiring breaches to be remedied, a compliance site visit will be conducted as soon as possible after the compliance period expiring.

## **Investigation Phase 7 – Prosecution**

Periodically, the Council will review all outstanding notices that have expired compliance periods. Where appropriate, each case will be visited and a witness statement produced evidencing any offences committed for non-compliance. On each occasion a letter will be sent to the offender notifying them of the additional evidence gathered, and that the breach should be remedied.

The Council will carry out site inspections of all outstanding enforcement notices not less than bi-annually each calendar year.

At times faith is lost in the planning system because it appears to the public as though developers or offenders profit from not complying with Planning legislation. Under the Proceeds of Crime Act 2002, prosecuting authorities can make applications through the courts to seek confiscate the proceeds of any criminal activity in the planning system following a successful prosecution.

In all cases where a prosecution is successful, the Council will consider the merits of seeking to apply to the courts to confiscate any proceeds of crime. Where the proceeds are nominal, or would be less than the cost of the Council seeking the confiscation, it may be considered not to be in the public interest to pursue.

### **Investigation Phase 8 – Direct Action and Injunctions**

Where all other measures have failed to remedy the harm caused by a breach of planning control or, where direct action by the Council is both lawful and the quickest and most resource efficient way to remedy the breach of planning control, the Council will consider, where appropriate, using Direct Action powers to ensure works required to comply with a notice,

or stop an offence from continually being committed. This normally would involve officers of the Council, or persons or organisations so instructed by the Council, physically carrying out operational works to ensure compliance with formal enforcement actions is achieved. In all such circumstances, the Council will seek where possible to recover any incurred costs in carrying out such direct action works.

Alternatively, if considered appropriate, the Council might instead choose to apply to the Courts for an Injunction – seeking a court order for the land owner or developer to carry out works required to remedy a breach of planning control.



# Decision Making and Taking Action

## Closing Investigations

The decision to close investigations is delegated to the Head of Planning and Economic Development, who will normally delegate that decision to officers in the planning department. Any decision to close an investigation will be recorded on the Council's database records setting out the reasons for that decision. The decision to close an investigation or not to pursue enforcement action is not subject to any third party right of appeal, but may be subject to a Judicial Review, or if the Council has acted improperly may be subject to complaint to the Local Government Ombudsman.

Some operational works do not require planning permission and some examples follow:

### Internal Works

Most works that are undertaken inside a building do not require planning permission (unless the building is listed, in which case listed building consent may be required). This might include taking down, or putting up an internal wall, replacing a kitchen or bathroom, or reorganising rooms inside a house for example. Separate requirements exist for such works as part of the Building Regulations.

## Landscaping

Considerable elements of landscaping or gardening works do not require planning permission. For example creating a flower bed in a garden or planting or removing a bush, hedge or a tree (unless the tree or hedgerow is protected or the tree is in a conservation area). It is worth noting however, that landscaping works might imply or assist a change of use of the land, which might require planning permission, or the landscaping might be required to be retained by a condition attached to a planning permission.

### Permitted Development

Works that are being carried out in accordance with an express consent (such as a planning permission granted by the Council, or advertisement consent), or in accordance with permitted development regulations such as the Town and Country Planning (General Permitted Development) Order 2015 are not a breach of planning control.

## Time Limits

There are time limits on the ability of the Council to take enforcement action over a particular breach:

- operational development (essentially any building works) - the Council can take no action after 4 years from the date on which operations were substantially completed;
- change of use of a building to a single dwelling house – the Council can take no action 4 years from date of the material change of use;
- all other changes of use (for example, an agricultural field being used as residential garden) – the Council can take no action 10 years after the date of material change of use; and
- a failure to comply with planning conditions – the Council can take no action 10 years from the date that the condition is breached or not complied with.

In all of the above cases, the time limits mean that a development would be immune from enforcement action provided that the Council has not taken any action before the specified time period expired. It is worth noting however, that section 171BA of the Town and Country Planning Act 1990 (as amended) allows

Councils to seek a 'Planning Enforcement Order' if deliberately concealed breaches of planning control have occurred. And case law (established through Welwyn Hatfield) provides that where a development is deliberately concealed from the LPA, a person may not profit from that concealment - and therefore enforcement may, in certain circumstances still be taken.

## Formal Actions

The decision to take enforcement action which includes the service of notices or the taking of direct action is delegated to the Head of Planning and Economic Development, subject to the conditions and limitations of the Council's constitution. Planning enforcement action cannot normally be taken to effect a punishment for not complying with the system. In most circumstances, it is only reasonable to take enforcement actions in order to remedy some harm and it is expedient to take action.

## Instigating Court Proceedings

The decision whether to instigate court proceedings (such as prosecutions or seeking injunction proceedings) is delegated to the Head of Legal and Democratic Services having received instructions from the Head of Planning and Economic Development.



## Appendix A - Powers of Entry

**Section 196A of the Town and Country Planning Act 1990 (TCPA)** - Rights to enter land without a warrant at any reasonable hour to ascertain whether there is or has been any breach of planning control on land or any other land.

**Section 196B (TCPA)** - Rights to enter under a warrant.

**Section 196C (TCPA)** - Rights to take any other persona as necessary for the purposes of the investigation.

**Section 214A, 214B, 214C (TCPA)** - Rights of entry in connection with injunction proceedings.

**Section 324 (TCPA)** - Powers to enter any land for the purpose of the preparation, revision adoption or approval of a local development order under Part 2 of the Planning and Compulsory Purchase Act or local development plan.

**Section 88A, 88B, 88C of the Planning (Listed Building and Conservation Areas) Act 1990** - Powers of entry in relation to heritage and listed building cases.

**Leaving the land** - On leaving the land, the authorised person shall, if the owner is not then present, leave it as effectively secured against trespassers as it was found.

**Entry to agricultural land** - In the interest of animal and plant health, special precautions are essential when the right of entry onto agricultural land is exercised.

**Animal Health** - In circumstances where there is an outbreak of a serious disease in animals (i.e. foot and mouth, anthrax, avian flu), officers should abide by notices displayed on farmland. Officers should not enter land under circumstances where they could be responsible for the spread of disease. Officers should contact DEFRA or the Local Animal Health Office in the first instance.

**Plant Health** - where there is a serious plant disease, access to land may be strictly controlled. Disease can spread on footwear and officers should contact DEFRA for advice and assistance. It is an offence to wilfully obstruct an authorised officer exercising the above powers in connection with their duties.

**Vulnerable Person(s)** - Should the initial site visit be undertaken and it is found that only vulnerable people are present on site, the visit will be abandoned and contact will be made with the responsible person to arrange a suitable time and date. No photographs will be taken that will include vulnerable persons.

## Appendix B - The Enforcement Toolkit

**Enforcement action may involve any of the following:**

### **Planning Contravention Notice**

Section 171C and s171C of the Town and County Planning Act 1990 (as amended)

The Planning Contravention Notice is used to obtain information relating to activities on land, and can only be issued when it appears to the local planning authority that a breach of planning control may have occurred.

There are penalties for non-compliance with a Planning Contravention Notice, providing misleading or inaccurate information, or failing to provide a response within 21 days of the notice being issued.

### **Section 330 Notice**

A Section 330 notice has a limited use, and is generally used to ascertain information relating to interest in land.

### **Simple Caution**

When the Council is minded to prosecute for an Offence, but the alleged defendant is willing to admit their guilt and contribute to the Council's Costs, the Council will consider issuing a formal Caution, which will be held on record and produced at sentencing if the suspect is found guilty of any future offences.

## **Enforcement Notice**

Section 172 of the Town and Country Planning Act 1990

An Enforcement Notice can be used to remedy an injury that has been caused by the breach, to secure compliance with conditions of a planning permission, or to require the use of land to cease and to restore land to the position it was before the breach, within a specified time period.

## **Under-enforcement**

Section 173 (11) (as amended) of the Town and Country Planning Act 1990

Where an Enforcement Notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease but does not do so, and all the requirements of the notice have been complied with, planning permission is deemed to have been granted in respect of those buildings or works/activities not required to be removed or to cease by the notice.

## **Listed Building Enforcement Notice**

Sections 38 - 43 Planning (Listed Buildings and Conservation Areas) Act 1990

A Listed Building Enforcement Notice can be issued where there have been works to a Listed Building without consent or failure to comply with a condition attached to any consent. There are no time limits for issuing a Listed Building Enforcement Notice and irrespective of whether a notice has been issued; the carrying out of work without the necessary listed building consent is an offence under s9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Breach of Condition Notice**

Section 187A of the Town and Country Planning Act 1990

A Breach of Condition Notice may be issued where planning permission has been granted (including on appeal) subject to conditions, and the conditions have not been complied with. This Notice is an alternative to the enforcement notice requiring compliance within the date specified

on the notice (usually 28 days), starting from the date the notice was issued. There is no right of appeal. It is an offence not to comply with the Notice and upon conviction the maximum penalty is currently set at level 4 (£2,500).

### **Temporary Stop Notice**

Section 171E of the Town and Country Planning Act 1990

A Temporary Stop Notice may be issued where there has been a breach of planning control and it is expedient that the activity should stop immediately. The notice is effective for 28 days from the date of display or as specified in the notice. It is an offence to contravene a Temporary Stop Notice.

### **Stop Notice**

Section 183 of the Town and Country Planning Act 1990

A Stop Notice can be issued at the time an Enforcement Notice is served or afterwards. This notice cannot be used on Listed Buildings. The Notice is used to ensure that works cease before the expiry of the compliance period of an Enforcement Notice, and prohibits the carrying out of that activity on the land subject to the Enforcement Notice.

It is an immediate offence for anyone to contravene a Stop Notice and the offender may be prosecuted in the Magistrates Court or in some cases the Crown Court, depending on the seriousness of the offence.

### **Injunctive Proceedings**

Section 187B of the Town and Country Planning Act 1990

Where the local planning authority considers it expedient to restrain a breach of planning control, it can apply to the High Court or County Court for an injunction.

Under section 214A of the 1990 Act, the local planning authority may apply for an injunction to restrain an actual or apprehended offence under section 210 (work on TPO trees) or section 211 (work on trees in a conservation area).

An injunction may also be used to enforce listed building control (to cease works to listed buildings). It is an offence to contravene an injunction.

### **Direct Action or Default Action**

Section 178 (1) of the Town and Country Planning Act 1990

In some circumstances, direct action or default action may be considered. Direct or default action involves the local planning authority undertaking works that are necessary to remedy the breach of planning control, where the recipient of the enforcement notice has not complied with the requirements of the notice, and all options have been exhausted.

This can be an expensive option as the costs would need to be paid for upfront and recovered from the land owner. In cases where this is not possible, the local planning authority has the power to register a charge against the land in breach of the notice and recover the money when the land or property is eventually sold.

### **Tidy Site Notice**

Section 215 of the Town and Country Planning Act 1990

The Council may issue a notice requiring steps to be taken to tidy up land when its condition adversely affects the amenity of the area. The Notice will be issued on the owner or occupier of the land requiring the works to be carried out within a specified time period.

There is a right of appeal to the Magistrates Court. If the notice is not complied with, the Council may prosecute the owner for non-compliance, or enter the land to carry out the works in default and recover the costs from the owner.

It is an offence to contravene a Section 215 Notice, and the Council has the power under s219 to carry out the works in default and recover the costs if the Notice is not fully complied with.

## **Section 106 Agreements**

Section 106 of the Town and Country Planning Act 1990

A section 106 agreement of the Town and Country Planning Act 1990 (as amended) is a planning obligation in the form of a legal document (a deed) which makes a development or proposal acceptable in planning terms. The obligation becomes a land charge and can be enforced by way of a private law claim, either in court or by arbitration.

## **Removal Notices**

Section 225A of the Town and Country Planning Act 1990

A removal notice can be served on a structure which facilitates the display of, or is itself, an advertisement. A minimum of 22 days must be given for the structure to be removed. If the responsible party fails to remove the advert within the timescale, the Council can enter the land, remove the structure and recover the costs of doing so. There is a right of appeal to the Magistrates Court.

## **Completion Notices**

Section 94 of the Town and Country Planning Act 1990

If a development subject to planning permission has been started and not finished, and the time limit for starting the development has lapsed, with completion within a reasonable period unlikely, a completion notice can be served, which has the effect of expiring the planning permission after a specified period, which must not be less than 12 months and if confirmed by the Secretary of State. Completion notices are rarely used, but consideration will be given if a development appears to have stalled and it is expedient to take action.

## Replacement Tree Notices

Section 207 of the Town and Country Planning Act 1990

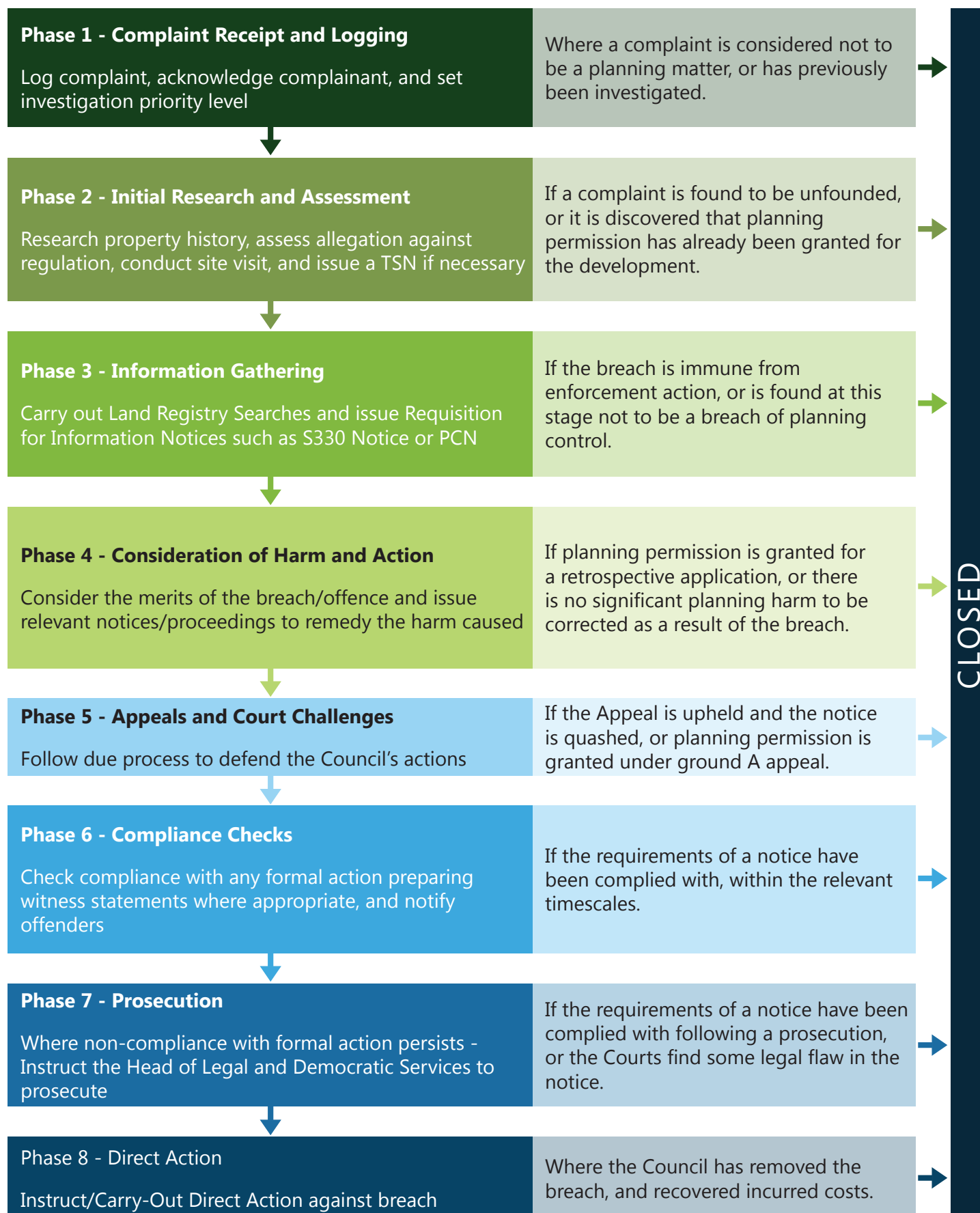
Notwithstanding the offences in relation to carrying out unauthorised works to trees, if a protected tree is removed uprooted or destroyed, the owner of the land has a duty to replace the tree under s206 and s213 of the Act. If satisfactory replacement is not carried out, the Council can serve a formal Notice under Section 207 requiring the replacement to be carried out in a specified timeframe. Failure to comply with the Notice will give the Council the powers to carry out the works under s209 of the Act and recover the costs.



## 8 phase explanation

Investigation Phase	Explanation
<b>1 – Complaint receipt and logging</b>	Log complaint, acknowledge complainant, and set investigation priority level. Where a complaint is considered not to be a planning matter, or has previously been investigated the investigation will be closed. All other investigations will move onto the next phase.
<b>2 – Initial research and site visit</b>	Research property history, assess allegation against regulation, conduct site visit, and issue a Temporary Stop Notice (TSN) if necessary. If a complaint is found to be unfounded, or it is discovered that planning permission has already been granted for the development the investigation will be closed. All other investigations will move onto the next phase.
<b>3 – Information gathering and obvious remedies</b>	Carry out Land Registry Searches and Issue Requisition for Information Notices such as S330 Notice or Planning Contravention Notice (PCN). If the breach is immune from enforcement action and no deception has caused this, or is found at this stage not to be a breach of planning control, the investigation will be closed. All other investigations will move onto the next phase.
<b>4 – Consideration and Formal Action</b>	Consider the merits of the breach/offence and issue relevant notices/proceedings to remedy the harm caused, and carry out an expediency test. If planning permission is granted for a retrospective application, or there is no significant planning harm to be corrected as a result of the breach, the investigation will be closed. All other investigations will move onto the next phase (in the case that an appeal is made against action this will be Phase 5 – otherwise the next phase jumps to Phase 6).
<b>5 – Appeals/Court Challenges</b>	The Council will follow due process to defend the Council's actions. If the Appeal is upheld and the notice is quashed, or planning permission is granted under a ground A appeal the investigation may be closed, or if the action was quashed because of a technical error, the investigation may go back to Phase 4 and formal action reconsidered. All other investigations will progress to the next Phase.
<b>6 – Compliance Period Monitoring</b>	Check compliance with any formal action preparing witness statements where appropriate, and notify offenders. If the requirements of a notice have been complied with, within the relevant timescales the case will be closed. All other cases will continue to the next phase.
<b>7 – Prosecution</b>	Where non-compliance with formal action persists, consideration will be given to instruct the Head of Legal and Democratic Services to prosecute liable parties, and where appropriate those instructions will be issued. If the requirements of a notice have been complied with or it is not considered to be in the public interest to progress with legal proceedings, or the Courts find some legal flaw in the notice, the case may be closed. All other cases will progress onto the next phase.
<b>8 – Direct Action and Injunctions</b>	Consideration will be given to carrying out (or instructing contractors to carry out) Direct Action to remedy the breach, and seek to recover any incurred costs where the Council has removed the breach, and recovered incurred costs. If Direct Action is not considered viable for the Council to carry out at this stage, consideration will be given to seeking an Injunction from the Courts ensuring compliance.

## 8 phase investigations / flow chart



## Appendix C - Priorities for enforcement

All reports of breaches of planning control reported to the Council will be registered, acknowledged, given a reference number and investigated to an appropriate level, with a clear rationale for any decision made. Certain types of breach require special level of prioritisation. This may be due to the ecological or historic sensitivity of the land and surrounding area, or because of the risk of protracted enforcement investigations if an unauthorised use or development is allowed to progress too far before a decision is made.

The Council will prioritise investigations through the first three phases of investigation (registration, initial investigation, and the requisition of information – see below). Temporary Stop Notices and/or Injunctions will be used as a tool to limit the extent of a planning harm that is incurred, before more permanent and long lasting enforcement actions are reasonably considered.

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Investigations will be prioritised at the registration phase, as follows:

### **Priority A**

- Active and significant unauthorised works being carried out to a Listed Building or Protected Tree (TPO or a tree in a conservation area);

Where the Council considers that the allegation is reasonably founded, an initial site visit will be conducted within 2 working days of a valid allegation being registered.

**Priority B**

- Active and significant unauthorised operational works in a sensitive location, either ecologically or because of a policy protected status – where irreversible damage to the environment may be caused; and,
- Changes of use of land where the use or activity causes significant harm to the amenity of 5 or more nearby residential properties; and,
- On-going activity in breach of a planning condition, that has the potential to cause irreversible harm to the environment or cause significant harm to neighbouring residential amenity; or,
- Advertising banners,
- On-going activity or development in breach of planning control where the Council has reasonable suspicion the activity or development is being deliberately and consciously conducted without proper authorisation, in an effort to gain financially at the expense of the wider public interest;

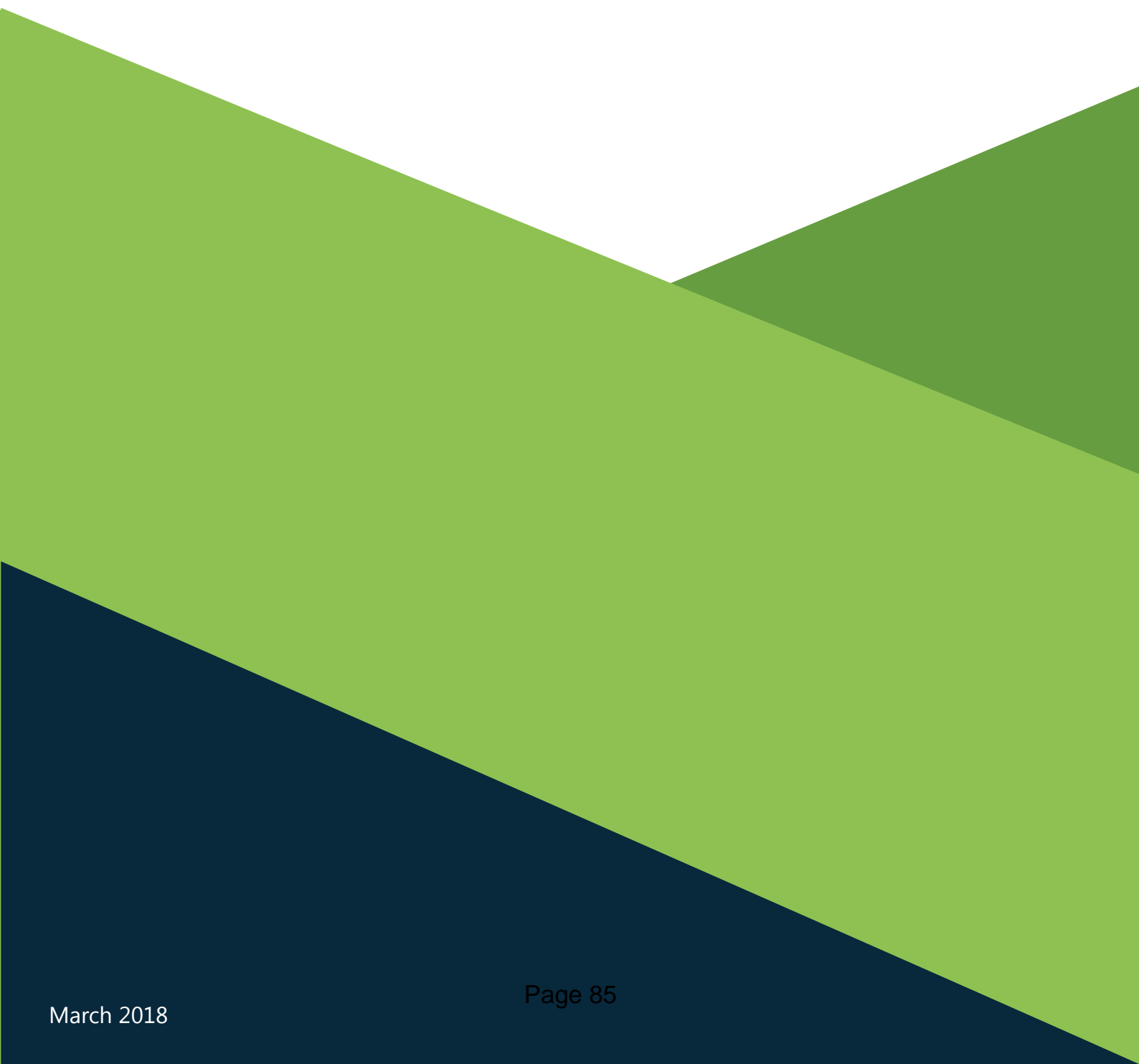
Where the Council consider that the allegation is reasonably founded, an initial site visit will be conducted within 10 working days of a valid allegation being registered.

**Priority C**

- All other breaches of planning control (including most householder works);
- Where the Council consider that the allegation is reasonably founded, an initial site visit will be conducted within 20 working days allegation being registered.

**Priority D**

General queries and allegations not directly related to planning matters, will be responded to within 20 working days.





<b>SUBJECT:</b>	<i>Exemplary Planning Service Action Plan</i>
<b>REPORT OF:</b>	<i>Cllr P Martin &amp; Cllr J Read</i>
<b>RESPONSIBLE OFFICER</b>	<i>Steve Bambrick</i>
<b>REPORT AUTHOR</b>	<i>Andrew Ashcroft, <a href="mailto:aashcroft@chiltern.gov.uk">aashcroft@chiltern.gov.uk</a></i>
<b>WARD/S AFFECTED</b>	<i>All Wards</i>

## 1. Purpose of Report

- 1.1 To seek approval for the draft Exemplary Planning Service Action Plan (as set out at Appendix 1).

### RECOMMENDATIONS

- 1. To approve the Action Plan for the delivery of an exemplary Planning Service.**

## 2. Executive Summary

- 2.1 The attached report sets out key principles for the delivery of an exemplary Planning Service and an Action Plan for doing so.
- 2.2 It sets out a clear route map to take the Planning Service from its current position to that of an exemplary service. It sets out a series of short, medium and longer term actions. Several of the actions inevitably overlap with the on-going work around the implementation of a shared planning service.

## 3. Reasons for Recommendations

- 3.1 The work on the shared planning service has identified a need for a long term vision within which the various process changes can be delivered. This work has also identified that there are opportunities to take the shared planning service from the current position in which it finds itself to an exemplary position. This approach builds on the long standing high performance of both Councils on the speed of processing planning applications.

## 4. Content of Report

- 4.1 The details of the Action Plan are set out in the attached report. The actions are set out under short, medium and longer term issues.
- 4.2 The actions are based around an assessment of the shared planning service as it existed in January 2018. This assessment was based against a comparison of the service at that time with the concept of a generalised exemplary service which is set out in the initial part of the report.
- 4.3 Since that time, some of the short term actions have now either been delivered or have been started. In these circumstances they are shown as such in the attached report.

**5. Consultation**

- 5.1 Consultation has been undertaken with the Portfolio Holders.
- 5.2 The draft Exemplary Planning Service Action Plan has been shared with all planning staff at a series of lunchtime briefings.

**6. Options (if any)**

- 6.1 Do not pursue an exemplary service. This is not recommended as the service needs a range of improvements in any event. In making changes it appears best to strive for excellence.

**7. Corporate Implications**7.1 Financial

There are no direct financial implications of this report. Major initiatives such as the production of the Joint Local Plan and the implementation of a shared planning registration system are already agreed within the Service's budget. Other initiatives are based around a different form or service delivery rather than actions which would require direct financial expenditure.

7.2 Legal

The delivery of an exemplary planning service does not, in itself, change the statutory or legal requirements within which the service operates.

7.3 Other Matters

This report has no direct implications for – Crime and Disorder, Environmental Issues, ICT, Partnership, Procurement, Social Inclusion, Sustainability.

**8. Links to Council Policy Objectives**

- 8.1 The delivery of an exemplary planning service will assist in the delivery of
- Key Theme 1: Thriving Economy
  - Key Theme 2: Sustainable Environment
  - Key Theme 5: Cohesive and Strong Communities

Key Objectives available here:

<http://www.chiltern.gov.uk/Aims-and-Objectives>

<http://www.southbucks.gov.uk/prioritiesandperformance>

**9. Next Steps**

- 9.1 The Action Plan sets out a series of actions in the short, medium and longer term.
- 9.2 The implementation of the various actions will be incorporated into future service plans and will be monitored by the Head of Planning & Economic Development and the two Portfolio Holders.



<b>Background Papers:</b>	N/A
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CHILTERN  
District Council



SOUTH BUCKS  
District Council

Stronger in partnership

# The delivery of an exemplary Planning Service in Chiltern and South Bucks District Councils



# Introduction

This Note represents an executive response to the Trevor Roberts Associate (TRA) paper on this matter produced in October 2017. That report set out key principles that underpin the delivery of an exemplary planning service. It was prepared within the context of the ongoing development of a shared Planning Service for Chiltern and South Bucks Councils which excluded Planning Policy and Building Control.

With the exception of Building Control both Notes cover all aspects of the joint Planning Service. To this extent they adopt a wider

remit than the current Service Review projects which are focused primarily on the delivery of development management and enforcement components of the services.

This reflects the wider need for joined up service delivery and the specific challenges that will need to be addressed in delivering the levels of growth that will be included in the emerging joint Local Plan and the joint work on the duty to co-operate.



# The format of this report

This report responds to the series of key principles and objectives that represent the hallmarks of an exemplary Planning Service as set out in the TRA report. It extends the analysis throughout the Service. They are shown in italic text. The report highlights the extent to which the combined Planning Services is operating to these standards. Where appropriate measures are identified to ensure that the various standards are achieved. The various improvements are allocated to one of the following three phases.

## Short Term (S)

(December 2017 - March 2018)

These are primarily urgent matters or where significant improvements can be achieved in the short term with limited work and input. Some aspects are already underway.

## Medium Term (M)

(April 2018 - March 2019)

These are matters that need further time to be developed or are related to wider projects (such as the local plan) where agreed timetables are already in place.

## Long Term (L)

(April 2019 - March 2020)

These are longer term matters which in some cases will be dependent on the completion of initiatives in the other two categories.

The various improvements are set out under these three headings in an Action Plan (Appendix A)

# The contents of the report

The report addresses the following issues:

- The preparation of planning policy
- The preparation or updating of supplementary planning documents including design
- The delivery of pre-application advice
- Planning application performance
- Leadership and management of the service
- Financial Management of the service
- Resource Management in the service
- Process Management
- Political Leadership
- Monitoring and enforcement

The report has been prepared in a free-standing fashion. Plainly the delivery of the Action Plan will be affected by a potentially wide range of corporate and external issues. At this point some of these issues are known and/or predictable. Others are not. However in all cases the Service will need to respond accordingly to these matters as they arise. It is unlikely that any of these issues will detract or influence the proposed improvements.

From a corporate perspective the roll out of the Customer Experience Programme will be an important initiative which will need to be addressed and used to deliver elements of

the Action Plan. In this context this important corporate initiative will assist in the delivery of an exemplary service rather than influence it directly.

The Action Plan will also need to be refreshed once the Service begins to develop and then roll out its economic development functions. This is likely to include the implementation and delivery of strategic development sites in the emerging Local Plan.

At this point the Action Plan does not include any commentary on conservation and design matters. Plainly these are important in general terms and as the councils seek to deliver the highest standards of new development in particular. These matters will be included in the first review of the Action Plan (May 2018) once staffing levels in this important area of work are clearer. Detailed discussions are also taking place about how best the councils can secure high quality, cost effective advice on urban design.

# The preparation of planning policy

Does the process result in an adopted Plan, an Infrastructure Delivery Plan an Annual Monitoring Report and a five year update. As part of this process does the Plan contribute towards the delivery of strategic objectives?

(1.1) M

Does the Plan promote a clear narrative in identifying and addressing issues? (1.2) M

How does the Plan make the best use of land? (1.3) M

How does the Plan promote a diversity of opportunities for developers and other bodies to implement its key provisions? (1.4) M

The delivery of criteria 1.1/1.2 will include the extent to which the Plan positively delivers the key elements of the Buckinghamshire Growth Strategy 2017 and the way in which the Plan meets the two districts objectively assessed housing needs taking account of the Central Buckinghamshire and adjacent Housing Market Areas. Where appropriate the narrative will need to address the release of land from the Green Belt in order to do so. This will require detailed explanation of the strategic approach adopted and how certain sites have been included and how others have been discounted.

These criteria have been included within the Medium-term category. This reflects the agreed timetable for the delivery of a draft Local Plan.

Nonetheless there are certain items that will need to be agreed and delivered within the Short Term to establish the basis for the delivery of Medium term objectives. These include:

- The completion of the Local Plan evidence base
- Making arrangements for the consultation exercises on the draft Local Plan in Summer 2018
- The preparation of the draft Local Plan itself

# Supplementary Planning Documents (SPDs)

- SPDs address key development management issues and add practical detail and guidance to Local Plan policies (2.1) L
- SPDs address key principles for the development of strategic sites in partnership with the development industry (2.2) M
- A design SPD addresses key principles for the delivery of good planning outcomes which reflect local vernacular building styles and layouts (2.3) L
- Where appropriate such SPDs overlap or add value to design guidance produced by local organisations (2.4) M
- The local planning authority actively assesses the outcomes of approved schemes with local partners and the development industry and, where necessary, refines its SPDs or their application through the development management process (2.5) L

Criterion 2.2 should be considered as an important aspect of developing proposals for strategic sites in the emerging Local Plan. This principle would also apply to 2.4. Criteria 2.3/2.4 could be addressed once the Local Plan has been adopted and capacity is available to do so.





# The delivery of pre-application advice and frontloading

- The availability of an up to date well-publicised protocol for pre-application discussions (3.1) S
- The opportunity for potential developers to select from a menu of offers (3.2) S
- The delivery of the process at a market rate that reflects the value added to the development proposal (3.3) S
- The delivery of bespoke and effective advice that is valued and appreciated by the developer (3.4) S
- The speedy and effective delivery of applications which have taken on board pre-application advice (3.5) S
- The implementation of an approved agent scheme (3.6) L
- The willingness of the local planning authority and the developer to enter into Planning Performance Agreements on planning applications for the development of strategic sites and other types of complicated or major development (3.7) S

These are all key areas that will be addressed in due course in the relevant Service Review work programme. The current operational systems are acceptable. However, they would benefit from refinement, consistency, and an alignment with the type and scale of development that will stem from the emerging Local Plan. It is an area where significant joint working with the industry should be delivered. Significant work is necessary to ensure that the fee structures are bespoke and delivered as close as possible at zero cost to the councils and are designed to align to future projects.

Nevertheless, there are some simple short-term improvements that could be readily introduced and where significant improvements in service delivery would be achieved. The protocols for pre-application discussion (3.1) could be publicised far more widely and through proactive engagement with the development industry. The opportunity for a menu approach (3.2) could also be promoted. A bespoke and effective delivery service (3.4) would be better achieved through a systematic and regular engagement process with the development industry. The re-establishment of the agents' forum, with a clear commitment to its longer-term maintenance would be a simple and obvious step in this regard.

In a similar fashion the councils would benefit from introducing measures to support and encourage the submission of major applications with Planning Performance Agreements. At present both councils reactive to any such suggestions that may come forward from the development industry.

## Planning application performance

- Planning applications are determined in a timely fashion and within the relevant government performance standards (4.1) S/M/L
- Where appropriate major and strategic applications are determined through Planning Performance Agreements (4.2) S
- Planning applications are determined within agreed extensions to timescales where the outstanding issues and the additional timescales required are clear (4.3) S

This is an area where the two councils have consistently performed well. It is an area where complacency needs to be avoided.

The issue of agreed extensions to processing timescales needs to be considered in greater detail.

It is offered in a limited fashion in both councils. Some applicants and agents would argue that it is done reluctantly and it results in a matter of fact, skewed service that provides little customer care or satisfaction for the development industry. Properly applied and administered it will not affect statistical performance and will offer better efficiencies to the two councils and a better standard of customer care to the applicant/agents concerned. This should be addressed as soon as possible. It could usefully be discussed at the initial meeting of the re-introduced Agents Forum (See section 3)

The issue of Planning Performance Agreements has been addressed under principle 3.7

# Performance management of the service

- The Service has a focus on the right things that will make the service better (5.1) M
  - The Service avoids perverse consequences such as decisions just in time or the very late withdrawal of applications to avoid a refusal. (5.2) S
  - The Service devises other local measures in order to assess a high-quality customer service. (5.3) M
  - The Service listens, understands and acts on what the customer says (5.4) M
  - The Services has performance management systems in place that provide evidence that leads to action (5.5) M
- The Planning Services Management Team has begun to address these matters in a structured fashion. In doing so it intends to move away from the simple delivery of the development management function to the delivery of responsive services to the development industry to deliver local planning policy and high-quality development. It also has an ambition to develop a learning culture from complaints rather than to respond in a negative way.
- In combination these measures will enable the Service to measure a wider range of matters (5.1-5.4) and help its journey to be customer-focused (5.3/5.4). Principle 5.2 (extensions of time) overlaps with 4.3



# Financial Management of the service

- The Council understands a breakdown of income and expenditure and forecast how that would translate into the next three financial years. The Council makes appropriate and timely bids for delivery finance such as Planning Delivery Grant and HIF bids (6.1) M
- In this context the Council understands, and has made provision, for the one-off initial costs of preparing the Local Plan and taking it through the examination period and then followed by the five year review cycle (6.2) S
- The Council is able to articulate the direct and indirect impacts of the operation of the Planning Service on the wider district (in terms of jobs, investment and the delivery of new homes) (6.3) L
- The Council is upfront, transparent and consistent when additional fees are required over and above the set planning application fees (for example for the procurement of specialists to check technical documents and for viability assessment work) (6.4) M

The Planning Services Management Team will address these matters once the various Service review projects have been completed. They will enable it to articulate its effectiveness in the wider community (6.2) and to devise and implement its pre-application advice system (6.4)

# Resource Management in the service

- The Council recognises the impact that unexpected changes in headcounts can have on effectiveness and performance (7.1) S
- The Council considers opportunities for staff to develop experience in different areas of the Service on a planned and structured basis (7.2) M
- The Council provides opportunities for career development and progression in house (7.3) M
- The Council promotes a culture where senior managers are visible and accessible and where team members feel comfortable in raising matters for discussion (7.4) S
- The Council regularly reviews workloads in general, and the impacts of its work allocation policy in particular (7.5) M
- The Council does all it can to foster and maintain a sense of teamwork and sustain morale (7.6) S/M

Plainly these are matters which need to be kept under constant review. They have been sensitively-managed throughout the Review process.

Nevertheless, there are a series of vacancies and staff turnover issues which have a significant potential to affect the effectiveness and efficiency of the Service. There are particular pressures in Planning Policy (which has the ability to affect progress on the Local Plan), Planning Support (which has the ability to increase further the registration time on planning applications) and in Development Management (which has the ability to affect planning application performance). This is an important short-term objective which has been helpfully debated with the councils' joint HR team.

Workloads will need to be carefully assessed as the strategic applications that originate from the emerging Local Plan are received and determined.

# Process Management

- The Council has processes that are clear and focused in helping applicants and others (8.1) S
- It recognises that planning is both a professional and a political process and works best when all concerned understand their respective roles (8.2) M
- It keeps processes under constant review (8.3) M
- It acts immediately if something is not working (8.4) S
- It enables its staff to have the ability to work remotely (8.5) S
- It makes sure that the ICT systems are fully up-to-date and allow staff to perform to the best of their ability (8.6) M

8.6 will need to be carefully managed. The upgrades to the ICT systems will be challenging. They will not necessarily end the process as the Service review intends to establish a common platform rather than extend current delivery to national best practice. They will also need to be delivered in a fashion that respect the Planning Service review in general and the specific needs of the two councils in particular.



# Political Leadership of the Service

## Ward Role

- The council makes the most of the ward member's local knowledge (9.1) S
- It has good two-way communication between members and officers (9.2) S
- It has clear delegation arrangements and call in procedures (9.3) S
- Planning Committee members have mandatory and regular training that is both interesting, topical and well-delivered (9.9) S
- Involves the committee as appropriate in pre-application discussions and keeps it abreast of forthcoming major proposals (9.10) M

## Governance Role

- Members review performance and challenge areas where it is not at an appropriate level (9.4) M
- Members and officers work together to review performance information and customer feedback (9.5) M
- Members playing an active part in planning for the future (9.6) L

## Committee Role

- It has a confident and well-informed committee that makes robust and fair decision making in a public setting (9.7) M
- Ensures that officers and members respect each other's roles at the committee meetings and display positive and supportive working relationships (9.8) M

There are significant opportunities to extend the degree of engagement with ward members in the delivery of the development management function. These changes do not necessarily need to be significant in order to deliver improvements to the role, knowledge and engagement of members in planning applications in their wards.

Both Councils have extensive delegation arrangements in place (9.3). Nevertheless, there is an opportunity for the arrangements to be refreshed and standardised. This will generate efficiencies and consistency within the context of a shared Planning Service.

The two committees operate in different ways. This is perhaps to be expected. Again, there are important opportunities improving and extending member training and providing probity and consistency on committee site inspections. There are also opportunities to look at the quality of the committee as currently experienced by applicants and local residents in general and public speakers in particular.

# Monitoring and Enforcement

- Has an up-to-date and well-publicised Enforcement Protocol (10.1) S
- Complaints are investigated promptly and in accordance with the Protocol and appropriate priorities (10.2) M
- Minor breaches of planning control are regularised as appropriate (10.3) M
- Complainants are kept advised of investigations and progress (10.4) M
- It makes extensive and appropriate use of Requisitions for Information and Breach of Conditions Notices (10.5) M
- The Council services Enforcement Notices and or Stop Notices in a speedy fashion where it is expedient to do so (10.6) M
- The Council is willing and sufficiently well-resourced to take proceedings through the Proceeds of Crime Act (10.7) and is widely-known and respected as such in the community (10.8) L

Both Councils have Enforcement Protocols in place. Nevertheless, there is a common consensus amongst the two sets of members and local residents that there is scope for significant improvement. Plainly the establishment of a shared Planning Service provides an important opportunity for the arrangements to be refreshed and standardised. The preparation of a Local Enforcement Plan is crucial to improvement in this important aspect of the delivery of the Planning Service. It is a key requirement of the NPPF (2012). Traditionally local enforcement plans identify key protocols and timetables. In particular they identify and clarify the stages of the process and how the complainant is kept abreast of progress.



# Building Control

The originating paper on an exemplary planning service did not include any information on the Building Control function. However, for the purposes of this exercise the Building Control function is included as it forms an important and integral part of the wider planning service.

Building Control is the only regulated service which is in competition with the private sector. After more than 30 years of competition Chiltern and South Bucks Joint Building Control Service has 80.5% of the market share across all sectors of the building industry. This compares favourably with the national average market share of 65%. The Team maintains a customer satisfaction rate whereby 95.58% of customers are fairly to extremely satisfied (figures from 2017).

Through initiatives such as the LABC Partnership Scheme and our own Builders Partnership Scheme the Team is fostering inter-organisational working for the benefit of customers. The team is also positive about trialling new schemes and ideas which promote our competitive service and raise our profile to the construction industry.

## Key challenges will be:

- Maintaining market share through the on-going deliver of efficient and timely services to the construction industry (11.1)
- Promoting a culture that is geared up to delivering the strategic projects arising from the adoption of the Local Plan (11.2)
- Developing stronger and streamlined connections with development management and enforcement (11.3)



# The culture of the service

These various measures and standards of best practice are in themselves important parts of the delivery of any planning service in the country. They are applied in the Action Schedule below in respect of the two councils and the particular circumstances which they face.

An underpinning approach in the delivery of an exemplary service in the two councils is a shift in their culture and approach. In several respects both councils perform well in areas that can be directly measured (such as planning application performance). In several other respects they perform less well. This is frequently demonstrated by an inward looking approach where systems and processes are more important than delivering a high quality service to customers, members and the general public. Many of the actions are designed to engage more fully and meaningfully with applicants and agents, both in their own right and to ensure that the development industry has the ability and knowledge to deliver the council's corporate agenda and its local planning policies in particular. These are factors which the development industry is increasingly familiar with elsewhere in the country. Close working relationships can often assist in securing appropriate and high quality design.

These cultural changes will be more difficult to measure than the traditional performance measures applied to Planning Services. However at a high level they would be evident in terms of certain things happening more and less as follows:

A refreshed culture would do more to:

- Engage with customers and stakeholders
- Put things right quickly and effectively
- Respond to requests for information in a positive and productive way
- Work collaboratively with developers and investors in general, and on strategic sites in particular
- Add value to new developments
- A refreshed culture would display less of the following characteristics
- Focus on performance to the disadvantage of other aspects of the service
- Allow performance to affect detrimentally policy-compliant investment programmes
- Fail to implement strategic policy through the development process
- Fail to take proportionate and timely enforcement action where it is expedient to do so
- Fail to engage effectively with applicants and stakeholders in a timely fashion

# Conclusion

This report has attempted to identify the key steps on the journey to deliver an exemplary Planning Service in the two councils. The challenge should not be under-estimated.

A key part of the challenge is that the context is unusual. In many other local planning authorities, poor performance directly follows on from poor systems and practices. In both councils however, current performance in development management is excellent. However, several of the day to day practices and committee procedures are dated and would benefit from refinement and improvement. In addition, work remains underway to produce a post-NPPF local plan. Similarly, the performance of the two councils on enforcement is mixed.

The Action Plan in Appendix A identifies the key tasks to be achieved in the various time periods. Plainly there will need to be a degree of flexibility in terms of how and when some of the medium and longer-term improvements are delivered. The shorter-term measures focus on staff capacity, clarifying working arrangements and developing closer working relationships with the development community.

## **Andrew Ashcroft**

Interim Head of Planning and Economic Development

Chiltern and South Bucks Councils

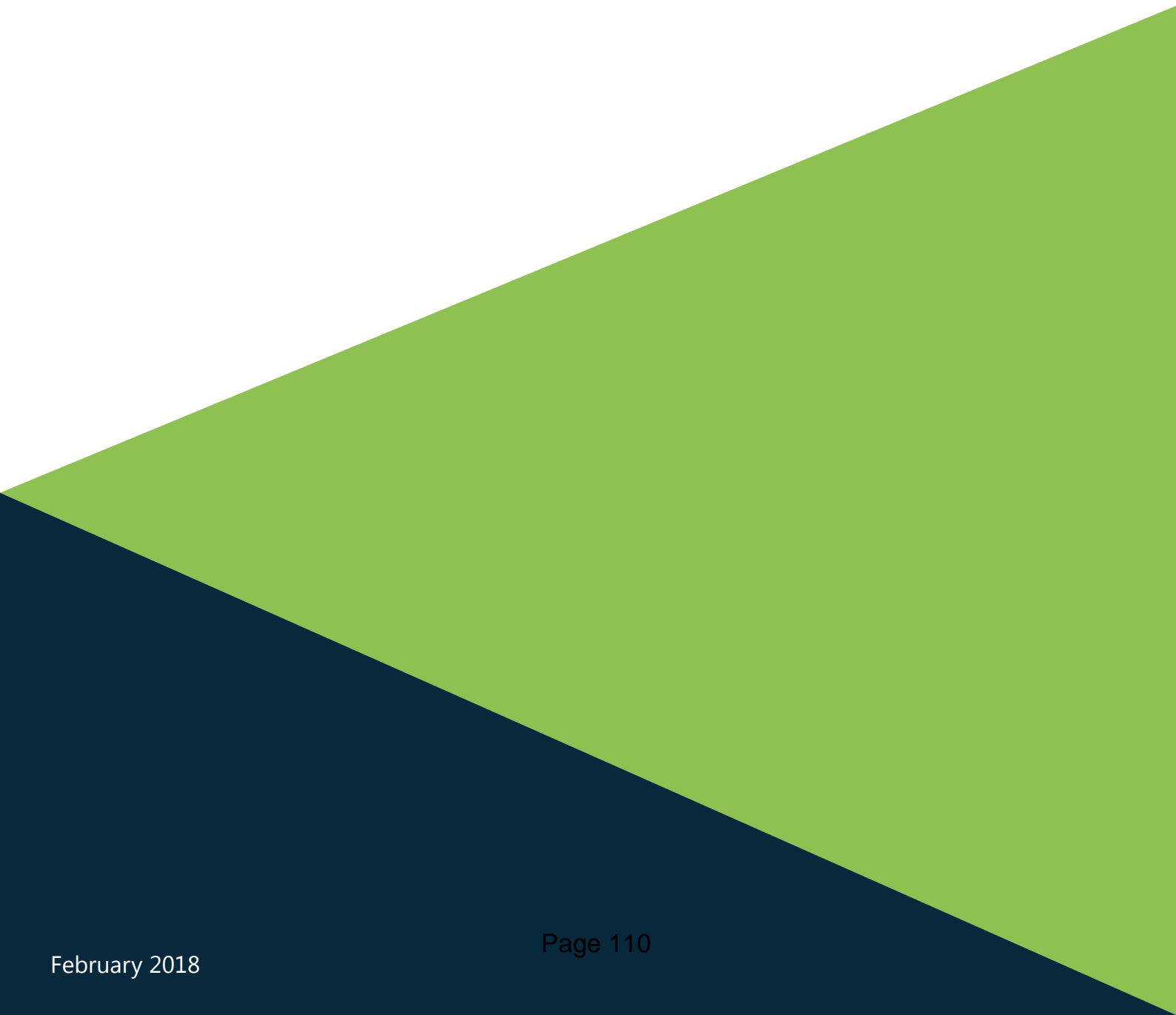
17 January 2018

# APPENDIX A: Action Plan

Action	Date	Lead Officer
<b>Short term</b>	<b>(December 2017 - March 2018)</b>	
Preparation of the Local Plan evidence base to be ready for submission and kept up to date	Now revised	GW
Local Plan arrangements for consultation	Now revised	GW
Local Plan draft	Now revised	GW
Introduction of updated CDC/SBDC pre-application advice service and associated charges (3.1/3.3/3.4/3.5)	March 2018	MA
Re-establishment the Agents' Forum	First meeting held in March 2018	AA
Prepare a Planning Performance Agreement protocol (3.5)	March 2018	MA
Prepare a protocol and practice guidance note for extension to time on planning applications (4.3/5.2)	March 2018	
Provide assurance on the Local Plan timetable/dependencies/budget for examination prior to submission (6.2)	March 2018	AA/GW
Secure staffing to establishment levels and develop an open and accessible management team approach (7.1/7.4/7.6)	Staff now appointed. All fully in place by May 2018	AA/all managers
Prepare clearly-documented working processes in general, and to allow accessible and effective remote working (8.1/8.4/8.5)	March 2018	AA/all managers
Refine and update delegation and call in arrangements on planning applications (9.1/9.2/9.3)	Process started	MA
Delivery of refresher training to both Planning Committees (9.9)	Date agreed	AA
Preparation and adoption of Local Enforcement Plan (10.1)	March 2018	AA/BT

Action	Date	Lead Officer
<b>Medium term</b>	<b>(April 2018 - March 2019)</b>	
Submission of Local Plan (1.1/1.2/1.3/1.4)	October 2018	GW
Preparation of supplementary guidance on strategic sites (2.2/2.4)	March 2019	GW
Delivery of a customer-focused service with locally driven quality measures (5.1/5.3/5.4)	September 2018	HoP&ED
Delivery of a Service Financial Plan (6.1-6.4)	October 2018	HoP&ED
Preparation and implementation of a resource management plan (7.2/7.3/7.5/7.6)	November 2018	HoP&ED
Preparation and implementation of a process management guidance note for officers and members ( 8.2/8.3/8.6)	December 2018	HoP&ED
Review officer/member working relationships in general and at committees in particular (9.4/9.5/9.7/9.8/9.10)	May 2018	AA
Delivery of an efficient and customer-focused enforcement service (10.2-10.6) following approval of the Local Enforcement Plan (10.1)	June 2018	BT

Action	Date	Lead Officer
<b>Long term</b>	<b>(April 2019-March 2020)</b>	
Preparation of general supplementary design guidance (2.1/2.3) and measures to assess the effectiveness of approved schemes (2.5)	October 2019	GW/MA
The implementation of an approved agent scheme (3.6)	April 2019	MA
Publication of the direct and indirect effects of the operation of the Planning Service as part of an updated Financial Plan (6.3)	October 2019	HoP&ED
Members playing an active part in Service planning and strategic budget decisions (9.6)	Largely on-going. Review in April 2019	HoP&ED
Preparation and publication of protocol for pursuit of enforcement cases through the Proceeds of Crime Act (10.7/10.8)	April 2019	BT



<b>SUBJECT:</b>	<i>Ten year plan programme for King George V House</i>
<b>REPORT OF:</b>	<i>Councillor Michael Smith</i>
<b>RESPONSIBLE OFFICER</b>	<i>Chris Marchant - Head of Environment</i>
<b>REPORT AUTHOR</b>	<i>Kevin Kelly, -Facilities Manager 01494 586814, <a href="mailto:kkelly@chiltern.gov.uk">kkelly@chiltern.gov.uk</a></i>
<b>WARD/S AFFECTED</b>	<i>Amersham</i>

## 1. Purpose of Report

- 1.1 The purpose of this report is to raise with Members works that need to be carried out at King George Fifth House (KGVH) over the next few years due to either address health & safety issues or essential maintenance requirement and the necessary changes to the capital programme to fund these works.

## 2. Recommendations:

1. That Cabinet agree that the current capital programme spend for KGVH is re-profiled to allow the urgent identified works to be funded from the existing programme.
2. That the identified works estimated in the sum of £730,750 should be planned and carried out as soon as possible.
3. That it is proposed to carry forward the unspent R&R budget for KGVH from 2017/18 to 2018/19 of £210,411.
4. That it is proposed to carry forward of the unspent Capital budget for KGVH from 2017/18 to 2018/19 of £14,000.
5. If all carry forward amounts are agreed, the remaining sum for the other KGVH works in the capital and R & R programme after the identified urgent works have been accounted for will be £327,000. This will continue to be utilised for any further works for KGVH as required and to be agreed by the Portfolio Holder or if the estimated costs of urgent works change.
6. That a further update report be presented to Members when the final costs are known after tendering and the timetable to deliver all the works is clear.

## 3. Reasons for Recommendations

- 3.1 It is necessary to maintain a safe and fit for purpose office environment for staff so there are urgent issues to deal with from health and safety and legal aspects.

## 4. Content of Report

4.1 KGVH is now over 30 years old and is beginning to look its age especially of course in comparison to brand new or recently refurbished offices. Over the years only minor renovations have taken place such as:

- Upgrading lighting 5 years ago
- Moved some partitions
- Air chilling installed in ground floor rev & bens and customer services area
- Routine maintenance / replacement to services
- Refurbishment of reception area 2 years ago

4.2 No major refurbishments have taken place in the CDC main part of the offices. The table below shows the agreed projects currently within the capital and R&R programmes for the following 5 year period.

4.3 The works will be procured either through our FM provider Derwent FM or tendered as required depending and as the works will be phased so offices remain in operation. A detailed project programme will be developed on a priority basis.

Projects in the Capital and R&R Programme	Proposed c/f from '17/18 £	Budget 18/19 £	Budget 19/20 £	Budget 20/21 £	Budget 21/22 £	Budget 22/23 £	Total £
KGVH - Design advice following Block C vacation		10,000					10,000
KGVH - Paving replacement		7,000					7,000
KGVH - Replace chamber roof windows	5,000						5,000
KGVH - Audio System for Council Chamber	24,000						24,000
KGVH - Small maintenance works	463						463
KGVH - Overhaul Windows, Drainage & Gutters	22,460						22,460
KGVH - Replace wall mounted electric heaters						4,375	4,375
KGVH - Replace local water heater						625	625
KGVH - Replace 2 electric distribution boards						1,250	1,250
KGVH - Refurbishment of Atrium	44,688						44,688
KGVH - Refurbishment of General Office	113,800						113,800
KGVH - External Redecoration				62,500			62,500
KGVH - Internal Redecoration						81,250	81,250
KGVH - Replace roofing felt						75,000	75,000
KGVH - Replace worn carpets and vinyl flooring		3,750				182,500	186,250
KVGH - Investigate water ingress and repair damage to wall		2,250					2,250
KGVH - Replace wall mounted fan heater and ceiling mounted air con unit				3,375			3,375
<b>Total R&amp;R Programme</b>	<b>210,411</b>	<b>23,000</b>	<b>0</b>	<b>65,875</b>	<b>0</b>	<b>345,000</b>	<b>658,286</b>
KGVH - Atrium Refurbishment (previously Roofing and skylight works Block A)	14,000						14,000
KGVH - Replace condensing boilers		130,000					130,000
KGVH - Condensing units in plantroom A				22,500			22,500
KGVH - Replacement flat roof covering				156,250			156,250
KGVH - Renew suspended ceilings		18,750	18,750			53,750	91,250
<b>Total Capital Programme</b>	<b>14,000</b>	<b>148,750</b>	<b>18,750</b>	<b>178,750</b>	<b>0</b>	<b>53,750</b>	<b>400,000</b>
<b>Total Capital and R&amp;R Programme</b>	<b>224,411</b>	<b>171,750</b>	<b>18,750</b>	<b>244,625</b>	<b>0</b>	<b>398,750</b>	<b>1,058,286</b>



4.4 It has become apparent recently that the planned works to KGVH need to be reconsidered to ensure that any urgent works to the offices are carried out so that they are fit and safe for use. The works that officers suggest need to be carried out as soon as possible are detailed in the table below including estimated costs.

Type of Expenditure	Description	Estimated cost of work	In current budget	Proposed start dates
---------------------	-------------	------------------------	-------------------	----------------------

R&R	Overhaul wet heating system with flush through and new valves etc. to ensure working efficiently	£20,000	£0	Aug 18
R&R	External lighting to make area safer	£5,000	£0	July 18
R&R	Pest proofing of chamber, atrium and pond areas	£30,000	£0	July 18
R&R	Trace heating in underground car park to avoid pipes freezing	£20,000	£0	Aug 18
R&R	Paving replacement to remove trip hazards	£7,000	£7,000	May 18
	<b>Total R&amp;R</b>	<b>£82,000</b>	<b>£7,000</b>	

Capital	6 new boilers and controls as beyond life	£150,000	£130,000	June 18
Capital	Emergency lighting overhaul to ensure working correctly and safe	£20,000	£0	July 18
Capital	Fixed wiring repairs / replacement of circuits to prevent over loading / fire hazard	£100,000	£0	May 18
Capital	Replacement of electric distribution boards to prevent over loading / fire hazard	£85,000	£1,250	July 18
Capital	Fire Risk Assessment schedule of works – fire protected compartment, intumescent installation	£150,000	£0	May 18
Capital	Upgrade lighting to LED to reduce lighting costs by 30% pa approx. £20,000.	£50,000	£0	May 18
Capital	New CCTV system to monitor offices perimeter	£10,000	£0	June 18
Capital	Access control system replacement	£65,000	£0	Sept 18
Capital	New suspended ceiling repairs to ensure safe	£18,750	£18,750	June 18
	<b>Total Capital</b>	<b>£648,750</b>	<b>£150,000</b>	

	<b>Total Capital and R&amp;R</b>	<b>£730,750</b>	<b>£157,000</b>	
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## Notes:

- 1 – The above assumes normal annual R & M takes place
- 2 – The atrium remains as it is but repainted old wires removed
- 3 – Project management costs not included but would be in the order of £60,000 if the works were done over 18 months
- 4 - Costs are estimated and tendering will take place asap or works procured through Derwent contract

- 4.5 Accordingly if it was agreed that the capital and R & R provision for 2018/19 to 2022/23 for KGVH was consolidated into the current year, with the non-urgent works, or works of a more cosmetic nature discounted, there would be £833,875 available against the urgent works cost of £730,750.
- 4.6 The cost of the extra car park spaces being proposed at KGVH will be considered further.
- 4.7 Officers have recently raised general concerns about lighting, heating/air cooling. The estimated spend to address most of these issues is at least £200,000. Air conditioning throughout the remainder of the office areas would be extremely expensive and this is not considered practical for approximately for 3 months out of every year. Therefore this report has focused on the urgent works that are required.

## 5. Consultation

N/A

## 6. Options (*if any*)

- 6.1 The options for Councillors to consider is whether to re-profile the capital and R & R programme to enable the urgent works are carried out within the current budget.

## 7. Corporate Implications

- 7.1 The financial and staff implications are detailed within the report.

## 8. Links to Council Policy Objectives

Key Objectives available here:

<http://www.chiltern.gov.uk/Aims-and-Objectives>

<http://www.southbucks.gov.uk/prioritiesandperformance>

## 9. Next Step

- 9.1 If agreed the works would progress an updated report could then be prepared after obtaining quotations and a potential timetable for the works decided necessary.

<b>Background Papers:</b>	N/A
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<b>SUBJECT:</b>	<i>Chiltern Pools Open Space Update</i>
<b>REPORT OF:</b>	<i>Cllr Liz Walsh Healthy Communities Portfolio Holder</i>
<b>RESPONSIBLE OFFICER</b>	<i>Martin Holt – Head of Healthy Communities</i>
<b>REPORT AUTHORS</b>	<i>Martin Holt – mholt@chiltern.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>All CDC</i>

### 1. Purpose of Report

- 1.1 To advise members on the consultation to dispose of the Public Open Space at Woodside Close and land off Chiltern Avenue to Amersham Town Council in return for an area of King George V Playing Fields to facilitate the development of the Chiltern Life Centre .
- 1.2 The report also advises on the proposed public consultation in relation to the design of the proposed Chiltern Life Centre

### RECOMMENDATIONS

1. That Members advise the Chief Executive in consultation with the Head of Legal and Democratic Services and the Leader of the Council on the decision to acquire the area of land marked in Appendix 1 and dispose of the land referred to in Appendix 2 to Amersham Town Council in support of the redevelopment of the Chiltern Pools, library, Drake Hall, and Youth club in Amersham
2. To provide the public with information on the redesigned centre ahead of any decision to proceed with a planning application

### 2. Reasons for Recommendations

- 2.1 To enable the land assembly to facilitate the development of the Chiltern Life Centre as a replacement to the current Chiltern Pools, Drake Hall, Nursery/Youth Club and Library buildings.

### 3. Content of Report

#### Public Open Space Land Swap

- 3.1 The Council undertook public consultation in January 2017 to assess the level of public support to develop a new replacement facility for Chiltern Pools. The consultation revealed overwhelming support but identified a range of issues of concern; including levels of parking, disruption to existing site users during construction and proximity of residential properties new building plans. To mitigate these concerns, new plans were developed, siting the new centre along King George V Avenue on the existing library site extending to where the play area, outside exercise zone and skate area are located (Appendix 3).

- 
- 3.2 On 27 June 2017, Cabinet approved the progression of the Chiltern Pools redevelopment project, and agreed to undertake public consultation together with Amersham Town Council in relation to the proposed disposal of land at Woodside Close to the Town Council and the acquisition of part of King George V Playing Fields from the Town Council in exchange to support the redevelopment of the facility.
- 3.3 A total of 507 on-line replies were received of which a sizeable majority were from the Amersham area due to the targeted publicity. There was positive support expressed in relation to the Council entering in to a land swap with the Town Council to facilitate the development of the Chiltern Life Centre with 70% of respondents supporting the proposals.
- 3.4 The Fields in Trust agreed with Amersham Town Council to release the current protection on the area of land marked in Appendix 1 enabling the possible development of the Chiltern Life Centre.
- 3.5 The Fields in Trust however conditioned that the land detailed in Appendix 2 should be transferred to the ownership of Amersham Town Council and be the subject of Fields in Trust protection. That protection would keep the land as open space in perpetuity.
- 3.6 In preparation for this circumstance Cabinet agreed on 27 June 2017 to place the necessary statutory advertisements and undertake public consultation together with Amersham Town Council in relation to the proposed disposal and acquisition of land as detailed to support the redevelopment of the facility.
- 3.7 Cabinet further agreed 27<sup>th</sup> June 2017 to delegate the consideration of any duly made objections during the advertisement period; and that the decision whether to acquire and dispose of the land referred to above and the detailed terms thereof to the Chief Executive in consultation with the Head of Legal and Democratic Services and the Leader of the Council.
- 3.8 Both Councils undertook the statutory advertisements and public consultation required together with a joint press release and information on both the Town and District Councils websites for a period of 20 days from Monday 26<sup>th</sup> March 2018.
- 3.9 At the time of writing this report the Chiltern District Council has not received any objections to the statutory advertisements and public consultation. However a letter from a local resident was sent to the Bucks Examiner and copied to the Council. This letter does not object to the development but raises concerns over the loss of overall green space in Amersham.
- 3.10 The protection being offered through this process would increase the amount of Open Space protected from future development via the Fields in Trust whilst enabling significant investment in to the community for the benefit of all Chiltern residents.
- 3.11 A verbal update will be presented to Members at the Services Committee and Cabinet following the closure of the statutory consultation.

**Pre-Planning Consultation**

3.12 The current design has been developed to RIBA stage 2 taking in to account the previous consultation responses and the requirements of the various stakeholders and users of the centre.

3.13 To inform the future planning application in relation to the proposed Chiltern Life Centre it is proposed to present the current design for public information

**4. Options**

4.1 To agree to the land swap to facilitate the development of the Chiltern Life Centre, a replacement to the current Chiltern Pools, Drake Hall, Nursery/Youth Club and Library buildings.

4.2 To inform the public of the current design prior to any planning application.

**5. Corporate Implications**

5.1 Financial – As there will be nominal value of the acquisition of the land off King George V Avenue we will be seeking information on the stamp duty land tax payable.

5.2 Legal – The Council has a duty to consider the health and wellbeing of its community, enabling leisure opportunities to support a healthier and active community would assist the Council in supporting this objective.

**6 Links to Council Policy Objectives**

6.1 Delivering cost-effective, customer focussed services.

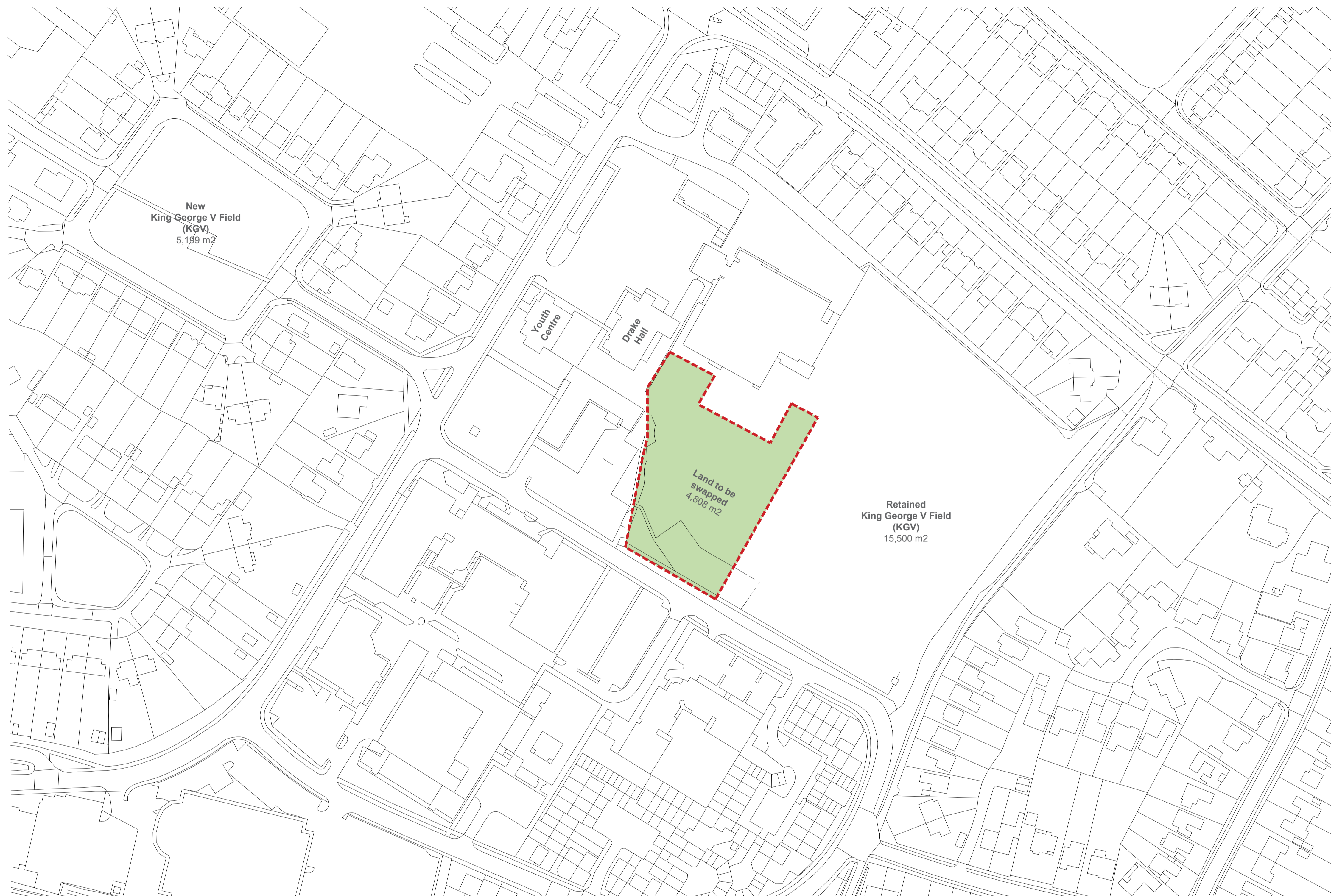
6.2 Working towards safe and healthier local communities.

**7 Next Step**

7.1. To undertake the land transaction with Amersham Town Council and to undertake further public information sessions on the development ahead of any decision to submit a planning application

<b>Background Papers:</b>	None
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 A parcel of Open Space Land at King George V Playing Fields, Chiltern. Avenue, Amersham, Buckinghamshire, HP6 5AH containing an area of approximately 4808m<sup>2</sup>

REVISION	DATE	DESCRIPTION	BY

CLIENT  
Chiltern District Council

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STATUS: Feasibility  
PROJECT  
Chiltern Life Centre

DRAWING  
KGV Land Swap  
Land to be disposed to Chiltern

SCALE: 1:1000 SHEET SIZE: A1 DRAWN BY: CHECKED BY: JOB DATE: 14.03.2018  
PROJECT NO.: DRAWING NO.: REVISION:

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 Open Space Land at Woodside Close, Amersham, Buckinghamshire, HP6 5EF and Land at the frontage of Chiltern Avenue, Amersham, Buckinghamshire, HP6 5AH containing a total area of approximately 7192m2.

REVISION	DATE	DESCRIPTION	BY
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CLIENT  
Chiltern District Council

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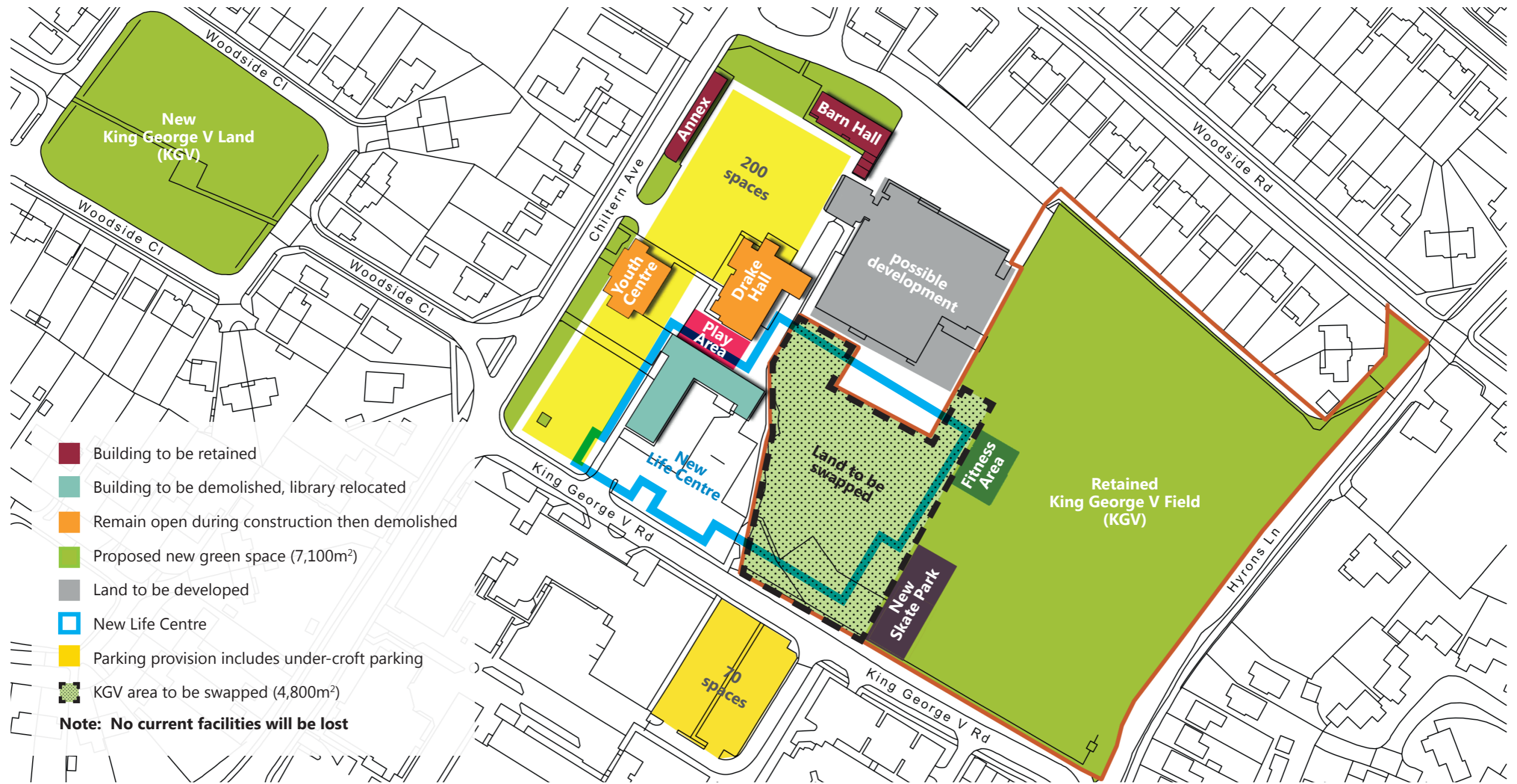
STATUS: Feasibility  
PROJECT  
Chiltern Life Centre

DRAWING  
KGV Land Swap  
Land to be disposed to Amersham

SCALE: 1:1000 SHEET SIZE: A1 DRAWN BY: CHECKED BY: JOB: DATE: 14.03.2018  
PROJECT NO.: DRAWING NO.: REVISION:  
3615 (90) 102

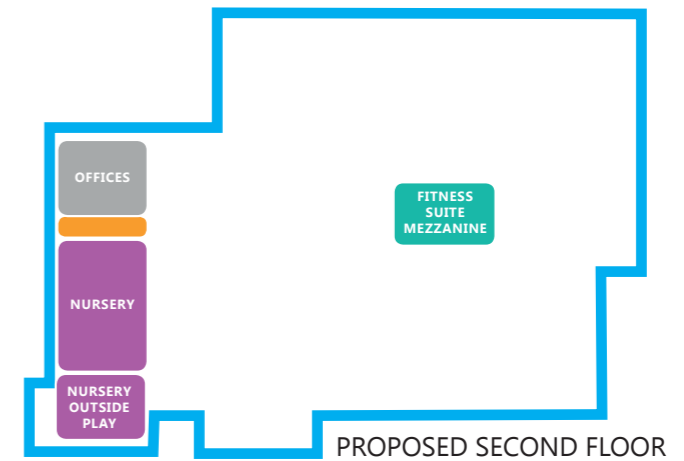
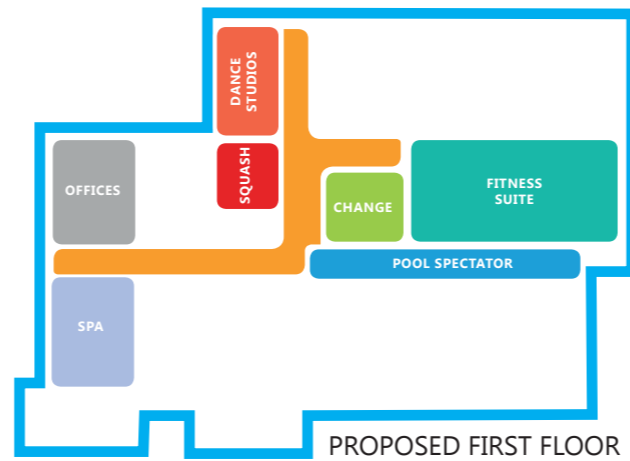
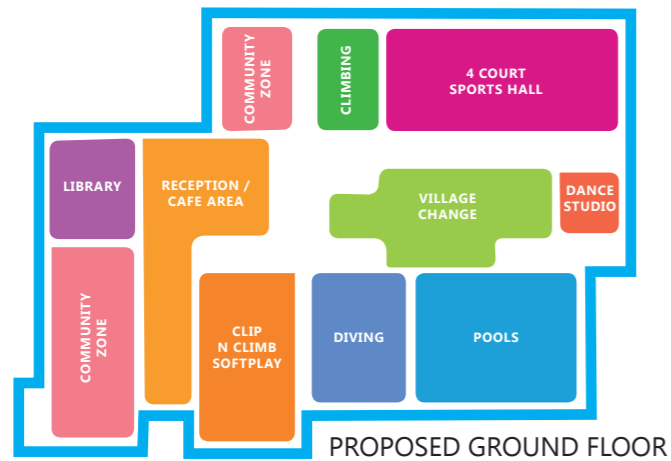
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- Building to be retained
- Building to be demolished, library relocated
- Remain open during construction then demolished
- Proposed new green space (7,100m<sup>2</sup>)
- Land to be developed
- New Life Centre
- Parking provision includes under-croft parking
- KGV area to be swapped (4,800m<sup>2</sup>)

**Note: No current facilities will be lost**





<b>SUBJECT:</b>	<i>Introduction of Public Spaces Protection Order (PSPO)</i>
<b>REPORT OF:</b>	<i>Councillor Liz Walsh - Cabinet Member for Community, Health &amp; Housing</i>
<b>RESPONSIBLE OFFICER</b>	<i>Martin Holt, Head of Healthy Communities</i>
<b>REPORT AUTHOR</b>	<i>Ian Snudden, Principal Environmental Health Officer, 01494 732057, isnudden@chiltern.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>All</i>

### 1. Purpose of Report

To propose the introduction of a Public Spaces Protection Order (PSPO).

The Cabinet is asked to agree the following recommendation(s):

#### RECOMMENDATIONS:

1. **To approve the draft Public Spaces Protection Order; and**
2. **To delegate authority to the Head of Healthy Communities in conjunction with the Head of Legal and Democratic Services to undertake the three yearly review of the Public Spaces Protection Order and implement any changes as required.**

### 2. Executive Summary

Public Spaces Protection Orders (PSPOs) are one of a number of powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They are designed to stop individuals or groups committing anti-social behaviour in a public space which is having or is likely to have a detrimental effect on the quality of life of people in the area.

At its meeting of 27<sup>th</sup> June 2017 the Cabinet agreed to the use of a PSPO to manage the anti-social behaviour experienced by residents and users in a number of specified car parks within the Chiltern District area. Members were concerned about the potential for displacement of anti-social behaviour to other car parks within the District which were not included in the original list and requested that a PSPO to cover all car parks in the district be introduced subject to consultation. The consultation process has been completed and Members are asked to approve the draft Public Spaces Protection Order. The draft Order has also been reviewed by the Healthy Communities PAG.

### 3. Reasons for Recommendations

When Public Spaces Protection Orders (PSPOs) were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, Councils were granted three years to remove any current Designated Public Place Orders (DPPOs) or they will automatically become PSPOs in October 2017.

An informal consultation was undertaken last year and Thames Valley Police requested that a PSPO be introduced to manage and control the anti-social behaviour that local residents and car park users were experiencing as a result of young people gathering in the car parks and causing harassment and alarm to local residents and car park users by their behaviour. The recommendation to the Cabinet in June 2017 was for a single PSPO that would include restrictions on both dog control and misuse of the car parks. However, for ease of enforcement and administration it is considered more appropriate to have separate PSPOs for these activities.

Once introduced, a PSPO has to be reviewed within three years, after which a PSPO can be extended, varied or discharged. A similar consultation process has to be undertaken at this time. For effective administration, it is recommended that if there are no changes as to the extent and nature of the PSPO and it is still considered appropriate for it to remain in effect; or for it to be discharged following the review and consultation, it is recommended that the PSPO is extended or discharged, as appropriate, through delegated authority. In other circumstances approval will be sought from Cabinet.

#### 4. Content of Report

Public Spaces Protection Orders (PSPOs) are one of a number of powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They are designed to stop individuals or groups committing anti-social behaviour in a public space which is having or is likely to have a detrimental effect on the quality of life of people in the area.

For a Public Spaces Protection Order to be introduced to deal with particular behaviour, the behaviour being restricted has to meet a test which is designed to be broad and focused on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

When assessing what is 'unreasonable' activity, local authorities need to balance the rights of the community to enjoy public spaces without experiencing anti-social behaviour with the civil liberties of individuals and groups who may be affected by any restrictions imposed. Therefore local authorities must have regard to the freedoms guaranteed under the Human Rights Act 1998 in terms of freedom of expression and freedom of assembly and association. An Equality Impact assessment has been undertaken **[Appendix 1]**. Members will note that a negative effect has been identified on the basis of age. Whilst the majority of complaints received relate to youths gathering in car parks and causing anti-social behaviour, the PSPO is not targeted at young people but the behaviour that is being demonstrated. However it is recognised that there is an unintentional impact on young people but this adverse impact is objectively justified by the fact that it only seeks to prevent anti-social behaviour, to the benefit of the safety and well-being of all.

During the period of informal consultation, a request was received from Thames Valley Police for a new PSPO which placed restrictions on people and vehicle misuse in a number of car parks within Chiltern DC area. This was as a consequence of significant reports of anti-social behaviour to the police from local residents and car park users. Evidence was submitted in the form of police reports of anti-social behaviour from individuals and anti-social use of vehicles in the car parks **[Appendix 2]**. In addition, the Car Parks Manager has had to take measures to control the anti-social behaviour including the employment of security staff in the evenings, improved CCTV provision and improved lighting.

Thames Valley Police sought the following restrictions:

**Prohibition of Highway and Vehicle misuse**

A prohibition from performing the following activities, being a driver of, or being carried in (or on), a motor vehicle within the specified area and

- a) Revving of engine(s);
- b) Speeding;
- c) Sudden or rapid acceleration;
- d) Driving in convoy;
- e) Racing;
- f) Leaving the engine of a stationary motor vehicle to run idle (as to cause a public nuisance);
- g) Performing stunts;
- h) Sounding horns (as to cause a public nuisance);
- i) Playing music (as to cause a public nuisance);
- j) Causing obstruction on a public highway, whether moving or stationary,

Which causes or is capable of causing, any of the following consequences:

- i) Excessive noise;
- ii) Danger or risk of injury to road users (including pedestrians);
- iii) Damage or significant risk of damage to property;
- iv) Risk of harm;
- v) Public nuisance; or
- vi) Annoyance to the public.

**Prohibitions Persons:**

Prohibited from within the specified area:

- a) Using threatening, intimidating behaviour towards another person
- b) Using foul and abusive language.
- c) Gathering / loitering in groups of two or more persons without reasonable purpose.

Which causes or is capable of causing, any of the following consequences:

- i) Excessive noise;
- ii) Risk of harm;
- iii) Public nuisance; or
- iv) Annoyance to the public.

At the Cabinet meeting of 27<sup>th</sup> June 2017, Members were concerned about potential displacement of anti-social behaviour to other car parks in the District. Government guidance states that local authorities should consider whether a prohibition in one area will displace the

problem behaviour elsewhere and the legislation allows for Orders to address activity that is likely to occur in a public place. In so doing, local authorities still need to ensure that a proportionate approach is taken overall and that there is evidence to support using a broader approach. Therefore the draft Order that was consulted upon had an extended list of car parks included. In addition to the CDC car parks, other car parks were added including the NCP car park at Chesham rail station, Cheena Meadow car park in Chalfont St Peter where there had been problems in the past and Moor Road car park, Chesham at the request of Chesham Town Council. Also as part of the informal consultation, additional restrictions were added to the original draft namely, maintaining, repairing, servicing or washing a vehicle, skating, skateboarding, or cycling and sleeping, cooking or camping. Maps of the areas to be covered by the proposed Public Spaces Protection Order (to form the appendix to the PSPO) are at **Appendix 3**.

## 5. Consultation

Local authorities are obliged to consult with the local chief officer of police, the Police and Crime Commissioner, owners or occupiers of land and appropriate community representatives. The county council and town and parish councils must also be notified. Additional requirements apply where public rights of way over a highway are restricted or where the PSPO affects 'common land'.

A consultation was undertaken across Chiltern between 14<sup>th</sup> February and 30<sup>th</sup> March 2018. An email was sent containing a link to the consultation web page, inviting opinions on the proposed introduction of the PSPO. The consultation page included the draft PSPO and maps of the affected areas. An email was sent out to all Town & Parish Councils, District Councillors, Thames Valley Police, the Police and Crime Commissioner, Community Associations, and other interested parties (Planning Inspectorate, NCP, Paradigm Housing Association, Bucks CC Highways and Rights of Way and relevant internal departments at Chiltern District Council). A link was also put on the main Chiltern website.

Responses were received from a range of people including residents living adjacent to car parks, car park users, police officers, councillors, parish and town councils and the County Council. Responses were also received from the Police and Crime Commissioner, Sustrans and the Planning Inspectorate. The responses from the consultation together with relevant comments are in **Appendix 4**. **Appendix 5** is a current record from Thames Valley Police of incidents at the Amersham multi-storey car park.

The majority of responses were positive and in support of the proposed PSPO, although there were some against the PSPO, or who wished to see amendments. The Police and Crime Commissioner supported the proposal. Sustrans and the Rights of Way Officer of Bucks County Council had concerns about the prohibition of cycling in car parks (3.2). Many car parks have legitimate access for cycles, for example to reach destinations which the car park serves or as part of a route to a more remote destination. The intention of the restriction is not to prohibit the legitimate use of the car park, but to control anti-social behaviour, for example riding bikes in an intimidating manner, blocking cars entering and exiting the car park, being threatening and riding too close to pedestrians etc. that causes distress and anxiety to other car park users. Therefore the draft PSPO has been amended to make this restriction more explicit. Similarly, it is clear that skating and skateboarding in the Amersham



multi-storey car park is a major cause of anti-social behaviour. It is therefore recommended that there is a total ban on these activities, whilst noting that they could be displaced to other car parks. Following the consultation, these car parks have also been used for the playing of ball games such as to cause anti-social behaviour. Members are also reminded that if groups are gathering 'in car parks in a manner which is (or may reasonably be perceived as) intimidating or threatening to any other member of the public', then this is covered by the Order. Requests were also received concerning other car parks managed by parish councils, however no evidence was received which would support the introduction of a PSPO to cover these areas at this time. However, as part of the review process, a PSPO could be amended in future to include other areas if there is evidence that anti-social behaviour is displaced to these car parks. Similarly, requests were received to include car parks which did not fall within the definition of a public space and so have not been included. A public space is defined as 'any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission'.

In relation to the additional restriction on cooking, sleeping and camping, maintaining, repairing, servicing or washing a vehicle, the civil enforcement of the Traffic Management Act 2004 only allows a local authority to issue notices for certain contraventions. These do not include maintaining, repairing, servicing or washing a vehicle, cooking, sleeping or camping in a car park. Following the consultation, no other evidence was provided of such anti-social behaviour. While members of the Healthy Communities PAG raised examples where this has caused anti-social activity, following legal advice, it is not considered that this is sufficient to meet the legal tests referred to in paragraph 4. Therefore it is not recommended that the PSPO includes restrictions on these but this particular aspect should be reviewed after a year of implementation.

Moor Road car park, Chesham is on common land and so the Planning Inspectorate was consulted. Their view was that because the proposals are to control behaviour on common land other than by physically impeding or preventing public access, there was no need to consult with them further.

## 6. Options

Following the consultation and the evidence provided, there is overwhelming support for the introduction of a Public Spaces Protection Order for restrictions on vehicle use and individual behaviour to address complaints of anti-social behaviour at car parks within the Chiltern DC area. The final draft PSPO is appended at **Appendix 6** and incorporates the outcome of the consultation and takes account of legal advice following the Healthy Communities PAG recommendations.

## 7. Corporate Implications

- 3.1 Financial: There are financial implications in setting up the PSPO, not expected to exceed £3,000 depending on the amount of signs required. Signs will have to be erected in areas with restrictions. Costs will be met from existing resources. If FPNs are issued then there may be a small amount of income received.
- 3.2 Legal: The legal requirements for the introduction of a new public spaces protection order have been followed.

- 
- 3.3 Crime and Disorder: The PSPO should deter anti-social behaviour from taking place and will enable the effective control and enforcement of anti-social behaviour.
  - 3.4 Environmental Issues: There is likely to be an improvement in terms of noise nuisance experienced by local residents and reduced anti-social behaviour in the car parks themselves providing a safer environment for users.
  - 3.5 Partnership: An extensive consultation has taken place with relevant parties and amendments made where appropriate.

## 8. Links to Council Policy Objectives

We will deliver cost effective, customer focused services

Listen to our customers

- Consult with you on key issues and respond to results

We will work towards safe, healthy and cohesive communities

Improve community safety

- Work with partners to reduce crime and antisocial behaviour and to improve community safety

We will strive to conserve the environment and promote sustainability

Promote sustainability

- Promote a healthy, sustainable and safe built environment

## 9. Next Step

If approved the Public Spaces Protection Order will be published on the Council's website and will come into force for an initial three year period. Signage will be produced for the car parks covered by it, advertising the nature of the PSPO and the consequences of breaching it and protocols will be developed between the Council and Thames Valley Police in terms of enforcement.

Anyone who lives in, or regularly works in or visits the area can question the validity of a PSPO in the High Court within six weeks of the Order being made.

## 10. Appendices

Appendix 1 – Equality Impact Assessment

Appendix 2 – Initial evidence of anti-social behaviour incidents submitted by Thames Valley Police

Appendix 3 – Maps of areas to be covered by the proposed PSPO (to form the Appendix to the PSPO)

Appendix 4 – Table of consultation responses

Appendix 5 – Record of incidents at Amersham multi-storey car park

Appendix 6 – Proposed Public Spaces Protection Order

Classification: OFFICIAL



**Chiltern**  
District Council



**South Bucks**  
District Council

### Equality Impact Assessment Screening Tool – Step 1

To be completed for all policy, strategy or new service proposals to determine whether a full impact assessment is required, where the item has already been identified as not requiring an integrated impact assessment. (See IIA guidance)

<b>Document/Policy Title</b>		<b>Public Spaces Protection Order – Chiltern DC car parks</b>	
<b>Author or Lead Officer</b>		<b>Ian Snudden</b>	<b>Date</b> <b>27<sup>th</sup> March 2018</b>
<b>1.</b>	<b>Does the policy/proposal have any negative effect on the basis of:</b>		
		<b>Yes/No</b>	<b>Reason</b>
	<ul style="list-style-type: none"> <li>Age</li> </ul>	Yes	<p>The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the car parks in question.</p> <p>Whilst the majority of complaints received relate to youths gathering in car parks and causing anti-social behaviour, the PSPO is not targeted at young people but the behaviour that is being demonstrated.</p> <p>However it is recognised that there is an unintentional impact on young people but this adverse impact is objectively justified by the fact that it only seeks to prevent anti-social behaviour, to the benefit of the safety and well-being of all.</p>
	<ul style="list-style-type: none"> <li>Disability</li> </ul>	No	<p>The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the car parks in question. Where there is potential for misunderstanding due to learning difficulties or inability to read/understand the signage, officers will explain the nature of the PSPO and the consequences of breaching it.</p>
	<ul style="list-style-type: none"> <li>Gender reassignment</li> </ul>	No	<p>The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the car parks in question.</p>

Classification: OFFICIAL

Classification: OFFICIAL

• Marriage or civil partnership	No	The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the car parks in question.
• Pregnancy or maternity status	No	The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the car parks in question.
• Race	No	The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the car parks in question.
• Religion or belief	No	The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the car parks in question.
• Sex	No	The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the car parks in question.
• Sexual orientation	No	The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the car parks in question.

If all responses to Section 1 are No, a full Impact Assessment is not required. If you have answered yes to any question, proceed to Section 2.

2.	In respect of any particular group, is the negative effect:	Unintentional?	High impact?	Reason
		Yes/No	Yes/No	
	• Age	Yes	No	This adverse impact is objectively justified by the fact that it only seeks to prevent anti-social behaviour, to the benefit of the safety and well-being of all rather than targeting any specific group of people
	• Disability			
	• Gender reassignment			
	• Marriage or civil partnership			
	• Pregnancy or maternity status			

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	• Race			
	• Religion or belief			
	• Sex			
	• Sexual orientation			

If all responses to Section 2 are No, a full Impact Assessment is not required. If you have answered yes to any question in Section 2, proceed to Section 3.

3.	Are any negative effects listed in Section 2 illegal or potentially illegal?*	Yes/No	*i.e. contrary to anti-discriminatory legislation
			<b>Reason</b>
	• Age	No	The adverse impact is objectively justified by the fact that it only seeks to prevent anti-social behaviour, to the benefit of the safety and well-being of all rather than targeting or being discriminatory against any specific group of people
	• Disability		
	• Gender reassignment		
	• Marriage or civil partnership		
	• Pregnancy or maternity status		
	• Race		
	• Religion or belief		
	• Sex		
	• Sexual orientation		

If all responses to Sections 1, 2 and 3 are No, a full Impact Assessment is not required.

If you have answered yes to any question in Section 3, or if any negative effect has a high impact on a particular equalities group, consider the following:

4.	Can any negative effect be avoided?	Yes/No	How?
5.	Can we reduce the impact by taking different action?	Yes/No	How?

Now repeat this rapid assessment in the light of any new information.

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If the outcome is the same, then you have identified a potential discriminatory impact of this policy/proposal, and you will need to complete a full Equalities Impact Assessment before it can be submitted for approval to the relevant committee or PAG.

**Full EIA to be now undertaken?**      **No**      (delete as applicable)

<b>Lead Officer</b>	<i>Ian Snudden</i>	<b>Date Reviewed by Director</b>	
<b>Date of decision</b>		<b>Outcome of Director Review</b>	<b>Agree/Not agree</b> (delete as applicable)

**Please submit this completed form to Democratic Services along with your PAG or Committee papers for formal approval or, where a report is not involved, to the Chief Executive's office.**

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## Chiltern carpark evidence from Police

Please consider a formal request for CDC to consider a PSPO for the following carpark in the Chiltern and South Bucks carpark:

- Multi-Storey Carpark on King George V Road, Amersham
- Library Carpark on King George V Road, Amersham
- Chiltern Pools carpark on Chiltern Avenue, Amersham
- Sycamore Rd Carpark, Rickmansworth Road, Amersham
- Watermeadow Carpark, Weylands Ct, Germain St, Chesham
- Staryard Carpark, Chesham
- Link Rd & Buryfields Carpark, Link Road, Great Missenden
- Co-op carpark, High Street, Prestwood

Rationale for request:

Several of the carpark listed above suffer from Vehicular Anti-Social Behaviour (ASB) where groups of youths / young adults meet to shelter in, loiter around with their cars. The drivers / passengers are normally not local and the meets are usually prearranged. The ASB associated with these groups is the revving of engines, beeping of horns, racing, performing stunts (such as donuts, drifting, hand break turns, wheel spinning) etc which has a significant effect commuters / carpark users feel concerned for their safety and feel intimidated by the presence of large groups. The main impact is on the residents who live nearby as they have to endure the disturbance of the peace at all times of day and sometimes night.

Some of these carpark also suffer from more traditional ASB from local youths: these are usually local teenagers and young adults who congregate to skate and loiter under shelter, particularly in adverse weather. The effect on the community is that the commuters / carpark users feel concerned for their safety and feel intimidated by the presence of large groups. There is also impact on the residents who live nearby as they have to endure the disturbance of their peace at all times of day and sometimes night.

Of the carpark listed, those with the most calls from the public / residents are Multi-Storey Carpark on King George V Road, Amersham, Watermeadow Carpark, Weylands Ct, Germain St, Chesham and Link Rd & Buryfields Carpark, Link Road, Great Missenden. All the others listed suffer either sporadic and / or historical reporting of the same issue or they are considered at risk of displacement should PSPO's be granted for the main problem carpark only.

Residents are willing to provide community statements to prove the effect on the community.

Efforts have been made to tackle the issue. Tactics attempted have included targeting of the carparks during dedicated patrol operations, plain clothes operations, issuing of Section 59 warning letters (Anti-Social use of vehicles), issuing of ASB warning letters, liaison with carpark managers who have hired security guards to specifically the issue (Multi-Storey Amersham) and the deployment of Outreach Children's Youth Workers to try and engage with the kids. None so far have been successful and in fact the presence of the security guard in the Multi-Storey seemed to inflame matters.

We wish for the following prohibitions to be considered:

**Prohibition Highway and Vehicle misuse**

A prohibition from performing the following activities, being a driver of, or being carried in (or on), a motor vehicle within the specified area and

- a) Revving of engine(s);
- b) Speeding;
- c) Sudden or rapid acceleration;
- d) Driving in convoy;
- e) Racing;
- f) Leaving the engine of a stationary motor vehicle to run idle (such as to cause a public nuisance);
- g) Performing stunts;
- h) Sounding horns (as to cause a public nuisance);
- i) Playing music (as to cause a public nuisance);
- j) Causing obstruction on a public highway, whether moving or stationary,

Which causes or is capable of causing, any of the following consequences:

- i) Excessive noise;
- ii) Danger or risk of injury to road users (including pedestrians);
- iii) Damage or significant risk of damage to property;
- iv) Risk of harm;
- v) Public nuisance; or
- vi) Annoyance to the public.



**Prohibitions Persons:**

Prohibited from within the specified area and:

- a) Using threatening, intimidating behaviour towards another person
- b) Using foul and abusive language.
- c) Gathering / loitering in groups of two or more persons without reasonable purpose.

Which causes or is capable of causing, any of the following consequences:

- i) Excessive noise;
- ii) Risk of harm;
- iii) Public nuisance; or
- iv) Annoyance to the public.

The introduction of a PSPO with the conditions specified would hopefully deter the use of the carparks for gatherings and therefore reduce to the ASB experienced by the community and reduce the calls for service to the Police. If calls of this nature are made then the attending officers would hold more powers to deal with the incident, could potentially issue a ticket and deter further attendances to the carparks.

**Multi Storey carpark, Amersham (calls from 01/01/2017)**

URN Date Time	Time	Location	Caller	Details
URN 1143 10/01/17	1840 hrs	Multi Storey (MOP)		Kids throwing eggs off the MS carpark, hitting cars and people. Attended and no trace.
URN 1507 24/1/17	2106 hrs	Multi Storey	PCSO	Vehicles driving erratically and playing football. Attended, cars left and went to sports centre carpark. Asked to keep it down.
URN 1601 05/02/17	2349 hrs	Multi Storey	CCTV Control	Persons playing football and cars /moped racing. Attended, no cars but youths still playing football.
URN 1473 09/02/17	2033 hrs	Multi Storey (resident)		Car revving engine, attended, cars were leaving.
URN 1494 10/2/17	2053 hrs	Multi Storey (resident)		Vehicles revving engines, CCTV kept an eye, not attended.
URN 1624 10/2/17	2221 hrs	Multi Storey (resident)		'Sooped up' cars dangerous driving. Attended and no trace
URN 1674 14/2	2310 hrs	Multi Storey (resident)		Racing Cars, Attended and no trace
URN 1814 24/2	2316 hrs	King George V (security)	Security	Racing youths, VRNs given.
URN 1386 27/2	1932 hrs	Multi Storey carpark (MOP)		Reports of youths with bike in the carpark, loud and boisterous. Closed
URN 1543 28/2/17	2155 hrs	Multi Storey carpark (security)	Security	Reports of youths in URN revving / beeping engines, swearing at him / VRN given. Attended and youths moved on.
URN 1472 7/3/17	2055 hrs	Underground Stn, (MOP)		Reports of vehicles / youths being intimidating / jeering at people going to their cars. Advice given by attending officer (emailed to bottom it out)
URN 1210 8/3/17	1716 hrs	Multi-storey (MOP)		Report of youths on bikes smoking weed. Linked to below
URN 1885 10/3/17	2232 hrs	Multi storey (MOP)		Report of youths blocking carpark and smashing wing mirror of caller. Crimed ASNT of youths
URN 1857 10/3	2211 hrs	Multi storey (security)	Security	Reports of youths shouting at people, being abusive.
URN 1832	2150	Multi storey		Reports of youths being high on the roof, concerned for safety.

10/3	hrs	(MOP)		
		SDO complaint		Caller went to SDO to complain about Youths in Cars on a Saturday night causing noise and leaving rubbish.
URN 9 13/3/17	0012 hrs	Multi storey (Resident)		Youths screaming / shouting, advice given.
URN 6 13/3/17	0011 hrs	Multi storey (Resident)		Skateboarders in carpark, matched into above.
URN 1281 12/3	1854 hrs	Multi storey (MOP)		Loud vehicle revving its engine, attended and they were leaving – going to meet in AA.
URN 1800 18/3	2256 hrs	Chiltern Ave / Multi-story (Resident Elm close)		Reporting cars racing from Multi-story, parking in taxi rank. Attended and no trace.
URN 1710 18/3	2203 hrs	King George V Rd, (security)	Security	Males revving engines, shouting, being idiots, jumping on train tracks, intimidating people walking to their cars, attended and advice given. (PC Carson). One person ARD'd for possession of cannabis refers.
URN 1644 18/03	2120 hrs	Chiltern Ave / Multi storey		Cares racing in multi-storey – NH emailed.
URN 1658 16/3	2141 hrs	Multi-storey, (Resident Elm close)		Motorbikes / cars making lots of noise. Attended and no trace.
URN 907 19/3/17	1553 hrs	Underground carpark, train station (MOP)		MOP reporting persons trying to break into a car. Just boys playing football but may have been trying handles.
URN 1670 24/03/17	2113 hrs	Multi-storey Car Park (security)	Security	Number of cars on level 3 screeching around doing donuts. RP unit stopped 2 vehicles on Station Rd, believed related leaving Sig, S59's
1659 4/4/17	2222 hrs	Multi storey (resident)		Cars and motorbikes making lots of noise
1652 4/4/17	2218 hrs	Multi-storey, (Resident Elm close)		Cars driven at speed. Attended, lads blaming each other, Units took details of XX
1673 9/4/17	2311	King George V rd, (MOP)		Boy racers in car park, people hanging out of windows. Left before attendance

1343 9/4/17	1343	Library carpark (MOP)		Gangs of youths and cars gathering – linked into below
1311 9/4/17	1926	King George V Rd (MOP)		Cars revving engines, being loud. Attended, not deemed to be doing anything wrong and monitored
1668 13/4	2249	Sigged as library carpark but is multi-storey		Skaters making noise in carpark not attended
44 13/4/17	0054	Multi storey		Males in carpark shouting, heard by call taker. Not attended
67 15/4/17	0104	Multi storey		Youths in carpark shouting racing, loud music, swearing, shouting. NH emailed
1668 13/4/17	2210	Multi storey but it was sigged on Elm close		Hot rod cars arriving, Attended and no trace.
8 17/4	0005	Multi storey but sigged as King George V Rd		Youths in Multi-Storey, skateboards being noisy. Attended and youths ‘not doing anything wrong’

**Amersham Library carpark / Chiltern Pools carpark / Sycamore Rd carpark (calls cover 1 year)**

URN Date Time	Time	Location	Caller	Details
1510 09/08/16	1510 hrs	Amersham library carpark		Report of teenage boys laying in the street, drunk or on drugs. ASNT
562 28/8/16	1025 hrs	Amersham library carpark		Lots of youths gathering, closed without attendance, follow up revealed caller had more issues with litter left so council informed.
1609 21/10/16	2057 hrs	Amersham library carpark		Bunch of people with bikes, causing vehicles to have accidents, being abusive to caller. Attended, persons were leaving.
1109 27/02/17	1705 hrs	Chiltern Pools, Chiltern Avenue		Moped riding around carpark, park not attended.
726 01/03/17	1349 hrs	Chiltern Pools, Chiltern Avenue		Male with moped causing issues again, using astroturf without permission and refusing to leave. Not attended
710 05/03/17	1342 hrs	Chiltern Pools, Chiltern Avenue		Group of youths and moped riding around carpark, footpaths, using astroturf without permission and refusing to leave. Resourcing issues, eventually ASNT
1393 18/3/17	1853 hr	Amersham library carpark	Police	Youths congregating, monitored.
1326 08/04/17	1849 hrs	Amersham library carpark		Gang of youths in carpark, hanging around, being noisy, loud music, littering. Attended no music or ASB, words of advice given as they had alcohol. Caller later called again 2025 as they hadn't left and were still noisy, attended and 3 youths left, no doing anything wrong.
1524 21/4/17	1938 hrs	King George V (Library carpark)		Males on scooter, car, strong smell of cannabis, regular problem. Not attended.
1584 25/4/17	2204 hrs	Amersham library carpark		Caller reporting youths displaying in carpark, wheelspins / donuts. Traffic officers attended, no evidence for offences but one bike seized.

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**Watermeadow Carpark, Chesham (calls cover 1 year)**

URN Date Time	Time	Caller	Details
71 19/7	0105 hrs		NOISE, ASB ISSUES EARLY HOURS
98 13/8	0120 HRS		REPORTS OF CARS PLAYING LOUD MUSIC PC FLINT ASNT.

1811 19/8	2257HRS		REPORTS OF FIREWORKS, AND LOUD MUSIC FROM VEHICLES, ATTENDED AIO ATT.
1828 22/8	2352 hrs		MIDNIGHT REPORTS OF VEHICLES WHEEL SPINNING, ASB ISSUES, UNIT ATTENDED ASNT. GM NOT USED.
1547 25/10	2239 hrs		VEHICLES PLAYING LOUD MUSIC, NO UNITS ATTEND (SIGGED WRONG LOC).
1732 27/10	2304 hrs		VEHICLES DISPLAYING IN WATERMEADOW CAR PARK, CHESHAM, RPU ASNT.
1653 2/11	22:34HRS		VEHS RACING IN CAR PARK, NO UNITS ATTENDED.
1611 3/11	23:30HRS		VEHS DISPLAYING AND PLAYING LOUD MUSIC. UNITS ATTENDED AIO.
318 4/11	2230-0300HRS		LOUD MUSIC VEHICLES DISPLAYING
201 11/12	0220HRS		VEHICLES RACING AND 2 MOTORBIKES. NO UNITS ATTENDED.
670 31/12	1455		Daytime report / complaint of cars doing donuts at night until early hours of the morning. Talking about on Chesham Facebook page and how police have a laugh with them when they attend.
300 31/12	0946 hrs		Daytime report that 2 VEHICLES were displaying, screeching etc. NO DECRIPTION.
1547 16/01	2300HRS		2 REPORTS OF MOTORCYCLES AND CARS RACING IN CAR PARK, UNIT ATTENDED NO FURTHER INFO
			*****17/1 - ENQS FROM CDC AS COMPLAINT MADE TO COUNCIL. COUNCIL CANNOT IMPLEMENT ANY BARRIER, TVP MONITORING THOUGH NO SPECIFIC TIMES. OP GTI TO RUN IN FUTURE AND FURTHER DEMAND ANALYSIS, CCTV ISSUES BEING CHASED BY CDC*****
URN 1565 20/1	2042 hrs		REPORT 2 VEHICLES DISPLAYING, UNITS UTILISED GM FOOTAGE, HELD OFF NEARBY, NO INCIDENTS, 7 VEHICLES PRESENT, GM MONITORING
URN 1786 20/1	2327 hrs	PCSO	UNITS SIGHTED VEHICLE RACING, LOCATED IN CAR PARK, V79 ISSUED TO DRIVER AND W.O.A GIVEN.
95 22/1	0116 hrs	CCTV control	GM INFORMS VEHICLES BEING A NUISANCE, OFFICERS ATTENDED WITHIN 15 MINS, ASNT.
73 5/2	0048 hrs	CCTV control	REPORTING SUS VEHICLES, PC CUMMING ATTENED, AIO NO ISSUES.
1563 5/2	2302 hrs	CCTV control	YOUTHS PLAYING FOOTBALL. UNIT ATTENDED W.O.A.
1642 6/2	2127 hrs		MOP MOTORBIKES AND VEHICLES RACING, UNIT ATTENDED AIO ATT.
1751 12/4	2229 hrs		MOPEDS RACING, WATERMEADOW CAR PARK, CHESHAM, ASNT
138 16/4	0145 hrs		VEHICLES RACING, WATERMEADOW CAR PARK, ASNT BY UNIT
1470 17/4	2235 hrs		VEHICLES RACING, WATERMEADOW CAR PARK, UNITS SAW LOTS OF VEHICLES PRESENT, THOUGH NO ISSUES ATT.
1721 19/4	2337 hrs	CCTV control	Cars displaying, partial index taken, NH following up.

**Link Road carpark & Buryfields carpark (calls cover 1 year)**

URN Date Time	Time	Location	Caller	Details
URN 1603 23/04/17	2223hrs	Link Rd / Buryfields car parks (opposite each other)	PC 6457	Speeding Vehicle from car group NIP issued to R/O
URN 1476 23/04/17	2100hrs	Link Rd / Buryfields car parks (opposite each other)		Vehicles Wheel Spinning / Racing
URN 19 08/04/17	0022hrs	Link Rd / Buryfields car parks (opposite each other)		Tyres screeching / loud engines revving
URN 42 23/03/17	0108hrs	Link Rd / Buryfields car parks (opposite each other)		Wheel spinning through village
URN 76 11/03/17	0105hrs	Link Rd / Buryfields car parks (opposite each other)		Doughnuts Link Rd
URN 1404 27/01/17	1924hrs	Link Rd / Buryfields car parks (opposite each other)	PCSO	Youths in car park
URN 1781 27/01/17	2315hrs	Link Rd / Buryfields car parks (opposite each other)		Wheel spinning / public order
URN 1779 27/01/17	2313hrs	Link Rd / Buryfields car parks (opposite each other)		Assault / criminal damage – linked to above
URN 1398 15/01/17	2252hrs	Link Rd / Buryfields car parks (opposite each other)		Wheel spinning
URN 1549 18/09/16	2101hrs	Link Rd / Buryfields car parks (opposite each other)		Sounding horns/ wheel spinning
URN 1597 05/09/16	2139hrs	Link Rd / Buryfields car parks (opposite each other)		Racing / drug dealing / sounding horns
URN 1406 1708/16	1847hrs	Link Rd / Buryfields car parks (opposite each other)		Quad bike racing

These two carparks on the Link Rd have caused ongoing issues since I joined the NHT in 2006 where we get groups of youths in cars gathering sometimes they behave others we have loud music / litter / ASB involving the vehicles / motorbikes riding across the football pitch. Racing around the village / doughnuts in car park + the Link Rd roundabouts. When we turn up it often appears AIO drugs have been mentioned but when attended no evidence of drug use. There is no CCTV in the area. The NHT also get various residents approach them on patrol or visit the station to report litter & ASB driving.

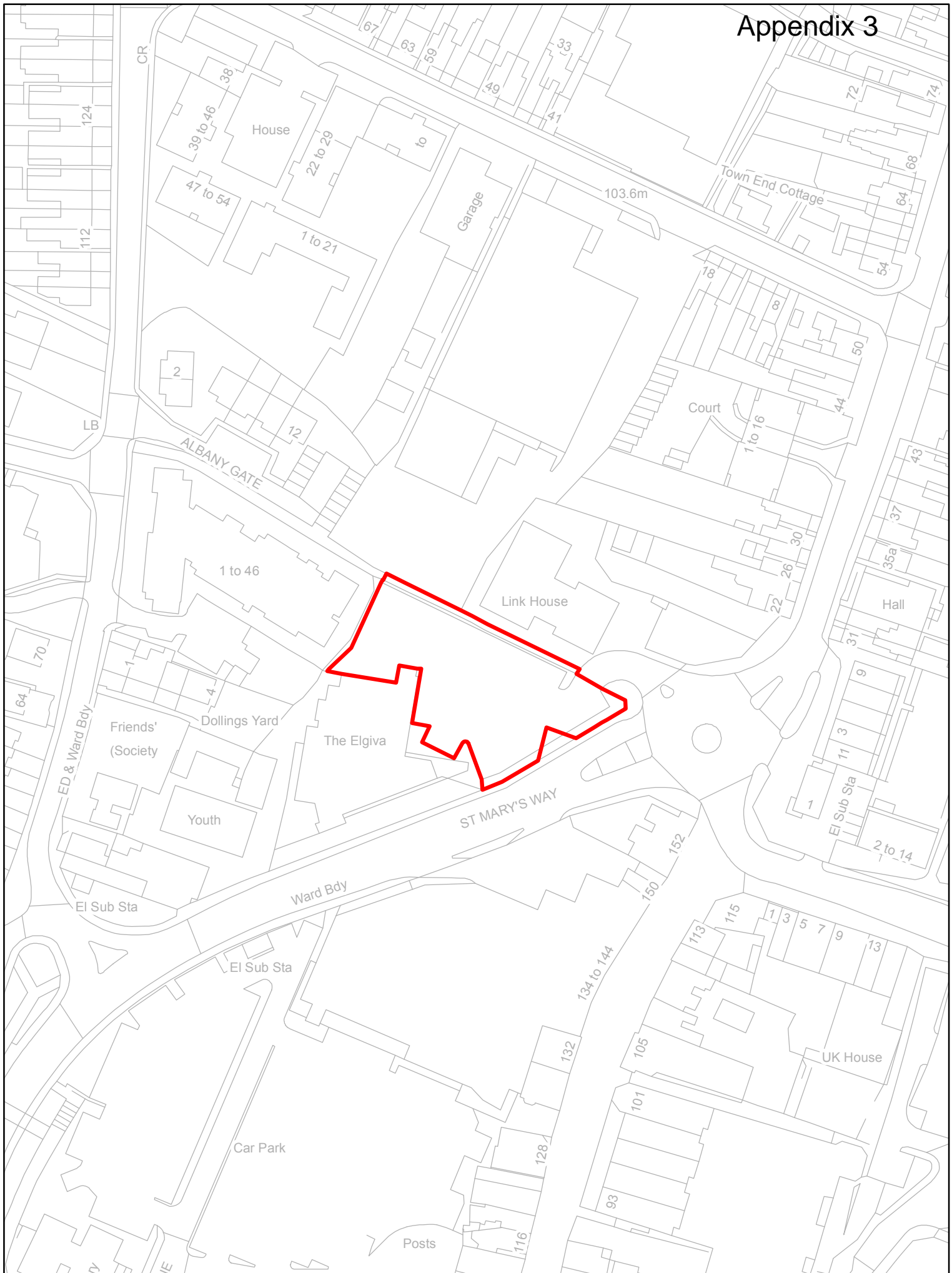
**Prestwood CO-OP carpark**

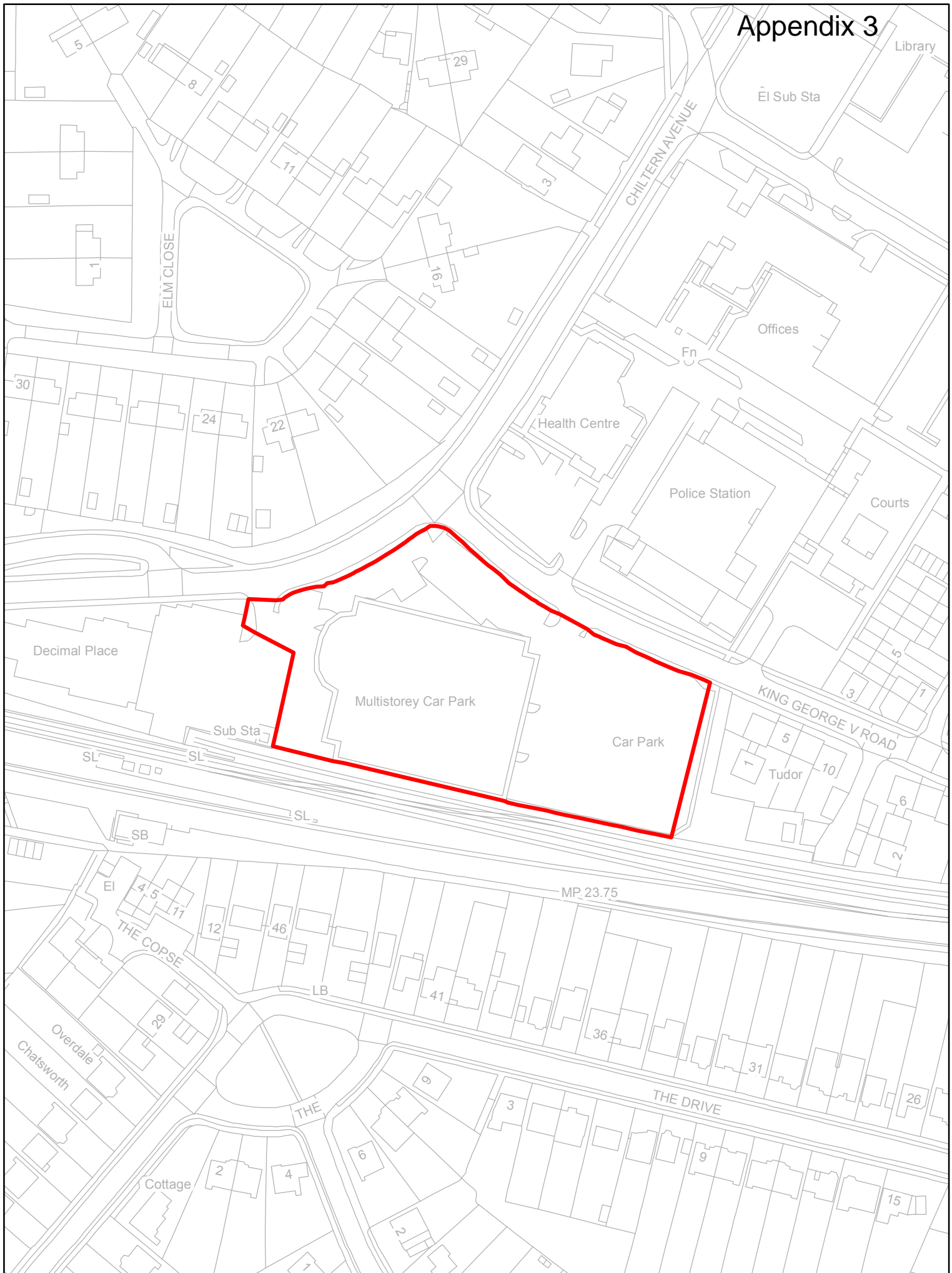
Classification: OFFICIAL-SENSITIVE [PERSONAL]

There have not been any reports from this location for a about 12 months however we have had periods of young drivers gathering in the car park with noise / loud music & wheel spinning being the main problems. This location also has an elderly residential home at the rear of the car park & it is the residents that call in any complaints. Times vary from approx 1900 – 0200hrs. There is no CCTV in the area

Classification: OFFICIAL-SENSITIVE [PERSONAL]

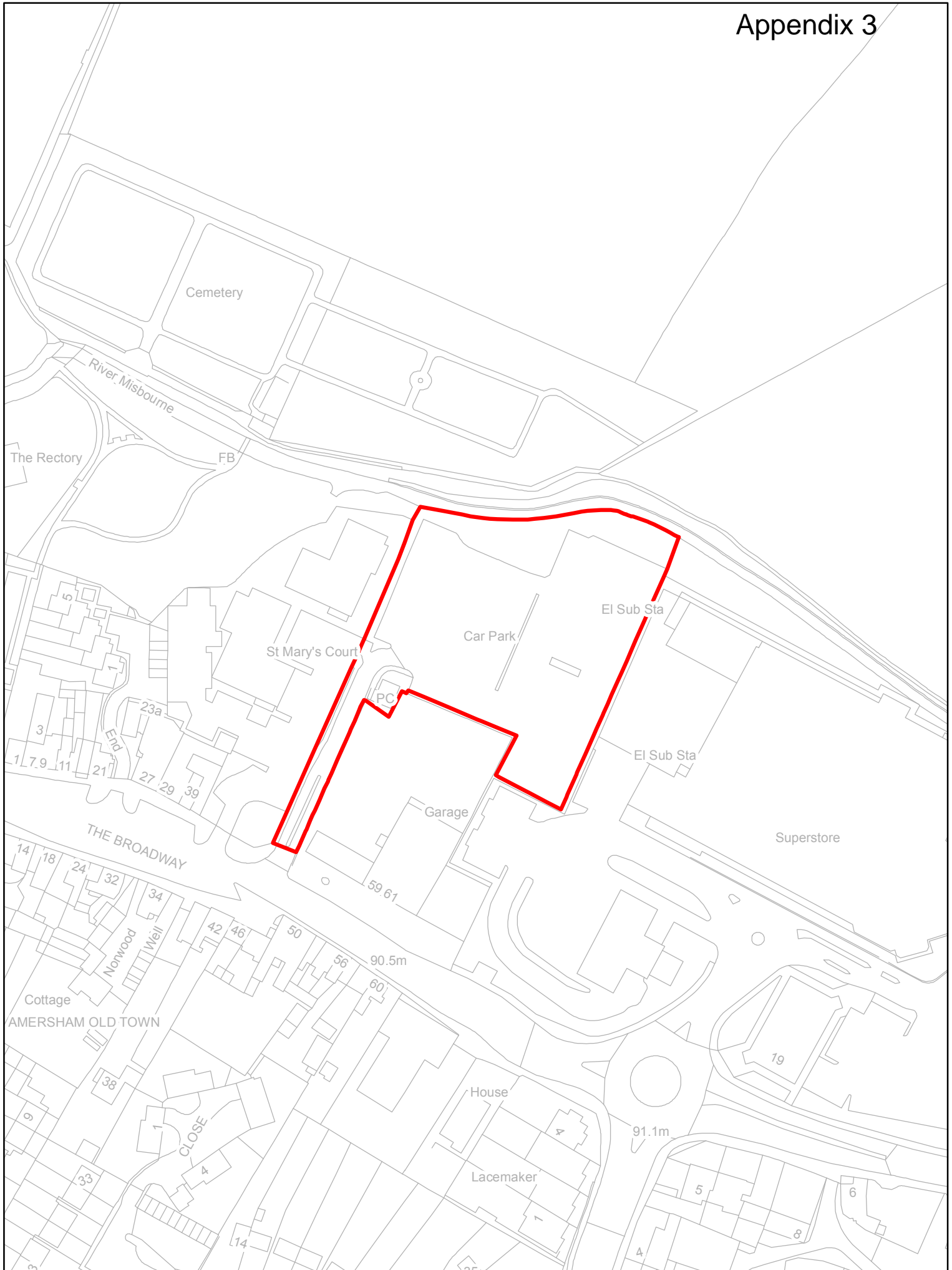






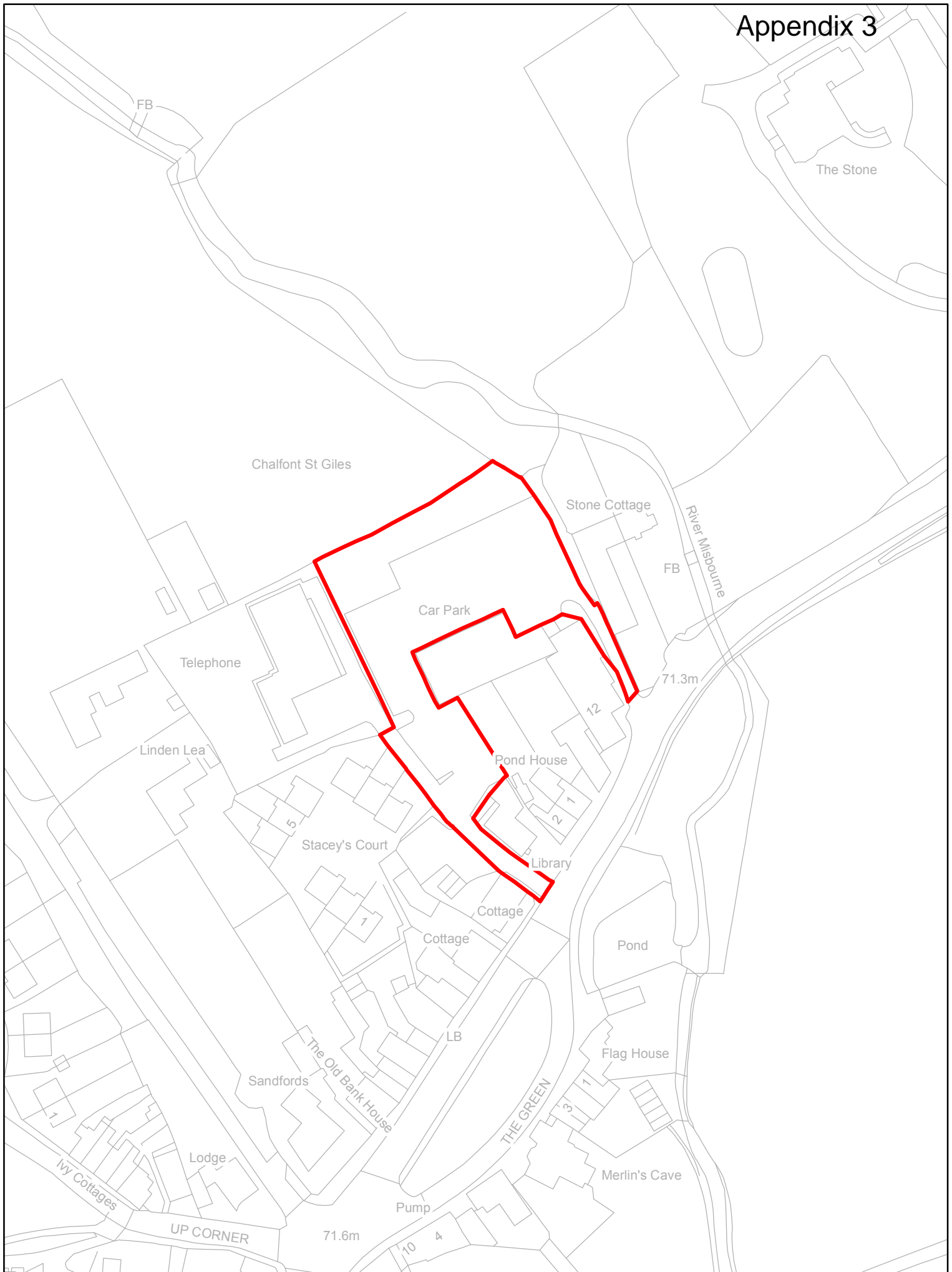
Site Name: Amersham Multi-storey Carpark, Amersham, HP6 5AP





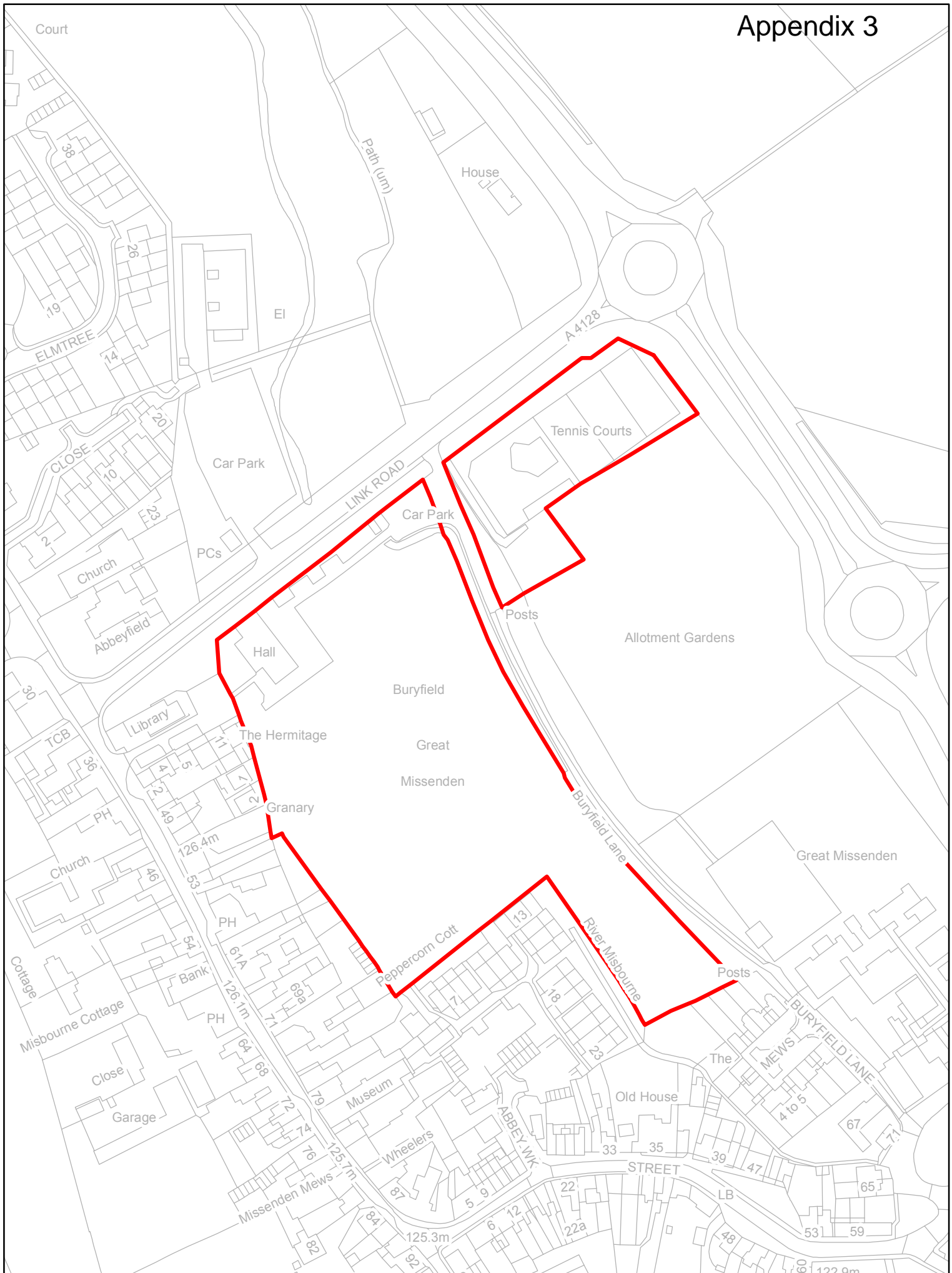
Site Name: Amersham Old Town Car Park, Amersham, HP7 0HL





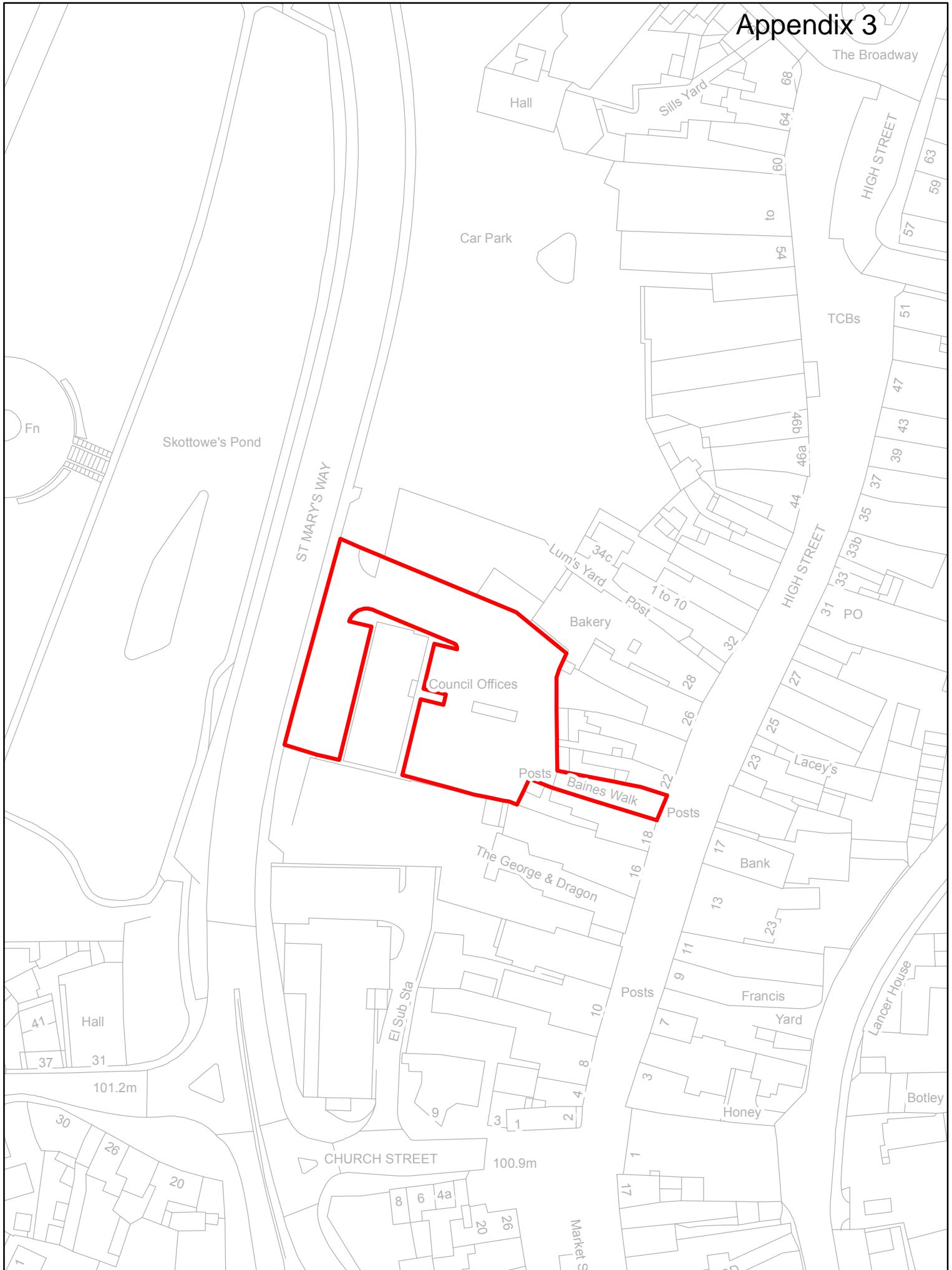
Site Name: Blizzards Yard Car Park, Chalfont St Giles, HP8 4QA





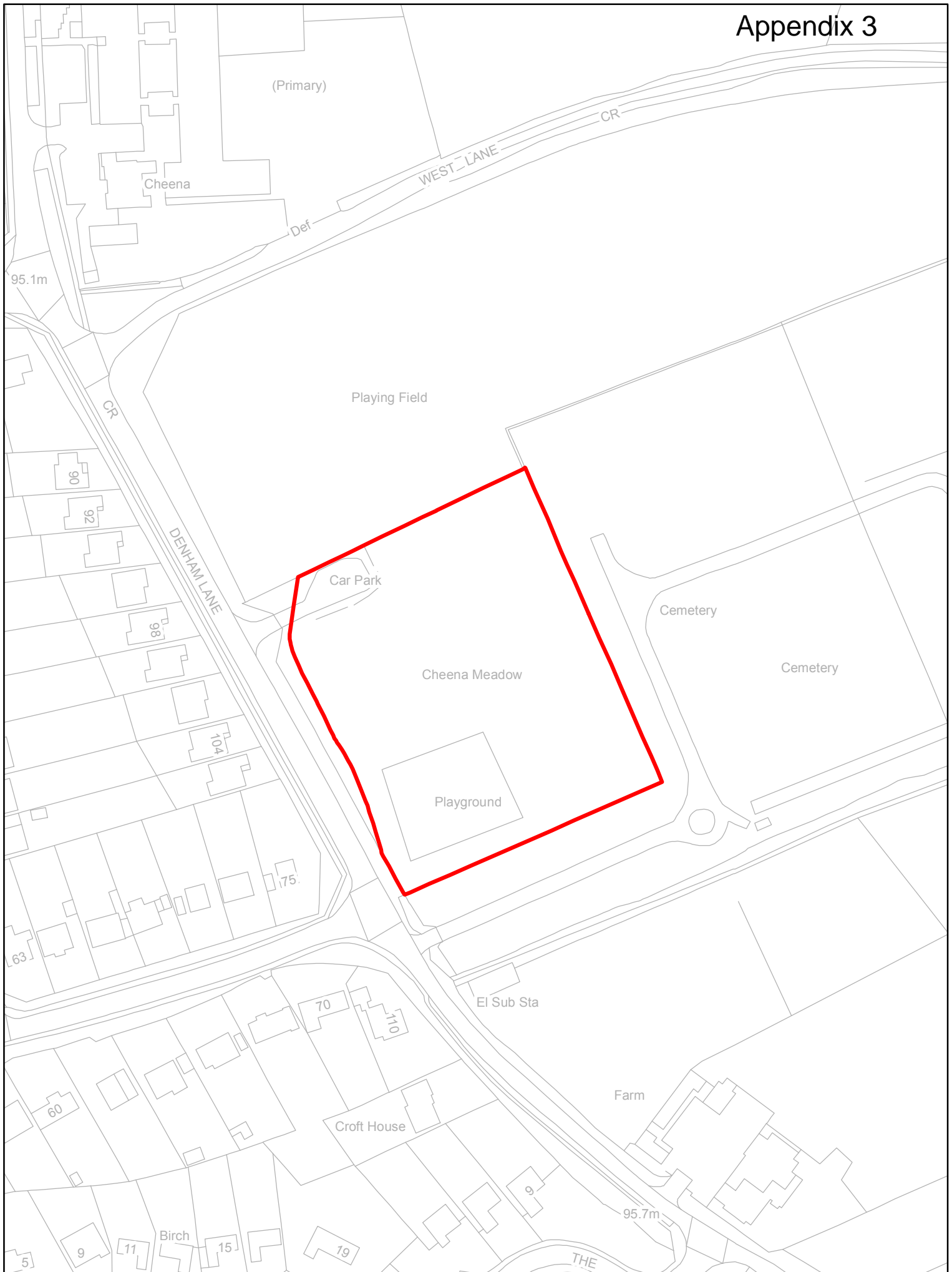
Site Name: Buryfield Car Park, Great Missenden, HP16 9AE





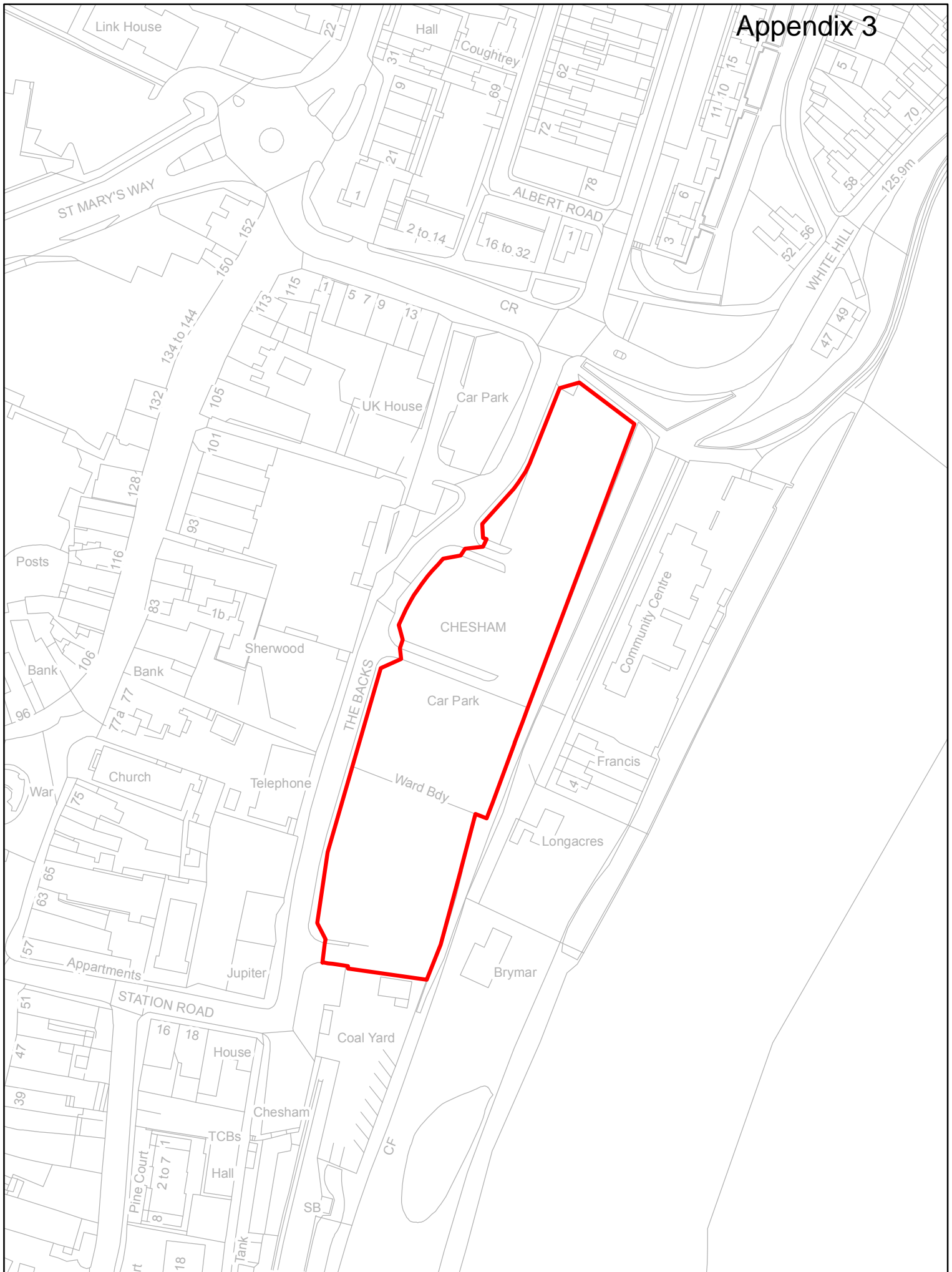
Site Name: Catlins Car Park, Chesam, HP5 1DS





Site Name: Cheena Meadow, Denham Lane, Chalfont St Peter, SL9 0QJ





Site Name: Chesham Station Car Park, Chesham, HP5 1DB







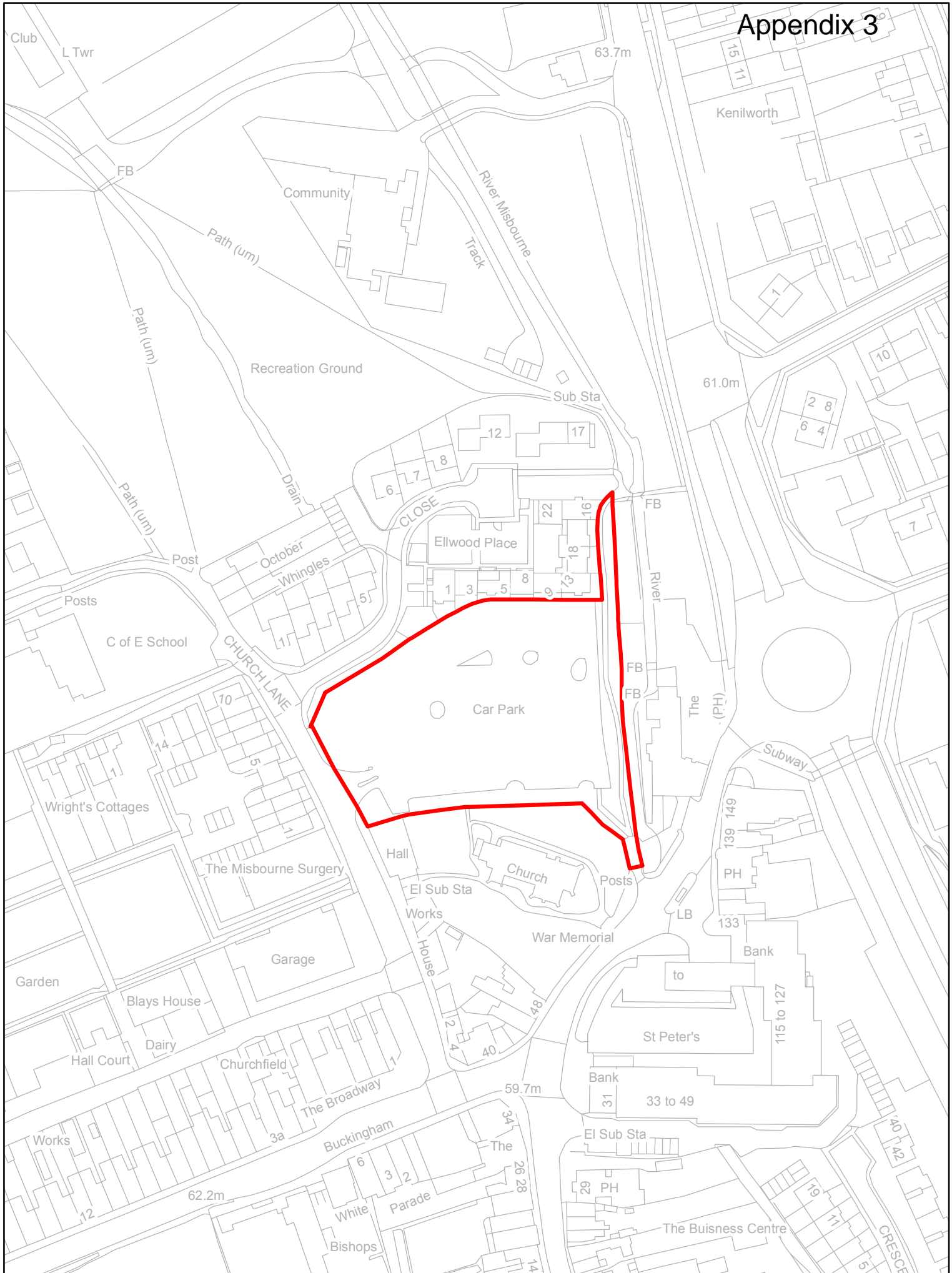
Site Name: Chiltern Avenue, Amersham, HP6 5AH





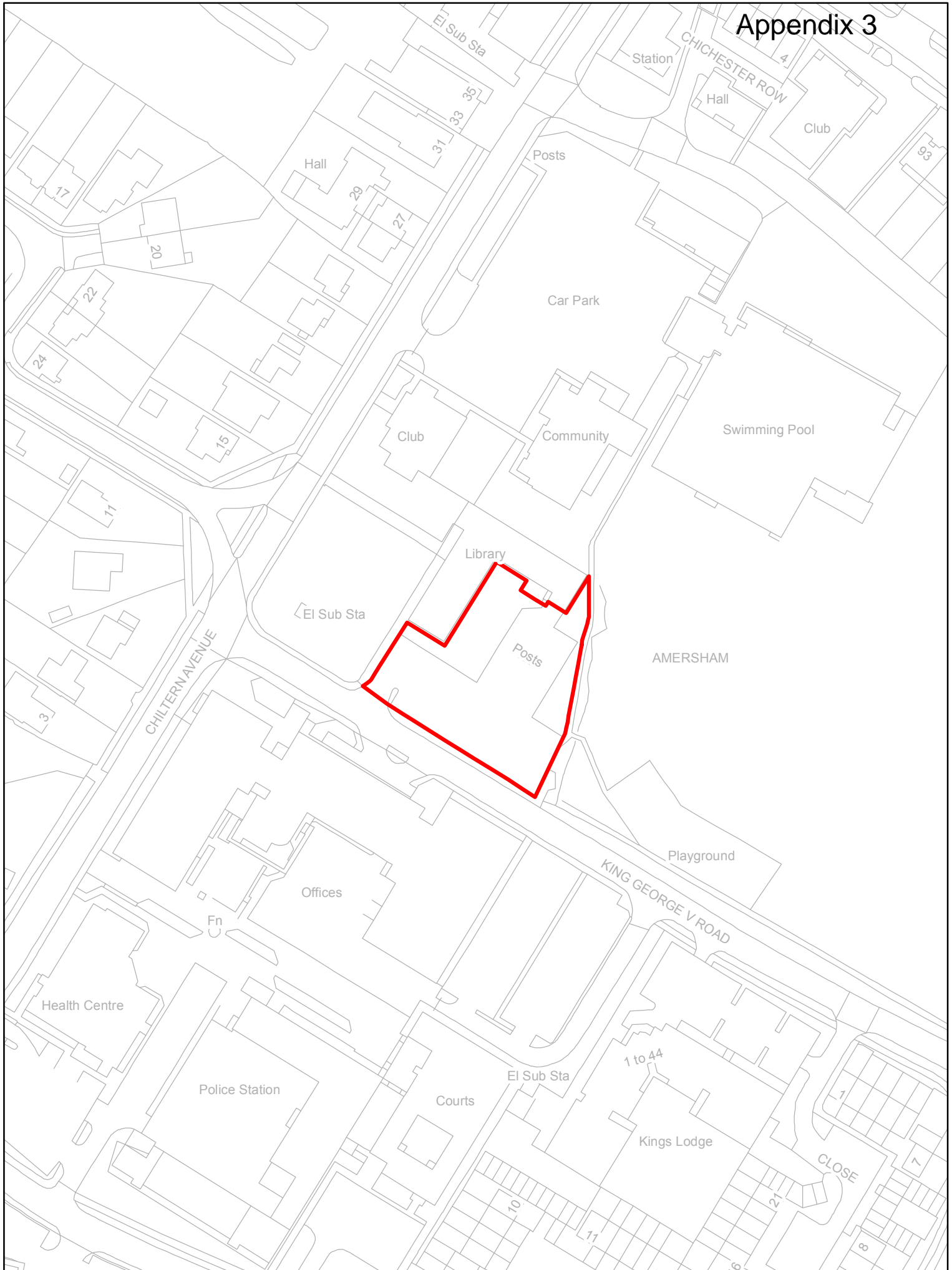
Site Name: Chiltern Pools, Amersham, HP6 5AH





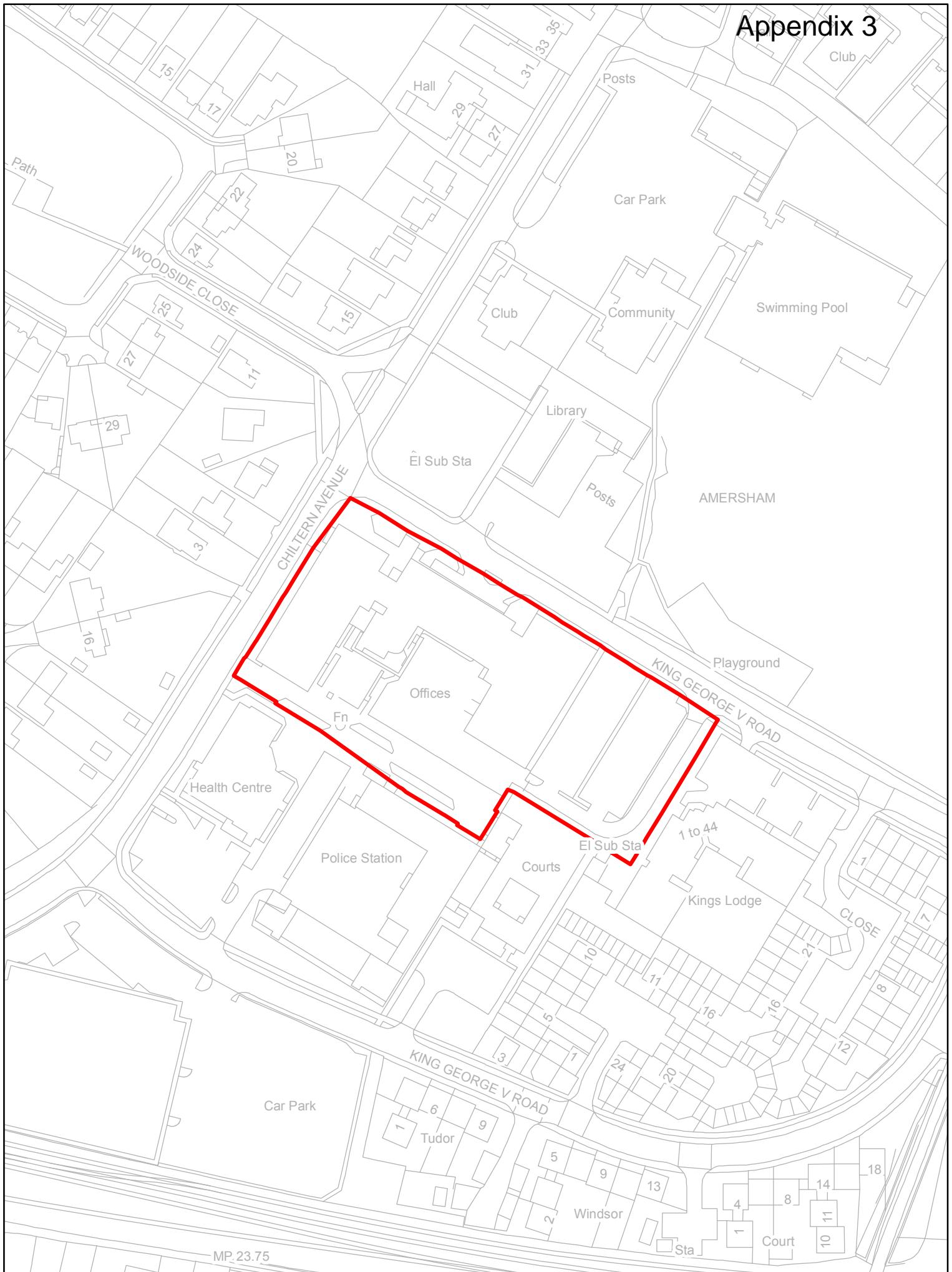
Site Name: Church Lane Car Park, Chalfont St Peter, SL9 9OS





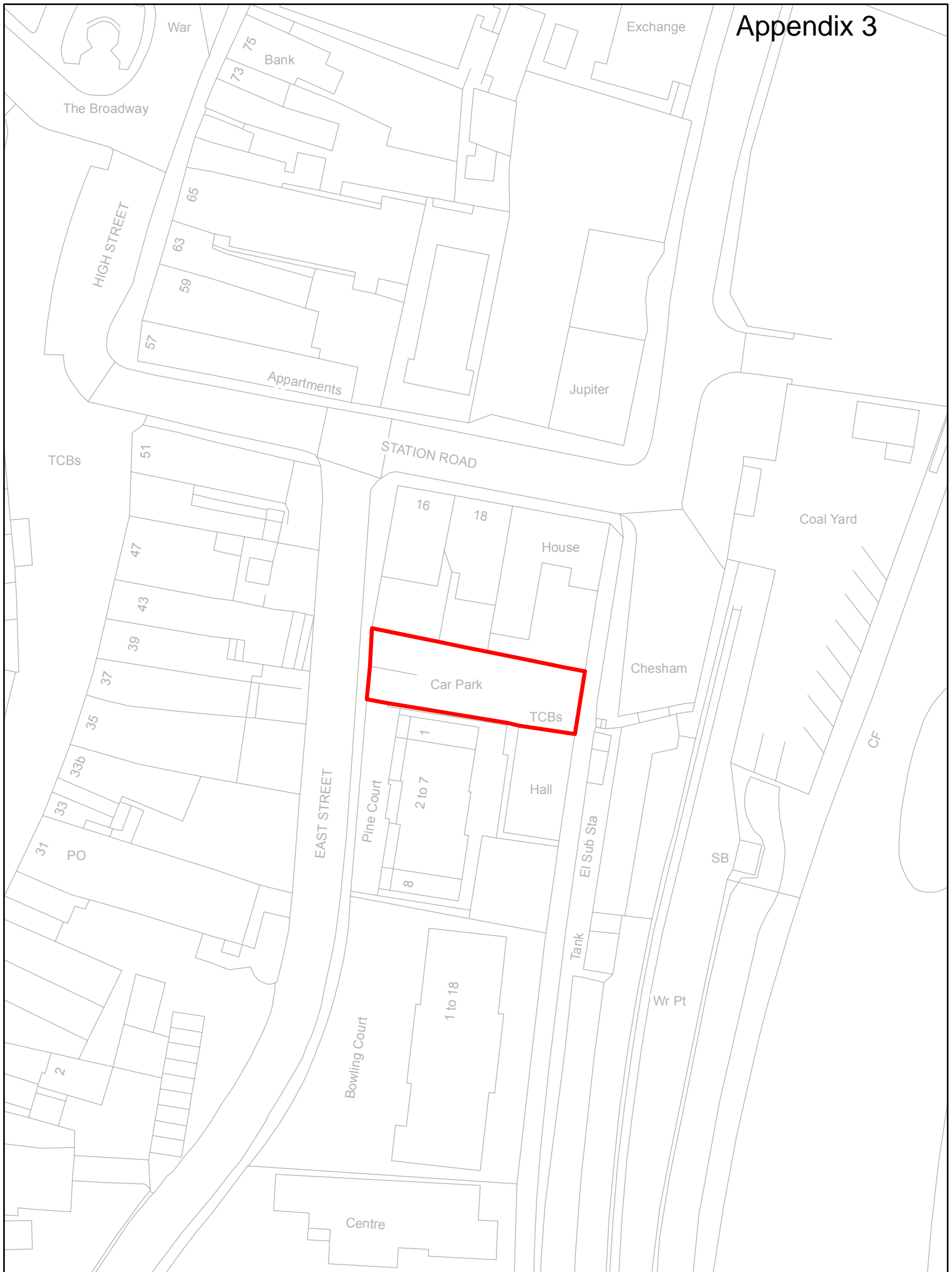
Site Name: Civic Centre, Amersham, HP6 5AW





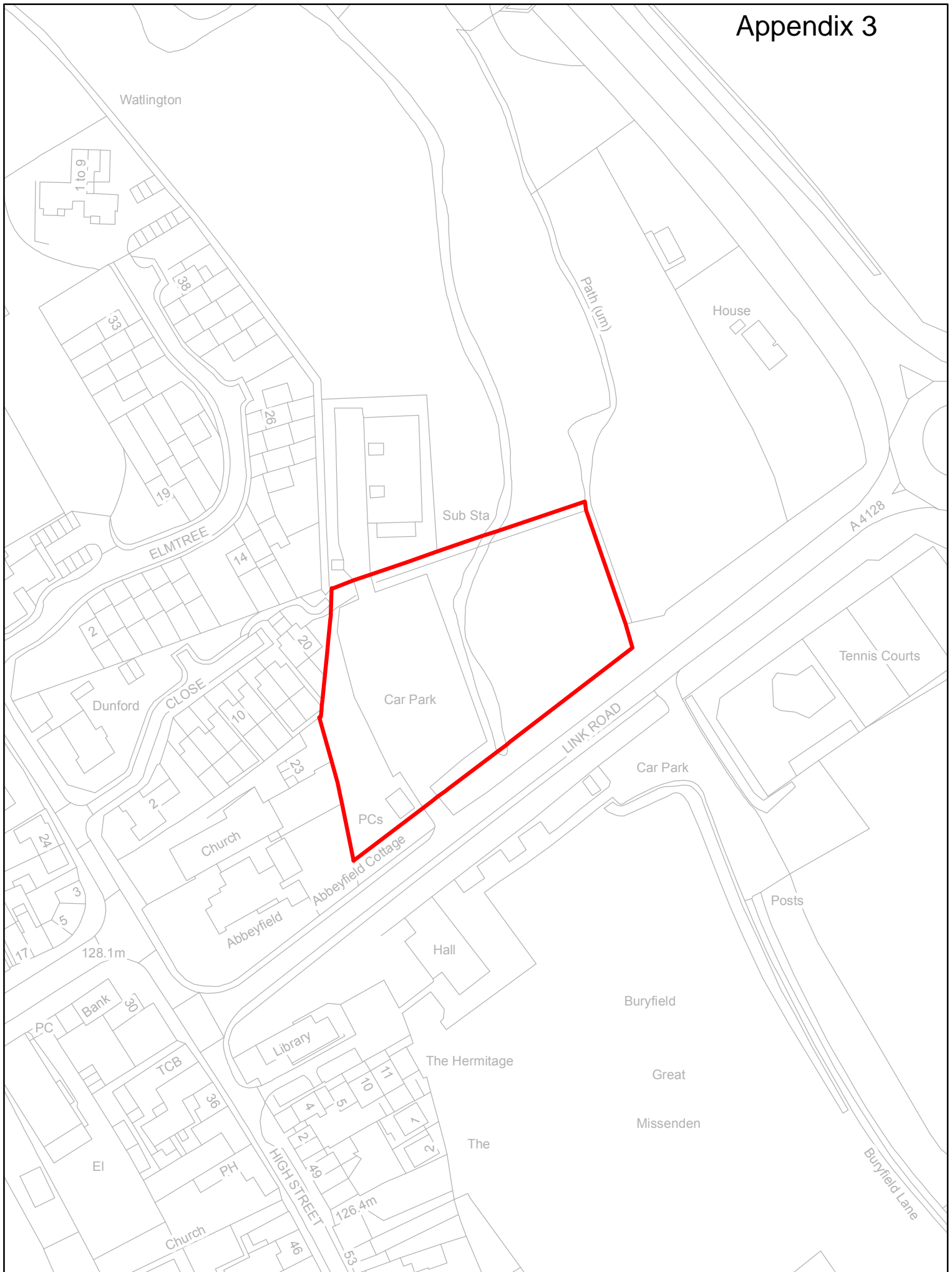
Site Name: Council Offices, Amersham, HP6 5AW





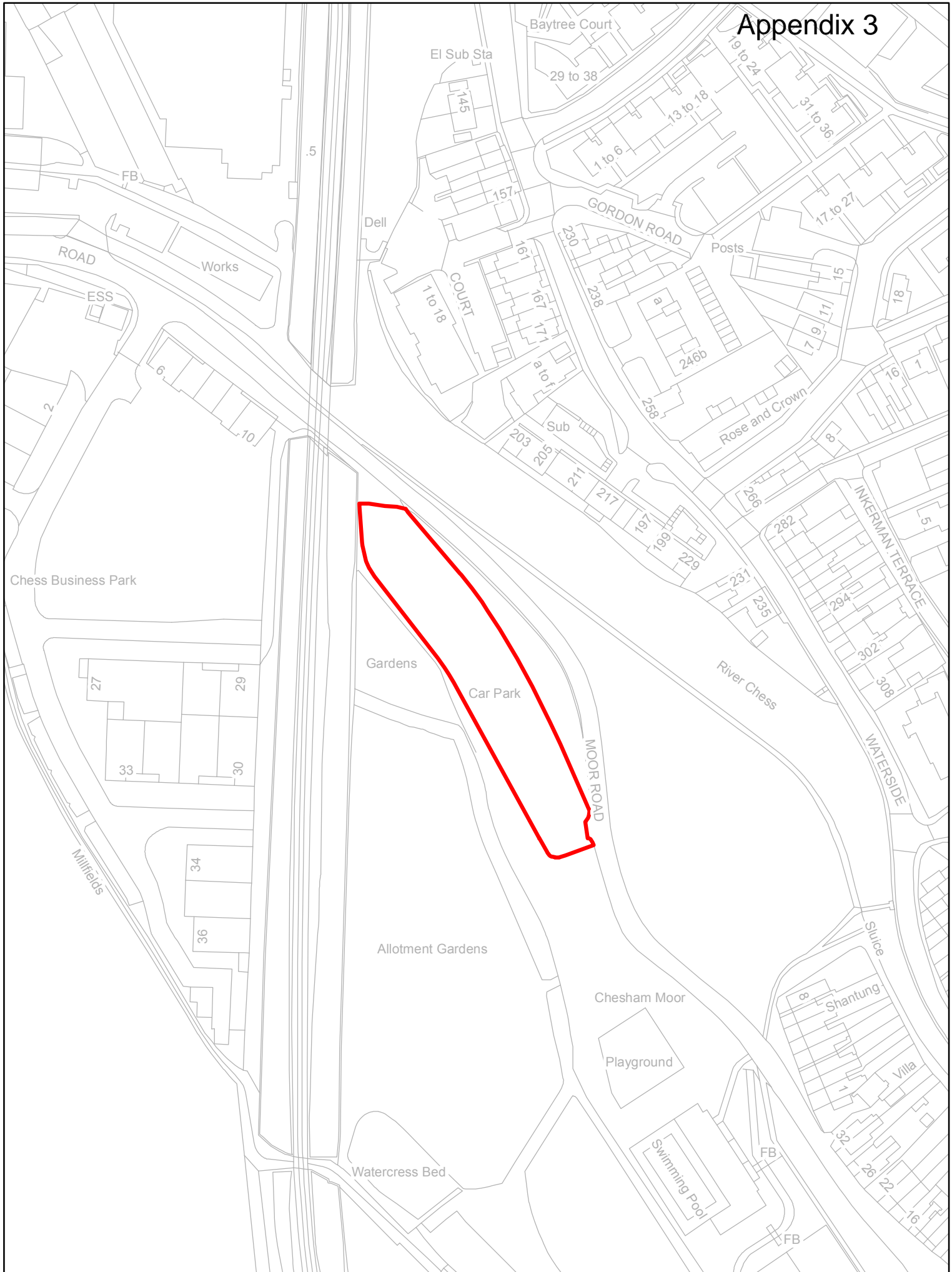
Site Name: East Street Car Park, Chesham, HP5 1DA





Site Name: Link Road, Great Missenden, HP16 9AE

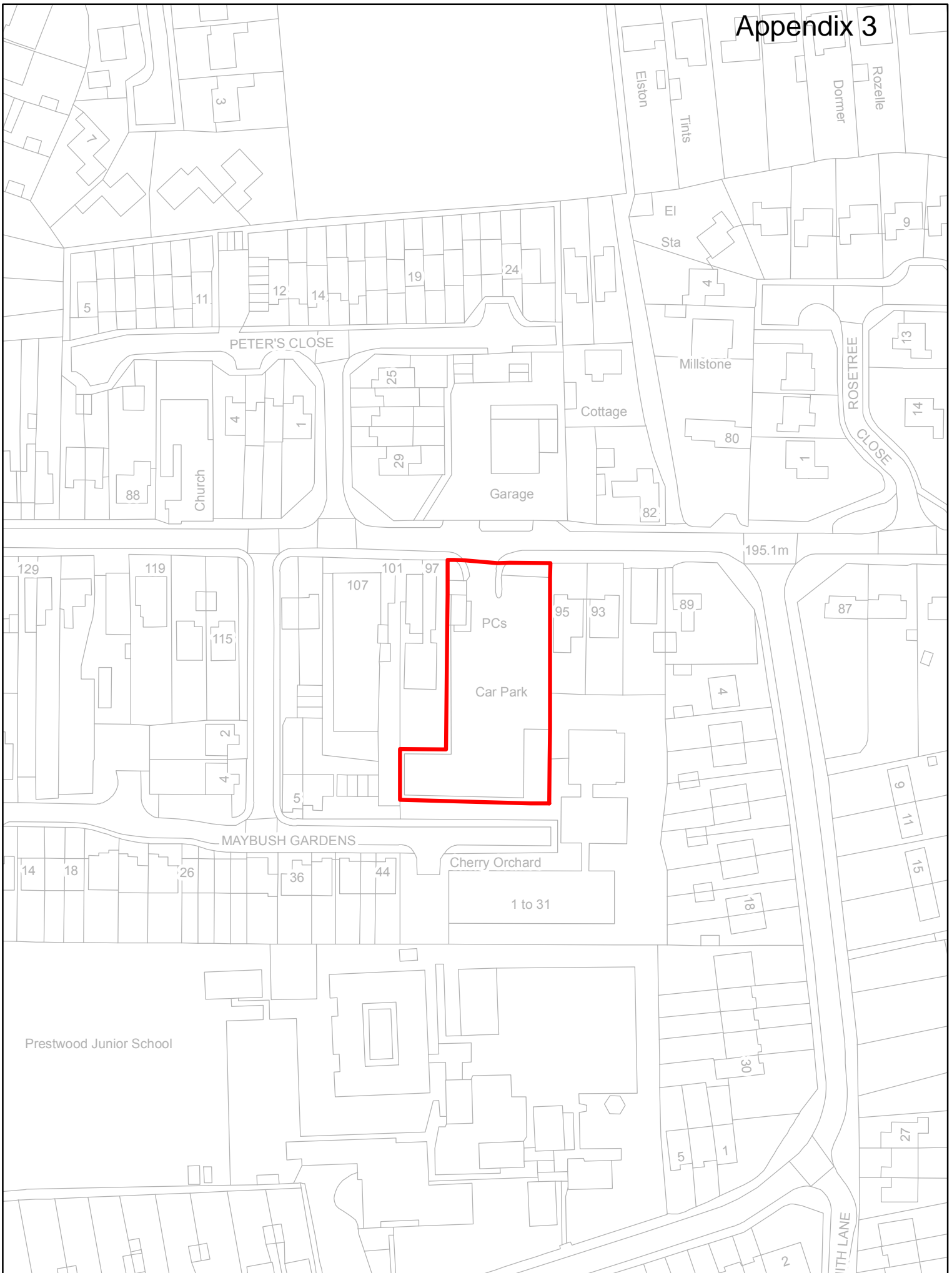




Site Name: Moor Road Car Park, Chesham, HP5 1SE

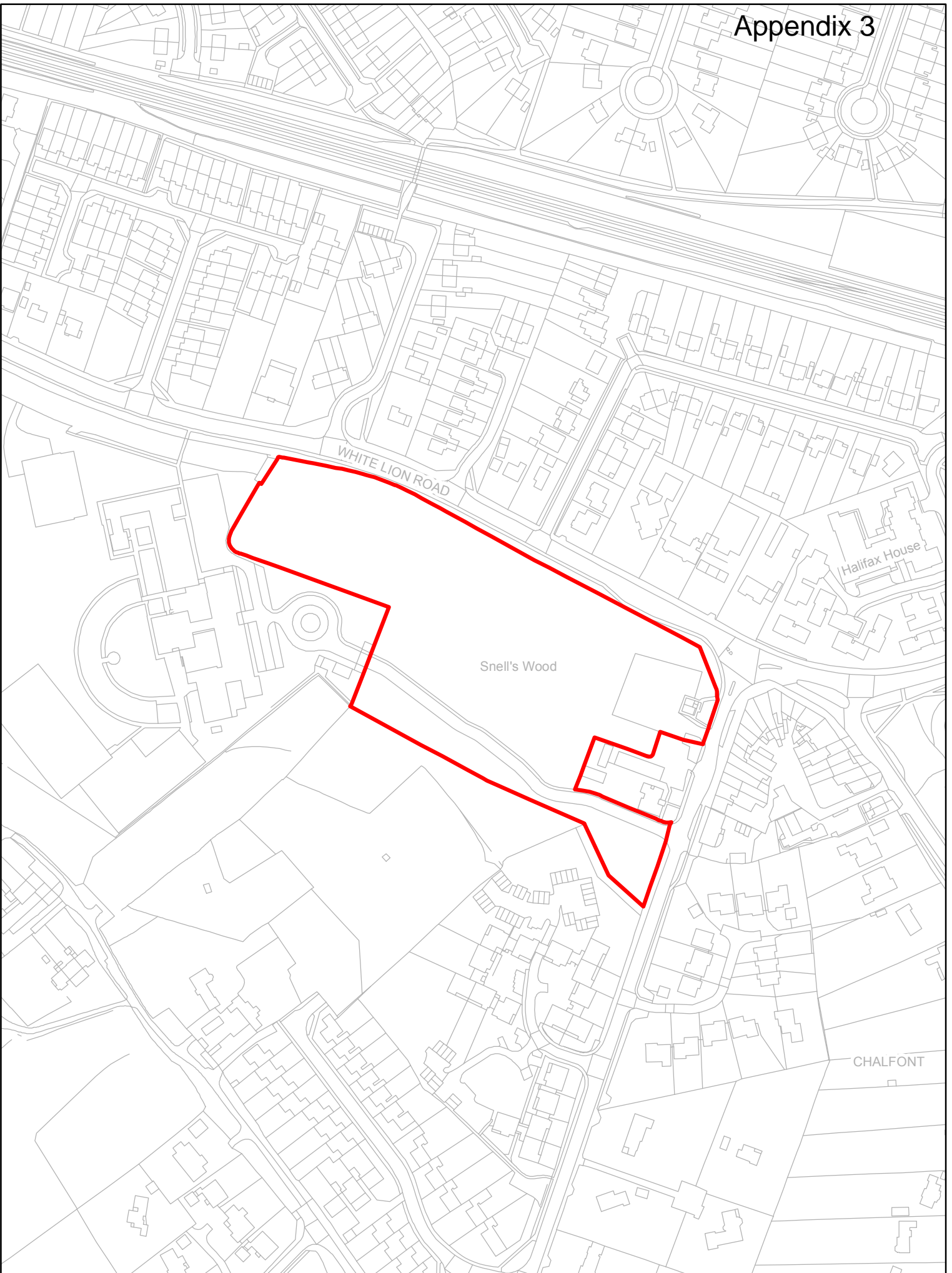






Site Name: Prestwood High Street Car Park, HP16 9ER





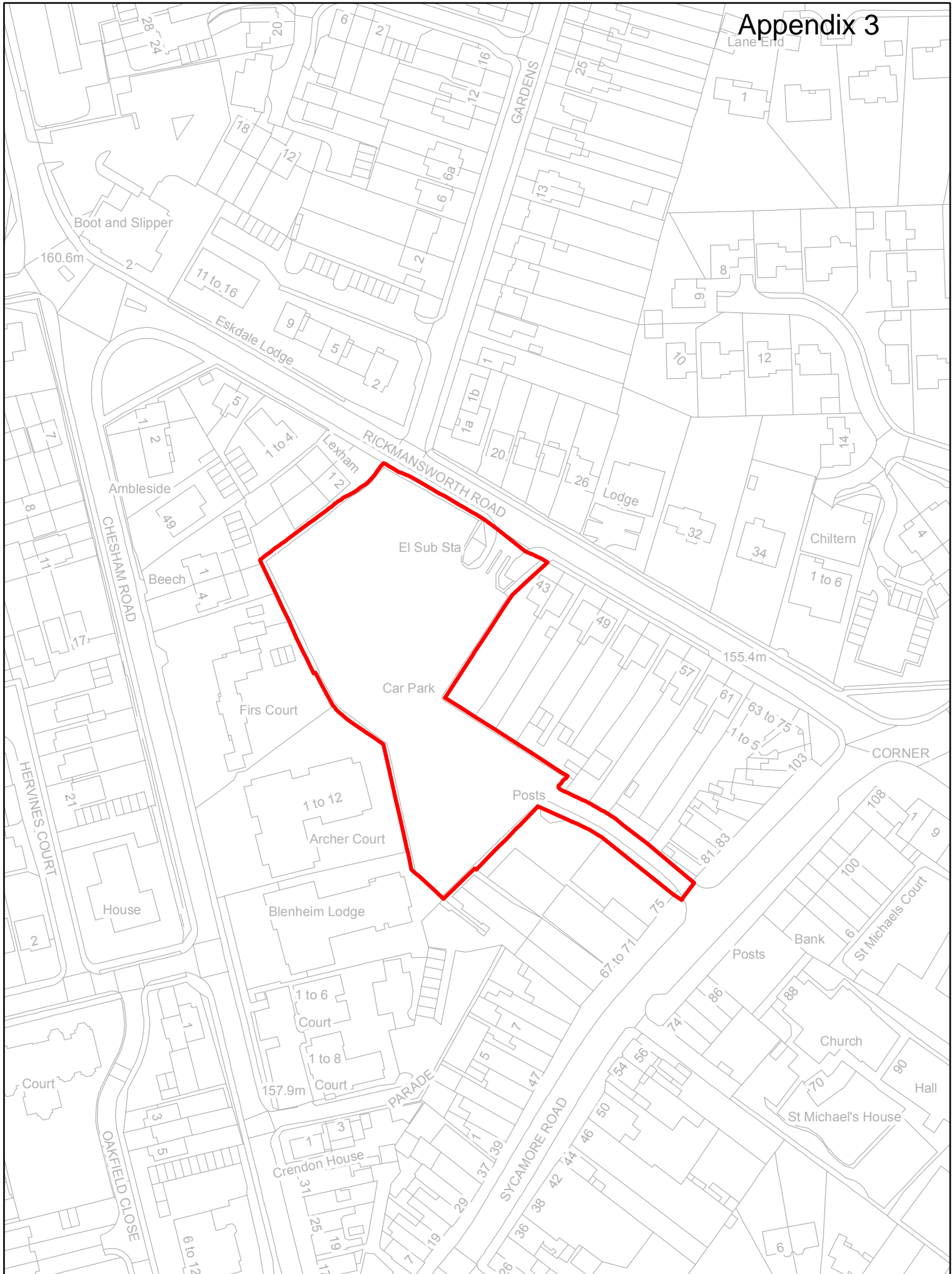
Site Name: Snells Wood, Little Chalfont, HP7 9QA





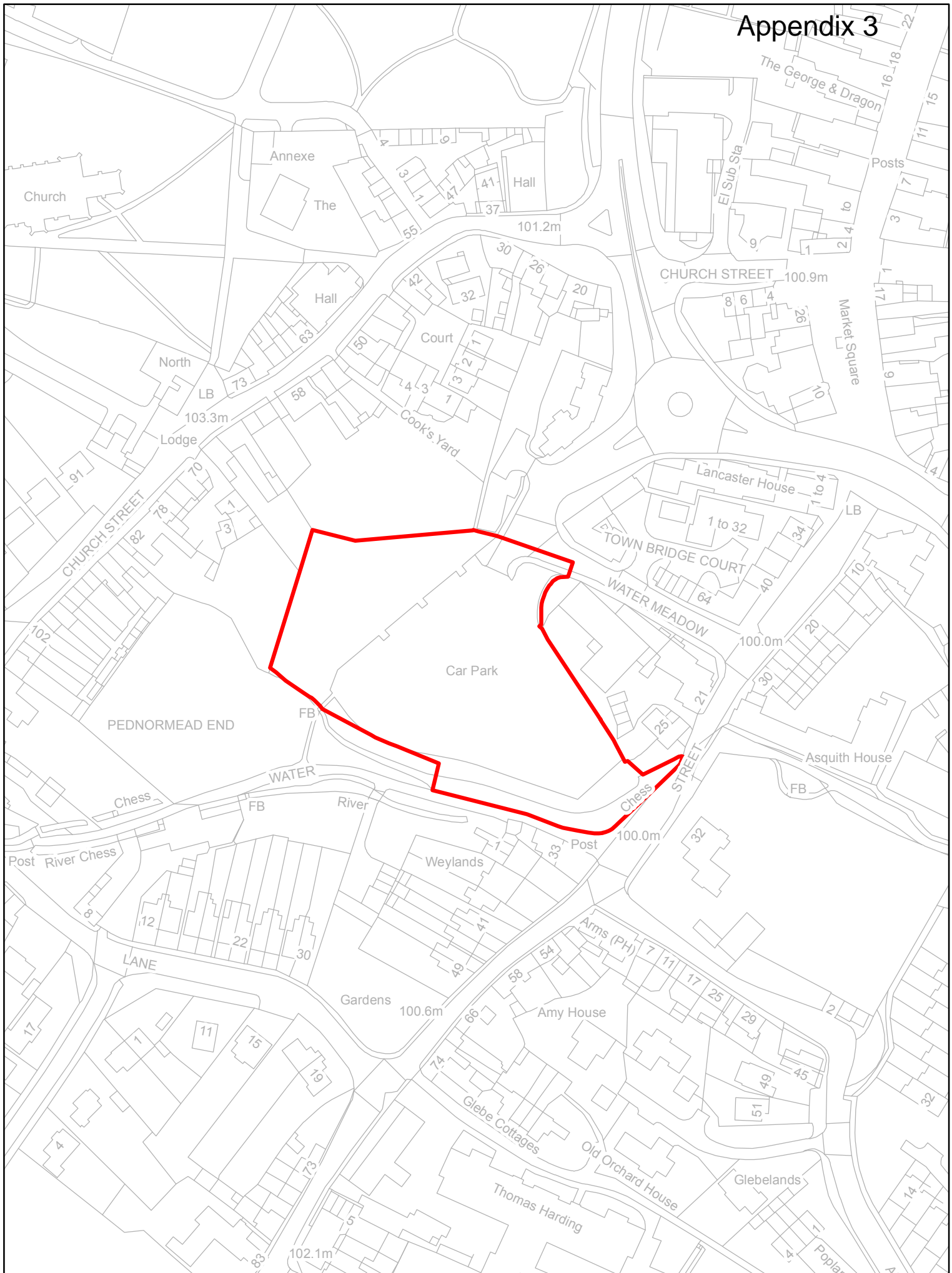
Site Name: Star Yard Car Park, Chessam, HP5 1DS





Site Name: Sycamore Road Car Park, Amersham, HP6 5EQ





Site Name: Watermeadow Car Park, Chesham, HP5 1LF





	Date	Content of Email	Type of User	Comments regarding the PSPO
1.	15/02/2018	<p>Dear Principal Environmental Health Officer,</p> <p>In response to the consultation launched by Chiltern District Council I would like to make the following comments.</p> <ul style="list-style-type: none"> <li>• I full support the introduction of a PSPO as proposed.</li> <li>• I trust that the council has the support of the police to ensure that the order will be enforced.</li> <li>• I am a regular user of the Amersham multi-storey car park and have seen clear evidence on multiple occasions of the anti-social behaviour that the order seeks to address.</li> </ul>	Carpark User	Positive
2.	15/02/18	<p>Would this just be for District Council owned car parks or are CDC considering rolling it out to Parish Council car parks as well? This extremely relevant to the car park at our Recreation Ground given the various incidents of noise nuisance, criminal damage and threatening behaviour that we have been encountering for the last year or more.</p> <p>Kind Regards Liz Bates Clerk to Seer Green Parish Council</p>	Parish Council	The PSPO could apply to other car parks so long as there is sufficient evidence and the incidents meet the test for the application of a PSPO

3.	18/02/2018	<p>Excellent idea to have greater control. We are heartily fed up with our local car park being used for some sort of race track in the evenings and overnight especially as a number of us make use of the wonderful gesture of subsidised parking to relieve congestion on street parking. Thank you in anticipation</p>	Resident - Chesham	Positive
4.	19/2/2018	<p>We understand that there is a consultation regarding a proposed Public Space Protection Order in the Chiltern area, including Chesham.  We would like to advise that we fully support this initiative and proposal.</p>	Resident - Chesham	Positive
5.	20/2/2018	<p>Dear Sir/Madam  I received a letter in my mail box yesterday regarding the above and am in complete agreement with this proposal. I live in extreme proximity to Chesham station car park and have suffered for many years from the anti-social behavior taking place in it, usually in the summer months. Would you please also consider adding playing ball games to the prohibited list? In the summer groups regularly play football in this car park very late into the night and often the early hours. This I am sure you can appreciate is very disruptive to one's sleep!</p>	Resident - Chesham	<p>Positive  Playing ball games in itself may not be considered anti-social but if groups gather or loiter with any other person(s) in a manner which is (or may reasonably be perceived as) intimidating or threatening to any other member of the public' then this is covered by the PSPO</p>
6.	20/2/2018	<p>Dear Sir/Madam  Further to the kind letter of the Conservative Councillors of the St. Mary's Ward (dated 18th February – subject Car Park Anti-Social Behaviour), I would like to extend <b>my full support to the consultation and proposal to introduce</b></p>	Resident - Chesham	Positive



	<p><b>PSPOs covering all the car parks within the Chiltern Area, including my own ward in Chesham.</b></p> <p>Having a historical property in Church Street, Chesham, in close proximity to the town centre (and car parks), I feel that the safety of not only my family but also my fellow citizens should have at no point have to come across or deal with individuals that are looking to cause a nuisance, harm to others or property.</p> <p>In addition, I feel that such consultative proposals do not extend far enough. Having only last week (on Tuesday (13th) at 11pm - during school half-term) I had to ring 101 and report to the police a major incident that occurred in Lowndes Park, Chesham, of which my historic property backs onto. There was over a hundred teenagers (from what I could see aged 14-20) in the park causing not only noise, damage to property and general nuisance but then quickly escalated into various fractious fighting. In addition to the above, the incident in question impacted me directly by my double garage door (accessed via Bury Lane) being kicked-in by these individuals. Outrageous! The poor response to this major incident from the various authorities? Two police cars (because one would assume there was limited numbers of police on duty) and an ambulance attending the scene. At one stage the ambulance crew were unable to access the park for their own safety. Ridiculously, the whole incident from start to finish was a whole hour before I (and others) started to report it and action was finally taken.</p> <p>Furthermore, the next day when driving through Amersham near the station, I noted that there were further fights occurring in Town Centre (in close proximity to the local council offices/police station!) by young individuals who clearly had the objective to cause yet more community safety issues and damage to property. I noted on this occasion police attendance.</p>		
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	<p>All of the above should be on record and validity can be provided, if required.</p> <p>From the above information, I would suggest that such proactive PSPO powers should extend to the various other public spaces in the area, such as parks and town centres, which are enjoyed by the whole community. I would also suggest that the CCTV throughout Amersham and Chesham are manned accordingly and linked to the police. When I challenged the police on "why was the incident (in Lowndes Park) not being automatically picked up on CCTV by the local authority or police"? The response from the 101 operator was that "we rely on the public to be vigilante and highlight such incidents because the CCTV cameras (all over the park and the area) do not have an operative reviewing them currently". <b>This is as far as I am concerned completely unacceptable.</b></p> <p>As a resident of Amersham and Chesham for over 30 years (who has been educated, worked and lived), I have never had such concerns over the community as I raise in this email, up until now. I feel legislative powers and resources should be in place to allow the local community to live in a respectful manner and law-abiding citizens be protected.</p> <p>Having noted that South Bucks and Chiltern District Councils are the second and third most expensive "Average Council Tax Bills in the UK" *, the necessary legislative, community strategy and financial resources should be in place. Should the response from associated authorities be "unfortunately we have little or no financial resources" this is again just not acceptable.</p> <p>*Source BBC News 8 February 2018 - <a href="http://www.bbc.co.uk/news/uk-england-42984368">http://www.bbc.co.uk/news/uk-england-42984368</a>.</p> <p>Having discussed this at length with other persons living in the community, I can confirm that this growing unhappy feeling extends further than my own thoughts.</p>		
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		<p>Unfortunately, and respectfully, with our local Member of Parliament who doesn't (as a matter of fact) live in this area it will be difficult for her to pick up on such everyday activities or feelings 'on the ground'. To mitigate this, I feel it necessary to bring such information to the attention of Mrs Cheryl Gillan and the appropriate Councillors by ccing them in on this correspondence and to hopefully bring about the necessary change I and the community at large are looking for.</p> <p>I look forward to hearing from you and the success of this PSPO campaign and additional ones to proactively protect the area for everyone.</p> <p>Kind regards</p>		
7.	21/02/18	<p>I am Police Community Support Officer XX based at Amersham Police Station.</p> <p>I am in support of the PSPO consultation due to the amount of incidents we have had involving Anti-Social Behaviour within the Amersham Car Parks.</p> <p>I and my colleagues have had to deal with a number of incidents involving youths and vehicles gathering in Public car parks, playing loud music, anti-social driving, harassing and being abusive to members of the public, leaving large quantities of litter including broken glass.</p>	Police	<p>Positive</p> <p>Note that littering is more appropriately enforced using other legislation.</p>
8.	21/02/18	<p>Dear Mr Snudden,</p> <p>I support your application for a PSPO,</p> <p>Yours sincerely</p>	Police and Crime Commissioner	Positive

		<p>Anthony Stansfeld  Police &amp; Crime Commissioner for Thames Valley                  The Farmhouse                  Force Headquarters                  Oxford Road                  Kidlington                  Oxford OX5 2NX                  Tel: 01865 846104   Internal: 700 6104</p>		
9.	23/02/2018	<p>I am a PCSO based at Amersham Police station, as part of my duties I patrol the multi storey car park, King George V Park and the library car park, Chiltern Avenue. Whilst on patrol we frequently encounter individuals parked up in both areas, littering, playing loud music, hanging around. Residents returning to their vehicles feel intimidated by these individuals. We are unable to move the individuals on as they aren't committing any offences (we are unable to prove they are the offenders who have left the litter as this is unwitnessed). If the PSPO was in place we would have the authority to move the individuals on.</p>	PCSO/Police	<p>Positive</p> <p>Note that littering is more appropriately enforced using other legislation.</p>
10.	24/02/2018	<p>I write to support the proposal to implement a Public Spaces Protection Order in and around Amersham. As a season ticket holder of the multi storey car park I regularly come across gangs of youths (and school kids) using the car park to congregate. I am sure many of them are doing little harm, however there is clearly drug use going on and the rubbish and mess they leave is disgraceful.</p> <p>At times I find it highly intimidating, particularly late at night when there are few other people around. If it were my wife using the car park I would be extremely concerned. It must be a frightening experience for the many women who use the car park and return late from work. Occasionally the groups will congregate around the exit and threaten cars as they leave the car park. Whilst there is a security guard who can occasionally be seen within the car park, most of the time the youths know where he is and simply avoid him. In the last 5 or 6</p>	Season Ticket Holder- Multi-storey carpark Amersham	Positive

		<p>months I have noticed more and more gangs of youths congregating in and around Amersham and near the station. There is one group in particular who carry a bit of menace about them which is particularly worrying. I understand that they are known to the police and have committed a couple of crimes (including a knife crime) recently. This PSPO is an important tool to assist the police. Without it Amersham is in danger of becoming an attractive place for local gangs to meet - not something that anyone wants.</p>		
11.	26/02/2018	<p>I am writing on behalf of Sustrans, to oppose introduction of the proposed PSPO, as we do not believe cycling (in general) to be an anti-social activity – indeed, we feel that cycling should be encouraged by the council.</p> <p>There are numerous reason why people need to cycle through car parks, for example:</p> <ul style="list-style-type: none"> <li>- To reach destinations which the car park serves</li> <li>- As part of a route to a more remote destination.</li> </ul> <p>Amersham Old Town Car Park is an example of this, where people on bikes need to reach the adjacent Tesco store, and where there is also a signed cycle route through the council car park and around the rear of Tesco, by agreement with the supermarket. Routes through car parks, such as this one, can offer a safe alternative to locally busy roads for people on bikes.</p> <p>We hope that the council reconsiders this aspect of the PSPO.</p>	Sustrans	Negative due to cycling aspect
12.	27/02/2018	<p>I support the PSPO especially in the Chesham area, Water meadow Car Park is a year round concern for residents and due to its geographical nature the noise</p>	Chesham PCSO	Positive

		<p>echos towards residents in Germain St.</p> <p>The vehicles and occupants park at the rear of the car park backing onto the residential properties.</p> <p>The noise, disturbance has a detrimental effect on the local community and in the summer is worse for sleeping.</p> <p>Station Car Park, Chesham during religious celebrations where youths stop rev engines and play music and football till the late hours.</p> <p>Reviewing the PSPO powers they would empower the police to deal with all the complaints of this nature.</p>		<p>Playing ball games in itself may not be considered anti-social but if groups gather or loiter with any other person(s) in a manner which is (or may reasonably be perceived as) intimidating or threatening to any other member of the public' then this is covered by the PSPO</p>
13.	27/02/2018	<p>Dear Councillors</p> <p>This proposal to introduce a PSPO is a great idea in principal and if it can be made to work, would a huge relief to some of our neighbours in Germain Street who are troubled and disturbed by antisocial behaviour in Watermeadow Car Park.</p> <p>My husband and I would very much support it.</p> <p>We wonder, however, how it would be policed. We know that when disturbances are reported to the police, they are often not able to respond quickly enough to take any action.</p>	Resident - Chesham	Positive
14.	28/02/2018	<p>To whom it does concern</p> <p>I am currently the acting Sergeant of Chesham Police Station who is partially responsible for the management of Chesham Neighbourhood Policing Team. I write to you with regards to the introduction of a PSPO covering anti-social behaviour in public car parks owned by Chiltern District Council and would like</p>	Police	Positive

	<p>to offer my support.</p> <p>The anti-social use of cars in and around the Chesham town's car parks is a prominent issue. This is boy-racer style behaviour and involves groups of vehicles gathering primarily in the Watermeadow car park. The neighbourhood team receive complaints around noise and displaying in the form of doughnuts/racing. Behaviour of this nature placing a high demand on the neighbourhood policing teams. The vast majority of calls/incidents take place in the late evening into the early hours.</p> <p>Not unsurprisingly, these drivers do not behave in this manner whilst police are present in the area. Police powers are limited in how we deal with those we find present. Should a PSPO be granted, if a call for service is received by a complainant, a simple presence at the location will become sufficient cause for police to require the persons to leave.</p> <p>I have documented below numerous incidents that have been reported in the last 2 year. The below incidents relate to water meadow carpark and have been kept brief. I can provide further detailed information if required.</p> <ul style="list-style-type: none"><li>• 1681 12/02/2016 – 3 vehicles doing doughnuts in the carpark – 2255hrs</li><li>• 1418 28/02/2016 – 3 cars making lots of noise and sounds of fireworks – 2300hrs</li><li>• 1468 17/03/2016 – Cars doing wheel spins in water meadow carpark – 2000hrs</li><li>• 121 22/05/2016 – Cars revving engines. One car has modified exhaust 0140hrs</li><li>• 1811 19/08/2016 – Cars and groups of persons playing music and letting off fireworks – 2300hrs</li><li>• 1629 19/10/2016 – Large gathering of cars tooting horns and playing</li></ul>		
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		<p>loud music – 2300hrs</p> <ul style="list-style-type: none"> <li>• 1732 27/10/2016 – Cars displaying in the carpark – 2300hrs</li> <li>• 1653 02/11/2016 – cars displaying in the carpark - 2330hrs</li> <li>• 1611 03/11/2016 – Cars displaying in the carpark – 2330hrs</li> <li>• 318 05/11/2016 – Youths in carpark keeping residents awake between 2230 and 2330hrs</li> <li>• 300 31/12/2016 – Two vehicles displaying in the carpark 0030-0200hrs</li> <li>• 670 31/12/2016 – Vehicles displaying in the carpark during early hours</li> <li>• 1565 20/01/2017 – Two vehicles displaying in the carpark – 2040hrs</li> <li>• 1786 20/01/2017 – Vehicle racing around the carpark – 2330hrs</li> <li>• 95 22/01/2017 – Youths in carpark causing a nuisance 0115hrs</li> <li>• 73 05/02/2017 – Suspicious vehicles playing loud music 0050hrs</li> <li>• 1563 05/02/2017 – Youths playing football in the carpark 2300hrs</li> <li>• 138 16/04/2017 – Loud vehicles racing in the carpark (police controller could hear them) – 0145hrs</li> <li>• 1721 19/04/2017 – Vehicles displaying in the carpark – 2340hrs</li> <li>• 137 11/06/2017 – Three vehicles in carpark displaying – 0115hrs</li> <li>• 99 17/06/2017 – Group of persons shouting, vehicles displaying including motorcycles – 0100hrs</li> <li>• 1894 26/06/2017 – Group shouting and swearing whilst revving their engines 2300hrs</li> <li>• 1783 29/06/2017 – Group with loud cars and motorcycles causing damage to recycling bins – 2325hrs</li> <li>• 1824 06/07/2017 – Group of youths displaying and sitting on car roofs – 2150hrs</li> <li>• 1952 12/07/2017 – 10 persons revving engines and causing noise disturbance 2315hrs</li> <li>• 1208 15/07/2017 – Number of vehicles revving engines and displaying - 0030hrs</li> <li>• 1782 20/07/2017 – Number of vehicles displaying and making noise –</li> </ul>		
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		<p>2315hrs</p> <ul style="list-style-type: none"> <li>• 1559 10/08/2017 – Loud noise in the carpark. Group of youths making noise and generally loitering – 2150hrs</li> <li>• 1341 – 11/08/2017 – Group of travellers moved onto the carpark</li> <li>• 198 09/09/2017 – group of youths revving engines and making noise – 0330hrs</li> <li>• 1879 13/10/2017 – Car backfiring and persons shouting at each other – 2355hrs</li> <li>• 1250 13/01/2018 – Group of youths playing football in the carpark - 2000hrs.</li> <li>• 120 21/01/2018 – Reports of bass music coming from the carpark for 30 minutes – 0140hrs</li> <li>• 81 24/02/18 – Group, shouting/laughing and general noise - 0120hrs</li> </ul> <p>Please do not hesitate to contact me or a member of the Chesham neighbourhood team if you require any further information.</p>		
15.	03/03/2018	<p>Many thanks for your correspondence.</p> <p>I have reviewed your information and would like to propose the car park underneath Media House, The Backs. This car park is subject to large volumes of vehicular nuisance noise 24 hours a day. Not only cars, or delivery scooters, but also waste lorries and delivery vans at unearthly hours in the night. I appreciate vehicle reversing announcements are in place for health and safety, however this is extremely inconvenient when it is outside your bedroom window at &lt;6.30am in the morning. I would appreciate if the pick up location for the waste belonging to the row of shops could be either moved to a non-residential area, or the time is after 8am on a week day.</p> <p>This same car park is also subject to the behaviour listed by yourselves; revving</p>	Resident - Chesham	<p>Positive</p> <p>The Act and Home Office statutory guidance set out the types of land which can be subject to a PSPO, or where additional considerations or requirements apply (eg when undertaking the consultation process). The activity restricted by an Order must be carried out in a public place, which is defined in the legislation as 'any</p>

		<p>of engine, music, loud noise, racing, loitering etc. I am aware there have been a number of call outs from residents to the police.</p> <p>I am aware that this may be private property, and if that is the case I am hopeful you have an alternative resolution for this land?</p>		<p>place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission’.</p> <p>For addressing behaviour on privately-owned open spaces, other approaches may be more effective and appropriate. Private landowners are responsible for behaviours which occur upon their land and where landowners can be identified and traced, councils should work with them to address problem behaviour. Where landowners do not engage, councils may utilise other tools and powers available to them, such as Community Protection Notices or Civil Injunctions.</p>
16.	03/03/2018	<p>I have worked as the PCSO on the Neighbourhood Team in the Great Missenden area since December 2006.</p> <p>Over the course of that time I have needed to attend the Buryfields &amp; Link Rd car parks &amp; the Train Station &amp; the CO-OP car park in Prestwood to deal with young drivers acting in a anti – social manner. The drivers met up at these</p>	Police	Positive

		<p>locations most evenings (especially Fridays &amp; the weekends). We receive numerous calls from the local community &amp; despite dealing with offenders &amp; moving them on we find that they are quickly replaced by new drivers coming to the area. Patrolling these areas takes up a lot of time &amp; takes the team away from dealing with other issues i.e. burglary patrols.</p> <p>They also use the Link Rd roundabouts on the A413 (Gt Missenden) to do drifting in their vehicles</p> <p>The behaviour includes – wheel spinning / loud music / drug taking / littering / anti Social driving /Drifting</p>		
17.	07/03/18	<p>Please find enclosed comments from the Rights of Way team. As you'll see, we only have comments on one bullet point and would hope the word 'cycling' (highlighted yellow below) can be removed and replaced with a description of the offences the district council wishes to ban, rather cycling itself, which is largely an innocent activity which should be encouraged</p> <p>Thanks Ian, grateful for you coming back.</p> <p>Perhaps a re-wording could say something like this...</p> <ul style="list-style-type: none"> <li>• Use any part of the Restricted Area for skating (whether using in-line or roller skates), skateboarding, <b>or cycling in an intimidating / threatening manner that causes distress or anxiety to other users of the car park</b></li> </ul>	Bucks CC – Rights of Way	PSPO amended to reflect concerns
18.	09/03/2018	<p>Attached plan indicates the common extent alongside Moor Road.</p> <p>As you know, the public enjoy open access on common land 24/7, for open air</p>	Bucks CC – Rights of Way	PSPO amended to reflect concerns

	<p>recreation, including picnics, flying kites, walking, bird watching, climbing, sight-seeing, etc., so the only issue I foresee where the PSPO conflicts with this is:</p> <ul style="list-style-type: none"><li>• Gather or loiter with any other person(s) without reasonable excuse</li></ul> <p>Again, similar to the cycling element, you could perhaps clarify by the following...</p> <ul style="list-style-type: none"><li>• Gather or loiter with any other person(s) <b>in a manner which is intimidating or threatening to other members of the public</b></li></ul> <p>For info., the CROW Act 2000 outlines a long list of things people can't do on open access...</p> <ul style="list-style-type: none"><li>• ride a horse or bicycle</li><li>• drive a vehicle (unless it is an invalid carriage)</li><li>• bring an animal, other than a dog</li><li>• camp</li><li>• play organised games</li><li>• hang-glide or paraglide</li><li>• use a metal detector</li><li>• run commercial activities on the land such as:<ul style="list-style-type: none"><li>• trade or sell</li><li>• charge other visitors for things they do on your land</li><li>• film, photograph or make maps</li></ul></li><li>• remove, damage, or destroy any plant, shrub, tree or root with intent</li><li>• light, cause or risk a fire</li><li>• damage hedges, fences, walls, crops or anything else on the land</li></ul>		
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		<ul style="list-style-type: none"> <li>• leave gates open, that are not propped or fastened open</li> <li>• leave litter</li> <li>• disturb livestock, wildlife or habitats with intent</li> <li>• post any notices</li> <li>• commit any criminal offence</li> </ul> <p>I should also point out, if there are proposals to surface or fence on the common Sec State permission under Section 38 Commons Act 2006 should be sought, in this case through the Planning Inspectorate. I realise this isn't the case here, but it might be worth noting on file if the car park needs re-surfacing in future.</p>		
19.	13/03/18	<p>Anyone wishing to construct restricted works on common land should apply to the Planning Inspectorate for consent under section 38 of the Commons Act 2006.</p> <p>There is no need to consult the Planning Inspectorate about proposals to control behaviour on common land unless that control is by means of physically impeding or preventing public access. None of the controls you have listed appear to involve physical works so you do not need to consult us again about them.</p>	Planning Inspectorate	Neutral
20.	21/03/18	<p>This looks really good and my question is a long shot but is there any scope to include private car parks in this? I only ask as our car park at White Hill Chesham (which is managed by a private company) is being used by youths to gather, loiter, do drugs, leave their paraphernalia and generally cause a nuisance.</p> <p>If not applicable to this application is a PSPO something we can ask the</p>	Paradigm Housing	The Act and Home Office statutory guidance set out the types of land which can be subject to a PSPO, or where additional considerations or requirements apply (eg when undertaking the consultation

		management company consider independently?		<p>process). The activity restricted by an Order must be carried out in a public place, which is defined in the legislation as 'any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission'.</p> <p>For addressing behaviour on privately-owned open spaces, other approaches may be more effective and appropriate. Private landowners are responsible for behaviours which occur upon their land and where landowners can be identified and traced, councils should work with them to address problem behaviour. Where landowners do not engage, councils may utilise other tools and powers available to them, such as Community Protection Notices or Civil Injunctions.</p>
21.	22/03/2018	I'm sorry but if they had a place to go and socialize with each other then I don't think they would be say in a car park, I see your point and a few others but the	Resident	Negative

		also need somewhere to go. People say go to their houses but a friend groups would not fit in a house so of you make a place where they can go they would be out your hair and not annoying anyone. Also they are teenahers so if you fine them £1000 they would not be able to pay it.		
22.	22/03/2018	<p>I have read the proposed order and would like to comment on the wording used.</p> <p>With ref to 3.2 re gathering and loitering without a reasonable excuse, if this could be expanded in some way as the youths that gather in their cars do so after approx. 1700hrs. They don't buy a ticket to park as I believe it is free after 1800hrs ( I think). Could the clause include terms that it is necessary to purchase a ticket. I would assume the idea of the car park is to park, pay and leave the car to use transport, shop, eat etc. The youths don't come under this category and therefore are not entering into a contract to park lawfully.</p> <p>Just preventing them bending the rules that they think they can park, if that makes sense.</p> <p>Also have you covered littering?</p> <p>Otherwise it looks good.</p>	Police	<p>Positive with some comments</p> <p>The act of not purchasing a ticket could not be included as this is covered by the car park regulations.</p> <p>Littering would be more effectively enforced using other legislation</p>
23.	23/03/2018	<p>I have reviewed the Public Spaces Protection Order Consultation regarding car parks on the Chiltern District Council website and I am in agreement with and support the proposal in full.</p> <p>I have worked on the Chiltern area as a Police Constable for almost 8 years as both a Response and now as a Neighbourhood officer. During this time the car parks mentioned have been a regular issue regarding Anti-Social Behaviour.</p>	Police	Positive

		<p>Since I have been a Neighbourhood Officer I have noticed a steady increase in Anti-Social Behaviour and this appears to have increased significantly over the last few months in certain areas.</p> <p>Therefore I believe the PSPO would be of great benefit to the Police in dealing with the Anti-Social Behaviour issues in the area and this will subsequently be a benefit to the public.</p>		
24.	25/03/2018	<p>Hello, as a resident of Germain Street in Chesham I very much support the proposed introduction of a PSPO covering anti-social behaviour in car parks under Chiltern DC jurisdiction. Watermeadow car park is a regular point of congregation for groups who cause considerable and aggressive nuisance by shouting, racing their cars and revving their engines throughout the evening and into the night. In the mornings the car park is often strewn with discarded rubbish. The problems seem to have escalated again recently, and the past two weeks or so have been particularly distressing with sustained noise over several hours. As we approach summer, I anticipate that we will also suffer from the football games that for a number of years now have gone on throughout the night, often until past 4am.</p> <p>I pay for an annual permit to park in Watermeadow. I highly value this facility but it is marred by the fact that I feel threatened if I return alone to the car park in the evening when there are large groups massed there, car lights on and engines running.</p> <p>Thank you for the opportunity to comment during the consultation period, and I sincerely hope that the order will be introduced.</p>	Resident - Chesham	Positive
25.	25/3/2018	<p>Please go ahead with the proposed Order to prevent anti-social behaviour in the above Car Park. I am absolutely fed up with all the noise of racing cars,</p>	Resident - Chesham	Positive



		back-firing, screeching of brakes, loud thumping music from cars parked on the other side of the hedge along the perimeter of Water Meadow – need I go on. It has been an absolute nuisance for a long time and I would dearly love it to be stopped. Thank you so much for any help with this problem.		
26.	25/03/2018	Have had to call 101 twice in past week; cars racing around the carpark, mid evening and past midnight. Residents have cars parked there and pedestrians walk through. Does the CCTV work and is it monitored? Your prohibition order needs enforcing as does speeding along Germain St and up Fullers Hill.	Resident – Chesham – same respondent as 3.	Positive
27.	25/03/2018	<u>Watermeadow Carpark:</u> I moved into Chesham in Oct 2016 and almost from the week we arrived we have been disturbed by a group of youths, mainly young men, using the Watermeadow carpark. I have approached them on a number of occasions and asked them politely to leave (I have never raised my voice) so I know that there are normally approximately 4 or 5 cars mainly driven by young men but sometimes there are girls present. I have complained to the local neighbourhood watch group.  In 19 years in Harrow, Middlesex, we never experienced this kind of behaviour or anything close to it, so coming to what I thought was a more leafier location has been quite a shock. My daughter initially was very frightened but has come to terms with this nuisance and I have considered moving from here because I believe it to be unacceptable. I am extremely concerned as my daughter is about to do her GCSE's and if nothing is done I'll just have to cross my fingers that this doesn't impact her study.  I've tended to go out to them when the noise has been considerable later than 11.30pm both at weekends and during the week; Tuesdays appears to be a	Resident - Chesham	Positive

	<p>favourite evening during the week. The penultimate incident was on Saturday 17th March 2018 at 12.30am (after midnight) when the noise was again considerable as they were doing 'doughnuts' in the snow. At this time I did call the police. There was a further disturbance on Tuesday 20th March.</p> <p>I have a wonderful group of neighbours and a lovely neighbourhood (despite the carpark noise). 25 of my neighbours came to my house for the 1st time in early 2017 for a house warming and many noted how quiet my home was despite it's proximity to the road; we are clsoe to the intersection of King Street and Germain Street but luckily we are double-glazed. So, the fact that we hear very easily the noise from the carpark when it occurs is an indication of the the noise level</p> <p><u>Speeding:</u> As we are at the intersection of King Street and Germain St we can see and hear the vehicles that use this part of Old Chesham. Whilst most road users are reasonable and considerate (I know after 19 years in Harrow!) there are a number of cars who race through Germain St and rev their engines considerably as they turn out of King St into Germain St in both directions and vice versa.</p> <p>Although I have only been here 17 months I have already seen 2 accidents at the intersection of King Street and Germain St which, by my reckoning, is too many, considering the width of both roads at this intersection.</p> <p>Also, I sometimes work from home and I see the children trying to cross the road on their way to the local school, the Thomas Harding Junior School, and I'm very concerned about their safety as there is no clearly marked safe crossing point for them thus drivers assume that it is their right of way. Some drivers are considerate and let the children cross but I believe that this is actually a breach of the driving law.</p>		
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		<p>I have responded to a call from a local councillor and, with 2 of my neighbours, have agreed to be trained to use speed cameras as the Council would like to monitor the speeds on the local roads. We have yet to be advised by the Council when this training and monitoring can take place but we are very keen.</p> <p>Finally, I am very grateful to PC 7844 XX who kindly called me on Friday 23rd March to discuss the Watermeadow carpark issue and to let me know about this survey. I will, as soon as I complete this email, inform my neighbours about this opportunity to respond to this survey. And, his call was a great reassurance to my children, huge thanks!</p> <p>I would really like this nuisance, disturbance to stop please. Chesham I believe is a beautiful place, a wonderfully friendly environment and it is this that we should be encouraging and therefore discouraging behaviour that is antisocial, disturbing and upsetting to most members of our society.</p> <p>Many thanks for the opportunity to respond on behalf of myself and my two children</p>		
28.	26/03/2018	<p>I am writing to support the Council's proposal to introduce a PSPO to apply to the use of the Council's public car parks.</p> <p>I use the Council's car parks on a regular basis and anti social behaviour has become a growing problem. In particular, I have experienced problems in Amersham Multi-storey car park, usually when I return to my car from London late at night. Whole sections of the car park are regularly taken over by groups of people with their cars, and cars race around the car park and down the ramps causing a danger to pedestrians and drivers alike. As a woman alone at</p>	Resident/carpark user	Positive

		<p>night I no longer feel safe in the car park.</p> <p>In addition, youths constantly use the car park for skate boarding around the car park and down the exit ramps, endangering themselves and others. Flying skate boards cause damage to cars. Youngsters on cycles perform wheelies and race through the car park. One recent incident involved two boys on cycles racing one another into the car park through the ground floor exit ramp necessitating an emergency stop.</p> <p>I fully support the Council's wish to strengthen the powers of the police to deal with this problem. Thank you.</p>		
29.	26/03/2018	<p>I fully agree with the implementation of the Protection Order in the Chiltern car parks, particularly having been kept up by racing in the Water Meadow Car Park, and having reported people doing doughnuts to the Police the other week.</p> <p><u>My only query is why the fixed penalty notice is so low at £100.</u> I would have thought a higher fine would have been more appropriate to try and curb this issue.</p>	Resident - Chesham	Positive Response – the fine is set by Central government
30.	26/03/2018	<p>With all the more serious crime going on, why the focus on peoples hobbies?</p> <p>Being part off an owners club, my car is looked after and well maintained, infact more so than many off the cars seen on the roads recently</p> <p>I get the the dangrous side, such as drifting and racing needs to be stop but banning the rest if no harm is being done is silly. There are no orders that stop youths hanging out in groups so why ban it for those in car owners groups?</p> <p>If you dealt with the speeding, untaxed, uninsured and unroad worthy cars you</p>	Resident/ Driver	Negative

		<p>would be seen as being more fair</p> <p>Alot off councils are banning car meets, wherelse are people meant to meet to discuss their hobby? What would be a better soloution is for the council and police to work with owners groups so we can have a meet in a set car park with the police in attendace. This would allow a safe place for us to gather and chat whilst admiring the cars</p> <p>Banning such meets is unfair and against our human rights</p> <p>Hopefully you will reconsider the protection order</p>		
31.	27/03/2018	<p>Just wanted to voice my opinion as requested by your Twitter page. I am very much in support of these actions as I am frequently disturbed by this behaviour. I would like to make a further point that although car parks may be a focal point for this behaviour, how they get there and how they depart is also important. I have seen countless motorbikes and cars going 50/60 in a 30 in quite residential areas such as Amersham old town due to the straight roads. Again these are extremely disturbing, especially at night when they tend to ride due to the lack of cars on the road.</p>	Resident - Amersham	positive
32.	27/03/2018	<p>I would like to make my thoughts known on the proposed regulations you are suggesting.</p> <p>PUBLIC SPACES PROTECTION ORDER CONSULTATION - CAR PARKS (£1000 fine to be handed out at the personal discretion of police officers who are highly likely to procede with emotion and clouded judgement)</p> <p>They are a terrible idea. This form of policing is only provocatory and wrong, by fining the young men and women who meet there to enjoy their enthusiasm for cars you are not only</p>	Car driver and owner	<p>Negative Response – the PSPO is being introduced as a consequence of people gathering in car parks with vehicles and causing anti-social behaviour. This is more than just car enthusiasts meeting together. There are regular car meets at the Beaconsfield motorway services</p>

		<p>going to create antisocial behaviour but you will just be causing them to move their activities to another area for example, residential streets or other car parks.</p> <p>I for one have taken my cars down there many times over the years and have never seen any antisocial behaviour whatsoever.</p> <p>What I would suggest is that you actually make the effort to send officers to the car parks and get to know the people there. You will surely find that they are all very nice and respectable people with jobs and passion who are simply there to enjoy their hobby.</p> <p>Instead of aggressive and unnecessary tactics why don't you use some initiative and stop persecuting the local youth population and perhaps make better use of the resources you put into this action to persuade the money grabbing local council to fix the disgraceful roads in Buckinghamshire because they really are criminal.</p>		<p>J2 M40 which are well run and organised if enthusiasts wish o meet.</p>
33.	27/03/2018	<p>To whom it may concern,</p> <p>I would like to express my support for the proposed public spaces protection order for car parks across the Chiltern area.</p> <p>I am currently serving on the neighbourhood policing problem solving team and as such I am responsible for managing and providing solutions to ongoing, persistent and high demand issues across the area. Projects I have been responsible for have included:</p> <ul style="list-style-type: none"> <li>□ Youth related anti-social behaviour in the King George V Road, Chiltern Pools and Chiltern Avenue car parks, Amersham in the form of gathering, loitering, damage, abusive language and careless/anti-social use of both pushbikes and vehicles.</li> </ul>	Police	Positive

	<ul style="list-style-type: none"><li>□ Vehicular anti-social behaviour in the Link Road car park, Great Missenden whereby the car park is used as a meeting point for car-enthusiasts who go on to drive in a careless/anti-social manner on the surrounding roads during the summer months.</li></ul> <p>In my previous role as neighbourhood police officer for Chesham I was also responsible for:</p> <ul style="list-style-type: none"><li>□ Vehicular anti-social behaviour in the Watermeadow car park, Chesham in the form of gathering, loitering, loud music, revving, wheel spinning/driftng/handbrake turns in vehicles. Although no longer my area of responsibility I have, in recent days, seized two vehicles captured on CCTV being driven in a dangerous/anti-social manner in this car park.</li></ul> <p>In my earlier roles as a response police officer and Police Community Support Officer I have also had involvement in the following issues:</p> <ul style="list-style-type: none"><li>□ Drug related behaviour in the Cheena Meadow car park, Chalfont St Peter in the form of loitering/gathering, drug possession, drug use and supply.</li><li>□ Vehicular anti-social behaviour in the Blizzards Yard car park, Chalfont St Giles in the form of gathering/loitering, noise, wheel spinning/driftng.</li></ul> <p>Having invested considerable time in many of these projects over recent years, researched calls to police, spoken at length with residents and witnessed behaviour first hand on numerous occasions it is my opinion that the proposed restrictions would assist greatly in managing these issues, offer significant reassurance to those affected and ultimately contribute to solving the problem.</p>		
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		I therefore fully support the proposal in its entirety.		
34.	28/03/2018	<p><b><u>PUBLIC SPACES PROTECTION ORDER CONSULTATION – CHILTERN DISTRICT COUNCIL CAR PARKS</u></b></p> <p>I write in response to your email of 14 February. Chalfont St Giles and Jordans Revitalisation Steering Group fully supports this initiative.</p> <p>We have one further comment, which applies to an incident in Blizzards Yard Car Park in 2017.</p> <p>Para 3.1 applies to motor vehicles. Nowhere is there any mention of cycles and cyclists. Not only are cycles, when ridden carelessly and unpredictably, liable to cause accidents, they can also be threatening and frightening to drivers – especially older drivers, who may in turn cause an accident. We are concerned about this omission and ask that reference to this aspect be included in the Restrictions.</p>	Residents of Chalfont St Giles	Positive
35.	28/03/2018	I see no mention in respect of pedestrians or cyclist. Pedestrians seen walking using mobile phone or in groups oblivious to traffic. Cyclist also not abiding with travel directions.	Resident	Negative – see response at 16
36.	29/03/2018	<p>I live in Germain Street Chesham and I have recently received a letter from the local councillors for St Mary's Ward informing me of the proposals to introduce a Public Space Protection Order to cover all car parks in the Chiltern area in order to combat antisocial behaviour.</p> <p>I would like to support this proposal, particularly because I am aware that there has been some noisy and unwanted behaviour in Watermeadow car park, close</p>	Resident - Chesham	Positive



		<p>to where I live, late at night.</p> <p>In view of the fact that there are increasing numbers of people living in the town centre areas and close to car parks I can envisage that this could be a growing problem. Many town centre residents are also older and more vulnerable.</p> <p>I would be grateful if you would bear these points in mind.</p>		
37.	29/03/2018	<p>I would like to add my voice to the discussion on the proposal.</p> <p>I fully agree with the introduction of the Order to control anti-social behaviour at the listed car parks.</p> <p>As a resident of Germain Street in Chesham, I am quite often disturbed by the noise of the joy-riders in Water Meadow Car Park. I worry for the safety of the residents' cars parked there and I despair for the peace and well-being of the Town Bridge Court community. I have no evidence, but I believe the joy riding in the car park is linked to the late night racing, where drivers are regularly doing 50 or 60 miles an hour along Germain St and then up Fullers Hill.</p> <p>The anti-social behaviour is not acceptable and I do hope that the proposed measures go some way to dealing with it.</p>	Resident – Chesham – same respondent as 3.	
38.	29/03/2018	<p>Dear Sir</p> <p>PROPOSED PUBLIC SAFETY PROTECTION ORDER</p> <p>CHILTERN CAR PARKS</p> <p>I write as chairman of the Neighbourhood Action Group. We have been asked</p>	Chalfont St Peter NAG	Responded requesting further evidence of an existing issue

	<p>to consider your proposed PSPO in relation to car parks including Cheema Meadow and Church Lane, in Chalfont St Peter</p> <p>At the NAG meeting last night there was a unanimous vote in favour of your proposal, so this letter is simply to confirm our support for the Order</p> <p>Our only comment was that it appears impossible to extend it to the car park at the Leisure Centre at the top of Nicol Road. That has long since been a venue for students bringing their cars to the Community College to play excessively loud music during their lunch break, a considerable nuisance for immediate neighbours. We are reminded it is not a public car park and as such cannot be brought within the ambit of the Order</p>		
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**Multi Storey ASB issue. Calls from 01/01/2017**

URN Date	Time	Location	Caller	Details
URN 1143 10/01/17	1840 hrs	Multi Storey (MOP)		Kids throwing eggs off the MS carpark, hitting cars and people. Attended and no trace.
URN 1507 24/1/17	2106 hrs	Multi Storey	PCSO	Vehicles driving erratically and playing football. Attended, cars left and went to sports centre carpark. Asked to keep it down.
URN 1601 05/02/17	2349 hrs	Multi Storey	CCTV Control	Persons playing football and cars /moped racing. Attended, no cars but youths still playing football.
URN 1473 09/02/17	2033 hrs	Multi Storey (resident)		Car revving engine, attended, cars were leaving.
URN 1494 10/2/17	2053 hrs	Multi Storey (resident)		Vehicles revving engines, CCTV kept an eye, not attended.
URN 1624 10/2/17	2221 hrs	Multi Storey (resident)		'Sooped up' cars dangerous driving. Attended and no trace
URN 1674 14/2	2310 hrs	Multi Storey (resident)		Racing Cars, Attended and no trace
URN 1814 24/2	2316 hrs	King George V (security)	Security	Racing youths, VRNs given.

URN Date	Time	Location	Caller	Details
URN 1386 27/2	1932 hrs	Multi Storey carpark (MOP)		Reports of youths with bike in the carpark, loud and boisterous. Closed
URN 1543 28/2/17	2155 hrs	Multi Storey carpark (security)	Security	Reports of youths in URN 1814 revving / beeping engines, swearing at him / VRN given. Attended and youths moved on.
URN 1472 7/3/17	2055 hrs	Underground Stn, (MOP)		Reports of vehicles / youths being intimidating / jeering at people going to their cars. Advice given by attending officer (emailed to bottom it out)
URN 1210 8/3/17	1716 hrs	Multi-storey (MOP)		Report of youths on bikes smoking weed. Linked to below
URN 1885 10/3/17	2232 hrs	Multi storey (MOP)		Report of youths blocking carpark and smashing wing mirror of caller. Crimed ASNT of youths
URN 1857 10/3	2211 hrs	Multi storey (security)	Security	Reports of youths shouting at people, being abusive.
URN 1832 10/3	2150 hrs	Multi storey (MOP)		Reports of youths being high on the roof, concerned for safety.
		SDO complaint		Caller went to SDO to complain about Youths in Cars on a Saturday night causing noise and leaving rubbish.
URN 9 13/3/17	0012 hrs	Multi storey (Resident)		Youths screaming / shouting, advice given.
URN 6 13/3/17	0011 hrs	Multi storey (Resident)		Skateboarders in carpark, matched into above.

URN 1281 12/3	1854hrs	Multi storey (MOP)		Loud vehicle revving its engine, attended and they were leaving – going to meet in AA.
URN 1800 18/3	2256hrs	Chiltern Ave / Multi-story (Resident Elm close)		Reporting cars racing from Multi-story, parking in taxi rank. Attended and no trace.
URN 1710 18/3	2203hrs	King George V Rd, (security)	Security	Males revving engines, shouting, being idiots, jumping on train tracks, intimidating people walking to their cars, attended and advice given. (PC Carson). One person ARD'd for possession of cannabis refers.
URN 1644 18/03	2120hrs	Chiltern Ave / Multi storey		Cares racing in multi-storey – NH emailed.
URN 1658 16/3	2141hrs	Multi-storey, (Resident Elm close)		Motorbikes / cars making lots of noise. Attended and no trace.
URN 907 19/3/17	1553hrs	Underground carpark, train station (MOP)		MOP reporting persons trying to break into a car. Just boys playing football but may have been trying handles.
URN 1670 24/03/17	2113hrs	Multi-storey Car Park (security)	Security	Number of cars on level 3 screeching around doing donuts. RP unit stopped 2 vehicles on Station Rd, believed related leaving Sig, S59's
1659 4/4/17	2222hrs	Multi storey (resident)		Cars and motorbikes making lots of noise
1652 4/4/17	2218hrs	Multi-storey, (Resident Elm close)		Cars driven at speed. Attended, lads blaming each other, Units took details of xx
1673 9/4/17	2311	King George V rd, (MOP)		Boy racers in car park, people hanging out of windows. Left before attendance

URN Date	Time	Location	Caller	Details
1343 9/4/17	1343	Library carpark (MOP)		Gangs of youths and cars gathering – linked into below
1311 9/4/17	1926	King George V Rd (MOP)		Cars revving engines, being loud. Attended, not deemed to be doing anything wrong and monitored
1668 13/4	2249	Sigged as library carpark but is multi-storey		Skaters making noise in carpark not attended
44 13/4/17	0054	Multi storey		Males in carpark shouting, heard by call taker. Not attended
67 15/4/17	0104	Multi storey		Youths in carpark shouting racing, loud music, swearing, shouting. NH emailed
1668 13/4/17	2210	Multi storey but it was sigged on Elm close		Hot rod cars arriving, Attended and no trace.
4	0005 8 17/	Multi storey but sigged as King George V Rd		Youths in Multi-Storey, skateboards being noisy. Attended and youths 'not doing anything wrong'
852 26/04/17	1522	Multi-storey	Mop	Youths on level 10 playing football and smoking cannabis. ASNT
3 01/05/17	0000	Multi-storey		Cars racing around the ramps and group messing around and shouting. Attended ASNT
1538 17/05/17	2114	Multi-storey	Resident (nearby)	Youths shouting and screaming in the car park. Not attended.
8 26/05/17	0006	Multi-storey	Resident (nearby)	Vehicles gathering in the car park revving engines and playing loud music. Vehicles left the car park as unit attended so no indexes

				obtained.
973 02/06/17	1518	Multi-storey	Resident (nearby)	Youths playing loud music. Attended, youths playing football as its cooler than outside. Music turned off and youths moved on.
1684 04/06/17	2217	Multi-storey	Resident (nearby)	Car playing loud music, stopped prior to attendance.
72 08/06/17	0214	Multi-storey	Resident (nearby)	Loud music and shouting. Not attended.
777 05/07/17	1320	Multi-storey	Resident (nearby)	Children shouting and possibly playing football or skateboarding. ASNT
1722 16/07/17	2209	Multi-storey	Resident (nearby)	Sounds of youths smashing things up in the car park, lots of banging and shouting. ASNT
1950 19/07/17	2338	Multi-storey	Resident (nearby)	Group of cars congregating and honking their horns. No vehicles found.
1127 20/07/17	1706	Multi-storey	Commuter	Group of teenagers in school uniform smoking weed. Not attended.
1393 07/08/17	1933	Multi-storey	Commuter	Group of youths smoking cannabis, intimidating for MOP's, attended, usual group advice given.
1165 09/07/17	1825	Multi-storey	Commuter	Youths stealing aerials off of cars, ASNT
1432 04/09/17	2125	Multi-storey	Commuter	6 youths hanging around the cars being loud and boisterous. Not attended.
1346 14/09/17	1947	Multi-storey	Resident (nearby)	Caller can hear cars racing in the car park - ASNT
1050 18/09/17	1745	Multi-storey	MOP	Youths gathering, misbehaving, reluctant to get her car. ASNT
1021 & 1058 & 1084 & 1128 25/09/17	1643	Multi-storey	Commuter	Group of youths drinking alcohol and playing loud music. Smashed bottles on the floor. Youths ejected by PCSO and names taken:.

URN Date	Time	Location	Caller	Details
1519 25/09/17	2148	Multi-storey	Commuter	Large group of kids stopping cars from leaving. Caller was driving out when the group blocked her and wouldn't move, they gave her a load of abuse and then poured beer on her car and were smashing bottles. Not attended.
1315 27/09/17	1843	Multi-storey	Commuter	Group of youths smoking cannabis in the car park making commuters feel intimidated. Not attended.
1239 01/10/17	1916	Multi-storey	Concerned parent	20 youths, 13-17yrs smoking cannabis on the top floor of the car park, also lots of broken bottles. Only names known to caller as xx and xx aged around 13yrs. ASNT
1647 20/10/17	2117	Multi-storey	Security	Group hanging around, being intimidating, names as xx, xx, xx and xx and others – left when told.
41 21/10/17	0019	Multi-storey		Group in cars playing loud music, sounds like a party. Attended , no offences / ASB on arrival
1485 24/10/17	2101	Multi-storey	Security	Kids racing around in cars, refusing to leave. Left before police attendance.
1545 07/11/17	2258	Multi-storey	Security	Youths revving engines, being a nuisance – VRN xxx, ASNT
1346 14/11/17	1942	Multi-storey	Commuter	Youths smoking/dealing in car park, racing around in cars and littering. Not attended.
1561 16/11/17	2120	Multi-storey	Commuter	Heard 2 males being loud in the car park, felt intimidated, they then shouted across to her. Not attended.
41 27/11/17	0159	Multi-storey	Resident (nearby)	Group in the car park playing loud music and shouting, not attended.
1108 03/12/17	1813	Multi-storey	Mop	Vehicles being driven in ASB manner attended within 15 minutes of call - no trace.
1351 08/12/17	1945	Multi-storey	Commuter	Group of 6 youths hanging around caller's car and she found her wing mirror had been pulled off. It would appear several cars



				damaged. Security guard kicked them out.
429 09/12/17	0952	Multi-storey	Mop	(Time of estimated damage previous day 1000-2210 hrs) damage to a vehicle. No suspects identified
1431 15/12/17	1930	Multi-storey	Mop	Report of broken glass No suspects identified
URN 1480 21/12/17	2056	Multi-storey	Security	Youths smoking weed in the car park, he moved them on. He did the same earlier but they returned.
URN 1138 02/01/18	2055	Multi-storey	Mop	Report youth riding bikes Attended within 10 minutes of call - no trace.
URN 295 04/01/18	0943	Multi-storey	Mop	Time of incident 1740hrs previous day) report ASB behaviour historic report called in the following day. No suspect identified
	1740 (03/01)	Multi-storey	Commuter	Commuter parked in basement, returned to find around 15-20 youths around her car, she felt very intimidated. She later found her wing mirror had been pushed in (no damage) and her car was covered in spit.
URN 1208 04/01/18	1848	Multi-storey	Commuter	Youths congregating in the car park every evening, they are threatening to women, throw stuff and lean on people's cars.
URN 10/01/18	1918	Multi-storey	Mop	Youths gathered in basement, Unfortunately it was reported at the wrong location and the PEC sent this to Workflow rather than control room for attendance.
URN 1317 13/01/18	2100	Multi-storey	Resident (nearby)	Group of youths throwing things around and driving at speed. Possibly linked to xxx.
URN 1292 18/01/18	1741	Multi-storey	Commuter	10-15 youths hanging around listening to music and cycling around. Not attended.
URN	2241	Multi-storey		Car driving around, lots of noise, shouting, playing music, CCTV

1608 22/1/18				informed, nothing found, not attended.
URN 1171 22/1/18	1740	Multi-storey		MOP reporting youths in the carpark, in the basement possible vandalising a car. CCTV consulted, youths could be seen play fighting. When officers attended there were no persons present
URN 1434 26.01.18	1919	Multi-storey	Anon	Group of youths smoking cannabis and smashing bottles. Attended and youths told to leave.
URN 239 28/1/18	0258	Multi-storey		MOP reporting disturbance in the carpark which caused her to be woken up by the level of noise. Playing loud music, revving engines. Attended and 3 cars found, could not determine who had been revving the engine so no action taken - moved on.
URN 01/02/18	0022	Multi-storey	CCTV control	Reports of joy riders, VRNs taken, Traffic until attended, words
URN 1039 03.02.18	1801h rs	Multi-storey	commuter	Teenagers smashing bottles near cars. No persons present when officers attended.
10/2/18	1940 hrs	Multi-storey	Proactive patrols	3 cars arrived, level 3 moved on.
10/2/18	1800 hrs	Multi-storey	Proactive patrols	Several youths and cars in basement, eventually moved on,
11/2/18	2130 hrs	Multi-storey	Proactive patrols	Several youths, noisy music, 7 cars in basement, eventually moved on,
URN 820 14/2/18	820 hrs	Multi-storey	MOP	Reporting youths in basement throwing things, had a crossbow (it wasn't).
URN 16 16/2	0018	Multi story	Carpark user	Damage to car, thinks it was the youths as they were gathering earlier.
URN 1246 15/2	1905	Multi story	Carpark user	Youths blocking cars from leaving multistory, being intimidating, throwing things around. Part of the costa disorder – linked to below.

URN 1108 15/2	1747	Multi story	Carpark user	Reporting Youths hanging about, loud obstructive, refusing to move so he can reverse. ASNT Part of the costa disorder
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**CHILTERN DISTRICT COUNCIL**  
**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**THE CHILTERN DISTRICT COUNCIL (SPECIFIED CAR PARKS) PUBLIC SPACES PROTECTION ORDER 2018**

- 1 THIS ORDER** is made by Chiltern District Council (“the Council”) in exercise of its power under section 59 in Chapter 2 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) because it is satisfied on reasonable grounds, having carried out a consultation in accordance with section 72 of the Act and considered the matters set out therein, that:
- 1.1 activities carried out, or likely to be carried out, in the public places set out in paragraph 2 below (which are car parks within the Council’s area) either have had a detrimental effect on the quality of life of those in the locality or will have such an effect; and
- 1.2 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 this Order
- 2** The public places within which the activities set out in paragraph 3 below are prohibited (“**the Restricted Area**”) are respectively shown edged with a red line on the plans in the Appendix to this Order and comprise:
- Multi-Storey Car Park, King George V Road, Amersham, HP6 5AP
  - Chiltern Pools Car Park, Chiltern Avenue, Amersham on the Hill, HP6 5AH
  - Chiltern Avenue Car Park, Chiltern Avenue, Amersham-on-the-Hill, HP6 5AH
  - Civic Centre Car Park, King George V Road, Amersham-on-the-Hill, HP6 5AW
  - Council Offices Car Park, King George V Road, Amersham HP6 5AW
  - Sycamore Road Car Park, Rickmansworth Road, Amersham, HP6 5EQ
  - Amersham Old Town Car Park, The Broadway, Amersham Old Town, HP7 0HL
  - Watermeadow Car Park, Weylands Court, Germain Street, Chesham, HP5 1LF
  - Star Yard Car Park, Blucher Street, Chesham, HP5 1DS
  - Catlins Car Park, Blucher Street, Chesham, HP5 1DS
  - Albany Car Park, St Marys Way, Chesham, HP5 1LL
  - East Street Car Park, East Street, Chesham, HP5 1DA
  - Chesham Station Car Park, The Backs, Chesham, HP5 1DB
  - Moor Road Car Park, Moor Road, Chesham, HP5 1SE
  - Buryfield Car Park, Link Road, Great Missenden HP16 9AE
  - Link Road Car Park, Link Road, Great Missenden, HP16 9AE

- Prestwood High Street Car Park, High Street, Prestwood, HP16 9ER
- Blizzards Yard Car Park, High Street, Chalfont St Giles, HP8 4QA
- Snells Wood Car Park, Cokes Lane, Little Chalfont, HP7 9QA
- Church Lane Car Park, Church Lane, Chalfont St Peter, SL9 9OS
- Cheena Meadow Car Park, Denham Lane, Chalfont St Peter, SL9 0QJ

- 3** The activities which are to be prohibited are the use of a motor vehicle, or creation of noise from a motor vehicle, or behaviour by a person in a way likely to cause nuisance or annoyance to a member of the public, or a risk of harm, damage or injury to a person or property.

Therefore the following **Restrictions** apply in the Restricted Area:

**3.1 No person being a driver of, or in control of a motor vehicle in any part of the Restricted Area, shall:**

- Rev (i.e. accelerate, whilst the vehicle's clutch is disengaged) an engine of a motor vehicle;
- Suddenly or rapidly accelerate a motor vehicle;
- Race with any other motor vehicle;
- Leave the engine of a motor vehicle running on idle other than when queueing to park or depart;
- Perform any motor vehicle stunts;
- Sound a horn repetitively; or
- Play music audible outside of the motor vehicle

**3.2 No person in any part of the Restricted Area shall:**

- Use behaviour towards another person reasonably perceived to be threatening, aggressive or intimidating;
- Use foul or abusive language;
- Gather or loiter with any other person(s) in a manner which is (or may reasonably be perceived as) intimidating or threatening to any other member of the public;
- Use any part of the Restricted Area for skating (whether using in-line or roller skates), skateboarding or playing ball games;
- Use any part of the Restricted Area for cycling in a manner which is (or may reasonably be perceived as) intimidating or threatening to any other member of the public;

**4 Period for which this Order Has Effect**

This Order will come into force on \_\_\_\_\_ 2018 and will continue in force for three years expiring on \_\_\_\_\_ 2021.

## 5 Consequences of Failure to Comply with this Order

It is an offence under section 67 of the Act for a person, without reasonable excuse, to breach any of the Restrictions in paragraph 3.1 or 3.2 of this Order and a person guilty of an offence under that section is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

**Fixed Penalty Notice** – Under section 68 of the Act a constable or a person authorised by the Council may issue a Fixed Penalty Notice (“FPN”) to anyone he or she has reason to believe has committed an offence under section 67 in relation to this Order requiring payment of a fixed penalty in the sum of £100.

## 6 Appeals

Any challenge to the validity of this Order must be made in the High Court by an interested person within six weeks of the Order being made. The right to challenge also exists where an order is varied by the Council. An interested person is an individual who lives in, or regularly works in or visits, the Restricted Area and they may only challenge the validity of the Order on two grounds; that the Council did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by it, or that a requirement under Chapter 2 of Part 4 of the Act was not complied with.

Where a challenge is made the High Court can decide to suspend the operation of the Order, pending its decision, in part or in totality and the High Court has the power to uphold, quash or vary the Order.

Dated: **2018**

Signed: .....  
**Joanna Swift**  
**Head of Legal and Democratic Services**

On behalf of **Chiltern District Council**  
**Council Offices, King George V Road, Amersham, Bucks HP6 5AW**





<b>SUBJECT:</b>	<i>Unauthorised Encampments</i>
<b>REPORT OF:</b>	<i>Cllr Liz Walsh Healthy Communities Portfolio Holder</i>
<b>RESPONSIBLE OFFICER</b>	<i>Martin Holt – Head of Healthy Communities</i>
<b>REPORT AUTHORS</b>	<i>Martin Holt – mholt@chiltern.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>All</i>

### 1. Purpose of Report

1.1 To consider and adopt the Thames Valley police and Buckinghamshire County Council protocols for dealing with unauthorised encampments.

#### RECOMMENDATIONS

1. **To delegate the final decision to adopt the TVP and BCC protocols on unauthorised encampments to the Head of Healthy communities in consultation with the Portfolio Holder for Healthy Communities.**
2. **To work with all Bucks authorities to see if there is any scope to identify a tolerated temporary site(s) somewhere in Bucks to support the move on of unauthorised encampments**

### 2. Reasons for Recommendations

2.1 To ensure a partnership approach to dealing with unauthorised encampments.

### 3. Content of Report

3.1 Buckinghamshire experiences regular unauthorised encampments (UAE), which can cause tensions within local communities if not managed appropriately. They can also be expensive and time-consuming to clear. Whilst there are a range of powers available to local authorities, landowners, and the police to tackle encampments, it is not always clear which authority should lead and which powers are most effective. As a result, there is a risk of a perception of inconsistency in response and poor communication between local communities and statutory bodies within Buckinghamshire.

3.2 Additionally, during 2017, Buckinghamshire has been targeted by groups of travellers undertaking organised waste crime, which is being investigated on a regional level by the Environment Agency, but which has significant implications at the local level. The response to these incidences will be most effective where it is co-ordinated and where communication and information sharing is effective.

3.3 The draft protocols with Thames Valley Police and Buckinghamshire County Council provide details of the agreed approach between agencies to manage unauthorised encampments,

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including details about who is the lead authority in specific circumstances and which powers are available to them. The protocols set out the processes that will be followed for a broad range of encampments, clarify roles and responsibilities and will provide the basis for communication to local communities and interested parties.

- 3.4 Unauthorised encampments include vehicles and caravans, but also tented or other encampments related to homelessness or protests where vehicles are not necessarily involved. These protests may include persons opposing major infrastructure developments that are anticipated to come through Buckinghamshire as a whole.
- 3.5 Where consent has been provided by a landowner these protocols will not be available for use. Action would be required under relevant planning and other legislative routes.
- 3.6 Responsibility for dealing with an unauthorised encampment initially rests with the landowner. However, where there are aggravating factors then there may be a need for Local Authorities and Police to consider taking action
- 3.7 In accordance with Department of Communities and Local Government (DCLG) guidance, the Local Authority is the lead agency for unauthorised encampments should take an active role in engaging with site residents and in particular will take the lead on sites established on public land that do not require immediate Police action.
- 3.8 In Buckinghamshire the protocol establishes the County Council as the lead authority to deal with unauthorised encampments which include vehicles and caravans. Tented communities would be the responsibility of the District Councils to enforce under relevant licensing, public health and housing and antisocial behaviour legislation.
- 3.9 The range of powers that are available to landowners, all local authorities and police are detailed in appendix A.
- 3.10 Where an unauthorised encampment includes people residing in vehicles (and/or caravans), the local authority has the power to direct people to leave the land under Section 77 of the Criminal Justice and Public Order Act 1994 (CJPOA). If the direction notice is not complied with, the local authority can apply to the magistrate's court for an order requiring the removal of the encampment under Section 78 of the CJPOA. Once a court order has been issued, the local authority may evict the campers using reasonable force. The County Council has advised that whilst it will take the lead, the district councils may have to share any resource implications of a protracted investigation and enforcement situation.
- 3.11 The police have discretionary powers under Sections 61 and 62 of the CJPOA to remove trespassers from land, excluding highway land, where the trespassers have failed to adhere to a request to leave the land and to seize their vehicles. These powers have to be used in

accordance with the guidance detailed in appendix B. As such the police advise they will not be used in the event of minor crime and disorder such as accessing land by the removal of a lock. Where significant risks are identified as detailed in Appendix B the police will consider the application of these powers.

- 3.12 Section 62 of the CJPOA may only be used where there is a site that the travellers may be moved to. As there are no sites in Buckinghamshire this options is not available to the police. The police have advised officers on the effective use of a local authority owned site in Sandwell MBC which enables the travellers to be directed to. If they fail to move to the designated site they can be evicted from the district. The nightly costs of the site are such that unauthorised encampments choose to move out of the district. A joint business case with the other local authorities in Buckinghamshire could be considered. This would enable a designated site managed by a local authority in Buckinghamshire to be used to direct travellers to in a similar manner.
- 3.13 Where a landowner tolerates an unauthorised encampment and decides not to evict from the site, action can be taken under relevant planning legislation for a breach of planning. S77-78 Criminal Justice and Public Order Act 1994 can also be used by any Local Authority irrespective of the ownership of the land. This power allows identified individuals to be removed from land when directed to do so. The involvement of Courts is required when unauthorised campers do not leave when directed. Currently BCC officers are not delegated to use this power in these situations any action would be considered on an individual case basis. The District Council equally has the power should it wish to utilise it.

## Communication

- 3.14 Both protocols identify the need for effective communication, a single point of contact and community information on incidents
- 3.15 Both Chiltern and South Bucks Districts websites have been reviewed to provide advice and contact details, web forms and information as to what residents can do to report unauthorised encampments. The [single point of contact](#) being the Buckinghamshire Gypsy and Traveller service
- 3.16 The out of hours advice service operating in Chiltern and South Bucks will report cases through to the Buckinghamshire Gypsy and Traveller service or the police as necessary.
- 3.17 In cases of suspected crime, the police ask residents to [report a crime](#) via the website or 101 number
- 3.18 Following reports the police together with BCC will lead the investigation and establish a Unauthorised Encampment Management Group, to agree a strategy for management and communication. That Unauthorised Encampment Management Group will include key

contact officers from the district, county and police as well as representatives of the landowner and other agencies that may be involved e.g. Environment Agency. This group will act as the single point of contact for members; residents etc. and provide updates as necessary. The aim being to manage the information in relation to an incident.

### **Escalation Process**

3.19 On occasion there may be disagreement as to the action to be taken and which agency should be taking the lead role in relation to a particular unauthorised encampment. Where there is disagreement between the Local Authority and Thames Valley Police about the action to be taken, then the issues should be documented and escalated to senior management for further discussion and resolution. In Thames Valley Police this will be the LPA Commander/Deputy LPA Commander. For Local Authorities this will be the identified Director/Senior Manager

### **Incidents**

3.20 Since last autumn there have been two incidents of large scale encampments across Chiltern and South Bucks, one at the service station and the other in Denham. On both occasions the protocol has successfully addressed the issues and the unauthorised encampments have been moved on in a timely fashion. As a result of the manner in which they have been addressed neither of these events has caused community concern. The same period have also seen one family move around South Bucks seeking a permanent encampment. Sporadic cases of tented communities have occurred but have been moved on by landowners.

### **Consultation**

The Healthy Communities PAG considered the report at its meeting 19<sup>th</sup> April and supported the recommendation to work with the other authorities in Buckinghamshire to examine the scope for the provision of a 'tolerated temporary site' where displaced families can move to.

## **4. Options**

- 4.1.1 *To agree to the unauthorised encampment protocols with BCC and TVP*
- 4.1.2 *To suggest amendments to the protocols*
- 4.1.3 *To consider the option of a transit site for travellers*

## **6. Corporate Implications**

6.1 *Financial – There are no additional costs arising from the operation of the two protocols, however should a site be found to provide a transit site for unauthorised encampments a business case would be required to be presented to members*

6.2 *Legal – the protocols outline the range of powers available to the various agencies involved with unauthorised encampments and actions taken would be considered on a case by case approach in accordance with guidance*

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**7. Links to Council Policy Objectives**

- 7.1 Delivering cost-effective, customer focussed services-
- 7.2 Working towards safe and healthier local communities.

**8. Next Step**

- 8.1. *To agree the protocols and consider if a transit site would be available within Buckinghamshire*

<b>Background Papers:</b>	None
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**Appendix A: Available Powers**

<p><b>Landowner</b></p> <p>(This includes the Local Authority when it is their land)</p>	<p><b>Part 55 Civil Procedure Rules</b> allow them to seek possession of their land through the Courts.</p> <ul style="list-style-type: none"> <li>• Can only be used by landowner</li> <li>• Used to regain possession of land</li> <li>• Require Civil Court procedure</li> <li>• Enforced by County Court bailiffs</li> <li>• No sanction if trespassers return</li> </ul> <p><b>Common Law Powers</b></p> <ul style="list-style-type: none"> <li>• Can only be used by landowner</li> <li>• Used to regain possession of land (tort of trespass)</li> <li>• Does not require involvement of the Courts</li> <li>• Enforced by landowner and/or private bailiffs</li> <li>• No sanction if trespassers return</li> <li>• Trespasser who entered land peaceably should be asked to leave and given opportunity to leave prior to force being used</li> <li>• May use no more force than is reasonable to evict</li> <li>• If considering use landowner should notify Police</li> <li>• Police may wish to be present to prevent a Breach of Peace</li> <li>• If Police believe it is inappropriate to attempt eviction in the circumstances action should be delayed until Police believe safe to continue</li> </ul>
<p><b>Local Authority</b></p>	<p><b>S77-78 Criminal Justice and Public Order Act 1994</b></p> <ul style="list-style-type: none"> <li>• Can only be used by Local Authority</li> <li>• Can be used on any land irrespective of ownership</li> <li>• Used to remove identified individuals from land</li> <li>• Only require involvement of Courts when unauthorised campers do not leave when directed</li> <li>• Enforced by Local Authority Officers or private bailiffs employed by them</li> <li>• Return to location within three months carries criminal sanctions</li> </ul> <p><b>Injunctions</b></p>

	<ul style="list-style-type: none"> <li>• Can be used to protect vulnerable sites</li> <li>• Where intelligence suggests will be targeted</li> <li>• Believed disruption will be caused.</li> <li>• In defined area</li> <li>• Pre-emptive power</li> </ul> <p><b>Tent/caravan site licensing powers</b></p> <ul style="list-style-type: none"> <li>• These powers limit the use of land as caravan/camp sites.</li> </ul> <p><b>Byelaws</b></p> <ul style="list-style-type: none"> <li>• Pre-emptive power to prohibit encampments</li> <li>• Powers of seizure and retention of property can be applied, which could include tents and sleeping equipment.</li> </ul> <p><b>Obstruction Of Public Highway</b></p> <ul style="list-style-type: none"> <li>• Need to show there is an obstruction being caused</li> <li>• Can apply to court for a removal and disposal order</li> </ul> <p><b>Planning powers</b></p> <ul style="list-style-type: none"> <li>• There are a number of powers under the Town and Country Planning Act 1990 that can be considered depending on the circumstances</li> </ul>
<p><b>Police</b> (Police powers are discretionary)</p>	<p>S61-62 Criminal Justice and Public Order Act 1994</p> <ul style="list-style-type: none"> <li>• Can only be used by Police. (Discretionary Power)</li> <li>• Can be used on any land except the highway</li> <li>• Used to remove identified individuals from land</li> <li>• Criteria must be met e.g. 2 or more persons trespassing and either caused damage, been threatening to landowner or agent, have six or more vehicles with them. Landowner must have taken reasonable steps to require persons to leave</li> <li>• Does not require involvement of Courts</li> <li>• Enforced by Police</li> <li>• Return to location within three months carries criminal sanctions</li> </ul> <p>S62A-E Criminal Justice and Public Order Act 1994</p>



	<ul style="list-style-type: none"><li>• Can only be used where alternative site available</li><li>• Can only be used by Police</li><li>• Can be used on any land</li><li>• Used to remove identified individuals from land</li><li>• Does not require involvement of Courts</li><li>• Enforced by Police</li><li>• Return to Local Authority area within three months carries criminal sanctions</li></ul>
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(This list is not exhaustive as there may be other powers available to deal with specific issues or problem behaviours associated with a particular unauthorised encampment).



### **Appendix B: Use of Police Powers**

As per National Police Chiefs Council (NPCC) and DCLG guidance, Local Authorities have a leadership role to play in the management of unauthorised encampments. NPCC recommend police should consider becoming involved in bringing about the prompt and lawful removal of unauthorised encampments where:

**1. Local amenities are deprived to communities or there is significant impact on the environment**

This could include a recreation ground, public park, school field, public car park. There must be evidence that other sections of the community are being deprived of the amenities before action is taken.

**2. There is local disruption to the economy**

This could include significant disruption to workers or customers using business premises or if an encampment is on agricultural land and it results in loss of use of the land for its normal purpose.

**3. There is other disruption to the local community or environment**

This would include ASB/criminal activity linked to those present at an encampment, which is so significant that prompt eviction by Police becomes necessary rather than by other means.

**4. There is a danger to life**

For instance where an unauthorised encampment is on the edge of a motorway and there is a danger of children or animals straying onto the carriageway.

**5. There is a need to take preventative action**

For instance where a known group of individuals have caused or persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at a newly established site.

In all the above cases police action will still need to be lawful proportionate and necessary and compliant with Human Rights and Equality legislation. The mere presence of an encampment without any aggravating factors should not normally create an expectation that police will use eviction powers. If Section 61 CJPOA 1994 powers are to be used it will also be necessary to show that the landowner has taken reasonable steps to ask trespassers to leave before police powers can be used.





**Thames Valley Police and Local Authority Joint  
Protocol for Dealing with Unauthorised  
Encampments.**

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### **Aim**

To ensure that the joint approach to dealing with unauthorised encampments, across the 16 Local Authority areas that make up Thames Valley Police, is consistent and that any use of available powers is proportionate, non-discriminatory and compliant with the Human Rights Act 1998.

In addition, to ensure that Local Authorities and Thames Valley Police work together to effectively manage unauthorised encampments and minimise their impact. This will include close liaison and effective communication with landowners, settled communities and those encamped, to explain where action is taken/not taken and the reasons for this.

### **Excluded Content**

This protocol does not deal with situations where individuals purchase land and occupy it without planning permission. This is categorised as an unauthorised development and the relevant Local Authority are the responsible agency who can use powers for such incidents usually through their Planning department.

Similarly, this protocol does not deal with fly tipping or large scale organised unlawful waste disposal. Large scale unlawful dumping of waste usually falls under the remit of the Environment Agency (see Appendix D). General waste left by those who have been resident on an unauthorised encampment is a matter for the landowner. Landowners can take civil action against those responsible for leaving waste, although it is recognised that this can be a difficult process.

The Local Authority is the prosecuting authority for fly tipping. However, it is recognised that there can be considerable costs involved for landowners and Local Authorities in clearing up sites that have been used by unauthorised encampments. Illegally depositing waste on land is an offence under the Environmental Protection Act 1990. When dealing with unauthorised encampments Police officers should be aware of the need to record evidence of such behaviour, or supply information that would enable landowners and Local Authorities to take action against those responsible, when it is in compliance with Data Protection legislation.

## **1. General Principles**

- 1.1 An unauthorised encampment is where persons are camped on land that they do not own and where they do not have permission to reside. This can be in vans, trailers, tents or other temporary structures.
- 1.2 Responsibility for dealing with an unauthorised encampment initially rests with the landowner. However, where there are aggravating factors then there may be a need for Local Authorities and Police to consider taking action.
- 1.3 There are a range of powers available to landowners, Local Authorities and Police for dealing with unauthorised encampments (see Appendix A).
- 1.4 When responding to any unauthorised encampment it is the impact of the encampment that should be considered and not the ethnicity or race of those encamped.
- 1.5 In accordance with Department of Communities and Local Government (DCLG) guidance, the Local Authority as lead agency for unauthorised encampments should take an active role in engaging with site residents and in particular will take the lead on sites established on their land that do not require immediate Police action.
- 1.6 It is for Local Authorities to decide how they apply the powers available to them.
- 1.7 The Police may be requested by a landowner to use their powers under the Criminal Justice and Public Order Act 1994. Criteria for use of Police powers are listed in appendix A.
- 1.8 In determining whether to use Police powers, a balance must be maintained between the rights of landowners, the settled community and those within the encampment. Police decision makers need to ensure any action is lawful, proportionate, necessary and the least intrusive option.
- 1.9 It should be borne in mind that trespass alone is not a criminal offence but a civil one. Police powers will only be used when the particular encampment is having a significant impact such as depriving a community of local amenities, a significant impact on the local economy/environment or where there is significant anti-social/criminal behaviour that requires immediate action to address (See Appendix B).
- 1.10 It will be for Police decision makers to determine what constitutes a significant impact when considering their use of Police powers. This will use a common sense approach taking into account the views of the landowner, Local Authority and evidence of any issues raised. Welfare considerations and the impact on normal policing activity, should resources need to be mobilised to enforce an eviction will need to be considered. Any Police response needs to be proportionate.
- 1.11 Police powers do not require a court process. Therefore officers must ensure that they act in a fair, objective and transparent way ensuring each encampment is considered on an individual basis. Any action must comply with Human Rights Act 1998, the Equality Act 2010, the Public Sector Equality Duty and the Police Code of Ethics.



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- 1.12 Police powers under S61 CJPOA do not require a formal welfare assessment to be made prior to their use. However, officers should still consider if there are any welfare concerns relating to occupants of an unauthorised encampment when determining whether to utilise their powers. This should be balanced against the impact of the encampment on both the landowner and wider community.
- 1.13 Police decision makers when deciding whether immediate Police action is required should consider the range of powers available to landowners and Local Authorities and not how they are applied by a particular authority.

## **2. Police Action**

- 2.1 On receipt of a report of an unauthorised encampment a Niche occurrence will be created. This is an incident report on the crime recording system.
- 2.2 A Police resource will be despatched to assess the site and determine, if possible, who owns the land and whether there is/is likely to be a significant impact on the landowner/local community. This information will be relayed to the duty supervisor for that area who will review the information. Where possible this visit should be conducted with a representative of the Local Authority. This may not be possible if it is outside of normal office hours.
- 2.3 If damage has been caused to gain entry to land this will be recorded as a crime and a proportionate investigation conducted (e.g. padlock broken or removed).
- 2.4 The jointly agreed Thames Valley Code of Conduct will be served on those present and details of any vehicles/persons recorded in Niche, where justification for doing so exists (See Appendix C for Code of Conduct). Details should only be recorded when there is a legitimate purpose such as where investigating offences, recording welfare concerns or recording details of visits and individuals spoken to for a specific purpose.
- 2.5 An officer of at least the rank of Inspector will review information and determine if the use of Police powers are justified following initial attendance. The rationale for the decision to not use or use the powers will be recorded in the Niche report.
- 2.6 The relevant Local Authority contact will be informed of the encampment as soon as practicable and current decision in relation to Police powers.
- 2.7 The landowner, if identified, will also be informed of the powers available to them. The current assessment in relation to justification for use or not of Police powers will be communicated to them by the Police.
- 2.8 Where a suitable alternative site exists to direct persons to, then the presumption should be that Police will look to use their powers under Section 62A of the Criminal Justice and Public Order Act 1994. However, it is recognised that there is a shortage of such sites and that use of this power is therefore likely to be limited.
- 2.9 Each Local Police Area (LPA) will review Niche occurrences for unauthorised encampments at the Daily Management Meeting to ensure oversight and a consistent approach to use of Police powers.

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- 2.10 Each LPA will ensure that there is regular communication with the landowner and Local Authority to ensure that it is clear where current responsibility for any action lies and decisions can be reviewed if information changes.
- 2.11 Local Neighbourhood officers may also need to communicate with the local community and those on an unauthorised encampment for the duration of an encampment to manage any tensions that may arise and monitor any local impact.
- 2.12 Local Neighbourhood teams will monitor unauthorised encampments for any developments on the site with regard to welfare and concerns of the settled or encamped communities and update the Local Authority accordingly.
- 2.13 Where justification exists, TVP Officers who visit any encampment should gather evidence of any offences that the landowner, Local Authority or Environment Agency may wish to seek to prosecute such as fly tipping, by recording evidence on body worn video or making a written record.
- 2.14 Any hate crimes/incidents relating to individuals linked to an encampment will be recorded as per National Crime Recording Standards.
- 2.15 Any media releases will be jointly agreed between Thames Valley Police Press Office and the Local Authority single point of contact (SPOC).

### **3. Local Authority Actions**

- 3.1 On receipt of a report of an unauthorised encampment the Local Authority will ensure a record is made (agreed joint form at Appendix D).
- 3.2 The Local Authority will take primacy for dealing with unauthorised encampments unless immediate action is required and S61 or S62A Criminal Justice and Public Order Act powers are to be used by police.
- 3.3 The appropriate Local Authority representative will visit the site and make an assessment, which will include a welfare assessment of those present and serve code of conduct. Where possible it is desirable that this representative attend with Police when they make their initial assessment.
- 3.4 The Local Authority will inform the Police of the unauthorised encampment and if known the identity of the landowner and those present at the site.
- 3.5 A decision will be made by the Local Authority about use of their available powers and this decision will be communicated to the landowner and Police. The rationale will be recorded in writing.
- 3.6 The Local Authority will inform Police if there is an alternative site that persons can be directed to under S62A of the Criminal Justice and Public Order Act 1994.
- 3.7 The Local Authority will maintain close liaison with the landowner, Police and persons present on the unauthorised encampment for the duration of its presence to ensure it is clear where responsibility for any action lies and any welfare concerns are identified.
- 3.8 If information changes the Local Authority will review its decision in relation to whether it is appropriate to consider use of its powers.

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- 3.9 The Local Authority will also record any community concerns in writing and share this information with the Police and the landowner.
- 3.10 The Local Authority will make Police aware of any information suggesting a hate crime/incident has occurred relating to any individual linked to an encampment to allow for it to be recorded under the National Crime Recording Standards.
- 3.11 The Local Authority will set a communication plan to keep the settled community and those who are encamped informed and will consult with Thames Valley Police in relation to this.
- 3.12 Any media releases will be jointly agreed between Thames Valley Police Press Office and the Local Authority SPOC.

#### **4. Escalation Process**

On occasion there may be disagreement as to the action to be taken and which agency should be taking the lead role in relation to a particular unauthorised encampment. Where there is disagreement between the Local Authority and Thames Valley Police about the action to be taken, then the issues should be documented and escalated to senior management for further discussion and resolution. In Thames Valley Police this will be the LPA Commander/Deputy LPA Commander. For Local Authorities this will be the identified Director/Senior Manager.

#### **5. Annual Review**

To ensure a consistent approach to unauthorised encampments and the use of Police and Local Authority powers it is recommended that an annual review takes place. If unauthorised encampments are recorded on Niche then the Police should be able to accurately assess how many encampments have been reported on each Local Police Area. Similarly if Local Authorities record encampments that are reported to them in writing, then this should ensure that an accurate assessment can be made of the number of encampments that have occurred in each area. This will enable Thames Valley Police and Local Authorities to establish whether powers have been used proportionately and consistently. It will also establish whether there is a need to look at how powers are applied, or what provision is made for unauthorised encampments across the Thames Valley Area. Finally this review will be able to establish if there is a need to raise awareness of available powers and how they should be applied internally or externally.

This review should consider:

1. How many unauthorised encampments there have been in the previous 12 months?  
Is this an increase on previous year?
2. Are there particular vulnerable locations which may need to consider target hardening?
3. Is there evidence of the same people being involved in different unauthorised encampments that have caused significant damage that need a longer term tactical plan/strategy to be considered?
4. Have Police/Local Authority powers been used in a consistent manner?
5. Has use of powers been lawful and proportionate?
6. Is there a need to look at increasing awareness for staff?

Classification: OFFICIAL

Author: Inspector John Batty

December 2017

7. Is there a need to raise awareness of powers and responsibilities for local landowners through existing forums e.g. Parish Council meetings/rural groups?
8. Identify organisational learning for Local Authority or the Police and implement learning plan with agreed timescales.
9. Identify if there are regular welfare issues arising that need to be considered and steps taken to mitigate these.

This annual review will be organised by Thames Valley Police, Local Policing Department.

## **6. Other Considerations**

- 6.1 There are a number of innovative approaches to dealing with unauthorised encampments being adopted across England and Wales. Some Local Authorities are investing in transit sites to ensure that there are alternative sites to direct persons to. This enables the use of Police powers under S62 Criminal Justice and Public Order Act 1994. As there is an alternative site to direct persons to, there are likely to be fewer welfare or Human Rights considerations when deciding to make use of this power. See ODPM Guide to effective use of enforcement powers for further information.
- 6.2 Common law powers are used very effectively by some Local Authorities to deal with unauthorised encampments. This may be an option Local Authorities within the Thames Valley wish to explore further. In Sandwell Borough Council Area the District Council are using a private company of bailiffs to enforce any eviction and will put private landowners in touch with this firm if they wish to look at using common law powers to evict.
- 6.3 Some Local Authorities are also using contracts to agree the length of time that an unauthorised encampment may remain at a particular site e.g. negotiated stopping.
- 6.4 In some areas preventative injunctions have also been used to stop certain sites being used by those looking to set up unauthorised encampments. Again this may be worth exploring further to increase the range of options available.
- 6.6 In those areas that are two tier Local Authorities there may be a need to ensure that there is clarity in relation to which authority will lead on the different types of encampment. For instance currently in some areas the County Council take the lead on unauthorised encampments, but will only deal when those on the encampment are identified as from the Gypsy, Romany and Traveller Community. However, there are increasing numbers of tented encampments and the impact of these on the wider community and the welfare of persons in tented encampments should also be considered. Local Authorities should ensure it is clear who will deal in such cases and ensure Thames Valley Police know who the relevant contact is in each area.

**Appendix A: Available Powers**

<p><b>Landowner</b></p> <p>(This includes the Local Authority when it is their land)</p>	<p><b>Part 55 Civil Procedure Rules</b> allow them to seek possession of their land through the Courts.</p> <ul style="list-style-type: none"> <li>• Can only be used by landowner</li> <li>• Used to regain possession of land</li> <li>• Require Civil Court procedure</li> <li>• Enforced by County Court bailiffs</li> <li>• No sanction if trespassers return</li> </ul> <p><b>Common Law Powers</b></p> <ul style="list-style-type: none"> <li>• Can only be used by landowner</li> <li>• Used to regain possession of land (tort of trespass)</li> <li>• Does not require involvement of the Courts</li> <li>• Enforced by landowner and/or private bailiffs</li> <li>• No sanction if trespassers return</li> <li>• Trespasser who entered land peaceably should be asked to leave and given opportunity to leave prior to force being used</li> <li>• May use no more force than is reasonable to evict</li> <li>• If considering use landowner should notify Police</li> <li>• Police may wish to be present to prevent a Breach of Peace</li> <li>• If Police believe it is inappropriate to attempt eviction in the circumstances action should be delayed until Police believe safe to continue</li> </ul>
<p><b>Local Authority</b></p>	<p><b>S77-78 Criminal Justice and Public Order Act 1994</b></p> <ul style="list-style-type: none"> <li>• Can only be used by Local Authority</li> <li>• Can be used on any land irrespective of ownership</li> <li>• Used to remove identified individuals from land</li> <li>• Only require involvement of Courts when unauthorised campers do not leave when directed</li> <li>• Enforced by Local Authority Officers or private bailiffs employed by them</li> <li>• Return to location within three months carries criminal sanctions</li> </ul> <p><b>Injunctions</b></p> <ul style="list-style-type: none"> <li>• Can be used to protect vulnerable sites</li> <li>• Where intelligence suggests will be targeted</li> <li>• Believed disruption will be caused.</li> <li>• In defined area</li> <li>• Pre-emptive power</li> </ul> <p><b>Tent/caravan site licensing powers</b></p> <ul style="list-style-type: none"> <li>• These powers limit the use of land as caravan/camp sites.</li> </ul>

	<p><b>Byelaws</b></p> <ul style="list-style-type: none"> <li>• Pre-emptive power to prohibit encampments</li> <li>• Powers of seizure and retention of property can be applied, which could include tents and sleeping equipment.</li> </ul> <p><b>Obstruction Of Public Highway</b></p> <ul style="list-style-type: none"> <li>• Need to show there is an obstruction being caused</li> <li>• Can apply to court for a removal and disposal order</li> </ul> <p><b>Planning powers</b></p> <ul style="list-style-type: none"> <li>• There are a number of powers under the Town and Country Planning Act 1990 that can be considered depending on the circumstances</li> </ul>
<p><b>Police</b> (Police powers are discretionary)</p>	<p>S61-62 Criminal Justice and Public Order Act 1994</p> <ul style="list-style-type: none"> <li>• Can only be used by Police. (Discretionary Power)</li> <li>• Can be used on any land except the highway</li> <li>• Used to remove identified individuals from land</li> <li>• Criteria must be met e.g. 2 or more persons trespassing and either caused damage, been threatening to landowner or agent, have six or more vehicles with them. Landowner must have taken reasonable steps to require persons to leave</li> <li>• Does not require involvement of Courts</li> <li>• Enforced by Police</li> <li>• Return to location within three months carries criminal sanctions</li> </ul> <p>S62A-E Criminal Justice and Public Order Act 1994</p> <ul style="list-style-type: none"> <li>• Can only be used where alternative site available</li> <li>• Can only be used by Police</li> <li>• Can be used on any land</li> <li>• Used to remove identified individuals from land</li> <li>• Does not require involvement of Courts</li> <li>• Enforced by Police</li> <li>• Return to Local Authority area within three months carries criminal sanctions</li> </ul>

(This list is not exhaustive as there may be other powers available to deal with specific issues or problem behaviours associated with a particular unauthorised encampment).

## **Appendix B: Use of Police Powers**

As per National Police Chiefs Council (NPCC) and DCLG guidance, Local Authorities have a leadership role to play in the management of unauthorised encampments. NPCC recommend police should consider becoming involved in bringing about the prompt and lawful removal of unauthorised encampments where:

**1. Local amenities are deprived to communities or there is significant impact on the environment**

This could include a recreation ground, public park, school field, public car park. There must be evidence that other sections of the community are being deprived of the amenities before action is taken.

**2. There is local disruption to the economy**

This could include significant disruption to workers or customers using business premises or if an encampment is on agricultural land and it results in loss of use of the land for its normal purpose.

**3. There is other disruption to the local community or environment**

This would include ASB/criminal activity linked to those present at an encampment, which is so significant that prompt eviction by Police becomes necessary rather than by other means.

**4. There is a danger to life**

For instance where an unauthorised encampment is on the edge of a motorway and there is a danger of children or animals straying onto the carriageway.

**5. There is a need to take preventative action**

For instance where a known group of individuals have caused or persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at a newly established site.

In all the above cases police action will still need to be lawful proportionate and necessary and compliant with Human Rights and Equality legislation. The mere presence of an encampment without any aggravating factors should not normally create an expectation that police will use eviction powers. If Section 61 CJPOA 1994 powers are to be used it will also be necessary to show that the landowner has taken reasonable steps to ask trespassers to leave before police powers can be used.

**Appendix C: Written Record****LOCAL AUTHORITY SITE ASSESMENT/RECORD FORM**

DATE and TIME of visit:	Date and TIME of form completion:
SITE LOCATION: POLICE URN:	
LANDOWNER:	
DAMAGE PRESENT:	(Was damage caused to gain entry or has damage been caused since arrival caused). Evidence: photographs, CCTV, Witnesses
LITTER or WASTE PRESENT:	What, how much, where? Evidence: photographs, CCTV, Witnesses
ANIMALS PRESENT:	(Numbers tied-up/untied. Have group been advised to tie up animals? What is the risk to the public?)
WHAT IS THE IMPACT TO THE PUBLIC? LANDOWNER?	Significant/Minimal/No impact (Give reasons)



<p>IS THERE A NEED TO DIRECT PEOPLE TO LEAVE NOW?</p> <p>RATIONALE:</p> <p>OTHER POWERS CONSIDERED:</p>	<p><input type="checkbox"/> NO      <input type="checkbox"/> Sec 77 CJPOA 1994</p> <p><input type="checkbox"/> YES      <input type="checkbox"/> Sec 62A CJPOA 1994 (Request to Police)</p> <p><input type="checkbox"/> Sec 61 CJPOA 1994 (Request to Police)</p> <p>Injunction/Possession Order/Common law/Planning Powers/Other</p>
<p>WELFARE ISSUES:</p>	<p>Record any health, education or major mechanical problems</p> <p>(Are there any issues that would prevent uses of powers to all or some of the occupants?)</p> <p>Were these issues present before this site was occupied?)</p>
<p>OCCUPANTS SPOKEN TO:</p> <p>ETHNIC STATUS:</p>	<p><input type="checkbox"/> NO      CODE OF CONDUCT ISSUED      <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES      <input type="checkbox"/> YES</p> <p>White British <input type="checkbox"/>    White Irish <input type="checkbox"/>    White and Asian <input type="checkbox"/>    Chinese <input type="checkbox"/></p> <p>Black Caribbean <input type="checkbox"/>    Black African <input type="checkbox"/>    Asian Indian <input type="checkbox"/>    Asian Pakistani <input type="checkbox"/></p> <p>Asian Bangladeshi <input type="checkbox"/>    White and Black African <input type="checkbox"/></p>

<p>RESPONSE TO AUTHORITIES ATTENDING:</p>	<p>Any other Mixed background <input type="checkbox"/>    Any other Black background <input type="checkbox"/>  Any other white background <input type="checkbox"/>    Any other Asian background <input type="checkbox"/>  Any other background <input type="checkbox"/>    Declined <input type="checkbox"/></p> <p>Co-operative / Dismissive / Evasive / Abusive / Threatening</p> <p>Their intention to stay/leave/timescales when asked:</p>
<p>AGREED LEAD AGENCY:</p>	
<p>ACTION TAKEN:</p> <p>OUTCOME:</p>	
<p>DURATION OF ENCAMPMENT:</p>	
<p>IDENTIFIED LEARNING:</p>	

PERSON COMPLETING:	

## Appendix D: Codes of Conduct

### Document Disclosable under CPIA

Insert organisation logo

### Unauthorised Encampments Code of Conduct

**To ensure members of the settled and travelling communities or others who may live a nomadic lifestyle can live together in a peaceful and unprejudiced way, we expect you to comply with this Code of Conduct.**

**We expect you to treat the land you have occupied with respect and that you respect the rights and freedoms of other people who also wish to use the area.**

**Behaviour that may result in your eviction from this site includes the following:**

- **Camping upon any land designated as a public amenity**, such as parks, recreation areas, school fields and similar locations. (Note this is not an exhaustive list)
- **Interfering with the rights and freedoms of other members of the public, including interrupting the operation of legitimate businesses.**
- **Forcing entry to land**, by causing damage to any fixtures, fitting or landscaping, including planted areas. This includes digging away of earthwork defences, which have been placed at landowner's expense, to prevent trespass.
- **Causing any other damage to the land itself, or property on it.** Particular care should be taken not to cause damage to those features provided as public amenities.
- **Driving vehicles along any footpath, or highway not specifically designed for road vehicles.** This practice is not only unlawful but is highly dangerous.
- **Parking vehicles or caravans on any road, footpath or other highway that causes an obstruction to other people wanting to pass by.** This includes parking immediately next to footpaths.
- **Dumping or tipping rubbish, waste materials or trade waste such as tree cuttings rubble, etc.** It is your responsibility to keep the site clean and tidy. Council Traveller Liaison Officers can direct you to Civic Amenity Sites (Council Tips) where you will be able to pay to dispose of trade waste.
- **Use of the area as a toilet.** You must not deposit or leave human waste openly in public areas.
- **Abuse, intimidation or harassment of any person who is lawfully using the area. Excessive noise or other forms of anti-social behaviour.**
- **Animals that are not kept under control or that attack persons lawfully on the land, or nearby.**
- **Interference with electrical, water or gas supplies.** Any person/s found abstracting electricity, or wasting quantities of water may be subject of criminal proceedings.

These codes are the same standards of behaviour that are expected of the settled community. Thames Valley Police are committed to ensuring that all policing issues that affect you, are balanced; however behaviour that is deemed unacceptable within society will not be tolerated.

### Appendix E: List of Organisation Contacts

#### Local Authority Contacts

<b>Local Authority</b>	<b>SPOC</b>	<b>Escalation Contact</b>	<b>Out of hours contact</b>
<b>Aylesbury Vale District Council</b>			
<b>Chiltern and South Bucks</b>			
<b>High Wycombe Council</b>			
<b>Bucks County Council</b>			
<b>Milton Keynes Council</b>			
<b>Cherwell District Council</b>			
<b>Oxford City Council</b>			
<b>South and Vale District Council</b>			
<b>West Oxfordshire District Council</b>			
<b>Oxfordshire County Council</b>			
<b>West Berks</b>			

<b>Reading Borough Council</b>			
<b>RB Windsor and Maidenhead</b>			
<b>Wokingham Council</b>			
<b>Bracknell Council</b>			
<b>Slough Council</b>			

Local Authorities understandably want to be involved in discussions that inform Police decision making and initial site assessment. This is also important so that joint communications/media strategies can be agreed and concerns from landowners and local communities addressed. Where possible it is therefore good practice to ensure that in urgent cases, the Local Authority can be contacted out of hours, through existing call out mechanisms such as EHO. E.g. Bank holiday weekend and urgent Police action required on land owned by authority or to coordinate communication with local community and manage any tensions.

### **Environment Agency Contacts**

<b>Environment Agency</b>	Stephen Reeves	<a href="mailto:Stephen.reeves1@environment-agency.gov.uk">Stephen.reeves1@environment-agency.gov.uk</a> Tel: 02084747220
<b>Environment Agency</b>	Steve Clare	<a href="mailto:Steve.clare@environment-agency.gov.uk">Steve.clare@environment-agency.gov.uk</a> Tel: 02030259763

### **Police Contacts**

<b>Local Police Area</b>	<b>LPA Commander (When escalation required)</b>
<b>Aylesbury Vale</b>	Supt Tim Metcalfe <a href="mailto:Tim.Metclafe@thamesvalley.pnn.police.uk">Tim.Metclafe@thamesvalley.pnn.police.uk</a>
<b>Chiltern and South Bucks</b>	Supt Vince Grey <a href="mailto:Vince.grey@thamesvalley.pnn.police.uk">Vince.grey@thamesvalley.pnn.police.uk</a>
<b>High Wycombe</b>	Supt Kev Brown

	<a href="mailto:Kevin.brown@thamesvalley.pnn.police.uk">Kevin.brown@thamesvalley.pnn.police.uk</a>
<b>Milton Keynes</b>	Supt Yvette Hitch <a href="mailto:Yvette.hitch@thamesvalley.pnn.police.uk">Yvette.hitch@thamesvalley.pnn.police.uk</a>
<b>Cherwell and West Oxon</b>	Supt Mark Johns <a href="mailto:Mark.johns@thamesvalley.pnn.police.uk">Mark.johns@thamesvalley.pnn.police.uk</a>
<b>Oxford City</b>	Supt Joe Kidman <a href="mailto:Joe.kidman@thamesvalley.pnn.police.uk">Joe.kidman@thamesvalley.pnn.police.uk</a>
<b>South and Vale</b>	Supt Rory Freeman <a href="mailto:Rory.freeman@thamesvalley.pnn.police.uk">Rory.freeman@thamesvalley.pnn.police.uk</a>
<b>West Berks</b>	Supt Jim Weems <a href="mailto:Jim.weems@thamesvalley.pnn.police.uk">Jim.weems@thamesvalley.pnn.police.uk</a>
<b>Reading</b>	Supt Stan Gilmour <a href="mailto:Stan.gilmour@thamesvalley.pnn.police.uk">Stan.gilmour@thamesvalley.pnn.police.uk</a>
<b>Windsor and Maidenhead</b>	Supt Bhupinder Rai <a href="mailto:Bhupinder.raai@thamesvalley.pnn.police.uk">Bhupinder.raai@thamesvalley.pnn.police.uk</a>
<b>Bracknell and Wokingham</b>	Supt Shaun Virtue <a href="mailto:Shaun.virtue@thamesvalley.pnn.police.uk">Shaun.virtue@thamesvalley.pnn.police.uk</a>
<b>Slough</b>	Supt Gavin Wong <a href="mailto:Gavin.wong@thamesvalley.pnn.police.uk">Gavin.wong@thamesvalley.pnn.police.uk</a>

Initial Police assessment and decision making in most cases will be the responsibility of the Duty inspector for the relevant Local Police Area. The Duty Inspector is a 24 hour resource but may be based on a different Police area. However, they can be contacted by calling 101.

Where the decision has been made that Police powers are not to be used and it is apparent that an encampment may be present for a significant period of time, then the relevant Local Police Area may wish to nominate an LPA Inspector to maintain contact with the Local Authority and landowner. This is so that the impact of the encampment can be monitored and if the circumstances change, use of Police powers can be reassessed.

MEMORANDUM OF UNDERSTANDING

Dated 2018

BETWEEN

Aylesbury Vale District Council

Buckinghamshire County Council

Chiltern District Council

South Bucks District Council

Wycombe District Council

Thames Valley Police

To support the management of Unauthorised Encampments in Buckinghamshire

## 1. Context

- 1.1 Buckinghamshire experiences regular unauthorised encampments (UAE), which can cause tensions within local communities if not managed appropriately. They can also be expensive and time-consuming to clear. Whilst there are a range of powers available to local authorities, landowners, and the police to tackle encampments, it is not always clear which authority should lead and which powers are most effective. As a result, there is a risk of a perception of inconsistency in response and poor communication between local communities and statutory bodies within Buckinghamshire.
- 1.2 Additionally, during 2017, Buckinghamshire was targeted by groups of travellers undertaking organised waste crime, which is being investigated at a regional level by the Environment Agency but which has significant implications at the local level. The response to these incidences will be most effective where it is co-ordinated and where communication and information sharing is effective.
- 1.3 This document provides details of the agreed approach between the signatories to managing UAEs, including details about who is the lead authority in specific circumstances and which powers are available to them. It will set out the processes that will be followed for a broad range of encampments, clarify roles and responsibilities and will provide the basis for communication to local communities and interested parties.

## 2. What is a UAE and who is responsible for managing them?

- 2.1 A UAE is defined as a group of people who are trespassing on land with the intention of residing there without the owner's consent. Historically, UAE have been considered to involve the use of vehicles and caravans, however there is a growing number of encampments related to homelessness or protest where vehicles are not necessarily involved.
- 2.2 Importantly, UAE do not include encampments where no trespass has occurred (e.g. where the landowner has given consent). Such incidences may be unauthorised developments requiring planning permission, and should be referred to the Local Planning Authority to consider the expediency of enforcement action under provisions of the Town and Country Planning Act 1990.
- 2.3 The powers available for dealing with UAE are as follows:



### Landowner

- 2.4** The **primary responsibility** for dealing with a UAE rests with the landowner, whether that is the local authority or a private land owner. Landowners are also responsible for clearing fly-tipped waste from land in their possession.
- 2.5** Landowners have **common law powers** which allow them to evict trespassers from land (using no more force than is reasonably necessary), seek damages for the trespass and/or seek an injunction to prevent the trespass from occurring again. Private bailiffs may be used to carry out the eviction.
- 2.6** Where a landowner is considering using common law rights, he/she is advised to notify the police of his/her intentions so that police officers can be present to prevent any breach of the peace. In some circumstances, the police may advise that an eviction should be delayed until it is safe to continue.
- 2.7** Landowners are also able to obtain a **Possession Order** or **Interim Possession Order** from the County Court under Part 55 of the Civil Procedures Rules.
- 2.8** In addition to the powers available to landowners, local authorities are able to deal with trespassers residing in vehicles or caravans on any land, regardless of ownership, under Section 77 of the Criminal Justice and Public Order Act 1994. These powers are available to the district and county councils.

### Local Authorities

- 2.9** Where a UAE includes people residing in vehicles (and/or caravans), the local authority has the power to direct people to leave land under **Section 77 of the Criminal Justice and Public Order Act 1994 (CJPOA)**. If the direction notice is not complied with, the local authority can apply to the magistrate's court for an order requiring the removal of the encampment under **Section 78 of the CJPOA**. Once a court order has been issued, the local authority may evict the campers using reasonable force.
- 2.10** Section 77 and 78 of the CJPOA do not apply to campers who are not residing in vehicles (i.e. those sleeping under canvas).

- 2.11** Where an encampment occurs for longer than 28 days or there is no trespass (e.g. where there is consent from the landowner), or where CJPOA powers are not applicable, the encampment may be considered to be an unauthorised development that requires planning permission. In such circumstances, the District Council as Local Planning Authority may consider the use of its powers under the **Town and Country Planning Act 1990**, including the service of a temporary stop notice and/or an enforcement notice with or without a stop notice.
- 2.12** Alternatively, it may be appropriate to apply to the court for a prohibitory injunction under S.222 of the Local Government Act 1972.
- 2.13** It may also be the case that such sites require licensing either as a caravan site (under The Caravan and Control of Development Act 1960) or as a tent site (under Section 269 of the Public Health Act 1936). The District Council is able to consider the use of **fin**es where a violation of licensing terms has occurred.
- 2.14** Local authorities are responsible for clearing waste from public land, including the highway. The Environment Agency should be contacted where fly-tipping incidences are linked to criminal business activity or organised waste crime. Local authorities share the power to seize vehicles involved in waste crime as set out in paragraph 2.17 below.

### **Thames Valley Police**

- 2.15** The police have discretionary powers under **Sections 61 and 62 of the CJPOA** to remove trespassers from land, excluding highway land, where the trespassers have failed to adhere to a request to leave the land.
- 2.16** **Section 61 of the CJPOA** empowers the police to direct trespassers to leave land where there are more than two people residing and any of the following apply:
- The trespassers have caused damage to land or property;
  - The trespassers have used threatening, abusive or insulting words or behaviour towards the occupier; or
  - The trespassers have between them six or more vehicles on the land.
- 2.17** **Section 62 of the CJPOA** empowers the police to direct trespassers to leave land where there is a suitable pitch available on a caravan site elsewhere in the local authority area.

### The Environment Agency

- 2.18 The Environment Agency is responsible for investigating and taking action against incidences of organised waste crime. The Agency also has the power under the **Control of Pollution (Amendment) Act 1989, The Environmental Protection Act 1990 and the Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015** to instantly seize a vehicle and its contents where it is suspected of being involved in the commission of a waste related offence.

### **3. Dealing with UAE in Buckinghamshire – Local Agreement**

#### **3.1 UAE Management Group & Communication**

- 3.2 The signatories to this document hereby agree to establish a 'UAE Management Group', which will comprise key named individuals/email addresses from each organisation as set out below.

Buckinghamshire County Council

Gypsy & Traveller Mailbox – [gypsyandtravellers@buckscc.gov.uk](mailto:gypsyandtravellers@buckscc.gov.uk)

Aylesbury Vale District Council

Chiltern District Council

South Bucks District Council

Wycombe District Council

Thames Valley Police

- 3.3 On receipt of a report of a new UAE, the signatories agree to notify the UAE management group to agree a strategy for management and communication. The management group will keep all other parties informed, at regular intervals, of the following:

- The location of the encampment and any notable features of the site and nature of the encampment;
- No. caravans/cars and adults/children (if known);
- Key dates including date of arrival;

- Proposed lead authority and intended course of action with timetable;
- Regular updates of progress and key actions/timescales;
- Proposed communications strategy; and
- Confirmation of the encampment's departure.

**3.4** Each organisation is responsible for its own internal communications e.g. with members.

**3.5** The parties also agree to the following:

**3.6 *Gypsy & Traveller Encampments on Council Land***

**3.7** Although CJPOA powers apply to all local authorities, it is agreed that Buckinghamshire County Council will lead on the use of Section 77/78 powers in relation to Gypsy and Traveller UAE within Buckinghamshire where the UAE is present on land owned by the County Council including highway land, the District Councils or a Parish Council, and where CJPOA powers are proportionate.

**3.8** Where the following circumstances apply, the County Council will seek the support of Thames Valley Police and the use of S61 powers:

- a) Local amenities are deprived to communities or there is significant impact on the environment

*This could include a recreation ground, public park, school field, public car park. There must be evidence that other sections of the community are being deprived of the amenities before action is taken.*

- b) There is local disruption to the economy

*This could include significant disruption to workers or customers using business premises or if an encampment is on agricultural land and it results in loss of use of the land for its normal purpose.*

- c) There is other disruption to the local community or environment

*The would include ASB/criminal activity linked to those present at an encampment, which is so significant that prompt eviction by Police becomes necessary rather than by other means.*

- d) There is danger to life

*For instance where an unauthorised encampment is on the edge of a motorway and there is a danger of children or animals straying onto the carriageway.*

e) There is a need to take preventative action

*For instance where a known group of individuals have caused or persistently displayed anti-social behaviour at previous sites and it is reasonably believed such behaviour will be displayed at a newly established site.*

**3.9** For the avoidance of doubt, all signatories agree that the above criteria are likely to apply where the group occupying the encampment intend to take or are actively undertaking organised waste crime (Operation Angola).

**3.10** Where CJPOA powers prove to be ineffective, the UAE management group will meet to agree an alternative course of action e.g. tolerance, provision of a permanent/transit pitch, injunction. If a UAE is tolerated for more than 28 days, it will become a matter for the District Council to manage as Local Planning Authority.

**3.11** The agreement in paragraph 3.7 is subject to resource availability and funding. In the event that there is a resource shortage or insufficient funding at the County Council, responsibility for the management of a UAE will revert to the landowner. The County Council will advise the UAE management group if this is the case.

**3.12 *Gypsy & Traveller Encampments on Other Land***

**3.13** Where a gypsy and traveller UAE occurs on other land, the signatories agree to inform the landowner of the common law powers available to them.

**3.14** Where it is considered proportionate and necessary to do so, and where there is member approval, the UAE management group may consider the use CJPOA powers on private land. In such circumstances, resourcing, funding and roles/responsibilities will be agreed by the UAE management group on a case-by-case basis.

**3.15 *Encampments Involving Organised Waste Crime***

**3.16** Where the UAE management group identifies an encampment as one involving organised waste crime (Operation Angola), the County Council

will report the UAE to the Environment Agency's hotline (0800 80 70 60) with reference to Operation Angola.

- 3.17** It is agreed by the signatories that such encampments will normally be removed using police powers under S.61 of CJPOA.
- 3.18** Data, including registration numbers, identities of individuals and evidence from site inspections will be shared with the Environment Agency at [ENVCrimeTeam\\_HNL@ea.gov.uk](mailto:ENVCrimeTeam_HNL@ea.gov.uk).
- 3.19** Evidence of the impact of encampments will be collated and shared with the UAE Management Group to support legal action if this is deemed appropriate and proportionate in the future. Evidence will include:
- The cost of managing the encampment;
  - The cost of site clearance; and
  - Details of the adverse impact caused to local residents, businesses and communities e.g. complaints/ effects such as ROW closure.

### **3.20 Other Encampments**

- 3.21 Where CJPOA powers do not apply, the signatories agree that the UAE shall be managed by the relevant District Council as Local Planning Authority.
- 3.22 Where CJPOA powers do apply, but the UAE is not inhabited by members of the gypsy and traveller community, management responsibility will fall to the landowner.

### **3.23 Site Clearance**

- 3.24** The relevant District Council is responsible for clearing sites once the UAE has departed.

## **4. Review**

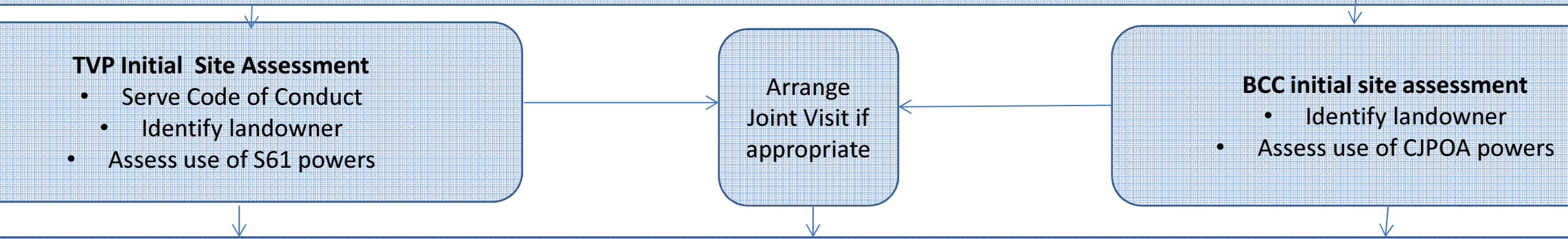
- 4.1 The Memorandum of Understanding will be reviewed on a minimum basis of once per annum. More regular reviews may be required to ensure the Memorandum is fit for purpose. A review can be requested by any member of the UAE Management Group.

## **APPENDICES**

### **Appendix A: Identification of Lead Authority**

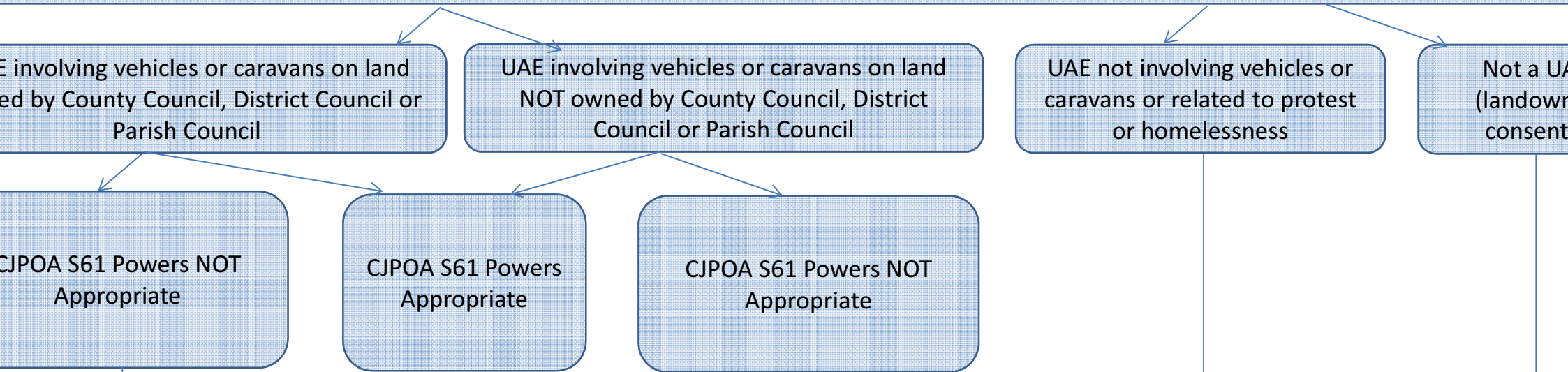
Email to UAE management Group setting out:

- Details of the report (location, type of encampment, no. vehicles, names of individuals)
  - Details of the complainant
  - Notable features e.g. waste importation
    - Landowner (if known)



Update Email to UAE management Group email setting out:

- Confirmation of landowner
- Status of encampment (options below)
- Appropriateness of CJPOA Powers (S61 and S77/78) with reasoning
  - Agree lead authority







<b>SUBJECT:</b>	<i>Asylum Seekers</i>
<b>REPORT OF:</b>	<i>Cllr Liz Walsh Healthy Communities Portfolio Holder</i>
<b>RESPONSIBLE OFFICER</b>	<i>Martin Holt – Head of Healthy Communities</i>
<b>REPORT AUTHORS</b>	<i>Martin Holt – mholt@chiltern.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>All CDC</i>

### 1. Purpose of Report

1.1 To consider adopting an agreement in principle with the Home Office to accommodate Asylum Seekers.

#### RECOMMENDATION:

1. **To delegate the final decision to adopt an ‘in principle agreement’ with the Home Office to accommodate Asylum Seekers to the Head of Healthy communities in consultation with the Portfolio Holder for Healthy Communities.**

### 2. Reasons for Recommendations

2.1 In March 2016 the Chief Executive of every local authority in the UK received a letter from the Director General of UKVI requesting their participation in permitting people seeking asylum to live in their areas. The Home office has powers available to require the Councils to participate in a resettlement programme for asylum seekers and is seeking an in principle decision at this time.

### 3. Content of Report

3.1 In March 2016 the Chief Executive of every local authority in the UK received a letter from the Director General of UKVI requesting their participation in permitting people seeking asylum to live in their areas.

3.2 As a follow up to that correspondence the UK Visas & Immigration and Migration Partnerships committed to meet with every UK local authority. The South East Strategic Partnership for Migration was asked to arrange a meeting to discuss the possibility of asylum dispersal with the Buckinghamshire authorities. The meeting held 13<sup>th</sup> March 2018 included Home Office representatives and the government’s accommodation provider in the South East, Clear Springs Ready Homes.

3.3 Due to the shortage of accommodation in the existing dispersal areas the Home Office wants local authorities to participate in a scheme to increase the number of locations throughout the UK where people seeking asylum could live.

3.4 Currently in the South East the main areas where asylum seekers are based is Hastings, Portsmouth and Southampton. Currently a number of people have been placed in High Wycombe.

- 3.5 The purpose of the meeting was to seek "in principle" agreement with the County and District authorities to permit Clear Springs, to look for suitable accommodation in the Councils areas.
- 3.6 Whilst any agreement would allow Clear Springs to seek to secure accommodation in the local area there is no predetermined number of people the Home Office would be looking to accommodate in any new area.
- 3.7 As far as locations was concerned, they would be looking at larger towns due to the services available, but would not rule out rural locations as some people have come from those backgrounds.
- 3.8 The types of properties to be considered would be a variety, ranging from family homes to bedsits. They could be looking to house large families, couples or singles. They would consider houses of multiple occupation but would never take single rooms in a house with non-asylum seekers
- 3.9 Accommodation would be sought from the private rental market, which would entail long term agreements with landlords to provide accommodation at Local Housing allowance rates.
- 3.10 The level of funding that can be paid for accommodation can be no more than the local housing allowance (LHA). Rent levels are such that very little accommodation would be available in Chiltern and or South Bucks that would enable Clear Springs to accommodate asylum seekers at LHA rate.
- 3.11 The Home Office also advised they would not wish to place people who would be isolated in the community so more than one unit of accommodation would be required in any location, increasing the difficulty in finding suitable accommodation at an affordable rate.
- 3.12 Clear Springs would be responsible for the acquisition, maintenance and management of properties. The local authority could inspect the properties to ensure they met local standards agreed with the Home Office as well as meeting the current housing legislative requirements. A property would not be used without the permission of the local authority and the local authority can refuse if it is not deemed suitable.
- 3.13 The factors that could also be taken in to account by a local authority include location, access to services, impact on the community and cohesion. The Home Office can also move asylum seekers if they are found to be impacting negatively on the community.
- 3.14 The Home Office reminded the meeting that it does have powers to require authorities to participate in accommodating asylum seekers but that it has not current utilised these powers, it would rather follow the 'in principle' agreement route.

3.15 The benefits to the local authority may include;

- Improved opportunities to access accommodation that Clear Springs cannot use but the private sector landlords may wish to let to homeless households through the Paradigm Leasing scheme
- Improved networking with the migrant support system benefiting future needs
- Reduced risk of the council being required to accommodate asylum seekers by the Home Office

3.16 The significant risk is that following any 'right to stay decision' being made by the Home Office the Council would have 28 days to address any Homeless Application by a former asylum seeker and identify the provision of temporary accommodation. However through working with Clear Springs this risk may be better managed until alternative accommodation is sourced. The applicant would be entitled to access the benefits system or employment reducing the risk of rent arrears.

3.17 The Healthy Communities PAH 19<sup>th</sup> April 2018 recommended the Council to enter into discussions with the Home Office over an 'in principle agreement' to accommodate Asylum Seekers in the District.

#### **4 Options**

- 1.1.1 To agree to further discussions over an 'in principle agreement' with the Home Office

#### **5. Corporate Implications**

6.1 *Financial* – the in principle agreement with the Home Office does not adversely impact on the Councils mid-term financial plan

6.2 *Legal* – the Home office has powers available to require the Councils to participate in a resettlement programme for asylum seekers and is seeking an in principle decision at this time

#### **7. Links to Council Policy Objectives**

- 7.1 Delivering cost-effective, customer focussed services-
- 7.2 Working towards safe and healthier local communities.

#### **8. Next Step**

- 8.1. To arrange discussions with the Home Office

<b>Background Papers:</b>	None
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Appendix A: Available Powers

<p><b>Landowner</b></p> <p>(This includes the Local Authority when it is their land)</p>	<p><b>Part 55 Civil Procedure Rules</b> allow them to seek possession of their land through the Courts.</p> <ul style="list-style-type: none"> <li>• Can only be used by landowner</li> <li>• Used to regain possession of land</li> <li>• Require Civil Court procedure</li> <li>• Enforced by County Court bailiffs</li> <li>• No sanction if trespassers return</li> </ul> <p><b>Common Law Powers</b></p> <ul style="list-style-type: none"> <li>• Can only be used by landowner</li> <li>• Used to regain possession of land (tort of trespass)</li> <li>• Does not require involvement of the Courts</li> <li>• Enforced by landowner and/or private bailiffs</li> <li>• No sanction if trespassers return</li> <li>• Trespasser who entered land peaceably should be asked to leave and given opportunity to leave prior to force being used</li> <li>• May use no more force than is reasonable to evict</li> <li>• If considering use landowner should notify Police</li> <li>• Police may wish to be present to prevent a Breach of Peace</li> <li>• If Police believe it is inappropriate to attempt eviction in the circumstances action should be delayed until Police believe safe to continue</li> </ul>
<p><b>Local Authority</b></p>	<p><b>S77-78 Criminal Justice and Public Order Act 1994</b></p> <ul style="list-style-type: none"> <li>• Can only be used by Local Authority</li> <li>• Can be used on any land irrespective of ownership</li> <li>• Used to remove identified individuals from land</li> <li>• Only require involvement of Courts when unauthorised campers do not leave when directed</li> <li>• Enforced by Local Authority Officers or private bailiffs employed by them</li> <li>• Return to location within three months carries criminal sanctions</li> </ul> <p><b>Injunctions</b></p>

	<ul style="list-style-type: none"> <li>• Can be used to protect vulnerable sites</li> <li>• Where intelligence suggests will be targeted</li> <li>• Believed disruption will be caused.</li> <li>• In defined area</li> <li>• Pre-emptive power</li> </ul> <p><b>Tent/caravan site licensing powers</b></p> <ul style="list-style-type: none"> <li>• These powers limit the use of land as caravan/camp sites.</li> </ul> <p><b>Byelaws</b></p> <ul style="list-style-type: none"> <li>• Pre-emptive power to prohibit encampments</li> <li>• Powers of seizure and retention of property can be applied, which could include tents and sleeping equipment.</li> </ul> <p><b>Obstruction Of Public Highway</b></p> <ul style="list-style-type: none"> <li>• Need to show there is an obstruction being caused</li> <li>• Can apply to court for a removal and disposal order</li> </ul> <p><b>Planning powers</b></p> <ul style="list-style-type: none"> <li>• There are a number of powers under the Town and Country Planning Act 1990 that can be considered depending on the circumstances</li> </ul>
<p><b>Police</b> (Police powers are discretionary)</p>	<p>S61-62 Criminal Justice and Public Order Act 1994</p> <ul style="list-style-type: none"> <li>• Can only be used by Police. (Discretionary Power)</li> <li>• Can be used on any land except the highway</li> <li>• Used to remove identified individuals from land</li> <li>• Criteria must be met e.g. 2 or more persons trespassing and either caused damage, been threatening to landowner or agent, have six or more vehicles with them. Landowner must have taken reasonable steps to require persons to leave</li> <li>• Does not require involvement of Courts</li> <li>• Enforced by Police</li> <li>• Return to location within three months carries criminal sanctions</li> </ul> <p>S62A-E Criminal Justice and Public Order Act 1994</p> <ul style="list-style-type: none"> <li>• Can only be used where alternative site available</li> </ul>

	<ul style="list-style-type: none"><li>• Can only be used by Police</li><li>• Can be used on any land</li><li>• Used to remove identified individuals from land</li><li>• Does not require involvement of Courts</li><li>• Enforced by Police</li><li>• Return to Local Authority area within three months carries criminal sanctions</li></ul>
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(This list is not exhaustive as there may be other powers available to deal with specific issues or problem behaviours associated with a particular unauthorised encampment).





### Appendix B: Use of Police Powers

As per National Police Chiefs Council (NPCC) and DCLG guidance, Local Authorities have a leadership role to play in the management of unauthorised encampments. NPCC recommend police should consider becoming involved in bringing about the prompt and lawful removal of unauthorised encampments where:

**1. Local amenities are deprived to communities or there is significant impact on the environment**

This could include a recreation ground, public park, school field, public car park. There must be evidence that other sections of the community are being deprived of the amenities before action is taken.

**2. There is local disruption to the economy**

This could include significant disruption to workers or customers using business premises or if an encampment is on agricultural land and it results in loss of use of the land for its normal purpose.

**3. There is other disruption to the local community or environment**

This would include ASB/criminal activity linked to those present at an encampment, which is so significant that prompt eviction by Police becomes necessary rather than by other means.

**4. There is a danger to life**

For instance where an unauthorised encampment is on the edge of a motorway and there is a danger of children or animals straying onto the carriageway.

**5. There is a need to take preventative action**

For instance where a known group of individuals have caused or persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at a newly established site.

In all the above cases police action will still need to be lawful proportionate and necessary and compliant with Human Rights and Equality legislation. The mere presence of an encampment without any aggravating factors should not normally create an expectation that police will use eviction powers. If Section 61 CJPOA 1994 powers are to be used it will also be necessary to show that the landowner has taken reasonable steps to ask trespassers to leave before police powers can be used.



<b>SUBJECT:</b>	<i>Community Sports associations</i>
<b>REPORT OF:</b>	<i>Cllr Liz Walsh</i>
<b>RESPONSIBLE OFFICER</b>	<i>Martin Holt – Head of Healthy Communities</i>
<b>REPORT AUTHORS</b>	<i>Martin Holt – mholt@chiltern.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>All CDC</i>

### 1. Purpose of Report

1.1 To consider the range of support that the Council could provide to community run sports organisations to enable facilities to be improved in accordance with the Indoor Facilities Strategy, Open Spaces and Playing Pitch Strategies.

#### RECOMMENDATIONS

1. **That Member's enable community run sports organisations to improve facilities through the Council**
  - A) **Enabling the transfer of the Holmer Green Sports Association to a charitable trust or similar vehicle to enable the association to access sport England and other charitable funds**
  - B) **Recommend to the Parish council that Holmer Green Sports Association lease is provided with a 30 lease to enable the association to access sport England and other charitable funds**
  - C) **To work with the clubs to facilitate improvements to facilities that can assist in delivering a business plan to enable loan funding to be obtained**

### 2. Reasons for Recommendations

2.1 The indoor facilities strategy identified the following priorities to support wider community participation in indoor physical activity.

- To work closely with key local clubs and/or NGBs to assist them to develop/ improve specialist sports facilities to meet local need
- Assist Abbey Hill and RAANS gymnastics clubs to find an affordable venue of appropriate quality at which they can accommodate permanent fixed equipment and associated club facilities.

### 3. Content of Report

3.1 Following the publishing of the indoor facilities strategy and the review of playing pitches and open spaces, a number of community run sports organisations are considering how they may improve facilities to meet local demand.

3.2. This includes

- 3.2.1 The Abbey Gym who have successfully obtained planning permission CH/2015/0966/FA to build a new facility and extend the car park at Prestwood Sports and Leisure

3.2.2 Holmer Green Sports Association are seeking to change their articles to become a Trust in order to be able to secure funding from NGB's, Sport England and charitable funding streams to support the re-provision of the clubs facilities including the operation of an artificial playing pitch.

3.2.3 RAANs Gym who are seeking dedicated facilities for the club

3.3 . The range of assistance being sought by the clubs includes;

- Provision of or extensions of leases on Council owned land to support access to funding from Sports England, Lottery or other community funding organisations. Organisations have to demonstrate that they have at least a 30year lease to occupy the site in order to access funding from Sport England etc. Holmer Green Sports Association are seeking to extend their current lease to 2078 to provide a 60 year lease. Members views are sought on the period of extension. The Healthy Communities PAG recommended that the lease be extended to 30 years to allow opportunity for the association to access funding from Sports England
- To allow Holmer Green Sports Association to novate its lease to a Charitable Trust and allow the newly formed charitable trust to sub-let facilities to affiliated clubs currently operating from the site. This is in line with the arrangements at Prestwood Sports and Leisure Association who sub-lease to GLL and who then sub-lease to the sports associations at Sprinters. The Healthy Communities PAG supported the recommendation that the lease be novated to a Charitable Trust to allow opportunity for the association to access funding from Sports England
- To work with the clubs to facilitate improvements to facilities that can assist in delivering a business plan to enable loan funding to be obtained
- To consider, subject to a business case being approved, the Council providing loan funding to the community run sports clubs (charitable organisations) to enable facilities to be improved or re-provided. The Council would be required to borrow from the Public Works Loan Board to facilitate a loan and would be required to charge an interest of at least 2% on the loan. Should the loan not be repaid the Council would become responsible for the operation of the facilities.

#### **4. Options**

*4.1 To consider the range of support that can be provided to the community run sports associations*

#### **6. Corporate Implications**

*6.1 Financial – funding would be agreed on a case by case basis subject to a suitable business case agreed by the Council and in accordance with the councils open space, playing pitch and indoor facilities strategies .*

*6.2 Legal – the Council has a general community wellbeing power to provide*

**7. Links to Council Policy Objectives**

- 7.1 Delivering cost-effective, customer focussed services-
- 7.2 Working towards safe and healthier local communities.

**8. Next Step**

- 8.1 To consider requests for assistance from the community run sports organisations .*

<b>Background Papers:</b>	None
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<b>SUBJECT</b>	Chiltern District Council and Paradigm Housing – Principles of Co-Operation Agreement
<b>REPORT OF</b>	Councillor Liz Walsh
<b>RESPONSIBLE OFFICER</b>	Head of Healthy Communities – Martin Holt
<b>REPORT AUTHOR</b>	Housing Manager - Michael Veryard ( <a href="mailto:mveryard@chiltern.gov.uk">mveryard@chiltern.gov.uk</a> ) 01494 732200
<b>WARD/S AFFECTED</b>	All

### 1. Purpose of Report

To agree to Chiltern District Council entering into a Principles of Co-Operation Agreement with Paradigm Housing

#### RECOMMENDATIONS:

1. **That Chiltern District Council enters into a Principles of Co-Operation Agreement with Paradigm Housing.**
2. **That authority is delegated to the Chief Executive to enter into the Agreement on behalf of Chiltern District Council.**

### 2. Executive Summary

Not applicable

### 3. Reasons for Recommendations

The recommendation will ensure that the Council and Paradigm Housing have a clear framework for working together as effectively as possible to increase the supply of affordable homes for the people of Chiltern District.

### 4. Content of Report

4.1. Paradigm Housing is the largest registered social housing landlord in Chiltern District with approximately 4,500 in its ownership. It also has significant landholdings within the district.

4.2. The Paradigm Housing Chief Executive, Matthew Bailes, gave a presentation to full Council on 10<sup>th</sup> January 2017 which highlighted the opportunities for Paradigm Housing Association and its local authority partners local authorities to increase joint working to increase the delivery and available of affordable housing for local people. Council have taken forward joint working with Paradigm Housing on a site

by site basis and this has been monitored by the internal Affordable Housing Member Working Group.

4.3. In order to promote effective joint working between the Council and Paradigm, a set of Principles of Co-operation has been drafted which sets down the expectations for each organisation. This is intended to provide a high level strategic framework within which officers from both organisations will work together to bring forward new affordable housing opportunities and to support each other in service delivery. The draft agreement has been reviewed and agreed by the Affordable Housing Member Working Group.

4.4. A copy of the Principles of Co-Operation Agreement is in Appendix 1.

## **5. Consultation**

Not Applicable

## **6. Options (if any)**

If the Council and Paradigm Housing do not enter into the Principles of Co-Operation Agreement, then the two organisations will continue to look at proposals on a scheme by scheme basis. However, Paradigm Housing will be less likely to commit time and resources to bring schemes and proposals forward if there is no over-arching agreement which demonstrates the Council's commitment to joint working. Chiltern district presents challenges for new social housing development due to high housing costs and limited land availability. Without an overarching agreement, Paradigm is more likely to commit its resources to other districts and locations where it can deliver a larger number of units at less cost.

## **7. Corporate Implications**

Reports must include specific comments addressing the following implications:

### 7.1 Financial

The Agreement does not make any financial commitment. Any requests for Council funding to support new schemes and initiatives will still be subject to consideration and approval on a scheme by scheme basis.

### 7.2 Legal

The Principles of Co-Operation have been considered and agreed by the Council's solicitor. They provide an over-arching set of principles and do not commit the Council to specific schemes or planning permissions. Any new development proposals brought forward will be subject to the same planning application process as proposals brought forward by any other developer.



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**8. Links to Council Policy Objectives**

This report links to the Council aim that “We will work towards safer and healthier local communities”.

**9. Next Steps**

If the recommendation is agreed then the Chief Executive will enter in the Principles of Co-Operation Agreement with Paradigm Housing. The ongoing joint working between the Council and Paradigm Housing will be monitored by the Affordable Housing Member Working Group.

<b>Background Papers:</b>	
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**PRINCIPLES OF CO-OPERATION BETWEEN**  
**CHILTERN DISTRICT COUNCIL (“CDC”)**  
**AND PARADIGM HOUSING GROUP (“PHG”)**

**CDC and PHG will:-**

Work together with the aim of increasing the supply of affordable homes for the people of Chiltern District.

**PHG will:-**

- Maximise the development potential of land within its ownership
- Invest time and resources to deliver affordable homes on sites in Chiltern District whenever possible
- Look to deliver as many rented homes as possible that are affordable to CDC nominees
- Deliver some homes for shared ownership or outright sale when these are required to cross-subsidise rented housing schemes and make them viable
- Maximise the use of grant and RCGF funding to support development
- Meet with CDC on a quarterly basis to discuss progress
- Consider opportunities for development on land owned by CDC and opportunities to assemble sites where CDC-owned land adjoins PHG-owned land
- Grant CDC 100% nomination rights on first letting and 75% of re-lets thereafter
- Support CDC to advertise and allocate properties as accurately and efficiently as possible
- Support CDC to promote recycling and secure that recycling facilities are available to Paradigm residents

**CDC will:-**

- Review the application of the Deed of Covenant in relation to the Amenity Agreement
- Consider allocating capital funding and/or commuted sums to support PHG to fund and deliver new rented housing
- Support early and informal pre-application discussions between PHG and appropriate CDC officers to discuss specific opportunities and allow early identification of issues that will need to be addressed ahead of any formal planning applications being submitted to CDC.
- Assist PHG to maximise the number of rented homes by working pro-actively to try to resolve any obstacles that may prevent or reduce delivery on new schemes
- Support PHG to fill new and existing homes as quickly as possible, to drive down void costs and thereby free up resources for additional homes

- Work with PHG and other providers to inform the preparation of the Chiltern and South Bucks Local Plan in order to maximise the opportunities to secure affordable housing to meet local needs.
- Review the need for specialised housing for older people, including the strategy for dealing with the needs of older Paradigm residents
- Meet with PHG on a quarterly basis to discuss progress

**Signed :** .....

**Print:** .....

**On behalf of Chiltern District Council**

**Signed :** .....

**Print:** .....

**On behalf of Paradigm Housing Group**

<b>SUBJECT:</b>	<i>Annual Affordable Housing Contributions Update</i>
<b>REPORT OF:</b>	<i>Healthy Communities Portfolio Holder Cllr Liz Walsh</i>
<b>RESPONSIBLE OFFICER</b>	<i>Martin Holt - Head of Healthy Communities</i>
<b>REPORT AUTHOR</b>	<i>Martin Holt /Melissa Sparks 01494 732785 msparks@chiltern.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>All or specify individual wards affected by the item of report</i>

## 1. Purpose of Report

- 1.1. To provide Cabinet with an update of the receipt and expenditure of section 106 Affordable Housing Contributions (AHCs) in accordance with Chapter 6 the Affordable Housing Supplementary Planning Document:

### RECOMMENDATIONS

1. **To agree the allocation of Affordable Housing Contributions proposed in paragraph 3.12 subject to final decision on an individual scheme being delegated to the Head of Healthy communities in consultation with the Healthy Communities Portfolio Holder**

## 2. Reasons for Recommendations

- 2.1. The amount of the contributions secured and how they are spent are to be recorded by Council and reported to Cabinet on a quarterly basis. Annually a capital programme for expenditure will be agreed by Cabinet and the spending of individual amounts in line with this programme will be agreed in consultation with the Council's Portfolio Holder for Healthy Communities.

## 3. Content of Report

- 3.1. Since July 2011 the Council has received just over £2.9m of section 106 AHCs. Expenditure has been made in relation to two schemes; a Paradigm Housing Group (PHG) Purchase Programme and an office conversion delivered by Hightown. The funding of these schemes was resolved by Cabinet at the meeting on 26 March 2013.
- 3.2. The following paragraphs summarise how further funding has been allocated to date and specifically:
- 3.2.1. the actual expenditure on schemes to-date
  - 3.2.2. the schemes where funding has been committed and not yet spent and
  - 3.2.3. the schemes that are currently under consideration for funding allocations.
- 3.3. On 10 February 2015 Cabinet resolved:
- 3.3.1. *That, subject to funds becoming available, £500,000 be allocated from AHCs to be made available to Registered Providers who bring forward schemes to deliver additional affordable housing in Chiltern to the authorisation of any scheme specific allocations being delegated to the Head of Service in consultation with the Portfolio*

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*Holder for Healthy Communities.*

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- 3.4.** In December 2016 an allocation of £280K from the funding in was committed to a funding agreement with PHG to enable the redevelopment of Springett Place in Amersham to deliver homes for affordable rent instead of shared ownership. Completion of the properties is expected in April 2018.
- 3.5.** Of the contributions received the first and largest of these payments was £470,000 from McCarthy and Stone which was received in July 2011 and had a restriction to spend within 5 years. The contribution was used towards the funding of the schemes mentioned in 3.1
- 3.6.** The majority of contributions received do not have time-restricted spending periods, however those that do will be used towards the payment for Springett Place detailed in 3.4 which will be due for payment in April 2018.
- 3.7.** Whilst there are no time-restricted spending periods for the contributions that have been received through Unilateral Undertaking agreements, the view from Legal is that AHCs should be spent within 10 years of receipt.

**Consultation**

- 3.8.** Following the focus of the council in delivering affordable housing schemes to address local need a members working group has been established to review partnership arrangements, the councils land assets, and to work with others to create opportunities to deliver additional affordable housing.
- 3.9.** The Affordable Housing Members Working Group is now consulted on proposals to allocate AHCs to developments to increase the supply of affordable rented accommodation. Final decision being delegated to the Portfolio Holder for Healthy communities in consultation with the Head of Healthy communities. The Affordable Housing Action Plan detailed in Appendix 1 identifies the possible schemes that may be delivered in partnership or through the use of AHCs.

**Current Proposals**

- 3.10.** In March 2018 a request for funding from Paradigm Housing Group was made in respect of the Hodds Wood Road site that has achieved planning permission for 6 x 2 bedroom houses. The section 106 agreement only requires two homes to be delivered as shared ownership but Paradigm willing to deliver the other four houses as affordable rent if a subsidy of £88,000 from the AHCs budget can be used. This was agreed at the time of writing.
- 3.11.** The Council is actively considering bringing forward development on other sites it owns or is in the process of acquiring for affordable housing.

**Budget**

- 3.12.** The table below summarises receipts, expenditure, commitments and balance of the AHCs. The proposals form part the annual capital programme for expenditure.

	<b>Scheme/Provider</b>	<b>Spent</b>	<b>Committed</b>	<b>Proposed</b>	<b>Balance</b>
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<b>Received (2011 – March 2018)</b>					<b>£2,945,027</b>
<b>Approved and Committed</b>	Purchase Programme (PHG)	£375,000			
	Office Conversion Chequers, Chesham (Hightown)	£365,125			
	Tenure Change Springett Place, Amersham (PHG)	£140,000	£140,000		
	Tenure Change Hodds Wood Road, Chesham (PHG)		£88,000		
	Registered Providers who bring forward schemes to deliver additional affordable housing in Chiltern (Balance of £500K agreed Feb 2015 – 3.3.2)		£132,000		
<b>Recommended for allocation</b>	Enabling opportunities to develop council owned land for affordable housing			£50,000	
	Enabling opportunities to acquire land for the development of affordable housing			£110,000	
	Support the change of tenure from shared ownership to affordable rented			£560,000	
	To develop affordable housing units on site at LHA rate			£560,000	
		<b>£880,125</b>	<b>£360,000</b>	<b>£1,280,000</b>	<b>£424,902</b>

**3.13.** The table below shows the number and tenure of homes delivered with the use of AHCs to-date.

<b>Scheme</b>	<b>No. of Homes</b>	<b>Affordable Rent</b>	<b>Status</b>
Purchase Programme	15	15	Completed 2014
Office Conversion	22	22	Completed 2014
New build Tenure	11	7	Completion due April 2018

Change		4	Anticipated completion 2019
<b>Total</b>	<b>48</b>		

#### 4. Corporate Implications

**4.1** *Financial – the AHCs are allocated to the Councils through the planning process and are to be used for the delivery of affordable housing in accordance with the Affordable Housing SPD. The funding should be allocated and spent within the time limits established through the planning process.*

**4.2** *Legal Sums collected and expended will be reported quarterly to Cabinet as part of the Council's performance monitoring framework. Annually a capital programme for expenditure will be agreed by Cabinet and the spending of individual amounts in line with this programme will be agreed by the Council's Portfolio Holder for Health and Housing.*

**4.3** *The ways in which the contributions are proposed to be spent will be authorised by the Head of Health and Housing in Consultation with Portfolio Holder for Health and Housing (on behalf of Cabinet). This will be done on a scheme by scheme basis in line with the agreed criteria/programme.*

**4.4** *The amount of the contributions secured and how they are spent will be recorded by Council and reported to Cabinet on a quarterly basis. They will also be reported in the Council's Annual Monitoring Report. This information will be made available on the Council's website.*

#### 5. Links to Council Policy Objectives

Promote healthy communities

#### 6. Next Step

Following Cabinet approval of the allocation of Affordable Housing Contributions the final decision on an individual scheme is delegated to the Head of Healthy communities in consultation with the Healthy Communities Portfolio Holder. Scheme specific proposals will be presented to the Portfolio Holder following consideration by the members working group

<b>Background Papers:</b>	
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<b>SUBJECT:</b>	<i>Draft Domestic Violence and Abuse Strategy</i>
<b>REPORT OF:</b>	<i>Cllr Liz Walsh</i>
<b>RESPONSIBLE OFFICER</b>	<i>Martin Holt</i>
<b>REPORT AUTHOR</b>	<i>Katie Galvin 01494 732265 <a href="mailto:kgalvin@chiltern.gov.uk">kgalvin@chiltern.gov.uk</a> and Michael Veryard <a href="mailto:mveryard@chiltern.gov.uk">mveryard@chiltern.gov.uk</a></i>
<b>WARD/S AFFECTED</b>	<i>All</i>

### 1. Purpose of Report

To comment on the Draft Buckinghamshire Domestic Violence and Abuse Strategy 2018-2021

#### RECOMMENDATIONS:

1. **To agree the draft response to the consultation on the strategy;**
2. **To delegate the approval and endorsement of final Strategy to Portfolio Holder in consultation with Head of Healthy Communities; and**
3. **To note the intention to produce a multi-agency action plan to support delivery of the Strategy.**

### 2. Reasons for Recommendations

2.1 Anyone can be a victim of domestic abuse and anyone can perpetrate it. Victims are female and male; whether in heterosexual or same sex couples, and abuse occurs among all occupational groups. Domestic abuse involves any incident of controlling, coercive or threatening behaviour, not just violence or abuse between partners. Domestic abuse has a direct impact on family household breakdown and increased homelessness, increased risk of crime and disorder, safeguarding, impact on welfare benefits, reduced opportunities for younger and older people to contribute to the local economy and community.

### 3. Content of Report

3.1 Domestic abuse is a largely invisible crime. Although domestic abuse affects both men and women female victims are disproportionately higher and women are more likely to experience repeat incidents. It is often difficult to measure the national picture accurately as women are often reluctant or afraid to report it to the police. Many abused women find it difficult to function in their daily lives because of the effects of domestic abuse. Absences from work due to injuries or visits to the doctor often cause them to lose their jobs, making them less able to leave their abusive situations<sup>1</sup> Male victims of domestic abuse can often find it difficult to admit what is really happening to them. Many abused men believe that experiencing abuse in some way affects their masculinity or that they are not "real men" if they are suffering. Men have exactly the same rights as women to be safe in their own homes and statutory services have a duty to provide services to all, irrespective of gender.

<sup>1</sup> <https://www.healthyplace.com/abuse/domestic-violence/effects-of-domestic-violence-domestic-abuse-on-women-and-children/>

- 3.2 More than 30% of domestic abuse starts in pregnancy, and existing abuse may get worse during pregnancy or after giving birth. It can result in a wide range of impacts on mother and baby including miscarriage, preterm labour, low birthweight, and long lasting physical disability. The impact on the mother includes physical harm, depression, anxiety and post-traumatic stress disorder.
- 3.3 Children who live with domestic violence are at an increased risk of behavioural problems and emotional trauma, and mental health difficulties in adult life. Not all children who live with domestic abuse will exhibit problems or difficulties either immediately or later in life, but all will be affected in some way.
- 3.4 The abuse experienced by victims who are Black, Asian or from a minority ethnic group as well as those who have been refugees can be further complicated by other relevant abusive factors such as forced marriage, or female genital mutilation (FGM). Women from Black, Asian or minority ethnic communities are likely to face additional barriers to receiving the help that they need; the most profound barrier being communication for non-English speakers.
- 3.5 Research shows that 1 in 4 Lesbian, Gay and Bi-sexual people will experience domestic abuse along with 80% of the Trans community. Nationally LGBT reporting to the Police is underrepresented due to a number of barriers that include a reluctance to report, confidence in being taken seriously and responses that are insensitive to same sex partners. The Buckinghamshire Domestic Violence and Abuse (DVA) Strategy for 2018-2021 has been drafted. The District Council's Community Safety team was involved in a multi-agency workshop held in October 2017 to help develop the strategic aims and outcomes of this new strategy. The Councils and other partner agencies have been asked to submit all comments to the Safer and Stronger Partnership Board by the 3<sup>rd</sup> April.
- 3.6 The Strategy's vision is 'Everyone in Buckinghamshire lives a life free from domestic abuse' and its strategic aims are to:
1. Prevent domestic abuse from happening by raising awareness and challenging attitudes and behaviours which foster or tolerate it.
  2. Reduce the impact of domestic abuse on children and adults by intervening early.
  3. Provide support to victims.
  4. Ensure perpetrators are held to account.
  5. Reduce the risk of people becoming victims again.
- 3.7 These aims will be achieved through working in partnership with all agencies.
- 3.8 The Strategy outlines in detail how the aims will be achieved but primarily it will be through:
- Prevent** - Informing our communities of the indicators of Domestic Abuse and help available. Raising awareness to children and young people of what constitutes healthy relationships.
- Support** - Offering help to victims irrespective of age, gender, culture, sexuality need or their level of risk.

**Protect** - Working with victims to lead safer lives through support services and safeguarding structures as well as protecting them from perpetrators through prosecution, restraining orders or via perpetrator behaviour programmes.

**Recovery** - Helping victims to feel safe and move on to lead happier, more empowered lives.

3.9 The following actions will form the starting point for a detailed action plan drawn up collaboratively with partners.

#### **Prevent**

- Prevent domestic abuse from happening by raising awareness and challenging attitudes and behaviours which foster or tolerate it.

#### **Support**

- Reduce the impact of domestic abuse on children and adults by intervening early by working in partnership across all agencies:
- Provide support to victims
- Ensure perpetrators are held to account
- Reduce the risk of people becoming victims again

#### **Protect**

- Provide support to victims
- Ensure perpetrators are held to account
- Reduce the risk of people becoming victims again

#### **Recovery**

- Provide support to victims
- Reduce the risk of people becoming victims again

### **How can the District support the strategy?**

#### **Community Safety**

3.9 The Community Safety team at the District Council works closely with a number of agencies in this area of work.

3.10 In particular, the team works with Bucks County Council, Chiltern Clinical Commissioning Group and Thames Valley Police to raise awareness of the services available to both victims and perpetrators. This includes stands at community events and supermarkets, supporting White Ribbon Day with a cake sale and ensuring posters and leaflets are available in GP surgeries.

3.11 The Community Safety Manager works closely with the Chiltern and South Bucks Domestic Abuse Engagement Worker (funded by Thames Valley Police and BCC) who focuses on reducing the number of repeat incidents to standard risk victims and attends the monthly multi-agency safeguarding meeting to discuss the top 10 victims and offenders and identify what support is required.

- 3.12 Domestic Abuse information and awareness training is available for front line staff to ensure they recognise the signs and know what to do. The Community Safety Officers are also Domestic Abuse Champions and will support staff to ensure appropriate agencies are contacted if they are working with a victim or perpetrator.
- 3.13 The Community Safety Manager also works closely with the Housing team to support information sharing with the Police and the Early Help Panel.
- 3.14 The Housing team attend MARAC (Multi-Agency Risk Assessment Conference) to discuss medium and high risk cases and ensure appropriate safety plans are in place for victims.
- 3.15 The Community Safety team will work closely with partner agencies to help develop and support delivery of the new action plan.

## Housing

- 3.16 The Housing Act 1996 and associated guidance places a clear duty on the Council to assist victims of domestic abuse who are seeking housing assistance. This encompasses threatening behaviour, violence and abuse (psychological, physical, sexual, financial or emotional). Under the Act, it is not deemed reasonable for a person to continue to occupy their home if it is probable that this will lead to violence or threats of violence which are likely to be carried out by a person who is associated with the victim. In this situation, a person will be deemed to be homeless and the Council will have a duty to provide assistance and secure accommodation for the household.
- 3.17 The Government's Code of Guidance on Homelessness makes it clear that an assessment of the likelihood of a threat of violence or abuse being carried out should not be based on whether there has been actual violence or abuse in the past. The Council is expected to consider all aspects of the case when making a decision on housing assistance for a person reporting to be a victim of domestic violence.
- 3.18 The draft Bucks DVA Strategy emphasises the importance of agencies working in partnership when dealing with victims of domestic violence. This directly reflects the Government's Code of Guidance on Homelessness which states that the Council should be a key partner in local domestic violence partnerships and should be represented at the local multi-agency risk assessment conference (MARAC). Council Housing Officers are already regular attendees at MARAC and this cross agency working forms a key part of the Council's assessment of its duty to a reported victim of domestic violence.
- 3.19 The section in the draft strategy titled "Provide Support to Victims – Reduce the risk of people becoming victims again" makes specific reference to Housing, namely that:

- 3.20 "Housing applications are given priority status which enables fast and effective "move on" from confidential safe houses and refuges so victims and their children can live in home which is safe. "
- 3.21 The Council already has a duty to secure temporary and longer term housing for victims of domestic violence when (i) he/she has applied for homelessness assistance and (ii) the Council has accepted the main housing duty in response to this application. However, while the Council will always seek to provide alternative secure and safe accommodation as soon as possible, it must be recognised that the demand for family housing (i.e. 2 or more bedrooms) is very high. The availability of family housing is very limited in comparison to the demand and the Council has a range of priority cases that it is trying to assist at any time. Consequently, it is not always possible for the Council to secure a "fast" move-on for a victim. Some victims will have very specific housing requirements in terms of property and location which can severely limit the availability of options for move on.

#### 4. Consultation

The Healthy Community PAG considered and supported the draft strategy, and the Councils draft response, with the recommendation that the Strategy be retitled Domestic Abuse Strategy

#### 5. Options (if any)

To endorse the strategy and devise a district action plan that can link with countywide actions.

#### 6. Corporate Implications

*Reports must include specific comments addressing the following implications;*

*7.1 Financial – domestic abuse can have a direct financial impact on homelessness as the council would be required to accommodate those fleeing violence and in priority need*

*7.2 Legal – guidance expects that Councils will work in partnership to address the causes and impacts of domestic abuse*

*7.3 Crime and Disorder- domestic abuse can have a significant impacts on local policing resources and may result in the Community Safety Partnership being required to conduct a Domestic Homicide Review*

#### 7. Links to Council Policy Objectives

We will work towards safe, healthy and cohesive communities

#### 8. Next Step

*To note the report and support the DVA Strategy 2018-2021 through the development of a local action plan*

<b>Background Papers:</b>	N/A
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# Buckinghamshire Domestic Violence & Abuse Strategy 2018-2021

Draft

Version 28<sup>th</sup> February 2018

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**Foreword**

**Councillor Noel Brown – Cabinet Member for Community Engagement**

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**Councillor Warren Whyte- Cabinet Member for Children’s Services**

XX

**Councillor Lin Hazel- Cabinet Member for Health & Wellbeing**

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**Jane O’Grady – Service Director, Communities & Public Health**

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## Strategic Summary- Vision, Aims, Outcomes

### Our Buckinghamshire Vision

*Everyone in Buckinghamshire lives a life free from domestic abuse*

### Strategic Aims:- by working in partnership with all agencies

1. Prevent domestic abuse from happening by raising awareness and challenging attitudes and behaviours which foster or tolerate it.
2. Reduce the impact of domestic abuse on children and adults by intervening early.
3. Provide support to victims.
4. Ensure perpetrators are held to account.
5. Reduce the risk of people becoming victims again.

### Outcomes – what is the impact we want from this strategy?

#### 1) Education

School age children are made aware of what constitutes a healthy relationship and domestic abuse.

#### 2) Awareness

Increase residents' awareness of domestic abuse so they understand how they can help to report abuse and support victims.

#### 3) Identification

Improve knowledge around risk factors linked to domestic abuse victims, perpetrators and their children to enable early identification by a wide range of frontline practitioners & partner agencies. (Including knowledge gained from Domestic Homicide Reviews).

#### 4) Safeguarding

Ensure those identified at risk of harm are referred appropriately and receive support to tackle the risk and make them feel safe.

#### 5) Accessible support

Improved communication on where and how victims can access support when they need it most and which enables them and their children to be safe.

#### 6) Victim's Perspective of Success

Improved health and wellbeing of victims which improves resilience to initiate change.

#### 7) Reporting

Increased reporting of domestic abuse to police and ensuring reports are dealt with appropriately.

#### 8) Increasing Prosecutions

Improve the way evidence is gathered and increase victimless prosecution.

#### 9) Reducing Future Harm

More perpetrators of domestic abuse are supported to change their behaviour (where appropriate), resulting in fewer repeat victims of domestic abuse.

### How will we deliver the strategy?

**Prevent** - Informing our communities of the indicators of Domestic Abuse and help available. Raising awareness to children and young people of what constitutes healthy relationships.

**Support** - Offering help to victims irrespective of age, gender, culture, sexuality need or their level of risk.

**Protect** - Working with *victims* to lead safer lives through support services and safeguarding structures as well as protecting them from *perpetrators* through prosecution, restraining orders or via perpetrator behaviour programmes.

**Recovery** - Helping victims to feel safe and move on to lead happier, more empowered lives.

**We will**

Work in multi-agency partnership with all residents regardless of their age, gender, culture, religion, sexuality to ensure that people can live a life free from domestic abuse. We will do this by developing four strategic delivery strands.

**Prevent**

We will give accessible information to residents to develop an understanding about the indicators of Domestic Abuse and the help available so that those affected can get support when they need it.

We will help schools, services who work with children and young people and parents to spread the message to children and young people of what constitutes healthy relationships so that they understand warning signs including controlling or coercive behaviour for relationships they might be in.

We will work with professionals to help train them about how domestic abuse concerns can be discussed with children, young people and adults to break down barriers around speaking about domestic abuse.

**Support**

We will ensure professionals and residents are signposted to support that best meets their needs which could include advice, peer support, counselling or advocacy.

We will work with providers to offer support at different places throughout the county and deliver this in a variety of ways such as via; phone support, one to one and in group work environments where natural networks of support can be built.

We will work with partners to develop support for children and young people that recognises they can both be a victim of parent / carer domestic abuse as well as being themselves in abusive teenage relationships.

We will work with partners to deliver support that is cognisant of individual abilities, language barriers, cultural and gender considerations.

We will work with partners to challenge the behaviours of perpetrators and support them to change.

**Protect**

We will work in multi-agency partnership to coordinate our response to keeping high risk victims safe.

We will support the Police in all prosecution efforts including increasing “victimless” prosecutions.

We will offer advice and practical support to improve home security to enable households at risk of domestic abuse the choice to remain safely in their own homes.

We will enable women to escape their abuser by moving into a confidential refuge to stay temporarily, subject to capacity and safety considerations this accommodation may be out of county.

We will work with victims and their children to create their own safety plans which identifies the actions to be taken to keep them safe and the people they are comfortable speaking to if they have concerns.

We will disseminate to professionals and support services contemporary knowledge and research, including key points from Domestic Homicide Reviews, on how to best support and protect victims.

**Recovery**

We will ensure those affected by domestic abuse have access to housing and benefit advice.

We will provide clear pathways for people to “move on” from confidential refuges to live in a new place of safety.

We will ensure that where a prosecution has been successful, victims receive appropriate and timely communications prior to offender’s release.

Perpetrators who are committed to changing their abusive behaviour can access ongoing support to address the causal factors of their behaviour.

### What is Domestic Violence and Abuse?

The cross-government definition of Domestic Violence and Abuse (DVA) is:

*“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to; psychological, physical, sexual, financial and emotional abuse”.*

(Home Office, March 2013)

**Controlling behaviour** is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

**Coercive behaviour** is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

### Domestic Abuse – The impact on the whole community

Anyone can be a victim of domestic abuse and anyone can perpetrate it. Victims are female and male; whether in heterosexual or same sex couples, and abuse occurs among all occupational groups. Domestic abuse involves any incident of controlling, coercive or threatening behaviour, not just violence or abuse between partners.

Domestic abuse is a largely invisible crime. Although domestic abuse affects both men and women female victims are disproportionately higher and women are more likely to experience repeat incidents. It is often difficult to measure the national picture accurately as women are often reluctant or afraid to report it to the police. Many abused women find it difficult to function in their daily lives because of the effects of domestic abuse. Absences from work due to injuries or visits to the doctor often cause them to lose their jobs, making them less able to leave their abusive situations<sup>1</sup> Male victims of domestic abuse can often find it difficult to admit what is really happening to them. Many abused men believe that experiencing abuse in some way affects their masculinity or that they are not “real men” if they are suffering. Men have exactly the same rights as women to be safe in their own homes and statutory services have a duty to provide services to all, irrespective of gender.

More than 30% of domestic abuse starts in pregnancy, and existing abuse may get worse during pregnancy or after giving birth. It can result in a wide range of impacts on mother and baby including miscarriage, preterm labour, low birthweight, and long lasting physical disability. The impact on the mother includes physical harm, depression, anxiety and post-traumatic stress disorder.

Children who live with domestic violence are at an increased risk of behavioural problems and emotional trauma, and mental health difficulties in adult life. Not all children who live with domestic abuse will exhibit problems or difficulties either immediately or later in life, but all will be affected in some way.

The abuse experienced by victims who are Black, Asian or from a minority ethnic group as well as those who have been refugees can be further complicated by other relevant abusive factors such as forced marriage, or female genital mutilation (FGM). Women from Black, Asian or minority ethnic communities are

<sup>1</sup> <https://www.healthyplace.com/abuse/domestic-violence/effects-of-domestic-violence-domestic-abuse-on-women-and-children/>

Classification: OFFICIAL

DRAFT Buckinghamshire Domestic Violence & Abuse Strategy 2018-2021

likely to face additional barriers to receiving the help that they need; the most profound barrier being communication for non-English speakers.

Research shows that 1 in 4 Lesbian, Gay and Bi-sexual people will experience domestic abuse along with 80% of the Trans community. Nationally LGBT reporting to the Police is underrepresented due to a number of barriers that include a reluctance to report, confidence in being taken seriously and responses that are insensitive to same sex partners.

## The National Picture



1 in 4 women experience domestic abuse in their lifetime



In the year ending March 2016, 1.2 million women reported experiences of domestic abuse

# 16-24

Higher levels of abuse amongst those aged between 16-24



LGBT victims need to feel services cater for them too



Evidence suggests hidden victimisation in the over 65's and increasing cases involving parent abuse from their children and against people with a disability

Domestic abuse claims the lives of around 2 women per week.



35% of households have a second incident within 5 weeks

# 35%

100 calls every hour to the Police in England



Domestic abuse accounts for 1/5 of all crime



45% of domestic abuse victims go on to have mental health issues



Women who have experienced domestic abuse are fifteen times more likely to misuse alcohol, nine times more likely to misuse drugs, and five times more likely to attempt suicide

## Buckinghamshire's Picture of Domestic Abuse:

# £48 million

The financial costs of DVA in Buckinghamshire are estimated to be in excess of £48 million per annum. These costs fall predominately on the NHS and criminal justice system.

# 8,923

In Buckinghamshire from October 2015 to October 2016, there were 8,923 reported incidents of domestic abuse.



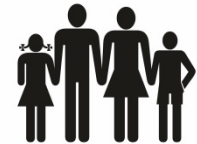
Buckinghamshire IDVA clients have typically called Thames Valley Police between 1 to 5 times prior to referral to IDVA.



The prevalence of domestic abuse is one of the county's biggest challenges. It is a risk factor for 62% of children who are subject to a child protection plan.



40% of Early Help Panel referrals in Buckinghamshire have had a police call out for DVA.



During 2016-17 the Family Resilience Service supported **1870** children, who had experience of domestic abuse.



101 women and 104 children and young people used Buckinghamshire refuges over the period 2015/16

# 187 & 203

187 women and 203 children and young people could not be accommodated in refuge in Buckinghamshire due to lack of suitable space In 2015/16.

### Cost saving and cost avoidance through intervention

Return on investment for domestic abuse intervention services can be calculated using the unit cost database developed by the New Economy project in Greater Manchester<sup>2</sup>, which is also responsible for the development of the nationally acknowledged cost-benefit analysis (CBA) model and is used by HM Treasury.

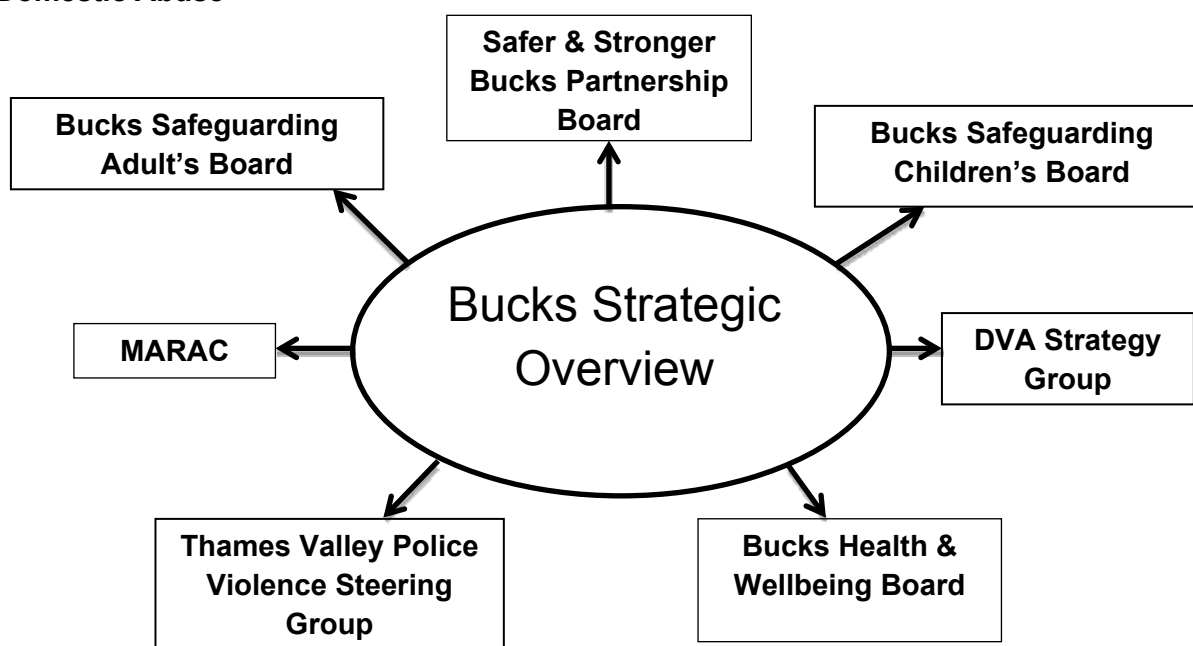
The return on investment for reducing domestic abuse is £10,738 for every incident prevented. This figure includes the financial cost to the public sector of each incident, including the criminal justice system and health services, of £2,470 (2008/09); the economic cost in terms of sick days taken of £1,692 per incident (2008/09); and the social cost to the individual in terms of harm experienced of £6,795 (2008/09) for each incident. In addition to these, domestic abuse victims and their children are vulnerable to longer term adverse effects. Victims of domestic abuse are significantly more likely to experience mental health issues, which are not calculated in the above costs, and children that witness domestic abuse are more likely to experience it as adults.

### Strategic Overview of Domestic Abuse in Buckinghamshire

Safeguarding is everyone's responsibility and our response to domestic abuse is linked to a multi-agency approach in developing robust partnership arrangements protecting vulnerable groups. In Buckinghamshire, the *Safeguarding Joint Protocol* is in place to ensure the following:

- clarity around the roles and responsibilities of the partnerships boards seen in Figure 1
- that work is well co-ordinated with no duplication of effort
- that we achieve more by working together
- that working together has a positive impact on outcomes for Buckinghamshire residents
- that there is effective challenge and scrutiny of safeguarding arrangements across Buckinghamshire<sup>3</sup>

**Figure 1: Boards linking the partnership's wider role around Safeguarding with governance around Domestic Abuse**



<sup>2</sup> Greater Manchester New Economy (2015) 'Unit Cost Database v1.4' [Online: <http://neweconomymanchester.com/our-work/research-evaluation-cost-benefit-analysis/cost-benefit-analysis>]

<sup>3</sup> <http://www.bucks-lsrb.org.uk/wp-content/uploads/About%20the%20BSCB/Joint-Protocol-January-2017.pdf>





## Buckinghamshire Domestic Violence and Abuse Strategy 2018-2021 – Principles & Actions

Strategic Aims:- by working in partnership with all agencies

1. Prevent domestic abuse from happening by raising awareness and challenging attitudes and behaviours which foster or tolerate it.
2. Reduce the impact of domestic abuse on children and adults by intervening early.
3. Provide support to victims.
4. Ensure perpetrators are held to account.
5. Reduce the risk of people becoming victims again.

In working to these strategic aims the following principles will be followed:

1. Commissioning services jointly where this makes sense.

2. Taking account of the views of those supporting victims and those working with perpetrators.

3. Learning from good practice locally, nationally and key lessons from Domestic Homicide Reviews from across Thames Valley.

4. Training our workforce to support all partner agencies that address domestic violence and abuse.

5. Designing services that take account of what those affected by domestic abuse tell us they need including listening to children's perspectives.

6. Sharing information safely, proportionately and appropriately.

7. Achieving better value for money in quality and cost.

### Key Actions

The following outlined actions, outcomes and progress indicators will form the starting point for a detailed, refreshed action plan drawn up collaboratively with partners. The action plan will be informed by recent work such as the 2017 Bucks Safeguarding Children's Board domestic abuse audit and will focus on the four broad principles of *Prevent, Support, Protect & Recovery*.

**Prevent****Prevent domestic abuse from happening by raising awareness and challenging attitudes and behaviours which foster or tolerate it.****What strategic action should we take?**

1. Deliver healthy relationships awareness to pupils in primary, secondary and special schools. Establish domestic abuse awareness training and champions in schools among teachers & wider school staff.
2. The Buckinghamshire core IDVA centred service in place across the County is accessible, communicated and understood by all partners and residents.
3. Explore options to widen the support offer by changing Sex & Relationship Education (SRE) and/or Personal Social & Health Education (PHSE) within schools to cover specialist Domestic Violence and Abuse awareness raising.
4. Working with wider community groups and building their awareness around domestic abuse.
5. Roll out *Operation Encompass*<sup>4</sup> across the county in order to acknowledge and understand the impact of Domestic Abuse as an Adverse Childhood Experience.
6. Continue to facilitate and expand the domestic abuse champion's network.

**Key Outcomes & indicators of progress on this measure**

1. Young people are able to demonstrate a good understanding of healthy relationships (able to identify risky situations, identify signs of safety and be aware of how to seek out support from professionals).
  - 38 awareness raising sessions delivered in 2018/19 in secondary schools across the county with a target pupil audience of 1800.
2. Funding identified for awareness raising sessions in schools to continue in 2019/20.
  - Explore options for including service in recommissioned DVA Integrated contract due to start April 2021.
3. Increase in numbers of young people reporting domestic abuse/interpersonal abuse via school.
  - As measured through DVA youth workers referrals for 1:1 support. Capacity 80 referrals in 2018/19.
4. Increase in the number of pupils in PRU disclosing DVA in their households.
  - BCC education data.
5. Via roll out of *Operation Encompass* reduction in missing, suspended or excluded children at school as domestic abuse incidents are known within schools.
  - Data from TVP *Operation Encompass*.
6. Membership of the Champion's Network is increased.
  - Increase on 280 members at close of 2017.

<sup>4</sup> *Operation Encompass* is the reporting to schools before the start of the next school day when a child or young person has been involved or exposed to a domestic abuse incident the previous evening. The information is given in strict confidence to a school's Key Adult to enable support to be given dependent on the needs and wishes of the child.

**Support**

**Reduce the impact of domestic abuse on children and adults by intervening early by working in partnership across all agencies:**

**Provide support to victims**

**Ensure perpetrators are held to account**

**Reduce the risk of people becoming victims again**

**What strategic action should we take?**

1. Maintain the 2017/18 level of core services, including IDVA provision for adults.
2. Increase provision of specialist DVA services for children with a view to increasing capacity to work with schools & stability of services.
3. Engage specialist sexual health, substance misuse and mental health services for young people and adults to ensure that every contact counts and opportunities to act are not missed.
4. Provide easily accessible information in order for professionals and victims to be aware of what provision is available.
5. Provide flexibility in eligibility for access to services for victims and their children.

**Key Outcomes & indicators of progress on this measure:**

1. Maintain 2017/18 level of positive outcomes for victims as measured by Women's Aid.
  - Caseload of 700 victim referrals per annum from 2018/19.
2. Increase in number of children accessing appropriate support services.
  - As measured through DVA youth workers referrals for 1:1 support. Capacity 80 referrals 2018/19 utilised.
3. Increase in victim referrals from under-represented community groups.
  - As measured via new Black, Minority Ethnic & Refuge (BAMER) service anticipated operational 1/4/18. Capacity tbc tender being progressed by Office for Police & Crime Commissioner (OPCC) & MK.
4. Increase in referrals into mental health services.
  - As measured via new Complex Needs Oxford Health service anticipated start 1/4/18. Capacity 8 1:1 + 15 group work tbc.
  - Review Complex Needs OPCC funded pilot after 12 months (April 2019).
5. An effective and well promoted website to share information of services.
  - Ensuring DVA services are on Family Information Service website for residents and professionals and explore what other websites would be suitable.

**Protect****Provide support to victims****Ensure perpetrators are held to account****Reduce the risk of people becoming victims again****What strategic action should we take?**

1. Support the Police in all prosecution efforts including increasing “victimless” prosecutions (prosecutions without the victim being involved in bringing charges).
2. Safety planning for victims of domestic abuse and their children is adopted which identifies trusted people to share concerns with and what actions they should take to keep themselves safe now and if further incidents occurred.
3. Ensure children are protected and ensure professionals providing support understand local safeguarding procedures.
4. Greater promotion of *Claire’s Law* so potential victims are aware of their partner’s history.
5. Ensure our services have the capacity to consult survivors prior to release of their perpetrator of their whereabouts and conditions.
6. To work in partnership to maximise the voice of the child when it comes to contact with perpetrators.
7. Work in partnership to ensure appropriate referrals are made to perpetrator pilot programmes.

**Key Outcomes & indicators of progress on this measure:**

1. Number and proportion of successful prosecutions.
  - a. Thames Valley Police (TVP) quarterly dashboard.
2. Reduction in reported repeat incidents of abuse.
  - As measured via TVP data and children’s social care data.
2. Number of perpetrators identified and referred into behaviour change pilot programmes.
  - As measured via Positive Relationships Programme pilot.
3. More victims/families are able to stay within the home if they choose to.
  - Registered Social Landlord data and appropriate take up of “sanctuary”.
4. Increase in the number of *Claire’s Law* requests to Thames Valley Police.
  - Request to TVP regarding the viability of adding to dashboard.
5. Survivors report that they have been communicated with prior to perpetrator release.
  - Investigate the options for data capture via TVP / witness service and Community Rehabilitation Company / probation

**Recovery****Provide support to victims****Reduce the risk of people becoming victims again****What strategic action should we take?**

1. Providing those affected by domestic abuse with access to housing and benefit advice.
2. Housing applications are given priority status which enables fast and effective “move on” from confidential safe houses and refuges so victims and their children can live in home which is safe.
3. We will ensure that where a prosecution has been successful, victims receive appropriate and timely communications prior to offender’s release.
4. Networks are developed so that victims can connect with other survivors of domestic abuse for ongoing peer support, to reduce isolation and promote self-esteem.
5. Perpetrators who are committed to changing their abusive behaviour can access ongoing support to address the causal factors of their behaviour.

**Key Outcomes & indicators of progress on this measure:**

1. Women’s Aid to work with District Councils and Registered Social Landlords.
2. Maintain current priority status via DC housing services.
3. Probation, Community Rehabilitation Company (CRC), Thames Valley Police and Women’s Aid coordinating to ensure communications prior to offender’s release.
  - As measured via Thames Valley Police data and developing DVA dashboard (due 2018).
4. Ensure Freedom Programme continues to operate and be geographically accessible as a peer support mechanism.
  - Measure number and location of Freedom Programme courses.
5. Ensure widest possible referrals into the county’s only perpetrator programme.
  - As measured by Positive Relationships Programme (CRC data)

**What Works?****What works best?**

*These are examples of evidence to help illustrate the level of impact these measures have on domestic abuse.*

- **School-based education programmes** that promote healthy relationship have been successful in reducing violence towards current dating partners
- Community based outcome-oriented **victim support**; needs based and accessible – 57% of 996 cases evaluated saw a cessation of abuse following IDVA involvement.
- **Multiagency coordination** as part of a larger thought out strategy
- **Training health professionals** to identify abuse can improve disclosure and onward referral”. Enquiring at routine and ad hoc appointments can be equally effective, such as at A & E or during routine pregnancy checks.
- **Mandatory DVA screening at health facilities** – study showed increased detection between screening in female health services and control group (41% vs 14%).
- **Controlling substance abuse** as part of improving DVA (coordinated and joint-up) – reduction in mean number of violent incidents post-combined treatment programme from 6.6 to 0.95 per month.
- **Perpetrator interventions** for all but the most serious DVA – Mirabel study on interventions showed sexual violence and violence with weapons decrease from 30% and 29% respectively, to 0% in a 12-month evaluation.

**Evidence from research at Centre for Public Health at John Moores University:****Key points of relevance from “Protecting people Promoting Health – a public health approach to prevent violence”.**

1) “Much like many infections, violence is contagious. Exposure to violence, especially as a child makes an individual more likely to be involved in violence in later life”.

*This finding helps justify more emphasis on the provision of services for children (alongside adult services such as IDVA). This point was made by partners in the workshops for the strategy. However some current services for children; DVA Youth Worker south of county and DVA Youth Worker north of county are not securely funded.*

2) “Violence shows one of the strongest inequalities gradients”. Emergency hospital admission rates for violence are around five times higher in the most deprived communities than in the most affluent.

*This finding underlines the importance of a geographic focus for some BCC services and the importance of targeting services into Aylesbury, High Wycombe and Chesham; the county’s largest communities and the site of the majority of our deprived neighbourhoods.*

3) Trained health professionals are in an excellent position to identify victims and then refer to support services and advocacy. However this is only effective if appropriate advocacy services exist with sufficient capacity to provide “immediate access”.

**Key points of relevance from “Intimate partner violence – a review of evidence for prevention”.**

1) “School-based education programmes that promote healthy relationship have been successful in reducing violence towards current dating partners”. Education programmes in schools and colleges should promote gender equality and healthy relationships, challenge social norms that can encourage violent behaviour and be set in a context of raising public awareness.

*This finding helps justify more emphasis on the provision of services for children, especially awareness raising and signposting from within schools. This point was made by partners in the workshops for the strategy. However the only current services for children delivered in some schools; DVA Youth Worker south of county and DVA Youth Worker north of county are not securely funded.*

2) “Training health professionals to identify abuse can improve disclosure and onward referral”. Enquiring at routine and ad hoc appointments can be equally effective, such as at A & E or during routine pregnancy checks.

*BCC should capitalise on the excellent DVA Champions network and training by targeting more health professionals to join.*

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- a) "Support for survivors (victims)" Victims must have access to appropriate advocacy alongside access to appropriate refuge.
- b) Perpetrators/offenders. Treatment for substance misuse has been successful in reducing future intimate partner violence. Some perpetrator programmes appear to be more successful when recognising the strong association with alcohol and substance misuse and therefore focusing on relationship / violent behaviour within a perpetrator programme *alongside* focusing on addressing substance misuse is more likely to be successful in reducing violence.

*There is currently only one pilot perpetrator programme in the county we could attempt to cross reference any participants with their need to access alcohol or substance misuse support.*

## 1. Primary Prevention

Leading NGOs (Non-governmental organizations) including the World Health Organization (WHO)<sup>5</sup> provide strong evidence from a range of research in high-income settings (relevant to Bucks profile) that school-based programmes are highly effective in preventing relationship violence (or dating violence) among young people.<sup>6</sup> More importantly however, early social conditioning has been proven to be the most effective method of reducing DVA in communities in the long-term,<sup>7,8</sup> as new cultural norms of respecting women and solving issues amicably which develop with every generation eliminate to a large degree the most prevalent causes of DVA – cultural acceptance of male dominance and gender disparities.<sup>9</sup> Such education must be integrated into young people's regular education,<sup>10</sup> be particularly targeted towards young males and repeated often, encouraging active participation and discussion on DVA with role-playing exercises,<sup>11</sup> and how to handle stressful situations in a relationship – meaning that they must be more than just an occasional 'class' or 'seminar'.<sup>12</sup> A good place to start would be Canada's comprehensive 'Fourth R' program m<sup>13</sup> (also piloted in a number of EU countries) which considers that the teaching of relationship knowledge and skills should be carried out with the same embedded approach as that of core skills such as reading, writing, and arithmetic – embedding future resiliency in all children, rather than only those showing problems.<sup>14</sup>

<sup>5</sup> <http://www.who.int/mediacentre/factsheets/fs239/en/>

<sup>6</sup> Hester, M & N. Westmarland. *Home Office Research Study 290: Tackling Domestic Violence: effective interventions and approaches* (Home Office Research, Development and Statistics Directorate: February 2005); available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.455.9690&rep=rep1&type=pdf>

<sup>7</sup> Fox, C. L. et al. 'Evaluating the effectiveness of domestic abuse prevention education: Are certain children more or less receptive to the messages conveyed?', *Legal and Criminological Psychology* (Vol. 21: 2016, pp. 212–227); available at <http://onlinelibrary.wiley.com/doi/10.1111/lcrp.12046/pdf>. In this study boys and girls who had received the intervention became less accepting of domestic violence and more likely to seek help from pre- to post-test compared with those in the control group; outcomes did not vary by experiences of abuse. There was evidence that the change in attitudes for those in the intervention group was maintained at 3-month follow-up. These findings suggest that such a programme shows great promise, with both boys and girls benefiting from the intervention, and those who have experienced abuse and those who have not (yet) experienced abuse showing a similar degree of attitude change.

<sup>8</sup> Bell, J. and N. Stanley. 'Learning about domestic violence: young people's responses to a Healthy Relationships programme,' *Sex Education* (Vol. 6, No. 3: August 2006, pp. 237–250); available at:

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.413.7293&rep=rep1&type=pdf>. Recognising that domestic violence is a family problem that can occur in the household increased from 27% to 51% - increasing understanding and potential detection of issues in their own lives. There was a 62% to 80% increase in pupils who deemed it wrong to make someone have sex if they refuse – particular improvement in the attitudes among boys.

<sup>9</sup> Harvey, S. et al. Not worth reporting: women's experiences of alcohol, drugs and sexual violence (AVA Project, 2014); available at: <https://avaproject.org.uk/wp-content/uploads/2016/03/Not-worth-reporting-Full-report.pdf>

<sup>10</sup> 84% of school aged children asked for lessons on DVA - Mullender, A. *Reducing domestic violence ... what works? Meeting the needs of children*, *Crime Reduction Research Series* (Coventry, University of Warwick, 2000).

<sup>11</sup> Holly, J. & R. Scalabrino. *Treat me like a human being, like someone who matters* – 'Findings of the Stella Project Mental Health Initiative Survivor Consultation' (AVA Project, 2012); available at <https://avaproject.org.uk/wp-content/uploads/2016/03/Treat-me-like-a-human-being-SPMHI-survivor-consultation-report-June-2012.pdf>

<sup>12</sup> *Council of Europe Convention on preventing and combating violence against women and domestic violence*, (Council of Europe Treaty Series - No. 210: Istanbul, 2011); available at: <https://rm.coe.int/168008482e>

<sup>13</sup> <https://youthrelationships.org/fourth-r-programs>

<sup>14</sup> *Building Effective Responses: An Independent Review of Violence against Women, Domestic Abuse and Sexual Violence Services in Wales* (Social research No. 45: Welsh Government, 2014); available at: <http://clock.uclan.ac.uk/10728/1/140430-violence-against-women-domestic-abuse-sexual-violence-services-FULL%20report%20EN.pdf>

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## 2. Reporting Rates

Reporting rates to the authorities for women suffering DVA have historically been low, with rates as low as 24% across the UK.<sup>15</sup> Nationally, women experience an average of 35 incidents of domestic violence before reporting an incident to the police.<sup>16</sup> The most oft cited reasons for low reporting rates have been cultural acquiescence, shame, and mistrust in the police and justice system. Victims of DVA are also more likely to experience *repeat victimisation* than victims of any other types of crime<sup>17</sup> - 76% of all DVA are repeat.<sup>18</sup> There are also large discrepancies in reporting DVA between ethnic minorities as evidence shows that BMER (Black, Minority Ethnic and Refugee) women are less likely to report when compared to White women.<sup>19</sup> BMER women are also at higher than usual risks of repeat victimisation, and face extra barriers to reporting abuse and to seeking help.<sup>20</sup> This risk rises if there is forced marriage involved.

In an EU wide survey on DVA,<sup>21</sup> it was found that the highest reporting rates for DVA are in the Scandinavian countries (Denmark: 52%; Finland: 47%; Sweden: 46%) because these countries have a higher prevalence of confidential services for reporting and DVA support workers. Research shows that women are far more likely to talk about their experiences with DVA with family, friends, and support services which are not the police.<sup>22</sup> Women show less confidence in reporting DVA to the police, both because of inherent mistrust in the police, a culture of victim blaming (especially where the DVA victim was under the influence of drugs/alcohol when assaulted), and the fact that many women do not believe that imprisoning the perpetrator is the best solution, particularly in the vast majority of DVA which is not of a serious nature (e.g. not GBH, battery). The London Borough of Camden also has confidential services for reporting DVA as the first point of contact, which are not the police. Research has shown that community based responses like this are far more effective in increasing reporting rates, and encouraging open discussion about DVA amongst victims, perpetrators and the community.<sup>23</sup> Trials in the USA of mandatory DVA screening<sup>24</sup> through a series of questions when a woman visits a healthcare facility are also showing immense promise<sup>25</sup> – in this way comprehensive identification of DVA can be improved, individuals reminded of the need to report and future risk lowered significantly.<sup>26</sup> Studies have shown an increase in the detection rate of DVA - a study with screening in female health settings showed a 41% detection rate compared to 14% in the control group. It is suggested that from this increased disclosure will come greater opportunities to provide advocacy support – which is often linked with decreased violence and increased safety outcomes.<sup>27</sup>

## 3. Children affected by DVA

<sup>15</sup> Yearnshaw, K. *Leaflets for DV Victims* (1997); available at

[http://safer.sthelens.gov.uk/SITEMANV2/publications/40/0901316LeafletsforDVVictims\\_3.pdf](http://safer.sthelens.gov.uk/SITEMANV2/publications/40/0901316LeafletsforDVVictims_3.pdf)

<sup>16</sup> Ibid.

<sup>17</sup> British Crime Survey Reports, reported by Women's Aid at available at: <https://www.womensaid.org.uk/our-approach-change-that-lasts/about-change-that-lasts/>

<sup>18</sup> Flatley et al. *BCS - Crime in England and Wales 2009/10*, p.24 (Home Office: 2010) available at

<http://rds.homeoffice.gov.uk/rds/pdfs10/hosb1210.pdf>

<sup>19</sup> 'Tackling Domestic Violence: providing advocacy and support to survivors from Black and other minority ethnic communities' (Home Office: 2005); available at: <https://www.lemosandcrane.co.uk/bluesalmon/resources/Home%20Office%20-%20Tackling%20domestic%20violence.pdf>

<sup>20</sup> Ibid.

<sup>21</sup> *Violence against women: an EU-wide survey* (European Union Agency For Fundamental Rights, 2014)

<sup>22</sup> Harvey, S. et al. Not worth reporting: women's experiences of alcohol, drugs and sexual violence (AVA Project, 2014); available at: <https://avaproject.org.uk/wp-content/uploads/2016/03/Not-worth-reporting-Full-report.pdf>

<sup>23</sup> *Change that Lasts*, (Women's Aid); available at: <https://www.womensaid.org.uk/our-approach-change-that-lasts/about-change-that-lasts/>

<sup>24</sup> <https://aspe.hhs.gov/report/screening-domestic-violence-health-care-settings>

<sup>25</sup> One study showed that a quarter of women visiting a healthcare facility revealed DVA when mandatory screening was in place – Siegel, R. M. et al., 'Screening for Domestic Violence in the Paediatric Office: A Multi-practice Experience,' *CLINICAL PEDIATRICS* (Vol. 42: 2003); available at: <http://journals.sagepub.com/doi/abs/10.1177/000992280304200705>

<sup>26</sup> Oehme, K. & N. Stern. 'The Case For Mandatory Training On Screening For Domestic Violence

In The Wake Of The Affordable Care Act,' *University of Pennsylvania Journal of Law and Social Change* (Vol. 17, Iss. 1: 2014)

<sup>27</sup> Trabold, N. 'Screening for Intimate Partner Violence Within a Health Care Setting' (2007) available at;

[http://www.tandfonline.com/doi/pdf/10.1300/J010v45n01\\_01?needAccess=true&instName=University+of+Southampton](http://www.tandfonline.com/doi/pdf/10.1300/J010v45n01_01?needAccess=true&instName=University+of+Southampton)

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The most commonly cited at-risk groups for DVA are minorities,<sup>28</sup> pregnant women, disabled/long-term ill individuals, teenagers, those in extreme poverty, and separated women. However, the focus of this work is more on children affected by DVA,<sup>29</sup> - also an at-risk group - as data shows that such children have lower attainment than those children who are not affected by DVA.<sup>30</sup> Research confirms that children who suffer DVA directly or indirectly do have lower performance in school, but that this is not the only cross-linkage.<sup>31</sup> Children who suffer from DVA are at higher risk of problems in their personal life, develop mental health issues, problems holding down relationships, aggressive or angry behaviour, becoming withdrawn, getting into trouble, anxiety, depression or eating disorders, taking drugs or excessively drinking alcohol, and problems sleeping, including nightmares or wetting the bed.<sup>32</sup> Therefore any successful strategy to minimise the impact of DVA on children must have cross-agency support to manage the cornucopia of issues which may arise.

#### 4. The need for coordination

The 'need for coordination' does not only refer to a simple collaborative meeting to discuss issues but rather 'the coordination, or even, in some cases, integration of service provision and policy development so that agencies work to the same brief and adopt a consistent outcomes-based approach'.<sup>33</sup> Ensuring that all the services work collaboratively to a central strategy and definition, is a key requirement to improve DVA support practice. Experience has shown a need for a holistic multi-agency approach, allowing victims to both have access to, as well as have the knowledge of the various services available.<sup>34</sup> One part of this will be the information sharing of victims across the system; from police to third party organizations/NGOs (this can be further enabled via MARAC). The need for a "joint-up" approach is promoted by a number of Home Office reports.<sup>35</sup> One component of this approach is the awareness of DVA among ordinary public services – such as GPs. Studies suggest that often victims will not seek prevention services until the issue has expanded to a greater level of severity.<sup>36</sup> Ensuring GPs, social workers and other public service providers are trained to detect DVA and have the knowledge of the available services to direct victims, will enable earlier interventions and risk reduction. DVA therefore has to have a presence across wide-ranging service provision. An example of the current limitations was noted by Humphreys et al. who claimed that often substance (drug/alcohol) interventions and DVA interventions are separate – one is solved, one is maintained. Combining services has the promise of promoting reduced future risk. One study of a combined 12-week intimate partner violence & DVA intervention saw a significant increase in alcohol abstinence days between the test and control group across the 12-week period. (90.2 vs 79.8 days). Furthermore violent frequency in those on the combined programme reduced from a mean 6.6 incidents per month to 0.95 per month following treatment.<sup>37</sup>

There is also a need to *lower thresholds* for when DVA support is given, a need for *clearer sub-categories* of DVA incidences (categories, not risk types) in order to target the right support and group similar DVA categories, and better prioritisation of groups with the highest risk.

#### 5. IDVA

<sup>28</sup> Where risks for specific types of issues is higher for particular demographic groups e.g. FGM (Horn of Africa); honour based violence (South Asia).

<sup>29</sup> Statistics show that at least 750,000 children a year nationally, are affected by DVA. *Women's Mental Health: Into the Mainstream*, p. 16 (Dept. of Health, 2002); accessed at:

[http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Consultations/Closedconsultations/DH\\_4075478](http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Consultations/Closedconsultations/DH_4075478)

<sup>30</sup> Byrne, D. & B. Taylor. 'Children at Risk from Domestic Violence and their Educational Attainment: Perspectives of Education Welfare Officers, Social Workers and Teachers,' *Child Care in Practice* (Vol. 13, Iss. 3: 2007)

<sup>31</sup> Ibid.

<sup>32</sup> <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/domestic-abuse/signs-symptoms-effects/>

<sup>33</sup> Humphreys, C. et al. *From good intentions to good practice: Mapping services working with families where there is domestic violence* (Policy Press, Bristol: 2000; p.38) available at:

<https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/jr087-families-services-violence.pdf>

<sup>34</sup> Neville, L. and E. Sanders-McDonough. *Preventing Domestic Violence and Abuse: Common Themes Lessons Learned from West Midlands' DHRs* (Middlesex University policy paper: 2014) available at <http://www.westmidlands-pcc.gov.uk/media/346463/13-spcb-11-sep-14-domestic-homicide-reviews-research-appendix-1.pdf>

<sup>35</sup> Ibid.

<sup>36</sup> O'leary, K. D. & E. M. Woodin et al. 'Can We Prevent the Hitting? Recommendations for Preventing Intimate Partner Violence Between Young Adults,' *Journal of Aggression, Maltreatment & Trauma* (Vol. 13, Iss. 3-4: 2006); available at:

[http://www.tandfonline.com/doi/pdf/10.1300/J146v13n03\\_06?needAccess=true&instName=University+of+Southampton](http://www.tandfonline.com/doi/pdf/10.1300/J146v13n03_06?needAccess=true&instName=University+of+Southampton)

<sup>37</sup> Easton et al. 'A cognitive behavioural therapy for alcohol-dependent domestic violence offenders: an integrated substance abuse-domestic violence treatment approach (SADV)' (2007) available at;

<http://onlinelibrary.wiley.com/doi/10.1080/10550490601077809/epdf>

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Studies of 7 Independent Domestic Violence Advisory Services (IDVAs) services and around 1,500 clients across the UK showed positive changes in a multitude of different indicators, including help with DVA prosecutions.<sup>38</sup> Most positive was the response of the majority of women who had a complete or near cessation of abuse. This is enhanced by the fact that the IDVA clients would be at medium or high-risk. Improved self-reported safety over a 27-month period was attributed to the specialist support they received – showing a direct link between IDVA and improvements in wellbeing after suffering DVA. One area of lesser value was the lack of significant improvement in women experiencing non-violent abuse. As IDVA is regarded as a short-term intervention, it would suggest other services would be required to address the longer-term emotional abuse concerns. The study<sup>39</sup> suggests that combining frequent IDVA visits with multiple community resources is the best long term solution. IDVA should be *in addition* to the multiple services available – integrated through information sharing and inter-service referrals. Further research emphasised the importance of IDVAs in rural local authorities, areas where there is less access to information and services.<sup>40</sup> IDVA therefore can provide an essential link to other services and provide a first point of contact. One concern that was raised was an inability for IDVAs to refer to other agencies directly - emphasising the need for a holistic, “joined-up” approach. Evidence suggests IDVAs play a key role in emotional support and improving perceived safety – however it is difficult to evaluate the direct effectiveness in reducing DVA when IDVAs are often one of many involved services. Samples do suggest an increased reporting rates (prosecution withdrawal reduced 53% to 27% in a year) and a reduction in violence following IDVA involvement (57% of 966 cases examined in 2009 suggested abuse had ceased following IDVA involvement)<sup>41</sup> The current change in consent for referral to IDVA in Bucks, whereby official police involvement is not required, is a step in the right direction, according to best professional practices.

## 6. Perpetrator Intervention

There is a variety of viewpoints as to the effectiveness of perpetrator intervention within the literature. A study by the University of Cambridge based on low-risk intimate partner violence perpetrators showed how a 2-day long ‘Cautioning and Relationship Abuse’ course lowered harm.<sup>42</sup> The sample who attended (around 150 people) showed 27% less re-arrests than the control group; if the course-attendees did go to prison again the period of imprisonment was shorter. The course provides evidence of potential improvements for first time offenders – similar methods may be inappropriate for high-risk, longer-term perpetrators.

The Mirabel Project<sup>43</sup> looked at similar domestic violence perpetrator programmes (DVPPs) and whether they could effectively alter perspectives and increase their awareness of accountability for their actions. Evidence showed improvements in behaviour after 12 months, with the greatest increases in the areas that were initially lowest at the starting period. Increases in “negotiating in disagreements” & “listening to women” saw increases for those taking part. Lesser improvements were made in women’s “space for action”, as often women were anxious to act due to previous norms of restricted action. In regards to violence the DVPP showed significant decreases; sexual violence in the women samples reduced 30% to 0% and weapon violence from 29% to 0% in 12 months – yet far smaller decreases were observed in other types of abuse. Some critiques would be that programmes provide perpetrators with greater knowledge of how to hide abuse, or other manipulative controls; similar to how counselling betters the ability of psychopaths to hide their psychopathy.<sup>44</sup> Evidence of DVPP’s effects on perpetrators’ understanding as to the effect of their DVA on children was minimal.

Studies have also examined the inclusion of “time out” techniques involved in DVPPs.<sup>45</sup> This involves the practice of removing oneself from a potentially explosive situation. It was found to have greater success when applied as a practice, rather than a mandatory rule. In other words, using it as a period of time in which the perpetrator could use to reflect on their actions, whilst providing a physical interruption to violence. The study suggested some success, but also cautioned that the “time out” principle could be misappropriated to continue coercive control - for example men using the “time out” to remove themselves from partner negotiations, to escape constructive arguments or make women take a “time out” and therefore shift the power relationship and accountability.

<sup>38</sup> Howarth, E. & Robinson, A. ‘Responding Effectively to Women Experiencing Severe Abuse: Identifying Key Components of a British Advocacy Intervention,’ *Violence Against Women* (Vol. 22, Iss.1: 2016, 41–63); available at:

<http://journals.sagepub.com/doi/pdf/10.1177/1077801215597789>

<sup>39</sup> Ibid.

<sup>40</sup> Madoc-Jones, I. et al. ‘Independent domestic violence advocates: perceptions of service’; available at

<http://diversityhealthcare.imedpub.com/independent-domestic-violence-advocates-perceptions-of-service-users.php?aid=1910>

<sup>41</sup> Howarth (2016)

<sup>42</sup> Strang, D. et al. (2017); available at <https://link.springer.com/article/10.1007/s41887-017-0007-x>

<sup>43</sup> <https://www.dur.ac.uk/criva/projectmirabal/>

<sup>44</sup> Neville, L. and E. Sanders-McDonough. *Preventing Domestic Violence and Abuse: Common Themes Lessons Learned from West Midlands’ DHRs* (Middlesex University policy paper: 2014) available at <http://www.westmidlands-pcc.gov.uk/media/346463/13-spcb-11-sep-14-domestic-homicide-reviews-research-appendix-1.pdf>

<sup>45</sup> Wistow et al. (2017); available at <http://journals.sagepub.com/doi/pdf/10.1177/1077801216647944>

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Studies also show the importance of group work to ensure adequate reflection and challenge the behaviours of perpetrators.<sup>46</sup> They see themselves in others, can better place behaviour in perspective and thus enhance self-accountability for their action. It has also been shown that group work for victims is similarly important in providing a safe place to share experiences and to become self-aware of abuse.<sup>47</sup> One of the key components of preventing repeat DVA is for the perpetrator to take *accountability* for their action. One method of increasing the visibility, accountability and personal blame is to encourage the sharing of the situation with children.<sup>48</sup> Evidence suggests that sharing with your children that you are part of a perpetrator intervention programme can enhance the accountability taken by the individual and improve overall family relationships.<sup>49</sup>

## 7. Adolescent to Parent Violence & Abuse (APVA)

A US-based study attempted to understand the socio-ecological factors associated with APVA.<sup>50</sup> The potential triggers include: exposure to DVA in the household, mental illness, the role of peer relationships at school, media influence and major familial disruptions to life [such as parent separation/divorce].<sup>51</sup> One of the major concerns around this area of DVA is the stigma attached and the consequent reluctance to disclose APVA.<sup>52</sup> Therefore, there is a need to provide independent services to deliver the space for women to share such experiences. This may relate to integrated collaboration with other services such as GPs – to create environments for women to share and report. Further, as evidence shows that APVA is strongly connected to other violence in the family (DVA between parents), there is a need for whole family approaches. This may take the role of counselling, or parent disciplinary classes. The counselling of individuals is also suggested as often factors go beyond the household – getting adolescents to talk about peer pressures and to attend behavioural classes are suggested to mitigate the factors of peer influence on violent behaviour.<sup>53</sup>

Appendix 2

### Services for Victims (Current February 2018):

Core victim support services work with women and children who have or are experiencing domestic abuse and its consequences and may be trying to escape abusive relationships. Current key providers are Aylesbury Women's Aid (AWA) and Wycombe Women's Aid (WWA). They offer safe, temporary and emergency accommodation as well as practical and emotional support in the refuge and through outreach services in the local community. All women, with or without children, are able to use their services. They also host the IDVA service in Buckinghamshire but sub-contract support male victims.

Services are labeled *Prevent/Awareness Raising* or *S M H* (Standard, Medium or High) to indicate which Risk level the service predominately assists.

**[M H] The Independent Domestic Violence Advocate (IDVA) service-** provides inclusive services that reduce the risk of domestic abuse and promotes the safety, choices and welfare of those affected. The IDVA service is mainstay of county DVA services and is provided by 8 FTE. It also aims to ensure that those who have accompanying issues, e.g. substance misuse, are given access to the specialist support they need. There is a male IDVA that supports medium and high risk male victims.

**[M H] Refuge-** Is a safe place where female victims of domestic abuse can stay temporarily if they need to escape an abusive relationship. Some women stay for a few days, others for many months. There are two refuges within Buckinghamshire and residents who need to flee are often placed outside of the county for their own protection.

**[S M] Counselling-** this service sits outside of the IDVA as additional capacity, referral is self or via WA services.

<sup>46</sup> Strang, D. et al. (2017); available at <https://link.springer.com/article/10.1007/s41887-017-0007-x>

<sup>47</sup> Hester, M & N. Westmarland. *Home Office Research Study 290: Tackling Domestic Violence: effective interventions and approaches* (Home Office Research, Development and Statistics Directorate: February 2005); available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.455.9690&rep=rep1&type=pdf>

<sup>48</sup> Alderson et al. (2013); available at <http://onlinelibrary.wiley.com/doi/10.1002/car.2223/full>

<sup>49</sup> Ibid

<sup>50</sup> Sung, H. et al. 'The Social Ecology of Adolescent-Initiated Parent Abuse: A Review of the Literature' (2012); available at: <https://link.springer.com/article/10.1007/s10578-011-0273-y>

<sup>51</sup> Ibid.

<sup>52</sup> Jackson, D. *Broadening constructions of family violence: mothers' perspectives of aggression from their children* (2003); available at: <http://onlinelibrary.wiley.com/doi/10.1046/j.1365-2206.2003.00298.x/full>

<sup>53</sup> Ibid.

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**[M H] Outreach Work-** A free service for victims in Buckinghamshire who, either now or in the past, have been abused by an intimate partner or ex-partner or a close family member. It includes phone and face to face support.

**[M H] Support for Asian Women-** This is an outreach service specifically for Asian women living in the community who are, or have been, experiencing domestic abuse. Women can access the same support as outreach but in their first language of Urdu, Punjabi or Hindi<sup>54</sup>.

**[S M H] Freedom programme-** is a group based intervention that runs over 12 weeks to aid decision making from an understanding of the actions of abusive partners. The aim of the programme is to help women who have experienced domestic abuse make sense of and understand what has happened to them, to recognise potential future abusers, to help women gain self-esteem and the confidence to improve their lives.

**[S] DVA Engagement Coordinator-** is delivered from within Thames Valley Police and engages with victims of reported “standard risk” abuse over the telephone and facilitates support through providing information, guidance, signposting and referral to support agencies and neighbourhood policing teams.

**[M] Sanctuary Scheme-** Is a multi-agency victim-centered initiative within the county that aims to enable households at risk of violence to remain safely in their own homes by the provision of practical support to the household. This will usually be done within 24 hours. Work that can be completed by Safe Partnership includes safety alarms, extra door and window locks.

**[H] MARAC- Multi Agency Risk Assessment Conference** Is a meeting where information is shared on the highest risk domestic abuse cases between police, health, child protection, housing, Independent Domestic Violence Advisors (IDVAs), probation and other statutory and voluntary sectors specialists. After sharing all relevant information about a victim, the representatives discuss options for increasing the victim’s safety and turn these into a co-ordinated action plan. The primary focus of the MARAC is to safeguard the adult victim<sup>55</sup>.

**[S M] Operation Delegation-** Was set up to respond to the high number of repeat incidents of domestic abuse and started in June 2016. *Delegation* focuses on the most prolific (medium and standard risk) offenders and victims of domestic abuse, with the high-risk cases remaining with the (MARAC). The aims of *Delegation* are to share information with partners to work together to reduce the risk posed to victims. Thames Valley Police has seen a reduction in reports of domestic abuse amongst the victims on the *Delegation* Bucks cohort. (Note Presently *Delegation* is no currently operational; TVP intended to reconvene in 2018).

#### Services specifically for Children:

**[M] Helping Hands-** is for children that are not in refuge but would benefit from some help. It is for children who have witnessed / experienced domestic abuse but who are now living in safe and settled accommodation away from the perpetrator. Running at the same time, there is support for the non-abusing parent. The programme runs for 6 weeks and the group consists of a maximum of 8 children aged 5 – 11 years. The programme includes helping children to explore and express their feelings and encourages them to ask for support when needed.

**[M H] Refuge children support** – in-reach service into refuges to support children during a traumatic period and to support children as they prepare to move out of refuge.

**[Prevent/Awareness Raising] AWARE Programme-** is a 6 week programme that gives young women aged 13 – 17 years the opportunity to understand what a healthy relationship is. This usually delivered in the school setting.

**[Prevent/Awareness Raising S M H] DVA Youth Worker-** Following a gap identified in the DVA Needs Assessment for young people living in the community who had experienced DVA in the family home or their own intimate relationships, a DVA Youth Worker pilot commenced with Wycombe Women’s Aid in October 2014 to provide a specialist service to young people aged 11 – 17 years old. The service has two major aims, to raise awareness of DVA issues within schools and to provide one to one assistance to young people identified as needing support. This initial service covered Wycombe, Chiltern and South Bucks DC areas. Funding was allocated in Autumn 2017 from the Community Wellbeing Programme to extend the service into Aylesbury Vale until 31<sup>st</sup> March 2019; combined giving a whole county service.

<sup>54</sup> <http://www.wycombewomensaid.org.uk/outreach-services/>

<sup>55</sup> <http://www.safelives.org.uk/sites/default/files/resources/MARAC%20FAQs%20General%20FINAL.pdf>

**[Prevent/Awareness Raising S M H] Operation Encompass** is the reporting to schools before the start of the next school day when a child or young person has been involved or exposed to a domestic abuse incident the previous evening. The information is given in strict confidence to a school's Key Adult to enable support to be given dependent on the needs and wishes of the child.

### Services for Perpetrators:

**[S M] Positive Relationship Programme (PRP)** is a TVP initiative, new to Buckinghamshire and is a 12 sessional group work programme designed to support group members who have evidenced aggression within their intimate partner relationships. PRP is an educational, strength-based programme that supports individuals who want to find healthier, safer solutions to relationship-based problems and conflict. For standard or medium risk cases; individual has to be supportive of the programme, be a repeat offender and have children in the household. The introduction of PRP has been welcomed by partner agencies.

### Appendix 3

#### Victim Risk Factors

The following have been identified by the World Health Organisation (WHO, 2010) and the National Institute of Health and Clinical Excellence (NICE, 2013) as risk factors for becoming a victim of domestic abuse. It is important to note that the potential to become a victim of domestic abuse increases where a combination of risk factors occurs for an individual.

- Female
- Long term illness or disability-This almost doubles the risk (Smith, Osborne, Lau, 2012)
- Age- Particularly women 16-24, men 16-19 (Smith, Coleman, Eder, 2011)
- Pregnancy- Greatest risk is teenage mothers and just after a woman has given birth (Harrykissoon, Vaugn, Wisemann, 2002)
- Mental Health Problems (Trevillion, Oram, Feder, 2012)
- Woman who is separated (Harrykissoon, Vaugn, Wisemann, 2002)
- Alcohol/drug misuse. Associated with fourfold risk of violence from a partner and commonly present where sexual violence occurred (Gill-Gonzales, 2006)
- Poverty, economic stress and unemployment

Although there are the above characteristics that may make someone more likely to be a victim essentially anyone can become a victim of domestic abuse. Similarly there are no "typical" descriptive characteristics of a perpetrator. We recognise that domestic abuse is more likely to be focussed on females statistically (1 in 4 women in their lifetime).

### Appendix 4

#### How do we assess and respond to Domestic Abuse in Buckinghamshire?

The DASH (Domestic Abuse, Stalking and Harassment) is a nationally used risk assessment which we use to ascertain risk to victims. The purpose of the checklist is to give a consistent and practical tool to practitioners working with victims of domestic abuse to help them identify those who are at high risk of harm and whose cases should be referred to a Multi-Agency Risk Assessment Conference (MARAC) meeting in order to manage their risk<sup>56</sup>.

The following details what each of the three risk levels represent. However it is important to note that risk is fluid and can increase at any time. Professional judgement is encouraged if an individual does not meet the risk assessment score threshold for MARAC but they display some of the key high risk criteria.

#### Standard:

No significant current indicators of risk of immediate harm

#### Medium:

<sup>56</sup> <http://www.reducingtherisk.org.uk/cms/content/risk-identification-and-assessment>

Classification: OFFICIAL

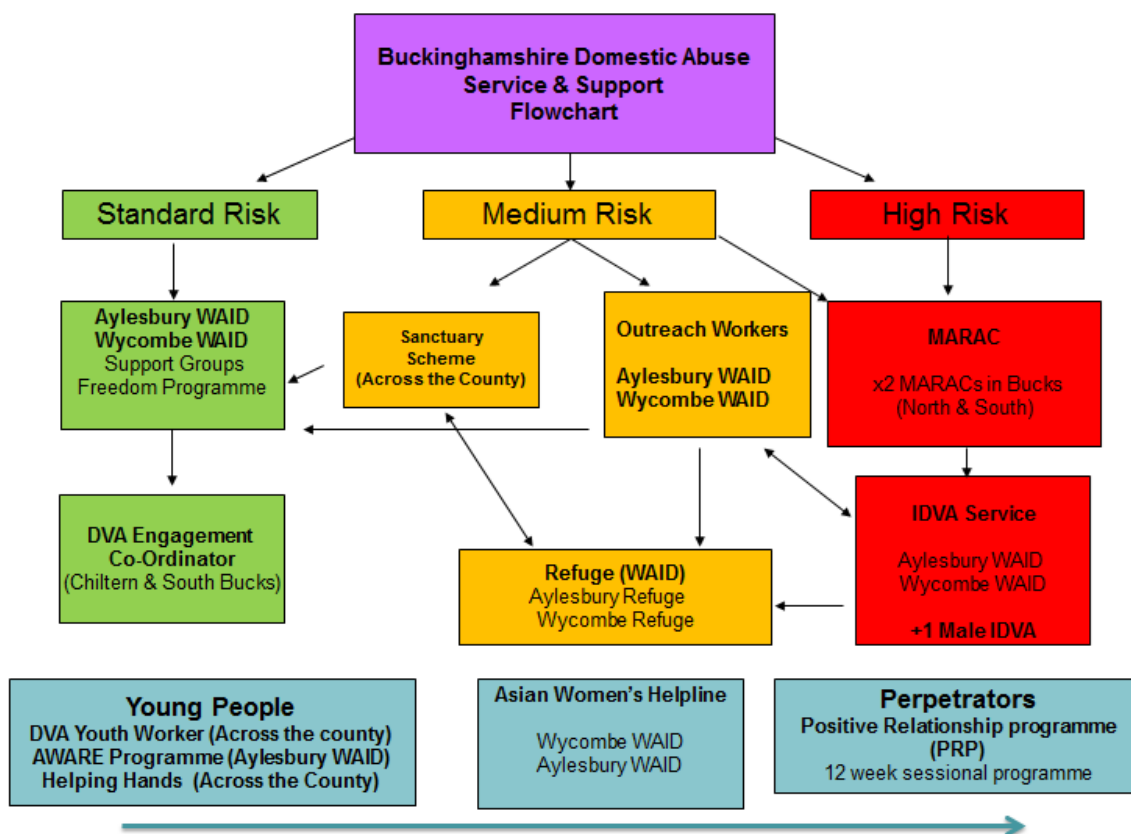
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There are identifiable indicators of risk of harm. The offender has the potential to cause harm but is unlikely to do so unless there is a change in circumstances, for example, failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse

**High:**

There are identifiable indicators of risk of serious harm<sup>57</sup>. The potential event could happen at any time and the impact would be serious

According to the level of risk assessed for an individual support is offered or put in place which is detailed via the service flowchart below



**Levels of Intervention to meet need**

**Prevention** - All people are informed about healthy relationships and implications of domestic abuse through education and public information campaigns. Healthy relationships awareness is delivered across educational settings.

**Standard Risk:**  
 Identification of standard risk victims starts with public awareness and especially professionals with the skills to identify victims in the community; staff awareness in schools and in health settings (particularly during pregnancy) is crucial.  
 Once identified standard risk individuals are likely to benefit from group support and interventions such as the “Freedom Programme” to help them recognise all DVA behaviours and start taking informed decisions regarding their options. Support offered will focus on “safety planning” to minimise the impact of their current situation. Perpetrators can be informed of possible punitive implications from their behaviours and encouraged to stop the abuse.

<sup>57</sup> Examples: strangulation or stalking

Classification: OFFICIAL

**Medium Risk:**

People who are assessed as Medium Risk are offered similar support to standard risk but are more likely to need IDVA outreach services, improved home security and potentially access to refuge (see appendix 4 for Refuge capacity). Medium Risk individuals may be more likely to experience coercive control and/or have additional vulnerabilities that may limit their access to support, for example language barriers.

**High Risk:**

People assessed as High Risk will be subject to discussion via MARAC. They are offered a coordinated response that prioritises their safety and appropriate interventions are set in place such as IDVA, outreach and refuge, in addition perpetrators are subject to police intervention and where necessary prosecution. High Risk individuals may have complex needs such as pregnancy at the time of abuse, mental ill-health, or co-existing alcohol or substance misuse.



## GLOSSARY

AWA	Aylesbury Women's Aid
BCC	Buckinghamshire County Council
BAMER	Black and Minority Ethnic Refugee
BSAB	Bucks Safeguarding Adult's Board
BSCB	Bucks Safeguarding Children's Board
CSP	Community Safety Partnership
Champion's Network	A network of professionals in Bucks united in raising awareness of DVA.
CPS	Crown Prosecution Service
DASH	Domestic Abuse, Stalking, Harassment and Honour Based Violence – the name given to the risk assessment and referral used by professionals
DHR	Domestic Homicide Review
DVA	Domestic Violence and Abuse
DVDS/Clare's Law	Information is given to an individual, family member or third party to indicate whether a particular person has a history of domestic abuse and may pose a risk.
DVPO/DVPN	Domestic Violence Protection Orders (DVPOs) can provide immediate protection for a victim in the aftermath of a domestic abuse incident. DVPOs are a civil order that can be applied for by the police and granted by a magistrate.
FP	Freedom Programme – for women to learn more about domestic violence and become empowered to make their own choices
IDVA	Independent Domestic Violence Advocate – provides independent support to medium and high risk victims of domestic abuse
LAGLO	Lesbian and Gay Liaison Officer (at Thames Valley Police)
LGBT	Lesbian, Gay, Bi-Sexual and Transgendered
MARAC	Multi Agency Risk Assessment Conference – for agencies to discuss high risk victims of domestic abuse
Operation Encompass	Is the reporting to schools before the start of the next school day when a child or young person has been involved or exposed to a domestic abuse incident the previous evening. The information is given in strict confidence to a school's Key Adult to enable support to be given dependent on the needs and wishes of the child.
PCC	Police and Crime Commissioner
RSL	Registered Social Landlord
Safelives	A national charity dedicated to ending domestic abuse who support professionals
Serious Case Review (SCR)	A SCR takes place after a child dies or is seriously injured and abuse or neglect is thought to have been involved.
SSBPB	Safer & Stronger Bucks Partnership Board
T&FG	Task & Finish Group
TVP	Thames Valley Police
WWA	Wycombe Women's Aid



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**5 April 2018**

Dear Nicky

**Draft Domestic Violence and Abuse Strategy Consultation**

Thank you for the opportunity to comment on the draft DVA Strategy for 2018-2021.

The Chiltern and South Bucks Community Safety Partnership has a priority in the Partnership Plan to “tackle violence in the community and domestic abuse” and will be fully supportive of the countywide DVA Strategy by working with the Countywide DV Strategy Group and the Community Safety Partnership to develop a local action plan.

On occasions, victims have advised the Council that they still wish to live close to their previous address where they were reportedly subject to violence. This presents a challenge as the Council has accepted a duty to provide re-housing assistance on the basis that the victim needs to move away from the area where the violence reportedly took place. This in turn raises the question of whether or not the client would have been at risk if they had remained in their original home. Similarly, when a client from out of the district presents as fleeing violence then the Council has to clearly establish that it is not safe for the client to return to the district where he/she has come from.

As stated above, the Council has clear legal responsibilities to provide housing assistance to victims of domestic violence and continues to ensure that it meets these responsibilities. However, it is important for all partner agencies to recognise the wider pressures and demands on the limited social housing stock. It is not simply a case that victims can be fast tracked into settled alternative accommodation. It is essential that the multi-agency working gives clear guidance and information on the victim’s situation in order that the Council can deliver the best response to meet the victim’s short term and long term housing needs. In particular, the Council needs to have a clear understanding of how the victim’s safety can be secured if he/she does not wish to move away from the area where he/she lived previously.

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There may be occasions that the victims may be better served by remaining in the family home and that measures are undertaken to deter the perpetrator from accessing the premises. Such interventions could include civil injunctions, improved door and window security to the home and the provision of call alarms linked to a call centre. Such initiatives have supported families to remain close to their community networks whilst reducing the risk of abuse.

All actions should be considered after a risk assessment has been undertaken and the involvement of the multiagency partnership.

A key aspect of the strategy should be to raise awareness of the unacceptability of domestic abuse to officers, members and the public and to clearly advise on how to report abuse, the control measures to prevent abuse and the outcomes of the strategy.

It will be important to have a clear action plan that all partners can work to ensure a single approach across the county.

Yours sincerely

Martin Holt  
Head of Healthy Communities

<b>SUBJECT:</b>	<i>Summer Holiday Youth Diversionary Programme</i>
<b>REPORT OF:</b>	
<b>RESPONSIBLE OFFICER</b>	<i>Martin Holt – Head of Healthy Communities</i>
<b>REPORT AUTHORS</b>	<i>Claire Speirs – Claire.Speirs@southbucks.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>All CDC</i>

## 1. Purpose of Report

### RECOMMENDATION:

- 1. Provide financial support to voluntary youth organisations to deliver summer holiday activities**

## 2. Reasons for Recommendations

2.1 Voluntary youth sector organisations often suspend sessions over the summer holiday leaving young people little to keep them occupied and at risk from causing some disruptive behaviours. Providing funding for youth organisations enables them to deliver a range of summer holiday activities and maintains a consistent level of support to our younger residents; thus reducing the opportunity for young people to engage such behaviour which can be termed antisocial.

## 3. Content of Report

3.1 In 2017 the Council provided funding for the voluntary youth sector to enable them to deliver a range of summer holiday activities, it is intended to replicated this project in 2018. The funding will support youth clubs to maintain a consistent level of support throughout the summer holiday period for some of the districts most disadvantaged young people. Other funding opportunities will be identified, promoted and applied for where necessary.

3.2 Funding was given to the following organisations Amersham Youth Activities and Esimo Sports (Chesham). Amersham Youth Activities provided a varied programme of events throughout the summer including open sessions at the youth centre, a bike maintenance project (supported by Bucks Youth) and basketball coaching sessions. Esimo Sports provided football sessions 3 nights a week throughout the summer.

3.3 The Council's Community Safety and Leisure and Community teams in partnership with Thames Valley Police and the voluntary sector youth organisations, will identify youth Anti-Social Behaviour (ASB) hotspots and consult with young people to determine suitable diversionary activities. Amersham has already been identified as a key priority area.

3.4 Approximately £3,000 is available within the 2018/19 budget allocation for the summer diversionary activity programme. As previously youth organisations will be required to apply for the funding, bringing additional resources to the projects through volunteer hours or funding. Youth organisations will be required to tailor activities to suit the needs

of the young people they work with and provide positive activities that divert young people away from identified ASB in specific locations.

3.5 Youth organisations will be required to submit their proposal including associated costs by end of June 2018 to ensure adequate time to promote the activities before the schools break up for the summer holidays. Activities will be subject to monitoring and youth organisations must submit an end of project report detailing participant numbers and attendance records. Information on how organisations are planning to maintain a level of support to the young people they have engaged with throughout the duration of their project will also be required.

3.6 A summary report will be produced by the Leisure & Community team to detail projects, outcomes and sustainability.

#### **4. Consultation**

*4.1 Detailed above*

#### **5. Options**

*5.1 Provide funding for youth organisations to maintain a level of support for our younger residents throughout the summer holiday period and reduce opportunities for young people to engage in ASB*

*5.2 Funding not allocated- resulting in an inconsistent level of support for young people over the summer holiday period.*

#### **6. Corporate Implications**

*Reports must include specific comments addressing the following implications;*

*6.1 Financial – Approximately £3,000 funding will be sourced from within the existing Community and Community Safety budgets for this initiative so no additional funding is required. It is also anticipated that additional funding/resources will be provided by other external organisations.*

*6.2 Legal- activity providers will have Public Liability insurance. Risk assessments will be the responsibility of the activity provider.*

*6.3 Crime and Disorder- reduction in reported levels of youth ASB over summer holiday period*

*6.4 Environmental Issues- linked to above*

*6.5 Partnership, Procurement- Partnership approach- Community safety, Leisure & Community Team, Thames Valley Police, BCC youth services, Voluntary youth sector. Clubs are funded to maintain level of support for younger residents throughout the summer holiday period*

*6.6 Social Inclusion- Activities will be provided in targeted communities*

*6.7 Sustainability- Activities to be mainstreamed into ongoing youth activities delivered throughout the year*

**7. Links to Council Policy Objectives**

- 7.1 Delivering cost-effective, customer focussed services- Focussing on the needs of our younger residents by consulting with them to ascertain the activities that they are likely to engage in over their summer break and enabling voluntary sector youth organisations to deliver the activities throughout the summer holidays.
- 7.2 Working towards safe and healthier local communities- partnership approach to identify youth ASB hotspots, providing diversionary activities for young people. Keeping young people safe by maintaining a level of support throughout the summer break and reducing opportunities to engage in ASB- protecting the wider community.

**8. Next Step**

*8.1 Inform Members of the proposed diversionary programme and report key outcomes at future Leisure and PAG post September 2018.*

<b>Background Papers:</b>	None
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**CHILTERN DISTRICT COUNCIL  
SOUTH BUCKS DISTRICT COUNCIL**

**MINUTES** of the Meeting of the  
**CHILTERN & SOUTH BUCKS JOINT COMMITTEE**  
held on **4 APRIL 2018**

**PRESENT:** Councillor I Darby - Chairman  
N Naylor - Vice Chairman

Councillors: L Sullivan  
P Martin  
M Smith  
M Stannard  
F Wilson  
E Walsh  
D Smith  
B Gibbs  
J Read

**APOLOGIES FOR ABSENCE** were received from Councillors P Kelly

**ALSO IN ATTENDANCE:** Councillors D Phillips

**6 MINUTES**

The minutes of the Joint Committee meeting 7 November 2017 were agreed by the Committee and signed by the Chairman as a correct record subject to the attendance details being updated.

**7 DECLARATIONS OF INTEREST**

The following Members declared personal interests in item 6 as Members of Buckinghamshire County Council: Councillors I Darby, B Gibbs, L Sullivan and P Martin.

**8 LOCAL GOVERNMENT ASSOCIATION (LGA) CORPORATE PEER CHALLENGE: NEXT STEPS**

Members considered a report detailing the outcome of the Local Government Association (LGA) Corporate Peer Challenge which took place 27 to 30 November 2017, and proposed next steps. The LGA's Feedback Report was attached at Appendix 1. It was noted that this was the second peer challenge undertaken by the Councils; the first being in 2014.

The Joint Committee discussed the action plan at Appendix 2. It was felt by some Members that certain actions should be paused following the Secretary of State for Housing, Communities and Local Government's recent announcement on unitary governance and the uncertain future of the Councils. All Members agreed that where actions can be progressed, actions should be progressed. It was noted that some of the recommendations were already being actioned and were on going, for instance, celebrating success consistently (internally and externally).

With reference to recommendation 1, it was clarified that the joint email addresses were proposed to be created for officers, and not for Councillors. The Joint Committee requested that the Head of Business Support bring a report to the relevant Member meetings with naming options.

Members praised the Communications Team for their hard work during the review. It was noted that the action plan, along with the LGA's Feedback Report, would be published on the Councils' websites. Following the discussion, the Joint Committee

#### **RESOLVED:**

- 1. that the attached letter and action plan following the Local Government Association Corporate Peer Challenge which took place in November 2017 be noted.**

## **9 MODERNISING LOCAL GOVERNMENT IN BUCKINGHAMSHIRE**

The Joint Committee were asked to consider next steps, including the approach to making representations to the Secretary of State for Housing, Communities and Local Government following his announcement on unitary governance in Buckinghamshire. The Joint Committee were asked to note the Secretary of State's minded to decision set out in Appendix A, to agree recommendations 2 – 4 and to endorse recommendation 5. It was noted that the period for representations to the Secretary of State would expire 25 May 2018.

Following discussion of the recommendations, Members agreed that, if necessary, the budget figure could be revisited at a later date as the situation develops. It was noted that there were existing funds available that had been previously agreed following bid submission in January 2017. Members stressed the importance of representations made by residents, partners, and County, District, Town and Parish Councillors. The Joint Committee reiterated the lack of consensus for a single unitary model and the need to encourage the Secretary of State to reconsider his decision. It was therefore

**RESOLVED:**

- 1. that the Secretary of State's minded to decision published on the 12 March 2018 (Appendix A) be noted;**
- 2. that representations to the Secretary of State on behalf of the Councils be made;**
- 3. that the final wording of the representations be delegated to the Chief Executive in consultation with the Leaders;**
- 4. that authority be delegated to the Chief Executive in consultation with the Leaders to take such action as deemed necessary to protect the best interests of Chiltern and South Bucks residents and communities including but not limited to seeking expert legal advice and lodging of legal challenges, communication campaigns, further stakeholder engagement and associated activities; and**

**RECOMMENDED** to Full Council

- 5. to agree an initial budget of £20,000 for each Council to support the above actions.**

The meeting ended at 7.16 pm





**MINUTES** of the Meeting of the  
**CHILTERN, SOUTH BUCKS & WYCOMBE JOINT WASTE COLLECTION  
 COMMITTEE**  
 held on **22 JANUARY 2018**  
 at **WYCOMBE DISTRICT COUNCIL**

**PRESENT:**

Councillors: L Sullivan (South Bucks District Council) - Chairman  
 J Adey (Wycombe District Council)  
 C Jones (Chiltern District Council)  
 M R Smith (Chiltern District Council)

Officers: S Bambrick (CDC & SBDC), T Brown (WDC Clerk), E Cullen (CDC & SBDC).

**APOLOGIES FOR ABSENCE** were received from Cllr G Hall (WDC). It was noted that M Smith had been delayed but would join the meeting shortly.

**79 MINUTES**

The Minutes of the meeting held on 15 August 2017 were agreed as a correct record.

An update was given on point 76 – Fighting Food Waste Project. The Committee was informed that Aylesbury Vale had requested a significant portion (approximately £250k) of the fund for the county wide project to carry out their own activities. The cost and proposed branding of those activities was queried. Further discussions were taking place with AVDC regarding the apportionment of the fund.

Following some discussion, it was noted that as the fund to take forward the joint waste strategy for the area had been allocated to the whole partnership, a fair proposal would be a fifth of the whole fund (approximately £92k). The Committee resolved that further clarification be sought from AVDC relating to the partnership and the signing of an MOU between the authorities.

**80 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**81 WASTE & RECYCLING COMMUNICATIONS UPDATE**

The Committee received a presentation from the Waste Projects Officers on who they were, General communications, the Great British Spring Clean, Website improvements, Fresher's fayre, Education, Food recycling, Caddy orders, Christmas and the LARAC nomination.

During the presentation the following was noted:

- General communications covered areas such as the new recycling calendars which were considered to be more fridge friendly, the new 'do's and don'ts' stickers that had been placed on residents bins and general communications throughout the year via the Twitter account.
- The Great British Spring Clean would take place in March and was due to be advertised at the end of this week.
- Website improvements - it was noted that Chiltern District Council and South Bucks District Council had started their website renovations last April / May due to a significant increase in the number of people using the website via mobile devices. It was noted that whilst Wycombe District Council had a stand-alone website all three LA's worked closely together.
- The Fresher's Fayre had been a great opportunity to engage with freshers and that the event had taken place at the Bucks new University.
- Education - it was noted that two litter picking events which had resulted in finding a twenty-year old crisp packed on the school fields.
- Food recycling was one of the biggest work streams which had included the introduction of using plastic bags to recycle food waste which had come into effect at the start of July. It was noted that two articles had been published which related to reducing food waste and also on the service and how it engaged (with regard to food waste).
- Caddy orders - since the 10 July 2017 3588 caddies had been requested from Chiltern District Council and Wycombe District Council in addition to 1087 requested from South Bucks District Council.
- The Christmas period generated around a third more waste compared to other times of the year. It was noted that the Christmas in Chesham event had generated 160 conversations about waste and recycling.
- LARAC nomination – it was noted that the team had been nominated for the team of the year category and whilst they had not won on that occasion they would be entering again this year.

The Committee thanked the Waste Projects Officers for their very interesting presentation that had included a lot of good initiatives.

**RESOLVED:**

**That the presentation be noted and that the tonnage value of food waste month on month be sought and provided to the Joint Waste Collection Committee.**

**82 WASTE SERVICE HIGHLIGHT REPORT**

The Committee received a highlight report on the waste services. It was noted that page 21 of the agenda monitored fluctuations in service demand. The Committee was informed that the property growth figure would be updated ready for the next meeting.

The key targets were reviewed and it was noted that page 22 of the agenda looked at the main areas of work the team had been delivering. It was noted that three posts were currently being advertised for.

With regard to the completion of recycling site review – CDC / WDC, it was noted that five FEL drivers had been trained up.

It was noted that in Appendix 1 the first table related to the combined costs and income for all three districts. The Committee was informed that the second table (contracted costs – Serco (CDC & WDC)) should read 2.36% rather than 1.7% for the fixed fee and variable works. It was noted that Biffa's figure of 2.9% had been built into the model.

Following some discussion, it was noted that the recycling credits had been flagged as a possible financial risk going forward. It was noted that the Committee should review the waste teams combined costs (going back to 2012). Two additional graphs were supplied to the Committee – one showed six months combined depots missed assisted collections and the second showed the compliment statistics for 2017 / 2018. It was noted that graph 1 related to the number of containers rather than properties and that almost 100% of the operatives were not permanent members of staff rather than agency workers. The Committee was informed that it would start receiving the compliments received figures at these meetings.

It was noted that the Health & Safety statistics on page 27 of the agenda would be completed for the next meeting.

It was noted that in Appendix 2, 'Number 3 – Finance – Increased contract costs' that it was going to cost more money whatever option was chosen. The Committee were advised that it would need to keep an eye on the new requirements in China to see how it might impact UK contracts.

**RESOLVED:**

**That the report be noted.**

**83 360 DEGREE CAMERA TRIAL UPDATE**

The Committee received an update in relation to the 360 degree camera trial. It was noted that Serco were asked to trial four 360 degree cameras fitted to a waste collection vehicle which they did in July 2017. Slides showing stills taken from the video footage obtained from the 360 degree cameras which had captured two incidents were shown to the Committee. It was noted that Incident 1 was a fallen tree and Incident 2 was validating crew activity after a missed collection had been reported. The Committee was informed that BIFFA already had all its vans fitted with 360 degree cameras.

Following some discussion, it was agreed that the introduction of 360 degree cameras would help the waste collection company's reputation, would help when dealing with insurance claims and would also help encourage good staff behaviour.

The Committee was informed that the next step was to create a business case for installing 360 degree cameras in all Serco waste collection vehicles.

**RESOLVED:**

**That the presentation be noted.**

**84 EXCLUSION OF THE PUBLIC****RESOLVED –**

**That under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.**

*Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

**85 HEALTH AND SAFETY AUDIT REPORT 2017/18**

The Committee received a report in relation to the Health and Safety Audit 2017/18. It was noted that the Health and Safety measures for all three LA's had been looked at by a completely independent person and that the aim of



the audit was to review the councils holistic health and safety arrangements specifically in relation to the appointed contracts (Serco and Biffa). The Committee was informed that the review had been undertaken in order to provide appropriate assurance that the council was doing all it can to manage, promote and monitor its appointed contractors' contractual health and safety obligations. The following three points were highlighted:

- Rec 8 & 9 on page 60 of the agenda – random spot checks were taking place internally with the results being recorded and follow up actions noted. It was noted that an annual H&S plan was to be developed to ensure that the full range of risks and tasks were monitored in a timely manner, together with the delivery of necessary training (via Biffa / Serco).
- Rec 15 on page 62 of the agenda – the Serco Depot site in High Wycombe was in need of housekeeping by the management company to ensure safety could be maintained. It was noted that this had been escalated from a Priority 2 (important) to a Priority 1 (urgent). Work was taking place at WDC to follow up on actions with the management company.
- A new recommendation (Priority 2 action) – to trial a 360 degree cameras on Serco vehicles and to develop a business case. It was noted that this was currently underway.

**RESOLVED:**

**That the report be noted and that an update would come back to the Committee on the 23 April 2018.**

**86 CONTRACT OPTIONS REVIEW**

The Committee received a verbal update on the Contracts Options Review. It was noted that the SERCO contract was due to end on the 3 March 2020 and the BIFFA contract was due to end in October 2021. A meeting with the Committee Members to discuss procurement options would take place in due course.

**RESOLVED:**

**That a summary of options/ findings would be presented at a future meeting.**

**87 DATE OF NEXT MEETING**

The date of the next meeting was scheduled for 11:00 on Monday 23 April 2018 to be held at the South Bucks District Council offices.

**The meeting ended at 12.27 pm**

**CHILTERN DISTRICT COUNCIL  
AYLESBURY VALE DISTRICT COUNCIL  
WYCOMBE DISTRICT COUNCIL**

**MINUTES** of the Meeting of the  
**CHILTERN CREMATORIUM JOINT COMMITTEE**  
held on **29 JANUARY 2018**

**PRESENT:** Councillor M Smith - Chairman  
H Mordue - Vice Chairman

Councillors: P Martin  
G Peart

**APOLOGIES FOR ABSENCE** were received from Councillors D Barnes and J Ward

**52 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Joint Committee held on 19 June 2017 were agreed and signed by the Chairman as a correct record.

**53 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**54 FEE & CHARGES 2018/19**

Members received a report to review the fees and charges to come into effect from 1 April 2018. The recommended fees and charges together with the current year charges for comparison purposes were at Appendix 1.

**RESOLVED:**

- **that the fees and charges as shown in Appendix 1 and in particular the level of the main adult cremation fee be approved.**

**55 PRICING STRUCTURE**

Members considered a report of the fees charged for babies and children, for cremation only and the first funeral of the day. It was noted that a survey of twenty neighbouring crematoria revealed that the majority of the crematoria no longer charged cremation fees for babies and children. For hospital arranged cremations it was agreed to continue to charge a reduced fee to cover the additional administrative work that came with these cremations. It

was proposed that the first funeral of the day price be reduced and a new cremation only fee be introduced to help address funeral poverty.

The Committee **RESOLVED** that:

- 1. the present pricing structure be amended with immediate effect in order**
  - **that a fee no longer be charged for babies and children whose age at the time of death was less than 18 years; and**
  - **that the fee for hospital arranged babies' cremations be retained.**
- 2. in line with national funeral trends to help address funeral poverty and an increasingly competitive environment an early morning cremation fee of £475 and a 'cremation only' fee of £358 be introduced with immediate effect.**

## **56 BIERTON CREMATORIUM STAFFING**

The Committee considered a report seeking approval to appoint staff for the Bierton Crematorium earlier than initially anticipated to enable staff to be fully trained in their duties and certified to operate the cremator. The approved staffing structure for Bierton Crematorium was at Appendix 1.

### **RESOLVED:**

- **that the crematorium attendants for Bierton Crematorium be appointed in May 2018 to give sufficient time for the necessary training and certification for operating the cremator.**

## **57 BUDGET REPORT 2018/19**

Members considered a report detailing the forecast outturn for the current year and the proposed Chilterns Crematorium Revenue Budget for 2018/19. The impact that the Bierton Crematorium would have on the budget was unknown at present but by the time the 2019/20 budget was prepared officers would be in a better position to set a realistic budget for the operation. The report set out the following assumptions which included but were not limited to, the anticipated changes around staffing costs, and the fact that there was a predicted increase in the wholesale energy cost of between 12-14% once the utility fixed contracts were renewed at the end of 2018. The Committee were advised that there was a need to maintain a prudent level of reserves for the reasons set out in the report.

Members agreed that the Constitution would need to be revisited and an updated version brought before the Committee prior to the opening of the Bierton Crematorium.

**RESOLVED:**

- 1. that the Revenue Budget for 2018/19 be approved to yield a revenue surplus of £1,022,200; and**
- 2. that the capital expenditure of £4,127,330 be approved.**

**58 CAPITAL PROGRAMME**

Members considered the proposed 5 year capital programme (including the forecast outturn for 2017/18), as well as an overview of the major projects in the coming year and anticipated spend up to 2021/22 at Appendix 1.

Members enquired as to the life span of cremators and it was noted that cremators had a life span of 30 years, and that the cremators at Chilterns Crematorium were 20 years old.

**RESOLVED:**

- that the proposed Capital Programme for 2017/18 to 2021/22 appended to the report at Appendix 1 be approved.**

**59 MEDIUM TERM FINANCIAL STRATEGY**

The report set out the forecast medium term financial position of the Joint Committee's activities to deliver its overall aims and objectives over a three year period. Assumptions were outlined in paragraph 3 and included the prudent expectation of a reduction in annual cremations once the other crematoriums were in operation, although this would be kept under review. The report also set out the risks in the medium term which included the demand of the new facility, demand on cremations generally and other potential capital costs in addition to those identified.

**RESOLVED:**

- that the Medium Term Financial Strategy forecast be noted.**

**60 SERVICE PLAN 2018-2019**

Members received an update on the service plan for 2017-18 and considered the proposed plan for 2018-19. The Crematorium Service Plan was at Appendix 1 and set out the key objectives of the crematorium, the key objectives and achievements over the last 12 months, as well as the key objectives for 2018-19 and the next 3 years.

**RESOLVED:**

**1. that the Crematorium Service Plan for 2018–2019 attached to the report at Appendix 1 be approved.**

## **61 COMPLIMENTS AND COMPLAINTS 2017**

The report outlined details of the complaints received in 2017 and how they were resolved. For all cremations, a questionnaire is sent to an applicant for cremation and the analysis of the questionnaire results for 2017 was at Appendix 1. Recurring complaints received related to car parking provision at the Crematorium; it was hoped that the opening of the Bierton Crematorium would alleviate this issue but this would be kept under review. It was reported that the number of complaints received about the microphones had decreased. Members enquired as to whether the appropriate signage was in place to support people using equipment and it was confirmed that the appropriate signage was in place.

### **RESOLVED:**

**1. that the report for information be noted.**

## **62 EXCLUSION OF THE PUBLIC**

### **RESOLVED:**

**that under Section 100(A)(4) of the Local Government Act 1972 the Public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.**

*Note: the relevant paragraph number and description is indicated under the Minute heading.*

## **63 CREMATORIUM STAFFING**

*By virtue of paragraphs 1, 2, 4 of Part 1 of Schedule 12A of the Local Government Act 1972*

*Paragraph 1 – Information relating to any individual*

*Paragraph 2 – Information which is likely to reveal the identity of an individual*

*Paragraph 4 – Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority*

The Committee received a report seeking approval to increase the number of hours of the post holder referred to in the report. The approved staffing structure was at Appendix 1.

**RESOLVED:**

**1. that the post holder at the Chilterns Crematorium be increased from two to three days a week (from 16 up to 24 hours) for the reasons outlined in the report.**

**64 BIERTON CREMATORIUM PROJECT UPDATE REPORT**

*By virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972*

*Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

The Committee received a report providing an update on the Bierton Crematorium and risk register.

**RESOLVED:**

- **That the report be noted.**

**The meeting ended at 5.11 pm**





By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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